

## MEMORANDUM

Date: September 10, 2013  
To: Eugene Planning Commission  
Re: Draft R-1 Code amendments

Dear Planning Commissioners:

Protecting neighborhood livability in low-density, single-family residential areas is an almost universal priority for residents of these neighborhoods; and, consequently, many of these residents have a substantial stake in the R-1 Low Density Residential Zone's lot and development standards. As neighborhood leaders, we generally support amendments to the R-1 standards that will protect and enhance neighborhood livability.

The "Draft R-1 Code Amendments" presented by Planning Division staff contain a number of helpful measures, including the draft interim protection measures, which we support. As we explain below, however, we believe several items require modification or further analysis before being adopted.

### **Supporting principles and policies**

The recommendations presented in this letter are consistent with core community values and policies, including the following *Metro Plan* policies and Eugene Growth Management Policies:

#### ***Metro Plan Policy A.25***

*Conserve the metropolitan area's supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas.*

#### **Growth Management Policy 6:**

*Increase the density of new housing development while maintaining the character and livability of individual neighborhoods.*

#### **Growth Management Policy 9:**

*Mitigate the impacts of new and/or higher density housing, in-fill, and redevelopment on neighborhoods through design standards, open space and housing maintenance programs, and continuing historic preservation and neighborhood planning programs.*

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In addition, our recommendations are based on a central “pillar” of **Envision Eugene** to “Protect, Repair & Enhance Neighborhood Livability.” The second strategy under the “Neighborhood Livability” pillar commits the City “to implement the goals of the Infill Compatibility Standards project to prevent negative impacts and promote positive impacts of residential infill by integrating compatibility and urban design principles in future planning efforts.” Our recommendations would ensure this commitment is faithfully and effectively carried out in the next round of residential code amendments.

Envision Eugene also commits the City to a planning process for the neighborhood areas surrounding the University, including creation of specific residential design standards to address impacts from proximity to the University. The interim protection measures are essential to protect these areas until this planning process is completed.

### Summary of recommendations

Consequently, we believe it’s important for the City to take the following actions with respect to the draft R-1 code amendments:

1. Expedite adoption of the “interim protection measures” for identified neighborhoods. Include additional R-1 area(s) that are, or will be, impacted by student rental housing demand.
2. Implement the proposed secondary dwelling unit (SDU) and accessory building standards, but *only* after the standards are revised to conform to the comprehensive plan’s applicable density limit and to provide adequate protection for adjacent residents’ livability. (See below.)
3. Apply the SDU development standards (as revised) to development on *existing* alley access lots within the area of the “interim protection measures.”
4. Provide for adjustment review *only* in exceptional cases; limit the magnitude of all adjustments and replace the draft code’s vague and inadequate approval criteria with clear criteria that will protect neighborhood livability.
5. Defer formal consideration of the proposed amendments to allow new alley access lots until the lot and development standards can be more carefully considered and revised to provide adequate protection for adjacent residents’ livability.

The following sections expand on our most critical concerns and recommended revisions to the proposed code.

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### **1. Interim protection measures**

It has been almost six years since the Infill Compatibility Standards Task Team was formed, and it has been over two years since the Envision Eugene Community Resource Group overwhelmingly supported the “Neighborhood Livability” pillar’s tenets. Yet, incompatible infill has continued to negatively impact established R-1 neighborhoods.

We strongly support expediting the interim protection measures to prevent further degradation and destabilization that continues to occur in R-1 areas, especially those R-1 areas that are subject to high demand for student rental housing.

The interim protection measures should cover the R-1 areas identified in staff’s draft and those other areas that are similarly subject to the negative impacts caused by high demand for student rental housing.

The interim protection standards should also include development standards for *existing* alley access lots, as discussed below.

### **2. Secondary Dwelling Unit and accessory building standards**

The current draft standards provide some improvement over the current code, but would still allow development that has significant negative impacts on residents of adjacent properties.

The minimum lot size to allow an SDU should be at least 6,300 square feet to fall within the R-1 maximum density of 14 dwelling units per net acre (du/na). (The Metro Plan Low Density Residential designation, which the R-1 Zone implements, requires the lot be at least 6,100 square feet.)

Since many *detached* SDUs and accessory buildings are, or would be, adjacent to a neighboring back yard, the draft setback standards should be revised to prevent excessively high walls and massing too close to the adjacent yard. This should be accomplished by lowering the “inflection point” (where the sloped setback begins) to eight feet. With a lowered inflection point, the setback slope can be increased to 10:12 and a 24’ maximum height allowed.

The revised setback standard would still allow an adequate buildable envelope for appropriately-scaled, detached structures. A garage wall of 8’ could be right on the five-foot setback line, and an ample one-story face wall of 10’ would only have to be 7’ 5” from the adjacent yard.

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With an appropriate setback standard, the maximum height for detached secondary dwellings could be 24 feet on all lots, because the envelope would allow parts of a structure higher than a typical, moderate-sized, one-story structures (e.g., 20' or more) only in areas at least 19½ feet from adjacent properties.

An appropriate setback standard would also allow the setback and height standards to be simplified because there would be no reason to differentiate these standards based on lot size.

### **3. Development standards for existing alley access lots**

By their nature and context, many structures on alley access lots are, or would be, adjacent to the rear yards of neighboring properties. For this reason, the same standards that apply to detached SDUs and accessory buildings should apply to dwellings and other buildings on alley access lots.

The immediate application of SDU development standards to *existing* alley access lots is most critical in the areas to be covered by the interim protection measures.

Because significant additional work needs to be done on the lot and development standards before allowing new alley access lots to be created (as explained below), a future set of code amendments can provide a *uniform* set of development standards for dwellings that are on an alley, regardless of whether the dwelling is an SDU on a lot that also has street access or is a dwelling on a lot with only alley access.

### **4. Adjustment review standards**

As proposed, the draft code adjustment review standards would create extreme opportunities to circumvent the R-1 development standards. Adjustment review is a *discretionary* approval process intended to allow only those adjustments that will *unequivocally* "meet or exceed the specific development standards."

Provisions in the draft code would allow virtually unlimited increases in building height and square footage and reductions in setbacks that are based on such vague criteria as "compatible relationship", "significantly impact", "maintains the scale", "relates to the design", "visually dominate." These criteria are so loose that decisions on adjustments would be completely

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arbitrary and left solely in the hands of the Planning Director. Such poorly crafted standards would inevitably lead to an increase in appeals.

Every adjustment that is allowed should specify a clear-and-objective limit. For example, building height adjustments should be limited to three feet, which is a generous range for SDUs and accessory buildings.

Setbacks should not be adjustable at all. Instead, provisions should be made to allow intrusions into the setback, *based on securing an easement from potentially impacted property owners* (e.g., that are close to the location of the intrusion. This approach would appropriately protect other property owners and leave such decisions to private agreements among the stakeholders.

### **5. Defer introduction of new alley access lots**

Few, if any, alleys in Eugene's single-family, detached neighborhoods that were established before 1960 were designed for primary access to residences. Typical older alleys, with 14-foot right-of-ways, cannot handle significant traffic without conflicts and potential safety issues. Additionally, a significant increase in alley traffic would have a substantial negative impact on the rear-yard environment of residents whose property abuts the alley.

Transforming the nature and use of alleys in established single-family areas must be approached with caution, a clear understanding of the contexts and a thorough analysis of the potential impacts.

The draft code permitting new alley access lots and excessive massing of dwellings on those lots would inevitably lead to unacceptable negative impacts on adjacent property owners and cannot be fixed just by minor adjustments to the draft standards. There appears to be no clear concept for what alleys are to become, and there has been inadequate analysis and discussion of potential impacts with residents in neighborhood areas that would be impacted.

For these reasons, the code to allow alley access lots should be removed from the code that advances to City Council this Fall and given much more attention before its proposed for adoption.

(Note that, while some of the same potential problems exist with SDUs that take access from the alley, the owner-residency requirement for SDUs is likely to prevent a large number of such SDUs over the time period required to develop sound standards for new alley access lots and for *all* alley access development, including SDUs.)

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### **Conclusion**

As neighborhood leaders, we have a collective understanding of the “on-the-ground” impacts allowed under the current R-1 Zone’s standards, and our knowledge and experience enable us to anticipate many of the impacts that would result from changes to the code.

The recommendations we’ve provided would remedy a number of serious deficiencies in the draft code and would ensure that the code helps protect the livability of established single-family neighborhoods. With the changes we’ve proposed, we believe our neighborhood communities would strongly support the R-1 code amendments.

We are happy to work with commissioners and staff to clarify any of our concerns and recommendations.

Thank you for your consideration.

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The neighborhood leaders listed below are submitting this letter on their own behalf, not on behalf of their neighborhood associations. The organization names and titles are for identification purposes only and do not imply the organization has taken a position on the letter’s contents. Due to the timing of the draft R-1 code amendments being published, most neighborhood associations have not yet had an opportunity to meet and deliberate on the proposed amendments.

### **SIGNATORIES**

1. **Randy Prince**, Amazon Neighborhood Association, Chair
2. **Larry Robidoux**, Amazon Neighborhood Association, Board member
3. **Thelma Soderquist**, Amazon Neighborhood Association, Board member
4. **Bob Cassidy**, Amazon Neighborhood Association, Board member
5. **John Fischer**, Cal Young Neighborhood Association, Chair
6. **David Kolb**, Crest Drive Citizens Association, Chair
7. **David Sonnichsen**, Fairmount Neighbors, Co-chair
8. **Steven Asbury**, Fairmount Neighbors, Co-chair
9. **Camilla Bayliss**, Fairmount Neighbors, Secretary and former Co-chair
10. **Nancy Reckord**, Fairmount Neighbors, Board member

11. **Kay Porter**, Fairmount Neighbors, Board member
12. **Josh Reckord**, Fairmount Neighbors, Former Co-chair
13. **Carlis Nixon**, Far West Neighbors, Former Chair
14. **Carlos Barrera**, Friendly Area Neighbors, Co-chair
15. **Nancy Ellen Locke**, Friendly Area Neighbors, Board Member and former Co-chair
16. **Jeanne-Marie Moore**, Friendly Area Neighbors, Former Co-chair
17. **Jennifer Yeh**, Harlow Neighbors, Chair
18. **Marguerite Zolma**, Harlow Neighbors, Former Vice Chair
19. **Marian Spath**, Harlow Neighbors, Former Secretary/Treasurer
20. **Stephen Heider**, Jefferson Westside Neighbors, Chair
21. **Tom Happy**, Jefferson Westside Neighbors, Vice Chair
22. **Sue Cummings**, Jefferson Westside Neighbors, Board Member
23. **Paul Conte**, Jefferson Westside Neighbors, Former Chair
24. **Sandy Tilcock**, Laurel Hill Valley Citizens, Co-chair
25. **Betty Hosokawa**, Laurel Hill Valley Citizens, Co-chair
26. **Jan Wostmann**, Laurel Hill Valley Citizens, Board Member
27. **Marilyn Mohr**, River Road Community Organization, Former Board Member
28. **Jerry Finigan**, Santa Clara Community Organization, Chair
29. **Carolyn Jacobs**, South University Neighborhood Association, Chair
30. **Bill Aspegren**, South University Neighborhood Association, Vice Chair
31. **Mimi McGrath Kato**, South University Neighborhood Association, Board Member and former Secretary
32. **Pamela Miller**, South University Neighborhood Association, Board Member
33. **Mike Westervelt**, South University Neighborhood Association, Board Member
34. **Marsha Shankman**, South University Neighborhood Association, Board Member
35. **Joyce Couper**, South University Neighborhood Association, Former Secretary/Treasurer
36. **Al Couper**, South University Neighborhood Association, Former SUNA Newsletter editor
37. **Heather Sielicki**, Southeast Neighbors, President
38. **Lisa Warnes**, Southeast Neighbors, Board Member
39. **David Saul**, Southeast Neighbors, Board Member
40. **Cliff Gray**, Trainsong Neighbors, Board Member
41. **Deborah Healey**, West University Neighbors, Board Member
42. **Brad Foster**, Whiteaker Community Council, Chair
43. **Dennis Ramsey**, Whiteaker Community Council, Treasurer
44. **Duncan Rhodes**, Whiteaker Community Council, Secretary
45. **Susan Thomas**, Whiteaker Community Council, Former Treasurer