



CONSIDER AN APPLICATION FOR CONDITIONAL ZONING FOR ASPEN CHAPEL HILL FROM NEIGHBORHOOD COMMERCIAL (NC) AND RESIDENTIAL-3 (R-3) TO RESIDENTIAL-6-CONDITIONAL ZONING DISTRICT (R-6-CZD) (PROJECT #21-060)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Britany Waddell, Director
 Judy Johnson, Assistant Director
 Corey Liles, Planning Manager

<p>PROPERTY ADDRESS</p> <p>701 and 707 Martin Luther King Jr. Blvd and 201-205 E. Longview Street</p>	<p>MEETING DATE</p> <p>March 8, 2023</p>	<p>APPLICANT</p> <p>Derick Blankenship, McAdams on behalf of York Acquisitions, LLC (contract purchaser) and Capkov Ventures Inc., Faye A. Johnson, and Lukri Investments, LLC (property owners)</p>
<p>TOWN MANAGER’S RECOMMENDATION</p> <p>That the Council 1) close the legislative hearing, 2) receive the Town Manager’s recommendation, 3) consider adopting the Resolution of Consistency and Reasonableness, and 4) consider enacting the Ordinance approving the Conditional Zoning application.</p>		
<p>UPDATES SINCE THE OCTOBER 19, 2022 LEGISLATIVE HEARING</p> <ul style="list-style-type: none"> • Age Restriction: Added condition requiring tenants to be 21 years old at the time of occupancy or reach 21 years of age during the first year of their lease. • Multimodal Network Contribution: Proposal for a \$100,000 payment to be used by the Town for construction of greenways and bicycle/pedestrian infrastructure in the surrounding area. • Buffer Encroachments: Request for an additional modification to regulations for the buffer along Longview Street. The modification would allow a reduction in plantings, along with buffer encroachments for a rideshare/pickup area, loading area, and utilities. 		
<p>ZONING</p> <p><i>Existing:</i> Neighborhood Commercial (NC) and Residential-3 (R-3)</p> <p><i>Proposed:</i> Residential-6-Conditional Zoning District (R-6-CZD)</p>	<p>DECISION POINTS</p> <p>The applicant is requesting a Modification to Regulations for the following:</p> <ul style="list-style-type: none"> • Increase Maximum Residential Density • Increase Maximum Height (setback and core) • Reduce Minimum Street Setback along Longview St. • Allow Buffer Encroachments along Longview St. • Increase Maximum Floor Area • Reduce Minimum Vehicular Parking • Allow Uses and additional Land Disturbance in the Resource Conservation District • Increase Maximum Land Disturbance of Steep Slopes 	
<p>PROCESS</p> <p>Conditional Zoning is a legislative process that allows Town Council to review the rezoning application for consistency with the Land Use Plan in the Comprehensive Plan and establish standards that address any impacts on surrounding properties.</p>		

PROJECT OVERVIEW

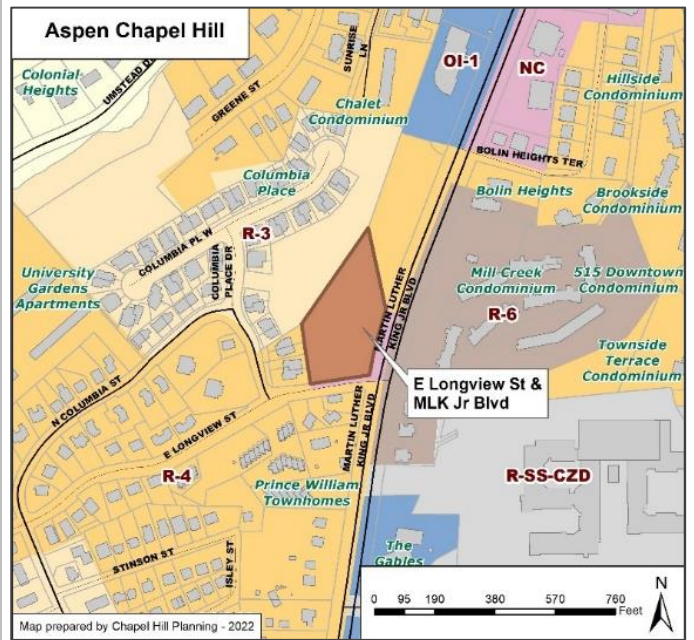
This project proposes to demolish the existing auto repair shop and residences to construct a multifamily residential building with approximately 112 units. The building will include resident amenities and structured, wrapped parking.

The applicant proposes voluntary provision of 14 on-site units of affordable housing, with 10 units affordable to households earning 65% or less Area Median Income (AMI) and 4 units affordable to households earning 80% or less AMI.

The amount of recreation space proposed exceeds Town requirements. The applicant has agreed to a \$100,000 payment for transit improvements (Bus Rapid Transit station(s) and bicycle/pedestrian access).

A Transportation Impact Analysis was completed for the project and did not recommend any constructed improvements.

PROJECT LOCATION



ATTACHMENTS

1. Technical Report and Project Fact Sheet
2. Draft Staff Presentation
3. Resolution A (Resolution of Consistency and Reasonableness)
4. Ordinance A (Approving the Application)
5. Resolution B (Denying the Application)
6. Modifications to Regulations (Updated Applicant Request)
7. Zoning Commitments from Applicant
8. Updated Applicant Materials
9. Draft Applicant Presentation



TECHNICAL REPORT

UPDATES SINCE THE OCTOBER 19, 2022 LEGISLATIVE HEARING

Staff worked with the applicant to modify the plans and revise Ordinance A to reflect the direction provided by Council during the legislative hearing:

- **Age Restriction:** The applicant has proposed a condition whereby the owner must require tenants to be 21 at the time of occupancy or reach 21 years of age during the first year of their lease.
- **Multimodal Network Contribution:** The applicant has proposed a \$100,000 payment to be used by the Town for construction of greenways, bicycle, and pedestrian infrastructure within 1 mile of the site. The applicant's intent is to further the Town's initiative for Everywhere-to-Everywhere Greenways and general interest in multimodal travel.
- **Buffer Encroachments:** The applicant has requested an additional modification to regulations for the 15 ft. Type A Buffer along Longview Street. A reduction in plantings would be allowed, along with buffer encroachments for a rideshare/pickup area, loading area, and utilities. The inclusion of a rideshare/pickup area on Longview Street is consistent with recommendations from the Advisory Boards.
- Other community benefit opportunities were considered, related to the developer providing public access to on-site resident amenities. Staff recommends against including zoning conditions of this nature due to potential liability issues.
- **Timeline of Development Activity:** Staff compiled the timeline below to provide further detail and clarification on the timeline of the development proposal, including in the context of other projects.

Date	Item	Description
December 9, 2020	Future Land Use Map adopted	Includes guidance for the South MLK Jr Blvd Focus Area: "Residential uses that are likely to attract students are appropriate in locations close to transit and with access to shopping and convenience to campus. These locations include...south of Hillsborough Street."
February 8, 2021	Aspen Concept Plan submittal	Application submitted a plan that proposed "a multifamily student housing community with +/- 109 units in a single-building."

March 24, 2021	Council review of 'The Flats' Concept Plan	Council provided comments on a separate student housing proposal at a nearby location, 607-617 Martin Luther King, Jr. Blvd. The minutes note that "Several Council Members stressed the importance of revisiting a Town/University study and determining how much student housing the Town wanted and where it wanted it."
May 12, 2021	Council review of Aspen Concept Plan	Council provided comments on the Aspen student housing proposal. The minutes note that "Some Council Members commented on the opportunity cost to the Town of having student housing at a prime location."
August 26, 2021	Formal application submittal	Application submitted for Conditional Zoning for the Aspen student housing project. This initiated formal review by Town staff, Advisory Boards, and Council.
November 5, 2021	Housing Study presented	The Council Committee on Economic Sustainability received information on the Projected Housing Needs 2020-2040 report. A finding of the report was that off-campus student housing production would need to increase by an average of about 45 units per year, as part of avoiding a rise in the jobs-housing ratio.
October 17, 2022	Discussion between applicant and University staff	UNC Real Estate Operations staff noted an interest in housing all sophomores on campus and encouraged the applicant to consider a 21+ provision for Aspen residents (while reiterating that UNC does not take a position on proposed private housing projects).
October 19, 2022	Council Hearing	Council opened the legislative hearing on the Conditional Zoning application for the Aspen student housing project. Council members strongly voiced concerns around dedicating housing at this site to the student population, given the proximity to Downtown and the opportunity to create workforce housing.
March 8, 2023	Council Meeting	Council has the opportunity to close the hearing and consider action on the Aspen Conditional Zoning application. The applicant proposes including a condition of approval that requires occupants to be 21 or older.

PROPOSED ZONING

The application proposes applying a Residential-6-Conditional Zoning District (R-6-CZD) to the site to accommodate the proposed project.

The intent of the Residential-6 zoning district is “to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development.” (LUMO Section 3.3.9)

The applicant has submitted a Conditional Zoning application, which allows review of the development proposal in conjunction with the rezoning, and which allows site-specific standards to be formulated and applied as conditions through a legislative process.

Conditions are typically used to:

- Address conformance of the development with Town regulations and adopted plans.
- Modify use, intensity, and development standards to be more restrictive when addressing impacts reasonably expected to be generated by development.
- Modify intensity and development standards to be less restrictive when accommodating the applicant’s proposed site plan (Modifications to Regulations).

A –CZD suffix would be added to the zoning district designation to incorporate the approved conditions.

SITE CONTEXT

Staff has identified the following physical and regulatory characteristics of the land which are relevant to consideration of a Zoning Atlas Amendment:

- The site consists of approximately 2 acres with an existing auto repair shop and two single-family residences.
- The site fronts on Martin Luther King Jr. Blvd., an arterial street maintained by the North Carolina Department of Transportation, and E. Longview St., a Town-maintained local street.
- The properties to the south, west, and northeast are zoned Residential-4 (R-4).
- The Columbia Place development to the northwest is zoned Residential-3 (R-3).
- The Mill Creek Condominium development to the east, across Martin Luther King Jr. Blvd., is zoned Residential-6 (R-6).
- There is an intermittent stream on the site, partially piped, which is subject to a Resource Conservation District (RCD). The stream is not subject to a Jordan Buffer, and there is no associated floodplain or wetlands impacting the site.
- The site slopes downward from southwest to northeast and contains existing vegetation. A considerable portion of the site features steep slopes.

PROPOSED MODIFICATIONS TO REGULATIONS

1) Section 3.8.2: Dimensional Regulations

a) Maximum Residential Density:

- *Permitted:* 15 units per acre in the Residential-6 (R-6) zoning district
- *Requested:* Increase to 61 units per acre

b) Maximum Setback (primary) Height:

- *Permitted:* 39 ft. in the R-6 zoning district
- *Requested:* Increase to 81 ft.

c) Maximum Core (secondary) Height:

- *Permitted:* 60 ft. in the R-6 zoning district
- *Requested:* Increase to 81 ft.

d) Minimum Street Setback (E. Longview St.)

- *Required:* 20 ft. in the R-6 zoning district
- *Requested:* Reduce to 15 ft.

e) Maximum Floor Area:

- *Permitted:* 88,416 sq. ft. permitted (.303 Maximum Floor Area Ratio in the R-6 zoning district, plus floor area bonus for affordable dwelling units)
- *Requested:* Increase to 168,152 sq. ft. (1.204 Maximum Floor Area Ratio, plus floor area bonus for affordable dwelling units)

Staff Comment: The zoning districts available in the Land Use Management Ordinance (LUMO) do not necessarily implement the guidance of the Future Land Use Map (FLUM) in all situations, given dimensional limitations. Staff advised the applicant to propose a zoning district based on compatibility between the district intent statements in LUMO and the proposed development. Further justification is provided in the applicant’s statement on Modifications to Regulations.

With regard to the Setback Height in particular, guidance in the FLUM encourages stepping down in height closer to the street, with 4 stories at the street setback line and up to 8 stories interior to the site. Council should consider whether the applicant’s proposal of a larger street setback is an appropriate substitution for FLUM guidance.

2) Section 5.6.2: Landscape Buffers. The applicant proposes modifications to the buffer located on the south side of the property along Longview Street. The modifications would allow a variable buffer width and fewer plantings, as shown in the landscape plan.

Buffer Location	Required Buffer	Proposed Buffer
South	15 ft. Type A*	Variable width, Modified Type

* Buffer reduced by one grade of intensity where no parking is located between the buildings and the adjacent street

Staff Comment: Landscape buffers are intended to separate proposed development from different adjacent land uses or zoning designations to minimize potential nuisances, reduce the visual impact of unsightly aspects of adjacent development, provide separation of spaces, and establish a sense of privacy.

The applicant proposes modifications to accommodate a “loading area, rideshare/pick up area, transformers or utilities, and/or other similar encroachments. As a result, there may be less plantings per 100 linear feet as described in the Design Manual.” Further justification is provided in the applicant’s statement on Modifications to Regulations.

3) Section 5.9.7: Minimum Vehicular Parking.

- *Required:* 178 parking spaces based on the proposed number of dwelling units and bedroom counts, with 6 handicapped spaces
- *Requested:* Modified parking ratios that, under the unit mix currently proposed, would require 70 parking spaces including 3 handicapped spaces

Staff Comment: Guidance provided in LUMO 5.9 indicates that the Council may reduce minimum vehicular parking requirements upon finding that multimodal facilities are adequate to serve transportation needs, the particular use would generate lower-than-average trips, and/or arrangements for off-site shared parking have been made. The applicant proposes reduced parking based on proximity to campus, planned Bus Rapid Transit (BRT) service, and other factors. Further justification is provided in the applicant's statement on Modifications to Regulations.

4) Section 3.6.3: Resource Conservation District (RCD)

a) Permitted Uses within RCD: In the Stream Side zone, various activities and development types are prohibited including built floor area (buildings), retaining walls, stormwater control measures(s), and new vegetation. The proposed modification request is to allow these uses.

b) Land Disturbance: No more than 20% of the land area within the Stream Side zone shall be disturbed without a modification or variance. The proposed modification request is to allow up to 7,716 sq. ft. to be disturbed, equal to 28.2% of the Stream Side zone area.

Staff Comment: RCD regulations are intended to preserve the water quality of the town's actual or potential water supply sources, minimize danger to lives and properties from flooding in and near the watercourses, preserve the water-carrying capacity of the watercourses, protect them from erosion and sedimentation, retain open spaces and greenways and protect their environmentally-sensitive character, preserve urban wildlife and plant life habitats from the intrusions of urbanization, provide air and noise buffers to ameliorate the effects of development, and preserve and maintain the aesthetic qualities and appearance of the town.

The applicant notes that the RCD on this site separates the buildable area from Martin Luther King Jr. Blvd., creating a conflict with measures to activate the street. Staff acknowledges that a stream feature located along a street frontage creates competing priorities, but has concerns with creating precedent for RCD encroachments, particularly for built floor area. Further justification is provided in the applicant's statement on Modifications to Regulations.

5) Section 5.3.2 Critical Areas: Steep Slopes Land Disturbance. No more than 25% of the total combined area of 4:1 (25%) or steeper slopes shall be disturbed without a modification or variance. The proposed modification request is to allow up to 15,943 sq. ft. of steep slopes land disturbance area, which would be 60% of the total combined area containing natural slopes 4:1 or greater.

Staff Comment: Roughly one-third of the site's net land area contains steep slopes 4:1 or greater. Steep slope regulations are intended to protect streams, lakes, and wetlands from the effects of erosion on water quality and water body integrity; to protect the plant and animal habitat of steep slopes from the effects of land disturbance; and to preserve the natural beauty and economic value of the town's wooded hillsides.

The applicant states that additional steep slopes disturbance is needed to make development feasible, given the small size of the lot and the extent of steep slopes. Staff has concern with potentially significant alteration of landform, considering 60% of the steep slope area equals roughly 18% of the total site area. Further justification is provided in the applicant's statement on Modifications to Regulations.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.4.5 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer’s alternative is to revise the proposal to comply with the regulations.

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND OTHER DOCUMENTS

Town staff has reviewed this application for compliance with the [Chapel Hill 2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and believes the Aspen Chapel Hill proposal complies with the following aspects of the 2020 Comprehensive Plan:

Comprehensive Plan Themes: In the following table of themes from the Chapel Hill 2020 Comprehensive Plan, adopted June 25, 2012, staff notes areas where the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Future Land Use Map: The Future Land Use Map (FLUM) envisions the South MLK Jr Blvd Focus Area as an extension of downtown north to Hillsborough Street, with a mix of uses, walkable urban design, diversity of housing types, and emphasis on offices – factors that together will make best use of future BRT service and expand the customer base for Downtown Chapel Hill. The proposed rezoning offers the opportunity to align the site with the character envisioned by the FLUM.

The FLUM indicates a range of appropriate Primary and Secondary uses for the Sub-Area where this site is located. Multifamily is one of the appropriate Primary uses. The FLUM also calls for:

- BUILDING HEIGHT. 4 stories at the street setback line and up to 8 stories allowed interior to the site. (The FLUM suggest a story height of approximately 12 ft.)
- ACTIVATED STREET FRONTAGE. Indicated along Martin Luther King Jr. Blvd. to create active visual engagement between the street and ground floor uses, with an environment between streets and buildings that provides pedestrian connections and excludes off-street parking.
- PROPOSED CONNECTION. Indicated along E. Longview St., suggesting potential to provide improved connectivity function.

Mobility Plan: The Mobility and Connectivity Plan shows a multi-use path for the site’s frontage along Martin Luther King Jr. Blvd., and a crosswalk improvement at the Longview

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA

³ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

Street / Martin Luther King Jr. Blvd. intersection. There are existing sidewalks on both sides of Martin Luther King Jr. Blvd. and the north side of E. Longview St. A future BRT station would be located within ½ mile of the site.

Climate: The Climate Action and Response Plan identifies Sustainable Development as a top strategy to reduce our community carbon footprint and build resiliency. The Transportation and Land Use chapter calls for creating walkable, bikeable, transit-served neighborhoods through strategies such as supportive zoning and integrated land use – transportation planning.

Staff Evaluation: North Carolina General Statute 160D-605(a) requires the Council to approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other applicable officially adopted plan when adopting or rejecting any zoning amendment.

Staff provides the following evaluation of this application’s consistency with the 2020 Comprehensive Plan and other adopted plans:

- A larger street setback is proposed in lieu of stepping up in height interior to the site. Council should consider whether the larger setback is an appropriate substitution for stepped height under the guidance of the Future Land Use Map. Current proposal indicates a building 7 stories in height at the street-facing façade and varying setback of approximately 37-96 ft. from Martin Luther King, Jr. Blvd.
- The proposed rezoning aligns with the character envisioned by the FLUM. The Residential-6-Conditional Zoning District (R-6-CZD) district would allow the residential uses that the FLUM indicates are appropriate. The Conditional Zoning application proposes a use that falls within the ‘Multifamily’ category.
- The presence of Activated Street Frontages suggests urban design that is compatible with more intense, pedestrian-oriented development. Zoning conditions would be useful to define how street activation will be achieved.

REASONABLENESS OF THE ZONING ATLAS AMENDMENT

Reasonableness is determined by comparing the scale of permissible development under the proposed zoning district to the scale permitted under existing zoning, and by considering characteristics of the site and its surroundings. North Carolina General Statute 160D-605 requires the Town Council to consider a statement of reasonableness when reviewing any Zoning Atlas Amendment.

The factors listed below considers the applicant’s proposed zoning district and overall proposed use program. Specific characteristics of the development proposal, compliance with regulations, and appropriate conditions to address potential impacts of the development are evaluated elsewhere.

Supporting Factors

- The proposed zoning matches the zoning of adjacent sites (R-6) and provides opportunity for a transition to medium-density residential zoning in adjacent existing neighborhoods.
- There are a variety of housing types in the surrounding area, including other multifamily residential development.
- The site is located along a major arterial corridor. The surrounding road network, pedestrian and bicycle facilities (existing and planned) and transit service (existing

and planned) indicate a transportation network that supports higher-density residential development.

- The proposed zoning is consistent with the Future Land Use Map character for the Focus Area, and with the list of appropriate uses.
- Zoning conditions provide an opportunity to limit intensity and to establish standards that address any impacts on surrounding properties.

Other Considerations

- The proposed change in zoning district, including floor area proposed in the application, would allow roughly 9 times the amount of currently permissible development.
- Zoning conditions would be useful to address provision of Comprehensive Plan elements that support higher density such as bike/ped facilities, proposed connectivity, and design measures to activate the street frontage.
- Existing regulations include measures for protecting environmental features such as steep slopes and the stream corridor. Zoning conditions may be useful for enhanced protection, if warranted by further analysis and/or given proposed slope impacts.

FINDINGS OF FACT

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance (as stated in Section 4.4) shall not be amended except:

- 1) To correct a manifest error in the chapter; or
- 2) Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- 3) To achieve the purposes of the Comprehensive Plan.

Staff provides below an evaluation of this application based on the three findings. Further information may be presented for the Council's consideration as part of the legislative hearing process. All information submitted at the hearing will be included in the record.

FINDING #1: The proposed zoning amendment is necessary to correct a manifest error.	
Arguments	To date, no arguments in support or in opposition have been submitted or identified by staff.
Staff Evaluation	There appears to be no manifest error in the Town's Zoning Atlas.

FINDING #2: The proposed zoning amendment is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.	
Arguments	<p>Staff notes that there has been recent multifamily development activity in proximity to this site, such as the Union Chapel Hill and Lark Chapel Hill projects, which represent changing conditions.</p> <p>Staff notes that the BRT service planned for the Martin Luther King Jr. Blvd. corridor represents changing conditions that could support more intense use.</p> <p>To date, no arguments in opposition have been submitted or identified by staff.</p>
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary because of changing conditions along the Martin Luther King Jr. Blvd. corridor.

FINDING #3: The proposed zoning amendment is necessary to achieve the purposes of the comprehensive plan.	
Arguments	<p>Staff notes that the Conditional Zoning application could contribute to the purposes of the Comprehensive Plan through the following:</p> <ul style="list-style-type: none"> • Promoting the Focus Area Character for the South MLK Jr Blvd Focus Area as described in the Future Land Use Map. • Facilitating development that implements FLUM guidance for Character Types in the Focus Area. • Facilitating development that implements the principles and recommendations of the Central West Small Area Plan. • Contributing to a range of housing options for current and future residents aligns with the theme of <i>A Place for Everyone</i>. • Locating housing within walking distance of public transit routes, multiuse paths, and schools. The location offers multimodal access to employment, education, services, and shopping, and aligns with the theme of <i>Getting Around</i>. • Opportunities for new housing that expand the range of neighborhood types, evolve Chapel Hill’s character for residents, and shapes land use in a way that strengthens community and protects the natural environment. These elements align with the theme of <i>Good Places New Spaces</i>. • Providing housing for students that offers easy access to UNC campus and to various services. This aligns with the theme of <i>Town and Gown Collaboration</i>. <p>To date, no arguments in opposition have been submitted or identified by staff.</p>
Staff Evaluation	The Council could make the finding that the proposed zoning amendment is necessary to achieve the purposes of the Comprehensive Plan.











PROJECT FACT SHEET







Project Details

Site Description	
Project Name	Aspen Chapel Hill – Student Housing
Address	Martin Luther King Jr. Blvd. and E. Longview St.
Property Size (NLA)	80,455 sq. ft. (1.85 acres)
Gross Land Area (GLA)	88,501 sq. ft. (2.03 acres)
Orange County Parcel Identifier Numbers	9789-30-2139 and 9789-30-2349
Existing Zoning	Neighborhood Commercial (NC) and Residential-3 (R-3)
Proposed Zoning	Residential-6-Conditional Zoning District (R-6-CZD)


Site Development Standards

Topic	Comment	Status															
Development Intensity																	
Use (Sec. 3.7)	<i>Proposed Use:</i> Multifamily housing, 112 units (Multifamily dwellings, over 7 units)																
Inclusionary Zoning Ordinance (Sec. 3.10)	Voluntary – Rental housing proposed <i>Proposed:</i> 14 affordable units	NA															
Density (Sec. 3.8)	<i>Residential density:</i> 15 units per acre maximum <i>Proposed:</i> 61 units per acre (modification requested)	M															
Dimensional Standards (Sec. 3.8)	<i>Setback (primary) height:</i> 39 ft. maximum <i>Proposed:</i> Modification requested for 81 ft. <i>Core (secondary) height:</i> 60 ft. maximum <i>Proposed:</i> Modification requested for 81 ft. <i>Setbacks:</i> 20 ft. street, 6 ft. interior, 8 ft. solar – all minimums <i>Proposed:</i> Modification for 15 ft. street setback along E. Longview St.; other setbacks comply	M															
Floor area (Sec. 3.8)	<i>Maximum allowed:</i> 88,416 sq. ft. (reflects Floor Area Bonus of 4,400 sq. ft. per affordable unit) <i>Proposed:</i> 168,152 sq. ft. (modification requested)	M															
Landscape																	
Buffers - East (Sec. 5.6.2)	<table border="0"> <thead> <tr> <th></th> <th><u>Required</u></th> <th><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>North:</td> <td>10 ft. Type B</td> <td>10 ft. Type B</td> </tr> <tr> <td>South:</td> <td>15 ft. Type A</td> <td>15 ft. Type A</td> </tr> <tr> <td>East:</td> <td>20 ft. Type C along arterial street (reduced one grade for no parking between building and street)</td> <td>20 ft. Type C</td> </tr> <tr> <td>West:</td> <td>10 ft. Type B</td> <td>10 ft. Type B</td> </tr> </tbody> </table>		<u>Required</u>	<u>Proposed</u>	North:	10 ft. Type B	10 ft. Type B	South:	15 ft. Type A	15 ft. Type A	East:	20 ft. Type C along arterial street (reduced one grade for no parking between building and street)	20 ft. Type C	West:	10 ft. Type B	10 ft. Type B	
	<u>Required</u>	<u>Proposed</u>															
North:	10 ft. Type B	10 ft. Type B															
South:	15 ft. Type A	15 ft. Type A															
East:	20 ft. Type C along arterial street (reduced one grade for no parking between building and street)	20 ft. Type C															
West:	10 ft. Type B	10 ft. Type B															
Tree Canopy (Sec. 5.7)	<i>Minimum required:</i> 24,237 sq. ft. (30% of NLA) <i>Proposed:</i> 24,237 sq. ft. (30% of NLA)																

Parking Landscape Standards (Sec. 5.9.6)	Final Plans application must comply	FP
Environment		
Resource Conservation District (RCD) Uses (Sec. 3.6.3)	Modification requested to permit a portion of the building, retaining walls, stormwater control measures(s), and new vegetation in the RCD Stream side zone.	M
RCD Dimensional Standards (Sec. 3.6.3)	<i>Impervious surfaces:</i> 10% of area within Stream side zone, maximum (Managed use zone and Upland zone not applicable to intermittent stream) <i>Proposed:</i> 2,483 sq. ft. (9.1%) <i>Land disturbance:</i> 20% of area within Stream side zone, maximum <i>Proposed:</i> 7,716 sq. ft. (28.2%) (modification requested)	M
Erosion Control (Sec. 5.3.1)	Orange County Erosion Control permit required	
Steep Slopes Land Disturbance (Sec. 5.3.2)	<i>Maximum Disturbance allowed:</i> 25% of areas with existing 4:1 slopes or greater <i>Proposed:</i> Disturb up to 15,943 sq. ft. (60%) of steep slope areas (modification requested)	M
Stormwater Management (Sec. 5.4)	Meet or exceed LUMO standards	
Land Disturbance	<i>Proposed:</i> 87,555 sq. ft.	
Impervious Surface	<i>Existing:</i> 0.42 acres (20.4%) <i>Maximum allowed:</i> 44,250 sq. ft. (50.0%) <i>Proposed:</i> Up to 44,250 sq. ft. (50.0%)	
Solid Waste & Recycling (Sec. 5.13)	Application must comply	FP
Jordan Riparian Buffer (Sec. 5.18)	Not applicable	NA
Access & Circulation		
Traffic Impact Analysis (Sec. 5.8)	TIA completed	
Road Improvements (Sec. 5.8)	No capacity improvements recommended in TIA findings (no study area intersections expected to be Level-of-Service E or F in 2025 peak hour). Committed improvements to the North St. / Martin Luther King Jr. Blvd. intersection, south of the subject site, are part of the E. Rosemary St. Parking Deck project.	
Vehicular Access (Sec. 5.8)	Full access driveway entrance on E. Longview St	
Transit Improvements (Sec. 5.8)	Staff recommends \$100,000 payment for improvements to nearby proposed BRT station(s) and for station access	C
Bicycle Improvements (Sec. 5.8)	Payment for BRT station access could include construction of a 12 ft. multiuse path along Martin Luther King Jr. Blvd., consistent with planned streetscape for BRT corridor.	

Pedestrian Improvements (Sec. 5.8)	Pedestrian access routes for the site connect to proposed multiuse path along Martin Luther King Jr. Blvd. and existing sidewalk along E. Longview St.	
Vehicular Parking (Sec. 5.9)	<i>Minimum parking required:</i> 178 spaces with 6 handicapped spaces <i>Maximum parking allowed:</i> 225 spaces <i>Proposed:</i> 70 spaces with 3 handicapped spaces (modification requested)	M
Bicycle Parking (Sec. 5.9)	<i>Minimum required:</i> 28 spaces <i>Proposed:</i> 60 spaces	
Electric Vehicle Parking	None indicated	
Parking Design Standards (Sec. 5.9)	Application must comply	
Loading (Sec 5.9)	Application must comply	FP
Technical		
Fire	Built to Town Standards	
Recreation Area (Sec. 5.5)	<i>Minimum required:</i> 4,425 sq. ft. plus 25% payment-in-lieu <i>Proposed:</i> 8,000 sq. ft. plus 25% payment-in-lieu	
Lighting Plan (Sec. 5.11)	Built to Town Standards; not to exceed 0.3 footcandles at property line	FP
Signage (Sec. 5.14)	Built to Town Standards	FP
Schools Adequate Public Facilities (Sec. 5.16)	Application must comply	FP
Homeowners Association (Sec. 4.6)	Not applicable	NA

Project Summary Legend

Symbol	Meaning
	Meets Requirements
M	Seeking Modification
C	Requires Council Endorsement
FP	Required at Final Plans
NA	Not Applicable