

INTRODUCED: June 12, 2017

AN ORDINANCE No. 2017-126

To authorize the special use of the property known as 1717 East Cary Street for the purpose of allowing a building to exceed the applicable height restrictions, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 24 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 1717 East Cary Street, which is situated in a B-5 Central Business District, desires to use such property for the purpose of allowing a building to exceed the applicable height restrictions, which use, among other things, is not currently allowed by section 30-442.6, concerning height requirements, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 24 2017 REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 1717 East Cary Street and identified as Tax Parcel No. E000-0110/001 in the 2017 records of the City Assessor, being more particularly shown on an untitled survey, prepared by William J. Schmidt, and dated May 17, 1988, appearing on page 3 of the plans entitled “1717 East Cary Street, Special Use,” prepared by smbw, and dated May 4, 2017, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to have a building that exceeds the height restrictions prescribed by section 30-442.6 of the Code of the City of Richmond (2015), as amended, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1717 East Cary Street, Special Use,” prepared by smbw, and dated May 4, 2017, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The use of the Property shall be as an office building with a height no greater than six stories, substantially as shown on the Plans.

(b) Bicycle parking for no fewer than eight bicycles shall be provided on the Property, substantially as shown on the Plans.

(c) Use of the outdoor patio shall be accessory to the office use of the Property and shall cease by no later than 11:00 p.m. daily.

(d) Signage pertaining to the Special Use shall conform to the applicable requirements of the underlying zoning of the Property.

(e) All building materials and site improvements shall be substantially as shown on the Plans.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way substantially as shown on the Plans, including a new curb cut and entrance to East Cary Street with granite curbing, the replacement of a concrete sidewalk with brick, the widening of brick sidewalk, and the relocation of a streetlight, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

Item Request

File Number: PRE. 2017.195

~~RECEIVED~~

MAY 31 2017

OFFICE OF CITY ATTORNEY

O & R Request

4-6557
Received

MAY 18 2017

Office of the
Chief Administrative Officer

DATE: May 18, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

JS 5/30/17

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning *PLD 5-18-*

FROM: Mark A. Olinger, Director, Dept. of Planning and Development Review *MAO*

RE: A special use permit request for a six-story office building at 1717 East Cary Street.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use the property known as 1717 East Cary Street for the purpose of a building with features that do not meet all requirements of the applicable underlying zoning regulations, upon certain terms and conditions.

REASON: The applicant is proposing the expansion of an existing building as part of renovations for a proposed office use (business incubator). The renovated building would not meet the height requirements of the B-5 zoning district. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its July 3, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 0.2 acre (8,712 SF) parcel improved with an historic, 5-story brick structure located at the southwest corner of the intersection of East Cary Street and South 18th Street. The property is located in the Shockoe Bottom neighborhood.

The subject property falls within an Urban Center Area of the Shockoe district, as established by the Richmond Downtown Plan. Such areas are “characterized by higher density, mixed-use development, typically arranged on a fine-grained street network, with wide sidewalks, regular tree planting, and minimal setbacks.” Moreover, the Urban Center Area demonstrates “a dense mix of office space, apartments, and retail located in four to six-story brick buildings that front the street. Pedestrians have an active presence in these neighborhoods” (pp. 3.25-3.26).

Specifically for Shockoe Bottom, the plan states, “Shockoe’s urban fabric is among the best preserved in the city, with two to six-story brick buildings defining the streets. The urban fabric of the district is ideal for pedestrians, with small blocks and intimate cobblestone streets. Many of the abandoned brick warehouses have been preserved and redeveloped as housing, shops, restaurants, and offices” (p. 4.56).

The subject property is also located within the study area of the City’s Pulse Corridor Plan, which was recently approved by the Planning Commission, and has been designated as a Neighborhood Mixed-Use area. Such areas “are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors”. Recommended building heights are limited to up to eight stories, depending on neighborhood (p. XII). Specifically for the Shockoe Bottom Station area, the draft plan states “Shockoe Bottom and Tobacco Row allow for the continued development of multi-family residential buildings interspersed with commercial uses (p. 110).

A mix of M-1 Light Industrial, M-2 Heavy Industrial, B-5 and B-5(C) zoning districts surround the subject property. A mix of commercial, office, mixed-use, industrial and residential land uses are present in the area, as well as active railroad property along the southwestern border of the subject property.

FISCAL IMPACT / COST: The Department Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$2,400

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 12, 2017

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 3, 2017

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

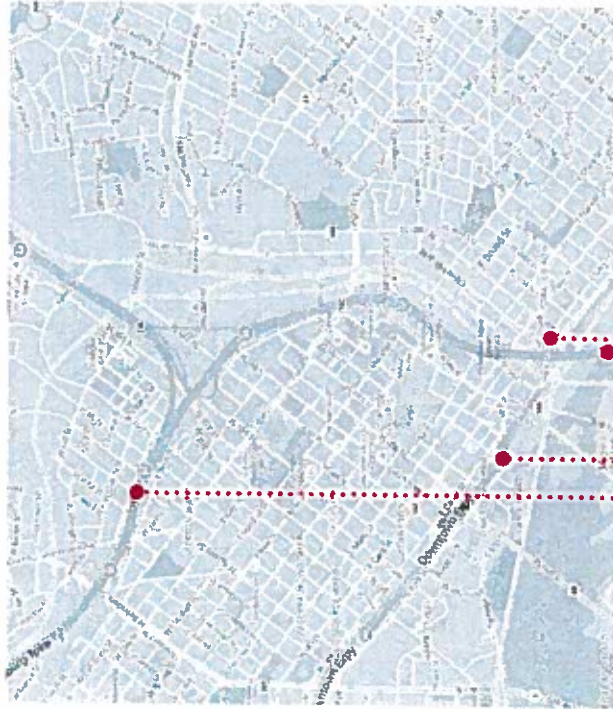
ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Map

STAFF: Matthew J. Ebinger, AICP, Acting Principal Planner
Land Use Administration (Room 511)
804-646-6308

PDR O&R 17-09

1717 East Cary Street

Special Use



Project Name: 1717 Innovation Hub
Project Area: Shockoe Bottom
Owner / Developer: Capital One

Zoning: B-5

Current Use: 1st FL - Commercial Office, 2nd-5th FL - Vacant

Total Gross Floor Area: 37,827 SF

Total Land Area: 8,924 SF (7,506 SF + 1,418 SF)

Total Land Area Covered by Building: 7,506 SF

Total Paved Area: 1,418 SF

Total Open Space on Site: 1287 SF

1717 EAST CARY STREET

ROUTE 95

DOWNTOWN EXPRESSWAY (195)

ROUTE 64

NEW BUILDING SIGNAGE TBD

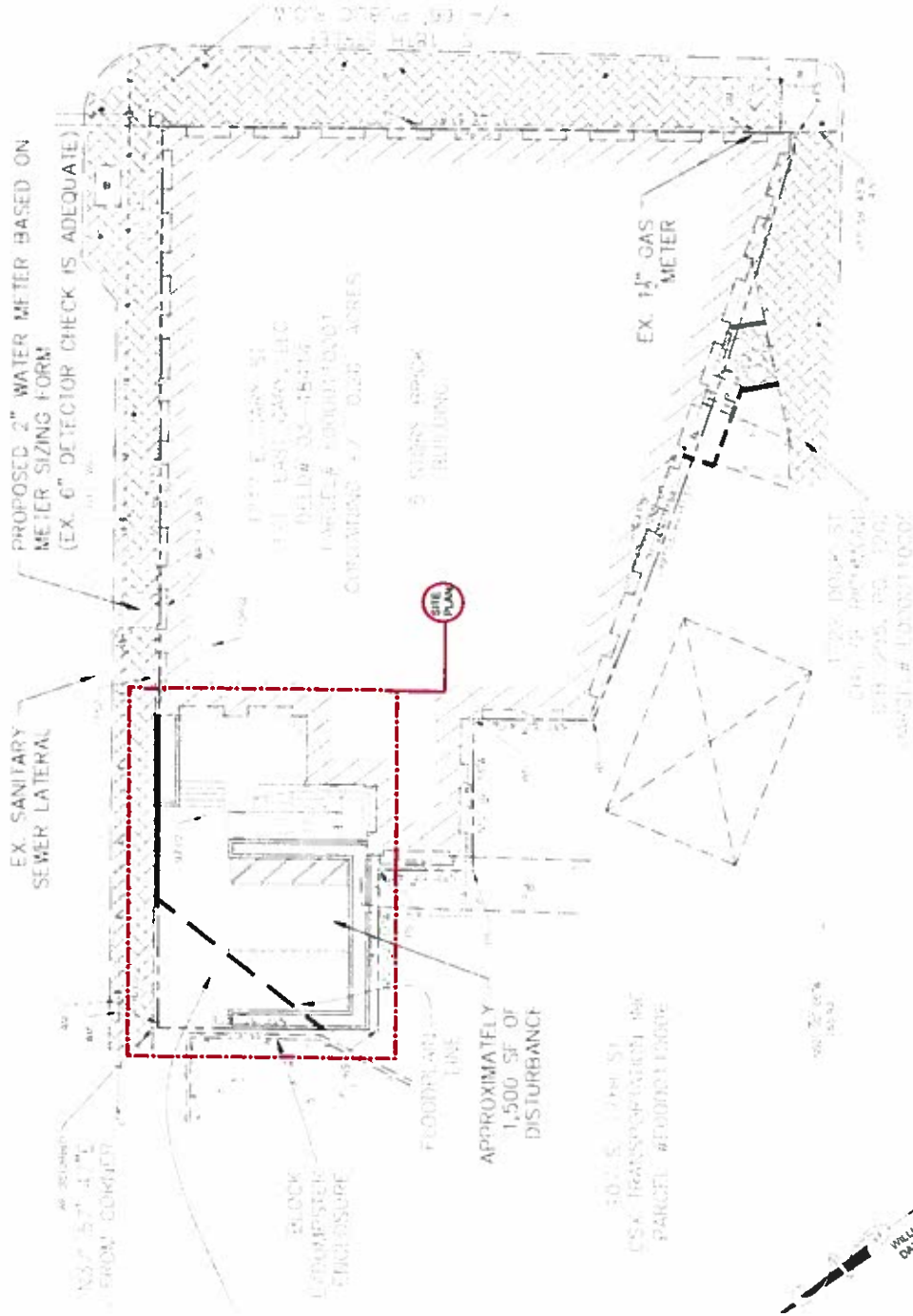
New signage will conform to standard B-5 requirements, and details of proposed signage and lighting will be provided once developed.



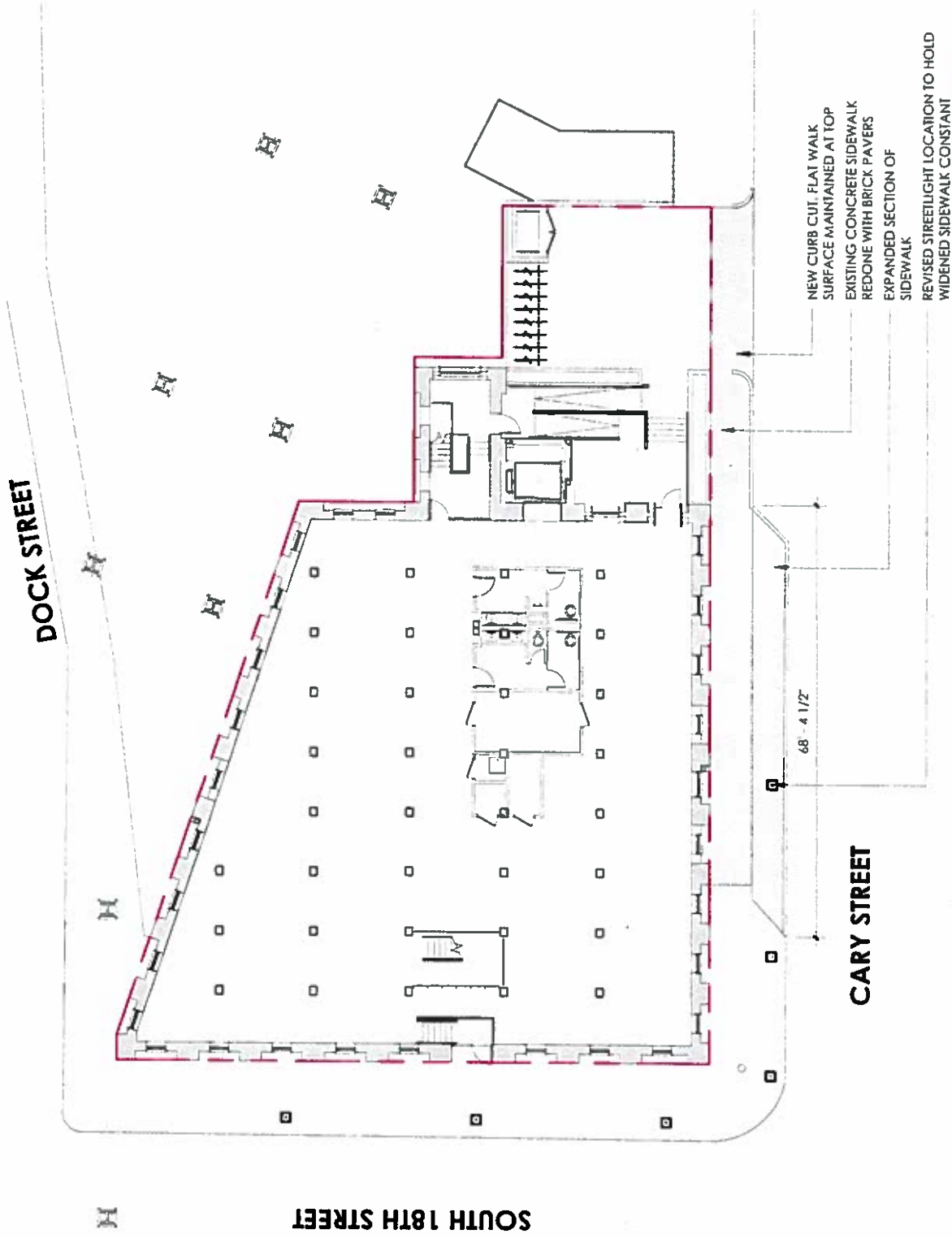
Rendering_Proposed Design

Existing Building Condition

Civil Boundary Plan

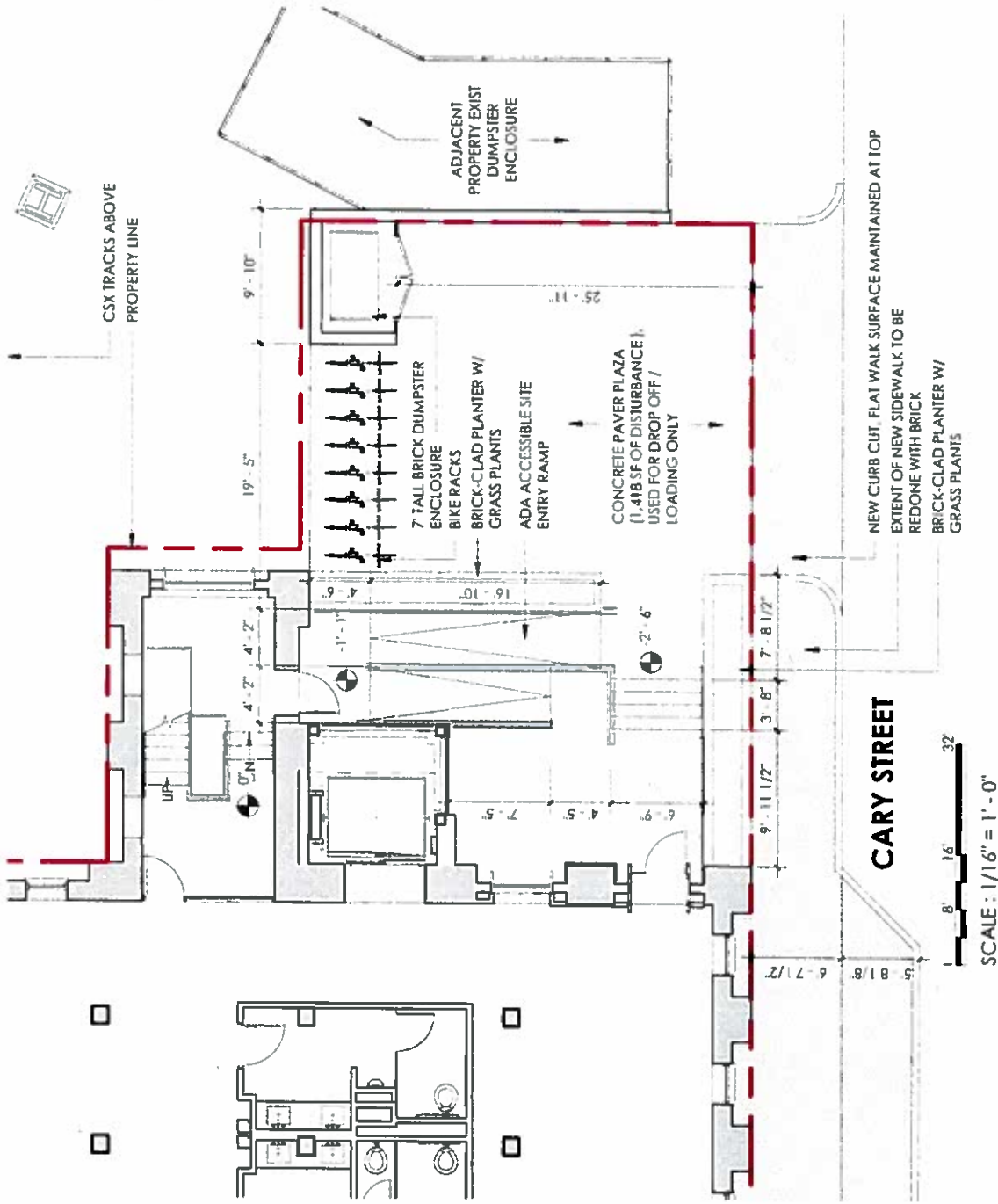


Architectural Site Plan

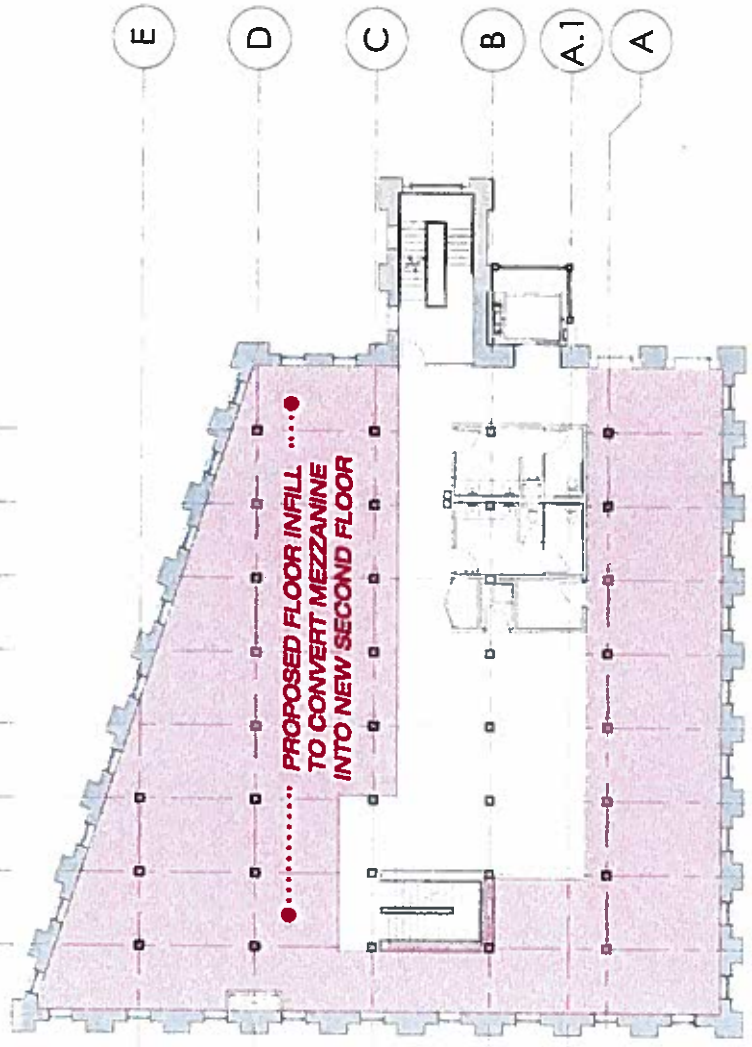


smbow

Enlarged Plaza Plan



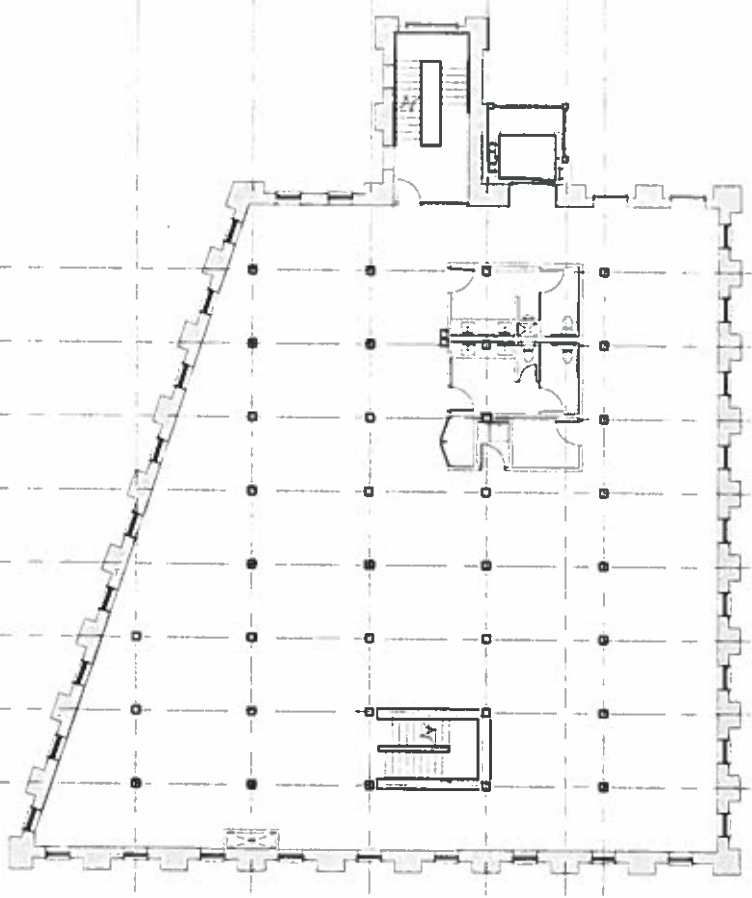
1 2 3 4 5 6 7 8



FL. 1 Mezzanine Plan

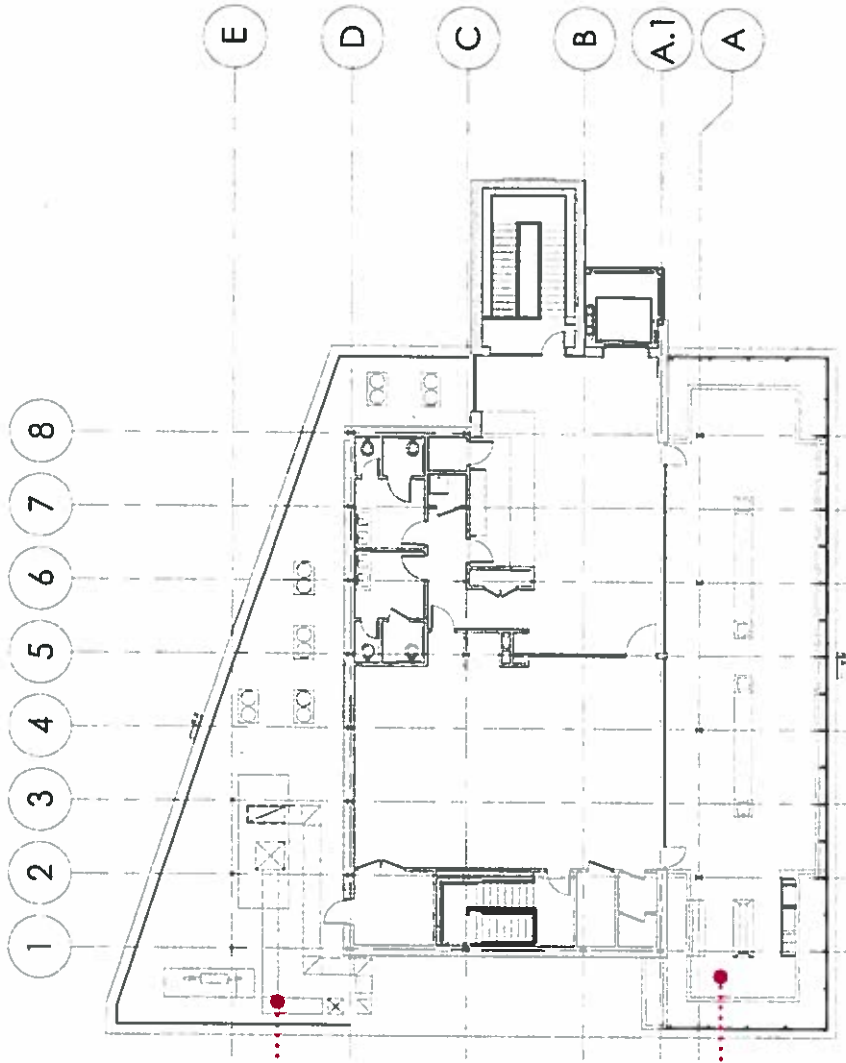
8' 16' 32'
SCALE: 1/16" = 1' - 0"

1 2 3 4 5 6 7 8



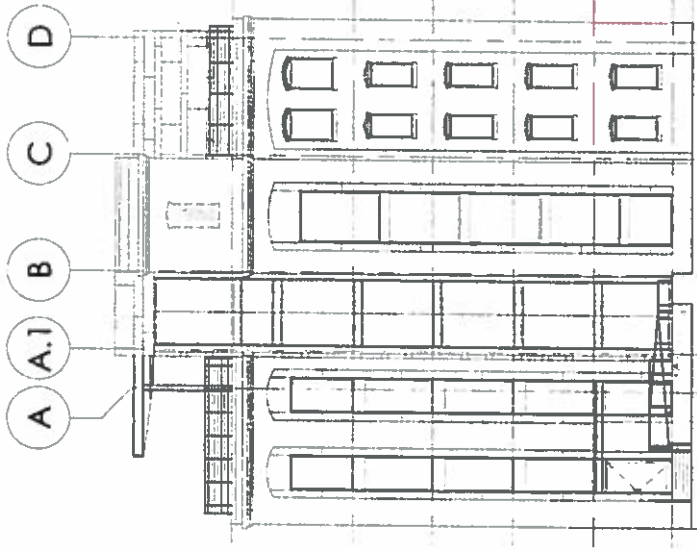
Typical (FL. 1,2,3,4) Plan

8' 16' 32'
SCALE: 1/16" = 1' - 0"



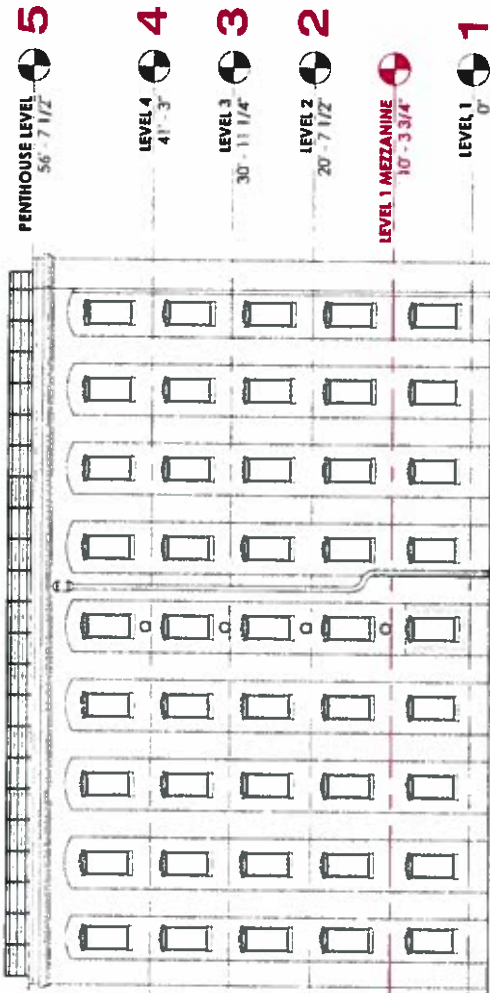
Roof Plan

1" = 6' 16" = 37'
 SCALE: 1/16" = 1'-0"



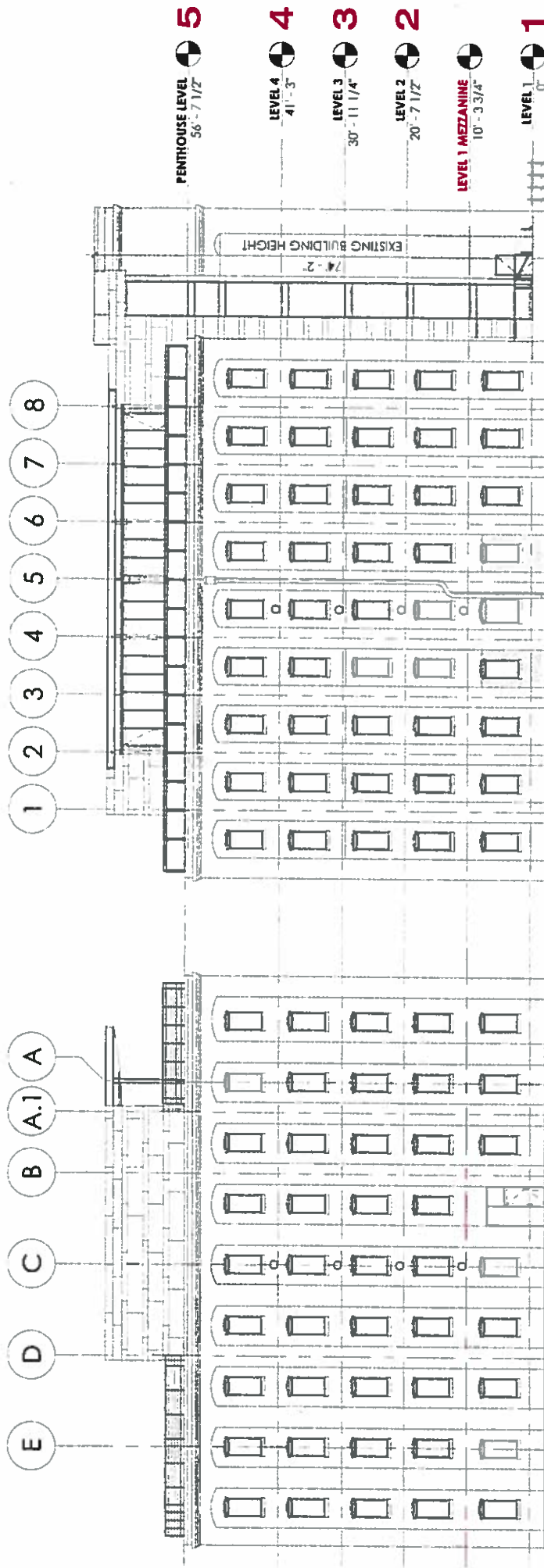
West Elevation (existing floor levels)

1" = 16' = 1' - 0"



South Elevation (existing floor levels)

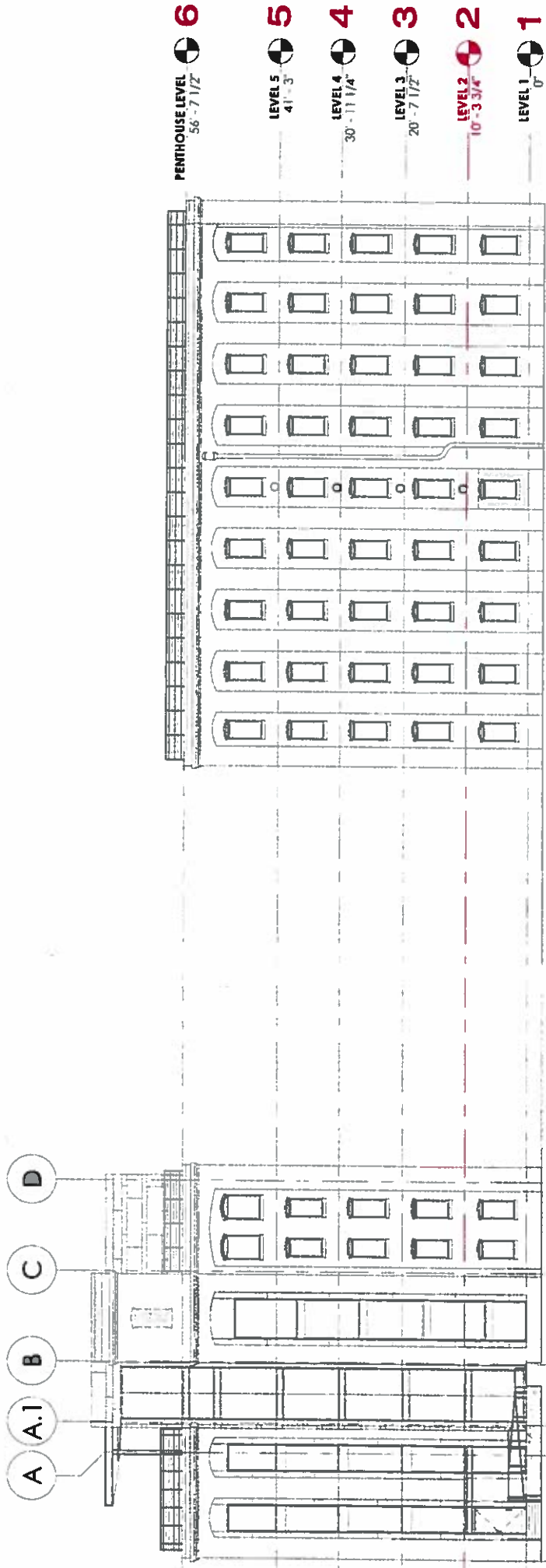
smbow



East Elevation (existing floor levels)

North Elevation (existing floor levels)

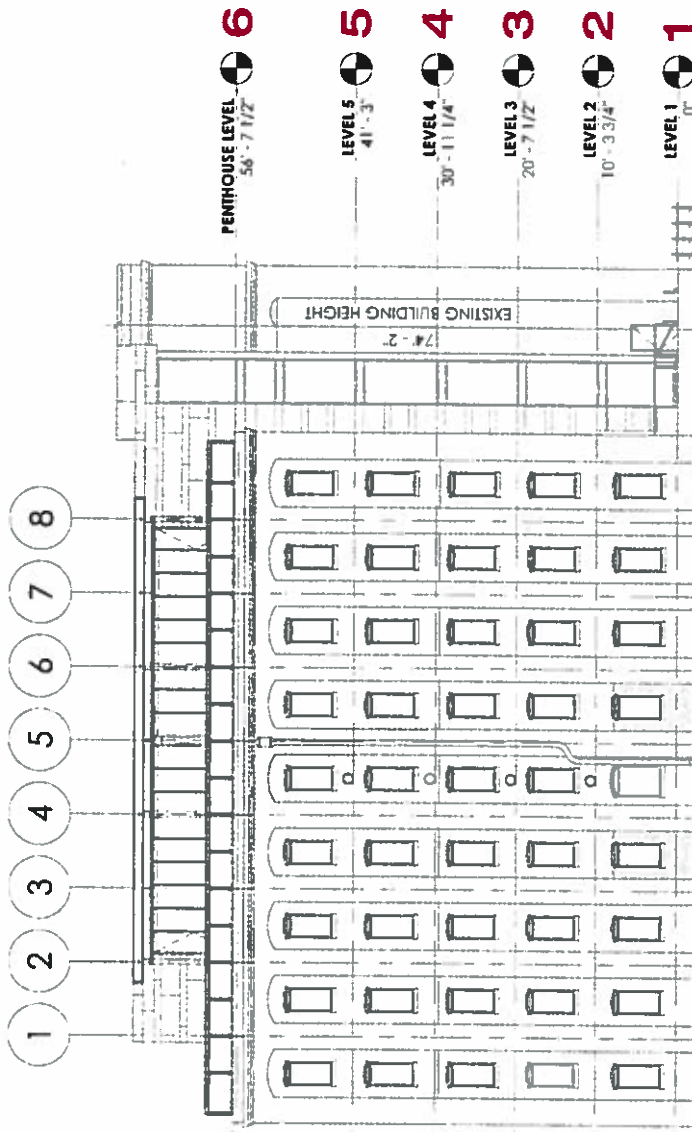
8' 16' 32'
SCALE: 1/16" = 1' - 0"



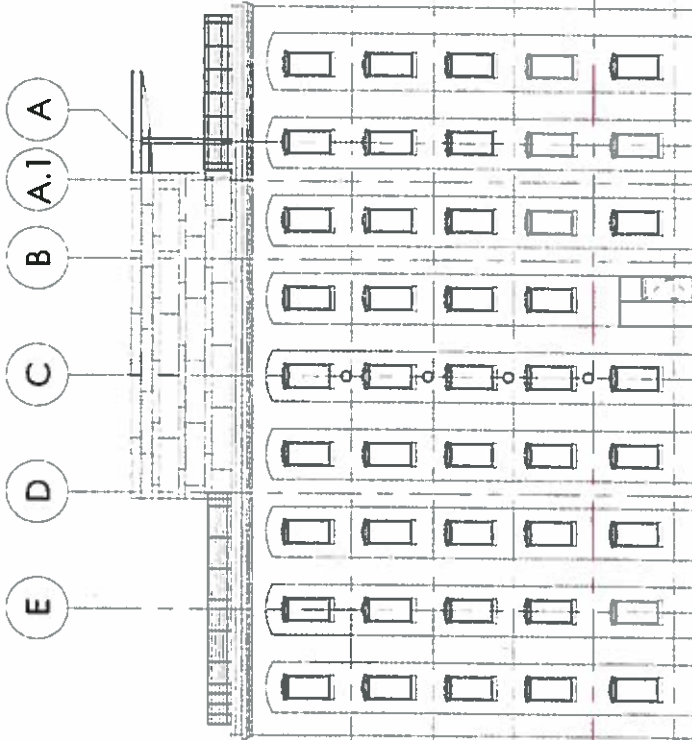
West Elevation (proposed floor levels)

South Elevation (proposed floor levels)

1" = 16' = 1" - 0"



North Elevation (proposed floor levels)



East Elevation (proposed floor levels)



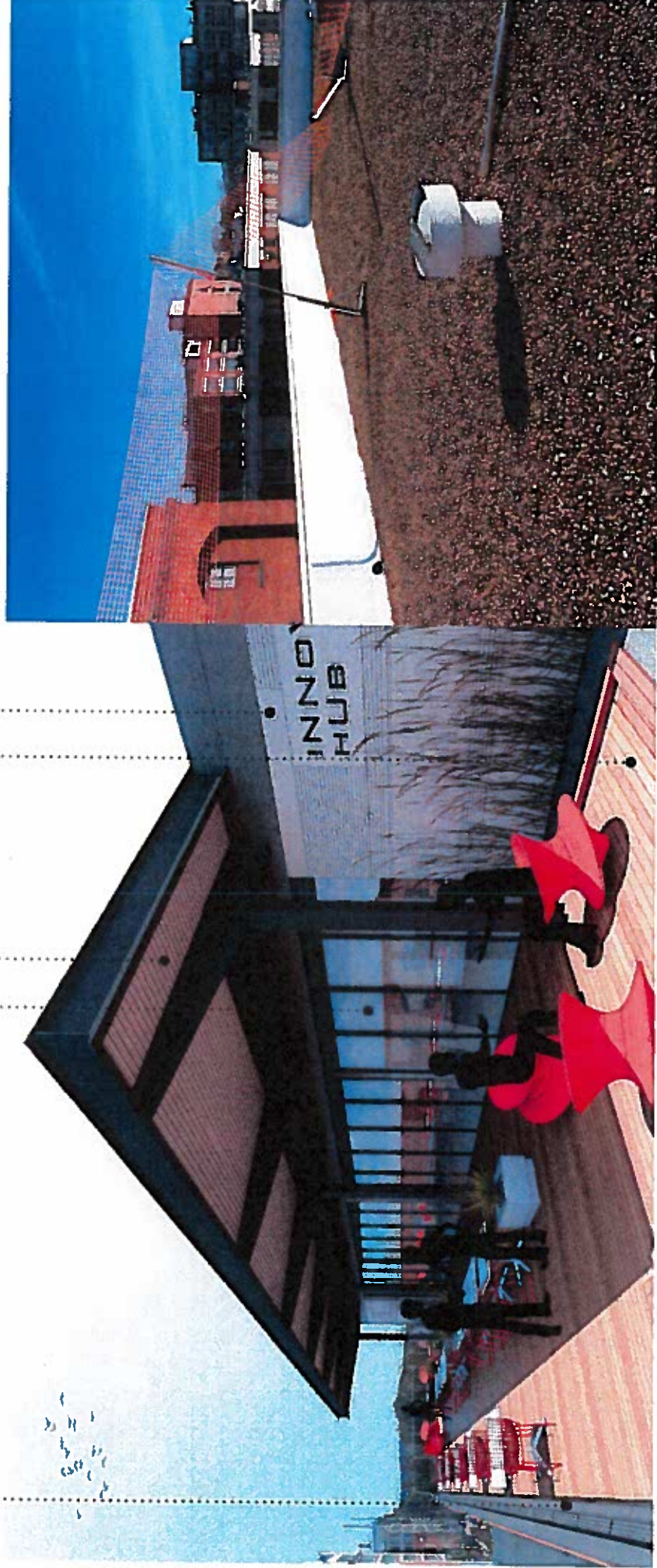
GUARDRAIL: Painted Steel / Wire Mesh

GLAZING: Operable Glass Partitions

EXPOSED STRUCTURE: Painted Steel / Metal Decking

FLOOR / DECK: Wood

FACADE: Fiber-Cement Rain Screen Panels



Rendering_Proposed Rooftop Design

Existing Rooftop Condition

smbw



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

Project Name/Location

Property Address: 1717 East Cary Street, Richmond Date: 04/10/2017
 Tax Map #: E0000110001 Fee: \$2,400.00
 Total area of affected site in acres: 0.2 ACRES (8712 SF)

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-5

Existing Use: Vacant warehouse / Business

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Office and business incubator space

Existing Use: B-Business/Vacant

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Spencer Grice

Company: SMBW
 Mailing Address: 111 Virginia Street
 City: Richmond State: Va Zip Code: 23219
 Telephone: (804) 233-5343 Fax: ()
 Email: SGRICE@SMBW.COM


Property Owner: Capital One NA c/o Capital One Services LLC

If Business Entity, name and title of authorized signee: Robert J Magnano, SVP, Facilities Mgmt. Real Estate

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 15000 Capital One Drive IZ12075-0150
 City: Richmond State: VA Zip Code: 23238
 Telephone: (804) 2,405,669 Fax: ()
 Email: Contact name and email - Ted Tremain, ted.tremain@capitalone.com

Property Owner Signature:


ROBERT J. MAGNANO, SVP.

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Special Use Permit
Applicant's Report
1717 East Cary Street, Richmond, VA 23223
Tax Map # E0000110001

INTRODUCTION

The applicant, Capital One, N.A. ("Capital One" or "Owner") owns 0.2 of an acre at 1717 East Cary Street in Shockoe Bottom (the "Property"). The Property is zoned B-5 Central Business District. The Property is improved with a 32,000+/- square foot five-story brick building (the "Building"). The Building covers almost the entire Property, but for a small open space located at the northwest corner, which is currently used as a small parking area and for the HVAC units. Over the years, the Building has been used for a variety of uses, including as a tobacco warehouse and for office use. The real estate assessor's records indicate that the Building was constructed as a mill in 1900. A photo of the Building can be found on page 1 of the "Special Use Permit Drawings," prepared by SMWB ("Drawings").

Capital One purchased the Property in early 2017 and plans to renovate the Building for use as an office. Office uses are permitted by-right in the B-5 zoning district. Capital One plans to partner with Startup Virginia Inc. ("Startup Virginia") to create a business incubator that will provide a physical space exclusively for startup companies. Startup Virginia is a business incubator that will provide a physical space exclusively for startup companies. These businesses will be provided office space, conference rooms, and support services as well as access to mentors, classes, business leaders, and capital sources.

As part of the overall renovation of the Building, the Building's brick and other masonry elements will be restored and repaired. The current windows will be replaced with new windows that will fill the expanded window openings. A new entrance with ADA ramp and an elevator tower will be constructed along the northwestern elevation, providing larger glazed openings to permit more light into the Building. (See page 1 in Drawings). The penthouse/roof area will be refurbished to provide interior and exterior spaces available to the Owner and tenants for daily use and after-hours business events. This rooftop area is designed with an enclosed workspace of about 2700 square feet, with a wall of glass doors that can open to the 1800 square feet of outdoor patio space (partially covered). (See page 8 in Drawings for rooftop design.) Solar panels are proposed for installation on the penthouse area roof as one of the LEED design elements.

PROPOSED USE AND SPECIAL USE PERMIT REQUEST

Capital One is requesting a Special Use Permit ("SUP") to allow the addition of one story within the interior of the Building. The B-5 zoning district allows structures up to five stories and 75-80 feet in building height. The Building currently contains five floors (including a penthouse level) and is 70 feet tall. There is a mezzanine level between the first and second floors, which is mostly open to the first floor. The requested SUP would allow the mezzanine

level to be converted to a full floor resulting in a total of six floors. The height of the Building (70') to the roof would not change.

The new space will add approximately two-thirds of the existing floor plate for an additional 4,700 square feet of usable space, bringing the total Building square footage to approximately 36,700 square feet. The new floor will be served by two egress compliant stairs, a new passenger elevator and new bathrooms. However, since the additional floor is an internal improvement it will not be obvious from the exterior that another floor has been added. See pages 4-8 in the Drawings.

The maximum number of Building occupants will be 380, distributed across all six floors. The hours of operation will be typical office hours of 8 a.m.-6 p.m., with extended hours for business related activities. The estimated amount of additional vehicular traffic that will be generated by the additional square footage is only 9-10 vehicular trips per day.

Converting the Building to an office with the additional story will not require significant changes to the Building's exterior, but the planned changes will enhance the Building's architecture and function. Restoring the Building's exterior, even with the additional floor, will retain its historical elements while allowing it to become a vital and vibrant asset to the neighborhood and the City.

EXISTING PROPERTY AND SURROUNDING AREA

The Property is a wedge shaped parcel bordered by 18th Street to the east, East Cary Street to the north, and the CSX trestle to its south and west, which bisects the block between East Cary and Dock Streets. The Canal Walk Lofts residential apartment complex is located northwest and diagonally across from the Property on property zoned M-1 with a Special Use Permit. There is a self-storage facility located across East Cary Street on property zoned B-5C. Bottoms Up Pizza restaurant occupies the southwest portion of the block to the west of the CSX railroad right-of-way and trestle. A renovated industrial building, now used for offices, is located across 18th Street and is on property zoned M-2. Buildings in the area range from one to six stories and are of varying heights. For example, the self-storage facility is also a five-story building but is at least 10-15' taller than the Building as it contains larger story heights.

PROPOSED USE

The Property's zoning permits office uses by-right. The conversion of the mezzanine to a functional work space and an additional story of office use is compatible with the surrounding area and an appropriate use for the site. As the overall height of the Building will not change if the SUP is granted, the proposed additional story will not visually impact neighboring or surrounding properties.

The B-5 zoning district does not require on- or off-site parking, providing the opportunity to retain and improve the existing Building without having to create parking areas. Office uses of about 4,700 square feet (or the size of the proposed additional Building floor area) would typically generate 9-10 peak morning vehicle trips; however, due to alternative transit options,

the location of the Property, and the incubator use, vehicle trips will likely occur less frequently and on a schedule atypical of traditional office uses. Startup Virginia members are high-growth businesses in the early stages of development with 1-10 employees. The age demographic of Startup Virginia members are individuals of 18-39, who are more accustomed to public transit or commuting by bike, walking, or scooter. Considering these factors, the traffic impacts should be minimal even if the Building's total square footage is considered.

In addition, Capital One's proposed design provides bike racks to facilitate cycling as a transit option. Bus routes along Main Street also serve the Property, only a block away. Main Street Station is located only three blocks away from the Property and will serve as one of the bus stops for the new BRT Pulse. Sidewalks are located around most of the block and the adjacent blocks, as is the Virginia Capital Trail and the Canal Walk, providing safe pedestrian passage from various directions. On-street parking, parking lots, and parking structures are located in the vicinity for those who need to drive.

The age and design of the Building make it part of the rich historic fabric of Shockoe Bottom. According to the Richmond Downtown Plan, Shockoe Bottom "has a distinct urban character ... [which] has been the driving force behind the growth and investment experienced in 'the Bottom' in recent years." The Plan states that "preserving historic buildings is one of the most important ways that a city can maintain a unique identity, share its history with the public, and uphold a coherent urban fabric." The Plan further recommends that the "historic architecture should not only be preserved, but also be maintained and *adapted for contemporary use.*" [Emphasis added.] The addition of the needed workspace within the existing Building envelope as proposed in the SUP and the overall renovation of the Building will meet these important goals.

Retaining and renovating much of the Building's historic features while adding new space and the modern functional elements such as the elevator tower and accessible front entry is pivotal to the continued revitalization of Shockoe Bottom. The Property's location with direct access to pedestrian ways, recreational trails, and transit routes will support the incubator and office uses and allow the Building to become a vital and vibrant asset to the neighborhood and the City.

FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the Zoning Ordinance to be considered with the review of special use permit applications.

The proposed SUP will:

- NOT be detrimental to the safety, health, morals, and general welfare of the Community.

The additional story will not increase the overall height of the Building and will not be detrimental to the health, safety, morals, or welfare of the community. The proposed use of the expanded Building as a business incubator will provide additional

activity and “eyes on the streets” that can enhance the safety and welfare of the surrounding Community.

- NOT tend to create congestion in streets, roads, alleys, and other public ways and places in the area.

The extra story will create minimal additional usage of the Building and will not create congestion in the streets, alleys or public ways. The demographic of the users of the Property are individuals 18-39 years of age, who are accustomed to taking public transit, commuting by bike, walking, or scooter. Taking these factors into account, traffic impacts should be minimal (less than 9-10 additional vehicle trips per day).

- NOT create hazards from fire, panic or other dangers.

The renovation of the Building, including the addition of the extra floor, will bring the Building up to modern fire codes. Construction of a new entrance, emergency accesses, and the elevator will provide safe ingress and egress. No hazardous substances are part of the proposed additional office space.

- NOT tend to overcrowding of land and cause an undue concentration of population.

The additional story will be constructed within the existing Building envelope and utilizing an existing mezzanine area. The additional work space will not cause overcrowding or an undue concentration of population in the area.

- NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The above referenced City services will not be adversely affected by the construction of the additional floor if the SUP is approved. Utilities and infrastructure are in place and adequate for the proposed use. The proposed reuse of the Property will enhance the area without affecting existing public facilities.

- NOT interfere with adequate light and air.

The light and air available to the Property and adjacent properties will not change if the SUP is approved.