



#293-18

Telephone

(617) 796-1120

Telefax

(617) 796-1142

TDD/TTY

(617) 796-1089

www.newtonma.gov

City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 12, 2018
Land Use Action Date:	August 14, 2018
City Council Action Date:	August 20, 2018
90- Day Expiration Date:	September 10, 2018

DATE: June 8, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #293-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats, to waive twelve parking stalls, and to re-use an existing nonconforming sign **at 342-344 Watertown Street**, Ward 1, Nonantum, on land known as SBL 14, 12, 21, containing approximately 8,364 sq. ft. of land in a district zoned Business Use 1. Ref. §4.4.1, §6.4.29.C.1, §5.1.4, §5.1.13, §5.2, and §5.1.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



342-344 Watertown Street

EXECUTIVE SUMMARY

The subject property at 342-344 Watertown Street consists of an 8,364 square foot lot located in the Business Use 1 (BU-1) zone in Nonantum. The lot is improved with a two-story, mixed use building constructed circa 1910. The building contains a 20-seat restaurant (the Petitioner), a tailor, and a vacant space formerly occupied by a liquor store. The petitioner is seeking to expand the restaurant into the adjacent vacant space to increase the capacity to 71 seats. The expansion requires additional parking which cannot be accommodated on site. The petitioner is also seeking to utilize the nonconforming blade sign associated with the vacant space; therefore, the petitioner requires special permits to allow a restaurant with more than fifty seats, to waive twelve parking stalls, and to reuse an existing nonconforming sign.

The Planning Department is supportive of the restaurant's expansion given its location in the heart of Nonantum. The petitioner's parking study indicates the area has sufficient public parking available to accommodate the twelve-stall waiver. As a result, staff is supportive of the waiver. Lastly, staff is supportive of the request to reuse an existing nonconforming sign because of the sign's history in the neighborhood. Staff suggests a condition requiring the petitioner to receive approval from the Urban Design Commission, prior to receiving a building permit to alter the sign.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.4 and §5.1.13).
- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest (§5.2 and §5.2.13).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Watertown Street in the BU-1 zone in Nonantum. The BU-1 zone runs the length of Watertown Street from Adams Street east past Cook Street. Beyond the BU-1 zone to the north and south lie Multi-Residence zones. As a result, Watertown Street is comprised of mixed use structures, while single and multi-family uses lie beyond these uses, which is typical of a village center (**Attachments B & C**).

B. Site

The site consists of 8,364 square feet of land improved with a two-story, mixed use building constructed circa 1910. The structure consumes much of the lot with zero setbacks from the Watertown and Chapel Street frontages. There is a small surface parking facility at the rear of the site for five stalls. The structure follows the bend in the right of way transitioning from Watertown Street to Chapel Street, anchoring the corner. The grade of the lot slopes slightly from the front to the rear and abuts the Chapel Street Municipal Parking Lot.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain mixed use.

B. Building and Site Design

The petitioner is proposing to expand the restaurant into the adjacent vacant space formerly occupied by a liquor store. The petitioner is seeking to modify the interior of the building accordingly and is not proposing to undertake any improvements to the exterior; the Planning Department is unconcerned with the interior renovation. The vacant tenant space has large windows providing light and transparency, contributing to an active pedestrian environment. The petitioner has a permit to install sidewalk seating for up to eight patrons, further enhancing the pedestrian experience of the street. These seats do not count towards the parking requirement per the Newton Zoning Ordinance (Ordinance) and are permitted through the Health Department.

C. Parking and Circulation

The expansion to 71 seats and the associated increase in staff would require 26 parking stalls on site. However, the Ordinance allows for a parking stall credit when tenant spaces turnover or are combined, such as in the current petition. The vacant tenant space was last occupied by a liquor store which is a retail use per the Ordinance. The liquor store required five stalls due to the square footage of the space and the number of employees. Utilizing this credit and the formula provided by the Ordinance, the expanded restaurant requires 14 parking stalls. There are two parking stalls on site; therefore, the petitioner is seeking a waiver of twelve stalls. For more information on the parking requirement formula and a complete analysis of the petition concerning zoning, please see the Zoning Review Memorandum dated May 14, 2018 (**Attachment C**). The Zoning Review Memorandum did not account for the increase in staff on the largest shift from 5 to 8 employees. As a result, the petition does not include the full waiver required of a restaurant of 71 seats and 8 staff

members, only a waiver of twelve stalls. The petitioner is prepared to move forward with the request to waive twelve stalls and will adjust seats and employees accordingly. Staff will provide the Committee with an update at the public hearing.

The petitioner conducted a parking study over two weeks to determine if the twelve stalls could be accommodated by public parking in the area (**Attachment D**). The study organizes the public parking into zones based on the time restrictions. Overall, the study indicates there are 260 parking stalls among the five zones within a five-minute walk of the site. The study compiled the peak parking time for each day of the study and suggests there are sufficient stalls available to accommodate the twelve-stall waiver.

The Planning Department conducted site visits to the area and believes the study is accurate regarding the total number of stalls. Staff consulted with the Transportation Division who supports the findings of the study. As a result, staff agrees with the findings of the study and is supportive of the waiver.

D. Signage

The petitioner intends to reuse an existing nonconforming blade sign associated with the former liquor store for the restaurant; the sign is legal nonconforming due to its size. The Ordinance requires a special permit to enlarge, reword, redesign, or alter a nonconforming sign in any way. The Planning Department is supportive of the request to reuse the sign because of its history in the neighborhood. Staff suggests a condition requiring the sign to be reviewed and approved by the Urban Design Commission Council prior to the issuance of a building permit for an alteration to the sign, should this petition be approved.

E. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- §4.4.1 and §6.4.29.C.1 of Section 30, to allow a restaurant with more than fifty seats.
- §5.1.4 and §5.1.13 of Section 30, to waive twelve parking stalls.
- §5.2 and §5.2.13 of Section 30, to reuse an existing nonconforming sign.

B. Engineering Review

This petition does not meet the minimum threshold for Engineering review.

C. Newton Historical Commission

This petition does not meet the minimum criteria for Newton Historical Commission review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

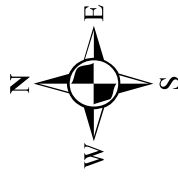
- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum, dated May 14, 2018
- Attachment D:** Parking Study
- Attachment E:** DRAFT Council Order

Attachment A Zoning Map Watertown St., 342-344

City of Newton,
Massachusetts

Legend

- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Manufacturing
- Public Use
- Building Outlines
- Surface Water
- Property Boundaries

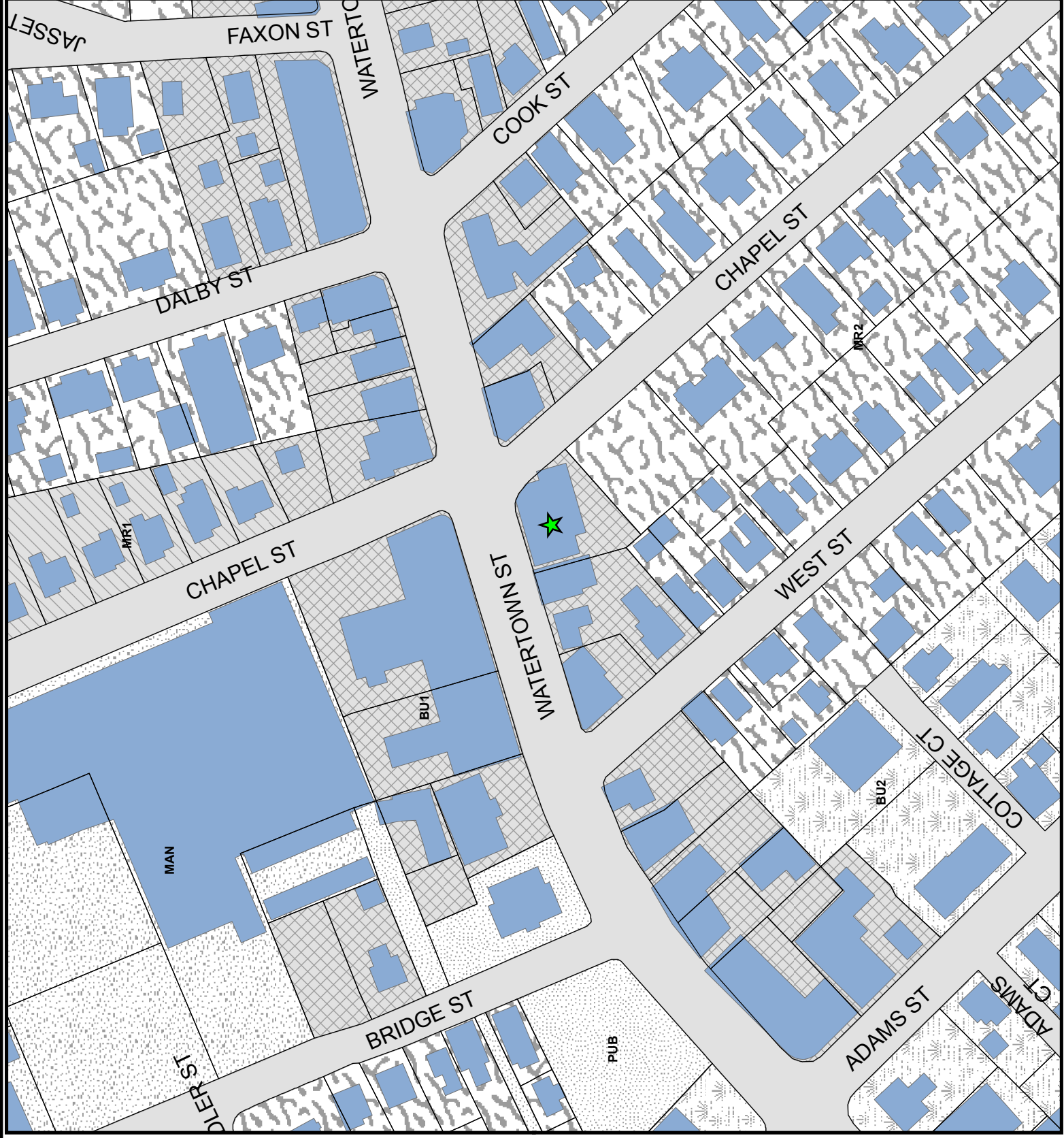


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: May 17, 2018



Attachment B Land Use Map Watertown St., 342-344

City of Newton,
Massachusetts

Legend

Land Use

Land Use

Single Family Residential

Multi-Family Residential

Commercial

Industrial

Mixed Use

Open Space

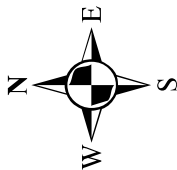
Nonprofit Organizations

Vacant Land

Building Outlines

Surface Water

Property Boundaries

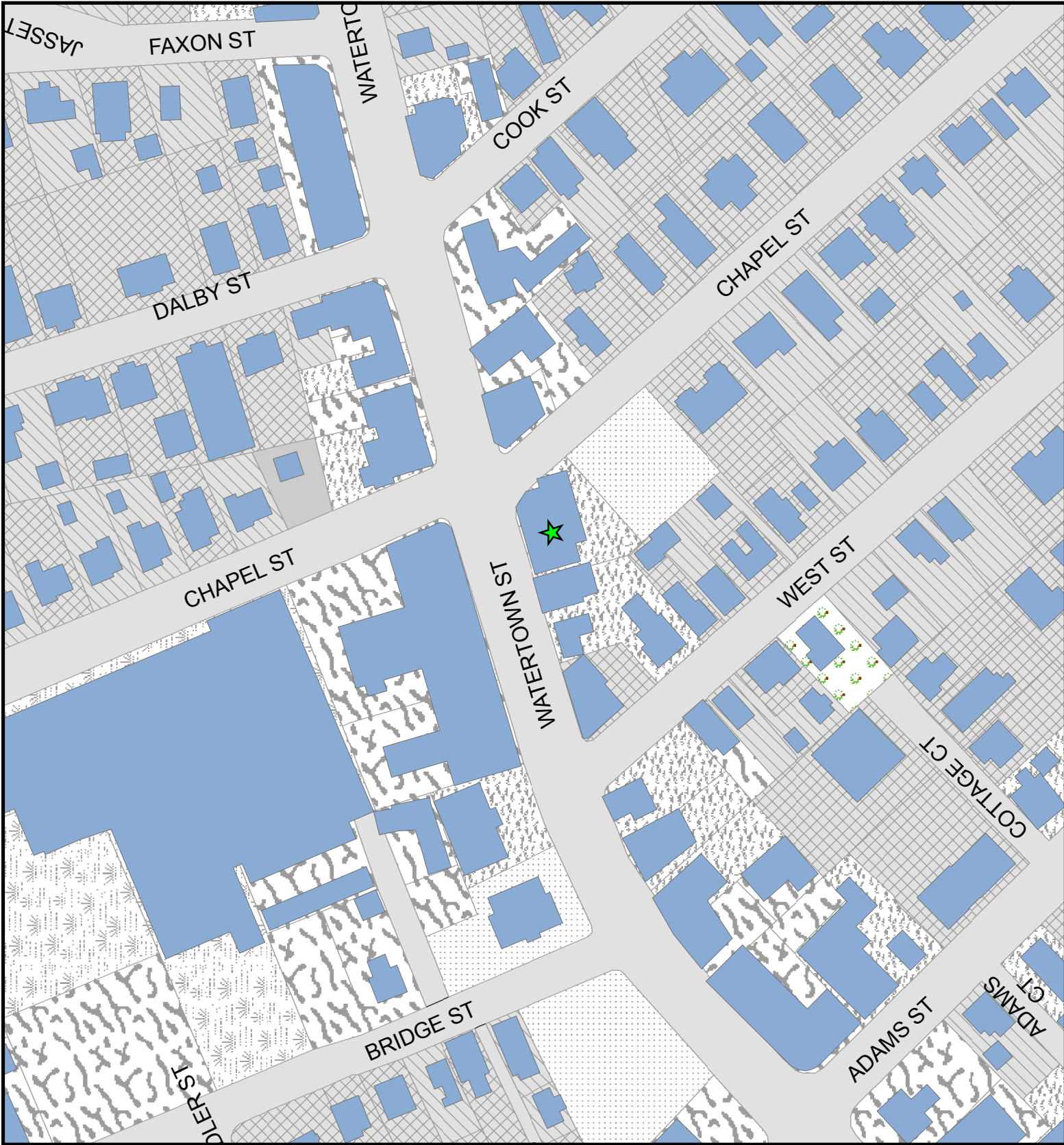


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: May 17, 2018





Ruthanne Fuller
Mayor

Attachment C

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 14, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Artur Andronic, Moldova Restaurant, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request to allow a restaurant with more than 50 seats, to waive 12 parking stalls, and to allow for the re-use of an existing nonconforming sign**

Applicant: Moldova Restaurant	
Site: 342-344 Watertown Street	SBL: 14012 0021
Zoning: BU1	Lot Area: 8,364 square feet
Current use: Restaurant with 20 seats and liquor store	Proposed use: Restaurant with 71 seats

BACKGROUND:

The property 344 Watertown Street is comprised of 8,364 square feet in the Business 1 zoning district at the corner of Watertown and Chapel Streets. The mixed use building was constructed in 1910 and is currently occupied by Moldova Restaurant and a tailor, and a third space was recently vacated by Silver Lake Liquors. Moldova Restaurant proposes to expand its 20-seat restaurant into the liquor store space to allow seating for 71. They also propose to reface the liquor store's existing nonconforming sign.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Artur Andronic, dated 4/5/2018
- Floor Plan, submitted 4/5/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner, Moldova Restaurant currently operates a 20-seat restaurant in one of three storefronts on the property. The adjacent space was recently vacated by an 1,100 square foot liquor store. The petitioner proposes to expand into the former liquor store space and increase seating to 71 seats. A restaurant with more than 50 seats requires a special permit, per sections 4.4.1 and 6.4.29.C.1.
2. The petitioner intends to expand the existing restaurant to include 1,100 square feet perviously occupied by Silver Lake Liquors for a total of approximately 2,000 square feet and 71 seats. Per section 5.1.4, a restaurant requires one stall per each three seats plus one stall per each employee. The proposed 71 seat restaurant requires 26 stalls ("A").

Per section 5.1.4, the previous retail use requires one stall for every 300 square feet, and one stall for every three employees. The previous retail use required five parking stalls. The existing restaurant has 20 seats and no more than six employees, requiring nine stalls. The two uses together provide a "credit" of 14 stalls ("B").

Per section 5.1.3.B, when the change of use increases the parking requirement, the formula $A+B+C$ = the required stalls, is utilized to determine the number of parking stalls the proposed use requires. There are two existing parking stalls on the property for the use of the petitioner ("C"). Per this formula:

$$26 \text{ (proposed use)} - 14 \text{ (existing uses)} + 2 \text{ (existing stalls)} = 14 \text{ stalls required for the proposed use}$$

Fourteen parking stalls are required for the proposed use. There are two parking stalls available to the restaurant to use for parking at the rear of the property. Per section 5.1.4 and 5.1.13, the petitioner requires a waiver of 12 parking stalls.

3. There is an existing nonconforming sign which was originally constructed in 1936 with a building permit. Per section 5.2.12, should the petitioner request to enlarge, reword, redesign or alter it in any way, it must either conform to the provisions of section 5.2 or seek a special permit per section 5.2.13.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1 §6.4.29.C.1	Request to allow a restaurant with more than 50 seats	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 12 required parking stalls	S.P. per §7.3.3
§5.2 §5.2.13	Request to re-use an existing nonconforming sign	S.P. per §7.3.3



Moldova Restaurant
344 Watertown st, Newton, MA 02458
Tel: (617) 916-5245
e-mail: info@tastemoldova.com
www.tastemoldova.com

Moldova Restaurant currently operates a 20-seat restaurant of about 900 square feet, in one of three storefronts on the property. We intend to expand the existing restaurant to include 1,100 square feet previously occupied by Silver Lake Liquors for a total of approximately 2,000 square feet and 71 seats.

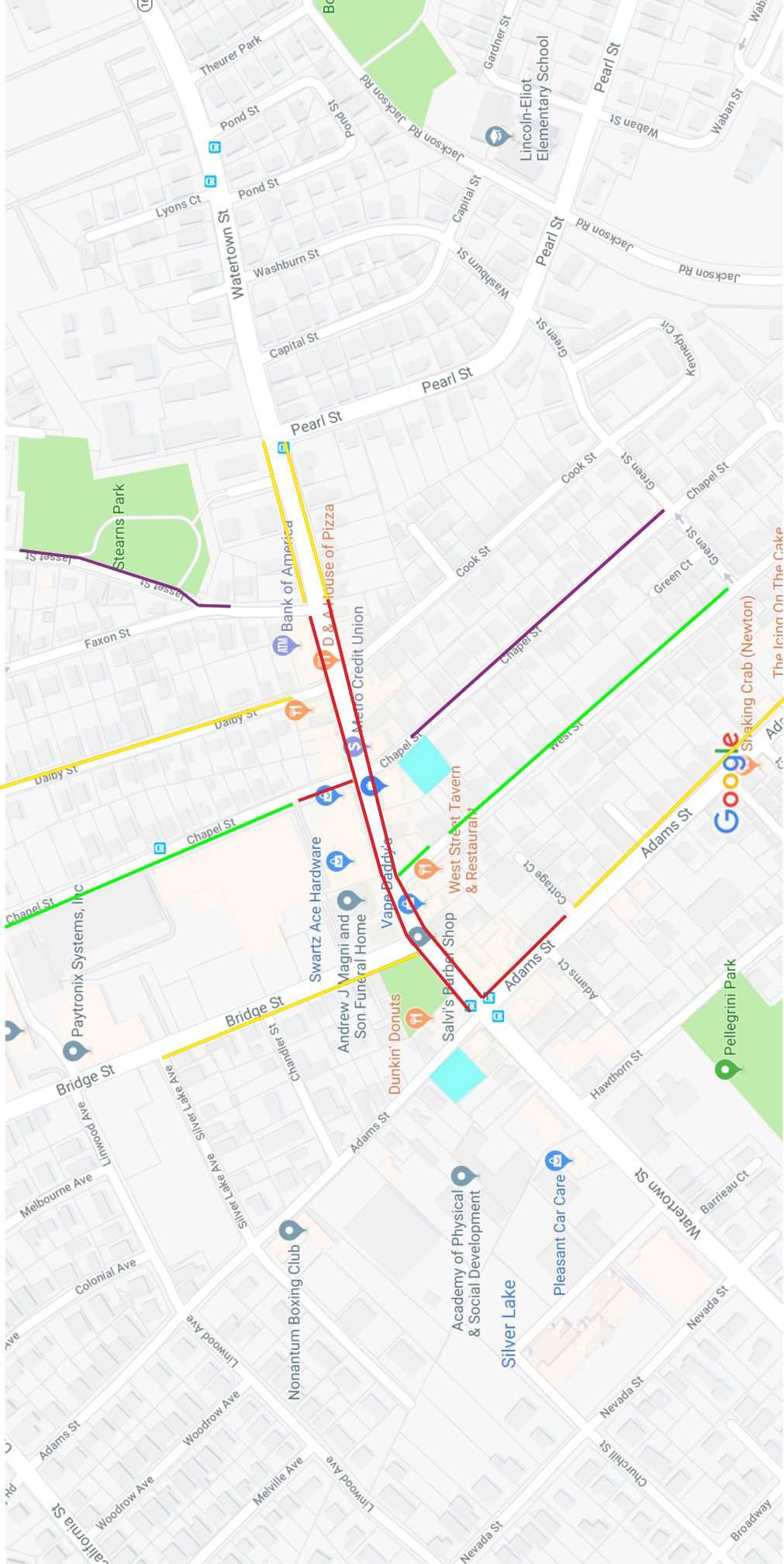
The increase in seats may lead to more visitors to the restaurant, which may require more parking availability. To show the parking availability, we've conducted a parking study within a 0.2 mile radius from the restaurant. Please see supporting documents that will show in more detail the current usage of parking. We found that during the projected peak hours of the restaurant, which are 6 to 7 PM, there are usually between 91 to 136 available parking spaces in walking distance to the restaurant.

The restaurant is located in a very walkable area, and majority of our customers tend to carpool or walk in order to be able to experience a full dinner including some of our exclusive selection of wines. The average dining time for our visitors varies between 1.5 to 2 hours, meaning we rotate tables quickly, therefore customers don't tend to stay parked for a long period of time when visiting the restaurant. Even though we're increasing the seating capacity by 50 seats, we're not anticipating the space to be entirely full during peak hours. Our intention is to have the flexibility for our customers to choose the time to visit our restaurant that works best for them. At the moment we have to limit the availability of the tables in order to maximize their rotation per shift.

We feel confident that the proposed expansion will not interfere with the current parking occupancy and will not overcrowd the neighborhood with more cars. On the contrary, the clientele that we attract to the restaurant can be valuable for other neighboring businesses. There is enough street parking available close by, and in order to educate our visitors about parking we would be glad to include parking directions on our website.

Regards,

Artur Andronic
Owner/Manager
Moldova Restaurant
e-mail: artur.andronic@tastemoldova.com



Zone 1 - Metered Parking - 8am-6pm - 2hr limit - Mon-Sat

Zone 2 - Unrestricted parking

Zone 3 - 2 hr parking - Mon-Sat

Zone 4 - Municipal Parking Lot - 3 hr limit - Mon-Sat

Zone 5 - 1 hr parking - Mon-Sat

Parking Analysis (individual study)

Time	Zone 1														Zone 2														Zone 3														
	19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun	19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun	19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun	
Parking Spots Used																																											
10am-12pm	32	36	27	33	35	21	18	28	31	36	41	43	31	21	12	10	15	18	19	14	10	15	21	17	24	20	23	20	19	18	19	14	10	14	13	19	21	19	14	15	10	10	
12pm-2pm	48	34	51	31	36	24	21	45	38	44	48	46	41	25	10	11	13	15	18	13	8	14	19	18	21	17	21	21	21	14	23	18	22	10	10	24	19	19	16	10	9	11	
2pm-4pm	41	47	33	39	34	35	22	38	41	44	51	43	39	26	15	6	10	14	12	10	12	19	15	16	14	19	17	25	17	18	20	14	19	12	9	18	18	21	17	15	13	14	
4pm-6pm	39	34	39	30	41	21	28	33	35	43	45	41	45	29	9	10	10	14	16	13	7	13	13	16	15	10	19	20	7	10	10	9	12	11	10	13	10	15	14	18	16	14	
6pm-8pm	24	37	35	41	48	44	29	35	39	48	47	49	41	33	9	7	8	10	10	11	8	8	10	14	10	10	20	17	10	18	15	14	15	14	8	20	17	14	18	13	8	10	
8pm-10pm	19	20	29	24	45	48	24	20	30	33	36	35	46	21	5	4	4	4	5	6	7	8	8	10	7	11	15	12	10	11	9	10	8	10	11	12	7	11	10	14	17	10	

Time	Zone 4														Zone 5														Total Peak Hours													
	19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun	19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun	19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun
10am-12pm	30	24	31	27	20	15	27	29	31	24	31	33	20	19	21	19	20	19	18	24	14	19	17	23	25	24	31	29	114	107	112	111	102	88	82	110	121	119	135	135	115	99
12pm-2pm	33	20	30	23	31	20	27	33	33	29	34	37	21	21	18	21	15	25	23	20	23	18	21	21	17	21	20	23	130	100	132	112	130	87	89	134	130	131	136	131	112	101
2pm-4pm	27	28	28	30	31	23	24	36	31	32	29	33	30	25	16	17	18	14	18	24	19	24	18	10	16	11	18	16	116	116	109	111	114	104	86	135	123	123	127	121	117	106
4pm-6pm	36	29	31	29	41	24	31	33	33	29	35	29	31	19	15	13	15	19	14	19	15	21	10	15	16	16	21	15	106	96	105	101	124	88	91	113	101	118	125	114	132	97
6pm-8pm	40	36	38	33	43	45	32	34	34	33	28	41	43	31	17	14	18	18	17	18	16	20	19	18	24	25	21	18	100	112	114	116	133	132	93	117	119	127	127	138	133	109
8pm-10pm	21	20	19	24	34	39	27	28	27	19	21	33	35	24	14	12	15	18	12	14	14	13	14	12	15	14	15	16	69	67	76	80	104	117	83	81	86	85	89	107	128	83

Total Parking Spots

Zone 1	60
Zone 2	32
Zone 3	28
Zone 4	51
Zone 5	58
TOTAL	229

		Summary													
		19-Mar-Mon	20-Mar-Tue	21-Mar-Wed	22-Mar-Thu	23-Mar-Fri	24-Mar-Sat	25-Mar-Sun	26-Mar-Mon	27-Mar-Tue	28-Mar-Wed	29-Mar-Thu	30-Mar-Fri	31-Mar-Sat	1-Apr-Sun
Total Space	229	229	229	229	229	229	229	229	229	229	229	229	229	229	
Preak Hour Usage	130	116	132	116	133	132	93	135	130	131	136	138	133	109	
Total Unused	99	113	97	113	96	97	136	94	99	98	93	91	96	120	

Note: Silver Lake Liquors was not operating during the Parking Study

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, 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/ADMINISTRATIVE SITE PLAN REVIEW to allow a restaurant with more than fifty seats, to waive twelve parking stalls, and to reuse an existing nonconforming sign, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for a restaurant with more than fifty seats because the expanded restaurant is consistent with the *2007 Comprehensive Plan* by strengthening viable businesses that contribute to the vitality of Newton's village centers without adverse impact on the surrounding neighborhood (§4.4.1, §6.4.29.C.1, and §7.3.3.C.1).
2. The restaurant as developed and operated will not adversely affect the neighborhood because the expansion only requires interior renovations and there is sufficient parking available nearby (§7.3.3.C.2).
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the site is located in a walkable village environment (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is served by sufficient public parking (§7.3.3.C.4).
5. The waiver of up to twelve (12) parking stalls is appropriate because literal compliance with the number of parking stalls is impractical due to the size and location of the lot in a village center (§5.1.4 and §5.1.13).
6. The reused nonconforming sign should be permitted and is appropriate due to the nature of the use of the premises because the sign is a historical element which speaks to the character of the neighborhood (§5.2 and §5.2.13).

PETITION NUMBER: #293-18

PETITIONER: Artur Andronic

LOCATION: 342-344 Watertown Street, on land known as Section 14, Block 12, Lot 21, containing approximately 8,364 square feet of land

OWNER: Gerald G. Bilodeau

ADDRESS OF OWNER: 200 Harvard Circle
Newton, MA 02460

TO BE USED FOR: Restaurant not to exceed seventy-one (71) seats

CONSTRUCTION: Interior Fit-out Only

EXPLANATORY NOTES: §4.4.1, §6.4.29.C.1, and §7.3.3 to allow a restaurant with more than fifty seats; §5.1.4 and §5.1.13 to waive up to thirteen (13) parking stalls; §5.2 and §5.2.13 to reuse an existing nonconforming sign

ZONING: Business 1 zoning district

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. Restaurant Floor Plan and Layout Schedule, signed and stamped by David Choi, Registered Architect, dated May 8, 2018
2. The petitioner may operate a restaurant with a maximum of seventy-one (71) seats.
3. The petitioner shall screen any dumpsters with a wooden fence, or similar material as approved by the Director of Planning and Development.
4. Prior to the issuance of a Building Permit to reuse the existing nonconforming sign, the petitioner shall receive approval from the Urban Design Commission.
5. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

6. No Final Inspection/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 certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.