

23 March 2020

TO: Provo City Planning Commission  
FROM: R. Paul Evans, Provo City Resident  
RE: Proposed BYU Music Building

1. BYU proposes to build a Music Building in the south side of the existing parking lot at the northwest corner of the 900 East and 1100 North.
2. This parking lot is east of the J. Reuben Clark Building (JRCB) and is identified in BYU maps as Parking Lot #67. Parking Lot #67 has 520 ( $\pm 10$ ) parking stalls. During Fall and Winter semesters, the parking lot is at least 90% filled. On the west side of 900 East, this parking lot is closest to the J. Reuben Clark Building (JRCB), the Wilkinson Student Center (WSC), and the Creamery on Ninth East (CONE).
3. The capacity of parking lot #67 already is used to meet the current parking space requirements for buildings and events on the east side of the BYU campus.
4. The J. Reuben Clark Building is 174,970 square feet (gross) which is roughly the same size as the 171,000 square feet (gross) proposed Music Building. The Wilkinson Student Center is 497,574 square feet.
5. The J. Reuben Clark Building is estimated to house 369 law students (~123 students/year class), 33 full time faculty, 9 full time Law Library faculty, 3 full time Legal Writing Faculty, 2 full time Visiting Professors, 48 full time staff, 51 part time adjunct professors, an undetermined number of full time building support staff, and, an undetermined number of part-time employees. (Estimated from Law School web site).
6. The BYU School of Music will move from the Harris Fine Arts Center (HFAC) to the proposed Music Building.
7. When completed, the proposed Music Building is estimated to house 125 full time faculty/part time faculty/staff of the BYU School of Music, 450 undergraduate majors, and an undetermined number of graduate students (Estimated based on information posted in the BYU School of Music web site). The number of part-time employees in the proposed Music Building is not reasonably estimated.
8. The estimated educational capacity of the proposed Music Building is 4,800 students per week (Estimated based on School of Music courses held in the Harris Fine Arts Center during Winter 2020 Semester as listed in the BYU Class Schedule web site).
9. The proposed Music Building is a mixed use structure. The uses include higher education (classrooms, lecture hall, faculty offices, administration offices, practice rooms, sound recording studio), Church of Jesus Christ congregation meetings and ecclesiastical offices, and, entertainment (Concert hall, 1000 seats; Recital hall, 250 seats; Lecture hall, seats unspecified).

10. The Project Plan submitted by BYU for the proposed Music Building is incomplete. The Parking Space analysis portion of the Project Plan detailing proposed parking spaces and required parking spaces is absent. (Provo City Code 15.03.310 (2)(c)(ii)(A))
11. Required parking spaces are specified in Provo City Code 14.37 (off-street parking standards). Reductions in the off-street parking standards are allowed under the provisions of Provo City Code 14.37.070. The calculation of required parking spaces for mixed uses in a building is specified in Provo City Code 14.37.080(3). A statement or even acknowledgment of required parking spaces for the proposed Music Building is not present in the Project Plan. These are parking spaces required just for the proposed Music Building.
12. The location of the proposed Music Building in the existing BYU parking lot #67 will eliminate 277 ( $\pm 10$ ) parking spaces with 243 parking spaces remaining. As noted in 2 above, the remaining 243 parking spaces are currently allocated for existing and continued use by buildings on the east side of BYU, mainly the J. Reuben Clark Building and the Wilkinson Student Center. A possible replacement of the eliminated parking spaces in newly identified locations is a replacement of existing capacity. A replacement of parking spaces lost by the footprint of the proposed Music Building does not establish the required parking spaces for the proposed Music Building with the accompanying varied uses of the proposed Music Building.
13. The location and number of required parking spaces for the proposed Music Building, ***in addition to the replacement parking spaces***, is not identified in the proposed Music Building Project Plan.
14. The location and number of parking spaces for disabled persons accessing the J. Reuben Clark Building and the location and number of parking spaces for disabled persons accessing the proposed Music Building appear to overlap with a net reduction in total spaces for disabled persons. Without a Parking Plan component included in the Project Plan the status of parking spaces for disabled persons is not determined.
15. Provo City provides a Project Plan checklist (with boxes to mark) for applicants. (<https://www.provo.org/Home/ShowDocument?id=3772>) The checklist states:

*This type of application is considered administrative and must first be reviewed by the Coordinator's Review Committee (CRC) consisting of Provo City staff. The City staff will make a recommendation to the Provo City Planning Commission for consideration. The Planning Commission has the final authority to either approve or deny the request.*

*Below is a list of information that is required to be submitted with the application in order for City staff to process the request. **If any of the required information is not submitted, the application will be considered incomplete and will not be accepted.***

16. In Provo City Code (15.03.310 (2)(c)(ii)) and by administrative process (Project Plan checklist; updated 20 January 2020), a Parking Plan is required information in a Project Plan application. The Parking Plan includes: a. Parking space analysis (propose and required), b. Parking space dimensions, including backup area, c. Ingress and egress, d. Parking for persons with disabilities, and e. Location of

supporting columns in structured parking.

17. The proposed Music Building Project Plan application is incomplete without the Parking space analysis (proposed and required) information - the box is not “checked off.”
  18. The Provo City has legally noticed a public hearing before the Provo City Planning Commission on 25 March 2020. The Project Plan approval for the proposed Music Building is listed as Item 3 under Public Hearings for the 25 March 2020 Provo City Planning Commission agenda.
  19. Action by Provo City Planning Commission on the Project Plan for the proposed Music Building should be continued until the next scheduled hearing on 14 April 2020 to allow BYU to complete the Project Plan application by including, digitally, the required Parking Plan on or before 1 April 2020. Thirteen calendar days will provide a reasonable minimum time for Provo City staff, the Coordinators Review Committee (CRC), and, citizens, to review the Parking Plan. Some verbal descriptions of a possible Parking Plan by BYU representatives, to date, are demonstrably problematic (see staff report on this item).
  20. BYU and the Planning Commission may find the newly (2019) adopted “Reduction in Off-Street Parking Requirements” (Provo City Code 14.37.050) an avenue by which a reduced need for parking in the proposed Music Building vicinity on the BYU campus can be factually and directly demonstrated.
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Why would a Provo City resident on 650 East at about 1800 North look so closely at the proposed BYU School of Music Building project plan when the proposed project is 0.7 miles away (~7 blocks south).

- Because the neighborhood in which I live and in which my family has invested, the Pleasant View Neighborhood, is bordered on three sides by BYU.
- Because my home is, as was known and completely understood when the home and property was purchased in June 2003, 40 steps from BYU.
- Because development proposed anywhere on BYU, particularly on the edges of BYU, could happen 40 steps from my home and all around the Pleasant View neighborhood.
- Because how any BYU development proposal is handled through the Provo City planning, review, and approval process is precedent.

In Provo City, how private land is used and what development is permitted is a joint agreement between property owners and Provo City. Property owners agree to regulation of land uses through zoning and Provo City agrees to provide for the general health, safety, and welfare. Land owners can invest knowing the zoning/development limits on their property and the zoning/development limits of adjacent and nearby property. The process by which development occurs under the zoning and development regulations of Provo City Code is public and applied to all land owners. The Provo City Code and regulations are, by definition, a restriction, but, a restriction for which there is a joint agreement and trade-off. The ultimate proactive protection of one’s property and investment is to ensure that adherence to Provo City Code and associated zoning regulations and development requirements is universally applied - from small investors to large investors and universities.

I acknowledge this is a very real self interest. But this is not just about me. There are my friends and neighbors in the Pleasant View neighborhood. Because of our location in Provo City, surrounded on three sides by BYU, development and change in the Pleasant View neighborhood is a constant. We have seen many actions related to future possible development and actual proposals for development by BYU and others - LaVell Edwards Stadium; Missionary Training Center expansion; David Hall's NewVista Planned Work/Live/Play community and the purchase of 20 homes; David Hunter's Timpanogas Towers; Provo City Engineering's proposed widening of 2200/2230 North to 5 lanes; BYU's purchase of 5 homes. The Provo City Code proscribed processes for public involvement in planning, review and approval of developments has been invaluable during these actions and continuing into the future.

Events at BYU LaVell Edwards Stadium turn the neighborhood into a parking lot. This is an acute impact but limited to a dozen or less days of the year. Events at the nearby BYU Marriott Center turns the southern half of the neighborhood into a parking lot. This is an acute impact but limited to a few dozen days of the year. I personally see this use of public parking on public streets as a contribution of citizens and Provo City to BYU - the BYU provided parking for these large BYU events is insufficient and/or unsuitably located. These acute parking days are known and numbered.

The acute use of public streets for parking needs at BYU or any other entity must not become chronic every week day and/or weekend parking. South of BYU campus, parking is chronic every week day and week end due to high density housing development and BYU. The Wasatch neighborhood east of BYU campus has a chronic parking issue related to BYU and illegal housing. The Pleasant View neighborhood north of BYU campus has a chronic parking issue related solely to BYU. It is understood that BYU cannot directly modulate parking behavior of students. The parking behavior of BYU employees is directly controllable by BYU. For example, "Employees will use BYU provided parking and will not park in adjacent neighborhoods." Part-time BYU employees who are also BYU students are the most problematic with regards to parking in neighborhoods. The provision of adequate BYU parking that is suitably located is key in keeping BYU employees on BYU property. BYU supervisors also are key in changing BYU employee parking behaviors. Parking by BYU employees on 650 East continues with impunity. If parking for the proposed BYU School of Music building is inadequate and/or unsuitably located, the Wasatch neighborhood will experience even greater pressure for chronic BYU related parking. Provo City must protect the investments of all land owners by adhering to the parking requirements and processes outlined for every development in Provo City Code. The transition zones from one land use type to another are always problematic. If the proposed Music Building project plan is approved without adherence to parking requirements, then on what assurance can land owners rely regarding future development by BYU or other entities on the periphery of the Pleasant View neighborhood and on 650 East? The approval process and requirements issued by the Planning Commission for the proposed School of Music building project plan and every project is an affirmation that adherence to the Provo City Code is the reliance for every land owner.

The process by which the project plan approval for the proposed BYU Music Building is reviewed and decided is a process that could be expected in the future on BYU property on the edges of the Pleasant View neighborhood and 650 East. BYU representatives have stated that planning for the proposed Music Building has been ongoing for 5 years. On 20 February 2020, BYU announced that approval to construct the Music Building had been decided by the BYU Board of Trustees, and, that construction was scheduled to begin late spring 2020. In 30 days, Provo City professionals, citizens, and the Provo City Planning Commission will review the proposed development. The Provo City process and required information should not be bypassed for the proposed Music Building or any development.

**A suggestion to BYU Planning.** If you are planning for 5 years, allocate more than 30 days for your neighbors and Provo City to review, discuss and plan with you!! Parking always will be a concern. In the last 5 years, discussions, planning, and even initial implementation of a parking plan involving a UVX stop on 900 East might have been realized.

| Timeline for the proposed Music Building  | Date                | Duration            |
|---|---------------------|---------------------|
| BYU is a private entity and begins private planning   | Dates not available | 1825 days (5 years) |
| BYU circulates bidding documents for a building   |                     |                     |
| BYU awards contract for building to BigD Construction   |                     |                     |
| BYU construction is approved by the BYU Board of Trustees   |                     |                     |
| BYU plans are publicly announced as approved  | 20 February 2020    |                     |
| BYU project plan is submitted to Provo City   | 20 February 2020    |                     |
| Provo City professionals (Department of Development Services; Coordinators Review Committee; CRC) review project plan |                     | 29 days             |
| Provo City residents review project plan  |                     |                     |
| Provo City Planning Commission reviews project plan   | 25 March 2020       |                     |
| Provo City issues building permit for approved BYU project plan   | TBD                 |                     |