


MEMORANDUM

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

DATE: March 22, 2012

TO: Planning Commission

FROM: Ben Lyman, Planner
Community Development Department 

FILE NO.: AME2012 0002

PROPOSAL: An Ordinance to Increase Residential Density Limits and Amend the Table of Dimensional Standards.

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.

BACKGROUND

The proposed ordinance would increase residential density limits in the LC, GC, and MU2 zoning districts, as well as adding ten feet to the height limits of each of those zones. The proposed ordinance was discussed by the Planning Commission during their February 14, 2012, and March 13, 2012 meetings.

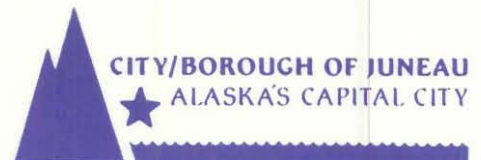
The proposed ordinance was developed by staff, consulting with private sector for-profit and not-for-profit developers, property owners, and architects, based on the clear direction to work in this provided in the Comprehensive Plan. Additionally, the Draft Willoughby District Plan, Chapter 5, of which has been recommended by the Planning Commission for adoption into the Comprehensive Plan, calls for changes in regulation of the MU2 zoning district that are in part addressed by this draft ordinance.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

New Development

New development within the planning horizon of this Plan should occur as in-fill development on vacant or underutilized parcels within the Urban Service Area...



Compact “In Fill” Development Within the Urban Service Area: This Plan designates an approximately 23.9 square mile area within the urban and suburban areas of the CBJ as an Urban Service Area, within which water, sewer, access roads and other community services are provided or will be in the near future. Providing community services to this compact area is efficient and convenient for users. There are over 100 vacant parcels within the Urban Service Area boundary (USAB) of which from 30 to 60 can be deemed vacant buildable parcels, ranging in size from 1 to 150 acres. Buildable land is considered to be vacant or underused land that is relatively flat and dry; that is, with slopes of less than 18 percent and without high value (Class A and B) wetlands.

Land within the USAB should be efficiently developed before its boundaries are extended to properties outside of the USAB. An efficient development would build to the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Buildable lands should be developed as medium- to high density affordable housing or mixed residential and commercial developments wherever possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service. [p. 15-16]

...The CBJ needs to be very efficient and prudent in how it allocates land uses on the few remaining vacant buildable parcels within the USAB.

Due to this paucity of flat, dry land within the sewered USAB, it is critical that the CBJ identify the most buildable lands within the USAB and make the most efficient use of those limited resources by increasing residential densities along public transit corridors and, in exchange for these economic benefits to private developers, require the inclusion of long-term low- and moderate-income affordable housing units throughout the new development. [p. 17-18]

POLICY 3.1. IT IS THE POLICY OF THE CBJ TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

To make efficient use of limited buildable land and community services as well as to protect natural resources, compact urban development is preferred to urban sprawl...By concentrating development, the CBJ will limit the number of acres dedicated to urban uses and minimize the per-unit costs of extending sewer, water, utility lines and roadways. Significant reductions in travel, energy consumption and air pollution will

result by encouraging the development of residential uses in close proximity to shopping, employment, cultural and recreational facilities. [p. 22-23]

POLICY 3.2. IT IS THE POLICY OF THE CBJ TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

3.2.SOP3 Establish specific policies and land use categories and land use map designations for the full range of needed land uses and activities with an emphasis on compact development of commercial and residential uses along express (fast service to distinct destinations) public transit corridors.

POLICY 4.1. IT IS THE POLICY OF THE CBJ TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR ITS RESIDENTS.

POLICY 4.2. IT IS THE POLICY OF THE CBJ TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

4.2.IA3 Provide land use incentives, such as increased densities and building heights and lowered parking requirements, to induce the private sector to build Single Room Occupancy (SRO) or “efficiency” or “compact living unit” developments in Downtown Juneau, in Mixed Use Districts, in shopping centers, and near the University.

POLICY 4.3. IT IS THE POLICY OF THE CBJ TO DESIGNATE ON LAND USE MAPS AN ADEQUATE SUPPLY OF BUILDABLE LAND WITHIN THE URBAN SERVICE AREA, AND PARTICULARLY ALONG TRANSIT CORRIDORS, FOR RESIDENTIAL USE AT DENSITIES THAT CAN PRODUCE HOUSING AFFORDABLE TO ALL ECONOMIC GROUPS.

4.3.SOP1 Monitor and, when necessary, designate an adequate amount of vacant land for residential development on the Comprehensive Plan Land Use Maps. 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.IA4 Encourage high-density Transit Oriented Developments and/or Mixed Use Developments in existing or new shopping centers and office parks.

POLICY 4.8. IT IS THE POLICY OF THE CBJ TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

4.8.DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

Relevant Land Use Designations are defined in the Comprehensive Plan in Chapter 11 as:

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. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. [p. 163]

General Commercial (GC). Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18- to 60-units per acre are appropriate in this area. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. [p. 164]

Discussion

The proposed changes to the Land Use Code raise residential density limits in zones that are typically located along transit lines; the Comprehensive Plan is very supportive of, and calls for, zoning amendments to allow dense, mixed use development in commercial centers and around transit lines. The proposed changes would increase residential density limits from 18 dwellings per acre in the LC and GC zones to 30 and 50 dwellings per acre in those zones, respectively.

The residential density limit would also be increased from 60 to 80 dwellings per acre in the MU2 zoning district.

Although the proposed residential density limit of 80 dwellings per acre in the MU2 zone exceeds the 60 dwelling per acre description of Mixed Use lands in the Comprehensive Plan, it is important to note that even with individual projects that may exceed 60 dwellings per acre, mixed use and commercial areas will remain below the 60 dwelling unit per acre ceiling overall unless all available properties are developed at their maximum potential, which will take many years and huge financial investments to accomplish. By setting density limits higher than the goal for overall residential density of an area that goal can be reached more quickly with fewer projects required to reach the goal.

With a paucity of relatively flat, dry, developable land close to urban services coupled with a critical housing shortage, the CBJ cannot afford to continue to restrict development to three or four stories; raising height limits in commercial (LC and GC) and mixed use (MU2) zones by ten feet allows one additional story to be constructed on buildings in these zones. Currently limited to 35' (approximately three stories) in the LC and MU2¹ zones and to 45' (approximately four stories) in the GC zone, a ten foot increase to the height limit equates to a 28% increase in allowable floor area in the LC and MU2 zones, and to a 22% increase in allowable floor area in the GC zone.

Findings

Staff finds that the proposed amendments are consistent with the Comprehensive Plan, as they facilitate the development of multi-family housing and mixed uses in commercial areas and along transit routes as supported by the Comprehensive Plan.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

- 49.05.100 - Purpose and Intent
- 49.25 - Zoning Districts

¹ 10' height bonus also available in the MU2 zone

HABITAT

Discussion

By encouraging dense residential and mixed use development near urban services, the proposed amendments will relieve development pressure on undisturbed areas outside the Urban Service Area.

Findings

The proposed amendment is not related to the habitat provisions of the Land Use Code, Title 49.

RECOMMENDATION

Staff recommends that the Planning Commission forward the proposed Draft Ordinance increasing residential density limits and height limits in the LC, GC, and MU2 zoning districts to the Assembly with a recommendation for adoption.

DRAFT

ARTICLE II. - ZONING DISTRICTS

49.25.200 - RR, rural reserve district.

49.25.210 - Residential districts.

49.25.220 - Mixed use districts.

49.25.230 - Commercial districts.

49.25.240 - I, industrial district.

49.25.250 - Waterfront districts.

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49.25.220 - Mixed use districts.

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

(a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed *and encouraged at a density of 60 units per acre.*

(b) The MU2, mixed use 2 district, is 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~~ 80 units per acre.

49.25.230 - Commercial districts.

The following districts are established to accommodate commercial activities:

(a) The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. *Residential development is allowed in mixed- and single-use developments in the light commercial district.*

(b) The GC, general commercial district, is intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. *Residential development is allowed in mixed- and single-use developments in the general commercial district.*

49.25.240 - I, industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 - Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

(a) The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. *Residential development is allowed in mixed- and single-use developments in the waterfront commercial district.*

(b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. *Residential uses are limited to caretaker residences in the waterfront industrial district.*

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ARTICLE IV. - DIMENSIONAL STANDARDS

49.25.400 - Minimum dimensional standards.

49.25.410 - Lot dimensions.

49.25.420 - Height of building.

49.25.430 - Yard setbacks.

49.25.440 - Lot coverage.

49.25.400 - Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.60 and 49.65.

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	5,000 4,000	5,000 4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500						7,500					
Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60	40'	40'	30'	20'		20'					

Minimum lot depth	150'	150'	100'	85	85 ¹⁰	85	80	80	80	80	80	80	60	60	60	60
Maximum lot coverage																
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	50%	None	80	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	50%	None	80	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	35'	None	35' 45' ⁴⁴	35' 45'	45' 55'	35' ⁴⁴	45' ⁴⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	25'	None	35'	25' 35'	45'	35' ⁴⁴	45' ⁴⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'								
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13	10'	13	13	13	0'	5'	17'	10'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷						

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.

9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

10. For lots adjacent to an alley, the following reductions to the dimensional standards apply:

(a) Minimal lot area includes 50% of adjacent alley (see graphic).

(b) Minimal lot depth includes 50% of the width of adjacent alley.

(c) Minimum front yard setback of ten feet.

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ARTICLE V. – DENSITY DETERMINATION

49.25.500 – Density.

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

Zoning District

	Maximum Dwelling Units/Acre
RR	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-1	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-3	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-5	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-10	10 units per acre
D-10 SF	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-15	15 units per acre
D-18	18 units per acre
MU	No maximum density
MU2	60 80 units per acre
LC	18 30 units per acre
GC	18 50 units per acre
WC	18 units per acre

49.25.510 - Special density considerations.

(a) *Fractions of units.* If a density calculation results in fractions of dwelling units allowable, such fractions shall be rounded to the nearest whole number.

(b) *Factors precluding maximum density.* The number of units allowed by section 49.25.500 is a maximum, achievement of which may be prevented by other factors, including topography, dimensional standards or dedication requirements.

(c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density requirements of the zoning district in which they are located, regardless of the lot size allowed.

(d) *Two-unit dwellings.*

(1) *Duplexes.* The minimum lot size for a duplex dwelling shall be at least 150 percent of the square footage required for a single-family dwelling in the same zoning district, *except in multi-family, mixed-use, and commercial zoning districts, where duplexes may be constructed on any lot of sufficient size for two dwelling units.*

Existing Dense Development

- Patagonia Condos 37 du/acre
- Mead Apts. 98 du/acre
- Orpheum Bld. 24 du/acre



Patagonia Condos



Mead Apts. (photo: Google Street View)



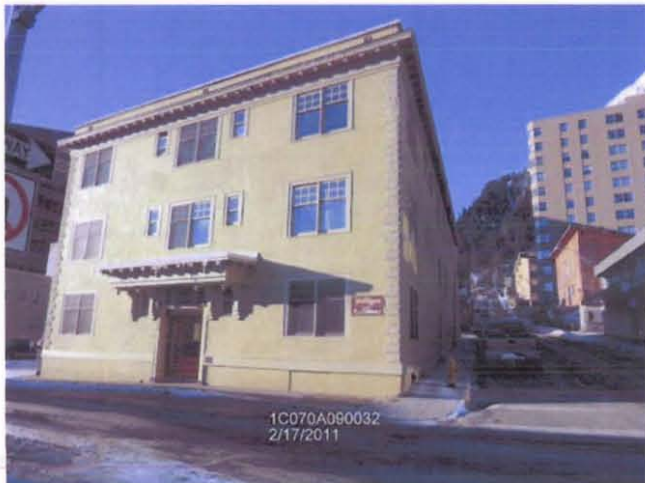
Orpheum Bld. – site includes two one-story buildings, one two-story building; all residences are within a three-story building on apx. $\frac{1}{4}$ of site area (at left of photo)

Existing Dense Development

- Mt. Roberts Apts. 38 du/acre
- Channel View 49 du/acre
- MacKinnon Apts. 108 du/acre



Mt. Roberts Apts.



MacKinnon Apts.



Channel View

Existing Dense Development

- Jensen Apts. 107 du/acre
- Marine View Center 142 du/acre
- Mendenhall Tower 371 du/acre



Jensen Apts.



Mendenhall Tower



Marine View Center

