

Comparison Of Eugene Building Height Standards to Other Oregon Cities
For
November 16, 2009 City Council Public Hearing

Good evening Mayor and City Councilors.

I'm Bill Aspegren and live at 1939 Alder, in Alan Zelenka's ward 3.

As background I have been involved with the ICS project as a member of the Single-Dwelling, Multi-Dwelling and Parking Implementation teams. I have also been active in the neighborhood effort to define height and parking standards and am a resident of the R3 area.

I would like to talk about building height standards in Eugene as compared to other Oregon cities.

Please refer to the chart of building heights on page 6 of South and West University packet

This chart **graphically** shows Eugene's maximum building height, in red, as compared to other Oregon cities, including Portland. Eugene, for no apparent reason, seems out of sync from the other cities.

As you can see Eugene's code allows significantly taller buildings than the other cities. When Eugene and Portland are eliminated the **average maximum building height is less than 50 feet.**

Additionally, Eugene is the **only** town that does not have some form of transition between single-family residential dwellings and taller multi-family dwellings.

The same state laws regarding density, needed housing and urban growth boundaries govern Eugene and all of these other cities. The other cities are managing to comply with these laws and meeting their density goals with buildings literally **half the size of Eugene's maximum building height.**

It seems obvious to meet density goals we do not need buildings taller than 65 feet in South and West University.

Other speakers have shown, and you have information in your packet, that proves Eugene can easily meet maximum density goals in the R3 and R4 areas, near the university, with buildings of **35 to 50 feet or less.**

Based on these facts South and West University residents would like the council to alter the height proposal before you, so the tallest buildings allowed in the area are no more than 65 feet.

We urge you not to make any exceptions for large lots at this time. Until design standards are in place that are compatible with the neighborhood and protect the livability of the residents, buildings above 65 feet should not be allowed.

Please consider this information when making your decisions. Thanks.

November 16, 2009

Eugene City Councilors and Mayor
City of Eugene
RE: ICS Height Recommendations

Dear Mayor, City Councilors, and Staff:

I am testifying in support of adopting reduced maximum building heights in high-density zones west of south of the University of Oregon. I am strongly in favor of reducing the maximum building heights since it protects the R-4, R-3, and adjacent zones in SUNA as well as the R-4 zones in WUN from incompatible infill. However, the heights proposed for the R-4 zones in WUN and SUNA are far in excess of the maximum building heights adopted by the ICS Task and should be reduced. I am in favor no more than 65 feet for the maximum building height in the R4 zones.

I was a member of the ICS Task Team and chairperson of the ICS Multi-Dwelling Committee that developed these proposals. The ICS Multi-Dwelling Committee treated this as two issues: (1) Buildings Heights in R-4 zones and (2) Building Height Transition between the R-4, R-3, and adjacent R-1 zones in SUNA. The ICS Task Team proposal approved a maximum building height in the R-4 zones of 50 feet. The proposed code changes were based on detailed information collected as part of the ICS process. This included the building heights, density, and other characteristics of recent multifamily developments in West University Neighborhood (WUN) and South University Neighborhood Association (SUNA). On pages 127 and 128 in your packet are tables of multifamily developments in WUN and SUNA compared with a maximum building height of 65 feet. It should be noted that all of the recent multifamily buildings constructed in both WUN and SUNA would comply with these limits. Only two of these multifamily buildings even exceeded 50 feet in height (both were 52 feet). Furthermore, this data shows examples of multifamily projects in WUN and SUNA that meet the maximum allowed density of 112 units/net acre with projects that are 3 to 4 stories high.

I am also in favor of including the areas in WUN north of East 13th Avenue zoned R-4 in the area with reduced maximum building heights of 65 feet. This area of WUN contains most of the significant historic structures that are still left in our neighborhood (originally 30 sites, but a substantial number have been lost). A reduced building height of 65 feet would improve the compatibility of new developments with the nearby historic structures. WUN was one of the earliest areas settled in Eugene. Once these historical sites are gone, there is no way to replace them.

To summarize, a building height of 50 feet is all that is needed to meet maximum density; 65 feet will offer designers some flexibility. Any greater height is excess capacity, has unintended consequences and will negatively impacted these neighborhoods. The area in WUN zoned R-4 north of East 13th Avenue should also have reduced building heights of 65 feet.

Respectfully submitted,

Steven Baker
West University Neighbors Board Member
360 East 15th Avenue
Eugene, OR 97401

msbaker@cs.uoregon.edu

Height of buildings in R-3 and R-4 areas in South University and West UniversityDeborah Healey, 360 E 15th Avenue: City Council Testimony, November 16, 2009

Dear Mayor and City Council,

The data that has been submitted regarding height and density demonstrates that it is possible to reach the maximum density that is legally allowed in 4 stories – 50 feet or less. I support the 65-foot limit in R-4 zones as a way of providing some flexibility while preventing excess in West University and South University.

What I'd like to talk about is West University's R-4 areas that are not part of the proposal that you received from the Planning Commission. The Infill Compatibility Standards Task Team (ICS) approved three options limiting the height in R-4 zones in West and South University to 50 feet. The Planning Commission considered including all of the R-4 areas in West University as one option. I believe that City Council should also do so. Most people think of West University as a student neighborhood. It is that, but people often fail to realize that West University is of historic significance to Eugene. I am submitting a map of historic buildings originally prepared by the Planning Department in 1990 for a walking tour; I added two additional properties based on a neighborhood map prepared by the City last year. The two circled areas contain the bulk of the R-4 zoned areas in West University. The southeast circle contains the area that is in the proposal before you. The northern circle is not included in this version of the proposal. The annotation on the left side lists what the still-existing buildings are. I am also submitting copies of the full document, "A Brief History and Walking Tour," where the map comes from.

A spot of history from "A Brief History and Walking Tour": West University is one of the earliest residential areas in Eugene, with land claims in 1849 and the first West University "development" in 1856. The Millrace came to be in 1851, including its stretch in West University (almost all still aboveground, by the way). By 1930 there were 30 Greek houses, most of which were in West University. Many of these are still standing and are included among the historic buildings in the R-4 zones in West University.

In the 1930s, most of the homes in West University were owner-occupied. Sadly, that is no longer the case. In 2000, less than 2% of West University was owner-occupied (about 60 out of 3000 residences). It is less now, since we more multi-unit dwellings have been built and few, if any, new owner-occupiers have moved into the neighborhood. Some of the owner-occupiers in the neighborhood in 2000, including three on my own block, have moved out.

There is a thin layer of protection now in the form of a Site Review Overlay Zone in the R-4 area on and around E. 12th Avenue and along the Millrace, and in the parts of the West University Refinement Plan that are currently part of City code (EC 9.9670). Key provisions include the following:

EC 9.9670 (4) (i) All new development in the R-4 zoned land north of 13th Avenue in the plan area shall be subject to site review so that it is efficient, workable, safe, compatible with surroundings, and considerate of historic and natural features. (Policy 21)

The provisions in the West University Refinement Plan can be circumvented, however, by application of other parts of City code known as "needed housing" provisions. These provisions

of City code were added after a Land Use Board of Appeals decision in early 2000. In its hurry to adopt the "clear and objective" needed housing provisions so that development could continue, language not considered to be clear and objective was deleted from the new parts of code. An unintended consequence of the change was to effectively gut the site review provisions of the code.

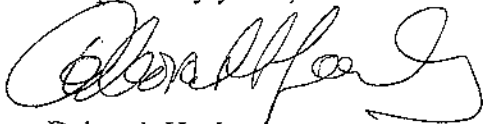
Buildings of historic interest can also be destroyed by a zealous developer, as we saw in 2006 with the "Alamo" on E. 12th. It was simply demolished, without bothering with the required historic review. Knowing that it was of historic interest (the craftsman-style interior should have been a clue) probably would not have stopped the destruction of the building. With absentee ownership at 99%, many owners of property in West University have little sense of "ownership," much less a sense of respect for Eugene's heritage in West University.

What can Council do? Adding the height restrictions to the rest of the R-4 areas in West University would help to protect one of Eugene's heritage areas. Height restrictions are not sufficient, however. I would urge you to instruct Planning staff to go ahead with the study of the area that they have said they need, then mandate that they create clear and objective language in City code that will allow the West University Site Review Overlay Zone to be fully in force under both General and Needed Housing criteria. These revisions would then go to Council for approval.

Jefferson Westside has shown that it is possible to put together clear and objective standards that define what "compatible with surroundings" means, as well as "efficient, workable, and safe" and "considerate of historic and natural features." West University residents and the neighborhood association, West University Neighbors, should be involved in this effort. I am certainly willing to participate in helping Planning staff create the needed definitions. I suspect that it would be possible to add students from the University's Department of Planning, Public Policy, and Management in this effort. Students from that department were instrumental in helping create West University Park.

Eugene is not an old city by US standards and certainly not by world standards. That fact makes what we do have in the way of historic areas especially valuable. It would be a pity to see the destruction of more of Eugene's heritage through inattention or ignorance. Development is going on now. I urge you to act now to offer protection via height restrictions and to instruct Planning staff to create and implement the clear and objective language needed in code to help preserve our heritage areas in West University. The longer you wait, the less of historic Eugene we will have left.

Respectfully yours,



Deborah Healey

Submittal Materials

Timothy Shinabarger
tim.shinabarger@comcast.net

Agenda Item Summary, Eugene Planning Commission October 20, 2009 Public
Hearing, pp. 3-7, pp. 27-32

Timothy Shinabarger Written Testimony, pp. 1-3

AGENDA ITEM SUMMARY

October 20, 2009

To: Eugene Planning Commission

From: Terri Harding, Planning Division

Subject: Public Hearing for Round One Infill Compatibility Standards Code Amendments (City Files CA 09-3, 09-06, & 09-07, RA 09-02 & 09-03, Z 09-04)

ACTION REQUESTED

Hold a public hearing on the first round of amendments to Chapter 9 of the Eugene Code recommended by the Infill Compatibility Standards (ICS) Task Team.

BRIEFING STATEMENT

In response to City Council direction to address residential infill compatibility, a Task Team of neighborhood representatives and professional developers, designers, and housing advocates was created and met monthly from November 2007 to September 2009. Implementation of the ICS Task Team's recommendations is being phased, and this is the Commission's public hearing on the first round of recommendations.

BACKGROUND

The ICS project is intended to address infill compatibility problems identified by the Task Team. As a result of their almost two years of research, public outreach, proposal development and refinement, 17 recommendations were passed by the Task Team. Starting in April 2009, the Planning Commission heard presentations from staff and Task Team members and provided direction on each recommendation, in most cases directing staff to set up implementation teams to refine the proposals. In August 2009, the Commission heard an update from the first three implementation teams, and directed these items to proceed to the public hearing phase:

- Special Area Zone – Jefferson Westside
- Building Height
- Parking Strategies

Proposed Amendments

For each of the proposals, staff has attached draft code language, associated maps, and background materials.

Special Area Zone-Jefferson Westside (CA 09-03, RA 09-02, Z 09-04).

The purpose of this special zone is to provide for more compatible infill development by limiting the number of dwellings per lot, lowering allowable building heights, and establishing other development requirements in certain areas currently zoned R-2, while still achieving housing densities within the medium density range. The Jefferson-Far West Refinement Plan and Westside Neighborhood Plan are also proposed to be

amended to include references to the new zone.

Building Height (CA 09-06).

The purpose of these regulations is to provide for greater infill compatibility in neighborhoods west and south of the University of Oregon by lowering building height limits and providing a gradual transition in building height to single family areas, while still allowing buildings in high-density (R-3 and R-4) zones to meet the city's density targets and accommodate additional population. Three code language alternates are presented for the Planning Commission's evaluation:

Alternate A: Primary alternate discussed by the implementation team. Covers area in SUNA between 18th, Patterson, 20th and Agate, and area in WUN between 13th Alley, Hilyard, 18th and Kincaid,

Alternate B: Alternate language increases allowable height in R-4 areas immediately adjacent to the university campus, from 65/75 feet to 75/90 feet, depending on lot size.

Alternate C: Retains Alternate A language and expands scope of the proposal to include the remaining R-4 zoned areas of WUN, proposing 65/75/90 foot height limits depending on lot size.

Parking Strategies (CA 09-07, RA 09-03).

The purpose of this package of regulations is to improve the compatibility of new multi-family development by tying parking requirements directly to the unique needs of certain types of development. The proposed regulations will:

- require more off-street parking for apartments with 3 or more bedrooms near the university
- require less parking for low-income, senior and disabled housing throughout the city
- allow tandem (one behind the other) parking to count toward the minimum off-street parking requirements along alleys in certain areas
- clarify the city's requirements for off-site parking leases
- adjust certain dimensional standards for parking spaces
- amend the West University Refinement Plan (Policy 3A) regarding parking for consistency with the new code

Public Notice and Testimony

Notice of the public hearings was sent to all neighborhood organizations, the City of Springfield, Lane County, as well as community groups and individuals who have requested notice. In addition, notice was also published in the Register Guard. As of the writing of this report, the city has received public testimony from four individuals; these materials are attached for the Planning Commission's review. Any additional testimony received prior to the public hearings will be forwarded to the Planning Commission upon receipt.

Applicable Criteria

The Eugene Planning Commission shall address the relevant approval criteria from the Eugene

Code (EC) in making recommendations to the Eugene City Council on the amendments, as listed below in ***bold italic***. Preliminary findings addressing the required approval criteria have been prepared by staff and are provided as Exhibit A for each recommendation.

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.***
- (3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.***

EC 9.8424 Refinement Plan Amendment Approval Criteria. The planning commission shall evaluate proposed refinement plan amendments based on the criteria set forth below, and forward a recommendation to the city council. The city council shall decide whether to act on the application. If the city council decides to act, it shall approve, approve with modifications or deny a proposed refinement plan amendment. Approval, or approval with modifications shall be based on compliance with the following criteria:

- (1) The refinement plan amendment is consistent with all of the following:***
 - (a) Statewide planning goals.***
 - (b) Applicable provisions of the Metro Plan.***
 - (c) Remaining portions of the refinement plan.***
- (2) The refinement plan amendment addresses one or more of the following:***
 - (a) An error in the publication of the refinement plan.***
 - (b) New inventory material which relates to a statewide planning goal.***
 - (c) New or amended community policies.***
 - (d) New or amended provisions in a federal law or regulation, state statute, state regulation, statewide planning goal, or state agency land use plan.***
 - (e) A change of circumstances in a substantial manner that was not anticipated at the time the refinement plan was adopted.***

EC 9.8865 Zone Change Criteria. Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

- (1) The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.***
- (2) The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.***
- (3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.***

- (4) *The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:*

(#) **EC 9.3615 S-JW Jefferson Westside Special Area Zone Siting Requirements (proposed).**

Next Steps

Following Planning Commission's recommendation, staff will prepare findings of compliance with the approval criteria. Deliberation by the Planning Commission is scheduled for Monday, October 26 from 11:30 am to 1:30 pm. The proposed amendments will be the subject of a work session with the City Council scheduled for November 9, 2009. Public hearings before the City Council are scheduled for November 16, 2009 and action is scheduled for December 14, 2009.

RECOMMENDATION

Staff recommends that following the public hearings and deliberation, the Planning Commission recommend adoption of the attached code language amending Chapter 9 of the Eugene Code. In the case of building height, three options have been prepared for the Planning Commission's consideration, and staff recommends that public testimony and evidence be weighed on these three options to facilitate choosing one of them.

FOR MORE INFORMATION

Contact Terri Harding, Project Manager by telephone at 541/682-5635 or via e-mail at terri.l.harding@ci.eugene.or.us.

For other details on this project and materials to date, please view the webpage at www.eugene-or.gov/infill

ATTACHMENTS

A. Special Area Zone – Jefferson Westside

- Draft Code Language
- Map
- Background materials available at www.eugene-or.gov/pc, September 14th meeting. Direct link: http://www.eugene-or.gov/portal/server.pt/gateway/PTARGS_0_2_344388_0_0_18/AIS%2009-14-09_Access%20Mgt%20-%20ICS.pdf.

B. Building Height

- Alternative A Draft Code Language and Map
- Alternative B Draft Code Language and Map
- Alternative C Draft Code Language and Map
- Background materials available at www.eugene-or.gov/pc, September 14th meeting. Direct link: http://www.eugene-or.gov/portal/server.pt/gateway/PTARGS_0_2_344388_0_0_18/AIS%2009-14-09_Access%20Mgt%20-%20ICS.pdf.

C. Parking Strategies

- Draft Code Language

- Background materials available at www.eugene-or.gov/pc, September 14th meeting. Direct link: http://www.eugene-or.gov/portal/server.pt/gateway/PTARGS_0_2_344388_0_0_18/AIS%2009-14-09_Access%20Mgt%20-%20ICS.pdf.

D. Public Testimony

- Email from Tom Happy re: Items A, B and C
- Email from Doug Heiken re: Item A
- Materials from Paul Conte re: Item A
- Materials from Al Couper re: Item B

Alternate A

Proposed Code Text
ICS / Height in the University Area

Showing proposed changes to code in effect on 10/1/09

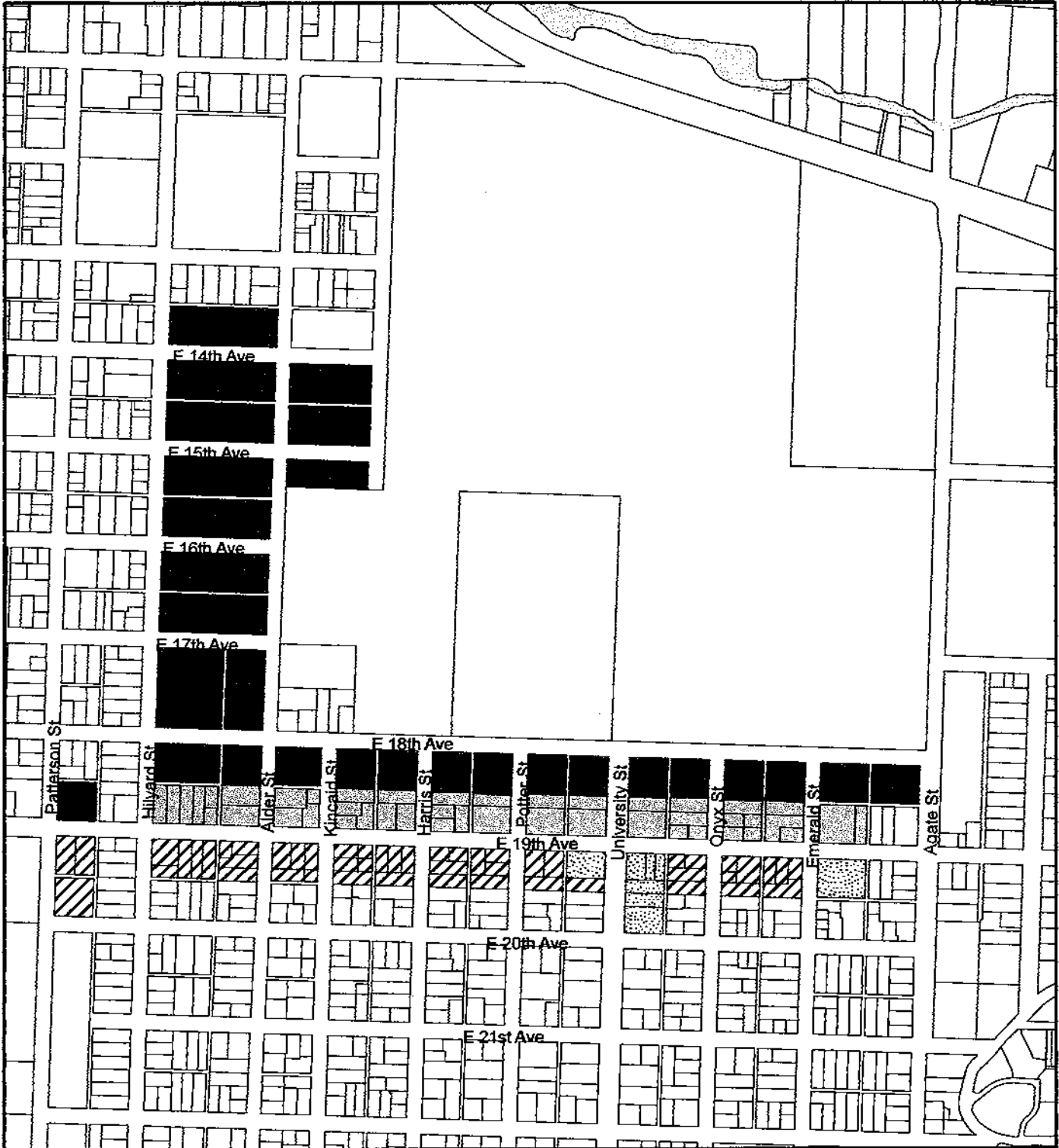
Revise EC 9.2751(3) so that it provides:





(3) Building Height.

- (a) *Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.*
- (b) *For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:*
1. *In the R-3 zone between 19th and 20th Avenues, the maximum building height shall be limited to 35 feet.*
 2. *In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height.*
 3. *In the R-4 zone east of Hilyard Street, the maximum building height is:*
 - a. *35 feet within the area south of 19th Avenue;*
 - b. *50 feet within the half block abutting the north side of 19th avenue;*
 - c. *65 feet within the half block abutting the south side of 18th Avenue, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height.*
- See Figure 9.2751(3), Alternate A.*
- (c) *For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south:*
1. *65 feet, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height.*
- See Figure 9.2751(3), Alternate A.*
- (bd) *An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, and R-3 and R-4 zones.*


**Figure 9.2751
Building Heights**

Alternate A



-  R-3 Zoning: 35' Maximum Building Height
-  R-4 Zoning: 35' Maximum Building Height
-  R-4 Zoning: 50' Maximum Building Height
-  R-4 Zoning: 65' Maximum building height - except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height

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PC AGENDA p28

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Alternate B

Proposed Code Text
ICS / Height in the University Area

Showing proposed changes to code in effect on 10/1/09

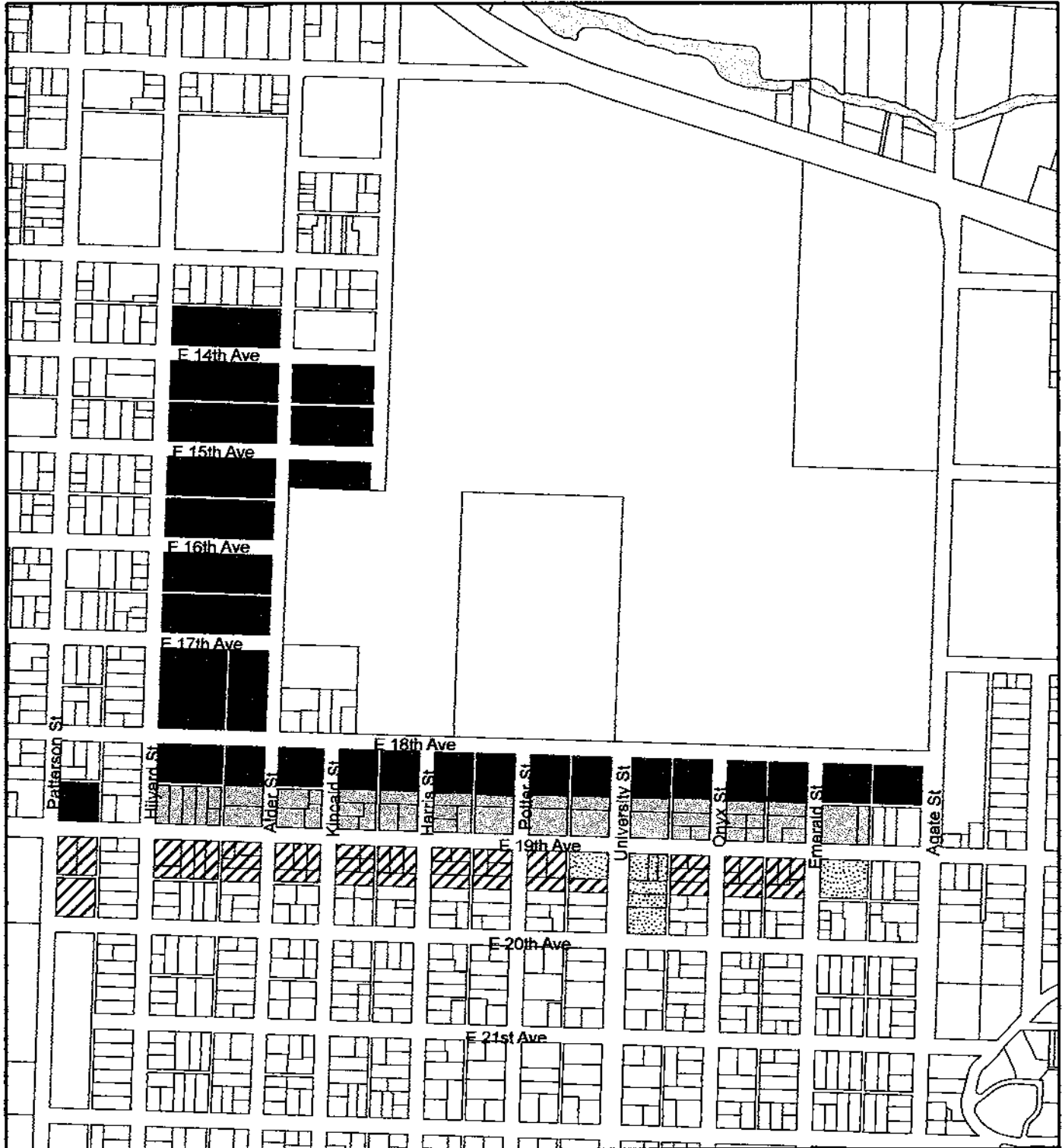
Revise EC 9.2751(3) so that it provides:





(3) Building Height.

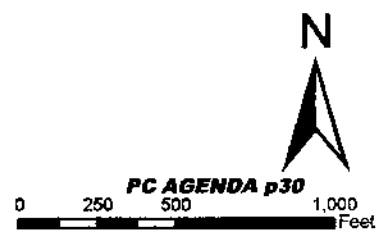
- (a) *Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.*
- (b) *For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:*
1. *In the R-3 zone between 19th and 20th Avenues, the maximum building height shall be limited to 35 feet.*
 2. *In the R-4 zone west of Hilyard Street, the maximum building height is 75 feet, except that on a development site of 10,000 square feet or more, a building may be up to 90 feet in height.*
 3. *In the R-4 zone east of Hilyard Street, the maximum building height is:*
 - a. *35 feet within the area south of 19th Avenue;*
 - b. *50 feet within the half block abutting the north side of 19th avenue;*
 - c. *75 feet within the half block abutting the south side of 18th Avenue, except that on a development site of 10,000 square feet or more, a building may be up to 90 feet in height.*
- See Figure 9.2751(3), Alternate B.*
- (c) *For that area bound by Hilyard Street to the west, Kincaid Street to the east, East 13th Alley to the north and East 18th Avenue to the south:*
1. *75 feet, except that on a development site of 10,000 square feet or more, a building may be up to 90 feet in height.*
- See Figure 9.2751(3), Alternate B.*
- (bd) An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, and R-3 and R-4 zones.

Figure 9.2751 Building Heights

Alternate B



-  R-3 Zoning: 35' Maximum Building Height
-  R-4 Zoning: 35' Maximum Building Height
-  R-4 Zoning: 50' Maximum Building Height
-  R-4 Zoning: 75' Maximum building height - except that on a development site of 10,000 square feet or more, a building may be up to 90 feet in height



Alternate C

Proposed Code Text
ICS / Height in the University Area

Showing proposed changes to code in effect on 10/1/09

Revise EC 9.2751(3) so that it provides:

(3) Building Height.

(a) *Except as provided in (b) and (c) below, in the R-3 and R-4 zone, the maximum building height shall be limited to 30 feet for that portion of the building located within 50 feet from the abutting boundary of, or directly across an alley from, land zoned R-1.*

(b) *For that area bound by Patterson Street to the west, Agate Street to the east, East 18th Avenue to the north and East 20th Avenue to the south:*

1. *In the R-3 zone between 19th and 20th Avenues, the maximum building height shall be limited to 35 feet.*

2. *In the R-4 zone west of Hilyard Street, the maximum building height is 65 feet, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height.*

3. *In the R-4 zone east of Hilyard Street, the maximum building height is:*

a. *35 feet within the area south of 19th Avenue;*

b. *50 feet within the half block abutting the north side of 19th avenue;*

c. *65 feet within the half block abutting the south side of 18th Avenue, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height.*

See Figure 9.2751(3), Alternate C.

(c) *For property within the boundaries of the city-recognized West University Neighborhood:*

1. *In the R-4 zone south of East 11th Avenue, the maximum height is 65 feet, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height.*

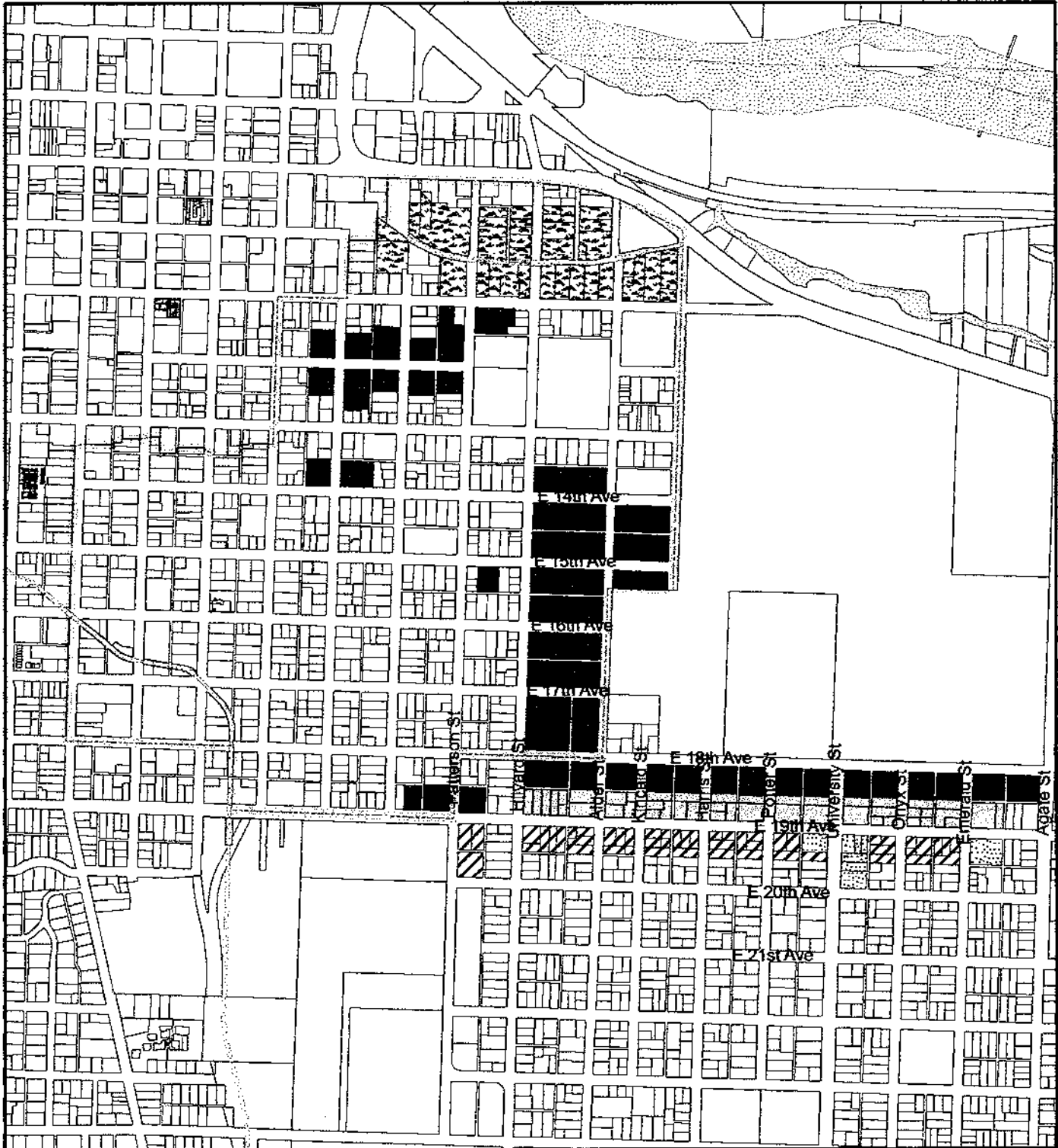
2. *In the R-4 zone north of East 11th Avenue, the maximum height is 65 feet, except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height, and on a development site of 30,000 square feet or more, a building may be up to 90 feet in height.*







See Figure 9.2751(3), Alternate C.

(bd) *An additional 7 feet of building height is allowed for roof slopes of 6:12 or steeper in the R-1, R-2, and R-3 and R-4 zones.*


Figure 9.2751 Building Heights

Alternate C



 R-3 Zoning: 35' Maximum Building Height	 R-4 Zoning: 65' Maximum building height - except that on a development site of 10,000 square feet or more, a building may be up to 75' in height, and on a development site of 30,000 square feet or more, a building may be up to 90' in height.
 R-4 Zoning: 35' Maximum Building Height	 West University Neighborhood
 R-4 Zoning: 50' Maximum Building Height	
 R-4 Zoning: 65' Maximum building height - except that on a development site of 10,000 square feet or more, a building may be up to 75 feet in height	

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PC AGENDA p32
0 250 500 1,000 Feet
10/8/09

2009 November 16 City Council Public Hearing Testimony

Tim Shinabarger
tim.shinabarger@comcast.net

Dear Mayor Piercy, Councilors and Staff:

Thank you for holding this hearing. I respectfully request you leave the public record open an additional week after the November 16, 2009 hearing so people will have a chance to respond to the public testimony and fulfill the public process. In this written submittal I will address building heights, as follows.

Building Heights in High-Density Residential areas of South and West University near the University of Oregon campus

On October 20th the Planning Commission held public hearings on three building height alternatives. I am submitting hard copies of those Planning Commission alternatives, complete with maps and staff report, into tonight's record, and I formally request said Agenda packet items from that October 20th Commission agenda topic be included in the current Council record. After deliberations on the three alternatives, the Planning Commission recommended Alternate B. The map and draft ordinance in your November 16, 2009 Building Heights Agenda packet represent Alternate B from the Planning Commission hearing.

The three Planning Commission alternatives have identical height standards except in the area where Alternate B allows buildings 75 to 90 feet tall. In that area, Alternates A and C allow buildings 65 to 75 feet tall.

Neighborhood residents who testified to Planning Commission supported the building heights in Alternates A and C. Regrettably, from our standpoint, Planning Commissioners chose to recommend Alternate B.

The Planning Commission's recommendation does not restrict the City Council to consider Alternate B only.

I think the 90-foot tall maximum building height in the draft ordinance is out of scale with the buildings and residential character of the South University Neighborhood, which is one of the most well-established and well-preserved older neighborhoods in Eugene. Ninety-foot buildings are also out of scale with the university to the north, which has a campus policy for maximum four-story buildings surrounded by spacious landscaping.

As noted, the Planning Commission's recommendation of Alternate B does not preclude Council consideration of the other two alternatives the Planning Commission reviewed. They are well worth your review.

I urge you to approve the height standards in Planning Commission Alternate A, and to direct staff to modify the draft ordinance accordingly.

Building Heights in High-Density Residential areas of West University proposed for study outside this process

Planning Commission Alternate C includes a historic residential area of West University Neighborhood between Broadway and East 14th Avenue not included in Alternates A and B. That area has unique aspects, and therefore I urge Council to authorize a separate process to study reducing allowable R-4 building heights in that historic area outside of the current process.

The first unique aspect of this area is its proximity to the Eugene Millrace. The second unique aspect was referenced by planning staff during the October 26, 2009 Planning Commission deliberations. City planners Terri Harding and Alissa Hansen referred to the potential for Alternate C to restrict building heights in portions of commercial property within 50 feet of the affected residentially zoned land. The unique aspect is that the specific commercial property apparently was considered for Transit Oriented Development in TransPlan and therefore its current allowable building height must be maintained.

The regulation that links its building height to adjacent residential building height is in the section of the Eugene Code that addresses development standards in Commercial Zoning. That reference is in EC 9.2171; it reads,

"Subject to the limitations in subsection (1) of this section, in the C-2, C-3, or C-4 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone."

Although every attempt to amend the Land Use Code creates unintended consequences, it might be a straightforward process to amend the Code to allow consideration of reducing the residential building height in that historic area without affecting the specific commercial property alongside. For that purpose, I respectfully request the Mayor and City Council to direct staff to analyze the issue of amending the Code to accomplish this purpose.

The Land Use Code language could be amended in the same manner as the Council amended Code language regarding building heights to establish interim standards within South University during the MiCAP process. That is, to use an "Except as provided as" clause to provide an exception specific to the affected West University neighborhood. In the spirit of someone who knows what happens to first drafts, here is draft language that could accomplish this purpose.

The existing Code text is in *italics*. Draft Code amendment language is in **boldface** and language that would be replaced (only the letter "S" is replaced in this draft) has ~~strike-through~~ formatting.

EC 9.2171 Special Commercial Zone Development Standards for Table 9.2170

(1) Exceptions to the general height restrictions for commercial structures stated in Table 9.2170 Commercial Zone Development Standards are contained in

(a) EC 9.6715 Height Limitation Areas.

(b) EC 9.6720 Height Exemptions for Roof Structures and Architectural Features.

(2)(a) Except as provided in EC 9.2171(2)(b), and sSubject to the limitations in subsection (1) of this section, in the C-2, C-3, or C-4 zones, no portion of a building located within 50 feet of a residential zone shall exceed the maximum building height permitted in the abutting residential zone.

(b) In the C-2 and C-3 zones in the area bound by High Street to the west, Kincaid Street to the east, East Broadway Avenue to the north and 14th Avenue to the south, no portion of a building located within 50 feet of an R-4 zone may exceed a maximum building height of 120 feet.

Another possible way to accomplish this purpose is to provide Code language creating an R-4 "height exception" area, and add a clause to Commercial standards to waive the requirement invoked in EC 9.2171(2) if the affected Commercial property is next to an R-4 height exception area. Planning and legal staff may have insight as to unintended consequences of this idea.

As a resident of South University neighborhood, I understand what it means to have historic buildings and areas in my neighborhood and to be concerned about potential impacts of out-of-scale development. Portions of the areas in West University Neighborhood that were considered by Planning Commission in Building Height Alternate C are unique due to their proximity to the Millrace and worthy of special protection. I urge Councilors to direct staff to study this as a potential way to protect those areas within the context of other City goals.

Respectfully submitted,

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