Agenda Item: _____
Hearing Date: April 1, 2013 Time: 7:00 PM

STAFF REPORT TO THE PLANNING COMMISSION FOR THE CITY OF TIGARD, OREGON

TIGARD

SECTION I. APPLICATION SUMMARY

CASE NAME: OFF STREET PARKING MODIFICATIONS
CASE NO.: Development Code Amendment (DCA) DCA2013-00001

PROPOSAL: The applicant has proposed amendments to chapter 18.765 - Off Street Parking and Loading Requirements of the Tigard Community Development Code. These modifications include reducing the minimum parking requirements for specific uses listed in Table 18.765.2 (Eating and Drinking Establishments, Sales-Oriented Retail, and Personal Services – bank with drive through) and modifying the minimum parking requirement percentages for mixed-use developments (18.765.030.D).

APPLICANT: Killian Pacific
500 E Broadway St., Suite 110
Vancouver, WA 98660

APPLICANT'S REP: Cardno WRG
5415 SW Westgate Dr., Ste 100
Portland, OR 97221

ZONES: R-25 and R-40 residential zones and all commercial and industrial zones.

LOCATION: Citywide.

APPLICABLE REVIEW CRITERIA: Community Development Code section 18.380.030.B and; Comprehensive Plan Goal 1, Public Involvement; Goal 2, Land Use Planning; Goal 4, Environmental Quality; Goal 9, Economic Development; Goal 12, Transportation; and Statewide Planning Goals 1, 2, 4 9, and 12.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission find in favor of the proposed text amendment as amended by staff and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council. This recommended approval is contingent upon the applicant's submittal of parking counts showing the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

SECTION III. PROPOSAL AND BACKGROUND INFORMATION

The applicant proposes to lower the minimum parking ratio requirements for certain uses (Eating and Drinking Establishments, Sales-Oriented Retail and Personal Services – banks with drive through) and lower the minimum percentages required for primary, secondary, etc. uses in mixed-use or multi-tenant developments. Current Tigard minimum parking ratios were adopted in 1998 and are based upon upper limit minimum ratios found in Metro's 2035 Regional Transportation Plan. Metro established minimum and maximum parking ratios to prevent an over-supply of parking, encourage compact development and more efficient use of land, promote non-auto trips, and protect air quality. The ratios adopted by the City were the highest "not to exceed" minimums established by Metro. Lower ratios could have been adopted.

Tigard parking code regulations are imposed for new construction, expansion of existing uses, and changes of use. The applicant states that the current minimum parking ratios are preventing some existing structures from being occupied and some existing businesses from expanding, within particular multi-tenant or mixed-use developments. Therefore, the applicant is proposing code modifications that require less parking for future developments and allow for the lease/expansion of existing storefronts. For example, the applicant owns a multi-tenant development at the corner of Scholl's Ferry Road and Nimbus Avenue (10105 – 11105 SW Nimbus Avenue). There is an existing restaurant within the center that would like to expand, but there is not enough on-site parking to meet the current parking minimums with the mix of tenants, even with a parking adjustment.

Business expansions or changes of use cannot be permitted within some existing developments due to inadequate parking to meet minimum standards; this does negatively impact economic development. At the same time, in 2010 the City received a complaint from residents abutting a commercial area that employees were being instructed to park in the neighborhood to vacate parking spaces for customers. Over time, the mix of uses had changed without City review and the parking demand had increased. This lack of parking spilled-over into the adjacent residential areas.

In 2010, the City adopted the 2035 Transportation System Plan (TSP) that guides future transportation policies, strategies, and projects to meet expected growth. The TSP also provides the transportation goals and policies of the Tigard Comprehensive Plan (Goal 12). Goal 1 of the TSP is to develop mutually supportive land use and transportation plans to enhance the livability of the community. One of the recommended actions to implement Goal 1 is to review and update development code requirements for on-site parking.

The TSP states that on-site parking is provided to protect surrounding land uses (such as neighboring residential areas and other commercial developments) from overflow parking impacts. Further, inadequate parking can contribute to traffic congestion at driveways, which can have impacts on the adjacent streets. However, too much available parking encourages single-occupancy vehicle (SOV) travel. Parking also requires large paved areas, which negatively impact pedestrian travel, increase stormwater runoff, reduce development opportunities and increase development costs. Therefore, it is important to strive for a balance that prevents or reduces all of the potential negative impacts associated with parking while still ensuring an adequate supply.

City staff area aware of the concerns of property owners, businesses and residents but also recognize that the minimum parking requirements adopted in 1998 may not still be appropriate for Tigard. For these reasons, and to implement TSP Goal 1, a comprehensive review and amendment of the Development Code Off-Street Parking chapter has been scheduled when time and budgets permit (likely 2014). The TSP states that it is appropriate to reduce the parking minimums in some areas of the City as part of an overall transportation demand management strategy. This strategy should also include improved connectivity, transit and bike/pedestrian services, carpool services, and shared or public parking. A comprehensive review of the code and policies is ideal, but that does not meet the immediate needs of the applicant and other business and property owners in Tigard. Therefore, the applicant has proposed this code amendment.

SECTION IV. STAFF RECOMMENDATION & ANALYSIS

Staff Recommendation:

Staff recommends that the Planning Commission find in favor of the proposed text amendment as amended by staff and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council. This recommended approval is contingent upon the applicant's submittal of parking counts showing the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

Staff Analysis:

The applicant has proposed a Citywide reduction of the minimum parking requirements for certain uses and for multi-use or multi-tenant developments. Information provided by the applicant compares the number of required parking spaces for several multi-tenant developments under the current, and applicant's proposed ratios. In addition, the applicant compared Tigard parking ratios with several other Metro area jurisdictions and national average parking demand ratios from the Institute of Transportation Engineers (ITE) Manual.

Like Tigard, many of the other jurisdictions adopted the highest minimum parking ratios recommended by Metro. Those that have different ratios fall within the following ranges. All are based on spaces per 1,000 square feet of gross floor area (gfa).

Use	Tigard	Minimums
Retail	3.7 spaces per 1,000 gfa	2 - 4 spaces per 1,000 gfa
Banks w/drive through	4.3 per 1,000 gfa	2 - 4.1 per 1,000 gfa
Fast Food	9.9 per 1,000 gfa	4 – 10 per 1,000 gfa
Other Restaurants	15.3 per 1,000 gfa	4 – 13.3 per 1,000 gfa

Some cities have even lower ratios for specific areas such as downtowns and multiple use zones. Similarly, parking ratios within Downtown Tigard are reduced by 25% and no minimums are required for developments along Main Street and near the Tigard Transit Center. These reductions are not considered in this analysis since the development patterns and alternative travel modes are not similar to those in other parts of a suburban city.

Staff contacted planners/directors in other jurisdictions to ask what analysis was done to determine these lower minimum parking ratios; due to staff changes or the time that had passed, some did not know. Hillsboro is currently undertaking a major code rewrite that includes amendments to the minimum parking ratios where staff experience indicates the ratios are too high or too low. None of the cities contacted reported major parking issues, and the comparison seems to show that parking ratios lower than Metro's minimums are working in suburban areas.

However, parking codes do not address parking demands for the affected uses. To address this issue, the applicant provided data from the ITE manual (Exhibit E). ITE data is based upon national averages. This data supports the proposed retail ratio, but does not support the proposed bank ratio, and indicates that the proposed restaurant ratios are too low. Again, these numbers are national averages and may not reflect specific demands for these uses in Tigard. Therefore, staff is recommending that no amendments be approved prior to parking count data from the Tigard area being provided by the applicant that shows the minimum ratios are adequate to meet Tigard development parking demands.

Based upon ITE information, professional opinion, ratios from other jurisdictions, loss of economic opportunities, and TSP goals, staff agrees that the Tigard minimum parking ratios may be too high. However, the applicant has failed to provide documentation that the proposed numbers are adequate to meet parking demands in Tigard. Likewise, little information has been provided to support lowering parking percentages in multi-tenant developments. The City of Beaverton has a shopping center use category with a minimum parking ratio of 3.0/1,000 gfa. This lower standard for a shopping center is supported by the ITE manual information regarding shopping centers (Table 2 of Exhibit E), but it is unclear if these lower percentages meet parking demands.

If the City were undertaking the Development Code amendment, then several issues and solutions would be

considered as part of a transportation and parking management plan as recommended in the TSP. However, the proposed parking reductions could be a bridge to a future review and amendment of the code and would support economic growth in the meantime.

Information provided by the applicant does not support all of the proposed reductions. Staff has amended the proposed code amendments as shown in Attachment 1. These lower ratios are less likely to create negative impacts on adjacent streets and property owners. Staff is recommending approval of the proposed retail ratio reduction, denial of the proposed bank ratio reduction, and a slightly higher ratio for restaurants than what the applicant proposed. The staff recommendation is contingent on the applicant providing parking demand data to support these amendments.

SECTION V. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE

Tigard Development Code Section 18.380.020, Legislative Amendments to this Title and Map, states that legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

The proposed will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

Section 18.390.060.G establishes standard decision-making procedures for reviewing Type IV applications. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors: 1) The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; 2) Any federal or state statutes or regulations found applicable; 3) Any applicable METRO regulations; 4) Any applicable comprehensive plan policies; and 5) Any applicable provisions of the City's implementing ordinances.

Findings and conclusions are provided below for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based.

- **The Statewide Planning Goals and Guidelines adopted under ORS Chapter 197**

Statewide Planning Goal 1 – Citizen Involvement:
This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Statewide Planning Goal 2 – Land Use Planning:
This goal outlines the land use planning process and policy framework.

Statewide Planning Goal 4 – Environmental Quality:
This goal seeks to maintain and improve the quality of the air, water and land resources of the state.

Statewide Planning Goal 9 – Economic Development:
This goal seeks to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Statewide Planning Goal 12 – Transportation:
This goal outlines how to provide and encourage a safe, convenient and economic transportation system.

FINDING: The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The proposed text amendment's consistency with the Comprehensive Plan's Citizen Involvement, Land Use Planning, Environmental Quality, Economic Development, and Transportation goals and policies are discussed in this report, below.

CONCLUSION: Based on the findings below regarding Comprehensive Plan goals 2, 9 & 12, staff finds that the proposed code amendments are not consistent with applicable Statewide Planning Goals. However, both local and statewide goals can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

- **Any applicable Metro regulations;**

FINDING: The Tigard TSP is consistent with the policies of Metro's 2035 Regional Transportation Plan (RTP) and the Tigard Comprehensive Plan goals and policies were developed based on TSP goals. The proposed amendments are not consistent with the Tigard Comprehensive Plan as outlined below; therefore the amendments are not consistent with Metro's 2035 RTP. If documentation supporting the amendments is provided by the applicant, then the Comprehensive Plan goals and Metro's 2035 RTP regulations can be met.

The minimum parking ratios developed by Metro are upper limits. The proposed lower ratios are less than the upper limits developed by Metro. There are no other Metro regulations regarding local parking requirements.

CONCLUSION: Based on the findings above, staff finds that the proposed code amendments are not consistent with applicable Metro regulations. However, Metro's 2035 RTP regulations can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

- **Applicable Comprehensive Plan Policies**

Comprehensive Plan Goal 1: Citizen Involvement

Goal 1.1 Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

FINDING: This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390. On March 6, 2013 the city mailed a Measure 56 notice of the Planning Commission hearing to all affected property owners in accordance with Oregon Revised Statutes (ORS) 227.186. In addition, public hearing notices were mailed on March 18, 2013 to interested citizens and all property owners within a 500 foot radius of all commercial zones. A notice was published in The Oregonian newspaper on March 13, 2013, at least 10 days prior to the hearing. Two public hearings will be held (one before the Planning Commission and the second before the City Council) where opportunity for public input is provided.

CONCLUSION: Based on the above findings, Goal 1.1 is met.

Comprehensive Plan Goal 2: Land Use Planning

Goal 2.1: Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.

Policy 2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

FINDING: The Tigard Community Development Code implements the Comprehensive Plan. The proposed code amendment is not completely consistent with the applicable provisions of Tigard's Comprehensive Plan as shown in the findings under Goals 9 & 12 below.

However if documentation meeting goals 9 & 12 are provided by the applicant, then the code amendment will be consistent with the Comprehensive Plan.

Policy 20: The City shall periodically review and, if necessary, update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.

FINDING: The proposed amendment to the City's development code is precipitated by the applicant's inability to fully tenant existing developments due to minimum parking requirements. The proposed amendment is requested to increase economic development opportunities for Tigard businesses/property owners and allow efficient use of land for future developments. The applicant states that the proposed change to the Tigard Community Development Code is responsive to a current community need.

CONCLUSION: Based on the above findings, Goal 2.1 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

Comprehensive Plan Goal 6: Environmental Quality

Goal 6.1: Reduce air pollution and improve air quality in the community and region.

Policy 3: The City shall promote land use patterns which reduce dependency on the automobile, are compatible with existing neighborhoods and increase opportunities for walking, biking, and/or public transit.

Goal 6.2: Ensure land use activities protect and enhance the community's water quality.

Policy 7: The City shall investigate and use, to the extent practical, measures that limit the community's effective impervious area.

FINDING: The applicant states that the proposed reductions in parking represent a more efficient use of land resources. Reducing the amount of area dedicated for parking provides more land for landscaping, storm water processing, and denser development. If more landscaping or on-site stormwater facilities are provided, this promotes the City's goals of decreasing impervious area and enhancing water quality. If denser development is constructed, then more people may walk or bike to these developments, reducing the number of vehicle trips and improving air quality. The proposed parking reductions support the goals and policies for improving air and water quality, reducing dependency on automobiles, and limiting effective impervious surface area. This goal is met.

CONCLUSION: Based on the above findings, Goals 6.1 and 6.2 are met.

Comprehensive Plan Goal 9: Economic Development

Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.

Policy 3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.

FINDING: Current regulatory practices in the form of the City's minimum parking requirements may be hindering economic development in the city. The applicant has provided information that indicates lower parking ratios will remove these barriers and promote economic development opportunities. However, the information provided is either anecdotal or is generalized across the entire country. The applicant has not provided documentation that shows these proposed minimum parking ratios meet Tigard's local parking demands.

CONCLUSION: The proposed changes are likely to encourage the growth of existing businesses; however, no evidence has been submitted that shows the proposed minimum parking ratios will meet parking demands for the affected uses within the City of Tigard. Based on the above findings, Goal 9.1 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

Comprehensive Plan Goal 12: Transportation

Goal 12.1: Develop mutually supportive land use and transportation plans to enhance the livability of the community.

Policy 6: The City shall support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system.

FINDING: Reduced parking supports a land use pattern that encourages less travel by automobile, which in turn reduces greenhouse gas emissions. This policy is met.

Policy 9: The City shall coordinate with private and public developers to provide access via a safe, efficient, and balanced transportation system.

FINDING: The City is working with the applicant (a private developer) to make adjustments to the code required parking minimums that best balance parking demand and for certain uses with site design and circulation to minimize off-site impacts. The City Engineer and Senior Transportation Planner both expressed concern that the proposed reductions in parking minimums may impact traffic by causing back-ups onto adjacent street systems as customers search for parking. No information was provided to address this concern. However, the applicant is preparing traffic counts for sites in and near Tigard that may address this concern. This policy is not met with the information so far received.

CONCLUSION: Based on the above findings, Goal 12.1 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

Goal 12.2: Develop and maintain a transportation system for the efficient movement of people and goods.

Policy 9: The City shall require the provision of appropriate parking in balance with other transportation modes.

FINDING: The applicant proposes to lower the minimum parking ratio requirements for certain uses and lower the minimum percentages required for primary, secondary, etc. uses in mixed use or multi-tenant developments. Current Tigard minimum parking ratios were adopted in 1998 and are based upon upper limit minimum ratios found in Metro's 2035 Regional Transportation Plan. Metro established minimum and maximum parking ratios for a number of reasons, including promoting non-auto trips.

In 2010, the City adopted the 2035 Transportation System Plan (TSP) that guides future transportation projects and strategies to meet expected growth. The TSP states that it is appropriate to reduce the parking minimums in some areas of the City as part of an overall transportation demand management strategy. One purpose of the demand management strategy is to balance appropriate parking with other transportation modes

such as, improved transit and bike/pedestrian services as well as connectivity, carpool services, and shared or public parking. A comprehensive review of the code and policies is ideal, but that does not meet the immediate needs of the applicant and other business and property owners in Tigard. Therefore the applicant has proposed this code amendment.

The key question is: what is the appropriate level of parking? The applicant has so far provided anecdotal information on what other neighboring jurisdictions require and ITE data that is generalized across the entire country. What's needed to determine the appropriate balance is parking count information for sites in and near Tigard. The applicant indicates that this information if forthcoming but a final determination cannot be made on this criterion until that information is received and analyzed.

CONCLUSION: Based on the above findings, Goal 12.2 is not met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

- **Any applicable provision of the City's implementing ordinances.**

FINDING: The only applicable provision of the City's implementing ordinances is TCDC 18.390.060.G, which is addressed here. All of the factors listed in this code section have not been fully satisfied because the applicant's proposal does not satisfy all applicable Comprehensive Plans goals. However, supplemental information regarding Tigard parking demands may show that a modification to the parking minimums is supported.

CONCLUSION: Based on the above findings, the City's applicable implementing ordinances have not been met but can be met if the applicant provides parking counts that show the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods or commercial developments.

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SECTION VI. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

City of Tigard:

City Engineer, Mike Stone, reviewed the proposal and cautioned that reductions in parking may lead to complaints from adjacent residential neighborhoods and vehicles backing-up onto City streets while drivers search for a parking space.

Senior Transportation Planner, Judith Gray, reviewed the proposal and states that Tigard should not just follow the actions of other jurisdictions. Parking demand studies and parking counts should be provided to demonstrate and support the proposed amendments. Other approaches could be to develop variance/adjustment procedures that address site specific situations.

Redevelopment Project Manager, Sean Farrelly, reviewed the proposal and supports the proposal because it will be positive for economic development and brings us more in line with neighboring cities.

Other Agencies:

DLCD was notified of the proposed code text amendment but provided no comment.

Cheryl A. Caines

PREPARED BY: Cheryl Caines
Associate Planner

March 25, 2013
DATE

Tom McGuire

APPROVED BY: Tom McGuire
Assistant Community Development Director

March 25, 2013
DATE

Proposed code with staff amendments in red:

DCA2013-00001
OFF-STREET PARKING MODIFICATIONS
DEVELOPMENT CODE AMENDMENT

Explanation of Formatting
These text amendments employ the following formatting:
~~Strikethrough~~ - Text to be deleted or not added
[***Bold, Underline and Italic***] – Text to be added (proposed by applicant)
[***Bold, Underline and Italic, Red***] – Text to be added (recommended by staff)

18.765.030 General Provisions
D. Parking in mixed-use ***and multiple tenant*** projects. In mixed-use ***and multiple tenant*** projects, the required minimum vehicle parking shall be determined using the following formula:

1. Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060;
2. Secondary use, i.e., that with the second largest percentage of total floor area within the development, at ***85*** ~~90%~~ of the vehicle parking required for that use in Section 18.765.060;
3. ***Tertiary*** ~~Subsequent~~ use ~~or uses~~, at ***70*** ~~80%~~ of the vehicle parking required for that use(s) in Section 18.765.060;
4. ~~***Subsequent use or***~~ ***All other uses, at 60% of the vehicle parking required for that use(s) in Section 18.765.060;***
5. ~~4~~. The maximum parking allowance shall be 150% of the total minimum parking as calculated in Subsection D.1—3 above.

Table 18.765.2 (Minimum & Maximum Required Off-street Vehicle & Bicycle Parking Requirements)

Use	Minimums		
	Current	Proposed	Amended by Staff
Eating and Drinking Establishments[8]	Fast Food: 9.9/1,000 Other: 15.3/1,000	***6.0/1,000*** ***8.0/1,000***	***8.0/1,000*** ***10.0/1,000***
Sales-Oriented Retail	3.7/1,000	***3.0/1,000***	--
Personal Services (Bank with drive-through)	4.3/1,000	***2.7/1,000***	4.3/1,000 (no change)
[8] Fast food designation includes all eating and drinking establishments with a "walk up counter" and/or less than 10 tables. Examples include Subway, Starbucks, Chipotle, etc.			