



Setti D. Warren  
Mayor

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Department of Planning and Development  
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James Freas  
Acting Director

**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** May 1, 2015  
**MEETING DATE:** May 5, 2015  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner  
**CC:** Petitioner

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

**PETITION #63-15**

**15 Holman Road**

Request for Special Permit/Site Plan Approval to Extend a Nonconforming three-story structure and to exceed the allowable maximum Floor Area Ratio (FAR).

The Land Use Committee (the "Committee") held a public hearing on April 14, 2015, which was held open so that the petitioner could provide additional information requested by the Committee. The petitioner submitted a revised site plan showing the proposed grades around the perimeter of the structure (**ATTACHMENT A**), additional elevations of the rear and side of the structure where grade changes are proposed (**ATTACHMENT B**), a landscaping plan (**ATTACHMENT C**), and revised calculations for the number of stories and FAR (**ATTACHMENT D**). The Planning Department provides the following analysis of the information provided:

Landscaping Plan

The petitioner submitted a landscaping plan which identifies new hedges/bushes along the western property line at the rear of the site and the removal of three trees along the eastern side property line. The new hedges will help to screen the rear of the property from the Washington Street view.

### Grading

The petitioner submitted a site plan showing increases in the grade at the rear of the structure under the deck and along the eastern side of the addition. The petitioner is proposing to fill in the area under the deck, which will require a retaining wall of approximately 2.5 feet. The grading on the eastern side of the addition will result in an approximately 2 to 3.5 foot increase in grade along the side of the structure. The grading will maintain a downward slope from the front to the rear of the property.

Staff discussed the grade change with the City Engineer to ensure that the proposed grading would not adversely affect the abutting lots. The City Engineer was not concerned with the additional fill under the deck, and believed that the grading along the eastern property could be modified slightly to ensure that existing runoff patterns are not altered. The City Engineer will conduct a site visit with staff and the petitioner prior to the public hearing/working session. The Planning Department believes that any necessary modifications to the proposed grading can be addressed with the City Engineer through the building permit process.

### Story and FAR Calculation

At the previous public hearing/working session, the Committee asked how the proposed grading impacted the calculation of the number of stories and the FAR. Based on the petitioner's revised calculation for the number of stories, ½ of the basement height continues to be above the average grade plane. As such, the structure continues to be considered three stories under the Newton Zoning Ordinance, and requires a special permit.

The revised FAR calculation reduces the square footage counted in the basement by approximately 24 square feet (from 727 square feet to 703 square feet), if the petitioner uses the "X/Y<sup>1</sup> \* the floor area of mass below first story" calculation in the FAR definition instead of the "50% of the floor area of mass below first story". The reduction decreases the FAR from .5183 to .5143. The "50% of the floor area of mass below first story" is the calculation used to determine the FAR of .5183 and is the more conservative approach. The Planning Department recommends using the more conservative approach, as a slight modification in the grading could change the portion of the basement exposed by more than four feet.

Based on the revised calculation of the number of stories and FAR, there is no change to the relief requested.

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<sup>1</sup> X = Sum of the width of those sections of exposed walls below the first story having an exterior height equal to or greater than four (4) feet as measured from the proposed grade to the top of the first floor subfloor  
Y = Perimeter of exterior walls below the first story

**Recommendation.**

The Planning Department finds the petition to be complete and recommends approval of the special permit with conditions.

**ATTACHMENTS**

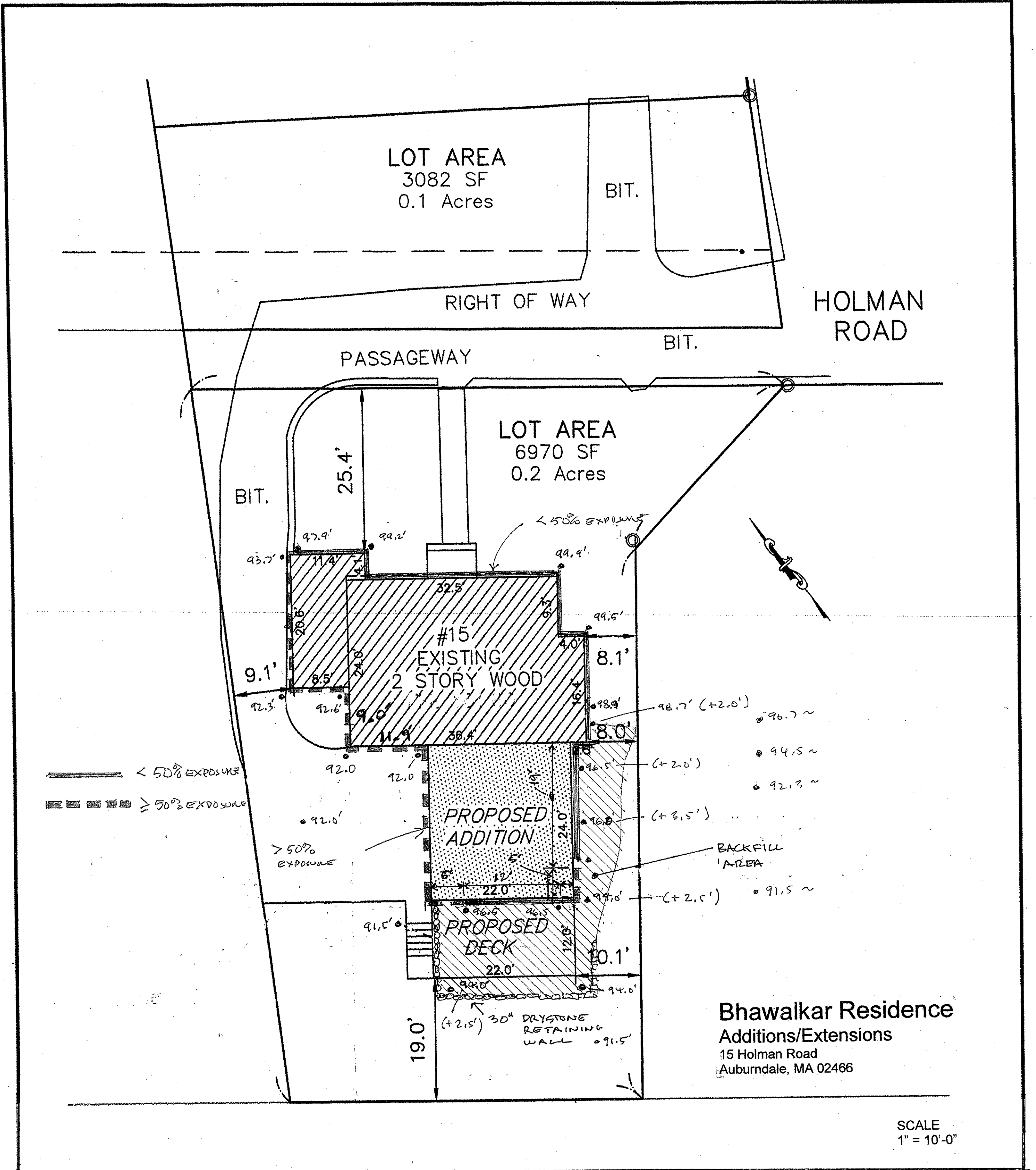
**ATTACHMENT A:** Revised Site Plan

**ATTACHMENT B:** Revised Elevations

**ATTACHMENT C:** Landscaping Plan

**ATTACHMENT D:** Story and FAR Calculation

**ATTACHMENT E:** Draft Board Order

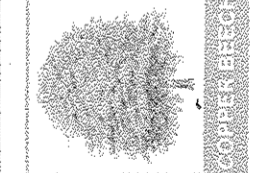


12

Proposed Changes  
Right Elevation

Created	02-04-14
Revision Date	Description
1. 08-24-14	PERMITS
2. 01-20-15	UPDATES TO SP CHANGES
3.	
4.	

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Bhawalkar  
Residence  
Additions/Extensions  
15 Holman Road  
Auburndale, MA 02466

GENERAL CODES AND COMPLIANCE REQUIREMENTS

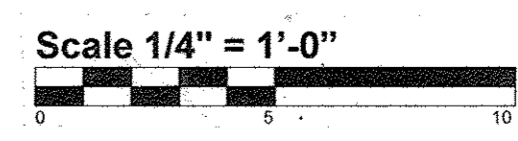
GENERAL CONDITIONS	
Codes and Standards	<ul style="list-style-type: none"> <li>All wall, floor, and roof framing as per Mass Building Code 780 CMR, 2009 IBC One and Two Family Code, and the AWC Wood Frame Construction Manual.</li> <li>All new foundation walls, footings, and floor slabs as per Mass Building Code 780 CMR, 2009 IBC One and Two Family Code.</li> <li>Energy conservation elements as per 2009 International Energy Conservation Code (IECC) as amended by MA BBRS, OR as per MA "Stretch" Code where applicable.</li> </ul>
General Conditions	<ul style="list-style-type: none"> <li>Any existing, sub-standard wall, roof, and/or floor framing exposed during the renovation will be brought up to code as part of the construction process.</li> <li>At points of intersection with existing framing, remove and replace any rotted, damaged, or otherwise inadequate floor joists, rafters, supports, or blocking.</li> <li>New interior wall framing will be 2" x 4"s @ 16" o.c.</li> <li>New exterior wall framing will be 2" x 6"s @ 16" o.c.</li> <li>All lumber will have a grade of "#1" or "Select", unless otherwise noted.</li> <li>Re-confirm all dimensions in the field.</li> <li>Dimensions not shown may be determined by scaling.</li> </ul>

DIMENSIONS, CONTRACTOR NOTES AND SPECIFICATIONS

EXTERIOR	
<b>SURFACE FINISHES</b>	
Siding	<ul style="list-style-type: none"> <li>Siding to be clapboard for new construction primary areas.</li> <li>PRIMARY SIDING - 4 IN wide Clapboard.</li> </ul> <p>BID OPTIONS - LOCATION</p> <ol style="list-style-type: none"> <li>New sections ONLY (plus minimal integration with old as needed)</li> <li>Entire House - remove existing vinyl; restore or replace old clapboard.</li> </ol> <p>BID OPTIONS - CLAPBOARD</p> <ol style="list-style-type: none"> <li>Standard stainable clapboard</li> <li>Hardie Board or equivalent Fiber-Cement clapboard</li> <li>Finger-jointed pre-primed clapboard</li> </ol> <ul style="list-style-type: none"> <li>PROVIDE PRICES FOR ALL OPTIONS</li> </ul>
<b>TRIM COMPONENTS</b>	
Corner Stock	<ul style="list-style-type: none"> <li>4 IN x 5/4 depth.</li> </ul>
Door and Window Casing	<ul style="list-style-type: none"> <li>Match Existing standard trimmed casings</li> <li>Approx. 4 IN wide x 5/4 depth.</li> </ul>
Soffit and Fascia	<ul style="list-style-type: none"> <li>Match existing</li> <li>NOTE: Configuration beneath vinyl soffit is unknown</li> </ul>
Gable Rake	<ul style="list-style-type: none"> <li>Match existing</li> <li>NOTE: Configuration beneath vinyl rake is unknown</li> </ul>
<b>NEW DECK</b>	
Overview of Changes	<ul style="list-style-type: none"> <li>Add new Deck (AS SHOWN) off the rear of the house.</li> </ul>
Deck + Star Finishes	<ul style="list-style-type: none"> <li>Decking will be selected and provided by the client. For estimate purposes assume standard 1" x 4" Fir.</li> <li>Deck railings to be 2 IN SQ Balusters; 2-3 IN spacing, and standard handrail</li> <li>All exterior lumber will be pressure-treated (or equivalent) and will have a grade of "#1" or "Select".</li> </ul>



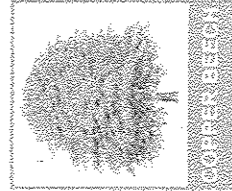
Proposed Changes  
Right Elevation



Proposed Changes  
Rear Elevation

Created	02-04-14
Revision Date	Description
1. 02-24-14	PERM/ITR UPDATES
2. 01-20-15	UPDATES + SP. CHANGES
3.	
4.	

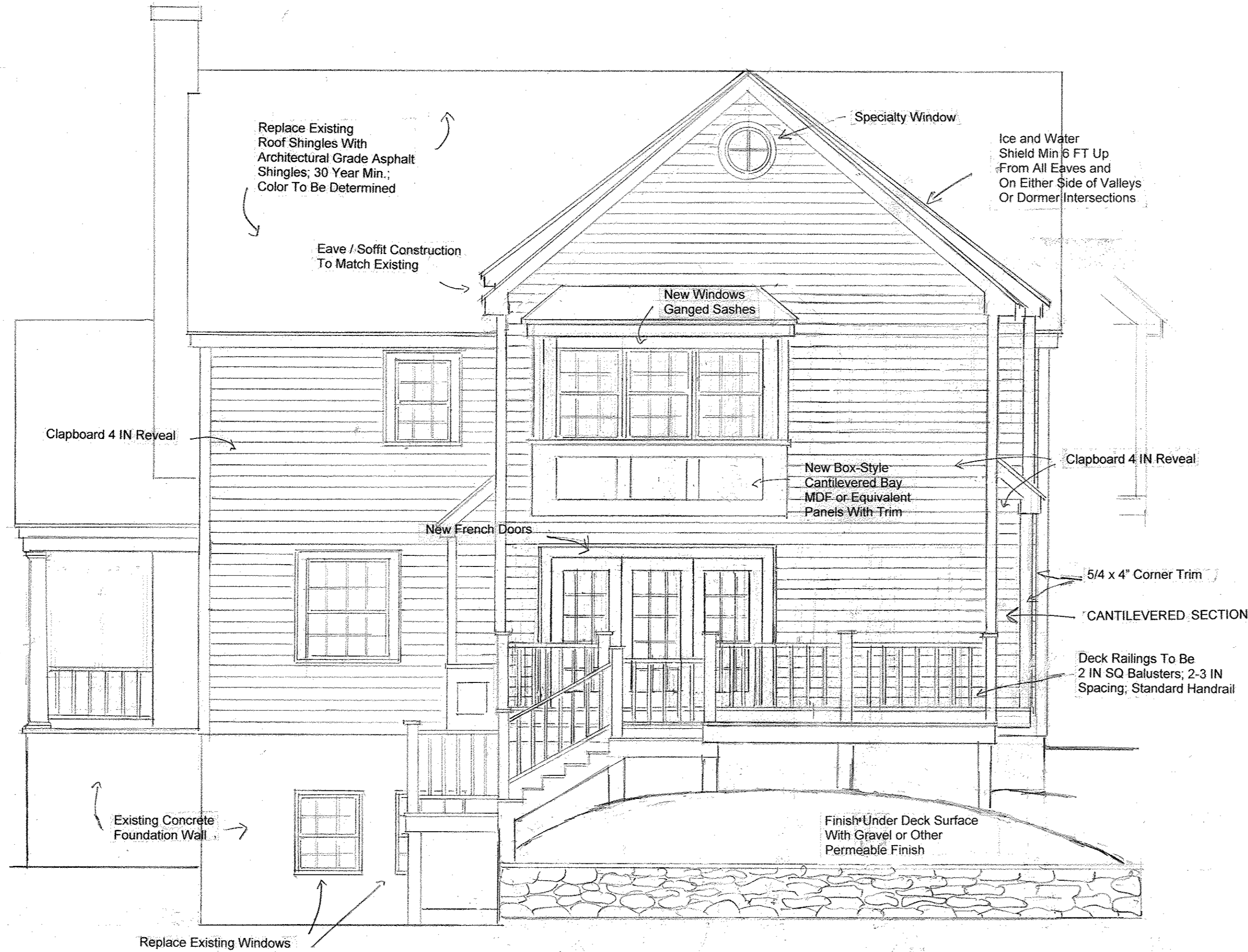
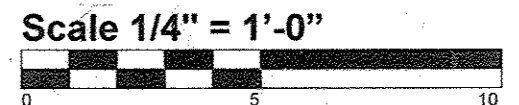
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**Bhawalkar  
Residence  
Additions/Extensions**  
15 Holman Road  
Auburndale, MA 02466

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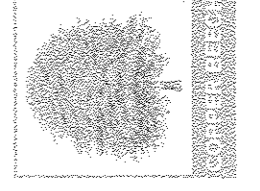
Proposed Changes  
Rear Elevation

Proposed Changes  
Left Elevation

Revision	Date	Description
1.	02-01-15	Created
2.		
3.		
4.		

Copper Beech Design

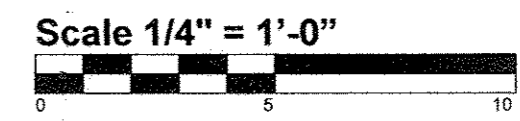
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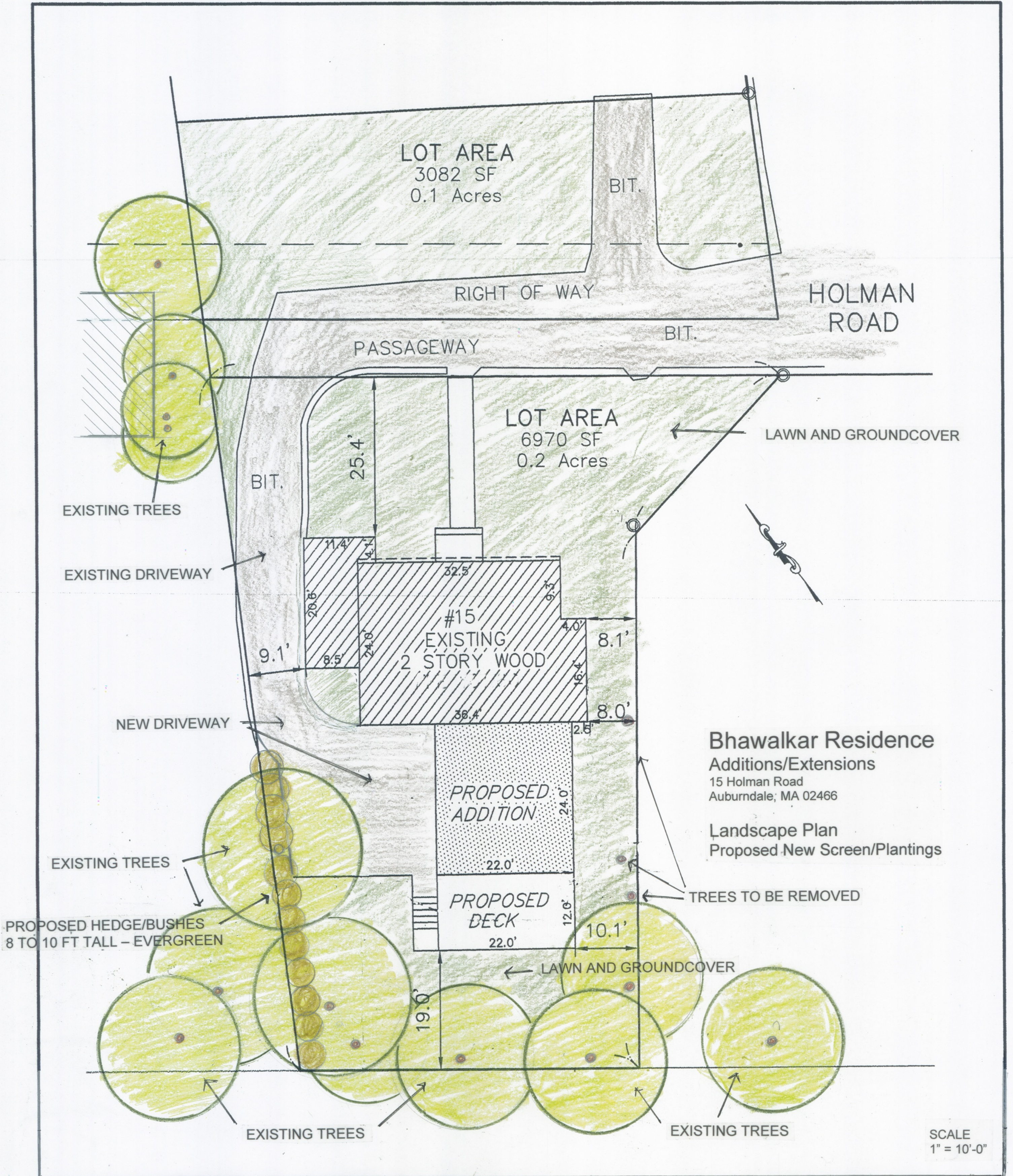


**Bhawalakar  
Residence  
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Proposed Changes  
Left Elevation

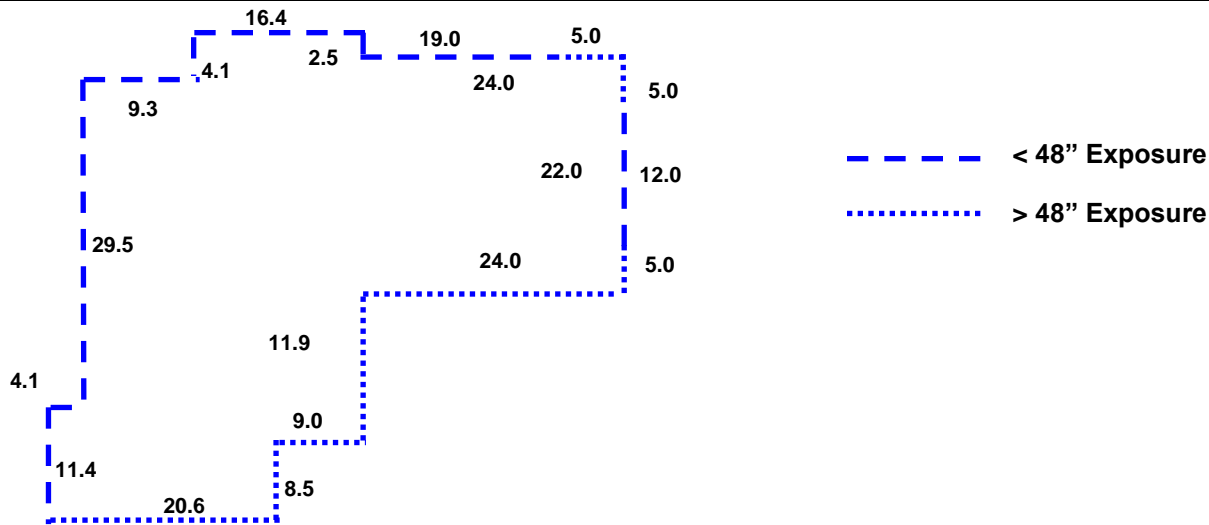






# FAR Compliance Documentation

## FAR Requirement Calculations BASEMENT



### PROPOSED BASEMENT FLOOR FAR CALCULATION

All basement dimensions based on outsided wall dimensions. The ground around the finished foundation will be graded to the heights described.

#### Overall Area:

$$(4.1 \times 16.4) + (22.0 \times 24.0) + (32.5 \times 24.0) + (8.5 \times 20.6) + (2.9 \times 4.1) = 67.24 + 528.0 + 780.0 + 175.1 + 11.89 = 1,562.2 \text{ SF}$$

#### Overall Perimeter:

$$16.4 + 2.5 + 24.0 + 22.0 + 24.0 + 11.9 + 9.0 + 8.5 + 20.6 + 11.4 + 4.1 + 29.5 + 9.3 + 4.1 = 197.3 \text{ LF}$$

#### Perimeter With Less Than 50 Percent Exposure:

$$11.4 + 4.1 + 29.5 + 9.3 + 4.1 + 16.4 + 2.5 + 19.0 + 12.0 = 108.3 \text{ LF}$$

#### Perimeter With Greater Than 50 Percent Exposure:

$$20.6 + 8.5 + 9.0 + 11.9 + 24.0 + 5.0 + 5.0 + 5.0 = 89.0 \text{ LF}$$

#### FAR Exposure Ratio:

$$(89.0 / 197.3) \times 1,562.2 = 703.0 \text{ SF}$$

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**BASEMENT CONTRIBUTION TO FAR = 703.0 SF**

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### BASEMENT/LOWER FLOOR EXPOSURE CALCULATION

The percentage of lower level perimeter exposure (as defined by wall area with a greater than 50 percent exposure).

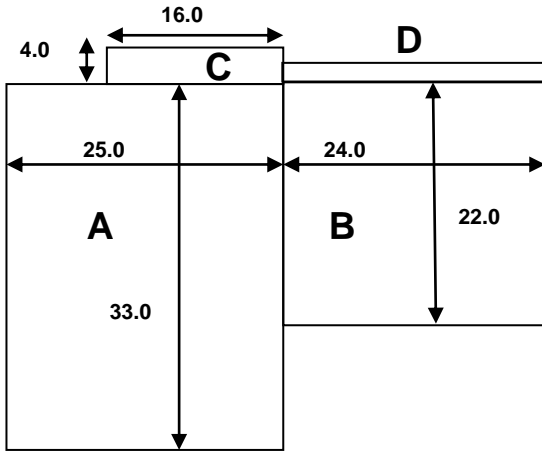
#### Perimeter With Less Than 50 Percent Exposure:

$$108.3 / 197.3 = 0.55$$

#### Perimeter With Greater Than 50 Percent Exposure:

$$89.0 / 197.3 = 0.45$$

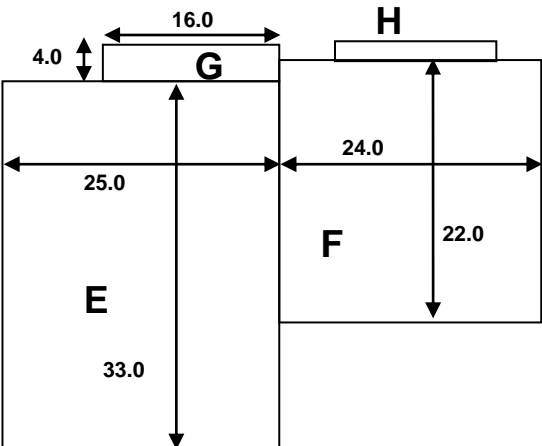
**FAR Requirement Calculations  
FIRST FLOOR**



**FIRST FLOOR PROPOSED FAR AREA  
CALCULATION**

Area A:	25.0 x 33.0 =	825.0 SF
Area B:	24.0 x 22.0 =	528.0 SF
Area C:	4.0 x 16.0 =	64.0 SF
Area D:	24.0 x 1.5 =	36.0 SF
<b>TOTAL of Areas A -- C =</b>		<b>1,453.0 SF</b>

**FAR Requirement Calculations  
SECOND FLOOR**



**SECOND FLOOR PROPOSED FAR AREA  
CALCULATION**

Area E:	25.0 x 33.0 =	825.0 SF
Area F:	24.0 x 22.0 =	528.0 SF
Area G:	4.0 x 16.0 =	64.0 SF
Area H:	1.5 x 8.0 =	12.0 SF
<b>TOTAL of Areas D – F =</b>		<b>1,429.0 SF</b>

**FAR Requirement Calculations  
ATTIC**

Insufficient 7 FT High Qualifying Space

**NO ATTIC CONTRIBUTION TO FAR**

**FAR Requirement Calculations  
SUMMARY**

<b>BASEMENT AREA =</b>	<b>703.0 SF</b>
<b>FIRST FLOOR AREA =</b>	<b>1,453.0 SF</b>
<b>SECOND FLOOR AREA =</b>	<b>1,429.0 SF</b>
<b>ATTIC FLOOR AREA =</b>	<b>0.0 SF</b>
<b>TOTAL FAR AREA =</b>	<b>3,585.0 SF</b>

<b>SINGLE PARCEL -- FAR =</b>	<b>0.51 FAR</b>
<b>BOTH PARCELS -- FAR =</b>	<b>0.36 FAR</b>

**SINGLE PARCEL**

<b>LOT SIZE =</b>	<b>6,970.0 SF</b>
<b>FAR PERCENTAGE =</b>	<b>0.43</b>
<b>MAX FAR = 6,970.0 x 0.43 =</b>	<b>2,997.1 SF</b>
<b>3,585.0 SF &gt; 2,997.1 MAX SF</b>	

**BOTH PARCELS**

<b>LOT SIZE =</b>	<b>6,970.0 + 3,082.0 = 10,052 SF</b>
<b>FAR PERCENTAGE =</b>	<b>0.43</b>
<b>MAX FAR = 10,052 x 0.43 =</b>	<b>4,322.4 SF</b>
<b>3,585.0 SF &lt; 4,322.4 MAX SF</b>	

# Average Grade 15 Holman Newton, Ma

## PROPOSED CHANGES

4/28/2015

Segment	E1	E2	Average	Length (ft)	Total
AB	97.9	99.2	98.6	11.4	1123.5
BC	99.2	99.9	99.6	32.5	3235.4
CD	99.9	99.5	99.7	9.3	927.2
FG	91.5	92.0	91.8	24.0	2202.0
GH	92.0	92.0	92.0	11.9	1094.8
HI	92.0	92.6	92.3	9.0	830.7
IJ	92.6	92.3	92.5	8.5	785.8
JK	92.3	93.7	93.0	20.6	1915.8
KL	99.5	98.7	99.1	16.4	1625.2
NO	98.7	96.0	97.4	19.0	1849.7
OP	96.0	94.0	95.0	5.0	475.0
PQ	94.0	96.5	95.3	5.0	476.3
QR	96.5	96.5	96.5	12.0	1158.0
RS	96.5	94.0	95.3	5.0	476.3

**Total**      **189.60**      **18175.6**      95.862711

**Average Finish grade (e)**      =      95.86 ft

**Basement Floor Elevation**      =      92.10

**First Floor Elevation (FFE)**      =      101.60 ft

length less than 6'      =      1

**Total Length of Foundation wall**      =      190.60 ft

**Ceiling Height**      100.60 ft

**Elevation 1/2 basement height**      **96.35**

# Average Grade 15 Holman Newton, Ma

## EXISTING CONDITIONS

4/28/2015

Segment	E1	E2	Average	Length (ft)	Total
AB	97.9	99.2	98.6	11.4	1123.5
BC	99.2	99.9	99.6	32.5	3235.4
CD	99.9	99.5	99.7	9.3	927.2
DE	99.5	98.3	98.9	11.3	1117.6
EF	96.7	94.5	95.6	5.1	487.6
FG	92.3	92.0	92.2	36.4	3354.3
GH	92.0	92.6	92.3	9.0	830.7
HI	92.6	92.3	92.5	8.5	785.8
IJ	92.3	93.7	93.0	20.6	1915.8

**Total**      **144.10**      **13777.8**      95.61256

<b>Average Finish grade (e)</b>	=	95.61 ft
<b>Basement Floor Elevation</b>	=	92.10
<b>First Floor Elevation (FFE)</b>	=	101.60 ft
length less than 6'		10.7
<b>Total Length of Foundation wall</b>	=	154.80 ft
<b>Ceiling Height</b>		100.60 ft

**Elevation 1/2 basement height**      **96.35**

CITY OF NEWTONIN BOARD OF ALDERMEN

May 18, 2015

## ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, 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, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to legalize and complete a three-story addition to an existing three-story single-family dwelling which exceeds the maximum allowable Floor Area Ratio (FAR), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The proposed Floor Area Ratio (FAR) is .52, where .43 is the maximum allowed by right and .32 exists. The existing structure is a three-story single-family dwelling on a lot consisting of 6,970 square feet with a gross floor area of 2,223 square feet (.32 FAR). The proposed addition to the dwelling will increase the gross floor area by approximately 1,390 square feet (63%) to 3,613 square feet (.52 FAR), exceeding the allowable FAR by approximately 615 square feet. The main structure with the addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15 Table A and §30-15(u)(2))
2. The proposed three-story addition is not substantially more detrimental than the existing nonconforming structure is to the neighborhood, as the addition is located at the rear of the site and is partially screened from abutting properties. Due to the significant decrease in the grade on the subject property and the properties to the east, the structures to the east also appear as three stories from the rear. (§30-21(b))
3. The site is an appropriate location for the proposed addition, and the parcel will meet the requirements for open space and lot coverage. §30-24(d)(1))
4. The owner of the subject property owns a second lot across from the subject property that is separated by a right of way, which is used as the petitioner's driveway. The owner cannot include the second lot in the calculation of the maximum Floor FAR for the subject property even though the lot is too small to be developed in the future. If the second lot were to be included in the FAR calculation the proposed addition would not exceed the maximum allowable FAR.

PETITION NUMBER: #63-15

PETITIONER: Jayant and Manjiri Bhawalkar

LOCATION: 15 Holman Road, Ward 4, on land known as SBL 43, 43, 5 containing approx. 6,970 sq. ft. of land

OWNER: Jayant and Manjiri Bhawalkar

ADDRESS OF OWNER: 15 Holman Road  
Newton, MA 02466

TO BE USED FOR: Single-family dwelling

EXPLANATORY NOTES: §30-21(b) and §30-15 Table 1, to extend the nonconforming three-story structure; §30-15 Table A and §30-15(u)(2), to exceed the maximum allowable Floor Area Ratio

ZONING: Single Residence 3

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:
  - a. Proposed Site Plan, prepared, signed and stamped by Michael P. Clancy, Professional Land Surveyor, dated February 21, 2015, and revised on March 5, 2015.
  - b. Grading Plan, not dated, not signed
  - c. Floor Plans and Elevations, prepared by Copper Beech Design, containing the following sheets:
    - i. Cover Sheet
    - ii. Sheet 1 – Site and Context, dated August 6, 2014
    - iii. Sheet 9 - Proposed Changes Lower Level, dated February 3, 2014 and revised on August 29, 2014 and October 15, 2014;
    - iv. Sheet 10 – Proposed Changes First Floor, dated February 3, 2014 and revised on August 29, 2014, October 15, 2014, and January 19, 2015;
    - v. Sheet 12 – Proposed Changes Right Elevation, dated February 4, 2014 and revised on August 29, 2014 and January 20, 2015;

- vi. Sheet 13 – Proposed Changes Rear Elevation, dated February 4, 2014 and revised on August 29, 2014 and January 2015;
  - vii. Sheet 14 – Left Elevation, dated February 1, 2014.
2. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.
  3. The petitioner shall submit an final grading plan to the City’s Engineering Division of the Department of Public Works for their review and approval.
  4. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
    - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
    - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
    - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final grading plan for the site.
    - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
  5. No Final Inspection/Occupancy Permit for this Special Permit/Site Plan Approval shall be issued until the petitioner has:
    - 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 Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
    - c. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.