

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

June 10, 2021
Virtual Meeting Only
12:00 PM

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- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **AGENDA TOPICS**
 - A. Parking
 - B. Lot Depth
- IV. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- V. **ADJOURNMENT**

ISSUE PAPER

CHALLENGE: CBJ Law interprets ADA code to require the number of off-street ADA spaces to be based on code before reductions are applied.

Those spaces must be provided on-site or off-site through written agreement, and cannot be shared or addressed with FIL.

RAMIFICATIONS: Limited downtown real estate will be used to build parking with limited use.

- Parking reduces density, and density makes an effective downtown.
- Juneau gets more tax revenue per acre from downtown than any other area.
- ADA spaces can only be used by people with an ADA tag.

EXAMPLE: Let's take a larger project, where **104 spaces** are required before PD reductions.

Five ADA spaces are required.

The PD reduction brings them down to **41 spaces**. Five of those must be ADA.

Let's say the owner of this facility successfully lobbies the Commission that their business is primarily tourists, or bureaucrats who already have parking provided by their employers. In the waiver process, the Commission determines that **ten spaces** are needed for the employees. Five of those spaces must be ADA.

At this time, five ADA spaces must be provided on site, regardless of regulations qualifying reduced parking, and regardless of the Commission's judgment on the issue. That is, in this scenario, 935 square feet of parking space that must be accommodated on site if any parking at all is provided.

DISCUSSION:

Interestingly, Law interprets that, if no parking is required, no ADA spaces are required. Apparently there is no gradient between some parking and no parking?

According to ADA guidance for small businesses, ADA spaces must be provided if "readily achievable." "Readily achievable" means, "Easily accomplishable and able to be carried out without much difficulty or expense."

At this time Law does not interpret PD reductions as criteria for "readily achievable."

QUESTIONS:

How do other communities do this?

Anchorage does not have a parking requirement in the downtown core. ADA requirement is based on spaces in the parking lot. They do not allow shared spaces.

Can we incorporate our reductions into a concept of "readily achievable"? Can the PD define what is "readily achievable"?

Would we have to do a case-by-case analysis of "readily achievable"?

Are we creating an incentive for zero parking requirement?

ARTICLE II: PARKING AND LOADING

49.40.200 General Applicability

Off-street parking spaces for automobiles shall be provided in accordance with the requirements set forth in this section at the time any building or structure is erected or expanded, or when there is a change in the principal use thereof.

(a) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(b) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(c) *Determination.* The determination of whether these requirements are met, with or without conditions, and deemed necessary for consistency with this title shall be made by the Director in the case of minor development; the Commission in the case of major development; and the Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the Director. (OK)

(d) *Expansion.* In cases of expansion of a building on or after the effective date of the ordinance codified in this chapter,

(1) The number of additional off-street parking spaces required shall be based only on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to less than three spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development.

(e) *Change in use.* In cases of a change in use on or after the effective date of the ordinance codified in this chapter, the number of spaces required will be based on 49.40.210.

(f) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts shall be governed by chapter 49.30. (OK)

(g) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately.

(h) *Uses not specified.* In the case of uses not listed, the requirements for off-street parking are based on the requirements for the most comparable use specified.

(i) *Location.* Off-street parking facilities are located as hereinafter specified; if a distance is specified, such distance is the walking distance measured from the nearest point of the parking facility to the nearest point of the building it is required to serve. Off-street parking facilities for:

(1) Single-family dwellings and duplexes, must be on the same lot as the building served;

(2) Multifamily dwellings, may not be more than 100 feet distant, unless subject to section 49.40.215; and

(2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed; and

(3) The developer shall present to the Director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough attorney. Upon approval by the Director, such instrument shall be filed with the department.

(SEE POSSIBLE NEW TEXT,
LINE 115)

49.40.220 Reductions

Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c), except as provided for in 49.40.220(b).

(a) *Parking waivers.* The required number of parking spaces required by this section may be reduced if the requirements of this subsection are met.

(1) *Standards.* Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the Director or Commission that are consistent with the purpose of this title:

(A) The granting of the waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and

(B) The waiver will not materially endanger public health, safety, or welfare.

(2) *Relevant information.* The following information may be relevant for the Director or Commission's review:

(A) Analysis or data relevant to the intended use and related parking.

(B) Provision for alternative transportation or transit improvements vetted through CBJ Capital Transit.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers shall be on a form specified by the Director and shall be accompanied by a one-time fee as cited in 49.85. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

(4) *Public notice.* The Director shall mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* Approved parking waivers expire upon a change in use.

? Off-street loading spaces required in section 49.40.210(c) are reduced by ... 60% .
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(b) *Town Center Parking District*. The parking district map was adopted DATE. The parking district map may be amended by the assembly through ordinance.

(1) *Standard Reduction*. Off-street parking spaces required in 49.40.210(a) are reduced by 60 percent for expansion of an existing building, change of use, or the construction of a new building.

(2) *Fee in lieu of off-street parking spaces*. In the Town Center parking district, a developer may pay a one-time fee in lieu of off-street parking spaces in order to meet the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Fees are cited in 49.85.

(A) *Payment*.

(i) In the case of new development, any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

(ii) In the case of expansions or changes of use, 45 days after the fee in lieu of construction is granted, the fee must be paid in full, or a lien shall be placed upon real property involved and shall be paid in ten equal annual principal payments plus interest.

The lien shall be recorded and shall have the same priority as a City and Borough special assessment lien.

Except as provided herein, the annual payments shall be paid in the same manner and on the same schedule as provided for special assessments, including penalties and interest on delinquent payments, as provided in CBJ 15.10.220. The annual interest rate on unpaid fees shall be one percent above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd of the calendar year the agreement is entered into, rounded to the nearest full percentage point, as determined by the Finance Director.

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces

(a) *Standard spaces*.

(1) Subject to subsections (b)(2) and (3) of this section, each standard parking space shall consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb shall be no less than 22 feet by 6½ feet.

(b) *Accessible spaces*.

(1) Each accessible parking space shall consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least five feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the city attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant shall be required to pay the pro rata share of the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

49.40.240 - Parking and circulation standards. (defined.???)

(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 landscaped and shall feature safely-arranged parking spaces.

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

(1) *Access.* There shall be adequate ingress and egress from 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.

(2) *Size of aisles.* The width of aisles providing direct access to individual parking stalls shall be in accordance with the following table. Logical interpolation to other angles may be approved by the Director:

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

(3) *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.

(4) *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.

(5) *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 with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) *Back-out parking.* Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the Director or the



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DATE: June 8, 2021

TO: Nathaniel Dye, Chair
Title 49 Committee

FROM: Allison Eddins, Planner *A. Eddins*

CASE NO.: AME2021 0007

PROPOSAL: Proposed amendment to Title 49 to remove the lot depth requirement for all new lots in all zoning districts

Introduction

CDD's proposal to remove the minimum lot depth requirement for all newly created lots will allow for greater flexibility for infill subdivisions without the need for a variance. Maintaining a minimum lot width and minimum lot size will provide a minimum standard and uniformity for future subdivisions.

The proposed amendment would remove *CBJ 49.25.430 Substandard lot* setback reduction for lot width in addition to other references to minimum lot depth requirements.

Background

Lot depth is defined in CBJ 49.80 as *the average distance measured from the front lot line to the rear lot line*. A new lot's minimum depth requirement is based on the zoning district. Minimum lot depths range from 150 feet in D1 to 60 feet in Industrial. These minimum standards have changed over time. The result today is many lots that are nonconforming for lot depth. These nonconforming lots cannot be further subdivided if the result would be another nonconforming lot. This can hinder infill subdivisions, especially in older neighborhoods where the standards have changed over time. Providing lot depth flexibility will allow more opportunities for new lots.

Next Steps

Attached to this memo is a draft ordinance. The Title 49 Committee should review the draft ordinance and provide feedback to staff. The draft ordinance will likely be brought to the Planning Commission in July 2021.

Presented by: The Manager
Presented:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-_____

An Ordinance Amending Title 49, the Land Use Code, related to Minimum Lot Depth.

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 Section. CBJC 49.15.422 is amended to read:
49.15.422 Public use lots.

The director for minor subdivisions, or the commission for major subdivisions, may waive the dimensional standards of the public use lot for minimum lot size and, lot width, ~~and lot depth~~ as set forth in CBJ 49.25.400, for lot frontage and access requirements as set forth in CBJ 49.15.420, and the provision of public improvements as set forth in CBJ 49.35, if the proposed use of the lot is for open space, natural area park, public or private utilities, conservation lot, or similar use, and if the following requirements are met:

1 (1) The director or the commission finds that there is no public purpose or need that would
2 be served by requiring the parcel to meet these code provisions and that the provisions
3 are not applicable for the proposed public or quasi-public use of the lot;

4 (2) Restriction of building development, further subdivision, and other limitations or
5 restrictions shall be noted on the plat in accordance with CBJ 49.15.412;

6 (3) For uses restricted from any building development, the land must be put into some form
7 of permanent protected status through the use of conservation easements, deed
8 restriction, or other instruments to assure building development will not occur where
9 prohibited; and

10 (4) Unless otherwise provided, the minimum yard setback requirements may not be waived
11 with respect to lots abutting the public use lot.
12

13
14 **Section 3. Amendment of Section.** CBJC 49.15.423 is amended to read:

15 **49.15.423 Panhandle lots.**

16 (a) Panhandle lots may be created by subdivision under this section if the new lots meet the
17 following requirements:

18 (1) *Dimensional requirements.*

19 (A) The front and panhandle lots must meet all the dimensional and area requirements
20 of this title.

1 (B) No part of the panhandle portion of the lot shall be less than 20 feet wide.

2 (C) The panhandle portion of the lot shall not be longer than the distance provided
3 below: 300 feet in D-1 zones and one and one-half times the minimum lot depth in
4 other residential zoning districts.

<u>District</u>	<u>Feet</u>
<u>RR</u>	<u>225</u>
<u>D-1</u>	<u>300</u>
<u>D-3</u>	<u>150</u>
<u>D-5</u>	<u>127.5</u>
<u>D-10SF</u>	<u>127.5</u>
<u>D-10</u>	<u>127.5</u>
<u>D-15</u>	<u>120</u>
<u>D-18</u>	<u>120</u>
<u>MU</u>	<u>120</u>
<u>MU2</u>	<u>120</u>
<u>LC</u>	<u>120</u>
<u>GC</u>	<u>90</u>
<u>WC</u>	<u>90</u>
<u>WI</u>	<u>90</u>
<u>I</u>	<u>90</u>

16 (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.

17 (E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be
18 used in determining the width of the front lot.

Commented [RP1]: Are panhandles limited to D1-D18?

(F) The lot width for the panhandle lot shall be the distance between its side lot lines measured behind the back lot line of the front lot.

...

Section 4. Amendment of Section. CBJC 49.25.400 is amended to read:

49.25.400 Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.65 and 49.70.

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

1 **Notes:**

2 ...

3
4 10. For lots adjacent to an alley, the following reductions to the dimensional standards
5 apply:

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

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

8
9 (c) Minimum front yard setback of ten feet.

10
11 **Section 5. Amendment of Section.** CBJC 49.25.410 is amended to read:

12
13 **49.25.410 Reserved Lot dimensions.**

14 ~~As used in the table of dimensional standards:~~

15 ~~(a) Lot width means the horizontal distance between the side lines of a lot measured at~~
16 ~~right angles to its depth along a straight line parallel to the front lot line at the~~
17 ~~minimum required building setback line.~~

18
19 ~~(b) Lot depth means the distance measured from the front lot line to the rear lot line.~~

Commented [RP2]: These are all definitions and they are already in the definition section, 49.80.120.

1 ~~(e) Lot coverage means the percentage of lot area that is occupied by all buildings on the lot,~~
2 ~~each measured at the outside of those exterior walls of the floor having the greatest~~
3 ~~horizontal dimensions.~~

4
5 **Section 6. Amendment of Section.** CBJC 49.25.430 is amended to read:

6
7 **49.25.430 Yard setbacks.**

8 No portion of any of the items listed in subsection (1) of this section may be located on any
9 lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the
10 table of dimensional standards in table 49.25.400, except as otherwise noted in this section. An
11 alley or walkway is not subject to front setbacks unless it is the primary access to the lot.

12
13 ...

14 (4) *Projections into required yards.*

15
16 ...

17 (J) *Substandard lots.* If the lot width ~~is , lot depth, or both are~~ less than required, the
18 corresponding side or rear setbacks may be reduced to the same percentage that the
19 lot width, ~~depth, or both,~~ bears to the zoning district requirements, except that in no

Commented [RP3]: This is cool. We use the term "bear" in the code without meaning the animal!

1 case shall the side and rear yard setbacks be less than half those required by this
2 chapter, or five feet, whichever is greater.

3 ...
4

5 **Section 7. Amendment of Section.** CBJC 49.65.320 is amended to read:
6

7 **49.65.320 Mobile home subdivision.**

8 (a) *Purpose.* Mobile home subdivisions meeting the requirements of this article and the zoning
9 code may be approved. It is the intent of the City and Borough to provide for subdivisions in
10 which lots may be created which are more in scale with the requirements for mobile homes.

11 (b) *Applicability and scope.* The following section applies to the development of a mobile home
12 subdivision which is a use allowed in the D-5, and D-10 SF residential districts, D-10, D-15
13 and D-18, multifamily residential districts.
14

15 (c) *Density.* A mobile home subdivision must comply with the density requirement of the district
16 in which it is located, irrespective of the minimum lot size.

17 (d) *Permit procedure.* A mobile home subdivision shall be approved under the conditional use
18 permit procedure if it meets all requirements applicable to a major subdivision, as modified
19 by this section.
20

1 (e) *Special standards.*

2 (1) *Tract size.* The minimum tract size which may be submitted for subdivision under this
3 section shall be five acres.

4 (2) *Dimensional standards.* Dimensional standards are:

5 (A) Minimum lot size, 4,700 square feet;

6 (B) Minimum width of lot at front building line, 47 feet;

7 (C) ~~Reserved~~ Minimum lot depth, 100 feet;

8 (D) Maximum lot coverage, 50 percent;

9 (E) Maximum building height, 35 feet;

10 (F) Minimum front yard setback, 15 feet;

11 (G) Minimum rear yard setback, 15 feet;

12 (H) Minimum side yard setback, 7½ feet.

13 ...

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18 **Section 8. Effective Date.** This ordinance shall be effective 30 days after its adoption.

19 Adopted this _____ day of _____, 2021.

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Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk