

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

August 27, 2018
Marine View Building, 230 S. Franklin St., 4th Floor
12:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. Draft Minutes, 8/13/18 Title 49 Committee Meeting
- IV. **AGENDA TOPICS**
 - A. Accessory Apartments
 - B. Common Walls
- V. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- VI. **ADJOURNMENT**

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Monday, August 13, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Dan Miller, Michael Levine, Carl Greene

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Rob Palmer (CBJ Attorney), Beth McKibben (CDD Planning Manager), Laurel Bruggeman (CDD Planner), Marjorie Hamburger (CDD Admin)

I. Call to Order

Meeting called to order at 12:05 pm.

II. Approval of Minutes

A. July 16, 2018 Draft Minutes

MOTION: *by Mr. Levine to approve the July 16, 2018 minutes*

The motion passed with no objection.

B. July 24, 2018 Draft Minutes

MOTION: *by Mr. Levine to approve the July 24, 2018 minutes*

The motion passed with no objection.

III. Agenda Topics

A. Alternative Residential Subdivisions (ARS)

Mr. Dye asked for thoughts before diving into the draft ordinance line by line. Mr. Levine asked for some background and said this would be helpful in deciding if it is better to replace things or add things.

Ms. Maclean said the ordinance came about prompted by a project which is now in appeal status and also in response to the housing action plan which recommends new tools for developers to create affordable housing. In addition, the Planned Unit Development (PUD) ordinance is not easy to work with. At the last Title 49 meeting it was decided not to go forward with a redo of that at this time. The intent is to look at the PUD next year and include the ARS as another option for residential development.

Mr. Levine asked Mr. Miller for his opinions. Mr. Miller said he thinks this is a launching board for fixing the PUD but he sees distinctions between the two and doesn't see a problem with adding this ordinance as long as the other gets fixed as well. If the ARS is amenable to Mr. Miller, Mr. Levine said, he feels positive about moving forward.

Mr. Dye said he viewed the ARS as a private master-plan community. Mr. Voelckers said he finds it interesting to figure out how to include language that will incentivize greater density.

49.15.900 Purpose

Mr. Voelckers suggested the words “subdivision design” replace “procedures on line 18. He also felt it could be useful to indicate in the first sentence that the narrative is talking about unit lots. This will add clarity, he said, and he objected to the word “substantially” in the sentence.

Mr. Levine questioned line 21-23 and asked what the difference is between condominium and fee simple ownership. He said he thought the department was doing this to allow fee simple transfer. Mr. Palmer replied that a condominium conveys fee-simple but does not include the underlying land. However with this language, this applies to a condo as well. The important piece is there can be interests less than fee simple, such as for a lease. The Walmart property is an example of this. Mr. Levine said so the idea is to subdivide but the ownership remains with the dominant owner, is that correct? Yes, this is like the Juneau Housing trust model, said Mr. Palmer.

Ms. McKibben pointed out the definition of a unit lot found on page 14 (Section 4. Amendment of Section.) Mr. Palmer said he wants language to allow for unit lots and traditional lots. Does the added language of Mr. Voelckers allow for a unit lot? Mr. Dye asked if a new lot meets the underlying zoning, do the conforming issues come into play. Mr. Voelckers said he felt there was some fluffy language messing with the determination of conforming or not.

Mr. Voelckers pointed out that on line 21, the phrase should read “article provides” to match grammatical tense in the document.

Mr. Dye returned to the phrase “substantially conform”. Mr. Palmer said the intent was to distinguish from bungalow lots. The intent is that it has to be substantially more, said Mr. Voelckers, but to him the language seems imprecise but if there is a reason for that, then he is in support. Mr. Dye asked if it is wanted that subdivisions match the underlying zoning but with no private roads being built. Mr. Levine said he thinks this should not be allowed unless they don’t conform to the underlying zoning. If there is a lot big enough for three houses, this ordinance doesn’t apply.

Mr. Palmer said the language could say “all or a majority”, would that clarify he asked? Mr. Voelckers said he likes drift of that. Mr. Miller asked is that bad to do that? This allows the creation of lots that don’t meet it. Why would it matter if there is enough land? What if some land is unusable and could make lots conforming? Mr. Dye asked why private access wouldn’t work. Mr. Levine said there already is a process for that. Mr. Voelckers said Mr. Miller says we want to use this for multiple types of lots but why should we care if there are one or two lots that are standard? Mr. Miller said if someone is building on a non-conforming lot this is okay, but if the lot is conforming the builder is penalized. So what language should be used, asked Mr. Dye? Mr. Levine asked how much of this are we messing with, all subdivisions or just the issue at hand. It seemed to him that the discussion was leading away from the original problem stated by Ms. Maclean.

Mr. Dye suggested the committee come back to the purpose section later.

49.15.920 General provisions

(d) Other dimensional standards. After “minimum lot dimensions” Mr. Voelckers suggested adding one more sentence about unit lots structures comporting to overall setbacks of overall parent lot. Mr. Levine said full size lots should comport to setbacks, so why wouldn’t they?

(a) *General*. This is a powerful sentence, said Mr. Palmer. Height is not discussed, for example. Mr. Levine asked if the lot is full size lot then that is not a unit lot? Correct, said Mr. Palmer. Unit lots are allowed but are not required, said Mr. Voelckers.

(c) *Lot size*. Line 15 is a loaded line, Mr. Voelckers. This purports to the purpose of last meeting; we have to pick our battles.

(e) *Density*. Mr. Dye asked if density calculations can include land that is given back to city. Yes said Mr. Palmer and Mr. Miller.

Regarding line 25, Mr. Levine asked why not use the language from the mining ordinance for calculating density? Mr. Voelckers said it is different about water bodies counting. Mr. Levine asked if there is a way to be more precise for the applicant's sake. In a subdivision, there is a stipulation about minimum scale, said Mr. Voelckers. Would that be useful language here?

Page 3, (3). Mr. Voelckers wanted to consider a 30% bonus. He said he felt it justified to award a 30% bonus if the development was done attractively and correctly. He asked staff if there is precedence where there have been unintended negative consequences. Mr. Miller said for lower density zones, for example 2 acres in a D5 zone with a 30% bonus a developer can add 10 units and this is not a deal breaker for the neighborhood. However in D18 it might be different. He suggested maybe creating a sliding scale, for example 30% for D5 and under and 20% for above.

Mr. Voelckers said it does not seem scary to him if D18 is augmented to 30% by doing all these groovy things. Mr. Levine said it could be limited as suggested by Mr. Miller, or with Mr. Voelckers suggestion, even more explicitly call it director's discretion to award full density. Mr. Voelckers said in the past the Commission and the Assembly have increased LC and GC zones to outstrip density. LC might be the scary one, he said.

Mr. Dye asked for proposed language for a sliding scale. Mr. Miller said he agrees that 30% is not scary. If all these things are done by a developer to make a project better, the 30% mitigates for that. At a Planning Commission meeting we can think of the ramifications.

Mr. Levine said in (3)(F) we should give more. Either make it the same in all those zones or flip the 5 and 10 percent, if giving 30%. Mr. Dye said he liked the idea of flipping 5 and 10%. Ms. Maclean said after the last meeting the percentages were flipped because it was thought to be more important for other densities.

Mr. Palmer said it would be a big lift to think about a sliding scale right now. Mr. Dye said he would like to have something proposed. Mr. Levine suggested asking staff to come up with language or require the Planning Commission to make some sort of finding before the 30% is awarded, rather than having the Commission vote up or down on something. Mr. Voelckers said lower density districts might want to have a kicker. Mr. Dye said he is still concerned that lower densities need a weighted advantage. Mr. Voelckers said he thinks 90% or more of the people interested in this type of development will be people looking at D10 or D18 zoning. Mr. Dye said the urban service boundary is on his mind; D1 and D3 areas might be used well. Mr. Levine said D1 can't get this, useless on a single lot. The committee continued with more discussion about what could be obtained on different zoned lots – D1 to D5 verses the higher densities – as well as discussed lots being rezoned and adding that to the hoops for developers to jump through.

Mr. Voelckers said he wants to drag this ordinance across the finish line and avoid a heavy lift.

Mr. Miller suggested asking staff to provide a sliding scale to show to the committee. If a developer comes up with these things, he thinks the Planning Commission ought to be able to allow it. Neighborhood harmony is tough, if just one neighbor objects.

(3) (A) Mr. Dye stated that a suggested 15% cap is on the table and asked if staff is concerned. Ms. McKibben said if there is a significant amount of wetlands or steep areas, that land should be left open. Mr. Voelckers said it would be best to densify the utilities, etc. on the land.

(3) (B) Mr. Voelckers said 10% for 10 more feet seems generous. Mr. Miller suggested 5% for 60 feet is as good as it gets. Mr. Voelckers agreed. Ms. Maclean asked if it is being suggested to get rid of the first 50 feet. Yes, said Mr. Miller. To clarify, if a creek goes through the middle of a lot, is there to be bonus if there is a 60 foot buffer on both sides? Mr. Dye questioned if it is appropriate or intended to double count. Mr. Miller said yes, he wants to allow bonuses for both sides. Mr. Dye asked how does staff would interpret this. Ms. Maclean said she understands the sentiment to say that if there is open space with a creek running through it, the developer would get points for setbacks on both sides. Mr. Levine asked what if there are three creeks on the lot. Mr. Miller said maybe a maximum bonus is needed? Ms. Maclean pointed out that a developer is going to max out on density whatever is decided. If there is an anadromous creek that needs to be protected and the lot has three creeks, this will max out the density bonus so she suggested 5 bonus points for each side. Mr. Levine said maybe there is a way to put in a calculation for per-linear yard. Mr. Dye said that seemed too complicated. Mr. Voelckers said it won't work to delineate frontage feet. Mr. Dye said he is happy with what Ms. Maclean suggested. The Planning Commission still has discretion not to award the bonus, said Mr. Miller, if a creek only cuts through one small corner, for example. Mr. Levine asked if the words "may award" allow Planning Commission discretion. Yes, said Mr. Palmer.

Ms. Maclean said it becomes difficult for a developer to make plans not knowing what they will get from the Commission.

(3) (C) Mr. Voelckers said he likes this item.

(3) (D) Mr. Levine and Mr. Dye said they did not understand this item. Mr. Voelckers said the idea of excellence needs discretion; it is a know-it-when-see-it kind of thing. He thinks there should be some for opportunity to get a bonus when a project done right and suggested a 10% bonus here. Mr. Dye said he doesn't like this section because of the language about excellence. Should the Planning Commission be legislating excellence? Mr. Palmer pointed out an important provision on the end of the sentence on lines 20-21 but should be "or additional" instead of "and additional". "Unusual enhancement" is the squishy thing in this sentence, he said. Mr. Miller said he thinks the developer is obligated to convince the commission about excellence. For example, a view corridor can clearly be seen as well as additional amenities that are concrete such as putting in a childcare facility for the neighborhood or a recreational area. These areas of excellence are easy for commissioners to see and if a developer is willing to do that, s/he should get a bonus. Mr. Voelckers agreed. This is an incentive to work with the Planning Commission on things that are above average for the community. He said he agrees with Mr. Palmer that all these steps work together although there is lots of subjectivity.

Mr. Greene said he thinks this is way too subjective. The benefit comes when a developer sells the homes and gets higher rates because of proximity to childcare. Mr. Voelckers said there is one catch; the developer isn't getting the benefit of 30% to make these improvements. Mr. Miller said in a better housing market, this is correct. But in a market where you can buy a 1970 house for same price as one built in 2018, things are different. If you are really good developer, you should be able to make a 10% profit. If dedicating land or

buildings for “excellent design”, a developer needs to have additional units to sell to make the profit. The Planning Commission needs to create incentives to get the desired results. Mr. Greene pointed out that a developer can get bonus points other ways without being “excellent”. Mr. Levine said he feels convinced regarding amenities and other excellence items. We ought to be facilitating things that are quantifiable, he said, and he has heartache about the things that are not quantifiable. Mr. Dye said he agreed with Mr. Levine. If a developer is doing all the other things to make project great, how is that not excellent?

Mr. Voelckers said landscaping is left in there for buffers. Mr. Levine gave a language suggestion “such as landscaping and view corridor” to be put in as a reference for other excellent things as well as common space amenities that are costing the developer something without a direct return. The committee suggested raising the bonus here to 10%.

(3) (E) Mr. Voelckers said he wanted to drop to 5% but staff likes right of ways. Mr. Dye asked if this puts it closer to a PUD. Mr. Voelckers asked if creating more right-of-way is a good policy. Ms. Maclean said it depends on who you ask. Mr. Miller said he doesn’t know anyone who wants to give land to the city, so a developer should get some percentage as incentive. Mr. Voelckers said he thinks reducing from 10% to 5% makes sense.

(3) (F) Mr. Voelckers said line 25 should read “and/or bicycle”. Mr. Levine suggested going back to 5% for all zoning areas; however he said he did not have a strong feeling about this. Mr. Voelckers said the argument for properties with higher densities is that it is good to have these pedestrian and bike lanes; they should be encouraged. Ms. Maclean said with higher densities, a developer might not get points for other amenities so this is a lower bar they might reach. Ms. McKibben said the city wants to encourage pathways for walking to school, etc.

(3) (G) Mr. Levine asked how many of the dwellings need to be separated to get this bonus. Mr. Voelckers said it should say all of them. Mr. Miller said he thought this section was deleted when siting and design were added since separating dwellings is a subset of that. Ms. Maclean said now that the other has been tweaked, they might not be saying the same thing. Mr. Miller said he remembers Mr. Voelckers saying that 2 to 3 feet apart might sometimes be nicer than 10 feet, depending on the overall design. Mr. Voelckers said he thinks 3G should be struck from the list.

(3) (H) Mr. Miller said no one should be rewarded for building a 5-star house as this is standard these days. It might be fine with a 5-star plus, but he thinks developers should be given 10% for a 6 star rating. This is not easy to do. Ms. McKibben asked if HFC gives energy ratings for 5 star homes. Mr. Miller said when the program was developed the interest rate reduction bought a whole house however now the reduction just buys half a house. Ms. McKibben asked if they recognize the 6 stars. Mr. Miller said yes, they do the rating. Mr. Levine asked if a 6 star rating requires heat pumps or can the home have an oil boiler? Mr. Miller said it can but the building has to go way above with insulation levels, etc. Heat pumps are considered electric and in Juneau we get penalized for that, which is stupid. Mr. Dye said so is the will to increase to 10% for a 6 star? Mr. Levine said it makes sense but he also wants a way to incentivize sustainability goals. He doesn’t want to create a disincentive to put in heat pumps. Ms. McKibben said building to 6 star would use less oil heat so that is better. But maybe add a (3) (I) in the ordinance giving an incentive to add ground source heat pumps. Mr. Voelckers suggested splitting the bonus into 5% and 5%, one for a 6 star rating and another for heat pumps or similar things.

Mr. Miller said (3)(D) could include incentives for sustainable energy building. Mr. Levine suggested adding a separate section for this incentive. Mr. Dye summarized that the committee is inclined to add 10% for a 6 star rating and add (3)(I) for energy efficiency.

Page 4, (4) (D) Mr. Voelckers said it makes him nervous that growth on a bus line should penalize the development. Usually development creates a burden on infrastructure such as schools, but then school boundaries get rearranged to accommodate. Growth always stretches infrastructure. Mr. Palmer said this language is currently the same as the PUD language. Mr. Voelckers said he has seen good projects that impinge on infrastructure but should still go forward. Mr. Dye said sewer and water seems more important here. Mr. Levine said “excessive” seems to be the key word. There would have to be a strong finding to consider a burden excessive so he suggested leaving it as is.

Page 4, (f)(3) Mr. Voelckers asked why allow access to “improve to comply”? Either you can get there with a fire truck or you can’t. Ms. McKibben suggested “access will comply”.

(f)(4) Mr. Dye said he would prefer to say that access will be paved and leave it at that. Mr. Miller asked if this would include parking spots for each unit. Ms. McKibben said if there is enough unpaved access and the air quality is poor as a result, this could be a problem. Unpaved access is the same language as shared private access; it is consistent. Mr. Voelckers suggested it should say “to each unit lot”. Mr. Levine felt the sentence should be rearranged. Mr. Dye pointed out that a developer can only build this type of project if there is access to sewer and water, so it should be paved because it is in the Urban Service Boundary.

Page 5, (f)(6) Mr. Levine had a question about this item. Ms. Maclean said it comes back to why the language left in right-of-way earlier. Can a developer do this subdivision if the parcel behind is landlocked. Mr. Levine said it would need to say that a right-of-way (ROW) needs to be provided. Mr. Voelckers said since stub streets are not done yet, something is needed here. Mr. Miller said a right-of-way has to be platted but not built to full standards. Mr. Levine said if Mr. Palmer feels ok about this being covered he is good with it but wants to note that the language is not clear to him. Mr. Palmer said right now the language says you have to dedicate a public ROW and build to city standards unless the project meets 1-6. “Access within the development may be exempted” (page 4, line 15) is important language. Mr. Voelckers said he believes there are two different issues here. Mr. Dye said Mr. Miller says you plat the ROW but don’t build it unless needed. Mr. Miller said he is fine with platting but the ROW should be able to be privately maintained. How would that work, he asked? Mr. Dye asked if the language from shared access is used, can that work? Mr. Levine said yes, that is what he is after. There just needs to be a way to get back there in case. Mr. Miller suggested maybe a platted easement OR a platted ROW. Mr. Palmer said this IS the language from shared access. Mr. Levine asked if this could be defined to indicate that the ROW does not have to be built.

At this point in the discussion the committee lost its quorum and halted discussion.

B. Accessory Apartments

To be taken up at another meeting.

IV. Next Meetings

- Monday, August 20, 12:30 – 2 pm, continuation of Alternative Residential Subdivisions
- Monday August 27, 12:00 – 1:30 pm, Accessory Apartments and Commonwalls

VI) Adjournment

The meeting adjourned at 1:44 pm.



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August 10, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Beth McKibben, AICP, Planning Manager
Community Development Department

RE: AME2018-01 Accessory Apartments

A handwritten signature in black ink, appearing to be 'BM', is located to the right of the 'From:' line.

ATTACHMENTS

- A- Excerpt of July 10, 2018 Planning Commission minutes
- B- Excerpt of July 16, 2018 Title 49 Committee draft minutes
- C- October 15, 2014 Memorandum to the Planning Commission
- D- Excerpt of October 28, 2014 Planning Commission minutes

BACKGROUND

Recently, staff initiated an amendment to the Accessory Apartment regulations that were "housekeeping" in nature and did not propose changes, policy, or intent. At the Planning Commission meeting of July 10, 2018, the Commission considered the proposed ordinance. Excerpts from those minutes are found in Attachment A. Concern was raised about the lot size ratios and the size and number of accessory units. There was also a desire to examine the concept of allowing accessory apartments with a duplex, which is currently prohibited. The ordinance was referred to the Title 49 Committee for discussion of these items. The Title 49 Committee discussed accessory apartments at the July 16, 2018 meeting (Attachment B).

DISCUSSION

Prior to amending the accessory apartment section of code in 2014, extensive research was done by staff. A copy of the October 15, 2014 memorandum to the Planning Commission is found in Attachment C. This memorandum contains most of the research CDD completed, a draft "white paper," and a recommendation from the Affordable Housing Commission. This document provides the back ground on how the lot size and apartment size and the ratios. The Planning Commission minutes from October 28, 2014, (Attachment D) reflect the Commission's decision. At that time the Commission indicated that a future discussion on accessory units and duplexes would be appropriate, but did not direct when, and no further action was taken.

In the May 13, 2014, Memorandum to the Planning Commission (within Attachment C), CDD staff Ben Lyman suggested that if accessory apartments were allowed in conjunction with a duplex that they be allowed on lots that are 175% of the minimum lot size. A duplex is required to have a lot that is 150% of the minimum lot size in RR, D1, D3 and D5 zoning districts. As mentioned above, in 2014 the Commission was not ready to consider accessory apartments with duplexes.

Accessory apartments do not count towards density in the RR, D1, D3, D5 and D10SF zoning districts. They are considered incidental and subordinate to the primary use of a single family dwelling. This is why the size and number of bedrooms is important when considering accessory apartments. Larger apartments are no longer incidental and subordinate to the primary dwelling, generally have more residents, create more vehicle trips and other impacts to the neighborhood.

In order to consider accessory apartments with duplexes, amendments are required to CBJ 49.80.120, Definitions. The amendments below are concepts only and that final wording will have to be developed with the Law Department.

Duplex means a building on a single lot containing two attached **primary** dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Accessory apartment means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling **or duplex** or in a detached building on the same lot as the primary dwelling unit(s). An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Dwelling means a building or portion thereof, used exclusively for human habitation.

Dwelling, detached, means a dwelling which is not attached to any other dwelling by any means.

Dwelling, single-family, means a detached dwelling which is designed for and occupied by not more than one family.

Dwelling, multifamily, means a building designed for or occupied by three or more families. **A duplex with an approved accessory apartment(s) is not considered a multifamily dwelling.**

There is no minimum or maximum square foot floor area requirement for duplexes, but there is a minimum lot size requirement of at least 150 percent of the required square footage required for a single family dwelling in that zoning district. After reviewing available data staff proposes that a duplex in D1, D3 or D5 on a lot of at 150% the minimum lot size be allowed a 600 square foot or smaller, one or fewer bedrooms, accessory apartment with a building permit only. Two 600 square feet or smaller, one or fewer bedrooms accessory apartment could be approved through the conditional use permit process when a duplex is located on a lot of at least 175% of the minimum lot size.

Zoning District	Single Family	Duplex Lot	Common Wall Lot	Proposed Common Wall Lot	Single Family, Detached, Two Dwellings Per Lot	ONE 600	ONE 1000	TWO 600	ONE 1000 + One 600	Duplex and ONE 600	Duplex and TWO 600
RR	100% 36,000	150% 54,000	NA	NA	200% 72,000	100% 36,000	125% 45,000	200% 72,000	250% 90,000	150% 54,000	175% 63,000
D1	100% 36,000	150% 54,000	NA	NA	200% 72,000	100% 36,000	125% 45,000	200% 72,000	250% 90,000	150% 54,000	175% 63,000
D3	100% 12,000	150% 18,000	NA	92% 11,000	200% 24,000	100% 12,000	125% 15,000	200% 24,000	250% 30,000	150% 18,000	175% 21,000
D5	100% 7,000	150% 10,500	100% 7,000	85% 6,000 (5,800?)	NA	100% 7,000	125% 10,500	NA	NA	150% 10,500	175% 12,250

Duplexes and single family homes, as well as more than one single family home, and in some cases up to two accessory apartments are permitted in the RR zoning district, however; these provisions seem contradictory to the purpose of the zoning district.

49.25.200 - RR, rural reserve district. *The RR, rural reserve zoning district, is intended for lands primarily in public ownership managed for the conservation and development of natural resources and for future community growth. In addition, recreation cabins, lodges and small seasonal recreational facilities may be allowed.*

		Less than permissible use minimum lot size	100-124% permissible use minimum lot size	Exceeds 125% permissible minimum lot size	Exceeds 150% permissible use minimum lot size	Exceeds 175% of permissible use minimum lot size
One duplex dwelling per lot	1 apt up to 600 sq ft	NA	NA	NA	1	1
	2 apt up to 600 sq ft				NA	3

Review of parcel data shows that 29% of existing duplexes in the D1, D3 and D5 zoning districts do not meet the current lot size requirement of 150% of the minimum lot size. However, approximately 3,126 lots in the D1, D3 and D5 zoning districts exceed the 150% of the minimum lot size required for a duplex and therefore could develop with a duplex and at least one accessory apartment.

As the background research from 2014 indicates, Juneau is a leader when it comes to regulating accessory apartments. Since 2014 staff have attended national conferences focused on housing and Juneau is still a pioneer in the area of regulating accessory apartments. The Housing Action Plan was adopted since the last revision to the accessory apartment regulations. A few of the key concepts in that document are that Juneau should focus on in-fill development, and find ways to increase density to “unstick” the housing market. The Plan encourages “out of the box” thinking as a way to address housing needs. Allowing for accessory apartments in conjunction with a duplex is one way to further advance these small infill developments.

Two Single Family Dwellings Per Lot

At both the July 10, 2018, Planning Commission meeting and the July 16, 2018, Title 49 meeting members expressed interest in changing current regulations that allow for lots that are more than 250% of the minimum lot size to have one large (up to 1000 sq. ft.) and one small (up to 600 sq.ft.) apartment. This is illustrated in the table below.

Two single-family dwellings per lot 49.25.510(k)(2)(F) 1.140	less than 2x min lot size	200-250% min lot size	exceeds 250% min lot size
One apartment up to 600 sq. ft.	3	1	1
Two apartments up to 600 sq. ft.	3	1	1
One apartment up to 1000 sq. ft.	NA	NA	1
One apartment up to 600 sq. ft. AND one apartment up to 1000 sq. ft.	NA	NA	1

The record is unclear as to how we arrived at allowing one 600 square foot apartment and one 1,000 square foot apartment on a lot more than 250% of the minimum lot size. However, the record is clear that this was intentional. The presentation to the Assembly states “Only 1 larger accessory apartment & 1 smaller accessory apartment, or 2 smaller accessory apartment—never 2 larger accessory apartments.”

RECOMMENDATION

Staff recommends that the Title 49 Committee review and discuss the information above, provide direction in regard to accessory apartments with duplexes and accessory apartments on large lots. Staff will work with the Law department to draft an ordinance. The Committee should indicate whether the draft ordinance should go to the full Commission or through the Committee.

EXCERPT FROM MINUTES
Planning Commission
Regular Meeting
July 10, 2018

AME2018 0001: A text amendment to Title 49, Land Use Code 49.25.510(k), Accessory Apartments

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Ms. McKibben explained that this ordinance review involves no changes to policy. She said when the Planning Commission proposed amendments to the accessory apartment code that when the Assembly adopted the ordinance it created some redundancy. This amendment to the code provides the opportunity for larger accessory apartments up to 1,000 square feet and up to two bedrooms, said Ms. McKibben.

For example, in the current code one apartment at 1,000 square feet allows both the Planning Commission and the Planning Director to have approval, she said. That was not the initial intent, she noted. One apartment is Director approval, clarified Ms. McKibben. It is the same situation for two single-family dwellings per lot, she noted. The code has been amended to state that it is Director approval, she said.

Commissioner Comments and Questions

Mr. Miller reviewed the ordinance. He noted there is a gap where the Planning Commission can approve one 600 square foot apartment on a lot less than minimum size. On a lot twice the minimum size there could be two 600 square foot apartments, said Mr. Miller. He said perhaps a 1,000 square foot accessory apartment could be made to fit along those lines within the ordinance. Mr. Miller prefaced his next statement by saying that he does own a duplex, that he consulted with the City Attorney and that he wanted to bring this up before the Commission as a potential conflict.

The Commission found there was no conflict.

Mr. Miller said he has long been an advocate of having accessory apartments for duplexes. He said he thought he found a place on the chart where this would fit very nicely. He said it could fit into the code as a single family dwelling if it met the minimum lot size, then there could be one 600 square foot apartment with director's approval, and if it was 125 percent over the minimum lot size, then there could be a 1,000 square foot accessory apartment with Director's approval. If it was less than the minimum lot size, then the Planning Commission could approve a 600 square foot accessory apartment, said Mr. Miller.

Mr. Voelckers said Mr. Miller has made a compelling case where extra attention may need to be paid within the ordinance. He asked if Mr. Miller had a motion he would like to make or language supporting the issue which has just been raised. He said he thought it may be best to hold this tonight and put this ordinance through the Title 49 Committee to address these issues that Mr. Miller has just raised within this ordinance.

Ms. McKibben said the intent with presenting this amendment to the Commission this evening was simply as a housekeeping issue, to eliminate the inconsistency within the code. She said Mr. Miller's suggestions deserve some attention by the Commission. She said her suggestion would be that this ordinance be moved to the Assembly for approval and that Mr. Miller's suggestions be added to the Title 49 committee's list for more consideration. The staff could then bring forward a researched and polished amendment after they make sure they were no inconsistencies elsewhere in the code to be added to the ordinance.

Mr. Miller said somewhere on the chart from 125 percent 150 percent of the minimum lot size that the Commission should be able to grant a 1,000 square foot apartment.

Ms. McKibben said:

- If there is an undersized lot Planning Commission approval is necessary for a 600 square foot accessory apartment.
- A single family home on a lot at 125 percent of the minimum lot size can have one, 600 square foot apartment with Director's approval.
- If the lot is more than 125 percent of the minimum lot size an accessory apartment of up to 1,000 square feet is allowed with Director's approval.
- Two accessory apartments are allowed when there are two single-family homes on a double-sized lot. Each single-family home on this lot could have up to one accessory apartment at 600 feet.
- If there are two single-family homes on a lot less than the minimum lot size, with Commission approval they can have one small accessory apartment. This is a quirk in the code, noted Ms. McKibben.
- If there are two single-family homes on a double-sized lot one of those homes can have up to a 1,000 square foot accessory apartment. They could also have one small accessory apartment and one 1,000 square foot accessory apartment.
- In a multi-family and commercial zoning district if there is a single family home on an undersized lot they could apply for a regular sized accessory apartment with Planning Commission approval. It would be the same for common wall dwellings, she noted.

Mr. Miller asked when two single-family homes detached would be allowed on a lot.

Ms. McKibben said that would be allowed when the homes were on a lot twice the minimum lot size in RR, D-1 and D-3 zones.

Mr. Miller clarified that minimum lot size for two single-family homes is actually twice the minimum lot size.

When a lot is 250 percent of the minimum lot size there could be one 600 square foot accessory apartment on one home and a 1,000 square foot accessory apartment on the other home, said Mr. Miller. He asked why two 1,000 square foot accessory apartments would not be allowed on a lot that is 250 percent of the minimum lot size. If a single-family home is on a lot that is 125 percent of the minimum lot size, a 1,000 square foot accessory apartment is allowed. Then why wouldn't two 1,000 square foot accessory apartments be allowed on a lot that is 250 percent the minimum lot size, asked Mr. Miller.

Ms. McKibben said she does not recall where the language originated as this was quite a few years ago, but this is for the language fell down, she said.

Mr. Dye noted that on page five, line six of the proposed ordinance, that if the accessory apartment was changed from 600 square feet to 1,000 square feet in this section, then it would reflect what Mr. Miller just suggested.

Mr. LeVine said his preference is to look at the entire ordinance holistically and not just make piecemeal changes. He said he would prefer to see that the staff provides them with evaluations of all proposed changes. He said he is fully confident they will end up exactly where Mr. Miller and Mr. Dye suggested, but that he would like it to be reviewed in one piece.

Mr. Dye noted that several times in the past changes by the Commission have been put off with the thought that it would be addressed more thoroughly at a later time, and that list seems to grow all the time, he commented. If one 1,000 square foot accessory apartment can be added to a home that is located on a lot with the minimum size of 125 percent, then it logically tracks that two 1,000 square foot accessory apartments should be allowed on each home located on one lot of 250 percent of the minimum lot size or larger.

Mr. Miller said section F of the ordinance tells him that when you have two residences on a lot that is 250 percent of the minimum lot size that there can be two 1,000 square foot accessory apartments, but that subsequent language within the ordinance contradicts this language. He said he felt the Commission could move forward with cleaning up this language and the current contradictions within the ordinance.

Agreeing with the previous statements, Mr. Voelckers said that he did not feel the Commission should deal with these changes at this point. He said he felt they should schedule dealing with this ordinance at the earliest possible opportunity to rectify the inconsistencies within the ordinance.

Mr. Dye asked Mr. Voelckers and Mr. LeVine if their intent was to approve the draft ordinance as it stands tonight to be sent to the Assembly and then subsequently deal with changes to the ordinance, or if their intention was to first deal with the changes and then forward the ordinance to the Assembly.

Mr. Voelckers said he did not think they should send the current draft ordinance to the Assembly. He said he felt they should first deal with the inconsistencies and then forward the ordinance to the Assembly.

Mr. Campbell asked if he could be given some idea of how many of these actual situations existed within the community. He said he is not familiar with any single lots that have two separate single-family dwellings on them where this would apply.

Ms. McKibben said she could not tell Mr. Campbell the answer to his question at this time. She said she did know when they provided the opportunity to add the larger accessory apartments up to 1,000 square feet on larger lots that there were a number of what were previously illegal accessory apartments that could then be properly permitted and could then come on the market.

Mr. LeVine said it is pretty clear to him that this is not a dire emergency since it has been in development since February. He said at this point he agrees with Mr. Voelckers that they not forward this draft ordinance to the Assembly since they know it has areas which need to be addressed. He said he felt it should first go to the Title 49 Committee as soon as possible for review.

MOTION: *by Mr. Miller that this draft ordinance be forwarded to the Title 49 Committee for housekeeping and for other possible changes.*

Mr. Campbell asked Ms. McKibben what the negative effect would be if this ordinance is delayed.

Ms. McKibben said they have been using the code as it exists and making it work. They can continue to do so, she added.

Mr. Campbell said then he speaks in favor of the motion.

The motion passed with no objection.

EXCERPT FROM MINUTES

Title 49 Committee of the Planning Commission

Monday July 16, 2018

a) Accessory Apartments

Ms. McKibben said she was not prepared with new material for the committee but could bring an analysis and suggestions to the next meeting. If there are new questions, please send them to her.

Mr. Miller felt there was conflicting information in the proposed code changes in regards to a lot that is twice the minimum size.

Ms. McKibben admitted it is a challenge to make the information clear and this is why she wanted table included because that reflects the code which is challenging to read. We have to make a decision tree for this, she said. She recalls policy fell down on lots more than 200% the minimum size, you have to have twice the minimum lot size, enough for two single family homes, and each one can have an apartment of 600 feet with departmental approval. On a lot 250% of minimum size, you can have a 1,000 foot apartment or two each being 600 square feet.

Mr. Miller said he thinks there is a problem with the language on page 3 making good sense but not on page 4. Two 1,000 square foot apartments seem to make sense to him.

Mr. Voelckers suggested Mr. Miller work with Ms. McKibben to make the language and ratios consistent.

Mr. Levine said in theory it makes total sense so he wonders why it was done the other way. He wants this to be checked. Ms. McKibben said she can double check. If this is all that is needed, said Ms. McKibben, she can work with Mr. Palmer and bring it back to the committee.

Mr. Miller said he thinks duplexes ought to be allowed and this fits in with the math. Ms. McKibben said it would require a change in the definition and the committee might want to give more thought to that idea. For policy discussion about accessory units, the math works out but it is not so simple with the framework of Title 49. Mr. Voelckers said there was stuff on the left page that was not consistent with simple math. Everyone in room nodded that the lack of clarity was about the ratio of sizes. If this is made clear, the case can be calendared for the next PC meeting.

Ms. McKibben asked if that includes duplexes. Yes, said Mr. Voelckers.

MEMORANDUM

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

DATE: October 15, 2014

TO: Planning Commission

FROM: Beth McKibben, Senior Planner
Community Development Department

FILE NO.: AME2014 0006

SUBJECT: Revisions to Accessory Apartment requirements of CBJ 49, Land Use Code

Attachments

- A- May 13, 2014 Staff Report to Planning Commission from Ben Lyman
- B- May 27, 2014 Excerpt of Planning Commission Minutes
- C- June 25, 2014 Memorandum to Affordable Housing Commission from Ben Lyman
- D- Draft "White Paper" on Accessory Apartments
- E- August 5, 2014 Affordable Housing Commission Minutes
- F- August 26, 2014 Excerpt of Planning Commission Minutes
- G- Draft Ordinance Amending the Land Use Code Relating to Accessory Apartments

Discussion

The Planning Commission, at their August 26, 2014 meeting, heard testimony from Juneau resident Russ McDougall requesting the Commission to take action to increase the maximum size of accessory apartments. The Commission requested staff to bring forward the draft ordinance at the October 28, 2014 Planning Commission meeting. The draft ordinance is found as attachment G.

At the May 27, 2013 meeting when the Commission initially discussed this item, the Planning Commission also directed staff to investigate the feasibility of and issues resulting from allowing accessory apartments in conjunction with duplexes, common-wall dwellings, and in multifamily developments. The Planning Commission also requested that staff prepare a "white paper" on the pros and cons of various aspects of the proposed changes. This document investigates the larger ramifications of the proposed changes largely in light of national best practices and accepted conventions, rather than focusing on the CBJ Comprehensive Plan or CBJ 49, although both are quoted from in the paper. A draft "white paper" is found as attachment D.

Planning Commission
File No.: AME2014 0006
October 15, 2014
Page 2 of 2

In June, Affordable Housing Commission (AHC) member Russ McDougall asked the AHC to consider and comment on proposed changes to the Accessory Apartment requirements. A copy of the memorandum from Ben Lyman to the AHC is found as attachment C. The draft white paper was also provided to the AHC, as was the May 13, 2014 staff report to the Planning Commission. The AHC voted to support the concept framed in the June 25, 2014 memorandum - a two-tier accessory apartment permitting system.

On lots with 100-125% of the minimum lot area for the zoning district, accessory apartments could be up to 650 square feet net floor area (an outright increase under question #1) and would have to be one-bedroom or efficiency units. On lots with 175-200% of the minimum lot area for the zoning district, accessory apartments could be up to 950 square feet net floor area, and could be two-bedroom units (a new system for larger units under question #2). Accessory apartment sizes would be further limited to no more than 50% of the primary dwelling unit's floor area.

Staff requests the Planning Commission discuss the points in the May 13th staff report, the draft white paper, and the draft ordinance. Staff requests continued guidance on the questions asked in that report:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

MEMORANDUM

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

DATE: May 13, 2014

TO: Planning Commission

FROM: Ben Lyman, Senior Planner
Community Development Department 

FILE No.: AME2014 0006

SUBJECT: Potential Revisions to Accessory Apartment Provisions of CBJ 49, the Land Use Code

One of the items suggested to the Ad Hoc Housing Committee to help address housing affordability within the City and Borough of Juneau was to "allow higher square footage and two bedrooms for Accessory Apartments" (#7). Staff has been investigating this proposal, reviewing existing ordinances in other communities, and drafting and evaluating the repercussions of revised ordinances; this memorandum describes staff's findings and poses questions which must be answered by the community before progress can be made on finalizing a draft ordinance for review.

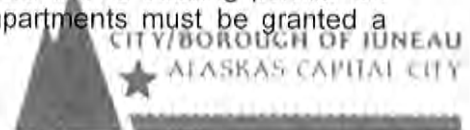
Although Accessory Apartments appear in CBJ 49 in several locations, including CBJ 49.25.300, the *Table of Permissible Uses*, and CBJ 49.40.210, *Minimum space and dimensional standards for parking and loading*, the primary ordinance controlling this type of development is CBJ 25.510(d)(2), *Special density considerations/Two-unit dwellings/Accessory apartments*. In short, this section limits accessory apartments to one-bedroom or studio apartment style dwellings no larger than 600 square feet net (interior) floor area. The suggestion made to the Ad Hoc Housing Committee is to increase this floor area limit and to allow accessory apartments to be configured as two-bedroom, one-bedroom, or studio apartments.

This proposal has several notable ramifications which merit discussion:

- 1) Increased household capacity (number of bedrooms and floor area) accommodate increased household size (number of residents);
- 2) Increase in household size increases potential:
 - a. Traffic;
 - b. Noise;
 - c. Storage (bikes, kayaks, boats, BBQs, etc.); and,
 - d. Parking; and,
- 3) Increased impacts may not be in harmony with some neighborhoods, but may be in harmony with others.

Under CBJ 49.25.400, the *Table of Dimensional Standards*, duplexes may be constructed on RR and single-family/duplex (D-1, D-3, and D-5) zoned-lots that are at least 150% of the minimum lot area for that zone. On lots between 100-150% of the minimum lot area (and on public sewer systems), accessory apartments may be constructed with a building permit. On lots smaller than 100% of the minimum lot area, accessory apartments must be granted a

ATTACHMENT A



Conditional Use permit before a building permit can be issued for the structure. This hierarchy is designed to allow more intense use (i.e. more residents) of larger lots, and also allows for public input when additional dwellings are proposed on smaller lots where neighbors may be more impacted by adjacent uses.

Although it was contentious when first adopted, the accessory apartment ordinance has been used to permit over 663 (2012 data) accessory apartments, and has for the most part been received positively. When the ordinance was amended in 2009 (Serial No. 2009-22(b)), it was to clarify the review process and eliminate some design restrictions that had been found unnecessary, not to tighten or restrict the development of accessory apartments. Overall, the ordinance can be considered a success at resulting in new dwelling unit construction.

CDD staff requested that the American Planning Association's Planner's Advisory Service assist in comparing various community's restrictions on "Accessory Dwelling Units" (ADU), with the following results:

Jurisdiction	State	Pop.	Min. Attached ADU Size	Max. Attached ADU Size	Max. % of Primary DU Size	Max. Bedro oms	Varies by District or by Lot or Primary DU Size
Anchorage	AK	291,826	300 sf	**	35%	2	no
Blaine	WA	4,684	**	1,500 sf	50%	**	yes
Bloomington	MN	82,893	300 sf	960 sf	33%	2	no
Bozeman	MT	37,280	**	600 sf	33%	1	yes
Calexico	CA	38,572	**	640 sf	**	**	no
Clallam County	WA	71,404	**	**	35%	**	no
Costa Mesa	CA	109,960	**	**	30%	**	no
Eagle	UT	21,415	**	800 sf	50%	**	no
Edmonds	WA	39,709	**	800 sf	50%	2	no
Kitsap County	WA	251,133	**	**	50%	**	no
Marysville	WA	60,020	300 sf	**	35%	2	no
Mat-Su Borough	AK	88,995	**	**	50%	**	no
Midvale	UT	27,964	**	**	25%	**	no
Minnetonka	MN	49,734	**	950 sf	35%	**	no
Richland	WA	48,058	200 sf	800 sf	40%	2	no
Sandpoint	ID	7,365	**	650 sf	90%	**	no
Santa Clara County	CA	1,781,642	**	1,200 sf	**	**	yes
Sedona	AZ	10,031	350 sf	800 sf	33%	2	yes
Selah	WA	7,147	**	800 sf	**	**	no
Sitka	AK	8,881	**	800 sf	**	**	no

Juneau's limit of 600 square feet is equal to that of Bozeman, Montana, and the smallest limit of any community on the list. Similarly, Bozeman is the only community on the list with a one-bedroom limit on accessory apartment size; 30% of communities listed limit accessory apartments at two bedrooms, and 65% do not have any limit on the number of bedrooms in an accessory apartment.

Be that as it may, the potential impacts of increasing the maximum accessory apartment size warrant discussion, and it may be that larger accessory apartments are not appropriate in some parts of the CBJ.

Staff suggests that a new land use classification be created for larger accessory apartments, potentially with a maximum size in the range of 800 to 1,000 square feet and two (or potentially more) bedrooms; this land use would be allowed on lots of at least 125% of the minimum area for the zoning district, and would require Conditional Use permit approval on lots not served by public sewer. Additionally, parking requirements for this use would be increased to two spaces per apartment, the same requirement that is adopted for single-family residences and each dwelling in a duplex.

In addition to the considerations above, staff has identified other inconsistencies and opportunities in the various ordinances which control accessory apartments. Namely, although accessory apartments can be permitted with common-wall dwellings (zero-lot-line or townhouse-style development, where each unit is on its own fee-simple piece of property), they cannot be permitted with duplexes regardless of the size of the lot or the zoning district, as this would result in three dwellings on a lot, which exceeds the clear limit set at CBJ 25.510(d)(2), *Two-unit dwellings*. In some instances, such as where lot configuration or the presence of natural hazards or habitat (e.g. setbacks from anadromous fish streams) precludes subdivision, a duplex with an accessory apartment would be consistent with the overall density and development pattern of the neighborhood and zoning district. Staff proposes that the threshold for allowing accessory apartments on lots with duplexes be set at 175% of the minimum lot area for the zone, if it is determined that this combination of uses is appropriate at all in single-family and duplex zones.

Finally, accessory apartments are listed at CBJ 49.25.300 as permissible in multi-family (D-10, D-15, and D-18), commercial (LC, GC, and WC), and mixed-use (MU and MU2) zones, all of which have allowable density based on lot area. Listing accessory apartments as permissible in these zones creates confusion, as CBJ 25.510(d)(2), *Two-unit dwellings* precludes development of accessory apartments as components of multi-family (three or more unit) developments. Although this provision does result in the permissibility of constructing accessory apartments on lots which are less than the minimum for two dwellings in the zone, this is not readily apparent and could be made much more transparent in the Land Use Code.

Staff requests that the Planning Commission discuss the points in this memorandum and provide guidance on the following questions:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

Benjamin Lyman

From: Brad Fluetsch <bjf@gci.net>
Sent: Tuesday, May 20, 2014 10:20 AM
To: Benjamin Lyman
Subject: Re: Accessory Apartment code changes

Thanks Ben,

I reviewed the document with my situation in mind. I don't understand why size of lot, in my case it would require 1.75 acres is your determining factor? Other possible factors could be:

- Can it be done within the existing footprint of the existing duplex?
- Is it on city water? Sewer? On grid?
- On bus system?
- Is there sufficient parking? On street? Off Street?
- What is the actual impact on the neighborhood?

This was in this mornings Seattle PI

<http://www.seattlepi.com/local/article/Ready-for-tiny-2-400-micro-apartments-coming-to-5486211.php>

What are the real factors that impact the community? Utilities, traffic, Parking... not the size of lot.

Just my thoughts
 Brad

From: Benjamin Lyman <Ben_Lyman@ci.juneau.ak.us>
Date: Tuesday, May 20, 2014 at 9:51 AM
To: Brad Fluetsch <bjf@gci.net>
Subject: Accessory Apartment code changes

Good morning, Brad-

I wanted to let you know that the Planning Commission will be discussing and providing direction to staff on potential changes to the accessory apartment provisions of the Land Use Code during their May 27, 2014 regular meeting. I know that this is a topic that you are very interested in, and wanted to invite you to attend the meeting, or submit written comments if you prefer. The memorandum that the commission will be reviewing is attached.

Please let me know if you have any comments or questions.

Thank you for your interest in this matter,
 Ben

Ben Lyman
 Senior Planner
 Community Development Department
 City and Borough of Juneau
 907.586.0758

CSP2014 0010: Application for a private easement on CBJ-owned property in order for an adjacent property owner to construct a driveway.
 Applicant: James Stedman
 Location: 2765 Fritz Cove Road

Staff Recommendation

Staff recommends that the Planning Commission make a recommendation to the Assembly to approve this project proposal as described in the development application.

Mr. Voelckers asked what the Borough's use for this property was. He said there appeared to be inconsistencies.

Ms. Bronstein said that in order for the applicant to access his property which was very steep, he needed to crisscross over CBJ property in order to reach his own property at the top of the hill.

Mr. Voelckers asked if there are other incidences within the Borough where CBJ property is used to access private property.

Mr. Chaney said there are other cases within the Borough where this is done, and that the applicant will need to pay the Borough fair market value for use of the easement. It is a nonexclusive easement said Mr. Chaney, which means the Borough can use that easement as it sees fit as well.

MOTION: *by Ms. Grewe, to approve CSP2014 0010 with staff's findings, analysis and recommendations.*

The motion passed by unanimous consent.

AME2014 0006: Proposed amendment to Title 49 amending the Land Use Code related to accessory apartments.
 Applicant: City & Borough of Juneau
 Location: Borough-wide

Staff Recommendation

Staff requests that the Planning Commission discuss the points in this memorandum and provide guidance on the following questions:

- 1) Should the size limits on accessory apartments be increased outright? Or,
 - 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
 - 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
 - 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes?
- And,

- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

The proposal is that the sizes for accessory apartments be increased, said Mr. Lyman. The current size for accessory apartments is 600 square ft., he said, with either a studio size or a maximum of one bedroom.

It is currently a tiered hierarchy, said Mr. Lyman, where the larger lot size the more accessory apartments there could be. Mr. Lyman stated that they are looking for clarification on whether they should change the code and clarify when or if accessory apartments are allowed in these multi-family zones, or if they should state that they are not allowed. Mr. Lyman stated that right now the code is not terribly clear on this matter.

Mr. Voelckers asked why parking requirements would need to change. He asked why parking requirements would not be triggered by the number of bedrooms.

Mr. Lyman responded that only multi family dwelling units have parking requirements based upon the number of bedrooms.

Ms. Lawfer asked if there have been inquiries about accessory apartments.

Mr. Lyman responded that yes there have been inquiries, which is why the item is before the Commission this evening.

PUBLIC COMMENT

Russ McDougall said that he was being hindered from subdividing property due to the existing code. He said this is one of the details in the code which restricts affordable housing in Juneau. He recommended raising the accessory apartment size to 1000 ft.

Brad Fleutch, a resident on North Douglas Highway, said that the criteria for having an accessory apartment should be based upon functional criteria such as parking availability, and having sewer and water, and transportation access rather than on lot size. Mr. Fleutch added that the current code on accessory apartments is adding to the extreme problem with affordable housing in Juneau.

COMMISSION COMMENTS

Mr. Voelckers stated that he felt that starting with lot size as a way to begin with accessory apartments was a good way to go, and that parking and other items on the list would be taken care of by Ordinance. Mr. Voelckers said he was in favor of a two-tiered approach. The first tier would be linked to 100% to 125% of the lot size, and that would be a 600 square foot to a 650 square foot accessory apartment.

The second category would add up to a 950 square foot two-bedroom accessory apartment, said Mr. Voelckers. That category would be triggered with a lot size over 125% of the lot size. That would require the two parking spots, as Mr. Lyman has identified, said Mr. Voelckers. The final stipulation, said Mr. Voelckers, would be that 50% of the size of the primary residence could not be exceeded.

Mr. Peters commented that having worked on the ad hoc committee, that accessory apartments was a very hot topic. Mr. Peters said he was not necessarily in favor of the tier approach, but that he was in favor of an accessory apartment not to exceed 50% of the size of the maximum residence not to exceed 1200 square feet. Mr. Peters said the number of bedrooms could be left up to the home owner. He added he felt this should include duplexes.

Ms. Grewe said that she would fully support the proposal of Mr. Voelckers. She said she liked the tier approach, because it increased the size, while keeping design in mind. At the same time, she said, it helped to address the challenge before the community of the housing problem.

Ms. Lawfer stated that while she was in support of the general idea of the change in the Ordinance, she had a little bit of concern about modifying the idea of single-family zoning.

Chairman Satre said they are just beginning with the Ordinance, and that they could start with Mr. Voelcker's suggestions as a base, while keeping Ms. Lawfer's concerns in mind as well.

Mr. Lyman reviewed various portions of the Table of Permissible Uses for the Commission and showed how various portions of it are in need of clarification regarding accessory apartments in various zones.

Mr. Goddard clarified that the staff will enact the two-tiered direction as provided by Mr. Voelckers. He asked if the Commission would also like to see a critical analysis provided by the staff on what it would look like for triplexes and duplexes with an accessory dwelling unit.

Chairman Satre said that would be fine. He added that at this stage it is pure visualization, but that a white paper would be helpful.

TXT2009-00007: Planning Commission review of and recommendation to the Assembly regarding the Draft Wireless Telecommunication Facilities Master Plan.

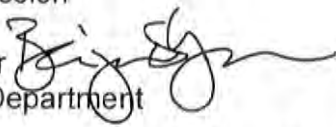
Applicant: City and Borough of Juneau
Location: Borough-wide

MEMORANDUM

Packet Page 26 of 71
CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: June 25, 2014

TO: Affordable Housing Commission

FROM: Ben Lyman, Senior Planner 
Community Development Department

CASE: AME2014 0006: Proposed amendment to Title 49 amending the Land Use Code related to accessory apartments.

SUBJECT: Accessory Apartment provisions of the Land Use Code, CBJ 49, and potential revisions thereto

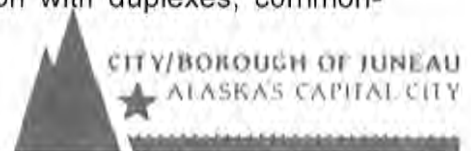
On May 27, 2014, staff of the CBJ Community Development Department presented the attached memorandum to the Planning Commission, requesting feedback and policy direction on five questions. The Commission's direction on each item is described in this memorandum.

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

The Planning Commission directed staff to draft an ordinance creating a two-tier accessory apartment permitting system. On lots with 100-125% of the minimum lot area for the zoning district, accessory apartments could be up to 650 square feet net floor area (an outright increase under question #1) and would have to be one-bedroom or efficiency units. On lots with 175-200% of the minimum lot area for the zoning district, accessory apartments could be up to 950 square feet net floor area, and could be two-bedroom units (a new system for larger units under question #2). Accessory apartment sizes would be further limited to no more than 50% of the primary dwelling unit's floor area.

The Planning Commission directed staff to investigate the feasibility of and issues resulting from allowing accessory apartments in conjunction with duplexes, common-wall dwellings, and in multifamily developments.

ATTACHMENT C



The Planning Commission also requested that staff prepare a "white paper" on the pros and cons of various aspects of the proposed changes. This document investigates the larger ramifications of the proposed changes largely in light of national best practices and accepted conventions, rather than focusing on the CBJ Comprehensive Plan or CBJ 49, although both are quoted from in the paper.

Attachments:

May 13, 2014 Memorandum from Ben Lyman to Planning Commission

DRAFT White Paper on Proposed Changes to CBJ 49 regarding Accessory Apartments

City & Borough of Juneau
Department of Community Development
230 S. Franklin Avenue
Juneau, AK 99801

Accessory Apartments

Weighing the pros/cons of increasing the maximum size

By:
Beth McKibben and Ben Lyman
Project Coordinators
Department of Community Development

ATTACHMENT D

“White Paper” on Accessory Apartments

Outline/Concept:

Beyond the objective “does it comply with the Comp Plan/Title 49” staff report for the draft Accessory Apartment ordinance, processed under AME2014 0006, Travis Goddard, Planning Manager, requested and was provided direction by the PC (May 27, 2014) that CDD staff should prepare a White Paper outlining the various issues with the proposed changes. This is the opportunity for staff to describe the planning pros/cons of the various proposed changes without having to relate those pros/cons back to the Comprehensive Plan or Land Use Code directly, although both the Comprehensive Plan and Land Use Code are referenced in this document.

Impacts of Accessory Apartments on Existing Neighborhoods

From U.S. Census 2010 for Zip Code 99801:

Avg. household size of owner-occupied residences: 2.67

Avg. household size of renter-occupied residences: 2.24

Not a dramatic difference between owner and renter-occupied units. Impacts are likely to be similar. Only by limiting number of bedrooms/area can occupancy be restricted to a lower number of residents.

-Traffic

From the Institute of Transportation Engineers *Trip Generation*, 7th Edition:

Land Use 210: Single-Family Detached Housing “This land use included data from a wide variety of units with different sizes, price ranges, locations and ages...As expected, dwelling units that were larger in size, more expensive, or farther away from the central business district (CBD) had a higher rate of trip generation per unit than those smaller in size, less expensive, or closer to the CBD...”

9.57 trip ends generated per dwelling unit per weekday

2.55 trip ends generated per person per weekday

(6.8 trip ends generated per dwelling unit per weekday; 99801 household size)

(3.75 persons per household in ITE data computed)

Land Use 220: Apartment does not include apartments located with fewer than three other units, which would be considered multifamily development under the Land Use Code, CBJ 49, so it is not the same as an accessory apartment. That said, the same caveat regarding location, price, and size of dwelling that is reprinted above is also given for apartments. Additionally, it provides the only comparison to the trip generation figures for Land Use 210 and is therefore worth considering.

6.72 trip ends generated per dwelling unit per weekday

3.35 trip ends generated per person per weekday

(7.5 trip ends generated per dwelling unit per weekday; 99801 household size)

(2.01 persons per household in ITE data computed)

These figures show us that it is only the reduced average household size in apartments compared to single family residences that prevent apartments from generating as much traffic or more traffic than single-family residences, since each resident of an apartment makes more trips on average than residents of single family residences do.

-Noise

Occupants of an accessory apartment will produce similar types of residential noise as those who occupy single-family/owner occupied dwelling units. It is therefore assumed that noise impacts from accessory apartments will be a function of how many units are on a property and how large the property is. This means noise impacts can be more dependent upon zoning factors like density, setbacks, and lot size. If noise is an issue of concern, the use of landscaping and screening could be an effective way for accessory apartment noise to be mitigated.

-Parking

Based on ITE trip generation data, parking requirements should be driven not just by dwelling unit size, with more parking required for larger apartments, but also by location/proximity to the Central Business District, and ideally rental rate (subsidized v market rate).

-Massing/scale/visual harmony

Adding an accessory apartment to a dwelling is likely to increase its size, unless it is an interior conversion of an existing structure. Limiting accessory apartments to situations where no additions are needed will complicate matters. It will cause people to apply for permits to expand existing structures, and then later apply to change the use of that space to an apartment. Staff does not recommend adding a policy that prohibits accessory apartment expansions because structural additions are already governed by zoning considerations (setbacks, height, lot coverage, etc.).

Duplexes with Accessory Apartments

CBJ 49.80.120:

Duplex means a building on a single lot containing two dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Accessory use and *accessory structure* mean a use or structure customarily subordinate or incidental to and located on the same lot as an existing principal use, building or structure. The terms "accessory use" and "accessory structure" include signs, garages, required parking areas, boathouses, smokehouses and storage sheds.

Dwelling means a building or portion thereof, used exclusively for human habitation.

Dwelling, detached, means a dwelling which is not attached to any other dwelling by any means.

Dwelling, single-family, means a detached dwelling which is designed for and occupied by not more than one family.

Dwelling unit means a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.

Dwelling, multifamily means a building designed for or occupied by three or more families.

There is no minimum or maximum square foot floor area requirement for duplexes, but there is a minimum lot size requirement of at least 150 percent of the required square footage required for a single family dwelling in that zoning district.

When considering the idea of accessory apartments with duplexes, an important question is: at what point does the development become a “multifamily” development?

The Latest Illustrated Book of Development Definitions defines Accessory Apartment as “an independent dwelling unit that has been added onto, or created within, a single family house.” This book separately defines “accessory dwelling” as “a dwelling unit either attached to a single family principal dwelling or located on the same lot and having an independent means of access. The book includes comments about accessory units – Accessory apartments can be listed as permitted use in residential areas. Regulations vary from municipality to municipality but usually are concerned with health and safety issues, as well as maintaining the basic character of the neighborhood. These objectives can often be achieved by using designated minimum and maximum floor areas for the apartments, requiring off street parking and prohibiting any change in the basic single family appearance of the structure.

A Planners Dictionary compiles zoning definitions from around the United States. For “accessory apartment” there are five definitions from five different communities. (attachment ____). Three of the five definitions specifically indicate that an accessory apartment is established in conjunction with a single family dwelling. There are two definitions for “accessory dwelling unit” both of which are related to an existing single family dwelling.

CBJ defines residential zoning districts (CBJ 49.25.210). “The following districts are established to provide a healthy safe and pleasant environment for residential living protected from incompatible and disruptive activities. D1, D3 and D5 all state they are “intended to accommodate primarily single-family and duplex residential development”.

Common-Wall Dwellings with Accessory Apartments

CBJ 49.80.120:

Dwelling, attached, means a one-family dwelling attached to one or more single-family dwellings by common walls.

Dwelling, common wall, means a single-family dwelling attached by a common wall to one other single-family dwelling on a separate lot.

Common-wall dwellings are permissible in the D5, D10SF, D10, D15, D18, and MU2 zoning districts, and accessory apartments are currently permissible in conjunction with common-wall dwellings. In all zoning districts other than D5 and D10SF, common-wall dwellings may be constructed on lots smaller than those required for other permissible uses. In the D10 zoning district, for example, the minimum lot size is reduced from 6,000 square feet (7.2 lots/acre) to 5,000 square feet (8.7 lots/acre) for common-wall dwellings. The maximum allowable density in the D10 zone on a 6,000 square foot lot is 1.4 (1) dwelling unit with an additional accessory apartment, or 14 dwellings including accessory apartments per acre. On 5,000 square foot common-wall lots, 16 units including accessory apartments could be built per acre.

In the multifamily, commercial, and mixed-use zoning districts, on lots not large enough to accommodate more than one unit under the density provisions at CBJ 49.25.510, allowing an accessory apartment in addition to the primary common-wall dwelling may be appropriate.

Multifamily Developments with Accessory Apartments

CBJ 49.80.120:

Dwelling, multifamily, means a building designed for or occupied by three or more families.

In the Table of Permissible Uses (CBJ 49.25.300) multifamily dwellings are not permitted in RR, D1, D3, D5 and D10SF zoning districts. They are allowed in D10, D15, LC, GC, MU, MU2 and WC zoning districts. Density (number of units) is regulated by CBJ 49.25.500. The multifamily zoning districts allow varying levels of density: D10 allows 10 units per acre, D15 allows 15 units per acre; D18 and WC allow 18 units per acre. LC allows 30 units per acre; GC 50 units per acre, MU2 80 and MU has no maximum density. CBJ 49.25.520 states that the number of dwelling units allowed on a lot in a multifamily zone shall be determined pursuant to this chapter without regard to whether the units are constructed in the same building or different buildings.

Allowing accessory units – subordinate and incidental to the primary use – does not make sense in the multifamily zoning districts on lots large enough to accommodate more than one unit. On small multifamily, commercial, and mixed-use zoned lots, where the lot area is insufficient to allow two dwelling units under the density provisions at CBJ 49.25.510, allowing an accessory apartment in addition to the primary dwelling may be appropriate.

What is the actual demand?

From the 2013 Comprehensive Plan:

SIX YEARS VACANCY RATES

Unit Type	2007	2008	2009	2010	2011	2012	Average
Eff.	3.0%	4.4%	10.3%	11.9%	1.6%	1.6%	5.4%
1 Bdrm.	1.6%	4.7%	3.6%	3.5%	2.5%	0.6%	2.8%
2 Bdrm.	4.6%	5.2%	5.0%	2.5%	3.8%	3.3%	4.1%
3 Bdrm.	6.4%	5.2%	9.4%	4.0%	2.1%	2.4%	4.9%
Single Family							
1 Bdrm.	3.4%	8.1%	12.9%	0.0%	6.1%	3.8%	5.7%
2 Bdrm.	11.1%	10.7%	7.7%	7.1%	9.5%	14.3%	10.1%
3 Bdrm.	8.0%	6.3%	6.5%	0.0%	3.7%	9.1%	5.6%
4 Bdrm.	N/A	22.2%	0.0%	0.0%	0.0%	12.5%	6.9%

Source: AHFC & AKDOL

Table 4.1

The data in this table indicates that two-bedroom apartments and single-family residences experience the highest vacancy rates of any of the listed housing types in their respective multi-/single-family residential categories. It appears that while there is demand for additional two-bedroom multi-family residential dwelling units, there was greater demand for all other configurations than for two bedroom units in 2011-12. Facilitating the construction of larger accessory apartments may result in not only construction of new two-bedroom apartments, but also the conversion/expansion of existing studio or one-bedroom apartments into two-bedroom dwellings. These conversions will reduce the stock of efficiency and one-bedroom apartments, further constricting the supply of these housing types. Furthermore, as owners ask for higher rents for larger spaces, the affordability of accessory apartments will be reduced.

With its rapidly aging population, the CBJ is in dire need of additional dwellings with “no-rise entries” and “universal design”. These concepts allow people with limited mobility, such as persons who use walkers, scooters, wheelchairs, and canes to enter and exit residences easily, and to be able to achieve all necessary tasks within the structure with little or no assistance. It may be prudent to allow larger accessory apartments where rooms will be designed to be wheelchair accessible or where other specified universal design features are used.

When does an “accessory” apartment become a full size unit and change the density?

abutting property to an adjacent street, is shared by two or more properties or is channeled by some means indirectly to the adjacent street. (*Beaverton, Ore.*)

■ **access management** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. (*Woodburn, Ore.*)

City regulations of access to streets, roads, and highways from public roads and private driveways. Regulations may include but are not limited to restrictions on the siting of interchanges, restrictions on the type, number, and location of access to roadways, and use of physical controls, such as signals, channelization, and raised medians. (*Beaverton, Ore.*)

A set of policies and standards that manage the number and location of access points (driveways) on the public road system. (*Wayne County, Ohio*)

■ **access point** (1) A driveway, a local street, or a collector street intersecting an arterial street; (2) a driveway or a local street intersecting a collector street; or (3) a driveway or a local street intersecting a local street. (*Grant County, Ky.*)

A private driveway or other private opening for vehicles to enter from or exit to a street. (*Ormond Beach, Fla.*)

■ **access, private** A private access is an access not in public ownership or control by means of deed, dedication, or easement. (*Beaverton, Ore.*)

■ **access, public** The ability of the public to physically reach, enter, or use recreational sites including beaches and shores. (*Temple Terrace, Fla.*)

A means of physical approach . . . available to the general public. This may also include visual approach. (*Renton, Wash.*)

■ **access strip** A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings and structures. (*Vernal City, Utah*)

Commentary: If you need terms related to access beyond those we have included here, we recommend that you consult the "Model Land Development & Subdivision Regulations that Support Access Management

for Florida Cities and Counties." *Center for Urban Transportation Research, University of South Florida, Tampa, Florida, January 1994*

■ **accessory** A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site. (*Burien, Wash.*)

■ **accessory apartment** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. (*Blacksburg, Va.*)

A separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling or business. (*Asheville, N.C.*)

A permitted independent, subordinate dwelling unit contained within a single-family detached dwelling or its accessory detached garage. (*York County, Va.*)

A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling. (*Sandy, Ore.*)

A structure or combination of structures that: (1) are located on the same lot, tract, or development parcel as the primary residential building (2) are clearly incidental to and customarily found in connection with a primary building or use; (3) are subordinate to and serving a primary building or use; (4) contribute to the comfort, convenience, or necessity or the occupants in the primary building or use; and (5) do not exceed the total gross square footage of the primary building or use, and comply with the definition of residential garage. (*Fort Wayne, Ind.*)

■ **accessory banking** (See also bank) A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind. (*Miami, Fla.*)

■ **accessory dwelling unit** (See also ECHO housing) A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in [local code] and only in those zoning districts where the use is listed as a special review use. (*Loveland, Colo.*)

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. (*Livermore, Calif.*)

■ **accessory structure** A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building. Accessory structures include garages, decks, and fences. (*Ames, Iowa*)

A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. (*Guilford County, N.C.*)

A use or a structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property. (*Santa Rosa, Calif.*)

[A structure] located on the same lot with the main building, detached or attached, and is subordinate and customarily incidental to the use of the main building. (*Maynard, Mass.*)

A use or structure that is subordinate in size or purpose to the principal structure or use of the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land. (*Wood River, Ill.*)

A detached subordinate building, the use of which is customarily incidental to that

DRAFT Minutes
Affordable Housing Commission
Scheduled for Tuesday, August 5, 2014, 5:15pm
City Hall Conference Room 224
155 S. Seward St., Juneau, AK 99801

I. Call to Order/Roll Call

Meeting called to order at 5:35pm due to a late quorum.

Members Present: Tamara Rowcroft; Norton Gregory; Margaret O'Neal; Jeremy Kerr; Wayne Coogan

Members Absent: Mandy O'Neal Cole; Justin Shearer; Russ McDougal; Honey Bee Anderson

Staff Present: Jessica Beck, Lands; Greg Chaney, Lands; Beth McKibben, CDD; Travis Goddard, CDD; Hal Hart, CDD

Public Present: Scott Ciambor, via teleconference

II. Approval of Agenda

Added the agenda topic "City Mobile Home Park" under Old/New Business.

Tamara moved to approve the agenda with the addition.

Hearing no objection, motion passes unanimously.

III. Approval of Meeting Minutes

Tamara moved to approve the July 1, 2014 AHC Minutes.

Hearing no objection, motion passes unanimously.

IV. Public Participation on Non-Agenda Items

There was no public participation on non-agenda items.

V. Old/New Business

a. Alaska Coalition on Housing and Homelessness Conference

Scott Ciambor, Alaska Coalition on Housing and Homelessness, said the annual Alaska Coalition on Housing and Homelessness conference has moved from Anchorage to Juneau this year. It will be on September 29-October 1 at Centennial Hall. There will be two national speakers. The conference will have a wide variety of discussion topics from homelessness to land issues. The final schedule and registration should be on the website later this week. He would like to highlight the role of local government and share the history of the AHC with other communities. The AHC discussed having a work session to talk about the history of the AHC and prepare a presentation for the conference.

Tamara moved a subcommittee of Norton, Wayne and herself be formed to work on developing a workshop for the Alaska Coalition on Housing and Homelessness Conference held in Juneau.

Hearing no objection, motion passes unanimously.

b. Review Draft Housing Action Plan RFP

There were some concerns regarding some of the language in the proposed RFP. Margaret shared her suggested changes to the RFP. The Commission decided to accept the majority of her changes plus some others. They decided they would like the pre-proposal conference to be 10 days after it goes out for bid and they would like the RFP to close 30 days after the pre-proposal conference. The work should be completed 6-8 months after the bid award. Since there were major changes to the original scope of work, the AHC decided they would like to meet again to review the updated version of the RFP. They decided to meeting during the noon lunch hour on Tuesday, August 12 in Room 224 to review the final revised RFP for approval.

c. Appoint 2 AHC Members to the Selection Committee for the Housing Action Plan RFPs

There was a brief discussion regarding who would like to participate in the selection committee for the Housing Action Plan RFPs. Margaret said she would like to but since she works for JEDC and they've bid on these types of projects in the past, she didn't think it would be appropriate to be evaluating proposals from previous competitors. It was decided that Tamara will participate in the selection committee. The Commission thought Mandy would also be a good person for this task; however, she was not at the meeting to accept it. They decided to continue with Tamara and Mandy on the selection committee, and if Mandy is not available, Norton will take her place.

d. Potential Accessory Apartment Changes

CDD is looking to the Planning Commission for a policy decision regarding what the requirements should be for an accessory apartment. There was some discussion regarding the ramifications of increasing the size of accessory apartments, and also whether or not the AHC should give any advice on the topic.

Wayne moved the Affordable Housing Commission tell the Planning Commission that they support the second paragraph in Ben Lyman's memo to the AHC dated June 26, 2014.

Hearing no objection, motion passes unanimously.

e. Pederson Hill & Switzer Area Land Development Updates

Greg said they have a consultant for the Switzer-2A development. The comment period has closed with the Army Corps of Engineers but they have not received a permit yet. They also have a consultant for the Pederson Hill development and the first task is to determine the best access to the future subdivision.

f. City Mobile Home Park

Wayne mentioned that there is a group of business people who are interested in getting land from the CBJ to develop a mobile home park. Hal said he's also been in contact with the same group and the two areas he suggested that might be available are not owned by the CBJ. Wayne will keep us informed of what the group's progress.

VI. Staff Comments

Hal: Great job! Also, there is a rezone request property in the rock area dump to be zoned commercial and have some housing. There is a renewed idea for housing behind Gastineau Avenue.

Beth: There are two rezones on the August 26th Planning Commission meeting. There is also a pre-application conference with St. Vincent for their senior housing expansion.

VII. Assembly Liaison Comments

The Assembly is changing the way they handle rezones because the new City Attorney has determined that they have been doing it incorrectly. The ones with no issues will go through as normal. There will be a change for the rezones that are fought over. The Assembly had two executive sessions regarding the Gastineau Apartments. Mark Romick, from AHFC, was at one of the meetings, but that is all he can share since they were in executive sessions. He appreciates all the work the AHC is doing on the Housing Action Plan.

VIII. Commissioner Reports

Wayne: He is pouring concrete for 24 units. Has a building application in for another 8 units. They are closing a sale on a mobile home and will have four more to sell soon.

Jeremy: Curious about the parking lot next to the Baranof? Greg said they are meeting next week to set some dates. Also curious about the Volunteers of America project?

Hal said they are inspecting foundations and pouring concrete.

Margaret: The public meeting for the Senior Housing Demand Study was very well attended and went really well. The information was well received. There will be a draft report out at the end of September.

IX. Date for Next Meeting –

- Tuesday, August 12, 2014 at noon in City Hall Conference Room 224 to discuss the amended RFP.
- Next regular meeting on September 2, 2014 in City Hall Conference Room 224.

X. Adjournment: 8:15pm, meeting adjourned.

MINUTES

REGULAR PLANNING COMMISSION MEETING

City and Borough of Juneau

Mike Satre, Chairman

August 26, 2014

I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Gordon Jackson, Paul Voelckers

Commissioners absent: Dan Miller, Karen Lawfer, Nicole Grewe

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Chrissy McNally, Planner I; Jonathan Lange, Planner II; Beth McKibben, Senior Planner; Robert Palmer, Municipal Attorney II

II. APPROVAL OF MINUTES

- July 22, 2014 – Special Planning Commission Meeting
- July 22, 2014 – Regular Planning Commission Meeting

MOTION: *by Mr. Watson, to approve the minutes of the Special Planning Commission Meeting of July 22, 2014, with the correction that the Special Meeting did not adjourn at 6:06 p.m. but reconvened in executive session, from which it adjourned at about 7:15 p.m., and approved the Regular Planning Commission Meeting of July 22, 2014, with any minor modifications by any Commission members or by staff.*

The motion by Mr. Watson was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Wilma Avenue resident Russ McDougall addressed the Commission stating that he is a 40 year resident of Juneau. He told the Commission he felt that work on modifying the accessory apartment rule was coming along slowly, and he wanted to encourage the Commission to take action on this rule. They would like to increase the accessory apartment rule from 600 square

feet up to 800 to 1000 square feet, explained Mr. McDougall. Mr. McDougall said that he has a job pending because of this rule.

Mr. Watson asked when they began working on this issue.

Mr. McDougall responded they began working on this in 2007.

Mr. McDougall stated that it has been kicked around as an issue long enough and that it is now time to move forward to resolve these problems.

Mr. Voelckers asked where the current holdup is with this project.

Mr. McDougall said he believes that it is coming up before the Commission within the next month or two for a final recommendation.

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis reported that the Assembly met last night and did see the Landscape Alaska appeal. That decision has not been made public yet, said Mr. Nankervis.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2013 0016:	Rezone of approximately 245 acres of RR(T)D3 to D3 and RR(T)D15 to D15 and approximately 40 acres of D1(T)D3 to D3 along North Douglas Highway.
Applicant:	City and Borough of Juneau
Location:	North Douglas Highway

Staff Recommendation

1. Approve the zone transition from RR to D-15.
2. Approve the zone transition from D1 to D-3 for those lots designated RDR on the Land Use maps of the Comprehensive Plan.

Additionally, staff recommends consideration of the following:

1. An up zone to D5 for lots designated as ULDR on the Land Use maps of the Comprehensive Plan.
2. An up zone to D-15 for lots designated as MDR on the Land Use maps of the Comprehensive Plan.

Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-____

An Ordinance Amending the Land Use Code Relating to Accessory Apartments

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. Section 49.25.300(c), Determining uses, is amended to read as follows:

...

Multifamily ~~Family~~ Residential Districts: A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 5,000 square feet or using less than 10,000 square feet of land.

...

Section 3. Amendment of Table. Section 49.25.300 Table of Permissible Uses, is amended to read as follows:

1.00 0	RESIDENTIAL														
1.10 0	Single-family dwellings	R R	D 1	D 3	D 5	D1 0	D10S F	D1 5	D1 8	L C	G C	M U	MU 2	W C	W I
1.11 0	Single-family	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A

		detached, one dwelling per lot															
	1.12 0	Single- family detached, two dwellings per lot	1	1	1												
	1.13 0	Single family detached, <u>one 600 square- foot accessory apartment s</u> X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.13 5	Two single family detached, one or two accessory apartment s		3	3												
	1.14 0	Two <u>single- family detached, one or two 600 square- foot accessory apartment s</u>		3	3												
	1.15 0	Single- family detached, accessory apartment <u>, net floor</u>															

		<u>area equal to 50% of primary dwelling unit's net floor area, not to exceed 1000 square feet</u>															
1.200		Duplex															
	<u>1.21</u> <u>0</u>	Duplex, one 600 square foot accessory apartment	1	1	1	1	<u>1</u>		1	1	1	1	1	1	1		
	<u>1.22</u> <u>0</u>			1	1	1											
1.300		Multifamily dwellings, and multiple dwellings on a single lot							1,3	1,3	1,3	1,3	1,3	1,3	3		

...

1.900	Common wall development																
	1.910	Two dwelling units					1	1	1	1	1						
	1.911	Accessory Apartment, <u>one 600 square foot</u> ^x	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	
	1.920	Three or more dwelling units						1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3		
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3					3		

...

Section 4. Amendment to Table. Section 49.25.300 Table of Permissible Uses is amended by adding to the Key section the following:

- 1, 3. Department approval required if minor development, conditional use permit required if major development.

Section 5. Amendment of Table. Section 49.25.300 Table of Permissible Uses, is amended by adding to the Notes section the following:

AB.

Section 6. Amendment to Section. Section 49.25.510, Special density considerations, is amended to read as follows:

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.

(2) *Accessory apartments.* The director may, through the department approval process, allow an accessory apartment to be constructed or maintained if all of the requirements of this subsection are met. No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this subsection.

(A) Unless otherwise provided, the The accessory apartment shall be a one bedroom or efficiency unit not exceeding 600 square feet in net floor area. Areas common to more than one dwelling unit, including entry ways, furnace rooms, laundry rooms, and interior stairways, shall not be included in the computation of net floor area.

(i) On lots with a single family dwelling where the lot is at least 125% of the minimum lot area for permissible uses in that zone, an accessory apartment may be an efficiency, one bedroom, or two-bedroom unit having a net floor area of up to 50% of the primary dwelling unit's net floor area, not to exceed 1000 square feet.

(ii) In the D-1, D-3, D-5, and zoning districts, a duplex and one accessory apartment meeting the requirements of this subsection may be permitted on lots that are 175% of the minimum lot area for that zone or larger.

...

(l) Single-family residences in multi-family zones with accessory apartments. In multifamily, commercial, and mixed-use zoning districts, a single accessory apartment of no more than 600 sq. ft. net floor area may be permitted as follows:

(1) On lots of less than the minimum lot size for permissible uses in the zoning district, listed at 49.25.400, accessory apartments shall be reviewed through the Conditional Use Permit process at CBJ 49.15.330;

(2) On lots meeting the minimum lot size for permissible uses in the zoning district listed at 49.25.400, accessory apartments shall be, through the department approval process if all of the requirements of this subsection are met.

(3) A permit under this subsection may be issued if the applicant establishes that:

(i) The development meets all setback requirements;

(ii) The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, aggravate the nonconformity;

(iii) The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, aggravate the nonconformity; and

(iv) The development meets the parking standards required by chapter 49.40.

(4) Accessory apartment applications shall be submitted on a form provided by the director and shall include:

(i) A completed application form;

(ii) The application fee required by chapter 49.85;

(iii) A site plan drawn to scale or dimensioned indicating all required parking and minimum setbacks; and

(iv) A floor plan drawn to scale or dimensioned indicating all dwelling units including each room labeled as to use.

Section 7. Amendment to Section. Section 49.40.210, Minimum space and dimensional standards for parking and off-street loading, is amended with respect to accessory apartments to read as follows:

...

Accessory apartments (<u>600 sq. ft. max. net floor area</u>)	<u>1</u>
Accessory apartments (<u>1000 sq. ft. max. net floor area as authorized by 49.25.510(d)(2)(i)</u>)	<u>2</u>

...

Section 8. Amendment to Section. Section 49.40.230, Parking and circulation standards, is amended to read as follows:

49.40.230 - Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site shall address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas shall be attractively landscaped and shall feature safely and conveniently arranged parking spaces.

(b) *Off-street parking and loading areas; design standards.*

(1) *Access.* There shall be adequate ingress and egress from all parking spaces. The required width of access drives for driveways shall be determined as part of plan review depending on use, topography and similar considerations. ~~Except in the case of single family dwellings and duplexes located in residential and rural reserve zoning districts, back out parking shall not be permitted on a right of way.~~

(2) *Size of aisles.* The width of all aisles providing direct access to individual parking stalls shall be in accordance with the following table:

Aisle width	Parking Angle				
	0°	30°	45°	60	90°
One-way traffic	<u>13</u>	11	<u>13</u>	18	24
Two-way traffic	<u>19</u>	20	21	23	24

(3) *General location.* All parking shall be located in bays generally perpendicular to driveways or roads.

(4) *Location in different zones.* No access drive, driveway or other means of ingress or egress shall be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

(5) *Sidewalks and curbing.* Sidewalks shall be provided with a minimum width of four feet of passable area and shall be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(6) *Stacked parking.* Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes, only a single parking space per dwelling unit may be a stacked parking space.

(7) Parking areas must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way, except:

(A) In the case of single-family dwellings and duplexes with or without accessory apartments located in residential and rural reserve zoning districts; or,

(B) Where the right-of-way is an alley.

Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

EXCERPT FROM MINUTES

REGULAR PLANNING COMMISSION MEETING

City and Borough of Juneau

October 28, 2014

VIII. UNFINISHED BUSINESS

AME2014 0006: Revisions to Accessory Apartment requirements of CBJ 49, Land Use Code.

Applicant: City and Borough of Juneau

Location: Borough wide

Staff Recommendation

Staff requests the Planning Commission discuss the points in the May 13th staff report, the draft white paper, and the draft ordinance. Staff requests continued guidance on the questions asked in that report:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the “larger” size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

These are the key questions which were asked in May, said Ms. McKibben, and she stated she does not believe they have changed with the draft ordinance.

Mr. Voelckers stated that he thought the ordinance was well drafted, so if there were any strategic ambiguities he would like to see them pointed out at this juncture.

Ms. McKibben said when associating accessory apartments with duplexes, at what point would then become a triplex. As the discussion moves towards increasing the size of an accessory apartment or adding it to a duplex, would it remain an accessory use or would it then become multi-family, stated Mr. McKibben.

Mr. Watson stated that in all of his years on the Planning Commission, an accessory apartment means accessory to a single family home, not an accessory habitation for duplexes and not for multi-family dwellings.

Chairman Satre stated that his preference would be to move the ordinance forward for further discussion instead of trying to hash out further questions and have it again cycled back to a committee.

MOTION: *by Mr. Peters, to approve AME2014 0006 as amended by the motion, with the staff recommendation to limit it to single family dwellings to restrict duplexes and multi-family homes, and to accept the two-tiered approach as presented.*

Ms. Grewe expressed concern that the motion be approved and moved to the Assembly without further opportunity for public comment.

Mr. Peters stated that the Commission has taken ample public testimony and that the issue has been adequately discussed at the Affordable Housing Commission and by the committees that came together to discuss the housing need in Juneau. He stated that he felt the ordinance is ready to move forward.

Ms. Grewe said it is of some concern to her that ordinances that revolve around the land use code do not run through Title 49 anymore. She said it felt faster than the pace the Commission usually works at.

Ms. McKibben wanted to make sure that the Commission was comfortable with the language as a policy direction in the two-tiered approach. The larger size for a single family detached accessory apartment net floor area equal to 50% of the primary dwelling unit is not to exceed 1,000 square feet. Ms. McKibben stated she wanted to make sure the Commission was comfortable with this language before it moved on.

Ms. Lawfer said that she felt comfortable with the size and that it is based upon affordability.

Mr. Haight stated that he has trouble dictating the size. He said the economics should be the driver. If one bedroom is the necessity than economics should push it in that direction, he said.

Mr. Voelckers said there is a natural flexibility in the construction of the number of units and that the only variable is that additional parking is required as the number of units rises.

Mr. Voelckers spoke in favor of the motion, saying that he did not want this ordinance to languish too much longer.

Chairman Satre noted that while there may still be some work to do on duplexes and multi-family units and other districts, that this ordinance at least provides opportunities for single-family homes to get something done.

The motion passed with no objection.

Accessory Apartments

Title 49 AD HOC Presentation
August 13, 2018



Apartments Permitted Since The Last Code Amendment Adopted in 2015:

75 Accessory Apartments Permitted

Directors Decision (Building Permit Only):	67
PC Decision (Conditional Use Permit):	8
Apartments on Lots With Common Walls Permitted :	3

	Approval needed based on number and type of apartment	Less than minimum lot size	100-124% minimum lot size	Exceeds 125% minimum lot size	Less than 200% minimum lot size	Between 200% - but less than 250 % minimum lot size	Meets or exceeds 250% minimum lot size	Meets or exceeds minimum lot size
One single family dwelling per lot 49.25.510(k)(2)(E) 1.130	1 apt up to 600 sq ft	3	1	1	NA	NA	NA	NA
	1 apt up to 1,000 sq ft	NA	NA	1				

49.25.510(k)(2)(E)(i) The **director** may approve a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency or one-bedroom unit that does not exceed **600 square feet** in net floor area and is on a lot that **exceeds the minimum lot size**; or

(b) The application is for an efficiency, one-bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed **1,000 square feet**, and is on a lot that exceeds **125 percent of the minimum lot size**.

49.25.510(k)(2)(E)(ii) The **commission** may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section are met and the application is for an **efficiency or one-bedroom unit that does not exceed 600 square feet** in net floor area, and is on a lot that is **less than the minimum lot size**.

	Approval needed based on number and type of apartment	Less than minimum lot size	100-124% minimum lot size	Exceeds 125% minimum lot size	Less than 200% minimum lot size	Between 200% - but less than 250 % minimum lot size	Meets or exceeds 250% minimum lot size	Meets or exceeds minimum lot size
Two single-family dwellings per lot 49.25.510(k)(2)(F) 1.140	1 apt up to 600 sq ft	3	NA	NA	3	1	1	NA
	2 apt up to 600 sq ft	3			3	1	1	
	1 apt up to 1,000 sq ft	NA			NA	1	1	
	1 apt up to 600 sq ft AND 1 apt up to 1,000 sq ft	NA			N/A	NA	1	

49.25.510(k)(2)(f)(iii) The **director** may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency, or one-bedroom unit that does **not exceed 600 square feet** in net floor area, is **on a double sized lot** (two times the minimum lot size), and the lot **does not have another accessory apartment in excess of 600 square feet** in net floor area; or

(b) The application is for an efficiency, one-bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but **not to exceed 1,000 square feet**, on a lot that **exceeds 250 percent of the minimum lot size**, and the lot **does not have more than one other accessory apartment in excess of 600 square feet** in net floor area.

49.25.510(k)(2)(f)(iv) The **commission** may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the application is for an **efficiency, or one-bedroom unit that does not exceed 600 square feet** in net floor area, is on a lot that is **less than the minimum lot size**, and the lot **does not have another accessory apartment in excess of 600 square feet** in net floor area.

	Approval needed based on number and type of apartment	Less than minimum lot size	100-124% minimum lot size	Exceeds 125% minimum lot size	Less than 200% minimum lot size	Between 200% - but less than 250% minimum lot size	Meets or exceeds 250% minimum lot size	Meets or exceeds minimum lot size	
Multifamily, commercial and mixed use zoning 49.25.510(k)(2)(G) 1.130	1 apt up to 600 sq ft with a single family home	3	NA	NA	NA	NA	NA	1	49.25.510(k)(2)(G)(i) The director may approve a 49.25.300.1.300 accessory apartment application if all the requirements of this section and the following are met: (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that exceeds the minimum lot size , and the primary use of the lot is a single-family dwelling.
Common Wall 49.25.510(k)(2)(H) 1.911	1 apt up to 600 sq ft	3	NA	NA	NA	NA	NA	1	49.25.510(k)(2)(G)(ii) The commission may approve, with a conditional use permit, a 49.25.300.1.300 accessory apartment application if all of the requirements of this section and the following are met: (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size , and the primary use of the lot is a single-family dwelling.

49.25.510(k)(2)(H) (ii) The **director** may approve a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency, or one-bedroom unit that does **not exceed 600 square feet** in net floor area, and is on a lot that **exceeds the minimum lot size**.

49.25.510(k)(2)(H)(iii) The **commission** may approve, with a conditional use permit, a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency, or one-bedroom unit that does **not exceed 600 square feet** in net floor area, and is on a lot that is **less than the minimum lot size**.

Ratios											
Zoning District	From the TPU				Single Family, Detached, Two Dwellings Per Lot	From the Accessory Apartment Code					
	Single Family	Duplex Lot	Common Wall Lot	Proposed Common Wall Lot		ONE 600	ONE 1000	TWO 600	ONE 1000 + One 600	Duplex and ONE 600	Duplex and TWO 600
RR	100% 36,000	150% 54,000	NA	NA	200% 72,000	100% 36,000	125% 45,000	200% 72,000	250% 90,000	NA or 150% 54,000	NA or 175% 63,000
D1	100% 36,000	150% 54,000	NA	NA	200% 72,000	100% 36,000	125% 45,000	200% 72,000	250% 90,000	150% 54,000	175% 63,000
D3	100% 12,000	150% 18,000	NA	92% 11,000	200% 24,000	100% 12,000	125% 15,000	200% 24,000	250% 30,000	150% 18,000	175% 21,000
D5	100% 7,000	150% 10,500	100% 7,000	85% 6,000 (5,800?)	NA	100% 7,000	125% 10,500	NA	NA	150% 10,500	175% 12,250

Proposed Common Wall Percentages

Proposed Duplex Percentages

Common Walls vs. Duplexes vs. 2 SFD

Required Lot Sizes from the TPU:

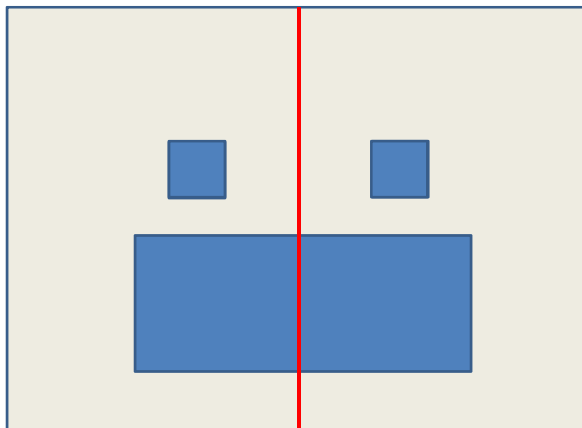
Zoning District	Common Wall Lot	Proposed Common Wall Lot	Duplex Lot	Single Family, Detached, Two Dwellings Per Lot
RR	NA	NA	150%	200%
D1	NA	NA	150%	200%
D3	NA	92%	150%	200%
D5	100%	86%	150%	NA

According to the accessory apartment code, if the lot meets the minimum lot size for a common wall (100% the minimum) an accessory apartment can be permitted with a building permit.

The accessory apartment code also allows a lot that meets the minimum lot size for 2 detached, single family dwellings (200% the minimum) to have 2 accessory apartments outright.

Allowing a duplex that meets the minimum lot size for a duplex (150% the minimum) is allowed one accessory apartment with a building permit only is consistent with the current lot size ratios.

Visualize the Logic:



2 common wall lots each with an accessory apartment. The lots are each 100% the minimum lot size for their zoning district.

These lots could legally be consolidated because together they would exceed the minimum lot size for a duplex in their zoning district (150%), but under the current code, the accessory apartments would not be allowed.

Proposed code amendments would allow for a duplex to have 2 accessory apartments on a lot that is greater than 175% the minimum lot size, so in this case, the apartments would be allowed.

How many lots in each zoning district meet or exceed the minimum lot sized listed in the TPU?

Zoning District	Minimum Lot Size	Duplex Lot	Common Wall lot	2 Single Family	Total Lots
RR	576	538	NA	501	726
D1	793	516	NA	365	1402
D3	929	715	NA	536	1191
D5	3602	1903	3602	NA	4880

How many lots in each zoning district meet required percentages from the accessory apartment code?

Zoning District	Minimum Lot Size	100-124%	125-199%	200-249%	250%	150%-175%	175%-199%
RR	576	25	50	45	456	15	22
D1	793	173	255	91	274	86	65
D3	929	124	269	118	418	113	69
D5	3602	972	1728	325	577	565	425

Proposed
Duplex
Percentages



Single Family, detached, two dwellings per lot

How many lots meet the TPU standard for single-family detached, two dwellings per lot?

Zoning District	Number of Lots
RR	501
D1	365
D3	536

1402: Total lots that meet or exceed 200% the minimum lot size.

How many lots are 200-250% the minimum lot size and could have 2 apartments up to 600 square feet?

Zoning District	Number of Lots
RR	45
D1	91
D3	118

254: Total lots that are 200-250% the minimum lot size.

How many lots are 250% the minimum lot size and could have one 600 plus one 1000 square foot apartments?

Zoning District	Number of Lots
RR	456
D1	274
D3	418

1148: Total lots that meet or exceed 250% the minimum lot size.

Duplexes

How many lots meet the TPU standard for a duplex?

Zoning District	Number of Lots
RR	538
D1	516
D3	718
D5	1892

3664: Total lots greater than 150% the minimum lot size.

How many lots are 150-175% the minimum lot size and could have one duplex with one 600 square foot apartment?

Zoning District	Number of Lots
RR	15
D1	86
D3	113
D5	565

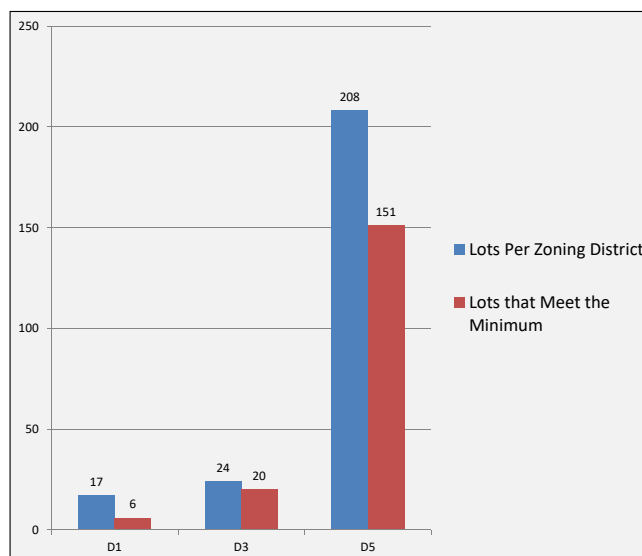
779: Total lots 150-175% the minimum lot size.

How many lots are greater than 175% the minimum lot size and could have one 600 plus one 1000 square foot apartments?

Zoning District	Number of Lots
RR	523
D1	430
D3	605
D5	1327

2885: Total lots greater than 175% the minimum lot size.

Existing Lots with Duplexes



CDD identifies 249 lots with duplexes in the D1, D3, and D5 zoning districts.

In these zoning districts, **71%** of the total existing duplexes meet the minimum lot size from the TPU.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

May 9, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Jill Maclean, AICP, Senior Planner

A handwritten signature in black ink, appearing to read 'Jill Maclean', is positioned to the right of the 'From:' line.

RE: Update - Revisions to the Common Wall Sections of Title 49

Background

Given the prevalence of common wall development in the community, an update to the common wall sections of the Land Use Code was identified as a need after discovering that sections of the code are not aligned, and that the application of the reduced lot size(s) has been misapplied.

Purpose of the Revision:

- Make consistent the sections of Code relevant to common walls;
- Clarify/revise the common wall section (49.65.700);
- Clarify/make consistent the Table of Permissible Uses (49.25.300 with 49.65.750);
- Clarify/revise the Table of Dimensional Standards (49.25.400);
- Revise the Definition of dwelling, common wall (49.80);
- Make consistent the Special Density of Code with any revisions proposed (49.25.510).

Attached and below are recommendations and policy determinations that need to be addressed prior to making final recommendations on revisions to the Code. The two main policy questions and recommendations are:

1. **Minimum Lot Size:** The Code states that *"Minimum lot size. The minimum lot size may be reduced for common wall development of three contiguous units or more..."* (49.65.750(1)). The reduction in lot size has been misapplied, and developments of common wall "pairs" have been allowed to use the reduced lot sizes found in the Table of Dimensional Standards.
 - a. Staff recommends drawing a bright line and applying the Code as it was intended due to the need for housing. The reduction in lot size is intended to incentivize developing to a greater density.

***Update:** At the T49 subcommittee meeting on April 18, 2018, the committee recommended establishing past practice as the standard, thus all common wall development is permitted to use the reduced lot size regardless of the number of common walls being constructed.

There was some discussion around applying the reduction to lot size for major developments, but not minor developments. Staff recommends not using this as a distinction as it may appear to be arbitrary and/or biased towards large landholders.

2. Uses: The Code currently states that *“The use of each common wall dwelling lot shall be limited to a single-family dwelling and accessory uses”* (49.65.725).

a. Staff recommends changing the purpose statement and the Use section of this ordinance to state:

“The purpose of this article is to allow, in certain zoning districts, the development of common wall structures where each dwelling and underlying property is held under separate ownership. The use of each common wall lot shall be limited to a common wall unit and accessory uses. Common wall units may have non-residential uses on the first floor if the units are located within a commercial zoning district. Common wall units located in the MU2 zoning district must have retail or commercial on the first floor.”

- If mixed use is recommended, the title of the ordinance must reflect the change. The current title is “Common wall residential development”.

***Update:** T49 committee agreed that common wall units should not be allowed in the MU zoning district due to the higher density that is desired in the MU district. T49 committee also recommended adding the option of having mixed use development within common wall structures in the LC, GC, and MU2 zoning districts.

Subsequent to the T49 committee meeting, concern has been raised that allowing mixed use in common walls in the commercial and MU2 zoning districts through the “Common Wall Residential Ordinance” may be seen as arbitrary and may open the door to allowing mixed use in residential-only zoning districts.

Further, acknowledging that the downtown plan is underway and zoning will be discussed through that process, which includes the only existing MU2 district in the borough; and the Auke Bay rezoning effort is also underway and may draft mixed use development opportunities, staff recommends that this item be revisited later, possibly through a separate ordinance so as to not adversely impact the residential-only zoning districts.

Recommendations:

Staff recommends that the Code is amended to clarify, make consistent, and update the common wall sections of Title 49.

Attached

V2 Attachment A Common walls revisions ARTICLE_VII.____Common_Wall_Residential_Development

V2 Attachment B Common walls revisions 49.25.300____Determining_uses AND 49.80 Definition

V2 Attachment C Common walls revisions 49.25.400____Minimum_dimensional_standards

(same) Attachment D Common walls revisions 49.25.510____Special_density_considerations

V2 Attachment A

ARTICLE VII. - COMMON WALL **RESIDENTIAL** DEVELOPMENT

49.65.700 - Purpose.

The purpose of this article is to allow, in certain **zoning** districts, the development of common wall structures where each dwelling and underlying property is held under separate ownership.

The use of each common wall lot shall be limited to a single-family dwelling and accessory uses.

Common wall units located in LC, GC, or MU2 may also contain non-residential uses within the common wall unit, but may not have additional principal uses located on the lot.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 43, 8-31-2015](#))

49.65.705 - Procedure.

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 44, 8-31-2015](#))

49.65.710 - Development permits.

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) *Department review.*

(A) *Application submittals.* The following submittals are required with an application for department approval:

- (i) Building plans that meet the requirements of this chapter and Title 19.
- (ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) *Planning commission review.*

(A) *Application submittals.* The following submittals shall be required with the conditional use permit application:

- (i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.
- (ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.
- (iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development

Comment [JM1]: If mixed use is recommended, is the title accurate? Recommend that is, as a residential component is required.

Comment [JM2]: If this wording is changed, make sure it's consistent w/49.65.725 below.

Comment [JM3]: There is concern that this may be arbitrary and could open the door for non-residential uses in the strictly residential zoning districts.

Staff recommends reviewing another avenue for pursuing mixed-use development in LC, GC, and MU2.

Comment [JM4]: Should we clarify the procedure?

V2 Attachment A

will comply with all the dimensional standards of this article after the parcel and structure have been divided.

- (B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.

([Serial No. 2015-03\(c\)\(am\), § 45, 8-31-2015](#))

Editor's note— [Sec. 45 of Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 31, 2015, repealed and reenacted § 49.65.710 to read as herein set out. Former 49.65.710 pertained to four dwellings or less, and derived from Serial No. 87-49, 1987.

49.65.720 - Common wall subdivision.

- (a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:
- (1) *Preliminary plat.* The following additional items will be submitted with the preliminary plat:
 - (A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.
 - (B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.
 - (C) Final common wall agreements and/or homeowners' agreements suitable for recording.
 - (b) *Final plat.* After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.

([Serial No. 2015-03\(c\)\(am\), § 46, 8-31-2015](#))

Editor's note— [Sec. 45 of Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 31, 2015, repealed and reenacted § 49.65.720 to read as herein set out. Former 49.65.710 pertained to five dwellings or more, and derived from Serial No. 87-49, 1987.

49.65.725 - Uses.

The use of each common wall lot shall be limited to a single-family dwelling and accessory uses. Common wall units located in LC, GC, or MU2 may also contain non-residential uses within the common wall unit, but may not have additional principal uses located on the lot.

Comment [JM5]: Same as note above under 49.65.700 Purpose.

(Serial No. 87-49, § 2, 1987)

49.65.730 - Separate utilities.

All common wall dwellings must be served by individual public water and sewer services unless otherwise authorized by CBJ Title 75.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 47, 8-31-2015](#))

Yellow = proposed change; blue = proposed removal; Red = new language/numbering

V2 Attachment A

49.65.735 - Parking and access.

- (a) Common wall development shall meet the parking requirements for single-family dwellings in accordance with CBJ 49.40.
- (b) For common wall structures of three or more dwellings, access to public rights-of-way shall be restricted to common driveways unless the director determines that it would be impractical to do so.
- (c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.
- (d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

Comment [JM6]: Refer to Law for appropriate wording.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 48, 8-31-2015](#))

~~49.65.740 - Density.~~

Comment [JM7]: T49 agreed to delete this.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 49, 8-31-2015](#))

49.65.745 - Zoning districts.

Common wall development is allowed in the ~~D-3~~ within the Urban Service Area, D-5, D-10 SF, D-10, D-15 and D-18, residential districts, and MU2 mixed use district, and the LC and GC zoning districts, except that no common wall development of three or more adjoining units is allowed in the ~~D-3~~, D-5 or the D-10 SF residential district.

Comment [JM8]: Reference 49.25.510 (Bonnie Brae special density clause).

Comment [JM9]: Recommend allowing common walls in the D3 zoning district if within the USA due to the requirement of water and sewer

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 10, 1998; Serial No. 98-19, § 2, 1998; Serial No. 2007-39, § 15, 6-25-2007)

~~49.65.750 - Dimensional standards.~~

Comment [JM10]: **Recommend deleting this sub-section as we are no longer incentivizing the reduction – it will now be a given. Therefore, the Table of Dimensional Standards covers this.

~~Common wall development shall meet the dimensional standards of the zoning district in which it is located except for the following:~~

If deleted, also delete the superscript and associated note in the TPU and Table of Dimensional Standards.

***Discuss this as it relates to the new Variance ordinance.

- ~~(1) Minimum lot size. The minimum lot size may be reduced for common wall development of three contiguous units or more according to the following:~~

- ~~A. D-10, residential district, 5,000 square feet;~~
- ~~B. D-15, residential district, 3,500 square feet;~~
- ~~C. D-18, residential district, 2,500 square feet;~~
- ~~D. MU2, mixed use district, 2,500 square feet;~~

~~E. A. MU.~~

- ~~(2) Minimum lot width. Lot width may be measured at either the front yard setback, street side yard setback or at the actual front line of the building, and may be reduced according to the following:~~

Comment [JM11]: If this section is kept, add D10SF width to list below.

Comment [JM12]: **Recommend revising the definition for Lot Width in 49.80 Definitions. If not revised, then add a specific Lot Width definition for common walls.

- ~~A. D-5, residential district, 60 feet;~~
- ~~B. D-10, residential district, 40 feet;~~
- ~~C. D-15, residential district, 30 feet;~~
- ~~D. D-18, residential district, 20 feet;~~

Yellow = proposed change; blue = proposed removal; Red = new language/numbering

V2 Attachment A

- ~~E. MU2, mixed-use district, 20 feet;~~
- ~~F. MU, mixed-use district, 20 feet;~~
- ~~F. LC, commercial district, 20 feet;~~
- ~~G. GC, commercial district, 20 feet;~~

- (3) ~~Minimum side yard setback. The minimum side yard setback from the common property line is reduced to zero feet. The remaining side yard setbacks shall be ten feet in a D5 zone, three feet in a D10-SF zone, and five feet in a D10, D15, D18, MU2 or MU zones, and ten feet in LC and GC zones.~~
- (4) ~~Common wall length. The common wall shall extend at least 15 feet along the common property line.~~

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 11, 1998; Serial No. 98-19, § 3, 1998; Serial No. 2007-39, § 16, 6-25-2007; [Serial No. 2015-03\(c\)\(am\), § 50, 8-31-2015](#).)

49.65.755 - Architectural features.

Architectural features other than roof eaves, authorized to project into required yard setbacks under chapter 49.25, article IV, may not project into required side yard setbacks required under this article. No architectural features may project into the **neighboring lots**.

(Serial No. 87-49, § 2, 1987)

Comment [JM13]: T49 agreed to delete MU.

Comment [JM14]: **If this sub section is deleted, recommend adding a note to the Table of Dimensional Standards requiring "common wall length".

Comment [JM15]: **Recommend adding a note in 49.25.430 Yard Setbacks to cross-reference this section to ensure it is upheld.

Comment [JM16]: Is this intended to mean the shared lot line between the common walls? Otherwise, encroaching onto another property is not permitted per the Code and this language is redundant and unnecessary.

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900		Common wall development															
	1.910	Common wall development, two dwelling units (pairs) ^{AD}			1, 3 ^{AE}	1, 3	1, 3	1, 3	1, 3	1, 3							
	1.911	Common wall development, three or more dwelling units (triplex, four-plex,...) ^{AD}						1, 3	1, 3	1, 3	1, 3	1, 3		1, 3			
	1.920	Common wall development, two dwelling units (pairs), accessory apartments ^{AD}			1, 3 ^{AE, X}	1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X							
	1.921	Common wall development, three or more dwelling units, accessory apartments ^{AD}						1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X		1, 3 ^X			

- Comment [JM1]: New Note AD referencing 49.65.700
- Comment [JM2]: New Note AE referencing special density section 49.25.510(h) (replaces line item 1.930)
- Comment [JM3]: Pairs are not allowed in LC, GC, MU2
- Comment [JM4]: Triples, so on, not allowed in D3, D5 or D10SF (due to density)

Notes:

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

(Notes removed for this purpose only)

X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).

(Notes removed for this purpose only)

AD. Special requirements apply to commonwall developments. See CBJ 49.65.700.

AE. Special requirements may apply to building a two-unit common wall structure. See CBJ 49.25.510(h).

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 49.65 and 49.70.

(Serial No. 87-49, § 2, 1987; Serial No. 89-32, § 2, 1989; Serial No. 98-09, § 5(Exh. B), 1998; Serial No. 98-20, § 2(Exh. A), 1998; Serial No. 2004-13, § 2, 9-27-2004; Serial No. 2006-13, § 2, 5-15-2006; Serial No. 2007-13, § 2, 4-2-2007; [Serial No. 2012-24, § 3, 5-14-2012, eff. 6-14-2012](#).)

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	4,000	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											
	Common Wall Dwelling ^{7a and 7b}			11,000 ^{7a, b}	6,000 ^{7b}	3,600 ¹⁰	4,500 ^{7b}	3,000 ^{7b}	2,500 ^{7b}		2,500 ^{7b}	2,000	2,000			
	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'	30'	40'	30'	20'		20'	20'	20'			

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 depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	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'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	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'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling ^{7c}				10' ^{6a}	3' ^{6b}	5' ^{6c}	5' ^{6c}	5' ^{6c}		5' ^{6c}	10' ^{6d}	10' ^{6a}			

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 **or accessory uses** 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 a**

(a)

ten-foot setback for the remaining side yards of the lot.

(b)

three-foot setback for the remaining side yards of the lot.

(c)

five-foot setback for the remaining side yards of the lot.
7.

Special requirements may apply to common walls see:

(a)

Reference 49.25.510(h) Building a two unit common wall structure.

(b)

Reference 49.65.750(1) Minimum Lot Size.

(c)

Reference 49.65.755 - Architectural features.
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).

49.80 Definition:

Dwelling, common wall, means a **common wall unit** attached by a common wall to **at least** one other **common wall unit** on a separate lot.

Lot width may be measured at either the front yard setback, street side yard setback or at the actual front line of the building.

Comment [JM1]: If 49.65.750 Dimensional Standards is deleted from the article, this note / superscript will need to be deleted.

Comment [JM2]: Must keep dwelling here – pertinent to LC, GC, MU2 – must have a residential component

Comment [JM3]: Recommend not allowing mixed-use under this ordinance, however, if mixed use is allowed in LC, GC, MU2, does the definition need to address the retail/commercial uses for LC, GC, MU2?

Comment [JM4]: Dwelling or unit? Refer to Law

Comment [JM5]: **Recommend updating the Definition of Lot Width in 49.80 Definition and making them consistent

Attachment D

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.
 - (2) *Reserved.*
- (e) *Detached single-family dwellings.* Two detached single-family dwellings located on a single lot within the Rural Reserve D1 and D3 zoning districts shall each meet 100 percent of the applicable square-footage requirement.
- (f) *Replacement and reconstruction of certain nonconforming buildings.* The replacement and reconstruction of certain nonconforming buildings in residential districts shall be governed in part by subsection 49.30.500(b). The replacement and reconstruction of multifamily dwellings in all multifamily residential districts shall be governed in part by subsection 49.30.500(c).
- (g) *Duplex and common wall structures.* The commission, through the conditional use permit process, may allow duplex and common wall structures on lots of less than the required size if the applicant can demonstrate that the same number of dwelling units already exist on the lot or may lawfully be created on the lot as a result of the nonconforming development provisions of chapter 49.30. Applications of this provision include the following:
 - (1) *Common wall subdivision lots* of less than the required size may be created if the original parcel contains a common wall structure that was lawfully built and all other common wall structure requirements can be met.
 - (2) *A duplex or a two unit common wall structure* may be built on a pair of existing lots of record which together are less than the required size for a duplex or a two unit common wall structure, provided each of the lots could have been developed with a single-family dwelling when the lots were created.
- (h) *Building a two unit common wall structure.* The commission, through the conditional use permit process, may approve the building of a two unit common wall structure on less than the required lot area if the lot was legally platted prior to November 9, 1987; the subdivision or a portion thereof was designed specifically for two unit common wall structures; and 60 percent or more of the lots in the subdivision or of the portion thereof designed specifically for two unit common wall structures have been developed with two unit common wall structures.
- (i) *Subdivision rights-of-way.* In calculating the number of dwelling units and thereby the number of lots allowed within a proposed single-family subdivision, any proposed rights-of-way shall be included in the total square footage of the parcel. In multifamily subdivisions, rights-of-way shall not be so included.
- (j) *Single-room occupancies with private facilities.* A permit to construct single-room occupancies may be issued by the Director or the Planning Commission, as specified in the Table of Permissible Uses, CBJ 49.25.300, if all of the requirements of this subsection are met.

Comment [JM1]: No changes recommended.

Comment [JM2]: No changes recommended.

Comment [JM3]: No changes recommended.

Comment [JM4]: Update with a cross-reference to the Table of Dimensional Standards and the Table of Permissible Uses for D3.

Attachment D

- (1) Single-room occupancies shall be efficiency units not exceeding 400 square feet in net floor area.
 - (A) Areas common to more than one dwelling unit, including entry ways, furnace rooms, laundry rooms, common storage areas, and interior stairways, shall not be included in the computation of net floor area.
- (2) Each single-room occupancy with private facilities shall count as one-half of a dwelling unit for purposes of calculating density, permitting requirements, and land use permit application fees.
- (k) **Accessory apartments.** No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section.
 - (1) *Application.* Accessory apartment applications shall be submitted on a form provided by the director and shall include:
 - (A) A completed application form;
 - (B) The application fee required by chapter 49.85;
 - (C) A site plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and actual lot size; and
 - (D) A floor plan drawn to scale or dimensioned indicating all dwelling units and including each room labeled as to use;
 - (E) A statement that the property is connected to sewer. If the property is not connected to sewer, a statement from the department of environmental conservation confirming that the existing wastewater disposal system is sufficient for the development, including the proposed accessory apartment, and a statement from a qualified inspector that the existing wastewater disposal system is functioning as designed.
 - (2) *Approval standards.*
 - (A) Unless otherwise provided, the accessory apartment shall be a one-bedroom or efficiency unit not exceeding 600 square feet in net floor area.
 - (B) Areas common to more than one dwelling unit - including entry ways, furnace rooms, laundry rooms, and interior stairways - shall not be included in the computation of the net floor area for the accessory apartment.
 - (C) The minimum lot size as used in this section refers to the minimum lot size for permissible uses listed in the table of dimensional standards, CBJ 49.25.200.
 - (D) A permit under this subsection may be issued if the applicant establishes:
 - (i) The development meets all setback requirements;
 - (ii) The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment;
 - (iii) The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment does not decrease the existing vegetative cover;
 - (iv) The development meets the parking standards required by chapter 49.40; and
 - (v) The development is connected to public sewer or the existing wastewater disposal system has adequate capacity for the development, including the proposed accessory apartment.
 - (E) Single-family detached accessory apartment approval.

Comment [JM5]: Scroll down to 2H.

Attachment D

- (i) The director may approve a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area and is on a lot that exceeds the minimum lot size; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.
 - (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.
 - (iii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 125 percent of the minimum lot size.
- (F) Single-family detached, two dwellings per lot, accessory apartment approval.
- (i) When a lot has two primary dwelling units, each primary dwelling unit may have up to one accessory apartment that is consistent with the requirements of this section. The lot shall not have more than two accessory apartments.
 - (ii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.
 - (iii) The director may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a double sized lot (two times the minimum lot size), and the lot does not have another accessory apartment in excess of 600 square feet in net floor area; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, on a lot that exceeds 250 percent of the minimum lot size, and the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.
 - (iv) The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;

Attachment D

- (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.
- (G) Multifamily dwelling and accessory apartment approval. Unless authorized by this section, an accessory apartment is prohibited in multifamily, commercial, and mixed-use zoning districts.
 - (i) The director may approve a 49.25.300.1.300 accessory apartment application if all the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that exceeds the minimum lot size, and the primary use of the lot is a single-family dwelling.
 - (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.300 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the primary use of the lot is a single-family dwelling.
- (H) Common wall accessory apartment approval.
 - (i) Each common wall dwelling may have up to one accessory apartment that does not exceed 600 square feet in net floor area and that is consistent with the requirements of this section.
 - (ii) The director may approve a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that exceeds the minimum lot size.
 - (iii) The commission may approve, with a conditional use permit, a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size.

Comment [JM6]: No changes recommended.

Comment [JM7]: Reminder to make consistent with TPU if line items are changed.

Comment [JM8]: Reminder to make consistent with TPU if line items are changed.

(Serial No. 87-49, § 2, 1987; Serial No. 89-33, § 2, 1989; Serial No. 91-01, § 2, 1991; Serial No. 94-07, § 4, 1994; Serial No. 95-33, § 8, 1995; Serial No. 97-49, § 3, 1998; Serial No. 2001-12, § 3, 4-2-2001; Serial No. 2006-15, §§ 5, 6, 6-5-2006; Serial No. 2007-39, § 11, 6-25-2007; Serial No. 2009-22(b), § 3, 10-12-2009; [Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012](#); [Serial No. 2012-36, § 3, 9-17-2012](#); [Serial No. 2015-7\(b\)\(am\), § 5, 2-23-2015, eff. 3-26-2015](#).)