

Z-45-21 – 901, 931, 1001, 1100, 1110 Navaho Drive, located on both sides, beginning 150 feet west of Wake Forest Road, consisting of Wake County PINs 1715170038, 1715167635, 1715168365, 1715261210, and 1715165743. Approximately 27.89 acres rezoned to Community Mixed Use-20 Stories-Urban Limited-Conditional Use (CX-20-UL-CU).

Conditions dated: May 3, 2022

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- District shall be prohibited: (i) cemetery; (ii) adult establishment; (iii) detention center, jail, prison; and (iv) vehicle repair (minor and major).
2. Subject to NCDOT approval, as applicable, the Developer shall plant at least one (1) two-inch caliper tree per fifty (50) linear feet and at least four (4) shrubs per fifty (50) linear feet, in the area located between the existing masonry wall and the Interstate 440 Right-of-Way. This installation of landscape material is contingent upon: (a) a viability assessment being performed by a certified arborist (retained by the Developer), and confirmed by the City of Raleigh, as to whether the plantings can be installed and survive within this given area; and (b) all necessary encroachment agreements being secured from the appropriate governing bodies, if required.
3. Public façades of Structured Parking: When a parking structure façade is adjacent to or facing any public park or plaza, public right-of-way, or private street, façades shall comply with the following:
 - a. Any such façades of the parking structure shall have openings screened to prevent views into the structure except for perpendicular vehicular ingress and egress openings at a maximum width of 30 feet and pedestrian access openings at a maximum width of eight feet.
 - b. Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the screening element to the wall opening. Mesh or decorative panels, louvers, vegetated walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Where mesh or other materials containing openings is used in conjunction with the screening frame, no individual opening shall exceed four square inches. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.
4. Lighting of Structured Parking. Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be

- directed internally upward or shall contain shielded fixtures to prevent such visibility.
- b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies
 - c. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of 15 feet from the exterior perimeter of the rooftop wall at a maximum mounted height of 12 feet above finished floor with cutoff light fixtures that have a maximum 90 degree illumination.
 - d. Lighting levels measured at the property line of privately-owned parcels adjacent to the structured parking deck shall not be greater than 1.0 footcandles.
5. The site plan for development of the property shall provide for mutually acceptable locations on the property, or adjacent right-of-way, to accommodate up to two (2) City bike share stations. The property owner shall provide stations of no fewer than 10 docks each, electric-assist bikes to accommodate 1 bike per every 1.6 docks, and installation of all necessary equipment for functional bike share stations, if requested by the City, prior to issuance of a certificate of occupancy for the building closest to the proposed bike share station. The “mutually acceptable location” for the bikeshare station(s) shall be determined by the property owner and the City.
 6. Two (2) public art installations shall be located on the property and visible from the Navaho Drive right-of-way. The Raleigh Arts Commission through its Public Art and Design Board shall be consulted on the scope of the public art projects. If a required installation consists of a mural, it shall be no smaller than 120 square feet in area. If a required installation is three-dimensional, it shall be of appropriate scale for the site and no less than ten feet (10’) in height or no less than ten feet (10’) in width, not including any base or pedestal supporting such installation. If more than two (2) public art installations are provided on the subject site, the applicant shall designate which art installations are the ones required by this condition. The public art installation shall have received permitting or City approval (if required) prior to the issuance of a Certificate of Occupancy for the property on which the art installation is to be installed.
 7. The development shall provide a contiguous outdoor amenity area at ground-level as follows: one (1) outdoor amenity area of at least 10,000 square feet, or two (2) outdoor amenity areas of at least 5,000 square feet each. The outdoor amenity area(s) described in this condition are eligible to be counted toward the development’s fifty percent (50%) ground-level outdoor amenity area requirement if all other code requirements for such amenity area(s) are met. An outdoor amenity area described in this condition shall have received permitting prior to the issuance of a Certificate of Occupancy for the building closest to the proposed outdoor amenity area.
 8. For residential buildings that exist on 901 Navaho Drive (PIN 1715170038; DB 15752, PG 801) as of the effective date of these conditions, the property owner(s) shall provide tenants with 60 days written notice before the termination of their leases due to redevelopment of or construction at the property, so long as said leases

are in full force and effect and not in default. The applicant shall provide a letter to the City Clerk's Office confirming that the required notice has occurred.

9. The property owner will dedicate no less than 10% of the total units constructed after the 901st unit as affordable for households earning 80% area median income or less for a period of no less than 10 years. For every 10 units constructed after the 901st unit, 1 of those units shall be dedicated as affordable for a 10-year period. The affordable unit(s) shall be dedicated as such prior to issuance of the certificate of occupancy for the 911th unit, and prior to the certificate of occupancy for every tenth unit thereafter. The 10-year period shall commence from the date a unit is dedicated to be affordable.
10. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing and Neighborhood Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds in order to dedicate a unit as affordable. The property owner may dedicate previously constructed or newly constructed dwelling units within the development as affordable housing units to satisfy this condition. Nothing herein shall prevent units from being dedicated as affordable units in groups or phases to match phased construction plans. The property owner shall certify to the City compliance with this zoning condition on an annual basis.
11. For the purpose of obtaining building permits, the total AM peak hour and total PM Peak hour trips generated on the property shall be no more as follows, as determined by the ITE Trip Generation Manual, 11th Edition:
 - a. AM Peak Hour: 2470 total trips
 - b. PM Peak Hour: 2410 total trips