

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: February 8, 2012

TO: Planning Commission

FROM: Ben Lyman, Planner
Community Development Department

FILE NO.: AME20120002

PROPOSAL: Revision of sections of CBJ 49, the Land Use Code, to increase residential density limits in select zoning districts, and to provide for development bonuses

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

Applicant: Community Development Department

Property Owner: Boroughwide

Property Address: Boroughwide

BACKGROUND

This proposed revision to CBJ 49, The Land Use Code, is the culmination of several different projects that have resulted in a clear determination that portions of the Land Use Code that limit residential densities excessively are not in conformance with the Comprehensive Plan, and may unduly restrict development of residential and mixed-use projects within portions of the City and Borough of Juneau.

The separate reviews and projects that have resulted in the effort discussed in this memorandum are summarized as follows:

- 1) Need to revise CBJ 49.25.400, the Table of Dimensional Standards (TDS), for the Mixed Use 2 (MU2) zoning district so as to allow the type of development that zone is intended to contain;

- 2) Willoughby District Plan and its calls for changes to the TDS for the MU2 zoning district;
- 3) Proposals to develop residential units at densities greater than 18 dwellings/acre in Light Commercial (LC) and General Commercial (GC) zoning districts;
- 4) Strong support for Transit Oriented Development (TOD) or denser, mixed-use development along Transit Oriented Corridors (TOC) in the Comprehensive Plan.

Each of these projects is briefly described:

- 1) Revise TDS for MU2:

The MU2 zone is described at CBJ 49.25.220(b) as being “intended to place a greater emphasis on residential development than is the case in the MU district. A range of residential development types is allowed. Multifamily residential uses are allowed at a density of 60 units per acre.”

The TDS for MU2 sets a height limit of 35 feet, or three stories, and requires setbacks of 5 feet from all sides. Although a height bonus can be earned by a developer that makes it possible to build to 45 feet in the MU2 district, it would still be exceedingly difficult to fit 60 dwellings/acre in a building that is only 45 feet high if that building was to contain other (mixed) uses as well, as is the intent in a mixed-use zone.¹

- 2) Willoughby District Plan:

The Draft Willoughby District Plan tripling the number of dwelling units in the Willoughby District, which essentially the MU2 zoning district, to 350-400 units within the next 20 years. This ambitious goal will require an infusion of development capital in infrastructure and residential projects, but will be impossible under regulations that do not support this type of residential density.

The Draft Willoughby District Plan also calls for significant changes to the TDS, as well as the adoption of bonus procedures to encourage developers to provide features that will improve the nature of the district in return for relaxed restrictions on other aspects of the development. Although bonuses may be an appropriate tool in some instances, the MU2 district is a poor candidate for bonuses, as setback requirements are already small, and the recent extension of the PD-1 parking overlay zone to the area reduced the off-street parking requirement as an obstacle to development. The height limit could be increased through bonuses, but bonus procedures add complexity and uncertainty to the permitting of projects, which makes them less attractive to developers as means to obtain permits. Raising the base height limit, perhaps from 35 feet to 45 feet, and the bonus height limit

¹ Jensen Apts., 305 Sixth St., with six dwellings on a 2447 square foot lot, and the MacKinnon Apts., 236 Third St., with 23 dwellings on a 9283 square foot lot, both top 100 dwellings per acre in only two or three stories. Neither has on-site parking available, and both are built almost entirely to the property lines. Many other examples of dense residential development exist in downtown Juneau, but none under current Building or Land Use Codes.

from 45 feet to 55 feet, may facilitate development of mixed-use projects in the district while not requiring developers to go through bonus procedures that are still available if additional height is needed for a given project.

- 3) Increase residential density limits in commercial zones:
The Comprehensive Plan only contains one commercial land use designation, General Commercial. The General Commercial land use designation is appropriate for commercial and mixed-use development, with “residential densities ranging from 18- to 60-[residential] units per acre.” The LC, GC, WC, MU, and MU2 zoning districts are all appropriate for this land use designation, but the LC and GC zoning districts are particularly applicable. Currently, residential densities in the LC, GC, and WC zoning districts are limited to 18 dwelling units/acre maximum; only the MU and MU2 zoning districts allow residential densities over 18 dwelling units/acre.

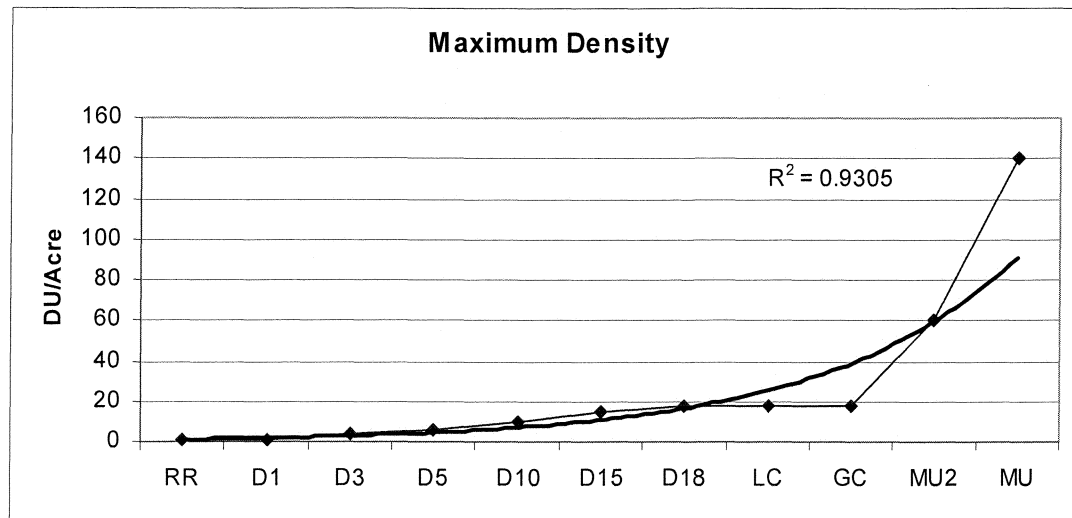
A typical tool in determining appropriate allowable/maximum residential densities is a best fit curve; in this tool, the allowable densities of each zoning district are graphed, and a best fit line is plotted, with the goal of achieving a near-perfect relationship between the density limits and the curve.

Currently, the maximum allowable residential densities can be listed as follows:

Zone	Maximum Density
RR	1.21
D1	1.21
D3	3.63
D5	6.222857143
D10	10
D15	15
D18	18
LC	18
GC	18
MU2	60
MU	140

This is graphed, with a best-fit line,² as:

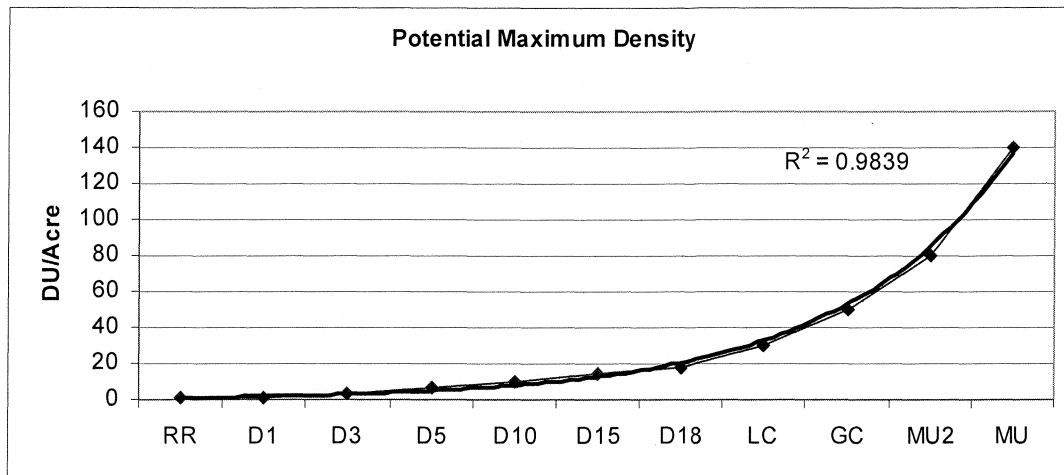
² An R^2 value of 0 indicates no relationship between the line and the data, and an R^2 value of 1 indicates a perfect relationship between the line and the data.



As this chart shows, the best fit line does not match the “flat” density curve of D18, LC, GC.

By increasing the maximum allowable densities of the LC and GC districts to 30 and 50 dwelling units/acre, and the MU2 district to 80 dwelling units/acre, the fit is much better:

Zone	Potential Maximum Density
RR	1.21
D1	1.21
D3	3.63
D5	6.222857143
D10	10
D15	15
D18	18
LC	30
GC	50
MU2	80
MU	140



This scheme of gradually increasing maximum allowable residential densities provides for a gradual transition from less-dense to more-dense neighborhoods, as well as improving the conformance of existing zoning districts with the Comprehensive Plan.

Although this modification to the maximum allowable densities in the LC, GC, and MU2 zoning districts achieves goals of the Comprehensive Plan in terms of promoting compact, in-fill development of mixed uses and high residential densities, there is one question that is beyond a simple metric, and that must be evaluated on a more intuitive level. That question is, should the LC or the GC zoning district be home to more residents?

The LC zone is typically utilized as a buffer between GC or Industrial zoning districts and adjacent residential districts; the LC zone does not allow many uses that could be considered incompatible with residential uses, but the increased traffic, noise, and other impacts of high-density residential developments may be inappropriate for locations adjacent to low-density residential areas.

The GC zone is often adjacent to I-zoned lands, and allows many heavy commercial and light industrial uses that may be considered incompatible with residential uses. On the other hand, this zone would be able to accommodate the heavy traffic and noise impacts of high-density residential development with fewer impacts to adjacent residences than would be the case if the LC zone had higher allowable residential densities.

4) Transit Oriented Development:

The Comprehensive Plan discusses Transit Oriented Development, Transit Corridors, mixed use, high-density residential, "Transit First," and an Affordable Housing Overlay District in so many places that it would be difficult to document all of the places where this type of development is referred to in one way or another. Ultimately, all of these phrases are referring to the clustering of development, including high-density residential and mixed commercial and office uses as well as other major destinations, along transit

corridors where public utility infrastructure can serve large populations efficiently, and where automobiles are not necessary for residents to live their lives.

Although reference to this type of development permeates the Comprehensive Plan, there is no map in the Comprehensive Plan that delineates where this type of development is appropriate. To rectify this situation, CDD staff have developed a Transit Oriented Corridor (TOC) map that will be proposed to be included in the 2012 Update to the Comprehensive Plan. This map will show a ¼ mile radius/buffer around established and potential transit lines, within which overlay zones or other regulatory changes can be adopted so as to promote the development of mixed-use and high-density projects, potentially with reduced parking requirements or other development bonuses.

When the map showing the ¼ mile buffer from transit stops is compared to the General Commercial land use designated parcels in the Comprehensive Plan, it is clear that the vast majority of these lands fall within the draft TOC.

Similarly, when the map showing the ¼ miles buffer from transit stops is compared to the zoning districts LC and GC, nearly all of the properties in those zones are within the draft TOC as well.

This culmination of the TOC project and the review of the density limits in the LC and GC zoning districts is that it appears that it would be appropriate to increase the residential density limits in the LC and GC zoning districts before adopting the TOC map, as these properties do not require improved transit service or complicated bonus procedures—they simply warrant higher allowable density limits than are currently imposed on them.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The Comprehensive Plan of the City and Borough of Juneau, 2008 Update, is literally rife with references to increased residential densities, infill development, transit oriented development, mixed use development, and focusing increased development levels within walking distance of transit stops. References include:

Principles for Creating Livable Mixed Use Communities

- Residential densities of a “minimum of 10 dwelling units per gross acre of land within the development with higher densities of 30 to 80 units per acre encouraged.”
- By taking advantage of existing infrastructure, development within the Urban Service Area Boundary (USAB) in-fills vacant land and underutilized properties. In-fill development “should respect the overall character of the existing neighborhood, although building heights and densities will be greater.”

- Transportation options, including pedestrian, bicycle, transit, car-sharing, and private automobiles, should be available.

4.3.SOP1 ...Densities within the USAB and New Growth Areas should foster compact development at medium- to high-densities. As a target goal for compact development, a minimum density of ten dwelling units per acre for residentially-zoned lands within the USAB would make prudent and efficient use of these limited land resources. A density of 30 dwelling units per acre, or greater, along major transit corridors is recommended to produce affordable housing and to make efficient use of transit services therein.

4.3.IA3 Designate suitable land within one-quarter mile distance from public transit routes from Auke Bay to Downtown Juneau as a Transit-Oriented Corridor (TOC) overlay zoning district within which medium- to high-density housing in wholly residential or mixed use developments and with lesser parking requirements would be allowed.

4.3.IA4 Encourage high-density Transit Oriented Developments and/or Mixed Use Developments in existing or new shopping centers and office parks.

5.2.IA4 Seek ways and means to encourage housing for legislative personnel, such as high-density housing along transit corridors...

5.5.IA2 Support the provision of affordable housing for the University of Alaska Southeast (UAS) students and faculty on or near the campus.

6.11.SOP1 Promote the use of public transportation and car pooling to reduce the reliance of CBJ residents and visitors on single-occupant vehicles.

8.1.SOP1 Provide a safe, convenient, reliable and low-cost public transit and rapid transit system within the (USAB) to ensure that everyone has the ability to access work, school, services, shopping and leisure activities by public transit.

8.1.SOP3 Provide public transit services to low- and moderate-income neighborhoods and support supplementary transit service for the elderly, handicapped and homeless residents seeking work or medical or social services.

8.1.IA5 Along the identified [through a process described in 8.1.IA4] Bus Rapid Transit (BRT) route alignment for the CBJ, identify potential transit and transfer stops or nodes and re-zone land around those nodes for high-density residential and/or mixed use and employment centers to facilitate the convenient and efficient use of the BRT or transit system...

Transit First Policy

- ...Implementation of improved express bus service (over 2008 levels), (BRT), or other improved transit service along Glacier Highway and Egan Drive should be followed by zoning amendments to accommodate higher residential and

employment densities along these transit corridors. Higher residential and non-residential densities along transit corridors will improve the efficiency and reduce the cost-per-passenger of the transit service therein. Typically, 25 to 30 residential units per acre or more would adequately support a BRT or other increased transit service. [*Express bus service frequency was doubled, from once per 60 minutes to once per 30 minutes, in October 2010; the threshold of "improved express bus service" has been met.*]

- ...a successful transportation system depending on a public transit system includes a number of ...options, including: ...residential densities of 25 units per acre or greater along express bus routes to support convenient bus service.

The Mendenhall Valley and Auke Bay

- ...Until ...traffic conditions are improved...further development on parcels served by [intersections operating at Level Of Service D, E, or F] should be limited to small, in-fill homes or developments whose occupants would primarily use public transit...Elsewhere within the Mendenhall Valley, future development should be characterized as medium-to-high density residential, mixed use or commercial developments when contained within transit corridors, defined as lands within a quarter mile of bus routes with headways of no more than one-half-hour during the peak travel periods...

POLICY 10.13 IT IS THE POLICY OF THE CBJ TO PROVIDE FOR MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS.

10.13.SOP1 Maintain a category on the Comprehensive Plan Land Use Maps and the Zoning Maps that allows high density residential and retail and office uses as mixed use developments. Provision of public transit services to mixed use developments would justify lower parking requirements, particularly for housing to be occupied by students, seasonal workers, the elderly and/or mobility-impaired persons.

10.14.IA1 Amend the Land Use Code to create new overlay zoning districts for transit-oriented development (TOD or TOC)...and map those districts on the appropriate properties.

Descriptions of Land Use Categories

High Density Residential (HDR). These lands are characterized by urban residential lands suitable for new, in-fill development housing at high densities ranging from 18 to 60 units per acre. Commercial space may be an element of developments on properties under this designation.

Mixed Use (MU). These lands are characterized by high density residential and non-residential land uses in Downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office,

general commercial, and high density residential uses at densities ranging from 18 to 60 residential units per acre...

Marine Mixed Use (M/MU). These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas...Typically...medium- and high-density residential uses at densities ranging from 10 to 60 residential units per acre...

Transit Corridors (TC). Bus Rapid Transit (BRT) Corridors, fixed-guideway Transit Corridors, or other major transit routes...can be expected to support Affordable Housing, Transit Oriented Corridor, and Transit Oriented Development overlay zoning districts.

Transit Oriented Development (TOD). These lands are located within one-quarter mile of a bus transfer point, express bus stop, or along a major bus route with short headways and long service hours. This area is characterized by high density residential and non-residential land uses in Downtown areas, in or near shopping centers, near the University and major employment centers...

General Commercial (GC). ...Mixed retail/residential/office uses are allowed and encouraged...Residential densities ranging from 18- to 60-units per acre are appropriate in this area...

Guidelines and Considerations for Subarea 4 (East Mendenhall Valley & Airport):

- 9) ...new development should focus on medium-to-high density residential, commercial and employment centers that can be largely served by public transit. A Transit Oriented Corridor with transfer stations at the Malls and/or the Airport should be able to accommodate this new, compact in-fill development.

Guidelines and Considerations for Subarea 5 (Switzer Creek, Lemon Creek, & Salmon Creek)

- 2) Provide for additional medium- to high density residential development in areas with access to arterial roadways from collector streets. Encourage the efficient use of land by allowing non-family housing, such as for students, single adults or seniors, in mixed use districts within shopping centers or malls. Increase building height limits and decrease or eliminate parking requirements for such residential developments where adequately served by public transit.

Provision of Public Utilities and Facilities

- ...To allocate its scarce resources efficiently, the CBJ must make public investments that meet the greatest need and serve the greatest number of residents; this requires compact development.

POLICY 18.6 IT IS THE POLICY OF THE CBJ TO DEVELOP A SIX-YEAR CAPITAL IMPROVEMENT PROGRAM TO IMPLEMENT THE COMPREHENSIVE PLAN BY COORDINATING URBAN SERVICES, LAND USE DECISIONS, AND FINANCIAL

RESOURCES AND TO PROVIDE ADEQUATE FUNDING FOR CAPITAL IMPROVMENTS TO ENSURE THE POLICIES, STANDARD OPERATING PROCEDURES, DEVELOPMENT GUIDELINES, IMPLEMENTING ACTIONS AND SUBAREA GUIDELINES OF THE COMPREHENSIVE PLAN ARE IMPLEMENTED.

Discussion

The Comprehensive Plan clearly indicates that regulatory changes are required in order to facilitate the development of residentially dense, multiple-use-rich projects along major transit lines. Additionally, the Plan indicates that the Capital Improvement Program should be used to provide needed urban services serving compact development.

The Comprehensive Plan provides clear direction, but questions as to the details of how the vision adopted in the Plan will be brought to fruition remain. Staff therefore requests direction on the points described below.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the information above and discuss how best to accomplish the goal of promoting in-fill development at higher residential densities than are currently permitted in much of the borough, particularly along transit corridors, both existing and potential.

In particular, staff requests that the Planning Commission provide direction on the following:

- 1) Should the MU2 zoning district height limit at CBJ 49.25.400 be increased from 35 feet, or should development bonuses be the only means for a developer to exceed that height limit?
- 2) Is the approach of increasing residential density limits exponentially, and adjusting to create the best fit possible (R^2 value as close to 1 as possible), appropriate in the CBJ?
- 3) If the best fit approach is appropriate for the CBJ, or even if it is not but allowable Commercial densities should be nevertheless be increased from the current 18 unit/acre limit, should the LC or the GC zone be denser?
- 4) Would it be appropriate to create a new high-density residential zoning district for future application? If so, what density would be appropriate for this zone?
- 5) Is it appropriate to increase the residential density limits of given zoning districts, the LC and GC in particular, or should increased residential densities only be allowed through development bonuses?

