

Testimony on Draft R-2 Code Amendments

To: Eugene Planning Commission

RE: Alley Access Lots

Date: September 6, 2013

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Although I am generally in support of allowing creation of new “alley access” lots (more accurately, alley access *only* lots), I oppose the current proposal in the “Draft R-1 Code Amendments.”

The proposed code conflicts with provisions of the comprehensive plan and would potentially exacerbate negative impacts from incompatible infill development.

Code Amendment Approval Criteria

EC 9.8065 Code Amendment Approval Criteria. If the city council elects to act, it may, by ordinance, adopt an amendment to this land use code that:

- (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.
- (2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

The proposed code to allow creation of new alley access lots does not meet the second criteria. The code conflicts with *Metro Plan* Policy A.9 and the code has not been demonstrated to be consistent with other Metro Plan and applicable refinement plan provisions, as discussed below.

Conflicts with *Metro Plan* Policy A.9

The proposed code allows density in excess of the range allowed by *Metro Plan* Policy A.9 and the *Metro Plan* Diagram designations.

Policy A.9 establishes a maximum density of 14.28 dwelling units per net acre (du/na) for land designated as Low Density Residential (LDR).

EC 9.2700 states:

The purpose of the R-1 Low-Density Residential zone is to implement the Metro Plan by providing areas for low-density residential use.

Most of the land that is zoned R-1 and to which the proposed code would apply is designated LDR.

The proposed code would allow alley access lots to be created that are only 2,250 square feet. The proposed code would allow a single dwelling on such lots, resulting in a density of 19.36 du/na. This exceeds the allowable LDR density and therefore conflicts with Policy A.9.

No findings of consistency with applicable plan provisions

To meet criterion EC 9.8065(2), there must be findings, based on substantial and reliable evidence in the record, that allowing the creation of alley access lots is consistent with the following *Metro Plan* policies:

A.12 Coordinate higher density residential development with the provisions of adequate infrastructure and services, open space, and other urban amenities.

There has been no assessment of the impact of additional vehicular traffic on unimproved and improved alleys to ensure the higher density can be safely and conveniently handled by the infrastructure.

Similarly, since residents who live on alley access lots will have to use the alleys for walking, bicycling or wheelchair access to the improved street and sidewalk network, there must be an assessment of the adequacy of the infrastructure for safe and convenient use by pedestrians, bicyclists and wheelchair users.

A.13 Increase overall residential density in the metropolitan area by creating more opportunities for effectively designed in-fill, redevelopment, and mixed use while considering impacts of increased residential density on historic, existing and future neighborhoods.

A.23 Reduce impacts of higher density residential and mixed-use development on surrounding uses by considering site, landscape, and architectural design standards or guidelines in local zoning and development regulations.

Allowing the creation of alley access lots will have the practical effect of increased density in existing neighborhoods that have alleys.

The increased density, additional structures and paved areas, as well as the increase in vehicle, bicycle and pedestrian traffic, particularly along the back of other residents lots will have potentially significant cumulative negative impacts from increased noise, increased exhaust fumes, loss of open space, loss of trees and large-scale vegetation, storm water problems, loss of privacy, elevated public safety (crime and fire) risks, traffic congestion, degraded walkability (from vehicles crossing sidewalks mid-block), diminished solar access and other factors.

There has been no assessment of the impact of these impacts. There isn't even reliable data on the number, location and characteristics of existing lots from which an alley access lot could be created.

A preliminary validation of the latest map that staff has produced indicates the map is grossly in error (at least in the R-1 area east of the Fairgrounds).

There has also been no assessment that allowing alley access lots will conform to the following *TransPlan* provisions.

Goal #2: Transportation System Characteristics

Enhance the Eugene-Springfield metropolitan area's quality of life and economic opportunity by providing a transportation system that is:

...

d) Safe,

e) Interconnected,

Most alleys are substandard and may not be able to safely handle the combined increase in vehicular, pedestrian and bicycle traffic. The code also allows alley access lots on dead-end alleys, which are not interconnected to the streets and sidewalks.

Land Use Policy #4: Multi-Modal Improvements in New Development

Require improvements that encourage transit, bicycles, and pedestrians in new commercial, public, mixed-use, and multi-unit residential development.

As described for Goal #2, above, narrow, substandard alleys will not provide adequate improvements to encourage residents on alley access lots to walk or use bicycles.

TSI Roadway Policy #1: Mobility and Safety for all Modes

Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.

This policy supports the design and construction of systems and facilities that accommodate multiple modes. It also supports consideration of the needs of emergency vehicles in the design and construction of system improvements.

As described for Land Use Policy #4 #2, above, the proposed code to allow new alley access lots will not provide adequate improvements to provide for the mobility and safety needs of bicyclists and pedestrian nor for wheelchair and other residents and visitors with mobility limitations.

TSI Bicycle Policy #1: Bikeway System and Support Facilities

Construct and improve the region's bikeway system and provide bicycle system support facilities for both new development and redevelopment/expansion.

As described above, proposed code to allow new alley access lots will not provide safe and interconnected means for residents and visitors to travel on foot, bicycle or wheelchair from alley access lots to the improved street and sidewalk network.

TSI Pedestrian Policy #1: Pedestrian Environment

Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

This policy supports the provision of pedestrian connections between adjacent land uses, improved pedestrian access to transit stops and stations, safe and convenient pedestrian street crossings, and pedestrian amenities, including lighting. In more developed areas, such as downtowns, pedestrian design features improve the accessibility of destinations.

As described above, proposed code to allow new alley access lots will not provide safe and interconnected means for residents and visitors to travel on foot or wheelchair across major thoroughfares that separate The Hub from the UO campus and the downtown core.

There has also been no assessment at all that allowing alley access lots will conform to the applicable provisions of the various neighborhood refinement plans that apply to areas that have alleys. To my knowledge, staff has not reviewed the refinement plans and identified applicable policies.

Conclusion

For the reasons cite above, the draft R-1 code provisions that allow creation of alley access lots should be withdrawn from consideration until the required assessments have been done and the standards can be demonstrated to be consistent with comprehensive plan provisions.

Exhibit A. Preliminary Evaluation of JWN Area on Staff “Alley Access Lot” Map

On September 6, 2013, I conducted a preliminary, on-the-ground validation of a map provided by staff that was described as the most current map showing potential lots from which an alley access lot could be created under the Draft R-1 Code Amendments.

Keeping in mind that this was a preliminary validation, the results indicated that the staff map may have a substantial number of errors and omissions.

Potential Errors

In the R-1 area of the Jefferson Westside Neighbors that lies east of the Fairgrounds, between W. 13th and 18th Aves., the staff map shows the lots in the table below as the potential alley access lots.

Tax Map	Tax Lot Nbr	Color-coding	Notes
17-03-31-31	15000	Green	This is a 9,000 sf corner lot that would allow a duplex or partition into two standard street lots. The “alley” here is a dead end in poor condition. The current lot was created by combining small lot to the west and the lot that faces Jefferson St. Should not be counted as a likely “alley access” lot, even though it would be possible.
	17100	Red	Appears valid
17-03-31-34	03000	Red	Appears valid
17-03-31-43	02500	Green	This is a <i>vacant</i> 9,000 sf corner lot that would allow a duplex or partition into two standard street lots. Should not necessarily be counted as a potential “alley access” lot.
	02900	Yellow	Appears valid
	03000	Red	Appears valid
	03100	Red	The alley does not go through here. Not clear if it has been vacated or can be used.
	03200	Green	The alley does not go through here. Not clear if it has been vacated or can be used.
	03600	Red	This is a single “double” lot, which was counted as two potential alley access lots. The rear of the north half could allow development. The rear of the south half appears to already be developed.
		Red	
	04800	Green	(Not examined)
12600	Red	(Not examined)	

Two of the lots are currently inaccessible from an alley. Two of the lots are 9,000 s.f. corner lots that abut an alley and could be divided into two standard, street-fronting lots. One of the

parcels counted on staff's map is actually a developed half of a "double" lot, and should not have been included.

Omissions

The lists below shows lots that appear to be ones from which it would be legal and practical to create an alley access lot. None of these were identified on the staff map.

Tax Map 17-03-31-31

10100, 10200, 10300, 10400, 10500, 10600, 11200, 11400, 11600, 11700, 14700, 14800, 15900, 16700.

Tax Map 17-03-31-34

00500, 00600, 01300, 01400, 01900, 02100, 03100, 03200, 06700, 07400, 07500, 07900

Tax Map 17-03-31-43 (This map was not completely checked.)

03300, 03400, 03500

Keeping in mind that these are preliminary validation results, it appears the staff map greatly understates the potential for new alley access lots and development.

Missing analysis

In order to evaluate the cumulative impacts of alley development, it's essential to have an inventory of existing alley access development to which new development would occur.

To my knowledge this is entirely lacking.

Conclusions

Although this validation looked only at part of the JWN R-1 area east of the Fairgrounds, the substantial number of potential errors and omissions, combined with the lack of any inventory of existing alley development makes it legally insufficient to rely on this map (or the corresponding tabular data) as the basis for findings that the draft code's provisions for creating new alley access lots would be consistent with comprehensive plan provisions.

NOTE: I would be happy to review these preliminary results with Planning staff to develop an accurate assessment of existing and potential alley access development in the JWN R-1 areas.