Memorandum

Date: June 17, 2019

To: Mayor Vinis and City Council

From: Gabe Flock, Senior Planner

Subject: Summary of Planning Commission Recommendation for Downtown Riverfront

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This memo is a supplement to the Agenda Item Summary (AIS) provided for the June 24, 2019, public hearing on the Downtown Riverfront land use adoption package. With that AIS, you received, among other things, the proposed ordinance, a summary of the adoption package, and access to the full record of materials to date. This memo provides the Planning Commission's recommendation.

Background

The Planning Commission held the initial public hearing on the proposed adoption package on May 7, 2019. Following an open record period to accept additional testimony, the Commissioners conducted deliberations at three separate meetings on June 3, 4 and 11, 2019. The Planning Commission recommends that the City Council approve all elements of the land use package. The unanimous recommendation for approval of the overall land use adoption package (4:0), however, includes several recommended changes to the proposed code language for Downtown Riverfront Special Area Zone (S-DR), which are presented below and in Attachment A. As part of its recommendation, the Planning Commission also wished to call your attention to two specific topics that involved informal split votes, which are also discussed below.

Not all Planning Commissioners participated, some absent for travel or other commitments, and one Commissioner, Kristen Taylor (Chair), recused herself due to a conflict of interest because her firm TBG Architects and Planners worked on the tentative subdivision materials included as part of the adoption package. The Planning Commission intends to have at least one representative available as part of the Council process, to help communicate its recommendation and answer any questions that may arise.

Recommended Changes to Draft S-DR Zoning

As part of Planning Commission's unanimous (4:0) recommendation for approval of the overall land use adoption package, the Planning Commission included specific recommended changes to the draft code amendments that they discussed in detail. These specific changes are set forth in Attachment A and are summarized as follows:

A) To incorporate additional step-backs and height restrictions for specific S-DR property north of 4th Avenue on the east side of High Street to help protect against impacts on the historic character of the "People's Market" building and "Ham House" to the north, across the alley.

B) To amend the approval criteria for Design Review in EC 9.3190(2) to require an applicant to comply with the "Design Objectives" stated in the code as part of the purpose of the S-DR zone and to clarify that design review cannot be used to allow an obstruction of a view corridor with buildings or structures. The "Design Objectives" listed in the draft code at EC 9.3130(2) (at page 137 of the Council's June 24, 2019 agenda packet) are:

> **(2) Design Objectives**. The design objectives of the S-DR Zone are to:
> (a) Create a "people place" that is active, vibrant, accessible, and multi-use.
> (b) Provide appropriate setbacks, deeper where environmental or habitat issues are critical, and shallower in other areas.
> (c) Incorporate appropriate building and site design techniques that address environmental concerns.
> (d) Include educational aspects that teach about the city, river, and history.
> (e) Support development of an integrated network of open space, habitat enhancement, and cultural landscape areas.

C) To amend the draft code to incorporate changes to EC 9.3165(1)(a), to require that the allowance for off-site parking within ¼ mile be measured along the route of the shortest existing public way or private street (i.e. travel distance, rather than ¼ mile "as the crow flies").

D) To amend the draft Figure EC 9.3155(3) to extend the view corridor along 5th Street to its intersection with Ferry Street, and along the two southerly rights-of-way leading toward the new riverfront park ("Local Roads 1 and 2") to their intersections with "Railroad Boulevard." The intent of this recommended change is to clarify and extend the restrictions against obstructing the view corridors to the river, while also amending the draft code to clarify that building projections such as balconies and other features defined in 9.3155(6), *are* allowed in view corridors.

Informal Split Votes

As noted above, the Planning Commission expressed interest in highlighting two specific topics that involved informal split votes (straw poll votes leading toward their formal recommendation that were close calls). These are briefly described below:

1) Temporary Parking Areas. Under current code, there are limited "Interim Parking Areas" such as near the Steam Plant building and the existing EWEB administrative headquarters building, where temporary parking would be allowed without having to establish a permanent use or upgrade the parking with landscaping and stormwater drainage to current code standards. The intent was to facilitate parking for construction or other uses as the site develops over time.

As part of the draft code amendments, changes are proposed to expand the temporary parking allowed in the current code. The proposed amendments would expand the allowance for temporary parking throughout the S-DR zone, with a recognition that: 1) the majority of the site is already paved and has historically been used for parking and for storage of equipment at the former EWEB maintenance yard; 2) parking availability in the downtown area is already very limited, and will be especially constrained and challenging to provide on the subject site over the next few years as the site develops; and 3) there is a need to anticipate and accommodate possible City-sponsored events such as the 2021 World Games and re-development of the Steam Plant with new uses.

The Planning Commission considered this issue closely, due to the proximity to the Willamette River and with the interest of possibly restricting the allowance to ensure greater protections against possible pollution entering the water from parked vehicles. Upon further discussion, and reassurance from Public Works staff that a variety of existing protections remain in place to prevent surface pollution from entering the river, the Planning Commission voted 3:2 in favor of keeping the expanded allowance for temporary parking as currently drafted. See draft code at EC 9.3165(2).

2) Public Accessways to Riverfront Park.
As part of the proposed subdivision, and as required by the draft code at EC 9.3160, public accessways are proposed to the new riverfront park from the ends of local streets. These are proposed as 14-foot wide public access easements, to be built with 12-foot wide paving and to connect with the new multi-use path along the river, consistent with the City's typical public improvement standards for public accessways that accommodate bicycles and pedestrians. Some commissioners expressed concern about the permanence and full public rights for access, and a desire to require these public accessways be dedicated as public *rights-of-way*, rather than public *access easements*.

Staff provided additional clarification about the legal effects of easements versus rights-of-way and about the process and criteria for vacation of easements and rights-of-way, and the extremely unlikely possibility that these new public accessways would ever be vacated given their importance in providing critical public connections to the new riverfront park. As part of the discussion, staff emphasized the clear code requirements in the S-DR zone for these connections to exist at EC 9.3160 (See pages 160 and 163 of the City Council's June 24 packet). The result was a split 2:2 informal straw poll vote, resulting in no recommended change to the proposed public access easements.

Attachments

A: Planning Commission Recommended Revisions

Planning Commission Recommended Revisions

A) Planning Commission Recommends imposing new step-back and height requirements on a specific property located north of 4th Avenue by:

- **Making changes to the draft code text at EC 9.3155(3) and (4), shown on page 146 of the City Council's June 24 packet (see highlight, below);**
- **Adding a new Figure EC 9.3155(3)(g) (see below); and**
- **Making revisions to add the new height standard "G" to Figure 9.3155(3) S-DR Zone Height Regulating Plan shown at page 152 of the City Council's June 24 packet (see below).**

(3) Building Height. Minimum and maximum building heights shall be determined using Figure EC 9.3155(~~2~~***3***) S-DR Zone Height Regulating Plan and Figures EC 9.3155(3)(a) through (g)***.*** In the event of a conflict between the written text and the figures, the figures shall control. ***Notwithstanding the provisions in EC 9.6715 and EC 9.6720, trellises, structures providing weather protection, architectural features, and other devices may be erected no more than 12 feet above the height limits established in this land use code, whether such structure is attached to it or freestanding.***

(4) Building Stepbacks. Required building step-backs in the S-DR Zone are shown on Figures EC 9.3155(3)(a) through (g) ~~and on Figure 4-3 of the Downtown Riverfront Specific Area Plan~~. Step-backs are measured from the front of the building facing a primary street***, from the side of the building adjacent to an alley*** ~~and~~ ***or***, where applicable, from the side of the building when abutting the S-DR/CL subdistrict.

Figure 9.3155(3)(g) S-DR Zone Height Standard "G"

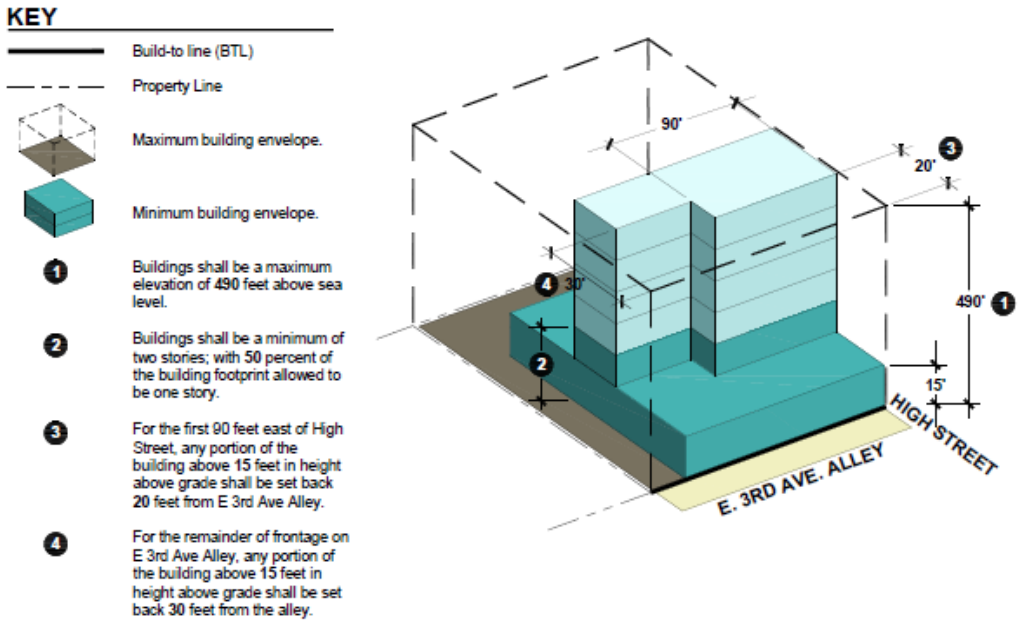
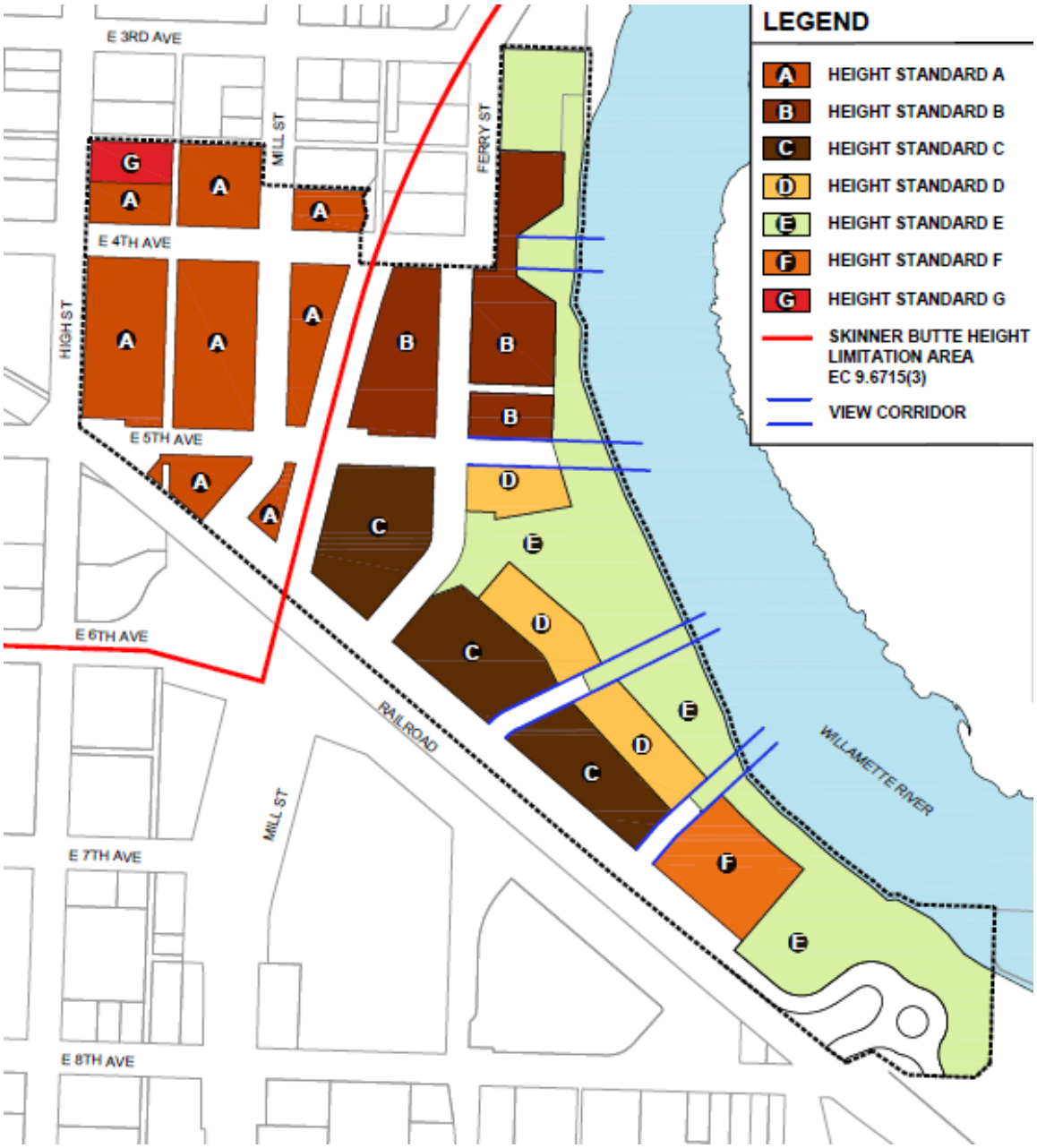


Figure 9.3155(3) S-DR Zone Height Regulating Plan



B) Planning Commission Recommends more stringent requirements for approving an alternative to S-DR development standards through the City's Design Review process by:

- **Making changes to the draft code text at EC 9.3190 shown on page 191-192 of the City Council's June 24 packet (see highlight, below).**

9.3190 S-DR Downtown Riverfront Special Area Zone Design Review.

(1) ~~As an alternative to designing a development that complies with applicable standards in the S-DR Zone, w~~***W***here explicitly stated that the Design Review process can be used to approve an alternative to ~~a particular~~***applicable*** standards, an applicant may apply for approval of a proposed development through the Design Review process beginning with EC 9.8110 Design Review-Purpose.

(2) The planning director shall approve, conditionally approve, or deny a Design Review application based on compliance with the following criteria:

~~(a) The criteria at EC 9.8030(16)(a)1. through 3. apply to alternative designs pursuant to EC 9.3150(3), EC 9.3160(7), EC 9.3165(1), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3).~~

~~(b) The criteria at EC 9.8030(16)(a)3. apply to alternative designs pursuant to EC 9.3147(7).~~

~~(c) The criteria at EC 9.8030(16)(a)3. apply to alternative designs pursuant to EC 9.3185(4).~~

~~(d) Except as provided in (c), above, the Cultural Landscape and Open Space Design Guidelines in the Downtown Riverfront Specific Area Plan apply to uses in the S-DR/CL subdistrict pursuant to EC 9.3185(2).~~

(a) Consistency with the design objectives at EC 9.3130(2).

(b) Alternatives proposed pursuant to EC 9.3160(5), EC 9.3180(3), EC 9.3181(3), and EC 9.3182(3) shall demonstrate that the alternative proposal will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:

1. A building orientation, massing, articulation, and façade that contributes positively to the surrounding urban environment; and

2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.

(c) Alternatives proposed pursuant to EC 9.3185(4) shall demonstrate that the alternative proposal will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:

1. An overall site design that includes public green space, interpretive sites, public art, vistas, and/or historic

structures that teach about the history of Eugene's Downtown Riverfront; and

2. An overall site design that includes habitat enhancement areas that promote educational opportunities and demonstrate ecological enhancement in urban environments.

(d) New buildings and structures shall not obstruct view corridors identified on Figure 9.3155(3) or reduce the minimum dimensions specified in EC 9.3155(15).

C) Planning Commission Recommends clarifying how to measure the distance limitation for off-street parking by:

- **Making changes to the draft code text at EC 9.3165(1)(a) shown on page 174 of the City Council's June 24 packet (see highlight, below).**

(a) Location of Required Off-Street Parking. Required off-street parking shall be located on the development site, anywhere within the S-DR Zone boundary, or within ¼ mile (or 1,320 feet) of the S-DR Zone boundary ***as measured along the route of the shortest existing public way or private street***, in accordance with EC 9.6410(1)(a).

D) Planning Commission Recommends being more specific regarding restrictions in view corridors by:

- **Making changes to the draft code text at EC 9.3155(15) shown on page 148 of the City Council's June 24 packet (see highlight, below); and**
- **Making revisions to extend the view corridor boundaries on Figure 9.3155(3) S-DR Zone Height Regulating Plan shown at page 152 of the City Council's June 24 packet (see Figure 9.3155(3), above).**

(1~~6~~*5*) View Corridor Requirements. ~~To ensure that development provides v~~***View*** corridors ***shall be provided*** in those areas identified on Figure ~~4.~~4 ***EC 9.3155(3)*** ~~of the Downtown Riverfront Specific Area Plan~~, in addition to compliance with other applicable standards of the S-DR Zone~~,~~***. View corridors shall be a minimum 40 feet in width, shall be in alignment with public rights-of-way, and shall be unobstructed by buildings or structures except as permitted at EC 9.3155(6).*** ~~development shall comply with the following:~~

~~(a) Sky-bridges, pedestrian walkways, and similar elements that connect buildings are permitted encroachments within view corridors.~~

~~(b) Permitted encroachments shall be consistent with the minimum dimensions shown in Figure 9.3155(1) S-DR Zone Encroachments.~~