

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

December 12, 2019
Marine View Building, 4th Floor
12:00 PM

- I. ROLL CALL
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. October 2, 2019 Title 49 Committee Meeting Minutes
- IV. AGENDA TOPICS
 - A. Development Application Materials
- V. COMMITTEE MEMBER COMMENTS AND QUESTIONS
- VI. ADJOURNMENT

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

Wednesday, October 2, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Travis Arndt, Ken Alper, Shannon Crossley

Members Absent:

None

Staff Present:

Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Irene Gallion (CDD Senior Planner), Laurel Christian (CDD Planner), Amy Liu (CDD Planner), Chelsea Wallace (CDD Admin)

I. Call to Order

The meeting was called to order at 12:05pm.

II. Approval of Agenda

MOTION: by Mr. Arndt to approve the agenda.

The motion passed with no objection.

III. Approval of Minutes

A. August 7, 2019 Draft Minutes

MOTION: by Mr. Arndt to approve the August 7, 2019 minutes.

The motion passed with no objection.

B. September 4, 2019 Draft Minutes

MOTION: by Mr. Arndt to approve the September 4, 2019 minutes.

The motion passed with no objection.

IV. Agenda Topics

A. Proposed Rezoning of Downtown Juneau Alternative Development Overlay District Area

Ms. Liu gave a brief overview of what was discussed at the previous meeting and how the Committee had directed Staff to prepare for the current meeting. This meeting would attempt to cover discussion topics of a revised Alternative Development Overlay District (ADOD) boundary line, minimum lot size, and potential for future subdivisions. With a presentation, and beginning with the new proposed ADOD boundary, Ms. Liu stated that the new boundary line would follow the perimeter of the property lines and zoning district boundary lines. Staff recommended that the Mixed Use (MU) and Mixed Use 2 (MU2) zoning districts be removed from the

boundary, along with the lots in the northeast section of Ross Way and Troy Avenue. Staff recommended retaining the Light Commercial lots within the boundary, so a few Light Commercial lots were left in, however some lots in the northwest area, near the Highlands, were left out. Staff also recommended expanding the ADOD boundary to follow the zoning district boundaries, including around the D5 zoning district above Starr Hill and the D10 zoning district above Gastineau Avenue. Ms. Liu asked if the Committee had any questions regarding these recommendations and adjustments.

Mr. Alper asked if the far northwest area was impacted by the adjusted boundary, or if that was just a “clean-up” of sorts.

Ms. Liu stated that Mr. Alper’s interpretation of it being a “clean-up” of sorts was correct.

Mr. Alper also asked about the line above the Starr Hill area and asked what existed there.

Ms. Liu stated that this area include private property along the northern most street, noting that some lots are very long and deep and were only partially included in the previous boundary; however, the new boundary captured them in a better format.

Ms. Christian pointed out that the new proposed boundary follows the zoning district boundary, and not the property line boundaries. Staff felt this would give a cleaner boundary line.

Mr. Alper asked for Staff’s reasoning in eliminating the MU districts.

Mr. Dye noted that this was specifically due to setback requirements, as the MU districts due not have any, so they would not benefit from being included in the boundary.

Mr. Alper asked about the process of setbacks where the average of the nearby properties was taken to determine the required setback and if eliminating the MU districts would effect that.

Mr. Dye stated that that process was no longer used and the sliding setback scale requirements are being used instead.

Ms. Maclean noted that Cope Park, Evergreen Cemetery, and public properties that would not be developed had been removed from the boundary, as well.

Ms. Pierce affirmed that these properties had been removed from the calculations and Staff had considered these lots to have potential for subdivision.

Mr. Dye asked Staff for the reasoning in running the boundary line through the middle of the D10 zoning district.

Ms. Maclean stated that the property behind the D10 zoning district is owned by CBJ. She noted that the Telephone Hill property had been added to the boundary and Staff was more focused on the residential use lots.

Mr. Dye noted that the D10 zoning district did not have any current residences when the ADOD was developed and it was being used a quick fix for the issues that had currently been at hand.

Ms. Maclean pointed out that when the boundary was made, it was assumed that it would be changed in the future. There are two islands of D10 zoning districts now, but that is not seen to be much of an issue, and if they are ever rezoned to MU, they will be removed from the boundary.

Mr. Dye noticed that the two D10 zoning districts are in a severe hazard area, and asked if this may be a good reason to include or exclude them.

Given what is currently on these lots, and many single-family homes residing along Gastineau Avenue, Ms. Maclean felt it is better to include them in the boundary.

Mr. Arndt felt that they should remain within the boundary, as well. Even though there would be no potential for the lots to be subdivided due to the severe hazard designation, it would still be good to include them.

Mr. Pierce stated that the Community Development Department (CDD) has received questions from patrons regarding the use of their lots and how they can be developed.

Ms. Liu pointed out that the hazard mapping could change in the future, which could result in more needed changes for the boundary, as well.

Mr. Dye asked if the Committee had any other questions or concerns with these recommendations.

With no one raising any concerns, Ms. Liu moved on to discuss minimum lot size and presented tables showing the recommendations for the different zoning districts, and how the percentage of nonconforming properties would change with the different lot sizes. Staff recommended that Light Commercial zoning districts retain the current minimum lot size requirements for all other zoning districts within the ADOD boundary. Ms. Liu also presented tables showing the potential for future subdivisions in the various zoning districts and a map highlighting parcels that are 5,000 to 5,999 square feet, 6,000 to 6,999 square feet, and 7,000 square feet and larger. These tables showed how the percentage of nonconforming properties would change with different lot sizes, as well. However, she noted that there are many considerations not being accounted for, so the numbers should be taken lightly.

Mr. Arndt asked about some of the smaller lots, wondering if each one was 5,000 square feet in size, or if there is a common ownership and the lots would not be allowed to be subdivided.

Ms. Christian stated that all lots under common ownership were removed from this map, so the lots in question are 5,000 square feet or more. Staff removed the lots, because they had the potential to build one single-family dwelling per legally platted lot as they exist today.

Ms. Pierce noted that this map could still use a few revisions and Staff could make more improvements to it.

Ms. Maclean pointed out that there are not many lots in the middle of the boundary that had potential for future subdivision.

Ms. Christian stated that the numbers presented in the slides were within the memo provided to Committee members, as well.

Ms. Maclean stated that Staff found good reason to keep the Light Commercial zoning districts within the boundary. The properties that are included in the boundary were taken from Glacier Avenue and the northeast area of the boundary, where there are many single family homes that are zoned Light Commercial.

Mr. Dye asked if Committee members had any suggestions or thoughts on the minimum lot size recommendations.

Mr. Arndt noted the change in percentage of nonconforming properties where the minimum lot size was changed from 2,500 square feet to 3,000 square feet. He thought that a 9% increase was good.

Ms. Pierce asked for the Committee's perspective on the potential for lots that could be subdivided, and if they thought this may trigger any issues.

Mr. Dye asked if Staff had felt a sense of community concern about how subdivisions may play out within the boundary, after conversations with the public.

Ms. Pierce stated that Staff had not received many comments regarding this, but there perspectives on each side, with some of the public wanting the option to subdivide and some of them not wanting the option.

Ms. Maclean felt that, in general, the option to subdivide should be allowed, but thought that 2,500 square feet would not be big enough to do the required work for subdividing. She felt that 3,000 and 3,500 square-foot lots would allow more for the required work.

Ms. Pierce agreed with Ms. Maclean and thought this would help to maintain the character of the neighborhoods and alleviate some of the concerns expressed from the public.

Ms. Christian pointed out that some lots already have the potential to subdivide, such as bungalow lots, so it would may be best to make the requirement 3,500 square feet.

Ms. Maclean stated that the ordinance would allow everyone to keep what they have and to develop the way they want.

Mr. Dye asked if staff had a recommendation of 3,000 or 3,500 square feet.

Ms. Liu noted that in the past Staff had recommended 3,500 square feet.

Ms. Pierce stated that the consensus had been 3,500 square feet, but Staff could agree on 3,000 square feet.

Mr. Dye felt that 3,000 square feet was a good choice for minimum lot size, noting that an 11% increase in conformity was a substantial jump. He asked for the Committee's thoughts on this.

Mr. Alper replied that 3,000 square feet was acceptable to him.

Ms. Maclean asked if Mr. Arndt felt there was a big difference between developing on 3,000 square feet vs. 3,500 square feet.

Mr. Arndt replied that is was mostly just a geometric difference.

Ms. Crossley felt she was on the fence regarding the choices, as she was hoping for more increase in conformity.

Mr. Arndt stated he was not against a minimum lot size of 3,000 square feet, but did not want a requirement of 3,500 square feet. He thought it may be better to enforce a requirement of 2,500 square feet.

Mr. Dye stated that he was leaning towards a 3,000 square-foot requirement, as well. He expressed concerns about this area of topic holding up progress, and felt it would be better to focus on proceeding forward, rather than the function of everything.

Mr. Arndt felt it would be possible to look at this topic further when the ordinance reached the Planning Commission or Assembly level and Mr. Dye agreed.

Mr. Alper stated that if there was no real concern with a minimum lot size requirement of 2,500 square feet, he would be willing to stand behind that.

Ms. Maclean stated she was not disagreeing with the logic, but noted that perception is reality. She felt that even if the public were informed that 60 of the 86 lots would not be able to be subdivided, they would still retort with choosing 3,000 square feet.

Looking at the gains of everything else, Mr. Arndt felt that if the potential of subdividing was causing so many problems, then it be best to take that option away and focus on the improvements.

Mr. Dye felt that the potential of adding more housing units brings more merit to the topic and it is important to have the ability to subdivide.

Ms. Pierce reiterated that there were few concerns heard from the public regarding potential subdivision. She noted Ms. Maclean's point about setback and lot coverage requirements making the ability to develop difficult.

Mr. Dye asked for final thoughts.

Ms. Maclean suggested discussing lot coverage and the other topics at hand and coming back to minimum lots size, as the other topics might help work out some of the concerns.

Ms. Christian moved on to the list of questions needing to be answered, listing questions from previous meetings and new questions. She noted that they didn't all need to be answered at this meeting, but it was a way to help keep track of where the Committee was with the topics.

Ms. Pierce asked that everyone take a look at the list, as Staff would like to get a consensus on each item.

Ms. Maclean noted that it may be good to skip the first two questions, for the time being.

Ms. Christian noted that if the Committee decided not to allow subdivisions, they might not be worth looking at.

The Committee decided that they will allow future subdivisions to meet the ADOD minimum lot size.

Ms. Maclean noted that not allowing subdivisions might create more difficulties as well, so it may be cleaner to allow the ability to subdivide.

Ms. Liu referred to the Table of Dimensional Standards, noting that the numbers are for existing requirements and some adjusting could be done to see what other requirements would look like.

Mr. Alper asked what the driving factors were for the lot width and depth calculations.

Ms. Gallion explained how the numbers were calculated.

Mr. Dye asked for thoughts on this.

Mr. Arndt felt that the numbers should be adjusted to reflect how the lot could be developed, as opposed to being proportional.

Mr. Dye noted that that was also difficult, especially when it comes to the style of house people may want.

Ms. Maclean thought the absolute minimum lot width should be 30 feet, as having anything lower would require changes to Code.

Mr. Dye asked what if the minimum lot width for a panhandle lot was 30 feet.

Ms. Maclean stated that the stem of the panhandle could be 20 feet.

Ms. Christian stated that Code allows for specific exceptions.

Mr. Alper felt that a reasonable ration would be 2:1, so the Committee should try to decide on a number that reflects that. He asked if there was an intent to establish a metric that would make the lots more square.

Mr. Dye replied that that was not an intent.

If 30 feet of frontage is the minimum, Ms. Maclean asked what the other needed minimum would be.

Ms. Christian stated 100 feet, possibly.

Ms. Liu pointed out that it would not necessarily have to equal 3,000 feet.

Mr. Dye asked if lot depth is an important aspect. He felt the key is having practical access to the lot, so lot depth and width might not be as important. He asked if a minimum lot width could be made at the frontage.

Ms. Maclean didn't foresee this being a problem.

Ms. Pierce stated lot depth requirements could be adjusted. Ms. Maclean agreed and noted that it would be good to assess the lots in the Starr Hill area, as well.

Mr. Dye asked if exact numbers were needed for these requirements at this time, or if not deciding on the numbers would cause more difficulty.

Mr. Arndt felt it would be good to at least decide on the minimum numbers.

Ms. Pierce noted that the potential of creating a situation of new lots that are nonconforming wanted to be avoided, and Staff wanted to make this as complementary to the rest of the process as possible.

Mr. Dye asked what the minimum setback is with the sliding scale.

Ms. Liu replied that it is 3 feet.

Mr. Dye felt this wouldn't be a problem and thought that a 20-foot minimum width requirement would work.

Mr. Arndt noted that Common Wall lots in D18 have a 20-foot width requirement, as well, but other do not.

Mr. Dye asked if some other lots had the 20-foot lot width requirement.

Ms. Liu replied that some lots do.

Mr. Arndt stated that the D15 zones go up to 30 feet lot width for common wall dwellings.

Mr. Dye asked what the requirements are for D10 zones and bungalow lots.

Mr. Christian replied that the requirements for D10 are 50' width for a standard lot and 25' for a bungalow lots. With the other requirements, Mr. Arndt felt that a 25-foot requirement may work best for this situation.

Mr. Alper asked if a different number was imagined for different zones.

Mr. Dye replied that a different number was not planned on, as the work done is trying to keep everything together and to avoid making many differences. Mr. Dye spoke in favor of a 25-foot requirement for lot width and depth.

Mr. Alper thought this would create some potential problems for lots on a corner, believing that every dimension would have to be at least 25 feet and Mr. Dye agreed.

Mr. Maclean moved forward to question 4, and asked how many duplexes were in the downtown area.

Ms. Liu replied that there are 17 duplexes.

With the lower lot size, Ms. Christian noted that this would allow more accessory apartments without a Conditional Use Permit.

Mr. Alper thought these requirements would reduce the Common Wall minimum lot size.

Ms. Liu noted this was already what was written in Code.

Ms. Maclean asked if the others went on to change and are reduced as they get into the larger zones.

Ms. Christian replied that that was correct.

Mr. Dye noted that requirements were already being reduced substantially. With only 17 duplexes downtown, it may not be keeping in character of the neighborhood. He thought the same idea could be used with lot size, with some adjustments.

Ms. Maclean agreed. She noted that the accessory apartment section of Code was being worked on, with proposals that duplexes would be permitted to have one accessory apartment. There could be one homeowner with two accessory units. She believes keeping the same size standard lot would be beneficial and Mr. Dye agreed.

Mr. Arndt agreed as well, and thought Common Wall lots should have the ability to develop bigger.

Mr. Dye agreed, reiterating that the requirements for duplexes would remain the same and two Common Wall lots should be larger than one duplex would go bigger. He asked if the neighborhoods being discussed are mostly lived in by the owners, or if they are more so rental properties.

Ms. Maclean was unsure if they were lived in by owners or renters, but noted that someone could buy a duplex, put in an accessory unit, and still not live in one.

Ms. Pierce noted that there is a minimal amount of duplexes downtown and Staff has heard from the public that duplexes don't really pencil out, so Staff is not inclined to be concerned about it. If a lot is large enough to create a duplex, it probably won't change the character of the neighborhood.

Ms. Maclean pointed out that obtaining loans and mortgages was more difficult for duplex developments than Common Wall lots, and the third accessory unit was needed to really make things work.

Mr. Arndt felt this was sort of like an area increase for duplexes and that should be allowed.

Ms. Liu asked if Mr. Arndt meant leaving the requirement as is, or adjusting it.

Mr. Arndt asked what Staff was recommending.

Ms. Christian replied that Staff recommended leaving the requirement at 10,500 feet, because D5 density is measured differently than D10 or D15 density and reducing the lot size for a duplex in D5 would contradict D10 density. A higher density zoning district should not have a higher lot size requirement for two units than a lower density zoning district. Additionally, staff does not feel duplexes are an issue downtown since there are only 17 within the ADOD boundary....

Mr. Arndt felt the proportions needed to match and Mr. Dye agreed, noting that the 1.5% standard should be helping duplexes, but not be overly helpful.

Mr. Alper noted that if the 3,000-foot requirement was used for minimum lot size, duplexes would have a requirement of 4,500 feet.

Mr. Dye agreed and stated this would start complicating things.

Ms. Maclean noted that the difference is the accessory apartment is going to be 600 square feet, but the duplex is supposed to be a mirror image.

Ms. Christian reiterated that going with a 3,000-foot minimum lot size would give duplexes in the D5 zoning district a 4,500-foot requirement. Currently in the D10 zoning district, you are required to have a 8712 square-foot lot size for two dwelling units, and in D18 you are required to have a 4840square-foot lot size for two dwelling units. Lowering the minimum lot size to 4,500 square feet contracts density. If the Committee was planning to change the requirement to 4,500 square feet, what is that based on?

Ms. Liu calculated the requirements and noted why it would be logically inconsistent with Code.

Mr. Dye asked if it the area doesn't fit the Code standards already, would it matter if the calculations are not exactly consistent.

Ms. Liu felt that it would not be right to support a higher density in a lower-density zoning district.

Ms. Maclean noted that the zoning requirements don't work for everything around the Troy Avenue area and north of that. The Committee is trying to avoid creating a zoning change, and the D5 zoning district is barely conforming for the highlands. There is less concern with the zoning with the density, because these areas were never built to be that way. If the Committee is looking to preserve the environment, then the concerns are with the uses in the zoning districts.

Mr. Dye agreed and thought that the proposed numbers make sense and work for what the Committee wants them to.

Ms. Christian asked how the Committee would like to calculate the requirements.

Mr. Arndt suggested taking it as a percentage. The minimum lot size for a duplex within the ADOD would be 1.5 times the minimum lot size. This is consistent with how we currently calculate duplex lot size for D5.

Ms. Maclean pointed out that the Committee had also discussed taking away the ability to double dip, recalling that this was mostly in regards to the Light Commercial zoning district. If a lot is within the Light Commercial district, development can have a maximum height of 45 feet, so it would be recommended that if one is going to opt-in, they would have to opt-in completely. If the Committee allows the Light Commercial district to get within 5 feet, then they could build to the maximum height, as this could result in a number of residential lots getting towered over.

Mr. Dye asked if a density component could be added to help adjust for all of this.

Ms. Pierce recalled from the last meeting that there isn't a perfect solution to everything, but a new Comprehensive Plan will be developed and that may be able to sort some of the problems out. This brings some relief in the meantime, so Staff and the Committee might just need to put in some provisions. The Committee is close to having decisions made, and they are much better than what was set up previously. This is a step in the right direction.

Mr. Arndt noted that multifamily districts are similar to the Light Commercial districts, so maybe the Committee should not discuss them either.

Mr. Dye felt that a rezone would be the best fit. This area has been used as an example of bad planning for some time now, and it has been very hard to try to figure it out. The Committee has circled around rezoning and the cost of time and labor, but they are attempting to make a temporary fix. It seems wasteful not to finish it, but it

is understandable that rezoning might not work with the current Comprehensive Plan. He does not have a direct answer, but is okay with the opt-in for single-family and residential use.

In maintaining the ADOD and the opt-in, Ms. Pierce thought improvements could be made through the ADOD until the new Comprehensive Plan comes through. Staff does not want this work to get stuck or fall to the backburner in a waiting situation or create something here that goes against what is developed in the future. If a total rezone was done here, it will have to be done again in the future. She felt it would be better to create something that is more user-friendly for residents and Staff.

Ms. Liu reiterated that it seemed there were three issues standing out: 1) day-to-day basis for Building Permit review, with people remodeling and adding additions; 2) there are only 17 duplexes, so the work put in to develop plans for this would not give much return; and 3) it may not be wise to suddenly incentivizes duplexes downtown.

Mr. Dye suggested having an opt-in for all single-family residential uses and Ms. Maclean agreed with him. Mr. Dye asked if Staff could attempt to develop some ideas for how to tackle that. He then suggested moving forward to attempt to answer some of the easier questions on the list that day.

Ms. Pierce asked for a clear consensus on minimum lot size and the ability to subdivide.

The Committee stated the minimum lot size requirement would be 3,000 square feet and they would allow the ability to subdivide.

Mr. Dye stated the minimum lot width and depth decided on was 25 feet for each. He moved forward to question 5.

Ms. Pierce suggested just determining if question 5 could be answered at this time or if the Committee should wait.

Mr. Dye agreed and suggested using a percentage and applying it to the boundary of the overlay. He also suggested using the same percentage that is used for the Light Commercial zoning districts.

Ms. Pierce stated Staff would look into how that would turn out.

Mr. Alper felt that Mr. Dye's suggestion would be logical, but lot coverage might need to be increased eventually.

Ms. Christian stated that lot coverage in the Light Commercial zoning districts does not have a maximum.

Ms. Maclean noted this would not work for residential uses, though.

Mr. Dye spoke in favor of a 50% requirement for lot coverage.

Mr. Alper asked if decks and similar structures counted towards lot coverage.

Ms. Maclean stated that deck structures only counted if they had a roof.

Mr. Alper stated he was okay with the 50% requirement, as well.

Mr. Dye moved forward to question 6 and stated that the Committee was okay with a 35-foot maximum height requirement. He then moved on to question 7.

Ms. Maclean noted that the Committee may need to come back to this question, as the current ADOD only applies to residential structures.

Mr. Dye agreed it would be best to come back to this question at a later meeting, along with questions 8 and 9. For question 11, he felt that "structure" should not include unheated structures, second story enclosures, vent shafts, air conditioning units, etc. in the setback sum.

Ms. Maclean noted that the Committee may need to come back to this question as well. Even though there are exceptions, a minimum would still be needed.

Mr. Arndt agreed it would be best to come back to this question and noted that this would take out eaves that could currently be extended

Mr. Dye moved forward to question 12, stating this aspect would allow double dipping and the Committee did not want that. He felt it would be best to come back to question 13, as well.

For question 13, Mr. Arndt thought it would be beneficial to reduce the requirement and use the sliding scale.

The Committee agreed to work on this question at a later meeting.

After some deliberation, the Committee decided the next meeting would take place on October 30.

V. Committee Member Comments and Questions

VI. Adjournment

The meeting adjourned at 1:28pm.