

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.