

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

August 7, 2019
Marine View Building, 4th Floor
12:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. Draft Minutes, October 15, 2018 Title 49 Committee Meeting Common Wall Section
- IV. **AGENDA TOPICS**
 - A. Proposed Rezoning of Downtown Juneau Alternative Development Overlay District Area
- V. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- VI. **ADJOURNMENT**

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

Monday, October 15, 2018
Community Development Department
Large Conference Room, 12:00 pm

A. AME2018 0005: Common Walls

Ms. Maclean refreshed the committee members on the topic. She said that the inconsistencies throughout the code were the impetus for this text amendment. Areas of the code that were recommended for cleanup and improvement included:

- Making common wall language consistent with the Table of Permissible Uses (TPU) and the Table of Dimensional Standards
- Revisions to include the D3 zone
- Removing sections about 3 or more
- Cleaning up associated notes and superscripts so that requirements would not be missed when reviewing the code, especially in regards to the Bonnie Brae subdivision
- Updating the TPU which was done in 2010 but the ordinance was not updated
- Separating residential common walls from mixed-use (MU) common walls

Ms. Maclean said there were now two separate draft ordinances for the two types of zoning districts, but they had not yet been reviewed by Law. The residential ordinance would apply to a home occupation or residential use and the other reflected the committee's discussion from the previous meeting. She said that staff had not yet fixed the internal process for how do a common wall minor subdivision, but Mr. Felstead will be the planner working on the mechanics of the ordinance.

Mr. Voelckers asked to be caught up on the density concern that had come up before. Mr. Dye said the concern regarded achieving the highest and best use of properties while not incentivizing developers to approach the highest density levels allowable in MU. With common walls, there is a lot of size reduction, he said. Mr. Voelckers asked if that would come with greater density. Mr. Dye said he thought not.

Mr. Miller gave an example of a 2,000 sq. ft. minimum lot in a General Commercial (GC) district and said that with 50 allowable units per acre, most lots could be 22 units. With common walls that included a residence and an apartment, there would be 44 units per acre, which he felt, might be almost too much. To require there to be commercial use, this might be onerous, he said. Packet page 63 under *Purpose*, he suggested rewording "Mixed-use common wall units located in LC, GC, or MU2 shall contain ..." to "may contain". This is the crux of what was under consideration. He noted that there currently was a project underway in a GC zone that with passing of this ordinance would become non-conforming.

Mr. Dye said that this was the first time the committee was seeing the MU language. Mr. Levine said that he was okay with something being non-conforming but felt there was not a compelling reason not to do the right thing. From a forward-looking perspective, if there was something needing to be done with other districts it should be done. He thought that changing "shall" to "may" would make both ordinance versions the same. Mr. Levine questioned why there were two different versions being proposed. Mr. Miller said that he was surprised that the committee split them up in the first place.

Mr. Voelckers said that at the meeting Mr. Miller missed, the committee discussed offering some type of incentive for the development of smaller lots in commercial MU districts to include things such as a coffee shop on a ground floor along with high-density residential uses on the upper floors. Mr. Dye said that the new Alternative Residential Subdivision includes Light Commercial. Mr. Voelckers asked committee members if they would want to see a purely residential building located in a General Commercial zone. Mr. Miller said he would be fine with that. Mr. Levine said he was in favor of sending the draft ordinance back to staff. He would like to see the MU version include incentives to promote true mixed uses in these zones. He said he did not have a good idea about how to do that but wanted to see language that would explain why there should be two different ordinances. Mr. Voelckers said an incentive is a zero lot-line wall.

Ms. Maclean reminded the committee that Law recommended keeping commercial and residential separate, even if they are similar. Mr. Levine concurred that the committee had agreed to that.

Mr. Dye asked if the residential ordinance should move forward, since it was mostly complete. Ms. Maclean said she would prefer that the two ordinances move along the process in tandem.



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DATE: August 5, 2019

TO: Nathaniel Dye, Chair
Title 49 Committee

FROM: Amy Liu, Planner
Laurel Christian, Planner

Amy Liu *Laurel Christian*

CASE NO.: AME2018 0004

PROPOSAL: Proposed Rezoning of Downtown Juneau ADOD Area

Attachments

Attachment A – Presentation

General Overview

This report examines lot area and setbacks for the following topics:

- Retaining the Highlands Area in the Project Scope
- Sliding Setbacks
- Lot Size Recommendations

It does not address, though it may inform, other topics, such as lot coverage, vegetative coverage, etc.

Retaining the Highlands in the Project Scope

Staff recommends the Highlands remain in the scope of the project. While the Highlands are more conforming than other neighborhoods, homeowners still experience similar challenges to other neighborhoods during remodeling that changes building footprint and requires variances or an Alternative Development Permit (ADP) under the current Alternative Development Overlay District (ADOD) ordinance.

Sliding Setbacks

Sliding setbacks are flexible and still reasonably constrained by maximum lot coverage. Dimensional standards for each zoning district within the existing ADOD boundary are proposed. While the underlying zoning's uses and density would remain, the dimensional standards would be superseded by the overlay district's sliding setbacks and other new dimensional standards.

Staff recommends a setback sum of 20 feet, with a minimum setback of 3 feet. The sum achieves significant improvement to conformity in all zoning districts, and may allow more flexible modification to building footprints. Staff illustrates the setbacks on several properties within the ADOD area that have an as-built (Attachment A, slides 9-12). The minimum setback is intended to encourage development that may meet building and fire code requirements for public safety. A lesser minimum setback, such as 1 foot, does not significantly improve conformity in any instance (Attachment A, slides 6-8).

Staff observes several benefits and challenges to implementing sliding setbacks:

Pros:

- Sliding setbacks allow for greater flexibility
- ADOD boundary is already established

Cons:

- Concept is not well known, there may be a learning curve for the public and staff
- Greater flexibility allows for more varied results; the character of the neighborhood may not remain as it is today
- Setback exceptions in code today would not apply – a new setback exception would be required to reduce the total sum of setback required for these situations.
- Specific language will need to be added to discuss why this method is only appropriate for downtown and not throughout the borough

Lot Size Recommendation

As discussed at the July 10, 2019 Title 49 meeting, new dimensional standards should balance preservation with aspiration.

Staff recommends a minimum lot size of 3,500 square feet. This is partly informed by lot areas used within 49.25.400. The minimum area required for the D10 Single Family zoning, 3,600 square feet, was based off existing conditions in Casey Shattuck. The minimum lot size for a bungalow lot in D5 is 3,500 square feet. The scale of development associated with a 3,500 square foot lot exists in the community and within Title 49.

Conformity by zoning district within ADOD with a 3,500 square foot minimum lot size:

Zoning District	Proposed Minimum Lot Size	% Conforming	Current Minimum Lot Size	% Conforming
D5	3,500	70%	7,000	23%
D10	3,500	57%	6,000	30%
D18	3,500	68%	5,000	33%

Conformity by D5 neighborhood within the ADOD with a 3,500 square foot minimum lot size:

Neighborhood	Proposed Minimum Lot Size	% Conforming	Current Minimum Lot Size	% Conforming
Casey Shattuck	3,500	61%	7,000	2%
Starr Hill	3,500	72%	7,000	15%
Highlands	3,500	96%	7,000	34%

There is justification for recommending 3,500 square feet, rather than 3,600 square feet. If the minimum lot size were 3,600 square feet, the conformity in Casey Shattuck neighborhood, for example, would be 38%. If the minimum lot size were 3,500 square feet, the conformity in this area would be 61% (Attachment A, pg. 14-15).

Less than 26% of all lots located within the ADOD area are at least 7,000 square feet, or twice the proposed lot size regardless of zoning district. Of the lots within the Highlands area, only 33% of lots are at least 7,000 square feet. Approximately 17 of those lots are in the severe landslide and avalanche zone. Title 49 prohibits subdivision of lots within this hazard zone.

Staff will make recommendations on other dimensional standards that should be included in the overlay district once minimum lot sizes are determined, and whether the dimensional standards should be revised after the minimum standard lot size is reduced.

Proposed Rezoning of Downtown Juneau ADOD Area

Title 49 Committee Meeting
August 7, 2019

Discussion Topics

- Retaining the Highlands Area in the Project Scope
- ADOD overlay boundary and Sliding Setbacks Method

Highlands

The Highlands should remain in the scope of the project. While the Highlands are more conforming than other neighborhoods, they still experience similar challenges as other neighborhoods during remodeling that changes building footprint and requires variances or an ADP.



■ Non-conforming lot size

■ ADOD boundary

ADOD overlay boundary and the sliding setback method

Discuss:

- Dimensional standards for the overlay district
- Sliding setback examples
- Setback exception to reduce the total setback sum required

Pros:

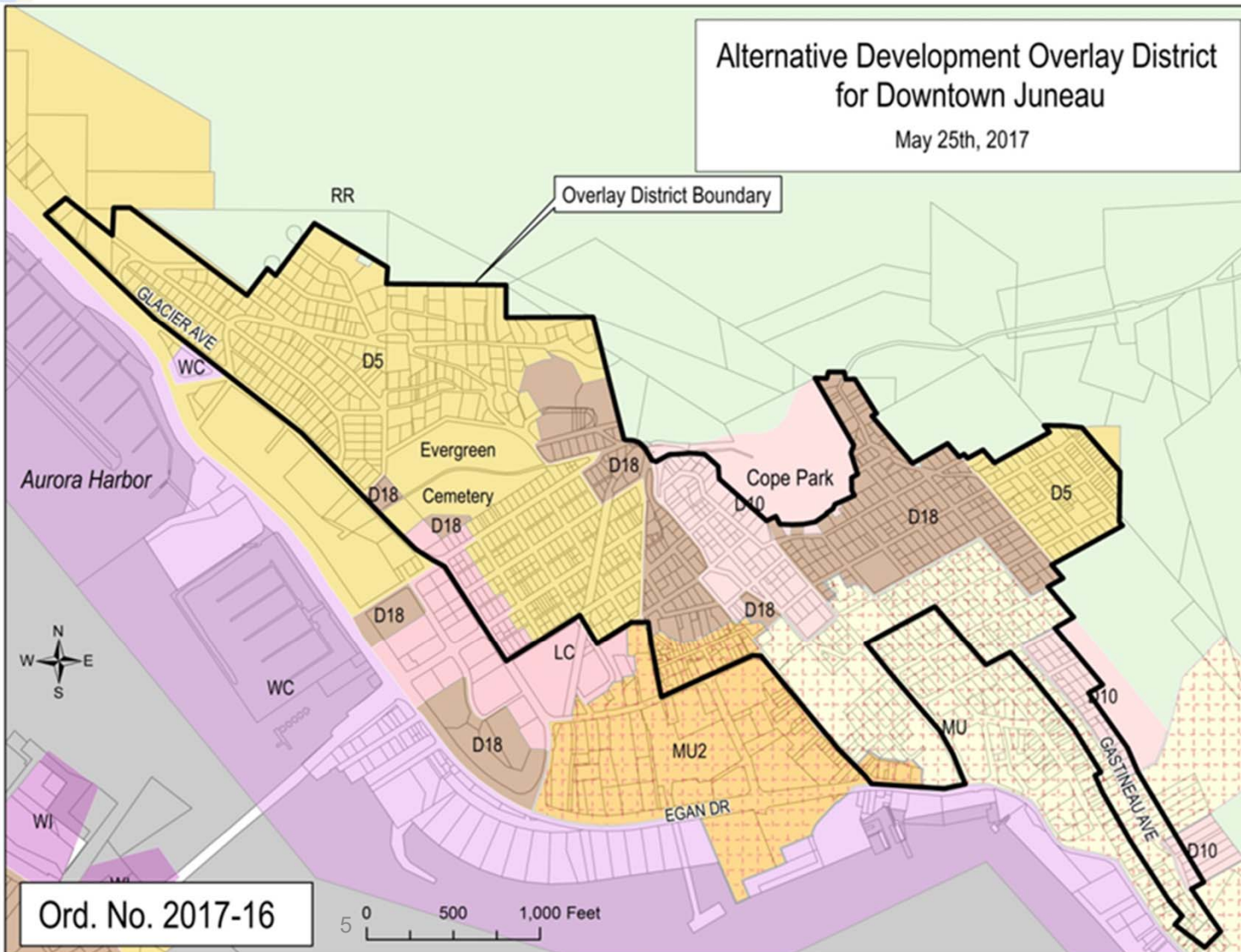
- Sliding setbacks allow for greater flexibility
- ADOD boundary is already established

Cons:

- Concept is not well known, there may be a learning curve for the public and staff
- Greater flexibility allows for more varied results; the character of the neighborhood may not remain as it is today
- Setback exceptions in code today would not apply – a new setback exception would be required to reduce the total sum of setback required for these situations.
- Specific language will need to be added to discuss why this method is only appropriate for downtown and not the entire borough

Alternative Development Overlay District for Downtown Juneau

May 25th, 2017



Dimensional standards for each zoning district would live in ADOD.

The underlying zoning for uses and density would remain.

New dimensional standards would supersede the underlying Table of Dimensional Standards requirements.

Staff recommends a setback sum of 20', with a minimum setback of 3'

D5 Conformity

Casey Shattuck		
Standard	Value	% Conforming
Setback Sum	20	89%

Highlands		
Standard	Value	% Conforming
Setback Sum	20	87%

Starr Hill		
Standard	Value	% Conforming
Setback Sum	20	64%

Combined		
Standard	Value	% Conforming
Setback Sum	20	81%

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D10 Conformity

D10 Zoning		
Standard	Value	% Conforming
Setback Sum	20	84%

D18 Conformity

D18 Zoning		
Standard	Value	% Conforming
Setback Sum	20	83%

3' setback conformity D5 Zoning

Casey Shattuck, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	118	148	80%
R	3	95	148	64%
S	3	141	301	47%
SS	3	54	75	72%

Highlands, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	189	225	84%
R	3	168	225	75%
S	3	307	459	67%
SS	3	33	41	80%

Starr Hill, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	23	73	32%
R	3	47	73	64%
S	3	44	147	30%
SS	3	14	24	58%

Combined, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	334	465	72%
R	3	315	465	68%
S	3	499	946	53%
SS	3	103	142	73%

Casey Shattuck, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	118	148	80%
R	1	97	148	66%
S	1	151	301	50%
SS	1	55	75	73%

Highlands, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	189	225	84%
R	1	170	225	76%
S	1	325	459	71%
SS	1	34	41	83%

Starr Hill, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	23	73	32%
R	1	47	73	64%
S	1	44	147	30%
SS	1	14	24	58%

Combined, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	334	465	72%
R	1	319	465	69%
S	1	527	946	56%
SS	1	105	142	74%

Casey Shattuck, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	44	148	30%
R	5	46	148	31%
S	20	117	301	39%
SS	13	23	75	31%
Area	7000	3	148	2%

Highlands, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	92	225	41%
R	5	124	225	55%
S	20	272	459	59%
SS	13	17	41	41%
Area	7000	76	225	34%

Starr Hill, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	5	73	7%
R	5	29	73	40%
S	10	42	147	29%
SS	13	9	24	38%
Area	7000	11	73	15%

Combined, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	143	465	31%
R	20	202	465	43%
S	5	437	946	46%
SS	13	51	142	36%
Area	7000	106	465	23%

3' setback conformity D10 and D18 Zoning

D10, 3' minimum				
Standard Value	Count	Total	% Conforming	
F	3	36	73	49%
R	3	54	68	79%
S	3	73	134	54%
SS	3	13	18	72%

D10, 2' minimum				
Standard Value	Count	Total	% Conforming	
F	2	36	73	49%
R	2	54	68	79%
S	2	74	134	55%
SS	2	13	18	72%

D10, 1' minimum				
Standard Value	Count	Total	% Conforming	
F	1	36	73	49%
R	1	54	68	79%
S	1	74	134	55%
SS	1	13	18	72%

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D18, 3' minimum				
Standard Value	Count	Total	% Conforming	
F	3	93	175	53%
R	3	113	158	72%
S	3	165	318	52%
SS	3	48	71	68%

D18, 2' minimum				
Standard Value	Count	Total	% Conforming	
F	3	95	175	54%
R	3	113	158	72%
S	3	166	318	52%
SS	3	49	71	69%

D18, 1' minimum				
Standard Value	Count	Total	% Conforming	
F	1	95	175	54%
R	1	113	158	72%
S	1	166	318	52%
SS	1	49	71	69%

4893 SF Lot in Starr Hill

20' Setback Sum Required

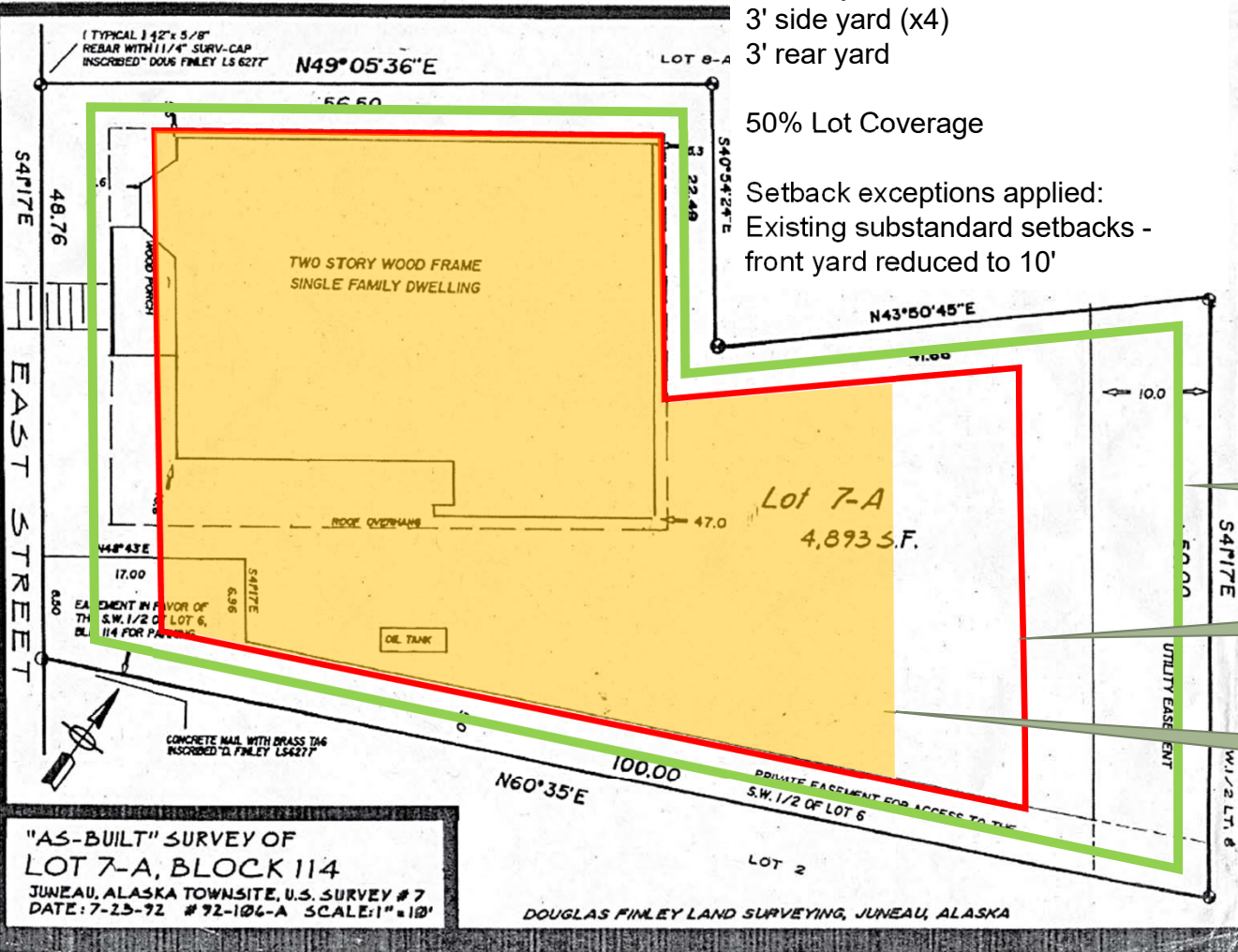
5' front yard

3' side yard (x4)

3' rear yard

50% Lot Coverage

Setback exceptions applied:
Existing substandard setbacks -
front yard reduced to 10'

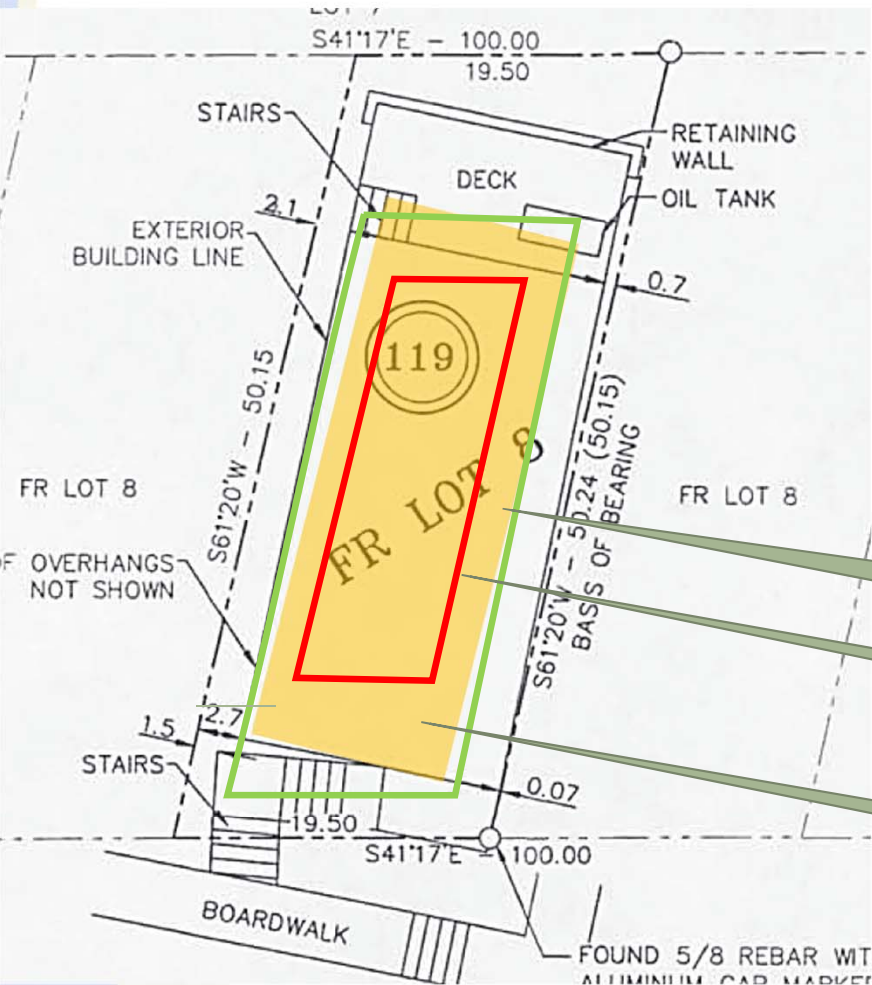


Sliding Setback Box

D5 Setbacks

D5 Lot Coverage

954SF Lot in Starr Hill



20' Setback Sum Required

3' front yard

3' side yard (x2)

11' rear yard

50% Lot Coverage

Setback exceptions applied:

Existing substandard setbacks -
front yard reduced to 10'

Non-conforming lot depth -

Rear yard reduced to 14'

Sliding Setback Box

D5 Setbacks

D5 Lot Coverage

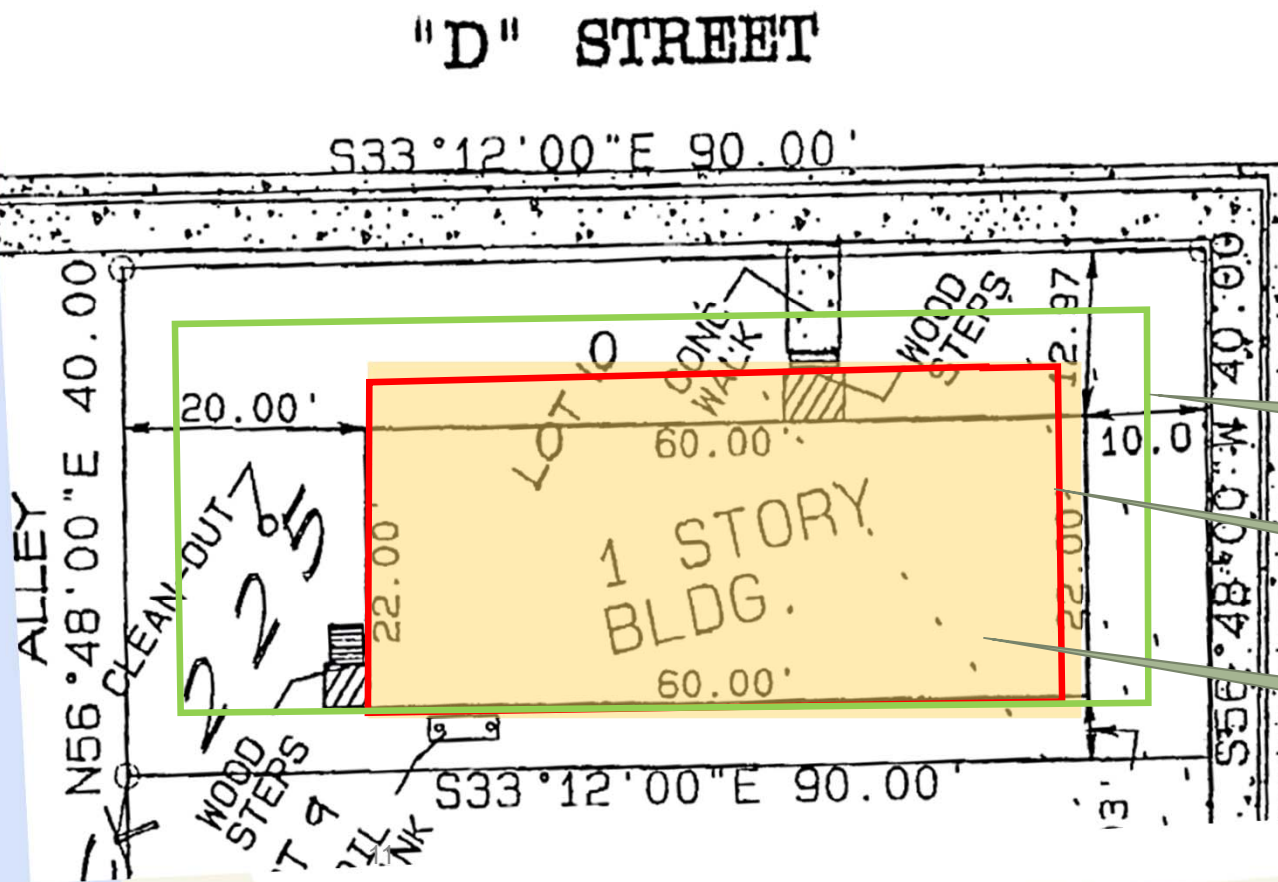
Maximum lot coverage = 477SF

10



3,600SF Lot in
Casey Shattuck

20' Setback Sum Required Setback exceptions applied:
5' front yard Existing substandard
5' side yard setbacks - front yard
5' street side yard reduced to 12' and street
5' rear yard side yard reduced to 10'



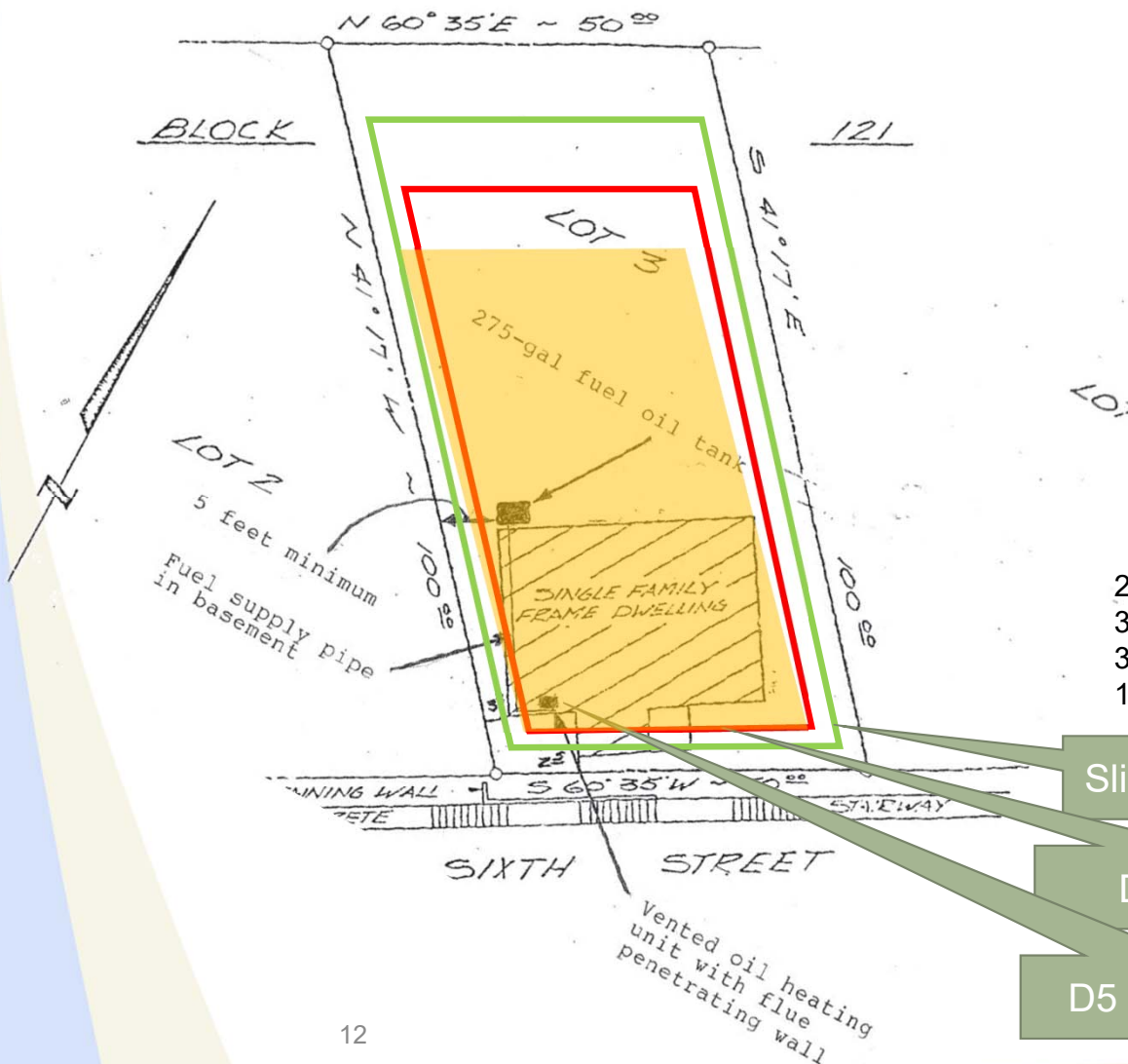
9th

Sliding Setback Box

D5 Setbacks

D5 Lot Coverage

4,893SF Lot in Starr Hill



20' Setback Sum Required

3' front yard
3' side yard (x2)
11' rear yard

Setback exceptions applied:

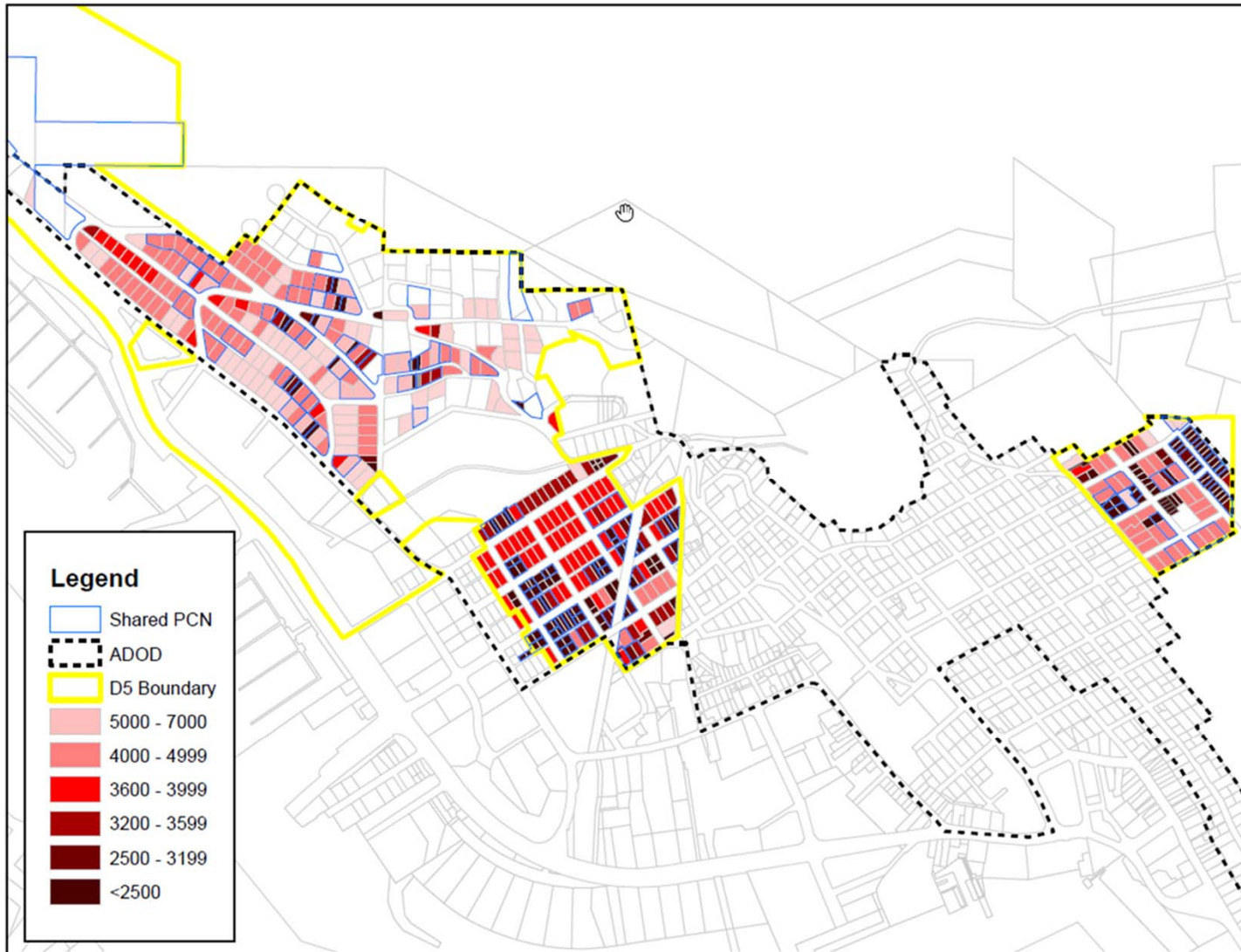
Sloping lot – slope of this lot is 46%, so front yard reduced to 5' based on neighboring lots 0' front yard setback.

Sliding Setback Box

D5 Setbacks

D5 Lot Coverage

Minimum Lot Size



Staff recommends 3500 sf minimum lot size

Casey Shattuck		
Standard	Value	% Conforming
Area	3500	61%

Highlands		
Standard	Value	% Conforming
Area	3500	96%

Starr Hill		
Standard	Value	% Conforming
Area	3500	72%

Combined		
Standard	Value	% Conforming
Area	3500	70%

Casey Shattuck, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	3	148	2%

Highlands, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	76	225	34%

Starr Hill, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	11	73	15%

Combined, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	106	465	23%

D10		
Standard	Value	% Conforming
Area	3500	57%

D10		
Standard	Value	% Conforming
Area	6000	30%

D18		
Standard	Value	% Conforming
Area	3500	68%

D18		
Standard	Value	% Conforming
Area	5000	33%

This lot size **substantially increases** conformity.
 This lot size is currently the minimum area for a bungalow lot in D5

Staff recommends 3500 sf minimum lot size

D5		
Standard	Value	% Conforming
Area	7000	23%

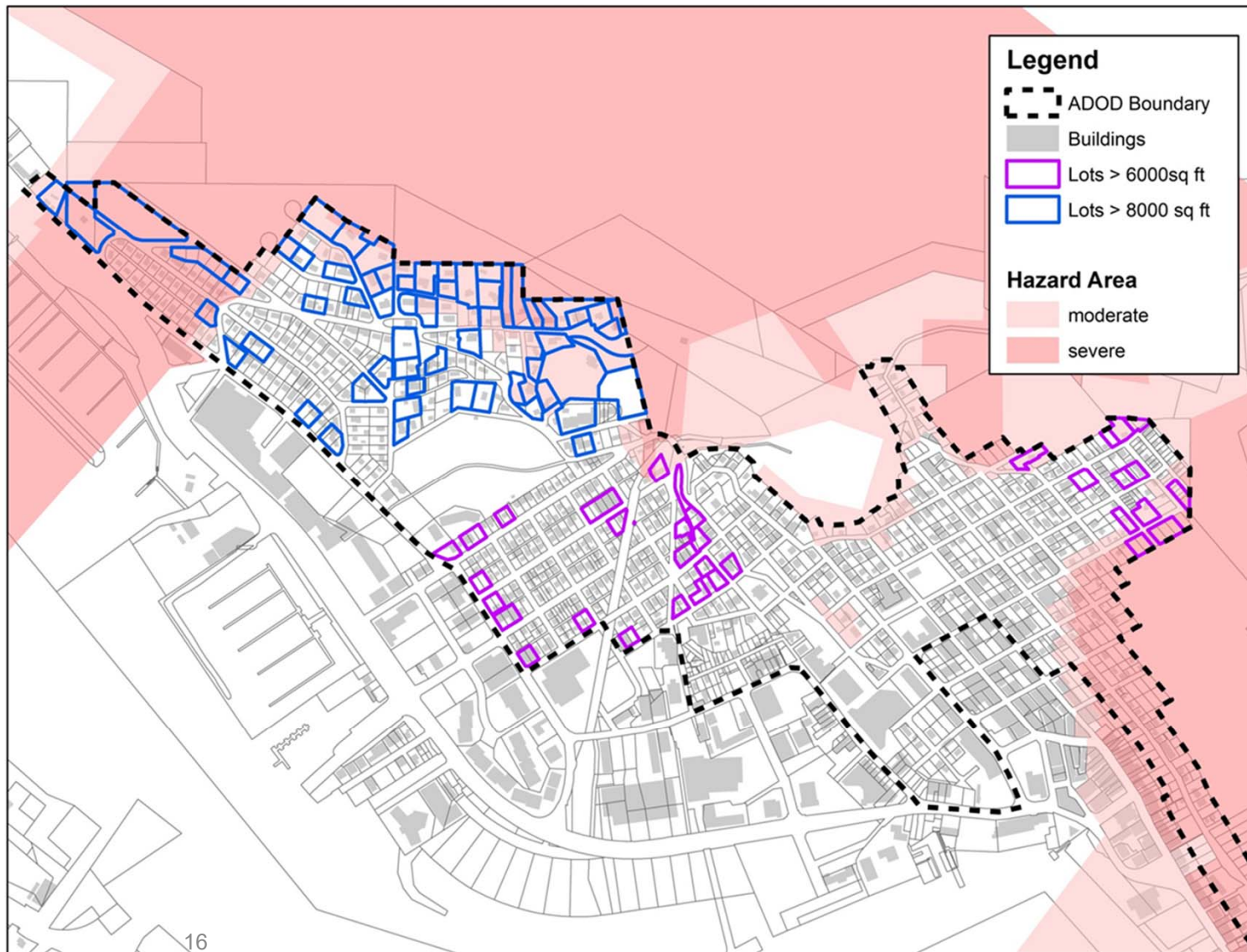
D10		
Standard	Value	% Conforming
Area	7000	25%

D18		
Standard	Value	% Conforming
Area	7000	19%

A small fraction of lots could be subdivided as a result of reducing the minimum lot size.

7000 sf would be approximately two standard lots.

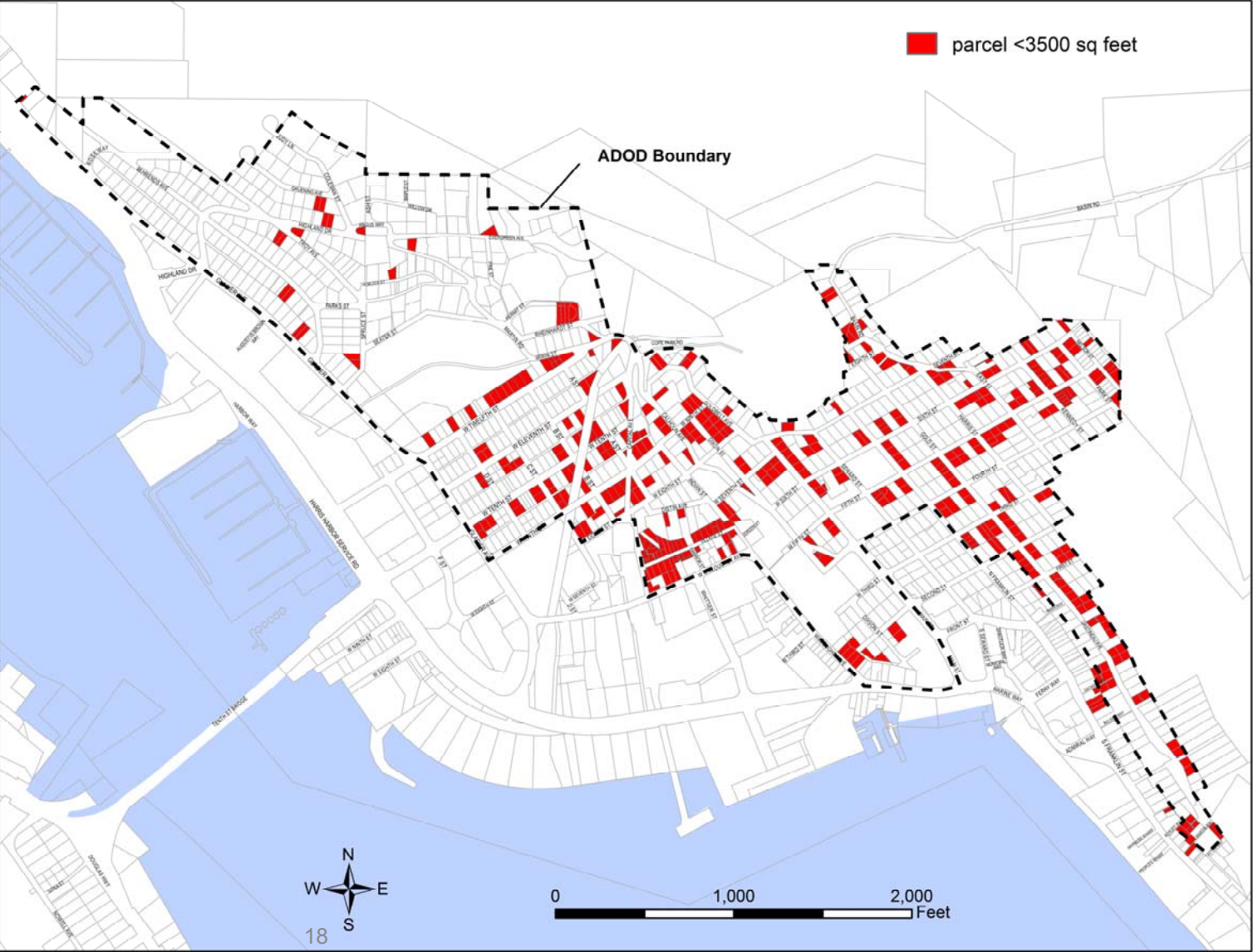
35% of all lots in the Highlands, or 77 out of 218 lots, are at least 7000 square feet. Of those lots, many are in the moderate hazard zone, and several are in the severe hazard zone.



Staff recommends 3500 sf minimum lot size

Lot size is 3507 sf. Building footprint without garage is approximately 965 sf. Lot coverage is 28%.





Zoning Regulations			D-5	D-10	D-18	MU
Minimum Lot Size						
	Permissible Uses		7,000	6,000	5,000	4,000
		Bungalow	3,500	3,000	2,500	
		Duplex	10,500			
		Common Wall Dwelling	7,000	5,000	2,500	
Minimum lot width			70′	50′	50′	50′
	Bungalow		35′	25′	25′	
	Common wall dwelling		60′	40′	20′	
Minimum lot depth			85′	85′	80′	80′
Maximum lot coverage						
	Permissible uses		50%	50%	50%	None
	Conditional uses		50%	50%	50%	None
Maximum height permissible uses			35′	35′	35′	None
	Accessory		25′	25′	25′	None
	Bungalow		25′	25′	25′	
Minimum Setback Sum			20′ , minimum 3′ setback per side			
Minimum vegetated cover						

Staff will make recommendations on other dimensional standards that should be included in the overlay district once minimum lot sizes are determined, and whether the dimensional standards should be revised after the minimum standard lot size is reduced.

Setback reduction for non-conforming lots

- **The Title 49 Committee should consider creating a setback exception for lots that remain non-conforming after the adoption of this ordinance.**
- For example, if a lot remains non-conforming in lot size, could the setback sum required could be reduced to the same percentage. If the minimum lot size is 3,000 square feet, and my lot is 2,000 square feet, my setback sum could be reduced to 66% the required (13.33 feet).
- Sample language: Substandard lots. If lot size is non-conforming to the requirements set forth in the ADOD overlay dimensional standards, the required setback sum may be reduced to the same percentage that the lot size bear to the ADOD overlay dimensional requirements. In no case shall the required setback sum be less than 12 feet.

Questions?
