

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

Wednesday, July 10, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Travis Arndt, Shannon Crossley, Ben Haight

Members Absent:

Ken Alper

Staff Present:

Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Laurel Christian (CDD Planner), Amy Liu (CDD Planner), Marjorie Hamburger (CDD Admin)

I. Call to Order

The meeting was called to order at 12:02 pm.

II. Approval of Agenda

MOTION: *by Mr. Haight to approve the agenda.*

The motion passed with no objection.

III. Approval of Minutes

A. April 11, 2019 Draft Minutes

MOTION: *by Mr. Arndt to approve the April 11, 2019 minutes.*

The motion passed with no objection.

B. April 18, 2019 Draft Minutes

MOTION: *by Mr. Arndt to approve the April 18, 2019 minutes.*

The motion passed with no objection.

C. May 30, 2019 Draft Minutes

MOTION: *by Mr. Arndt to approve the May 30, 2019 minutes.*

The motion passed with no objection.

IV. Agenda Topics

A. AME2018 0004: Downtown Zoning

Ms. Liu and Ms. Christian's presentation reviewed existing conditions within the downtown Juneau Alternative Development Overlay District (ADOD), the assumptions underlying the recommended next steps for the Title 49 Committee, and staffs' recommendations including options for employing sliding or Euclidian zoning setbacks.

Ms. Liu said that since most of the lots that are non-conforming are in a D5 zone, staff used that as the basis for examination. Staff's recommendation is to contain zoning revisions within the ADOD boundary so as not to include those D5 properties in other parts of the borough.

Ms. Liu reviewed staff's assumptions that were based on feedback from the Title 49 Committee. Mr. Dye said that the assumption regarding avoiding the creation of new zoning districts was not a correct take-away from the previous conversation. He said his recollection was that the Committee did not want a new zoning district per neighborhood. However, similarly to the work being done by the Auke Bay Implementation Committee, a new zoning district could be warranted, potentially, to achieve the desired results.

Ms. Pierce said that the gist of staff's thinking was to approach the rezoning as an overlay district, not as a new district. Mr. Dye and Mr. Arndt both said they were not comfortable with that. Mr. Arndt said he wanted to combine the changes into one entity, not separate by neighborhoods. Ms. Pierce said that staff wanted to take an overlay district approach as opposed to creating a new zoning district. She said that this would keep things cleaner and with sliding setback proposals, etc. allow for manipulation within the overlay district while keeping zoning districts in place. Ms. Liu said staff was trying to modify dimensional standards for downtown, but new zoning would require a larger overhaul of the code.

Ms. Crossley asked if the new zone would have to be inserted into all tables in the code. Yes, said staff. Ms. Liu pointed out the not everything would change for the D5 zone and therefore would be worth keeping. Mr. Arndt said that the intent is to make the code easy, so he was in agreement with Ms. Liu's statement. Ms. Pierce said that she was not opposed to new zoning but this particular amendment being implemented by an overlay district seemed best. Mr. Dye said he was still not convinced. Auke Bay is messing around with zoning in that area, he said, therefore tables will change regardless.

Ms. Liu said that maintaining neighborhood character is another working assumption. There are amendments to Title 49 regarding non-conforming properties being worked on simultaneous to the downtown rezone effort, which can also help.

Ms. Liu shared staff's recommendations:

1. Modify setback exceptions.

Mr. Arndt said if the required setback were reduced to 3 feet, this would pick up 78% of the properties. Mr. Dye pointed out that if it were not a substandard lot, it would not meet the threshold.

Ms. Liu said there was not a recommendation to change how the setback would be calculated but a suggestion that the setback floor be reduced from 10 feet to 3 feet. Planners find that 10 feet is often not beneficial when reviewing plans in the downtown area. Ms. Liu asked the commissioners to consider if the modification was only appropriate to properties in the ADOD and not all of Juneau.

Mr. Dye asked for an explanation of a "substandard lot" versus an "existing substandard". Ms. Christian said the difference was an owner's lot versus those properties near to the owner's lot. If the required setbacks were reduced to 3 feet borough-wide, the language states "no less than half or 3 feet, whichever is greater".

Therefore, in a standard [D5](#) zone the maximum [reduction](#) would be 10 feet [for a front or rear](#). Mr. Dye said that the ADOD is an opt-in program. He asked if this made the assumption that the overlay district would work similar to a rezone. Ms. Maclean said it was important to clarify the purpose of this rezoning effort. Is it more about giving options to downtown property owners by allowing flexibility or preserving the character of neighborhoods? If the priority is the latter, then the overlay would be key to keeping that character.

Mr. Arndt said he agreed, however setbacks are minimums so even if the goal was to maintain neighborhood character, setbacks could be pushed back. He said he did not see the difference. Ms. Maclean said she was thinking in terms of maximum, not minimum setbacks.

Ms. Maclean said that it would be good to ponder the question she posed in order to help staff move forward – flexibility or character preservation. Ms. Pierce said it was her hope to get the project unstuck at this meeting. Meaningful feedback on the approach to setbacks and lot coverage was needed by staff to help them identify the direction in which to move forward.

2. Set boundary for new overlay district.

Ms. Christian said that there were two recommended options regarding the boundary for the overlay district. Dimensional standards would live in the overlay but there would be no change in density or use. Mr. Dye said he had recommended that the Blueprint Downtown Steering Committee think about uses instead of neighborhoods when developing a map of their area of examination, and he realized how strong the connection is in the community with neighborhood names. Ms. Pierce said that one reason why it would be appropriate to do an overlay for the ADOD is to not get bogged down by neighborhood boundaries.

Ms. Christian said that the sheets included in the meeting packet showed minimum lot sizes. She said the minimum lot size could be determined by neighborhood or by the whole [ADOD](#) boundary; the committee will need to direct staff on which way to go. She showed options for calculating setbacks. Ms. Maclean suggested taking a walk in the neighborhoods. Some properties have encroachments, she said, for example in the Flats on the alleys there are many houses with garages that butt up against the property line or against the alley.

Mr. Dye said in reviewing the minimum lot size table, he felt that the combined method was appropriate. Ms. Crossley asked if there was a change in the determination of setbacks on a property that was nonconforming on two sides would be possible for a property owner to add on a side of the home where there was plenty of room. Ms. Maclean said that is a reason to prefer sliding setbacks because the owner would have a sum total to work with and would have more flexibility in the situation described. If the decision is to institute sliding setbacks, she said, this comes back to the purpose and intent of the rezoning effort. It will be important to explain why these neighborhoods are unique and why the setback determination applies only here but not borough-wide.

Ms. Liu reminded the committee that for the determination of a sliding setback, the more sides a property has the calculation would change. Not all properties have just four sides. There will need to be a minimum so that at no point can the structure be closer than a minimum. Mr. Dye said he thought it would not be a good argument if a property with more than four sides could build closer to the lot line. Ms. Crossley asked how the calculation changes if there are more than four sides. Ms. Maclean said if the total is 25 feet, simply divide that number by the number of sides. Mr. Arndt said he wondered what the fire marshal had to say regarding minimums. He wondered if this issue would be tracked through the building permit process. Ms. Maclean said that if an applicant wanted to take on the added expense to have a closer setback that would be their choice. Mr. Arndt said he agreed with having a minimum but not with a maximum. Mr. Dye said he was not interested in pursuing maximums. He did not want to have a build-to line.

Ms. Crossley pointed out structures in downtown neighborhoods are very old and may be replaced with new construction. Mr. Dye said that situation was what sparked this rezoning effort. Mr. Arndt said he wanted to talk about the intent. He said his goal was to allow for flexibility and ease of use while preserving the character of neighborhoods.

Ms. Crossley said she was not worried about neighborhood character but was more interested in making a review easy on staff and being adaptable. Mr. Dye said in the situation of the "Cinderella House", the owners needed to demolish the original building and then applied for a variance to build the new home, which was denied. The ADOD was created as a result to make things work better. There was a need for a relief value, he said.

3. Determine minimum lot size.

Ms. Pierce said staff wanted more direction from the committee regarding lot size and setbacks. She asked how member saw this changing or developing along the desired lines. Mr. Dye asked if staff could see it working using the recommended combined areas and playing with permit applications versus how the ADOD is written. Ms. Liu said that cases using the ADOD are brought before the Planning Commission and would require more time for an applicant to have approval, if an average of setbacks were to be used. She said comparing that with lowering the numbers, certain neighborhoods will be helped, but others not so much.

Mr. Arndt asked why the same numbers are not being used. Ms. Liu said the tables were based on Ms. Boyce's suggestions for different neighborhoods. Ms. Crossley asked if there was worry about subdividing large lots. This could be of concern, said staff. Mr. Dye asked if a lot could be subdivided ignoring the zoning district. Ms. Maclean said that if the recommendation were to move forward with a recommendation of a 3,000-foot lot size in the Highlands, there would be a lot of pushback. Mr. Dye said he felt this was doable and could be tied to an event in time. Ms. Maclean said she felt it would be difficult to prove. Mr. Dye asked if the applicant would have to do the work to prove. He felt that some creative language could work.

Ms. Crossley said she was in favor of larger lots being able to subdivide for smaller lots. Ms. Pierce said there is concern about the character of the neighborhood being maintained, such as in the Highlands. Mr. Dye wondered if keeping the Highlands at the forefront of the conversation was of benefit.

Mr. Arndt said regarding the 3,000 figure, only the Highlands neighborhood comes out looking good. Ms. Maclean suggested the committee review the ADOD's purpose at 49.70.1200:

The purpose of the alternative development overlay district is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, preserve the character of neighborhoods, and promote the restoration of blighted buildings.

Mr. Arndt said there was no fault of the property owners; the zoning was imposed on the existing properties. Ms. Pierce pointed out that in the Highlands there are many small lots in common ownership. Mr. Arndt asked if owners could build across the lot lines. Ms. Maclean said only if they were to consolidate the lots.

Ms. Crossley said she liked the sliding scale and understood why it may be important to keep the neighborhoods separate. Mr. Arndt asked what the biggest hardship for staff when reviewing plans was. Ms. Maclean said usually the setbacks, and also the ADOD is a time-consuming process for staff to do the research. Mr. Arndt

asked if the strategy were to not worry about nonconforming lot size, could that be taken off the list. Ms. Liu said that people need to apply for a Conditional Use Permit for accessory apartments on undersize lots. If the determination of what constitutes an undersized lot were to change, that would reduce staff work load and would not need to come before the Planning Commission. Ms. Maclean said that in the Highlands, financing is not a problem but it is in other areas. Making properties less nonconforming is a relief for owners. Ms. Pierce said there is a need to do something about non-conformity of lot size.

Mr. Dye requested that staff come back to the committee with a recommended strategy to reduce lot size. Mr. Arndt suggested excluding that from the equation. Mr. Dye said he felt that for setbacks, there should be one or two dimensions, and they should not slide. Ms. Maclean said that her preference was that only the front setback have a maximum in order to keep the streetscape in common with the neighborhood.

Mr. Dye said he thought there was a good reason not to build to a zero-side setback. He thought there should be some minimums in order to balance the reality of what is built and what could be built.

4. Determine whether sliding or Euclidean zoning setbacks should be implemented.

Ms. Liu said she detected a leaning towards using a sliding scale but having minimum setbacks for the sides. Mr. Dye suggested splitting the sliding scale. Mr. Arndt suggested a 20-foot count with a minimum of 3 feet on each side. Mr. Dye suggested there could be two sets of values – combined sides and combined front/back. Mr. Arndt said playing devil's advocate there could be a sum total of all the fronts.

Mr. Haight said he liked simplicity and a cumulative amount with a combined setback. He suggested a 2-foot minimum setback. This would allow for drainage and roof eaves. Mr. Dye said he wanted to look at the combined data with the Highlands included and without. Ms. Maclean suggested that before the next meeting staff could look at common ownership of adjoining lots and how many exist with an empty lot that could be built upon. Ms. Liu said that when she calculated the numbers, she did combine shared ownership.

Ms. Crossley asked if a neighborhood meeting had been held to see if the Highlands residents cared. Ms. Maclean said yes. A triplex owner was vocal in support, but most of the opposition came from the Highlands. Ms. Crossley reiterated that she wanted to hear from Highlands' property owners. Mr. Arndt asked how easy it would be to apply the overlay district.

Ms. Pierce discussed the contention at the Blueprint Downtown meeting regarding neighborhood boundaries. She said much time was spent discussing if both sides of Glacier Highway should be included in the Casey Shattuck neighborhood. Determinations such as this can be contentious when money and the ability to develop properties is involved. Mr. Dye talked about people self-identifying with a neighborhood and the variety of neighborhood characters in the downtown area. Ms. Crossley wondered about future generations in a neighborhood – the Highlands of today and the future.

Ms. Pierce reviewed her take-aways from the meeting:

- Look at numbers for sliding setbacks with minimums
 - Sides = combined x feet
 - Front and rear = combined x feet
 - Combined with 2 foot minimums
- Look at common ownership lots in the Highlands
- Come up with a strategy and recommendations regarding lot size
 - What is the strategy for the Highlands

- Recommendation regarding preventing subdivision of lots

Mr. Arndt made a point regarding the suggestion of 2 feet and suggested 2.5 feet instead, because he said 0-5 feet is for a fire setback, so 2.5 is half of that.

Ms. Maclean asked where Gastineau Avenue factored into the neighborhood tables. It was determined that it was not included.

Mr. Arndt asked if there were issues with setback exceptions modifications. Staff said this was an issue borough-wide. Mr. Dye suggested that staff regroup on that question. He asked if it was part of the scope of this ordinance or would be another Title 49 change. He said he thought the topic should be looked at similarly to the non-conforming section.

V. Committee Member Comments and Questions

The next Title 49 meeting will be Wednesday, August 7 at noon. A meeting is also scheduled for Wednesday, August 21 but this may change.

VI. Adjournment

The meeting adjourned at 1:05 pm.