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## **CITY OF BEAVERTON STAFF REPORT**

**STAFF REPORT DATE:** Wednesday, Sept. 16, 2020

**HEARING DATE:** Wednesday, Sept. 23, 2020

**TO:** Planning Commission

**STAFF:** Steve Regner, Senior Planner

**PROPOSAL:** **TA2020-0004 Downtown Design District Active Ground Floor Use Text Amendment**

**SUMMARY:** The City of Beaverton proposes to amend the Development Code by adding additional provisions to Chapter 70 that will require active uses to occupy ground floor tenant spaces on certain streets. The proposed amendments will implement the Downtown Design Project, the 2018 Urban Design Framework and elements of the current the Downtown Regional Center Community Plan. These rules are proposed to be considered for approval concurrently with CPA 2020-0004, TA2020-0002 and ZMA2020-0004, but staff recommends a delayed effective date of July 1, 2021, in response to the economic and public health considerations of the COVID-19 pandemic.

**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 proposed amendment, hold a public hearing and recommend approval of TA2020-0004 to the City Council, with an effective date of July 1, 2021

## **1. Background**

In 2017, the Beaverton Community Vision was updated, reinforcing the aspiration for Downtown Beaverton to be the social and cultural heart of the community. Soon thereafter, the city kicked off the Downtown Design Project. In the past, many recently completed and adopted plans looked at portions of the Downtown area. The Downtown Design Project aimed to look comprehensively at the entirety of Downtown's two zoning districts, Regional Center-Transit Oriented (RC-TO) and Regional Center-Old Town (RC-OT), creating a new and up-to-date Urban Design Framework to guide future development and update the Development Code to create a more urban, vibrant Downtown.

After City Council approved the Urban Design Framework in October 2018, city implementation steps included preparing Development Code updates. Most of the updates to the Development Code are included in a concurrent text amendment (TA2020-0002) including updates to existing Chapters 10, 20, 40, 50, 60, and 90, as well as the introduction of a new Downtown Design District Code, Chapter 70.

This proposed text amendment intendeds to focus energy on key streets in Downtown Beaverton by requiring active uses to be located on the ground floor spaces of buildings. For commercial ground-floor spaces, this would allow a narrower set of uses to lease the space, as opposed to allowing every use that is allowed in the underlying zone. The intent it to encourage active uses that bring more customers and activity and promote more vibrant streets in Downtown activity areas.

Given the uncertainty inherent in a pandemic and the challenges currently facing restaurants, retail establishments and personal services businesses, the effective date is proposed to be July 1, 2021, for this text amendment to allow more time for public health strategies to address the pandemic and additional time for city staff to monitor the business environment and understand business needs.

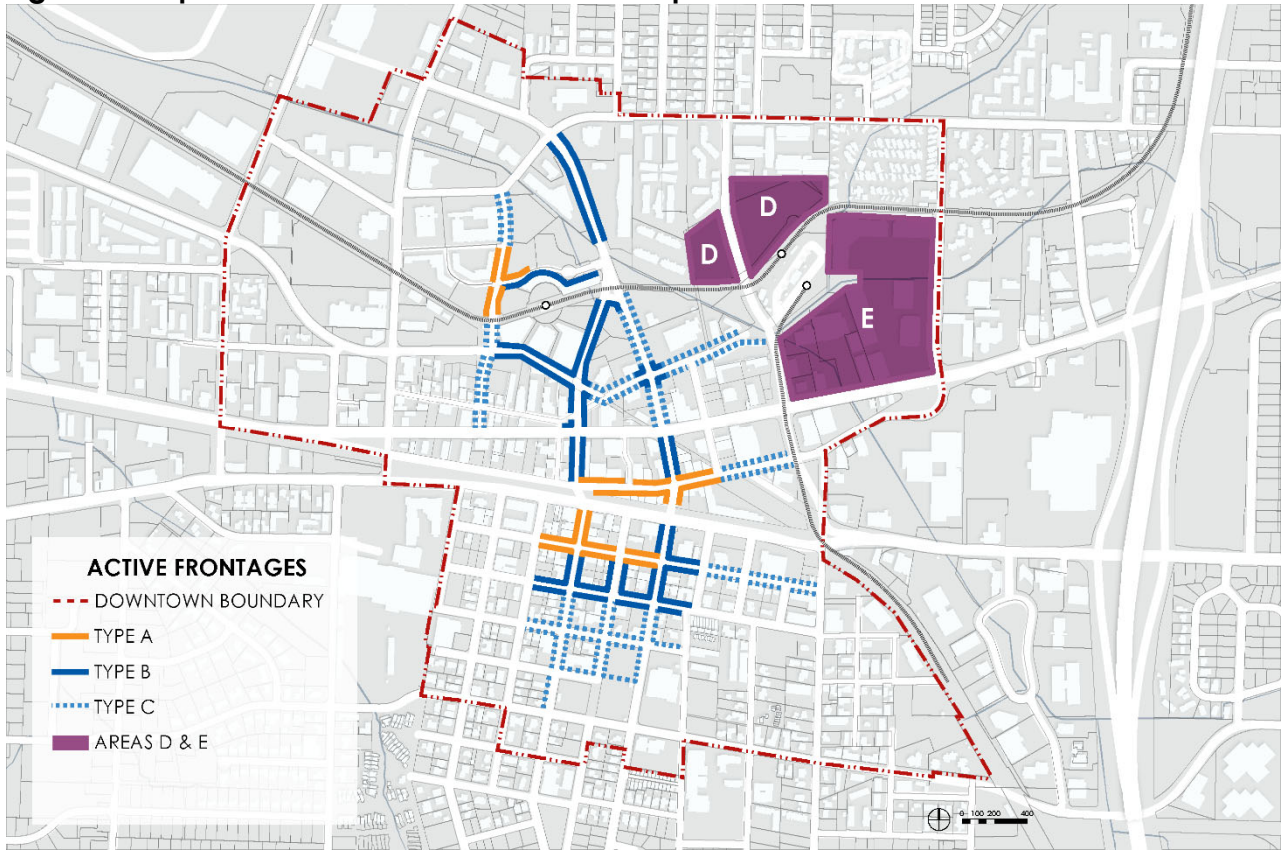
## **2. Summary of Proposed Amendment**

The proposed amendment would provide land use restrictions on ground-floor building spaces that front on specified streets in the Downtown core. These regulations are intended focus vibrancy and activity in Downtown. Three tiers of restrictions are included in these amendments, outlined in Table 1 below. Each tier also includes a minimum percentage indicating how much of the building frontage at the street must be occupied by an active use. For example, a building that fronts on a Tier A street must have 80 percent of its frontage occupied by a use allowed by the Tier A regulations. Buildings that do not front on an identified street, meaning the building façade is outside of the front yard setbacks, are not subject to these rules, nor are any upper-floor spaces.

**Table 1: Proposed Active Frontages Table for Chapter 70**

	<b>Allowed Ground Floor Uses</b>	<b>Minimum Active Use Frontage</b>
Tier A	Eating and drinking establishments, retail trade, personal service businesses, food cart pods, brewery/distillery/winery with tasting room, and primary lobby access to other parts of the building.	80%
Tier B	Type A allowed ground floor uses, commercial amusements, medical clinics, office, meeting facilities, places of worship, service business/professional services, financial institutions, public services and uses, residential amenity spaces, hotels/temporary living quarters, recreational facilities, and commercial schools.	60%
Tier C	Uses allowed under Type A and Type B allowed ground floor uses and ground floor residential uses with primary access facing the right of way, served by a porch, stoop, patio, terrace, forecourt, or similar design element.	60%
Area D	At the time of development, a Type B frontage must be assigned along a public right of way or other publicly accessible space on the site that is equal in length to 1/2 of the longest diagonal measurement of the site.	N/A
Area E	When dedicated, the future extension of SW Millikan Way shall be designated a Type B frontage.	N/A

**Figure 1: Proposed Active Ground Floor Use Map**



## **Exhibits**

### **Exhibit 1. Proposed Development Code Amendments**

### **Exhibit 2. Public Comment**

No public comment submitted in regards to the provision proposed by this text amendment.

## **3. Fact and Findings**

Section 40.85.15.1.C of the 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 TA2020-0004 (Downtown Design District Active Ground Floor Use Text Amendment):

### ***Text Amendment 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 proposed any change to the Code, excluding changes to the zoning map. TA2020-0004 proposes to add additional use regulations within Chapter 70 of the Development Code, as shown in as shown in Exhibit 1.

**Therefore, staff finds that the text amendment meets the criterion for approval.**

**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.

**Therefore, staff finds that the criterion for approval for this text amendment is not applicable.**

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

Metro's 2040 Growth Concept establishes a vision for the preferred form of regional growth and development. To implement the 2040 Growth Concept, Metro established two functional plans – the Urban Growth Management Functional Plan (Functional Plan) and the Regional Transportation Functional Plan (RTFP). The Functional Plan is the general implementation tool for achieving the goals and objectives in the 2040 Growth Concept. The RTFP is the primary implementation tool for transportation-related policies.

As described in Section 5(e)(2) of the Metro Charter, the Functional Plan requires that cities update comprehensive plans and implementing regulations to comply with regional policies. The Functional Plan currently includes 11 Titles. The applicable Titles of the Functional Plan (Chapter 3.07) are addressed below. Findings for the RTFP can be found under the Comprehensive Plan Amendment (CPA2020-0004).

**Title 6: Centers, Corridors, Station Communities and Main Streets**

**Findings:** Title 6 calls for Centers, Corridors, Station Communities and Main Streets – a hierarchy of mixed-use, pedestrian-friendly centers, connected by high capacity transit and corridors - to be the principal centers of urban life in the region. The actions and investments of cities should enhance this role. Completing these actions and investments makes cities eligible for regional investments. Regional investments

include MAX light rail transit, WES commuter rail, bus service, pedestrian and bicycle access, and automobile travel options.

All mixed-use, pedestrian-friendly centers are shown on Metro's *2040 Regional Growth Concept Map and Centers, Corridors, Station Communities and Main Streets Map (Title 6 Map)*. The map indicates that Downtown Beaverton is designated as a Regional Center. Therefore, Title 6 applies to the proposed amendment. Relevant Title 6 policies include:

- **3.07.620.c.** "An assessment of a Center ... shall analyze the following: (1) physical and market conditions in the area; (2) physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area ... "
- **3.07.620.d.** "A plan of actions and investments to enhance the Center... shall consider the assessment completed under subsection (c) and include at least the following elements: (1) Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development; (2) Revisions to its comprehensive plan and land use regulations, if necessary, to allow ... in Regional Centers ... the mix and intensity of uses specified in section 3.07.640 ... "
- **3.07.640.b.** "Centers ... need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each: (1) The amenities identified in the most current version of the State of the Centers: Investing in Our Communities, such as grocery stores and restaurants; (2) Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities; (3) Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces."

Beaverton completed a Comprehensive Plan amendment in early 2020 that updated the Downtown Beaverton Regional Center Community Plan. The updates were based on the Beaverton Downtown Urban Design Framework, the major product of the Downtown Design Project.

The Downtown Design Project:

- Created an Urban Design Framework that acts as a roadmap to transform Downtown into the social, economic, and cultural heart of the city;
- Identified opportunities for the community to influence downtown design;
- Identified development obstacles;
- Completed new development rules to ensure the urban design framework can become a reality, and these new development rules are proposed for adoption as part of the subject Text Amendment and concurrent Text Amendment 2020-0004; and
- Created an action plan to implement the Urban Design Framework.

The study area for the project was based on the current Downtown Regional Center (RC) land use designation. The RC designation corresponds with three implementing zoning districts: Regional Center – Old Town (RC-OT), Regional Center – Transit Oriented (RC-TO), and Regional Center – East (RC-E). At the beginning of the project, the study area was defined as the joint outline of the RC-OT and RC-TO zones. This is because their development patterns, mostly small blocks with access to transit, were similar, as opposed to the currently more auto-oriented land use pattern where the RC-E zone applies. As the project progressed, the study area was expanded to include additional areas that were important to achieving the city's goals for a vibrant Downtown. This larger study area and the proposed new Regional Center boundary are in the current Downtown Regional Center Community Plan in Volume 5.

As required by Metro Policy 3.07.620.c, existing conditions analysis included an exploration of physical and market conditions, as well as physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development. Opportunities were then explored that identified strategic locations for development intensification and/or revitalization. Supported by existing conditions, constraints, and opportunities, the project resulted in an Urban Design Framework that acts as a roadmap to transform Downtown into the principal center of urban life in the city.

To implement the Urban Design Framework, the proposed text amendment focuses active uses on ground-floors spaces in the core of Downtown. This collection of active uses will increase foot traffic and encourage trip chaining. Where ground-floor residential uses are permitted, primary entrances to each unit are required to face the public street, served by porches, patios or other spaces intended for use by the resident. These use and design regulations will increase vibrancy throughout the Downtown Core.

**Conclusion:** The proposed amendment is consistent and compatible with Metro Title 6.

### **Title 8: Compliance Procedures**

**Findings:** Section 3.07.810.A of Metro Title 8 establishes a process for determining whether city or county comprehensive plans and land use regulations substantially comply with requirements of the Functional Plan, and requires cities to submit proposed comprehensive plan amendments to Metro for their review. Metro requires the city to submit the proposed amendment to Metro at least 35 days before the first evidentiary hearing, which is the Planning Commission hearing. The city mailed the notice on Aug. 19, 2020, 35 days before the Planning Commission hearing. The city has not received comments from Metro.

**Conclusion:** The proposed amendment is consistent and compatible with Metro Title 8.

## **Regional Transportation Functional Plan**

**Findings:** Title 5 of the RTFP addresses the amendment of comprehensive plans. However, the proposed amendment does not include: (1) any proposed changes to the Transportation Element (Chapter 6), (2) any proposed changes to the Transportation System Plan (TSP), or (3) new development; therefore, approval criteria A-E in Title 5 are not applicable. In addition, the requirements and findings for Statewide Planning Goal 12 are applicable to the RTFP. As analyzed under the findings for CPA2020-0004, the TPR findings under Goal 12 describe how the establishment of the Multimodal Mixed-use Area exempts most of the Downtown Design District from state congestion standards. Findings are provided for two sites outside of the Multimodal Mixed-use Area, which demonstrate that the proposal will not significantly affect the transportation system.

The city's 2035 TSP was adopted in 2010 with full review by Metro for consistency with the 2035 Regional Transportation Plan (RTP). The Transportation Element will be amended in the next two to three years to ensure compliance with Metro's updated RTP, now known as the 2018 Regional Transportation Plan.

**Conclusion:** The proposed amendment is consistent and compatible with the Metro Regional Transportation Plan.

**Therefore, staff finds that the text amendment meets the criterion for approval.**

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

Beaverton's Comprehensive Plan provides policy direction on matters related to future growth and physical development of the city including land use, economy, transportation, housing, natural resources, and other relevant topics. Oregon state law requires all cities and counties to prepare and adopt comprehensive plans that are consistent with Statewide Planning Goals. Some of the proposed changes under this amendment do not create any new policies or regulations, for those changes staff find that the no Comprehensive Plan Policies apply. However, where policy changes are proposed, the applicable goals and policies of Comprehensive Plan are addressed below. Categorized by Land Use Chapter, each proposed text change is bulleted below the applicable goal or policy (*italicized*). The following are staff's findings to these applicable goals and policies:

#### **Chapter 3: Land Use**

Goal 3.1.1 says, "Encourage development and land use patterns that support a variety of transportation modes." Policies include:

- a) Emphasize pedestrian convenience and safety in all developments and transportation facilities.



- b) Encourage development and programs that reduce the need for vehicle use and ownership.
- c) Ensure that new development is designed to provide safe, comfortable and direct pedestrian and bicycle connections for all, regardless of ability or age, to and through the development, including to reach nearby points of interest.
- d) 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.
- 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.

**Findings:** The proposed amendments are intended to focus activity within the Downtown Core by ensuring a variety of active uses that drive foot traffic within a close proximity to one another. This collection of active uses will encourage walking and trip chaining, as well as reduce dependence on vehicle use. The streets subject to the Active Ground-floor Use regulations are structured around the couplet of SW Watson Ave and SW Hall Blvd, referred to as "The Loop" in the Urban Design Framework. The Loop is envisioned to distinguish the core of Downtown through prominent bike and pedestrian enhancements, improved intersections and crossings, and a distinct palette of fixtures. The City is in the early design stages of a project to transform SW Watson Ave and SW Hall Blvd into corridors that prioritize bicycle and pedestrian access. The Active Ground-floor Use regulations will support the vision of The Loop by requiring active uses along the critical corridors of SW Watson Ave and SW Hall Blvd, and key streets that intersect The Loop. Staff finds the proposed amendments meet this policy.

Goal 3.6.1 says, "Support pedestrian-oriented mixed use areas." Policies include:

- 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.
- b) Uses may be mixed vertically (i.e. within a single building on different floors) or horizontally (i.e. within different buildings) but should be mixed so that different uses are within easy walking distance of one another.
- c) Limit or prohibit auto-oriented commercial uses, including vehicle sales and services, drive-through uses, and uses requiring extensive outdoor storage, to enhance the pedestrian environment.
- d) Pedestrian-oriented design is a priority within mixed use areas. Pedestrian-oriented design generally includes:
  - i. Commercial and mixed use buildings located next to the sidewalk with windows, interesting facades, pedestrian-scale design features (e.g.

- lighting, awnings and signage), and a majority of parking located behind, above, or beneath development
- ii. Residential buildings with windows and doors facing the street, and privacy provided through landscaping, grade changes, and modest setbacks
- iii. Complete streets and sidewalks that provide high-quality space for pedestrians and protect pedestrians from fast-moving traffic (by using buffers such as curbside parking, landscaping, trees and street furniture)

**Findings:** The proposed amendments require active uses to be on the ground-floor spaces of buildings on key streets, promoting environments that are engaging for pedestrians and allow for many activities to occur within walking distance of one another. Upper-floor spaces are not regulated by these amendments, but by the underlying zone. This allows for vertical mixed-use where these rules apply. Automobile-oriented uses are not permitted in any of the Downtown Design District, including the Active Ground-floor Use regulations. Where residential development is allowed on the ground floor by these regulations, the ground-floor units are required to locate prime entries facing the street, increasing vibrancy and engagement. Staff finds the proposed amendments meet this policy.

Goal 3.6.2 says, "Downtown Regional Center: Create and strengthen a vibrant downtown and central area for Beaverton." Policies include:

- a) Tailor development regulations to the unique character and aspirations for the distinct areas within the Downtown Regional Center, taking into account form, scale, rhythm, and uses, through specialized zoning, overlay zones, or similar tools while also ensuring strong connections between these areas and throughout the Downtown Regional Center.
- i) Encourage an "18-hour" mix of uses, including retail, employment, civic, entertainment, and residential uses, that supports a diverse population that works, lives, and gathers downtown.
- j) Design places for people by promoting buildings and open spaces near sidewalks and streets that are interesting, enjoyable, and engaging for people passing by.
- k) Use a block-by-block approach to activate the ground floor of buildings and edges of public spaces to enhance street life, connecting pedestrians with activity along the street edge.

**Findings:** The proposed amendments provide an additional level of land use regulation, functioning similarly to an overlay zone. These regulations, while more limited than the underlying zone, still allow for a variety of uses, including retail, personal services, eating and drinking establishment, allowing for an 18-hour neighborhood. All spaces in the upper-floors of buildings are regulated by the underlying zone, which in all cases allows for a broad mix of uses. The Active Ground-floor Use regulations are developed to be implemented at a block-by-block scale. The result is more finer grain regulations that are more responsive to

the development history, opportunities, and constraints of small areas in the Downtown Core.

Staff finds the proposed amendments meet this policy.

#### Chapter 4 Housing

Goal 4.1.1 says "Provide an adequate supply of housing to meet future needs."

Policies include:

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

**Findings:** The proposed amendments limit ground-floor residential uses along certain streets in downtown with the objective of focusing commercial uses with high foot traffic along key corridors. Residential development in upper-floors of buildings along these streets will be permitted outright. This will allow high densities of residential development to occur in the core Downtown area where and 18-hour neighborhood remains a key objective. Staff finds the proposed amendments meet this policy.

**Comprehensive Plan Compliance Summary:** Staff finds that the proposed amendment is consistent with the City's Comprehensive Plan.

**Therefore, staff finds that the text amendment meets the criterion for approval.**

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

The proposed text amendments are intended to complement the concurrently proposed text amendment (TA2020-0002) that will add the Downtown Design District Code (Chapter 70) into the Development Code. Staff has not identified any inconsistencies within the City's existing Development Code or the proposed regulations of TA2020-0002.

**Therefore, staff finds that the text amendment meets the criterion for approval.**

#### **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 changes.

**Therefore, staff finds that the text amendment meets the criterion for approval.**

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

The City of Beaverton is proposing three additional land use applications related to the Downtown Design District Code, CPA2020-0004, TA2020-0002 and ZMA2020-0004. Staff have determined that there are no other applications and documents related to the request that will require further City approval.

**Therefore, staff finds that the text amendment meets the criterion for approval.**

**Other applicable approval criteria**

As a post-acknowledgement amendment to the City's Code, the proposed text amendment is subject to ORS 197.175(2), 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:

Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendment: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 10 (Housing), and Goal 12 (Transportation).

**Goal 1 - Citizen Involvement**

**Findings:** The Beaverton Citizen Involvement Program adopted by Resolution 2229 in 1980 established a formalized public participation program for the BCCI that provides a method by which the committee and other community members can communicate their opinions and inquiries about city matters, including the planning process.

The Downtown Design Project included significant public engagement over a two-year period – five open houses, 15 meetings with advisory or decision making bodies, and 10 meetings with stakeholder groups. Information related to TA2020-0002 also was presented at the following meetings:

- Feb. 24, 2020, Beaverton Committee for Community Involvement
- March 2, 2020, Urban Redevelopment Advisory Committee meeting.
- June 10, July 21 August 12, and Aug. 26, 2020, Planning Commission work sessions.

The proposed amendment is subject to the public notice requirements of the Development Code. At the public hearing, the Planning Commission will consider written or oral testimony before making a recommendation to City Council.

The amendment procedures outlined in Chapter 50 of the Development Code allow for proper notice and public comment opportunities as required by Statewide Planning Goal 1. These procedures have been determined to be consistent with Goal 1 in the past and have been followed.

**Conclusion:** The proposed amendment is consistent and compatible with Statewide Planning Goal 1.

### **Goal 2 – Land Use Planning**

**Findings:** Statewide Planning Goal 2 requires local governments to establish a land use planning process and policy framework as a basis for all decisions and actions related to land use. The Urban Design Framework, approved on Oct. 9, 2018, by the City Council:

1. Analyzes existing conditions in Downtown Beaverton; and
2. Identifies opportunities and constraints; and
3. Outlines framework concepts and alternatives; and
4. Presents a final framework that considers social, economic, energy, and environmental needs by promoting a mixed-use, compact urban form with multimodal streets. The Urban Design Framework provides the factual basis for the proposed amendment to Volume 1 and Volume 5 of the Comprehensive Plan.

Section 40.85.1.C of the Development Code describes the approval criteria for legislative amendments. The findings and conclusions in the Staff Report explain how the proposed text changes are consistent with the approval criteria and procedural requirements for amending the Development Code.

**Conclusion:** The proposed amendment is consistent and compatible with Statewide Planning Goal 2.

### **Goal 10 – Housing**

**Findings:** In 2015, the city added the Housing Strategies Report to Volume II of the Comprehensive Plan (Background and Supporting Material) in conjunction with the amendment to the Housing Element. The report was reviewed by DLCD, which found it to be consistent with the requirements of Statewide Planning Goal 10.

Beaverton's Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true both for the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide

Planning Goal 10. See Table 2 for the number of housing units projected to be needed.

**Table 2: Projected Future Need for New Housing Units (2035)**

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	718	3,886

Source: Beaverton Housing Needs Analysis (part of the city's Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Based on the findings in Beaverton's Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city's Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan's Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals.

The proposed Development Code amendments require that ground-floor spaces with frontages on certain streets be occupied by active uses of commercial nature. The active commercial use restriction affects approximately 95 the 558 tax lots within the Downtown Design District. Upper-floor spaces in these buildings, as well as spaces not fronting on the identified streets, will permit residential uses outright. These commercial requirements have the potential to reduce the overall capacity of the residential development. The amount is limited an unknown because applicants often choose to put ground-floor commercial space in Downtown buildings. However, the concurrently proposed text amendments in TA2020-0004 will more than offset any potential reduction through the increase of maximum building heights in certain zones, the removal of a residential density maximum of residential-only buildings, and the reduction of off-street parking requirements through multiple methods. Overall the text amendments in TA2020-0002 and TA2020-004 will considerably increase potential housing capacity within the Downtown Design District.

## **Goal 12 - Transportation**

**Findings:** OAR (Oregon Administrative Rules) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule<sup>1</sup> (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to OAR Division 12, fulfills the requirements for public facilities planning required under ORS (Oregon Revised Statute) 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume IV of the Comprehensive Plan contains the City's adopted TSP, effective October 21, 2010.

**Significant effects.** The TPR states that "if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule."

"A plan or land use regulation significantly affects a transportation facility if it would:

- Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- Change standards implementing a functional classification system; or
- Result in ... types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan."

The proposed text amendment is not expected to result in "significant effects" to a transportation facility, defined by OAR 660-012-0060, as the amendments do not increase the allowed densities or intensities, or permit additional uses not proposed under the concurrently proposed text amendment TA2020-0002. However, OAR 660-012-0060(10)(e) states: "A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time."

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<sup>1</sup> The Transportation Planning Rule requires local governments to review Comprehensive Plan and land use regulation amendments and contains standards by which to review the effect of the proposed amendment on existing or planned transportation facilities.

The concurrently proposed Comprehensive Plan Amendment (CPA2020-0004) establishes an MMA, as shown in Figure 4 of that staff report by adopting the findings in Downtown Regional Center Community Plan and concurrently adopting changes to Beaverton's Comprehensive Plan Land Use Element (CPA2020-0004) and Development Code (ZMA2020-0004 and TA2020-0002), including Development Code changes to establish a Downtown Design District. The definition of MMA referred to in OAR 660-012-0060(10)(e) above requires findings for OAR 660-012-0060(10)(b), which can be found in the findings for CPA2020-0004.

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

#### **4. Conclusions**

Based on the facts and findings presented, staff conclude that the proposed amendment to the 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 September 23, 2020 public hearing for TA2020-0004 (Downtown Design District 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 TA2020-0004 (Downtown Design District Text Amendment) to the City Council, with an effective date of July 1, 2021.



## 70.03.4.2 Active Ground-floor Land Use Regulations

## EXHIBIT 1

## 70.03.4.2 Active Ground-floor Land Use Regulations

Buildings fronting on streets identified in Figure 70.03.4.2.1 shall have uses occupying ground-floor spaces consistent with the designated frontage type. Only tenant spaces fronting the designated streets shall be subject to these rules. For a tenant space to be considered fronting a street, the facade must be located within the minimum and maximum setback as defined by the underlying zone. Ground-floor spaces not fronting on streets designated in Figure 70.03.4.2.1, as well as all upper-floor and below-grade uses, shall be regulated by the underlying zone.

Buildings subject to the Active Ground-floor Land Use Regulations shall comply with the following provisions:

- a. Ground floor uses in buildings with facades within the maximum setback of frontages identified in Figure 70.03.4.2.1 shall be consistent with the land uses listed per each frontage type.
- b. Active ground floor uses shall occupy the minimum percentage of the building frontage for each frontage type identified.
- c. Active ground floor uses shall have a minimum depth of 25 feet measured from the street-facing facade.
- d. Buildings with facades within the maximum setback of frontages identified in Figure 70.03.4.2.1 shall meet all applicable regulations of Section 70.04.2.3 Active Ground Floor Design.
- f. Tax lots 1S110CC00400, 1S110CC01300, and 1S110CC01303 are designated Area D and shall be subject to the rules of Figure 70.03.4.2.2 Active Frontages Table.
- g. Tax lots 1S110CD00900, 1S110CD01300, 1S110CD00790, 1S110CD01301, 1S115BB00203, and 1S115BB00200 are designated Area E and shall be subject to the rules of Figure 70.03.4.2.2 Active Frontages Table.

## Active Residential Frontage (Portland, OR)

*Ground floor residential units create an active ground floor. Units are elevated from the sidewalk grade and include individual entries, landscaping to create privacy and a transition from the street, and weather protected front porches.*



## Active Restaurant Frontage (Seattle, WA)

*Non-Residential buildings can create active ground floors through using transparent glazing and locating uses that provide visual interest to enhance the pedestrian experience through visual connections between inside and outside spaces.*



## 70.03.4.2 Active Ground-floor Land Use Regulations

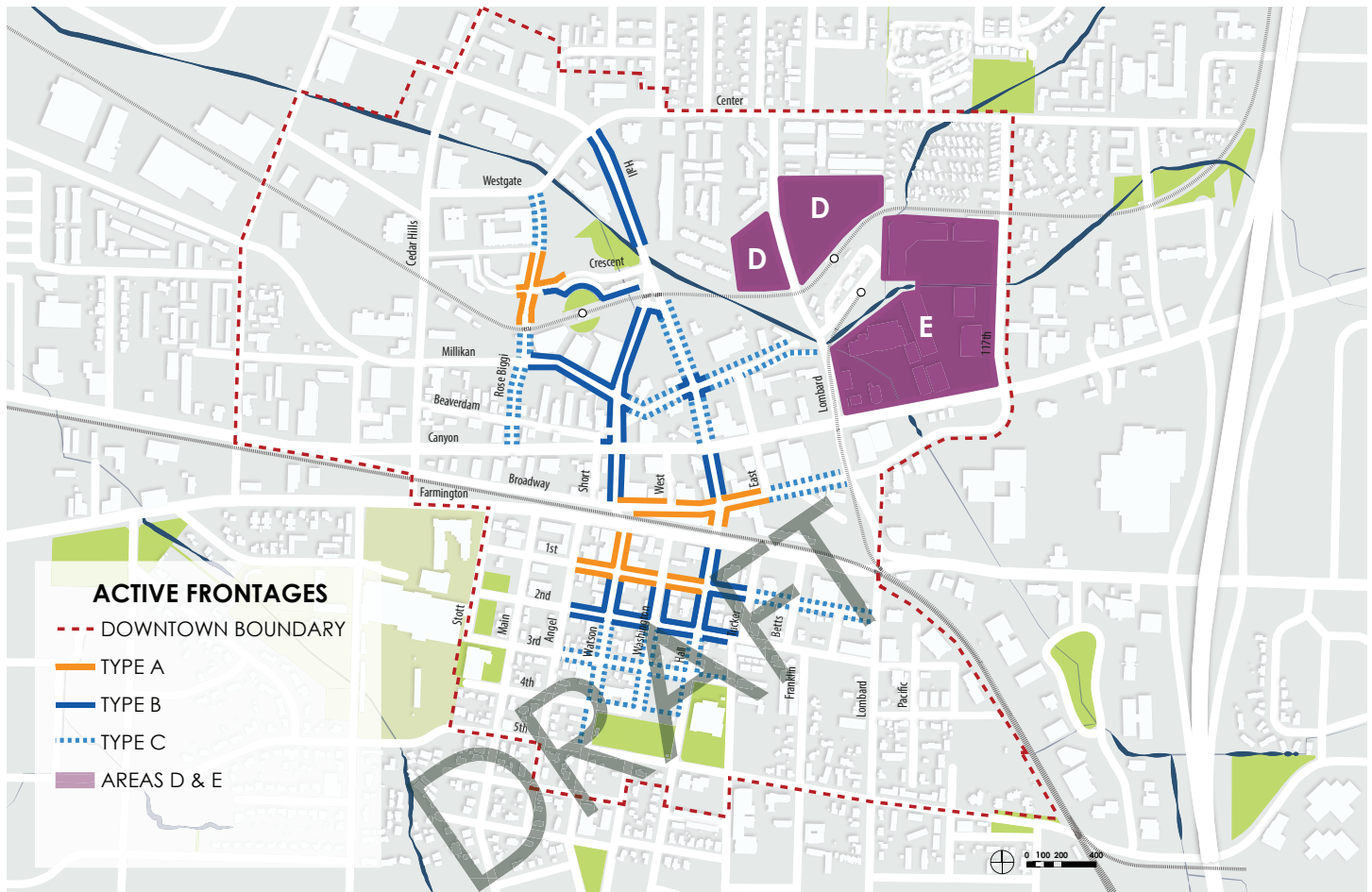


Figure 70.03.4.2.1 Active Frontages Map

Figure 70.03.4.2.2 Active Frontages Table

Street Type	Minimum Active Use Frontage	Allowed Ground Floor Uses
TYPE A	80%	Eating and drinking establishments, retail trade, personal service businesses, food cart pods, brewery/distillery/winery with tasting room, and primary lobby access to other parts of the building.
TYPE B	60%	Type A allowed ground floor uses, commercial amusements, medical clinics, office, meeting facilities, places of worship, service business/professional services, financial institutions, public services and uses, residential amenity spaces, hotels/temporary living quarters, recreational facilities, and commercial schools.
TYPE C	60%	Uses allowed under Type A and Type B allowed ground floor uses and ground floor residential uses with primary access facing the right of way, served by a porch, stoop, patio, terrace, forecourt, or similar design element, elevated or at grade.
AREA D	N/A	At the time of development, a Type B frontage must be assigned along a public right of way or other publicly accessible space on the site that is equal in length to 1/2 of the longest diagonal measurement of the site.
AREA E	N/A	When dedicated, the future extension of SW Millikan Way shall be designated a Type B frontage.