



COMPREHENSIVE PLAN CONSISTENCY REVIEW

EAST CLUB AT 85 (Z2400032)

Comprehensive Plan Development Applicable Policies		
Applicability	Consistency	Staff Analysis
Neighborhoods Policy Topics		
Historic Resources		
Policy 32: Preserve and protect historic resources in the design of new developments and neighborhoods and design them to respect Durham's unique identity and reflect the nearby historical context. Promote new developments that are compatible with the architectural elements of significant historic resources.		
All projects are evaluated against this policy. There are no Unified Development Ordinance (UDO) requirements for historic structures identified on the North Carolina State Historic Preservation Office (NCSHPO) maps. If the site is in a local historic district and/or is designated a local landmark, the proposal must meet local historic standards and/or complete the Certificate of Appropriateness process. For projects outside of local historic districts and/or a local landmark, but have historic structures listed on the NCSHPO map, additional standards should be included to preserve and protect historic structures. Commitments could include voluntary inclusion into the Certificate of Appropriateness (COA) process, reuse of the structure, and/or preservation of the structure. If structures cannot be preserved due to poor structural integrity, documentation should be provided to staff.	Not applicable because there are no historic resources on the site.	
Developments in Neighborhoods		
Policy 33: Discourage development patterns, such as exclusively single-family neighborhoods, that segregate and concentrate high-wealth communities.		
All projects are evaluated against this policy. New developments should either provide a mix of housing within the project or create a mix by introducing a new housing type in an area that is predominantly uniform.	Not applicable because this is not a residential proposal.	
Neighborhood Design		
Policy 37: Design new developments to prioritize pedestrians in ways compatible with existing neighborhoods, such as by placing buildings close to the street, oriented toward sidewalks, green spaces, or community areas where people gather; locating vehicle access and parking to the side or rear of buildings and lots; maintaining connected streets and frequent intersections; and designing buildings to engage with the street through stoops, porches, or other welcoming entranceways.		

All projects are evaluated against this policy. Developments will always be required to meet this policy and can do so by meeting UDO standards for pedestrian facilities and connectivity. Any commitments in excess of UDO standards will be consistent by exceeding.	Consistent by meeting UDO standards	All pedestrian requirements will be met at the site plan stage.
Policy 39: Preserve and create natural areas, open spaces, community gardens, and trees within new housing developments or redevelopments—particularly for affordable housing—to improve the physical and mental health of residents.		
This policy applies when residential development is allowed in the proposal. The Unified Development Ordinance requires tree coverage areas and open space as part of residential development. Any residential proposal will meet this policy by meeting UDO standards. Exceeding UDO standards by committing to cluster or conservation subdivisions, exceeding minimum tree coverage or open space standards, community gardens, and/or pocket parks would be consistent with this policy by exceeding UDO standards.	Not applicable because this is not a residential proposal.	
Housing Policy Topics		
Affordable Housing		
Policy 40: Affordable housing should be included in new development proposals. Encourage and incentivize housing that meets the needs of Durham residents in terms of cost, unit size, housing type, ADA accessibility, and location. Tenures for housing affordability should run, where feasible, with the land in perpetuity. When this is not possible, affordability tenures should last for a minimum of 30 years and have an associated deed restriction.		
This policy applies when residential development is allowed in the proposal. New development should include affordable dwelling units and meet the tenure requirement of 30 years.	Not applicable because this is not a residential proposal.	
Accessible Housing		
Policy 48: Encourage, incentivize, and require a variety of housing types in new developments that allow for a mix of age groups, and discourage developer commitments that isolate seniors by restricting housing based on age.		
This policy applies when residential development is allowed in the proposal. To accommodate a variety of age groups, the development plan may make commitments that create a variety of unit sizes, include first floor bedrooms, units accessible to persons with disabilities, and/or “universal design” elements. Commitments that restrict residents based on age are discouraged. This policy can only be met by exceeding UDO	Not applicable because this is not a residential proposal.	

standards and requires a text commitment to include design standards.		
Policy 49: Work towards healthier housing and lower utility costs for residents by using green building techniques and technologies (such as solar panels, passive solar design, low VOC materials), particularly in affordable housing units. Use durable, environmentally sustainable materials in publicly and privately funded affordable housing to create healthier homes.		
This policy applies when residential development is allowed in the proposal and can only be met by exceeding UDO Standards. There are no UDO standards that require green building techniques or certification. Through the development plan process, this policy can be achieved through commitments to green building standards or certification, installation of solar panels, or publicly accessible and/or level 2 or higher electronic vehicle charging stations.	Not applicable because this is not a residential proposal.	
Policy 50: Encourage the location of new residential development such that homes are within a safe ten-minute walking distance (approximately one-half mile) of public parkland.		
This policy applies when residential development is allowed in the proposal. A proposal will be considered consistent with the policy if the proposed development is located within a ten-minute walk and there are adequate pedestrian facilities to allow safe movement from the site to the public parkland. If there is no safe route to the parkland, the proposal could commit to offsite sidewalk improvements to further safely connect the two sites. If there is no public parkland within a ten-minute walk, the proposal could proffer to dedicate land for a public park, subject to approval by Parks and Recreation Department, to be consistent with this policy. There is no current UDO standard that requires new residential development to be located within a half mile of public parkland.	Not applicable because this is not a residential proposal.	
Tenants' Rights		
Policy 52: Encourage the preservation of existing mobile home parks. Provide a re-housing plan for residents when mobile home parks are redeveloped, prioritizing locations near existing parks or with similar access to amenities.		
This policy only applies to proposed rezoning that includes existing mobile home parks. Rezoning of existing mobile home parks should be discouraged; however, if a proposed rezoning should remove the PDR MH zoning or change the zoning district, in order to meet this policy a rehousing plan for the existing residents would be required.	Not applicable because this is not an existing mobile home park.	

Transportation Policy Topics		
Sidewalks		
Policy 55: Fill in gaps in the existing sidewalk, bicycle, and transit infrastructure to create an accessible, safe, and direct transportation network for all residents. Focus on improving residents' access to needed resources, including healthcare services, grocery stores, employment areas, and schools.		
All projects are evaluated against this policy. The Unified Development Ordinance (UDO) requires sidewalks to be provided along both sides of public or private right-of-way in all tiers except the Rural Tier. In addition, per UDO 12.4.3C, pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian, bicycle, and transit facilities. Due to these existing standards, all projects should be found consistent with this policy by meeting UDO standards.	Consistent by meeting UDO standards	All requirements will be met at the site plan stage.
Transportation Investments		
Policy 57: Encourage new developments to fill in gaps or upgrade transportation infrastructure by building or dedicating rights-of-way within and adjacent to the project site.		
All projects are evaluated against this policy. The Unified Development Ordinance (UDO) requires sidewalks to be provided along both sides of public or private right-of-way in all tiers except the Rural Tier. In addition, per UDO 12.4.3.C, pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian, bicycle, and transit facilities. Due to these existing standards, all projects should be found consistent with this policy by meeting UDO standards.	Consistent by meeting UDO standards	All requirements will be met at the site plan stage.
Accessible Transportation		
Policy 63: Improve ADA accessibility at crosswalks, sidewalks, and bus stops for all people, regardless of ability or age. Improve pedestrian infrastructure, including street crossings, intersections, signals, wayfinding, and sidewalks prioritizing the safety of people with disabilities, senior citizens, students, and families with young children.		
All projects are evaluated against this policy. ADA accessibility is required by the UDO; therefore, all projects will be considered to meet this policy since they will be required to meet UDO standards. Projects can exceed standards for this policy by improving off-site facilities to meet ADA standards, provide wayfinding, etc.	Consistent by meeting UDO standards	All ADA requirements will be met at the time of the site plan.

Land Use and Transportation Coordination		
Policy 70: Reduce the amount of land used for automobile travel and parking and encourage pedestrian- and transit-friendly design. Discourage conversion of land into uses primarily or exclusively supportive of automobiles, such as gas stations and car washes.		
All projects are evaluated against this policy. Non-residential land uses that are auto dependent, such as gas stations, car washes, and vehicle sales and service cannot meet this policy. Ways to exceed UDO standards and meet this policy include limiting parking, committing to pedestrian friendly design, installation of transit facilities, etc.	Consistent by exceeding UDO standards	The project limits auto-oriented uses.
Policy 72: Ensure new development is connected to adjacent neighborhoods and commercial areas with walking and biking infrastructure. This can include building, improving, or dedicating right-of-way for sidewalks, and constructing bicycle paths, greenways, off-street bicycle and pedestrian connections, bus stop infrastructure, and collector streets, as called for in locally adopted transportation plans.		
This policy applies to all proposed projects except industrial development or zoning districts without adjacent commercial or residential uses. The Unified Development Ordinance (UDO) requires sidewalks to be provided along both sides of public or private right-of-way in all tiers except the Rural Tier. In addition, per UDO 12.4.3C, pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian, bicycle, and transit facilities. Due to these existing standards, all projects should be found consistent with this policy by meeting UDO standards.	Consistent by meeting UDO standards	Requirements will be met at the time of site plan.
Environment and Public Spaces Policy Topics		
Protecting Sensitive Land		
Policy 79: Protect Durham's most sensitive natural areas (including floodplains, wetlands, wildlife habitats, hillsides, drinking water sources, critical watersheds, and natural heritage areas) from the impacts of development.		
All projects are evaluated against this policy. The Unified Development Ordinance (UDO) requires protection of sensitive natural areas including floodplains, wetlands, steep slopes, drinking water sources, and critical watersheds. However, wildlife corridors and natural heritage areas are not protected within the UDO. Commitments that restrict development in natural areas, such as wildlife corridors, natural heritage areas, and floodplains, would exceed UDO standards.	Consistent by exceeding UDO standards	The project commits to not disturb the wildlife corridor.
Policy 81: Locate open space in new development so that it protects the most environmentally sensitive portions of the site and creates large and contiguous habitat areas, rather than narrow and disconnected strips of open space.		

All projects are evaluated against this policy. There are no UDO standards regarding the location of open space within a development, only a minimum percentage when applicable. To exceed UDO standards and meet this policy, a commitment must be made regarding the location of open space to ensure areas are connected and protect the most sensitive areas onsite.	Consistent by exceeding UDO standards	Tree preservation around riparian areas has been committed.
Policy 83: Existing habitat areas and wildlife movement corridors should be left largely undisturbed to remain in their natural, vegetated state and to avoid fragmentation and disruption. These areas include Wildlife Habitat Areas or Natural Corridors in adopted open space plans or identified NC Natural Heritage Areas. Some disturbance may be allowed for road crossings, utilities, and stormwater infrastructure, if minimized. Staff will recommend against proposed structures or parking in these areas.		
This policy is only applicable for proposals that have wildlife corridors and/or natural heritage areas onsite. As there are no Unified Development Ordinance (UDO) requirements for wildlife corridors or natural heritage areas, commitments in excess of the UDO that would restrict activity within wildlife corridors and/or natural heritage areas would be required to meet this policy.	Consistent by exceeding UDO standards	The project commits to not disturb the wildlife corridor.
Policy 84: Discourage development that contributes to a loss of biodiversity, particularly through disruptive clear-cutting and mass grading. Mass grading should be discouraged for new residential projects. When mass grading of new development sites is proposed, it should occur in phases rather than across the entire area at once, to reduce on-site stormwater runoff and erosion, and to retain tree cover between the phases of construction.		
All projects are evaluated against this policy which are at least four acres in size. New UDO standards for phasing and mass grading provide policy consistency for applicable projects. Committing to no mass grading at all or a phasing plan for projects under the phasing threshold (50 acres) is considered exceeding UDO standards for this policy.	Consistent by meeting UDO standards	All requirements will be met at the site plan stage.
Policy 85: New developments should include tree coverage beyond that required by development regulations. Tree canopy should be distributed throughout new developments to maintain a consistent mature tree canopy wherever possible.		
All projects are evaluated against this policy above two acres in size and in the Urban or Suburban tiers, or zoned or proposed to be Design District in the Compact Neighborhood tier. To meet this policy, proposals must exceed current tree coverage standards. Where tree coverage is not required, any commitment to tree coverage would exceed policy.	Consistent by meeting UDO standards	The required tree coverage is 10%. The proposal commits to 30% tree coverage with 80% of that being in/adjacent to the riparian areas.
Environmental Justice		
Policy 94: Increase Durham's urban tree canopy, prioritizing neighborhoods and communities with comparably less canopy. Prioritize native trees in replanting efforts.		

All projects are evaluated against this policy, except those in the Rural Tier. Meeting current UDO standards will meet this policy. Exceeding UDO standards for tree coverage and/or committing to the use of native plantings in landscaping, which includes trees, shrubs, and other native plant life, will exceed UDO standards for this policy.	Consistent by exceeding UDO standards	The required tree coverage is 10%. The proposal commits to 30% tree coverage with 80% of that being in/adjacent to the riparian areas.
Policy 95: Strongly discourage new development in floodplains. For existing development in floodplains, support and encourage retrofits to increase flood resilience.		
All projects are evaluated against this policy with floodplain on site. Development, as it pertains to this policy, refers to structures or impervious surface areas; greenways, trails, recreation and open space uses in floodplain areas do not violate this policy. Committing to protection beyond UDO standards would exceed for this policy; meeting UDO standards would not meet this policy.	Not applicable because there is no floodplain on site.	
Policy 96: Implement strategies to reduce the heat island effect and its impact on residents. Ensure that new developments mitigate the urban heat island effect in areas currently experiencing it. Encourage new developments that minimize impervious surfaces and include green infrastructure, reflective materials, and plentiful tree canopy.		
All projects are evaluated against this policy. For projects in watershed protection overlay districts, meeting impervious surface limits meets this policy. To exceed UDO standards for this policy, examples include a further limitation of impervious surface limits, provision of tree coverage above UDO standards, green infrastructure measures, and inclusion of reflective materials. Projects in the Urban and Suburban Tiers should provide additional tree coverage/impervious surface limitations to exceed standards for this policy. Projects in the Downtown and Compact Neighborhood Tiers should include green infrastructure to exceed UDO standards for this policy. For projects not in a watershed protection overlay district, a commitment to one of the above measures, or a comparable action, is required to meet this policy.	Consistent by exceeding UDO standards	The required tree coverage is 10%. The proposal commits to 30% tree coverage with 80% of that being in/adjacent to the riparian areas.
Policy 101: Encourage new development that incorporates native plants, wildlife habitats, natural landscaping, and that discourages invasive exotic species.		
UDO prohibits invasive exotics for use in required plantings. Committing to planting only native species would meet this policy by exceeding UDO standards, not making such a commitment would mean this policy is not met. Exceeds: the native plantings proposed for the site will be selected in accordance with the associated natural history of the site, per	Consistent by exceeding UDO standards	The proposal commits to native plantings.

the Classification of the Natural Communities of North Carolina - 4th Approximation (or another source which can speak to the ecology/native plant communities of Durham).		
Access to Parks, Open Space, Trails, and Recreation		
Policy 104: In new development, dedicate parks, recreation facilities, and other amenities for public use rather than as private space.		
This policy applies to all proposed projects that include recreational amenities. To meet this policy, those amenities should be publicly accessible.	Not applicable because there are no recreational amenities proposed with this project.	
Policy 105: New developments should build or dedicate right-of-way for trails and greenways as per adopted trails and greenway plans. The trails and greenways system should link residential areas, schools, parks, institutions, shopping centers, and other greenway corridors.		
This policy is only applicable when a proposed trail or greenway is on site for a proposed development, per the Durham's Trails & Greenways Master Plan (2011) . Should that be the case, the development plan should demonstrate compliance with the plan through dedication of easements consistent with the UDO Section 12.1.4.B. Should a proposal commit to constructing the trail or greenway, this policy would be determined to exceed the UDO.	Not applicable because there is no trail or proposed greenway.	
Green Infrastructure and Sustainability		
Policy 108: Encourage green infrastructure, such as native trees and vegetation, protected green spaces, green roofs and walls, bioswales, rain gardens, and permeable pavement. Green infrastructure should be prioritized in low-income and BIPOC communities if desired by those communities.		
All projects are evaluated against this policy. Provision of green infrastructure, as listed in the policy, and/or use of native trees in planting, is required to meet this policy.	Consistent by exceeding UDO standards	The proposal commits to native plantings.
Policy 111: Encourage innovative stormwater management practices that will preserve and enhance water quality and will not increase the quantity of water discharged downstream of new developments. Encourage innovative stormwater management practices that will prepare our community and its infrastructure for increasingly heavy precipitation events.		
All projects are evaluated against this policy. Durham has one of the most stringent stormwater regulations in the state. Therefore, meeting City Code standards is considered meeting this policy. Commitments that go above and beyond City Code standards regarding stormwater are considered in excess of City Code standards for this policy.	Consistent by meeting UDO standards	Requirements will be met at the site plan stage.
Policy 114: Encourage reuse of existing buildings, infrastructure, and construction materials, rather than their new creation from scratch. (Ensure that existing infrastructure is adequate for infill development, upgrade if not).		

This policy applies to infill development or sites with significant existing buildings, substantial structures, and/or infrastructure; it is not applicable to greenfield sites.	Not applicable because there are no significant structures on this site.	
Jobs and Training Policy Topic		
Access to Childcare		
Policy 145: Co-locate childcare facilities within or adjacent to employment centers, education and medical institutions, and community and civic places.		
This policy applies to non-residential sites that meet the uses listed in the policy or are adjacent to those uses. This policy can be met if childcare centers are a permitted use in the zoning district requested (and in the development plan, if applicable). The proposal will be considered to exceed UDO standards if a childcare facility is committed to in the development plan.	Consistent by meeting UDO standards	A childcare facility is an allowed use in the proposed zoning district.
Education Policy Topic		
School Site Development		
Policy 152: Coordinate school planning and land use planning to proactively prepare for increased student growth from new development. When a proposed residential development causes any school level (ex: elementary, middle, and high school) within a region to be over-capacity, Durham Public Schools, the Durham City-County Planning Department, and the development team should consider mitigation measures for the school system (ex: land dedication, payments in-lieu-of improvements, or other proffers). Coordinate with Durham Public Schools to calculate what mitigation is necessary based on the best available estimates.		
All residential projects are evaluated against this policy. There is no UDO standard for school impact mitigation. Residential proposals that provide a monetary contribution to Durham Public Schools will be considered to meet this policy in excess of UDO standards.	Not applicable because this is not a residential proposal.	
Policy 155: When a proffer of land dedication for school sites is made, review of acreage and feasibility should be assessed in coordination with Durham Public Schools and Durham City-County Planning.		
This policy is only applicable when an applicant proposes land dedication towards school sites. Representatives from Durham Public Schools (DPS) are included in the distribution of all rezoning cases. As part of the review, DPS should confirm if the proffer is suitable to their needs or plans. If DPS does not approve of the proffer, staff will require the proposed proffer to be removed from the development plan.	Not applicable because there is no proposed land dedication.	

Place Type Policies		
Applicable Policy	Consistency	Analysis
Current Place Type: Transit Opportunity Area (TOA)		
Policy 44: Equitably distribute housing throughout Durham that is accessible to those with low incomes. Identify and ensure appropriate locations for affordable housing, public housing, and supportive housing near jobs, services, and existing or planned transit services.		
A proposal is consistent when it proffers to affordable/income-restricted housing are made onsite. DDHF contributions are not consistent with this policy. This is about housing for low-income residents in TOA areas – location based. Low income is 80% AMI or less per HUD.	Not consistent	The proposal does not include residential uses.
Policy 46: At least 20% of housing in the Transit Opportunity Areas Place Type should be affordable to households making 30-80% of Area Median Income (AMI), with half of those units being affordable for households making 30-50% of AMI. At least 15% of housing in all other residential and mixed-use place types should be affordable to households making 30-80% of AMI.		
A proposal must meet the specific policy requirements to be consistent with this policy.	Not consistent	The proposal does not include residential uses.
Policy 71: Plan transportation connections between affordable housing, public housing, and shelters for low-income and houseless residents to offer safe access to nearby jobs, education facilities, services, and transit.		
This policy is consistent by meeting UDO standards.	Consistent	This proposal would be consistent by meeting UDO standards.
Policy 169: The Downtown and Transit Opportunity Area Place Types, should provide a sensitive transition to nearby neighborhoods through building placement, design, massing, and step-down height.		
To be consistent with this policy, a proffer would be required if it is not built into the standards, such as in a Design District.	Not consistent	While the proposal limits building height and utilizes a fence, these elements do not do enough to ensure a sensitive transition. In order to meet this policy, there would need to be more strict design commitments.
Policy 170: Transit Opportunity Areas should respect the surrounding neighborhoods in scale and design. Larger, regional-oriented Transit Opportunity Areas should be tall and dense to support transit but not as intense as the Downtown Place type. Neighborhood-oriented Transit Opportunity Areas should include shorter heights and less intensity, while still supporting transit.		
To be consistent with this policy, a proffer would be required if it is not built into the standards, such as in a Design District.	Consistent	The proposal limits building height and protects sensitive areas.
Proposed Place Type: Suburban Commercial (SC)		
Policy 184: Encourage areas designated as Suburban Commercial Place Types to change to the Transit Opportunity Area Place Type as conditions and transit access change over time.		
To meet this policy, the proposal needs to have elements that would support the TOA Place Type.	Consistent	The proposal is already consistent with some TOA Place Type policies. In order to become more like a TOA, improved

		transit access and increased density/intensity, beyond what could be provided without water and sewer infrastructure, would be required.
Policy 185: Encourage areas designated as Suburban Commercial Place Type to become more sustainable and walkable over time by adding buildings, green space, green stormwater infrastructure, and pedestrian-oriented connections in existing parking areas.		
UDO requirements for pedestrian connections will meet this policy. Proposals should commit to sustainability through one of the mentioned commitments.	Consistent	Through the UDO requirements and shared path proffer, the proposal will have pedestrian oriented connections. Additionally, the proposal protects environmentally sensitive areas of the site, promoting sustainability.