

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00418
STAFF PLANNER: Veronica Gonzalez
LOCATION/ADDRESS: 90 N. Dobson Road
COUNCIL DISTRICT: District 3
OWNER: Grace Liu and Jeffery Shepard
APPLICANT: Grace Liu

REQUEST: *Requesting: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow for the reduction in required parking in the NC District.*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Special Use Permit (SUP) to allow for reduced parking for a tea shop. The property had previously been used as a nail salon but has been unoccupied since the salon closed. The site cannot meet the parking requirement for this use. As a result, the applicant is requesting a SUP to allow for reduced parking.

STAFF RECOMMENDATION

*Staff recommends **approval** of case BOA18-00418, with the following conditions:*

- 1. Compliance with the site plan, landscape plan and parking demand study submitted, except as modified by the conditions below.*
- 2. Compliance with all requirements of the Development Services Department in the issuance of building permits.*
- 3. Provide at least three bicycle parking spaces.*

SITE CONTEXT

CASE SITE: Existing commercial building, unoccupied – zoned NC
NORTH: (Across 1st Street) Existing retail – zoned NC
EAST: (Across Alma School Road) Existing commercial center – zoned LC
SOUTH: Existing retail development – zoned LC
WEST: Existing residence – zoned OC

STAFF SUMMARY AND ANALYSIS:

At the time of initial development, the property was under Maricopa County jurisdiction and subject to their development standards until the property was annexed into the City of Mesa in 1959. Following annexation, subsequent property owners deeded portions of the property to the City of Mesa for Dobson Road right-of-way. As a result, the property had been reduced in size from approximately 9,700 square feet to approximately 5,500 square feet. The property has been in its current configuration since 1992 and has enjoyed existing, non-conforming status since that time. Due to the site's non-conformities and a proposed use with increased parking requirements, staff had published a public notice advertising a request for a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards and a SUP to allow reduced

parking. Evaluation of the request for reduced parking established that the proposed use can function with the existing parking count. This means the use of the site is not being intensified and the SCIP is not required. Therefore, the request to be considered by the Board is a SUP to allow reduced parking requirements.

As a specialty business, the proposed tea house is not expected to generate parking demands similar to that of conventional eating and drinking establishments. As required by MZO 11-32-6.B, the applicant has submitted a parking demand study evaluating the request for reduced parking requirements. The following table provides information, as outlined in MZO 11-32-6.B, that may be included in a parking demand study to substantiate granting a reduced number of parking spaces:

SUBSTANTIATING INFORMATION	PARKING DEMAND STUDY FINDINGS
1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.	The total square footage within the development is 1,131 square feet. The approximate breakdown of the square footage is as follows: <ul style="list-style-type: none"> • Storage = 127 sf • Kitchen = 293 sf • Employee Prep Area = 277 sf • Public Area = 354 sf • Restroom = 45 sf
2. A survey of existing on-street and off-street parking within 300' of the project site.	Eight off-street parking spaces are provided. On-street parking is prohibited on Dobson Road and very limited on 1 st Street as it is a local street.
3. Standard parking requirements for the use, based on Table 11-32-3(A).	Standard parking requirements are provided based on 1 space per 75 square feet of total building area.
4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other professionally recognized, and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.	The parking demand study makes reference to the proposed use as a specialty business with a lower parking demand. No reference is made to the ITE or other professionally recognized, and/or accredited sources.
5. Comparison of proposed parking supply with parking requirements.	The parking demand study provides comparison of parking supply with parking requirements based on the amount of square footage used for public space for customers and employee prep area, which is 631 square feet. The result is nine required parking spaces.
6. Share parking analysis, as appropriate.	N/A
7. A description of any other characteristics of the site or measure being undertaken that could result in reduced parking demand, including staggered work shifts, telecommuting, shuttles to transit stations, or similar programs.	The parking demand study includes the following special characteristics for the site: <ul style="list-style-type: none"> • Bicycle parking will be provided to accommodate cyclists. • The site is within 1/4 mile of the Sycamore and Main Street light rail station.
8. Other information as required by the City	N/A

To substantiate the request for reduced parking, the parking demand study notes the existing building consists of 1,131 gross square feet but 631 square feet (354 square foot public area + 277 square foot employee prep

area) was used to determine a minimum of nine required parking spaces. The study also factors in the optional transit reduction outlined in MZO 11-32-6.C, which allows for a 10% parking reduction without the need for a SUP if the subject site is no more than 1/4 mile (1,320 linear feet) from a light rail station or bus rapid transit stop. Per Figure 1 of the parking demand study, the site is within 1,320' of the Sycamore and Main Street light rail station as measured in a straight line from the nearest property line of the site to the nearest pay kiosk. Therefore, the site is eligible for a 10% parking reduction resulting in a minimum of eight required parking spaces according to the study.

In considering a SUP for reduced parking, MZO 11-32-6.A provides criteria for approval. The following table outlines the criteria for granting a SUP for reduced parking:

CRITERIA	FINDINGS
Special conditions – including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site – exist that will reduce parking demand at the site;	Special conditions that will reduce the parking demand include: <ul style="list-style-type: none"> Operationally, the tea house is expected to have a quick customer turnover as all menu items are carryout and can be prepared within two to eight minutes. The site is within ¼ mile of an existing light rail station. The site is 800' from the bus stop that services the #40 bus route. The site is 500' from the bus stop that services the #30 and #96 bus routes. Bicycle parking will be provided on-site.
The use will adequately be served by the proposed parking;	According to the parking demand study, the tea house will not generate a parking demand similar to typical eating and drinking establishments. It is anticipated to have a quick customer turnover as all menu items are available for carryout and can be prepared within two to eight minutes. In determining the parking requirements for this use, the study used 631 square feet of the building that included a 354 square foot indoor seating area for customers and a 277 square foot employee area to calculate the number of parking spaces needed on-site. This analysis, combined with the optional transit reduction and on-site bicycle parking, establishes eight parking spaces will adequately serve the use.
Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.	The parking demand study concludes the tea house is not expected to generate the same amount of parking typically found in conventional eating and drinking establishments and the amount of on-site parking provided is sufficient to meet their needs.

FINDINGS:

1. A parking demand study prepared by Y2K Engineering on 5/17/2018 and sealed by Kelly S. Fletcher, P.E., concludes only eight parking spaces are required to support the proposed use.
2. Based on the parking study, eight parking spaces will be provided on site.
3. When calculating the parking requirement, 631 square feet was used based on the public space for customers (354 square feet) and employee serving area (277 square feet). The remainder of the building will be used for storage and kitchen preparation and washing.

4. The site is within ¼ mile (1,320') of an existing light rail station, which allows for a 10% reduction in parking.
5. On-site bicycle parking will be provided for customers.
6. The parking demand study states all menu items are prepared within two to eight minutes and are available for carryout.

ORDINANCE REQUIREMENTS:

Mesa Zoning Ordinance, Sec 11-32-6: Parking Reductions

Required parking for any use may be reduced through approval of a Special Use Permit, pursuant to Chapter 70, unless specified otherwise, and the following:

- A. **Criteria for Approval.** A Special Use Permit for reduced parking shall only be issued if the following criteria are found to be true:
 1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site—exist that will reduce parking demand at the site;
 2. The use will adequately be served by the proposed parking; and
 3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
- B. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:
 1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
 2. A survey of existing on-street and off-street parking within 300 feet of the project site.
 3. Standard parking requirements for the use, based on Table 11-32-3(A).
 4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other professionally recognized, and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.
 5. Comparison of proposed parking supply with parking requirements.
 6. A shared parking analysis, as appropriate.
 7. A description any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including staggered work shifts, telecommuting, shuttles to transit stations, or similar programs.
 8. Other information as required by the City.
- C. **Optional Transit Reduction.**
 1. Except residence uses, the following reductions may be factored directly when determining the minimum number of parking spaces required for a development, and do not require a Special Use Permit to be approved by the Zoning Administrator:
 - a. The minimum number of parking spaces may be reduced by up to 10% for sites in which the closest portion of the requested parcel is no more than a 1/4 of a mile (1320- linear feet) radius from a light rail station or bus rapid transit stop.
 - b. The minimum number of parking spaces may be reduced by up to 5 percent for sites in which the closest portion of the requested parcel is no more than a 1/2 of a mile (2640 linear feet) radius from a light rail station or bus rapid transit stop.
 - c. The distances specified shall be measured in a straight line from the nearest property line of the

development site to the nearest pay kiosk, shade canopy, or transit stop sign post, whichever is closest.

2. Additional reductions to the minimum number of parking spaces may be requested through the Special Use Permit process described in Paragraph A of this Section.

Zoning Ordinance, Sec 11-70-5: Special Use Permit

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
 2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
 3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.