

**Department of Community Planning and Economic Development – Planning  
Division**

Conditional Use Permit, Variance and Site Plan Review

BZZ-3568

**Date:** June 11, 2007

**Applicant:** Stevens Crest, Inc.

**Addresses of Property:** 2007 Stevens Avenue

**Project Name:** Stevens Crest Condominiums

**Contact Person and Phone:** Keith Flakne, (651) 636-4954

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** May 18, 2007

**End of 60-Day Decision Period:** July 17, 2007

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** OR2 High Density Office Residence District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this application

**Proposed Use:** Five-unit residential condominium

**Concurrent Review:**

- Conditional Use Permit to allow for 5 dwelling units.
- Variance to reduce the north interior side yard setback from 9 feet to 5 feet 6 inches and the south interior side yard setback from 9 feet to 5 feet 6 inches to allow for two egress stairs.
- Site Plan Review

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 547, Article I, Office-Residence Districts, Chapter 525, Article IX, Variances and Chapter 530 Article I, Site Plan Review.

**Background:** The 2007 Stevens lot has been used as an accessory, surface-area parking for the Ramar building for approximately the last fifty years. This project previously received Planning Commission approvals on September 13, 2005, for a conditional use permit and site plan review to allow for a five-unit residential condominium building. The original developer, LUPE Development Partners, LLC, subsequently sold the project to the current applicant who modified the design of the building and is now seeking approval for the revised design, which includes two egress stairs in the required interior side yards on both the north and south. The minimum interior side yard setback for this structure is 9 feet and the egress stairs are approximately 3 feet 6 inches. The stairs will be located approximately 5 feet 6 inches to the north property line and 6 feet to the south property line. Therefore, a variance is required to reduce the north interior side yard setback from 9 feet to 5 feet 6 inches and the south interior side yard setback from 9 feet to 6 feet to allow for the proposed egress stairs.

The subject property is located in the Washburn-Fair Oaks Historic District and is a non-contributing property in the district. The previous development proposal for the 2007 Stevens Avenue site was approved for a Certificate of Appropriateness by the HPC on June 8, 2004. The project was modified in July of 2006 and the previous HPC approvals expired on June 8, 2005. The current development proposal was approved, with conditions, for a Certificate of Appropriateness by the HPC on August 22, 2006.

The City Council member-Ward 6 was notified of the review process and is aware of the proposal under consideration by the commission. The affiliated neighborhood organization, the Whittier Alliance, participated on the task force and is aware of the current proposal under consideration by the commission; however, they have sent an e-mail (attached) requesting continuance so that the project can be reviewed by the neighborhood organization again. The neighborhood organization was properly notified of the revised development proposal by the applicant on May 7, 2007.

## **CONDITIONAL USE PERMIT**

### **Findings Required by the Minneapolis Zoning Code:**

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed new construction, five-unit condominium will not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed development is generally consistent with the high density residential character of other residential uses located within a five block radius of the subject property.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The proposed new construction, five-unit condominium will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The proposed development will convert a surface area parking lot to an appropriate density residential development and increase the tax base of the City.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided. The applicant will remove a section from an existing retaining wall along the alley to allow access to the required off-street parking. A retaining wall will be constructed to the interior of the site to define the parking and maneuvering area, prevent soil erosion, and direct drainage.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Adequate measures have been or will be provided to minimize traffic congestion in the public streets. Five off-street parking stalls are required by the code and five stalls will be provided in the lowest level of the building. An additional five nonconforming off-street parking stalls will be stacked, one in front of each garage door for visitors and/or as a second stall per dwelling unit.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The Minneapolis Plan identifies this area of Franklin Avenue as a community corridor. Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. In addition to consistency with current City housing goals and objectives, the 2007 Stevens Avenue Condominium, which is one property South of Franklin Avenue, is consistent with the following implementation steps for community corridors.

**4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**

**Applicable Implementation Steps**

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

Support the continued presence of small scale retail sales and commercial services along Community Corridors.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

The revised project does require two interior side yard setback variances to allow for egress stairs that will be required by the Building Code for fire exiting from the building. Provided the variances and site plan are approved for 2007 Stevens Avenue by the City Planning Commission and final plans meet the conditions of the Heritage Preservation Commission, the proposed

development will conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

## **VARIANCE**

### **Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to the north interior side yard setback from 9 ft. to 5 ft. 6 in. and the south interior side yard setback from 9 ft. to 6 ft. 4 in. to allow for the encroachment of egress stairs, as required by the building code. Strict adherence to the regulations would not allow for the egress stairs to the proposed 5-unit condominium building. The proposed egress stairs are only intended to be used in case of an emergency and do allow for reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Stairs not exceeding four feet in width and not more than the height of the level of the first floor or four feet above the average level of the adjoining natural grade are a permitted obstruction in the required interior side yard. Due to the adjacent grade, the stairs will be approximately 6 feet above grade and therefore the variance is required. While the applicant is contributing to the need for a variance by proposing the width of the structure, however, the circumstances upon which the setback variance is requested are unique to the parcel of land due to the height of the stairs based on the adjacent grade. The alternative to the variance would cause a hardship to the property owner, by not allowing the structure to be built as proposed and previously approved.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Staff believes that the proposed egress stairs will not substantially alter the essential character of the surrounding neighborhood. Staff believes that the egress stairs will not be injurious to the use or enjoyment of other property in the vicinity because they are intended for use during an emergency.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Because the egress stairs are required due to the building code, granting the side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed five-unit condominium be detrimental to the public welfare or endanger the public safety.

### **Required Findings for Site Plan Review**

**A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

**B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

### **Section A: Conformance with Chapter 530 of Zoning Code**

#### **BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:  
**Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple**

entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
  - b. Windows shall be distributed in a more or less even manner.
- Nonresidential uses:  
**Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The placement of the building respects the front yard district setback of 15 feet and that setback established by the adjacent residential properties to the North and South, promotes natural surveillance and visibility, and facilitates pedestrian access and circulation. The area between the building and the lot lines includes amenities, including a new landscaped area and walkway connecting the building to the public sidewalk. The proposed building will have horizontal cement siding (Hardiplank) with a 4" exposure and a green color. The windows will be single hung and the applicant is proposing wood or aluminum. The main entrance door is a metal door with 18 glass panels and a sidelight system. The front door faces Stevens Avenue. The applicant has indicated a minimum of 25% of the first floor façade will contain windows or doors with glass, distributed in a more or less even manner. The foundation is a rock faced concrete block with a brick and Arriscraft (cast concrete) section at the front of the building. The applicant's plans indicate the height of the building will be 35 feet, with no portion of the building exceeding the 56 feet height allowed in the OR2 district. A three-story porch will be attached to the rear above the below grade garage. The porches are proposed with aluminum railings and "wood clad French doors" to the patios. The tuck under garage will have five paneled "hardboard" doors; windows are not proposed in the garage doors as indicated in the drawings. Materials along the retaining walls to the garage will be "modular block retaining wall and cast in place concrete."

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The roof will be 3-tab fiberglass asphalt shingles with a 5” exposure. The form and pitch are similar to the surroundings and meet the guidelines for new construction in the Stevens Square Historic District. The Heritage Preservation Commission approval for a Certificate of Appropriateness included the condition that final plans must be submitted to HPC staff for final approvals.

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

A 5 foot wide and well-lighted walkway and stairs connect the front door building entrance to the public sidewalk along Stevens Avenue. The parking facilities are connected to the building through overhead garage doors and an interior stairway. As per chapter 1341, Table 16.2 of the Minnesota Accessibility Code, the building is not required to provide HC Accessibility. There is not a transit shelter in front of the building, but there is bus service at the corner of Franklin and Stevens Avenues. Vehicular access and circulation is designed to minimize conflicts with pedestrian traffic and surrounding residential uses through the creation of a driveway in an existing retaining wall along the alley. Further, the applicant is requesting to close an existing curb cut along Stevens Avenue South, which will also minimize vehicle and pedestrian conflicts. During Preliminary Development Review, Public Works staff indicated that the curves in the retaining wall near the alley should be smoothed-out and deepened to make them more accommodating to vehicles. Public Works also requested the provision of good sightlines for the rear along the alley. Given that the exterior parking and maneuvering area will be located to the interior rear of the site, below grade, and surrounded by a retaining wall, traffic is directed to minimize impact upon residential properties. The subject site is currently a 28 stall, asphalt surface parking lot. The applicant is reducing the amount of impervious surface on the lot and the proposed plan meets district standards. Five off-street parking stalls are required by the code, and five enclosed, tuck-under stalls are provided in the lowest level of the building. An additional five nonconforming off-street parking stalls, one stacked behind each overhead garage door, are provided as visitor parking and/or a second parking stall per unit.

**LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The composition and location of landscaped areas compliments the scale of the development and its surroundings. As per the applicant's submission, the lot size is 8616 square feet and the building footprint is 2806 square feet. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings shall be landscaped. Calculations:  $(8616 - 2806 = 5810 \times 20\% = 1162 \text{ square feet})$ . The site plan shows the applicant is providing 2900 square feet of landscaping ( $2900/5810 = .50$ ) or approximately 50% of the site not occupied by the building footprint. Section 530.150 of the code also requires for the 20% of the site not occupied by buildings, not less than one (1) canopy tree for each five hundred (500) square feet and not less than one (1) shrub per each two-hundred (100) square feet of the site not occupied by buildings. In order to be in full compliance, the required plant count for this site is three (3) trees and twelve (12) shrubs. The applicants will retain and maintain some of the existing landscaping around the perimeter of the site, as well as add landscaping to the site to meet the plant count requirement. The total count for new plants at the site is 5 trees and 46 shrubs. The applicants have also proposed 93 perennials at the site. The proposed plan provides approximately 66% impervious surface ( $5716/8616 = .6634$ ) on the site. This conforms to the maximum impervious surface coverage of 85% for a zoning lot in the OR districts as required by section 547.150 of the code. The applicant has verbally indicated snow will be removed from the site. The exterior parking and maneuvering area will be located to the interior rear of the site, below grade, surrounded by a retaining wall, and

defined by a six (6) inch by six (6) inch continuous concrete curb. There will be four foot tall wrought iron type (aluminum) fencing placed along the top of the retaining wall for aesthetic and safety reasons. The retaining wall defining the exterior parking area is approximately four to six feet in height from West to East (the alley). During Preliminary Plan Review, Public Works staff commented that encroachment permits would be required for landscaping and other materials that physically affect the public right of way (in this case, the interior boulevard) and the Park Board commented that tree protection, during site preparation and construction, would be needed for the existing boulevard trees.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The proposed site plan conforms to the standards of the OR2 district and does not block views of important elements of the city, generate wind currents at ground level, or shadow public spaces. The City's crime prevention through environmental design (CPTED) specialist has reviewed the plan and recommends that all vegetation should follow the 3 foot - 7 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. The subject property is located in the Washburn-Fair Oaks Historic District and categorized as a non-contributing property. The Heritage Preservation Commission approval for a Certificate of Appropriateness included the condition that final plans must be submitted to HPC staff for final approvals.

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Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

**ZONING CODE:** The proposed use is conditional in the OR2 District.

**Off-Street Parking and Loading:** The zoning code requires 5 off-street parking spaces. The applicant proposes 5 enclosed parking spaces, with 5 additional spaces in front of the garages that do not conform to Chapter 541 Off-Street Parking and Loading standards for maneuvering.

**Maximum Floor Area:** The floor area ratio of the building is 0.86 (gross floor area 7399/lot size 8616). A maximum FAR of 2.5 is allowed in the OR2 district.

**Building Height:** Building height in the OR2 District is limited to 4 stories or 56 feet, whichever is less. The applicant's plans indicate the height of the building will be 4 stories; 35 feet in height, with no portion of the building exceeding the 56 feet height allowed in the OR2 district.

**Minimum Lot Area:** The OR2 District requires not less than 700 square feet of lot area per dwelling unit. With 5 proposed dwelling units on a lot of 8616 square feet, the applicant proposes 1723.2 square feet of lot area per dwelling unit.

**Dwelling Units Per Acre:** The number of dwelling units per acre is 25.25 (5 units/.198 acres)

**Yard Requirements:** The minimum front yard setback is fifteen feet, which is greater than the established setback. The rear and interior side yard setbacks are 9 feet.

**Specific Development Standards:**

There are no Specific Development Standards listed in Chapter 536 of the code for multiple family dwellings of five or more units.

**Hours of Operation**

Not applicable for residential uses.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code.

**Refuse storage:**

Section 535.80 Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

The applicant has indicated recycling collection and bulk rubbish containers will be provided by City Services in 90 gallon wheeled carts that are accessed from the alley at the rear of the site. The garbage carts and recycling containers will need to be kept in the lower level storage area of the building until collection day unless an exterior space for them which does not interfere with vehicular movement can be identified on the final site plan.

**Lighting:**

Lighting shall comply with the requirements of Chapter 535 and Chapter 541. The applicant has indicated pedestrian level lighting is proposed in the surface parking lot and the rear of the new building, the front of the building will have traditional entry lighting, and all fixtures will be hooded and directed downward away from residential windows. The exterior parking and maneuvering area will be located to the interior rear of the site, below grade, surrounded by a retaining wall that is approximately four to six feet in height from West to East (the alley). This grade change will avoid headlights shining onto residential properties.

**MINNEAPOLIS PLAN:**

See finding #5 in the conditional use permit section of this report. The proposed development is in conformance with the Minneapolis Plan.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

The subject property is located in the Washburn-Fair Oaks Historic District, categorized as a non-contributing property, and has been approved (with conditions) for a Certificate of Appropriateness by the Heritage Preservation Commission on June 22, 2006. Staff is not aware of any other applicable development plans or objectives adopted by the City Council pertinent to this application.

**Alternative Compliance. The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is not needed for this application.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for a 5 unit condominium located at 2007 Stevens Avenue in the OR2 district.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the north interior side yard setback from 9 feet to 5 feet 6 inches and the south interior side yard setback from 9 feet to 6 feet to allow for two egress stairs for a 5 unit condominium located at 2007 Stevens Avenue in the OR2 district.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a 5 unit condominium located at 2007 Stevens Avenue in the OR2 district; subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
2. All site improvements shall be completed by June 11, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The final site plan shall conform to the HPC conditions of approval of August 22, 2006.

**Attachments:**

1. Statement of use
2. Conditional use permit and variance findings
3. May 7, 2007, letters to Council Member Lilligren and Whittier Alliance
4. May 29, 2007, e-mail from the Whittier Alliance
5. Zoning map
6. Site plan, floor plans and elevations
7. Photos of the site and surrounding area