

# ATTACHMENT G: ANALYSIS OF STANDARDS FOR SPECIAL EXCEPTION REQUESTS

**21A.06.050(C)** of the Zoning Ordinance authorizes the Historic Landmark Commission to review and approve or deny certain Special Exceptions for properties located within an H Historic Preservation Overlay District, including modifications to bulk and lot regulations of the underlying zoning district, where it is found that the underlying zoning would not be compatible with the historic district and/or landmark site. **For this proposal, Special Exception approval is being sought to permit additional building height for the new addition on the Elks Building, and for the South Temple Residential Building.**

**21A.52.020: Definition:** *A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.*

**21A.52.060: General Standards and Considerations for Special Exceptions:**

Standard	Analysis	Finding
<p><b>A. Compliance With Zoning Ordinance And District Purposes:</b> The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</p>	<p>The Zoning Ordinance indicates that the Historic Landmark Commission may grant additional building height for properties within the H Historic Preservation Overlay, subject to the provisions of that zone.</p> <p>Staff finds that the project, as currently proposed, meets the standards of approval for a Major Alteration to a contributing structure, which have the main purpose of ensuring the compatibility of new development within the Local Historic Districts.</p>	<p><b>Complies</b></p>
<p><b>B. No Substantial Impairment Of Property Value:</b> The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</p>	<p>For similar reasons stated in the section above, Staff finds that the proposed special exception would not diminish or impair property values within the surrounding neighborhood.</p>	<p><b>Complies</b></p>
<p><b>C. No Undue Adverse Impact:</b> The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p>	<p>The proposed alteration of the Elks Building would not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p>	<p><b>Complies</b></p>
<p><b>D. Compatible with Surrounding Development:</b> The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.</p>	<p>There are provisions in the Zoning Ordinance to permit additional height if the overall project complies with standards of approval of the H Historic Preservation Overlay.</p> <p>The proposal includes an addition to the existing Elks Building that has been on site since 1923 and was adaptively reused as offices, restaurants,</p>	<p><b>Complies</b></p>

	private clubs and theaters since 1977, with a similar rooftop addition which will be replaced. The existing building precedes the city’s zoning ordinances and already exceeds the maximum building height in the R-MU district by over fifty feet. The addition is proposed to further exceed the maximum permitted height by approximately 3 feet. Staff has found that the project complies with standards for Major Alterations to Contributing Structures, and that the addition would be compatible in massing, size, scale, and design with the existing building, as well as the larger Historic District. In addition, the HLC previously approved a similar special exception for the new residential building proposed east of the Elks building as part of the overall project.	
<b>E. No Destruction Of Significant Features:</b> The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	Staff finds that the proposal would result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	<b>Complies</b>
<b>F. No Material Pollution Of Environment:</b> The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	The Special Exception requests involve relief from lot and bulk dimensional standards. There is no evidence showing that either proposal would cause material pollution of the environment.	<b>Complies</b>
<b>G. Compliance With Standards:</b> The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	Staff finds that the alterations and additions to the Elks Building, as proposed, comply with all additional requirements/standards of the Zoning Ordinance, including those of the R-MU district, and H Historic Preservation Overlay Zone.	<b>Complies</b>