



Ruthanne Fuller
Mayor

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

	Public Hearing Date:	February 12, 2019
	Land Use Action Date:	April 23, 2019
	City Council Action Date:	May 6, 2019
	90-Day Expiration Date:	May 14, 2019
DATE:	February 8, 2019	
TO:	City Council	
FROM:	Barney Heath, Director of Planning and Development Jennifer Caira, Chief Planner for Current Planning Michael Gleba, Senior Planner	
SUBJECT:	Petition #39-19 , for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of a detached single-car garage where an attached two car garage exists, to allow greater than 700 sq. ft. of garage space and to allow a retaining wall greater than four feet in height in the setback at 32 Baldpate Hill Road , Ward 8, Newton Centre, on land known as Section 82 Block 26 Lot 01, containing approximately 25,225 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1, 3.4.3.A.4.a, 3.4.2.B.1, 3.4.3.A.4.c, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.	

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



EXECUTIVE SUMMARY

The property at 32 Baldpate Hill Road consists of a steeply-sloped, wedge shaped 25,225 square foot lot in a Single Residence 1 (SR1) district. The parcel, which comes to a point at the rear and therefore has no rear lot line, is improved with a single-family residence constructed in 1958 with two parking bays located on the basement level.

The petitioners are proposing to construct a single-car garage in addition to the existing attached parking stalls. Due to the grade of the lot, the proposed garage would be built partially into the slope, presenting its full height adjacent to the existing dwelling's front facade. The rear of the garage would be largely below grade and its roof would be at the same level as a patio system located at the rear of the dwelling.

Despite appearances, the garage is considered to be detached from the dwelling and therefore subject only to the five-foot setback requirement for accessory structures rather than the 20-foot side setback requirement it would be subject to were it to be considered attached. As designed, a staircase located between the proposed garage and the existing dwelling (and separated from the latter by an \leq 2-inch gap) would provide access to uncovered but occupiable space on the garage's roof as well as new patio/pool/spa space to be located largely at the same level as the garage roof at the rear of the dwelling. Two additional accessory structures, containing a bathroom and storage space, would also be located at that level and within the left side setback.

The proposed construction would also entail the construction of retaining walls exceeding four feet in a setback. The Planning Department has concerns regarding the request for the additional garage given the appearance as an attached garage within the side setback and the addition of a third garage space which appears to be out of context for the neighborhood.

I. ZONING REVIEW

Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment A**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- S.P. per §7.3.3 to allow:
 - more than one garage (§3.4.2.B.1, §3.4.3.A.4.a);
 - garage space exceeding 700 square feet (§3.4.2.B.1 §3.4.3.A.4.c);
 - a retaining wall exceeding four feet in height in a setback (§5.4.2).

II. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback in the Single Residence 1 (SR1) district. (§7.3.3.C.1);
- The project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback will adversely affect the neighborhood (§7.3.3.C.2);
- The project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

III. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Baldpate Hill Road, a circular street just to the west of Brookline Street and Dudley Road. The site and surrounding neighborhood are developed with single-family homes (**Attachment B**). The site and immediate area are zoned Single Residence 1 (SR1); adjoining neighborhoods to the east are zoned either Single Residence 2 (SR2) or Single Residence 3 (SR3) (**Attachment C**).

B. Site

The subject property is a wedge-shaped, 25,225 square foot lot improved with a single-family residence constructed in 1958. As the lot narrows to a point at the rear, it does not have a rear lot line. The parcel has a significant slope, with a 64-foot upward grade change from front to back (northeast to southwest).

The lot is accessed by a curb cut located on the right (north) side of the property that leads to a cobblestone and asphalt paved driveway that extends the width of the dwelling's front façade and serves the two existing basement level garage bays. This driveway/circulation area, which is set back about 20 feet from the front property line and is approximately 10-12 higher than Baldpate Hill Road, is well-screened from the adjacent public way. The remaining portions of this steeply sloped lot site are well landscaped and feature mature trees and shrubs as well as lawn, patio, and play areas.

IV. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family dwelling.

B. Building and Site Design

The petitioners seek to construct a detached single-car garage within the left side setback, measuring 478 square feet in addition to the existing two car garage located on the ground level of the dwelling, resulting in the dwelling having more than one garage and more than the 700 square feet of garage space allowed by right. The petitioners also propose to construct significant new hardscaping and associated retaining walls behind the existing dwelling to accommodate construction of a pool, spa space and accompanying patios and stairs. In certain locations, the proposed retaining walls will exceed four feet in height within the side setbacks.

The property's resulting floor area ratio (FAR) would slightly increase, from 0.22 to 0.24, but remain below the allowed 0.26. The parcel's resulting lot coverage would be 11.9%, higher than the existing 9.72% but below the maximum 20% allowed. The open space on the parcel would measure 72.98%, slightly less than existing 76.21% but above the required 65%.

The garage would present as nine feet high, plus three feet of railing, at its front (its height reduces from front to back given the upward slope of the site). There would be no change to the parcel's existing front setback (there is no rear set back given the lot's shape). The right setback would remain unchanged.

Regarding the left setback, given the separation provided by the staircase and/or the \leq 2-inch gap between it and the existing dwelling, the garage structure would be considered a detached accessory structure and can be located within a setback. As designed, it is located seven feet from the left property line, slightly more than the minimum five feet required for detached accessory structures. The Planning Department notes that were the proposed garage considered to be attached to the dwelling it would be subject to the 20-foot setback required for principal structures.

Two other accessory structures, one to be used for storage and another for a bathroom, are also to be located within the left setback (the Planning Department notes that the bathroom structure is not apparent on the submitted site survey and recommends the petitioner clarify this issue). Given the slope of the site, they are to be located at the same level as the roof of the proposed garage and the patio to the rear of the dwelling. The Planning Department has some concern regarding the proposed garage's presentation as a seemingly attached garage that projects into the left side setback, as well as the addition of a third garage space on a site that appears to have ample parking. In reviewing the neighborhood context, the Planning Department did not find other examples of multiple garage structures or three-car garages.

If this petition moves forward, Planning staff recommends the petitioner explore pushing the garage further back into the site, in effect "tucking it under" the proposed bathroom and storage accessory structures proposed in the left side setback. It is thought this would increase the articulation of the front façade, reduce the garage's

“attached” appearance, and minimize its visible presence and massing in the setback by placing more of its structure underground. Such exploration should include any implications for retaining walls, paved surfaces, run-off, etc.

C. Parking and Circulation

The petitioners are proposing to provide an enclosed third parking stall in the proposed garage. It would be accessed via an extension of the existing paved driveway that would replace some existing landscaping.

D. Landscaping

The site has a significant amount of dense vegetation parallel to the street that effectively screens the dwelling and the site of the proposed garage. Per the landscape plans submitted by the petitioner, the proposed garage and driveway extension would be screened along the front and left property line by trees, including several new deciduous to be located between the street and the existing row of evergreens located along the driveway. The landscape plans also indicate the installation of extensive new plantings in the vicinity of the proposed patio, pool and spa areas to the rear of the house, including several new trees and extensive shrubbery.

V. TECHNICAL REVIEW

A. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**) providing an analysis of the project proposal with regard to engineering issues.

B. Newton Historic Commission Review

The proposed garage has been determined to not be subject to NHC jurisdiction.

VI. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Review memorandum
- Attachment B:** Land Use Map
- Attachment C:** Zoning Map
- Attachment D:** Engineering Division memorandum
- Attachment E:** DRAFT Council Order



Ruthanne Fuller
Mayor

ATTACHMENT A

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 9, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurance Lee, Attorney
Matthew and Dina Wosk, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow more than one garage, a garage in excess of 700 square feet, and a retaining wall in excess of four feet in the setback**

Applicant: Matthew and Dina Wosk	
Site: 32 Baldpate Hill	SBL: 82026 0001
Zoning: SR1	Lot Area: 25,225 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 32 Baldpate Hill consists of a 25,225 square foot lot improved with a single-family residence constructed in 1958. The lot is pie-shaped, coming to point at the rear, resulting in no rear lot line. It also has a significant front to back upward slope, with 64 feet of grade change. The petitioners seek to construct a detached single-car garage in addition to the existing attached two-car garage, as well as a patios and pool area requiring retaining walls exceeding four feet.

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

- Zoning Review Application, prepared Laurance Lee, attorney, dated 11/15/2018
- FAR Worksheet, submitted 11/15/2018
- Proposed Conditions Plan, signed and stamped by Verne T. Porter, Jr, surveyor, dated 10/24/2018
- Zoning Review Grading Plan, prepared by Gregory Lombardi Design, dated 10/26/2018
- Architectural plans and elevations, prepared by babbitt design, CMD Design Inc and Gregory Lombardi Design, dated 11/12/2018

ADMINISTRATIVE DETERMINATIONS:

1. Sections 3.4.2.B.1 and 3.4.3.A.4.a requires that there be no more than one garage per single-family dwelling or dwelling unit. The petitioners have an existing attached two-car garage in the basement level and propose to construct a third garage bay in a separate detached structure. To have the three garage bays within two separate garage structures requires a special permit.
2. The proposed detached garage adds 478 square feet, in addition to the existing two-car attached garage under the dwelling. Per sections 3.4.2.B.1 and 3.4.3.A.4.c, a private garage may not exceed 700 square feet of ground floor area. A special permit is required for the additional detached garage exceeding the maximum 700 square feet.
3. Section 5.4.2 requires a special permit for retaining walls exceeding four feet in height within a setback. The petitioners propose construction of retaining walls behind the existing dwelling to accommodate construction of a pool and accompanying patios. In certain locations, the walls will exceed four feet in height within the side setbacks, requiring a special permit.

SR1 Zone	Required	Existing	Proposed
Lot Size	25,000 square feet	25,225 square feet	No change
Frontage	140 feet	163 feet	No change
Setbacks - Principal			
• Front	40 feet	50.1 feet	No change
• Side	20 feet	20.5 feet	No change
• Rear	25 feet	N/A	No change
Setbacks – Accessory			
• Front	40 feet	N/A	44.2 feet
• Side	5 feet	N/A	7 feet
• Rear	5 feet	N/A	N/A
Max Number of Stories	2.5	2.5	No change
Max Height Principal	36 feet	29.7 feet	No change
Max Height Accessory	18 feet	N/A	14.06 feet
FAR	.26	.22	.24
Max Lot Coverage	20%	9.72%	11.9%
Min. Open Space	65%	76.21%	72.98%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.2.B.1 §3.4.3.A.4.a	Request to allow more than one garage	S.P. per §7.3.3
§3.4.2.B.1 §3.4.3.A.4.c	Request to allow for garage space exceeding 700 square feet	S.P. per §7.3.3
§5.4.2	Request to allow a retaining wall exceeding four feet in height in a setback	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

ATTACHMENT B

Land Use

32 Baldpate Hill Rd.

City of Newton,
Massachusetts

Land Use

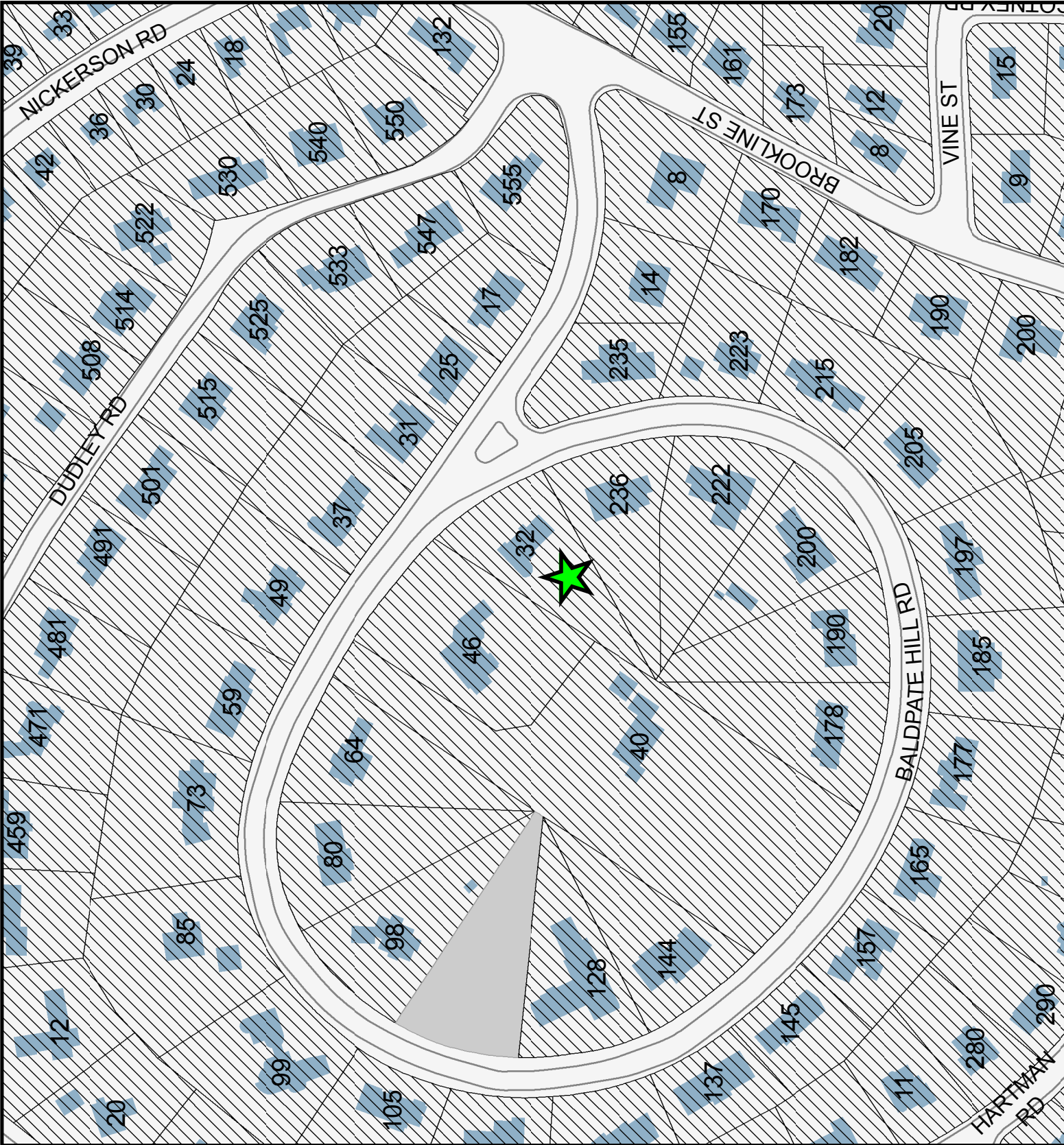
Land Use



Single Family Residential



Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

ATTACHMENT C

Zoning

32 Baldpate Hill Rd.

City of Newton,
Massachusetts

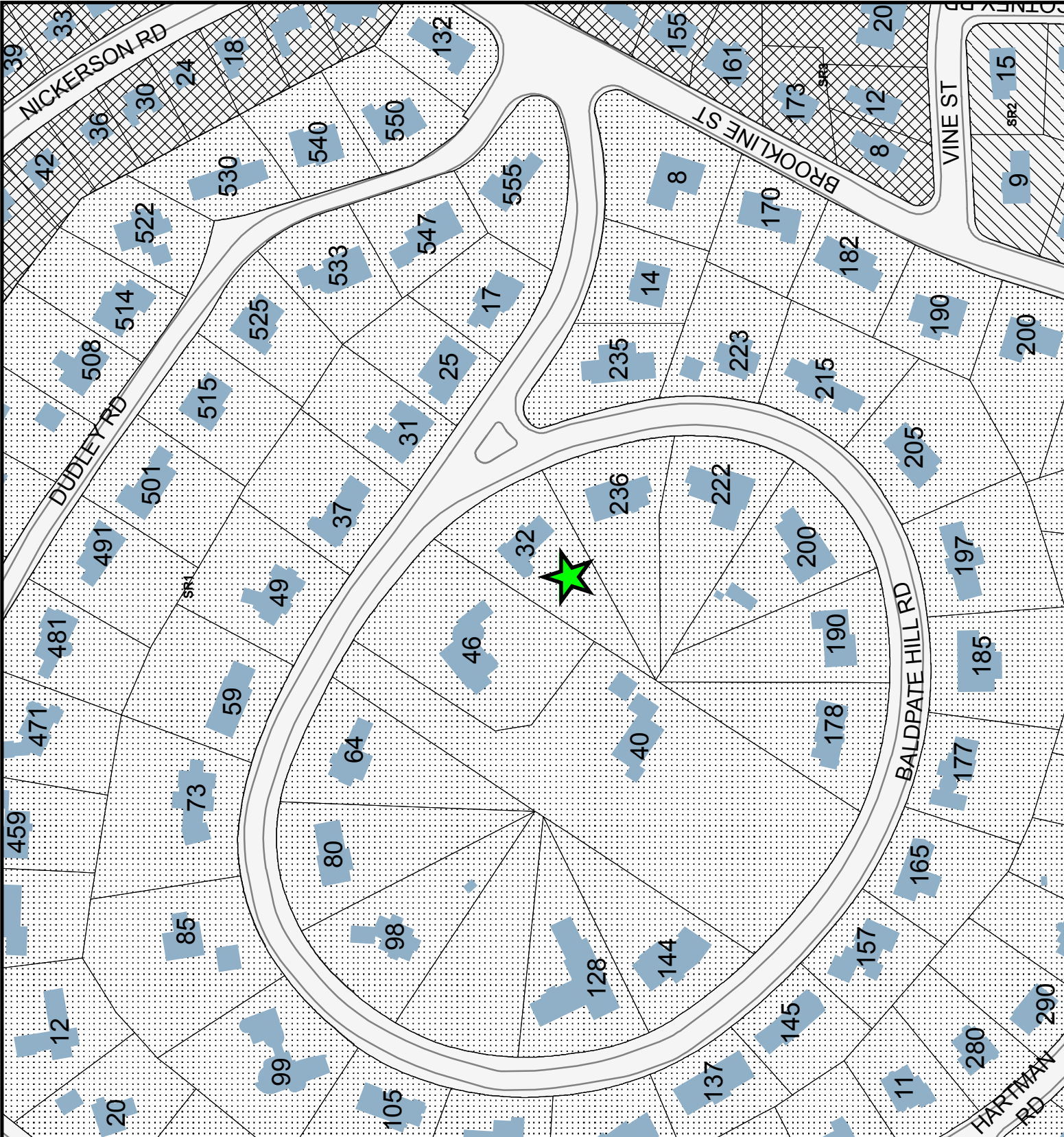
- Single Residence 1
- Single Residence 2
- Single Residence 3



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

Map Date: January 25, 2019



ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 32 Baldpate Hill Road

Date: January 31, 2019

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gelba, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*32 Baldpate Hill Road
Proposed Conditions Plan
Prepared By: Verne T. Porter., JR., PLS
Dated: January 10, 2019*

Executive Summary:

This project entails a proposed swimming pool, patio area and a single stall garage. The lot is approximately 25,225 square feet (0.57 acres) and has a high point at elevation 309' at the rear of the site and slopes towards the street at elevation 246'. The design incorporates a drainage collection system for the impervious surfaces and infiltrates the collected stormwater into a series of leaching dry-wells. The design complies with the DPW's Stormwater Management Policy. The operation and maintenance plan is appropriate for the design intent. It is imperative that the homeowner follow the maintenance plan as outlined to ensure proper functionality of the system's design intent and long-term performance.

Construction Management:

Although siltation control is indicated on the plan, I will require that the straw wattle which is to be installed along the northern property line extend down to the base of the lawn area then turn and wrap around the proposed area of the leaching dry-wells and terminate near the base of the existing landing at the front of the home.

Catch basins downstream of the site will need to have silt socks installed throughout the duration of construction. Any siltation that does migrate onto Baldplate Hill Road due to construction from this site shall be mechanically swept daily.

Drainage:

- It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. Any tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of the drainage system installation. The system shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Trench permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the Building Permit plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should

show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***

7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

ATTACHMENT E

DRAFT #39-19
32 Baldpate Hill Road

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than one garage on the property, garage space exceeding 700 square feet, and retaining walls exceeding four feet in height in a setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback in the Single Residence 1 (SR1) district. (§7.3.3.C.1);
2. The project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback will not adversely affect the neighborhood as the topography and shape of the site is such that there will be limited if any visibility of the garage from adjacent public ways and properties (§7.3.3.C.2);
3. The project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #39-19

PETITIONER: Matthew Wosk and Dina Wosk

LOCATION: 32 Baldpate Hill Road, Section 82, Block 26, Lot 1, containing approximately 25,225 square feet of land

OWNER: Matthew Wosk and Dina Wosk

ADDRESS OF OWNER: 32 Baldpate Hill Road
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- more than one garage (§3.4.2.B.1, §3.4.3.A.4.a);
- garage space exceeding 700 square feet (§3.4.2.B.1 §3.4.3.A.4.c);
- a retaining wall exceeding four feet in height in a setback (§5.4.2).

ZONING: Single Residence 1 (SR1) 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 the following plans:
 - a. an engineering plan entitled “32 Baldpate Hill Road, Newton, MA, Proposed Conditions Plan,” dated January 10, 2019, prepared by Verne T. Porter Jr., PLS, signed and stamped by Verne T. Porter, Registered Professional Land Surveyor
 - b. a plan entitled “32 Baldpate Hill Road, Newton, MA, Landscape Plan,” dated January 11, 2019;
 - c. a set of landscape plans entitled “32 Baldpate Hill Road, Newton, Massachusetts,” prepared by Gregory Lombardi Design, Inc., dated October 23, 2018, consisting of the following sheets:
 - i. Planting Plan- Front Trees and Shrubs (L3.01),
 - ii. Planting Plan- Front Perennials (L3.02),
 - iii. Planting Plan- Pool Terrace Trees and Shrubs (L3.03),
 - iv. Planting Plan- Pool Terrace Perennials (L3.04),
 - v. Planting Plan- Slope Trees and Shrubs (L3.05),
 - vi. Planting Plan- Slope Perennials (L3.06),
 - d. a set of architectural plans entitled Wosk Residence, 232 Bald Pate Hill Rd., Newton, MA, prepared by Babbitt Design, CMD Design, Inc., and Gregory Lombardi Design, dated November 12, 2018, consisting of the following sheets:
 - i. Proposed Front Elevation (A-3),

- ii. Proposed Left & Right Side Elevations (A-4).
2. 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 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 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 site plan.
 - d. Submitted a final Landscape Plan to the Director of Planning and Development for review and approval.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 3. No Final Inspection and/or Occupancy Permit for the buildings covered by 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. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features.
 4. Notwithstanding the provisions of Condition #3 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.