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155 S. Seward Street • Juneau, AK 99801

**DATE:** May 11, 2017

**TO:** Planning Commission

**FROM:** Jill Maclean, AICP Senior Planner  
Community Development Department

**FILE NO.:** AME2017 0008 and 0009

**PROPOSAL:** Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau and Douglas neighborhoods.

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

#### **ATTACHMENTS**

Attachment A – Public Notification for AME2017 0008 and 0009

Attachment B – Ordinance Language ADOD for Downtown Juneau

Attachment C – Ordinance Language ADOD for Downtown Douglas

Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017

Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017

#### **DISCUSSION**

Downtown Juneau and Downtown Douglas were predominantly built by miners and fishermen as dense villages. Modern day zoning does not appropriately reflect this history, nor does it ensure the preservation of the character of these historic neighborhoods.

The current zoning districts do not support the community's vision for downtown Juneau and Douglas as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan. The current zoning does not provide sufficient standards for new residential development, or the expansion, rehabilitation, or restoration of existing residential dwellings.

An Alternative Development Overlay District (ADOD) provides CBJ staff adequate time to draft new zoning standards that fit the individual neighborhoods, while providing the Planning Commission with the flexibility to work with property owners to permit appropriate residential

development projects. The proposed Alternative Development Overlay District provides flexibility to permit new residential development, or the expansion, repair, or restoration of existing residential development.

#### PURPOSE

The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

A benefit of an Alternative Development Overlay District is that it improves predictability and clarity for property owners, the Planning Commission, and CBJ staff by better defining the process and standards for development activities for residential uses within the downtown areas.

The Alternative Development Overlay Districts provide the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries.

#### SUNSET PROVISION

Alternative Development Overlay Districts are temporary and include sunset provisions. For the purposes of these ordinances, the recommended sunset dates are as follows:

1. AME2017 0008 Downtown Juneau:
  - a. The Alternative Development Overlay District Downtown Juneau sunsets in 24 months from the date of adoption. Downtown Juneau is slated for an area plan/strategy over the next two years, and the ADOD supports this process and timeframe.
2. AME2017 0009 Downtown Douglas:
  - a. The Alternative Development Overlay District Downtown Douglas sunsets in 36 months from the date of adoption. Downtown Douglas area planning is further in the future, thus the ADOD for Douglas is given a longer timeframe to better support the needs of the property owners in the interim.

#### PROPOSED BOUNDARIES

1. AME2017 0008 Downtown Juneau  
Downtown Juneau's boundary encompasses the historic neighborhoods of the Highlands, Telephone Hill, Chicken Ridge, Casey Shattuck, Starr Hill, and Gastineau Avenue (see Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017).

2. AME2017 0009 Downtown Douglas

Downtown Douglas' boundary encompasses the historic neighborhood of downtown Douglas (see Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017).

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The proposed Alternative Development Overlay Districts as discussed in this report and attached documents comply with the Comprehensive Plan:

Chapter 3: Principles for Creating Livable Mixed Use Communities.

*Design on a Human Scale*

Compact, pedestrian-friendly communities (emphasis added) allow residents, workers and visitors to walk to shops, services, cultural venues, and jobs, reduce traffic congestion and improve people's health. Commercial space should face the street and should mimic a traditional Main Street development pattern with clear display windows, multiple entrances, all weather canopies and seating areas. There should be no blank walls facing public streets or walkways. Parking should be provided in the rear of structures with access roadways limited to side streets. Pedestrian pathways should be well-lit and protected from rain and snow.

*Provide Choices*

People want variety in housing styles and size (emphasis added) and want conveniently accessible shopping, recreation, entertainment, transportation and employment. A variety of pedestrian-friendly uses creates dynamic neighborhoods and accommodates residents in different stages of their lives. Residential densities should be a minimum of 10 dwelling units per gross acre of land within the development with higher densities of 30 to 80 units per acre encouraged. These densities facilitate the efficient provision of frequent transit service, convenient shops and services, affordable development, and help create a vibrant street life.

*Adapt to Urban Centers*

Take advantage of the presence of adequate municipal water and sewer services, other utilities, roads and infrastructure by pursuing in-fill development on vacant land within the urban service area, adaptive re-use of vacant buildings and/or redevelopment of underutilized or older, obsolete buildings. In-fill and redevelopment structures should respect the overall character of the existing neighborhood (emphasis added), although building heights and densities will be

greater. New developments should provide vehicular, pedestrian and viewshed connectivity to adjacent established neighborhoods.

### Chapter 3 – Community Form

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

#### Standard Operating Procedure

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

### Chapter 4 – Housing

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

POLICY 4.4. TO FACILITATE THE PRESERVATION AND REHABILITATION OF EXISTING HOUSING, PARTICULARLY HOUSING AFFORDABLE TO LOW- INCOME RESIDENTS.

POLICY 4.7. TO ENCOURAGE PRESERVATION OF RESIDENTIAL STRUCTURES THAT ARE ARCHITECTURALLY AND/OR HISTORICALLY SIGNIFICANT TO THE CBJ AND WHICH CONTRIBUTE TO THE HISTORIC AND VISUAL CHARACTER AND IDENTITY OF THE NEIGHBORHOOD.

#### Implementing Action

4.7 - IA2 In developing new zoning or development standards in areas with concentrations of historic structures, ensure that relaxed standards, such as higher building heights, do not induce a property owner to demolish the historic structure in favor of a larger structure or development.

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

#### Development Guideline

4.8 - DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be

deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

#### Chapter 10 – Land Use

Policy 10.2: TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

##### Implementing Action

10.2 - IA2 Review the existing multifamily zoning districts along transit corridors to increase density limits, reduce parking requirements for residential units, decrease lot sizes, and to allow a wider range of housing types including modular or manufactured homes, accessory apartments, live/work units, loft-style dwellings, and co-housing types (emphasis added).

POLICY 10.3: TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.6: TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

##### Implementing Action

10.6 - IA1 Continue existing incentives and develop additional incentives to encourage and reward excellence in site design and provision of amenities or facilities, particularly those related to preservation of natural terrain and vegetation, building orientation to maximize energy efficiency and privacy, and screening the parking in medium-to-high density developments. These incentives may include lower permit fees and/or permit expediting services (emphasis added).

#### Sub-Area 6: Juneau (Comp Plan Maps K, M, & N)

##### Guidelines and Considerations for Subarea 6:

1. Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck “flats” and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.
2. Encourage the retention of existing dwelling units in or near the older residential neighborhoods to avoid exacerbating traffic and parking congestion and to preserve the privacy and quiet of those neighborhoods.

### **COMPLIANCE WITH TITLE 49**

Title 49 has been examined, and it is determined that the proposed ordinance complies with the Code. Specifically, the ordinance language states that it supplements the existing code (the underlying zoning remains) and that an alternative development permit does not exempt a developer from obtaining all other required permits, such as a conditional use permit for an accessory apartment on a substandard lot, or a parking waiver if a parking reduction is needed.

### **FINDINGS**

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan. Additionally, this change would not create any internal inconsistencies with any plans or codes, providing the amendments stated above are approved.

### **RECOMMENDATIONS**

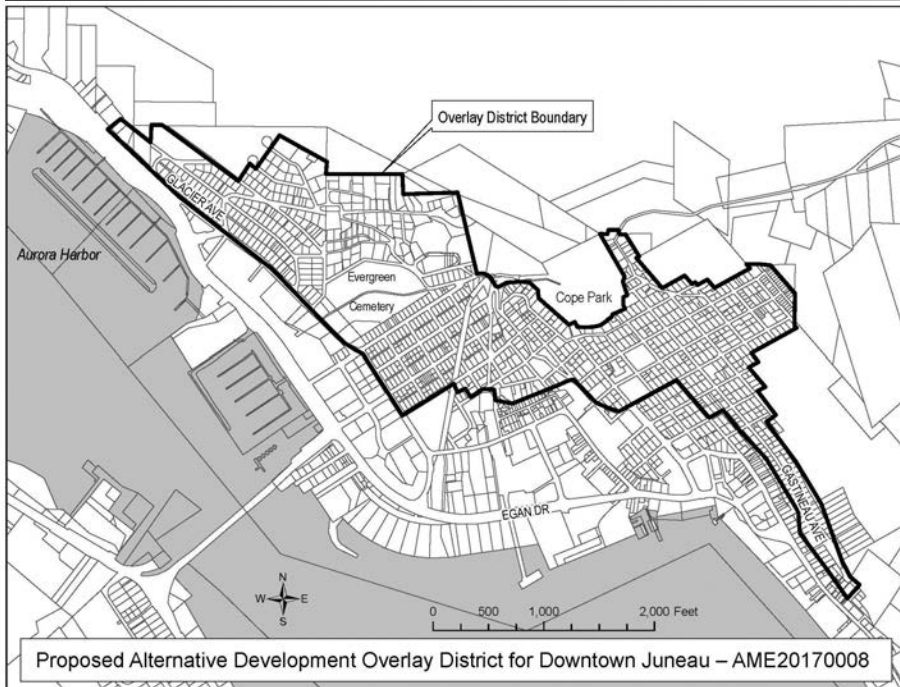
#### **AME2017 0008 DOWNTOWN JUNEAU STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

#### **AME2017 0009 DOWNTOWN DOUGLAS STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward the draft text amendments and Alternernative Development Overlay District map to the Assembly with a recommendation for approval.

# NOTICE OF PUBLIC HEARING



**City & Borough of Juneau**  
Community Development Department  
155 S Seward St • Juneau, Alaska 99801

**SHIP TO:**

## **PROPOSAL:** Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau neighborhoods.

The overlay provides flexibility to work with property owners to permit new residential development or the expansion, repair, or restoration of existing residential development.

<b>File No:</b>	<b>AME2017 0008</b>	<b>Applicant:</b>	<b>City &amp; Borough of Juneau</b>
<b>To:</b>	<b>Neighborhood Associations</b>	<b>Location:</b>	<b>Downtown Juneau</b>
<b>Hearing Date:</b>	<b>May 23, 2017</b>	<b>Hearing Time:</b>	<b>7:00 PM</b>
<b>Place:</b>	<b>Assembly Chambers, Municipal Building 155 South Seward Street, Juneau, Alaska 99801</b>		

### **PLEASE NOTE:**

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



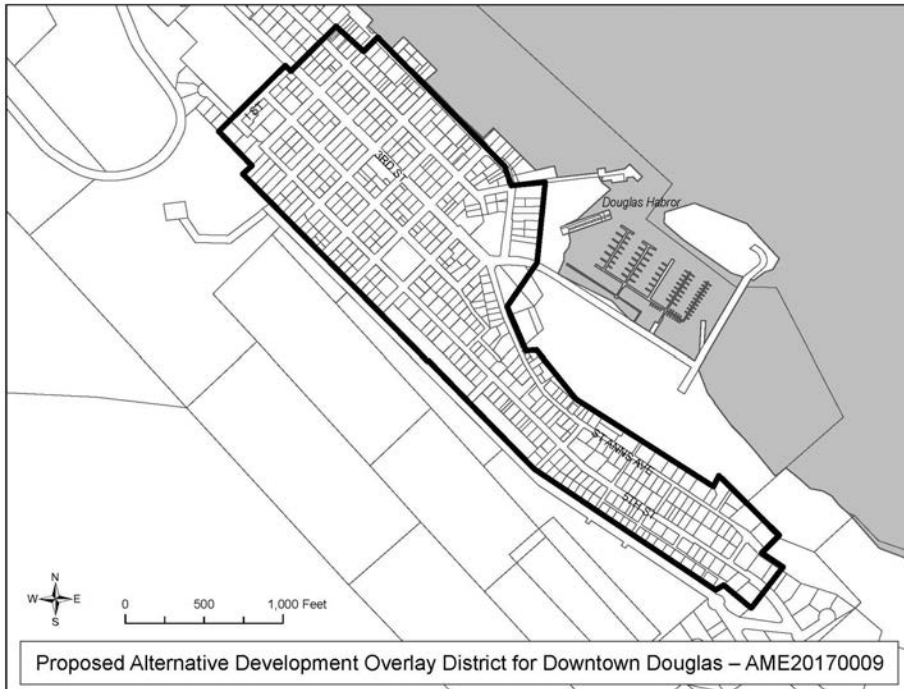
*If you have questions, please contact Jill Maclean at [jill.maclean@juneau.org](mailto:jill.maclean@juneau.org) or (907) 586-0756.*

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment A - Public Notice

Date notice was printed: May 11, 2017

# NOTICE OF PUBLIC HEARING



**City & Borough of Juneau**  
Community Development Department  
155 S Seward St • Juneau, Alaska 99801

**SHIP TO:**

## **PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Douglas neighborhoods.**

The overlay provides flexibility to work with property owners to permit new residential development or the expansion, repair, or restoration of existing residential development.

<b>File No:</b>	<b>AME2017 0009</b>	<b>Applicant:</b>	<b>City &amp; Borough of Juneau</b>
<b>To:</b>	<b>Neighborhood Associations</b>	<b>Location:</b>	<b>Downtown Douglas</b>
<b>Hearing Date:</b>	<b>May 23, 2017</b>	<b>Hearing Time:</b>	<b>7:00 PM</b>
<b>Place:</b>	<b>Assembly Chambers, Municipal Building 155 South Seward Street, Juneau, Alaska 99801</b>		

### **PROPERTY OWNERS PLEASE NOTE:**

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



*If you have questions, please contact Jill Maclean at [jill.maclean@juneau.org](mailto:jill.maclean@juneau.org) or (907) 586-0756.*

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Attachment A - Public Notice

Date notice was printed: May 11, 2017



(Sections 1-4 would be created in Article XX in 49.XX)

**Section 1. – Alternative Development Overlay District.**

**1A. Purpose.** The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

**1B. Location.** There is adopted for the purpose of defining the Alternative Development Overlay District in the City and Borough, Alternative Development Overlay District Downtown Juneau Map, dated May 10, 2017, as the same may be amended from time to time by the assembly by ordinance.

**1C. – Sunset Provision.** This article shall terminate 24 months after adoption.

**Section 2. Relationship to Existing Zoning.** This article applies only to allowed residential uses in the Alternative Development Overlay District. This article provides an alternative development process that supplements the underlying zoning regulations. An alternative development permit does not exempt a developer from obtaining all other required permits.

**Section 3 – Alternative Development Planning Procedure.**

**3A. Alternative Development Permit.** The board of adjustment shall hear all applications pursuant to this article.

**3B. Pre-application conference.** Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the alternative development permit procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this article shall be provided to the developer at the conference.

**3C. Submission.** The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.

**3D. Director's review procedure.**

(1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable; and, if it is not, what corrective action may be taken.

(2) After accepting the application, the director shall schedule it for a hearing before the board of adjustment and shall give notice to the developer and the public in accordance with section 49.15.230.

(3) The director shall forward the application to the board of adjustment together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in section 3E.1.

(4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:

(A) Will materially endanger the public health or safety;

(B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or

(C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

### **3E. Review of director's determinations.**

(1) At the hearing on the alternative development permit, the board of adjustment shall review the director's report to consider:

(A) Whether the proposed development is appropriate according to the Alternative Development Overlay District;

(B) Whether the application is complete; and

(C) Whether the development as proposed will comply with the other requirements of this title.

(2) The board of adjustment shall adopt the director's determination on each item set forth in section 3E.1 unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

**3F. Board of adjustment determinations; standards.** Even if the board of adjustment adopts the director's determinations pursuant to subsection 3E of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

(1) Materially endanger the public health or safety;

(2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or

(3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

**Section 4. Alternative development permit.** The board of adjustment may reduce the following requirements of the Table of Dimensional Standards, 49.25.400, for development of new residential buildings, and the expansion, restoration, or repair of existing residential

93 buildings. The term residential building includes an accessory structure for any parking  
94 space.

95 **4A. Setbacks.** No part of any residential building may be erected closer to the property  
96 line than (i) the average setback of residential buildings within a 150 foot radius as  
97 determined by the director, or (ii) the footprint of the existing residential building. No  
98 encroachment into the public right-of-way or on adjacent property shall be permitted.

99 **4F. Lot Coverage.** Residential lots within the overlay shall not exceed 75% lot  
100 coverage.

101 **4G. Vegetative Coverage.** Residential lots within the overlay shall maintain 15%  
102 vegetative coverage.

103 **Section 5. Fee.** The fee for an alternative development permit shall be \$400. (Create  
104 49.85.100(10)(C))

(Sections 1-4 would be created in Article XX in 49.XX)

**Section 1. – Alternative Development Overlay District.**

**1A. Purpose.** The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

**1B. Location.** There is adopted for the purpose of defining the Alternative Development Overlay District in the City and Borough, Alternative Development Overlay District Downtown Douglas Map, dated May 10, 2017, as the same may be amended from time to time by the assembly by ordinance.

**1C. – Sunset Provision.** This article shall terminate 36 months after adoption.

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**Section 3 – Alternative Development Planning Procedure.**

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(4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:

(A) Will materially endanger the public health or safety;

(B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or

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buildings. The term residential building includes an accessory structure for any parking space.

**4A. Setbacks.** No part of any residential building may be erected closer to the property line than (i) the average setback of residential buildings within a 150 foot radius as determined by the director, or (ii) the footprint of the existing residential building. No encroachment into the public right-of-way or on adjacent property shall be permitted.

**4F. Lot Coverage.** Residential lots within the overlay shall not exceed 75% lot coverage.

**4G. Vegetative Coverage.** Residential lots within the overlay shall maintain 15% vegetative coverage.

**Section 5. Fee.** The fee for an alternative development permit shall be \$400. (Create 49.85.100(10)(C))

Alternative Development Overlay District  
for Downtown Juneau

May 10th, 2017

Overlay District Boundary

GLACIER AVE

Evergreen  
Cemetery

Aurora Harbor

Cope Park

GASTINEAU AVE

EGAN DR



0 500 1,000 Feet

# Alternative Development Overlay District for Downtown Douglas

Map date: May 10th, 2017

