

***FINDINGS – 16 EPC-40061, December 8 , 2016 – Sector Development Plan Map Amendment (Zone Change)***

1. This is a request for a Sector Development Plan Amendment (zone change) from SU-2 MD-1 to SU-2 SU-1 PRD for Lots 1-3, 7-9, and A-E , block 21 Brownwell and Lail’s Addition and lots F-J of the Whitteds Replat located on Copper Ave, between Cedar St and Mulberry Street and containing 2.2 acres.
2. The applicant proposes to amend the zoning to allow the development of a 74 unit apartment complex.
3. The applicant received a conditional use for up to 36 dwelling units per acre in August of 2016 (16 ZHE- 80162). However, the request was not advertised correctly by the city because it only referenced one lot out the entire block and notice was only sent to property owners with 100 feet of that lot. This zone allows both the density and the design flexibility that the applicant would like without a return to the ZHE. The SU-2 designation ties the zoning back to the University Neighborhoods Sector Development Plan.
4. The two alleys that bisect the site were vacated in June of 2016 (EC-16-126). The site will be replatted at DRB to finalize this vacation.
5. The Metropolitan Redevelopment Agency states that the request will further the MRA Plan Commercial, Residential and Physical needs goals by bringing in more residents and making it more likely that improvement will occur in commercial services and a reduction in vacancies in the area. The area’s proximity to the hospitals/large employers and educational institutions and the significant demand for housing meets the residential goal. The most significant point is the third point regarding preventing neighborhood decline by stimulating private reinvestment and ensuring mutually beneficial relationships between existing and new development.
6. The Albuquerque/Bernalillo County Comprehensive Plan, University Neighborhoods Sector Development Plan, Sycamore Redevelopment Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Central Urban Area, a portion of the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- a. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d. because the proposed use is the same as the allowed uses on many of the adjacent properties. The site design respects the existing neighborhood by improving a blighted site, having a design that steps down to meet the street, extensive landscaping that will improve the pedestrian experience on the street and screening the parking areas with a low wall.

- b. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to programmed urban facilities and services and where the integrity of existing neighborhood services can be ensured.

The request furthers policy II.B.5.e because the site has access to a full range of existing urban infrastructure and will be designed to be compatible with the existing development.

- c. Policy II.B.5.h.: Higher density housing is most appropriate in the following situations:

- i. In designated Activity Centers.
- ii. In areas with excellent access to the major street network.
- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- iv. In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- v. In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The request furthers Policy II.B.5.h because the subject site has excellent access to the existing street network and is in an area where a pattern of mixed density already exists (single family and multifamily). The proposed development will also function as a transition between the residential area to the north and more intense mixed use development allowed along Central Avenue.

- d. Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5o because the proposed zoning and allowed development will create a new housing option in an older established neighborhood. The site has a series of blighted structures that will be removed in order to development the new apartment complex.

Central Urban Area\*

\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5. as well as to those listed here. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

- a. Policy II.B.6b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The request furthers Policy II.B.6b because the proposed development will improve the neighborhood by removing a blighted property and providing housing in close proximity to employment and services. The proposed development is also within walking distance of Central Avenue where there is access to transit.

#### Noise

- a. Policy II.C.4a: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

The request furthers Policy II.C.4a because the proposed development will have the parking located behind the proposed carriage units or behind a four foot high wall, this will help to minimize noise. Additionally, the fitness and pool area is located in the center of the site and not directly adjacent to any existing residential development.

#### Developed Landscape

- a. Policy II.C.8d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The request furthers Policy II.C.8d because the landscaping plan shows the intense landscape buffer required by the University Neighborhoods Sector Development Plan. The five foot landscaping strip contains a mixture of low and medium water trees and plants that will improve the visual environment and help to control erosion by keeping the soil in place.

#### Transportation and Transit

- a. Policy II.D.4c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The request furthers Policy II.D.4c because the proposed zoning and allowed development will add 74 housing units in close proximity to a major transit corridor. The use is allowed by the underlying zoning. The applicant received approval from the ZHE for a conditional for additional units. The conditional use criteria require that a proposed use is not injurious to the surrounding uses.

- b. Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The request furthers Policy II.D.4g because the Site Development Plan for Building Permit shows sidewalk connections from the building to the new sidewalks around the perimeter of the site. The site landscaping will improve the pedestrian experience. The site is within walking and biking distance of employment and services and transit.

### Housing

- a. Policy II.D.5b: Quality and innovation in new housing design and construction shall be promoted and quality of existing housing improved through concentrated renovation programs in deteriorating neighborhoods.

The requests further Policy II.D.5b because it replaces the existing blighted structures with new housing. The Site Development Plan for Building Permit shows a series buildings that relate to the street and vary in materials, colors and planes. The proposed zone allows design flexibility that gives that development an appropriate relationship to the street and encourages pedestrian activity.

- b. Policy II.D5d: Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry, or handicapped status shall be assured.

The request furthers Policy II.D5d The request allows the development of a new housing option in close proximity to employment and services. The development will have ground level accessible units and will be open to anyone.

8. The subject site is within the University Neighborhoods Sector Development Plan (UNSDP). The plan has 6 basic goals, 5 are relevant to this request:

- a. Goal 1: Improve the quality of life in the area.
- b. Goal 2: Conserve and renew the unique qualities of this neighborhood.

The request furthers goals 1 and 2 because the subject site currently contains several small houses that are in a state of disrepair. The request will redevelop the site with multifamily development that is well designed and pedestrian oriented.

- c. Goal 3: Encourage infill residential construction in appropriate places.

The request furthers goal 3 because the proposed project allowed by the proposed zoning will provide a residential infill development in an area with mixed density.

- d. Goal 4: Encourage pedestrian orientation.

The request furthers goal 4 because the smaller setbacks allow a more urban, pedestrian friendly design. The reduced parking also meets the intent of this goal by reducing interaction between vehicles and pedestrians. The site plan shows the required sidewalks around the development and connections from the proposed buildings to the sidewalks.

- e. Goal 5: Improve conditions in business areas.

The request furthers goal 5 because the proposed development will add residents to the neighborhood in a development that is close to existing businesses. The new development may provide new patrons for these businesses.

- 9. The subject site is within the boundaries of the Sycamore Redevelopment Plan. The applicable Basic Objectives and Policies are:

- a. To improve the existing “mixed use” characteristics of the area by encouraging compatible relationships between related uses and buffering incompatible uses.

The request furthers Objective 1 because the proposed development will be compatible with the existing development by acting as a transition between the existing housing to the north and the more intense uses allowed along Central Avenue.

- b. To improve pedestrian, transit and bicycle circulation by providing better internal connections to nearby urban centers.

The request furthers Objective 2 because the development will improve the sidewalks around the site, add landscaping that improves the pedestrian experience along the street and provide housing in close proximity to transit and bike routes.

- c. To prevent neighborhood decline by stimulating private reinvestment, while providing sufficient controls and guidance to ensure mutually beneficial relationships between existing and new development.

The request furthers Objective 3 because they will allow the redevelopment of a blighted property by a private entity with a project that will be compatible with the existing development because it will provide a design that steps back at the street level and provides improved sidewalk connections.

- d. Policy One: Redevelopment with mid-rise apartments and townhouses shall be encouraged.

The request furthers policy one because will allow the redevelopment of a blighted site with two story carriage house units (townhouses) and a three story apartment building.

- e. Policy Three: New development shall serve to preserve the neighborhood character and improve its quality.

The request furthers policy 3 because they will allow the development of an urban, pedestrian friendly apartment complex that will improve the sidewalks and redevelop a blighted property.

- 10. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

**A.** The proposed zoning will be consistent with health, safety, morals and general welfare of the City because the underlying use ( multifamily residential )will remain the same and the flexibility in design will allow an appropriate urban

product that is consistent with the intent of the policies in the Comprehensive Plan, University Neighborhoods Sector Plan and the Sycamore Metropolitan Redevelopment Plan.

**B.** The proposed zone keeps the SU-2 prefix and the underlying residential use, but adds the SU-1 PRD zone to allow flexibility in site design that will allow a design that is appropriate for an urban infill project. Because the underlying use will remain multifamily residential, the stability of land use is maintained.

**C.** The proposed zoning is consistent with and clearly facilitates the intent of the goals and policies of the Comprehensive Plan by adding new, appropriately landscaped, higher density housing that is compatible with the existing neighborhood in an area with existing infrastructure, including transit.

The proposed zoning is consistent with and clearly facilitates the intent of the goals and policies of the University Neighborhoods Sector Development by redeveloping the site with a new pedestrian friendly, intensely landscaped, multifamily complex that will add residents that may provide new patrons for area business.

The proposed zoning is consistent with and clearly facilitates the intent of the goals and policies of the Sycamore Metropolitan Redevelopment Plan by providing a redevelopment with midrise apartments that will act as a buffer between the existing housing to the north and the more intense uses allowed along Central Ave, improving pedestrian circulation by improving the sidewalks and landscaping around the site, and preventing neighborhood decline with a private investment that has appropriate design controls.

**D.** The existing zoning is inappropriate because the proposed zone is more advantageous to the community as articulated in the applicable goals and policies of the applicable plans because it will allow flexibility in the site design. The design will have appropriate parking and setbacks for an urban area. The design allows the construction of an apartment complex that is consistent with the intent of the comprehensive plan, sector and redevelopment plan to have urban development in the area.

The proposed zone allows the creation of a housing product that will serve the UNM /Nob Hill area and Presbyterian Hospital. The applicant points to high occupancy rates for apartments in the UNM/Nob Hill and Downtown areas to show a need for more apartment development in the area. The proposed apartment complex will offer a new housing option in proximity to employment and services and improved transit.

There are changed conditions in the form of the blighted structures on the site. There is no indication in the UNSDP that these structures were blighted when the plan was adopted. The Sycamore Redevelopment Plan (page 10) states that the “housing conditions are not severely deteriorated enough to warrant a blighted designation on the basis of housing alone”. The demolition of these creates an opportunity for the type of redevelopment promoted in the Sycamore MRA plan.

Additionally, the SU-1 zone is appropriate on the site because the site has a significant grade change from northeast to southwest and the flexibility in design will better accommodate this change in grade, the proximity to transit (Central Avenue carries 40% of the city transit traffic and will have a new rapid transit), and proximity to jobs make the suburban parking requirements inappropriate. The added flexibility of the SU-1 zone allows a development that meets the intent of the sector development plan and the MRA to have walkable, urban development.

**E.** The proposed zoning will allow design flexibility and the accompanying Site Development Plan for Building Permit shows residential development similar to what is allowed on the adjacent parcels. The proposed zone will allow residential uses that will not be harmful to the adjacent properties.

**F.** The request will not result major and unprogrammed capital expenditures by the city: the site has access to existing urban infrastructure and will be developed privately, without city funding.

**G.** The applicant has not cited the cost of land as part of the justification, but has cited the applicable plans and policies to show that the request is consistent with them.

**H.** The subject is located on a local street and the apartment use is allowed under the existing zone. The applicant has justified the request by showing that it is consistent with goals and policies of the applicable plans.

**I.** The SU-1 zone is generally considered a justified spot zone because it clearly facilitates the realization of the applicable plans, in this case the proposed zone will allow flexibility in the design will allow the development of an apartment complex with appropriate urban setbacks and parking requirements that will meet the intent of the Comprehensive Plan, Sector Plan and MRA Plan to have urban redevelopment in the area

**J.** The proposed zone would allow the same uses as on the adjacent SU-2 MD-1 zoned sites and would not be a strip of land that with a different zone.

11. ZHE approval is required for the conditional use.
12. A Site Development Plan for Building Permit is heard concurrently with this request as required by §14-16-2-22(A)(1).
13. Because the zone was imposed by the University Neighborhoods Sector Development Plan, this request constitutes a map amendment to that plan.
14. The Metropolitan Redevelopment Agency states that the request will further the MRA Plan Commercial, Residential and Physical needs goals by bringing in more residents and making it more likely that improvement will occur in commercial services and a reduction in vacancies in the area. The area's proximity to the hospitals/large employers and educational institutions and the significant demand for housing meets the residential goal. The most significantly prevent neighborhood

decline by stimulating private reinvestment and ensuring mutually beneficial relationships between existing and new development.

15. The Silver Hill, Spruce Park, Sycamore, University Heights and Victory Hills Neighborhood Associations and the District 6 Coalitions of Neighborhoods were notified by the applicant for the previous request and for this request. A facilitated meeting was recommended in October of 2016, but was declined. The City notified property owners within 100 feet of the site for the November hearing and for this hearing. Staff received one phone call expressing concern about the precedent that the zone change might set for the November hearing, and one phone call expressing concern about the parking for the December hearing, but staff has not received any written comment as of this writing.

***RECOMMENDATION - (16EPC-40062) November 10, 2016***

**APPROVAL 16 EPC 40062, a request for Sector Development Plan Map Amendment from SU-2 MD-1 to SU-2, SU-1 PRD for Lots 1-3, 7-9, and A-E , block 21 Brownell and Lail's Addition and lots F-J of the Whitteds Replat located on Copper Ave, between Cedar St and Mulberry Street and containing 2.2 acres., based on the preceding Findings and subject to the following Conditions of Approval .**

***CONDITIONS OF APPROVAL – 16 EPC 40062, December 8, 2016 SECTOR DEVELOPMENT PLAN MAP AMENDMENT (Zone Change)***

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.



***FINDINGS – 16 EPC-40063 –December 8, 2016 -Site Development Plan for Building Permit***

1. This is a request for a Site Development Plan for Building Permit for 1-3, 7-9, and A-E , block 21 Brownell and Lail's Addition and lots F-J of the Whitteds Replat located on Copper Ave, between Cedar St and Mulberry Street and containing 2.2 acres.
2. The applicant proposes to develop a 74 unit apartment complex consisting of 6 two story carriage house units in 3 2,000 square foot buildings, a main three story 65,025 square foot building with 68 studio, one bedroom and two bedroom apartments and a pool and 2,155 square foot fitness building.

3. The applicant received a conditional use for up to 36 dwelling units per acre in August of 2016 (16 ZHE- 80162). The two alleys that bisect the site were vacated in June of 2016 (EC-16-126). There are no other project numbers associated with the site
4. The Albuquerque/Bernalillo County Comprehensive Plan, University Neighborhoods Sector Development Plan, Sycamore Redevelopment Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes
5. The Metropolitan Redevelopment Agency states that the request will further the MRA Plan Commercial, Residential and Physical needs goals by bringing in more residents and making it more likely that improvement will occur in commercial services and a reduction in vacancies in the area. The area's proximity to the hospitals/large employers and educational institutions and the significant demand for housing meets the residential goal. The most significant point is the third point regarding preventing neighborhood decline by stimulating private reinvestment and ensuring mutually beneficial relationships between existing and new development.
6. The subject site is within the Central Urban Area, a portion of the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

#### Land Use

- a. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.  

The request furthers Policy II.B.5.d. because the proposed use is the same as the allowed uses on many of the adjacent properties. The site design respects the existing neighborhood by improving a blighted site, having a design that steps down to meet the street, extensive landscaping that will improve the pedestrian experience on the street and screening the parking areas with a low wall.
- b. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to programmed urban facilities and services and where the integrity of existing neighborhood services can be ensured.  

The request furthers policy II.B.5.e because the site has access to a full range of existing urban infrastructure and will be designed to be compatible with the existing development.
- c. Policy II.B.5.h.: Higher density housing is most appropriate in the following situations:

- i. In designated Activity Centers.
- ii. In areas with excellent access to the major street network.
- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- iv. In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- v. In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The request furthers Policy II.B.5.h because the subject site has excellent access to the existing street network and is in an area where a pattern of mixed density already exists (single family and multifamily). The proposed development will also function as a transition between the residential area to the north and more intense mixed use development allowed along Central Avenue.

- d. Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5o because the proposed zoning and allowed development will create a new housing option in an older established neighborhood. The site has a series of blighted structures that will be removed in order to development the new apartment complex.

#### Central Urban Area\*

\*NOTE: The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5. as well as to those listed here. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

- a. Policy II.B.6b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The request furthers Policy II.B.6b because the proposed development will improve the neighborhood by removing a blighted property and providing housing in close proximity to employment and services. The proposed development is also within walking distance of Central Avenue where there is access to transit.

#### Noise

- a. Policy II.C.4a: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

The request furthers Policy II.C.4a because the proposed development will have the parking located behind the proposed carriage units or behind a four foot high

wall, this will help to minimize noise. Additionally, the fitness and pool area is located in the center of the site and not directly adjacent to any existing residential development.

#### Developed Landscape

- a. Policy II.C.8d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The request furthers Policy II.C.8d because the landscaping plan shows the intense landscape buffer required by the University Neighborhoods Sector Development Plan. The five foot landscaping strip contains a mixture of low and medium water trees and plants that will improve the visual environment and help to control erosion by keeping the soil in place.

#### Transportation and Transit

- a. Policy II.D.4c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The request furthers Policy II.D.4c because the proposed zoning and allowed development will add 74 housing units in close proximity to a major transit corridor. The use is allowed by the underlying zoning. The applicant received approval from the ZHE for a conditional for additional units. The conditional use criteria require that a proposed use is not injurious to the surrounding uses.

- b. Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The request furthers Policy II.D.4g because the Site Development Plan for Building Permit shows sidewalk connections from the building to the new sidewalks around the perimeter of the site. The site landscaping will improve the pedestrian experience. The site is within walking and biking distance of employment and services and transit.

#### Housing

- a. Policy II.D.5b: Quality and innovation in new housing design and construction shall be promoted and quality of existing housing improved through concentrated renovation programs in deteriorating neighborhoods.

The requests further Policy II.D.5b because it replaces the existing blighted structures with new housing. The Site Development Plan for Building Permit shows a series buildings that relate to the street and vary in materials, colors and planes. The proposed zone allows design flexibility that gives that development an appropriate relationship to the street and encourages pedestrian activity.

- b. Policy II.D5d: Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry, or handicapped status shall be assured.

The request furthers Policy II.D5d The request allows the development of a new housing option in close proximity to employment and services. The development will have ground level accessible units and will be open to anyone.

7. The subject site is within the University Neighborhoods Sector Development Plan. The plan has 6 basic goals, 5 are relevant to this request:

- a. Goal 1: Improve the quality of life in the area.

- b. Goal 2: Conserve and renew the unique qualities of this neighborhood.

The request furthers goals 1 and 2 because the subject site currently contains several small houses that are in a state of disrepair. The request will redevelop the site with multifamily development that is well designed and pedestrian oriented.

- c. Goal 3: Encourage infill residential construction in appropriate places.

The request furthers goal 3 because the proposed project allowed by the proposed zoning will provide a residential infill development in an area with mixed density.

- d. Goal 4: Encourage pedestrian orientation.

The request furthers goal 4 because the smaller setbacks allow a more urban, pedestrian friendly design. The reduced parking also meets the intent of this goal by reducing interaction between vehicles and pedestrians. The site plan shows the required sidewalks around the development and connections from the proposed buildings to the sidewalks.

- e. Goal 5: Improve conditions in business areas.

The request furthers goal 5 because the proposed development will add residents to the neighborhood in a development that is close to existing businesses. The new development may provide new patrons for these businesses.

8. The subject site is within the boundaries of the Sycamore Redevelopment Plan. The applicable Basic Objectives and Policies are:

- a. To improve the existing “mixed use” characteristics of the area by encouraging compatible relationships between related uses and buffering incompatible uses.

The request furthers Objective 1 because the proposed development will be compatible with the existing development by acting as a transition between the existing housing to the north and the more intense uses allowed along Central Avenue.

- b. To improve pedestrian, transit and bicycle circulation by providing better internal connections to nearby urban centers.

The request furthers Objective 2 because the development will improve the sidewalks around the site, add landscaping that improves the pedestrian experience along the street and provide housing in close proximity to transit and bike routes.

- c. To prevent neighborhood decline by stimulating private reinvestment, while providing sufficient controls and guidance to ensure mutually beneficial relationships between existing and new development.

The request furthers Objective 3 because they will allow the redevelopment of a blighted property by a private entity with a project that will be compatible with the existing development because it will provide a design that steps back at the street level and provides improved sidewalk connections.

- d. Policy One: Redevelopment with mid-rise apartments and townhouses shall be encouraged.

The request furthers policy one because will allow the redevelopment of a blighted site with two story carriage house units (townhouses) and a three story apartment building.

- e. Policy Three: New development shall serve to preserve the neighborhood character and improve its quality.

The request furthers policy 3 because they will allow the development of an urban, pedestrian friendly apartment complex that will improve the sidewalks and redevelop a blighted property.

9. A Sector Development Plan Map Amendment (zone change) is heard concurrently with this request.

10. The Silver Hill, Spruce Park, Sycamore, University Heights and Victory Hills Neighborhood Associations and the District 6 Coalitions of Neighborhoods were notified by the applicant for the previous request and for this request. A facilitated meeting was recommended in October of 2016, but was declined. The City notified property owners within 100 feet of the site for the November hearing and for this hearing. Staff received one phone call expressing concern about the precedent that the zone change might set for the November hearing, and one phone call expressing concern about the parking for the December hearing, but staff has not received any written comment as of this writing.

***RECOMMENDATION - 16 EPC 40063 December 8, 2016-***

**APPROVAL of 16EPC-40063, a request for Site Development Plan for Building Permit), for 1-3, 7-9, and A-E , block 21 Brownell and Lail's Addition and lots F-J of the Whitteds Replat located on Copper Ave, between Cedar St and Mulberry Street and containing 2.2 acres, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL – 16 EPC 40063 December 8, 2016- Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all

EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The applicant shall address any outstanding transportation conditions prior to DRB.
4. A note regarding permitted signage shall be added to the plan stating the standards for future signage.
5. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

---

Maggie Gould  
*Planner*

*Notice of Decision cc list:*  
Consensus Planning  
Cedar Investor

