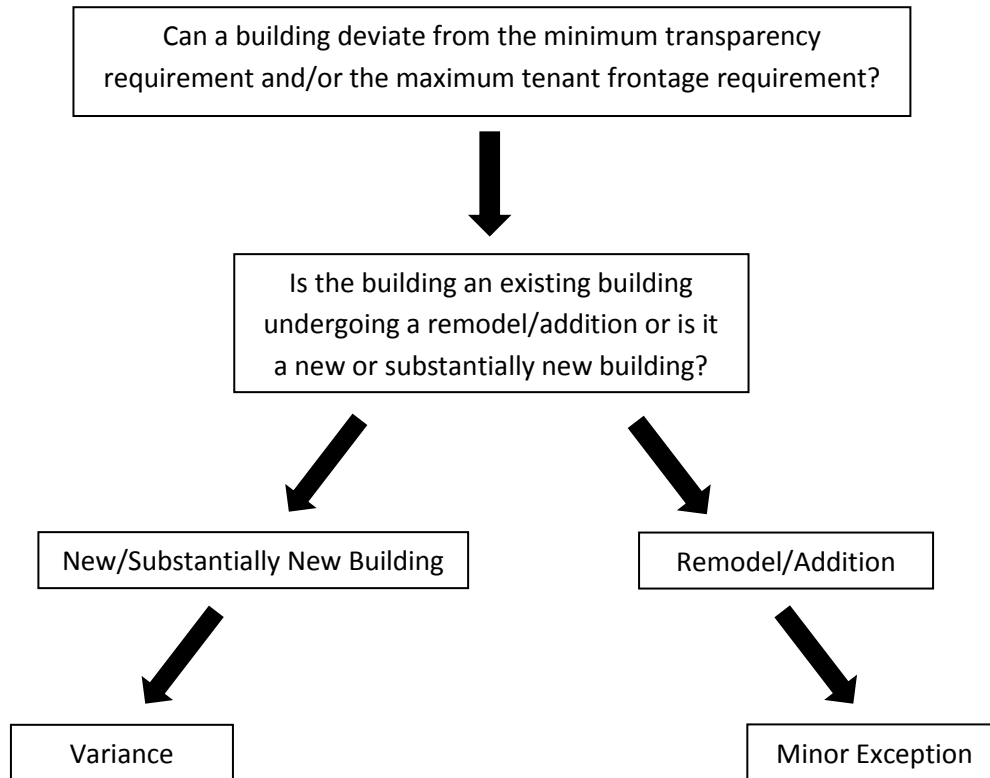


Attachment 15

Addressing New Nonconformities Created with the Adoption of the Specific Plan



Variances

Problem:

MBMC 10.84 does not explicitly allow a variance for these new development standards.

Solution:

Add a footnote in Chapter 6:

For purposes of the Specific Plan, variances may be granted for maximum tenant frontages and/or minimum transparency requirements in addition to other development standards identified in MBMC 10.84.010 and LCP A.84.010.

Applicants in the CD zone seeking a variance for maximum tenant frontage and/or minimum transparency requirements would need to meet the following new required variance findings in addition to the standard required variance findings outlined in the municipal code and LCP:

- A. Granting the application would not result in development that is significantly inconsistent with other development in the surrounding area, and the character of the area will not be significantly adversely changed by the granting of the variance.
- B. The relief granted would still result in a building with an attractive and pedestrian-friendly design, and consistent with the goals and policies of the Downtown Specific Plan.

Minor Exceptions

Problem:

Nonconforming structures that want to do a significant remodel/addition and still maintain their nonconformities can apply for a Minor Exception, assuming the proposed work meets the Minor Exception requirements. However, the definition of a nonconforming structure in MBMC 10.68.030 D & E does **not** include the types of nonconformities that would be created with the adoption of the new Specific Plan development standards (minimum transparency requirement and/or maximum tenant frontage requirement). Buildings that don't meet the minimum transparency requirement, for instance, would technically not be considered a nonconforming structure, and thus would not be eligible for a Minor Exception. A new definition of a nonconforming structure is needed to technically qualify for the Minor Exception.

Solution:

Footnote in Chapter 6:

For purposes of the Specific Plan, a nonconforming structure is defined as "A structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, maximum allowable buildable floor area, driveways, open space, distances between structures, **or Specific Plan Development standards** prescribed in the regulations for the district in which the structure is located."