



**CITY OF BEAVERTON
STAFF REPORT**

HEARING DATE: January 16, 2019

STAFF REPORT DATE: January 9, 2019

TO: Planning Commission

STAFF: Elena Sasin, Associate Planner

SUBJECT: **TA2018-0005 (Affordable Housing and Density Text Amendment)**

REQUEST: The City proposes to amend the Beaverton Development Code to remove the density restriction for residential-only developments within certain areas of the Regional Center – Old Town (RC-OT) zone where the maximum height is limited to 40 feet. The proposal also includes two new land use applications, a Minor Adjustment (Type 2) and Major Adjustment (Type 3), for regulated affordable housing only. These new applications would provide another way for affordable housing projects to request modification of numerical site development standards, such as lot size, height and setbacks. The text amendment also includes a proposed definition of Regulated Affordable Housing. The update affects Chapters 20, 40, 50, 60, and 90 of the Development Code.

APPLICANT: City of Beaverton

APPLICABLE CRITERIA: Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

RECOMMENDATION: Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal and make a recommendation to City Council.

1. Summary of Proposed Text Amendment

The text amendment proposes to amend the Beaverton Development Code to:

- Remove the density restriction for residential-only developments within certain areas of the RC-OT zone, where the maximum height is 40 feet.

- For residential-only buildings that exceed the height restriction, add design rules to require ground-floor pedestrian interest and activity through either clear and objective standards or discretionary guidelines.
- Make it easier for regulated affordable housing developments citywide to receive adjustments to dimensional site development standards through the creation of two new procedures:
 - Minor Adjustment – Affordable Housing
 - Major Adjustment – Affordable Housing

The two new proposed applications will be available only to proposals that include regulated affordable housing. The approval criteria have been modified to make it easier for regulated affordable housing proposals to request adjustments to numerical development standards than if the projects were using the city's adjustment procedures that apply to all development.

These text amendments help achieve city goals and policies.

The Comprehensive Plan (Plan) identifies the need for affordable housing citywide and high-density housing near transit. As the city's housing prices have increased substantially in recent years and the population continues to grow, concerns about housing supply and affordability remain.

This proposed text amendment aims to address these two concerns and applicable Plan goals. The removal of the maximum density from certain areas of the RC-OT zone, would allow for more residential units closer to transit.

The proposed two new adjustment applications provide additional methods for requesting relief from certain development standards, such as height and setbacks for regulated affordable housing developments. The existing adjustment applications do provide a mechanism by which certain regulations can be adjusted, but only in unique circumstances where a site is particularly challenging to develop and the applicant can demonstrate a unique hardship.

Affordable housing projects often have unique physical requirements and complex funding arrangements, which means they have challenges that might not relate to site specific circumstances. For that reason, and to encourage more regulated affordable housing development, the two proposed adjustment applications remove some of the site-specific hardship approval criteria. The proposed amendments, though, contain some limits on how much of an adjustment can be requested.

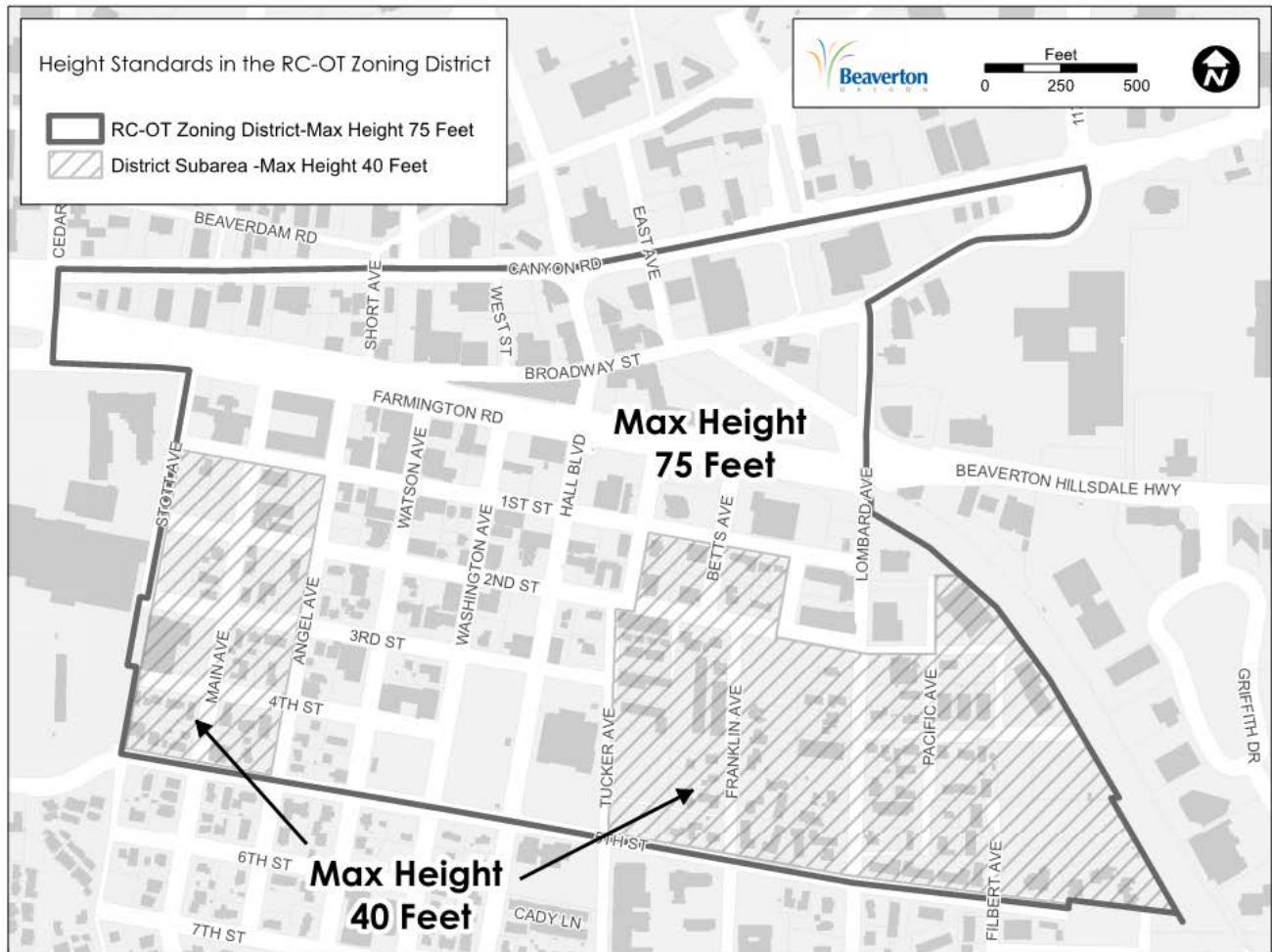
Chapter 20

Site Development Standards:

The Beaverton Development Code (the Code) currently does not place a limit on density for mixed-use projects within the RC-OT zoning district. However, the Code does limit the density to 40 units per acre, if the proposal is residential only.

This density restriction prevents three- and four-story buildings from being built, even where the maximum height is 40 feet. Staff proposes to make changes to Chapter 20 that would add an exception to the density standard for residential-only developments, within areas of the RC-OT zone where the maximum height is 40 feet, as described in footnote 11 of Section 20.20.15 and depicted in proposed map Figure A.

Proposed Figure A:



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The proposal would remove the limit on density for these eligible residential-only buildings if the proposal can demonstrate compliance with corresponding Design Standards or Design Guidelines, intended to ensure that ground-floor pedestrian interest is maintained with the development of residential-only buildings. If the proposal is unable to meet the applicable Design Standards or Guidelines, the density limit will remain as is, at 40 units per acre. Changes to Chapter 20 would add a new footnote, outlining these requirements and references to the applicable Design Standards and Guidelines, as shown in Exhibit 1.2.

Chapter 40

Adjustment Applications:

Staff is proposing two new Adjustment applications; Minor Adjustment – Affordable Housing (Type 2) and Major Adjustment – Affordable Housing (Type 3). These applications will function in a similar matter as the existing Adjustment applications but will only be available to proposals that meet the City’s definition of Regulated Affordable Housing. Another notable difference between the existing Adjustment applications and the proposed ones, is the removal of several site specific approval criteria. As an alternative, staff is proposing to limit the percentage by which the height and density could be adjusted. The existing Minor Adjustment allows for up to 10% from the numerical Site Development Requirements. The existing Major Adjustment allows for adjustments of more than 10% and up to 50% from the numerical Site Development Requirements found in Chapter 20. The proposed Major Adjustment – Affordable Housing application would set a 25% limit for adjustments to height in all zones where housing is permitted or conditionally permitted, and density within Residential Zoning Districts only. Other numerical Site Development Requirements would be eligible for the 50% adjustment.

Chapter 50

Expiration of a Decision:

Staff propose adding an expiration of two years for the Minor Adjustment – Affordable Housing and Major Adjustment – Affordable Housing, consistent with the existing Adjustment applications. This allows two years for the project to begin construction. If it is not developed within the two years, an extension would have to be filed or the approval would expire. This is consistent with other Type 2 and Type 3 applications.

Chapter 60

Building Design and Orientation:

Staff is proposing to add new Design Review standards and guidelines to Chapter 60. These standards and guidelines would apply to proposals located within eligible areas of the RC-OT zone that wish to exceed the maximum of 40 units per acre. The purpose of these requirements is to ensure that pedestrian friendly design is not lost on the ground floors of residential-only buildings.

Chapter 90

Definitions:

The proposed thresholds for the two new adjustment applications state that the proposal must be for “eligible regulated affordable housing.” A new definition of Regulated

Affordable Housing is proposed to be added to Chapter 90 to help explain the requirements for eligibility.

2. Public Comment

Public notice was provided, consistent with Section 50.50 of the Development Code. One email was received on January 3, 2019, from a Beaverton resident in support of the proposed text amendment. The email is provided herein and identified as Exhibit 1.1.

3. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2018-0005 (Affordable Housing and Density Text Amendment):

Development Code Approval Criteria

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is any change proposed to the Development Code, excluding changes to the zoning map. TA2018-0005 proposes to make changes to chapters 20, 40, 50, 60, and 90 of the Development Code, as shown in Exhibit 1.2. Changes to the zoning map are not proposed. Therefore, staff find that approval criterion one has been met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan (UGMFP), is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. The City is required to bring its land use regulations into conformance with the UGMFP. The City's Comprehensive Plan and Development Code have been amended to incorporate several UGMFP policies. This proposed text amendment does not conflict with the UGMFP.

Staff have identified Title 7: Housing Choice and Title 8: Compliance Procedures of the UGMFP policies as the only relevant policies to the proposed text amendment. Title 7 calls for the establishment of voluntary affordable housing production goals and the adoption of supporting policies that help achieve those goals. The City of Beaverton's Comprehensive plan goals are consistent with Title 7, specifically, the following Sections of Title 7:

- Section 3.07.730(a): Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
- Section 3.07.730(c): Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.

The proposed text amendment includes two components which could contribute to a greater range in housing types. The exception to the maximum density in areas of the RC-OT zone provides an option to develop more units with ground floor interest that is not commercial. The proposed adjustment applications provide greater development flexibility for regulated affordable housing, expanding the opportunity for the development of new affordable housing throughout the city.

Title 8 outlines the procedural process which includes notification requirements when amendments to the comprehensive plan or land use regulations are being proposed. As part of the City's standard noticing procedures, Metro was sent a copy of the notice, which contained a summary of the proposed changes, 35 days prior to the first public hearing. The City has not received comments from Metro on the proposed text amendment. Therefore, staff find that approval criterion three has been met.

4. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

Staff find that the following Comprehensive Plan Policies apply to this proposal:

Chapter 3 – Land Use Element

3.1.1.a Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

The Affordable Housing and Density Text Amendment proposes to remove the maximum density from residential-only developments located in areas of the RC-OT zone where the maximum standard height is 40 feet. This change to regulations supports high-density development near transit and other urban services.

3.1.1.e Encourage increased intensity of development within Mixed Use, Commercial, and Employment areas that are located within a half-mile of high capacity transit stops or stations, such as MAX and WES.

The proposal includes the removal of the current limit on density for residential-only developments within certain areas of the RC-OT zone, a Mixed Use zoning district located within half a mile of high capacity transit stops and stations.

3.2.1.a.ii Allow a wider variety of housing choices that can accommodate a range of ages, household sizes and/or income levels while ensuring the new housing responds to the scale and form of the neighborhood.

The second component of the Affordable Housing and Density Text Amendment proposes two new Adjustment applications for regulated affordable housing. The specific applications are intended to encourage more affordable housing, and therefore more housing for a range of income levels, by allowing more flexibility to certain development standards when appropriate while incorporating appropriate limits to ensure the development responds to the scale and form of the neighborhood.

3.3.1.a Use land effectively in urban areas to relieve development pressure in rural areas and help protect farms, forests and natural resources.

By not limiting the density within central areas close to existing transit and other services, more development of needed housing can occur within current city limits, which alleviates some development pressure from rural areas and helps protect surrounding farms and forests.

3.6.1.a Provide for a mix of commercial, residential, employment, and civic uses at relatively high densities to create vibrant, walkable areas where many activities can be accomplished on foot or by bike or transit.

Although the proposal may result in more residential only developments in specific areas of the RC-OT zone, the text amendment also encourages higher residential densities in these areas and requires that the ground-floor elevations be designed in such a way that contribute to a more vibrant and interesting pedestrian environment.

3.6.1.d. Pedestrian-oriented design is a priority within mixed use areas. Pedestrian oriented design generally includes:

ii. Residential buildings with windows and doors facing the street, and privacy provided through landscaping, grade changes, and modest setbacks

Residential-only buildings are currently permitted within all areas of the RC-OT zone, however, they are exempt from certain design requirements for ground-floor elevations that multiple-use and commercial buildings are subject to, such as increased glazing. Additionally, unlike mixed use buildings, residential-only buildings are limited to 40 units per acre. Staff propose to allow the density maximum to be exceeded within certain areas of the RC-OT zone but propose a requirement for enhanced pedestrian-oriented design on the ground floor elevations consistent with goal 3.6.1.d., such as window requirements,

landscaping, primary entrances to individual ground floor units from the street and active ancillary uses on the ground floor.

3.8.1.a Regulate maximum residential density by zone to maintain a balance between planned land uses and infrastructure capacity.

The removal of the density maximum in the limited areas of the RC-OT will not disrupt the balance between planned land uses and infrastructure as there would be no limit to density should the proposal include a commercial component. The maximum height limit of 40 feet also still applies, which will limit the amount of density a residential-only building can achieve in RC-OT.

3.8.1.c Allow flexibility through lot size averaging and other tools to provide flexibility and housing variety while maintaining an overall density consistent with the Comprehensive Plan designation and zoning.

Staff proposes two new Adjustment applications that will provide additional mechanisms through which applicants can seek adjustments from development regulations, such as lot size and setbacks. This will make it possible for more housing, especially affordable housing, to increase housing variety.

3.8.1.d For development that achieves a public benefit or goal (i.e. increased housing options, public space or affordable housing) the city may provide opportunities in the Development Code to allow additional housing units that exceed the ranges listed for each Comprehensive Plan designation.

Staff proposes two new Adjustment applications; Minor Adjustment – Affordable Housing and Major Adjustment – Affordable Housing. Depending on the percentage of the adjustment, the request will still be subject to the Type 2 or Type 3 process, however, because these applications are only available to developments that provide a public benefit (affordable housing), the text amendment proposes less challenging approval criteria to encourage the development of more affordable housing.

3.8.1.f Facilitate development of housing that is affordable to a range of incomes, including low-income households.

Although the proposed text amendment does not directly facilitate the development of housing, the two proposed components will provide additional methods by which development of more housing, for a range of income levels, will be encouraged. The proposed exception to the maximum density in certain areas of the RC-OT zone allows for more multi-family housing without the requirement to provide commercial or other non-residential uses in the same building. This may be particularly useful for affordable housing projects with funding structures that make it more challenging to provide a commercial component. Additionally, the two proposed adjustment applications are specifically for regulated affordable housing. Differing from the existing Minor and Major Adjustment applications, these proposed applications do not have all of the same site-

specific hardship criteria, allowing affordable housing projects with different hardships to seek relief from certain development standards.

3.8.1.h Use Crime Prevention through Environmental Design (design that provides opportunities for “eyes on the street” through street-facing windows and doors) to reduce graffiti, vandalism and other property crimes and to promote a feeling of safety for pedestrians.

The text amendment proposes to provide an option for residential-only developments in specific areas of the RC-OT zone to exceed the maximum density if the development includes design features on the ground floor that increase pedestrian interest. The proposed Design Standards require ground floor features such as:

- Dedicating spaces for frequent human use.
- Increased transparency.
- Primary entrances on ground-floor units with direct connections to the street and sidewalk.

The requirement for designs that encourage more activity on the ground floor as well as increased transparency provides opportunity for more “eyes on the street,” providing natural surveillance that can help prevent crime.

Chapter 4 – Housing Element

4.1.1.a Use available land within the city efficiently, encouraging new residential development to take advantage of allowed maximum densities where appropriate.

The text amendment proposes to allow residential-only developments within limited areas of the RC-OT zone to exceed the maximum density in the zone. Currently, mixed-use developments are not restricted by a density limit. By eliminating the cap on density within central areas, close to existing transit and other services, available land can be developed more efficiently.

4.1.1.b Support higher density infill development that capitalizes on existing infrastructure and where impacts can be mitigated.

The text amendment proposes to provide an exception to residential-only buildings within the RC-OT zone where the maximum height is 40 feet. The proposed change to this development standard supports higher density infill development in a central city location intended for dense development.

4.1.1.c Encourage high density residential development on mixed use and commercially zoned sites with proximity to transit and amenities with the objective of creating 18-hour neighborhoods.

The text amendment proposes to allow residential-only developments within limited areas of the RC-OT zone to exceed the maximum density in the zone. Currently, mixed-use developments are not restricted by a density limit. The proposed change would encourage high-density residential development in a mixed-use zone with proximity to transit and amenities.

4.4.1.b Explore and promote programs and incentives that help support the creation of new affordable housing.

The text amendment proposes two new land use applications specifically for regulated affordable housing. The purpose of these applications is to provide some flexibility to certain numerical development requirements for those developments that are providing affordable housing.

4.4.1.d Exhibit a commitment to equity by encouraging the dispersal of affordable and special needs housing throughout the city, while recognizing the need for proximity to transit and social services.

The proposed text amendment includes two components:

- One change directly affects property within specific areas of the RC-OT zone where staff proposes to remove the maximum density for residential-only buildings
- The second component provides additional tools for developers of regulated affordable housing to request the adjustments that may be needed to make more affordable housing projects feasible, citywide.

The first encourages affordable housing near transit and social services because it is in Downtown Beaverton. The second encourages dispersal of affordable housing, citywide.

Comprehensive Plan Compliance Summary: Therefore, staff find that the proposed amendment complies with all applicable Comprehensive Plan policies and is consistent with the City's Comprehensive Plan and that approval criterion four has been met.

5. *The proposed text amendment is consistent with other provisions within the City's Development Code.*

The text amendment is intended to work within the existing framework of the Development Code, utilizing Type 2 and 3 application types as well as Special Requirements. The proposed amendments do not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

Other applicable approval criteria

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff have determined that the following goals apply:

Goal 1

Goal 2

Goal 10

Goal 1 Citizen Involvement To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff attended a meeting on December 5, 2018, facilitated by the Beaverton Committee for Community Involvement (BCCI) and a meeting organized by the Coalition of Housing Advocates on December 6, 2018, to share information about the proposed text changes and to collect preliminary feedback. Consistent with procedures outlined in the Development Code, notices of the proposed text amendment were sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation and the Department of Land Conservation and Development. Copies of the hearing notice were posted at City Hall and the City Library, as well as published in a newspaper of general circulation, consistent with Type 4 noticing requirements. A notice was also posted on the city's website. Staff find that the City has provided adequate notice and opportunity for public involvement for the proposed text amendment and public hearing.

Goal 2 Land Use Planning To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Changes to the Development Code require a Type 4 process which includes noticing, and a comment period, prior to a public hearing before the Planning Commission. The hearing is open to the public and testimony, if any, will be received. At the conclusion of the hearing, the Planning Commission can continue the hearing to a later date, keep the record open for more information or make a recommendation to the City Council, the ultimate decision making authority.

As described above in response to Goal 1 Citizen Involvement, staff has provided noticing consistent with requirements identified in the Development Code to provide opportunities for citizens to review and comment on the proposed changes. Copies of the staff report and exhibits are made available to the public at least seven days before the Planning Commission hearing for further review. Prior to adoption of the any text amendments, the City Council will consider all the evidence in the record, including any testimony provided at the Planning Commission hearing and any recommended changes to the proposal. Staff find that the proposed text amendment fits within the established process and framework. Furthermore, the findings contained within this report establish an adequate factual basis for the proposal.

Goal 10 Housing To provide for the housing needs of citizens of the state.

The proposed text amendment is intended to encourage the development of needed housing, especially needed affordable housing. Therefore, staff find that the proposal will enhance the ability of the City to meet its share of the housing needs of the citizens of the state.

State Land Use Goal Compliance Summary: Therefore, staff find that the proposed text amendment complies with all of the applicable State Planning Goals.

4. Conclusions

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the January 16, 2019, public hearing for TA2018-0005 (Affordable Housing and Density Text Amendment):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2018-0005 (Affordable Housing and Density Text Amendment) to the City Council.

6. Exhibits

Exhibit 1.1 Email from Chris Kourlas, dated January 3, 2019

Exhibit 1.2 Proposed Text and Commentary Table

EXHIBIT 1.1

From: [Chris Kourlas](#)
To: [Elena Sasin](#)
Subject: Affordable housing and text amendment
Date: Thursday, January 3, 2019 7:42:08 AM

TA2018-0005

My name is Chris Todd Kourlas, I'm a resident of Beaverton and live in the Central Beaverton neighborhood. I fully support this and other text amendments to the city code that are made to reduce barriers to development of taller multi unit dwelling, particularly of affordable/income based housing.

Beaverton making these changes now will support low income individuals and greater density in the central core of Beaverton helping keeping urban sprawl lower.

Respectfully,
Chris Todd Kourlas



Commentary is for information only.
 Proposed new language is underlined.
 Proposed deleted language is ~~stricken~~.

EXHIBIT 1.2 TA 2018-0005

AMENDMENTS TO THE BEAVERTON DEVELOPMENT CODE
 REGARDING THE AFFORDABLE HOUSING AND DENSITY TEXT AMENDMENT PROJECT

Section 1. Chapter 20 – Land Uses, is amended as follows*:

*Note: Commentary on the proposed changes to Chapter 20 are provided on page 4 below.

20.20.15. SITE DEVELOPMENT STANDARDS

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4584; June 2012] [ORD 4706; May 2017]

Development Standards Superscript Refers to Footnotes	RC- TO	RC- OT	RC- E	OI- WS	C- WS	TC- MU	TC- HDR	SC- MU	SC- HDR	SC- S	SC- E1	SC- E3
A. Parcel Area												
1. Minimum	None	None	None	None	7,000	None	None	None	None	None	None	None
2. Maximum	None	None	None	None	None	None	None	None	None	None	None	None
B. Residential Density	Refer to Sections 20.25.05. and 20.25.15.											
1. Minimum for residential only project (per acre)	20	12	12	N/A	N/A	24	24	30 ¹ 24	30 ¹ 24	30 ¹ 24	N/A	N/A
2. Maximum for residential only projects (per acre)	60	40 ¹⁷	40	N/A	N/A	40	36	None	None ²	None	N/A	N/A
C. Floor Area Ratio (FAR)	Refer to Sections 20.25.10. and 20.25.15.											
1. Minimum	0.60 ³	0.35	0.30	0.40	0.30	0.50	0.30	0.40	0.40	0.60	0.35	None
2. Minimum with a PUD or DRBCP	0.45	0.25	0.20	0.30	0.20	0.35	0.20	0.30	0.30	0.0	0.25	0.0
3. Maximum	None	None	1.00 ⁴	None	None	1.00	0.60	1.20 ⁵ 1.00	1.20 ⁵ 1.00	None	2.00	0.50
4. Maximum with a	None	None	None	None	None	2.00	1.00	None	None	None	None	None

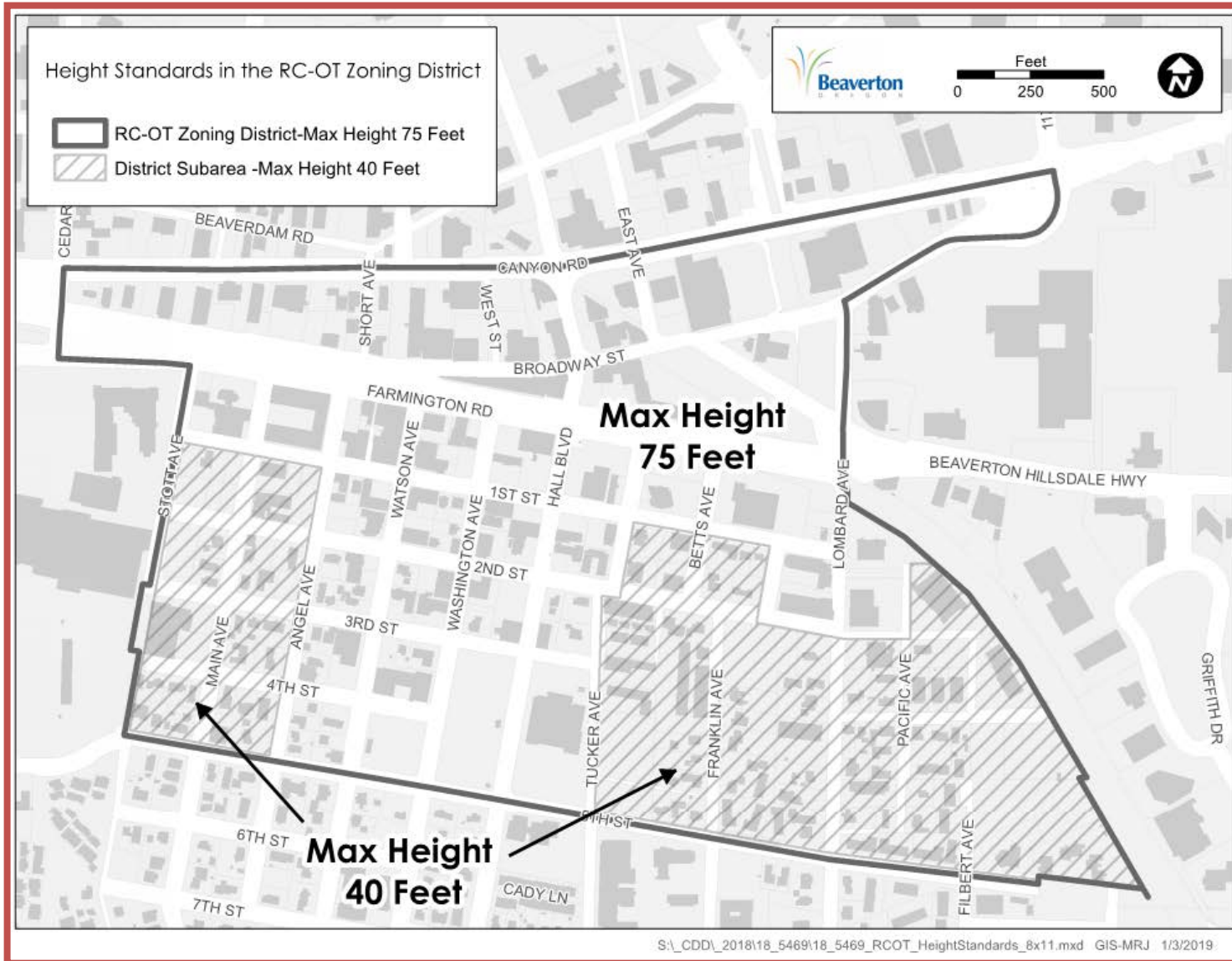
Commentary is for information only.
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Development Standards Superscript Refers to Footnotes	RC-TO	RC-OT	RC-E	OI-WS	C-WS	TC-MU	TC-HDR	SC-MU	SC-HDR	SC-S	SC-E1	SC-E3
PUD or DRBCP												
D. Lot Dimensions												
1. Minimum Width	None	None	None	None	70	None	None	None	None	None	None	None
2. Minimum Depth	None	None	None	None	100	None	None	None	None	None	None	None

- 30 units within 400 feet of LRT station platform, 24 beyond 400 feet
- Within 120 feet of Washington County R5 zoning, the maximum residential density is 12 units per acre [ORD 4547; July 2010]
- To accommodate smaller lot sizes in the RC-TO zone, refer to Section 20.25.20.A.1.
- Maximum FAR for multiple use development involving residential use in RC-E zone, refer to Section 20.25.20.A.2.
- Maximum FAR 1.20 within 400 feet of LRT station platform, 1.00 beyond 400 feet

17. The maximum density is not applicable to a development within RC-OT if the development is within the areas where the maximum height is 40 feet (see footnote 11 of Section 20.20.15 and Figure A) and the proposed development can demonstrate compliance with additional requirements found in Section 60.05.15.10 Design Review Standards or Section 60.05.35.10 Design Review Guidelines if the proposal is subject to a Type 3 Design Review application.

Figure A:



Proposed Text Amendment	Commentary
<p>Chapter 20.20.15 Development Standards</p> <p>Note: Please see page above for proposed changes.</p>	<p>The Development Code currently limits the density of residential-only buildings to 40 units per acre within the Regional Center – Old Town (RC-OT) zoning district. Mixed use buildings in the same zone have no limit on units. The limitation on density effectively prevents residential-only buildings from reaching the 40-foot maximum height, which could prevent developments or result in low-density residential developments.</p> <p>Staff propose a text amendment to this development standard by adding a footnote (Footnote 17) which would remove the maximum density for residential-only buildings in areas of the RC-OT zone where the maximum height is 40 feet. These areas, as described in existing Footnote 11 of Section 20.20.15 and as depicted in proposed Figure A (above), are areas that are generally further from high pedestrian traffic corridors, such as SW Broadway, SW Hall, and SW Watson.</p> <p>However, staff also recognize the benefit of increased street-level activity that is typically associated with mixed-use buildings, and desired within mixed-use districts, such as the RC-OT zone. Therefore, staff is also proposing new Design Review Standards and Guidelines which would be applicable in the event an applicant proposed to exceed the standard maximum density. The purpose of the proposed Design Review Standards and Guidelines, addressed further below, is to require or encourage ground floor design for pedestrian interest, resembling features that may have been provided through a mixed-use building.</p>

Commentary is for information only.
 Proposed new language is underlined.
 Proposed deleted language is ~~stricken~~.

Section 2. Chapter 40 – Applications, is amended as follows:

Proposed Text Amendment	Commentary
<p>Chapter 40.10.15 Adjustment</p> <p style="text-align: center;">***</p> <p>3. Minor Adjustment – Affordable Housing.</p> <p style="text-align: center;">***</p> <p>A. <u>Threshold. An application for Minor Adjustment Regulated Affordable Housing shall be required when one or more of the following thresholds apply:</u></p> <ol style="list-style-type: none"> 1. <u>For eligible regulated affordable housing developments, an adjustment up to and including 10% from the numerical Site Development Requirements specified in Chapter 20 (Land Uses). This threshold does not apply to adjustment requests for height where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7</u> 2. <u>For eligible regulated affordable housing development, an adjustment up to and including a 10% from the numerical Development Standards for Grading specified in Section 60.15.10. (Land Division Grading Standards) of this Code.</u> <p>B. <u>Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Minor Adjustment – Affordable Housing. The decision making authority is the Director.</u></p>	<p><i>This component proposes two new land use applications, specifically for development proposals that include regulated affordable housing. The proposed Minor Adjustment – Affordable Housing and the Major Adjustment – Affordable Housing applications are intended to be additional tools for developers of affordable housing. The proposed applications provide flexibility so some site development standards may be adjusted.</i></p> <p><i>Thresholds for the proposed Minor Adjustment – Affordable Housing application resemble those of the existing Minor Adjustment application. However, the threshold involving adjustments to Food Cart Pod standards has been removed as it is not applicable.</i></p>

Commentary is for information only.

Proposed new language is underlined.

Proposed deleted language is ~~stricken~~.

Proposed Text Amendment	Commentary
<p>C. <u>Approval Criteria. In order to approve a Minor Adjustment – Affordable Housing application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:</u></p> <ol style="list-style-type: none"> 1. <u>The proposal satisfies the threshold requirements for a Minor Adjustment – Affordable Housing application.</u> 2. <u>The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.</u> 3. <u>Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.</u> 4. <u>If more than one adjustment and/or variance is being requested concurrently, the cumulative effect of the modifications will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.</u> 5. <u>The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.</u> 6. <u>The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable</u> 	<p><i>Most of the proposed approval criteria have been borrowed from the existing application for Minor Adjustment.</i></p> <p><i>One difference is that the approval criteria requiring the demonstration of site-specific hardships were not included. Developers of affordable housing may face Development Code obstacles that are not necessarily related to a challenging site. For example, to receive adequate funding, the proposal must contain a certain number of units and therefore requires an adjustment to density or height to accommodate the additional units needed.</i></p>

Commentary is for information only.

Proposed new language is underlined.

Proposed deleted language is ~~stricken~~.

Proposed Text Amendment	Commentary
<p><u>provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.</u></p> <p>7. <u>The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.</u></p> <p>8. <u>Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.</u></p> <p>9. <u>If the proposal includes lot area averaging as specified in Section 20.05.15.D, the request for the Minor Adjustment –</u></p>	<p><i>Similar to existing Adjustment approval criteria 13, proposed approval criteria 9 is intended to prevent the</i></p>

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Proposed Text Amendment	Commentary
<p style="text-align: center;">Affordable Housing is not for an adjustment to minimum land area standards.</p> <p>10. <u>Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.</u></p> <p>D. <u>Submission Requirements. An application for a Minor Adjustment – Affordable Housing shall be made by the owner of the subject property, or the owner’s authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Adjustment – Affordable Housing application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), verification, of regulated affordable housing status, and any other information identified through a Pre-Application Conference.</u></p> <p>E. <u>Conditions of Approval. The decision making authority may impose conditions on the approval of a Minor Adjustment – Affordable Housing application to ensure compliance with the approval criteria.</u></p> <p>F. <u>Appeal of a Decision. Refer to Section 50.65.</u></p> <p>G. <u>Expiration of a Decision. Refer to Section 50.90.</u></p> <p>H. <u>Extension of a Decision. Refer to Section 50.93.</u></p>	<p>same standards from being modified multiple times through different methods provided in the Development Code, specifically lot size if the development is already proposing to reduce lot size by averaging their sizes.</p>
<p style="text-align: center;">***</p> <p>4. Major Adjustment – Affordable Housing.</p> <p style="text-align: center;">***</p> <p>A. <u>Threshold. An application for Major Adjustment – Affordable Housing shall be required when one or more of the following thresholds apply:</u></p>	<p>Unlike the existing Major Adjustment application, the proposed threshold 1</p>

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Proposed Text Amendment	Commentary
<p>1. <u>For eligible regulated affordable housing developments, an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses) except for height standards, which shall be limited to a 25% adjustment. Density shall be limited to a 25% adjustment in Residential Zoning Districts. This threshold does not apply to adjustment requests for height where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7.</u></p> <p>2. <u>For eligible regulated affordable housing developments, an adjustment of more than 10% and up to and including 50% adjustment from the numerical Development Standards for Grading specified in Section 60.15.10. (Land Division Grading Standards) of this Code.</u></p> <p>3. <u>Any change from the numerical requirements contained in Section 60.30. (Off-Street Parking).</u></p> <p>B. <u>Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Major Adjustment – Affordable Housing. The decision making authority will be the Planning Commission.</u></p> <p>C. <u>Approval Criteria. In order to approve a Major Adjustment – Affordable Housing application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:</u></p>	<p><i>for Major Adjustment – Affordable Housing, recommends placing a more restrictive limit on possible adjustments to height, and density within Residential Zoning Districts. Maximum height standards range from 35-feet to 120-feet. Allowing a 50% increase in height, and density within Residential Zoning Districts, without a site-specific hardship, can result in buildings that no longer conform to the intended scale of the zoning district. The same concern applies to density increases of up to 50%.</i></p>

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<ol style="list-style-type: none"> 1. <u>The proposal satisfies the threshold requirements for a Major Adjustment – Affordable Housing application.</u> 2. <u>The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.</u> 3. <u>Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.</u> 4. <u>If more than one adjustment and/or variance is being requested concurrently, the cumulative effect of the modifications will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.</u> 5. <u>The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.</u> 6. <u>The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.</u> 7. <u>The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of</u> 	

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Proposed Text Amendment	Commentary
<p><u>the proposal.</u></p> <p>8. <u>In the case of an adjustment to the numerical requirements contained in Section 60.30. (Off-Street Parking), any part of the site of the proposed development shall be connected by a public route that is no longer than one-quarter mile from a bus transit stop that has 20-minute or more frequent peak-hour transit service or connected by a public route that is no longer than one-half mile to a light-rail platform. Alternatively, the application shall provide a parking analysis demonstrating that the actual parking needs of the development can be accommodated onsite. The parking analysis shall include examples from at least two other comparable developments. Additional examples may be required by the City Engineer or designee.</u></p> <p>9. <u>Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.</u></p> <p>10. <u>If the proposal includes lot area averaging as specified in Section 20.05.15.D, the request for the Major Adjustment – Affordable Housing is not for an adjustment to minimum land area standards.</u></p>	<p><i>Requests for vehicle parking space reductions must be accompanied by additional information demonstrating how the proposal can still be appropriately served by sufficient transportation options. Proposed approval criterion 8 requires that the project site be located in an area served by frequent transit, intended to provide an alternative to driving, or demonstrate how other similar projects needed less parking than required by the Development Code.</i></p>

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<p>D. <u>Submission Requirements. An application for a Major Adjustment – Affordable Housing shall be made by the owner of the subject property, or the owner’s authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Adjustment – Affordable Housing application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), verification of regulated affordable housing status, and any other information identified through a Pre-Application Conference.</u></p> <p>E. <u>Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment – Affordable Housing application to ensure compliance with the approval criteria.</u></p> <p>F. <u>Appeal of a Decision. Refer to Section 50.70.</u></p> <p>G. <u>Expiration of a Decision. Refer to Section 50.90</u></p> <p>H. <u>Extension of a Decision. Refer to Section 50.93</u></p>	

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Section 3. Chapter 50 – Procedures, is amended as follows:

<p>Chapter 50.90.1.B Expiration of a Decision</p> <p style="text-align: center;">***</p> <p>1. Except as otherwise specifically provided in a specific decision or in this Code, a final decision made pursuant to this Chapter shall expire automatically on the following schedule unless the approval is enacted either through construction or establishment of use within the specified time period.</p> <p style="padding-left: 40px;">B. Two (2) years from the effective date of decision:</p> <p>Major Adjustment (Section 40.10.15.3 2)</p> <p><u>Major Adjustment – Affordable Housing (40.10.15.4)</u></p> <p><u>Minor Adjustment – Affordable Housing (40.10.15.3)</u></p>	<p><i>Consistent with the other Adjustment applications, staff is proposing to set the applications' expiration dates within two years of a final decision issuance.</i></p> <p><i>Staff identified an error referencing the Major Adjustment section and is proposing to make the correction with this text amendment to avoid conflicting information.</i></p>
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Section 4. Chapter 60 – Special Requirements, is amended as follows:

Proposed Text Amendment	Commentary
<p>Chapter 60.05.15 Building Design and Orientation Standards</p> <p style="text-align: center;">***</p> <p><u>10. Ground floor elevations on eligible residential-only buildings.</u></p> <p style="text-align: center;">***</p> <p><u>A. Eligible residential-only buildings are buildings which are located within the portions of the RC-OT zoning district where the maximum standard height is 40 feet, as described in footnote 11 of Section 20.20.15 and illustrated in Figure A. Residential-only buildings in</u></p>	<p><i>Staff proposes to add new design standards to Section 60.05.15 Building Design and Orientation Standards. Currently, buildings used exclusively for residential use in commercial and multiple-use zones, are exempt from ground floor elevation standards outlined in Section 60.05.15.8.</i></p>

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Proposed Text Amendment	Commentary
<p><u>these areas are not subject to the density limit if at least 50 percent of each elevation visible from and within 200 feet of a public street, Major Pedestrian Route, public park, public plaza or public open space contains one or both of the following methods of providing ground-floor pedestrian interest:</u></p> <ol style="list-style-type: none"> <u>1. Locate ancillary residential uses, such as a leasing office, fitness room, lobby, community room or combination of those ancillary spaces, on the ground level that meet the following standards:</u> <ol style="list-style-type: none"> <u>a. Fifty (50) percent of the ground-floor elevation area, as measured between 2 feet above grade and 12 feet above grade, is permanently treated with clear and transparent glass with a visible transmittance of 60 percent or greater.</u> <u>b. The ancillary spaces must be designed for active human usage rather than building systems or storage and shall not include inactive spaces such as storage rooms, utility rooms and mechanical rooms. This does not prohibit incidental storage inside offices or other active ancillary rooms.</u> <u>c. Vehicle parking areas cannot be used to satisfy this criteria.</u> <u>2. Provide ground floor units that meet the following standards:</u> <ol style="list-style-type: none"> <u>a. Each unit's primary pedestrian entry shall have access to and from the adjacent public right of way.</u> <u>b. Each unit's entry shall not be elevated more than 4 feet above</u> 	<p><i>The proposed design standards, which are for residential-only developments seeking to exceed the 40-unit-per-acre maximum density, promote ground floors designed with more pedestrian-oriented features.</i></p> <p><i>The proposed design standards provide two primary methods of achieving greater ground floor pedestrian interest. One of those ways is by locating active uses on the ground level and allowing those uses to be visible from the street.</i></p> <p><i>Alternately, or in addition to the method described above, the ground floor pedestrian interest can be accomplished by providing entrances to the ground floor units from the adjacent right-of-way. This</i></p>

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Proposed Text Amendment	Commentary
<p><u>the grade of the adjacent right-of-way.</u></p> <p>c. <u>A direct path, having a minimum width of 5 feet, shall connect the adjacent right of way with the primary entrance.</u></p> <p>d. <u>Up to two (2) abutting connections may be combined.</u></p> <p>e. <u>Separate the street-facing ground-floor units by incorporating one of the following elements:</u></p> <p>i. <u>Provide a front porch for each street-facing ground-floor unit, having a minimum size of 48 square feet, with minimum dimensions to accommodate a 5-foot-by-6-foot rectangle inside the porch area. If the porch is recessed from the adjacent right of way, the area between the porch and right of-way shall be a minimum of 2 feet wide and landscaped. The landscaping shall include one or a combination of low-height plants, shrubs, and grass. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the landscape area.</u></p> <p>ii. <u>Provide a front landscaped area of at least 24 square feet for each street-facing</u></p>	<p><i>method distributes pedestrian activity along a greater portion of the frontage as opposed to concentrating it with one or a few main entrances, usually leaving the rest of the ground floor elevation to be occupied by walls or windows that often get covered up.</i></p> <p><i>Furthermore, the proposed standards require that the entrances be accompanied by design features that provide a small buffer between the public and private space. One of those design features calls for a porch area that can accommodate a 5-foot by 6-foot rectangle. These dimensions are proposed as they have been found by other jurisdictions to be the minimum area necessary to make a porch useable.</i></p>

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<p style="text-align: center;"><u>ground-floor unit, having a minimum width of 4 feet. Use of bare gravel, rock, bark or other similar materials in this area shall be limited to no more than twenty-five (25) percent of the landscape area.</u></p> <p>iii. <u>Provide a raised planter between 18 inches and 4 feet in height and a minimum width of 2 feet. The raised planter shall span the length of the unit, except where a pedestrian connection is provided.</u></p> <p>iv. <u>If elevated, and railings are used along the stairs, landing, or porch, the railing shall be a minimum of 50 percent transparent.</u></p> <p>f. <u>A minimum of 25 percent of the ground-floor façade shall be permanently treated with clear and transparent glass with a visible transmittance of 60 percent or greater.</u></p>	<p><i>Whether providing active ground floor uses or entrances from the right-of-way, increased transparency is an important element for creating a more pedestrian friendly façade.</i></p>
<p>Chapter 60.05.35 Building Design and Orientation Guidelines</p> <p style="text-align: center;">***</p> <p><u>10. Ground floor elevations on eligible residential-only buildings.</u></p> <p style="text-align: center;">***</p>	<p><i>As with the Design Standards, the current Design Guidelines also provided some ground floor design exemptions for residential-only buildings. Therefore, similarly to the proposed Design Standards, the</i></p>

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Proposed Text Amendment	Commentary
<p>A. <u>Eligible residential-only buildings are buildings which are located within the portions of the RC-OT zoning district where the maximum standard height is 40 feet, as described in footnote 11 of Section 20.20.15 and illustrated in Figure 13. Residential-only buildings in this area may exceed the density but should avoid long, uninterrupted blank walls and incorporate pedestrian-oriented design features on the ground floor to generate ground-floor pedestrian interest. This guideline particularly applies to ground-floor building elevations visible from a public street, Major Pedestrian Route, public park, public plaza or public open space. One or more of the following methods shall be used to provide ground-floor pedestrian interest:</u></p> <ol style="list-style-type: none"> 1. <u>The primary use(s) on the ground floor should generate frequent human usage and incorporate sufficient glazing to allow high levels of visibility through window glazing into the building.</u> 2. <u>Provide ground-floor units with the following:</u> <ol style="list-style-type: none"> a. <u>Direct and convenient access to the street.</u> b. <u>Design features that provide a transition between public spaces and ground-floor residential units to distinguish between the public and private realms.</u> c. <u>Ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the street.</u> 3. <u>Other methods of avoiding long, uninterrupted blank walls and incorporating pedestrian-oriented design features on the ground floor to generate pedestrian interest as approved by the Planning Commission.</u> 	<p><i>proposed Design Guidelines encourage the activation of the ground floor space in residential-only buildings if the proposal exceeds the maximum standard density.</i></p> <p><i>Because compliance with Design Guidelines is subject to a discretionary review process, staff proposes to add a more general Guideline which does not correspond to a proposed Design Standard. This Guideline allows the applicant to propose alternative methods, not outlined in the code, but still meet the intent of creating an active and interesting ground floor.</i></p>



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Section 5. Chapter 90 – Definitions, is amended as follows:

<p><u>Regulated Affordable Housing.</u> <u>Housing developments where the combined average income of all households served is 60% of the area median income (AMI) or less, evidenced by agreement or statutory regulation that restricts or limits resident income levels and rents for a minimum of 60 years.</u></p>	
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