

## **Boones Ferry Road Non-Conformities - Code Amendment Concept – PAC MTG – May 2, 2017**

Address nonconformity/non-compliance issues resulting from Boones Ferry Road Project.

### **Problem Statement**

The Boones Ferry Road (BFR) Project will result in the loss of private on-site parking and landscaping, which will push some properties out of conformance, or further increase non-conformance with code requirements. In addition, one of the goals of the LGVC Plan is to ensure no net loss of parking. How does the City avoid or minimize the creation of nonconformities, and minimize net loss of parking while providing certainty to property owners?

### **Background/Process**

- Existing code provisions already allow a property owner to count landscaping and/or parking lost through the BFR Project towards minimum requirements for building expansions, for a certain timeframe.
- The project design team is working with each property owner to finalize plans for street frontage improvements and, for 7-8 properties, to find on-site “fixes” to replace lost parking. Those on-site plans will not fully comply with LGVC setbacks/offsets, parking design, and/or landscaping standards.

### **Options**

- Series of Variances. Land use applications to formalize resulting nonconformities and non-compliant on-site “fixes” as conforming. Issues: inherently complex to manage; unpredictable for property owners; possibility of multiple appeals; and, BFR Project is stalled with increased costs.
- Code Amendment. Approve, or “vest”, resulting nonconformities and non-compliant on-site “fixes” for lost parking as conforming. Direct design team to minimize code deviations to replace parking. Amendment package would include final plans for frontage improvements with landscaping/parking losses and conceptual plans with code deviations for on-site “fixes”.

### **Recommended Option: Code Amendment**

- Logical solution when private property is impacted by required City projects.
- Establishes baselines for lost landscaping/parking for building expansions per existing code exceptions. Exceptions become permanent to reflect reduced lot size.
- Allows on-site replacement of parking through streamlined ministerial permit process, but with publically-vetted plans that minimize impacts to abutting residents.

## Public Benefits of Recommended Option

- Avoids unnecessary costs/delays. Streamlines land use, project design, and ROW processes. Clarifies future permitting.
- Consistent with Comprehensive Plan policy on “adequate parking”. Consistent with City Council policy on clear and objective standards and code streamlining. Consistent with LGVC Plan goal of “no net loss of parking”.
- Establishes limits up front to protect abutting residents. Full redevelopment still requires compliance with code (with possibility of variances).
- Construction timeframe coincides with BFR Project to reduce timeline and impacts.

## Applicability

- Vesting applies to new or increased frontage nonconformities and non-compliant on-site “fixes”. Does not apply to properties that either conform or are made more conforming.
- Does not apply to relocation of signs. Most can be relocated in conforming manner. Sign Code has a variance process for the few sites where relocation is more challenging.

## Next Steps

- Continue to finalize frontage improvement plans and on-site “fixes”. Clarify which standards are not met for which properties and the range/threshold of code deviations.
- Clarify tree removal/mitigation issue. Goal to streamline permit review/issuance with minimal significant tree removal. Possible Tree Code amendment. Explore grant program to direct any mitigation tree funds towards frontage landscape enhancement in LGVC.
- Begin formal Public Review process. Public notice to commercial property owners and adjacent residential properties within 300 feet of BFR Project. Notice will include memo, draft code language, and plans.

## Tentative Schedule

- Public Review Draft: 5/15 – 6/02/17
- PC Work Session: 6/26/17
- PC Public Hearing: 8/14/17
- Council Public Hearing: 10/2/17