

Diminished Neighborhood Livability – A Critique of the Draft R-1 Code Amendments

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Introduction

This document provides a detailed review and critique of the “Draft Single Family Code Amendments – Proposed Code Language”, which is the subject of a Planning Commission public hearing on September 10, 2013.

The amendments address mainly R-1 Low Density Residential Zone standards, including standards for Secondary Dwelling Units (SDUs), accessory buildings and “alley access” lots. The amendments also include “interim protection measures” for some of the R-1 zoned areas that are impacted by the demand for student rental housing.

According to Planning Division staff:

“Consistent with Envision Eugene, the goals of these amendments are to:

- *Implement the goals of the Infill Compatibility Standards (ICS) project to prevent negative impacts and promote positive impacts of residential infill by integrating compatibility and design standards.*
- *Address housing affordability by expanding housing choice and variety by facilitating smaller housing types.*
- *Serve as land use efficiency strategies to help accommodate a portion of the city's 20 year need for single-family housing inside the current urban growth boundary (UGB).” (“FAQ” posted on the City’s website.)*

Despite the stated intent, many of the proposed amendments will *exacerbate* problems with incompatible infill development in established single-family neighborhoods. It’s also worth noting that, according to staff estimates, these amendments are projected to produce an inconsequential 150 or fewer additional single-family dwellings over the twenty-year planning horizon.

Summary of potential negative impacts

The SDU, accessory building and alley access lot standards, as proposed, would allow development that has one or more of the following significant negative impacts.

1. Excessive massing and inadequate setbacks allow development that would:
 - a. Create structures that “loom” over adjacent back yards, blocking views and creating a sense of crowding.
 - b. Intrude on the peace and privacy of adjacent properties.
2. Increases in lot coverage by structures and vehicle use areas would:

- a. Substantially reduce the potential for trees and other large-scale vegetation in the interior of residential blocks. This reduction creates both tangible (e.g., diminished cooling from shade and natural filtration of storm water) and aesthetic impacts on livability.
 - b. Potentially increase localized flooding and water quality problems from storm water runoff.
3. Increased alley traffic would:
- a. Substantially increase noise, dust and exhaust intrusions on properties abutting the alley.
 - b. Create traffic conflicts in substandard alleys.

The interim protection measures provide some necessary and effective limits on R-1 development; however, they don't apply to many areas that need the same or comparable protections.

Summary of code deficiencies

The fundamental failure in the draft code is that the standards don't appropriately reflect the established residential contexts in which they will apply and don't appropriately limit the *cumulative* effects that could arise.

The draft code appears to reflect standards that would be appropriate in a *new* "neo-traditional" (i.e., "grid-patterned" form with alleys designed for primary dwelling access) development that was *separate* from an established neighborhood.

The draft code does not appropriately address most of Eugene's older, grid-patterned, single-family neighborhoods (e.g., Fairmount, South University, Jefferson Westside, Whiteaker and others) where primary access is from the street, and alleys were designed for access to utilities and secondary access to lots. The draft code is completely disconnected from other forms of R-1 neighborhoods, such as the semi-rural neighborhoods of Santa Clara and Laurel Hill Valley, or more recent cul-de-sac developments in north and west Eugene.

The most serious code deficiencies include:

1. Minimum lot area standards that are too low and allow density to exceed the Metro Plan Low Density Residential maximum.
2. Inadequate setbacks allow excessive face walls and massing too close to adjacent properties
3. Standards that have a cumulative effect of allowing too much surface area in a block to be covered with non-arable surfaces (mainly structures and vehicle use areas).
4. Allowing too many dwellings to take access from alleys with substandard right-of-way, drainage and surface improvements.
5. The development standards for alley access lots are not also applicable to SDUs that take primary vehicle access from the alley. The standards lack a general concept

regarding what type of alley development is intended (e.g., “alley as lane” versus “alley access to rear of dwellings.”)

6. Failure to have different massing and setback standards for the front and rear portions of rectangular lots in areas that have a “front-to-rear living” pattern.
7. Poorly defined and inadequately constrained provisions for “adjustments.”
8. The interim protection measures apply to too limited an area.

Insufficient maps, context information and data

Among the reasons the draft code has so many serious deficiencies is the lack of relevant maps, context descriptions and data upon which to determine and assess potential standards. This lack also makes it almost impossible for ordinary neighborhood residents to fully appreciate the appropriateness of the draft code and its potential impacts.

Before moving forward with revised zoning standards, the City should provide the public with at least the following information in an easily accessed and understandable form:

- Maps that show tax lots that are zoned R-1 and/or designated Low Density Residential. Versions of this map should show:
 - Areas covered by CC&R’s, which may be more restrictive than the proposed standards (e.g., requiring larger minimum lot size)
 - Areas with alleys. This should shade (or otherwise denote) the different alley characteristics, including right-of-way width, improvements, and whether or not the historical use was/is for primary dwelling access.
 - Shading of areas to indicate different ranges of slope.
 - “Heat maps” indicating maximum potential increase in density (per block or other defined area).
- Context descriptions for the different areas, including relevant factors such as:
 - Presence and characteristics of alleys.
 - Street, alley, and lot form.
 - Historical presence and current inventory of SDUs (legal and illegal), alley access lots and alley-accessed development (both SDU and on alley access lots).
- Data, including:
 - Maximum potential additional units under current and proposed standards.
 - Current, max and projected densities (per block or other defined area).
- Visual aids, including:
 - Sketchup representations of development depicting maximal impact in surrounding properties *in different contexts* (i.e., not just on grid-patterned lots).

These should show both an example lot and the adjacent lots and an entire block (or other defined area) that shows potential *cumulative* impacts.

- Photographs and videos of existing development that clearly depict the allowable building height, massing and setbacks, particularly as seen from an adjacent yard.

Specific code problems, listed by Eugene Code section

Note: The following comments generally address problems that relate to Eugene's close-in, grid-patterned single-family neighborhood areas, such as those found in Fairmount, South University, Jefferson Westside, Whiteaker, Friendly and (to a degree) Amazon neighborhoods.

These areas have what's often called a "front-to-rear living" pattern. The main dwelling is close and oriented to the street, and primary vehicle access is from the street. Those rectangular lots that have a rear yard generally have "semi-private" outdoor space in the backyard. Adjacent properties "borrow" trees and large-scale vegetation from each other, producing a more "verdant" environment than in forms of development which lack the cumulative open, arable surface to support large trees and vegetation in the interior of a block.

Activity in the "semi-private" backyards doesn't typically involve frequent vehicle use or as much day-to-day activity as occurs from residents' coming to-and-from the primary entrance on the street. The viewscape is more constrained than in suburban or rural forms; but typically, there's a 180-degree, rearward view to trees and open sky, while dwelling structures limit views to the front. The height and massing of structures on adjacent properties is traditionally such that viewscales and a sense of "openness" (rather than "crowding") are maintained in rear yards.

The R-1 Zone density is limited to 14 dwelling units per net acre (du/na) and the corresponding Metro Plan Low Density Residential designation is limited to 14.28 du/na. In many areas, the blocks were platted with approximately 15 to 25 lots per block, and streets were designed for a corresponding level of traffic and to allow on-street parking. Alleys were not designed for through traffic. (Cut-through traffic on alleys has been a documented problem in some neighborhood areas).

Some alleys run east-west, and some run north-south. On north-south alleys, higher structures in the rear of a lot would significantly decrease the hours that sunlight falls on the backyard to the north.

9.0500 Definitions

Accessory Building.

Should make sure the added sentence is a clarification of, not a replace for the first sentence.

△ Revise code:

In addition, for ~~For~~ the purposes of EC 9.2700 through 9.2779, in the R-1 zone,

Alley Access Lot/Parcel.

Why require “created from ... existing lot”? What about original or new plats?

△ Revise code:

~~A lot, or parcel or lot of record abutting an alley and not abutting a street and created from the rear portion of an existing lot or parcel. For purposes of EC 9.3050 through 9.3065, an alley access lot or parcel is one that abuts an alley but does not abut a street.~~

Dwelling, Secondary

“... that is clearly subordinate to the primary one-family dwelling...” is unclear.

Need to state the actual criterion; “subordinate” isn’t defined and “clearly” is completely subjective. What about a “primary” and “secondary” dwelling on an R-2 lot?

Isn’t the functional definition simply: “One of two dwellings on an R-1 lot that is designated as the “secondary” dwelling”?

The definitions aren’t the appropriate place to specify development requirements (i.e., ownership).

This entry is not in the proper alphabetical position.

△ Move definition to follow Dwelling, Rowhouse, and revise code to state:

One of two dwellings on an R-1 lot that is designated as the “Secondary dwelling”.

Dwelling, Primary

This term is used many times and is not defined.

△ Add code to define:

Dwelling, Primary. A dwelling that is not a Secondary Dwelling.

Dwelling, Row House.

A dwelling that shares 1 or more walls with 1 or more dwellings and which is located on a row house lot.

“Rowhouse” (one word) is used everywhere in the code except in this definition.

Neither “Rowhouse lot” nor “Row house lot” is defined anywhere in the code.

△ Revise code to change “Row House” to “Rowhouse” and change “row house” to “rowhouse”.

Define “Rowhouse Lot” as:

Rowhouse Lot. A lot with street frontage and alley access for off-street parking and designated on a plat as a “Rowhouse Lot.”

Duplex Lot.

Duplex Division Lot.

Triplex Lot.

Fourplex Lot.

These terms are used many times and are not defined.

△ Add code to define:

Duplex Lot. A lot that is designated in a final subdivision plat as developable as a duplex.

Duplex Division Lot. A lot that is one of a pair of lots created by dividing a single lot with a duplex on it into two lots with one of the duplex’s dwellings on each new lot.

Triplex Lot. A lot that is designated in a final subdivision plat as developable as a triplex.

Fourplex Lot. A lot that is designated in a final subdivision plat as developable as a fourplex.

Plumbing fixture

This term is not defined, but is used in the new code for accessory buildings.

△ Add code to define:

Plumbing fixture. A sink, wash basin, toilet, bidet, bathtub, shower or any fixture in the interior of a structure used to deliver and remove water and water-borne material from. Fire-suppression sprinklers, sump pumps, stormwater drains, hose bibs and irrigation systems are not considered plumbing fixtures.

9.1245 Legal Pre-Existing Structures

Why are these exempt from “Legal non-conforming” limitations? Non-conforming lots and structures should not be allowed to increase the non-conformity. Uses should be managed as provided in 9.1220.

The enumerated items for the “area-specific” entry redundantly include “secondary dwelling” and “accessory building.” This list includes “alley access lot,” but not “alley

access lot dwelling.” Section 9.1245 covers “structures,” but not “lots”, so “Flag Lot” and “Alley Access Lot” don’t belong here.

See also the section below on “Interim Protection Measures.”

△ Eliminate redundancies and non-structure references.

△ Revise code to ensure all non -conforming lots and structures are not allowed to increase the non-conformity.

9.2735 Residential Zone Siting Requirements.

Zone changes from R-1 to R-1.5 should be prohibited City-wide until the rowhouse standards are straightened out.

See also the section below on “Interim Protection Measures.”

△ Prohibit zone changes from R-1 to R-1.5 until the rowhouse standards are straightened out in the next round of residential code amendments.

9.2741 Special Use Limitations for Table 9.2740

(2) Secondary Dwellings.

See note and recommendation under definition of “**Dwelling, Secondary.**”

See also the section below on “Interim Protection Measures.”

(3) Rowhouses.

The interrelationships of the standards applicable to “row house” zoning, lot standards and development standards are difficult (if not impossible) to piece together. Note in particular that “row house lot” is never defined. In any case, row house lots in any LDR area (no matter what zoning) cannot exceed 14.28 du/na. EC 9.2761(3) may be adequate for R-1, but doesn’t seem to cover R-1.5. It’s hard to see what the purpose is of R-1.5, and experience indicates zone changes from R-1 to R-1.5 need to be better controlled in all R-1 zoned areas.

See also the section below on “Interim Protection Measures.”

△ Prohibit zone changes from R-1 to R-1.5 until the rowhouse standards are straightened out in the next round of residential code amendments.

(4) Duplex. ; (5) Triplex. ; Four-plex

The text for all these appears to say that the three forms are prohibited in all zones in the three neighborhoods. Needs to be rewritten in proper grammar form.

See also the section below on “Interim Protection Measures.”

△ Revise code for all three sections, as in the following:

... except that new duplexes are prohibited within the R-1 areas of the City-recognized boundaries of....

9.2750 Residential Zone Development Standards.

“In cases of conflicts, standards specifically applicable in the residential zone shall apply.”

The existing code (for all residential zones) is poorly written because it hides potential loopholes that arise from unintended functional “conflicts” between the “R” zone's code and other standards.

There are “interim protection measures” in various places other than sections under “area-specific standards.” This term could be interpreted both more or less broadly than intended.

△ Revise code:
... In cases of conflicts **for a specific standard, the most stringent applicable,** standards ~~specifically applicable in the residential zone~~ shall apply. *In cases of conflicts within this section ~~between the general standards and the area-specific standards,~~ the most stringent applicable ~~area-specific standards~~ shall apply.*

Table 9.2750 Residential Zone Development Standards

Density

There should be Min and Maximum Density specified for R-1.5, or a special development standard that limits the R-1.5 density to the comprehensive plan designation range. The current approach allows development that is not consistent with the comprehensive plan.

△ Revise code. In Table 9.2750, under R-1.5 Density, add reference to new section under EC 9.2751. Add new section under EC 9.2751:
(1)(f) The density on an R-1.5 development site must be within a range determined by the comprehensive plan designation, based on the following table:
Designation Density Range
LDR Same as R-1
MDR Same as R-2
HDR Same as R-3 minimum and R-4 maximum
Other R-1.5 zone not permitted.

Maximum Building Height

Main Building. – Poorly written. s/b “Main building on lot that is not Alley Access Lot.” “Main building” is ill-defined in any case.

△ Revise code to state:

~~Main Building that contains at least one dwelling that is not a~~ Includes Secondary Dwellings ~~Within the Main Building, but does not include main building and that is not on an Alley Access Lot.~~

Main Building on Alley Access Lot. – Missing standards for alley access lots in zones other than R-1. Or indicate alley access lots aren't allowed in R-1.5, 2, 3 and 4. (Note they are allowed in S-JW and S-DW zones.)

△ Revise code to state:

~~Main Building that contains at least one dwelling on Alley Access Lot.~~

△ Add following entries for this row:

R-1.5 – (not permitted)

R-2 – See EC 9.2779(4)

R-3 – See EC 9.2779(4)

R-4 – See EC 9.2779(4)

△ Revise code for EC 9.2779(4), as described below.

Secondary Dwelling Detached from Main Dwelling – Poorly written. There's a "Primary Dwelling" or a "Main Building," but not a "Main Dwelling."

△ Revise code to state:

~~Detached Secondary Dwelling Detached from Main Dwelling.~~

9.2751 Special Development Standards for Table 9.2750.

(3) Building Height.

(d) An additional 7 feet of building height is allowed

The 7' additional was never intended to apply to anything but dwelling in all zones. This mistake should be corrected in these amendments.

△ Revise code to state:

An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper **on a building that contains a dwelling that is not a Secondary Dwelling and that is** in the R-1, R-2, R-3 and R-4 zones.

(14) Driveways and Parking Areas

(a) R-1 Zone.

These standards should apply to all areas with a "grid-patterned" lot form.

See also the section below on "Interim Protection Measures."

△ **RECOMMENDATION "TO BE DONE"**

(15) Accessory Buildings in R-1.

(a) General Standards.

Should ensure that legal, non-conforming structures may not be altered in a way that increases the nonconformance.

△ Ensure that code at EC 9.1230 Legal Nonconforming Structure applies.

1. Building Size.

b. For accessory buildings on development sites 43,560 square feet or greater in area, or on development sites with a non-residential use, there is no building size limitation.

This is unclear. If a non-residential use exists on an R-1 lot, and there is also a dwelling, does this exception apply?

Using “development site” is the wrong reference point since a subdivision or PUD that’s a single “development site” could then have unlimited building size on every lot.

This exception shouldn’t be allowed in R-1 anyway, since the building size could still impact *adjacent* residences.

△ Revise code to state:

1. Building Size.

a. For accessory buildings on ~~lots development sites~~ less than one acre (43,560 square feet) in area ~~with a dwelling~~, the maximum square footage of all detached accessory buildings shall be limited to the lesser calculation of the following:

- 75-percent of the structure containing the primary dwelling
- 1,000 square feet

For the purposes of calculating area, all floors of a multi-story structure shall be included.

b. For accessory buildings on ~~lots development sites~~ 43,560 square feet or greater in area, ~~or on development sites with a non-residential use~~, there is no building size limitation.

2. Building Height/ Setback.

a. (development sites less than an acre) ... at a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 22 feet.

(Using “development site” would be the wrong reference point since a subdivision or PUD that’s a single “development site” could then have unlimited building size on every lot.)

“slope at 6:12 pitch horizontally away from the property line” is ill-defined. The slope should be defined in a clear way, such as in the S-JW standard:

“... the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the lot line.”

From Figure 9.2751(15)(a)2.a, it appears the draft code is proposing the following:

“... the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally (approximately 27 degrees above horizontal) away from the lot line.”

A 12' inflection point is too high for accessory buildings in the rear yard. 22' is the height of a full-sized 1-1/2 story main residence, which is unnecessarily high in the rear yard. ***This is also a 10% increase over current R-1 max height of 20' for accessory buildings.***

A slope about 27 degrees above horizontal is lower than necessary. This standard doesn't provide appropriate protection of adjacent rear yards from buildings that are close to the property line, and yet it's overly restrictive on height beyond about 13 feet from the property line.

Also, the draft code conflates the sloped setback and building height. This is particularly problematic for dwellings, since the max building height depends on the roof slope. The envelope just continues until the rising planes intersect. (Whoever wrote this code didn't appear to understand the concept fully.)

IMPORTANT NOTE

In general, the draft code's approach to setbacks is irremediably flawed because it doesn't take into account the different areas of a lot and the impacts on adjacent lots. For typical grid-patterned, “front to rear” areas, the S-JW standards provide a well-thought-out and “field-tested” set of setback and height standards. Most importantly, the “envelope” within which structures are allowed is greater within the front 60 feet of a lot and lesser within areas to the rear (and on alley access lots). The S-JW standards are:

Front 60' – S-JW has a 12' inflection point, sloping 40 degrees from horizontal. Max height 30' (allows two stories and a sloped roof). (For comparison, at 10' from the property line, the max structure height is 16' 2".) Note that S-JW allows gables of a limited width to go right to the vertical plane at the 5' setback and provides carefully-designed standards for dormers and other reasonable intrusions.

In the rear of the front 60' and for alley access lots – S-JW has an 8' inflection point, sloping 40 degrees from horizontal. Max height 18' for dwellings; 15' for garages and other non-dwellings. (For comparison, at

10' from the property line of the adjacent back yard, the max height of an accessory building is 12' 2".)

Before residents or City officials sign off on the draft R-1 standards, they should look at how serious the negative impacts would be from structures that would be allowed close to adjacent rear yards.

b. (development sites at least an acre) ... 10' setback (no slope), max height 25'.

Since setbacks are to protect the livability of adjacent residents, there's no reasonable basis to have a different setback standard based on lot size. (Using "development site" would be the wrong reference point since a subdivision or PUD that's a single "development site" could then have unlimited building size on every lot.)

Since sloped standards move higher parts of the "envelope" further away from the adjacent property line, a small increase in max height wouldn't necessarily be a problem. But a 25' wall 10 feet from a back yard would create a significant negative impact.

See also comment under (15)(a)1.b re "non-residential use" exception, which should not be allowed in R-1.

△ Revise code to state:

2. Building Height/Setback.

a. ~~The For accessory buildings on development sites less than one acre with a dwelling~~, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 ~~12~~ feet above finished grade, the setback shall slope at ~~6:12 pitch~~ **the rate of 10 inches vertically for every 12 inches** horizontally away from the property line ~~to a maximum building height of 22 feet.~~ **(See Figure 9.2751(15)(a)2.a.)**

b. **The maximum height of any part of an accessory building, as measured by its vertical distance above grade, is 20 feet.**

~~b. For accessory buildings on development sites 43,560 square feet or greater in area or on development sites with a non-residential use, the interior yard setback shall be 10 feet and the building height shall be limited to 25 feet.~~

3. Use. "or otherwise used as an independent dwelling"

"Independent" dwelling is not defined. What is the criterion here?

What counts as one "plumbing fixture"? The term is not defined.

△ Add definition of "plumbing fixture."

△ Revise code to state:

No accessory building shall be rented, advertised, represented or ~~otherwise~~ used as ~~an independent~~ dwelling.

...

(1) *The accessory building may not be rented, advertised, represented, or otherwise used as an ~~independent~~ dwelling.*

4. Pre-existing Structures

This section may conflict with the exclusions at 9.1245. Need to avoid ambiguities.

△ RECOMMENDATION “TO BE DONE”

5. Adjustment Review.

Typo, s/b “... in the R-1 zone, ...”

△ Revise code to state:

For accessory buildings in the R-1 zone, ...

(16) Secondary Dwelling

(a) Attached Secondary Dwellings

1. Lot Area.

Allowing 2 dwellings on a 4,500 s.f. lot allows a density of 19.36 du/na which conflicts with R-1 maximum of 14 du/na and the Metro Plan LDR max of 14.28.

Minimum lot area per dwelling under R-1 is in 3,111.43 s.f., and in LDR is 3,050.42 s.f. per dwelling.

△ Revise code to state:

*To allow for a secondary dwelling, the lot shall be contain at least ~~4,500~~ **6,300** square feet, ...*

2. Building Size. “...measured at the exterior perimeter walls ... Total building square footage is defined as all square footage inside of the dwelling,

The measurement is described in a confusing way. Defining “total square footage” as “all square footage” is circular and doesn’t provide a definition of “square footage.” Rewrite to avoid confusion.

△ Revise code to state:

*The secondary dwelling shall not exceed 800 square feet of total building square footage, ~~measured at the exterior perimeter walls~~. Total building square footage is defined as all ~~square footage~~ **floor area** inside of the dwelling, including, ...*

3. Minimum Attachment. “The secondary dwelling and the primary dwelling must share a common wall or ceiling ...”

What is a "common ceiling" and why is it included? This could be interpreted to allow a covered breezeway. Is this supposed to mean an above/below relationship? Need to use appropriate dimensions (instead of "length"). Should be "fully enclosed" space to qualify as a connection.

△ Revise code to state:

To be considered attached, ~~the secondary dwelling and the primary dwelling must either: a) share a common wall or ceiling for a minimum length of that is at least 8 feet wide and 64 square feet, or share a ceiling and floor surface at least 8 feet by 8 feet.~~ The space immediately on both sides of the shared wall or ceiling must be enclosed and heated.

6. Ownership/Occupancy Requirements. "...a minimum of 6 months"

Should be 183 days to avoid an owner qualifying for two "primary residences" in the same year.

Should also limit "majority owner" to a single party.

This seems fraught with potential ways to circumvent. For example, a parent could buy the property, make the child (student) a majority owner and have legally binding provisions (e.g., covenant or sales contract) providing the parent an exclusive option to repurchase anytime at a fixed price.

Need to carefully consider workarounds via trusts, etc. for this requirement.

△ **RECOMMENDATION "TO BE DONE"**

(b) Detached Secondary Dwellings.

1. Lot Area.

Allowing 2 dwellings on a 6,000 s.f. lot allows a density of 14.52 du/na which conflicts with R-1 maximum of 14 du/na and the Metro Plan LDR max of 14.28.

Minimum lot area per dwelling under R-1 is in 3,111.43 s.f., and in LDR is 3,050.42 s.f. per dwelling.

△ Revise code to state:

To allow for a secondary dwelling, the lot shall be contain at least ~~6,000~~ 6,300 square feet, ...

2. Pedestrian Access.

There are several problems with this standard.

* Does the walkway have to connect to the street/alley or can it connect to a driveway/parking spot? For dwellings accessed from the alley, it would be uncommon to have a walkway from the door to the alley itself.

* The parenthetical “(concrete, asphalt or pavers)” is legally an exclusive list. The standard should be based on performance characteristics. Does it need to be suitable for wheelchairs or just a firm surface for walking (e.g., “Grasspave”). The standard should allow permeable surfaces.

On lots with feasible alley access, should a detached SDU be required to conform to “alley as lane” standards, i.e., vehicle and pedestrian access from the alley? This is a decision on how to treat alley development that should be determined by goals and policies in each neighborhood refinement plan, rather than “one size fits all.”

△ RECOMMENDATION “TO BE DONE”

3. Primary Entrance.

Why bother with a 3'x3' cover? All this does is tack on a crummy-looking appendage. If the idea is to require a clear and attractive entrance, then it should be at least 4' wide, but only needs to be 2' (or 2½') wide.

What would qualify as “covered” that wouldn’t also be “roofed”? Neither of these terms is defined. (See EC 9.3815(3)(c) “... A minimum of 60% of each porch shall be covered to provide weather protection.” This is a better approach.)

△ Revise code to state:

... shall be defined by a ~~covered or roofed~~ porch entrance a minimum of 5 feet wide and 3 feet deep with a cover that is at least 4 feet wide and 2 feet deep to provide weather protection ~~with a minimum roof depth and width of no less than 3 feet.~~

4. Outdoor Storage/Trash.

This appears to be based on “alley as lane” concept. In which case, dwellings on the alley should be the criterion, not whether it’s an SDU. The portions of rear lots on alleys have traditionally been used to offload (e.g., bark mulch) and temporarily pile yard debris until it’s carted off. This requirement seems somewhat over-reaching unless a more complete set of “alley as lane” standards are developed.

The S-JW standards handle this in a more functional way by defining “alley access” dwellings, regardless of whether they are an SDU or on an alley access lot.

△ RECOMMENDATION “TO BE DONE”

5. Building Height/Sloped Setback.

For “grid-patterned,” “front-to-rear living” neighborhoods, the S-JW standards have a more effective approach: Define a more generous sloped-

setback envelope for the first 60 feet, where the main structure would be, and a lesser envelope in the rear of lots, whether or not there's an alley.

This is a good example of why there need to be different R-1 standards for grid-patterned neighborhoods, “loop-and-lollipop” neighborhoods, exurban neighborhood and “green-field” development under PUDs.

- a. *For detached secondary dwellings located within 20 feet of a property line:*

(See also Figure 9.2751(16)(b)5.a.)

(1) *Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.*

(2) *Interior yard setbacks ... for roof slopes 5:12 or greater ... 18 feet.*

This is a poorly crafted standard. The relationships to front, alley, and interior (i.e., shared) property lines should be treated differently.

It's not clear that structures with a “flatter” roof should necessarily have a lower max height because the height will be a long ways from the property line. However, this difference may promote sloped roofs.

The 12' inflection point is too high for SDUs in the rear yard.

See previous comments about how the S-JW standards deal with this more effectively, at least for “grid-patterned” neighborhoods.

- b. *For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.*

24' height is essentially full-sized 1-1/2 to 2 story house.

If the setback used an inflection point of 8' and then a 1:1 sloped setback (45 degrees), the result would be a 23' max height at 20 feet from property line.

The approach in this draft standard forces even the lower end of a sloped roof to be 20' from the line, which is overly restrictive. However, unless the inflection point is more appropriate (8') in the rear yard, this standard shouldn't be relaxed.

See previous comments about how the S-JW standards deal with this more effectively, at least for “grid-patterned” neighborhoods.

△ Revise code to state:

5. *Building Height/Sloped Setback.*

a. *For detached secondary dwellings, ~~located within 20 feet of a property line:~~*

~~(1) Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes less than 5:12, at a point that is 12 8 feet above finished grade, the setback shall slope at the rate of 6 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 15 feet.~~

b. The maximum height of any part of a detached secondary dwelling, as measured by its vertical distance above grade, is 22 feet.

~~(2) Interior yard setbacks shall be at least 5 feet. In addition, for roof slopes 5:12 or greater, at a point that is 12 feet above finished grade, the setback shall slope at the rate of 6 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.~~

~~b. For detached secondary dwellings located 20 feet or more from all property lines, the maximum building height is 24 feet.~~

(c) Adjustment Review.

The sloped setback and max height should not allow adjustments.

“an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards.”

This would create a huge loophole for some existing structures. It also doesn't set a date on which the structure must have existed, potentially exacerbating the loophole to allow creating a “non-dwelling” structure and then getting an adjustment to convert it.

It should be pretty obvious that non-dwelling structures need to be brought up to current code standards before they can be converted to an SDU (or dwelling on an alley access lot).

△ Revise code to state:

*(c) Adjustment Review. The standards in EC 9.2751(15)(a)7. Regarding temporary leave and in EC 9.2751(15)(b)5, regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(35). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(35) if the existing building does not meet the above standards. For secondary dwellings, **this is** these are the only standards that may be adjusted.*

(17) Maximum Bedroom Count.

“no more than 3 bedrooms shall be allowed in a dwelling. This standard applies to new dwellings and to building additions, expansions and alterations of existing dwellings.”

What happens when an owner wants to “alter” a 4-bedroom dwelling without increasing the number of bedrooms?

See also the section below on “Interim Protection Measures.”

△ Revise code to state:

This standard applies to new dwellings and to building additions, expansions and alterations of existing dwellings. Dwellings with more than three legally-permitted bedrooms as of [date of ordinance adoption] may retain the number of bedrooms that existed as of [date of ordinance adoption], but may not increase the number of bedrooms.

Table 9.2760 Residential Zone Lot Standards

Lot Area Minimum

Rowhouse Lots

The standards for “rowhouse development,” and “rowhouse lots” and the R1.5 zone are inconsistent and ill-defined. “Rowhouse lot” is not defined anywhere.

R 1.5 limits max area to area “needed to accommodate” (a criterion that is not defined) 8 rowhouses, but EC 9.2761 requires in R-1 that these lots are in a subdivision with at least 10 lots and meeting density max.

This existing standard may conflict with the Metro Plan LDR max density of 14.28 du/na. The City cannot legally issue permits for this type of lot, if the lot is designated LDR. The minimum needs to be at least ~3,050 sf.

Questionable whether adding a requirement as for “small lots”, e.g. “Per Cluster Subdivision or PUD as in note (2)” would satisfy compliance with LDR.

△ Revise code in “Rowhouse lots” under R-1 and R-1.5 columns to state:

~~1,600 square feet~~ **Per Cluster Subdivision or PUD.**

9.2761

(3) Rowhouse Lots.

(a) In R-1 and R-1.5 Zones, rowhouse lots can be created only in a subdivision created after August 1, 2001 that contains ...

Alley Access Lot (Existing lot(s) shall be at least 9,000 s.f.) Under R-1 column “2,350 s.f.”

An existing lot must be at least 9,151.26 sf to allow an alley access lot (which must be at least 3,050.42 s.f.) and still leave a lot of 6,100.84 s.f. that can have a legal SDU.

The draft standard conflicts with the LDR designation, whether or not the original lot is the point of reference or the new alley access lot is considered.

The standard is unclear whether or not new Alley Access Lots are allowed in zones other than R-1. (They already exist in a variety of other zones, both residential and commercial.)

△ Delete the entire provision for “Alley Access Lot”.

9.2761 Special Standards for Table 9.2760.

(4) Flag Lots.

Flag lots are just plain a bad idea in R-1 and should be limited to new PUDs with adequate buffer from adjacent properties.

See also the section below on “Interim Protection Measures.”

△ Allow “Flag Lots” under the R-1 column only with PUD.

(10) Alley Access Only Lots/Parcels

I don’t believe “(10)” is referenced in Table 9.2760 and should be deleted. “Alley Access Only” lots are used only in S-JW standards (I believe).

Note that the term “alley access lot” is confusing because a lot that abuts both a street and an alley is (obviously) a lot that has alley access. However, staff didn’t want to clean up this confusion when we implemented the S-JW zone, so we’re probably stuck with the term for now.

9.2779 Alley Access Lot Standards

Standards should apply to all dwellings with primary access from the alley. See S-JW.

An essential decision is whether to try to create a “lane,” in which case, it’s essential to have standards for the same type of “street-orientation” required of main dwellings on lots with street access. Otherwise, alley development can be oriented “inward,” potentially to interior courtyards. These standards seem to have no clear sense of what the objectives are, other than to allow greater density.

△ Delete sections (1) and (2).

Revise section (3), as below.

Revise section (4) to apply SDU height, setback and intrusion standards, as below.

(2) Land Division Regulations.

△ Delete this entire section. Do not allow alley access lots until more work is done on the standards.

Should limit to R-1 lots.

(a) *Original Lot.*

See comment under **Table 9.2760.**

(c) *Lot Area*

See comment under **Table 9.2760.**

(d) *Lot Width.*

“Lot width” is ill-defined in current code. The definition produces unreasonable results for a wide variety of lot shapes other than rectangles.

See S-JW lot standards for “grid-patterned” neighborhoods. See current code Figure 9.3631 (1)(d)(e).

(e) Lot Depth.

“Lot depth” is ill-defined in current code. The definition produces unreasonable results for a wide variety of lot shapes other than rectangles.

See S-JW lot standards for “grid-patterned” neighborhoods. See current code Figure 9.3631 (1)(d)(e).

(g) Alley Improvement.

Need to be very clear on what “improvements” are required and not allow 50% of ownership to force other owners to pay to improve the entire alley.

Need to look at implications for forcing one-way alleys.

Shouldn't allow on dead-end alleys.

(3) Use Regulations.

(a) Alley access lots have the same land use regulations as the base zone ...

The section title is “Use Regulations,” but the text refers to the much broader “land use regulations.” This is ambiguous. See also (4)(b), immediately below.

IMPORTANT NOTE

Should allow only “single-family dwelling” use. Other permitted R-1 uses would be a problem.

△ Revise code to state:

(a) One One-Family Dwelling is the only permitted use on an alley access lot.

(4) Development Standards

(a) Applicability.

Serious flaw! These standards should apply to all alley-access dwellings that would impinge on R-1 or other single-family lots, whether or not on an alley access lot. See S-JW.

Need to be sure these don't supersede S-JW or other Special Area Zone standards.

△ Revise code to state:

*(a) Applicability. The following standards apply to all alley access lots existing as of [date of ordinance adoption] and to new alley access lots, **except that in the R-2, R-3, R-4 and non-residential zones, the base zone development standards shall apply as long as no part of the development site is within 50 feet of land that meets one or more of the following criteria:***

- i. is zoned R-1
- ii. is designated Low Density Residential
- iii. is designated Medium Density Residential and is not zoned R-1.5, R-2, R-3 or R-4.

(e) Building Height/Interior Setback.

1. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 14 feet above finished grade, the setback shall slope at the rate of 8 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 24 feet

IMPORTANT NOTE

A 14' wall 5' from the adjacent rear yard and a 24' tall dwelling are much too high and would allow substantial negative impacts on adjacent owners and residents. This basically allows full-sized, two-story homes on alley access lots, which is not appropriate.

△ Revise code to state:

(e) Building Height/Interior Setback.

1. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is ~~8 14~~ feet above finished grade, the setback shall slope at the rate of ~~10 8~~ inches vertically for every 12 inches horizontally away from the property lines, **other than property lines abutting perpendicular to the alley until a point not to exceed a maximum building height of 24 feet.**

b. The maximum height of any part of any structure on an alley access lot, as measured by its vertical distance above grade, is 24 feet.

2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

IMPORTANT NOTE

Allowing the full face of a gable end to be 3' from the property line is much WORSE than even the R-1 standard. The face can be a 14' high rectangle and then a triangle above that reaching to 24'.

△ Revise code to state:

2. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, ~~band~~ chimneys ~~and gables~~ are allowed to project into this setback no more than 2 feet.

(f) Windows, Dormers and Balconies.

1. Any window on the upper story must be located a minimum of 10 feet from any property line.

This should be “above first story” so that a faux 2-1/2 story doesn’t create a loophole for 2nd story windows, etc.

△ Revise code to state:

1. Any window **above the first** ~~on the upper~~ story must be located a minimum of 10 feet from any property line.

2. Up to two dormers are allowed on the side of the dwelling facing the alley ...

Can these be immediately side-by-side to create a 20-foot wide dormer?

The sides of a shed-roof dormer shouldn’t be allowed to penetrate the sloped setback from a side lot line. This could significantly increase the face looming over the adjacent yard.

△ Strike this provision altogether.

There is no sloped setback on the alley side, so dormers can be added up to the max height, as long as they’re within the side setbacks sloped envelope.

3. Balconies and other second floor outdoor areas are only allowed on the side of the dwelling facing the alley, and shall be setback at least 10 feet from the alley.

The sides of an alley-facing balcony provide views into neighboring yards and should be restricted to at least 10 feet away from interior lot lines.

△ Strike this provision altogether.

There is no sloped setback on the alley side, so balconies can be added up to the max height, as long as they’re within the side setbacks sloped envelope. Balconies facing an alley aren’t a big privacy issue.

(h) Primary Entrance.

Why bother with a 3'x3' cover? All this does is tack on a crummy-looking appendage. If the idea is to require a clear and attractive entrance, then it should be at least 5' wide.

△ Revise code to state:

... shall be defined by a ~~covered or roofed~~ porch entrance **a minimum of 5 feet wide and 3 feet deep with a cover that is at least 4 feet wide and 2 feet deep to provide weather protection** ~~with a minimum roof depth and width of no less than 3 feet.~~

(k) Parking and Driveway.

2. The maximum dimensions for a garage shall be 16 feet by 24 feet ...

Does this allow a 24-foot wide (along the alley) garage. It defeats "eyes on the alley." Alley residences are supposed to be modest, not have 3-car garages.

△ Revise code to state:

2. *The maximum dimensions for a garage shall be 16 feet by ~~16~~ 24 feet ...*

3. *The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet ...*

This seems inflexible. Why not a setback range of 5-7 feet?

△ Revise code to state:

3. *The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than ~~7~~ 5 feet from the alley, it must be setback a minimum of 15 feet*

4. *The maximum width for a driveway accessing a garage or carport shall be 12 feet.*

What if the driveway isn't accessing a garage or carport? 12 feet is excessive for alley access.

△ Revise code to state:

4. *The maximum width for a driveway accessing a garage or carport shall be ~~10~~ 12 feet. **The maximum width for a driveway that does not access a garage or carport shall be 16 feet.***

6. *The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.*

400 s.f. of hard surface seems like a lot.

△ Revise code to state:

6. *The maximum ~~area dimensions~~ for two side by side parking spaces perpendicular to the alley shall be **300 square feet, and no dimension shall exceed 20 feet.***

8. *"... shall not exceed 10 feet in width and 20 feet in length"*

This may be confusing because it reverses "width" from its usage re lot dimensions.

△ Revise code to state:

8. *"... shall not exceed 10 feet in ~~depth~~ **width** and 20 feet in length".*

9.6505 Improvements - Specifications.

(3) Streets and Alleys.

(d) *Notwithstanding (a), (b) and (c) above, for alley access lots, the developer may improve the alley adjacent to the development site ...*

These standards need to clarify whether the requirement is for:

- a) “that full-width portion of the alley adjacent to the development”,
- b) “that half-width portion of the alley adjacent to the development”, or
- c) “the portion of the alley adjacent to the development that is necessary for access to and from the development.”

The City currently interprets it as (a), I believe, but that leaves the other part of the alley unimproved and yet exposed to the additional load. This is counter-intuitive, since the dust and potholes that result from traffic to and from the development then occur only adjacent to other properties rear property lines.

Also, this doesn't address the case where there are developments (existing or new) across the alley from one another.

This also doesn't address secondary dwellings accessed from the alley.

△ There is no way to fix this code without deciding what the concept is for alley development and how to share the burden of alleyway improvements to fairly address impacts to adjacent property owners.

If the alley is intended to develop as a small “lane” then the cost of proper storm water drainage and paving of the entire (e.g., one-block segment) of the alley should fall proportionately on only those property owners with dwellings that take primary access from the alley, whether an SDU on the same lot or a dwelling on an alley access lot.

Property owners who don't want to have an alley-accessed dwelling behind their home (and who may also not want any alley-accessed dwellings on their alley) should not both endure the negative impacts *and* shoulder some of the burden for improvements. Whatever solution is adopted must place the burden for minimizing impacts entirely on the property owners who benefit.

9.6745 Setbacks-Intrusions Permitted.

(7) Parking Spaces in Required Setbacks.

(a) *Except as provided*

The subhead and text are muddled and difficult to parse. Parking requirements are almost impossible to follow because they set of a web of nested and branching exceptions, including this section, 9.2751, 9.5500 and 9.8030(30)

These standards allow a whole lot of parking in front of the house. Definitions of “driveway” and “parking space” may not be clear enough. What does “located on driveways” mean – can the parking space be parallel to the street.

△ Recommendation: Reorganize and rewrite parking requirements so all the standards that apply to residential are together and clear.

9.6775 Underground Utilities.

(1) Exemptions from Underground Utility Standards.

(c) and (d)

These should say: "That do not cross over any portion of an adjacent property."

(I think this would be legal "trespass" in any case.)

△ Revise code to state:

(c) *Secondary dwellings that can be served from an existing, legally-established above ground utility service to the primary dwelling on the development site, and which does not cross over any portion of an adjacent property.*

(d) *Dwellings on alley access lots that can be served from an existing above ground utility-owned structure, and which does not cross over any portion of an adjacent property.*

Table 9.6870 Right-of-Way and Paving Widths

Alleys

The definition of "primary" and "secondary" access is ambiguous.

The apparent intent of the original code is to require any dwelling that is accessed primarily from the alley to have a wider right-of-way (ROW). This would (or should) include SDUs.

Alley standards are context- and use-specific, and this table doesn't deal with the differences. On the one hand, in new development, where alleys are intended for primary access, a wider ROW is important, especially for 2-way travel. OTOH, in established neighborhoods where alleys were always intended for secondary access, widening the alleys would be impossible and/or undesirable. However, 14-foot, completely unimproved ROWs are NOT suitable for more than a limited number of "primary access" (alley) dwellings.

The solution is to limit the number of alley access dwellings per block in a manner comparable (in principle) to the limits on Row Houses.

△ See comments under 9.6505(3). This needs careful analysis of the context and the conceptual intent for alleys in different areas.

9.8030 Adjustment Review - Approval Criteria.

IMPORTANT NOTE

VERY major loopholes in many of the "adjustment" sections.

△ Revise code.

Wherever there's a valid reason to allow an adjustment the sections should be rewritten following this example for accessory building height:

The building height may be adjusted up to two feet or to the median highest point of all accessory buildings within 150 foot radius of the subject building, whichever is less.

(34) Accessory Buildings in R-1.

(a) Building Height/Setback or Building Size

This needs to have a limit (if any adjustment is allowed) in the amount of height and size adjustment.

1, 2, and 3

How are the following criteria determined: "compatible relationship", "significantly impact", "maintains the scale", "relates to the design", "visually dominate"? These are all so loose that decisions on adjustments would be completely arbitrary.

△ Revise code.

Wherever there's a valid reason to allow an adjustment the sections should be rewritten following this example for accessory building height:

The building height may be adjusted up to two feet or to the median highest point of all accessory buildings within 150 foot radius of the subject building, whichever is less.

(35) Secondary Dwellings.

(a) Temporary Leave.

Where is "temporary leave" defined?

(b) Conversion of Existing Building

1. *The secondary dwelling is limited to 800 square feet in total building square footage ...*

800 s.f. is 20' x 40', which is VERY large footprint for a secondary dwelling.

2, 3, and 4

How are the following criteria determined: "compatible with existing dwelling", "maintains the scale", "compatible relationship", "significantly impact"? These are all so loose that decisions on adjustments would be completely arbitrary.

△ Eliminate this section altogether. Non-dwellings should be required to meet code if they're going to be converted to an SDU.

(c) Building Height.

This could create substantial height, face wall and mass impacts on adjacent rear yard. The appropriate way to allow intrusions, while protecting the adjacent property owner's interests is by allowing an easement to be granted.

△ Revise code.

Wherever there's a valid reason to allow an adjustment the sections should be rewritten following this example for accessory building height:

The building height may be adjusted up to two feet or to the median highest point of all SDUs within 150 foot radius of the subject building, whichever is less.

1, 2, 3, 4 and 5

How are the following criteria determined: "compatible with primary dwelling", "maintains the scale", "compatible relationship to adjacent properties", "significantly impact", "greatest extent possible", "minimized", "relates to the design", "visually dominate"? These are all so loose that decisions on adjustments would be completely arbitrary.

(36) Alley Access Lots.

(a) Building Height/Interior Setback or Windows, Dormers, Balconies.

1, 2, 3, and 4

How are the following criteria determined: "maintains the scale", "compatible relationship", "significantly impact", "minimized", "visually dominate"? These are all so loose that decisions on adjustments would be completely arbitrary.

△ Apply the same standards as SDUs for dwellings on existing alley access lots.

9.8405 Applicability of Property Line Adjustment Applications.

Need to give careful consideration to this standard and what might happen with a sequence of actions.

9.8415 Property Line Adjustment Approval Criteria.

See also the section below on "Interim Protection Measures."

Interim Protection Measures

The following recaps the amendments that are found throughout the draft code.

These measures apply only “*within the R-1 zone in the City-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.*”

Comments follow.

Table 9.1245 Legal Pre-Existing Structures

Secondary Dwelling, Rowhouse, Duplex, Triplex, Foupdex, Flag Lot, Alley Access Lot, Dwellings with 4 or more bedrooms, Accessory Building are limited to those in existence on [date of ordinance adoption].

9.2735 Residential Zone Siting Requirements.

Zone changes to R-1.5 are prohibited

9.2741 Special Use Limitations for Table 9.2740.

(2) Secondary Dwellings.

(3) Rowhouses.

(4) Duplex.

(5) Triplex.

(6) Four-plex.

All of the above are prohibited

9.2751 Special Development Standards for Table 9.2750.

(14) Driveways and Parking Areas

Various additional limits imposed

(15) Accessory Buildings in R-1.

(b) Area-specific Standards.

Various additional limits imposed

(17) Maximum Bedroom Count.

No more than 3 bedrooms in any new or altered dwelling.

9.2761 Special Standards for Table 9.2760.

(3) Rowhouse Lots

(4) Flag Lots.

(11) Alley Access Lots.

All of the above are prohibited.

9.8415 Property Line Adjustment Approval Criteria.

Property lines may only be adjusted up to 5 feet, measured perpendicularly from the current location of the property line.

Comments on Interim Protection Measures

Geographic Scope

The stated intent of these measures is to provide interim protection for the neighborhoods that have *“experienced an increase in unintended housing associated with the demand for student housing and the proximity of the University of Oregon.”*

There is no question that these neighborhoods have experienced significant negative impacts based on demand for student housing. However, to my knowledge, there is no data that supports limiting these protection measures to just these areas.

According to UO statistics, the area of Jefferson Westside Neighbors between Jefferson and Willamette Streets has one of the densest concentrations of student residences, as well. There are also reports from other neighborhoods (e.g., Laurel Hill Valley) of pressure from student housing.

If the interim protection measures go into effect in the limited area, the demand will flow to, and increase student housing development pressures on, areas in the JWN, Laurel Hill Valley and other neighborhoods that are reasonably close to UO.

For that reason, the interim protection measures should have a geographical scope that also includes neighborhood R-1 areas that are likely to experience the displaced demand from the neighborhoods immediately adjacent to the university.

Universal need for R-1 protections

Some of the draft protection measures are needed in all R-1 areas that aren't protected by CC&Rs. These include:

- Prohibiting zone changes to R-1.5 and Rowhouses in R-1
- Prohibiting Flag Lots
- Not allowing alley access lots until there has been a context-specific assessment of impacts and adequate standards.
- Prohibiting lot line adjustments greater than 5'.

The Neighborhood Livability Commitment to Single-Family Neighborhoods

On page 2-15 of the Envision Eugene Draft Proposal, March 14, 2012, under the “pillar” to “Protect, Repair and Enhance Neighborhood Livability,” the first strategy states:

“1. Minimum and maximum allowable densities in the land use code will not be changed in order to meet our residential land need for Envision Eugene. Future actions (such as land use code changes and plan amendments) that impact allowable density in neighborhoods will only be undertaken through a public process (such as area planning

or neighborhood planning) that integrates the compatibility goals of the Infill Compatibility Standards (ICS) and/or Opportunity Siting projects.”

A stated purpose of the draft R-1 amendments is to “*serve as land use efficiency strategies to help accommodate a portion of the city's 20 year need for single-family housing inside the current urban growth boundary (UGB).*”

This effort to allow increased density in R-1 zones obviously would be within the scope of the Envision Eugene promise to residents of R-1 areas.

The staff rationale for the interim protection measures recognizes only a *more limited* commitment:

“As part of Envision Eugene, the city is committed to completing area planning for the university neighborhoods. However, this work is not slated to begin until following the local adoption of Envision Eugene, including a Eugene-specific urban growth boundary. Interim protection measures in the form of land use code amendments are intended to limit further negative impacts until the area planning process is completed.”

The draft Envision Eugene recommendations that staff is operating under require that a similar approach be taken for all areas that are going to be subject to code amendments that would impact density.

For that reason, the interim protection measures need to be broadened, as suggested above.