Agenda

Planning Commission - Title 49 Committee
City and Borough of Juneau

July 10, 2019
Marine View Building, 4th Floor
12:00 PM

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- **A.** Draft Minutes, April 11, 2019, Title 49 Committee Meeting
- **B.** Draft Minutes, April 18, 2019, Title 49 Committee Meeting
- **C.** Draft Minutes, May 30, 2019, Title 49 Committee Meeting

IV. AGENDA TOPICS

- **A.** AME2018 0004: Downtown Zoning

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

VI. ADJOURNMENT

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

Thursday, April 11, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:
Nathaniel Dye, Travis Arndt, Andrew Campbell, Ben Haight

Members Absent:
Shannon Crossley, Ken Alper

Staff Present:
Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Laurel Bruggeman (CDD Planner), Amy Liu (CDD Planner), Marjorie Hamburger (CDD Admin)

I. Call to Order

The meeting was called to order at 12:16 pm.

II. Approval of Minutes

Minutes from October 15, 2018, November 19, 2018, and December 3, 2018 need review and approval. Copies will be sent to Committee members to review and approve at the next Title 49 Committee meeting.

III. Agenda Topics

A. AME2018 0004: Downtown Zoning

Ms. Boyce shared a PowerPoint regarding the new proposals for residential zone districts in downtown Juneau.

Why are we here?
This slide displayed the Alternative Development Overlay District (ADOD) boundary. Residential districts were labeled; these are the areas proposed for rezoning in order to preserve their existing characteristics. The next slide showed the proposed new zoning and some new zoning categories including RSF1 in the Highlands area, RSF2 for Starr Hill and Casey Shattuck neighborhoods, and RMF 10 and 18 in areas where multi-family residences are located.

Purpose of the ADOD
Ms. Boyce gave some background to the ADOD, which was adopted in 2017 and sunsets this August for downtown Juneau, which gives CBJ a deadline to have the new zoning in place. Ms. Maclean said that the reason why CDD was tasked to do this rezoning was so that property owners will have the ability to reconstruct or build new homes that fit within their neighborhood. A recent trigger for this effort was the application for a variance received and denied for a new home construction at 12th and A Streets in the "Flats" neighborhood. The owners were just trying to build a home similarly situated on the property like neighboring structures.

Important Terms
The first of these slides presented a visualization of terms regarding setbacks and buildable area on a lot as well as a definition of vegetative cover. Changes are being proposed regarding lot size, setbacks, and vegetative cover but no changes are being proposed regarding use.

The second slide gave information about what constitutes a non-conforming property. The 1987 borough-wide rezone effort resulted in most of the downtown properties not conforming to their zoning. Ms. Maclean added that is important to note that these properties are considered legally-nonconforming.

Some History of Downtown Development
The "Year of Built Structures" slide is color coded for building dates of properties and makes clear the age of the older, established downtown.

After the 1987 rezoning resulted in properties becoming non-conforming, owners who wanted to improve their homes might require a variance to make necessary improvements. The green color in this slide showed setback variances that have been granted. Mostly these have happened in downtown Juneau and downtown Douglas. In 1987 the cost of application for a variance permit was $100, today it is $400. This has been a cost and a complication borne by home owners simply because the properties were rezoned in such a way that they no longer "fit".

As a comparison, the slide of the Valley indicated not much need for variances because the D5 zoning fits better in those neighborhoods. The same for is true for the Lemon Creek area. In these areas, variances that are requests are most often regarding parking, height, and streamside setbacks.

Existing Conditions Downtown Juneau: Summary of setback nonconformity
Ms. Liu said that previously there was no information about setback compliance, but she and Ms. Bruggeman have worked with data and imaging to put together this chart, allowing some room for error. These tables summarize the trends. The take away is that a minority of lots meet setback requirements and the front setback is the most demanding to meet under current zoning. Mr. Dye asked if this is the situation borough wide. No, just those areas where the ADOD is currently in place i.e. downtown Juneau and downtown Douglas, said Ms. Liu.

The next slide shows properties indicated in red which do not meet the front yard setback. Ms. Liu reiterated that the scope of this study was limited to residential properties in the Juneau ADOD area.

The slide "Summary of setback nonconformity" shows more detail. For all of the zone districts downtown, there currently is a 20 foot minimum setback requirement. The properties in the darkest color are ones that in actuality are setback 0-4 feet in the front yard. Mr. Dye asked if exceptions are allowed such as for arctic entries. Ms. Liu said that she and Ms. Bruggeman did the best they could looking at aerial imaged but not all was as clear as could be desired.

The rear yard setback slide indicates properties not meeting the 20 foot setback.

For side yard setbacks, blue or yellow colors indicate that only one side setback was met. If green, both sides are nonconforming, said Ms. Liu.

A street side setback is when a property has frontage on 2 rights of way and one side is chosen as the "street side".

Existing Conditions Downtown Juneau - Lot size
Considering all of the D5 zoned properties in the ADOD area, 80% did not meet the minimum lot size standard. If on the map in the slide it has a color, it does not meet minimum lot size. Some lots are less than 2500 sq. ft. The smallest lot on Starr Hill is 903 sq. ft. and in the Flats the smallest is 761 sq. ft.

Non-Conforming Properties
All the properties in yellow are considered non-conforming for minimum lot size.

What is proposed?
The first slide in this section showed the current D-5 zone district standards. These are proposed to be changed for the ADOD area. Ms. Boyce showed a series of slide with the proposed district standards for the different neighborhoods in the ADOD area.

The Highlands – This table showed what is currently in place and what is proposed, based on all the collected data. Ms. Boyce said it is likely there will be a discussion about maximum height, because the suggestion is to lower that number because it is a finding that the existing character of the D5 neighborhoods would not support a 35 ft. building. Mr. Arndt asked if a 15 foot setback forces a property owner to put in a garage because there is not enough room in a driveway. Ms. Maclean said parking can take place in a setback. The larger setbacks seem appropriate for safety reasons along Glacier Highway with the school zone. Mr. Dye asked how many properties are conforming as to parking. Ms. Boyce said this was not looked at, but it would be difficult to determine. Ms. Maclean pointed out that the focus is to get away from the need for variances and, in any case, there now is another way to reduce a parking requirement - the parking waiver, adopted in 2016 or 2017.

The next two slides included visualizations of the proposed changes. The maximum lot coverage would remain at 60%, but there would be more flexibility for where a home could be rebuilt or added on to on the property.

Casey Shattuck & Starr Hill – This table displayed what is proposed for these areas. The Casey-Shattuck proposal is for a 5 foot setback for the front whereas only 3 feet is proposed for Starr Hill. Subsequent slides showed how this might look. At the end there would be more flexibility on the lot for where an owner can build. Mr. Arndt and Mr. Dye wondered not make both neighborhood 3 feet? Also, Mr. Dye asked if the ADOD will disappear once the zoning is done. Ms. Maclean said she thought arctic entries, sheds, and carports might not need an ADOD. There are some little things in the exception language, like “not less than 10 feet” that could be tweaked in order to eliminate the need to retain the ADOD. Mr. Dye asked if the intent is to allow a remodel, a rebuild or a new build or is it just to address non-conforming properties, which is another section of code currently being worked on? Ms. Maclean said that the non-conforming code language will address an owner’s ability to rebuild. Ms. Liu said that the rezoning project has more to do with adding to an existing building or a new build on a property. Ms. Maclean said that in any of the instances encroaching would not be allowed. Mr. Arndt wondered if it would be out of the question to strive for 90% compliance for all of the ADOD area. Ms. Pierce said staff had a lot of discussion about recognizing houses built up to lot line such as on Starr Hill and whether or not to suggest a zone with a 0 foot front setback. Ms. Boyce said it generally is nice to have buffer of some sort along the street. Having a larger buildable area on the lot means an owner can situate a building farther back. Mr. Dye said he had questions about the 60% buildable area and the confusion owners may have about this. Mr. Haight said many properties on Starr Hill are not going to achieve this ratio of existing building to lot size. Mr. Arndt said he would like to see the percentages of properties being talked about.

Mr. Campbell wondered about the thinking in 1987 to rezone downtown in this way; was it intentional to create this mismatch or just ignorance of how it would affect the area? Ms. Maclean said that it was not unusual at that

time to create this type of zoning. The Valley was in the process of being built and much of that area conforms to the zoning that was put in place, so that seemed to be replicated downtown. Perhaps people at that time were not valuing as much the historic value of downtowns - witness the razing of Willoughby Avenue. Mr. Campbell pointed out that now the city has made it possible to construct cottage housing and other smaller, residential buildings. He would not want to perpetuate a mistake in a similar way as in the past and just blanket areas as one zone when it might not be appropriate into the future.

Ms. Maclean said that according to the Housing Action Plan, it is a win to gain additional dwelling units in areas with good public services when there is a larger lot in such an area, but these in-fill efforts often bump into the existing property owners who like their neighborhoods as they are, although they themselves were able to develop as they wanted back in the day. Also, there are other issues regarding subdividing a lot, for example there are hazard areas in the Highlands and Starr Hill. The hazard zone might not allow for a subdivision despite the larger size of the lot. There are two different premises at work - making the existing development conform to its zoning versus adding more infill development. Ms. Maclean said that this rezoning effort is mostly about determining what the character of a neighborhood is and allowing future development to match that character. Mr. Dye wondered if the intent is to alleviate non-conforming situations or to allow for new construction. What lens should commissioners look through as we proceed, he asked? What about replicating these types of areas elsewhere in the borough? Ms. Maclean said that the task at hand is to preserve the character of historic neighborhoods and make most of the properties conforming. Homes that are currently in place need to be able to be reconstructed. Issues with a building that is considered non-conforming come more into play when someone is trying to obtain a mortgage to buy one of these homes and/or reconstruct what they own if it was legal when it was built. Also, as a city we have said that we need more housing, so we want to make it a bit easier to do infill development. Ms. Pierce said that the idea of relying wholesale on legally nonconforming status versus fixing the zoning perpetuates the problem of a flawed process from the 1980's. Legally non-conforming doesn't fix the problem, although it allows for renovations and helps with buying and selling. But this rezoning effort helps with decision making, she said. Mr. Dye said that some of the non-conforming numbers do not decrease very much, and so that doesn't seem that big of a win. Ms. Maclean said that Starr Hill is very wonky with a lot of variety in the properties, unlike Casey Shattuck which is more uniform.

Mr. Dye asked if this rezone will be more effective than the ADOD. Ms. Boyce said that there is another facet to rezoning in regards to an undersized lot that wants to add an accessory apartment. At present, the owner needs to obtain a Conditional Use Permit to do so. Ms. Maclean said another problem with the ADOD is that all decisions need to go before the Planning Commission which can be time consuming for property owners depending on their property. Often there is the need for a lot of time consuming research which means money charged to the owner. She said she thinks if the rezone gets most properties to become conforming, it will be a benefit to the community.

Mr. Arndt asked how many permit problems and rebuilding issues would be solved going forward from a rezone. Would it be better or possible to consider all buildings built pre-1987 conforming and allow them to be rebuilt within their existing footprints? Ms. Maclean said that would be considered "legally non-conforming" but would still not fit the zoning. Mr. Haight said that a house he owned on Starr Hill had the property line going through the house. He said he can see Mr. Arndt's argument if the property lines could be figured out except if a building crosses property lines that can't be done. Ms. Maclean said she would be worried that the whole borough would want properties to be absolved of their current zoning in a similar way if it happened for downtown. Mr. Arndt said he disagreed; other areas were not built in 1900, he said.

Slide showing ADOD boundary
Ms. Boyce said that parcels identified in red are structures related to the proposal to drop the maximum height to 30 feet in the residential neighborhoods as they all are currently more than 30 feet tall. Mr. Dye asked if newer structures would be then considered legally non-conforming. He said that most of the neighborhood concerns about a recent new build of an out-of-character tall residence in the Casey Shattuck neighborhood were about design standards not height. If we are trying to not compound mistakes from the 1980's, shouldn't we fix all non-conforming situations, he asked? Ms. Boyce said that if ADOD is strictly adhered to, then any efforts should be about preserving neighborhood character. Mr. Arndt said this felt like a half-step into design standards once height is added. Mr. Dye said he was leery of the 30 foot limitation. Mr. Arndt said that he hates taking things away from something allowable that was once there. Mr. Dye asked if the planners thought this could be used as a carrot to help the new zoning be adopted. Ms. Boyce said not really.

Mr. Arndt left the meeting at 1:11 pm.

Lot size < 3,000 sq. ft. (2 slides – Starr Hill, Casey Shattuck)
Many of these lots are owned by the same people with houses built across property lines, said Ms. Boyce. Ms. Maclean said it would be helpful if these situations could be shown on the map.

Mr. Dye suggested removing any CBJ-owned land out of the images, such as the tiny lots along Calhoun Avenue.

Lot size < 4,000 sq. ft.
Can you force people to consolidate their lots, asked Mr. Dye? We do not do that here, but other places do, said Ms. Maclean. She said this concept was considered and then deleted by the Title 49 Committee from the non-conforming code. Mr. Dye asked to be reminded why the committee did not want this included as he thought this should be reconsidered. Also, he pointed out, the area represented in this slide included a lot of high hazard properties which cannot be subdivided for that reason.

Multifamily Zone Districts Downtown
Ms. Boyce said that for multifamily the proposal is to just change a few things. The minimum lot size is smaller and setbacks are different from what is currently in place. Density is not proposed to change at all. Mr. Dye asked if on the street side, the triangle map still would need to be done. Yes, this is included to insure safety around corners, said Ms. Boyce. Mr. Dye said he thought this needed to be looked at for corners to see if it will fix problems.

Setback Reductions
This slide showed the code as it currently exists. Language is being proposing to be added to say that in no instance shall a required setback be less than 3 feet (underlined sentence at the end).

Existing Conditions - Downtown Juneau
These slides show changes to zoning over time in the residential areas under discussion. The Casey Shattuck/Federal Flats area has seen many zone changes from pre-1956 until today.

Benefits of Rezoning
This slide highlighted what had been talked about regarding the benefits to the property owners and the community.

Conclusion
Where we going next with this project, asked Mr. Dye? He said he assumed more work needs to be done in Title 49 Committee. Mr. Campbell said he would like to compare the zoning with the hazard maps. Mr. Dye said he wanted to see a visual of the whole area organized in a way that he could wrap his brain around the big picture. Ms. Maclean said a visual like this will also help the Assembly. Mr. Dye also suggested removing those double lots that contain only one structure from the math and if percentages could be added that would be easier to digest. Finally, is indicating the corner math not too much to ask?

IV. Next Meeting

It was proposed to keep the momentum and make best use of Ms. Boyce's time before she leaves the department. Wednesday, April 17, or Thursday, April 18, will be vetted with committee members. Commissioners made requests for some other information they would like to see at the next meeting.

VI. Adjournment

The meeting adjourned at 1:30 pm.

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

Thursday, April 18, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:
Nathaniel Dye, Travis Arndt, Shannon Crossley,

Members Absent:
Andrew Campbell, Ken Alper

Staff Present:
Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Laurel Bruggeman (CDD Planner), Marjorie Hamburger (CDD Admin)

I. Call to Order

The meeting was called to order at 12:06 pm.

II. Approval of Agenda

MOTION: by Ms. Crossley to approve the agenda.
The motion passed with no objection.

III. Approval of Minutes

A. October 15, 2018 Draft Minutes

MOTION: *by Ms. Crossley to approve the October 15, 2018, minutes.*
The motion passed with no objection.

B. November 19, 2018 Draft Minutes

MOTION: *by Ms. Crossley to approve the November 19, 2018, minutes.*
The motion passed with no objection.

C. December 3, 2018 Draft Minutes

MOTION: *by Ms. Crossley to approve the December 3, 2018 minutes.*
The motion passed with no objection.

IV. Agenda Topics

A. AME2018 0004: Downtown Zoning

Ms. Boyce gave a similar presentation as at last week's meeting with some additional slides and information.

To reiterate, she said that zone district are being proposed to better fit what is on the ground downtown. Mr. Dye said that a variance request for setbacks was denied some years ago which led to what is now referred to as the "Olmo decision" regarding zoning that does not fit what already exists on the ground. This case led to the creation of the Alternative Development Overlay Districts (ADOD) to allow for flexibility and time to rezone downtown Juneau and Douglas and reduce the amount of nonconforming properties.

Ms. Boyce said that she has updated some of the maps with legends and pink coloring to indicate hazard areas.

Ms. Boyce said that property owners in the Highlands have concerns about having the same zoning as properties lower down the hillside along Glacier Ave. She has included a new map with blue boundaries showing the larger lots in that neighborhood that could be subdivided and it also shows those lots that are small but owned by the same owner and so could, potentially, be combined into one conforming lot.

Ms. Maclean said that in Juneau if you have abutting properties in common ownership which are nonconforming, there is no requirement to combine these properties in order to conform. There are communities she is familiar with that do mandate this. The Title 49 Committee did discuss in the fall about possibly proposing this mandate but decided it was not the right thing to do. Since the question came up at last week's meeting, maybe the committee would want to reconsider, she said, because seeing it applied makes more sense than when it was discussed hypothetical last fall.

Mr. Arndt clarified that such an action would not change what people have built; it would just change whether or not it conformed to the zoning. In which case, is there any actual benefit to anyone, he asked? Mr. Dye said that if lots were combined and the house which formerly was built across property lines burns, the owners can rebuild on the footprint. There could be some mandating language in the code to the effect that shared ownership properties are required to be consolidated if and when owners want to rebuild. Mr. Arndt said he couldn't think of any other benefit to the owner. Ms. Maclean said another instance might be if an owner wanted to add an addition to a building, causing the structure to cross property lines. It seems it could be useful language only if an owner is proposing some development that crosses property lines. Mr. Dye said it would make sense to him to draft such language as part of the nonconforming code that is being worked on. Mr. Arndt said he agreed. Ms. Boyce pointed out a nuance regarding if there are 2 buildable lots, a tax issue arises because the assessors would be charging for only one. Mr. Dye asked why this is so.

Returning to the map with hazard areas indicated, Mr. Dye pointed out that in order to subdivide these properties, owners need to come before the Planning Commission. While an owner can build in a high hazard area, they can't subdivide the lot.

Ms. Boyce said that those properties in the Highlands that could meet lot width and lot depth would potentially be able to subdivide.

Ms. Boyce said the proposed minimum lot size for the Starr Hill neighborhood is 3,000 sq. ft. On the map, those lots indicated in purple are abutting lots with common ownership. An owner of a lot in a severe avalanche zone has the right to build a single family home; however if a residence is already existing, the owner cannot add bedrooms or increase density at all. Mr. Dye wondered if with the remapping of hazard zones if some parcels will change designation. And, if so, it might not be prudent to rely on current mapping. Ms. Maclean said that in Juneau as long as a parcel is not zoned Industrial, the owner has an automatic right to build a single family home, no matter what. Some people at the neighborhood meetings spoke against having smaller lot sizes because they worry about more homes going in, especially in the Highlands area. One thought to mitigate

increasing the density in that neighborhood is through hazard zones, as many parcels there cannot subdivide anyway.

Ms. Boyce suggested if there is concern, there could be a temporary moratorium on subdivisions until the new hazard maps are adopted. Mr. Arndt said he thought hazard areas should be pulled out of the conversation. Hazard areas should not dictate what we do, he suggested. The reason that new zoning is proposed is because of the goal of maintain the character of the historic neighborhoods. He said he felt less swayed by people's personal objections if the decisions about changes are in keeping with the character of the neighborhood. Ms. Maclean said that now we do not have any idea if hazard zones will change, but she agrees that is should not be used as an excuse not to do something. Mr. Dye said he agreed with keeping it as informational material.

Mr. Dye expressed concern with having too many new zoning districts. What is the goal and will they be used elsewhere in the borough? Also, how would new zoning work with the nonconforming code? He said he is unclear about what lens to look through. Is it best to use form-based zoning? Maybe, he suggested, things need to slide more within a single zone district instead of having multiple zones is a relatively small area. Is there another way to do it, he wondered, and asked for some staff input.

Ms. Boyce asked if a sliding scale would just be for setbacks. Mr. Dye said he wasn't sure; it could be for lots of stuff. Mr. Arndt said he had an historical question. If the problem arose in the 1980's, what pre-dated that? Is it possible to eliminate the changes made in the 1980's and go back to something original? Mr. Dye said there was a time when the Federal Flats were zoned to allow for very tall buildings. This pre-dates the zoning in use today, he said. Ms. Boyce showed the *Year Built of Structures* map. Mr. Arndt said it seems we can't go back to a previous zoning method; however staff has had to do a lot of work to create a band-aid to fix another band-aid.

Ms. Boyce showed the Casey-Shattuck/Flats Area table with the dates of zoning. The D10sf zone classification was created to emulate the Casey Shattuck neighborhood, but it did not work to make many properties fit. Mr. Arndt asked if an R-2 zone makes almost all properties conforming. No, said Ms. Boyce, half would not conform.

Ms. Maclean said that a sliding scale method is sort of form-based whereas Euclidian zoning creates districts by use. Form based zoning is more about form driving the use and is often used in neighborhoods that the community wants to preserve. For example, the form can be such that a big box store couldn't fit, whereas a small pharmacy might. Also, the zoning can go so far as to dictate architectural treatments. A sliding scale might work for setbacks, she said, but lot size might scare people if there were to be no minimum. Mr. Dye wondered if in a zoning district, the sliding scale can apply to a particular lot size based on the date it was originally platted. For example, lots platted in 1960 or earlier do not need to meet a minimum size and those platted after do need to. Ms. Maclean said she was worried that the city does not have records for old properties. Ms. Pierce mentioned a property above Savviko Park that was a jagged tooth size and being troublesome, and the owner only had a photograph of a handshake that determined how the lot came to be platted that way.

Mr. Dye said he would not want to limit the determination to just when a lot was platted; it could be expanded to include proof of ownership, etc. Mr. Arndt said he thought a combination of both ideas could be good and might fit better. He said he likes form based zoning but perhaps something could also apply like Mr. Dye suggested with a sliding scale. His major concern is that what is being proposed still doesn't address all or most of the nonconforming properties. Mr. Dye concurred and said that if the purpose is to alleviate problems going forward and engage with the community so they can preserve what they have, 66% conformance is not worth it. Mr. Arndt said that he wants things to be easier for planners and homeowners. Ms. Boyce said that because all of these lots are nonconforming, when an owner seeks a permit to add on to their building, a lot of time is needed for analysis.

Mr. Dye said that there already are some sliding scale mechanisms in place, so he is trying to move this discussion there. Mr. Arndt asked how much work it would be to look at a form based system. Ms. Maclean said it may take quite a bit of money as staff would have to go out and measure the properties. Mr. Dye asked if it would be realistic to use a hybrid method. Ms. Maclean said she thought it could work for setbacks and vegetative coverage, but she was not sure about lot size. Also, she could anticipate questions about why such a method would not be allowed in other areas of Juneau. Mr. Dye said he thought this could be easily explained because other areas of development in the borough are not so old. Mr. Arndt suggested that the determination of other districts that could use such a method be tied to a percentage of properties in an area that are nonconforming. For example, if more than 50% of properties are nonconforming, then this system could be used. Mr. Dye said that clarifying this at the start can make it understandable to the community. Downtown Juneau and Douglas have very clear problems that are not present elsewhere in the borough. Evidence suggests that they are unique. Mr. Arndt said that he does not want the next group sitting here 30 years from now to have to solve the problem created today or that wasn't fixed in the first place.

Ms. Crossley said she wondered if minimum lot size is the issue. Why does that problem exist? Mr. Dye said that it existed in Euclidian zoning and someone had to pick a number to use. Ms. Crossley wondered if a size of a lot could be established below which an owner cannot build? Ms. Bruggeman said that when someone subdivides a property, they have to show that there is a buildable area. Ms. Boyce said that could encourage a lot of development downtown with the accompanying density issues for water, sewer, etc. Ms. Pierce asked if a house built in 1901 burns, how is the owner allowed to rebuild. Mr. Dye said he thought it should be about the lot, continuing same use in the same footprint, and allowing the owner to maintain what they had. If the owner wanted to replace the single family home with a triplex, that would be different. Mr. Arndt said there would have to have bounds on the sliding scale. A person who buys a lot in the Flats has to know what the rules are so they don't have expectations that they might develop a triplex from the single-family home. Ms. Crossley asked who determines the scale. The Planning Commission and then the Assembly would have to approve.

Mr. Dye asked staff if this was something that could be considered, despite all the work that has already been done. The work done so far has shown that traditional zoning methods don't get as close to 100% conformance as was desired. Also, Mr. Dye asked, would the ADOD still need to exist for those properties that will not conform ever? Ms. Boyce said that the districts in the current proposal allow for 60% lot coverage, which matches the ADOD. Regarding setbacks there is proposed language (no less than 3 feet) and reduced requirements for vegetative coverage. Mr. Arndt wondered if an applicant could be required to obtain more data about their property as part of a permit application. A home owner would need to provide information about how their proposal fits a trend in their neighborhood, and then the city would keep that collected data into the future. Put the onus on the applicant, he suggested.

Ms. Boyce said that the intent with reduced setbacks is to create a building window with greater flexibility to place a structure on a lot. Mr. Dye asked if there is a reliance on lot coverage to restrict buildings, why is there a need for any setbacks? Ms. Boyce suggested that safety, light, and air could be reasons. Mr. Dye wondered if this is an issue now. What is a safe minimum? Mr. Arndt said that as parcels get smaller, and buildings are closer together, firewalls are important.

Ms. Boyce showed committee members a parcel viewer that is under development and clicked on the layer list feature, which allows building footprints to be shown. Density exceeded is one of the layers, however staff is not engaged with determination as part of the rezoning project. The tool allows for users to click on the variance layer to see when and why variances were received. This tool is not published for the public, at present, however.

Ms. Boyce wanted to know if the committee wanted to spend more time with the tables in the presentation. Mr. Dye said while it is interesting data, he did not want to spend more time with them if the lens for looking at the rezoning of downtown was shifting. Mr. Arndt stressed that zoning has to be clear to homeowners and applicable by planners, and he wondered what would work for both of these goals. Ms. Maclean said she has worked with other codes and wondered what might be the outcome if frontage required was looked at instead of lot coverage because there are so many "weird" lots downtown. If there were to be a sliding scale for setbacks, perhaps it could be based on the frontage instead of on lot size. What is the average and the smallest for frontage, asked Mr. Dye. He said he thought that this is the kind of creativity needed for this project. Ms. Pierce asked if new zoning only gets to 95% compliance is that any better than 66%? Mr. Arndt said that if the zoning becomes easy to be applied by CDD that would be very helpful.

Ms. Crossley said she liked the frontage comment a lot. When considering an historic district, it is hard to put it in a modern box.

Mr. Arndt said that the work staff has done has been very useful, but it also shows the need to look at some other solution.

V. Committee Member Comments and Questions

Ms. Maclean asked about good days of the week for a lunchtime meeting. Tuesdays and Wednesdays are good for Ms. Crossley, Mr. Dye, and Mr. Arndt.

Ms. Boyce will email out a link to the parcel viewer she mentioned.

Mr. Dye asked what else is on the committee's plate. Ms. Maclean said she would need to review minutes from previous meetings. Some things she recalled were urban agriculture, which went to the Committee of the Whole but was sent back to Title 49 Committee for some additional work. Other topics to finish include common walls, nonconforming, and streamside setbacks. Ms. Pierce said that planners are in the process of consolidating the amendments they wish to see to fix problems in the code. Mr. Dye said the Title 49 Committee wanted to see small, housekeeping fixes just once, if possible.

VI. Adjournment

The meeting adjourned at 1:05 pm.

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

Thursday, May 30, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:
Nathaniel Dye, Travis Arndt, Andrew Campbell, Shannon Crossley, Ben Haight

Members Absent:
Ken Alper

Staff Present:
Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Laurel Christian (CDD Planner), Chelsea Wallace (CDD Admin), Autumn Sapp (Engineering & Public Works Business Manager)

I. Call to Order

The meeting was called to order at 12:00pm.

II. Approval of Agenda

Mr. Dye proposed to change the agenda to include discussion for setting up a more permanent schedule with dates and times and would like to meet at least once a month.

Mr. Haight asked if it would be good to supplement with special meetings, as needed.

Mr. Dye agreed special meetings would be good and held as needed, on top of the standing, monthly meeting.

Mr. Arndt asked if there was enough work for the Committee to hold a meeting every month.

My Dye replied that he was aware of work that needed to be done and asked if the CDD would be able to provide the Committee with enough work for monthly meetings.

Ms. Maclean replied that the CDD would be able to provide the Committee with work each month.

Ms. Pierce replied that there is a spreadsheet full of work for the Committee to tackle and noted that once the work for Downtown and Auke Bay have been completed, it should make the work for Douglas move more smoothly.

Mr. Dye asked if there were any dates and times that worked well for everyone to schedule the monthly meetings.

After some deliberation, the Committee decided they would begin meeting on the third Wednesday of each month at noon.

III. Approval of Minutes

IV. Agenda Topics

A. Proposed Revisions to Private Shared Access (49.35.260)

Ms. Maclean stated that staff tried to take Private Shared Access incrementally, like most things, but there were some unanticipated obstacles that needed to be tackled. The topic did grow slightly, because bungalows and panhandles had been tied in. Unfortunately, the time that CDD gets with the Law Department is quite limited and the appeals CDD is dealing with is taking up a lot of that time. Due to this, Ms. Maclean suggested that the bigger issues are flagged to come back to, in order for the Committee to try to fix the issues that are holding up homeowners from getting their work done; for example, the pavement requirements. Ms. Maclean noted that the documents were printed with the revisions on them, so everyone could see the changes being proposed.

Mr. Arndt referenced a large lot on North Douglas that is being subdivided, due to it not meeting the requirements for Shared Access. He felt that Private Shared Access could have been a good solution for that lot.

Ms. Maclean stated that this lot falls into one of the bigger items, as Private Shared Access has only been approved for single-family districts.

Mr. Dye noted that the Title 49 Committee was trying not to go into multi-family, for the time being, to avoid problems.

Mr. Arndt felt that the Private Shared Access requirements would have been a good way to make options work on some of the land we have in Juneau.

Ms. Maclean stated that staff was trying to gather information on how many Private Shared Access cases did not work out since its adoption in 2016. If staff felt it wouldn't work, other options would have been discussed during a pre-application meeting, but some situations have not worked out.

Ms. Sapp stated that CBJ would prefer not to have Private Shared Access mingling with Utility requirements at all, but totally regulated with a separate code. Having shared utilities is not always going to be an option, so CBJ doesn't want people to think this could allow that.

The Committee agreed with Ms. Sapp.

In regards to paving requirements, Ms. Maclean felt revisions could be used here, as it seems like awaste to require someone to pave an area that is gravel, or another material, to begin with. Revisions could also be made for the required distance that is to be paved from the public roadway.

Mr. Dye asked if anyone knew what the Department of Transportation (DOT) required for paving in a situation like this.

Ms. Sapp stated that she checked with the DOT and saw that they have conflicting code requirements for paving in residential zones. So, a decision will have to be made on what the distance should be.

Mr. Arndt asked what the intent was behind requiring 20 feet from the public roadway to be paved and if it made more sense to require just paving up to the right-of-way.

Mr. Dye recalled that there was a lack of understanding in why there can't be sidewalks everywhere. After much pushback and several people making several comments, this requirement was made. It also helped with dust control issues.

Ms. Pierce stated that the 20-foot requirement was not set in stone and suggestions for revision were welcome.

Mr. Campbell asked what the requirement would be if it weren't for Private Shared Access.

Ms. Sapp replied that the requirement is 2 feet.

Mr. Campbell suggested the Committee adopt that regulation.

Ms. Sapp noted that the DOT requires 10 to 12 feet to be paved and asked how that could be accounted for.

Mr. Campbell suggested that the requirement be 2 feet unless another regulatory body has a larger requirement.

To clarify, Mr. Dye asked if Mr. Campbell meant pave until the right-of-way, unless specified to do more.

Mr. Campbell replied that, that intent was correct.

Mr. Dye noted that part of the intent in developing Private Shared Access was to help alleviate on costs and try to increase quality.

Ms. Crossley asked about the Committee's role in settling civil disputes between neighbors.

Mr. Dye replied that the Committee would not be settling disputes between neighbors. They are trying to prevent people coming in to complain about their neighbors and issues with driveways.

Ms. Maclean felt that not setting a required distance, but leaving at other agency requirements could work. The Department would work with the applicants to notify them of other agency requirements.

Ms. Pierce said this could be beneficial.

Mr. Arndt asked if the solution here, then, was taking out a length requirement and letting other agency regulations be the requirements.

Ms. Maclean stated this was correct.

Mr. Campbell showed support for this suggestion.

Ms. Maclean then directed the group's attention to the access revisions. She stated that language from Panhandle regulations was used for the revision, but changes could be made. This would allow for larger

setbacks and stop someone from choosing to keep access the way they already had it. Ms. Maclean suggested that the same language be used for the setback revisions.

Mr. Campbell and Mr. Haight showed support for the revisions.

To better understand what was being addressed, Ms. Christian drew a picture on the SmartBoard for the Committee and Ms. Maclean described this drawing. Ms. Maclean asked about how flexible the Committee wanted to be and if they wanted to provide for some discretion and be able to work with people when meeting setbacks, as best as possible.

Mr. Dye asked if there was a problem with getting two driveway permits that close together.

Ms. Maclean stated that was another topic on the list for discussion that day, as it usually comes up if a lot is already developed and the one next to it is not.

Mr. Haight asked if this question arises with the applicant before work has begun.

Ms. Maclean stated that this question does come up before work starts, because a pre-application meeting is held and Planners advise the applicant on what they can and cannot do on their property. Currently, if someone wants to subdivide this way, then they have no other choice.

Mr. Haight asked how often this problem seemed to arise.

Ms. Sapp stated that she had been in at least two pre-application meetings during this year where these problems arose.

Mr. Arndt felt it is good that the Committee is addressing this issue and suggested treating this situation in a way similar to working with someone on a very steep slope.

Ms. Maclean stated that shared access regulations are in Title 49.35 and cannot be varied.

Mr. Campbell asked if people were able to come in and make their lot into a panhandle.

Ms. Maclean replied that yes, this was possible.

Mr. Dye asked about the odds of these access areas become a public street.

Ms. Maclean replied that the odds of these turning into public streets are quite unlikely, as there are many reasons that would prevent this from happening. She sees what Mr. Campbell is trying to say, and sees how this could be problematic, but concerns shouldn't be too high.

Mr. Campbell noted that it is easier to come in and fix a road when the houses are set farther back onto the property. He suggested adding some language to help accomplish this.

Mr. Arndt asked for some clarification on panhandles and how someone can create a panhandle.

Ms. Maclean explained more about how panhandles work and went into further detail when confusion was expressed. The Committee then discussed more of the options available for panhandle access.

In regard to an already existing driveway, Ms. Maclean stated that they are allowed on panhandles, if the regulating agency approves an extra curb cut.

Mr. Arndt asked if it was typical to let an applicant keep an existing driveway.

Ms. Sapp replied that it is usually given to the Streets Department, but it has to meet regulations first.

Moving onto revisions for setback regulations, Ms. Maclean stated that this topic came up fairly recently. She used bungalow lots as an example, stating that one would not be able to use Shared Access to create a bungalow lot, due to it being required to be on publicly maintained roads. She asked Ms. Sapp if you could do Shared Access and still be on Public Sewer and Water.

Ms. Sapp replied that this was possible.

Mr. Arndt asked some questions to clarify his understanding of what is allowable with a bungalow development.

Ms. Maclean and Ms. Christian replied that his understanding was correct and gave more clarifying information to help.

Ms. Maclean asked if there was any interest in changing panhandles or looking at them separately, by themselves and gave a setback example.

The Committee discussed the example and what could be done on a panhandle lot.

Mr. Arndt suggested that a picture be added to the Code pertaining to this information, to help others better understand what the intent of the language is.

Ms. Maclean stated that there is a picture in the panhandle Code to help alleviate these issues.

Staff members gave more examples and discussed them with Committee members to help them better understand how a panhandle lot could be developed.

Mr. Dye asked how these revisions could affect density.

Ms. Maclean stated that other requirements still needed to be met, including density requirements.

Mr. Haight asked if formal agreements were made between people for use of the driveways.

Ms. Maclean replied that there are formal agreements made.

Mr. Haight asked if they were Shared Access agreements.

Ms. Maclean they were not Shared Access agreements, because different conditions allow for different agreements. She went on to give some examples of what kind of agreements can be made for different conditions.

Ms. Maclean asked if anyone would like to make more revisions for paving requirements or easements for utilities.

Members showed support for the revisions to paving requirements and easements for utilities.

Ms. Maclean asked if there were other revisions that the Committee would like to keep.

Mr. Arndt expressed support for the variability in setbacks similar to panhandle setbacks.

Mr. Campbell expressed support for the revisions, but felt that the access revisions may be controversial. However, if they all access the public road, then there won't be worry about who maintains the road or anything.

The rest of the Committee showed support for the revisions and agreed with Mr. Campbell.

Mr. Arndt suggested adding more depth to the access revisions.

Mr. Campbell asked if Code requires an agreement for Shared Access.

Mr. Dye replied that it does.

The Committee agreed that the bungalow topics could be controversial and suggested that they be treated in a different manner.

Mr. Campbell asked what the smallest width a bungalow lot could be developed on is.

Ms. Christian replied that a bungalow lot could be developed on a lot as narrow as 25 feet.

Mr. Campbell felt that this is enough space to make a turn and get out of the driveway, so it would be okay.

Mr. Arndt asked if there may be a way to incorporate bonus points into bungalow development, to help encourage people to build smaller and develop in different ways.

Mr. Dye felt this was a good idea, if they can find a feasible way to do it.

Mr. Arndt asked if it was possible to plat a bungalow lot with a panhandle lot and then turn the panhandle lot into a shared access subdivision. The bungalow lot would front on the right of way and not use the shared access.

Ms. Maclean thought that it could be possible, but one would have to be strategic in the development to make it work well and would probably have to subdivide first and subdivide in phases.

Mr. Dye asked if it would be possible to allow developers to accomplish both tasks simultaneously and if there were any reasons it would not work.

Ms. Christian stated that panhandles currently can get access in the panhandle or in a separate driveway. Currently shared access subdivisions can only get access through the shared access, with the proposed amendments, it may be possible.

Ms. Maclean felt that it may be able to be done before or after, but not simultaneously.

Ms. Christian read an excerpt from Code stating that the shared access could only serve four lots, to help clarify what may be possible.

Mr. Dye replied that if there was an easy way to revise this, it should be done.

Ms. Maclean stated that it would be possible to revise it, but it would be better to look at it at a later time. The Committee still needed to sort out a few of the other revisions first. Ms. Maclean asked, panhandle aside, if the Committee was satisfied with the revisions for street, side, and front yard setbacks for Shared Access.

The Committee showed support for the revisions.

Ms. Sapp asked if there was a way to prevent people from trying to decide they don't want to be part of the access in the future and if applicants are required to upgrade their utilities if it becomes a public street.

Ms. Maclean explained what steps were set to prevent someone from trying to back out of an access agreement and stated that the utilities upgrades could be worked on.

Mr. Arndt asked what the intent of the revision for *CBJ 49.35.262 – Standards. (c) Approval process (3)(v)* was.

Ms. Maclean replied that the intent was for it to mean that if a public right of way is developed to serve the lot or lots in the future, the owner(s) will abandon the private access.

The Committee agreed that the intent was good, but the language in this item did not portray that.

Ms. Maclean stated that the Law Department could look at it and help to clarify.

Mr. Dye felt that the confusion came from the variability in moving the front of the lot, so the language could be revised to keep the front lot variability in the language.

Ms. Maclean drew a picture and further explained to help with the confusion.

Mr. Arndt asked if it was possible to have Shared Access on a panhandle and used a drawing to describe why he would like to have that option.

Ms. Maclean stated that this idea would not be possible.

Mr. Dye drew a new picture and asked if it would be possible, if it were done in a different order and correct manner.

The Committee and Staff discussed if this option would be possible, but this option was not possible due to the regulations for developing a panhandle lot.

Mr. Arndt asked if someone would be able to get rid of their existing driveway, if they did a Shared Access agreement.

Ms. Maclean replied that this was possible.

The Committee discussed another way to develop a panhandle lot and thought that if someone was to strategically subdivide the land in a way that code allowed for, they may be able to bypass the four-lot maximum requirement.

Ms. Sapp noted that if the revisions for *CBJ 49.35.262 – Standards. (c) Approval process (3)(v)* were accepted, this could create problems with lot owners not giving up their rights.

Mr. Dye felt there would be no advantage for someone to do that, if there was a situation where it could happen.

Mr. Arndt felt that this item could be re-worked in part; it was a good start to revising the item, but it could use more work.

Ms. Sapp made a suggestion to revise the language to include everyone.

Ms. Maclean stated she would speak with the Law Department about the revisions.

Mr. Dye asked if there was anything else that anyone would like to discuss.

Ms. Maclean directed attention to *CBJ 49.35.262 – Standards. (b) Approval criteria. (8)* noting that this item prohibits Shared Access if a subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way. So, if there is undeveloped land behind the lot, it would prevent someone from doing Shared Access. If it is unlikely, what would be the need in requiring under D3 that it can be reduced?

Mr. Arndt suggested removing this item.

Ms. Maclean agreed with Mr. Arndt and suggested that it otherwise could say that it is required that you have to make the easement a certain width.

The Committee and Staff agreed with Ms. Maclean.

Ms. Maclean asked if the Committee would like to see this material once more before it moved forward to a Committee of the Whole Planning Commission meeting for more work, as it would need to go to the Law Department first.

Mr. Dye suggested that Ms. Maclean advise them on if another Title 49 meeting would be necessary after she spoke with the Law Department and gained their input on the revisions.

Ms. Maclean agreed with Mr. Dye.

V. Committee Member Comments and Questions

VI. Adjournment

The meeting adjourned at 1:28pm.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: July 8, 2019

TO: Nathaniel Dye, Chair
Title 49 Committee

FROM: Amy Liu, Planner
Laurel Christian, Planner

CASE NO.: AME2018 0004

PROPOSAL: Proposed Rezoning of Downtown Juneau Residential Areas

Attachments

Attachment A – Sheet A: Table showing conformity by zoning district
Attachment B – Sheet B: Table showing conformity by neighborhood
Attachment C – Sheet C: Table showing conformity for a setback sum by neighborhood

General Overview

This report examines lot area and setbacks. It does not address lot coverage, vegetative coverage, etc., although it may inform those other topics.

Existing Conditions

The existing conditions within the Alternative Development Overlay District (ADOD) help set priorities.

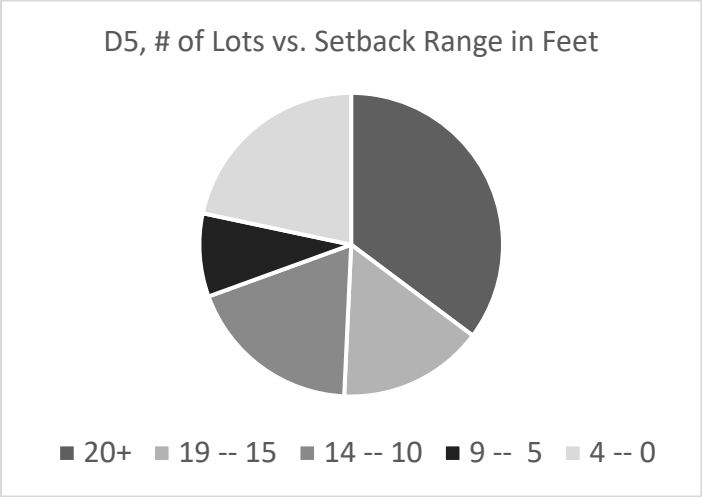
- Most lots do not meet required setbacks, so the need to reduce nonconformity is evident. Reducing nonconforming setbacks and lot sizes is beneficial because that could reduce the need for Conditional Use Permits and variances for development that is in keeping with the neighborhood character.

- More than half of the lots in the ADOD are zoned D5, so reforming D5 lots may be a higher priority than lots in other zones. In evaluating potential new zoning policy, staff specifically examined D5 lots.[1]

- As demonstrated in the chart below, there is considerable variation in downtown D5 zone setbacks, which makes it difficult to choose minimum standards that create conformity without

[1] See *Attachment A.* Includes tables assessing conformity by zoning district, current setbacks and lot size versus potential setbacks and lot size.

resorting to extremely low numbers. Reforming zoning should be limited to the ADOD in order to not drastically affect areas outside of downtown.[2]



Assumptions

There are several assumptions that underlie the recommended next steps for the Title 49 Committee.

Staff recommends the Committee discuss these assumptions to ensure that staff and the Committee agree upon them.

- The proposed amendments should keep application of code as streamlined as possible. This can mean avoiding new zoning districts and improving existing code. Improving existing code could involve reducing the maximum allowed setback in the setback exceptions.

- Consider allowing for more flexibility. Euclidean zoning is straightforward but sometimes not adaptable to variable situations. Other zoning methods, such as sliding setbacks or amendments to setback exceptions in 49.25.430, should be considered.

- The new approach to the ADOD should balance preservation and aspiration. Zero foot setbacks should be discouraged. While reducing non-conformity is a priority, another goal is to discourage undesirable or unsafe development. Zero foot setbacks and 100% lot coverage could completely eliminate non-conformity but are potentially undesirable and unsafe.

- Note that current proposed amendments to 49.30 Nonconforming Development should help alleviate some of the difficulty financing nonconforming properties.

[2] See *Attachment B.* Includes tables assessing conformity by neighborhood, current setbacks and lot size versus potential setbacks and lot size.

Next Steps

The next steps are outlined below. They may inform later examination of topics not addressed in this report, such as lot coverage, vegetative coverage, etc.

1. **Modify setback exceptions**

   Modifying setback exceptions listed in 49.25.430(4)(J) would allow for more flexibility for all properties and not just properties within the ADOD boundary. Alternatively, separate setback exceptions for the ADOD district could live in 49.70 and only apply to properties within the ADOD boundary. The changes, below, would apply borough-wide.

   - *49.25.430(4)(J) Substandard lots*

     Staff recommends revision of this setback exception to allow for reduction of the front, side, and rear setbacks to three feet:

     *(J)Substandard lots. If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the **front,** side and rear yard setbacks be less than half those required by this chapter, or **three** ~~five feet~~, whichever is greater.*

   - *49.25.430(4)(K) Existing substandard setbacks*

     Staff recommends revision of this setback exception to read:

     (K) Existing substandard setbacks. A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback or street side yard setback shall be used to calculate the average.

     An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

     *For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or **three** ~~ten~~ feet, whichever is greater.*

2. **Set boundary for new overlay district**

   In order to keep application of code as streamlined as possible, the Title 49 Committee should veer away from creating new zoning districts and strongly consider a new overlay district. While staff supports shrinking maximum reductions allowed by setback exceptions, an overlay is still needed to increase conformity.

Staff recommends the Title 49 Committee discuss the two options below. Staff prefers using the ADOD boundary.

- Overlay according to the ADOD boundary.
    - Pros: Boundaries are already established.
    - Cons: Overlay does not address differences among neighborhoods. The differences between Highlands and Casey-Shattuck are relatively minor, but the difference between Starr Hill and other neighborhoods is significant. Note that 15% of all developed ADOD lots consist of Starr Hill lots.

Or

- Overlay according to neighborhood boundaries.
    - Pros: Neighborhood overlay addresses differences among neighborhoods.
    - Cons: Boundaries are not already established, which may lead to further public process in order to facilitate boundary adoption.

3. Determine minimum lot size

See Attachment B. This document shows the extent of conformity achieved by three different minimum lot sizes. If the Title 49 Committee is interested in numbers lower or higher than 2,000 square feet and 3,000 square feet, respectively, staff can test those numbers.

Staff recommends the Title 49 Committee review Attachment B and discuss minimum lot size.

4. Determine whether sliding or Euclidean zoning setbacks should be implemented and then determine the exact setback requirements

See Attachment B and Attachment C. The latter shows the conformity achieved by several minimum setback sums. For example, the 50-foot setback sum means that on a four-sided lot, the front setback is 20 feet, the rear setback is 20 feet, and each side setback is 5 feet. Those are current D5 requirements.

Staff recommends the Title 49 Committee review the attached sheets and determine minimum setback requirements. Staff prefers Euclidean setbacks.

- Sliding
    - Pros: Increases conformity, flexible
    - Cons: New concept may have a learning curve and may result in additional staff time during review

- Euclidean
    - Pros: Increases conformity, already a familiar concept
    - Cons: Rigid if setback exceptions are not applied

Attachment A - Conformity by Zoning District

D5 Conformity, Current Zoning				
Setback	Value	Count	Total	% Conforming
F	20	143	406	35%
R	5	202	367	55%
S	20	437	720	61%
SS	13	51	142	36%
Area	7000	106	465	23%

D5 Conformity, 1' Setback				
Setback	Value	Count	Total	% Conforming
F	1	334	406	82%
R	1	319	367	87%
S	1	527	720	73%
SS	1	105	142	74%
Area	2000	414	465	89%

D5 Conformity, 3' Setback				
Setback	Value	Count	Total	% Conforming
F	3	334	406	82%
R	3	315	367	86%
S	3	499	720	69%
SS	3	103	142	73%
Area	2500	402	465	86%

D5 Conformity, 5' Setback				
Setback	Value	Count	Total	% Conforming
F	5	318	406	78%
R	5	308	367	84%
S	5	437	720	61%
SS	5	91	142	64%
Area	3000	385	465	83%

D10 Conformity, Current Zoning				
Setback	Value	Count	Total	% Conforming
F	20	14	73	19%
R	5	32	68	47%
S	20	69	134	51%
SS	13	9	18	50%
Area	6000	34	115	30%

D10 Conformity, 1' Setback				
Setback	Value	Count	Total	% Conforming
F	1	36	73	49%
R	1	54	68	79%
S	1	74	134	55%
SS	1	13	18	72%
Area	2000	100	115	87%

D10 Conformity, 3' Setback				
Setback	Value	Count	Total	% Conforming
F	3	36	73	49%
R	3	54	68	79%
S	3	73	134	54%
SS	3	13	18	72%
Area	2500	83	115	72%

D10 Conformity, 5' Setback				
Setback	Value	Count	Total	% Conforming
F	5	36	73	49%
R	5	54	68	79%
S	5	73	134	54%
SS	5	13	18	72%
Area	3000	70	115	61%

D18 Conformity, Current Zoning				
Setback	Value	Count	Total	% Conforming
F	20	39	175	22%
R	5	98	158	62%
S	10	155	318	49%
SS	13	34	71	48%
Area	5000	70	212	33%

D18 Conformity, 1' Setback				
Setback	Value	Count	Total	% Conforming
F	1	95	175	54%
R	1	113	158	72%
S	1	166	318	52%
SS	1	49	71	69%
Area	2000	195	212	92%

D18 Conformity, 3' Setback				
Setback	Value	Count	Total	% Conforming
F	3	93	175	53%
R	3	113	158	72%
S	3	165	318	52%
SS	3	48	71	68%
Area	2500	175	212	83%

D18 Conformity, 5' Setback				
Setback	Value	Count	Total	% Conforming
F	5	90	175	51%
R	5	112	158	71%
S	5	155	318	49%
SS	5	47	71	66%
Area	3000	161	212	76%

Notes: F, R, S, SS denote front, rear, side, and street side setbacks respectively. Vacant, privately owned lots were evaluated for area but not setbacks. The total number of lots in the zoning district can be inferred from the intersection of row Area and column Total. Data source is in I:\DOCUMENTS\CASES\2018\AME\AME18-04 - MAP AMENDMENT - Downtown Juneau Zoning - LB_AL\Analysis

Attachment B - Conformity by Neighborhood

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%

Notes: F, R, S, SS denote front, rear, side, and street side setbacks respectively. Vacant, privately owned lots were evaluated for area but not setbacks. The total number of lots in the zoning district can be inferred from the intersection of row Area and column Total. Data source is in I:\DOCUMENTS\CASES\2018\AME\AME18-04 - MAP AMENDMENT - Downtown Juneau Zoning - LB_AL\Analysis

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%
Area	2000	122	148	82%

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%
Area	3000	216	225	96%

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%
Area	2000	53	73	73%

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%
Area	2000	412	465	89%

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%
Area	2500	115	148	78%

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%
Area	3500	212	225	94%

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%
Area	2500	49	73	67%

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%
Area	2500	400	465	86%

Casey Shattuck, 5' Standard				
Standard	Value	Count	Total	% Conforming
F	5	112	148	76%
R	5	94	148	64%
S	5	117	301	39%
SS	5	45	75	60%
Area	3000	105	148	71%

Highlands, 5' Standard				
Standard	Value	Count	Total	% Conforming
F	5	180	225	80%
R	5	163	225	72%
S	5	272	459	59%
SS	5	32	41	78%
Area	4000	201	225	89%

Starr Hill, 5' Standard				
Standard	Value	Count	Total	% Conforming
F	5	22	73	30%
R	5	46	73	63%
S	5	42	147	29%
SS	5	12	24	50%
Area	3000	44	73	60%

Combined, 5' standard				
Stand.	Value	Count	Total	% Total
F	5	318	465	68%
R	5	308	465	66%
S	5	437	946	46%
SS	5	91	142	64%
Area	3000	383	465	82%

Casey Shattuck			
Setback Sum	Count	Total	% Conforming
50	66	148	45%
28	118	148	80%
20	131	148	89%
12	135	148	91%

Highlands			
Setback Sum	Count	Total	% Conforming
50	151	225	67%
28	191	225	85%
20	196	225	87%
12	197	225	88%

Starr Hill			
Setback Sum	Count	Total	% Conforming
50	31	73	42%
28	42	73	58%
20	47	73	64%
12	52	73	71%

Combined			
Setback Sum	Count	Total	% Conforming
50	251	465	54%
28	352	465	76%
20	376	465	81%
12	386	465	83%

Notes: F, R, S, SS denote front, rear, side, and street side setbacks respectively. Vacant, privately owned lots were evaluated for area but not setbacks. The total number of lots in the zoning district can be inferred from the intersection of row Area and column Total. Data source is in I:\DOCUMENTS\CASES\2018\AME\AME18-04 - MAP AMENDMENT - Downtown Juneau Zoning - LB_AL\Analysis

Alternative Residential Development Overlay District (ADOD)

Title 49 Committee Presentation

July 10, 2019

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

General Overview

Scope

- This report examines **lot area** and **setbacks**
- It does not address, though it may inform other topics, lot coverage, vegetative coverage, etc.

Overview

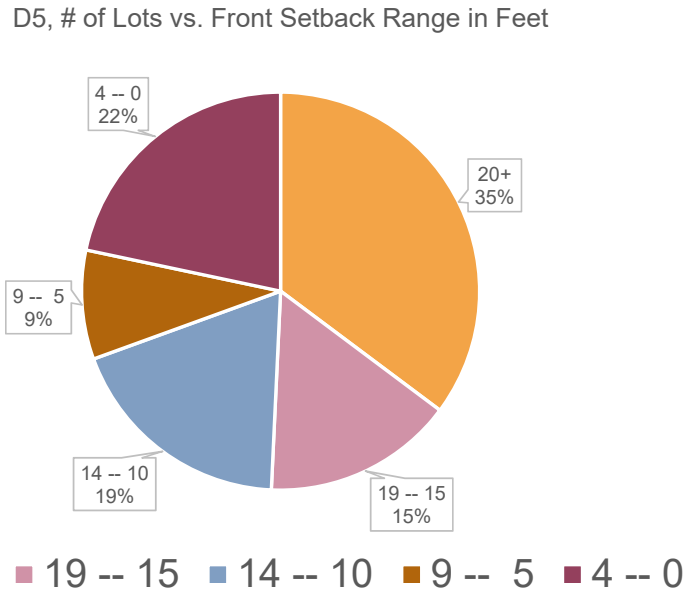
1. Existing Conditions
2. Assumptions
3. Recommendations

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Existing Conditions

The existing conditions within the ADOD help set priorities.

- Most lots do not meet required setbacks, so **the need to reduce nonconformity is evident.**
- More than half of the lots in ADOD are zoned D5, so **basing analysis on D5 lots may be a higher priority than lots of other zones.**
- There is considerable setback variation, which makes it difficult to choose minimum standards that create conformity without resorting to extremely low numbers. **Reforming zoning should be limited to the ADOD in order to not drastically affect areas outside of downtown.**



Assumptions

There are several assumptions that underlie recommended next steps for the Title 49 Committee. These assumptions are based off of feedback from the prior Title 49 Committee meeting.

- Keep application of code as streamlined as possible. **Avoid new zoning districts and improve existing code.**
- Allow for more flexibility. **Consider other zoning methods, such as sliding setbacks or amendments to setback exceptions in 49.25.430**.
- The new approach to ADOD should balance preservation and aspiration. **Reduce non-conformity and discourage undesirable or unsafe development.**

Note that current proposed amendments to 49.30 Nonconforming Development should help alleviate some of the difficulty financing nonconforming properties.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Recommendations

1. Modify setback exceptions.

- Modifying setback exceptions would allow for more flexibility for all properties and not just properties within the ADOD boundary.
  - *49.25.430(4)(J) Substandard lots*

  *(J)Substandard lots. If the lot width, lot depth, or both are less than required, the corresponding **front**, side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the **front,** side and rear yard setbacks be less than half those required by this chapter, or **three** ~~five feet~~, whichever is greater*

  - *49.25.430(4)(K) Existing substandard setbacks*

  *(K) Existing substandard setbacks. A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot.… For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or **three** ~~ten~~ feet, whichever is greater.*

- Alternatively, separate setback exceptions for the ADOD district could live in a 49.70 and only apply to properties within the ADOD boundary.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Recommendations

2. Set boundary for new overlay district. An overlay is still needed to increase conformity. Staff prefers using the ADOD boundary.

- Overlay according to ADOD boundary.

  Pros: Boundaries are already established.

  Cons: Overlay does not address differences among neighborhoods. The differences between Highlands and Casey-Shattuck are relatively minor, but the difference between Starr Hill and other neighborhoods is significant. Note that 15% of all developed ADOD lots consist of Starr Hill lots.

- Overlay according to neighborhood boundaries.

  Pros: Neighborhood Overlay addresses differences among neighborhoods.

  Cons: Boundaries are not already established, which may lead to further public process to facilitate boundary adoption.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Recommendations

3. Determine minimum lot size. See *Sheet B.* Staff recommends the Title 49 Committee review Attachment B and discuss minimum lot size.

Casey Shattuck				
Standard	Value	Count	Total	% Conforming
Area	2000	122	148	82%

Highlands				
Standard	Value	Count	Total	% Conforming
Area	3000	216	225	96%

Starr Hill				
Standard	Value	Count	Total	% Conforming
Area	2000	53	73	73%

Combined				
Standard	Value	Count	Total	% Conforming
Area	2000	412	465	89%

Casey Shattuck				
Standard	Value	Count	Total	% Conforming
Area	2500	115	148	78%

Highlands				
Standard	Value	Count	Total	% Conforming
Area	3500	212	225	94%

Starr Hill				
Standard	Value	Count	Total	% Conforming
Area	2500	49	73	67%

Combined				
Standard	Value	Count	Total	% Conforming
Area	2500	400	465	86%

Casey Shattuck				
Standard	Value	Count	Total	% Conforming
Area	3000	105	148	71%

Highlands				
Standard	Value	Count	Total	% Conforming
Area	4000	201	225	89%

Starr Hill				
Standard	Value	Count	Total	% Conforming
Area	3000	44	73	60%

Combined				
Stand.	Value	Count	Total	% Total
Area	3000	383	465	82%

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%

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Recommendations

4. Determine whether sliding or Euclidean zoning setbacks should be implemented, and then the exact setback requirements. See *Sheet B* and *Sheet C*. The latter shows the conformity achieved by several minimum setback sums.

- Sliding – A 50-foot setback sum means that on a four-sided lot, the front setback is 20 feet, the rear setback is 20 feet, and each side setback is 5 feet. Those are current D5 requirements.

  Pros: Increases conformity, flexible
  Cons: New concept may have learning curve, may result in additional staff time during review

Casey Shattuck			
Setback Sum	Count	Total	% Conforming
50	66	148	45%
28	118	148	80%
20	131	148	89%
12	135	148	91%

Starr Hill			
Setback Sum	Count	Total	% Conforming
50	31	73	42%
28	42	73	58%
20	47	73	64%
12	52	73	71%

Highlands			
Setback Sum	Count	Total	% Conforming
50	151	225	67%
28	191	225	85%
20	196	225	87%
12	197	225	88%

Combined			
Setback Sum	Count	Total	% Conforming
50	251	465	54%
28	352	465	76%
20	376	465	81%
12	386	465	83%

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Recommendations

4. Determine whether sliding or Euclidean zoning setbacks should be implemented, and then the exact setback requirements. See *Sheet B* and *Sheet C*. The latter shows the conformity achieved by several minimum setback sums.

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%

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%

Casey Shattuck, 5' Standard				
Standard	Value	Count	Total	% Conforming
F	5	112	148	76%
R	5	94	148	64%
S	5	117	301	39%
SS	5	45	75	60%

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%

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%

Highlands, 5' Standard				
Standard	Value	Count	Total	% Conforming
F	5	180	225	80%
R	5	163	225	72%
S	5	272	459	59%
SS	5	32	41	78%

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%

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%

Starr Hill, 5' Standard				
Standard	Value	Count	Total	% Conforming
F	5	22	73	30%
R	5	46	73	63%
S	5	42	147	29%
SS	5	12	24	50%

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%

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%

Combined, 5' standard				
Stand.	Value	Count	Total	% Total
F	5	318	465	68%
R	5	308	465	66%
S	5	437	946	46%
SS	5	91	142	64%

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Existing Conditions

D5 Conformity, Current Zoning				
Setback	Value	Count	Total	% Conforming
F	20	143	406	35%
R	5	202	367	55%
S	20	437	720	61%
SS	13	51	142	36%
Area	7000	106	465	23%

D10 Conformity, Current Zoning				
Setback	Value	Count	Total	% Conforming
F	20	14	73	19%
R	5	32	68	47%
S	20	69	134	51%
SS	13	9	18	50%
Area	6000	34	115	30%

D18 Conformity, Current Zoning				
Setback	Value	Count	Total	% Conforming
F	20	39	175	22%
R	5	98	158	62%
S	10	155	318	49%
SS	13	34	71	48%
Area	5000	70	212	33%

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%

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY