
FINAL PLANNED URBAN DEVELOPMENT REPORT & DECISION

REPORT DATE: March 13, 2015

Project Name: Whitman Court FPUD, Phase I

Owner: Washington Federal; 425 Pike St; Seattle, WA 98101

Applicant: Paul Ebensteiner; Lozier at Whitman Court LLC; 1300 114th Ave SE, Suite 100; Bellevue, WA 98004

Contact: Eric LaBrie; ESM Consulting Engineers, LLC; 33400 8th Ave S; Federal Way, WA 98003

File Number: LUA14-001044, FPUD

Project Manager: Rocale Timmons, Senior Planner

Project Summary: The applicant is requesting a Final Planned Urban Development (FPUD) for the first of two phases of the Whitman Court PUD (LUA14-000295). The City's Hearing Examiner approved the Preliminary Planned Urban Development on June 11, 2014 subject to 40 conditions of approval. The first phase includes the construction of 20 (of the approved 40) zero lot line townhomes and the 2,657 square foot commercial bank on the 41st lot. The vacant 5.12 acre site is located within the Commercial Arterial (CA) zoning classification and the Commercial Corridor (CC) land use designation. The subject site is located on the southwest corner of the intersection of NE 4th St and Whitman Ct NE. Phase 1 would be comprised of 4 (of 8 total) multi-family residential structures resulting in a density of 11.4 du/ac and one commercial building. The commercial lot would be accessed from NE 4th St with remaining residential development gaining access from the existing portion, and proposed extension, of Whitman Ct NE. There is a Category 2 wetland located on the western portion of the site. The approved Preliminary PUD was used to vary street, setback, parking, and refuse and recycle standards. The applicant has proposed to preserve the wetland onsite and provide buffer enhancement as part of the proposed PUD public benefit along with enhanced pedestrian and vehicular circulation, pedestrian amenities, and landscaping.

Project Location: 4425 NE 4th St and 351 Whitman Court NE

Site Area: 5.12 acres



A. EXHIBITS:

- Exhibit 1: Whitman Court Final PUD (Phase I) Report and Decision
- Exhibit 2: Final PUD Plan (Phase I)
- Exhibit 3: Approved Landscape Plan/Wetland Enhancement Plan
- Exhibit 4: Aerial Photo
- Exhibit 5: Residential Building Elevations
- Exhibit 6: Commercial Building Elevations
- Exhibit 7: Draft CC&R's
- Exhibit 8: Parties of Record
- Exhibit 9: Private Open Space Administrative Modification, July 2, 2014

B. GENERAL INFORMATION:

- 1. **Owner(s) of Record:** *Washington Federal Bank
425 Pike St
Seattle, WA 98101*
- 2. **Zoning Classification:** *Commercial Arterial (CA)*
- 3. **Comprehensive Plan Land Use Designation:** *Commercial Corridor (CC)*
- 4. **Existing Site Use:** *Vacant*
- 5. **Neighborhood Characteristics:**
 - a. **North:** *Mixed Retail (CA zone)*
 - b. **East:** *United State Postal Service Office (CA zone)*
 - c. **South:** *Multi-Family Residential (R-10)*
 - d. **West:** *Critical Areas and Mixed Retail (CA zone)*
- 6. **Site Area:** 5.12 acres

F. ADMINSTRATIVE FINAL PLANNED URBAN DEVELOPMENT REVIEW FINDINGS OF FACT:

- 1. The applicant is requesting approval of a Final Planned Urban Development for the first phase of Whitman Court PUD which includes the construction of Lots 1- 20 (of the approved 40) zero lot line townhomes and the 2,657 square foot commercial bank on the 41st lot.
- 2. On June 11, 2014 the subject project received approval for the Preliminary Planned Urban Development including Preliminary Plat approval with 40 conditions of approval, City File number LUA14-000295. No appeals of the Hearing Examiner decision were filed.
- 3. Phase II of the FPUD would include construction of Lots 21-40. The applicant would be required to apply for and have granted Phase II of the FPUD prior to the expiration of the Preliminary PUD, June 11, 2019.
- 4. The PUD would be used to vary lot, landscaping street, setback, parking, design, and refuse and recycle standards. The proposal included the preservation of the wetland onsite and buffer enhancement as part of the proposed PUD public benefit, along with enhanced pedestrian and vehicular circulation, pedestrian amenities, and landscaping.

5. Pursuant to the City of Renton's Environmental Ordinance and SEPA (RCW 43.21C, 1971 as amended), on April 21, 2014, the Environmental Review Committee issued a Determination of Non-Significance - Mitigated (DNS-M) for the Whitman Court PUD. The DNS-M included two mitigation measures. A 14-day appeal period commenced on April 25, 2014 and ended on May 9, 2014. No appeals of the threshold determination were filed.
6. The Planning Division of the City of Renton accepted the above master application for review on August 4, 2014 and determined complete on August 7, 2014. The project was placed on hold on September 30, 2014 pending receipt of additional materials. The project was taken off hold on February 9, 2015. Therefore, the project complies with the 120-day review period.
7. The subject site forms an "L" shape and is bordered by NE 4th St to the north, and by residential and commercial uses to the east, west, and south.
8. The property is located within the Commercial Corridor (CC) Comprehensive Plan land use designation, the Commercial Arterial (CA) zoning classification, and Design District 'D'.
9. The project site is comprised of three parcels created as part of the Ribera Balko Short Plat (LUA02-129) and is currently vacant.
10. After deducting 32,446 square feet for right-of-way dedications, 3,841 square feet for access easements, and 32,126 square feet for critical areas from the 223,073 gross square footage of the site, the net square footage would be 154,660 square feet (3.55 net acres). The 40 unit proposal would arrive at a net density of 11.14 dwelling units per acre (40 units / 3.55 acres = 11.14 du/ac).
11. The following table are proposed approximate lot sizes for the Phase I Lots 1-20, and 41:

<u>Lot</u>	<u>Lot Size SF</u>	<u>Lot</u>	<u>Lot Size SF</u>
Lot 1	950	Lot 11	1,436
Lot 2	997	Lot 12	1,028
Lot 3	1,045	Lot 13	1,051
Lot 4	1,092	Lot 14	1,581
Lot 5	1,296	Lot 15	1,651
Lot 6	904	Lot 16	1,053
Lot 7	838	Lot 17	1,039
Lot 8	833	Lot 18	1,053
Lot 9	827	Lot 19	1,031
Lot 10	1,062	Lot 20	1,317
		Lot 41	32,144

12. Access would be provided via a series of private roads, alleys and driveways extended from Whitman Court NE. A limited right in/right out access entry along NE 4th St, in the western portion of the site, is also being proposed for the commercial bank site (Lot 41).
13. Residential parking is provided in private garages. Commercial parking in the amount of 17 surface parking stalls would be provided in a surface parking area to the east and west of the bank structure.
14. Maplewood Creek flows south along the western border of the site and exits through the middle of the southern border. Two wetlands have been identified on the site one of which straddles Maplewood Creek along the western portion of the property. A second, isolated, wetland was delineated along the southern portion of the property.
15. The subject site is located in Zone 2 of the Aquifer Protection Area and contains sensitive slopes.
16. No public or agency comments were received for the FPUD.

- 17. Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report.
- 18. The proposal requires Final Planned Urban Development Review. The plan shall be reviewed for substantial conformance with the approved preliminary plan and consistency with the purposes and review criteria of RMC 4-9-150G. The following table contains project elements intended to comply with the 40 conditions of approval of the Preliminary Planned Urban Development/Preliminary Plat approval and the two mitigation measures issued as a part of SEPA review under City File number LUA14-000295:

FINAL PLANNED URBAN DEVELOPMENT CONDITIONS COMPLIANCE TABLE:	
A) Preliminary Planned Urban Development Conditions:	
✓	<p>1) <i>The applicant shall comply with the two mitigation measures issued as part of the Determination of Non-Significance Mitigated, dated April 21, 2014.</i></p> <p><u>Staff Comment:</u> See compliance analysis below under subsection B) SEPA Environmental Review.</p>
Compliant if condition of approval is met	<p>2) <i>A final wetland mitigation plan which integrates the Ribero Balco Wetland and Stream Buffer Mitigation Plan with the Altmann-Oliver Mitigation Plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first. Additionally, in order to preserve and protect the wetland, stream, and associated buffers the applicant will be required, to maintain the Native Growth Protection Easement over that part of the site encompassing the stream/wetland and buffer area. Finally, the applicant would be required to maintain/install any split rail fencing and signage required per RMC 4-3-050 prior to the recording of the Final Plat/Final PUD approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The applicant has submitted a Final Wetland Mitigation Plan, dated September 26, 2014 (Exhibit 3). The mitigation plan was approved on October 20, 2014. The applicant is proposing to install the mitigation project prior to the recording of the plat and as a result has provided a surety device in an amount necessary to guarantee the installation of the plantings, signage, and fencing. Therefore staff recommends, as a condition of FPUD approval, the applicant be required to install the wetland mitigation project in conformance with the approved plan, dated September 26, 2014, prior to recording of the Final Plat or Final Occupancy for the residential or commercial buildings whichever comes first.</p>
✓	<p>3) <i>The applicant shall submit a screening/fencing detail plan. The screening/fencing detail plan shall be submitted to, and approved by, the Current Planning Project Manager prior to PUD/Final Plat approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The provided landscape plan, approved on October 20, 2014, includes screening/fencing detail to the satisfaction of the Current Planning Project Manager (Exhibit 3).</p>
✓	<p>4) <i>The applicant shall provide interpretative signage/information at the trail entrance along NE 4th St and at the northern most lookout along the trail. The site plan depicting the signage shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit/Final Plat approval whichever comes first.</i></p>

	<p><u>Staff Comment:</u> The provided wetland mitigation plan, approved on October 17, 2014, includes interpretative signage/information at the trail entrance to the satisfaction of the Current Planning Project Manager (Exhibit 3).</p>
<p>Compliant if condition of approval is met</p>	<p>5) <i>An easement shall be recorded memorializing the public access to the wetland trail prior to Final PUD/Final Plat Recording whichever comes first.</i></p> <p><u>Staff Comment:</u> A draft public access easement was submitted with the FPUD, which appears to be acceptable for recording. Staff recommends, as a condition of approval, the applicant shall be required to record the easement for public access to the wetland trail prior to recording of the Final Plat or Final Occupancy for the residential or commercial buildings, whichever comes first.</p>
<p>✓</p>	<p>6) <i>The applicant shall provide a final detailed landscape plan for review and approval by the Current Planning Project Manager prior to Final PUD/construction permit approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The provided landscape plan was reviewed and approved by the Current Planning Project Manager on October 20, 2014 (Exhibit 3).</p>
<p>✓</p>	<p>7) <i>The applicant shall amend the landscape plan to reflect plants with a maturity height of 6- feet and 100% obscurity for the entire length of the modified 5-foot wide visual barrier along the eastern portion of the southern property line. The revised landscape plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval, whichever comes first.</i></p> <p><u>Staff Comment:</u> The approved landscape plan, approved on October 20, 2014, reflects plants with a maturity height of 6-feet and 100% obscurity for the entire length of the modified 5-foot wide visual barrier along the eastern portion of the southern property line (Exhibit 3).</p>
<p>Compliant if condition of approval is met</p>	<p>8) <i>The applicant shall revise the elevation so that garage doors provide additional details and all sides of the building facing the public street and/or internal "street" provide a front door or front porch presence, if this is not achievable an approved landscape screen would be required between the sidewalk and the building. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to Final PUD/building permit approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The applicant has incorporated porches on all residential buildings in which garage doors can be viewed from the street. However, additional design elements should be incorporated into the first story including additional glazing, lighting, etc. in order to comply with this condition of approval. Therefore, staff recommends, as a condition of approval, the applicant submit revised elevations with additional architectural detailing on all sides of the residential buildings facing a street. The revised elevations shall be submitted to, and approved by the Current Planning Project Manager, prior to the commercial building permit approval.</p>
<p>Deferred to Final Plat Approval</p>	<p>9) <i>The applicant shall be required to dedicate 1-foot behind the sidewalk for maintenance in addition to right-of-way dedication for existing luminaire foundations along NE 4th St. The revised site plan shall be submitted to, and approved by the Current Planning Project Manager, prior to construction permit/Final PUD approval whichever comes first.</i></p>

	<p><u>Staff Comment:</u> The provided site plan depicts a dedication of one-foot behind the sidewalk along NE 4th St, however the applicant is proposing to formally dedicate the area as part of the Final Plat. Therefore staff recommends, as a condition of approval, the applicant shall be required to dedicate 1-foot behind the sidewalk for maintenance in addition to right-of-way dedication for the existing luminaire foundations along NE 4th St prior to or concurrent with the recording of the Final Plat.</p>
<p>✓</p>	<p>10) A revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first, depicting the following: North of Road 'A', the required planter strip adjacent to the bank site would be 8-feet, the sidewalk would be 5 feet, the existing 32-foot paved public road portion would remain, to allow the minimum width for the left turn lane at the signal. Right-of-way dedication to the back of the sidewalk would be required; South of Road 'A', would be required to remain a private road. The private road would have minimum 26-feet of asphalt curb face to curb face. The cross section would also include a planter strip of 5-feet and a 5-foot sidewalk. The paved width of this portion of the road would be finalized after a turning movement diagram to allow the turning of large trucks serving the post office is provided by the applicant. Signage must be provided by the developer at the transition from the public to the private road.</p> <p><u>Staff Comment:</u> The provided site plan depicts all street improvements as noted above to the satisfaction of the Plan Reviewer.</p>
<p>✓</p>	<p>11) The centerline of Road 'A' shall align with the centerline of the main post office driveway across Whitman Court NE. A revised site plan depicting the alignment shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit approval.</p> <p><u>Staff Comment:</u> The provided site plan depicts the appropriate driveway alignment as noted above to the satisfaction of the Plan Reviewer.</p>
<p>✓</p>	<p>12) The applicant shall be required to redesign the roads in order to provide a minimum of 20- foot wide paved drive lane, separate from any required sidewalks. The revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first.</p> <p><u>Staff Comment:</u> The provided site plan depicts a minimum 20-foot wide paved drive lane as noted above to the satisfaction of the Current Planning Project Manager.</p>
<p>Deferred to Building Permit Approval</p>	<p>13) The applicant shall equip all townhomes with an approved fire sprinkler system due to limited available fire flow and long dead end roadways at this site.</p> <p><u>Staff Comment:</u> The applicant has indicated that all structures would be equipped with fire sprinkler systems. This condition will be verified at the time of building permit approval.</p>
<p>Deferred Phase 2 of the FPUD</p>	<p>14) A minimum 2 feet of separation would be required between the face of any wall and the applicant would be required to demonstrate proposed common parking spaces have appropriate sight distance. The revised site plan shall be submitted to, and approved, by the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first.</p> <p><u>Staff Comment:</u> The walls have been redesigned to allow for the separation as required.</p>

	<p>The proposed common parking spaces are sited within the second phase of the Final PUD and will be verified at the time of its submittal.</p>
<p>Deferred to Final Plat Approval</p>	<p>15) <i>The project's bylaws or CC & R's shall restrict parking across the pedestrian pathways throughout the development. A copy of the bylaws shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first.</i></p> <p><u>Staff Comment:</u> Draft CC & R's were provided with the FPUD application. The CC & R's include the restriction of vehicle parking within the driveways. The CC & R's are required to be recorded prior to or concurrent with the Final Plat.</p>
<p>Deferred to Building Permit Approval</p>	<p>16) <i>The applicant shall provide a detailed plan set identifying the location and screening provided for roof mounted equipment for the proposed bank. The detailed plan set shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval for the bank.</i></p> <p><u>Staff Comment:</u> The applicant has indicated that roof mounted equipment for the proposed bank has been provided. This condition will be verified at the time of building permit approval.</p>
<p>✓</p>	<p>17) <i>A revised site/landscape plan shall be submitted depicting intervening landscaping at no more than 7 stall intervals in order to reduce the visual impact of surface parking throughout the development. The revised site/landscape plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The provided site plan depicts intervening landscaping at no more than 7 stall intervals in order to reduce the visual impact of surface parking throughout the development (Exhibit 2).</p>
<p>Deferred to Building Permit Approval</p>	<p>18) <i>The applicant shall submit a revised site plan depicting bicycle parking in conformance with RMC4-4-080F.11. The revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit/Final PUD approval whichever comes first.</i></p> <p><u>Staff Comment:</u> A total of 12 bicycle parking stalls (10 residential and 2 commercial) are required for the first phase of development. Based on the provided plan set, 20 of those stalls would be provided within in the garages for the residential units. However, insufficient information was provided with the FPUD application to verify compliance with the standards in RMC 4-4-080F.11.c. As such, staff recommends that compliance with condition 18 be provided with the building permit application.</p>
<p>✓</p>	<p>19) <i>The applicant shall be required to demonstrate how refuse and recyclables would be picked up and where it would be located on pick-up day to the satisfaction of the Current Planning Project Manager prior to Final PUD approval.</i></p> <p><u>Staff Comment:</u> The applicant has submitted a revised plan for refuse and recyclables pickup which ensures truck access to all trash cans and provides adequate ADA travel throughout the neighborhood, including the construction of a concrete pad in Tract F, as shown for Lots 16-20. Additionally, the sidewalk is proposed to be widened in front of Lot 15 in order to accommodate trash receptacles for Lots 15 and 16. Finally, the applicant has added a concrete pad in the planter, south of the mailboxes, on Whitman</p>

	<p>Ct for the benefit of Lots 5-10. Based on the revised plan the above condition has been met.</p>
✓	<p>20) <i>The applicant shall be required to revise the landscaping plan to enhance the landscaping/screening along NE 4 St, primarily directly in front of the drive-thru bays. The revised landscape plan shall be submitted to, and approved by, the Current Planning Project Manager prior to Final PUD/construction permit approval whichever comes first. Staff shall apply this condition in a flexible manner in order to ensure that the security interests of the bank are not compromised. This condition may be revised as necessary by staff to accommodate any administrative waiver to landscaping requirements authorized by City code.</i></p> <p><u>Staff Comment:</u> The provided landscape plan, approved on October 20, 2014, includes screening/fencing detail to the satisfaction of the Current Planning Project Manager (Exhibit 3).</p>
Deferred to Building Permit Approval	<p>21) <i>The applicant shall be required to submit revised elevations which include the refuse and recyclable enclosure made of masonry, ornamental metal or wood, or some combination of the three, and a roof. The revised elevations shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.</i></p> <p><u>Staff Comment:</u> The applicant has indicated that the refuse and recyclable enclosure for the proposed bank is made of masonry, ornamental metal or wood, or some combination of the three, and has a roof. This condition will be verified at the time of commercial building permit approval.</p>
✓	<p>22) <i>The refuse and recycling facilities shall be screened with landscaping on a minimum of three sides. The revised landscape plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The provided landscape plan, approved on October 20, 2014, includes landscape screening for the refuse and recycling facilities on a minimum of three sides to the satisfaction of the Current Planning Project Manager (Exhibit 3).</p>
✓	<p>23) <i>The applicant shall be required to reduce the number of residential curb cuts along the internal road system to the satisfaction of the Current Planning Division. A revised site plan shall be submitted to ,and approved by, the Current Planning Project Manager prior to construction permit/Final PUD approval whichever comes first.</i></p> <p><u>Staff Comment:</u> With the FPUD the applicant submitted a revised plan which eliminates the number of curb cuts from the public street to the satisfaction of the Current Planning Project Manager (Exhibit 2).</p>
✓	<p>24) <i>The applicant shall revise the site plan to depict a differentiation in materials for all pedestrian connections within parking areas and/or drive aisles on site. The revised site plan shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.</i></p> <p><u>Staff Comment:</u> With the FPUD the applicant submitted a revised plan which depicts a differentiation in materials for all pedestrian connections within parking areas and/or drive aisles on site to the satisfaction of the Current Planning Project Manager (Exhibit</p>

	2).
<p>Compliant if condition of approval is met</p>	<p>25) <i>The applicant shall submit revised elevations depicting added architectural detailing elements including lighting fixtures, contrasting materials, or special detailing along the ground floor of all residential units and the northern and western façades of the commercial building. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to Final PUD or building permit approval whichever comes first.</i></p> <p><u>Staff Comment:</u> The applicant submitted revised elevations as part of the FPUD application (Exhibits 5 and 6). Some of the conditioned detail elements are readily visible on the revised elevations however the applicant has noted additional elements could be presented at the time of building permit application. The revised elevations include contrasting materials (hardiboard beveled siding, wood braces, and entry stone) and modulation. Awnings and canopies have been included to provide special detailing along the ground floor for both the commercial and residential portions of the project.</p> <p>However, additional architectural elements are needed in order to meet the intent of this condition, and to ensure that buildings are visually interesting and reinforce the intended human-scale character of the pedestrian environment. In order to encourage building design that is more unique, urban in character, and is comfortable on a human scale, additional elements should be incorporated into the elevations. Staff recommends a condition of approval the applicant submit revised elevations which include additional architectural detailing to support a more distinctive design for the residential and commercial structures. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval. The applicant should consider the use of differing roof profiles, differing window sizes, lighting, additional braces, and/or additional changes in materials.</p>
<p>Compliant if condition of approval is met</p>	<p>26) <i>The applicant shall submit revised elevations depicting the use of the same materials finished on all sides of the building as well as additional changes in materials and color for the residential structures. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit/Final PUD approval whichever comes first. The applicant may also want to consider the use of the brick, integrally colored concrete masonry, or a similar high quality material, to ground the residential buildings for a height appropriate to the scale of the structure.</i></p> <p><u>Staff Comment:</u> Two separate material boards were submitted for the commercial and residential portions of the project. Based on the elevations and the provided color schemes, all buildings would be finished with a combination of entry stone, painted beveled hardiboard siding, and roof shingles. See additional comments and condition of approval associated with Condition #25.</p>
<p>✓</p>	<p>27) <i>The applicant shall submit a materials board subject to the approval of the Current Planning Project Manager prior to building permit approval. Acceptable materials include a combination of brick, integrally colored concrete masonry, pre-finished metal, stone, steel, glass, cast-in-place concrete, or other high quality material.</i></p> <p><u>Staff Comment:</u> Two separate material boards were submitted for the commercial and residential portions of the project. Based on the elevations and the provided color schemes all buildings would be finished with a combination of entry stone, painted beveled hardiboard siding, and roof shingles.</p>

<p style="text-align: center;">✓</p>	<p>28) <i>The applicant shall be required to provide a lighting plan that adequately provides for public safety without casting excessive glare on adjacent properties; at the time of building permit review. Pedestrian scale and downlighting shall be used in all cases to assure safe pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved administratively or is specifically listed as exempt from provisions located in RMC 4-4-075 Lighting, Exterior On-Site.</i></p> <p><u>Staff Comment:</u> The applicant submitted and had approved a lighting plan that adequately provides for public safety without casting excessive glare on adjacent properties during engineering permit review.</p>
<p style="text-align: center;">Compliant if condition of approval is met</p>	<p>29) <i>The applicant shall be required to submit revised elevations depicting additional ornamental lighting fixtures. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval.</i></p> <p><u>Staff Comment:</u> With the FPUD the applicant submitted revised residential/commercial elevations. However, the elevations did not include ornamental lighting fixtures to the satisfaction of the Current Planning Project Manager. Therefore, this condition shall still be applied to the FPUD as compliance is verified at building permit application.</p>
<p style="text-align: center;">✓</p>	<p>30) <i>The applicant shall provide revised site plan demonstrating compliance with the private open space standard of at least 15-feet in every dimension. The revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to Final PUD/building permit approval whichever comes first. This condition may be modified as necessary by staff to conform to any administrative waiver to the 15 foot standard granted pursuant to City code.</i></p> <p><u>Staff Comment:</u> Pursuant to RMC 4-9-250D the applicant requested an Administrative Modification from RMC 4-9-150E.2 which requires each ground floor unit of a Planned Urban Development (PUD), whether attached or detached, have private open space which is contiguous to the unit. The private open space is required to be demarcated at least fifteen feet (15') in every dimension. Each residential unit of the Whitman Court PUD appears to have private open space. However, the private open space does not appear to meet the minimum requirement of 15-feet in every dimension. The applicant is proposing a minimum of 75 square feet of private open space for each lot with no less than 7.5 feet in every dimension. The proposed development is designed specifically to increase the access and opportunity for open space. The multiple open spaces throughout the site are well designed and provide a variety of recreational opportunities for both passive and active recreation. Both active and passive recreation areas are significantly larger than the standard code requirements for which its benefits would extend beyond the proposed development to the public. The Critical Areas Tract (Tract A) represents 35% of the gross land area of the site which would continue to be set aside for the preservation of critical areas and be used for passive/visual recreation. Additionally, the proposal includes seven recreation tracts totaling approximately 20,000 square feet. The proposed 20,000 square feet far exceeds the minimum code requirement of 50 square feet per unit (50 SF x 40 units = 2,000 SF). The trail proposed within Tract A would also provide approximately 4,800 square feet of passive recreation space for bird viewing and walking. Therefore the proposal was determined meet the objectives intended by the Code requirements. On July 2, 2015 an approval was issued for the Private Open Space modification (Exhibit 9).</p>
<p style="text-align: center;">Deferred to</p>	<p>31) <i>Prior to the issuance of any occupancy permit, the developer shall furnish a security</i></p>

<p>Final Occupancy</p>	<p>device to the City in an amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the date of final approval of the planned urban development, and maintained for a period of 2 years thereafter prior to the release of the security device. A security device for providing maintenance of landscaping may be waived, if a landscaping maintenance contract, with a reputable landscaping firm licensed to do business in the City of Renton, is executed and kept active for a 2 year period. A copy of such contract shall be kept on file with the Planning Division.</p> <p><u>Staff Comment:</u> Staff recommends that the abovementioned condition be retained and deferred to Final Occupancy of the commercial or residential buildings whichever comes first.</p>
<p>Deferred to Final Plat Approval</p>	<p>32) The applicant shall create a homeowner’s association to ensure that the private roads and other common facilities are adequately maintained. The CC&Rs shall require the lot owners to maintain the common facilities and shall provide that the City may maintain the facilities at the expense of the lot owners if the lot owners fail to do so after receiving notice from the City. The CC&Rs shall be completed and approved by the City prior to final plat approval.</p> <p><u>Staff Comment:</u> Staff recommends that the abovementioned condition be retained and deferred to Final Plat approval.</p>
<p>✓</p>	<p>33) All proposed street names shall be approved by the City.</p>
<p>Deferred to Final Plat Approval</p>	<p>34) All adjacent rights-of-way and new rights-of-way dedicated as part of the plat, including streets, roads, and alleys, shall be graded to their full width and the pavement and sidewalks shall be constructed as specified in the street standards or deferred by the CED Administrator or his/her designee.</p> <p><u>Staff Comment:</u> Staff recommends that the abovementioned condition be retained and deferred to Final Plat Approval.</p>
<p>✓</p>	<p>35) If staff has not already done so, staff shall assess the need for crosswalks as required by RMC 4-7-160(B) and require crosswalks as circumstances warrant.</p>
<p>✓</p>	<p>36) All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have minimum radius of fifteen feet (15').</p>
<p>✓</p>	<p>37) Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision development.</p>
<p>✓</p>	<p>38) All utilities designed to serve the subdivision shall be placed underground. Any utilities installed in the parking strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the Department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the Department.</p>

✓	39) Any cable TV conduits shall be undergrounded at the same time as other basic utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley improvements when such service connections are extended to serve any building. The cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements, therefore required to bring service to the development, shall be borne by the developer and/or land owner. The subdivider shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to final ground elevation and capped. The cable TV company shall provide maps and specifications to the subdivider and shall inspect the conduit and certify to the City that it is properly installed.
Deferred to Final Plat Approval	40) Monumenting and street signs shall be installed prior to final plat approval as required by RMC4-7-210. <u>Staff Comment:</u> Staff recommends that the abovementioned condition be retained and deferred to Final Plat approval.
B) SEPA Environmental Review Mitigation Measures	
✓	1) All earthwork performed, implemented by the applicant, shall be consistent with the recommendations of the geotechnical report, prepared by Associated Earth Sciences, Inc., dated December 16, 2013.
✓	2) The applicant shall be required to design a Temporary Erosion and Sedimentation Control Plan (TESCP) pursuant to the current 2009 King County Surface Water Design Manual Erosion and Sediment Control Requirements.

G. CONCLUSIONS:

1. The proposal complies with the Final PUD review criteria if all conditions of approval are met.
2. The proposal is compliant and consistent with the plans, policies, regulations and approvals.
3. The proposal is compliant with all conditions of the Preliminary PUD and SEPA Environmental Review if all conditions of approval are met.
4. The second and final phase of the PUD would be required to be submitted prior to the expiration of the Preliminary PUD, June 11, 2019.
5. The request for Final Plat approval would be required to be submitted prior to the expiration of the Preliminary Plat, June 11, 2019.

H. DECISION:

The proposed Final Planned Urban Development for Whitman Court PUD (Phase I), File No. LUA14-001044, FPUD is **approved**. The proposal is subject to the following conditions:

1. The applicant shall be required to install the wetland mitigation project in conformance with the approved plan, dated September 26, 2014, prior to recording of the Final Plat or Final Occupancy for the residential or commercial buildings whichever comes first.

2. The applicant shall be required to record the easement for public access to the wetland trail prior to recording of the Final Plat or Final Occupancy, for the residential or commercial buildings whichever comes first.
3. The applicant shall submit revised elevations with additional architectural detailing on all sides of the residential buildings facing a street. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager, prior to the commercial building permit approval.
4. The applicant shall be required to dedicate one-foot behind the sidewalk for maintenance in addition to right-of-way dedication for the existing luminaire foundations along NE 4th St prior to/concurrent with recording of the Final Plat.
5. The applicant shall equip all townhomes with an approved fire sprinkler system due to limited available fire flow and long dead end roadways at this site.
6. A minimum 2 feet of separation would be required between the face of any wall, and the applicant would be required to demonstrate proposed common parking spaces have appropriate sight distance. The revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to second phase of the Final PUD.
7. The applicant shall create a homeowner's association to ensure that the private roads and other common facilities are adequately maintained. The CC&Rs shall require the lot owners to maintain the common facilities and shall provide that the City may maintain the facilities at the expense of the lot owners if the lot owners fail to do so after receiving notice from the City. The CC&Rs shall be completed and approved by the City prior to final plat approval.
8. The project's bylaws or CC & R's shall restrict parking across the pedestrian pathways throughout the development. The bylaws shall be recorded prior to Final Plat Approval.
9. The applicant shall provide a detailed plan set identifying the location and screening provided for roof mounted equipment for the proposed bank. The detailed plan set shall be submitted to, and approved by, the Current Planning Project Manager prior to commercial building permit approval for the bank.
10. The applicant shall submit a revised site plan depicting bicycle parking in conformance with RMC4-4-080F.11. The revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval.
11. The applicant shall be required to submit revised elevations which include the refuse and recyclable enclosure made of masonry, ornamental metal or wood, or some combination of the three, and a roof. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval.
12. The applicant shall submit revised elevations which include additional architectural detailing to support a more distinctive design for the residential and commercial structures. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval. The applicant should consider the use of differing roof profiles, differing window sizes, lighting, additional braces, and/or additional changes in materials.
13. The applicant shall be required to submit revised elevations depicting additional ornamental lighting fixtures. The revised elevations shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval.
14. Prior to the issuance of any occupancy permit (residential or commercial), the developer shall furnish a security device to the City in an amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the date of final approval of the planned urban development, and maintained for a period of 2 years thereafter prior to the release of the security device. A security device for providing maintenance of landscaping may be waived if a landscaping maintenance contract with a reputable

landscaping firm licensed to do business in the City of Renton is executed and kept active for a 2 year period. A copy of such contract shall be kept on file with the Planning Division.

- 15. All adjacent rights-of-way and new rights-of-way dedicated as part of the plat, including streets, roads, and alleys, shall be graded to their full width and the pavement and sidewalks shall be constructed as specified in the street standards or deferred by the CED Administrator or his/her designee.
- 16. Monumenting and street signs shall be installed prior to final plat approval as required by RMC 4-7-210.

Jennifer Henning, Planning Director

3/13/2015

Date

TRANSMITTED this 13th day of March 2015 to the Contact/Applicant/Owner:

Contact:	Owner/Applicant:
Eric LaBrie	Paul Ebensteiner
ESM Consulting Engineers, LLC	Lozier at Whitman Court LLC
33400 8th Ave S	1300 114th Ave SE, Suite 100; Bellevue,
Federal Way, WA 98003	WA 98004

TRANSMITTED this 13th day of March 2015 to the Parties of Record:

See attached Exhibit 8

TRANSMITTED this 13th day of March 2015 to the following:

C.E. "Chip" Vincent, CED Administrator
 Steve Lee, Development Review Manager
 Vanessa Dolbee, Current Planning Manager
 Fire Marshal

Land Use Action Appeals, Request for Reconsideration, & Expiration

The Final Planned Urban Development decision will become final if the decisions are not appealed within 14 days of the decision date.

Appeals of the administrative decision must be filed in writing to the Hearing Examiner on or before 5:00 p.m. on March 27, 2015.

APPEALS: An appeal of the decision(s) must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Renton Municipal Code Section 4-8-110 governs appeals to the Hearing Examiner. Appeals must be filed in writing together with the \$250.00 application fee to Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Additional information regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall - 7th Floor, (425) 430-6510.

RECONSIDERATION: Within 14 days of the decision date, any party may request that a decision be reopened by the Administrator (Decision-maker). The Administrator (Decision-maker) may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the Administrator (Decision-maker)

finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal timeframe.

EXPIRATION: The applicant shall prepare and submit building permit applications which are accepted as substantially complete to the Department of Community and Economic Development within six (6) months of the effective date of approval. The developer shall complete the approved planned urban development or any phase thereof included in the approved final plan within two (2) years from the date of the decision to approve the final plan by the Community and Economic Development Administrator, unless a shorter time is designated. Failure to complete the planned urban development, or any phase thereof, within this time limit will require the submittal of a new preliminary and final plan application in order to continue construction of the planned urban development. Failure to submit a new application or to complete the planned urban development once construction has begun shall constitute abandonment of the planned urban development subject to subsection K of this Section. Expiration of any building permit issued for a planned urban development shall be governed by the provisions of the applicable Building Code. Construction of any portion of the planned urban development requires a current approved planned urban development and a current building permit.

THE APPEARANCE OF FAIRNESS DOCTRINE: provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the administrative land use action. Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.

Planning:

1. RMC section 4-4-030.C.2 limits haul hours between 8:30 am to 3:30 pm, Monday through Friday unless otherwise approved by the Development Services Division.
2. RMC section 4-4-130 provides protection measures in order to preserve and protect the two trees during utility and building construction. The trees shall be fenced around the drip line and a sign posted that the tree is to be preserved, and the location of the trees shall be indicated on all utility construction plan sheets. The fencing shall be in place prior to the issuance of any utility construction permits and shall remain until the final inspection.

Plan Review:

1. The transportation and utility details of the project will be as per the utility construction permit associated with this project.
2. Transportation impact fee will be applicable at the time of building permit.

Aerial Photo



Notes

None



128 0 64 128 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

- City and County Boundary
 - Other
 - City of Renton
- Addresses
 - Parcels
 - 1st Floor
 - 1st Floor
 - 2nd Floor
 - 1st Floor
 - Other Buildings

EXHIBIT 4

Entire Document Available Upon Request

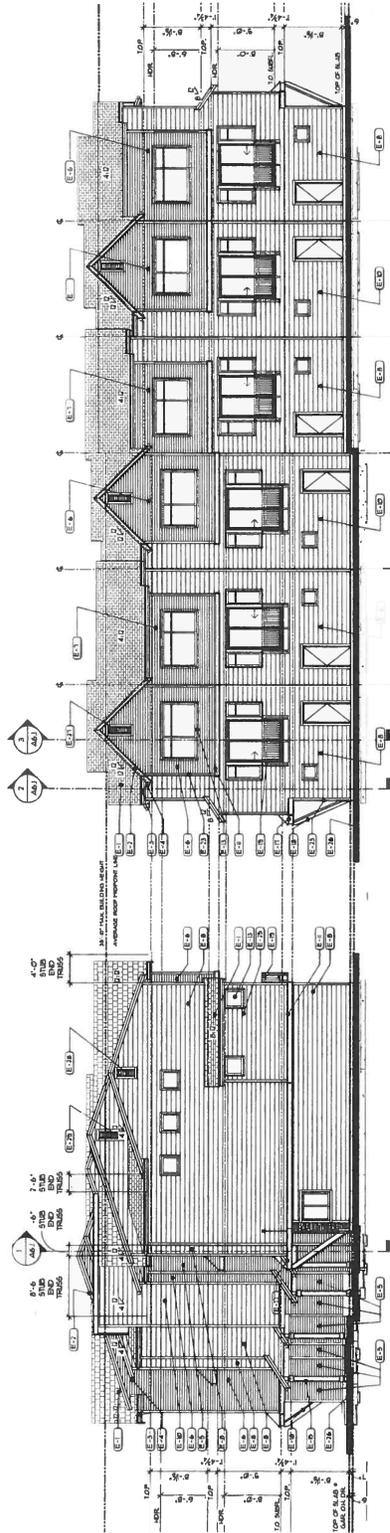
1801 13th, Floor RE Bldg. 1
Bellevue, Washington 98005
425.452.4000
www.gmbgroup.com

Architectural & Design © Phoenix
Washington, DC
Institution of Architecture

WHITMAN COURT TOWNHOMES
PROJECT ARCHITECT: WHITMAN COURT INC.
RENTON, WASHINGTON
CLIENT: LOZIER GROUP
BELLEVUE, WASHINGTON 98004
PH: 425.454.0600

BUILDING A ELEVATIONS
Date: 07/23/14
Drawn: TADG
Job #: 13002
Revision:

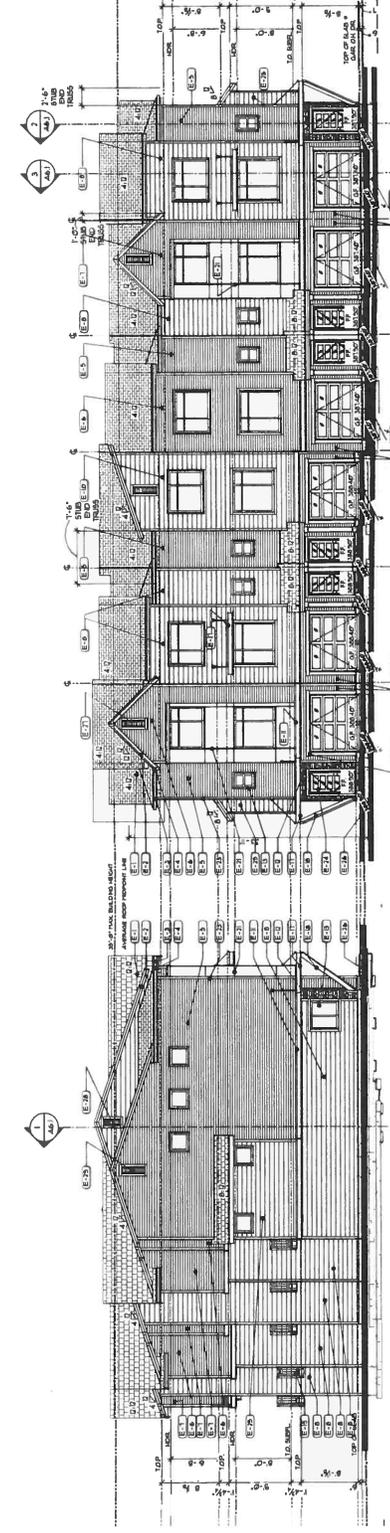
A 4.1
Bldg A



BUILDING A - WEST ELEVATION
SCALE: 1/8" = 1'-0"

BUILDING A - NORTHELEVATION
SCALE: 1/8" = 1'-0"

- ELEVATION NOTES**
- E.1 APICAL TYP. SHINGLES PER PER SPEC. INSTALL
 - E.2 2x6 SHINGE BOARD - H43 TRIM + GUTTER AND DOWNSPOUT
 - E.3 2x6 SHINGE BOARD - EAVES
 - E.4 2x6 SHINGE BOARD - EAVES
 - E.5 2x6 SHINGE BOARD - EAVES
 - E.6 2x6 SHINGE BOARD - EAVES
 - E.7 2x6 SHINGE BOARD - EAVES
 - E.8 2x6 SHINGE BOARD - EAVES
 - E.9 2x6 SHINGE BOARD - EAVES
 - E.10 2x6 SHINGE BOARD - EAVES
 - E.11 2x6 SHINGE BOARD - EAVES
 - E.12 2x6 SHINGE BOARD - EAVES
 - E.13 2x6 SHINGE BOARD - EAVES
 - E.14 2x6 SHINGE BOARD - EAVES
 - E.15 2x6 SHINGE BOARD - EAVES
 - E.16 2x6 SHINGE BOARD - EAVES
 - E.17 2x6 SHINGE BOARD - EAVES
 - E.18 2x6 SHINGE BOARD - EAVES
 - E.19 2x6 SHINGE BOARD - EAVES
 - E.20 2x6 SHINGE BOARD - EAVES
 - E.21 2x6 SHINGE BOARD - EAVES
 - E.22 2x6 SHINGE BOARD - EAVES
 - E.23 2x6 SHINGE BOARD - EAVES
 - E.24 2x6 SHINGE BOARD - EAVES
 - E.25 2x6 SHINGE BOARD - EAVES
 - E.26 2x6 SHINGE BOARD - EAVES
 - E.27 2x6 SHINGE BOARD - EAVES
 - E.28 2x6 SHINGE BOARD - EAVES
 - E.29 2x6 SHINGE BOARD - EAVES
 - E.30 2x6 SHINGE BOARD - EAVES
 - E.31 2x6 SHINGE BOARD - EAVES
 - E.32 2x6 SHINGE BOARD - EAVES
 - E.33 2x6 SHINGE BOARD - EAVES
 - E.34 2x6 SHINGE BOARD - EAVES
 - E.35 2x6 SHINGE BOARD - EAVES



BUILDING A - WEST ELEVATION
SCALE: 1/8" = 1'-0"

BUILDING A - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

EXHIBIT 5

EXTERIOR MATERIALS LEGEND:

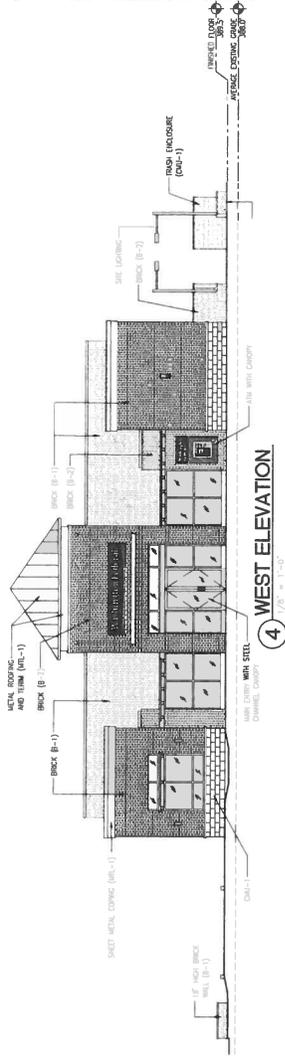
- MIL-1 (METALS) ROOF, WINDOWS, COPING
- B-1 (BRICK) RED "INCA"
- B-2 (BRICK) TAN "WHEAT"
- CMU-1 (GROUND FACE BLOCK) COLOR: CHARCOAL
- CONC-1 (PRECAST TRIM AND SILLS) COLOR: LUMESTONE

Washington Federal.
invested here.

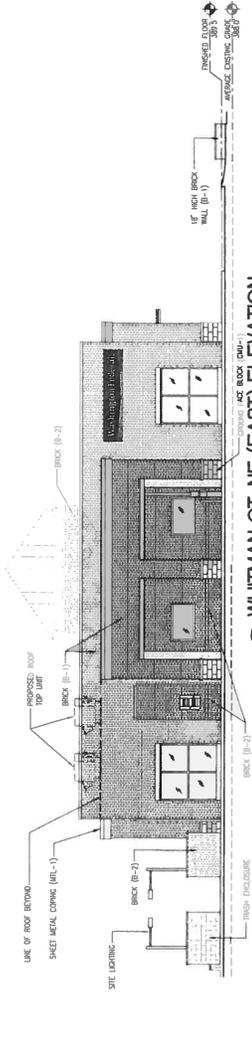
CRAFT architects
2400 Third Avenue
Suite 324
Seattle, WA 98121
206.726.7007 phone
206.726.2424 fax
www.craftarchitects.com

WASHINGTON FEDERAL
RENTON BRANCH
RENTON, WA

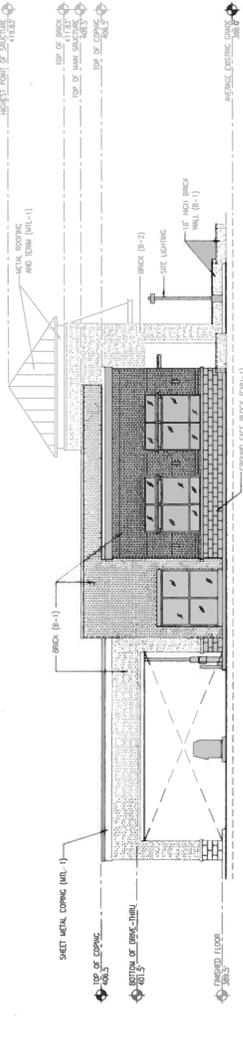
CONSULTANT



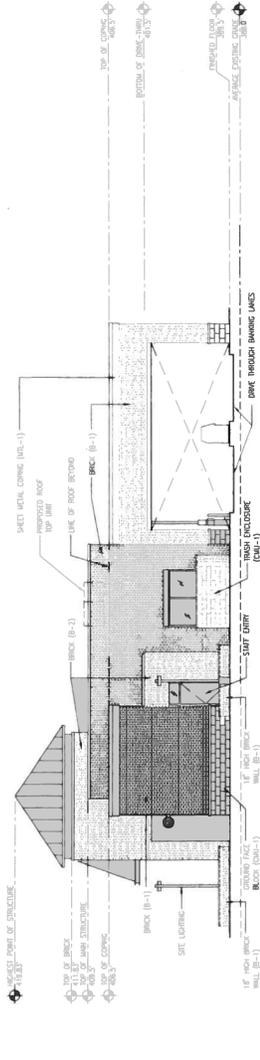
4 WEST ELEVATION
1/8" = 1'-0"



3 WHITMAN CT. NE (EAST) ELEVATION
1/8" = 1'-0"



2 NORTHEAST 4TH ST. (NORTH) ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"

Submitted/Revised:

SITE DEVELOPMENT PERMIT 02/14/2014
FINAL P.L.U. SUBMISSION 7/25/2014

Sheet Title: EXTERIOR ELEVATIONS & DETAILS

Date: 07/17/2014
Design: BC
Drawn: SMO
Project No: 13-651
Approved: BMC

Sheet No **A3.1**
COPYRIGHT CRAFT ARCHITECTS 2014

JUL 20 2011

RECEIVED

**CERTIFICATE OF ARTICLES OF INCORPORATION
FOR
WHITMAN COURT COMMUNITY ORGANIZATION
A Washington Nonprofit Corporation**

In compliance with the requirements of Revised Code of Washington chapter 24.03, as amended, Whitman Court Community Organization, a nonprofit corporation, hereby adopts this Certificate of Articles of Incorporation for Whitman Court Community Organization.

**ARTICLE I
Name**

The name of this corporation is WHITMAN COURT COMMUNITY ORGANIZATION.

**ARTICLE II
Duration**

The period of duration of this corporation shall be perpetual.

**ARTICLE III
Purpose**

The purposes for which this corporation is organized are to promote the welfare and interests of the residents of the Whitman Court Development as defined by the Declaration of Protective Covenants for Whitman Court as recorded in King County, Washington by administering and enforcing the protective covenants governing the use of the property in the development, approving plans for improvements of lots in the development in accordance with the protective covenants, engaging in civic improvements and development activities, acquiring, owning, improving, managing, repairing, maintaining and operating real and personal property for the benefit of its members, and to do such things as may be necessary and convenient to accomplish all such purposes.

**ARTICLE IV
Internal Regulations**

Section 1. Lots. As used in these Articles, Lot or Lots shall refer to Lots which are described in the Declaration of Protective Covenants for Whitman Court as recorded in King County, Washington.

Section 2. Memberships. There shall be a maximum of one membership in this corporation for each Lot and no more memberships. Membership in this corporation shall be appurtenant to and not severable from such fee ownership interest and shall transfer and terminate with transfers and termination of such interests without further action on the part of this corporation or its several members. Membership shall stand in the name or names of the persons who from time to time are record fee title owners of lots. The holders of the memberships shall be members of this corporation.

Section 3. Assessments. Each membership shall be subject to assessment in an amount determined by the Directors for administrative costs of the corporation and for

Whitman Court PUD
LUA14-000295
PARTIES OF RECORD

Applicant

Paul Ebensteiner
1300 114th Ave SE, 100
Bellevue, WA 98004
(425) 635-3938 paule@loziergroup.com

Contact

ESM Consulting Engineers LLC
33400 8th Ave S
Federal Way, WA 98003
(253) 838-6113 eric.labrie@esmcivil.com

Owner

SB 16 Ribera Balco LLC
190 Queen Anne Ave N, 100
Seattle, WA 98109

Party of Record

Verity Swearingen
4312 NE 2nd Ct
Renton, WA 98059
(206) 384-5388

Party of Record

Jeffrey Thomson
272 Vashon Pl NE
Renton, WA 98059

EXHIBIT 8

ADMINISTRATIVE MODIFICATION



APPROVAL



DENIAL

EVALUATION FORM & DECISION

PROJECT NAME: Whitman Court PUD - Private Open Space Modification
PROJECT NUMBER: LUA14-000295
PROJECT MANAGER: Rocale Timmons, Senior Planner
APPLICANT: Paul Ebensteiner
Lozier at Whitman Court LLC
1300 114th Ave SE, Suite 100
Bellevue, WA 98004
ZONING CLASSIFICATION: Commercial Arterial (CA)
PROJECT LOCATION: 4425 NE 4th St and 351 Whitman Court NE

SUMMARY OF REQUEST:

Pursuant to RMC 4-9-250D the applicant is requesting an Administrative Modifications from RMC 4-9-150E.2 which requires each ground floor unit of a Planned Urban Development (PUD), whether attached or detached, have private open space which is contiguous to the unit. The private open space is required to be demarcated at least fifteen feet (15') in every dimension.

BACKGROUND:

The applicant requested Preliminary Planned Urban Development, Preliminary Plat, and Environmental (SEPA) Review for the construction of a multi-family development containing 40 zero lot line townhomes and a 2,657 square foot commercial bank. The vacant 5.12 acre site is located within the Commercial Arterial (CA) zoning classification and the Commercial Corridor (CC) land use designation. The development would be comprised of 10 separate multi-family residential structures resulting in a density of 11.4 du/ac and one commercial building. The subject site is located on the southwest corner of the intersection of NE 4th St and Whitman Ct NE. The commercial lot would be accessed from NE 4th St and the remaining residential development would gain access from the existing portion and proposed extension of Whitman Ct NE. There is a Category 2 wetland and Maplewood Creek located on the western portion of the site. The PPUD would be used to vary lot, landscaping street, setback, parking, design, and refuse and recycle standards. The applicant proposed to preserve the wetland onsite and provide buffer enhancement as part of the proposed PUD public benefit, along with enhanced pedestrian and vehicular circulation, pedestrian amenities, and landscaping.

On June 11, 2014 the City's Hearing Examiner issued an approval of the Whitman Court PUD subject to 40 conditions of approval. Specifically related to private open space Condition #30 states: