

Z.C. CASE NO. 15-27

PROPOSED CONDITIONS OF APPROVAL RELATED TO THE ALLEY  
SUBMITTED BY UNION MARKET APARTMENTS LLC AND 1250 4<sup>TH</sup> ST EDENS LLC

As shown on Sheet L1.32 of the Architectural Plans and Elevations dated December 23, 2016 and included in the record of this case as Exhibit 61A12, Buildings C and D of the PUD are separated from the PUD approved in Z.C. Order No. 14-07, as amended (“Fourth Street PUD”), by a 48-foot wide alley (“Alley”). Both the Applicant and the applicants in the Fourth Street PUD have proposed improvements to portions of the Alley. Within the first 35 feet of width of the Alley, measured from the Fourth Street PUD (and labeled from east to west as a 5’ proposed planting area; 24’ drive lane; 1’ rolled curb, and half of the 10’ bike lane), the Applicant of this PUD agrees to the following:

- a. The Applicant shall not undertake construction of any improvements in the 35-foot wide portion of the Alley between Buildings C-1 and C-2 of this PUD and the Fourth Street PUD, until such time as the alley improvements approved as a part of the Fourth Street PUD have been constructed and the certificate of occupancy has been issued for the South Parcel building of the Fourth Street PUD. If such alley improvements have not been completed by December 31, 2019, the Applicant may proceed to construct its proposed alley improvements at that time but shall cooperate with the developers of the Fourth Street PUD to ensure that the Applicant’s work in the Alley does not compromise the completion and opening of the South Parcel of the Fourth Street PUD. This condition does not preclude either party from utilizing the Alley and making any necessary repairs to allow for access to their respective properties.
- b. The Applicant shall not undertake construction of any improvements in the 35-foot wide portion of the Alley between Building D of this PUD and the North Parcel building of the Fourth Street PUD, until such time as the alley improvements approved as a part of the Fourth Street PUD have been constructed and the certificate of occupancy has been issued for the North Parcel building. If such alley improvements have not been completed by December 31, 2022, the Applicant may proceed to construct its proposed alley improvements at that time but shall cooperate with the developers of the Fourth Street PUD to ensure that the Applicant’s work in the Alley does not compromise the completion and opening of the North Parcel of the Fourth Street PUD. This condition does not preclude either party from utilizing the Alley and making any necessary repairs to allow for access to their respective properties.