

Density Evaluation of the JWN Proposed Amendments for the S-JW Zone

This analysis was conducted on July 31, 2021, by Paul Conte. The analytic model is available for review by contacting Paul Conte at paul.t.conte@gmail.com.

All residential zones must conform with the comprehensive plan. That includes conforming with the *Metro Plan* residential density designations.

Most of the area encompassed by the S-JW Jefferson Westside Special Area Zone is designated “Medium Density Residential”; a portion is designated “Low Density Residential.”

The *Metro Plan* requires conformance with the following density ranges:

Policy A.9 Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Low density: Through 10 dwelling units per gross acre (could translate up to 14.28 units per net acre depending on each jurisdiction's implementation measures and land use and development codes)

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdiction's implementation measures and land use and development codes) (See page III-A-8)

When the S-JW Zone was approved unanimously by the Eugene City Council and acknowledged by DLCD, the formally adopted findings relied on a lot-specific analysis of the S-JW Zone's allowable density:

“The proposed zone is consistent with the Metro Plan density range for Medium density [sic] Residential development. The zone will provide for a maximum density level of approximately 15 units per net acre (see detailed density analysis under Goal 10 findings, below, and in testimony submitted by Paul Conte, October 12th, 2009). This policy choice develops a new zone to implement a portion of the medium density refinement plan and Metro Plan designations, consistent with other policy direction established for the areas in each refinement plan, and through the Infill Compatibility Standards process.” See Findings, Page 3.

“Information in the record shows there is currently an overall density of approximately 10 dwelling units per net acre in the S-JW area (Paul Conte, October 12th, 2009). Most of the affected lots contain a single dwelling; some contain duplexes and a small percentage contains multi-family development. The proposed S-JW standards provide for an overall potential density of approximately 15 dwelling units per net acre, according to analysis submitted into the record by Paul Conte **and verified by city staff** (October 12th, 2009). This figure implements the medium density residential plan designation as described in Metro Plan Policy A9 (see findings above). [Emphasis added.]

“Staff prepared a density comparison map to graphically show the increase in dwellings allowed on each lot under the proposed standards. This map illustrates where additional development would be allowed, based on lot size; the total allowable increase in units is approximately 40% over what exists today.

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“Based on the findings above, the amendments are consistent with Statewide Planning Goal 10.” *Ibid.* Pages 9-10.

Using the same model that was "verified by city staff," as stated in the adopted findings in the ordinance adopting the S-JW Zone, an analysis was conducted of the JWN proposal for S-JW code amendments that would ensure conformance with statutory requirements for “accessory dwellings.” Because Planning Division staff assert (notably, without any legal basis) that “accessory dwellings” cannot be counted in calculation of density, the analysis was performed for two cases: with and without counting “accessory dwellings.” The results follow.

S-JW NET DENSITY – MDR range is over 14.28 du/na through 28.56 du/na

Counting Accessory Dwellings

Total allowed dwellings (without lot divisions): 1,215 current vs. 1,573 with JWN proposed amendments -- **an increase of 358 dwellings or 29.5%.**

Net Density: 15.23 current density would be **increased** to 19.71 with JWN proposed amendments.

NOT counting Accessory Dwellings

Total allowed dwellings (without lot divisions): 1,215 current vs. 1,292 with JWN proposed amendments -- **an increase of 77 dwellings or 6.3%.**

Net Density: 15.23 current density would be **increased** to 16.19 with JWN proposed amendments.

S-JW GROSS DENSITY – MDR range is over 10 du/ga through 20 du/ga

The gross S-JW Zone area is approximately 120 Acres.

Counting Accessory Dwellings

With allowable dwellings of 1,573, the density would be approximately 13.1 dwellings per gross acre.

NOT counting Accessory Dwellings

With allowable dwellings of 1,292, the density would be approximately 10.8 dwellings per gross acre.

CONFORMANCE WITH METRO PLAN

- The JWN proposal for S-JW Zone amendments conforms to the *Metro Plan's* Medium Density Residential range both in gross and net ranges, irrespective of whether “accessory dwellings” are counted.
- In *real* terms, the proposed amendments would allow an additional 358 dwellings for an approximately 30% increase in housing units.

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COMPARISON WITH OTHER AREAS

The U.S. Census uses “population-weighted density” as the measure of the average density in which households live.

Population-Weighted Density

Population-weighted density is derived from the densities of all the census tracts included within the boundary of the CBSA. A metro or micro area’s population-weighted density can be thought of as the average of every inhabitant’s census tract density. It was calculated using the formula $D = \frac{\sum(P_i d_i)}{\sum P_i}$, where D is the population-weighted density of a metro or micro area, and P_i and d_i are the population and density of the i th census tract, respectively.

In the case of a small area, like that encompassed by the S-JW Zone, the population-weighted density is simply the gross density, which includes streets, sidewalks, etc. The U.S. Census measure of population-weighted density counts all dwellings (i.e., it does not exclude accessory dwellings).

Thus, the allowable population-weighted density of the S-JW Zone would be 1,573 dwellings over 0.1875 square miles (120 acres ÷ 640 acres per square mile). That equates to 8,839 dwellings per square mile. Here are comparisons for the 15 densest metro areas in the United States

The 15 Densest U.S. Metro Areas

| | average tract-weighted density |
|----------------|--------------------------------|
| New York | 15,116 |
| Honolulu | 6,337 |
| San Francisco | 6,202 |
| Chicago | 4,651 |
| Los Angeles | 4,620 |
| Boston | 3,987 |
| Washington | 3,881 |
| Miami | 3,805 |
| Philadelphia | 3,724 |
| Seattle | 3,387 |
| San Jose | 3,167 |
| San Diego | 3,036 |
| Las Vegas | 2,668 |
| Denver | 2,642 |
| Portland, Ore. | 2,434 |

Highest-density tracts are 10,000 households or more per square mile. Low-density tracts are fewer than 640 households per square mile, which is one household per acre. All data are for 2020.

Source: Census Bureau By The New York Times

The allowable density in the S-JW Zone is second only to New York Metro Area and only slightly less than what the Census Bureau considers a “high density” area.

Eugene’s population-weighted density is around 3,500 dwellings per square mile. (I did not find that value for the 2020 Census results, but earlier data is less than this estimate.)

CONCLUSION

The JWN proposal for the S-JW Zone would allow a density that is over TWICE the density of Eugene and almost in the Census Bureau’s “high density range.

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COMPARISON WITH EUGENE PLANNING STAFF DATA

On August 6, 2021, in response to a Public Records Request, Jeff Gepper, Senior Planner with the Eugene Planning Division stated for the record:

*"[S]taff **has not performed and does not possess an analysis** to determine to maximum development potential to determine the number of possible new accessory dwelling units for the S-JW Jefferson Westside Special Area Zone."*

CONCLUSION

The Eugene Planning Division has absolutely no data or analysis to support that their proposed amendments to the S-JW Zone would conform to the *Metro Plan* MDR designation. Nor does the staff have any data or analysis to indicate what "beneficial" level of additional dwellings would be allowed.

Consequently, there are ***no findings*** in the staff propose ordinance to support their proposed amendments, thus leaving the ordinance entirely vulnerable to appeal and remand on the lack of findings to support the proposed radical upzoning conformance with the comprehensive plan policies and Statewide Planning Goals.