

INTERPRETING THE POLICY FOR AREA 15 OF THE JEFFERSON/FAR WEST REFINEMENT PLAN

Findings and Recommendations of the **Jefferson Westside Neighbors** Executive Board

BACKGROUND

On August 16, 2006 and September 11, 2006, City Council adopted two motions intended to “pause and mitigate [the] negative effect” of inappropriate infill that could occur in Area 15 of the **Jefferson/Far West Refinement Plan** due to the recent Metro Plan Diagram redesignation of most of this area to “Medium Density Residential.”

Council took a two-pronged approach to the solution. Their September 11 motion directed staff to “Initiate amendment of the Metro Plan, the Jefferson/Far West Refinement Plan and the Land Use Code to limit the subject area to Low Density Residential development.” Once implemented, these amendments will prevent upzonings from R-1 to R-2, thus “pausing” inappropriate infill allowed under R-2 zone lot and development standards. (The amendments will “sunset” on July 1, 2008.)

Council recognized it will take several months or more to implement the land use plan and code amendments, so they also took action to quickly mitigate the negative impact of development that might occur under R-2 upzonings submitted before the amendments take effect. In their August 16 motion, Council directed the City Manager to initiate an official interpretation of Area 15 policy of the Jefferson/Far West Refinement Plan which is incorporated into the Land Use Code at EC 9.9580(17).

The Area 15 policy states:

This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.

The City shall encourage block planning, infilling, and shared housing, in this area. Access to housing units off of alleys shall be accommodated when not in conflict with other policies and goals.

The City shall encourage the rehabilitation of the existing housing stock through both public and private reinvestments.

The Jefferson Westside Neighbors (JWN) is the City-chartered neighborhood association that encompasses Area 15 and over 200 residents of the neighborhood have been involved in this issue. (More details are provided below.)

The JWN has adopted a formal motion supporting the Council-initiated land use plan and code amendments, and the JWN co-chairs have provide the Planning Director with recommended strike-through language for the amendments.

In this document, the JWN co-chairs present “Findings and Recommendations” related to the interpretation of Area 15 policy.

FINDINGS

A proper interpretation of the Area 15 policy requires consideration of several principal factors, including:

- City Council’s purpose in directing that this land use decision be issued
- The history and intent of the Jefferson/Far West Refinement Plan
- The land use regulations in effect when the Jefferson/Far West Refinement Plan was created and adopted
- The practical impacts of applying the policy interpretation
- The recent motions adopted by the JWN expressing the neighborhood association’s intent for the Jefferson/Far West Refinement Plan’s Area 15 policy

In the following sections, we cover all these areas. Based on these findings, we present the Jefferson Westside Neighbors’ recommendations for interpreting the Area 15 policy.

City Council’s intent in initiating the interpretation of Area 15 policy

It’s important to recognize the context and purpose of Council’s directive to interpret the Area 15 policy – it was specifically as a short-term action to mitigate the negative impacts of R-2 development that may occur in this area. Thus, consistent with other legal requirements, an appropriate interpretation should also further this Council intent.

History and intent of the Jefferson/Far West Refinement Plan Area 15 policy

The Jefferson/Far West Refinement Plan was written during 1980 to 1982 by a planning team consisting of eight residents appointed by the two encompassing neighborhood associations (Jefferson Area Neighbors and Far West Neighborhood Association) and five representatives of the area business and religious community and Lane County Fairgrounds and Ida Patterson Community School. The final draft of the refinement plan was completed in June 1982. The plan was adopted by City Council on January 12, 1983. Thus, the text of the plan must be interpreted in the context of land use policies and code in effect during this period. (In this document, we use “1983-era” as a shorthand for this period.)

At the time the J/FW Refinement Plan was adopted, Area 15 was encompassed by the Jefferson Area Neighbors (JAN) neighborhood association. A few years ago, Jefferson Area Neighbors merged with the Westside Neighborhood Quality Project (WNQP) to form the Jefferson Westside Neighbors (JWN), which is now the City-chartered neighborhood association that encompasses Area 15.

As the J/FW Refinement Plan “Findings” for Area 15 note, this area was (and still remains) primarily single-family, with 50 percent of the residential units owner-occupied at the time the plan was written. Owner occupancy in this area was higher than the overall rate for Eugene at the time (46%), and over three times higher than the rate for the Jefferson neighborhood as a whole (16%). Thus, this area was a stable, single-family neighborhood at the time the J/FW Refinement Plan policy covering the area was written. Taking an even longer term view, Area 15 has been a healthy, single-family neighborhood for over seventy years.

A thorough reading of the entire J/FW Refinement Plan, as well as the Refinement Plan Appendix, presents a clear picture of how the planning team viewed the future of Area 15. For example, the planning team presented the following as a “Highlight” of the plan (see page facing Table of Contents):

“Improving rehabilitable structures and preserving sound residential areas is an important component of the plan.”

Area 15 was one of the healthier sections of the Jefferson neighborhood during a period where many areas of the older, close-in neighborhoods were in decline, and this area would unquestionably have been one of the “sound residential” areas the plan sought to preserve.

The planning team was very aware of the problems caused by unmanaged, higher-density development, and the plan’s “Land Use Element – Findings” section (page 5) cites a research study conducted while the plan was being created. One of the study’s conclusions was:

“c. Lot-by-lot development in areas with standard single-family parcels is unworkable at higher densities.”

And thus, Area 15 policy was carefully crafted to *prevent* “unworkable” higher density development, and to allow only limited, well-planned and designed development that in specific situations would permit more than the single dwelling unit the R-1 zone allowed on non-corner lots.¹ The planning team was also careful to explicitly include the requirement that development beyond R-1 limits must “maintain the character of the area.”

The planning team clearly desired that “block planning” would provide a new way to “allow land use changes to occur with the joint approval of property owners and residents, the neighborhood group, and the City” (J/FW Refinement Plan, “Highlights of the Plan”, page facing Table of Contents). Note in particular, the specific reference to approval by the neighborhood group, indicating that then, as now, residents and their neighborhood association were assigned a pivotal role in deciding how their own neighborhood would develop over time.

The example of a block plan included in the Refinement Plan Appendix provides an example of what the planning team envisioned – low-intensity development that includes carefully sited, small-scale apartments amongst single-family homes with extensive greenspace for community orchards and gardens.

A recent conversation with Ms. Mary Bentsen of 950 W. 16th Ave., one of the Jefferson residents on the J/FW planning team, confirmed this sense of modest increases in allowable density, on the scale of “granny cottage” additions. In her comments, Ms. Bentsen was quite adamant that currently allowed R-2 development, for example, the addition of a duplex or larger multi-family unit in the back of an existing house, was not intended or desired by the planning team.

Subsequent statements by Jefferson Area Neighbors Leaders and Residents

Block planning never materialized, and “site review”, which has been ineffectually applied in the past, has not provided the kind of control over development the J/FW

¹ R-1 allows duplexes on corner lots.

planning team intended, and so residents and the neighborhood association have found themselves in repeated battles to prevent development in the area that is inconsistent with the plan's intent and which degrades and destabilizes the neighborhood.

Looking at the record for some of the land use actions in the area provides additional historical reference points for understanding how the J/FW planning team, the neighborhood association, and neighborhood residents meant for the plan to be applied.

A good example occurred in late 1998 when numerous residents and the neighborhood association adamantly opposed the "Iverson" R-2/SR zone change application (file Z 98-14).

As part of this opposition, the combined executive boards of the Jefferson Area Neighbors and the Westside Neighborhood Quality Project neighborhood associations submitted a letter on December 16, 1998 to the hearings official. The neighborhood leaders stated that "where and how to increase density within our neighborhoods is too important to be made on a parcel by parcel basis ... we are opposed to piecemeal increases in density" This statement echoes the "Findings" of the J/FW Refinement Plan that "Lot-by-lot development in areas with standard single-family parcels is unworkable at higher densities."

Even more specific to the Area 15 policy, the neighborhood leaders testified: "the properties [sic] R-1 Low Density Residential zone classification ... is in keeping with the Low to Medium Density designation in the adopted neighborhood refinement plan. ... *It also is in keeping with ... the intent of the drafters of the neighborhood refinement plan.*"

Thus, in their 1998 letter, both neighborhood association boards make clear "R-1" zoning was considered consistent with "low- to medium density," and that upzoning to R-2 was not intended to be allowed on every site in Area 15 and was not meant to be permitted without more control than provided by site review, as it was being used in this and previous R-2/SR upzonings.

Further weight should be given to this 1998 statement because one of the signatories of the letter was Mr. Jon Belcher who had been a member of the Jefferson/Far West Planning Team that created the refinement plan and who was a JAN co-chair at the time the letter was submitted. Mr. Belcher has also recently published a letter reaffirming the fact that "Site review has proved inadequate to prevent inappropriate development" in this area. (*JWN Neighborhood News*, May 2006)

Land use regulations in effect when the Jefferson/Far West Refinement Plan was created and adopted

The "low- to medium-density" term is a critical element of the Area 15 policy, yet the term is not defined in the J/FW Refinement Plan or any related document. The "low- to medium-density" designation for this area clearly was intended to limit density to no more than allowed by R-2 zoning standards that existed at the time, since the policy allows upzoning *only* to R-2 (not R-3 or R-4), and development on such upzonings is further restricted to maintain the character of the area, which was, and is, generally low-density, single-family development.

Thus, the most relevant reference point for this undefined term is the maximum density allowed by R-2 zoning in effect during 1980-1982 when the J/FW Refinement Plan was developed.

On May 24, 1982, less than a month before the J/FW planning team delivered their final draft of the refinement plan, City Council adopted Ordinance 18971 amending section 9.546 of the zoning code to require a minimum of 2,650 square feet per dwelling unit in the R-2 zone.² This same R-2 standard was in effect when City Council formally adopted the J/FW Refinement Plan in January 1983, and for many years afterwards.

The following table provides a chart for the number of allowable units for lots sizes found in Area 15³ as of the date the J/FW Refinement Plan was adopted.

Lot size	Allowable dwelling units	Number of lots in Area 15
Less than 2,650 s.f.	None (unless already exists)	7
2,650 s.f. to 5,299 s.f.	1	67
5,300 s.f. to 7,949 s.f.	2	99
7,950 s.f. to 10,599 s.f.	3	74
10,600 s.f. to 13,249	4	4
13,250 s.f. or more	5+	1
Total		252

The J/FW planning team certainly intended that a policy allowing limited upzonings to R-2 in Area 15 would not allow development on any of those upzoned properties to *exceed* the R-2 maximum at that time. Even at *maximum* R-2 development allowed in 1983 (and later), approximately 70 percent of lots in Area 15 would limit development to no more than two units – a level consistent with the limited intensification the planning team envisioned for the area and which residents have supported from the era when the refinement plan was developed right through to the present.

Another numerical reference point for density in the Area 15 policy is the statement:

Residential densities beyond ten units per acre shall be allowed, ...

While the contemporaneous R-2 maximum density provides an upper bound on the “low- to medium-density” maximum density, the policy clause above sets a lower bound on “low- to medium-density” maximum density. Put another way, this policy clause clearly

² Mathematically, this is approximately 16.4 dwelling units per net acre (du/na), but it is essential to understand that the zoning code at that time had nothing resembling current zoning code’s “round up” provision, which greatly inflates the effective allowable density, especially on small parcels, such as those in Area 15. For example, under the R-2 standard in effect at that time, a lot with 5,290 square feet could have *only* a single dwelling; whereas, today that same lot could have *four* units.

The current code’s “round up” provision has an enormous impact on allowable density in current R-2 zones. Without the “round up” provision, the same 5,290 s.f. lot could be developed at 24.7 du/na under today’s R-2 maximum density. But the “round up” provision allows the lot to be developed at 32.9 du/na – a 25 percent increase in effective density. Note that because of the “round up” provision, almost all R-2 lots in the Jefferson and Westside neighborhoods allow high-density development, according to the Metro Plan standard that anything over 28.56 du/na is “high density.” This despite the stated intent of the R-2 zone to implement the Metro Plan “Medium Density” range.

³ Does not include the lots on which O’Hare School and the Lighthouse Temple are located.

intends that selected development be allowed above ten units per acre and this must be allowable under any reasonable interpretation of “low- to medium-density.”

Unfortunately, the J/FW Refinement Plan doesn’t clarify whether “acre” means “net acre” or “gross acre” in this case. The R-2 zoning code at the time used net areas when specifying the required square feet per dwelling unit, and most non-planners, such as the members of the J/FW planning team, think in terms of net areas when dealing with their properties. Thus, intuitively, the scale tilts more to a “net acre” interpretation.

A March 14, 2006, JWN motion (see below) explicitly states the neighborhood association’s intent that “ten units per acre” means “ten units per net acre.” And, as pointed out earlier, the J/FW planning team made clear they envisioned the neighborhood association’s approval being important in any intensified density in this area. Thus the JWN’s overwhelming support for “ten units per net acre” should be given substantial weight. Note that the equivalent to a 10 du/na threshold is 4,356 square feet per dwelling unit⁴.

Despite a sound basis for using net acreage, there’s no way to know for certain whether this is what the J/FW planning team intended. However, even if the phrase were interpreted as “ten units per gross acre”, it would translate to only 14.28 dwelling units per net acre (du/na) following the equivalence used in Metro Plan Policy A.9. And, the equivalent density, expressed in terms of lot area, is 3,050 square feet per dwelling unit⁵.

Thus, the phrase “densities beyond ten units per acre shall be allowed” in the Area 15 policy must mean either:

- a) allow some development to occur with less than 4,356 square feet per dwelling (based on “acre” meaning “net acre”); or
- b) allow some development to occur with less than 3,050 square feet per dwelling (based on “acre” meaning “gross acre”)

Note that both interpretations are *more restrictive* (i.e., specify a lower density) than the R-2 requirement at that time for a minimum of 2,650 square feet per dwelling unit.

The empirical reference points provided by the contemporaneous R-2 maximum density and the “beyond ten units per acre “ phrase limit the upper end of the density range for any reasonable interpretation of the “low- to medium-density” designation’s maximum density to no more than 16.44 du/na (or 2,650 sf/du) and no lower than 10 du/na (or 4,356 sf/du).

The “low- to medium-density” designation should certainly *not* have any minimum required density because the J/FW Refinement Plan explicitly uses aspirational, rather than proscriptive, language in the text: “explore methods to encourage an increase in residential density.” The planning team clearly had no intention of *requiring* densification over the prevalent single-family pattern. This was specifically confirmed by the 1998 letter from the JAN and WNQP boards.⁶

As explained in Footnote 2, prior to 1983 and for many years afterwards, all density

⁴ 43,560 sf/na ÷ 10 du/na = 4,356 sf/du

⁵ 43,560 sf/na ÷ 14.28 du/na = 3,050 sf/du

⁶ The point is mostly moot anyway because there is only one residential lot other than the O’Hare school and Lighthouse Temple lots that is over 13,500 square feet and to which R-2 minimum density standards would apply.

standards were applied without the current zoning code’s “round up” provision, and thus all density values presented above, including 10 du/na and 16.44 du/na, cannot simply be applied under current zoning regulations.

Although there’s no single formula to convert du/na values applied without “round up” to equivalent du/na values applied with “round up,” it’s quite straightforward to find the equivalency for the specific set of lots that exist in Area 15.

The basic approach we took was to create a spreadsheet with individual lot areas for the 252 lots in Area 15⁷. We then applied both “no round up” and “round up” formulas with varying du/na values to this set of lots and calculated the aggregate density. We also tabulated comparisons between various pairs of “no round up” and “round up” values to determine how many of the 252 lots would allow a different number of dwelling units under the densities being compared.

The equivalencies we present in the following table reflect pairs of values that produce the closest aggregate density results and that create the fewest number of lots with different allowable units.⁸

1983-era R-2 min. lot area per dwelling NO round up	1983-era du/na NO round up	2006 du/na WITH round up
4,356 s.f.	10.00	4.8
3,050 s.f.	14.28	7.1
2,650 s.f.	16.44	9.7

Two examples illustrate the correspondence. First, consider a 5,000 s.f. (0.1148 acre) lot.

1983-era du/na NO round up	Allowable dwelling units	2006 du/na WITH round up	Allowable dwelling units
10.00	1	4.8	1
14.28	1	7.1	1
16.44	1	9.7	2

In this case, the equivalent values all produce identical outcomes, with one exception – A current density of 9.7 du/na will allow one more unit than a 1983-era density of 16.44 du/na. For this specific lot size, the equivalent current density should be lower than 9.7 du/na.

Next, consider a 7,500 s.f. (0.2066 acre) lot.

1983-era du/na NO round up	Allowable dwelling units	2006 du/na WITH round up	Allowable dwelling units
10.00	1	4.8	1
14.28	2	7.1	2
16.44	2	9.7	2

For this lot size, the correspondence is exact for all three pairs.

It may seem surprising that the equivalent du/na values under current zoning rules are so much lower than the corresponding values under the rules in effect in the 1983 era. But

⁷ Again, not including the O’Hare school and Lighthouse Temple lots.

⁸ The Excel spreadsheets we used are available by request.

this is due to the major effect that “rounding up” has on allowable density for small- to medium-sized lots.⁹

To illustrate how the equivalence table above can be used, consider a hypothetical question:

If the intent of the J/FW planning team was to allow development on selected lots in the “low- to medium-density” area to approach the maximum number of units allowed by the R-2 zone in 1982, what maximum density limit would we need to set under current zoning code?

The answer is 9.7 du/na, as shown in the last row of the table.

Thus, based on available empirical information, the “low- to medium-density” designation should have an upper end somewhere in the range of 5-10 du/na under current zoning code.

Jefferson Westside Neighbors motion regarding “low- to medium-density”

On September 12, 2006, the JWN unanimously (33-0) adopted the following motion

Jefferson Westside Neighbors (JWN) intends that the *Jefferson/Far West Refinement Plan* policy for “Jefferson residential area #15” (on pages 27-28), which states (in the first paragraph):

*This area shall be recognized as a **low- to medium-density** residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.*

shall be applied with the following interpretation, when applicable in the review of zone change applications and other land use actions:

- The “low- to medium-density” range shall have a maximum effective density less than the maximum R-2 density in effect on the date the Jefferson/Far West Planning Team developed the policy for Area #15, specifically as of July 1, 1982 or earlier.

The determination of the equivalent maximum density under current regulations shall take into account the effect of the “round up” provision that is part of current code such that the equivalent value for current maximum density produces as close as possible the same results that would have been produced by the “round down” provision in effect in 1982.

This motion affirms that the neighborhood association encompassing the area intends the Area 15 policy be interpreted as has been suggested in the analysis above.

⁹ An aspect of current maximum density standards that may not be fully appreciated by some City staff and officials.

The practical impacts of applying the interpretation of “low- to medium-density” to zone changes

Under current code provisions, the practical implication of any interpretation of “low- to medium-density” will likely be to require a /# (Residential Density Range) overlay zone (in addition to the /SR overlay zone) for any upzoning to the R-2 base zone.

EC 9.4050 states that the Residential Density Range overlay zone is intended to “narrow the density range normally allowed in the base zone”. The current R-2 density range is 10-28 du/na¹⁰.

It should be noted, however, that the 10 du/na *minimum* density requirement does *not* apply to lots less than 13,500 square feet, which is all but one of the lots in Area 15. In other words for all the Area 15 lots, except one, the effective R-2 density range is 0-28 du/na.

Thus, it is unsettled whether a Residential Density Range overlay zone less than /10 is permissible on an R-2 lot that has no minimum density.

Considering the previous discussion, a /10 overlay zone would be the one possible overlay zone that would unquestionably be permissible for an R-2 base zone and would also not exceed the highest justifiable limit (i.e., about 10 du/na) for the “low- to medium-density” designation. Any Residential Density Range overlay zone higher than /10 would allow development in Area 15 to exceed the most expansive interpretation of what the Area 15 policy intends.

There is a plausible argument that the appropriate upper limit for the “low- to medium-density” designation is lower than 10 du/na (in current terms) and a Residential Density Range overlay zone less than /10 would be permissible on all but one lot in Area 15. We do not pursue that argument further in this document.

One could even argue that the dramatic change in the R-2 zone’s density range over the past 25 years to allow triple or quadruple, in some cases, the number of dwelling units on a lot has lead to a situation where a proper interpretation of the Area 15 policy is that upzonings to R-2 shouldn’t be allowed at all now because the R-2 zone can no longer be limited to a level within the “low- to medium-density” range, as the plan intended. We also do not pursue that argument further in this document.

¹⁰ Note again that the maximum of 28 du/na is applied with the “round up” calculation. The 10 du/na minimum density requirement is *not* applied with the “round up” calculation.

RECOMMENDATION #1

INTERPRETING “LOW- TO MEDIUM-DENSITY”

Based on the available facts, the JWN Executive Board believes the Jefferson/Far West Refinement Plan policy for Area 15 did not intend to allow the density of development now allowed by the R-2 base zone – *even with an /10 overlay*, and we reserve the right to oppose any R-2 upzoning requests on this basis.

However, given Council’s intent that the J/FW Refinement Plan be promptly amended to temporarily prohibit further R-2 upzonings, and because we wish to facilitate a quick implementation of this land use decision as a short-term measure to mitigate the damage from R-2 upzonings, we recommend the Planning Director interpret “low- to medium-density” in Area 15 as follows:

“Low- to medium-density” shall be interpreted as allowing up to ten dwelling units per net acre and to require a /10 overlay zone for any zone change to R-2 in this area.”

Interpreting the requirement for “maintaining the character of the area.”

In addition to setting a density range, the Area 15 policy also imposes a key requirement that any action which allows an increase in residential density must maintain the character of the area.

This requirement is stated in the second sentence of the Area 15 policy’s first paragraph:

This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining the character of the area. Residential densities beyond ten units per acre shall be allowed, subject to an approved block plan or rezoning to R-2 in conjunction with site review.

Note this sentence presents the encouragement (but not requirement) for development that will be more dense than the existing single-family, R-1 development; and at the same time establishes the fundamental constraint on denser development.

The text that follows the second sentence in the policy discusses zoning mechanisms, but all these mechanisms can only be interpreted as permitted if they comply with the policy requirement that the resulting development maintains the character of the neighborhood.

Thus, not *any* block plan is acceptable for more dense development, nor is just *any* set of site review criteria acceptable as sufficient for a rezoning to R-2. *Only* a block plan or site review criteria that can be clearly demonstrated to maintain the character of the area would comply with the Area 15 policy.¹¹

Again, looking at the overall picture presented by the J/FW Refinement Plan and Appendix, and from extensive resident comments and neighborhood association actions over the years, the intent of the Area 15 policy to maintain the character of the area can only be interpreted as requiring careful siting, limited increase in density, and compatible

¹¹ Unfortunately, block planning hasn’t been implemented and therefore doesn’t currently provide a mechanism in which such projects can be approved.

scale of selected projects that are allowed to be developed under any upzoning to R-2. As mentioned earlier, the extensive discussion and example of block planning in the J/FW Refinement Plan Appendix provides a good picture of what the planning team envisioned.

And thus, an appropriate interpretation of the Area 15 Policy should allow only rezonings to R-2 where the applicant has met the burden of proof that the resulting development will maintain the character of the area. That in turn requires the applicant to include, as part of any rezoning application, clear and objective, enforceable site review criteria that will assure resulting development maintains the character of the area.

JEN motion regarding “maintaining the character of the area”

On March 14, 2006, the JWN unanimously (48-0) adopted the following motion:

Jefferson Westside Neighbors intends that the *Jefferson/Far West Refinement Plan* policy for “Jefferson residential area #15” (on pages 27-28), which states (in the first paragraph):

*This area shall be recognized as a low- to medium-density residential area. The City shall explore methods of encouraging an increase in residential density yet maintaining **the character of the area**. Residential densities beyond **ten units per acre** shall be allowed, subject to an approved block plan or **rezoning to R-2 in conjunction with site review**.*

shall be applied with the following interpretations, when applicable in the review of zone change applications and other land use actions:

- a. “**the character of the area**” shall mean a set of concrete, measurable characteristics that have been identified through a public process as fundamental elements of the existing residential development within the area covered by this policy. These characteristics shall include, but not be limited to:
 - i. Mass and scale, both for main structures and secondary structures
 - ii. Setbacks from property lines and adjacent structures, at grade, as well as above grade
 - iii. Lot coverage by structures and vehicle use areas (e.g., driveways and parking)
 - iv. Intensity of development (i.e., dwelling units per lot)
- b. “**ten units per acre**” shall mean: “ten dwelling units per net acre”.
- c. “**rezoning to R-2 in conjunction with site review**” shall mean:
 - i. An /SR (site review) overlay zone is required for *any* lot that is rezoned to R-2.
 - ii. The /SR overlay zone requirements shall include clear and objective standards to assure that any proposed development of the lot maintains the character of the area, under the interpretation in section (a) of this motion.

From this motion, the history of the J/FW Refinement Plan, and testimony from residents and neighborhood association leaders during the intervening years, it should be clear that residents have always intended Area 15 to have very limited and carefully controlled intensification. This long-established intent should provide the basis for a land use decision that properly reflects the intent of the Area 15 policy.

RECOMMENDATION #2

INTERPRETING “MAINTAINING THE CHARACTER OF THE AREA”

The JWN Executive Board recommends the Planning Director interpret the first paragraph of Area 15 Policy with the interpretation of “low- to medium-density” as in “Recommendation #1,” above and with the following additional interpretations:

When applicable in the review of zone change applications and other land use actions:

“maintaining the character of the area” shall mean that any block plan or site review approved in conjunction with a zone change to R-2 shall include clear and objective criteria for development on the property that will assure such development is consistent with the character of the area.

“character of the area” shall mean a set of concrete, measurable characteristics that have been identified through a credible, verifiable analysis process as fundamental elements of the existing residential development within the area covered by this policy. These characteristics shall include, but not be limited to:

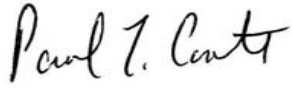
- 1. Mass and scale, both for main structures and secondary structures*
- 2. Setbacks from property lines and adjacent structures, at grade, as well as above grade*
- 3. Lot coverage by structures and vehicle use areas (e.g., driveways and parking)*
- 4. Intensity of development (i.e., dwelling units per lot)*

In practical terms, this interpretation would allow applicants seeking R-2 zone changes to extrapolate from existing analyses of comparable areas (e.g., the extensive staff and resident analysis done for the “Chambers Revisited” project, which covers another area in the JWN having very similar character); and/or applicants could choose to conduct their own analysis, as long as the analysis used a credible methodology and the results can be verified by a Hearings Official during consideration of a zone change request.

The JWN Executive Board believes the recommendations we’ve presented reflect the proper interpretation of the Jefferson/Far West Refinement Plan as written by the planning team in 1980-1982 and adopted by Council in 1983. We believe this interpretation is also highly consistent with the understanding and intent of Jefferson neighborhood residents and the neighborhood association, both in the past and currently. We also believe these recommendations would fulfill City Council’s intentions in adopting their August 16 motion.

Submitted on behalf of the Jefferson Westside Neighbors Executive Board

October 3, 2006

Handwritten signature of Paul T. Conte in cursive script.

Paul T. Conte, Co-chair

Handwritten signature of Rene Kane in cursive script.

Rene Kane, Co-chair