

**Lane Economic Committee
Agenda Item Number
7b.**

Eugene Land Use Development Code

Presenter: Steve Dignam

Action Recommended: Recommend that LCOG Board provide testimony in favor of proposed City of Eugene ordinance

Background

The LEC heard presentations from Hugh Prichard on March 17, 2008 and from Nan Laurence on April 21, 2008 regarding problems in the Eugene downtown land use code and the remedies being considered by Eugene staff, respectively. The LEC discussed the critical nature of a vibrant downtown in Eugene not only to the economic vitality of Eugene but also to the rest of Lane County.

The City of Eugene will have a public hearing on June 16, 2008 to consider amendments to its downtown code. These amendments are discussed in the attached staff memo. The amendments are proposed as a means to stimulate economic development in downtown Eugene while still retaining the goal of compact urban development.

The following is a summary of the proposed amendments:

Transit Oriented Development Overlay Zone (/TD)

- Amend the Floor Area Ratio (FAR) required from 1.0 FAR to .65 FAR
- Amend the area used for calculating FAR from “development site” to “lot”
- Allow basement areas to be included for the purpose of calculating FAR
- Clarify the existing provision that structured parking within a building’s footprint may be used as part of the FAR calculation
- Amend /TD to allow all parcels within this overlay zone to be eligible for the adjustment review process.

C-2 Community Commercial Zone

- Currently, developments on property zoned C-2 are required to have at least 60% of the building’s street frontage in commercial use, and a minimum of 20% ground floor area in commercial use. The proposed code amendment would remove these requirements for properties within the Downtown Plan area.

C-3 Major Commercial Zone

- Currently, surface parking is permitted in the C-3 Major Commercial Zone at the rate of 1 space for every 1,000 square feet of related development, up to a maximum of 20 spaces. The proposed amendment would remove the 20 space maximum limit.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Downtown Code Amendments - An Ordinance Amending Sections 9.0500, 9.2161, and 9.4530, of the Eugene Code, 1971; Adding a New Map 9.2161(6) (Downtown Plan Map) to that Code; and Amending Map 9.4510 and Figure 9.4530(3)

Meeting Date: June 4, 2008
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Nan Laurence
Contact Telephone Number: 541/682-5340

ISSUE STATEMENT

On June 16, 2008, the City Council will hold a public hearing on an ordinance to amend sections of the Eugene Land Use Code. The purpose of these amendments is to facilitate desired downtown development. This work session is intended to provide the council with the background on this matter prior to the public hearing. The draft ordinance is included as Attachment A; council action on the ordinance is scheduled for July 14, 2008.

BACKGROUND

Council Action History

The City Council considered the Planning Commission recommendation to initiate a code amendment on September 25, 2005. The code sections identified for amendment were:

1. C-2 Community Commercial non-residential ground floor requirement
2. C-3 Major Commercial surface parking
3. /TD Transit Oriented Development Zoning Overlay
4. Bike Parking requirements

The council requested that staff solicit additional public involvement on these and other related code sections to encourage and facilitate downtown development. After considering subsequent public input received via a public workshop, a web-based survey and additional Planning Commission deliberation and recommendation, the City Council initiated the code amendment for downtown-related regulations on July 24, 2006. At that meeting, the council directed staff to undertake a code amendment process starting with the initial four topics (with modifications for #2 and #3), and three additional topics based on public input received:

1. C-2 Community Commercial non-residential ground floor requirement
2. C-3 Major Commercial surface parking – consider ways to enhance shared parking provisions
3. /TD Transit Oriented Development Overlay – consider functional floors rather than the Floor Area Ratio (FAR)
4. Bike parking requirements

5. Boundaries for downtown development-related codes and regulations
6. Green building concepts
7. Design review

Following the council action, staff proceeded to identify issues for code amendments in a series of meetings with the Planning Commission. In addition, staff held public workshops and meetings with the Eugene Redevelopment Advisory Committee. As a result of their deliberations and input received on the complexity of the issues under consideration for amendment, the Planning Commission recommended that the code amendment process proceed in two phases. The intent was to develop a more flexible and responsive code in the very near-term while allowing a comprehensive review and discussion of other, more complex development code issues.

Phase I consists of a set of code amendment proposals that are limited in scope, and address code changes involved with items #1 – 3 above. Phase II will address items #4 – 7 above, entailing more significant amendments that are likely to require extensive discussion and analysis, potentially including a new zone for downtown and related metro plan amendments. Phase II is intended to begin immediately after adoption of the code amendments proposed in Phase I.

On April 15, 2008, the Planning Commission held a public hearing on the proposed code amendments for Phase I. The key code amendment provisions in Phase I are as follows:

1. /TD Transit Oriented Development Overlay Zone Standards

Amend the following five specific code areas:

1. Amend the FAR required from 1.0 FAR to .65 FAR, the FAR requirement in the code prior to the Land Use Code Update in 2001, for the area outside of the downtown core.
2. Amend the area used for calculating FAR from “development site” to “lot” to allow a smaller area for calculating required density.
3. Allow basement areas, including underground parking, to be included for the purpose of calculating FAR.
4. Clarify the existing provision that structured parking within a building’s footprint may be used as part of the FAR calculation.
5. Amend the /TD zone to allow all parcels within this overlay zone to be eligible for the adjustment review process, to provide a discretionary review process while maintaining the intent of the code provisions.

2. C-2 Community Commercial Zone

Currently, developments on property zoned C-2 are required to have at least 60% of the building’s street frontage in commercial use, and a minimum of 20% ground floor area in commercial use. These requirements are spelled out in 9.2161(6) *Residential Use Limitation in C-1 and C-2*, and Table 9.2161 *Commercial Uses Requirements in Mixed-Use Residential Developments*. The proposed code amendment would remove these requirements for properties within the Downtown Plan area, allowing residential use on the ground floor.

3. C-3 Major Commercial Zone

Currently, surface parking is permitted in the C-3 Major Commercial Zone at the rate of one space for every 1,000 square feet of related development, up to a maximum of 20 spaces. The proposed amendment would remove the 20 space maximum limit, but maintain the requirement and ratio for related development.

Planning Commission Recommendation

On April 28, 2008, the Planning Commission considered an ordinance enacting the proposed code amendments for Phase I and voted 6 to 1 to recommend approval of the ordinance.

Other Background Information

The process to draft the code amendments has employed significant public involvement opportunities. The need for a comprehensive review of existing downtown zones emerged as part of the initial Downtown Visioning effort in 1999. The Downtown Vision, approved by the council in 2000, included the following Key Next Step to support downtown development:

Create a new zoning district for the downtown that promotes multi-story structures with mixed uses, and emphasizes street-level activity along the Great Streets. Consider Design Review. (Page 9)

The concept of a new zoning district was included in the task of updating the Downtown Plan. In April, 2004, the updated Downtown Plan was adopted by the council. The plan contained the following implementation strategy:

Create a single zone to unify the downtown core, including the new Federal Courthouse and riverfront areas. Consider amendments to an existing commercial zone, such as C-2 or C-3, and overlay zones such as /TD, /ND, and the Broadway Overlay Zone. (Page 14)

In May, 2004, staff introduced the topic of a review of Downtown Area Zoning at the Eugene Planning Commission. Since that time, Planning and Development staff met with the Eugene Planning Commission, the Eugene Redevelopment Advisory Committee, and the City Council on multiple occasions, in addition to hosting public workshops.

Since the City Council initiated the downtown code amendment process in July, 2006, City staff held four additional Planning Commission meetings, a follow-up meeting with ERAC, a well attended public workshop, and a Planning Commission public hearing. As a result of this public involvement, the Phase I code amendments recommended by the Planning Commission, and reflected in the attached ordinance, do not mirror the specific language in the initial council motion regarding C-3 Major Commercial surface parking and /TD Transit Oriented Development Overlay Zone. While taking into account council direction to “consider functional floors rather than FAR” and to “consider ways to enhance shared parking provisions” the ordinance recommended by the Planning Commission proposes reducing the FAR required outside of the downtown core, and removal of the 20-space limitation.

RELATED CITY POLICIES

The work session topic is related to the City Council goal to revitalize downtown. Additionally, Eugene Code requires that the code amendment be consistent with the Metro Plan, the Eugene Downtown Plan and any other applicable refinement plans as well as the Statewide Planning Goals.

COUNCIL OPTIONS

No formal action is required; however, options will be provided as part of the formal code amendment deliberations on the draft ordinance, following the public hearing by the City Council on June 14, 2008.

CITY MANAGER'S RECOMMENDATION

No action is required on this item. Therefore, no recommendations are offered by the City Manager at this time. A recommendation will be provided as part of the formal code amendment deliberations on the draft ordinance, following the public hearing to be held by the City Council.

SUGGESTED MOTION

No action is required on this item. Therefore, no motions are offered by the City Manager at this time. A suggested motion will be provided at the time of formal deliberations on the draft ordinance.

ATTACHMENTS

A. Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Nan Laurence
Telephone: 682-5340
Staff E-Mail: nan.laurence@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 9.0500, 9.2161, AND 9.4530, OF THE EUGENE CODE, 1971; ADDING A NEW MAP 9.2161(6) (DOWNTOWN PLAN MAP) TO THAT CODE; AND AMENDING MAP 9.4510 AND FIGURE 9.4530(3).

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of "Floor Area" as set forth in Section 9.0500 of the Eugene Code, 1971, is amended to provide as follows:

9.0500 **Definitions.** As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Floor Area. The floor area of a building, except areas used exclusively for the service of the building, such as: mechanical equipment spaces and shafts; elevators; stairways, escalators and ramps; rest rooms; loading docks or ramps. The term "Floor Area," when calculated for the purpose of determining the Floor Area Ratio (FAR) *within the /TD Transit Oriented Development Overlay Zone*, includes ~~[all of]~~ the entire floor area of the building ~~[except for]~~ *including* the basement. *In all other zones, basement areas shall be excluded from the FAR calculation.*

Section 2. Subsections (5) and (6) of Section 9.2161 of the Eugene Code, 1971, are amended to provide as follows:

9.2161 **Special Use Limitations for Table 9.2160.**

- (5) **Parking Areas in C-3.** For surface parking spaces created after August 1, 2001, there shall be at least 1,000 square feet of floor area on the development site for each new parking space created. ~~[The maximum number of surface parking spaces on a development site shall be 20. All parking spaces in excess of these limits shall be in structured parking.]~~
- (6) **Residential Use Limitation in C-1 and C-2.** *Except for the Downtown Plan Area*, ~~[R]~~residential dwellings are allowed in the C-1 and C-2 zones if the ground floor of the structure is used for commercial or non-residential purposes according to Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments. *Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, residential dwellings are allowed in C-1 and C-2 zones and are not required to use the ground floor of the structure for commercial or non-residential purposes.*

| Table 9.2161 Commercial Uses Requirements in Mixed-Use Residential Developments Not Within the Downtown Plan Area (See Map 9.2161(6) Downtown Plan Map) | | |
|---|-----|-----|
| | C-1 | C-2 |
| Commercial Uses Requirements in Mixed-Use Residential Developments | | |
| Minimum Percent of Building Street Frontage in Commercial Use. Building street frontage shall be measured along the length of the building at the ground level within the maximum front yard setback. As used herein, "commercial" includes any non-residential use occupying a space at least 15 feet deep from the street facade of the building, excluding parking areas and garages. | 80% | 60% |
| Minimum Percent of Ground Floor Area in Commercial Use. | 80% | 20% |

Section 3. Subsections (3) and (7) of Section 9.4530 of the Eugene Code, 1971, are amended to provide as follows;

9.4530 TD Transit Oriented Development Overlay Zone Development Standards.

(3) Minimum Floor Area Ratio (FAR).

- (a) The total minimum floor area of buildings on a [development site] *lot* within the core /TD area as shown on Map 9.4510 Transit Oriented Development Overlay Zone shall not be less than 2 square feet of floor area to 1 square foot of the [development site] *lot* (2.0 FAR). The total floor area of any building on a [development site] *lot* within the /TD area outside that core area shall not be less than ~~[1.0]~~ **0.65** square feet of floor area to 1 square foot of the [development site] *lot* (~~[1.0]~~ **0.65** FAR). (See **Figure 9.4530(3) Floor Area Ratio Calculation**).
- (b) ~~[Floor area calculations shall not include basement areas in the gross square footage of the building.]~~ Major transit facilities, existing development and expansions of existing development are exempt from FAR requirements.
- (c) ***At-or-below-grade parking within the building's footprint and*** [A]areas used for enhanced pedestrian spaces and amenities accessible to the public may be credited to satisfy the minimum floor area requirement. Credit for pedestrian spaces and amenities shall be applied at the rate of 2 square feet of floor area for each 1 square foot of enhanced pedestrian space. Enhanced pedestrian spaces and amenities include plazas, arcades, sheltered or recessed entries, galleries, courtyards, outdoor cafes, and widened public sidewalks (more than 6 feet wide outside of the public right-of-way), with benches, shelters, street furniture, public art, kiosks, or space for outdoor vending.
- ~~[(d) The building and permit services manager shall allow basement areas to be calculated as part of the gross square footage of the building, for purposes of calculating floor area ratio, if the basement is designed and constructed as permanent office or retail use.]~~

- (7) **Adjustments.** An adjustment to any of the standards in this section may be made ~~[for /TD parcels with no alley access or with physical or legal constraints]~~ pursuant to the criteria beginning at EC 9.8015 of this land use

code.

Section 4. A new Map 9.2161(6) Downtown Plan Map as attached hereto is hereby adopted; Map 9.4510 is hereby amended and replaced with the attached Map 9.4510 Transit Oriented Development Overlay Zone; and Figure 9.4530(3) Floor Area Ratio Calculation, is hereby amended and replaced with the attached Figure 9.4530(3) Floor Area Ratio Calculation; and they shall be incorporated with other similar maps and figures in the Eugene Code, 1971.

Section 5. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 6. The legislative findings attached as Exhibit A hereto are adopted in support of this Ordinance.

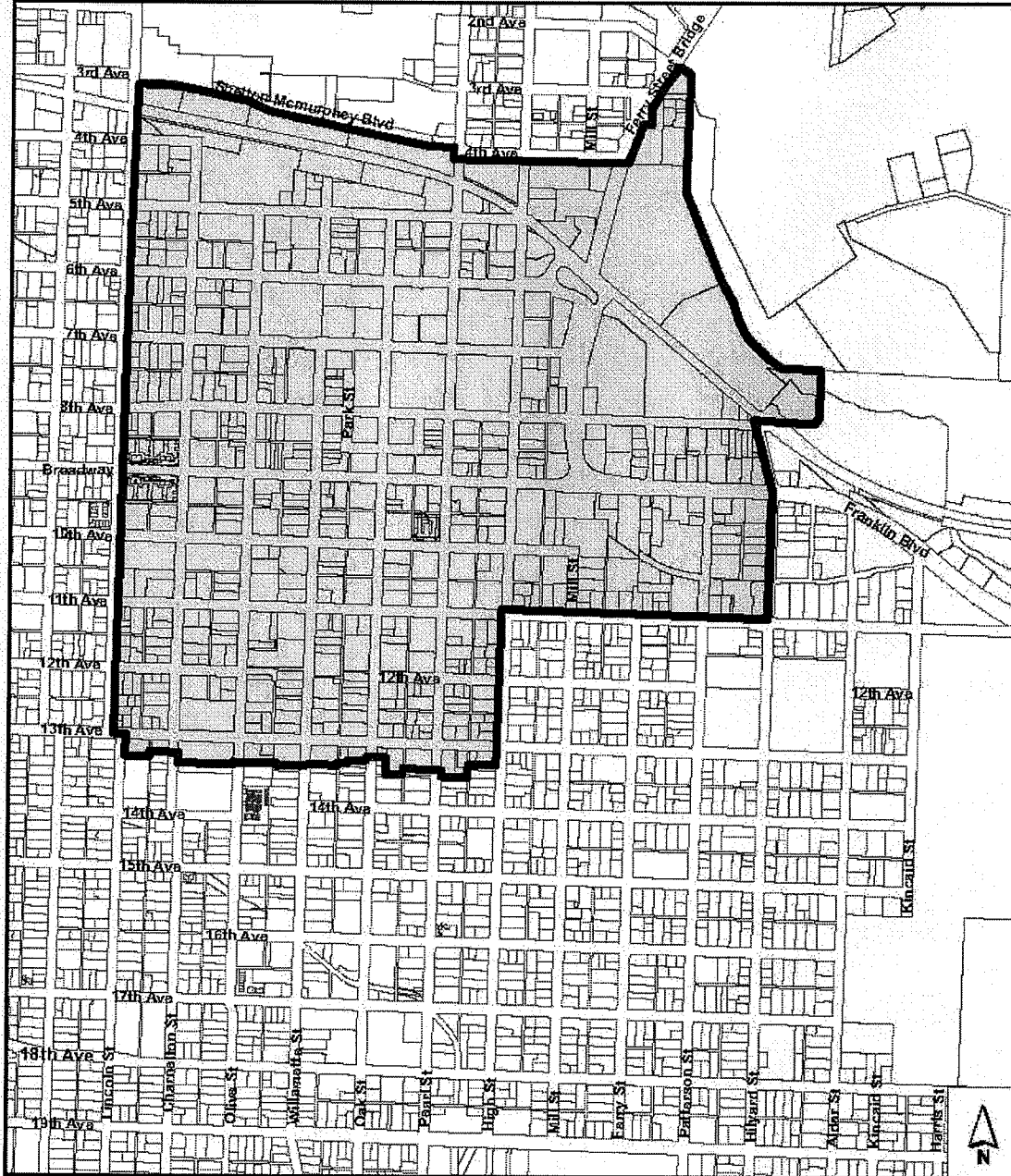
Passed by the City Council this
____ day of _____, 2008

Approved by the Mayor this
____ day of _____, 2008

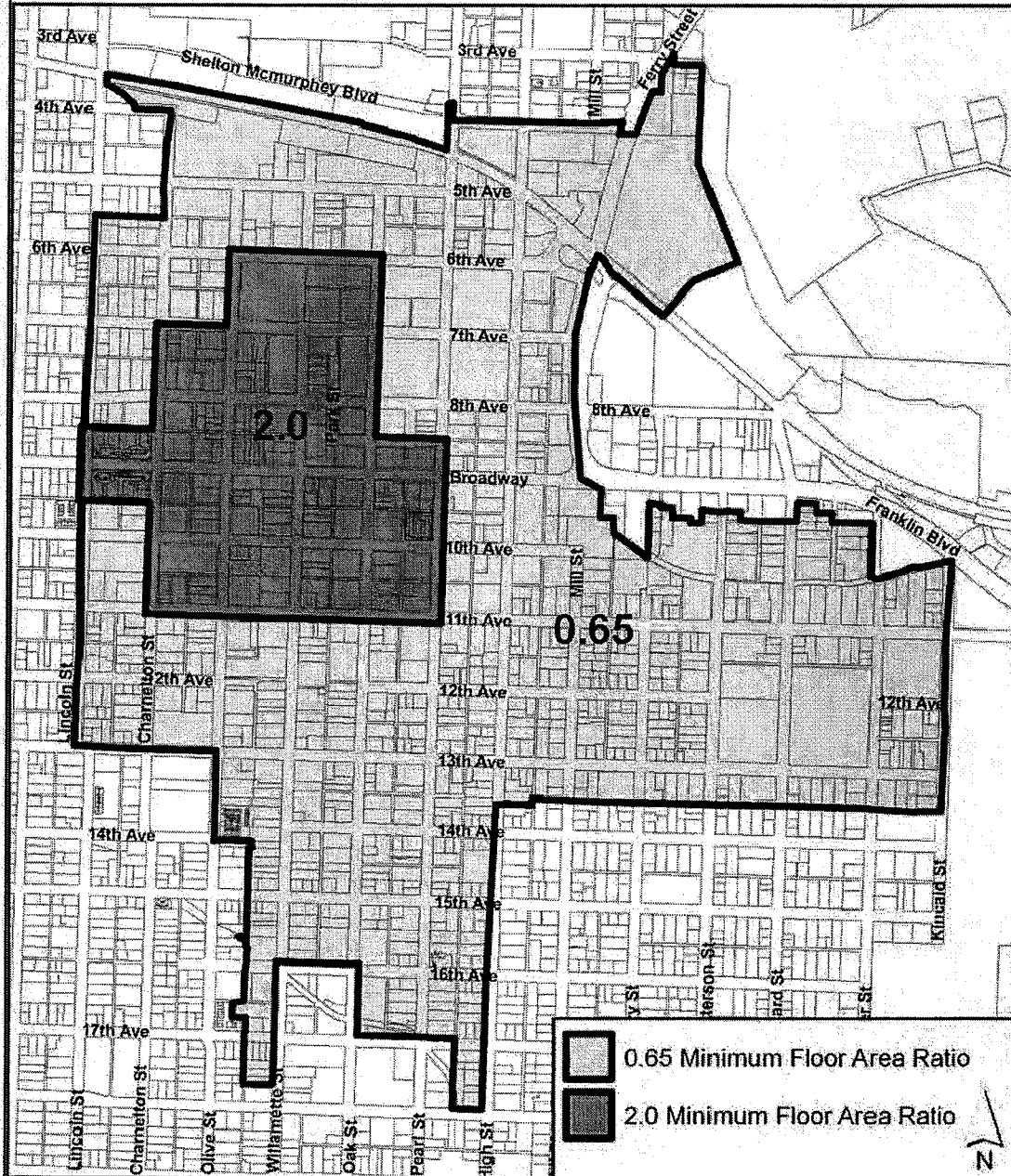
City Recorder

Mayor

Map 9.2161 (6) Downtown Plan Map



Map 9.4510 Transit Oriented Development Overlay Zone

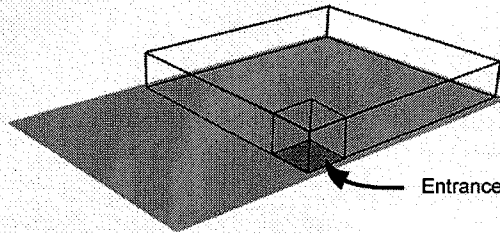


- 0.65 Minimum Floor Area Ratio
- 2.0 Minimum Floor Area Ratio

Figure
9.4530(3)

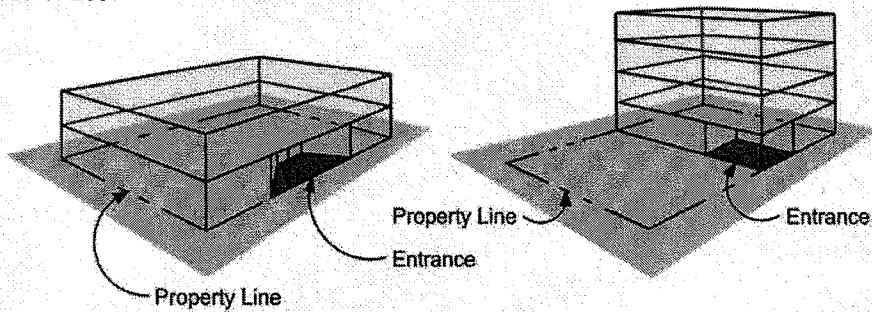
Floor Area Ratio Calculation

0.65 FAR
Total Building Floor Area =
0.65 Area of Lot



Example: 1 story over 0.65 of the
Lot Area equals 0.65 FAR.

2.0 FAR
Total Building Floor Area =
2 Times Area of Lot



Example 1: 2 Stories over the
full Lot Area equals 2.0 FAR

Example 2: 4 Stories over Half
the Lot Area equals 2.0 FAR