



## Memorandum

Date: February 5, 2014  
 To: Mayor and City Council  
 From: Alissa Hansen, Planning Division  
 Subject: Staff Response to Testimony/City Council - Single Family Code Amendments

This memo addresses major themes that have been raised in public testimony as part of the single family code amendments process, as well as those raised by the City Council. The issues are identified in bold below, followed by staff response.

### SECONDARY DWELLINGS

#### 1. Density

Testimony raised the issue that the existing provisions for secondary dwellings do not comply with the density requirements. Secondary dwellings are currently permitted outright in the R-1 Low Density Residential zone, and are subject to minimal development standards. The City has had a long practice of not counting secondary dwellings (whether attached or detached) when calculating density. As detailed in the findings attached to the draft ordinance, the City's practice is supported by the Metro Plan. To provide more clarity in the land use code regarding the City's long-standing practice that secondary dwellings are not counted in density calculations, staff recommends inclusion of the proposed code language provided in Exhibit 1 to this memo.

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did discuss the related topic of increasing the minimum lot size required for detached secondary dwellings. Ultimately, the majority of the Planning Commission (2 to 5 in a straw vote) did not recommend increasing the minimum lot size from 6,000 square feet to 6,225 square feet. The two commissioners voting in favor indicated consistency with density requirements and concerns about compatibility, while the five in opposition noted that new standards will improve compatibility, the interim standards will address pressures around the university, and satisfaction that the existing requirement is consistent with density. It was also noted that there are approximately 1,685 lots R-1 zoned lots between 6,000 and 6,225 square feet in lot area that would no longer be eligible to create a new detached secondary dwelling. State law requires the City to notify property owners, prior to a public hearing, when an allowed use on the property is proposed to be prohibited.

#### 2. Development Standards

As noted above, secondary dwellings are permitted outright in the R-1 zone, subject to minimal development standards. The proposed code amendments are intended to improve the compatibility of secondary dwellings, and address such concerns as looming walls, solar access and privacy. Testimony suggested that the proposed amendments do not provide enough protections.

Because of the broad applicability of these standards (they would apply in all R-1 neighborhoods with the exception of Amazon, Fairmount and South University), and the diverse nature and character of our neighborhoods (including but not limited to lot size and layout, block patterns, topography, vegetation,

natural resources, and home size, style and architectural characteristics), it is necessary that the proposed standards provide enough flexibility to ensure they work citywide in a variety of situations. In addition, care was taken to ensure that the proposed standards were not so restrictive that they would unduly discourage the construction of this housing type.

The standards, as proposed, reduce allowed building heights (from two stories to one); apply a sloped setback; limit the number of bedrooms to two; substantially strengthen ownership/occupancy requirements while also providing allowance for a temporary leave of absence in certain circumstances; and provide an opportunity to seek an adjustment review under limited circumstances.

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did discuss certain development standards pertaining to secondary dwellings, specifically minimum wall length and occupancy. However, the Planning Commission did not recommend changing any other existing or proposed development standards.

The following table (Table 1) provides a summary comparison of the current code provisions and the proposed changes for secondary dwellings. Only the most significant changes are shown below.

**Table 1**

<b>Secondary Dwellings</b>		
<b>Development Standard</b>	<b>Current Code</b>	<b>Proposed Change</b>
Building Height Maximum	<p><i>Attached SDUs:</i> Same as main house (30 feet or 37 feet for roof slopes 6:12 or steeper)</p> <p><i>Detached SDUs:</i> If located within 20 feet of a property line, 15 feet or 22 feet for roof slopes 6:12 or steeper (Allows for 2 story)</p> <p>If located greater than 20 feet from a property line, 20 feet or 27 feet for roof slopes 6:12 or steeper</p>	<p><i>Attached SDUs:</i> no change</p> <p><i>Detached SDUs:</i> If located within 20 feet of a property line, 15 feet for roof slopes 5:12 or less (flatter) or 18 feet for roof slopes 6:12 or steeper. (Allows for 1 story)</p> <p>If located greater than 20 feet from a property line, 24 feet</p>
Sloped Interior Yard Setbacks	None	<p>Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 12 feet above grade.</p> <p>For example, for a detached secondary dwelling, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 12 feet, and then would be required would slope away from the interior property lines at a maximum roof slope of 6:12 (50%) rising to a maximum height of 18 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 17 feet from the interior property lines.</p>
Building Size	800 square feet	No changes to size. Clarifies how to measure
Bedroom Count	No limits	Maximum of 2 allowed

Ownership/Occupancy	Either the primary dwelling or the secondary dwelling must be occupied by the property owner	Strengthens current requirements by defining ownership and length of occupancy, requiring documentation to verify ownership and occupancy, requiring deed restriction and requiring verification every two years that requirements are met. These changes will assist in enforcement. Provides allowance for temporary leave under certain circumstances.
Parking	1 space required for secondary dwelling	No changes
Adjustment Review	None	Allows for adjustment review in limited situations: temporary leave, to allow a secondary dwelling over an accessory building, and to allow conversion of existing accessory building into secondary dwelling.

## ALLEY ACCESS LOTS

### 1. Allowance for New Alley Access Lots

The testimony regarding alley access lots has been diverse. Some have suggested that new alley access lots should not be allowed, while other have indicated that the proposed standards for such lots do not provide adequate compatibility protections, and others have expressed concern that not enough new dwellings would be allowed or created, or that the standards are too restrictive.

The City Council directed that code amendments to allow for alley access lots be initiated through Envision Eugene, to accommodate more single family homes within the urban growth boundary. The proposed amendments to allow for new alley access lots with compatibility standards are an outcome of that directive. Under the proposed amendments, new alley access lots could be created in all neighborhoods with alleys, except that new alley access lots would be prohibited in Amazon, Fairmount and South University as part of the University Area interim protection measures.

Prior to the land use code update in 2001, alley access lots were allowed in all residential zones, without specific design or development standards addressing compatibility. City Council removed the allowance for such lots until design standards could be created. Through the Infill Compatibility Standards project, alley access lots were specifically identified as a desirable type of infill, if accompanied by design standards. Alley access lots are currently allowed in the S-C Chambers Special Area Zone and the S-JW Jefferson Westside Special Area Zone subject to standards that address design and compatibility. Two alley access lots have been created within these two areas since the adoption of those standards in 2006 and 2010 respectively. The alley access lot created in Chambers was already developed with a home, and the alley access lot created in Jefferson Westside has not been built on.

Because of the proposed limitation of where new alley lots can occur (125 feet from where the alley intersects with the street), we only expect to see approximately 40 lots created over the next 20 years (or an average of 2 per year). Due to this limitation, which is based on fire access requirements, all lots along an alley (especially those in the middle of a block) will not be eligible to create such lots. Rather, it will be limited to typically the second lot in from the alley/street intersection. Given these limitations, which would limit the overall number and impact of such lots within a neighborhood, the development is unlikely to overwhelm the alley or result in a significant increase in traffic.

In addition to the limitation on where alley access lots can be located, other proposed standards are intended to address looming walls, privacy concerns, incompatible building heights, excessive paving and lot coverage, and excessive bedrooms numbers, while ensuring that the proposed standards are not so

restrictive or costly that they would unduly discourage alley access lot creation and home construction. The proposed standards are further addressed later in this memo.

The proposed compatibility standards are also intended to apply to existing alley access lots in the R-1 zone (including within the neighborhoods proposed for the University area protection measures), as well as any newly created lots. There are approximately 90 existing alley access lot in the R-1 zone. Currently these lots are subject to the standard R-1 development standards (including height, lot coverage and parking). See Table 2 below for a comparison of the existing development standards and the proposed development standards.

## **2. Density/Lot Size Minimums**

Testimony raised the issue that the proposed minimum lot size for new alley access lots (2,250 square feet) does not comply with the density requirements, and is not compatible with single family neighborhoods. As addressed in the findings attached to the draft ordinance, the proposed lot size is found to be consistent with density requirements. In short, the maximum density of a proposed alley access development site would be 9.68 units per acre, which is consistent with the Eugene Code and the Metro Plan.

While density requirements are not an issue, Council could choose to increase the minimum lot size for compatibility reasons. In that case, staff would be supportive of a revision that changes the minimum lot size to somewhere in the range of 3,000 square feet to 3,600 square feet.

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did deliberate and vote on a motion to increase the proposed minimum lot size. Ultimately, the majority of the Planning Commission did not recommend increasing the proposed minimum lot size from 2,250 to 3,600 square feet (3 to 4 in a straw vote). The three in favor of increasing the size mentioned concerns about lot coverage, compatibility and density, while the four in opposition noted that the proposed development standards, including building size and paving limitations would limit lot coverage, and that the advisory committee looked at these issues extensively.

## **3. Compliance with ADA**

Testimony raised the issue that the provisions to allow for new alley access lots are in violation of the American with Disabilities Act (ADA). Staff consulted with the City Attorney's Office, who researched the issue and provided the following information:

In summary, the Americans with Disabilities Act (ADA) covers state and local government facilities, places of public accommodation and commercial facilities. The Architectural Barriers Act (ABA) covers facilities financed with federal funds. Neither Act is triggered by the proposed single family code amendments.

Testimony cited to ADA regulations related to "pedestrian access routes." The cited regulations require that certain existing pedestrian facilities that are located in the public right of way be readily accessible to and usable by pedestrians with disabilities. The ADA does not require the city to provide pedestrian facilities where they do not already exist. However, if a pedestrian facility exists, the city must make that pedestrian facility accessible to persons with disabilities. Accordingly, neither the ADA nor the ABA requires the city to provide or require new pedestrian facilities in order to make private dwellings on alley access lots accessible.

## **4. Development Standards**

Testimony raised the issue that the proposed development standards for alley access lots should be changed to be similar, if not identical, to those proposed for secondary dwellings, which include a smaller

home size, lower building height and different sloped setback. These issues were also raised at the Planning Commission public hearing; however, the Planning Commission did not propose any changes except with regard to dormers and balconies.

The intent of the proposed alley access lot development standards is to ensure compatibility while allowing for some flexibility, in an effort to promote owner-occupancy of these houses. While secondary dwellings are intended to be subordinate to the main home on the property, and typically used as a rental property, a dwelling on an alley access lot is the main (and only) home on the property.

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission did discuss certain development standards pertaining to alley access lots, specifically windows, dormers and balconies on second floors, and setbacks. However, the Planning Commission did not recommend changing any other existing or proposed development standards.

The following table (Table 2) provides a summary comparison of the current code provisions for dwellings on existing alley lots and the proposed changes (that would apply to existing and new lots). Only the most significant changes are shown below.

**Table 2**

<b>Dwellings on Alley Access Lots</b>		
<b>Development Standard</b>	<b>Current Code (applies to existing lots)</b>	<b>Proposed Change (to apply to existing and newly created lots)</b>
Building Size	No limits	1,000 square feet maximum. For two story structures, only 400 square feet of the 1,000 is allowed on the upper floor.
Bedroom Limit	No limits	3 maximum
Building Height Maximum	30 feet or 37 feet for roof slopes 6:12 or steeper	24 feet
Sloped Setback	No limits	Creates a building envelope that requires dwelling to slope away from interior yard setback starting at a building height of 14 feet above grade.  For example, starting at the 5 foot interior yard setback, the dwelling would be limited in height to 14 feet, and then would be required would slope away from the interior property lines at a maximum roof slope of 8:12 (67%) rising to a maximum height of 24 feet. This would result in the ridge (tallest point) of the dwelling being a minimum of 20 feet from the interior property lines.
Windows	No limits	10 foot setback from property line for upper story windows
Dormers, Balconies	No limits	Not allowed on side or rear property line unless neighboring property owner agrees in writing
Parking	Minimum 1 space, no maximum, no paving limits	Minimum 1, maximum 2 spaces, limits paving to 400 square feet and limits garage size
Accessory Buildings	No limits	Limit to 400 square feet total

## 5. Alley Infrastructure

Testimony suggested that the impact on unimproved alleys needs to be further studied before new alley access lots should be allowed. As noted above, as proposed, the location of new alley access lots will be limited (125 feet from the alley/street intersection), which means such lots will be located towards the ends, rather than the middle, of alleys. As such, at most, there could only be a few alley access lots per block.

At the time a new alley access lot is created, if the alley does not meet the city's width or improvement standards (which are generally intended to ensure safe and serviceable streets and alleys), it would typically be required to meet such standards prior to development of the lots (through conditions of approval of the land division). In the case of alley access lots, many, if not most, of the alleys adjacent to potential alley access lots are currently unimproved.

The amendments propose a minimum 14-foot wide right-of-way width for the alley with a minimum improvement width of 12 feet. The alley could be improved with concrete, asphalt or gravel, depending on the existing conditions. The intent is that the alley would be improved from the street to the driveway/parking area of the alley access lot to provide safe and serviceable access to the newly created lot. This cost would be entirely the responsibility of the developer of the alley access lot.

The intent of these requirements is to ensure functional access to the alley access lot, not to require the entire alley to be fully improved. If the city and community desires that all alleys be fully improved, then a programmatic approach would need to be established.

## UNIVERSITY AREA INTERIM PROTECTION MEASURES

### 1. Interim Standards to allow Secondary Dwellings

Based on public testimony, the Planning Commission recommended adding development standards to allow for secondary dwellings in the University area (rather than prohibit them as originally proposed). Staff supports this proposal; however, the draft code language was not complete in time to meet the City Charter requirement for the posting of the ordinance for the public hearing. Proposed interim development standards for secondary dwellings in the University area were provided as part of the public hearing materials and testimony at the City Council public hearing indicated strong support for these standards. These standards have been incorporated into the attached ordinance provided for council action.

### 2. Allowance for Duplexes

Testimony from one individual recommended that the interim protection measures be revised to allow for duplexes, subject to a maximum bedroom count of 3 per unit. This issue was not raised during the Planning Commission proceedings. If the City Council finds that allowing duplexes, with a maximum of 3 bedrooms per unit, appropriate in the interim, the ordinance can be revised as such.

### 3. Maximum Bedroom Limitation for Dwellings

Testimony raised the issue that the proposed limit of three bedrooms for new homes in the university area would place an undue burden on property owners proposing to build new single family homes for themselves, especially those with large families (such as multiple children or multi-generational living situations), or those wanting a guest room or home office (which would meet the definition of bedroom). To provide flexibility for such situations, it was recommended to allow for more than three bedrooms when the number of unrelated individuals in the dwelling is limited to three (as is proposed to be allowed for additions and remodels of existing homes in the university area).

As noted in the Summary of the Planning Commission Recommendation (provided as Attachment A to the February 12, 2014 Agenda Item Summary), the Planning Commission discussed and voted 7 to 0 in a straw vote to recommend supporting the three bedroom limit for new dwellings/remodels, with following exception: For any remodel that adds a bedroom or bedrooms beyond three bedrooms, the maximum number of unrelated individuals living in dwelling would be limited to three (instead of five) as long as interim protection measures are in effect, and property owner would be required to record deed restriction stating such. The Planning Commission's recommendation is included in the ordinance.

Based on testimony, staff recommends incorporating the same exception for new dwellings into the ordinance. Proposed code language is provided in Exhibit 1 to this memo for the City Council's consideration.

## OTHER

### 1. Adjustment Review

Testimony raised concern that the proposed adjustment review criteria are too vague and could serve as a potential loophole to allow property owners to circumvent the intentions of the proposed new compatibility standards for secondary dwellings, alley access lots and accessory buildings.

The purpose of the adjustment review process is to encourage design proposals that respond to the intent of the code and creatively meet or exceed specific development standards. This process recognizes that while the land use code is typically one-sized fits all, individual lots and development sites are all different.

The adjustment review process, which was added as part of the land use code update in 2001, follows a Type II land use review, meaning there is public notice, including a comment period, Planning Director decision, and opportunity to appeal. Because it is a land use application process, a certain amount of subjectivity is expected. Only certain standards within the code are allowed to be adjusted. Each year approximately 11 adjustment review applications are submitted citywide (in most every zone).

During the early development of the single family code amendments, the notion of flexibility was raised as an important issue, given the variety of circumstances across the city. Based on past experience in applying other adjustment review criteria which are too vague (such as "is compatible with adjacent development") and not always relevant to the development standard being adjusted, we knew it was important to established parameters within that flexibility. To that end, we used the downtown adjustment review criteria, as well as criteria from the City of Santa Cruz, California as inspiration to create relevant and robust criteria that describe the type of development we would want to see. Additionally, only a very limited number of development standards are proposed to be adjusted.

### 2. Public Engagement Process

The public engagement process for these amendments has spanned multiple years and is grounded in the goals and recommendations of the Infill Compatibility Standards project. There has been considerable community input on these topics from a broad cross-section of neighborhood leaders and advocates, developers, architects and designers, property owners and other interested parties. Below is a high-level overview of the events that have occurred.

2007-2009	In response to City Council direction to address residential infill compatibility, the Infill Compatibility Standards Task Team was formed and met monthly from November 2007 to September 2009. The Task Team was comprised of 14 neighborhood association representatives, a Housing Policy Board representative,
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and five additional members with the perspectives of builders, developers, and designers of market-rate and affordable infill housing.

In 2008, the ICS Task Team provided an interim report to the Planning Commission that included an update on the work of the committees, including the Single Family Dwelling Infill Committee. At that time, the Committee focused on secondary dwelling units, alley access lots, flag lots and remodels, additions and conversions in South University, Fairmount and Amazon Neighborhoods.

As a result of their almost two years of research, public outreach, proposal development and refinement, the Task Team ultimately passed 16 sets of recommendations. In 2009, the Task Team passed motions recommending implementation of the recommendations outlined in the Single-Family Development Committee issue papers titled “Infill in R-1 Neighborhoods” and “Single-Family Dwelling Infill Committee Report on Flag Lot Development.” These issue papers include recommendations related to secondary dwellings, accessory buildings, and alley access lots that informed the development of the code concepts.

2010	<p>A working group of ICS, the R-1 Infill/Flag Lot Implementation Team (RIFLIT), met and developed recommendations related to the issues raised by ICS pertaining to flag lots, lot coverage, sloped setbacks, secondary dwellings and alley access lots. This team was composed of individuals selected by the ICS Steering Committee who work closely with or live near and have carefully considered the kinds of development under discussion. Members include:</p> <ul style="list-style-type: none"> <li>• Steve Gab (Former ICS co-chair, Rainbow Valley Design &amp; Construction)</li> <li>• Sue Prichard (Former ICS co-chair, Amazon Neighbors, CRG/TRG member)</li> <li>• Michael Fifield (University of Oregon Architecture Professor)</li> <li>• Bill Randall (Planning Commissioner, Architect)</li> <li>• Mike Butler (Future B Homes)</li> <li>• Marilyn Mohr (Former River Road board member)</li> </ul>
2010-2013	<p>On-going Envision Eugene public engagement, including multiple public open houses and workshops, mailings, public hearings, on-line surveys, e-newsletters, Facebook updates and frequent updates to the Planning Commission and City Council. The topic of single family housing, including strategies to provide for more single family homes within the existing urban growth boundary, was included in numerous outreach events.</p>
March 2011	<p>Draft Envision Eugene Proposal published. Includes strategies to allow for and promote secondary dwelling units and alley access lots.</p>
March 2012	<p>Envision Eugene Recommendation published. Includes strategies to allow for and promote secondary dwelling units and alley access lots.</p>
June 2012	<p>City Council initiated code amendments to allow and promote secondary dwellings units and alley access lots, as part of Envision Eugene strategies to accommodate single family homes within the existing urban growth boundary.</p>
2012-2013	<p>Single Family Advisory Group formed to review and vet code concepts and provide recommendations. The advisory group met seven times between October 2012</p>



and February 2013. The majority of the members were part of the original ICS/RIFLIT group. Members include:

- Steve Gab (Former ICS co-chair, Rainbow Valley Design & Construction)
- Sue Prichard (Former ICS co-chair, Amazon Neighbors, CRG/TRG member)
- Michael Fifield (University of Oregon Architecture Professor)
- Bill Randall (Planning Commissioner, Architect)
- Mike/Dane Butler (Future B Homes)
- Jon Belcher (Planning Commissioner, River Road Community Organization Chair, former chair of Amazon and Jefferson-Westside)
- Chris Stebbins (owner of design/build company, resident of Fairmount)
- Andrew Fisher (Friendly Neighborhood Association board member, Historic Review Board)
- Marilyn Mohr (Former River Road board member; invited, but did not attend)

November 2012	Planning Commission Work Session on progress of Single Family Code Amendments
December 2012	Project included in the Envision Eugene Implementation Update sent to Envision Eugene mailing list (525 email addresses)
May 2013	<ul style="list-style-type: none"> <li>-Email to all neighborhood leaders asking for input on code concepts and invitation to meet</li> <li>-Project highlighted in Envision Eugene Newsletter sent to Envision Eugene mailing list</li> <li>-Meeting with members of Friendly Area Neighborhood and board to review Code concepts</li> <li>-Meeting with members of South University Neighborhood Association board to review code concepts</li> <li>-Meeting with members of Fairmount Neighbors board to review code concepts</li> </ul>
June 2013	<ul style="list-style-type: none"> <li>-Emails to interested parties regarding open house (distributed to 120+ emails including people interested in the topic or involved in a group or profession associated with neighborhood livability and infill, including neighborhood leaders and advocates, property owners, architects, designers and developers, Infill Compatibility Standards Task Team, and the Home Builder's Association)</li> <li>-Meeting with members of South University Neighborhood Association board</li> <li>-Meeting with members of Fairmount Neighbors board</li> <li>-Public Open House</li> </ul>
July 2013	<ul style="list-style-type: none"> <li>-Email to interested parties list to update and request feedback on concepts</li> <li>-Planning Commission Work Session</li> <li>-Meeting with members of Jefferson-Westside Neighborhood board</li> </ul>
August 2013	<ul style="list-style-type: none"> <li>-Email to interested parties list requesting review of draft code</li> <li>-Notice of public hearing mailed to neighborhood associations and others requesting notice</li> <li>-Measure 56 Notice mailed to property owners in Amazon, Fairmount and South University neighborhoods regarding interim protection measures</li> <li>-Legal Notice in Register Guard</li> </ul>

- September 2013      -Emails to interested parties list regarding public hearing  
 -Planning Commission public hearing on proposed code amendments  
 -Email to interested parties list regarding public record left open
- October 2013        -Planning Commission Deliberations  
 -Email to interested parties list regarding Planning Commission's recommendation  
 -City Council Work Session
- November 2013      -Email to interested parties list regarding City Council Public Hearing  
 -City Council Public Hearing  
 -Email to interested parties list regarding public record left open

### **3. Enforcement**

The issue of adequate enforcement of existing code provisions was raised in public testimony. Staff consulted with Code Compliance staff during the process of crafting the code amendments to ensure that the new provisions could be enforced and to identify and improve existing code language that can be difficult to enforce. Several of the amendments were crafted to specifically strengthen existing code provisions that can be difficult to enforce, including the ownership/occupancy provisions for secondary dwellings and the deed restriction provisions for accessory buildings.

Code Compliance staff provided the following information about the city's compliance program: Due to limited resources, enforcement is entirely complaint driven. There are two ways in which the City encourages people to assist Code Compliance efforts; one allows people to submit confidential complaints and the other anonymous. For land use and nuisance complaints the City asks that people submit confidential. For building code complaints the City will respond to anonymous complaints. This includes the creation of illegal units, garage conversions and additions done without the required permits.

The City has rules in place that allow staff to impose civil penalties, charge investigation fees and disconnect power should it become necessary. In most cases staff is able to achieve compliance without the use of these tools. In addition if staff determines the violator was aware of code requirements and the violation was intentional the rules provide for immediate penalty without issuance of an Order to Correct. While these tools are available and are used if necessary the Code Compliance team continues to focus on educating and working toward voluntary compliance.

### **4. Number of Units Estimated Per Year**

One individual provided testimony that additional units should be targeted through these measures to avoid an urban growth boundary expansion for single-family homes. The estimate of how many additional single family dwellings can be expected through these strategies over the next 20 years was based in part on historic building permit activity and in part on a nationwide trend towards a desire for smaller housing types. In coordination with ECO Northwest, staff has made an optimistic, yet realistic estimate that a 50 percent increase in secondary dwelling units could be realized, for a total of 265 units during the 20 year period.

The estimates for alley access lots are more conservative given the geographic restrictions on where they can apply (only a small portion of the city's R-1 neighborhoods have existing alleys). Additionally, due to the Fire Marshal requirement that an alley access lot must be within 125 feet of an intersection with a street, the number of potential alley access lots is further reduced. ECO Northwest and staff have estimated that approximately 40 alley access lots can be expected over the next 20 years. This is based on an assumption that approximately 25 percent of the eligible lots with development potential will be subdivided under these provisions.

Both housing unit types (secondary dwelling units and alley access lots) will be monitored as part of the Envision Eugene monitoring program. This information will be reported on and evaluated at least every five years and if necessary, adjustments can be made.

**Attachment**

Exhibit 1: Recommended Modifications to Ordinance

## Recommended Modifications to Ordinance Single Family Code Amendments

### 1. Secondary Dwellings/Density

***Bold italic*** = Text to be inserted

Table 9.2740 Residential Zone Land Uses and Permit Requirements					
	R-1	R-1.5	R-2	R-3	R-4
<b>Residential</b>					
<b>Dwellings.</b> (All dwellings, <b><i>except secondary dwellings</i></b> , shall meet minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code. All dwelling types are permitted if approved through the Planned Unit Development process.)					

### 2. Maximum Bedroom Limitation for Dwellings in the University Area

***Bold italic*** = Text to be inserted

~~***Bold italic***~~ = Text to be removed

9.2751 **Special Development Standards for Table 9.2750.**

- (17) ***Maximum Bedroom Count. In the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association, the maximum allowable number of bedrooms in a dwelling shall be as follows:***
- ~~(a) ***New dwellings approved after \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms; or***~~
- ~~(b) ***Additions, expansions or alterations that add bedroom(s) to a dwelling in existence on \_\_\_\_\_ [effective date of ordinance] shall be limited to 3 bedrooms total, except that additional bedroom(s) may be added beyond 3 if, prior to the city’s issuance of a building permit for a new dwelling or for an ~~the~~ addition, expansion or alteration that adds bedroom(s), the owner records a deed restriction with the Lane County Clerk, on a form approved by the city, that includes the following provisions:***~~
1. ***The maximum number of unrelated individuals living in the dwelling shall be limited to 3.***
  2. ***The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.***
  3. ***The deed restriction may be terminated, upon approval by the city, when bedrooms are removed so that there are 3 bedrooms, or at such time as the city code no longer requires a bedroom/occupancy limit in accordance with this section.***