

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

August 13, 2018
4th Floor Conference Room, Marine View Building
12:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. Draft Minutes - July 16, 2018 Title 49 Meeting
 - B. Draft Minutes - July 24, 2018 Title 49 Committee
- IV. **AGENDA TOPICS**
 - A. Alternative Residential Subdivisions
 - B. Accessory Apartments
- 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, July 16, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Dan Miller, Michael Levine

Members Absent:

Carl Greene

Staff Present:

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

Public Present:

Richard Harris

I) Call to Order

Meeting called to order at 12:08 pm.

II) Agenda Topics

a) Unit Lot Subdivisions

Ms. Maclean said that since the last Title 49 meeting she, along with Mr. Palmer, drafted the purpose of what is now being called Alternative Residential Subdivisions, leading to a potential ordinance. (See memo from Ms. Maclean to Mr. Palmer dated July 12, 2018 in meeting packet materials.)

Ms. Maclean explained what the decision process could look like. The concept resembles a Planned Unit Development (PUD) but not as currently stands in CBJ code. For four lots or less the approval would be a director's decision; more than four would require Planning Commission approval. They could be permitted in most zoning districts except MU, WC, WI and I, which is consistent with the common wall ordinance. Homes would be single family use only with no accessory dwelling unit. A home occupation could be permissible but not a childcare. The parent lot would have to meet the underlying zoning requirements.

Ms. Maclean's memo further addressed lot spacing, access, parking, utilities, lot size, and common open space.

Mr. Voelckers asked if this would be specific and iron clad in relation to providing housing and not turning into a office/business? Ms. Maclean said that there could be a single family home with a home office/occupation but not with employees or customers such as at a childcare. The thinking is that a home occupation that would not impact neighbors could be permissible.

Mr. Levine asked why this is being done and why is it such a priority now? PUDs have been in place for a long time, he said, but the problems with them have not been addressed. Ms. Maclean replied that one reason is to

provide the community with housing options and a fix to the PUD code has been needed for a while. There are only a few PUDs in Juneau because they are not popular. Some requested rezones have failed recently because of the difficulty in developing challengingly shaped lots. Often a developer can't meet the requirements for a PUD on challenging lots. The thought is to use this new concept which could be the new PUD and could tackle these issues. Mr. Levine pointed out Ms. Maclean's response did not reflect the reasons listed in the provided memo. Ms. Maclean said she only realized this link with PUDs yesterday.

Mr. Levine asked how this concept is unique and different from a fee simple ownership of property. Ms. Maclean said there could be a fee simple option or not as long as that was made clear in the PUD. Mr. Levine said it seemed to him that basically this was a fix to the PUD problem with the option to turn little lots into condos or small lots. Why make one choice over another, he asked?

Mr. Ciambor said the key is the opportunity for fast tracking processes as is talked about in the Housing Action Plan. Obtaining financing quickly is a piece that is addressed here too. In the last several years loans are being offered for these types of development which are more attractive. There is a gap in ways to make housing work; Juneau Housing Trust's bungalows development is another creative way that provides flexibility to developers and fast tracks processes.

Mr. Voelckers said other obvious thing is that there is a real project in hand that dovetails with this ordinance proposal. A local developer has found some financing options that can work. Mr. Miller has said there is something not correct with PUD code as currently stands; it doesn't meet the intent to create more flexibility for developers. CBJ hasn't made it work yet. However, he said, he is concerned that a collective light just went off yesterday. He advocated for caution and diligence and is not sure if staff has had the time to vet this carefully. Does it work with the private sector project now, he asked?

Mr. Palmer said the Alternative Residential Subdivision (ARS) can be added as an additional tool or could be used to revise the PUD. Maybe PUDs are the more appropriate way to go when the lot size meets minimum requirements or there could be uses of a PUD that do not work as a residential-only tool. He said he will try to bring more information as to how to proceed to the next Committee of the Whole or a Planning Commission meeting.

Mr. Levine said it would be useful to him to be able to look at the weeds of this concept to understand how much space is needed and see what they look like and understand how to add or change existing code.

Mr. Miller said fixing the PUD has been on his priority list for quite a few years. Problems include the percentage of common space being ridiculously high, the perimeter buffer is inflexible, and developers not being allowed to use public improvements such as bike trails and sidewalks as part of common space which seems wrong to him. He thinks the fact that only three PUDs have been done in Juneau points to these problems. And the PUD in Douglas required several variances to make it work, he added.

Mr. Voelckers said buffers have hurt the PUD so melding with this to give some relaxation and offer the ability to densify the units is potentially attractive but it would be useful to game it out a bit. He said that Mr. Palmer makes the point that there may be other financing strategies that would be part of an ADS. This is an interesting conversation to have, he said.

Mr. Dye asked if there were other points staff wants the committee to discuss. Ms. Maclean asked if the committee wanted the materials to go to the Committee of the Whole now. Mr. Voelckers and Mr. Levine said

they felt it was too early. Mr. Voelckers said if the committee wants to compare PUD with ADS they need to see some models.

Mr. Voelckers asked if parts of the subdivision can be a true common wall so is there discretion of setbacks? Ms. Maclean said she threw this in for consideration. Some places allow this for townhouses. Common walls are popular in Juneau, she said. Mr. Voelckers said so this is a maybe? Ms. Maclean replied yes.

Mr. Miller said concerning the no-daycare thing, we relaxed the rules so that there could be more kids in a childcare home with less permitting regulations, but he knows childcare is a great need in Juneau. If, for example, grandparents want to take care of some kids he would like to figure out how to include that option. Perhaps there could be a ratio established between number of kids and square footage of dwelling. He, for one, would hate to see this type of neighborhood not allowing any childcare at all.

Mr. Voelckers said he has raised this issue in the context of Vintage Park, traffic and other impacts of home childcare. It seems easier to him to relax the permitting requirements in this setting if the activity does not negatively impact the optional housing and not become a camel's nose for other uses.

Mr. Dye said he had a parking question; what is reason for the visitor parking if each lot meets its own parking requirement? Ms. Maclean said an ADS could include a mix of residential uses – multifamily alongside single family. Ms. Boyce said the Anchorage code model is that parking could be met on the unit lot as well as the parent lot or just on the parent lot.

Ms. McKibben said accessory apartments come with their own parking. If parking is calculated on the base number of units this would not have to be redone. Ms. Boyce said regarding accessory apartments if they are located in a multifamily zone district there can be one accessory per parent parcel. For an ADS concept, accessory apartments could get messy.

Mr. Voelckers said it feels like if we are bending over backwards to have a sub category, it is too complex. His read is this may be an area where accessory apartments are not appropriate. Mr. Miller said in a subdivision it is likely with irregular lots one part might have room for apartment. He figures that can be addressed by accessory apartment code. If it meets a certain lot size, it is eligible. If not, not.

Mr. Levine said some PUDs would work for additional uses while others of townhouse-size dwellings might not.

Mr. Voelckers said the driving force comes down to small lots that otherwise might not be large enough to put stuff on.

Mr. Dye asked staff, what are the major differences of an ADS from a PUD?

Ms. Maclean said the 25% foot buffer but suggests this may put the burden of proof on the applicant. There is a requirement of open space at 40% in a PUD but she would not want to see that across the board. A PUD allows other uses but an ADS may or may not be only single family units. In an ADS the utilities and access would be privately maintained and owned while PUDs can be built for CBJ maintenance of these things.

Ms. McKibben said one challenge is that PUD code has been used for both cluster subdivisions and master planned sites.

Ms. Maclean said both look at the site in its entirety. Ms. McKibben said in a cluster subdivision density may be “clustered” on smaller lots than the underlying zoning with larger areas of open space and public streets and utilities, while a master planned site typically has private streets and a master meter.

Mr. Voelckers asked for a recap of the thoughts on private access and home owners associations (HOA). Is there any chance of us not being thoughtful enough about that, he asked?

Ms. Maclean said if CBJ wants to take on more roads, this is a concern. Another thing to think about is that CBJ road standards are greater than maybe would have to be met for a private road which only needs to meet fire code. Mr. Voelckers said it seems there is a chance that private access with an HOA might exceed what is required and is that ok?

Mr. Palmer said this was a good point and there are examples to look at. Overall the concept is a vision of a common interest community. All units would be built at the same time where as subdivision code sets up a development to be less unified. Expectations are different and property rights different. Mr. Voelckers asked would it be set up to be parallel then. Yes, said Mr. Palmer.

Ms. Boyce said if accessory apartments were an option, each time one was approved the condo plat would need to be updated.

Mr. Miller said a developer would state there could be apartments in the original declaration. When creating a PUD, they would have it as one of the options.

Mr. Dye said he is still stuck on how this is different. He said he would want to try and track these at same time.

Mr. Levine recommended that staff figure out if the ADS is additive or parallel. He said he is inclined to think that these be done together but prefers staff to tell commissioners what is best.

b) Title 49 Priorities and Status Update

Ms. Boyce reviewed the handout on legislative priorities.

Mr. Levine asked about the Alternative Development Overlay Districts (ADOD). These have been in place for a year now and will soon sunset? Yes, said Ms. Boyce, this is back on the to-do list now.

Mr. Dye asked about the items already underway. Should these be expected to come before the committee soon? Ms. Boyce said the status has been revised and should all show as complete on page 2.

Ms. Boyce pointed out that text cases showing on the other side are all in the hopper. The other spread sheet handout, Planning Division Major Priorities Timeline, was put together by Ms. Maclean who said the rest of this calendar year the priorities include:

- Alternative Residential Subdivisions
- Common Walls - might be calendared for the August 15 meeting
- Mixed Use - needs to have a planner assigned
- Nonconforming Ordinance - being worked on and will be addressed at the July 24 COW

Mr. Voelckers said he did not see a draft of nonconforming use. Ms. Maclean said it was her recollection that the committee said to move it to the COW. Ms. McKibben pointed out that it can be recommended back to committee at the COW.

Ms. McKibben said the streamside buffer ordinance is on the drafting board. The language is done but legal services are still needed. This ordinance deals with a variety of development in the 50 foot buffer zone. The concept is to fix things like the application of a mitigation of a parking lot.

Mr. Miller wanted to discuss streamside setbacks. He said the way it used to be was a 25 foot no-disturbance zone with a 25-50 foot no-build zone. This is how he thought how it was understood over the past several years. Recently, however, he was up for final inspection on a project and had some grading that entered the 50 foot distance a tiny bit. Mr. Felstead told him that even grading was not allowed within the 25-50 feet zone, grading was considered development. In effect, then, Mr. Miller felt that really means a 0-50 no-disturbance zone and this is of concern to him.

Other items on the priority list include:

- Junk Ordinance - needs new planner
- Stub streets – some things have bumped this back in the timeline
- Sign code – CDD is looking at making the code up to date with case law. It might be a two-step process, deal with the legal issues with case law and later look at other items, especially as per the historic district.
- Urban agriculture – hope to look at this in August
- Bigger things – housekeeping and major rewrites on:
 - Auke Bay Rezoning
 - Wetland Management Plan - to be wrapped up this year
 - Hazard Mapping Plan - next year.
 - Preservation Plan - finished fall of 2018; the Commission will get an update soon
- Blueprint Downtown Juneau – Ms. Boyce will be lead with Mr. Felstead supporting
- Juneau ADOD – Ms. Boyce with goal of bringing to Title 49 Committee by May 2019 because it expires in August 2019
- Douglas ADOD - needs planner assigned and a schedule drafted
- Comp Plan Ad Hoc Committee recommended a full rewrite; staff is waiting direction on that.

Ms. Maclean said thinking ahead the Assembly and the Planning Commission have been given a lot on their priority lists but she prefers a smaller amount with the years delineated. Five items per year seems doable, for example, but keeping a longer look ahead so as to be able to find funding for a consultant. For next year, wrapping up Blueprint, Downtown Zoning and ADOD is already three big things.

Mr. Voelckers said he had some mile high questions. The mayor has interest in a second channel crossing and the North Douglas bypass road. Maybe these should be added to the long-range list? He said he does not know if these projects are viewed as viable, but the mayor has proposed looking into them.

Mr. Levine asked how staff wanted the committee to provide feedback on priorities. Furthermore, will the committee hear feedback? Ms. Maclean said if at the staff level this is looked at in September it will be brought to a COW before the full PC. Then it will move to the Assembly to get direction.

Mr. Levine voiced strong support for the junk ordinance and dealing with abandoned property.

Mr. Voelckers echoed support for the junk ordinance and said it is also a Lemon Creek Plan priority. The streamside buffer seems close to completion so he hopes this gets dragged across the finish line. He said he is less worried about urban agriculture and is not sure it rises to same level of community concern.

Mr. Dye said only the junk ordinance addresses an implementing action from the Lemon Creek Plan. Are there others that should be included on the priority list? Ms. McKibben said during the annual review of Capital Improvement Projects (CIP) Lemon Creek Projects will be considered for inclusion.

Mr. Voelckers asked how Lemon Creek recreational projects can be made a priority with the Assembly in CIP list. Ms. Maclean said planners can be assigned to shepherd things.

Mr. Miller said if the PUD can be fixed by melding the ARS concepts and become a one-size-fits-all, maybe this fixes cottage housing and tiny houses as well. Maybe kill five birds with one stone. He is interested in seeing how this is going to work for all of those things. He is concerned that another Wetland Review Board meeting was canceled for this month and the board has been slated to look at streamside setbacks for months now. He thinks accessory apartments is low hanging fruit that can get done very soon, maybe today.

Mr. Levine said in his estimation the timeline for downtown zoning is optimistic. He feels it likely the ADOD will need to be kept alive longer.

Mr. Voelckers said he thinks accessory apartments should be number one priority.

c) 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.

d) Committee Logistics

- Meetings will occur on either a Monday or a Wednesday at noon, determined by availability of committee members.
- The deadline for posting meeting materials in advance of a meeting is Thursday for Monday meetings and Friday for Wednesday meetings.

e) Common Walls – ran out of time

III) Next Meetings

- Tuesday, July 24, 2018, 5:30 pm, prior to the COW meeting, Assembly Chambers
- Monday, August 13 at 12 noon, CDD conference room

VI) Adjournment

The meeting adjourned at 1:29 pm.

Agenda
Title 49 Committee Meeting
 CITY AND BOROUGH OF JUNEAU
Nathaniel Dye, Chairman
 July 24, 2018

I. ROLL CALL

Nathaniel Dye, Chairman, called the Title 49 Committee meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:32 p.m.

Committee Members Present: Chairman, Nathaniel Dye; Dan Miller, Paul Voelckers
 Carl Greene, Ben Haight

Committee Members Absent: Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager;
 Robert Palmer, Assistant Attorney II

Assembly members:

II. REGULAR AGENDA

Discussion of proposed Title 49 Land Use Code regarding Alternative Residential Subdivisions.

Comparison of Planned Unit Development (PUD) vs Alternative Residential Subdivision (ARS)

Brief Summary of Discussion

No minimum site size in the ordinance. Perhaps site size should be left up to the Home Owner's Association. Home occupations would still be permitted. Home day care could possibly be an option, as stipulated by the HOA. Home day care centers are for less than 12 children, with various requirements for staff and parking depending upon the ages of the children. Specific language within the ordinance mentioning child care may be beneficial.

Accessory apartments are currently not allowed within the draft ordinance. It may be beneficial to allow accessory apartments on lots large enough to accommodate them. There was a lot of discussion about bonuses. Are the bonuses high enough to encourage positive development and should they be the same for all zones. Should minimum lot sizes be defined. A one percent bonus

for common space makes no sense. Instead of lot size 150 percent of the minimum lot size could be stipulated for the underlying zoning district.

A five percent bonus for excellence in siting, design, landscaping, and provision of common facilities and additional amenities is highly subjective. A five percent bonus for dedication of a public right-of-way does not seem relevant.

There was discussion about whether or not minimum buffers should be stipulated.

Ms. Maclean told the Commission their intent is not to get rid of PUD's at this time. She said this is mainly because the PUD allows commercial uses in the residential zoning districts. At this time she felt the staff felt it best to keep the two development types distinct. She said hopefully they will tackle PUD's next year.

Alternative residential subdivisions will be for residential uses only, from RR (Rural Residential) to LC (Light Commercial). It would require open space, she noted. The Housing Action Plan provides for the creation of different housing options, and this ordinance will help address those needs of the community, she said, by providing an option which does not currently exist.

Ms. Maclean walked the committee members through a table comparing a Planned Unit Development (PUD) to an Alternative Residential Subdivision.

An abbreviated version of that table including committee member comments is portrayed below.

PUD vs. Alternative Residential Subdivision			
	PUD (49.15.600)	ARS (proposed 49.15.900)	Notes
Purpose	The general purpose of the planned unit development code is to permit flexibility in the regulation and use of land in order to promote its most appropriate use.	The general purpose of this article is to provide reasonable minimum standards and procedures for small-lot, including small-site, residential communities in which the lots or sites do not conform to the minimum requirements for a traditional subdivided lot.	Main distinctions: PUD allows commercial and residential zoning districts – mixed uses ARS will allow only for residential Open space: PUD is 30 percent and 40 percent depending on zoning district; ARS is a range

Mr. Voelckers commented that there is no minimum size stipulated at all on the lot. The smallest unit would be what the builder deemed to be economically viable, he said. There are no dimensional requirements whatsoever, he added.

Ms. Maclean agreed and said that the parent lot will have to meet the requirements of the underlying zoning district. The individual units within that parent lot could be various sizes and configurations, she said. They would have to comply with the fire code, she said, meeting the minimum of at least six feet between the buildings. A minimum lot size is also not specified because they have had a lot of interest in tiny houses, said Ms. Maclean. This would make a tiny house development more feasible, she said.

In answer to a question posed by Mr. Voelckers, Mr. Palmer said if there is any type of land which is being subdivided, how far into the earth that goes is not relevant to this ordinance, as long as there are horizontal boundaries and that land is included.

Zoning Districts	RR,D1, D3, D5, D10SF, D10, D15, D18, LC	RR, D1, D3, D5, D10SF, D10, D15, D18, LC	ARS is not permissible in commercial districts except LC; PUD is permitted in LC, but no other commercial districts; neither are permissible in industrial zoning districts
Minimum Site Size (parent lot)	2 acres in D10SF, D10, D15, D18, LC 3 acres in RR, D1, D3, D5	Same as for PUD	The lot size restrictions proposed for ARS are to help ensure that enough dwellings are constructed to make the HOA successful; a minimum number of dwellings is needed to make maintaining the road/drive, utilities feasible

Mr. Miller said he was not sure that minimum site size should be dictated by the CBJ. He said he felt that could be left up to the Home Owners Association (HOA). He said he felt perhaps more discretion should be left to the developer.

Mr. Voelckers said he agreed with Mr. Miller. He asked for some explanations on the minimum site sizes that are recommended for the ordinance.

Mr. Dye said that his concern was to ascertain that the minimum development unit be accompanied by a viable HOA. He asked what the safe minimum number of units would be.

Mr. Miller said it was site-specific. He said he felt if it was this a high of the threshold as currently stipulated within the draft ordinance, that good development opportunities may be lost.

Lot Size (lots created within the parent lot)	No required minimum lot size within PUD; lot size is established as part of the preliminary plan approval	There is no minimum size for subdivided small-lots	
Zoning District/ Dimensional Standards	The standards applicable to a Planned Unit Development shall be those of the underlying zoning district except as provided in this section	The minimum lot dimensions, lot coverage, vegetative coverage, and setbacks shall be applied to the parent lot and not the subdivided small-lots. There is no minimum size for subdivided small-lots.	
Density	Number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the development and rounding to the nearest whole number	Same as for PUD	
Density Bonus	Total bonus shall not exceed 15% of the density	Same as for PUD	Refer to 49.15.670 (g) PUD's and 49.15.920(3)
Building Height/Spacing	No structured shall exceed 35 feet in height Each dwelling structure must be located at least 10 feet from any other dwelling unless structurally attached (common wall)	35 feet in height	
Open Space Minimum	30 percent required D10SF D10, D15, D 18, LC 40 % required RR, D1, D3, D5 70 % of the required open space must be contiguous regardless of zoning district	25 % in the RR and D1 zoning districts; 20 percent in the D5 and D10 zoning districts; 15 % in the D10SF district Open space must be permanently protected in perpetuity and may not be further developed	In lieu of the open space requirement in D15, D18 and LC, a vegetated buffer and connectivity to open space is important

Mr. Miller asked if the open space needs to be useful.

Usable open space in design is defined in the code, said Mr. Palmer. It is defined as open space which is within a proposed development site excluding areas devoted to structures, storage, recreational vehicles and parking. At least one half of all areas designated as usable open space must have a slope of less than 20 percent, he said.

Perimeter Buffer	There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development in the nearest structure, road, or parking area within the development, unless the development includes the perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer	There shall be a vegetated perimeter buffer within the boundaries of parent lot. The buffer shall be vegetated or maybe partially vegetated if the commission requires a non-vegetated screening. The commission shall determine the width and type of vegetated perimeter buffer upon considering, but not limited to, the following factors: location of the subdivision structures and uses, the access and parking areas, the location and type of off-site uses or development, topography, and the presence of existing visual and sound buffers.	No parking areas or dwelling units may be located within the perimeter buffer
Uses	The uses allowed in the underlying zoning district, according to section 49.25.300, Table of Permissible Uses, are permitted in all planned unit developments. The following uses are permitted in a residential planned unit development: 1) A mixture of single-family, two family, and multi-family housing and 2) A recreational facility or a planned unit development community center	Residential only; based upon underlying uses is permissible in the zoning district e.g. single-family in RR, D1, D3, D5, D10SF; single and multi-family in D10, D15, D18, LC	

Mr. Miller asked if home occupations would still be permitted.

Ms. Maclean said that they would be permitted.

Mr. Miller said he felt that whether to allow a daycare within an alternative residential subdivision should be up to the HOA.

Mr. Voelckers asked if there was a threshold of day care which could be allowed within these permissible uses.

Ms. McKibben said that child care centers are for more than 12 children. Those require a conditional use permit in some zoning districts, she said. A child care home is can be in a single family home and that type of home child care may have parking requirements entailing two parking spaces for the residential dwelling and an additional parking space for each on shift employee. The number of employees required if any for a child care home is mandated by the state, said Ms. McKibben. There are different categories of childcare, she said. The ages of the children also affect the number of required employees, she added.

Mr. Voelckers clarified that language would not need to be changed in order to accommodate a child care home necessarily.

Ms. McKibben said when a child care business comes into the neighborhood traffic, hours and potentially noise can negatively affect the neighborhood.

Mr. Dye said the HOA could decide whether it wanted a child care home in its subdivision or not.

Mr. Palmer said maybe one way to accommodate the need for child care within a community would be to change the language in the last sentence in the draft ordinance stating that the use prohibitions of (m) do not apply.

That would open the door for a lot of commercial uses for other zones, said Ms. Maclean.

Ms. McKibben said she felt specific language mentioning childcare may be helpful.

The type of subdivisions they are discussing are going to be controlled, said Mr. Dye. He said perhaps child care could be specifically mentioned but that the door should not be open for other uses to be allowed such as a gas station, etc.

Mr. Miller repeated he would like to see it added to the ordinance and let the Home Owner's Association address whether they wished that type of home use or not.

Accessory Uses	N/A	Accessory structure. S such as garage, carport, shed permissible; accessory apartment not permissible except on standard sized lots (if any)	HOA's make the use of accessory apartments complex – how are fees assigned if accessory apartments are added later?
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Currently accessory apartments are not allowed, said Ms. Maclean. This is because they are not sure how an HOA could be set up to accommodate accessory apartments, she said. They had discussed that a structure had to be on a minimum lot size in order to support an accessory apartment, she said.

Mr. Miller said he felt it would be pretty simple to work accessory apartments into Home Owner Association requirements. They could stipulate within the HOA which lots would be eligible for an accessory apartment which could be built at the time of the initial construction of the primary dwelling or in the future.

Mr. Voelckers said he felt this would be doable but that it should be linked to a piece of property large enough to accommodate accessory apartments.

Mr. Palmer said he felt there was way that accessory apartments could be made to work within this ordinance. They do allow bungalow lots in most of their zoning districts and they are roughly half the minimum lot size, he explained. Accessory apartments are prohibited on a bungalow lot, he said. If an accessory apartment would be allowed it would need to be on a lot substantially larger than that for a bungalow dwelling, he said.

Mr. Greene asked where tiny houses fit within the draft ordinance and lot size.

They could be fit into any size lot, said Ms. Maclean. The size of a tiny home is 400 square feet or less, she said. The maximum for tiny homes is 400 square feet so that it does not need to meet traditional fire code requirements, she said. It still counts as a dwelling unit, she said, regardless of the size.

Mr. Dye said this ordinance is meant for more of a clustered development, so there may be a group of tiny houses.

Mr. Haight asked how this ordinance would play out for a development of mixed size dwellings.

Mr. Miller said developments under this ordinance would be more likely to have mixed sizes of dwellings.

Mr. Haight said often there are terrain issues as well. Developments will need to be scaled to fit within a particular piece of property, he added.

Access	Development shall have access to a public right-of-way. PUD which joins undeveloped land shall provide for a right-of-way between the undeveloped land in an existing public right-of-way, where	The parent lot shall front on and be accessed by a publicly maintained right-of-way. Access within a development may be exempted from 49.35 and be privately owned and maintained if it complies with requirements	Refer to 49.15.920(f)
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	appropriate Access to each dwelling unit shall be via a public right-of-way or a private street or pedestrian way owned by the individual property owner or in common planned unit development ownership		
Parking	Standards in chapter 49.40, access, parking and traffic apply except as provided in this section In a residential planned unit development, common parking and maneuvering areas shall be set back at least 25 feet from any point on the exterior boundary of the planned unit development and from any boundary of the phase not contiguous with a completed phase. Landscaped yard of at least 10 feet shall be provided between a common parking area and they lot line within the planned unit development		
Homeowner's Association	Refer to 49.15.640		
Review Process	49.15.620 (PUD process)	49.15.920 (refer to draft ordinance)	
Approval Process	PC (refer to 49.15.630)	PC (refer to 49.15.930)	
Phased Development	<i>Phasing allowed.</i> Applicant may develop a planned unit development in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire planned unit development on the neighborhood and the environment according to the standards	Same as for PUD; Standards subsection (49.15.930(b)(5))	

Mr. Voelckers said he would like to address the size of the developments.

Mr. Dye said he had concerns as well, but that since everything was so interconnected one stipulation or change affected many other items.

Mr. Voelckers said he worried that the lot size stipulations could be so large that no one would ever take advantage of this ordinance.

Mr. Dye asked what the maximum buildout would be in zones D1, D3, and RR.

At D1 at three acres with the density bonus there would be 3.45 units, answered Mr. Miller.

Mr. Dye asked what the reason was for including RR and D1 zones within this ordinance since the purpose was for multiple dwellings.

Ms. Maclean said there are decent amounts of land which may have not been up-zoned when public utilities were provided that could feasibly take advantage of this ordinance.

Mr. Dye said for those smaller zones a 15 percent bonus would not even provide an additional unit.

Mr. Miller said he would at least like to see the threshold acreage lowered for this ordinance and leave it up to the developer to leave it up to the HOA to work out.

Mr. Voelckers said the intent of this ordinance is to provide an alternate method to deliver small, cost effective units on difficult sites. The purpose of this ordinance is to allow some density, he said. He said rather than stipulate the area they could stipulate a minimum count.

Mr. Palmer said one of the hurdles with the Juneau housing trust model is that they are trying to look at more land for very small developments. Some of those developments may be as small as two units, but the parent lot is on a right-of-way and the small lots are very close to that right-of-way, said Mr. Palmer.

This ordinance is specific, said Mr. Voelckers, to craft an unusual way to get away from the limitations of standard lot sizes. This does not work for every possible scenario, he said, but it is not for every scenario.

For this ordinance a minimum number of units is completely appropriate, said Mr. Dye. He said this ordinance is not a silver bullet to solve every possible housing configuration within the community.

Mr. Miller said it is really up to the developer to decide how many units they need to construct in order to keep the housing association dues to a certain level. Mr. Miller said he felt that one acre would work as a minimum.

Ms. Maclean said she would suggest no minimum lot size, but instead rely upon the design and the buffer to make the development work.

Mr. Voelckers said his worry would be that if no minimum is set, someone could take advantage of this portion of the ordinance and cram 18 dwellings on a very small lot, for example.

Ms. Maclean said they would still need the lot coverage, the setbacks from the parent lot, vegetative cover, plus the open space requirement and possibly a buffer, depending upon the zone.

Mr. Dye said with the hundred square foot tiny homes there could be a lot of units jammed onto a D18 lot, with no minimum size for the lot established.

Mr. Dye said perhaps they could use a minimum percentage of a minimum lot size. He said perhaps it could be 150 percent of the minimum lot size for the underlying zoning district.

Discussion on Draft Ordinance Amending the Land Use Code Relating to Subdivisions

Density

Mr. Voelckers asked about adopting the PUD's 15 percent density bonus for the alternative residential subdivision. He said the 15 percent density bonus seemed somewhat arbitrary and perhaps the percentage for the density bonus could be higher.

Ms. Maclean said it may make sense to have the density bonus higher for the lower density zones and less for the higher density zones such as 15 percent.

Mr. Voelckers said he did not see how it would be necessary to ratchet down the density bonus in the higher residential zones.

Mr. Miller said he tended to agree with higher density zones. In the D10 zone with 10 acres a 15 percent density bonus would be 15 more units, said Mr. Miller. Ten acres in a D1 zone would only be one and a half more units with the 15 percent density bonus, he said.

Mr. Dye said in light of considering this ordinance he did not even see why they were evaluating the lower density zones, since it would not make sense for a developer to take advantage of this ordinance in the lower density zones.

Ms. Maclean said she did recently have an application for 10 acres of land zoned D1. This piece of land is surrounded by higher density zones, she said.

Mr. Dye said then that lot should be zoned differently.

Mr. Miller said he did not feel that a 15 percent bonus was enough for the lower zones. He said perhaps a 15 percent bonus was enough for the higher density zones.

Mr. Miller said that one percent of bonus for each 10 percent of common space is a ridiculous percentage. He said he would be surprised if anyone would ever take advantage of that bonus. He said he liked the three percent bonus for continuous setback of greater than 50 feet, since it would need to be 50 feet anyway from the important natural water bodies, including anadromous fish streams, lakes and wetlands.

Mr. Miller said he felt the five percent bonus for excellence in siting, design, landscaping, and provision of common facilities and additional amenities is highly subjective. He added he felt the five percent bonus for dedication of a public right-of-way accessible to all small lots was ridiculous. He said who would want to build a \$2,000 a foot road for a five percent bonus.

Mr. Voelckers said he agreed that the bonus for excellence in siting, etc. is highly subjective. He said the way this is written every single project would be coming before the Commission for approval. He asked if this would be a staff determination or if it would come directly before the Commission for approval. He asked how the bonuses would be rewarded and how the Commission would interact with that process.

Mr. Palmer said this would ultimately be decided by the Planning Commission.

Ms. McKibben said it would be helpful if the staff had examples of what could be excellence in siting, design, landscaping, and the provision of common facilities and public amenities.

Mr. Dye said he did not see why anyone would dedicate a public right-of-way for the bonus.

Mr. Voelckers said there are a large range of options within this ordinance from very low density to high density, and that developers would pick what most suited their lot and project.

Mr. Dye said he did not see why anyone would put in a public right-of-way using this ordinance. They are expensive to build and would consume valuable land, he said.

Mr. Miller said if someone did go to the trouble to build a public right-of-way they should be given a much larger bonus than five percent, such as a 10 percent bonus.

Mr. Haight asked what the objective was with the bonuses. He asked what they are trying to achieve.

Mr. Voelckers said the bonuses need to provide enough incentive to developers to drive behavior.

Mr. Miller said perhaps the bonuses needed to be larger for the higher density developments, where the results derived from the bonuses would be most needed.

Buffers

Mr. Dye said the language for buffers was not clear or objective enough to offer guidance for the Commission.

Mr. Dye said his point is that if there is not a minimum defined that developers may feel entitled to do as little as possible in the way of buffers.

Mr. Miller said he is not a big fan of buffers. He said he has seen them used in a number of subdivisions where a 25 foot buffer was required. Trees would be cut up to the 25 foot buffer and then more trees that could fall are removed in the buffer because they would be in danger of falling since all the trees in front of them are cut down. He said he felt having some sort of a buffer may be a good idea and that it is up to the developers to present their plans to the staff in the application process.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

ADJOURNMENT

The meeting was adjourned at 7:03 p.m.

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-41

An Ordinance Amending the Land Use Code Relating to Subdivisions.

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 of Chapter. Title 49, Chapter 15 is amended to by adding a new article IX to read:

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article would provide a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage

developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable unit-lots.

49.15.920 General provisions.

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150% of the minimum lot size for the zoning district in which it is located. . There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, vegetative coverage, and setbacks shall be applied to the parent lot and not the unit-lots.
- (e) *Density.*
 - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.
 - (2) Land and water bodies used in calculating allowable density shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.

(3) The commission may award a density bonus as an incentive to add enhancements to the development. The total bonus shall not exceed 25 percent of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses of up to:

- (A) Five percent for each ten percent increment of open space in excess of that required to a maximum bonus of five percent for open space in excess of that required;
- (B) Five percent for a continuous setback of greater than 50 feet, and ten percent for a continuous setback greater than 60 feet, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
- (C) Five percent for a mixture of housing units, at least 15 percent of which are designed for purchase via a monthly mortgage payment of no more than 30 percent of the median income in the City and Borough, as calculated by the Alaska Department of Labor;
- (D) Five percent for excellence in siting, design, landscaping, view corridor, and provision of common facilities and additional amenities that provide an unusual enhancement to the general area;
- (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with Chapter 49.35;
- (F) Five percent in RR, D-1, D-3 D-5, and D-10SF, and ten percent in D-10, D-15, D-18 and LC for providing pedestrian or bicycle pathways to facilitate movement

within the development and to ensure non-vehicular access to open space, common facilities and to public services; and

(G) Five percent for separating dwelling structures by at least 10 feet.

(H) Five percent for designing all dwelling structures to a five-star energy efficiency rating.

(4) A density bonus may be limited or denied to avoid the creation of:

(A) Inconvenient or unsafe access to the development;

(B) Unreasonable adverse effects on adjacent property;

(C) Traffic congestion in the streets adjoining the development; or

(D) An excessive burden on sewer, water, parks, recreational facilities, schools or other existing or proposed public facilities.

(f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from 49.35 and be privately owned and maintained if it complies with the following requirements:

(1) The access shall be located completely on the parent lot;

(2) The access does not endanger public safety or welfare;

(3) The access complies with or can be improved to comply with the emergency service access requirements of CBJ 19.10;

(4) Access within the urban service boundary is paved. For access outside the urban service boundary, the portion of the access in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater;

(5) The developer submits adequate evidence that upon approval of the development, a homeowners association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and

(6) The alternative residential subdivision does not abut a parcel that lacks alternative and practical frontage on a publically maintained right-of-way.

(g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.

(h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.

(i) *Open Space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-5 and D-10 zoning districts; 15 percent in the D10SF district. . Open space is not required in the D-15, D-18, or LC zoning districts.

(j) *Buffer.* There shall be a perimeter buffer within the boundaries of parent lot. The buffer shall be vegetated or may be partially vegetated if the commission requires non-vegetated screening. The commission shall determine the width and type of vegetated perimeter buffer upon considering, but not limited to: location of the subdivision structures and uses therein, the access, and parking areas; the location and type of off-site uses or development; topography; and the presence of existing visual and sound buffers. No parking areas or dwelling units may be located within the perimeter buffer.

(k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.

1
2 (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be
3 adequate to serve the development and areas draining through the development. Management
4 shall be in accordance with the Stormwater Best Management Practices manual. Where
5 appropriate, natural drainage channels, swales, or other similar areas within the open space
6 may be used for stormwater management at the development. The developer shall provide the
7 CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls
8 for the additional runoff contributed by the alternative residential subdivision. The commission
9 may require construction of offsite drainage improvements necessary to accommodate
10 additional runoff from the development.
11

12 (m) *Permitted uses.* No primary uses are permitted on the remainder of the parent lot except
13 a recreational center, or community facility, or a child care center. Consistent with the Table of
14 Permissible Uses, 49.25.300, only residential uses and associated accessory structures are
15 allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any
16 unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an
17 alternative residential subdivision creates a lot that complies with the Table of Dimensional
18 Standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition
19 of this subsection does not apply.
20

21 (n) *Street sign.* A street sign is required. The developer shall install a street sign provided
22 by the City and Borough of Juneau at the developer's expense. The director shall determine the
23 type of street sign—addresses or street name—upon considering public health, safety, and
24 welfare given the size of the subdivision.

25 (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall
determine the placement location of mailboxes. The director may require additional

1
2 improvements and design changes to enable efficient mail delivery and to minimize traffic
3 interferences and compliance with CBJ standard details.
4

5 **49.15.920 Alternative Residential Subdivision Review Process.**

6 (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed
7 according to the requirements of section 49.15.330, conditional use permit, and in the case of
8 an application proposing a change in the number or boundaries of unit-lots, section 49.15.402,
9 major subdivisions, except as otherwise provided in this article. Approval shall be a two-step
10 process, preliminary plan approval and final plan approval. In cases involving a change in the
11 number or boundaries of unit-lots, the preliminary and final plat submissions required by
12 section 49.14.430 shall be included with the preliminary and final plan submissions required
13 by this chapter.
14

15 (b) *Preapplication conference.* Prior to submission of an application, the director shall
16 conduct an informal preapplication conference with the developer to discuss the proposed
17 alternative residential subdivision. The purpose of the preapplication conference shall be to
18 exchange general and preliminary information and to identify potential issues and bonuses.
19 The developer may discuss project plans and the director may provide an informal
20 assessment of project permit eligibility, but no statement made by either party shall be
21 regarded as binding, and the result of the conference shall not constitute preliminary
22 approval by the department. The conference shall include a discussion of the zoning, size,
23 topography, accessibility, and adjacent uses of the development site; the uses, density and
24 layout of buildings, parking areas, the open space and landscaping proposed for the
25

development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.

49.15.930 - Preliminary alternative residential subdivision plan approval.

(a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.430(1), the information required by this section, and any other information specified by the director.

(b) *Required submissions.* The application shall include the following material:

(1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.

(2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, and parking; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.

(3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building massing, color, and architectural features; the layout of buildings, parking, and access; provision of utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

(4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, open space, buffers, landscaping, and similar features.

(5) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:

- (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
- (B) The size and general location of proposed land uses for each phase at a projected level of density;
- (C) A description of the access connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
- (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
- (E) A description of the overall design theme unifying the phases;
- (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.950(b); and
- (G) A sketch plat consistent with 49.15.410.

(c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.

(d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the requirements of section 49.15.330 and:

- (1) The design effectively provides for clustered buildings or housing;
- (2) The development protects natural features and avoids natural hazards by reserving them as open space;
- (3) The development is consistent with the land use code;
- (4) The development incorporates boundary buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
- (5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
- (6) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;
- (7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision; and
- (8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

(e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

49.15.940 - Final alternative residential subdivision plan approval.

(a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.

(b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.

(1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The homeowners' association shall be responsible for the open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common

facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

(c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

(d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

49.15.950 - Phased development.

(a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.930(b)(5).

(b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision. Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final

plan approval until all components of all preceding phases are substantially complete and homeowner's association documents have been approved.

(c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

49.15.960 - Amendments to approved alternative residential subdivision plan.

(a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

(b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall alternative residential subdivision, and the criteria set out in subsection 49.15.930(d), and would result in:

- (1) Insignificant change in the outward appearance of the development;
- (2) Insignificant impacts on surrounding properties;
- (3) Insignificant modification in the location or siting of buildings or open space;
- (4) No reduction in the number of parking spaces below that required;

(5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.

(c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

Section 3. Amendment of Section. 49.80.100, Fees For Land Use Actions, is amended by adding a new fee for Alternative Residential Subdivisions to read:

49.80.100(8)

(G) Alternative Residential Subdivision.

(i) Preliminary plan application approval, \$400.00 plus \$80.00 per residential unit;

(ii) Final Plan approval, \$300.00 plus \$60.00 per residential unit.

Section 4. Amendment of Section. 49.80.120, Definitions, is amended by adding a new definition to read:

Parent lot: means the original lot and the residual area from which unit-lots are created through an alternative residential subdivision.

Unit-lot: means any lot, site, parcel, unit-site, and similar geographically defined property that is created through an alternative residential subdivision and that is substantially smaller than the minimum lot size required for the zoning district.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2017.

Attest: _____
Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk



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

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.

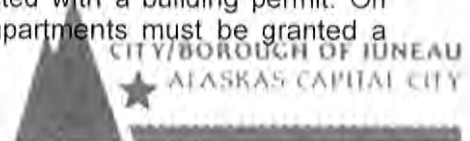
Although Accessory Apartments appear in CBJ 49 in several locations, including CBJ 49.25.300, the *Table of Permissible Uses*, and CBJ 49.40.210, *Minimum space and dimensional standards for parking and loading*, the primary ordinance controlling this type of development is CBJ 25.510(d)(2), *Special 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.

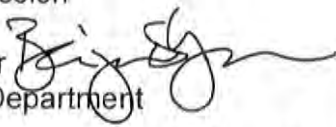
Applicant: City and Borough of Juneau
Location: Borough-wide

MEMORANDUM

Packet Page 54 of 78
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

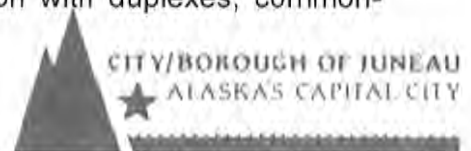
On May 27, 2014, staff of the CBJ Community Development Department presented the attached memorandum to the Planning Commission, requesting feedback and policy direction on five questions. The Commission's direction on each item is described in this memorandum.

- 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, <u>one 600 square foot accessory apartment</u>	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		Multifamil y dwellings, and <u>multiple dwellings on a single lot</u>							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		
	1.920	Three or more dwelling units						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.