

Nonconforming Uses Revisited

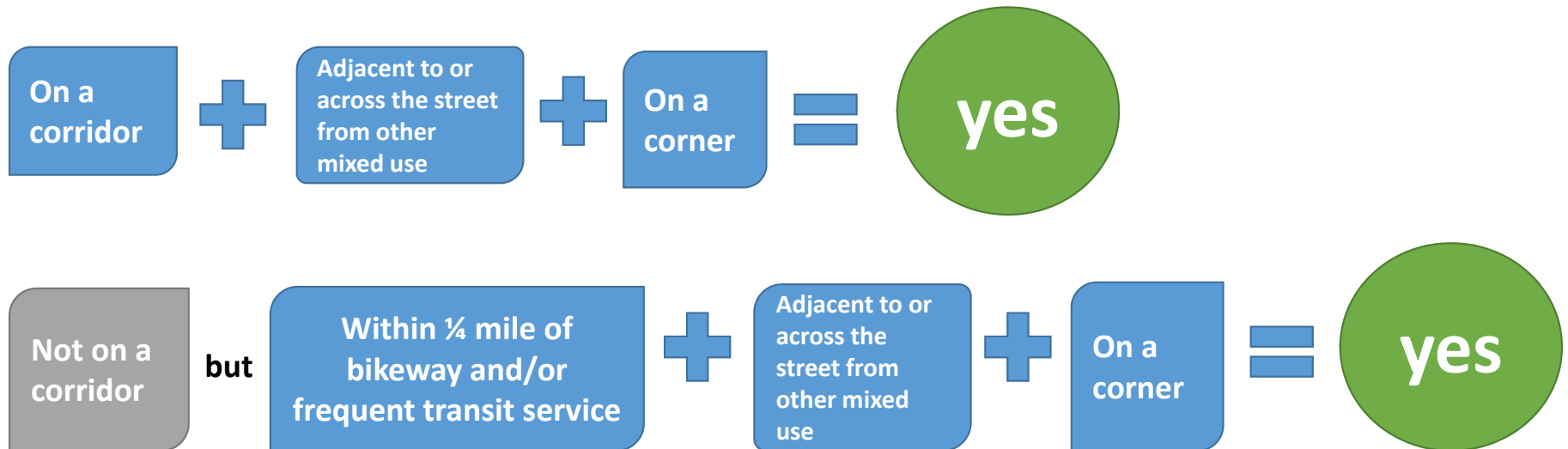
Planning and Sustainability Commission

March 24, 2015

Nonconforming uses: Framework for recommendations

Clear paths to “yes”

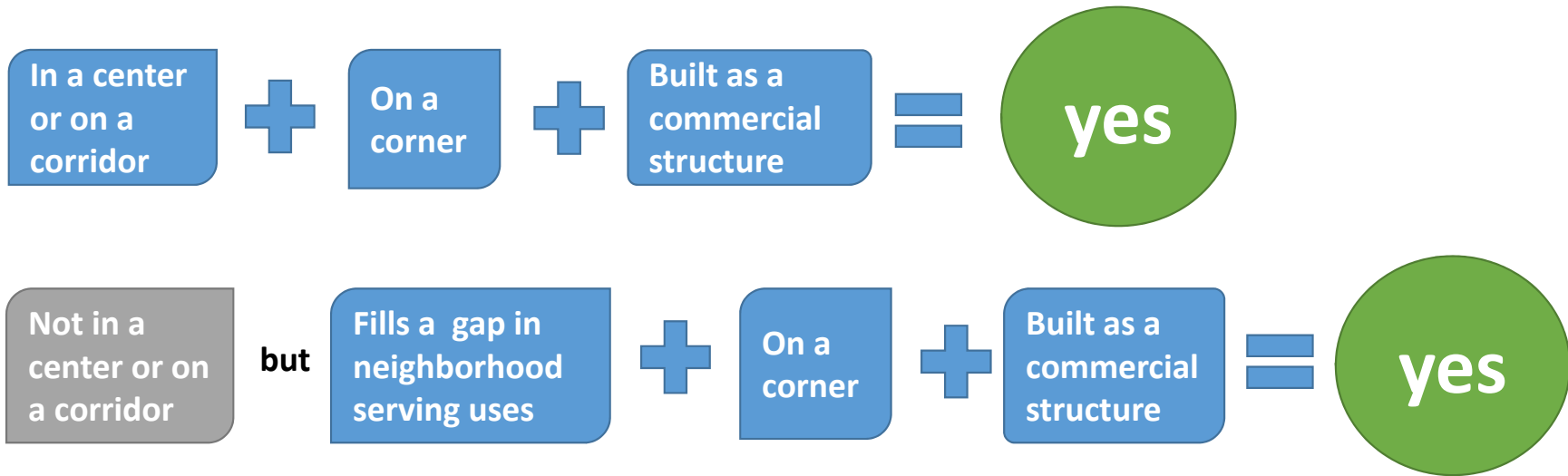
In the Inner Ring/Inner Neighborhoods Pattern Area



Nonconforming uses: Framework for recommendations

Clear paths to “yes”

In Eastern & Western Neighborhoods Pattern Areas



Nonconforming uses: Framework for recommendations

Additional factors to consider

May shift a “no” to a “yes”

- Does this fill a gap in neighborhood-serving uses?
- Is the site within ¼ mile of a bikeway and/or frequent transit?
- Is the structure historic and/or does it help define the neighborhood fabric?
- Is there strong neighborhood support?
- Would a map change address an unintended consequence of an earlier planning decision?

Nonconforming uses: Framework for recommendations

Additional factors to consider

May be positive or negative, depending on the situation

- Is preservation of the structure more likely than redevelopment of the site, based on the economics?
- Is the Conditional Use process a reasonable alternative to allowing the use to continue?
- Are there existing conditions of approval that would go away if there were a map change?

May override other factors

- Are there any site constraints (slope, flood risk, etc.) that would be exacerbated by redevelopment to mixed use, or by the continuation of the use?

Testing the framework with examples

- SE 14th and Stark
- 9647 SE Harold
- NE 53rd and Halsey
- 6729 SE 162nd Ave / 16211 SE Foster Rd

- 2915 SE Belmont
- SE 52nd and Bybee

SE 14th and Stark (northeast corner)



- Not on a corridor, *but...*
- Within ¼ mile of bikeway and frequent transit service, and
- Adjacent to or across the street from other mixed use, and
- On a corner

Additional factor to consider:

- Preservation of the structure may be more likely if this is zoned for mixed use

SE 14th and Stark (middle of the block)



- Not on a corridor, *but...*
- Within ¼ mile of bikeway and frequent transit service, and
- Adjacent to or across the street from other mixed use; *but...*
- Not on a corner

9647 SE Harold



- Not on a corridor, *but...*
- Fills a gap in neighborhood-serving uses, and
- Built as a commercial structure, and
- Within ¼ mile of bikeway and frequent transit service; *but...*
- Not on a corner

Additional factor to consider:

- Neighborhood support

NE 53rd and Halsey



- Not on a corridor; *but...*
- Within ¼ mile of bikeway and frequent transit service; *but...*
- Not adjacent to or across the street from other mixed use; *but...*
- On a corner

Additional factors to consider:

- Fills a gap in neighborhood-serving uses
- Neighborhood opposes

6729 SE 162nd Ave and 16211 SE Foster Rd



- Not in a center or on a corridor, *but...*
- Fills a gap in neighborhood-serving uses (if redeveloped for mixed use)

Additional factor to consider:

- Site constraints (flood risks) would be exacerbated by redevelopment to mixed use

2915 SE Belmont



- On a corridor, and
- Adjacent to or across the street from other mixed use; *but...*
- Not on a corner

SE 52nd and Bybee



- Not on a corridor, and
- Not within ¼ mile of bikeway and frequent transit service; *but...*
- Adjacent to or across the street from other mixed use, and
- On a corner

Additional factor to consider:

- Neighborhood association opposes

PSC Recommendations

- Do you support staff's general approach?
- Do you recommend any modifications to this approach?
- Do you want to hold over any of these for further discussion?