



COUNCIL RESOLUTION NO. 5402

**A RESOLUTION APPROVING A MULTIPLE-UNIT
PROPERTY TAX EXEMPTION FOR RESIDENTIAL
PROPERTY LOCATED AT 1059 WILLAMETTE STREET,
EUGENE, OREGON (APPLICANT 1059 WILLAMETTE
INVESTMENT, LLC).**

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

CONSIDERED: February 28, 2024



RESOLUTION NO. 5402

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The City Council of the City of Eugene finds that:

A. The City of Eugene is the current owner of real property located at 1059 Willamette Street in Eugene, Oregon (Assessor's Map #17-03-31-14, Tax Lot 12800) ("the Property").

B. 1059 Willamette Investment, LLC ("the applicant") submitted an application pursuant to the City's Multiple-Unit Property Tax Exemption ("MUPTE") program (Sections 2.945 through 2.947 of the Eugene Code, 1971 ("EC")), with respect to residential units and commercial space to be constructed on the Property ("the project").

C. The applicant and the City have entered into a disposition and development agreement for the site. By the time the MUPTE takes effect for the completed development, the private entity will own and be responsible for any applicable property tax for the property. The MUPTE program allows entities other than the property owner to apply for the tax exemption with the authorization of the owner, which the City has granted for this application.

D. The proposed project consists of the development of at least 133 residential units, including at least 74 studio units, 54 one-bedroom units, and five two-bedroom units, none of which will be for transient use or vacation occupancy. The project is not designed for the leasing of individual rooms or beds, for transient or vacation uses, or otherwise designed primarily for individuals attending college.

E. The proposed project will also include approximately 2,664 square feet of commercial space. MUPTE may be applied to commercial space when it is deemed to be a required design element or a public benefit. In addition to activating long-vacant building frontages, the applicant plans to offer retail spaces at below-market rents and use lobby space as a public art gallery participating in arts events and hosting local artists. The applicant has requested the exemption for all of the commercial space.

F. An independent outside professional consultant was retained and reviewed the project's financial pro-forma. A Review Panel was convened and reviewed the application as well as the independent consultant's conclusions in order to make a recommendation as to whether the application met the criteria in EC 2.946. The Review Panel's recommendation was submitted for the City Manager's review.

G. After considering the Review Panel's conclusions and recommendation, the Executive Director of the Planning and Development Department ("the Executive Director") as designee of the City Manager, prepared the Report and Recommendation attached to this

Resolution as Exhibit A and incorporated herein by reference. The Report and Recommendation sets forth findings demonstrating that the project meets the criteria described in EC 2.946 and the conditions set forth in the Multiple-Unit Housing Property Tax Exemption Rule R-2.945 (“Rule R- 2.945”).

H. Based on the findings in the Report and Recommendation, the Executive Director recommends that the application be approved and the exemption granted. In making that recommendation, the Executive Director found that the applicant submitted all materials, documents, and fees required by EC 2.945, EC 2.946, and Rule R-2.945, and the applicant is in compliance with the policies contained therein.

I. The City Council has concluded that the application meets the criteria described in EC 2.946 and Rule R-2.945.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based upon the above findings which are adopted, and upon the City Council’s review and adoption of the Report and Recommendation of the Executive Director of the Planning and Development Department attached to this Resolution as Exhibit A and incorporated herein by reference, the City Council approves the application of 1059 Willamette Investment, LLC for an ad valorem property tax exemption under the City’s Multiple-Unit Property Tax Exemption (MUPTE) Program for the residential units and commercial space to be constructed at 1059 Willamette Street, Eugene, Oregon (Assessor’s Map #17-03-31-14, Tax Lot 12800), subject to the following conditions:

1.1 **Compact Urban Development.** The project will consist of at least 133 residential units, including at least 74 studio units, 54 one-bedroom units, and five two-bedroom units, none of which will be used for transient use, student housing, or vacation occupancy. The ground floor will contain approximately 2,664 square feet of commercial space.

Multiple-Unit Housing Property Tax Exemption Rule R-2.945 (“Rule R-2.945”) requires that in order to be eligible for a MUPTE, projects on properties located in the downtown area and east of Charnelton Street must provide residential units equivalent to at least 175% of the minimum density applicable to the property’s zoning designation. The project will be built in the C-3 Major Commercial zone, which does not include a minimum residential unit density.

The project will be constructed in accordance with the schematic drawing showing the site plan and major features and dimensions of the proposed development, as well as schematic drawings showing side, front, and back elevations of the proposed development, all of which are attached to this Resolution as Exhibit B.

- 1.2 Green Building Features. The project will utilize the City of Eugene Building and Permit Services Pathway to meet the MUPTE green building requirement and exceed the 10% energy efficiency threshold. The applicant will submit to the City of Eugene's Building and Permit Services Division an energy model with the applicant's development permit application. Within 18 months after receiving a certificate of occupancy, the applicant shall submit to the City a commissioning report pursuant to Section 1.2 of Rule R-2.945-C and will report multi-family occupancy energy use data to the City's Building and Permit Services Division for the life of the MUPTE.

The project's on-site parking will include installation of conduit for future electric vehicle charging stations.

- 1.3 Local Economic Impact Plan and Compliance with Laws. A plan is in place that demonstrates that more than 50% of the dollar volume of the combined professional services and construction contracts are or will be from business organizations or individuals residing or doing business primarily in Lane County.

Applicant will ensure that qualified minority and women business enterprises have been given an equitable opportunity to compete for development related contracts by: (1) accessing lists of certified minority, women, emerging small business or disadvantaged business enterprises from the Oregon State Office of Minority, Women and Emerging Small Business; (2) searching for Qualified Rehabilitation Facilities from whom to procure products and services via the Oregon State Qualified Rehabilitation Facilities Program website; and (3) advertising in general circulation, trade association, and minority focused media about prime subcontracting opportunities.

The applicant will ensure that information about the City's Rights Assistance Program in English and Spanish is posted on the job site during construction of the project.

The applicant will ensure that the developer and its contractors and subcontractors comply with wage, tax, and licensing laws.

The applicant will have in place methods for ensuring that all contractors performing work are licensed and performing in compliance with state law.

The applicant will provide the City's Building and Permits Services Division with a list of all contractors performing work on the project. Prior to performing work on the project, contractors must have valid, current licensing, insurance, bonding, and workers compensation coverage, and must be on the list of contractors provided to the City.

The applicant will require that each contractor provide an affidavit attesting to the fact that (1) the contractor, owner, or responsible managing individual for the contractor does not have any unpaid judgments for construction debt, including unpaid wages; and (2) the contractor is in compliance with Oregon tax laws.

- 1.4 Moderate-Income Housing Contribution. Consistent with a separate development agreement between the applicant and the City of Eugene, at least 51% of the units in the project must be affordable to households earning up to 80% of area median income. These units will meet or exceed the requirements of EC 2.946(2)(h) and MUPTE Rule R-2.945-C 1.4, which require that at least 30% of the units in the project qualify as moderate-income/workforce housing units. At the time of move-in for each occupant, the rent for an income-qualified unit will be assessed at no more than 30% of the income of a household earning 80% of AMI, which is the standard used for determining housing affordability. The rents for the income-qualified units will be less than what is required to qualify as “workforce housing” under the MUPTE program, the rent for which is limited to 30% of the income of a household earning 100% of AMI.

- 1.5 Project Design and Compatibility. The project will adhere to the design shown in Exhibit B to this Resolution and will apply basic design concepts that consider the scale, form, and quality of the building; the mix of project elements; the relationship to the street and surrounding uses; and parking and circulation.

A distinguishing characteristic of 1059 Willamette’s apartments is the development team’s attention to Eugene at large. The design daylights the history of downtown Eugene, the importance of art and culture, and the current housing landscape. The design recognizes the architecture of the original Montgomery Ward building through a series of decisions that successfully knit the building into the context of the neighborhood while responding to the current housing crisis through the articulate design of an efficient and contextual 6-story apartment building. The integrated design results in a smart and sophisticated urban infill development.

The scale of the building neatly settles the project into the L-shaped lot. The architecture showcases distinct styles along Willamette Street and 11th Avenue through the incorporation of brick and metal cladding, respectively, as the primary material for each façade. Each theme leans into its style through a series of subsequent fenestration applications such as the organization of window placement, the use of steel canopies, a concrete base, and cantilevered upper floors to establish a pedestrian scale environment at the street level.

Due to the nature of the lot, its location, constraints, and the goals of the project, incorporating outdoor spaces into tight limits has been carefully handled. With intentional programming of a top-floor patio and through the thoughtful application of large windows at key locations throughout the building, residents

are provided access to outdoor living, an essential component of overall wellbeing.

The use of brick, concrete, metal, and steel with large storefront windows at the street level sets a classic, timeless design language. The suite of materials and architectural applications are appropriate, contextual, and durable. The material palette features blond-colored brick, metal cladding, steel canopies, and a concrete foundation that together visually and structurally secure the building's stature. The proposed design concept includes a stenciled sign on the south facing façade which exhibits personality and demonstrates a placemaking initiative which in turn fosters an authentic identity.

The building's materials and programming both contribute to the success of the streetscape. The proposed programming and layout of the ground floor offers flexibility for tenant infill and leasing options. The adaptability built into the ground floor spaces is essential to the economic value of the proposed development and how that value will be felt throughout the downtown. This is critical for the overall, long-term economic viability of Downtown Eugene.

To provide vision, the development team highlights the ground floor as a public art gallery cementing it as a community-centered place. An additional distinction is the call out of specific façades for murals. Bundling these concepts, the development takes on the role as a cultural landmark within the downtown core. The idea of walking along Willamette Street and being greeted by strong architecture filled with light and art at ground level is not only convincing, but a captivating proposal and one that should be realized.

Dedicating the ground floor to the public realm and the upper floors to the private realm is logical. The health and safety of tenants and pedestrians is paramount and safeguarded through proper design decisions exhibited in the proposed design. Lighting, wayfinding, and establishing clear sight lines are areas where safety measures can be implemented and secured. The project demonstrates the importance of health, safety, and livability.

The project's location directly across the street from Lane Transit District's Downtown Station and its placement in the heart of the downtown are great benefits from multi-modal transit options and walkability standpoints. The proposed parking for the development is practical in large part due to the development's proximity to public transit. The proposed approach of visually concealing parking from the public realm preserves a pedestrian-centered environment.

As designed and as shown in Exhibit B to this Resolution, the project successfully establishes itself as a direct public benefit through design concepts that consider the scale, form, and quality of the building; the mix of project elements; the relationship to the street and surrounding uses; and parking and circulation.

- 1.6 Historic and Existing Housing Sensitivity. The project is located across the street from the McDonald Theatre, a designated historic locale. The project will preserve and enhance existing historic locales and will not directly structurally impact any identified historic resources.
- 1.7 Compliance Review. During the design process and before the final design drawings are completed, the owner shall hold at least one neighborhood engagement opportunity to allow members of the Downtown Neighborhood Association and others to provide comments on the proposal. At least one of the applicant's principals shall attend that meeting.

After the final design is completed and before it is submitted for permits, the final design shall be submitted to the City to review for conformance with the design approved by this Resolution. The neighborhood shall also have an opportunity to review and comment on the final design. After the comment period, the City shall determine if the design is consistent with the requirements of this Resolution, and if not, whether the City Manager will approve a deviation pursuant to EC 2.946.

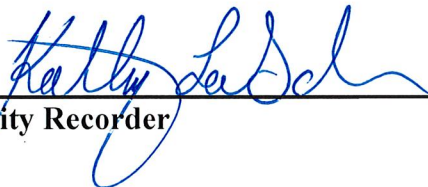
- 1.8 At the time of completion, the project shall conform with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS Chapter 195, 196, 197, 215, and 227 that are applicable at the time the application is approved.
- 1.9 During all phases of development, the project shall comply with wage, tax, and licensing laws.
- 1.10 The project shall not contain any units for transient use or vacation occupancy.
- 1.11 The project will be completed on or before January 1, 2032, unless an extension of the deadline is requested by the property owner and approved by Council resolution pursuant to EC 2.947(5).
- 1.12 The public benefits of the project that will extend beyond the period of the tax exemption include Green Building (energy performance), Project Design and Compatibility, and Compact Urban Development.
- 1.13 During the exemption period, the project's owner must annually submit documentation to the City to allow the City to evaluate the owner's compliance with workforce housing requirements.

Section 2. Subject to the conditions in Section 1 of this Resolution, 100% of the residential units and the commercial space described in Section 1 are declared exempt from local ad valorem property taxation beginning July 1 of the year following issuance of a Certificate of Occupancy and continuing for a continuous period of ten years unless earlier terminated in accordance with the provisions of Section 2.947 of the Eugene Code, 1971.

Section 3. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2024.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 28th day of February, 2024.



City Recorder

**REPORT AND RECOMMENDATION
of the Planning & Development Department**

1059 Willamette Application for Multiple-Unit Property Tax Exemption

The Executive Director of the Planning & Development Department of the City of Eugene finds that:

1. The City of Eugene is the current owner of real property located at 1059 Willamette Street in Eugene, Oregon (Assessor's Map #17-03-31-14, tax lot 12800). 1059 Willamette Investment LLC ("applicant") submitted an application pursuant to the City's Multiple-Unit Property Tax Exemption ("MUPTE") program (Sections 2.945 and 2.947 of the Eugene Code, 1971), with respect to residential units to be constructed on the property. The applicant and City have entered into a disposition and development agreement for the site. By the time the MUPTE takes effect for the completed development, the private entity will own and be responsible for any applicable property tax for the property. The MUPTE program allows entities other than the property owner to apply for the tax exemption with the authorization of the owner, which the City has granted for this application.
2. As the City Manager's designee, I have reviewed the application and found that:
 - 2.1 The project will provide 74 studio units, 54 one-bedroom units, and five two-bedroom units for a total of 133 residential units, none of which will be used for transient use or vacation occupancy. There are approximately 2,664 square feet of commercial space on the ground floor of the building. The applicant has requested the exemption for all of the commercial space. MUPTE may be applied to commercial space when it is deemed to be a required design element or a public benefit. In addition to activating long-vacant building frontages, the applicant plans to offer retail spaces at below-market rents and use lobby space as a public art gallery participating in arts events and hosting local artists.
 - 2.2 The project is not designed to be student housing, meaning it will be leased by the unit (rather than by individual rooms or beds), the unit configuration does not include several bedrooms with individual bathrooms and sparse common space, it does not include amenities and location selected primarily for individuals attending college, and it does not offer limited viability as potential housing for the general population.
 - 2.3 Construction is expected to be complete on or before January 1, 2032.
 - 2.4 The project is located in the downtown area described in subsection (1) of Section 2.946 of the Eugene Code, 1971.
 - 2.5 The applicant submitted all materials, documents, and fees required by the City as set forth in Section 2.945 of the Eugene Code, 1971, and the administrative rules adopted by Administrative Order No. 53-22-09-F.

2.6 The applicant responded to the **Required Public Benefit** criteria as follows:

- 2.6.1 Compact Urban Development. Rule R-2.945 requires that in order to be eligible for a MUPTE, projects on properties located in the downtown area and east of Charnelton must provide residential units equivalent to at least 175% of the minimum density applicable to the property's zoning designation. The project will be built in the C-3 Major Commercial zone, which does not include a minimum residential unit density. The project will have a density of 316 units per acre.
- 2.6.2 Green Building Features. Consistent with the requirements of Administrative Rule R-2.945-C 1.2.2.2, the project will utilize the City of Eugene Building and Permit Services' pathway to meet the MUPTE green building requirement and exceed the 10% energy efficiency threshold. The entity applying for development permits will be required to submit an energy model with their development permit application. Within 18 months after receiving a certificate of occupancy, the applicant shall submit to the City a commissioning report pursuant to Section 1.2 of Rule R-2.945-C and will report multi-family occupancy energy use data to the City's Building and Permit Services for the life of the MUPTE tax exemption. The project's on-site parking will include installation of conduit for future electric vehicle charging stations.
- 2.6.3 Local Economic Impact Plan. The applicant has provided a Local Economic Impact Plan (Plan) demonstrating that more than 50% (the Plan estimates 63%) of the project's dollar volume of professional services and construction contracts are or will be from business organizations or individuals residing or doing business primarily in Lane County, as required by Administrative Rule R-2.945-C 1.3.1. The applicant is committed to promoting open competitive opportunities for Minority, Women, and Emerging Small Businesses, and the Plan demonstrates that the applicant will ensure that qualified minority and women business enterprises have an equitable opportunity to compete for contracts and subcontracts as required by Administrative Rule R-2.945-C 1.3.2. The Plan provides that the developer will post information about the City's Rights Assistance Program in English and Spanish on the job site. Finally, the Plan also demonstrates that the applicant will ensure that the developer and its contractors and subcontractors comply with wage, tax, and licensing laws as required by Administrative Rule R-2.945-C 1.3.4.
- 2.6.4 Moderate-Income Housing Contribution. Per a separate agreement with the City of Eugene, at least 51% of the units in the project must be income-qualified and affordable to households earning up to 80% of area median income (AMI). These units will meet or exceed the requirements of Administrative Rule R-2.945-C 1.4, which requires that at least 30% of the units in the project qualify as moderate-income/workforce housing units. At time of move-in for each occupant, the rent for an income-qualified unit will be calculated to be no more than 30% of the income of a household earning 80% of AMI, which is the

standard used for determining housing affordability. The rents for the income-qualified units will be less than what is required to qualify as “workforce housing” under the MUPTE program, the rent for which is limited to 30% of the income of a household earning 100% of AMI.

- 2.6.5 Project Design and Compatibility. The project will adhere to the design shown in the resolution and will apply basic design concepts that consider the scale, form, and quality of the building; the mix of project elements; the relationship to the street and surrounding uses; and parking and circulation.

A distinguishing characteristic of 1059 Willamette’s apartments is the development team’s attention to Eugene at large. The design daylight the history of downtown Eugene, the importance of art and culture, and the current housing landscape. The design recognizes the architecture of the original Montgomery Ward building through a series of decisions that successfully knit the building into the context of the neighborhood while responding to the current housing crisis through the articulate design of an efficient and contextual 6-story apartment building. The integrated design results in a smart and sophisticated urban infill development.

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Due to the nature of the lot, its location, constraints, and the goals of the project, incorporating outdoor spaces into tight limits has been carefully handled. With intentional programming of a top-floor patio and through the thoughtful application of large windows at key locations throughout the building, residents are provided access to outdoor living, an essential component of overall wellbeing.

The use of brick, concrete, metal, and steel with large storefront windows at the street level sets a classic, timeless design language. The suite of materials and architectural applications are appropriate, contextual, and durable. The material palette features blond-colored brick, metal cladding, steel canopies, and a concrete foundation that together visually and structurally secure the building’s stature. The proposed design concept includes a stenciled sign on the south facing façade which exhibits personality and demonstrates a placemaking initiative which in turn fosters an authentic identity.

The building’s materials and programming both contribute to the success of the streetscape. The proposed programming and layout of the ground floor

offers flexibility for tenant infill and leasing options. The adaptability built into the ground floor spaces is essential to the economic value of the proposed development and how that value will be felt throughout the downtown. This is critical for the overall, long-term economic viability of Downtown Eugene.

To provide vision, the development team highlights the ground floor as a public art gallery cementing it as a community-centered place. An additional distinction is the call out of specific façades for murals. Bundling these concepts, the development takes on the role as a cultural landmark within the downtown core. The idea of walking along Willamette Street and being greeted by strong architecture filled with light and art at ground level is not only convincing, but a captivating proposal and one that should be realized.

Dedicating the ground floor to the public realm and the upper floors to the private realm is logical. The health and safety of tenants and pedestrians is paramount and safeguarded through proper design decisions exhibited in the proposed design. Lighting, wayfinding, and establishing clear sight lines are areas where safety measures can be implemented and secured. The project demonstrates the importance of health, safety, and livability.

The project's location directly across the street from Lane Transit District's Downtown Station and its placement in the heart of the downtown are great benefits from multi-modal transit options and walkability standpoints. The proposed parking for the development is practical in large part due to the development's proximity to public transit. The proposed approach of visually concealing parking from the public realm preserves a pedestrian-centered environment.

As designed and as shown in the resolution, the project successfully establishes itself as a direct public benefit through design concepts that consider the scale, form, and quality of the building; the mix of project elements; the relationship to the street and surrounding uses; and parking and circulation.

2.6.6 Historic and Existing Housing Sensitivity. The project is adjacent to the McDonald Theatre, a designated historic locale across the street. Per a concept plan reviewed by Planning & Development Department staff, the project is determined to preserve and enhance existing historic locales and includes no direct structural impacts to any identified historic resources. No historic structures or existing housing were demolished or removed from the property in the two years prior to the date of application.

2.6.7 Project Need. The project's pro-forma and financial information were analyzed by PNW Economics, an independent real estate economics consultant who found that the project as proposed is not financially feasible without the tax exemption. The financial information submitted is based on projections prior

to finalizing financing, construction, and tenanting. It includes assumptions regarding rents, vacancy rates, operating costs, lender underwriting criteria, interest rates, and reasonable rate of return. PNW Economics, the MUPTE Review Panel, and staff reviewed the assumptions. The consultant found the applicant's assumption to be reasonable overall, with only minor changes made in their own analysis.

The PNW Economics analysis concludes that the project would not be viable without the availability of the MUPTE using the reasonable assumptions outlined and concludes that MUPTE is critical to the success of the project from a financial feasibility perspective. See Section 4 below for the Review Panel's conclusions.

2.6.8 Public Benefit beyond Period of Exemption. The public benefits of the project that will extend beyond the period of the tax exemption include Green Building (energy performance), Project Design and Compatibility, and Compact Urban Development.

2.7 The applicant held a neighborhood engagement meeting regarding 1059 Willamette for the Downtown Neighborhood Association on July 26, 2023.


2.7.1 Future Neighborhood Engagement. Prior to completing final drawings, the applicant will hold another neighborhood engagement meeting. Before submitting for permits, the applicant will submit the design to staff to review conformance with the design attached to the MUPTE resolution (should City Council approve the MUPTE). Staff will also give interested parties an opportunity to review and comment on that final design.

3. The Community Development Division published an advertisement soliciting recommendations or comments from the public regarding this project in the Register-Guard on November 14, 2023. The period for comment expired on December 14, 2023, with no written testimony received.

4. The community-member MUPTE Review Panel considered the project application, including compliance with program criteria and the independent consultant's financial review, during two meetings held on December 15, 2023, and January 18, 2024. The Review Panel unanimously concluded that the project meets the required Public Benefit Criteria, that the project's financial need was demonstrated, and that a ten-year exemption was warranted. Documents for the Panel's conclusions will be provided to the City Council with the materials for the Council work session scheduled for February 28, 2024.

Therefore, based upon the above findings, the project is or will be at the time of completion in conformance with all applicable local plans and provisions of the Eugene Code, 1971, planning regulations, the Metropolitan Area General Plan, and the criteria set forth in the City's adopted administrative rules, and I recommend that the application be approved conditioned upon the project moving forward as proposed.

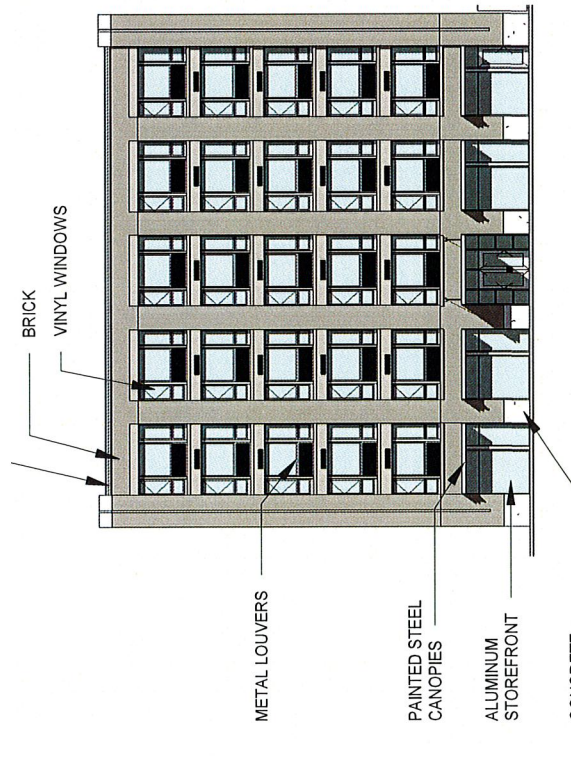
Dated this 9 day of February, 2024.


Denny Braud (Feb 9, 2024 10:42 PST)

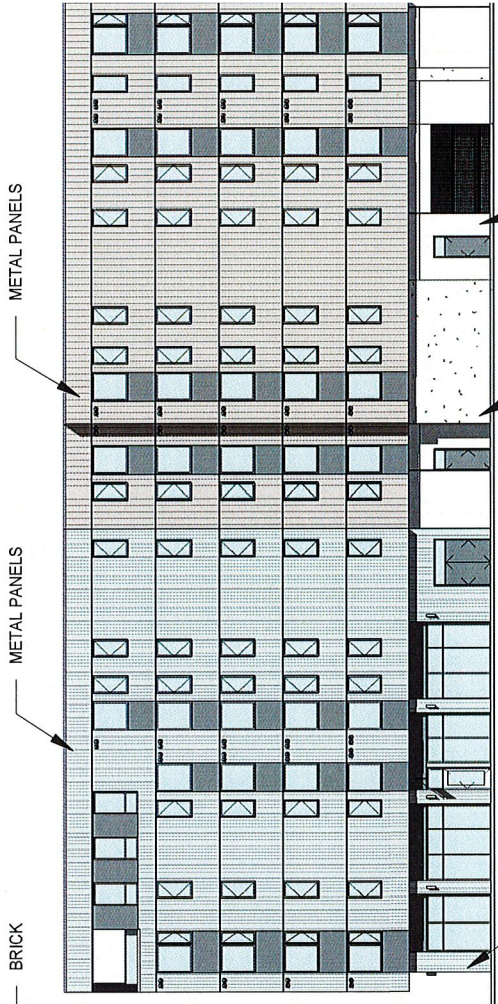
Denny Braud
Executive Director
Planning & Development Department



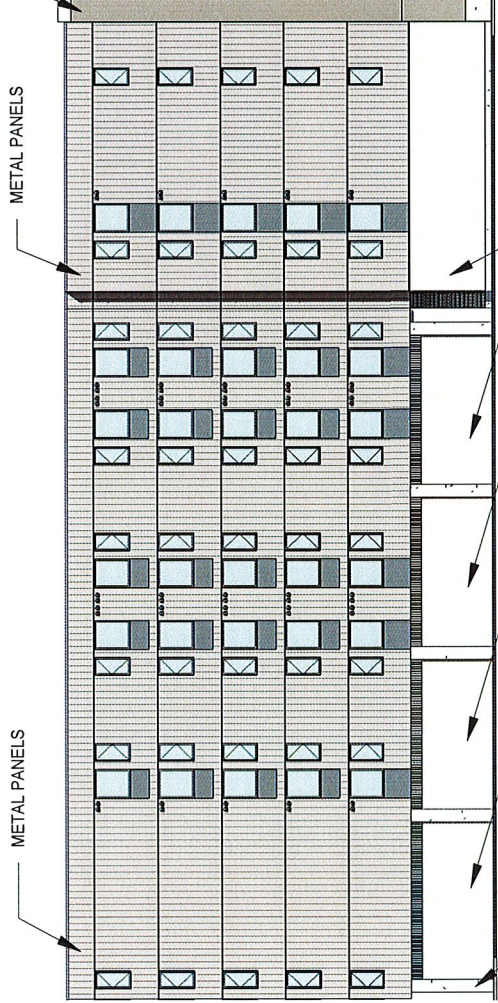
SOUTH ELEVATION
11th Avenue



WEST ELEVATION
Willamette Street



EAST ELEVATION
Oak Alley



NORTH ELEVATION
Alley

PROGRAM 26

- CIRCULATION - HORIZONTAL
- CIRCULATION - VERTICAL
- FUTURE T.I.
- LEASING OFFICE
- PARKING
- PROGRAM - SPECIAL 1
- UTILITY

