



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

January 27, 2021

**12:00 p.m. CITY COUNCIL WORK SESSION and
MEETING OF THE EUGENE URBAN RENEWAL AGENCY**

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of January 27, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President
Mike Clark
Randy Groves
Emily Semple

Claire Syrett, Vice President
Greg Evans
Matt Keating
Alan Zelenka

12:00 p.m. CITY COUNCIL WORK SESSION

- 1. EXECUTIVE SESSION – Pursuant to ORS 192.660(2)(f)**
- 2. WORK SESSION: Commercial Setbacks**

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El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Commercial Setback Requirements

Meeting Date: January 27, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Althea Sullivan
Contact Telephone Number: 541-682-5485

ISSUE STATEMENT

The purpose of this work session is to provide follow-up information as requested at the City Council's September 28, 2020, work session on commercial setback requirements. Specifically, staff will provide information on initial feedback from focus groups on conceptual land use code changes that would require minimum building setbacks and landscaping for development on commercially zoned property.

BACKGROUND

At Council's September 28, 2020, work session, Council discussed building setback standards and how they impact the pedestrian environment. Currently, the land use code allows for (but does not require) buildings in commercial zones to be constructed up to the sidewalk. Council expressed concern with the current setback standards, especially for residential units built adjacent to and level with the sidewalk and for commercial buildings along narrower sidewalks. The Council noted that the lack of setbacks and transition space results in an uncomfortable environment due to the lack of privacy for pedestrians and residents of these buildings.

Following City Council's discussion, Council voted to initiate a land use code amendment process to update building setback requirements along streets for commercially zoned properties with the intent of enhancing a walkable urban environment. The intent of the motion is to change the land use code to require buildings in commercial zones to be setback from the sidewalk, except in certain cases. As part of the motion, staff was also asked to gather initial stakeholder feedback and report back to Council before continuing with the land use code amendment process. The motion passed by Council states:

Move to initiate a code amendment to change the default allowing for no commercial setbacks, to require commercial setbacks with planter strips, other amenities and design elements, (with the code amendment process) to be completed within six months if possible. The code amendment should allow for adjustments or outright exceptions of no commercial setbacks in building up to the sidewalk in certain specific circumstances to be enumerated in the code, and staff will check back before the end of the year reporting on feedback and potential exceptions for circumstances.

January 27, 2021, Work Session – Item 2

To prepare for and frame the conversation with stakeholders, staff prepared conceptual code changes that would require minimum setbacks and landscaping (as opposed to the current allowance for zero setback in certain zones such as C-2 Community Commercial and C-3 Major Commercial), with clear exceptions for walkways and enhanced pedestrian areas. The code concepts shown to focus groups are provided in Attachment A. The exceptions would also allow buildings to move closer to the property line dependent upon additional design requirements such as minimum window transparency for commercial buildings, and vertical separation or other privacy requirements for residential buildings. At the meeting, staff will present an overview of the conceptual code changes including graphics and examples to help inform the discussion.

Staff engaged the services of a local public involvement consultant, Ellen Teninty with Cogito Partners, to help facilitate two focus group meetings with staff and a variety of key stakeholders. We invited local architects, landscape architects, designers, planners, real estate developers and representatives of Downtown organizations to review the conceptual code changes and provide their initial feedback. The initial focus group feedback is detailed in a written summary provided by Cogito, included as Attachment B.

Next Steps

This work session is an opportunity to discuss the initial focus group feedback and provide any further direction to staff. Following this work session, staff will begin drafting detailed draft code language that meets the intent of the original motion and incorporates the focus group feedback as part of the exceptions. Once drafted, the proposed code language will be brought through a formal adoption process, including a Planning Commission public hearing and recommendation and City Council public hearing and action.

PREVIOUS COUNCIL DIRECTION

March 13, 2017

Although Council did not provide formal direction at this work session, there was general agreement that the City Manager would return with a proposal for Council to consider.

September 28, 2020

Council passed the motion listed above, directing the initiation of a land use code amendment process and to report back on initial feedback. (Passed 8-0).

ATTACHMENTS

- A. Code Concepts Shown to Focus Groups
- B. Commercial Setback Focus Group Summary

FOR MORE INFORMATION

Staff Contact: Althea Sullivan
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Staff e-mail: ASullivan@eugene-or.gov

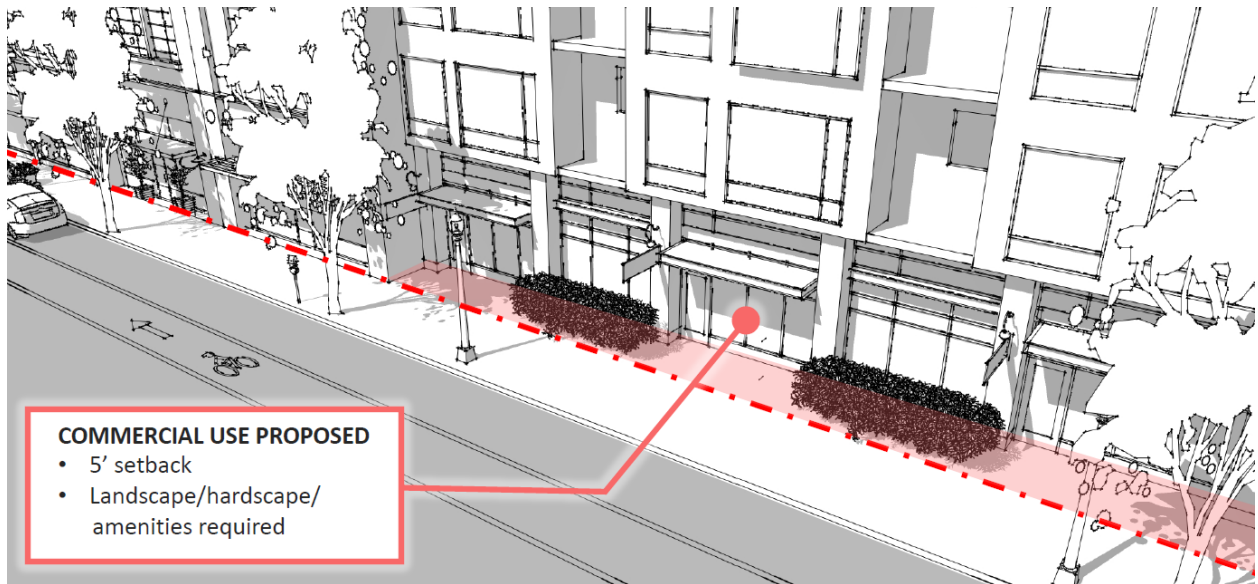
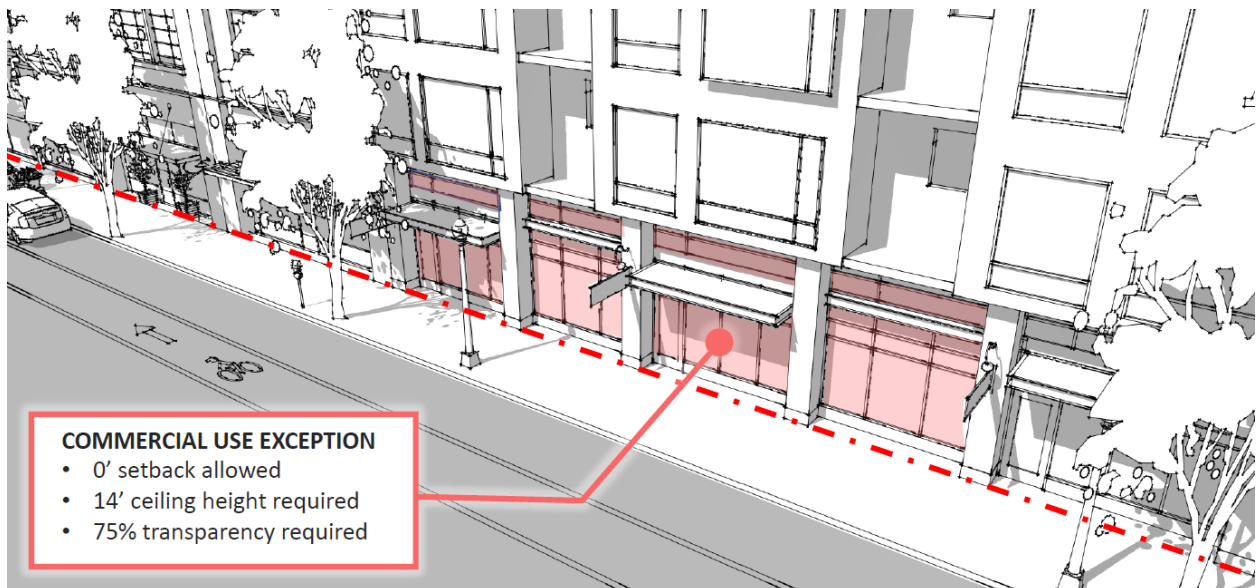
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Code Concepts Shown to Focus Groups

Concepts for Residential Uses



Concepts for Commercial Uses





Commercial Setbacks Code Amendments

Focus Groups Summary - November 2020

INTRO

Heeding the wisdom to “look before you leap,” City Council asked for input on a proposal to amend commercial setback code before moving forward. Staff engaged Cogito’s Ellen Teninty to quickly facilitate discussions with development and design professionals, and to summarize and share the findings.

BACKGROUND

On September 28, 2020 City Council held a work session with City staff and discussed commercial setbacks, urban design tools, and what actions the City could take to improve livability and walkability in commercial areas citywide. The following motion was passed:

Move to initiate a code amendment to change the default allowing for no commercial setbacks, to require commercial setbacks with planter strips, other amenities and design elements, (with the code amendment process) to be completed within six months if possible. The code amendment should allow for adjustments or outright exceptions of no commercial setbacks in building up to the sidewalk in certain specific circumstances to be enumerated in the code, and staff will check back before the end of the year reporting on feedback and potential exceptions for circumstances.

City staff developed concepts for how to implement the motion as a starting point for discussions with relevant professionals in two focus groups. Staff invited **local architects, landscape architects, designers, planners, developers, real estate brokers, and representatives of downtown organizations** to provide expert feedback about the potential commercial code amendments.

PARTICIPANTS

Claire Barnum, Downtown Eugene, Inc.

Mike DeLuise, Past Chair Downtown Neighborhood Association, Amazon Corner resident

Rick Duncan, Duncan & Brown, Inc.

Stan Honn, Honn Design & Construction

Colin McArthur, Cameron McCarthy Landscape Architecture & Planning
Mark Miksis, deChase Miksis
Randy Nishimura, Robertson Sherwood Architects
Steve Ochs, Homes for Good
Hugh Prichard, Prichard Partners
John Rowell, Rowell Brokaw Architects
Rick Satre, The Satre Group
Stephanie Seubert, Evans Elder Brown & Seubert

City staff: Gabe Flock, Terri Harding, Chad Cramer, Althea Sullivan, Jennifer Knapp
Facilitator: Ellen Teninty, Cogito

FEEDBACK

The following represents the groups' general conclusions. While not unanimous in every aspect, this reflects the sentiments and experiences of the participants. *Please see Appendix A for notes.*

A. Setback amendments should not be the same citywide.

- Downtown, transit corridors, and other neighborhood centers have different conditions and goals and should not be treated the same.
- C-2 and C-3 should not be treated the same, except in the Downtown Transit Overlay District as it is now.
- One size won't fit all and will unnecessarily limit potential.

B. Street and sidewalk design are equally as important as the building interface.

- Participants agreed that some streets are not well-designed to encourage vibrant pedestrian environments in Downtown, along key corridors, and other neighborhood commercial centers.
- Don't expect the building to correct a public street design problem.
- See the sum total of all the parts, including the public right-of-way.
- The city should focus efforts to ensure the streetscape and sidewalk design support these important areas.

C. Ground floor residential should be encouraged.

- Well-designed ground floor residential should be encouraged to help fulfill the city's need for affordable and diverse housing options.
- Setbacks alone will not be enough to create a walkable and vibrant streetscape.

D. Strengthen design requirements for financial incentive programs (MUPTE).

- Negotiate with city financial leverage, such as with MUPTE or other financial incentives.
- Use leverage for better design outcomes.

E. Staff showed general concepts (See Attachment) with setbacks and transition spaces for residential uses on the ground floor and asked the following three questions about the concepts:

- 1) *Do you have any concerns about impacts from the proposed concepts?*
 - Vertical separation will increase construction costs and create design challenges for ADA accessibility.
- 2) *Does the setback dimension and vertical separation create a safer, more comfortable, and walkable urban environment?*
 - These are nice design ideas, but more goes into making a safe and comfortable environment than building design.
 - It is a problem to do the things that give this preferred look and feel because of the added costs, ADA requirements and safety concerns.
- 3) *Do the proposed exceptions enhance the pedestrian experience?*
 - Wider setbacks and buffer strategies are more necessary with the higher speeds and more traffic on transit corridors than in low speed, low volume traffic areas.
 - Do not regulate windowsill heights to improve the interface between ground floor residential and pedestrians.

F. Staff showed general concepts of setbacks and frontage requirements for commercial uses on the ground floor and asked the following three questions:

- 1) *Do you have any concerns about impacts from the proposed concepts?*
 - Capstone wasn't a commercial project. Why impose new setbacks or other changes for commercial?
 - Applebee's proximity to the sidewalk resulted from a new transit corridor and does not need a citywide response.
 - Sometimes the solution will be in the right-of-way.
 - Do not require setbacks.
- 2) *Does the setback dimension and exceptions create a safer, more comfortable, and walkable urban environment?*
 - Commercial use setbacks shouldn't be set in stone; you need flexibility and you don't want to lose the variety that make urban streets interesting.

- A 0' building setback can work well when street and sidewalk conditions allow for safety and walkability.
- 3) *Do the proposed exceptions enhance the pedestrian experience?*
- General support for carefully considered ceiling heights that reflect the different conditions of Downtown and the corridors.
 - General support for carefully considered transparency requirements that work with the conditions of Downtown and the corridors.

CONCLUSION

Focus Group participants agree that some buildings and some streets are not well designed to encourage good pedestrian environments in the Downtown, along key corridors, and other neighborhood commercial centers. In general, they do not think that a citywide commercial setback code amendment is the right tool for the goal and believe it would have negative consequences. Participants stressed that residential and commercial uses should not be treated the same, and that the Downtown and transit corridors have differing goals and conditions. They urged against a setback amendment for commercial uses and cautioned that a residential setback amendment would not solve the perceived problem and may cause others.

Appendix A: Meeting Notes

Commercial Setbacks Discussion I

November 6, 2020 11:00 a.m.-12:30 p.m.

Participants

Hugh Prichard, Prichard Partners

Claire Barnum, Downtown Eugene, Inc.

Colin McArthur, Cameron McCarthy Landscape Architecture & Planning

Rick Satre, The Satre Group

Steve Ochs, Homes for Good

John Rowell, Rowell Brokaw Architects

Stephanie Seubert, Evans Elder Brown & Seubert

Stan Honn, Honn Design & Construction

City staff: Gabe Flock, Terri Harding, Chad Cramer, Althea Sullivan, Jennifer Knapp

Facilitator: Ellen Teninty, Cogito

What do you think of a citywide minimum setback?

- Don't discourage ground floor housing.
- Doesn't like Capstone and is open to 3'-5' setbacks.
- Capstone is hideous. Doesn't like the idea of combining C2 & C3 for when thinking about setbacks. C2 is entirely different. Is skeptical about going forward with proposed changes. Understands that the City is trying to solve a problem like Applebee's and 29th/Willamette but thinks that the downtown buildings with 0-3' setbacks are good buildings.
- C3 is intended as an intense urban land use and buildings should directly address the sidewalk, with minimal or zero setbacks. The hardscape should be continuous with the public sidewalk and give direct access to the building. Lawns, shrubs, or ground covers with pavers are inappropriate.
- Don't use a bad design to fix a problem with Capstone. Narrow sidewalks are a public problem. And what about ramps that will be required for elevated entries. He could see some setbacks for some projects, but the City shouldn't stymie innovation and new ideas.
- C2 & C3 are different animals. C3 residential is a non-issue. The 5' setback is arbitrary, 3' is enough. There's a difference between northern exposure street facings and southern exposure.
- Thinking of Portland ground floor living spaces that mostly have blinds and glass film coverings. Thinks that a setback would be better than a vertical separation. Concerned about the added cost of conforming. Want to ensure there is more flexibility other than what is proposed by the City.
- What about storm water issues and the mandate for density?

- It is understandable that we want to avoid anything like the Capstone project from happening again, in any zone. But setting it back five or ten feet would have done little good. If you look at the terrible job they did on the Olive Street public sidewalk, it is clear that any required setbacks would have resulted in similar shoddy landscaping and hardscape with a short life for both. Their Olive Street sidewalks already fail ADA standards. The answer to “the Capstone problem” is not setbacks, it is an accountable approval and development process with teeth. We lacked that and will pay a price for decades.
- I think the existing code, with all its faults, should be left as-is. In particular, C3 zoning setbacks should not be tinkered with.
- Love the setbacks and vertical separation from design/architectural perspective. Need Flexibility in design, economics and access. Setbacks on the private side with amenities should work well.

Residential set back and exceptions

- It is a problem to give the preferred look because of the added costs, ADA requirements and safety concerns.
- Is hospitality part of the vision along with residential?
 - Yes, it would be considered commercial.
- The 3’ vertical is an issue with ADA requirements. What about C2 projects currently in progress?
 - There aren’t any.
- Anything we would do on the ground floor would have to accommodate the vertical separation and ground floor living space. Amazon corner is a good example. In my California experience you can have universal access if you have another entrance, say from the back, but you still have the ADA issues. The ground floor is extremely important for access and other horizontal layering. There are lots of people who like living on the ground floor level. It’s a choice made by the buyer. The 5’ setback is more than you need. Landscape has to have at least a 3’ setback. Vertical separation can work, but don’t make rules that eliminate low-cost housing.
- Looking at the Riverfront project, there is an 8’ maximum setback that works but urban amenities are part of the picture. He’s not sure if we should have a minimum setback. Some places won’t allow for developing land below ground level and elevating the ground floor 3’ is expensive.
- Flexibility is important. Too many restrictions impact the cost, price of the units and affordability.
- Don’t like the 6’ sill height. That will decide the elevation of the building and create problems for the architect. Using the zoning codes to restrict designs will produce ugly results. The range between beauty and ugly can be determined by too many restrictions.
- If you use a tape-measure to design a building, you create problems.

- Some solutions to the setback issues can be resolved on the public side. Infill or redevelopment has to work with the public space. A 0' setback can work when other conditions exist that allow for safety and walkability.
- What about curb to building rather than property line to building? What about giving up street parking to get a larger setback?
- When we were planning Broadway Place, we wanted to have the west end consist of units opening to the sidewalk with individual stairs and stoops, like "Brownstone" units. It would have been a beautiful façade facing the more residential neighborhood to the west. We were unable to do this for several reasons. (1) The costs to do individual stairs and front porches were prohibitive. (2) Providing individual front doors would compromise the security of the entire project. Each of these units would need to open into the interior common areas and so the number of "front doors" would make securing the building impossible. (3) ADA requirements could not be met with the individual stairs. Possibly the letter of the law could be met by rear access through the common area, but this would be convoluted and frustrating for the user.

Commercial setback and exceptions

- 1245 Willamette has a 7' setback. Would that work today? It's a bad idea to legislate setbacks. Landscape in setbacks is a problem with maintenance and no setback infill is a problem with human use. The sidewalk by Capstone is too narrow but if there were a bike lane next to the sidewalk it would be safer for pedestrians. Commercial tenants appreciate having parking in front, but as biking increases people will want to bike to the front door. Make bike parking as important as street parking. So far, the City seems more concerned about bike parking maintenance than accessibility.
- 1203 Willamette is a perfect example of adequate sidewalk width, outdoor dining and parking. You need to see the sum total of all of the parts, not just the setback.
- Are the incentives there to get designers/builders willing to build?
- I support the 14' ceiling height and the 75% transparency. We need clear and objective requirements if they fit the whole picture.
- I think a ceiling height is a good idea, but I think 14' is unnecessarily restrictive.
- JR: It sounds like the 14' ceiling is designed to create high windows. How do you interpret ceiling height? 14' is on the tall side. I think 12' would be better. I think the 75% transparency is OK.
- I could support a ceiling height, but what is the appropriate height?
- I like high ceilings but the transparency % should match the ceiling heights.
- I think horizontal setbacks are better than vertical setbacks. Look at recent Glenwood hotel constructions. Their code called for a 15' ceilings. The hotels complained but they built them to code anyway, and it is still not beautiful.
- 1203 Willamette only has 9' ceilings. You need to support well-proportioned store fronts, so they look like works of art rather than squashed bugs.
- I'm woefully unhappy with the City's approach to combine C2 & C3 for setbacks. They should take C3 out of it entirely.

- You need to split C2 and C3 when discussing ceiling height. The River Road corridor is coming into a C3 environment with canopies, awnings and other projections. The space in front of a building is a 3-dimensional space. What happens overhead is as important as width.
- I'm concerned about the relationship between affordability and added restrictions.
- I'm learning a lot from this discussion. It's hard to find a happy medium, but we need clarity and certainty.
- You need to be clear about what the problem is you're trying to fix. Every rule limits potential. The City should think again about using their leverage when looking at each design for a project.
- We have many excellent examples of this kind of urban streetscape in our downtown. The recently constructed Woolworth Building demonstrates this well. Setting it back from the sidewalk or requiring landscaping would be a great urban design mistake. Likewise, its neighbor, the reconstructed Broadway Commerce Building, is a timeless urban building with minimal setback and no landscaping.
- The obvious problems with visibility and safety of both Applebee's on West 11th and OCCU at 29th & Willamette were driven by the misguided requirement of maximum setbacks in C2 zones. We wanted them to "address the street". Instead, they degrade the street. They are too close to those busy streets and the required minimum amount of 15-foot setback degrades both the pedestrian experience and the experience inside the building. These suburban situations illustrate very well the great difference between the needs of C2 and C3. There are many more ways in which they are distinctly different. Please don't try to lump them together.

Commercial Setbacks Discussion II

November 6, 2020. 2:00 p.m.-3:30 p.m.

Participants

Mike DeLuise, Past Chair Downtown Neighborhood Association, Amazon Corner resident

Randy Nishimura, Robertson Sherwood Architects

Rick Duncan, Duncan & Brown, Inc.

Mark Miksis, deChase Miksis

City staff: Gabe Flock, Terri Harding, Chad Cramer, Althea Sullivan, Jennifer Knapp

Facilitator: Ellen Teninty, Cogito

What do you think of a citywide minimum setback?

- There is a mobility problem with the proposed setbacks and vertical separation for residents and guests. The same with street level transparency. There's no privacy, no views and no eyes on the street.

- Some ground floor units at Capstone are still unoccupied. And traffic speed in corridors also impact safety concerns and public space. We are not trying to fix rampant development. Use other city leverage rather than code.
- Traffic speed is a problem for pedestrians. Sidewalks are safer if there are wider sidewalks and deeper setbacks. You also need space for both types of pedestrians, those on foot and those who are disabled using the sidewalk at the same time.
- If there is a proper sizing of the right-of-way, more generous sidewalks are less of an issue.
- Extreme limitations on right-of-way and pushing setbacks decrease options for development. COVID and Amazon online shopping are already decreasing storefront usage. Most developers don't want ground floor residential on corridors. It's OK for downtown, but cost effectiveness is paramount.
- One-size-fits-all doesn't work.
- You should separate the downtown from the transit corridors. Would these proposed setbacks hold for rebuilds/rehabs of existing buildings?

Residential set back and exceptions

- My facility has setbacks, and they work well for livability.
- Would you make an exception if you had privately developed public space?
- Should ground-level residential be encouraged at all?
- I'm usually not in favor of one-size fits all solutions to problems. Ground floor residential can work if you use setbacks. Typically, the proposed changes would make for a better project. We have examples of a residential building with a ground floor common room and apartments in the floors above.
- I would probably design and want to build ground floor residential with vertical separation and landscaping, like is shown.
- Look at Lincoln and 10th accessibility. A 3' separation could be below grade or at grade, but not elevated.
- Vertical separation can be expensive to resolve. Any entrance needs ramps to conform to ADA.
- Residents want to have defensible space on the ground floor in C3 zones. C2 and C3 shouldn't be separated as a default. There are exceptions available.

Commercial setback and exceptions

- Commercial use setbacks shouldn't be set in stone. You need flexibility. Some commercial users don't need a 14' ceiling.
- Why does downtown commercial need to be changed? Setbacks can invite more unwanted human occupation of those spaces. Setbacks should be optional, not a mandate.
- Don't require setbacks. What about overlays? TD overlay is the current overlay for C2 in the City.

- Capstone wasn't a commercial project. Why impose new setbacks or other changes for commercial?
- Keep C2 & C3 with the same conditions in the TOD downtown. 12' or 14' ceilings are wasteful when you consider energy costs. And a 75% window front can be a problem for some types of businesses, depending on what type of business is going to use the space.
- 75% transparency does seem rather high.