



## ZONING MAP CHANGE REPORT

Meeting Date: September 10, 2024

### A. Executive Summary

Tarek Shaer, of Urbanest Group, Inc., proposes to change the zoning designation of one 2.36-acre parcel of land located at 4515 NC Highway 55. The current zoning is Office and Institutional. The applicant proposes to change this designation through a textual development plan to Planned Development Residential 53.390 to allow up to 126 multifamily units.

The properties are currently designated Transit Opportunity Area on the Place Type Map (PTM) (Attachment C). The proposed Planned Development Residential 53.390 zoning is generally consistent with the designated Place Type.

### B. Application Summary

Application Information			
Case Number	Z2400017	Submittal Date	March 29, 2024
Case Name	Vivo Living Durham		
Proposal	Up to 126 multifamily units		
Applicant Contact	Tarek Shaer, <a href="mailto:Tarek@UrbanestGroup.com">Tarek@UrbanestGroup.com</a>		
Staff Contact	Brooke Roper, <a href="mailto:Brooke.Roper@DurhamNC.gov">Brooke.Roper@DurhamNC.gov</a>		
Site Information			
Location	4515 NC Highway 55	Legacy Cases	D1400317
Site Acreage	2.36 acres	Existing Use	Vacant Extended Stay Hotel
REID(s)	<a href="#">154191</a>		
Request			
Designation	Existing	Proposed	
Jurisdiction	City	No Change	
Development Tier	Suburban	No Change	
Place Type Map	Transit Opportunity Area	No Change	
Zoning District(s)	Office and Institutional	Planned Development Residential 53.390	
Zoning Overlay(s)	Major Transportation Corridor I-40	No Change	
Urban Growth Boundary	Within UGB	No Change	
Allowable Use(s)	All uses permitted in the OI zone; current use is a hotel	Multifamily residential and accessory uses	

### C. Environmental Summary

Environmental Data	
River Basin	The site is within the Cape Fear River Basin.
Watershed Overlay	The site is not within a watershed overlay.
NC Natural Heritage Inventory	The NCNHI does not identify any unique, endangered, or sensitive species or vegetation on the site.  *Disclaimer: An NHI inventory has not been conducted on this site. The lack of designation on the NHI dataset does not necessarily mean there are no unique, endangered, or sensitive

	species or vegetation on the site, but rather, a survey has not been completed in relation to the subject site.		
<a href="#"><u>Wildlife Corridor</u></a>	The site is not within a wildlife corridor.		
UDO Compliance	Does Not Apply	Meets UDO	Exceeds UDO
<b>Impervious Surface</b>		100 percent impervious surface area is allowed onsite. The application does not make any commitments in excess of UDO requirements.	
<b>Regulated Floodplain</b>	None on site		
<b>Steep Slopes UDO Section 8.8</b>	None on site		
<b>Stream Buffers</b>	None on site		
<b>Stream Buffer or Floodplain Intrusion</b>	None on site		
<b>Project Boundary Buffers</b>	N/A		
<b>Wetlands</b>	No wetland over an acre has been identified.		
<b>Open Space</b>	N/A		
<b>Tree Coverage</b>	N/A		

#### D. Housing and Income Impact Summary

Proposed Housing Conditions Information			
<b>Number of Units</b>	126		
<b>Density of Units</b>	53.390 units per acre		
<b>Number/Percent Units Affordable (AMI)</b>	25 units, or 20 percent, affordable to households earning 60% Area Median Income for a period of at least 30 years.		
<b>Unit Types (UDO Category)</b>	Multifamily apartments		
<b>Unit Design (Commitments in Excess of UDO)</b>	None		
<b>Does the proposal add to or subtract from the housing supply?</b>	This proposal adds to the inventory of market-rate and affordable housing available in Durham.		
Median Sale Prices			
<a href="#"><u>City of Durham</u></a>	\$450,000 (as of June 2024)	<b>Proposed Sale Price or Valuation:</b>	None provided
Median Rental Rates			
<a href="#"><u>City of Durham</u></a>	\$1,548 (as of July 2024)	<b>Proposed Rental Rate:</b>	None provided
Median Household Income			
<a href="#"><u>Census Tract (Site)</u></a>	\$53,828		
<b>City Overall</b>	\$78,105	<b>County Overall</b>	\$80,089

2024 HUD Adjusted Income Limits – Durham-Chapel Hill, NC								
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Extremely Low Income (30% AMI)	\$22,250	\$25,400	\$28,600	\$31,750	\$36,850	\$41,960	\$47,340	\$52,720
Very Low Income (50% AMI)	\$37,100	\$42,400	\$47,700	\$52,950	\$57,200	\$61,450	\$65,700	\$69,900
Durham Affordability Standard (60% AMI)	\$44,520	\$50,880	\$57,240	\$63,540	\$68,640	\$73,740	\$78,840	\$83,880
Low Income (80% AMI)	\$59,300	\$67,800	\$76,250	\$84,700	\$91,500	\$98,300	\$105,050	\$111,850

## E. Social and Built Infrastructure Summary

Current Conditions					
Intensity of Current Zoning		Planning staff has estimated that the most intense use under the current zoning designation would be a 126 unit extended stay hotel.			
Potential Impacts					
Durham Public Schools					
Schools Potentially Impacted	Durham Public Schools serving the area include Bethesda Elementary, Lowes Grove Middle, and Hillside High.				
Number of Projected Students	Elementary School Students	Middle School Students	High School Students		
Potential Students Generated – Current Zoning	0	0	0		
Potential Students Generated – Proposed Zoning	25	13	9		
Potential Impact of Proposed Zoning	+25	+13	+9		
Durham County Per Pupil Costs	\$5,374 per pupil for annual operating costs \$100,000 per pupil estimated capital costs for new construction				
School Capacity					
Percent of Existing Capacity	117.91%	97.93%	97.31%		

## F. Transportation Impact Summary

Current Conditions	
Intensity of Current Zoning	
Intensity of Current Zoning	Transportation staff has estimated that the most intense use under the current Office and Institutional zoning designation for transportation-related impacts would be a 126 unit extended-stay hotel.
Transportation Impacts	

<b>Infrastructure Impacts</b>	NC 55 is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
<b>Transit Service</b>	Transit service is currently provided adjacent to the site along NC 54 via GoDurham Routes 12 and 12B.		
<b>Existing Roadway Characteristics</b>			
<b>Affected Roadway</b>	NC Highway 55		
<b>Type of Roadway</b>	Four-lane divided city/county class I arterial with left-turn lanes		
<b>Current Roadway Capacity (LOS D) (AADT)</b>	39,800		
<b>Latest Traffic Volume (AADT)</b>	31,500		
<b>Traffic Generation</b>			
	<b>Traffic Generated by Present Designation (average 24 hour)</b>	<b>Traffic Generated by Proposed Designation (average 24 hour)</b>	<b>Potential Impact of Proposed Designation</b>
<b>Number of Trips</b>	*538	**883	+345
<b>Assumptions</b>	*Assumption- (Max Use of Existing Zoning) – OI: 126 unit extended-stay motel **Assumption- (Max Use of Proposed Zoning) – PDR: 126 multi-family units (low-rise)		
<b>Sources</b>	Source of Trip Generation: ITE Trip Generation Manual, 10 <sup>th</sup> Edition		
<b>Improvements</b>			
<b>Roadway Improvements</b>	Prior to the issuance of a certificate of occupancy, subject to a determination by GoDurham on the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete pad/bus shelter to GoDurham specifications along the east side of NC 55 adjacent to the site.		
<b>Site Access Points and Stub Outs</b>	There are two existing site access points along Park Forty Access.		
<b>Right-Of-Way Dedication or Reservation</b>	None provided.		
<b>Sidewalks</b>	Sidewalks currently exist on NC Highway 55.		
<b>Bicycle Lanes</b>	None provided as the provision of on-road bicycle facilities on this road is not feasible at this time.		

## G. Equity and Engagement Summary

<b>Neighborhood Meeting Information</b>			
<b>Required Meeting Date &amp; Additional Meeting(s)</b>	March 21, 2024	<b>Number of Attendees</b>	One
<b>Equity: Potential Displacement</b>			
<b>Potential Displacement Risk (<a href="#">Source</a>)</b>	<b>Tax Value Increase in Area</b> 20.4% (Census Tract) 26.6% (County)	<b>Evictions in Area</b> 65 per square mile (Census Tract) 21 per square mile (County)	<b>Cost-Burdened Renters</b> 58.1% (Census Tract) 48.7% (County)
<b>Demographics</b>			
<a href="#">(Source)</a>	<b>Census Tract</b>	<b>County</b>	

People of Color	62.6%	57.4%
Median Age	31.9 years	35.7 years
<b>Equity: Geography</b>		
Is the area identified as "Disadvantaged" by the <a href="#">Climate and Economic Justice Screening Tool</a> ?	This area is not identified as "disadvantaged" by the Climate and Economic Justice Screening Tool.	
Is this in a formerly redlined area, as found in the <a href="#">Durham redline map</a> ?	The proposal is not within a formerly redlined area as seen in the redlined map.	
Is this area in an opportunity area as identified in the <a href="#">Green Infrastructure Program</a> ?	This site is not located in one of the priority areas identified by the Green Infrastructure Program.	

## H. Adjacent and Surrounding Development

<b>Active Cases</b>		
Active Site Plans (Within a half mile)	D2400144, Trellis: Water line extension only to allow up to 122 apartments.  D2200325, Del Taco Restaurant: 2,304 SF restaurant with drive thru and infrastructure proposed with removal of an existing restaurant.  D2400077, Take Five NC 55-Amendment: Revised vehicular entrance & exit flow to the service bays of the oil change building & future parking spaces for the oil change site. Most other improvements remain unchanged.  D2200358, Park City: This project proposes additional parking, hardscaping & landscaping enhancements to amenity areas; and building entrance modifications.	
Active Zoning Map Changes (Within a half mile)	Z2400004, 201 Residence Inn: Convert existing extended-stay hotel into multifamily apartments.	
Active Annexations (Within a half mile)	None	
<b>Proximity to Amenities</b>		
	<b>Distance from Site</b>	<b>Amenity</b>
Proximity to Grocery/Food	0.5 Miles 0.6 Miles 0.6 Miles 0.6 Miles 0.7 Miles	Nora's African Groceries Las Carolinas Fresh Market Food Lion Food Mart Around the World Market
Proximity to Retail/Commercial	0.3 Miles 0.5 Miles 1.2 Miles	Triangle Village Shopping Center Executive Park Greenwood Commons Shopping Center
Proximity to a Park/Public Space	3.7 Miles 4.8 Miles	American Tobacco Trail – Riddle Road Access Point Campus Hills Park
Proximity to Healthcare	457 Feet 0.4 Miles 0.5 Miles 0.5 Miles	Healthcare Sterling MD Upward Change Services WakeMed MyCare Restoration Dentistry
Proximity to a School	5.7 Miles 0.1 Miles	Bethesda Elementary Lowes Grove Middle

	4 Miles	Hillside High
Proximity to a Transit Stop	0.3 Miles	NC 54 at NC 55
	0.4 Miles	NC 55 at Meredith Drive
	0.5 Miles	NC 55 at Allendown Drive

## I. Compliance with the UDO and Adopted Plans

Unified Development Ordinance (UDO) Compliance	
<b>District intent Statement</b>	The intent statement is not used for regulatory purposes but provides insight as to the general purpose and goals of the district. The following is the intent of the district pursuant to Sec, 4.4.1:  The PDR District is established to allow for design flexibility in residential development. The district is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.
<b>UDO Compliance</b>	The zoning map change request has been reviewed by staff and determined to be compliant with the UDO requirements that apply to a change of use.
<b>Adopted Plans</b>	The site lies within the Durham Trails and Greenways Master Plan but does not identify any specific recommendations for the site.  The site lies within the Comprehensive Transportation Plan and identifies NC 55 as needing on-road bicycle facility.

## J. Commitments in Excess of the UDO

Commitments Exceeding the UDO Requirements at Time of This Report	
The property use shall be limited to multifamily residential and accessory uses.	
The project will be limited to 126 residential dwelling units.	
Pursuant to the TOA Place Type, 20% of the total units will be committed as affordable housing units to households earning no more than 60% AMI as established by the United States Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area.	<p>a. The affordable housing units will be deed restricted for a period of 30 years. An affordability restriction to preserve affordability, in a form of restrictive covenants approved by the City, shall be filed and recorded in the property's chain of title by the property owner in the Durham Register of Deeds prior to receiving a Certificate of Compliance.</p> <p>b. The affordable housing units will be comparable in square footage, number of bedrooms, and external appearance to the market rate units.</p> <p>c. Any additional units proposed at the site plan stage utilizing the affordable housing density bonus, per UDO Section 6.6, will be provided in excess to those affordable units noted in this commitment.</p> <p>d. The developer shall comply with the following sections of the City's Rules and Procedures for the Affordable Housing Density Bonus in effect on the date of site plan approval:</p> <ul style="list-style-type: none"> <li>i IV.D.1 – Annual Tenant Certification</li> <li>ii IV.D.4 – Compliance Monitoring</li> <li>iii IV.E – Record Keeping and Retention</li> <li>iv V. – Enforcement</li> </ul>
Prior to the issuance of a certificate of occupancy, subject to a determination by GoDurham on the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete pad/bus shelter to GoDurham specifications along the east side of NC 55 adjacent to the site.	
Prior to the issuance of a certificate of occupancy, make a one-time contribution to Durham Public Schools in the amount of \$10,000.	
Prior to the issuance of a certificate of occupancy, make a one-time contribution to the Durham Dedicated Housing Fund of \$10,000.	

## K. Comprehensive Plan Policies

Comprehensive Plan Policy Consistency		
Generally consistent with the following number of applicable policies of the Comprehensive Plan	Consistent by Exceeding UDO	8
	Consistent by Meeting UDO	9
	Policy Not Met	6
	Policy Not Applicable	12
Comprehensive Plan Policy Consistency Analysis	Attachment E	

## L. Place Type Consistency

Existing Place Type	
Place Type Designation	Transit Opportunity Area (TOA)
Elements of a Place Type	
<b>Housing and Land Use Characteristics</b>  The TOA Place Type emphasizes transit and non-vehicular travel modes, requiring higher residential densities for optimal effectiveness. The increased density of this proposal, in contrast to the surrounding area, aligns with this Place Type. This is also the first proposal to comply with Policy 46, which calls for 20% of housing in TOA areas to be affordable to residents between 30-80% of Area Median Income for a duration of 30 years.	<b>Mobility</b>  Sidewalk access is currently available at this location. Furthermore, the proposal includes a commitment to facilitate transit accessibility by constructing a bus pull-out, along with a concrete pad and shelter, pending agreement from the GoDurham service provider.
<b>Green Space</b>  The site currently has minimal green space. Given that this project involves renovating and repurposing an existing development, the provision of open space and tree coverage will be mandated only in areas where site disturbance occurs.	<b>Service Provision</b>  This site has existing transit service, water, sewer, and sidewalks.
<b>Place Type Policy Analysis</b>	See Attachment E

## M. Case Timeline Summary

Timeline of Activity on the Case	
<b>Date of Presubmittal Meeting</b>	January 11, 2024
<b>Date of Required Neighborhood Meeting</b>	March 21, 2024
<b>Date Application Submitted (and Deemed Complete by Staff)</b>	<a href="#">March 29, 2024</a>
<b>Date All Comments Addressed</b>	July 22, 2024
<b>Date of Planning Commission Public Hearing</b>	September 10, 2024
<b>Date of City Council or BOCC Public Hearing</b>	TBD

## N. Advisory Body Recommendations

Bicycle and Pedestrian Advisory Commission (BPAC)	
<b>Bicycle Pedestrian Advisory Commission (BPAC) Comments</b>	The Durham Bicycle and Pedestrian Advisory Commission (BPAC) has reviewed the project and believes the project would better serve the needs of the community, adopted plans, Vision Zero goals and the goals of the Durham Comprehensive Plan if the following items are included:  1. In order to comply with the DCHC MPO Comprehensive Transportation Plan, convert the existing sidewalk along Hwy 55 to a 12-foot paved multi use path (MUP) with a yellow thermo-paint dashed centerline. Include on-ramps at all intersections. Provide connection to the adjacent properties on the north and south.

	<ul style="list-style-type: none"> <li>• No commitment provided. Applicant Response: Hwy 55 follows the State Highway design standards. The project was approved and built following the State standards, which applicant should remain in compliance with.</li> </ul> <p>2. Build a high visibility raised crosswalk with pedestrian signals across the Park Forty Plaza car entrance to enable pedestrians to cross safely and keep pedestrians at the level of the MUP while crossing. The raised crosswalk ensures safer car speeds at points where pedestrians will be crossing and provides better accessibility for those in wheelchairs.</p> <ul style="list-style-type: none"> <li>• No commitment provided. Applicant Response: The current crosswalk follows the City streets and State Highway design standards. The project was approved and built following the City and State standards, which applicant should remain in compliance with.</li> </ul> <p>3. In order to comply with the DCHC MPO Comprehensive Transportation Plan for the future "Page Rd to Southpoint" Multi-Use Path, and to provide future access to the adjacent Lowes Grove Middle School, provide an east-west easement for this MUP connecting to its planned endpoints.</p> <ul style="list-style-type: none"> <li>• No commitment provided. Applicant Response: The property is adjacent to a parking lot along the east side that is owned by another property owner. Applicant does not have the right to access through the adjacent property. Also, the adjacent property is located along a heavily landscaped area that separates it from the train tracks. A pedestrian pathway to Lowe's Grove Middle School is unsafe and impractical due to needing to cross over the railroad tracks.</li> </ul> <p>Relevant Durham Comprehensive Plan Policies:</p> <ul style="list-style-type: none"> <li>CP Policy 53- Fill Gaps in Sidewalk, Bicycle &amp; Transit Infrastructure</li> <li>CP Policy 57- Reduce automobile dependency</li> <li>CP Policy 61- Improve ADA accessibility</li> <li>CP Policy 70- Ensure new development is connected to adjacent neighborhoods</li> <li>CP Policy 55- Build or Dedicate rights-of-way within and adjacent to the project site</li> <li>CP Policy 103- New developments should build or dedicate right-of-way for trails and greenways</li> <li>CP Policy 156- Design parks, trails, and sidewalk connections so that they provide safe access and connections to schools</li> <li>CP Policy 56- Vision Zero- Reduce and eliminate traffic deaths, injuries, and crashes</li> </ul>
<b>Planning Commission</b>	
<b>Planning Commission Vote</b>	TBD

## **O. Conclusion**

The proposal would allow the development of 126 multifamily apartment units on a currently vacant property, which would involve the renovation and repurposing of an existing development that predates current project boundary buffers, open space, and tree coverage standards. The textual development plan includes a commitment to allocate 25 units, or 20% of the total, as affordable housing for households earning 60% of the Area Median Income or less, with this affordability maintained for 30 years. Located in southern Durham, the site is within a one-mile walking distance of various uses and resources. Additionally, the proposal includes improvements to local multimodal transportation infrastructure, specifically by constructing a bus pull-out and a concrete pad/bus shelter along the east side of NC 55, in compliance with GoDurham specifications.

Although the tax value increase within the census tract is below the County's average, the surrounding area exhibits significantly higher rates of evictions per square mile and cost-burdened renters. This indicates a higher potential risk of displacement. However, the proposal helps to address these concerns by committing to allocate 20% of the units as affordable housing and contributing to the Durham Dedicated Housing Fund, thereby helping to mitigate the potential risk of displacement.

This proposal is consistent with 17 of 23 of applicable policies of the Comprehensive Plan, as found in Attachment F – Comprehensive Plan Consistency. The proposal is generally consistent with the Place Type Map designation of Transit Opportunity Area.

## **P. Notification**

Staff certifies that newspaper advertisements, letters to property owners, and the posting of the property have been carried out in accordance with paragraph 3.2.5 of the UDO. In addition, email notice was provided per the Durham Planning Public Notification Service.

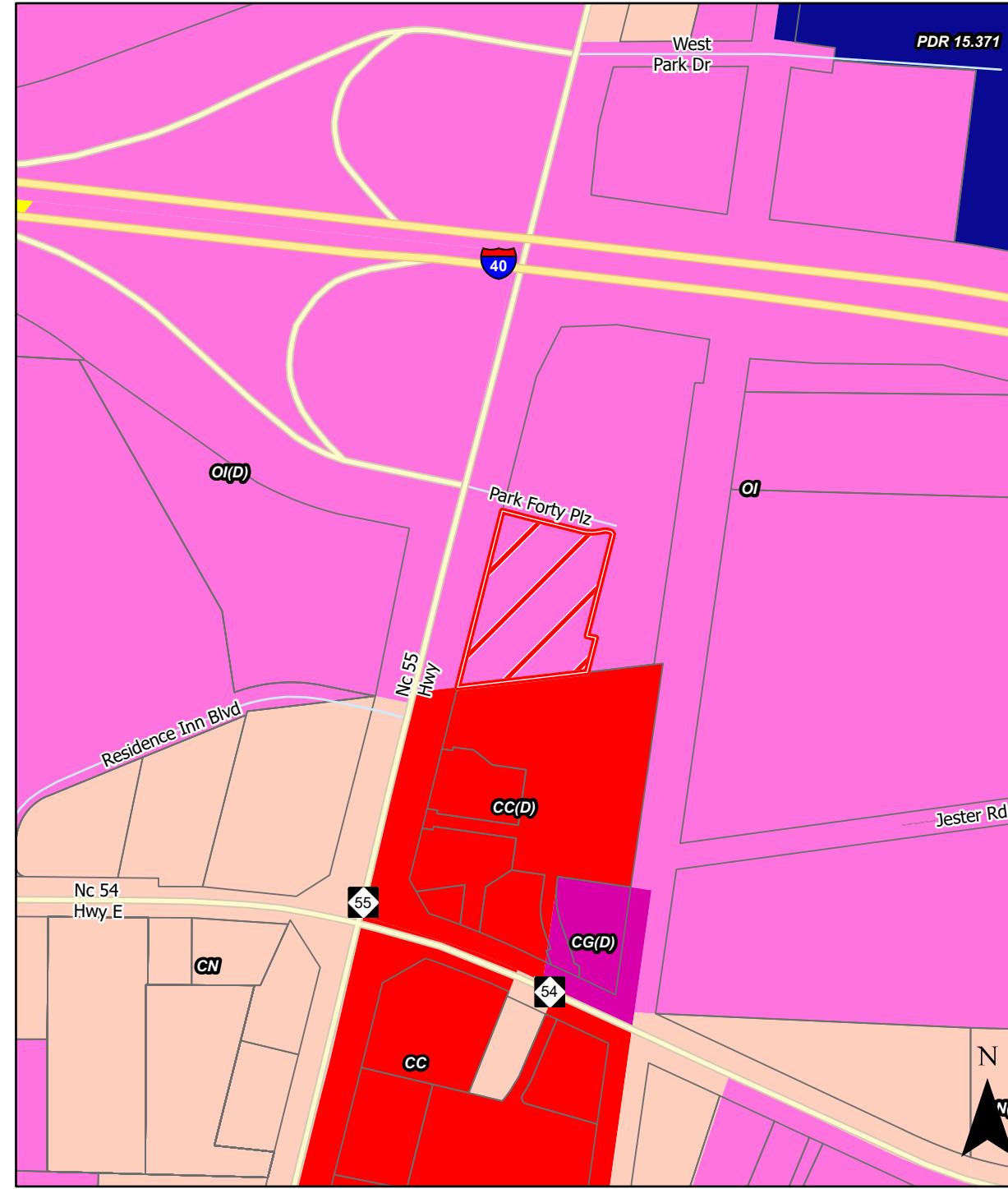
## **Q. Attachments**

- Attachment A – Zoning Context Map
- Attachment B – Aerial Map
- Attachment C – Place Type Map
- Attachment D – Textual Development Plan
- Attachment E – Comprehensive Plan Consistency Review

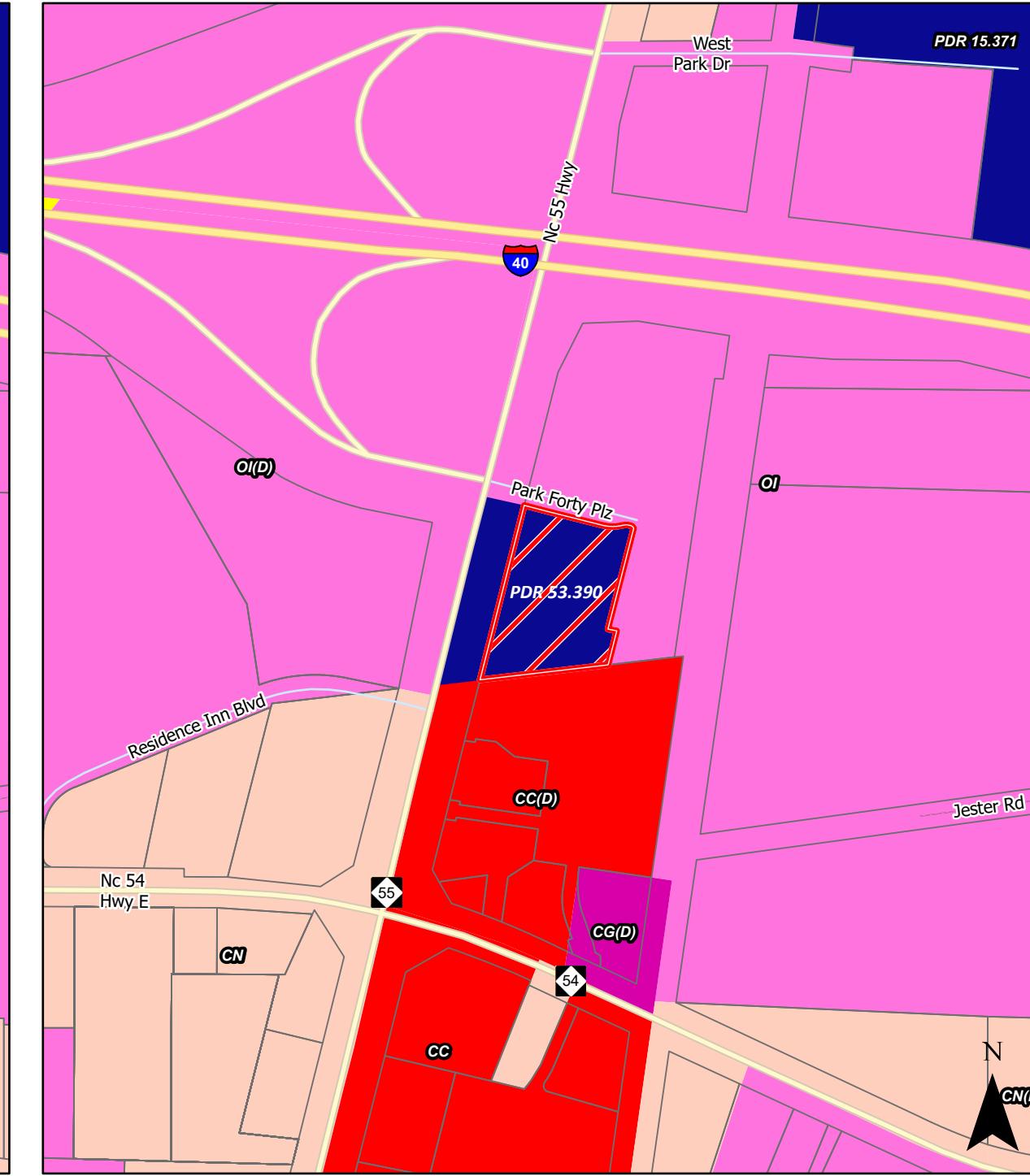
# Attachment A: Zoning Context Map

Z2400017 - Vivo Living Durham

Existing: Office and Institutional (OI)

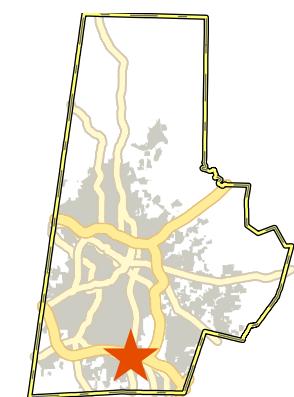


Proposed: Planned Development Residential 53.390 (PDR 53.390)



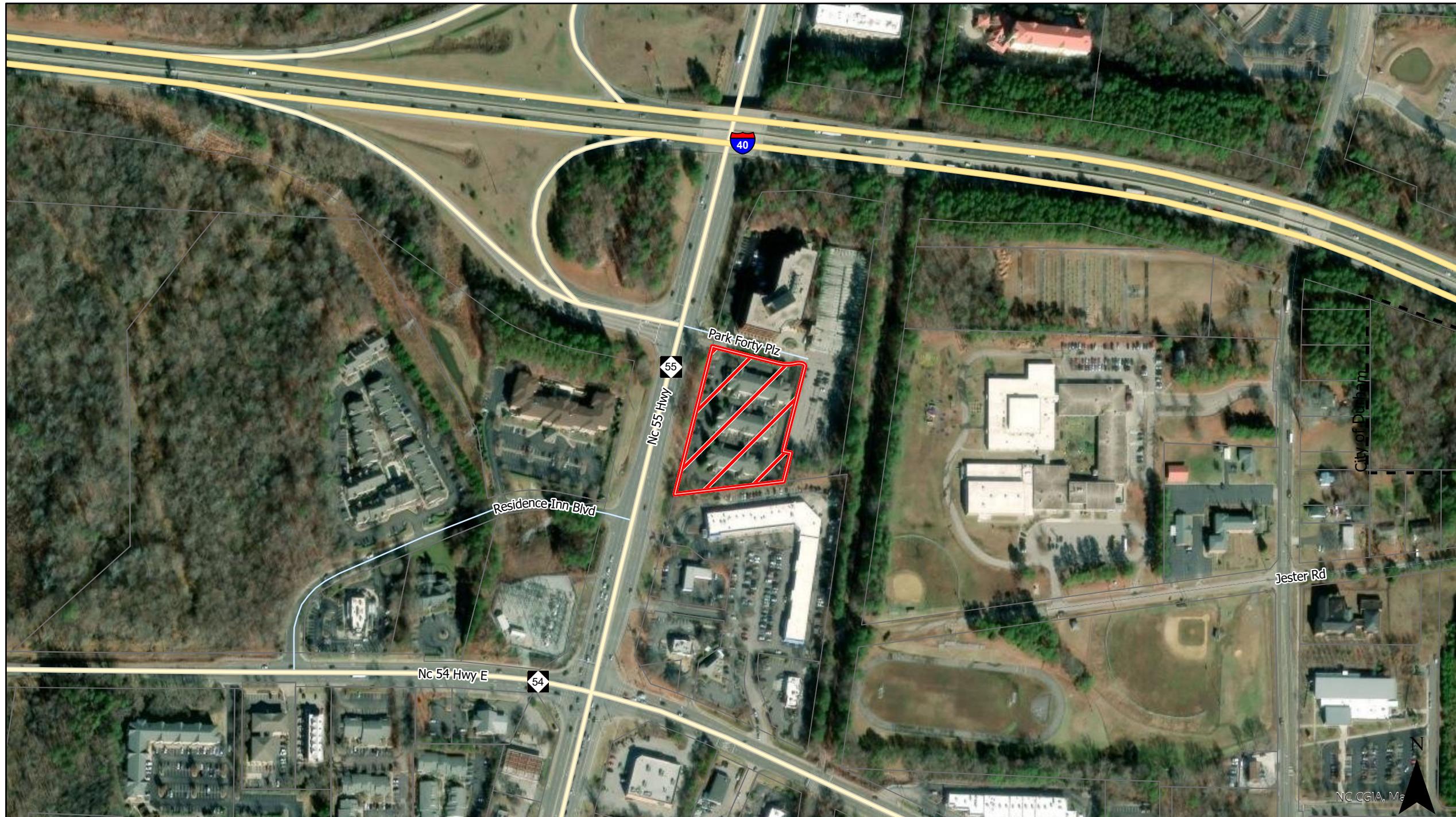
Legend:

- Z2400017
- Parcels
- City of Durham
- Durham County
- PDR (> 12 du/ac)
- RS-20
- CC
- CN
- OI
- CG



# Attachment B: Aerial Map

Z2400017 - Vivo Living Durham

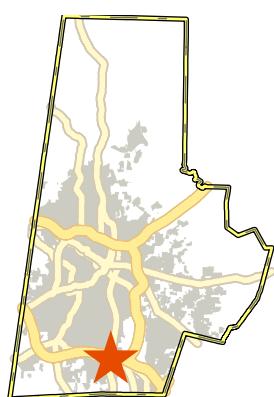


0 125 250 500  
Feet

Durham City-County Planning Department  
April 2, 2024

**Legend:**

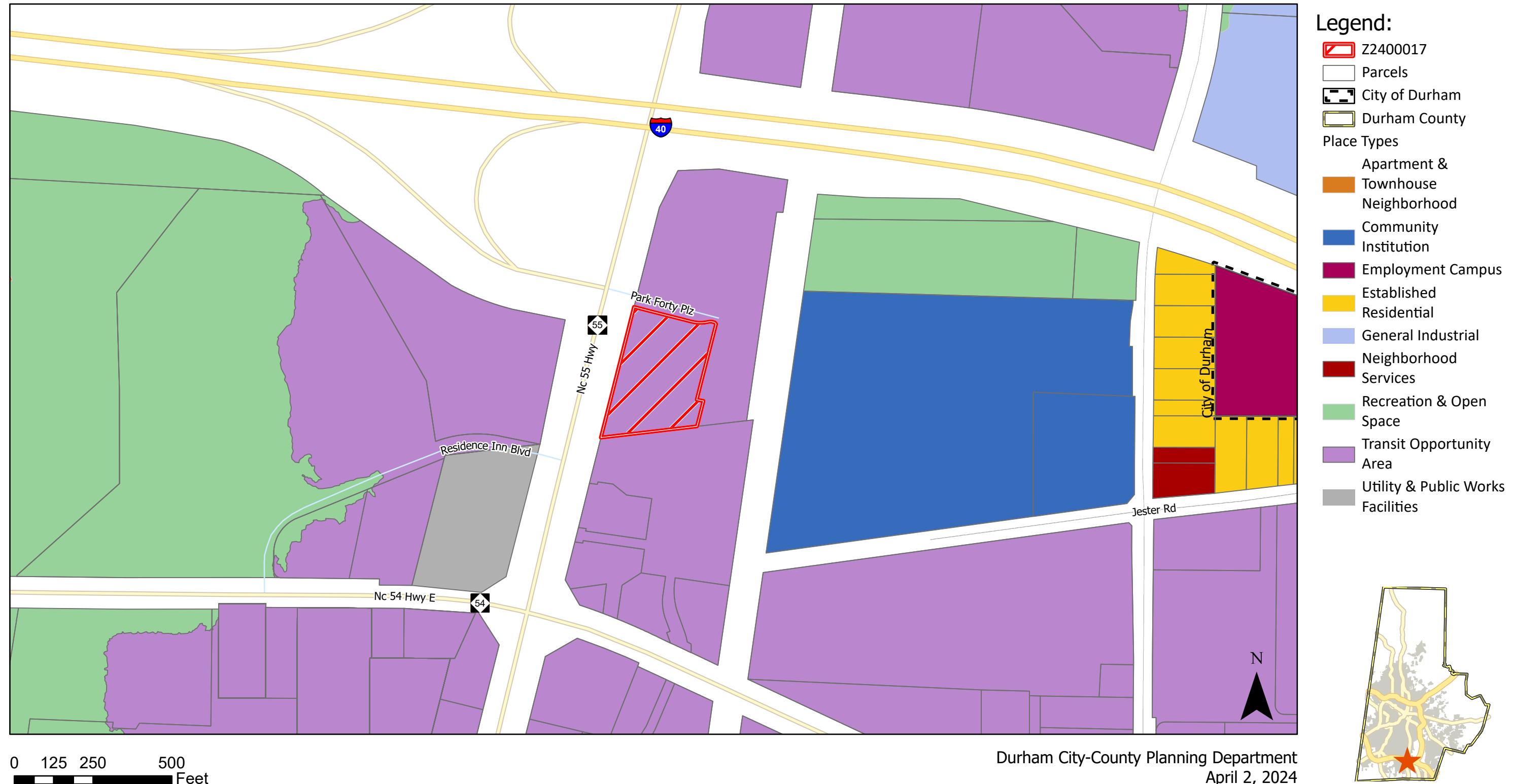
-  Z2400017
-  Parcels
-  City of Durham
-  Durham County



# Attachment C: Place Type Map

Z2400017 - Vivo Living Durham

Existing: Transit Opportunity Area





## Planning

# Textual Development Plan

## Zoning Map Change Application Attachment

*City-County Planning Department*

Download and open PDF file before entering information

Application Guide, Online Payment, and Submittal Portal: <https://dsc.durhamnc.gov/264>

Application Questions: [growth@durhamnc.gov](mailto:growth@durhamnc.gov) | 919-560-4137

### REQUIREMENTS (ATTACH ON SEPARATE SHEETS AS NECESSARY)

A textual development plan allows an applicant for a zoning map change to proffer commitments without requiring a full graphic plan, as stated within the Unified Development Ordinance (UDO) section 3.5.6. The submittal of a development plan with a Zoning Map Change application is optional except for requests in the following zoning districts: PDR, UC, CC, MU, IP, and RU-M or RS-M if triggered by height or density (refer to Article 6). Textual development plans may be used in lieu of graphic development plans if all requirements of the aforementioned districts can be met through text. For all applications to be submitted with a Development Plan, place a "(D)" with the zoning district request, except PDR.

**Directions:** In the space below and/or on attached sheets, indicate in detail either the commitments that are being proffered, or those committed as required by specific zoning districts.

Proposed Zoning District(s):	Planned Development Residential 53.390 (PDR 53.390)
Proposed Project Name:	Vivo Living Durham
Project REID(s):	154191

### General Notes:

See attached Textual Development Plan "Commitments".

### ACKNOWLEDGEMENTS

I, the undersigned applicant, acknowledge that the use limitations described above are voluntary proffers and, if approved, become zoning requirements that are applicable to the subject property regardless of ownership.

Name (Print):	Tarek Shaer
Digital Signature:	
Date Signed:	6-24-2024

June 24, 2024

**RE: Textual Development Plan, Zoning Map Change  
for a Property Located at: 4515 NC 55 Hwy, Durham, North Carolina**

Project PID(s): 154191

Current Zoning District: Office Institutional (OI)

Proposed Zoning District: Planned Development Residential 53.390 (PDR 53.390)

Vivo Living proposes the following Textual Development Plan Commitments:

1. The property use shall be limited to multifamily residential and accessory uses.
2. The project will be limited to 126 residential dwelling units.
3. Pursuant to the TOA Place Type, 20% of the total units will be committed as affordable housing units to households earning no more than 60% AMI as established by the United States Department of Housing and Urban Development for the Durham-Chapel Hill Metropolitan Statistical Area.
  - a The affordable housing units will be deed restricted for a period of 30 years. An affordability restriction to preserve affordability, in a form of restrictive covenants approved by the City, shall be filed and recorded in the property's chain of title by the property owner in the Durham Register of Deeds prior to receiving a Certificate of Compliance.
  - b The affordable housing units will be comparable in square footage, number of bedrooms, and external appearance to the market rate units.
  - c Any additional units proposed at the site plan stage utilizing the affordable housing density bonus, per UDO Section 6.6, will be provided in excess to those affordable units noted in this commitment.
  - d The developer shall comply with the following sections of the City's Rules and Procedures for the Affordable Housing Density Bonus in effect on the date of site plan approval:
    - i IV.D.1 – Annual Tenant Certification
    - ii IV.D.4 – Compliance Monitoring
    - iii IV.E – Record Keeping and Retention
    - iv V. – Enforcement

4. Prior to the issuance of a certificate of occupancy, subject to a determination by GoDurham on the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete pad/bus shelter to GoDurham specifications along the east side of NC 55 adjacent to the site.
5. Prior to the issuance of a certificate of occupancy, make a one-time contribution to Durham Public Schools in the amount of \$10,000.
6. Prior to the issuance of a certificate of occupancy, make a one-time contribution to the Durham Dedicated Housing Fund of \$10,000.

Tarek Shaer



Principal  
Urbanest Group, Inc.  
1007 North Sepulveda Blvd, #231  
Manhattan Beach, CA 90267



## COMPREHENSIVE PLAN CONSISTENCY REVIEW

Comprehensive Plan Development Applicable Policies		
Applicable Policy	Consistent	How consistent
<b>Policy 32:</b> Preserve and protect historic resources in the design of new developments and neighborhoods and design them to respect Durham's unique identity and reflect the nearby historical context. Promote new developments that are compatible with the architectural elements of significant historic resources.	Not applicable as there are no historic structures on site	
<b>Policy 33:</b> Discourage development patterns, such as exclusively single-family neighborhoods, that segregate and concentrate high-wealth communities.	Consistent by meeting UDO standards	Proposal is for multifamily apartments in an area that is predominantly non-residential.
<b>Policy 37:</b> Design new developments to prioritize pedestrians in ways compatible with existing neighborhoods, such as by placing buildings close to the street, oriented toward sidewalks, green spaces, or community areas where people gather; locating vehicle access and parking to the side or rear of buildings and lots; maintaining connected streets and frequent intersections; and designing buildings to engage with the street through stoops, porches, or other welcoming entranceways.	Consistent by meeting UDO standards	Sidewalks currently exist on NC Highway 55. Provision of on-road bicycle facilities on this road is not feasible at this time.
<b>Policy 39:</b> Preserve and create natural areas, open spaces, community gardens, and trees within new housing developments or redevelopments—particularly for affordable housing—to improve the physical and mental health of residents.	Consistent by meeting UDO standards	UDO requirements of tree coverage and open space will be met at the site plan stage.
<b>Policy 40:</b> Affordable housing should be included in new development proposals. Encourage and incentivize housing that meets the needs of Durham residents in terms of cost, unit size, housing type, ADA accessibility, and location. Tenures for housing affordability should run, where feasible, with the land in perpetuity. When this is not possible, affordability tenures should last for a minimum of 30 years and have an associated deed restriction.	Consistent by exceeding UDO standards	The development plan commits to provision of 25 units (20 percent) to be affordable to households at 60% Area Median Income or less for a period of 30 years, as well as a \$10,000 donation to the Durham Dedicated Housing Fund.

<p><b>Policy 48:</b> Encourage, incentivize, and require a variety of housing types in new developments that allow for a mix of age groups, and discourage developer commitments that isolate seniors by restricting housing based on age.</p>	<p>Policy not met</p>	<p>While this project does not commit to age-restricted units it also does not include any commitments that promote a mix of age groups or a variety of housing design features (for example, first-floor ADA accessible walk-out units).</p>
<p><b>Policy 49:</b> Work towards healthier housing and lower utility costs for residents by using green building techniques and technologies (such as solar panels, passive solar design, low VOC materials), particularly in affordable housing units. Use durable, environmentally sustainable materials in publicly and privately funded affordable housing to create healthier homes.</p>	<p>Policy not met</p>	<p>The proposal does not provide commitments for green building techniques or technologies, or environmentally sustainable materials or practices.</p>
<p><b>Policy 50:</b> Encourage the location of new residential development such that homes are within a safe ten-minute walking distance (approximately one-half mile) of public parkland.</p>	<p>Policy not met</p>	<p>The development is not sited within 1/2 mile of public parkland.</p>
<p><b>Policy 52:</b> Encourage the preservation of existing mobile home parks. Provide a re-housing plan for residents when mobile home parks are redeveloped, prioritizing locations near existing parks or with similar access to amenities.</p>	<p>Not applicable as the site is not an existing mobile home park</p>	
<p><b>Policy 55:</b> Fill in gaps in the existing sidewalk, bicycle, and transit infrastructure to create an accessible, safe, and direct transportation network for all residents. Focus on improving residents' access to needed resources, including healthcare services, grocery stores, employment areas, and schools.</p>	<p>Consistent by exceeding UDO standards</p>	<p>A sidewalk currently exists on NC 55 for the entire frontage of the site. The applicant has committed to providing additional transit infrastructure adjacent to the site.</p>
<p><b>Policy 57:</b> Encourage new developments to fill in gaps or upgrade transportation infrastructure by building or dedicating rights-of-way within and adjacent to the project site.</p>	<p>Consistent by exceeding UDO standards</p>	<p>The applicant has committed to providing additional transit infrastructure adjacent to the site.</p>
<p><b>Policy 63:</b> Improve ADA accessibility at crosswalks, sidewalks, and bus stops for all people, regardless of ability or age. Improve pedestrian infrastructure, including street crossings, intersections, signals, wayfinding, and sidewalks prioritizing the safety of people with disabilities, senior citizens, students, and families with young children.</p>	<p>Consistent by meeting UDO standards</p>	<p>ADA accessibility will be required at the site plan stage.</p>

<p><b>Policy 70:</b> Reduce the amount of land used for automobile travel and parking and encourage pedestrian- and transit-friendly design. Discourage conversion of land into uses primarily or exclusively supportive of automobiles, such as gas stations and car washes.</p>	<p><b>Not applicable as this is a residential proposal</b></p>	
<p><b>Policy 72:</b> Ensure new development is connected to adjacent neighborhoods and commercial areas with walking and biking infrastructure. This can include building, improving, or dedicating right-of-way for sidewalks, and constructing bicycle paths, greenways, off-street bicycle and pedestrian connections, bus stop infrastructure, and collector streets, as called for in locally adopted transportation plans.</p>	<p><b>Consistent by meeting UDO standards</b></p>	<p><b>A sidewalk currently exists on NC 55 for the entire frontage of the site.</b></p>
<p><b>Policy 79:</b> Protect Durham's most sensitive natural areas (including floodplains, wetlands, wildlife habitats, hillsides, drinking water sources, critical watersheds, and natural heritage areas) from the impacts of development.</p>	<p><b>Not applicable as there are no sensitive natural areas on the site</b></p>	
<p><b>Policy 81:</b> Locate open space in new development so that it protects the most environmentally sensitive portions of the site and creates large and contiguous habitat areas, rather than narrow and disconnected strips of open space</p>	<p><b>Not applicable as this is a redevelopment of an existing site with minimal planned disturbance</b></p>	
<p><b>Policy 83:</b> Existing habitat areas and wildlife movement corridors should be left largely undisturbed to remain in their natural, vegetated state and to avoid fragmentation and disruption. These areas include Wildlife Habitat Areas or Natural Corridors in adopted open space plans or identified NC Natural Heritage Areas. Some disturbance may be allowed for road crossings, utilities, and stormwater infrastructure, if minimized. Staff will recommend against proposed structures or parking in these areas</p>	<p><b>Not applicable as there is not a wildlife corridor on the site</b></p>	
<p><b>Policy 84:</b> Discourage development that contributes to a loss of biodiversity, particularly through disruptive clear-cutting and mass grading. Mass grading should be discouraged for new residential projects. When mass grading of new development sites is proposed, it should occur in phases rather than across the entire area at once, to reduce on-site stormwater runoff and erosion, and to retain tree cover between the phases of construction.</p>	<p><b>Not applicable as the site is too small to meet mass grading standards</b></p>	

<p><b>Policy 85:</b> New developments should include tree coverage beyond that required by development regulations. Tree canopy should be distributed throughout new developments to maintain a consistent mature tree canopy wherever possible.</p>	<p>Policy not met</p>	<p>The proposal does not include commitments to tree coverage beyond which is required by the UDO. The UDO allows for exemptions from standard tree coverage requirements for reuse of sites that were constructed prior to current development standards.</p>
<p><b>Policy 94:</b> Increase Durham's urban tree canopy, prioritizing neighborhoods and communities with comparably less canopy. Prioritize native trees in replanting efforts.</p>	<p>Consistent by meeting UDO standards</p>	<p>Requirements of the Durham Landscape Manual will be met at site plan.</p>
<p><b>Policy 95:</b> Strongly discourage new development in floodplains. For existing development in floodplains, support and encourage retrofits to increase flood resilience.</p>	<p>Not applicable as there is no floodplain on the site</p>	
<p><b>Policy 96:</b> Implement strategies to reduce the heat island effect and its impact on residents. Ensure that new developments mitigate the urban heat island effect in areas currently experiencing it. Encourage new developments that minimize impervious surfaces and include green infrastructure, reflective materials, and plentiful tree canopy.</p>	<p>Policy not met</p>	<p>While this is a redevelopment of existing site and there is no maximum impervious surface requirement, the proposal does not commit to minimizing impervious surfaces, or the inclusion of green infrastructure, reflective materials, or additional tree canopy to mitigate the heat island effect.</p>
<p><b>Policy 101:</b> Encourage new development that incorporates native plants, wildlife habitats, natural landscaping, and that discourages invasive exotic species.</p>	<p>Consistent by meeting UDO standards</p>	<p>The proposal will meet the Durham Landscape Manual requirements at time of site plan.</p>
<p><b>Policy 104:</b> In new development, dedicate parks, recreation facilities, and other amenities for public use rather than as private space.</p>	<p>Not applicable as there are no park facilities dedicated</p>	
<p><b>Policy 105:</b> New developments should build or dedicate right-of-way for trails and greenways as per adopted trails and greenway plans. The trails and greenways system should link residential areas, schools, parks, institutions, shopping centers, and other greenway corridors.</p>	<p>Not applicable as there are no planned trails or greenways identified on site</p>	
<p><b>Policy 108:</b> Encourage green infrastructure, such as native trees and vegetation, protected green spaces, green roofs and walls, bioswales, rain gardens, and permeable pavement. Green infrastructure should be prioritized in low-income and BIPOC communities if desired by those communities.</p>	<p>Policy not met</p>	<p>No commitment to the provision of green infrastructure is proffered.</p>

<b>Policy 111:</b> Encourage innovative stormwater management practices that will preserve and enhance water quality and will not increase the quantity of water discharged downstream of new developments. Encourage innovative stormwater management practices that will prepare our community and its infrastructure for increasingly heavy precipitation events.	<b>Consistent by meeting UDO standards</b>	UDO stormwater requirements will be met at the site plan stage.
<b>Policy 114:</b> Encourage reuse of existing buildings, infrastructure, and construction materials, rather than their new creation from scratch. (Ensure that existing infrastructure is adequate for infill development, upgrade if not).	<b>Consistent by exceeding UDO standards</b>	The proposal will reuse the three existing buildings on the site.
<b>Policy 145:</b> Co-locate childcare facilities within or adjacent to employment centers, education and medical institutions, and community and civic places.	<b>Not applicable as this is a residential proposal</b>	
<b>Policy 152:</b> Coordinate school planning and land use planning to proactively prepare for increased student growth from new development. When a proposed residential development causes any school level (ex: elementary, middle, and high school) within a region to be over-capacity, Durham Public Schools, the Durham City-County Planning Department, and the development team should consider mitigation measures for the school system (ex: land dedication, payments in-lieu-of improvements, or other proffers). Coordinate with Durham Public Schools to calculate what mitigation is necessary based on the best available estimates.	<b>Consistent by exceeding UDO standards</b>	The proposal commits to a \$10,000 one-time donation to Durham Public Schools.
<b>Policy 155:</b> When a proffer of land dedication for school sites is made, review of acreage and feasibility should be assessed in coordination with Durham Public Schools and Durham City-County Planning.	<b>Not applicable as there is no school land donation proposed</b>	

Place Type Policies		
Policy	Consistent	How Consistent
<b>Policy 44:</b> Equitably distribute housing throughout Durham that is accessible to those with low incomes. Identify and ensure appropriate locations for affordable housing, public housing, and supportive housing near jobs, services, and existing or planned transit services.	<b>Consistent</b>	The proposal is consistent with this policy as it commits to 20% of units to be affordable to households earning 60% Area Median Income or less for a period of at least 30 years.

<p><b>Policy 46:</b> At least 20% of housing in the Transit Opportunity Areas Place Type should be affordable to households making 30-80% of Area Median Income (AMI), with half of those units being affordable for households making 30-50% of AMI. At least 15% of housing in all other residential and mixed-use place types should be affordable to households making 30-80% of AMI.</p>	<p>Consistent</p>	<p><b>The proposal is consistent with this policy as it commits to 20% of units to be affordable to households earning 60% Area Median Income or less for a period of at least 30 years.</b></p>
<p><b>Policy 71:</b> Plan transportation connections between affordable housing, public housing, and shelters for low-income and houseless residents to offer safe access to nearby jobs, education facilities, services, and transit.</p>	<p>Consistent</p>	<p><b>The proposal is consistent with this policy because the site is near existing transit service, and the applicant has committed to providing transit infrastructure adjacent to the site.</b></p>
<p><b>Policy 169:</b> The Downtown and Transit Opportunity Area Place Types, should provide a sensitive transition to nearby neighborhoods through building placement, design, massing, and step-down height.</p>	<p>Consistent</p>	<p>The surrounding uses are office and commercial, and the size and scale of the existing buildings are consistent with the surrounding neighborhood. <b>The proposal is consistent with this policy as it intends to use the existing buildings on site, which provide a sensitive transition from the taller office buildings to the north and to the one-story commercial buildings to the south.</b></p>
<p><b>Policy 170:</b> Transit Opportunity Areas should respect the surrounding neighborhoods in scale and design. Larger, regional-oriented Transit Opportunity Areas should be tall and dense to support transit but not as intense as the Downtown Place type. Neighborhood-oriented Transit Opportunity Areas should include shorter heights and less intensity, while still supporting transit.</p>	<p>Consistent</p>	<p>The surrounding uses are office and commercial, and the size and scale of the existing buildings are consistent with the surrounding neighborhood. <b>The proposal is consistent with this policy as it intends to use the existing buildings on site, which provide a transition from the taller office buildings to the north and to the one-story commercial buildings to the south.</b></p>