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**TO:** Title 49 Committee of the Planning Commission

**FROM:** Laura A. Boyce, AICP, Senior Planner  
Community Development Department

**DATE:** April 11, 2019

**RE:** Text and Map Amendments to Title 49 Regarding Downtown Juneau Residential Rezonings

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The Alternative Development Overlay District became effective July 27, 2017. The purpose of the overlay district, which applies to Downtown Juneau and Downtown Douglas, 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.”* This overlay district was created in response to the variance study conducted by the Community Development Department that showed that the majority of variances applied for have been in the Downtown Juneau and Downtown Douglas areas. The variances were the outcome to the borough-wide rezoning that occurred in 1987 when suburban type of residential zone districts were applied to the downtown areas, resulting in most of the properties becoming nonconforming.

The Alternative Development Overlay District (ADOD) was created to provide relief to downtown residents that want to redevelop or improve their properties. The variance had been used inappropriately as a flexibility tool, and recent changes to the variance code language (Ordinance No. 2018-04(b), effective June 14, 2018) made variance approvals more difficult to obtain because a true hardship was necessary. The Alternative Development Permit can provide relief to downtown residents regarding setbacks, lot coverage, and vegetative cover. The average of setbacks, lot coverage, or vegetative coverage of neighboring properties within 150 feet is used to evaluate the potential reduction for the property in question. While the Land Use Code already provides for setback reductions in certain cases, reductions are limited to no less than 10 feet to the front property line.

#### **Overall D-5 Zoned Areas**

The D-5 residential zone district is the only zone district for single-family residential uses in the downtown area. The Highlands, Casey-Shattuck (the “Flats”), and Starr Hill are all zoned D-5. The minimum lot size in the D-5 zone district is 7,000 square feet. The average lot size in the downtown D-5 zoned areas is 5,655 square feet. Approximately 80% of the properties do not meet the minimum lot size standard. For setbacks, 65% of all properties do not meet the 20 foot minimum requirement for a front yard setback. Forty-five percent of the properties do meet the 20 foot rear yard setback. Thirty-one percent do not meet the side yard setback requirement and 64% don’t meet the street side yard setback requirement.

**Highlands Area**

The Highlands area is zoned D-5, requiring a minimum lot size of 7,000 square feet. Currently, only 35% of the properties conform to this requirement. The lot size average is 7,485 square feet, while the median (middle) is 5,650 square feet, and the mode (most frequently occurring) is 5,000 square feet. The smallest lot size is 1,089 square feet and the largest is 41,935 square feet, resulting in a range of 40,846 square feet.

<b>Min Lot Size</b>	<b>Current D-5 zone – 7,000 sf min</b>	<b>If 5,000 sf, then</b>	<b>If 4,000 sf, then</b>	<b>If 3,400 SF, then</b>
<b>% Conforming</b>	35%	66%	90%	97%
<b>% Nonconforming</b>	65%	34%	10%	3%

Staff recommends the following zone district for the Highlands: RSF-1 which calls for a minimum lot size of 4,000 square feet, with setbacks of 5 feet in the front, 5 feet in the rear, and 3 feet for the sides. Properties along Glacier Highway would have a front yard setback of 15 feet in order to keep the distance from the arterial roadway. The uses will remain the same as D-5. Lot coverage is proposed to increase from 50% to 60%. Vegetative cover would decrease from 20% to 15%. In all other ways, the properties would remain the same as the current D-5 zoning; no change in uses is occurring.

<b>Existing Setbacks</b>	<b>Front yard – 20 feet</b>	<b>Rear yard – 20 feet</b>	<b>Side yard – 5 feet</b>	<b>Street Side – 13 feet</b>
<b>% Conforming</b>	41%	55%	59%	41%
<b>% Nonconforming</b>	59%	45%	41%	59%

<b>Proposed Setbacks</b>	<b>Front yard – 5</b>	<b>Rear yard – 5 feet</b>	<b>Side yard – 3 feet</b>	<b>Street Side – 5 feet</b>
<b>% Conforming</b>	80%	72%	67%	78%
<b>% Nonconforming</b>	20%	28%	33%	22%

The Comprehensive Plan identifies the Highlands area as ULDR, Urban Low Density Residential with a maximum density of 6 dwelling units per acre. This is a suburban type of density. The existing density exceeds this designation. A comprehensive plan amendment to MDR-SF (Medium Density Residential – Single-Family) that allows a density up to 20 units per acre, is recommended in order to accommodate the zone change for this area.

Generally, the public is supportive of the zone change requests. However, residents in the upper portions of the Highlands are concerned about the lower lot size requirement. They don't want to encourage more development and higher density in their portion of the Highlands.

A summary of what is proposed follows:

Title 49 Committee  
 Proposed Downtown Juneau Rezoning Changes  
 April 11, 2019

Minimum Standard	D-5	D-10 SF	Proposed New Zone District
Lot Size	7,000 sf	3,600 sf	4,000 sf
Lot Width	70 feet	40 feet	40 feet
Lot Depth	85 feet	85 feet	65 feet
Maximum lot coverage	50%	50%	60%
Maximum height	35 feet	35 feet	30 feet
Front Yard Setback	25 feet	20 feet	5 feet *15' along Glacier Avenue
Street Side Setback	13 feet	10 feet	5 feet *15' along Glacier Avenue
Rear Yard Setback	20 feet	10 feet	5 feet
Side Yard Setback	5 feet	3 feet	3 feet
Vegetative Cover	20%	15%	15%

**Starr Hill Area**

The Starr Hill area is also zoned D-5. Currently, only 9% of the lots conform to the minimum lot size, while 91% do not. The average lot size is 4,083 sf, the median is 4,440 square feet, and the mode is 4,893 sf. The smallest lot size is 903 square feet and the largest is 14,679 square feet.

Min Lot Size	Current D-5 zone – 7,000 sf min	If 4,000 sf, then	If 3,000 sf, then	If 2,500 SF, then
% Conforming	9%	54%	58%	66%
% Nonconforming	91%	46%	42%	34%

Staff recommends the following zone district for the Starr Hill area: RSF-3 which calls for a minimum lot size of 3,000 square feet, with setbacks of 3 feet in the front, 5 feet in the rear, and 3 feet for the sides. The uses would remain the same as in D-5. Lot coverage is proposed to increase from 50% to 60%. Vegetative cover would decrease from 20% to 15%. In all other ways, the properties would remain the same as the current D-5 zoning.

Existing Setbacks	Front yard – 20 feet	Rear yard – 20 feet	Side yard – 5 feet	Street Side – 13 feet
% Conforming	7%	40%	29%	38%
% Nonconforming	93%	60%	71%	62%

Proposed Setbacks	Front yard – 5 feet	Rear yard – 5 feet	Side yard – 3 feet	Street Side – 5 feet
% Conforming	30%	63%	30%	50%
% Nonconforming	70%	37%	70%	50%

Proposed Setbacks	Front yard – 3	Rear yard – 10 feet	Side yard – 3 feet	Street Side – 5 feet
% Conforming	32%	53%	30%	50%
% Nonconforming	68%	47%	70%	50%

A summary of the proposed changes are below:

Minimum Standard	D-5	D-10 SF	Proposed New Zone District
Lot Size	7,000 sf	3,600 sf	3,000 sf
Lot Width	70 feet	40 feet	40 feet
Lot Depth	85 feet	85 feet	65 feet
Maximum lot coverage	50%	50%	60%
Maximum height	35 feet	35 feet	30 feet
Front Yard Setback	25 feet	20 feet	3 feet
Street Side Setback	13 feet	10 feet	5 feet
Rear Yard Setback	20 feet	10 feet	5 feet
Side Yard Setback	5 feet	3 feet	3 feet
Vegetative Cover	20%	15%	15%

**Casey-Shattuck Area**

The Casey-Shattuck area, also known as “The Flats,” is zoned D-5 as well. Currently, only 1% of the lots conform to the minimum lot size, while 99% do not. The average lot size is 3,498 sf, the median is 3,600 square feet, and the mode is 3,600 sf. The smallest lot size is 761 square feet and the largest is 7,912 square feet.

Min Lot Size	Current D-5 zone – 7,000 sf min	If 3,600 sf, then	If 3,200 sf, then	If 3,000 SF, then	If 2,500 SF, then
% Conforming	1%	62%	75%	75%	82%
% Nonconforming	99%	38%	25%	25%	18%

Staff recommends the following zone district for the Casey-Shattuck area: RSF-2 which calls for a minimum lot size of 3,000 square feet, with setbacks of 5 feet in the front, 5 feet in the rear, and three feet for the sides. The uses would remain the same as in D-5. Lot coverage is proposed to increase from 50% to 60%. Vegetative cover would decrease from 20% to 15%. In all other ways, the properties would remain the same as the current D-5 zoning.

Existing Setbacks	Front yard – 20 feet	Rear yard – 20 feet	Side yard – 5 feet	Street Side – 13 feet
% Conforming	30%	31%	39%	31%

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<b>% Nonconforming</b>	70%	69%	61%	69%
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<b>Proposed Setbacks</b>	<b>Front yard – 5 feet</b>	<b>Rear yard – 5 feet</b>	<b>Side yard – 3 feet</b>	<b>Street Side – 5 feet</b>
<b>% Conforming</b>	76%	64%	47%	60%
<b>% Nonconforming</b>	24%	36%	53%	40%

<b>Proposed Setbacks</b>	<b>Front yard – 3 feet</b>	<b>Rear yard – 10 feet</b>	<b>Side yard – 3 feet</b>	<b>Street Side – 5 feet</b>
<b>% Conforming</b>	80%	47%	47%	60%
<b>% Nonconforming</b>	20%	53%	53%	40%

A summary of the proposed changes are shown below:

<b>Minimum Standard</b>	<b>D-5</b>	<b>D-10 SF</b>	<b>Proposed New Zone District</b>
Lot Size	7,000 sf	3,600 sf	3,000 sf
Lot Width	70 feet	40 feet	40 feet
Lot Depth	85 feet	85 feet	65 feet
Maximum lot coverage	50%	50%	60%
Maximum height	35 feet	35 feet	30 feet
Front Yard Setback	25 feet	20 feet	5 feet
Street Side Setback	13 feet	10 feet	5 feet
Rear Yard Setback	20 feet	10 feet	5 feet
Side Yard Setback	5 feet	3 feet	3 feet
Vegetative Cover	20%	15%	15%

**Multifamily Areas Downtown**

There are two multifamily zone districts located in downtown Juneau, D-10 and D-18. Staff is recommending changes to these zone districts to recognize the smaller lot sizes as well as the setbacks.

The recommendations are as follows:

Minimum Standard	D-10	New Downtown MF-10 Zone	D-18	New Downtown MF-18 Zone
Lot Size	6,000 sf	4,500 sf	5,000 sf	2,500 sf
Lot Width	50 feet	30 feet	50 feet	30 feet
Lot Depth	85 feet	50 feet	80 feet	50 feet
Maximum lot coverage	50%	60%	50%	60%
Maximum height	35 feet	35 feet	35 feet	35 feet
Front Yard Setback	20 feet	5 feet	20 feet	5 feet
Street Side Setback	13 feet	5 feet	13 feet	5 feet
Rear Yard Setback	20 feet	10 feet	10 feet	10 feet
Side Yard Setback	5 feet	3 feet	5 feet	3 feet
Vegetative Cover	30%	25%	30%	25%

**Setback Reductions**

Title 49, the Land Use Code, includes setback reductions in certain situations, such as for sloping lot properties and for substandard setbacks. Staff proposes to amend the following code section to provide for increased setback reductions for the downtown Juneau area:

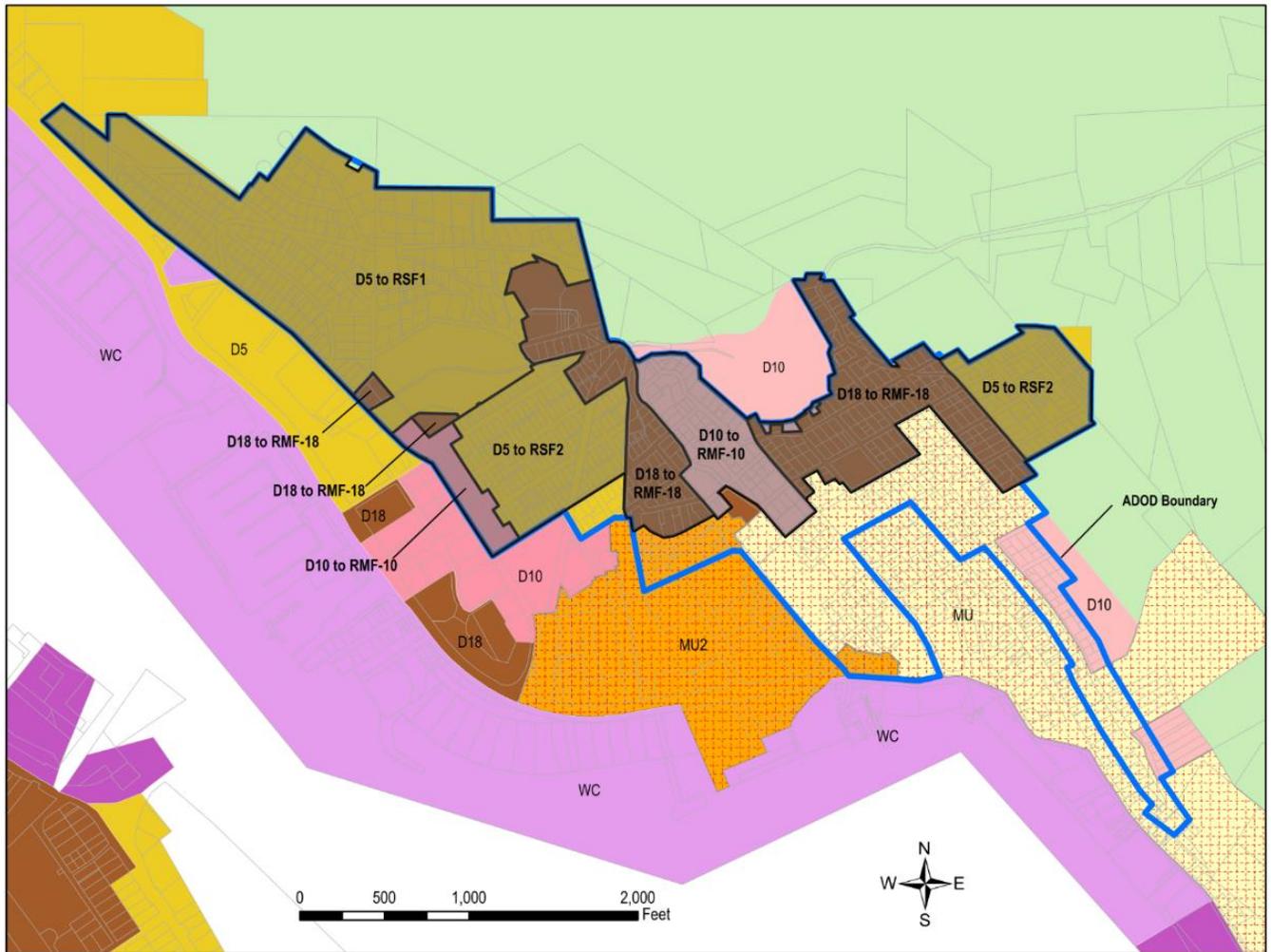
*CBJ 49.25.430(4)(K):*

*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 of the three closest adjacent buildings. The buildings used must be conforming or legally nonconforming enclosed buildings or carports. In no instance shall the required setback be less than half that required by this chapter or ten, whichever is greater. In Geographic Area Juneau, in no instance shall the required setback be less than three feet.*

**Attachments**

Attachment A – Proposed Map Changes

Attachment B – Comments from the Public



**Attachment A – Proposed Zone Changes in Downtown Juneau**

## Comments Received from Downtown Zoning Meetings – January & February 2019

**From:** John Hedges

**Address:** 318 Coleman Street

**Comments:** The Highlands should be divided into upper and lower because virtually all of the small, non-conforming lots are in the lower portion of the Highlands.

Please do not let the height restriction go any higher than 30 feet. In Seattle, the old neighborhoods have new houses that are extremely tall and huge.

Side setbacks should not be reduced because new houses will end up extremely close to each other over time.

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**From:** Molly Hodges

**Address:** 318 Coleman Street

**Comments:** Higher density issues may become more appealing as or if ever mass transit systems become more appealing and sophisticated.

How would this be accommodated?

They say building “up” is the way of the future.

What about senior housing. I imagine this would fit into that model.

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**From:** Corey Wall

**Address:** 1745 Capital View, Douglas

**Comments:** I think the proposed changes are well-thought-out and I support them.

I do think the height reduction for sloping lots should be reconsidered. I think if you look at the actual height of many houses on the hillsides in reference to the datum elevation of the sloping lot, many will not conform to 35!

I would also like to see an exception for parking for lots not on an improved right-of-way, i.e., on the stairs.

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**From:** Dee Ann Grummett

**Address:** 316 Coleman Street

**Comments:** Why rezone already established neighborhoods when all could be grandfathered in with folks wanting changes to request variances, especially since Code regarding variances has been tightened.

In Highland area am very concerned about subdividing of large lots and increased density. Leave current zoning in place.

In listening to folks it seemed bank loans are driving this according to presenters, but not those in attendance?

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**From:** No Name

**Address:** No Address

**Comments:** Allow homes to be re-built on the same footprint in Flats.

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ATTACHMENT B - PUBLIC COMMENTS

**From:** Susan Baxter

**Address:** 1788 Evergreen Avenue

**Comments:** Have you considered dividing the Highlands into two separate areas with different zoning area?

I have concerns about changing the sq. ft. of lots to 4,500 in Highlands.

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**From:** Chris Purves

**Address:** 124 W 6<sup>th</sup> Street

**Comments:** I understand the need to realign zoning to match downtown density and abandon suburban metrics. My suggestion is to look at what makes sense for downtown going forward rather than just zone for what we have. What are we doing to reinvigorate downtown? What stops will be taken to encourage rehabilitation/remodeling? What will be done to increase density and improve the number of legal units? Freezing downtown so it continues to look the same leaves a lot of opportunity for improvement on the table.

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**From:** No Name

**Address:** No Address

**Comments:** Proposal takes all properties to the lowest common measurements.

Properties will be developed and expanded to meet the new measurements, increasing density of development and the built environment.

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**From:** No Name

**Address:** No Address

**Comments:** The zoning and nonconforming activities should be integrated, or at least aligned.

Specific consideration (zone) for upper Evergreen Ave.

Letter to each property listing nonconformity(ies).

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**From:** Chip Wagoner ([nsbwgr@gmail.com](mailto:nsbwgr@gmail.com), 321-1959)

**Address:** 242 Seventh Street

**Comments:** Thank you for all your work on this. I appreciate efforts to retain the character of the neighborhood (Chicken Ridge). I also would really appreciate efforts to reduce the density of the Chicken Ridge neighborhood.

If a structure is being used as a multifamily dwelling (a single-family house) and they exceed the current density (D-18) can CBJ enforce the density requirement or are they grandfathered in?

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**From:** John Harvey ([Harvey.john@gmail.com](mailto:Harvey.john@gmail.com))

**Address:** 1624 Glacier Avenue

**Comments:** Would like a copy of the presentation.

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**From:** Sandy Harbunek

**Address:** 604 Fourth Street

**Comments:** Please mail out draft/proposed nonconforming code changes to all nonconforming homes so we can see what you're proposing in time to comment meaningfully. Thanks!

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ATTACHMENT B - PUBLIC COMMENTS

**From:** Steve Krall

**Address:** 875 Basin Road

**Comments:** Look at ways to better manage safety in residential neighborhoods with no sidewalks that have high pedestrian and traffic.

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**From:** Reed Stoops

**Address:** 1703 Willow

**Comments:** The lots on the top of the Highlands are generally conforming lots – with the unconforming lots low toward Glacier Avenue.

I don't think any of the upper Highland lot owners want to see the lot sizes reduced. Suggest that you only change lot sizes in neighborhoods that have a high percentage of nonconforming lots.

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**From:** Tom Paul

**Address:** 525 W 9<sup>th</sup> Street

**Comments:** The rezoning is a good idea. I like the proposal for Casey-Shattuck. The proposed non-conforming section of Code is also good.

The more lenient you are with existing properties being able to make reasonable changes to dwellings and/or structures the better.

I support your general effort with this. I need to think more about the details of your proposal for each neighbor.

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**From:** Gail Findley ([gamyfi@gmail.com](mailto:gamyfi@gmail.com), 586-1768)

**Address:** 1566 Evergreen Avenue

**Comments:** Why does my lot at 1572 Evergreen Ave show up as “nonconforming setback” of less than 20 feet? There is not a structure on 1572 Evergreen.

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**From:** Patrick Kearney

**Address:** 895 W. 12<sup>th</sup> Apt. 301

**Comments:** I am renting. I don't own property. The community involvement is encouraging help preserve when possible historic buildings and neighborhoods.

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**From:** Greg Chaney

**Address:** 715 Sixth Street

**Comments:** It would be desirable if the zoning in Starr Hill could accommodate the minimum lot size found on Kennedy Street. Based on the current proposal most lots on Kennedy would not be in conformance. Therefore, it would be worthwhile to look at the existing lot sizes and create a new minimum lot size that would make these lots conforming.

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**From:** Joshua Adams

**Address:** 329 5<sup>th</sup> Street

**Comments:** Nonconforming code. Makes it hard to take on a project rehabilitating historic properties. We need a separate set of rules pertaining to properties more than 100 years old. A lot of these old structures are placed in jeopardy by building codes and setback requirements – it's hard to encourage people to rehabilitate an old structure when nothing about it can ever be permitted. For this reason a lot of old houses and buildings get torn down instead

ATTACHMENT B - PUBLIC COMMENTS

of restored after fires. There needs to be an incentive to restore rather than rebuild, and the best way to do this is by taking a more liberal approach to preexisting structures.

Also: please allow green roofs to count towards vegetative cover!

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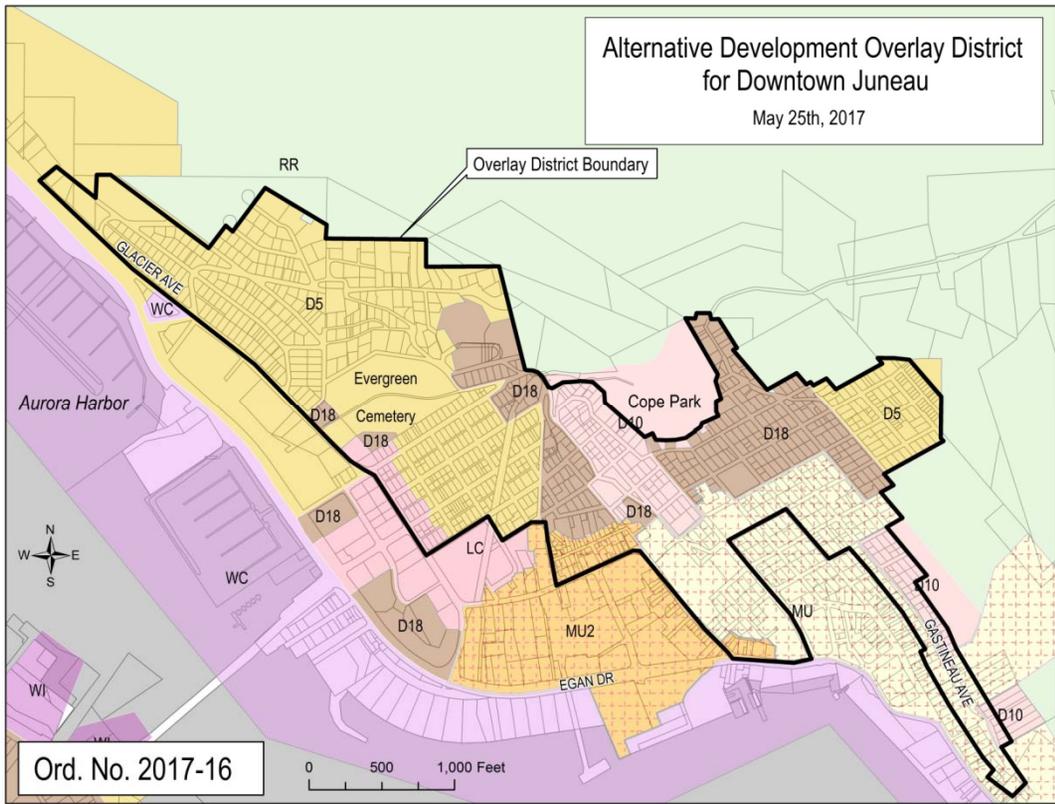
# Proposed Residential Zone Districts – Downtown Juneau

**Title 49 Committee**

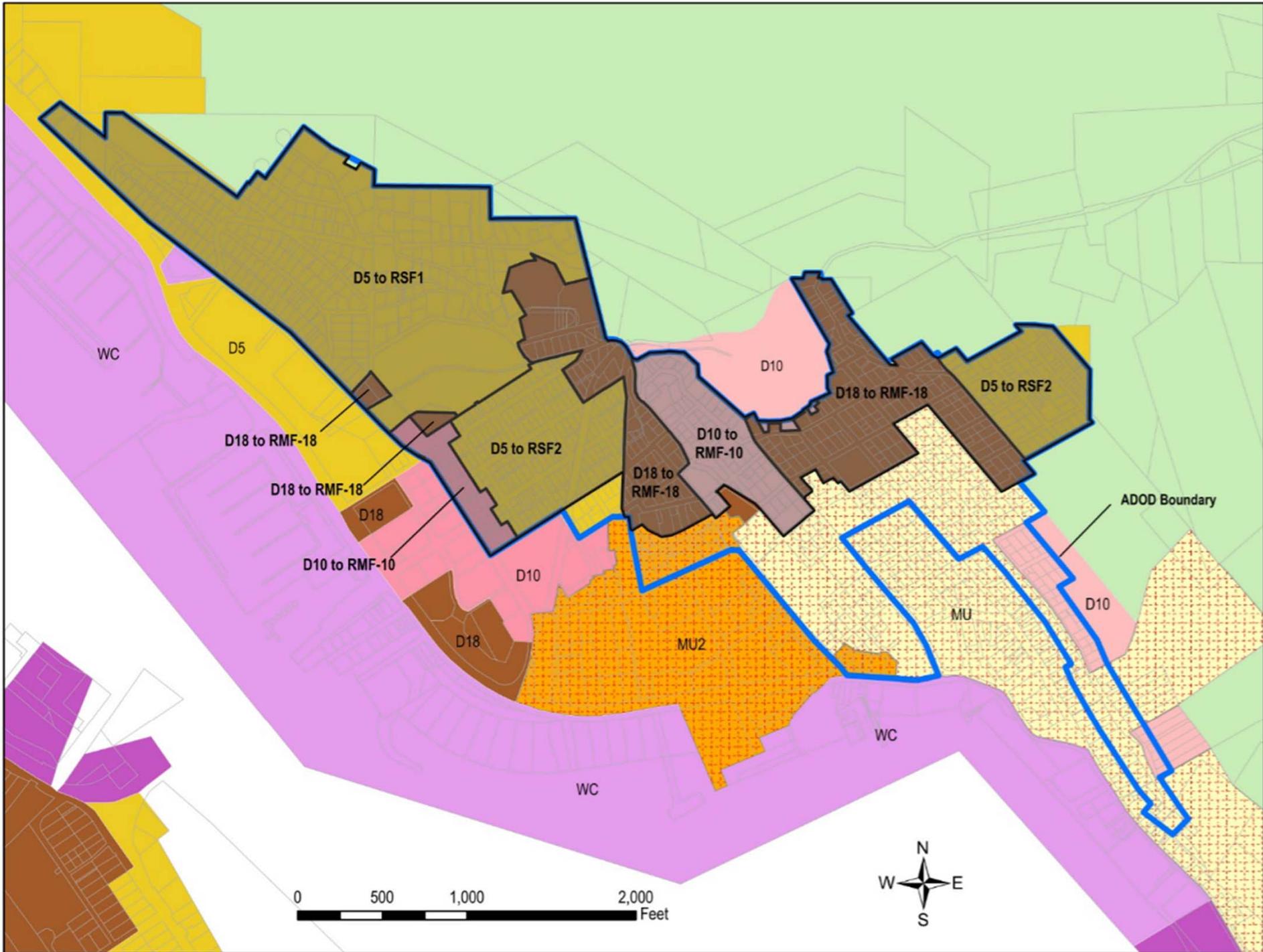
**April 11, 2019**



# Why Are We Here?



We're here to discuss a proposal to change to the Zoning Atlas (the zoning maps) and Title 49, the Land Use Code, to re-zone residential areas in downtown Juneau that better reflect the existing built environment in order to preserve the existing character.

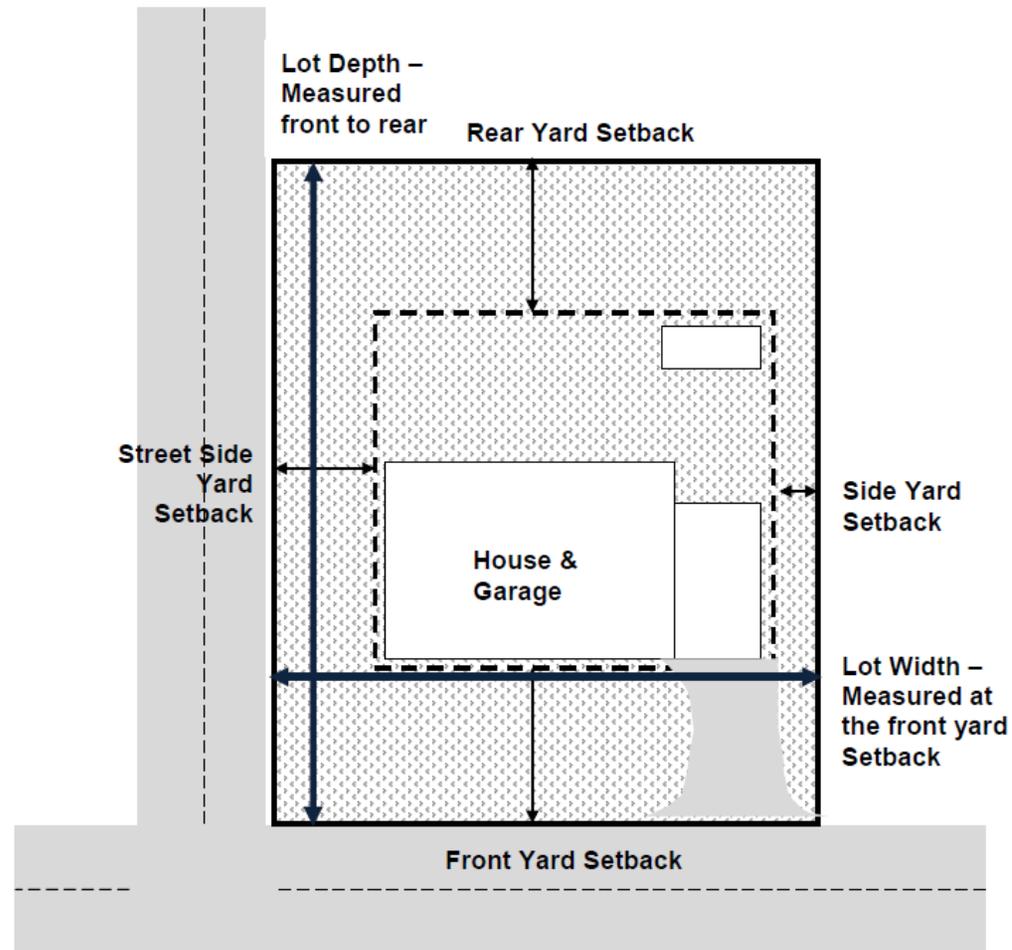


# Purpose of the ADOD

## Alternative Development Overlay District (ADOD):

- It is an overlay district that allows for reductions in, setbacks, lot coverage, vegetative cover
- It applies to Downtown Juneau and Downtown Douglas.
- Its purpose is to:
  - Preserve the character of existing neighborhoods
  - Promote the restoration of blighted buildings
  - Provide adequate minimum standards and procedures for the construction of new residential buildings and the rehabilitation of existing residential buildings
  - Provides for the development of housing
- **Downtown Juneau sunsets in August 2019**
- Downtown Douglas sunsets in August 2020

# Important Terms – Dimensional Standards



**Lot Coverage –**  
percentage of lot  
that is occupied by  
all buildings

**Vegetative Cover –**  
percentage of lot  
covered in live  
vegetation

# Important Terms – Nonconforming

**A non-conforming property is one that previously met development regulations, but due to a change in code requirements, no longer meets current requirements**

- Use
- Lot size
- Setbacks
- Building
- Density
- Other

# Some History of Downtown Development

## *A Bit of History*

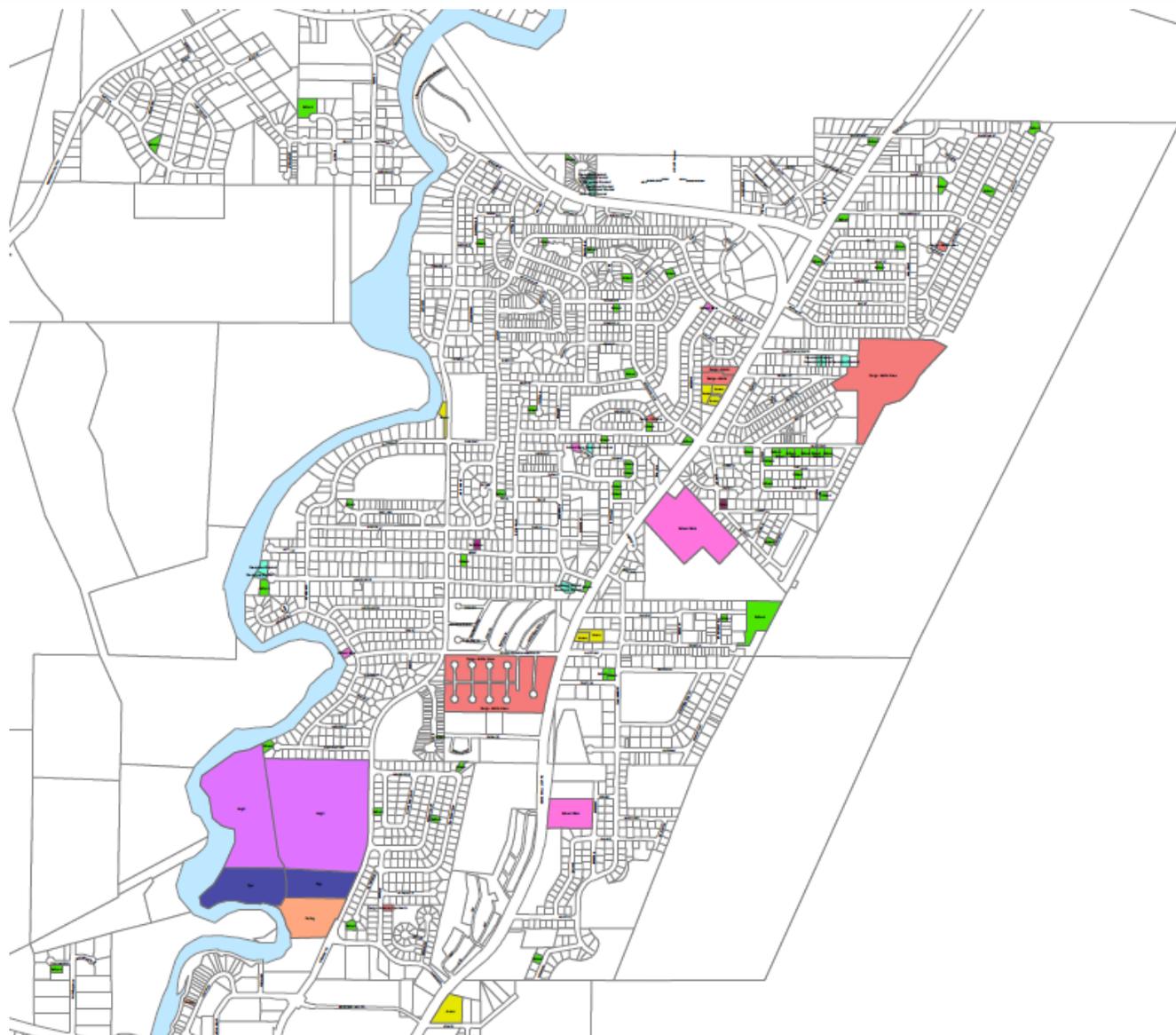
# Year Built of Structures



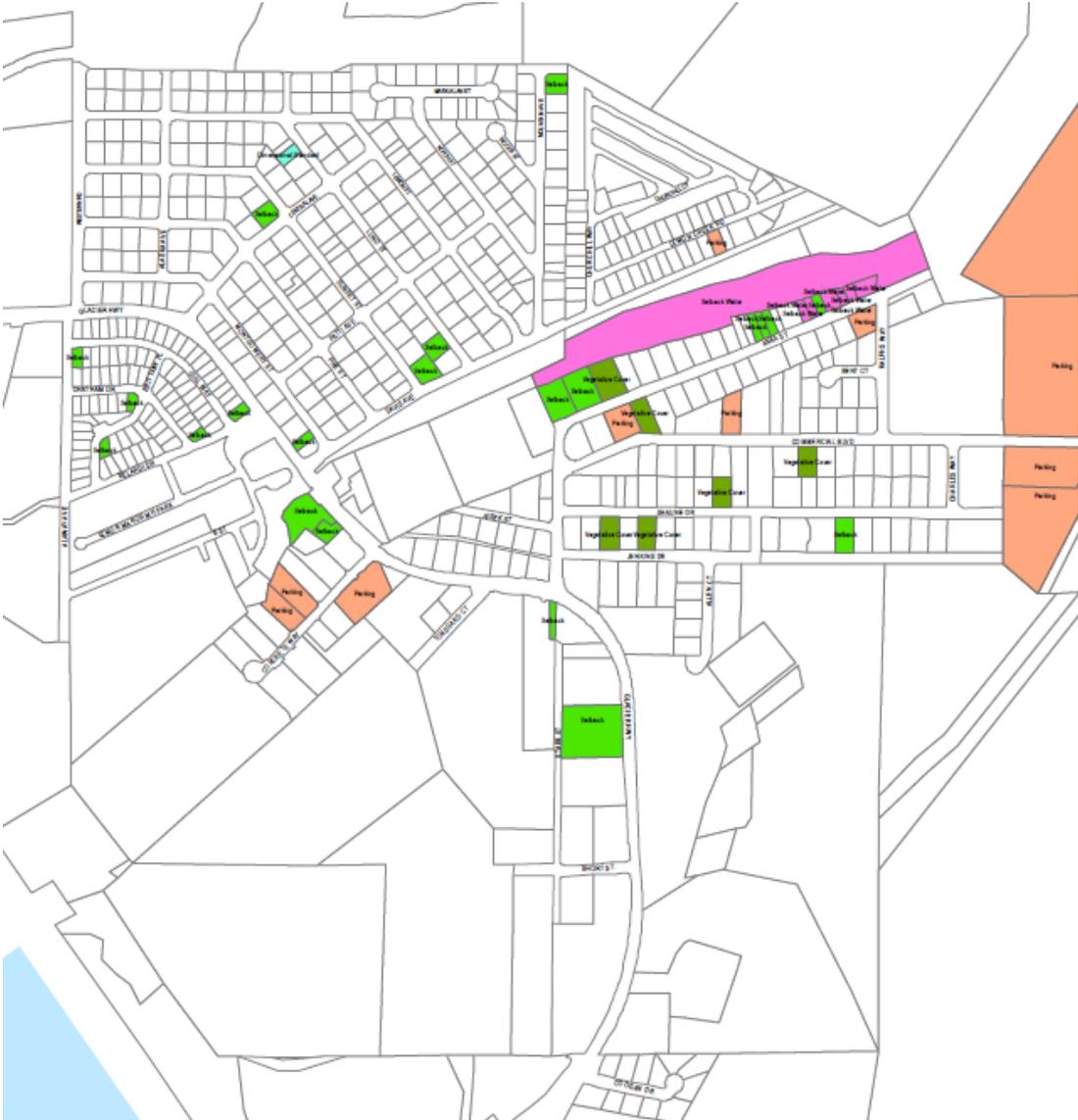
# Approved Variances since 1987



# Valley Variances Since 1987



# Lemon Creek Variances since 1987



# Variances since 1966



## *What exists now*

# Existing Conditions - Downtown Juneau

## *Setbacks*

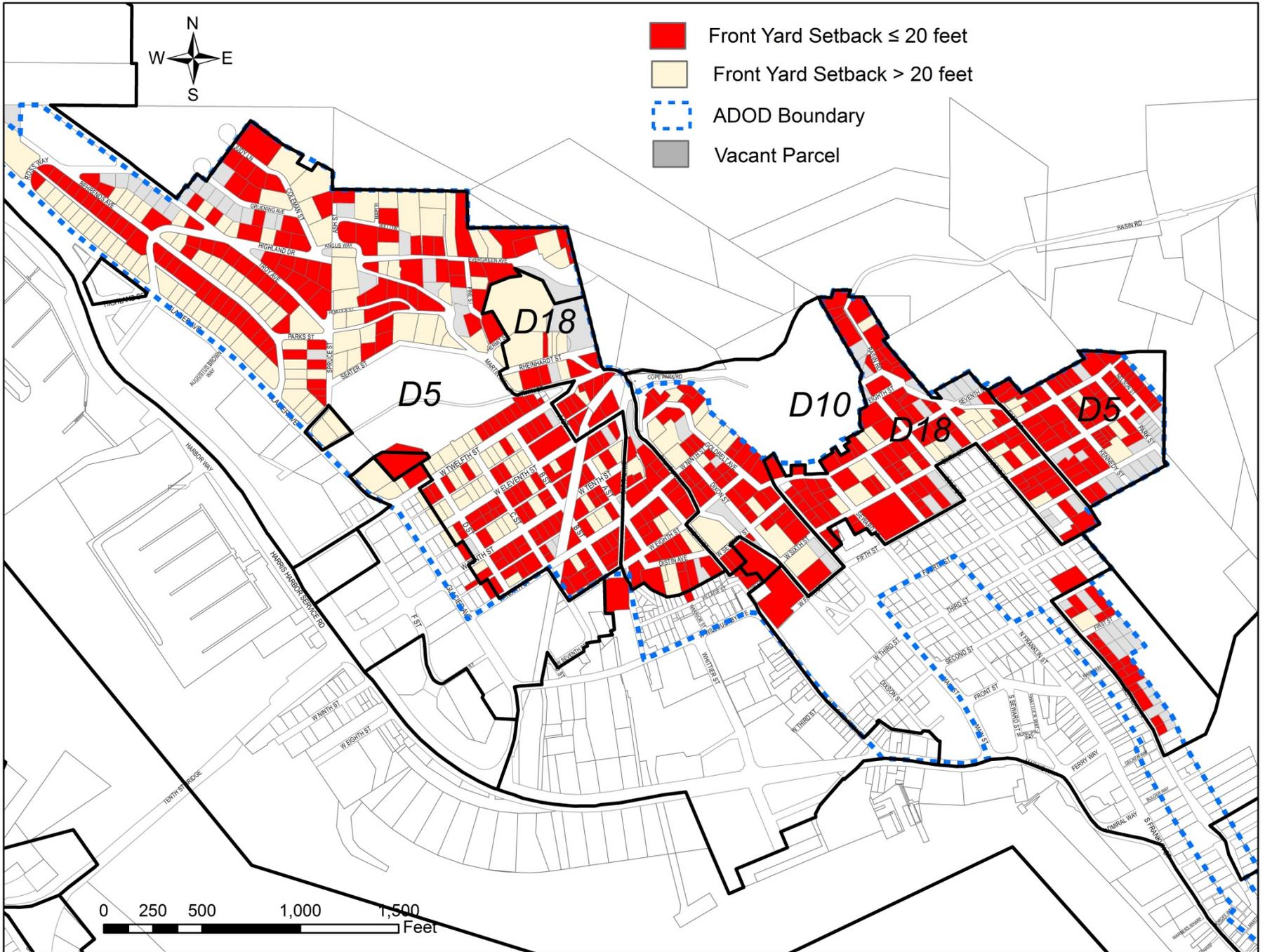
# Summary of Setback Nonconformity

<b>D5</b>		
Setback	Conforming	% of total
Front	143	<b>35%</b>
Rear	202	<b>55%</b>
Side	437	<b>61%</b>
Sreet Side	51	<b>36%</b>

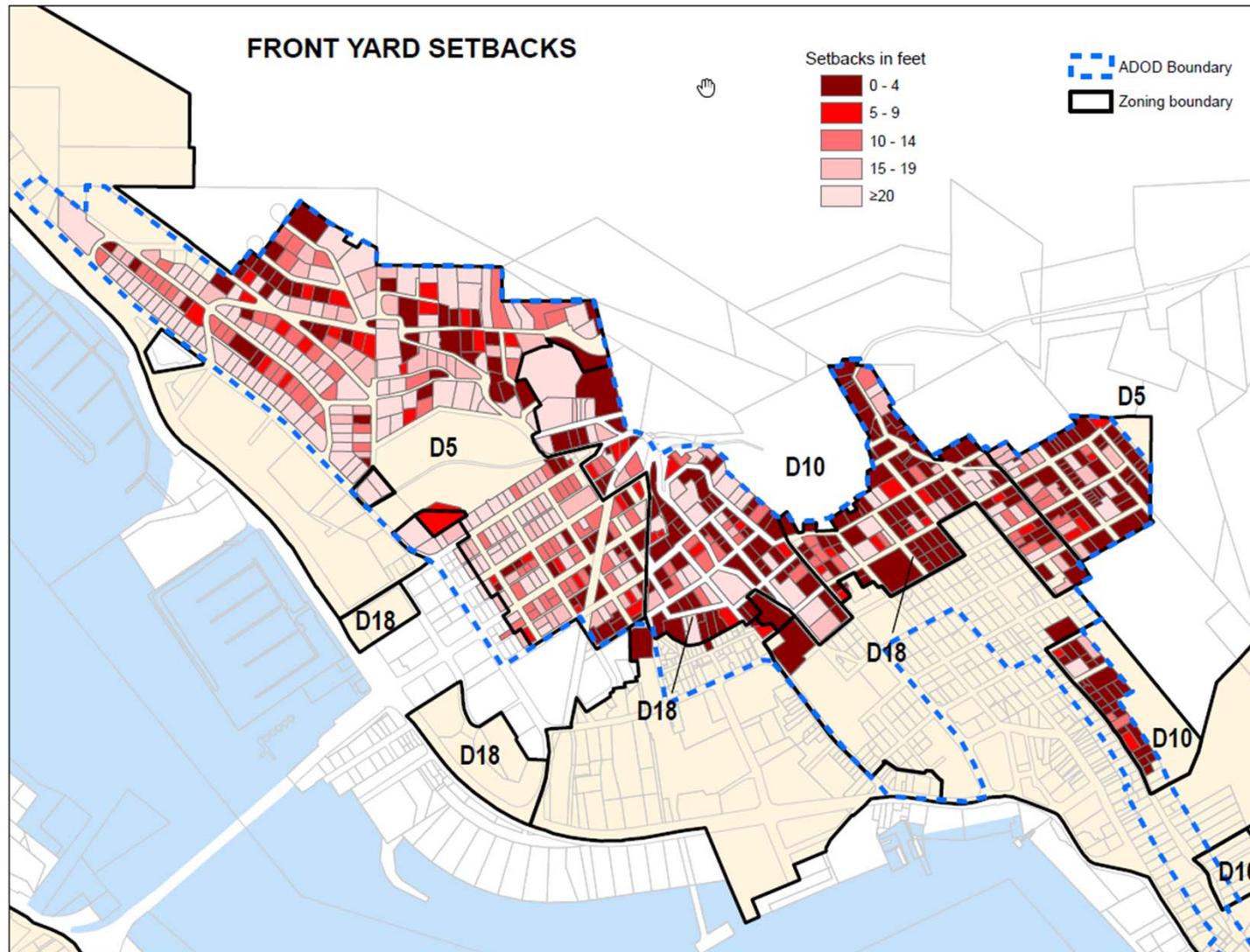
<b>D10</b>		
Setback	Conforming	% of total
Front	14	<b>19%</b>
Rear	32	<b>47%</b>
Side	69	<b>51%</b>
Sreet Side	9	<b>50%</b>

<b>D18</b>		
Setback	Conforming	% of total
Front	39	<b>22%</b>
Rear	98	<b>62%</b>
Side	155	<b>49%</b>
Sreet Side	34	<b>48%</b>

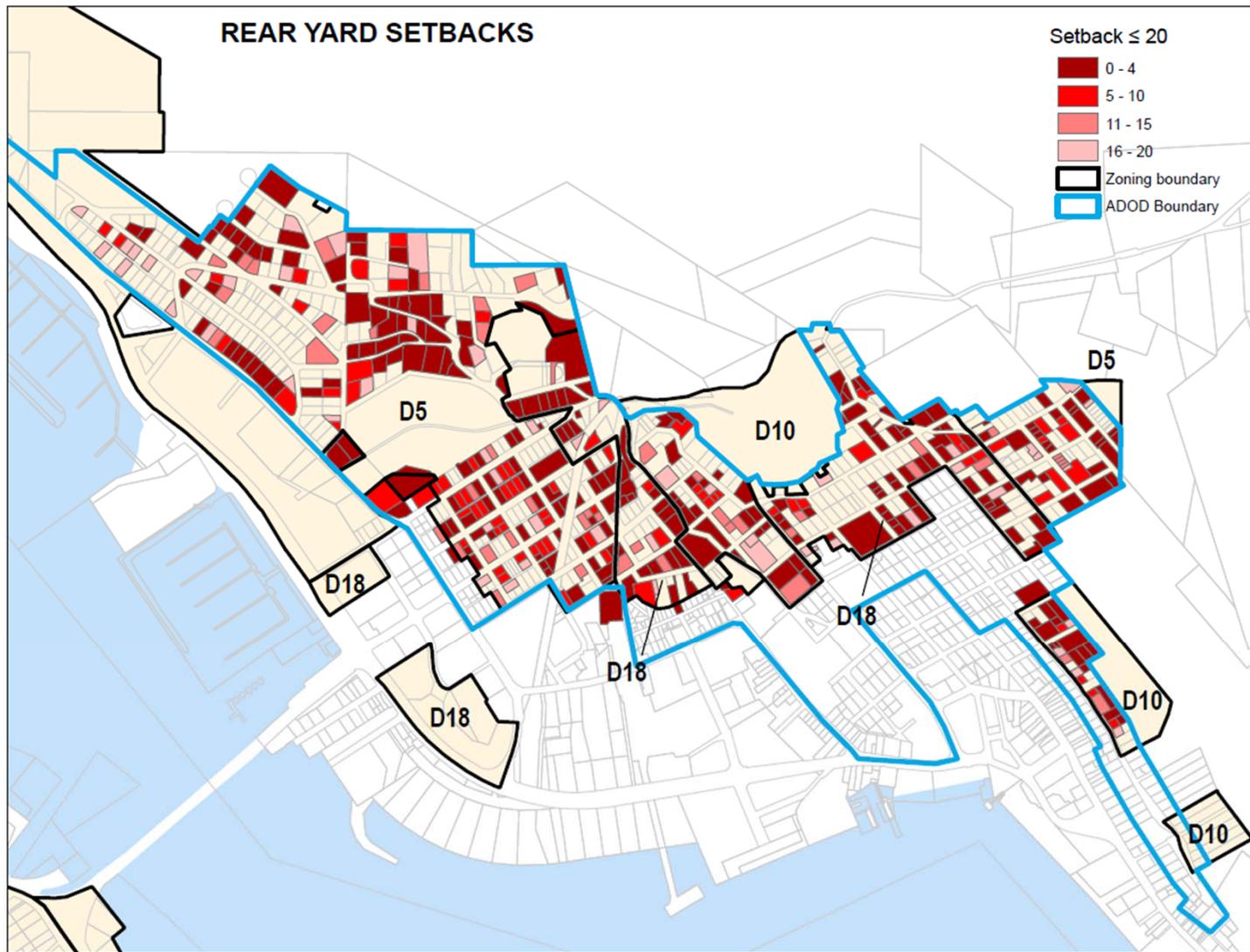
- A fraction of lots in the ADOD meet current zoning.
- The front setback is the most difficult one to meet.



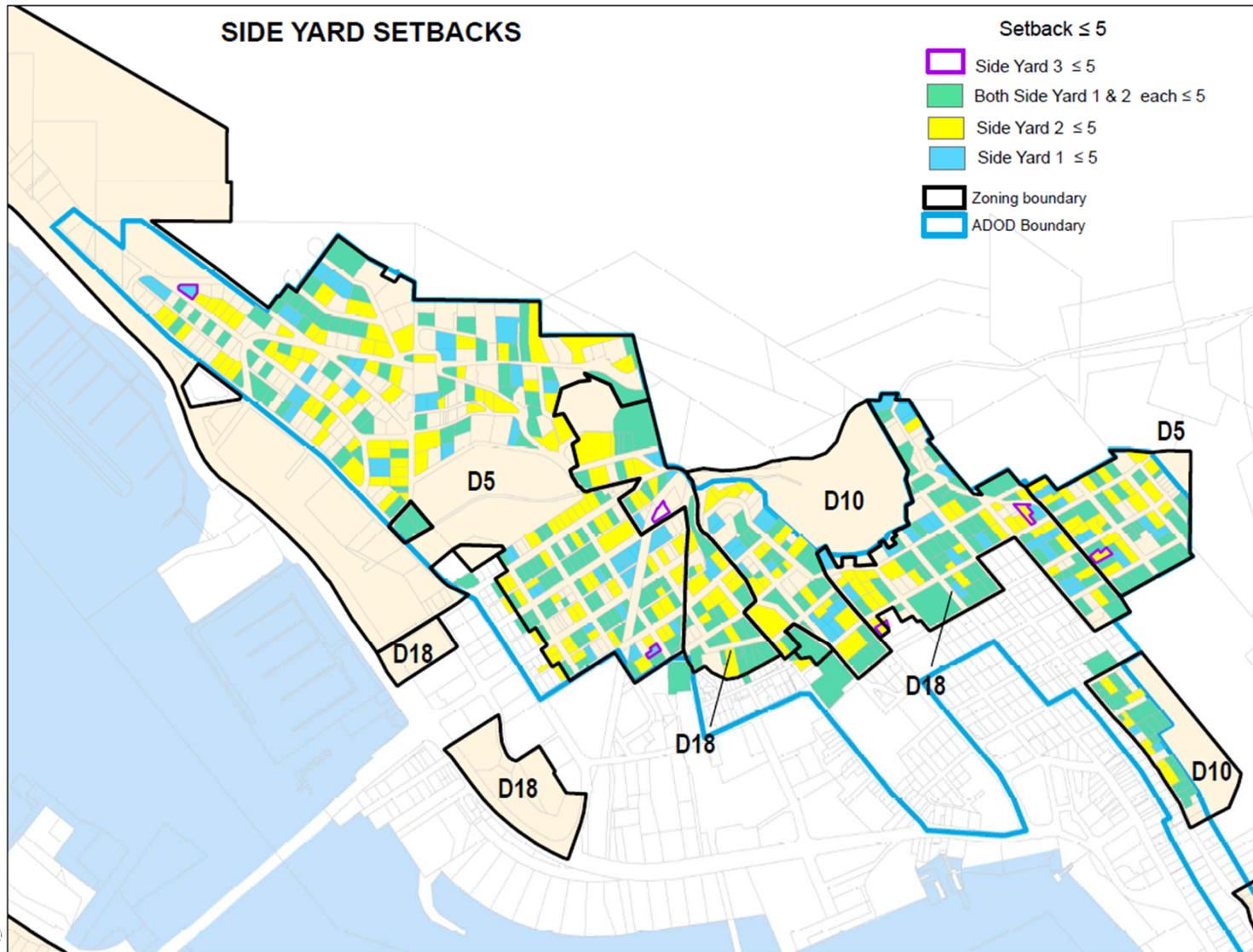
# Summary of Setback Nonconformity



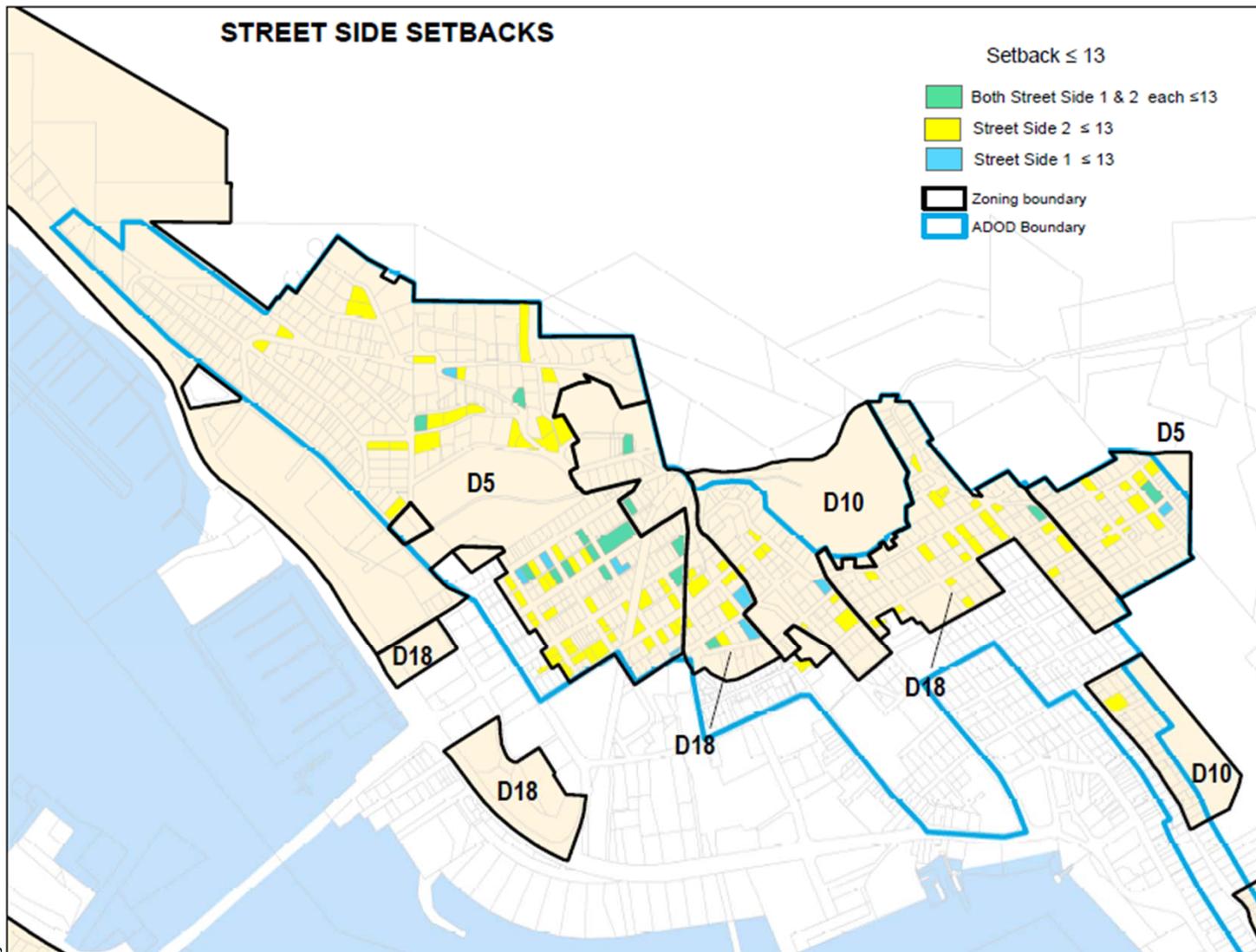
# Summary of Setback Nonconformity



# Summary of Setback Nonconformity

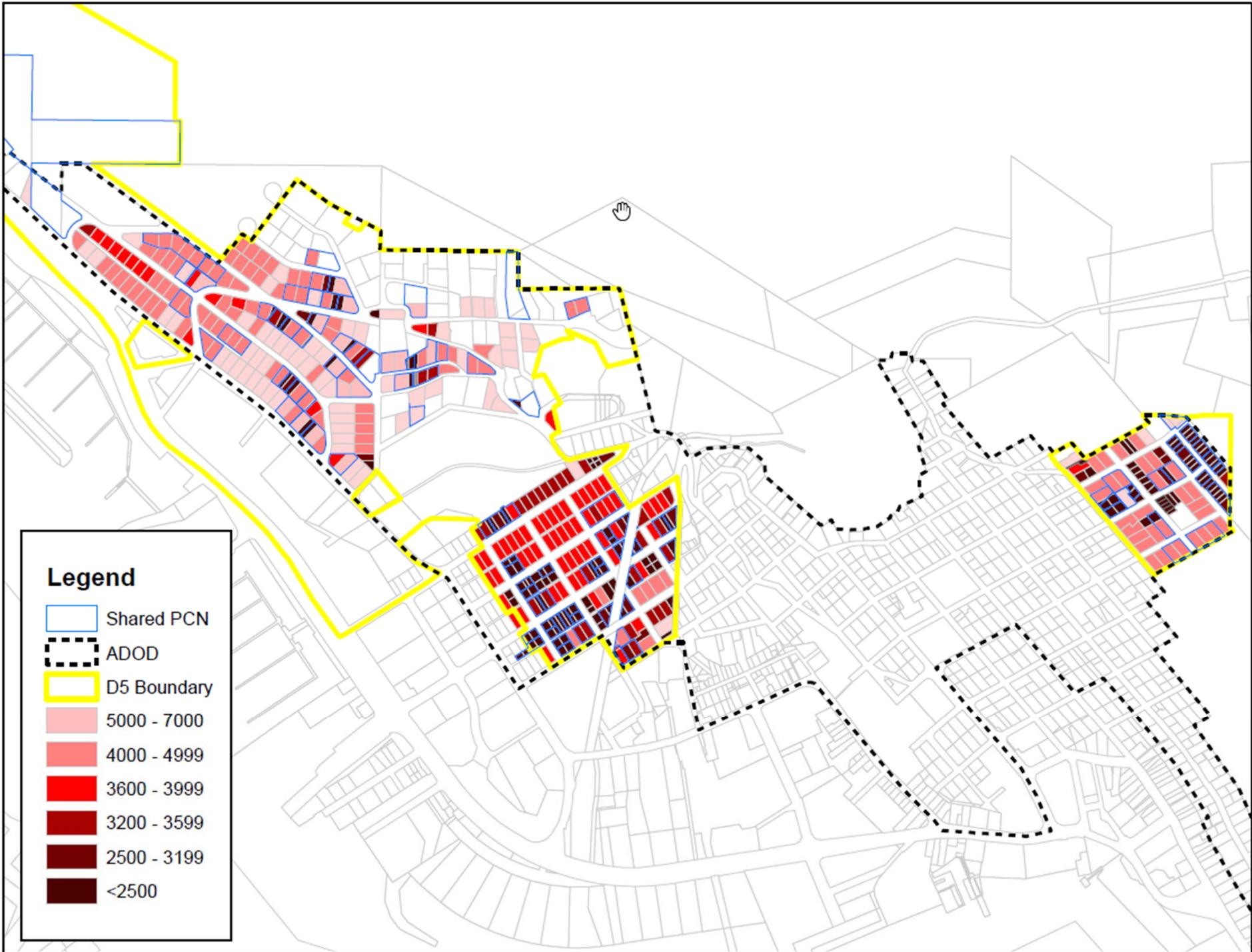


# Summary of Setback Nonconformity



# Existing Conditions - Downtown Juneau

## *Lot Size*



# Non-Conforming Properties



What is proposed?

## *Existing Zoning and Proposed Zoning*

# D-5 Zone District Standards

## D-5 Minimum Standards:

### Setbacks

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 20 feet

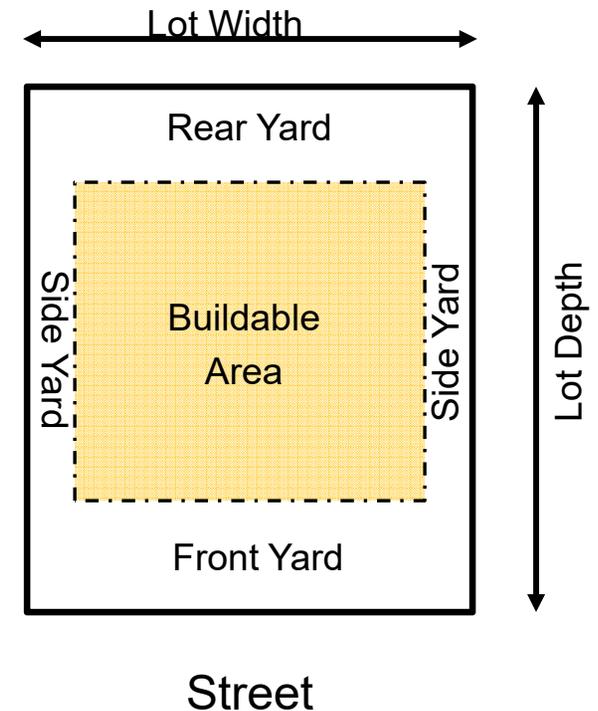
Street Side – 13 feet

Lot Size – 7,000 sf

Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

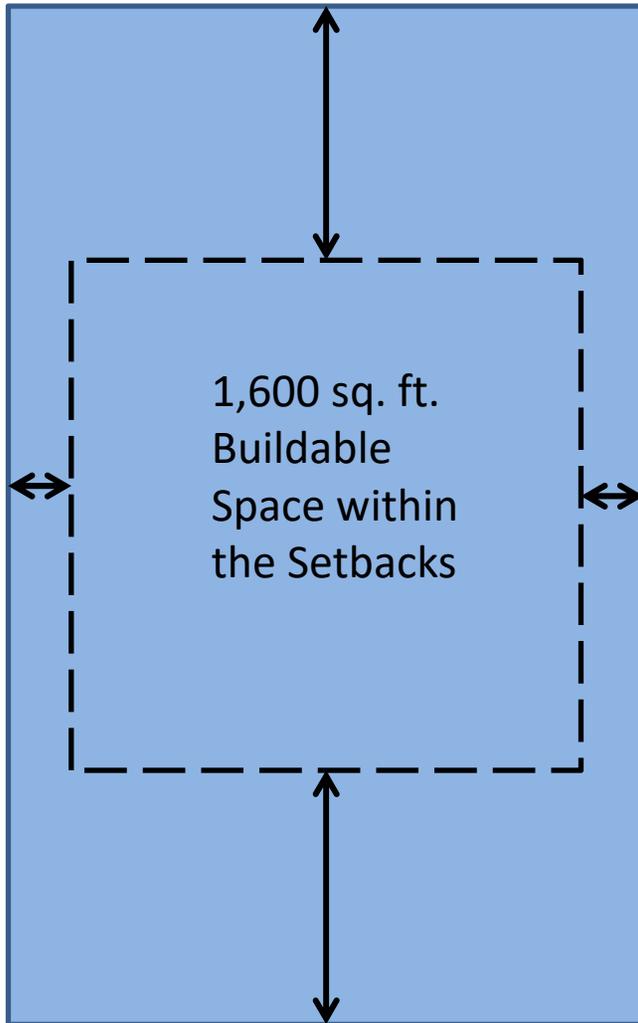


# The Highlands Neighborhood – Single-family Zone Districts Downtown

Minimum Standard	D-5	D-10 SF	Proposed New Zone District
Lot Size	7,000 sf	3,600 sf	4,000 sf
Lot Width	70 feet	40 feet	40 feet
Lot Depth	85 feet	85 feet	65 feet
Maximum lot coverage	50%	50%	60%
Maximum height	35 feet	35 feet	30 feet
Front Yard Setback	25 feet	20 feet	5 feet *15' along Glacier Avenue
Street Side Setback	13 feet	10 feet	5 feet *15' along Glacier Avenue
Rear Yard Setback	20 feet	10 feet	5 feet
Side Yard Setback	5 feet	3 feet	3 feet
Vegetative Cover	20%	15%	15%

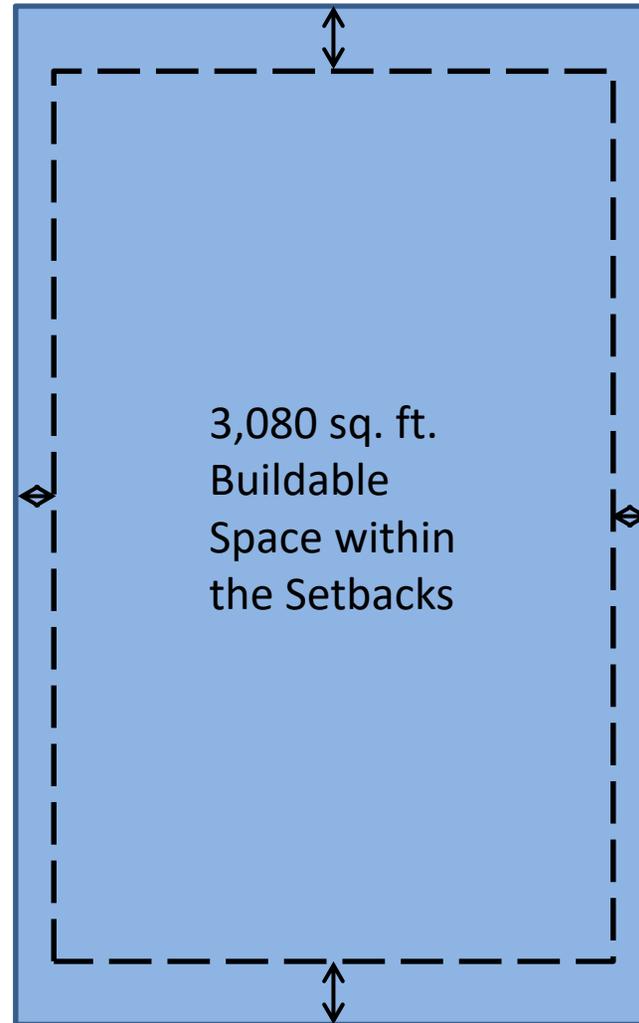
Highlands Area

D5 Setbacks on a 4,000 square  
foot non-conforming lot  
50' Wide x 80' Deep

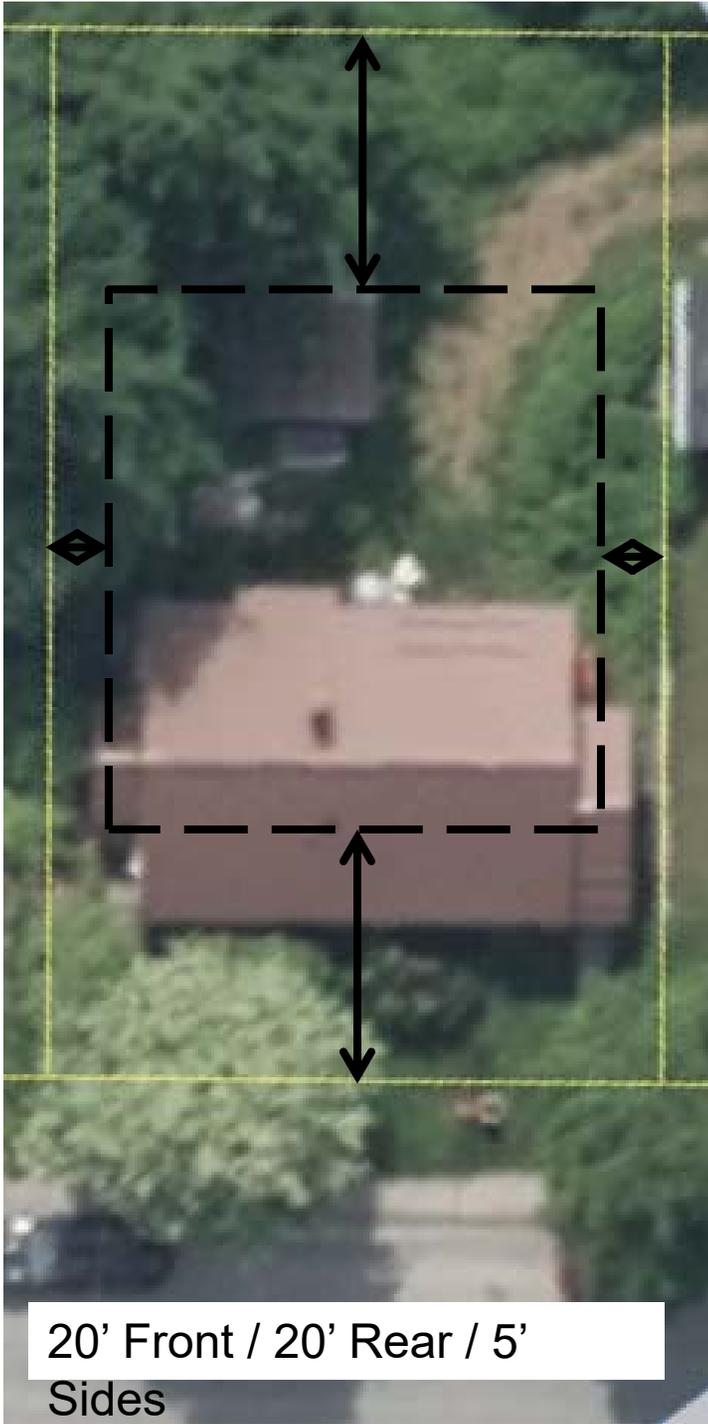


20' Front / 20' Rear / 5' Sides

Proposed Setbacks on a 4,000  
square foot lot  
50' Wide x 80' Deep



5' Front / 5' Rear / 3' Sides



Example:  
Highlands Area  
Parcel is  
Approximately 4,200  
square feet.

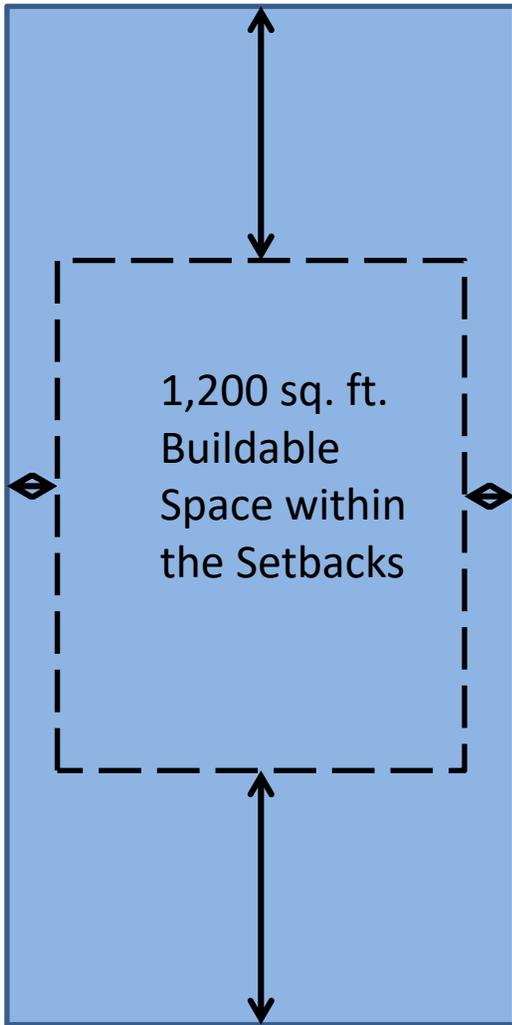


# Casey-Shattuck & Starr Hill – Single-family Zone Districts Downtown

Minimum Standard	D-5	D-10 SF	Proposed New Zone District
Lot Size	7,000 sf	3,600 sf	3,000 sf
Lot Width	70 feet	40 feet	40 feet
Lot Depth	85 feet	85 feet	65 feet
Maximum lot coverage	50%	50%	60%
Maximum height	35 feet	35 feet	30 feet
Front Yard Setback	25 feet	20 feet	5 feet / 3 feet
Street Side Setback	13 feet	10 feet	5 feet
Rear Yard Setback	20 feet	10 feet	5 feet
Side Yard Setback	5 feet	3 feet	3 feet
Vegetative Cover	20%	15%	15%

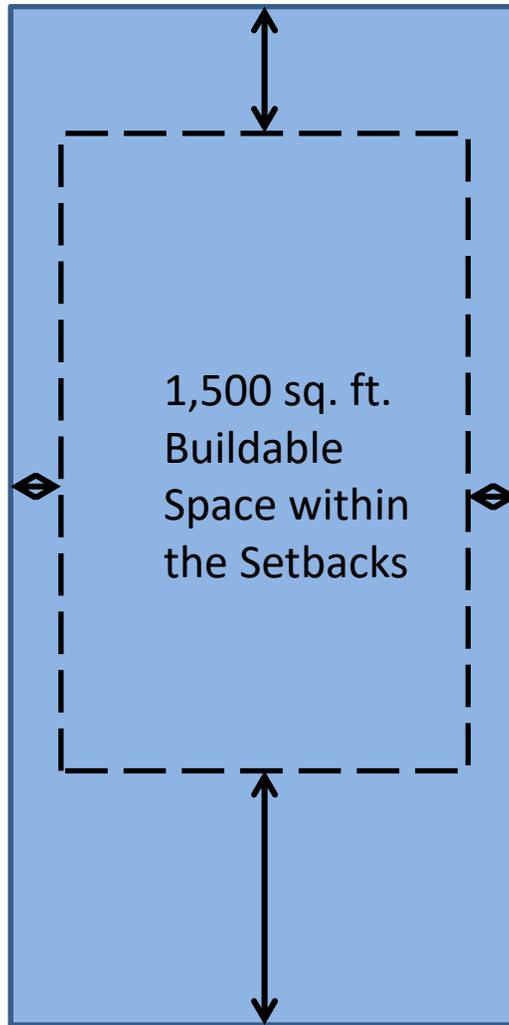
Casey Shattuck Area

D5 Setbacks on a 3,200 square foot non-conforming lot  
40' Wide x 80' Deep



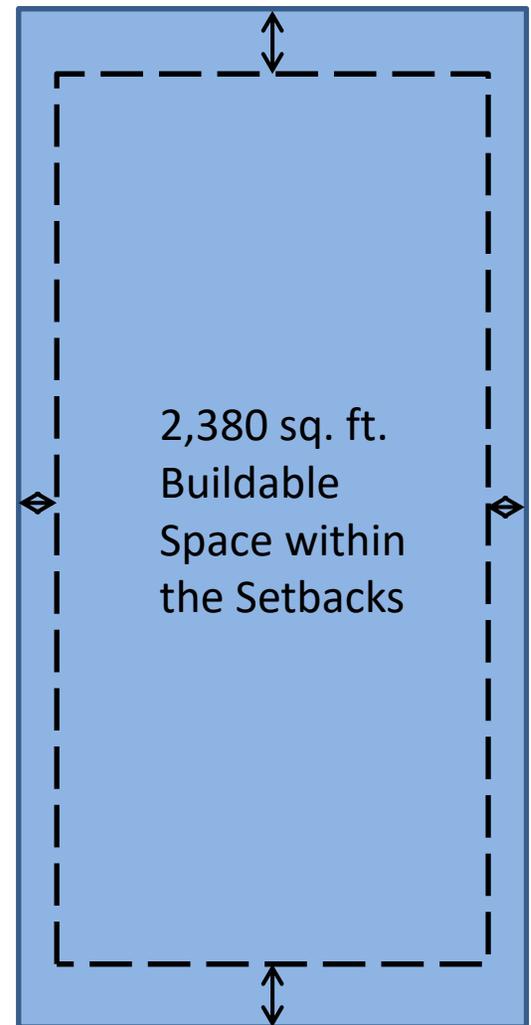
20' Front / 20' Rear / 5' Sides

D18 Setbacks on a 3,200 square foot non-conforming lot  
40' Wide x 80' Deep



20' Front / 10' Rear / 5' Sides

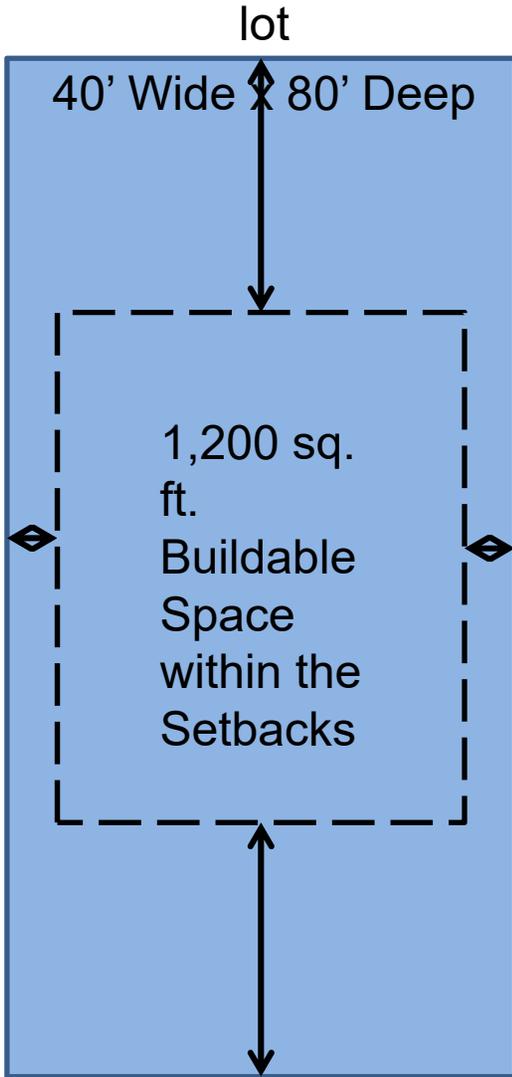
Proposed Setbacks on a 3,200 square foot lot  
40' Wide x 80' Deep



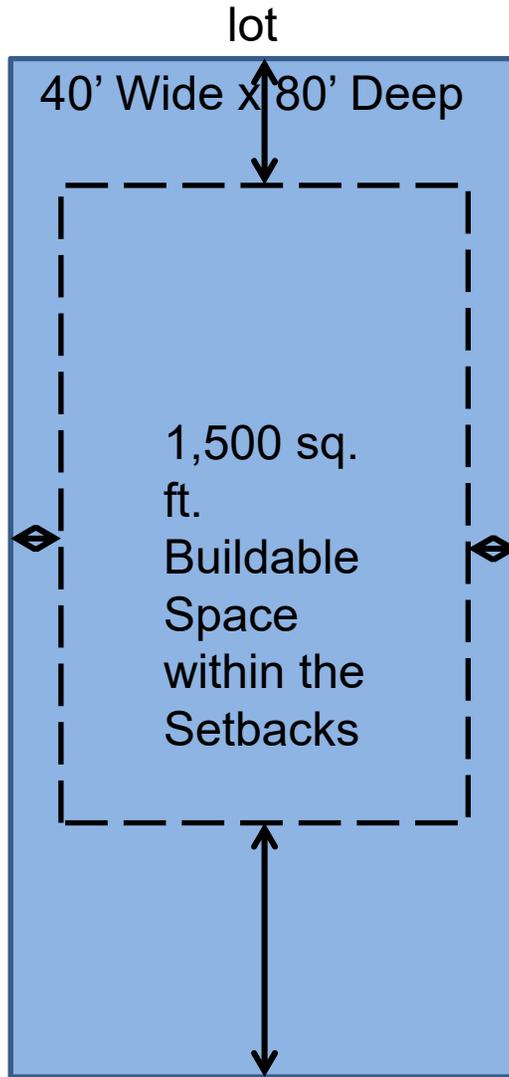
5' Front / 5' Rear / 3' Sides

Star Hill Area

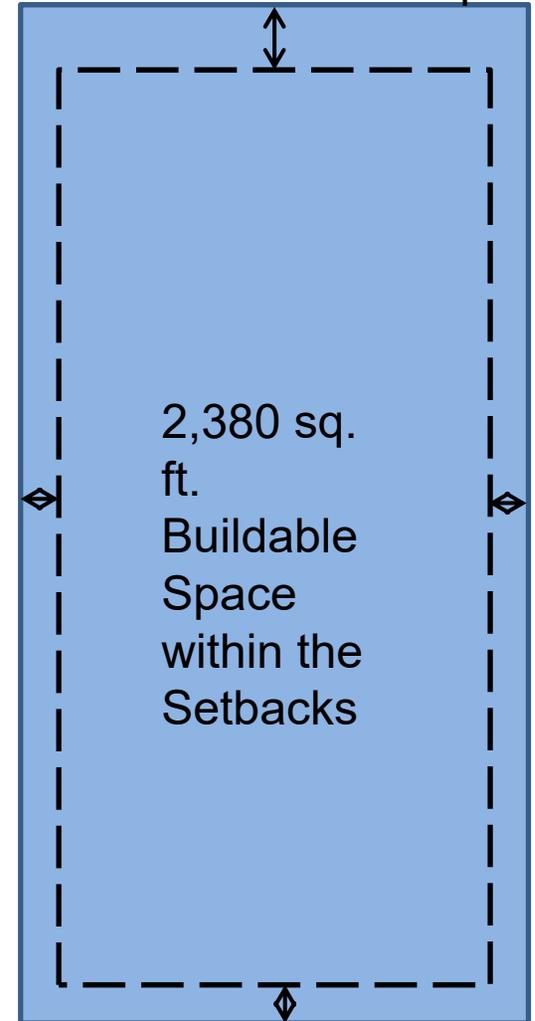
D5 Setbacks on a 3,200 square foot non-conforming lot

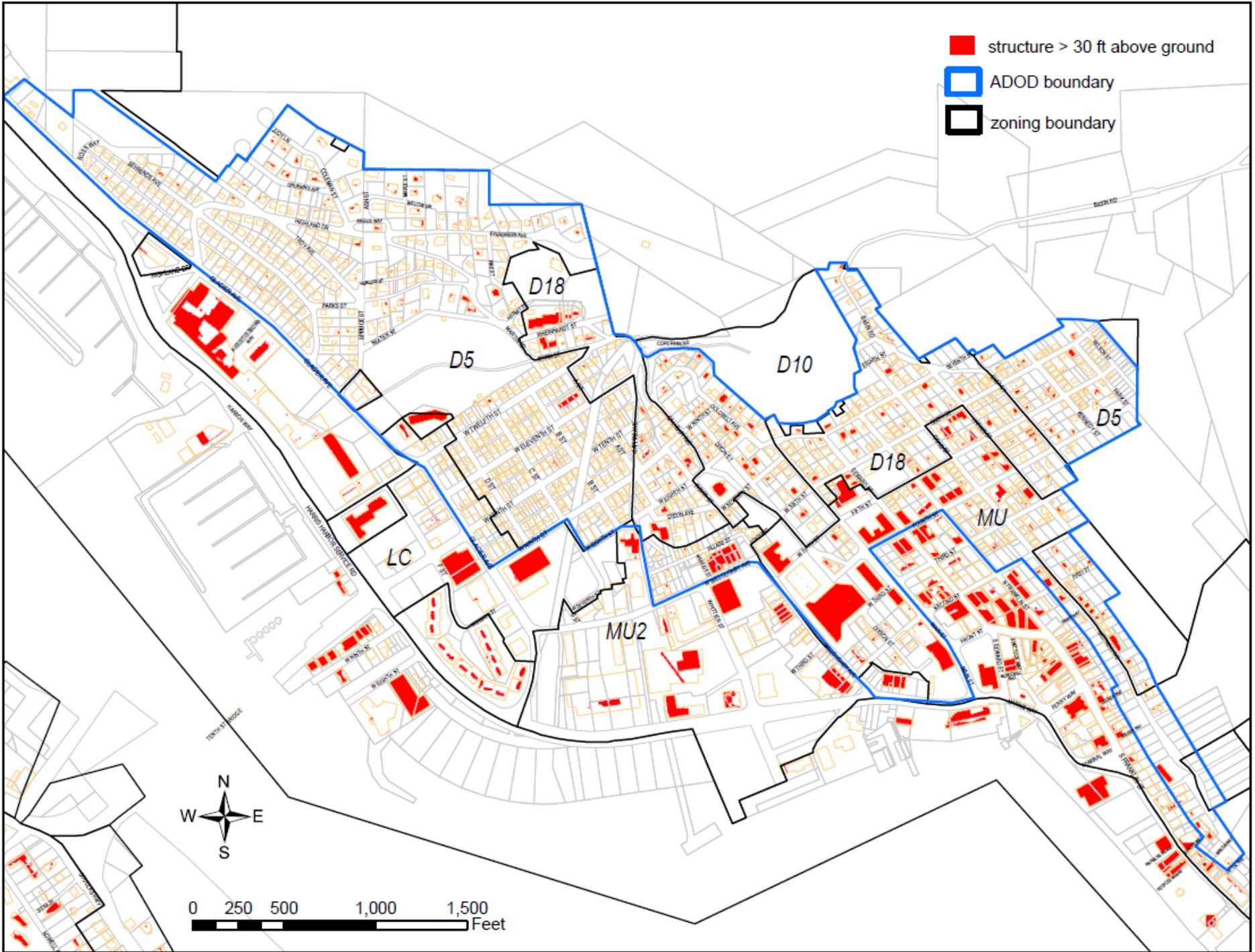


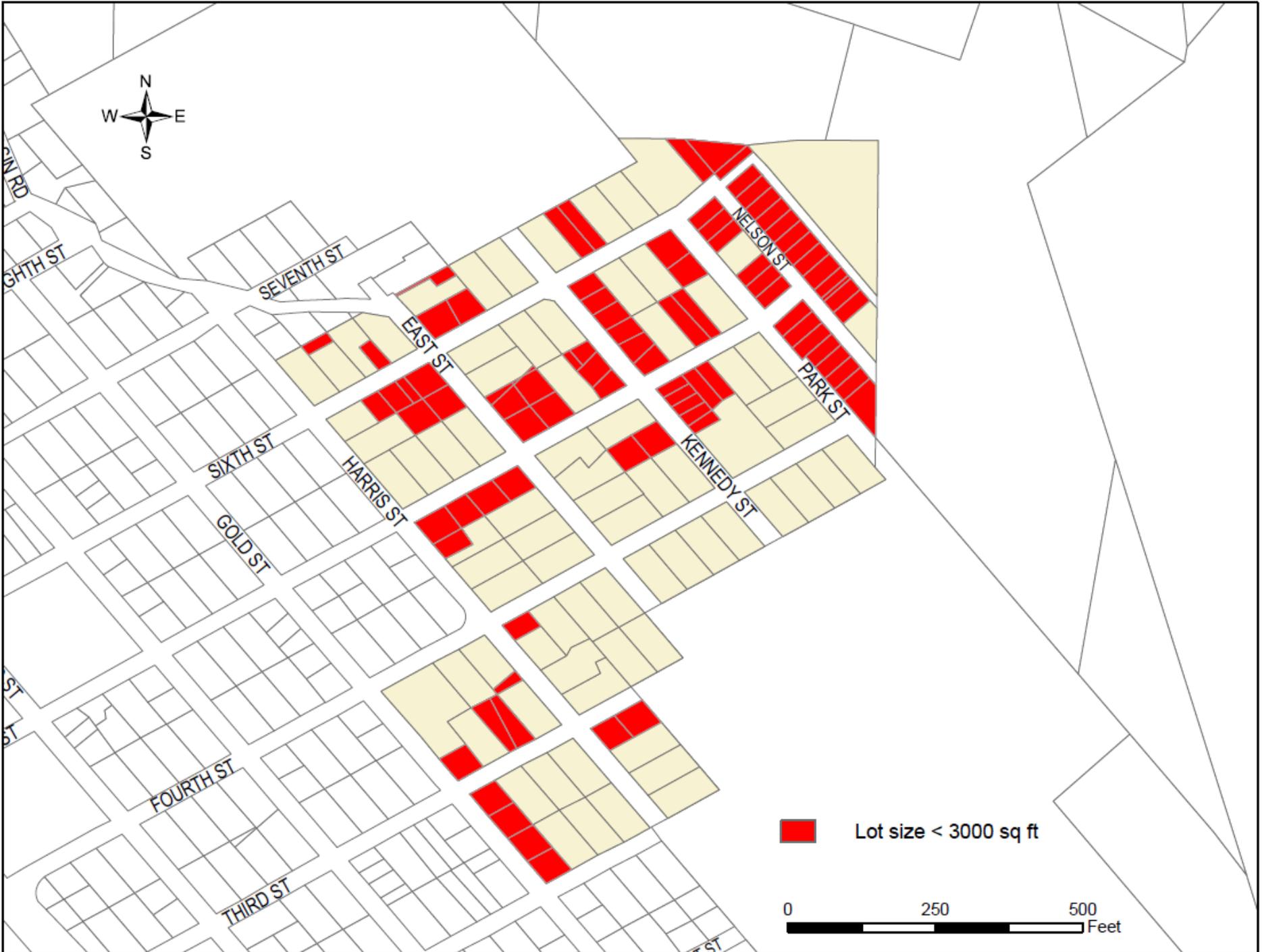
D18 Setbacks on a 3,200 square foot non-conforming lot

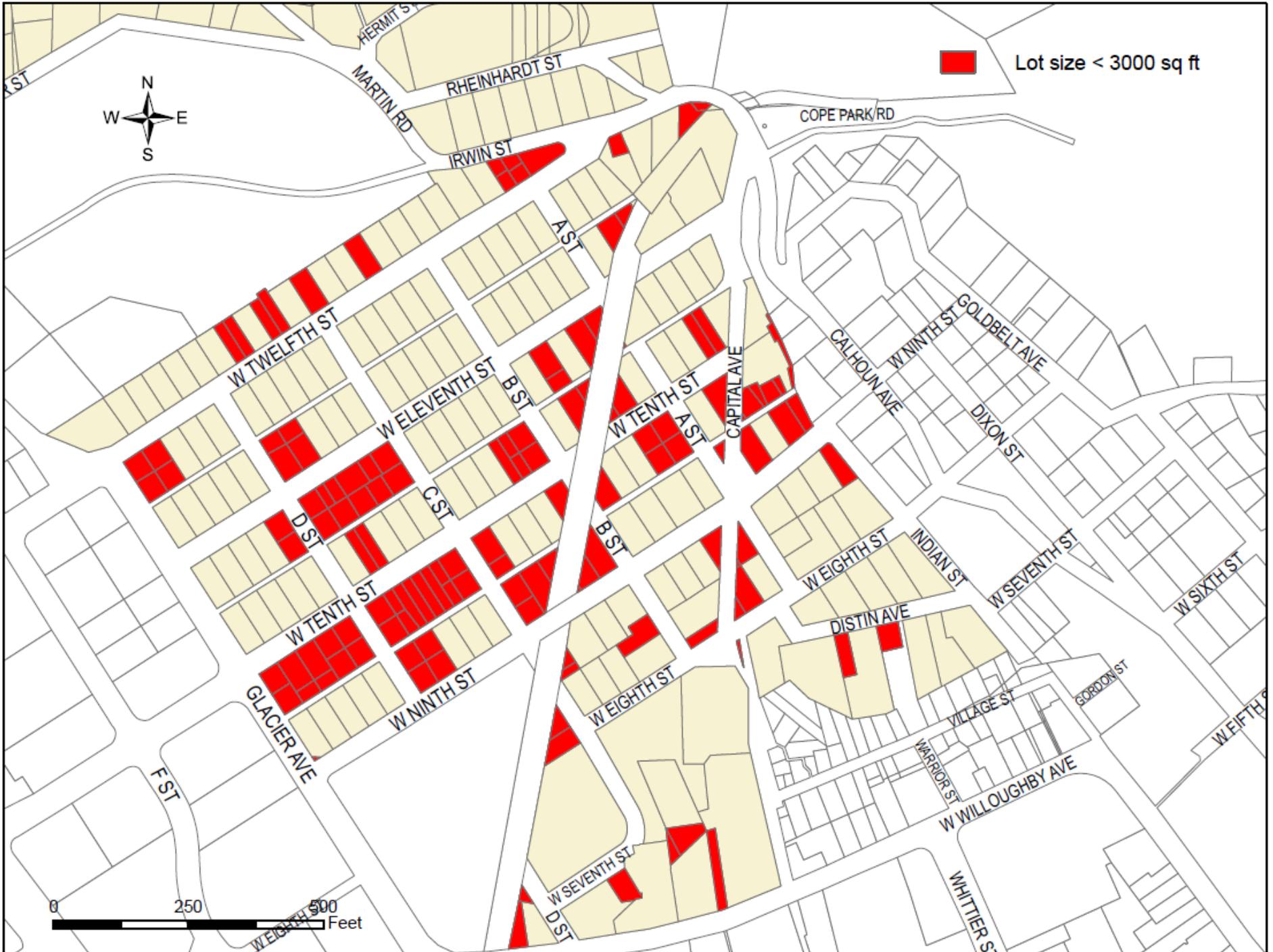


Proposed Setbacks on a 3,200 square foot lot 40' Wide x 80' Deep

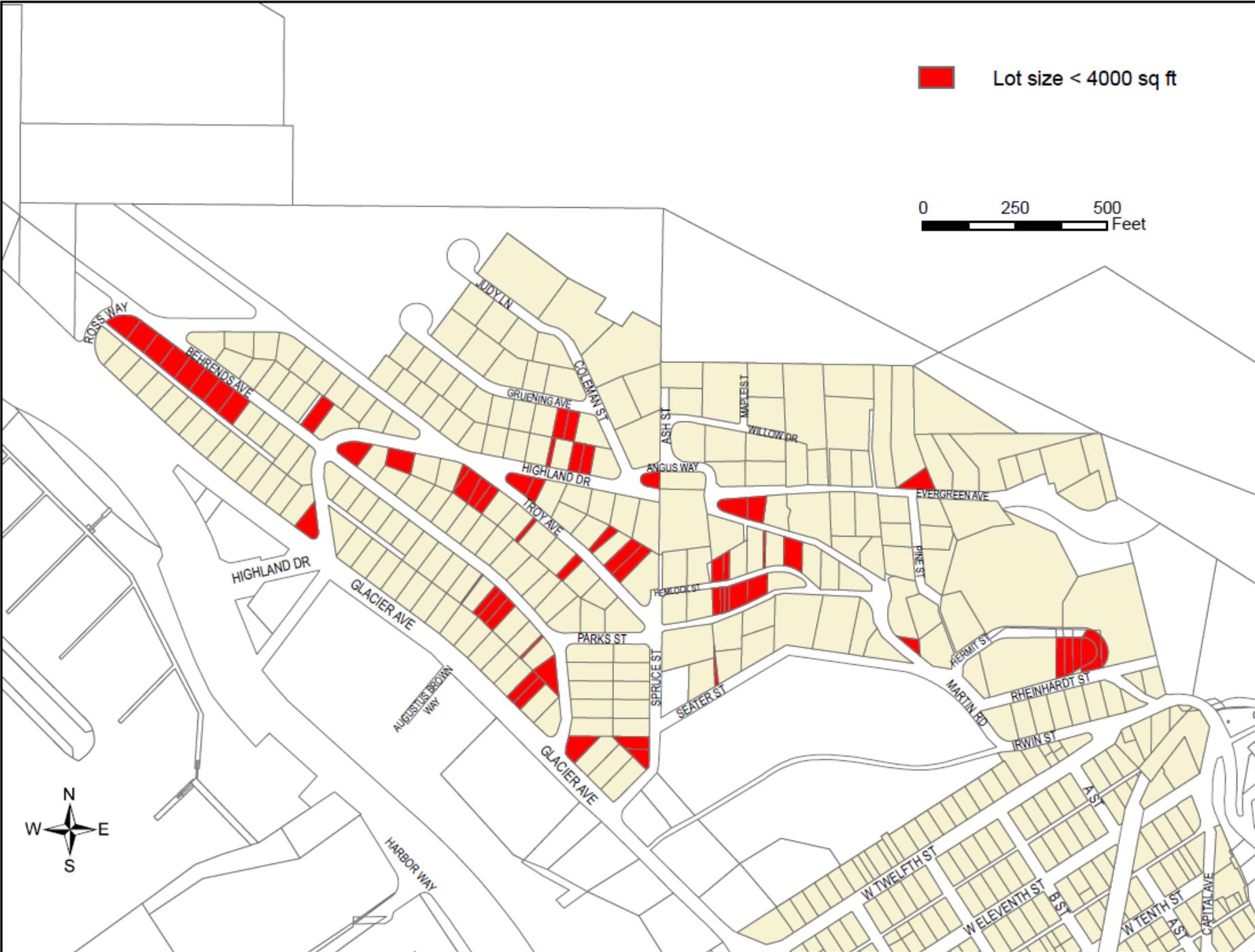








Lot size < 4000 sq ft



# Multifamily Zone Districts Downtown

Minimum Standard	D-10	<i>New Downtown MF-10 Zone</i>	D-18	<i>New Downtown MF-18 Zone</i>
Lot Size	6,000 sf	<i>4,500 sf</i>	5,000 sf	<i>2,500 sf</i>
Lot Width	50 feet	<i>30 feet</i>	50 feet	<i>30 feet</i>
Lot Depth	85 feet	<i>50 feet</i>	80 feet	<i>50 feet</i>
Maximum lot coverage	50%	<i>60%</i>	50%	<i>60%</i>
Maximum height	35 feet	<i>35 feet</i>	35 feet	<i>35 feet</i>
Front Yard Setback	20 feet	<i>5 feet</i>	20 feet	<i>5 feet</i>
Street Side Setback	13 feet	<i>5 feet</i>	13 feet	<i>5 feet</i>
Rear Yard Setback	20 feet	<i>10 feet</i>	10 feet	<i>10 feet</i>
Side Yard Setback	5 feet	<i>3 feet</i>	5 feet	<i>3 feet</i>
Vegetative Cover	30%	<i>25%</i>	30%	<i>25%</i>

### Proposal – to amend this section of Code:

#### CBJ 49.25.430(4)(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 of the three closest adjacent buildings. The buildings used must be conforming or legally nonconforming enclosed buildings or carports. In no instance shall the required setback be less than half that required by this chapter or ten, whichever is greater. In Geographic Area Juneau, in no instance shall the required setback be less than three feet.*

# *Zone District Changes Over Time*

# The Highlands Area

## The Highlands Area platted in 1946:

	Current Zoning (1987 to present)	Previous Zoning (1969)	Previous Zoning (1956)
Zone District	D-5	R-5	R-1
Uses	Single-family and duplex	Single-family and duplex	Single-family and duplex
Minimum lot size	7,000 sf	5,000 sf for single-family; 7,000 sf for duplex	4,500 sf
Front Setback	20 feet	20 feet	20 feet
Rear Setback	20 feet	15 feet	15 feet
Side Setback	5 feet	5 feet	5 feet
Street Side Setback	13 feet	N/A	N/A
Lot width	70 feet	50 feet	50 feet
Lot Depth	85 feet	80 feet	N/A
Lot coverage	50%	40%	50%
Height	35 feet	35 feet	30 feet

# Casey-Shattuck/The Flats Area

Casey-Shattuck, a.k.a. the Flats – platted in 1913:

	Current Zoning (1987 to present)	Previous Zoning (1969)	Previous Zoning (1956)
Zone District	D-5	RO (High Rise Residential-Office)	R-2
Uses	Single-family and duplex	Single-family, duplex, multifamily (commercial in no more than 10% of mf structure)	Single-family, duplex, multifamily
Minimum lot size	7,000 sf	7,200 sf (300 sf per dwelling unit)	3,600 sf for sf and duplex; 5,000 sf for multifamily
Front Setback	20 feet	10 feet	15 feet
Rear Setback	20 feet	10 feet	10 feet
Side Setback	5 feet	5 feet	5 feet
Street Side Setback	13 feet	N/A	10 feet
Lot width	70 feet	80 feet	40 feet
Lot Depth	85 feet	N/A	N/A
Lot coverage	50%	N/A	60%
Height	35 feet	No limit	30 feet for single-family and duplex; 35 feet for multifamily

# Starr Hill

## Starr Hill – platted in 1894:

	Current Zoning (1987 to present)	Previous Zoning (1969)	Previous Zoning (1956)
Zone District	D-5	RMM (Residential Multifamily Medium Density)	R-2 (some R-3)
Uses	Single-family and duplex	Single-family, duplex, multifamily	Single-family, duplex, multifamily
Minimum lot size	7,000 sf	4,800 sf (no mf on lot of less than 4,800 sf)	3,600 sf for sf and duplex; 5,000 sf for multifamily
Front Setback	20 feet	15 feet	15 feet
Rear Setback	20 feet	10 feet	10 feet
Side Setback	5 feet	5 feet	5 feet
Street Side Setback	13 feet	N/A	10 feet
Lot width	70 feet	40 feet	40 feet
Lot Depth	85 feet	90 feet	N/A
Lot coverage	50%	60%	60%
Height	35 feet	60 feet	30 feet for single-family and duplex; 35 feet for multifamily

# Benefits of Rezoning

## What are the benefits from this?

- Able to rehabilitate or rebuild a home more easily – most likely won't need a variance
- Less hassle with selling or buying Property – most properties will no longer be nonconforming
- Nonconforming status is removed for many lots
- No longer would need a Conditional Use permit approval for an accessory apartment (for most properties)
- Preserves the existing neighborhood character

Thank you!

***Time for Questions***

## Some General Thoughts

### Things to Cover in This Presentation:

- Explain Non-conforming
- Talk about what is proposed
- Explain Setbacks
- Explain Lot Coverage
- Explain Zoning – Bulk, Mass, etc.
- Explain Vegetative Cover
- Explain ADOD
- Talk about Non-conforming changes  
Explain the benefits
- Talk about next steps

## D-5 Zone District Standards

### D-5 Minimum Standards:

#### Setbacks –

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 20 feet

Street Side – 13 feet

Lot Size – 7,000 sf

#### Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

### Downtown Juneau Stats:

#### Average Setbacks –

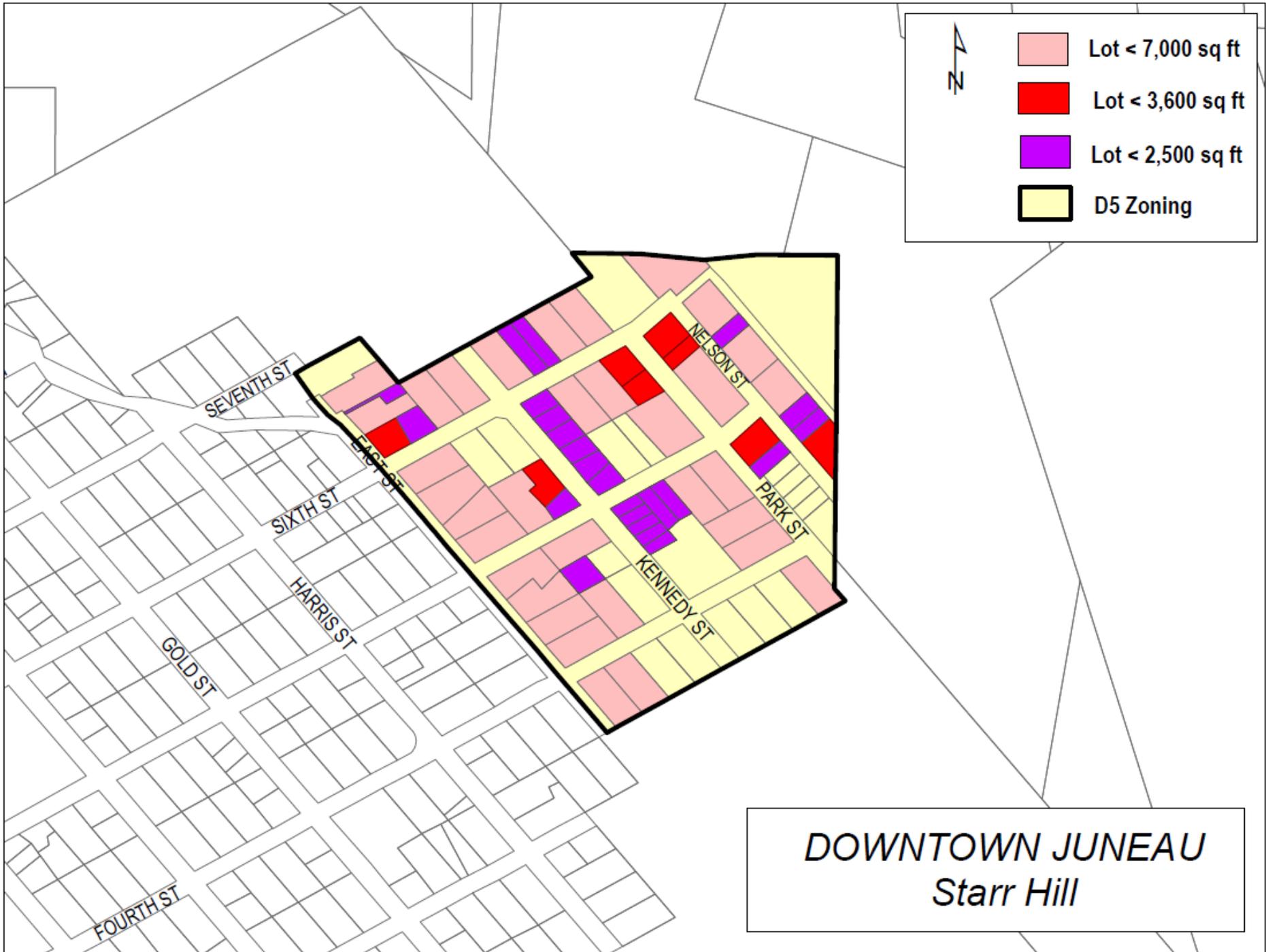
Front Yard – XX feet

Side Yard – XX feet

Rear Yard – XX feet

Street Side – XX feet

Average Lot Size – 5,655 sf



# Multifamily Zone District Standards

## D-10 Minimum Standards:

Setbacks –

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 20 feet

Street Side – 13 feet

Lot Size – 7,000 sf

Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

## D-18 Minimum Standards:

Setbacks –

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 15 feet

Street Side – 13 feet

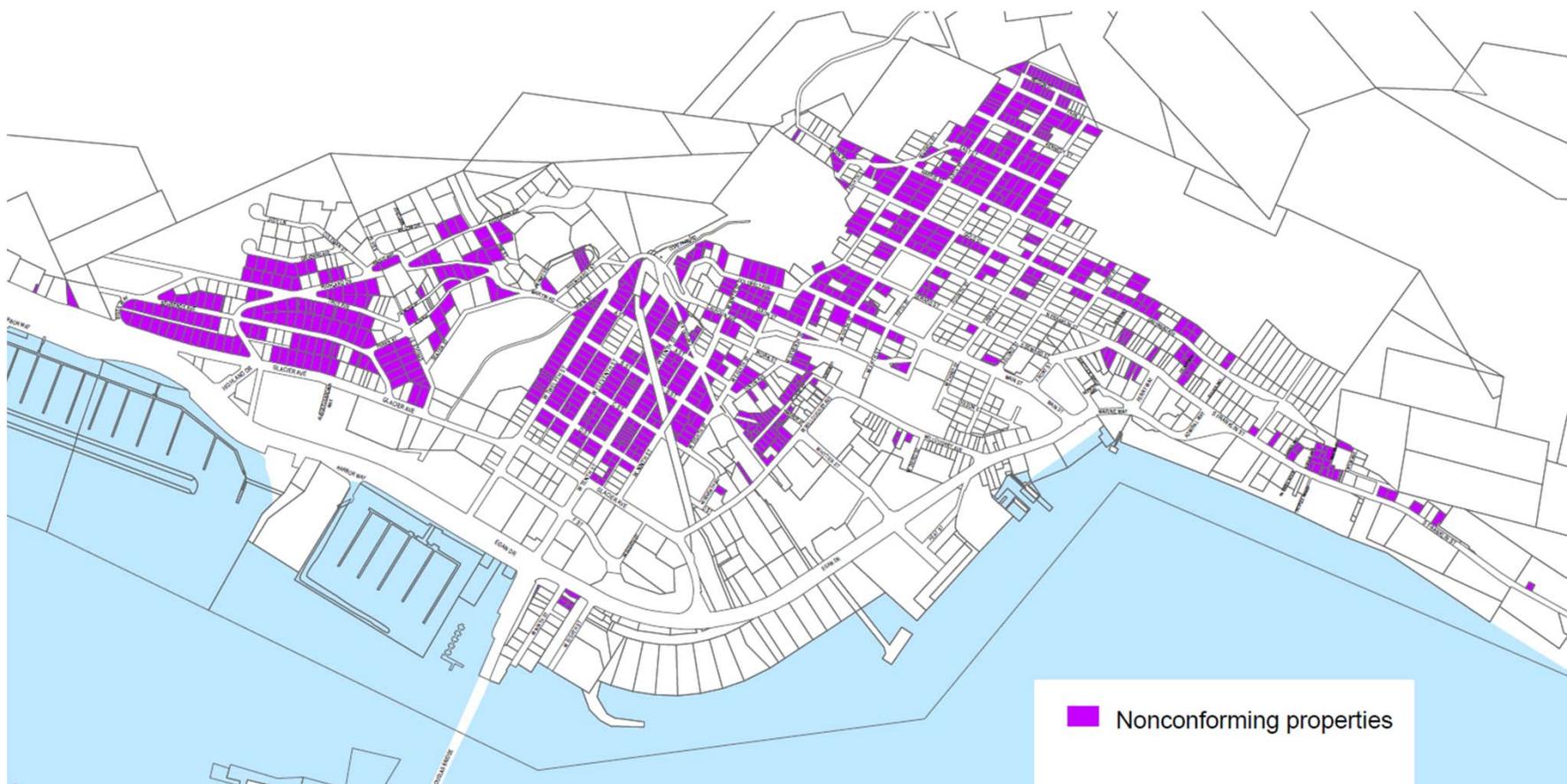
Lot Size – 5,000 sf

Lot Dimensions –

Lot Width – 50 feet

Lot Depth – 80 feet

# Non-Conforming Properties



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 12<sup>th</sup> 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.