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March 25, 2022

<u>MEMO</u>

From: Irene Gallion, Senior Planner

To: Travis Arndt, Chair, Title 49 Committee

Through: Jill Maclean, AICP, Director

Scott Ciambor, Planning Manager

Case Number: AME2018 0004: Alternative Development Overlay District

### <u>RE: Proposed changes to Alternative Development Overlay District (ADOD) (emphasizing sight distance)</u> and applicability of American Association of State Highway and Transportation Officials (AASHTO)standards

This memo outlines:

- Commissioner proposals for draft Alternative Development Overlay District (ADOD) code changes.
- Analysis of the application of American Association of State Highway and Transportation Officials (AASHTO) standards to the ADOD.

#### ADOD Code Changes

Attached are code review comments proposed by members of the Planning Commission. You will find:

Attachment A: A spreadsheet of comments received and, where possible, their resolution. Items highlighted in yellow seem to warrant further discussion.

Attachment B: Proposed edits from Paul Voelckers. Since he is the only one who provided edits to the code, we can use a pdf of his edits as the "opening position."

Attachment C: I've incorporated changes as needed into this version. I have provided a pdf copy so people can follow along with the changes, and a word version so people can play with the language.

Attachment D: Per a question from Commissioner Voelckers, I've provided the map of lots that are of size to subdivide under proposed code. Note that the lots above the blue line are in a severe hazard area and would not be sub-dividable under current code.

Attachment E: To clarify CDD processes, I've provided a copy of our Development Permit Application. This form accompanies every application. Applicants often apply for more than one permit at a time. This way the form can accompany each application through its process, and the information provided is consistent.

#### AASHTO Standards and the ADOD

Between projects on Calhoun Avenue, Harris Street and the ADOD, the role of the AASHTO standards and existing infrastructure is cloudy. In their Policy on Geometric Design of Highways and Streets (2018, 7<sup>th</sup> Edition), also known as the "Green Book," AASHTO acknowledges that the guidance is intended for new construction:

#### 9.1 Introduction

The specific dimensional design criteria presented in this chapter are appropriate as a guide for new construction of intersections. Projects to improve existing intersections differ from new construction in that the performance of the existing intersection is known and can guide the design process. Features of existing design that are performing well may remain unchanged, while features that are performing poorly should be improved.

#### AASHTO further recognizes:

- Project purpose and need can be based on past performance data (Page 1-5).
- Projects need not address every aspect of poor performance. Purpose, need and limitations should be explicitly noted (Page 1-5).
- Reconstruction projects need flexibility to address corridor constraints (Page 1-29). Reconstruction is more difficult than new construction.
- Projects should not be undertaken merely to address AASHTO criteria. Projects should repair infrastructure, reduce operational challenges, or improve safety (Page 1-30).
- Existing geometric design can be retained unless (Page 1-31):
  - Crash history indicates a problem.
  - Traffic flow requires improvement.
- Design flexibility is used to meet current goals, not as an arbitrary way to continue current operations (Page 1-32).
- Design flexibility for existing roads can be based on performance (Page 1-33).
- Not all aspects of performance are quantifiable (Page 1-35). Qualitative performance can be considered.

CBJ code links waivers of street standards for road reconstruction to AASHTO standards (CBJ 49.35.240(i)(4):

 A) Roadway construction standards may be waived by the director if:
 (iv) The proposed project complies with the American Association of State Highway and Transportation Officials' guidelines. (B) Roadway construction standards may be waived by the commission if: (iv) Unique circumstances make compliance with the American Association of State Highway and Transportation Officials' guidelines unreasonable, and the commission requires sufficient safeguards to protect public health, safety, and welfare under the circumstances.

Staff suggests waivers for reconstruction of existing roads could be a Director decision, since AASHTO guidelines state that existing roads can use available operational data to guide the design process.

Staff suggests that AASHTO standards do not apply to ADOD because:

- Not all aspects of performance are quantifiable. Qualitative performance can be considered. There are no qualitative indicators that the ADOD as a whole has a menacing crash rate. Intersections can be addressed individually.
- The discussions on ADOD sight distances is anticipated to generate mitigations for infrastructure impacts on traffic operations.

## ADOD Edits, T49 March 31. 2022

| ATTACHMENT B<br>From 2.22.2022 version |        |          |                       |  |           |        | ATTACHMENT C<br>Revised version |                               |   |            |
|--|--------|----------|-----------------------|--|-----------|--------|---------------------------------|-------------------------------|---|------------|
| # F                                    |        |          | 49.70                 | Comment  | Commenter |        |                                 | Citation                      | Response  | Responder  |
|  | - 0 -  |          |                       | Confirm that as currently drafted, subdivision would be allowed using included size  |           | - 0 -  |                                 |                               |   |            |
| 1                                      |        |          |                       | requirements.  | ТА        | 4      | 22                              | L 1430(a)                     | Correct.  | IMG        |
|  |        |          |                       | 1. Min lot size vs no min lot size, allowing for subdivision:  |           |        |                                 |                               |   |            |
|  |        |          |                       | I understand the intention of eliminating lot size, making the existing substandard  |           |        |                                 |                               |   |            |
|  |        |          |                       | lots usable- but I am also concerned with the overall concept of in-fill, which I  |           |        |                                 |                               |   |            |
|  |        |          |                       | believe SHOULD be a priority for development within downtown. Thus I support   |           |        |                                 |                               |   |            |
|  |        |          |                       | the idea of retaining a min lot size if that allows for lots to subdivide down to the  |           |        |                                 |                               |   |            |
| 2                                      |        |          |                       | 3K minimum.  | мс        | 4      | 21                              | L 1430(a)                     | As presented.   | IMG        |
| 3                                      | 2      |          | 1400                  | <ol> <li>Sight Lines: I support Mr. Alper's general assertion that the AASHTO standards are incompatible with the ADOD with regard to sight lines. However, I am concerned about the idea of needing construction waivers with the 3 ft setbacks- that feels like a very compelling argument to increase the setbacks from 3ft, but not to the underlying district's 25ft. I have fewer concerns about the sight lines safety argument in the AASHTO discussion- between the low speed limits and narrow roadways, I believe traffic is calmed enough to dip below AASHTO. Mr. Chaney suggested 10ft, which seems reasonable, and there was some discussion about exempting corner lots. However, if 10ft would ensure that construction waivers were unnecessary, I would support that distance as the set back in the ADOD. If that doesn't get around the construction waiver issue, and the only choice is to go to 25ft, I support leaving the setbacks at 3ft and braving the waivers.</li> <li>Parking Deck: I have no problem exempting the parking decks as unenclosed spaces.</li> </ol> |           | 5      |                                 | 5<br>3 440(b)(3)<br>4 1410(a) | 20' radius proposed. Would be nice not to have a radius. Square? Exclusion box?<br>Size?<br>Done.<br>Changed - but I think T49 had intended this to apply to commercial as well   | IMG<br>IMG |
| 6                                      | 2      | 14       | 1410(a)               | Change approval date   | PV        | 3      |                                 | 5 1410(a)                     | Will be done when ordinance is updated  | IMG        |
| 7                                      | 2      |          | 1410(f)               | Are any parcels of significant size unsubdivided?  | PV        |        |                                 |                               | There are some, but they seem to be currently in use or in a severe hazard area, which would preclude subdivision under current code. Attachment D.   | IMG        |
| 8                                      | 3      | 10       | 1420(a)               | Awkward, two parallel permits. Just one possible?  | PV        |        |                                 |                               | This is consistent with our current practice. The DPA is submitted with any land<br>use application. It includes contact information and permission of the property<br>owner to proceed with the project. Applicants frequently have multiple permits<br>to apply for - for instance, a building permit and an NCC. This way we can copy<br>the DPA and each permit can follow its own process. Saves a little time for the<br>applicant, and facilitiates consistency. Attachment E.<br>No longer applicable, as Law finds this arbitrary. Reverting to lot size proposed by | IMG        |
| 0                                      | 2      | 17       | 1420                  | Move date information  | D)/       | л      | 10                              | 9 1430(a)                     | T49   | IMG        |
| 9<br>10                                | 3<br>2 | 17<br>23 | 1430(a)(2)            | Further?   | PV<br>PV  | 4<br>л |                                 | 9 1430(a)<br>9 1430(a)        | Comment no longer applicable, reverting to lot size proposed by T49.  | IMG        |
| 10                                     | <br>⊿  |          | 1430(a)(2)<br>1430(e) | Setbacks consistent with outsulation?  | PV        | 4<br>2 |                                 | 7 1440(b)(5)                  | Included in exceptions, consistent with existing code 49.25.430(4)(O).  | IMG        |
|  | 4      | <u> </u> | 1-30(0)               |  |           | 0      |                                 | · ····                        |   |            |
| 12                                     | 4      | 9        | 1430(e)(3)(A)         | Sum of all setbacks equal to at least 20 feet - relative to min 50' D5, 40' D18  | PV        |        |                                 |                               | ?   |            |

|    | ATTACHMENT B           |      |                 |  |           |           | ATTACHMENT C |                |   |           |
|----|------------------------|------|-----------------|--|-----------|-----------|--------------|----------------|---|-----------|
|    | From 2.22.2022 version |      |                 | -  | r         | d version |              | -              |   |           |
| #  | Page                   | Line | 49.70           | Comment  | Commenter | Page      | Line         | Citation       | Response  | Responder |
| 13 | 4                      | 10   | 0_1430(e)(3)(B) | Where is proportinally defined?  | PV        |           |              |                | It is not, it is a mathmatical concept. Possible language might be modification of 49.25.430(4)(J), maybe"Substandard lots. If the lot width is less than required, the correesponding setback sum may be reduced to the same percentage that the lot width bear to the ADOD requirements, except that in no case shall the setyback sum be less than 12 feet, and in no case will an individual setback be less than three feet (figure depends on eventual setback)." | 2         |
| 14 | 4                      | 24   | 4 1430(e)(3)(C) | A new or expanded structure built on a corner lot must meet <del>setback-</del> sightline<br>requirements under 49.70 <del>1410</del> .  | PV        | 5         | 25           | 5 1430(e)(3)(C | Proposed, "Building expansions are not permitted through ADOD within a radius<br>of 20 feet of the street travelled way intersection." Instead of creating a new<br>section, just took the jist of it and moved it up. Note that a radius creates a<br>curved line which is hard to measure. Maybe a XX setback? Box?   |           |
| 15 | 5                      |      | 2 1440(a)       | Clarify "setback"  | PV        | 6         | 2            | 2 1440(a)      | Done.   | IMG       |
| 16 | 5                      |      | 3 1440(a)       | Change "structures" to "elements"  | PV        | 6         |              | 3 1440(a)      | Done.   | IMG       |
| 17 | 5                      | , I  | 5 1440(b)(1)    | Architectural "features" undefined, eliminate  | PV        | 6         |              | 7 1440(b)(1)   | Left as is. Verbiage exists under current code. Perhaps define architectural<br>features? "Any part or appurtenance of a building or structure which is not a<br>portion of the living area of the building structure. Examples include cornices,<br>canopies, eaves, awnings, fireplaces, or projecting window elements." (per Law<br>Insider)   |           |
|    |                        |      |                 |  |           |           |              |                |   |           |
| 18 | -                      | -    |                 | Eliminate "Fences and Vegetation"  | PV        | 6         |              | 4 1440(b)      | The commission opted to revert to existing verbiage under 49.25.430(4)(L)   |           |
| 19 | 5                      | 22   | 1 IMAGE         | Modify as appropriate. Combine images into one.  | PV        | 6         | 14           | 4 1440(b)      | The commission opted to revert toimages under 49.25.430(4)(L)   |           |
| 20 | 6                      | 11   | 1 New           | Street Sight Line Protections (a) Building extensions are not permitted through<br>ADOD wtiin a radius of 20 feet of the street travelled way at street intersections.<br>(b)Sight-obscuring fences and vegetaiton are limited to three feet in height within<br>a radius of 20 feet of the street traveled way at street intersections. (c) Sight-<br>obscuring trees are not allowed within a radius of 20 feet of the street travelled<br>way at the street intersection. | PV        |           |              |                | Take this OR, modify 1430(e)(3)(C) to include fences and sight-obscuring vegetation? If we take this we can modify the graphic appropriately. If there is ar easier way than "radius" that would help.  | ו         |

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(PV amnotations)

| 1  |   |
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| 2  | Presented by: The Manager<br>Presented:   |
| 3  | Drafted by: R. Palmer III   |
| 4  |   |
| 5  | ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA   |
| 6  | Serial No. 2021-36  |
| 7  | An Ordinance Amending the Land Use Code Relating to the Downtown<br>Juneau Alternative Development Overlay District.  |
| 8  | Suldan Internation Detterprinting Storing Subscient   |
| 9  | BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:  |
| 10 | Section 1. Classification. This ordinance is of a general and permanent nature and  |
| 11 | shall become a part of the City and Borough of Juneau Municipal Code.   |
| 12 |   |
| 13 | Section 2. Amendment of Section. CBJC 49.70.1210 is repealed.   |
| 14 | 49.70.1210 Overlay districts.   |
| 15 | 1. Construction of the second seco |
| 16 | (a) <i>Downtown Juncau overlay district.</i> This article applies to property within the alternative  |
| 17 | dovelopment overlay district for Downtown Juneau as shown on the map dated May 25, 2017.  |
| 18 | The Downtown Juneau overlay district shall cease to exist and the provisions of this article  |
| 19 | shall not apply to property within the Downtown Juneau overlay district after August 1, 2022.   |
| 20 | (b) — Downtown-Douglos overlay district. This article applies to property within the alternative  |
| 21 | development overlay district for Downtown Douglas as shown on the map dated May 25, 2017.   |
| 22 | The Downtown Douglas overlay district shall cease to exist and the provisions of this article   |
| 23 | shall not apply to property within the Downtown Douglas overlay district after December 31,   |
| 24 | <del>2021.</del>  |
| 25 |   |
|    |   |

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| 1        |   |   |
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| 2        | Section 8. Amendment of Chapter. Chapter 70 is amended by adding a new Article                  |   |
| 3        | XIV to read:  |   |
| 4        | ARTICLE XIV.  |   |
| 5        | DOWNTOWN JUNEAU ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT  | for residential   |
| 6        | 49.70.1400 Purpose.   | for residential<br>construction only<br>development   |
| 7        | The purpose of this chapter is to establish optional alternative dimensional standards that are | development   |
| 8        | consistent with the built environment in established neighborhoods, reduce the number of        |   |
| 9        | nonconforming situations, and support public health, safety and welfare.                        |   |
| 10       |   | adopted (dake governer),  |
| 11<br>12 | 49.70.1410 Applicability.   |   |
| 12       |   |   |
| 14       |   |   |
| 15       | Overlay District (ADOD) boundary as shown on the map dated August 30, 2019                      | Commented [RP1]: Current code (49.70.1210 a) uses a map<br>dated May 25, 2017. Is there a new map?  |
| 16       | (b) Participation in the Downtown Juneau ADOD to facilitate conforming development is           | Commented [RP2R1]: Jill checking<br>Commented [IG3R1]: Provided (Altachment 02) Gaps  |
| 17       | optional. Hesidontal  | compared to hail map (03) are areas where the underlying zoning<br>does not benefit from an ADOD (44). Note that the northern<br>boundary has been shortened somewhat |
| 18       | (c) This section specifically modifies certain dimensional standards. Unless noted in this      | (,  |
| 19       | section, all remaining requirements of the underlying zoning district apply.                    |   |
| 20       | (d) This ordinance does not modify permissible uses or the processes outlined in 49.15 Article  |   |
| 21       | II.   |   |
| 22       | (e) When a landowner chooses to develop according to Downtown Juneau ADOD standards,            |   |
| 23       | the development must conform to all the standards outlined in 49.70.1430 and 49.70.1440.        |   |
| 24       | (f) Downtown Juneau ADOD standards may be applied to a new subdivision within the               |   |
| 25       | ADOD boundary.  |   |
|          | are any purcels of  |   |
|          | are any purcels of<br>sufficient size uns   | ubd.vided ?)  |
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| 2        | (g) Existing nonconforming lots and structures may be further developed following Downtown  |   |
| 3        | Juneau ADOD standards. Expansion of nonconforming structures must either meet the           |   |
| 4        | Downtown Juneau ADOD standards or the underlying zoning standards. The two standards        |   |
| 5        | cannot be combined.   |   |
| 6        | cannot be combined.   |   |
| 7        |   | panillel permits?<br>JUST one possible?   |
| 8        | 49.70.1420 Downtown Juneau Alternative Development Overlay District procedure.              | pomillel permits  |
| 9        | (a) An applicant affirms their participation in the Downtown Juneau Alternative Development | VUST one possible   |
| 10       | Overlay District by submitting an alternative development permit application with their     |   |
| п        | development permit application, and any other applications that may be required.            |   |
| 12       | (b) The processes will be governed by corresponding permit type in accordance with Chapter  |   |
| 13       | 49,15.  |   |
| 14       | that existed on January   | 1.2072  |
| 15       | mar ensider of my   | yy  |
| 16       | 49.70.1430 Downtown Jungau Alternative Development Overlay District Standards.              |   |
| 17       | The following dimensional standards apply to lots within the Downtown Juneau ADOD           | Commented [RP4]: The alternative language was likely<br>arbitrary and not satisfy rational basis  |
| 18       | boundary that existed on January 1: 2022, regardless of their underlying zoning district    | Lote that existed as of January 1, 2022:<br>(i) There is not minimum lot size.<br>(2), Lote created by subdivision after January 1, 2022:   |
| 19       | designation.  | (1) Minimum fot size is 3,000 square feet.<br>(ii) Minimum fot size for a duplex is 4,600 square  |
| 20       | (a) Lot size.   | feet.<br>(iii) Minimum lut siza for a common wall structure is<br>3,000 square feet.  |
| 21<br>22 | (1) There is no minimum lot size.   | Add notes to staff report that describes a lot consolidation is<br>not a subdivision for the purposes of this provision   |
| 22       | (2) A lot benefiting from this article may not be further subdivided.                       | Commented [IG5R4]: Discussed and understood 1 think   |
| 23       | 2   | Commented [IG6]: What is an article? I think it is any item   |
| 25       | <ul><li>(b) Lot width.</li><li>(1) Minimum lot width is 25 feet.</li></ul>                  | within the 1400 series. So, anyone, doing any improvement under<br>ADOD, would not be able to subdivide? So, if someone used<br>ADOD to install a fireplace chase one side of this lot would not<br>be able to subdivide if he had a lot that net underlying zoning |
|          | (c) Minimum vegetative cover is 15 percent.   | standards? I feel like that was not the intent? Maybe:  |
|          |   | "A lot benefiting from this article must meet minimum lot size in<br>underlying zoning in order to subdivide."  |
| I        | Page 3 of 8 Ord, 2021-36  |   |

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| 1<br>2<br>3 | (d) Stru<br>(1) | tructure height.<br>) Maximum height for <del>primary pormissible</del> uses is 35 feet.   |      |
|-------------|-----------------|--|------|
| 4           | (1)             |  |      |
| 5           |                 | etbacks.   |      |
| 6           | (1)             |  |      |
| 7           | (1)             | The minimum setback for any lot line is three feet. (exceptions for outsulation,?)   |      |
| 8           | (3)             | chart consistency.   |      |
| 9           |                 | (A) The sum of all setbacks must equal at least 20 feet.   |      |
| 10          |                 | (B) The required solback sum may be reduced proportionally in no case shall  |      |
| 11          |                 | the required setback sum for the lot be less than 12 feet and in no case shall any   | 2)   |
| 12          |                 | setback be less than three feet.   | 2    |
| 13          |                 | setback be less than three feet.<br>Examples $\mathcal{D}(\mathcal{D}\mathcal{B})$ $(\mathcal{D}\mathcal{B})$  |      |
| 14          |                 |  |      |
| 15          |                 | per see see on all air our our our ou  | -1   |
| 16          |                 | s Property Line s Art  | n 50 |
| 17          |                 | 5 5 5 5 10 A   | in   |
| 18          |                 | 40-D   | 19   |
| 19          |                 | -5(13)   |      |
| 20          |                 | in a second seco |      |
| 21          |                 | 20   |      |
| 22          |                 | §1430 Fig. 1 §1430 Fig. 2  |      |
| 23          |                 | (C) A new or expanded structure built on a corner lot must meet estback  |      |
| 24          |                 | requirements under 19.70.1410. 1450 . Sight / Sight / Formatted: Left, Indent: Left: 1"  |      |
| 25          | 49.70.144       | requirements under 49.70.1440. 1450 .<br>440 Yard Setback Exceptions.<br>(no /.re.)  |      |
|             |                 | (no hre)   |      |
|             |                 | Page 4 of 8 Ord. 2021-36   |      |

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| 1        | (a) Purpose. This section clarifies the exceptions that apply in the Downtown Juneau         |   |
|----------|--|---|
| 3        | Alternative Development Overlay District. Exempted structures do not count toward the        |   |
| 4        |  |   |
| 5        | setback total. (updeAned)  |   |
|          | (b) Exception categories.  |   |
| 6        | (1) Architectural femtures and roof eaves may project into a required yard, but not closer   |   |
| 7        | than two feet from the side or rear lot lines.   |   |
| 8        | (2) Access structures, such as stairways, ramps, and landings with or without roofs, may     |   |
| 9        |  |   |
| 10       | extend to the lot line abutting a public right-of-way provided the structure does not exceed |   |
| 11       | five feet in internal width exclusive of support structure.                                  |   |
| 12       | (3) A parking deck as defined in 49.80 is exempt from the setback requirements of this       | Commented [RP7]: Add definition   |
| 13       | chapter, provided a non-sight obscuring safety rail not more than 42 inches in height is     | Commented [RP8]: Is this the correct standard? Is reference to a regulation or standard better?   |
| 14<br>15 | allowed.   | <b>Commented [IG9R8]:</b> I am providing a definition that incudes<br>the sight-obscuring rail, if that is helpful (Attachment 05) This is the<br>standard we currently have in code. |
| 16       | (4) Fences and vegetation.   |   |
|          | (A) The maximum height of a sight-obscuring fence or vegetation shall not                    | Formatted: Strikethrough  |
| 17<br>18 | exceed four feet within 20 feet of the edge of the travel way. Trees are allowed             | Commented [RP10]: Consider rearranging this seatence to<br>address trees.   |
|          | within 20 feet of the edge of the travel way provided they do not obscure view from          | Commented [IG11R10]: See opening position   |
| 19       | a height of four feet to a height of eight feet above ground.                                | Formatted: Strikethrough Formatted: Strikethrough   |
| 20       |  | Commented [RP12]: Revise figure:<br>1 Change figure to say Travel way instead of ROW  |
| 21       | Front yard vegetation limits   | 2. Add 3 foot height limitation in the figure for the corner  |
| 22       | TRANSLED WAY   | Formatted: Strikethrough Formatted: Strikethrough   |
| 23       |  | Formatted: Strikethrough  |
| 24       | 11 Dechusson, w 3  | Formatted: Strikethrough  |
| 25       | Building on X  |   |
| 25       | Building Brokusson, 4/Hugphy<br>3' Herphi<br>Emile Limitation Liuristicity Area              |   |
|          | penter ? ·   |   |
| 1        | Page 5 of 8 Ord. 2021-36   |   |
|          |  |   |
|          | FIGURE XX ?  |   |
|          | (with 49.70.1450   |   |

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NEW SECTION

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street sight line Protections. 49.70,1450

(B) On corner lote the maximum height of a sight obscuring fonce or vegetation located within 20-feet of a street intersection shall not exceed three feet. The area in which sight obscuring fences and vegetation is restricted shall be determined by extending the edge of the travel ways to a point of intersection, then measuring back 20 feet, then connecting the three points. In this area, vegetation shall be maintained to a maximum height of three-feet. Trees are allowed in this area provided the trees do not obscure view from a height of three to eight feet above the ground.

A) / Within 20 feet of the edge of the travelled way, sight-obscuring fences and vegetation are limited to four feet. Sight-obstructing trees are not allowed (See figure XX).

Within 20 feet of a street intersection. Sight-obscuring fences and vegetation By are limited to three feet, Sight-obseuring trees are not allowed (See figure, XX). The area in which sight-obseuring fenecs and vegetation is restricted shambe determined by extending the edge of the travel ways to a point of intersection, then measuring back 20 feet, then connecting the three points.

Travered way at a street intersection. C. Sight-obscurring trees are not allowed 20 "..." (diffe above) in height within a radius of 20' of the street

A Building expansions ) are not permitted ( through ADOD within a radius of 20' of the street. traveled new at a stret

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| 2  | VERSION FEATURES: Per Regular Planning Commission feedback at the February 22, 2022 |
| 3  | meeting.  |
| 4  | Voelckers proposal.   |
| 5  | NOTE: Limits ADOD to residential development.                                       |
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|    | Page 1 of 9 Ord. 2021-36  |

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|----|--|--|--|--|
| 2  | Presented by: The Manager  |  |  |  |
| 3  | Presented:<br>Drafted by: R. Palmer III  |  |  |  |
| 4  |  |  |  |  |
| 5  | ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA  |  |  |  |
| 6  | Serial No. 2021-36   |  |  |  |
| 7  | An Ordinance Amending the Land Use Code Relating to the Downtown<br>Juneau Alternative Development Overlay District. |  |  |  |
| 8  | Sulleau Alternative Development Overlay District.  |  |  |  |
| 9  | BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:   |  |  |  |
| 10 | Section 1. Classification. This ordinance is of a general and permanent nature and                                   |  |  |  |
| 11 | shall become a part of the City and Borough of Juneau Municipal Code.  |  |  |  |
| 12 |  |  |  |  |
| 13 | Section 2. Amendment of Section. CBJC 49.70.1210 is repealed.  |  |  |  |
| 14 | 49.70.1210 Overlay districts.  |  |  |  |
| 15 |  |  |  |  |
| 16 | (a) <i>Downtown Juneau overlay district</i> . This article applies to property within the alternative                |  |  |  |
| 17 | development overlay district for Downtown Juneau as shown on the map dated May 25, 2017.                             |  |  |  |
| 18 | The Downtown Juneau overlay district shall cease to exist and the provisions of this article                         |  |  |  |
| 19 | shall not apply to property within the Downtown Juneau overlay district after August 1, 2022.                        |  |  |  |
| 20 | (b) Downtown Douglas overlay district. This article applies to property within the alternative                       |  |  |  |
| 21 | development overlay district for Downtown Douglas as shown on the map dated May 25, 2017.                            |  |  |  |
| 22 | The Downtown Douglas overlay district shall cease to exist and the provisions of this article                        |  |  |  |
| 23 | shall not apply to property within the Downtown Douglas overlay district after December 31,                          |  |  |  |
| 24 |  |  |  |  |
| 25 | <del>2021.</del>   |  |  |  |

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ARTICLE XIV. DOWNTOWN JUNEAU ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT 49.70.1400 Purpose. The purpose of this chapter is to establish optional alternative dimensional standards for residential development that are consistent with the built environment in established neighborhoods, reduce the number of nonconforming situations, and support public health, safety and welfare. 49.70.1410 Applicability. (a) This ordinance applies to property within the Downtown Juneau Alternative Development Overlay District (ADOD) boundary as shown on the map dated August 30, 2019. (b) Participation in the Downtown Juneau ADOD to facilitate conforming residential development is optional. (c) This section specifically modifies certain dimensional standards. Unless noted in this section, all remaining requirements of the underlying zoning district apply. This ordinance does not modify permissible uses or the processes outlined in 49.15 Article (d) When a landowner chooses to develop according to Downtown Juneau ADOD standards, (e) the development must conform to all the standards outlined in 49.70.1430 and 49.70.1440.

Section 3. Amendment of Chapter. Chapter 70 is amended by adding a new Article

Downtown Juneau ADOD standards may be applied to a new subdivision within the ADOD boundary.

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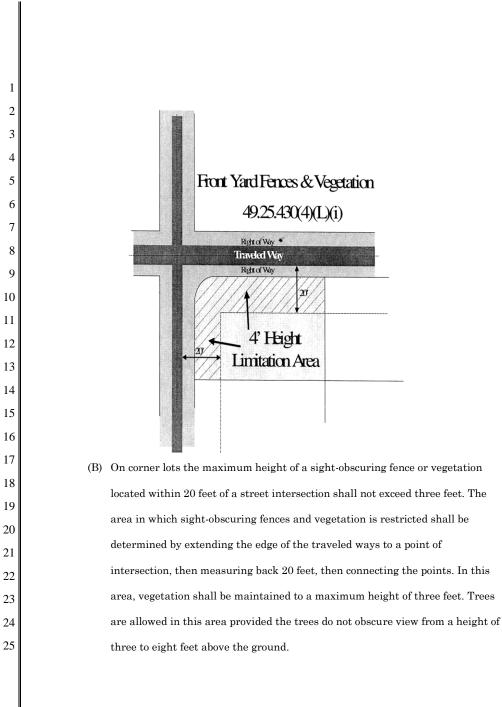
| 1        |   |
|----------|---|
| 2        | (g) Existing nonconforming lots and structures may be further developed following Downtown          |
| 3        | Juneau ADOD standards. Expansion of nonconforming structures must either meet the                   |
| 4        | Downtown Juneau ADOD standards or the underlying zoning standards. The two standards                |
| 5        | cannot be combined.   |
| 6        |   |
| 7<br>8   | 49.70.1420 Downtown Juneau Alternative Development Overlay District procedure.                      |
| 9        | (a) An applicant affirms their participation in the Downtown Juneau Alternative Development         |
| 10       | Overlay District by submitting an alternative development permit application with their             |
| 11       | development permit application, and any other applications that may be required.                    |
| 12       | (b) The processes will be governed by corresponding permit type in accordance with Chapter          |
| 13       | 49.15.  |
| 14       |   |
| 15       |   |
| 16       | 49.70.1430 Downtown Juneau Alternative Development Overlay District Standards.                      |
| 17       | The following dimensional standards apply to lots within the Downtown Juneau ADOD                   |
| 18       | boundary <del>that existed on January 1, 2022,</del> regardless of their underlying zoning district |
| 19       | designation.  |
| 20<br>21 | (a) Lot size.   |
| 21       | (1) Minimum lot size is 3,000 square feet.  |
| 22       | (2) Minimum lot size for a duplex is 4,500 square feet.   |
| 24       | (3) Minimum lot size for a common wall structure is 3,000 square feet.                              |
| 25       |   |
| -        | (b) Lot width.  |
|          | (1) Minimum lot width is 25 feet.   |
|          |   |
|          |   |

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| 1        |      |         |            |   |                                   |
|----------|------|---------|------------|---|-----------------------------------|
| 2        | (c)  | Minir   | num v      | egetative cover is 15 percent.  |                                   |
| 3        | (d)  | Struc   | ture h     | eight.  |                                   |
| 4        |      | (1)     | Max        | mum height for <mark>primary</mark> uses is 35 feet.                            |                                   |
| 5        |      | (2)     | Max        | imum height for accessory uses is 25 feet.                                      |                                   |
| 6        | (e)  | Setba   | cks.       |   |                                   |
| 7        |      | (1)     | Setb       | acks will be measured from the structure closest to the lot line.               |                                   |
| 8        |      | (2)     | The        | minimum setback for any lot line is three feet.                                 |                                   |
| 9        |      | (3)     | Cum        | ulative setback amount:   |                                   |
| 10       |      |         | (A)        | The sum of all setbacks must equal at least 20 feet.                            |                                   |
| 11       |      |         | (B)        | If lot size is less than required in this section, the required setback sum may |                                   |
| 12       |      |         | be re      | duced proportionally. In no case shall the required setback sum for the lot be  |                                   |
| 13       |      |         | less       | than 12 feet and in no case shall any setback be less than three feet.          |                                   |
| 14       |      |         | Exar       | nples   |                                   |
| 15       |      |         |            | 5' Sathask Line   |                                   |
| 16       |      |         |            | Setback Line  |                                   |
| 17       |      |         |            | Property Line   |                                   |
| 18       |      |         | 5'         | 5′<br>5′  |                                   |
| 19       |      |         |            |   |                                   |
| 20       |      |         | '          |   |                                   |
| 21<br>22 |      |         |            | 5'  |                                   |
| 22       |      |         |            |   |                                   |
| 23<br>24 |      |         |            | §1430 Fig. 1 §1430 Fig. 2   |                                   |
| 24<br>25 |      |         | <u>(C)</u> | Building expansions are not permitted through ADOD within a radius of 20        | Formatted: Left, Indent: Left: 1" |
| 23       |      |         | feet o     | of the street travelled way intersection.                                       |                                   |
|          | 49.7 | 70.1440 | ) Yaro     | l Setback Exceptions.   |                                   |
|          |      |         |            | Page 5 of 9 Ord. 2021-36  |                                   |
|          |      |         |            |   |                                   |

| 1        |  |   |  |                        |  |  |  |
|----------|--|---|--|------------------------|--|--|--|
| 2        | (a)  | Dump  | This section clouifies the actional executions that apply in the | o Dorumtorum Juncou    |  |  |  |
| 3        | . ,  | (a) Purpose. This section clarifies the <u>setback</u> exceptions that apply in the Downtown Juneau |  |                        |  |  |  |
| 4        |  | Alternative Development Overlay District. Exempted structures elements do not count toward          |  |                        |  |  |  |
| 5        |  | the setback total.  |  |                        |  |  |  |
| 6        | (b)  |   |  |                        |  |  |  |
| 7        |  | (1)   | Architectural features and roof eaves may project into a require | d yard, but not closer |  |  |  |
| 8        |  | than two feet from the side or rear lot lines.  |  |                        |  |  |  |
| 9        |  | (2)   | Access structures, such as stairways, ramps, and landings with   | or without roofs, may  |  |  |  |
| 10<br>11 | extend to the lot line abutting a public right-of-way provided the structure does not exceed |   |  |                        |  |  |  |
| 11       | five feet in internal width exclusive of support structure.                                  |   |  |                        |  |  |  |
| 12       | (3) A parking deck is exempt from the setback requirements of this chapter.                  |   |  |                        |  |  |  |
| 14       |  | (4) Fences and vegetation. For this section a "traveled way" is defined as the edge of the          |  |                        |  |  |  |
| 15       |  |   | roadway shoulder or the curb closest to property.                |                        |  |  |  |
| 16       |  |   | (A) The maximum height of a sight obscuring fence or vegetat     | ion shall not exceed   |  |  |  |
| 17       | four feet within 20 feet of the edge of the traveled way. Trees are allowed                  |   |  |                        |  |  |  |
| 18<br>19 |  |   | within 20 feet of the edge of the traveled way provided the      | y do not obscure view  |  |  |  |
| 20       |  |   | from a height of four feet to a height of eight feet above the   | e ground;              |  |  |  |
| 20       |  |   |  |                        |  |  |  |
| 22       |  |   |  |                        |  |  |  |
| 23       |  |   |  |                        |  |  |  |
| 24       |  |   |  |                        |  |  |  |
| 25       |  |   |  |                        |  |  |  |
|          |  |   |  |                        |  |  |  |
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|          |  |   | Page 6 of 9  | Ord. 2021-36           |  |  |  |

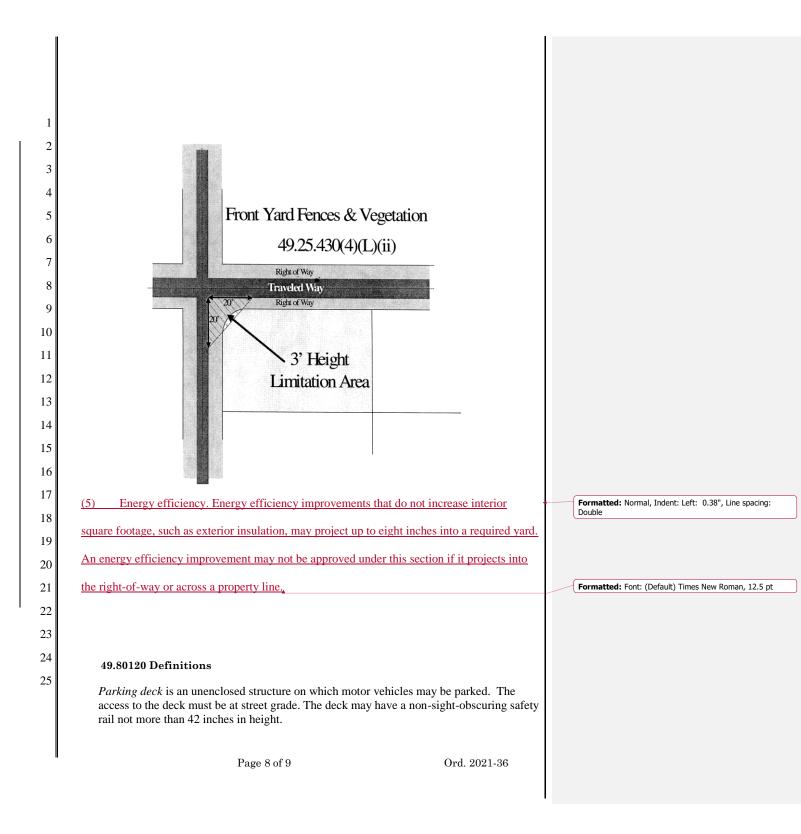
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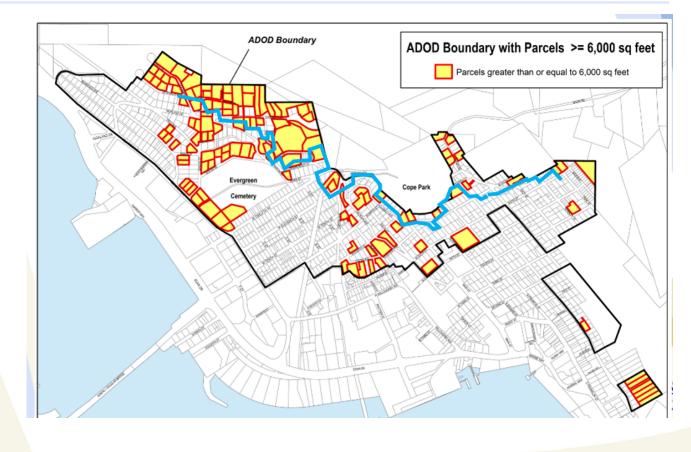
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| 1  |   |  |  |  |  |  |
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| 2  |   |  |  |  |  |  |
| 2  |   |  |  |  |  |  |
| 4  | 49.85.100 Fees for Land Use Actions, (  |  |  |  |  |  |
| 5  | (C) Alternative development permit, \$400.00  |  |  |  |  |  |
| 6  | Section 4 Effective Date This ordin   | ance shall be effective 30 days after its adoption |  |  |  |  |
| 7  | Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption<br>Adopted this day of, 2021. |  |  |  |  |  |
| 8  | Adopted this day of   | , 2021.  |  |  |  |  |
| 9  |   |  |  |  |  |  |
| 10 | Attest:   | Beth A. Weldon, Mayor                              |  |  |  |  |
| 11 |   |  |  |  |  |  |
| 12 | Elizabeth J. McEwen, Municipal Clerk  |  |  |  |  |  |
| 13 | Linzabeth 9. Mell wen, Mullerpar Clerk  |  |  |  |  |  |
| 14 |   |  |  |  |  |  |
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|    |   |  |  |  |  |  |
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# Goals of the Commission





## **DEVELOPMENT PERMIT APPLICATION**

COMMUNITY DEVELOPMENT NOTE: Development Permit Application forms must accompany all other COMMUNITY DEVELOPMENT Community Development Department land use applications.

PROPERTY LOCATION Physical Address Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Parcel Number(s) This property located in the downtown historic district This property located in a mapped hazard area, if so, which LANDOWNER/ LESSEE Property Owner Contact Person To be completed by Applicant Mailing Address Phone Number(s) E-mail Address LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/Engineering Permits I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows: This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. Х Landowner/Lessee Signature Date Х Landowner/Lessee Signature Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date. APPLICANT If the same as OWNER, write "SAME" Applicant Contact Person Mailing Address Phone Number(s) E-mail Address Х Applicant's Signature Date of Application -----DEPARTMENT USE ONLY BELOW THIS LINE-----

> ATTACHMENT E, PAGE 1 T49, MARCH 31, 2022

|  |             | Intake Initials |
|--|-------------|-----------------|
| This form and all documents associated with it are public record on          |             |                 |
| INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED                                 | Case Number | Date Received   |
| For assistance filling out this form, contact the Permit Center at 586-0770. |             |                 |