

LAND USE APPLICATION SUMMARY

Property Location: 2910 - 2936 Pillsbury Avenue South
Project Name: Karmel Plaza and Square
Prepared By: Andrew Liska, City Planner, 612.673.2264
Applicant: Basim Sabri, Karmel Properties, LLC
Project Contact: Scott Nelson, DJR Architecture Inc.
Request: Additions to the 1st, 2nd, 3rd, and 4th floors
Required Applications:

Expansion of a Non-Conforming Use	Expansion to the 1 st , 2 nd , 3 rd , and 4 th floors of approximately 8,871 square feet for new tenant space
Site Plan Review	Additions to the 1 st , 2 nd , 3 rd , and 4 th floors of approximately 8,871 square feet for new tenant space

SITE DATA

Existing Zoning	II Light Industrial District
Lot Area	12,455 square feet / 2.58 acres
Ward(s)	10
Neighborhood(s)	Whittier Alliance
Designated Future Land Use	Urban Neighborhood
Land Use Features	Commercial Corridor (Lake Street ½ block away)
Small Area Plan(s)	Midtown Greenway Land Use and Development Plan

Date Application Deemed Complete	July 31, 2015	Date Extension Letter Sent	September 3, 2015
End of 60-Day Decision Period	September 29, 2015	End of 120-Day Decision Period	November 28, 2015

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The existing development includes mixed use buildings with a shopping center. Karmel Plaza is located at 2910 Pillsbury Avenue and Karmel Square is located at 2936 Pillsbury Avenue. The commercial uses, including general retail sales and services uses, coffee shops, delicatessens, and sit down restaurants with limited entertainment, offices, food and beverage production, and a developmental achievement center, located on the first and second floors in Karmel Plaza, are part of a shopping center. A shopping center is not a permitted use in the II district. The original development proposed an ethnic market. The ethnic market was classified as a farmers' market. At the time, the zoning code did not include a definition for farmers' markets. The farmers' market that was approved for this site does not comply with the definition adopted in July of 2006, but the building was constructed and the use was established prior to the code change. Under today's code, the ethnic market that does not comply with the definition of farmers' market is considered a shopping center. The use is legally nonconforming.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There is a mix of residential and non-residential uses in the immediate area. The Midtown Greenway is located immediately north of the site. The site is bordered by Pillsbury Avenue on the east and Pleasant Avenue on the west.

PROJECT DESCRIPTION. The shopping center on the 1st and 2nd floors is a legal non-conforming use. With this, any expansion to any part of the structure requires an expansion of a non-conforming use and as well as site plan review. The most recent applications for expansion of the project did not include submittal of applications for expansion of a nonconforming use. Staff has determined that this was based on an incorrect interpretation of section 531.50(b) of the zoning code. The applicant is proposed to add to the 1st, 2nd, 3rd, and 4th floors. The proposed expansion of Karmel Plaza by floor:

1st: 451 square feet (all square footage to south side)

2nd: 993 square feet (all square footage to south side)

3rd: 6,607 square feet (5,613 square feet to the north; 994 square feet to the south side)

4th: 820 square feet (all square footage to south side)

The Commission continued this application from the meeting of September 21, 2015, to provide an opportunity for the City Attorney's Office to weigh-in on the City's ability to limit the uses on the 3rd and 4th floors to those only permitted in the II Light Industrial District. The City Attorney concluded that, even if the Commission approves a physical expansion of the building, it is within the Commission's authority to limit the uses that would be located in the areas being expanded. This item was also continued by the Commission from the meeting of September 8, 2015, after the applicant made significant changes to the proposal.

As proposed, additions include new space to the south side of the structure to the inside of the courtyard on all floors. The applicant has also proposed an addition to the north side of the structure to the 3rd floor. Currently, the 3rd and 4th floors are recessed from the 1st and 2nd floors, with the exception of the easterly 65 feet. The applicant is seeking to bring the 3rd floor flush with the 2nd floor for the entire length of the structure. The primary change to the project compared to the plans submitted for the September 8th meeting is that the applicant is not proposing any changes to the north side of the 4th floor. The proposal does not seek to increase overall height of the structure.

The City Planning Commission approved the construction of the 3rd and 4th stories in 2014 but conditioned that the increased stories of the structure be recessed as to not substantially increase shadowing of the Midtown Greenway. The Commission authorized the easterly 65 feet of the third and

fourth floors to align with the second floor, with a setback from the north property line of 42 feet. With this application, the applicant has provided a shadow study of what is permitted today and also what is proposed. In addition, a cross-sectional shadow study has been provided.

With the application for the expansion of the non-conforming use, the applicant is seeking to expand the shopping center use onto the 3rd and 4th floors.

RELATED APPROVALS.

The most recent approval for the building addition, BZZ-6524, the applicant sought to build a 3rd and 4th floor. The Commission granted the development of the 3rd and 4th floors with the condition of the step backs. The applicant did not appeal the ruling. Due to confusion about the Commission’s action, the project was considered by the Commission again in December of 2014, BZZ-6921. The Commission clarified the initial condition of approval and again, approved with the 3rd and 4th floors with the step back. The easterly 65 feet of the 3rd and 4th floors were allowed to align with the north setback of the 2nd floor. The applicant did not appeal this decision.

Planning Case #	Application	Description	Action
BZZ-7113	Site Plan Review	Construct a third floor to the existing parking structure	Approved with conditions (2015)
BZZ-6921	Site Plan Review	Clarifying previous Planning Commission approvals	Approved with conditions (2014)
BZZ-6524	Site Plan Review	Building additions and two-level parking structure	Approved with conditions (2014)
BZZ-6683	Shared loading (administratively reviewed)	Off-site loading lease with 2933 Pleasant Avenue	Approved with conditions (2014)
BZZ-6478	Shared parking (administratively reviewed)	Off-site parking lease with 2900 Pleasant Avenue	Approved with conditions (2014)
BZZ-5482	Expansion of non-conforming use and site plan review	Additional first floor additions to the shopping center and third floor addition for self-service storage	Approved with conditions (2012)
BZZ-4801	Expansion of non-conforming use and site plan review	First floor additions to the shopping center and third floor addition for self-service storage	Approved with conditions (2010)
BZZ-1361	Conditional use permit and site plan review	New 2-story farmer’s market	Approved with conditions (2003)

PUBLIC COMMENTS. As of the writing of this report, correspondence has not been received from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

EXPANSION OF A NONCONFORMING USE

The Department of Community Planning and Economic Development has analyzed the application to expand the non-conforming uses located at 2910 and 2936 Pillsbury Avenue based on the following findings:

1. *A rezoning of the property would be inappropriate.*

The future land-use map designates this property as Urban Neighborhood. The site is located half a block from Lake Street, which is designated as a commercial corridor. It is also located between the Lyn-Lake and Nicollet and Lake Activity centers. According to the Land-Use section of the comprehensive plan, urban neighborhoods are described as follows: “*Urban Neighborhood (UN) — predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.*” This area is not identified as a growth center. The rezoning of this property would be inappropriate.

2. *The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.*

The only change to the buildings footprint will occur within the courtyard. The courtyard is occupied by the parking structure. The proposed 3rd floor expansion of the north side of the structure is compatible with adjacent properties. As the shadow study demonstrates, the proposed 3rd floor would have minimal impact on increasing the shadowing of the Midtown Greenway. While the non-conforming uses are bundled into the broader classification of “shopping center”, many are essentially small neighborhood serving retail sales and services uses and these businesses serve the neighborhood needs on a day to day basis. This use is compatible with adjacent properties and the neighborhood as a whole.

3. *The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.*

The proposed additional square footage has been included in the parking calculations, bicycle parking, and loading requirements. The existing parking structure provides more parking than the minimum required by Code. Bicycle parking existing is more than double required by Code. The loading requirement is also exceeded. The proposed expansion of non-conforming use would not result in significant adverse impacts.

4. *The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.*

The proposed expansion of non-conforming use to the interior courtyard will not be visible as the courtyard is primarily occupied by the parking structure. The proposed addition to the north side will be visible from the right-of way. The expansion of non-conforming uses will provide additional flexibility in terms of permitted uses and will allow for this area to change with time to better serve the neighborhood. The proposed addition matches the existing structure and will not detract from the appearance of the structure.

5. *In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.*

Not applicable.

6. *The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.*

Not applicable; the property is not located in the Floodway District.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

I. Conformance to all applicable standards of Chapter 530, Site Plan Review.

Building Placement and Design – Meets requirements with Conditions of Approval

- Plain face concrete block would not be used as a primary exterior building material.
- On-site accessory parking will be located to the interior of the site.
- For the new construction, the walls will provide architectural detail and contain windows to create visual interest, increase security of adjacent outdoor spaces.
- Architectural elements, including recesses, projections and windows, would divide the building into smaller identifiable sections.
- The walls facing a public street or public pathway are subject to minimum window requirements. The courtyard is no longer subject to minimum windows as the parking structure occupies the site rather than a surface lot. The proposed addition to the east (Pillsbury Avenue) is also not subject as the pitched roof of the Place of Assembly blocks all windows. The amount of windows proposed for each addition wall is included in **Table I**. The proposed windows would be vertical in proportion and more or less evenly distributed.
- The applicant will need to add window coverage to the west elevation 3rd floor as the proposal demonstrates 8.9% coverage; 10% coverage is the minimum.
- There would not be any blank, uninterrupted walls exceeding 25 feet in length on the additions.
- The proposed primary exterior materials are stucco and glass, which are durable. The proposed exterior is shown as matching the existing exterior materials.
- The existing primary exterior materials are stucco and glass. All sides of the building would be compatible and similar to each other in material, color, and texture.
- A flat roof is proposed the building additions matching the existing roof of the majority of the structure. Only the Place of Assembly has a slightly pitched roof. The proposed flat roof does minimize overall height and thus, shadowing of the Greenway.

Table I. Percentage of Windows Required for Elevations Facing a Public Street, Sidewalk, Pathway, or On-Site Parking

Location	Floor	Code Requirement / Square Footage	Proposed / Square Footage
Midtown Greenway (North)	3	10% minimum 245.6 sq. ft.	11% 271.04 sq. ft.
Pleasant Avenue (West)	3	10% minimum 110.4 sq. ft.	8.9% 98.56 sq. ft.

Access and Circulation – Not applicable

- There is no change to this from the previous approvals – all access and circulation will remain the same.
- Vehicles enter through a curb cut on Pleasant Avenue and exit through a curb cut on Pillsbury Avenue. Circulation is designed to occur on-site. Some residential uses are located in the immediate area. Staff is not aware of any conflicts created by the existing access location and circulation on pedestrians and surrounding residential properties. Although congestion is an issue in the immediate area, the draft Travel Demand Management Plan indicates that the traffic impacts will not increase significantly as a result of the proposed development.
- The site is not adjacent to a public alley.

Landscaping and Screening – Not applicable

- There is no change to the landscaping and screening from the previous approval.

Additional Standards – Meets requirements with Conditions of Approval

- Continuous concrete curbing is installed along the driveways. Curbing is discontinued at the east and west sides to allow water to drain to catch basins.
- The building additions should not impede any views of important elements of the city.
- The proposed addition to the 3rd floor is arranged as to minimize additional shadowing on the Midtown Greenway. The 3rd floor is proposed to be flush with the 2nd floor. The setback of the 2nd and 3rd floors would be 42.35 feet from the north property line. East to west, the total width of the building is 350 feet. The applicant has submitted a shadow study demonstrating the impact of the proposal to the Midtown Greenway and has also provided a cross sectional shadow study. Based on the cross-sectional shadow study, the proposed 3rd floor flush with the 2nd floor (setback 42.35' from north lot line) would much resemble the existing shadowing of the Midtown Greenway due to the height of the existing 4th floor recessed back 20 feet. One nuance that is not evident in the cross-section is that the proposed 3rd floor would span approximately 350 feet along the Greenway, compared to the existing 65-foot segment that is set back 42 feet from the north property line. The months when the additional shadowing would cover the Greenway are during times of the year when cyclists rely on solar access to melt snow and ice, providing a safer riding surface. The importance of retaining solar access to the Greenway is emphasized in the *Midtown Greenway Land Use and Development Plan*. In 2010, 2012, and 2014, the Commission required the applicant to set the higher floors (3rd and 4th) back one structural bay, or approximately 20 feet, so that the shadow on the greenway is no more than the current two-story building. Some flexibility was granted for a 65-foot portion of the 3rd and 4th floors. This segment of the 3rd and 4th floors was constructed based on a misinterpretation of a City Planning Commission action.
- Staff has analyzed building setbacks of newer construction along south side of the Midtown Greenway of between the applicant's property and Hennepin Avenue. The portion of the existing 3rd floor with a setback of 42 feet from the north property line reflects a setback that is closer to the Midtown Greenway than most other 3rd and 4th floors. MoZaic is both taller and closer to the Midtown Greenway but it is also in the core of the Uptown Activity Center. Lime is another

structure that is that is taller than the proposed structure but it too is in an Activity Center. The portion of Karmel Plaza's 3rd and 4th floors that are set back 42 feet from the Midtown Greenway property line are 14 to 18 feet closer to the Midtown Greenway Property line than the 3rd and 4th floors of the Lime development. Blue offers the best comparison to the proposal at Karmel Plaza as both are not located in Activity Centers. While Blue is taller than Karmel Plaza, its north property line is 117 feet from the Midtown Greenway trail and the building is approximately 130 feet wide. In comparison, Karmel Plaza's north property line is 48 feet from the Midtown Greenway trail and the building is 350 feet wide. The 350 foot width east to west along the Midtown Greenway is substantially greater than any of these other structures thus resulting in a longer segment of the Midtown Greenway being shadowed. Analysis of structures on the south side of the Midtown Greenway has been included in the attachments (Midtown Greenway Development Analysis Table). The table demonstrates each developments setback, height, width, distance to trail, land-use features, and more.

- Wind currents should not be a major concern.
- The site plan will employ best practices that increase natural surveillance and visibility, control and guide movement throught the site, and distinguish between public and non-public spaces with crime prevention design elements.
- No demolition of existing structures is proposed.

2. Conformance with all applicable regulations of the zoning ordinance.

The site is zoned II. Offices, clinics and a place of assembly in the II district are permitted uses. The existing shopping center is not a permitted use in the II district, but was legally established. Therefore it is a legally nonconforming use. This application seeks to expand the non-conforming uses.

Off-street Parking and Loading – Meets requirements

Shopping center (first and second floors): The minimum parking requirement for a shopping center is determined by the zoning administrator based on the principal uses in the shopping center. The shopping center contains a mix of uses including general retail sales and services uses, coffee shops, delicatessens, and sit down restaurants with limited entertainment (each less than 2,000 square feet), offices, food and beverage production, and a developmental achievement center. The zoning administrator determined that the parking requirement for the shopping center uses located on the first and second floors shall be one space per 500 square feet of the gross floor area in excess of 4,000 square feet with the following exceptions and conditions:

- The place of assembly (tenant prayer rooms) shall be subject to the respective minimum parking requirement identified in Table 541-I of the zoning code.
- Any coffee shop, delicatessen, fast food restaurant, and sit down restaurant exceeding 2,000 square feet shall be subject to the respective minimum parking requirements identified in Table 541-I of the zoning code.
- Any nightclub or restaurant with general entertainment shall be subject to the respective minimum parking requirements identified in Table 541-I of the zoning code.
- All Commercial Recreation, Entertainment and Lodging uses shall be subject to the respective minimum parking requirements identified in Table 541-I of the zoning code. Indoor recreation areas with pool or billiards are subject to a minimum parking requirement of parking equal to 30 percent of the capacity of persons.

All of the uses shown on the 1st and 2nd floor plans are collectively subject to the requirement of one space per 500 square feet of the gross floor area in excess of 4,000 square feet. These uses occupy 67,699 square feet; the proposed additions to the 1st and 2nd floors equal 1,444 square feet. The total proposed space is 69,143 square feet; therefore the minimum parking requirement for these uses is 130 spaces.

Place of assembly: The minimum parking requirement for a place of assembly is parking equal to 10 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or visual unity. The main auditorium spaces of the places of assembly would occupy approximately 5,965 square feet; therefore the minimum parking requirement is 40 spaces.

Offices and clinics: The minimum requirement for these uses is one space per 500 square feet of gross floor area (for offices this is the floor area in excess for 4,000 square feet). The area of the third and fourth floors occupied by these uses is approximately 46,243; proposed is an additional 7,427 square feet for a total of 53,670 square feet, therefore the minimum parking requirement is 99 spaces.

Total minimum requirement and parking reductions: The total minimum parking requirement equals 290 spaces. A total of 311 spaces (not including emergency vehicles) are provided on site. The applicant is not seeking any parking reductions as the minimum number of spaces is already provided.

Standard, compact and accessible spaces: No change from the previous report; all minimums met.

Maximum automobile parking requirements: The maximum parking requirement for a shopping center is one space per 200 square feet of gross floor area. The shopping center would occupy a total of 69,143 square feet; therefore the maximum parking requirement is 345 spaces. The maximum parking requirement for a place of assembly is parking equal to 40 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or visual unity. Therefore the place of assembly has a maximum parking requirement of 159 spaces. For offices and clinics, the maximum requirement is one space per 200 square feet of gross floor area, which is equal to 248 spaces. Karmel Square would also be subject to the maximum requirement of one space per 200 square feet of gross floor area, which equals 150 spaces. The total maximum parking requirement is 902 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement for each use is included in Table 4 below. Most of the tenant spaces of the shopping center were constructed before the minimum bicycle parking requirements took effect in 2009. However, providing bicycle lock-up facilities with a capacity of at least 20 bicycles was a condition of the previous site plan review approval. The applicant is providing more than the minimum bicycle parking on site.

Loading: The minimum loading requirement for office uses with a total floor area between 20,001 and 50,000 square feet is one large space. The minimum loading requirement for a shopping center is as determined by conditional use permit. Because the shopping center was originally established as a farmers' market and is a nonconforming use in the 11 district, the zoning administrator determined that the loading requirement would be based on the principal uses in the shopping center. When a development includes more than one nonresidential use with a low, medium, or high loading requirement, the square footage of uses within the same rating category are added together in order to determine the number of required loading spaces. The shopping center uses, the place of assembly and clinics fall into the low rating. When uses with a low rating occupy between 50,001 and 200,000 square feet of gross floor area, a minimum of two small loading spaces are required. Therefore, a total of one large and two small loading spaces are required. The applicant is providing two large and two small spaces on the adjacent property of 2933 Pleasant Avenue through a shared loading agreement. Off-site loading is necessary as the parking structure limits the vertical clearance to 12 feet 9 inches. The application for the off-site loading was reviewed administratively and was approved.

Table 3. Vehicle Parking Requirements per Use (Chapter 541)

	Minimum Parking Requirement	Applicable Reductions	Maximum Parking Allowed	Proposed
Shopping center	130	N/A	345	--
Place of assembly	40		159	--
Offices/clinics	99		248	--
Karmel Square	21		150	--
Total	290		902	311

Table 4. Bicycle Parking and Loading Requirements ([Chapter 541](#))

	Minimum Bicycle Parking	Minimum Short-Term	Minimum Long-Term	Proposed	Loading Requirement	Proposed
Shopping center	17	Not less than 50%	--	XX	Low (2 small)	2 small and 2 large
Clinic	3	Not less than 50%	--	XX		
Place of assembly	--	--	--	XX		
Office	6	--	Not less than 50%	XX	Medium (1 large)	
Total	26	9	2	64	1	4

Building Bulk and Height – Meets requirements

Table 5. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	Karmel Plaza: 82,373 sq. ft. Karmel Square: 30,082 sq. ft. Total: 127,332 sq. ft. / 2.58 acres
Gross Floor Area (GFA)	--	Karmel Plaza: 128,970 sq. ft. Karmel Square: 29,716 sq. ft. Total: 158,686 sq. ft.
Minimum Floor Area Ratio (GFA/Lot Area)	--	--
Maximum Floor Area Ratio (GFA/Lot Area)	2.7	1.25
Maximum Building Height	4 stories or 56 feet, whichever is less	4 stories, 56 feet; no proposed height increase

Lot Requirements – Not applicable

Yard Requirements – Not applicable

Signs – Not applicable

Refuse Screening – Not applicable

Screening of Mechanical Equipment – Not applicable

Lighting – Meets requirements

- The applicant submitted a photometric plan following the land-use application constructing the 3rd and 4th floor additions. This approved plan still applies to the site today and the lighting is conforming to Code. Any change in lighting will require a new approvable lighting plan.

Impervious Surface Area – Not applicable

Specific Development Standards – Meets requirements

Restaurants, coffee shops, and shopping centers are all subject to the following development standard:

The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Shopping centers are also subject to two additional development standards:

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.

The application for the expansion of non-conforming use is being sought to expand the shopping center/general retail sales and services uses to the 3rd and 4th floors.

Zoning Overlay District Standards – Not applicable

3. Conformance with the applicable policies of *The Minneapolis Plan for Sustainable Growth*.

The Minneapolis Plan for Sustainable Growth identifies the future land use for this site as urban neighborhood. The site is located half a block from Lake Street, which is designated as a commercial corridor. It is also located between the Lyn-Lake and Nicollet and Lake Activity centers. These activity centers are located 5 blocks apart. With the adoption of the staff recommendation, the proposal will be consistent with the following policies of the comprehensive plan:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.
- 1.3.3 Encourage above-ground structured parking facilities to incorporate development that provides active uses on the ground floor.

Urban Design Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

- 10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
- 10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Urban Design Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

- 10.11.1 Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments.
- 10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

Urban Design Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

- 10.22.1 Integrate “eyes on the street” into building design through the use of windows to foster safer and more successful commercial areas in the city.
- 10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- 10.22.5 Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

4. Conformance with applicable development plans or objectives adopted by the City Council.

The *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007 (after the original site plan approval was obtained), calls for high density housing (40-120 units per acre) on this site. It defines appropriate development for this site as urban-oriented, including townhouses, small apartments (contains 4 to 16 dwelling units with surface parking), apartments, and greenway buildings (structures that form part of the wall of the Greenway trench and may have a lower level with doors or windows that face the Greenway). Specific development guidelines include:

Relationship to the Greenway

- Balconies, windows and additional entries oriented toward the Greenway are strongly encouraged.
- Solar access to the Greenway is highly important. Any given part of the Greenway trail should have exposure to the sun for much of the day. A number of strategies may be employed to achieve this objective. These include stepping back the mass of future buildings along the south side of the Greenway, giving taller buildings a relatively narrow east-west dimension, and pivoting the orientation of buildings to a diagonal that allows morning and afternoon sunlight to pass by the northeast and northwest building faces to shine on the greenway.

Staff comment: The proposed 3rd floor expansion to the north side of the structure will increase the shadowing on the Midtown Greenway. On page 6 above, the shadowing is analyzed as is a demonstration of other buildings along the south side of the Midtown Greenway relating to height, setbacks, the overall length of the structure and similar findings. The cross-sectional shadow study demonstrates minimal increased shadowing of the Greenway associated with the proposed 3rd floor addition.

5. Alternative compliance.

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for [alternative compliance](#). Alternative compliance is requested for the following requirement:

- **Windows for the 3rd Floor facing Pleasant Avenue:** Alternative compliance is requested for the 3rd floor walls facing Pleasant Avenue. No alternatives are proposed and it is not impractical to meet these requirements therefore staff is recommending that the Planning Commission not grant alternative compliance.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application by Basim Sabri of Karmel Properties, LLC for the properties located at 2910 -2936 Pillsbury Avenue:

A. Expansion of a Nonconforming Use.

Recommended motion: **Approve** the application for an expansion of non-conforming use to allow the proposed expansion to the 1st, 2nd, 3rd, and 4th floors, subject to the following conditions:

1. Unless otherwise authorized or required by the City Planning Commission, the conditions of approval for BZZ-1361, BZZ-4801, BZZ-5482, and BZZ-6524, BZZ-6921, and BZZ-7113 shall remain in effect.
2. The easternmost 65 feet of the 4th floor shall be set back not less than 42 feet from the north property line. The remainder of the 4th floor shall be set back not less than 62 feet from the north property line.
3. CPED staff review and approval of the final site, floor, and building elevation plans.
4. The exterior materials shall match the existing structure in material, color, and texture.

5. All site improvements shall be completed by October 19, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

B. Site Plan Review.

Recommended motion: **Approve** the application to expand the 1st floor approximately 451 square feet, the 2nd floor approximately 993 square feet, the 3rd floor approximately 6,607 square feet, and the 4th floor approximately 820 square feet, subject to the following conditions:

1. Unless otherwise authorized or required by the City Planning Commission, the conditions of approval for BZZ-1361, BZZ-4801, BZZ-5482, and BZZ-6524, BZZ-6921, and BZZ-7113 shall remain in effect.
2. The easternmost 65 feet of the 4th floor shall be set back not less than 42 feet from the north property line. The remainder of the 4th floor shall be set back not less than 62 feet from the north property line.
3. All walls shall comply with the minimum window requirements from section 530.120 of the Zoning Code.
4. CPED staff review and approval of the final site, floor, and building elevation plans.
5. The exterior materials shall match the existing structure in material, color, and texture.
6. All site improvements shall be completed by October 19, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Site plan
4. Landscape plan
5. Floor plans
6. Building elevations
7. Shadow Study – Permitted
8. Shadow Study – Proposed
9. Shadow Study – Cross Sectional
10. Photos provided by Applicant of Nearby Structures South of the Midtown Greenway
11. Photos of the Structure currently
12. Midtown Greenway Development Analysis Table
13. Correspondence