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Candace Havens
Director

MEMORANDUM

To: Land Use Committee of the Board of Aldermen

From: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning 

RE: Information for September 26, 2013 Working Session – Hotel Indigo

DATE: September 20, 2013

CC: Petitioners
John Lojek, Commissioner of Inspectional Services

In response to questions raised at the Land Use Committee public hearings, previous working session meetings and/or staff technical reviews, the Planning Department is providing the following information for the upcoming working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #272-12 and #272-12(3)

399 Grove Street, Hotel Indigo

Request to amend the site plan, extend a nonconforming structure, reconfigure the delivery and trash pickup at the front of the hotel, reconfigure existing parking areas, legalize signs and wireless equipment, and obtain waivers from parking requirements. Additionally, the petitioner seeks special permits and approval for a second site plan upon exercise of the Station at Riverside special permit to provide access to that site, and to rezone that rear portion of the parcel Mixed Use 3.

This project had public hearings on October 9, 2012, November 27, 2012, and December 18, 2012. Additional public hearings/working sessions were held on June 18, 2013, July 16, 2013 and July 23, 2013. The public hearing was closed on July 23, 2013. No new information has been submitted by the petitioner since the last working session/public hearing.

ATTACHMENT A: Draft Board Order



ATTACHMENT A

DRAFT
#272-12 and 272-12(3)

CITY OF NEWTON IN BOARD OF ALDERMEN

TBD, 2013

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT to (1) amend the current site plan by adding a pool deck awning, reconfiguring the delivery and trash pickup at the front of the hotel, reconfiguring existing parking areas, reflecting existing and proposed signage, reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers from parking requirements including waivers for fifty –five (55) parking stalls; and (4) add three new signs and legalize two existing signs, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefore, through its Chairman, Alderman Ted Hess-Mahan:

The Board finds that:

1. The site is an appropriate location for the hotel use and structure.
2. The extension of the pool deck awning will not be substantially more detrimental to the neighborhood than the existing nonconforming hotel building.
3. Literal compliance with the number of parking stalls and the dimensional standards for parking facilities is impracticable and exceptions would be in the public interest and in the interest of environmental features by maintaining as much open space as possible.
4. The waiver of 55 parking stalls is appropriate as the site has operated with a similar configuration and amount of parking for many years. A Parking Assessment and Parking Management Plan has been submitted and tested and has proven to operate successfully if implemented correctly by hotel management.
5. It is determined that the nature of the use, the architecture of the building and its location with respect to the surrounding streets is such that permitting additional secondary signs and allowing these signs to be larger than allowed by right is in the public interest and will help with way-finding to the site.
6. Existing wireless installations are appropriate at this site and will not adversely affect the neighborhood.
7. Reconfiguring the delivery and trash pickup and operations will be an improvement for the neighborhood and will improve traffic flow on Grove Street.

The Board also finds that should the Station at Riverside exercise special permit #258-12, #258-12(2), a special permit is granted in order to (1) convey a portion of the Indigo lot as the rear access/egress for the Station at Riverside; (2) authorize an FAR greater than 1.0; (3) obtain relief for the extension of the existing nonconforming lot coverage; (4) obtain relief for the existing nonconforming building as the building may be affected by a reduction in lot area; (5) obtain a waiver for twenty (20) additional parking stalls; and (6) amend the site plan to reflect the foregoing:

8. The reduction of the site by 16,131 square feet from 116,650 square feet to 87,120 square feet will not materially change how the hotel site operates. Neither the building nor the intensity of the use will be increasing.
9. Literal compliance with the number of parking stalls and the dimensional standards for parking facilities is impracticable and exceptions would be in the public interest and in the interest of environmental features by preserving as much open space as possible.
10. The further reduction of 20 parking spaces for a total waiver of 75 stalls, and a total of 204 parking stalls on-site is appropriate. The petitioner submitted a Parking Study which indicates that on average less than 204 parking spaces are occupied, and the petitioner submitted a Parking Management Plan that has proven to operate successfully if implemented correctly by hotel management. Furthermore, upon completion of the Station at Riverside the petitioner will have access to additional parking opportunities at this adjacent site.
11. Allowing an increase in FAR to 1.2 where 1.0 is the maximum allowed by right is appropriate for this location and will not adversely affect the neighborhood.
12. Allowing an increase in the nonconforming lot coverage will not be substantially more detrimental to the neighborhood than the existing nonconforming lot coverage.

PETITION NUMBER: #272-12 and 272-12(3)

PETITIONER: BH Normandy LLC (owner)

LOCATION: 399 Grove Street, Auburndale on land known as SBL 42, 011, 04, containing 116,650 square feet of land

OWNER: BH Normandy LLC

ADDRESS OF OWNER: 99 Summer Street, Boston, MA 02110

TO BE USED FOR: Hotel with associated dining and recreational amenities and associated parking

CONSTRUCTION: Masonry building

EXPLANATORY NOTE:

§30-21(b) to extend an existing nonconforming structure through the addition of an awning to the sundeck; §30-19(d)(3), (d)(13) and 30-19(m) to waive 55 required parking stalls; 30-19(h)(2), (h)(3), (h)(2)e), (h)(4), 30-19(i)(1) and (i)(2), 30-19(j), 30-19(k), and 30-19(m) to waive the required stall dimensions, maneuvering aisle width, end-stall maneuvering space, maximum entrance and exit driveway widths, to waive landscape screening, lighting, curbing, surfacing and maintenance, and bicycle parking requirements for a parking facility with greater than 20 stalls; 30-20(l) for a freestanding sign, 30-20(f)(1) and (f)(2) for four secondary signs and to waive the size limit for two secondary signs;

Upon the conveyance of a portion of the Indigo lot as the rear access/egress for the Station at Riverside: §30-19(d)(3), (d)(13) and 30-19(m) to waive up to 75 required parking stalls, 30-15, Table 3 to allow and FAR of 1.2 where 1.0 is the maximum allowed by right; 30-15, Table 3 and 30-21(b) to allow an increase in the nonconforming lot coverage.

ZONING:

Business 5

This special permit supersedes all prior special permits, and consolidates and incorporates herein those conditions and provisions from such prior special permits that remain applicable, are still in full force and effect and are set forth in this special permit. Any conditions in such prior special permits not set forth in this special permit are null and void.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:

Insert Plans Reference

2. All signage shall be consistent with plans listed in Condition #1 including one freestanding sign and four secondary signs.
3. No new wireless equipment is proposed with this petition. However, the petitioner shall submit a plan of all wireless equipment on-site prior to the issuance of a building permit.
4. All wireless equipment shall be kept in good appearance and operating order at all times. If the equipment is not used for wireless communication purposes for more than 30 consecutive calendar days, the owner/operator of the equipment shall be

- responsible for removing the equipment by no later than the end of that 30-day period.
5. The petitioner shall restripe the existing parking facilities to provide a total of 224 parking spaces on-site, consistent with plans listed in Condition #1.
 6. No loading or deliveries shall be made at the front of the building facing Grove Street except for trash pick-up.
 7. The petitioner shall narrow the curb cut on Grove Street by approximately eight feet and add new landscape screening consistent with plans listed in Condition #1.
 8. The petitioner will install modernized waste containers at the front of the hotel which will allow for quieter servicing.
 9. The petitioner will add a solid panel fence and new trash enclosures at the front of the hotel.
 10. Any trash truck exiting the site will re-enter Grove Street with proper forward alignment. Waste hauling is permitted between the hours of 9AM and 4PM only.
 11. All deliveries to the site shall be by "smaller trucks (better define?)" that shall park interior to the site where the petitioner shall construct a new loading dock on the south side of the building on P1 consistent with plans listed in Condition #1.
 12. The petitioner shall construct a new ramp to the kitchen area from P1 consistent with plans listed in Condition #1.
 13. Any delivery trucks exiting the site will re-enter Grove Street with proper forward alignment. Deliveries are permitted between the hours of 9AM and 4PM only.
 14. The owners of the hotel shall comply with the Parking Management Plan for the hotel, on file with the Planning and Development Department and shall notify Ward Aldermen and immediate abutters in advance of events that are likely to demand more parking than is available on-site.
 15. The petitioner shall have valet parking for the restaurant use every evening the restaurant is open from 5 P.M. to 10 P.M. Sunday through Thursday and 5 P.M. to 11 P.M. on Fridays and Saturdays.

Additional Conditions Applicable for Phase II Site Plan

16. The Phase 2 site plan portion of this special permit shall not be exercised until the petitioners have exercised the special permit for the Station at Riverside.
17. The petitioner shall be permitted to use available parking at the Station at Riverside to accommodate overflow parking managed by valets.
18. The driveway connection shall be made two-way in order to facilitate delivery and valet traffic if possible.
19. No building permit shall be issued pursuant to this SPECIAL PERMIT/SITE PLAN APPROVAL until the petitioner has:
 - a. Recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL.
 - b. Filed a certified copy of such recorded notices with the Clerk of the Board, the

Inspectional Services Department and the Department of Planning and Development.

- c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. Submitted a construction management plan for review and approval by the Director of Planning and Development, the Commissioner of Inspectional Services and the City Engineer.
20. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the City Engineer, Department of Inspectional Services, and the Department of Planning and Development final as-built plans in digital and paper format, with the latter sealed by a licensed surveyor.
 - c. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
 - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final location, number and type of plant materials.
21. Notwithstanding the provisions of Condition #20, above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.