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

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

**DATE:** April 17, 2019

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

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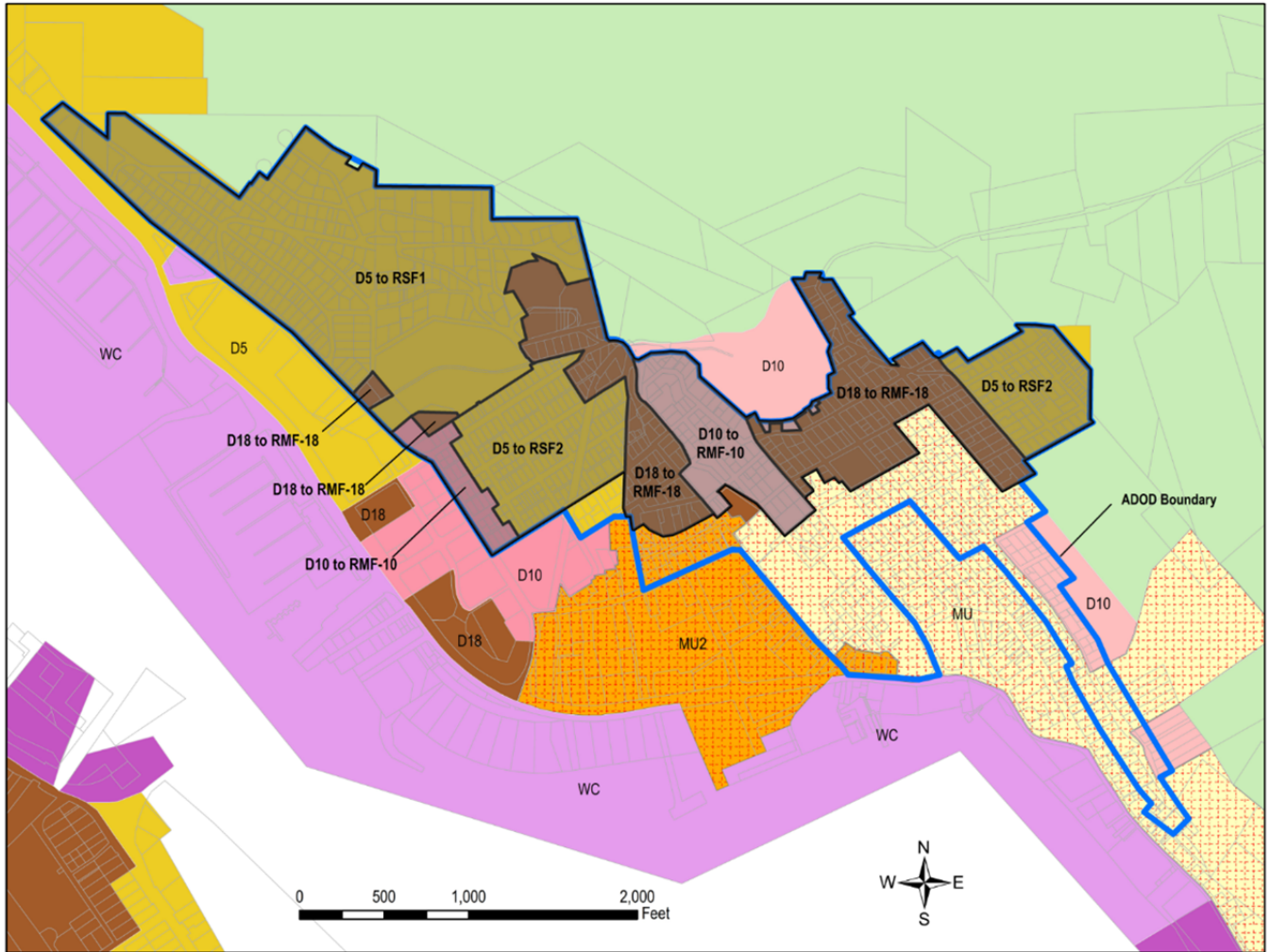
The Alternative Development Overlay District became effective July 27, 2017. The purpose of the overlay district, which applies to residential portions of both Downtown Juneau and Downtown Douglas, is *“to provide adequate minimum standards and procedures for the construction of new residential buildings 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 an outcome to the borough-wide rezoning that occurred in 1987 when suburban-type 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 who 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 it was necessary to prove a true hardship. The Alternative Development Permit provides 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.

Based upon detailed analysis of the downtown residential areas, staff proposes three new single-family zone districts and two new multifamily zone districts for the Downtown Juneau residential areas. The proposed changes are to create zone districts that best reflect the existing conditions and character of the downtown areas; significant changes, such as changes to land uses, are not proposed. Changes to minimum lot sizes, setbacks, lot coverage, vegetative cover, lot width, and lot depth are proposed. Maximum building heights were originally proposed to be lowered to 30 feet, but based upon consistent feedback staff is no longer proposing any changes to building height. The attached pages provide overviews of the existing and proposed conditions for the overall downtown areas, followed by pages for each of the individual neighborhoods: the Highlands, Starr Hill, Casey-Shattuck, and the multifamily areas.

Attachment A – Proposed Zone Changes Map

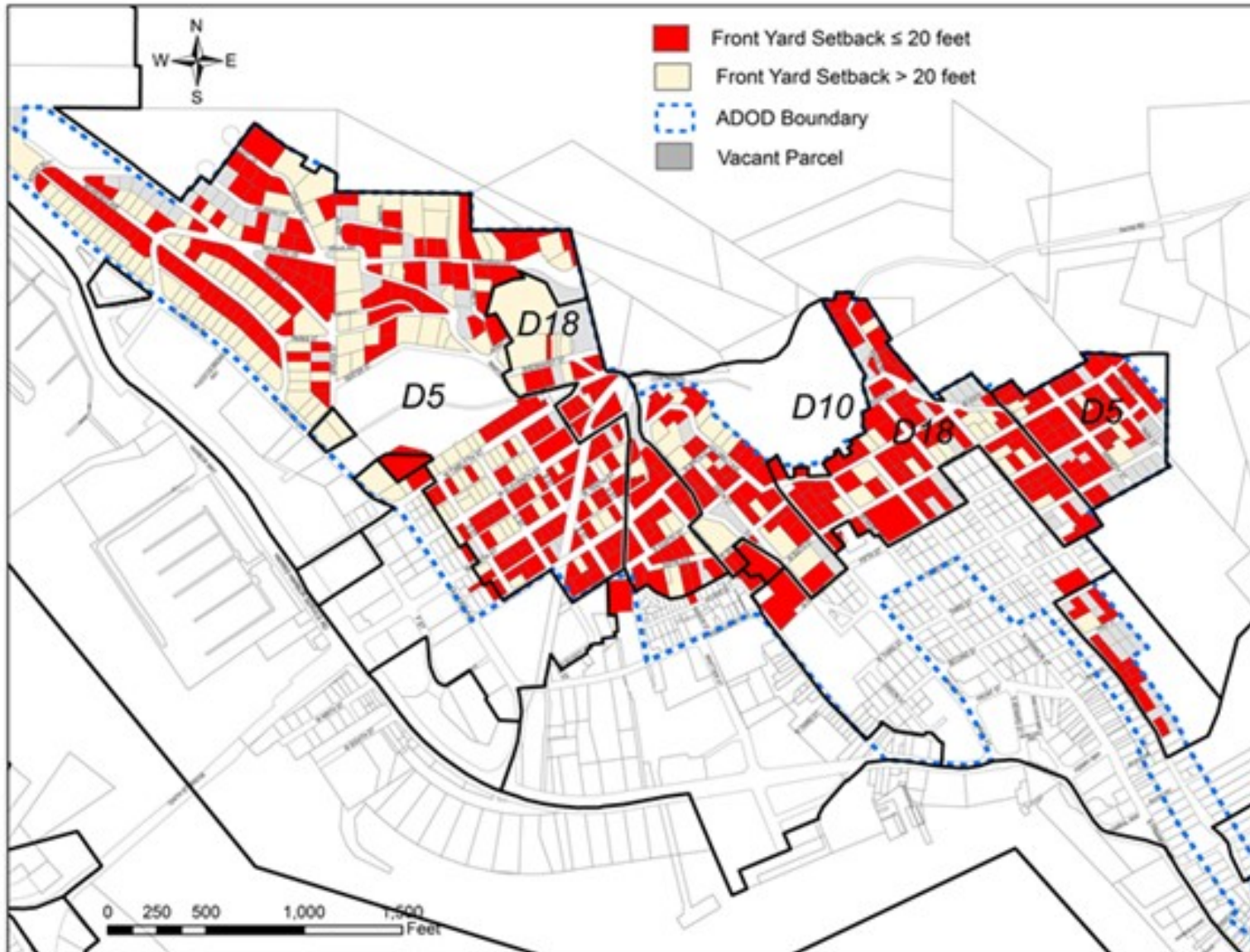
Attachment B - Tables



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

## 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% do not meet the street side yard setback requirement.



<b>Minimum Lot Size</b>	D5 Existing		Highlands Area Proposed			Starr Hill & Casey Shattuck Proposed	
	7,000 Sq. Ft.	5,000 Sq. Ft.	4,000 Sq. Ft.	3,600 Sq. Ft.	3,400 Sq. Ft.	3,000 Sq. Ft.	2,500 Sq. Ft.
Highlands Area	35% Conforming	66% Conforming	90% Conforming		97% Conforming		
Star Hill Area	9% Conforming		54% Conforming			58% Conforming	66% Conforming
Casey-Shattuck Area	1% Conforming			62% Conforming		75% Conforming	82% Conforming

<b>Minimum Setbacks:</b>	D5 Existing	Highlands & Casey Shattuck Proposed	Starr Hill Proposed	D5 Existing		All New SF Zones Proposed	D5 Existing	All New SF Zones Proposed		All New SF Zones Proposed
	Front: 20 Ft.	Front: 5 Ft.	Front: 3 Ft.	Rear: 20 Ft.	Rear: 10 Ft.	Rear: 5 Ft.	Side: 5 Ft.	Side: 3 Ft.	Street Side: 13 Ft.	Street Side: 5 Ft.
Highlands Area	41% Conforming	80% Conforming		55% Conforming		72% Conforming	59% Conforming	67% Conforming	41% Conforming	78% Conforming
Star Hill Area	7% Conforming	30% Conforming	32% Conforming	40% Conforming	53% Conforming	63% Conforming	29% Conforming	30% Conforming	38% Conforming	50% Conforming
Casey-Shattuck Area	30% Conforming	76% Conforming	80% Conforming	31% Conforming	47% Conforming	64% Conforming	39% Conforming	47% Conforming	31% Conforming	60% Conforming

**Proposed Standards for Single Family Zoning Districts:**

	Existing D-5 Standards	Highlands Area Proposed New Zone District	Starr Hill Proposed New Zone District	Casey- Shattuck Proposed New Zone District
Minimum Lot Size	7,000 square feet	4,000 square feet	3,000 square feet	3,000 square feet
Minimum Lot Width	70 feet	40 feet	40 feet	40 feet
Minimum Lot Depth	85	65	65	65
Maximum Lot Coverage	50%	60%	60%	60%
Front Yard Setback	25 feet	5 feet (15 feet along Glacier Highway)	3 feet	5 feet
Rear Yard Setback	20 feet	5 feet	5 feet	5 feet
Side Yard Setback	5 feet	3 feet	3 feet	3 feet
Street Side Setback	13 feet	5 feet (13 feet along Glacier Highway)	5 feet	5 feet
Vegetative Cover	20%	15%	15%	15%

**Proposed Standards for Multi-Family Zoning Districts:**

Required Standards	Existing D-10 Standards	Proposed New Zone District	Existing D-18 Standards	Proposed New Zone District
Minimum Lot Size	6,000 square feet	4,500 square feet	5,000 square feet	2,500 square feet
Minimum Lot Width	50 feet	30 feet	50 feet	30 feet
Minimum 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
Rear Yard Setback	20 feet	10 feet	10 feet	10 feet
Side Yard Setback	5 feet	3 feet	5 feet	3 feet
Street Side Setback	13 feet	5 feet	13 feet	5 feet
Vegetative Cover	30%	25%	30%	25%

**Number of Setbacks Counted by Neighborhood:**

Casey-Shattuck D5			
Conforming	Count	% of total	Total
F	44	30%	148
R	46	31%	148
S	117	39%	301
SS	23	31%	75

Highlands D5			
Conforming	Count	% of total	Total
F	92	41%	225
R	124	55%	225
S	272	59%	459
SS	17	41%	41

Starr Hill			
Conforming	Count	% of total	Total
F	5	7%	73
R	29	40%	73
S	42	29%	147
SS	9	38%	24



## 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.

Min Lot Size	Current D-5 zone – 7,000 sf min	If 5,000 sf, then	If 4,000 sf, then	If 3,400 SF, then
% Conforming	35%	66%	90%	97%
% Nonconforming	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.

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

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



Above: Nonconforming Lots After Rezone

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:

Required Standards	Existing D-5 Standards	Proposed New Zone District
Minimum Lot Size	7,000 square feet	4,000 square feet
Minimum Lot Width	70 feet	40 feet
Minimum Lot Depth	85	65
Maximum Lot Coverage	50%	60%
Front Yard Setback	25 feet	5 feet (15 feet along Glacier Highway)
Rear Yard Setback	20 feet	5 feet
Side Yard Setback	5 feet	3 feet
Street Side Setback	13 feet	5 feet (13 feet along Glacier Highway)
Vegetative Cover	20%	15%

## Starr Hill

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

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.

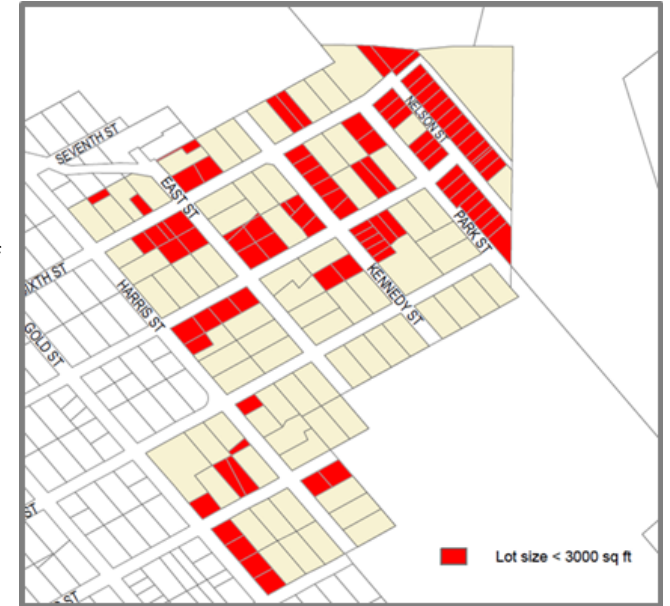
Existing Setbacks	Front yard – 20 feet	Rear yard – 20 feet	Side yard – 5 feet	Street Side – 13 feet
% Conforming	7%	40%	29%	38%
% Nonconforming	93%	60%	71%	62%

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 what is proposed follows:

Required Standards	Existing D-5 Standards	Proposed New Zone District
Minimum Lot Size	7,000 square feet	3,000 square feet
Minimum Lot Width	70 feet	40 feet
Minimum Lot Depth	85	65
Maximum Lot Coverage	50%	60%
Front Yard Setback	25 feet	3 feet
Rear Yard Setback	20 feet	5 feet
Side Yard Setback	5 feet	3 feet
Street Side Setback	13 feet	5 feet
Vegetative Cover	20%	15%



Above: Nonconforming Lots After Rezone

## Casey-Shattuck

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.

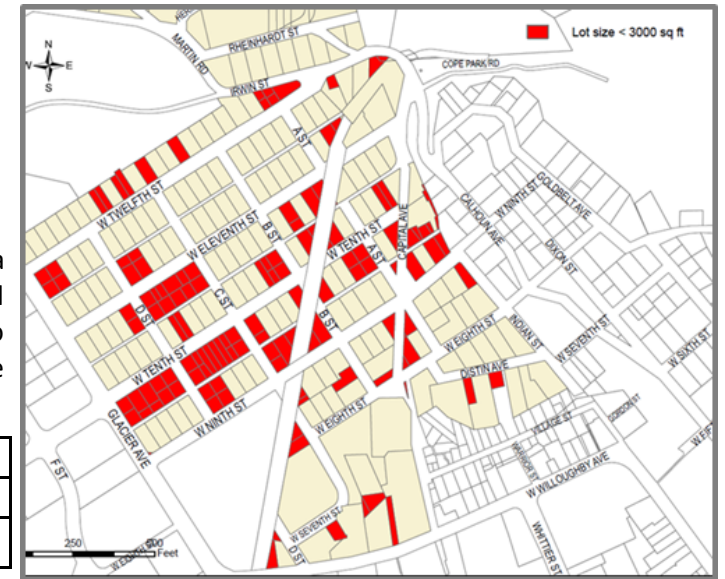
Existing Setbacks	Front yard—20 feet	Rear yard—20 feet	Side yard—5 feet	Street Side—13 feet
% Conforming	30%	31%	39%	31%
% Nonconforming	70%	69%	61%	69%

Proposed Setbacks	Front yard – 5 feet	Rear yard – 5 feet	Side yard – 3 feet	Street Side – 5 feet
% Conforming	76%	64%	47%	60%
% Nonconforming	24%	36%	53%	40%

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

A summary of what is proposed follows:

Required Standards	Existing D-5 Standards	Proposed New Zone District
Minimum Lot Size	7,000 square feet	3,000 square feet
Minimum Lot Width	70 feet	40 feet
Minimum Lot Depth	85	65
Maximum Lot Coverage	50%	60%
Front Yard Setback	25 feet	5 feet
Rear Yard Setback	20 feet	5 feet
Side Yard Setback	5 feet	3 feet
Street Side Setback	13 feet	5 feet
Vegetative Cover	20%	15%



Above: Nonconforming Lots After Rezone



## Multifamily Areas

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.

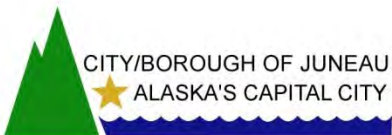
The recommendations are as follows:

<b>Required Standards</b>	<b>D-10</b>	<b>Proposed New Zone District</b>	<b>D-18</b>	<b>Proposed New Zone District</b>
Minimum Lot Size	6,000 square feet	4,500 square feet	5,000 square feet	2,500 square feet
Minimum Lot Width	50 feet	30 feet	50 feet	30 feet
Minimum 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
Rear Yard Setback	20 feet	10 feet	10 feet	10 feet
Side Yard Setback	5 feet	3 feet	5 feet	3 feet
Street Side Setback	13 feet	5 feet	13 feet	5 feet
Vegetative Cover	30%	25%	30%	25%

# Proposed Residential Zone Districts – Downtown Juneau

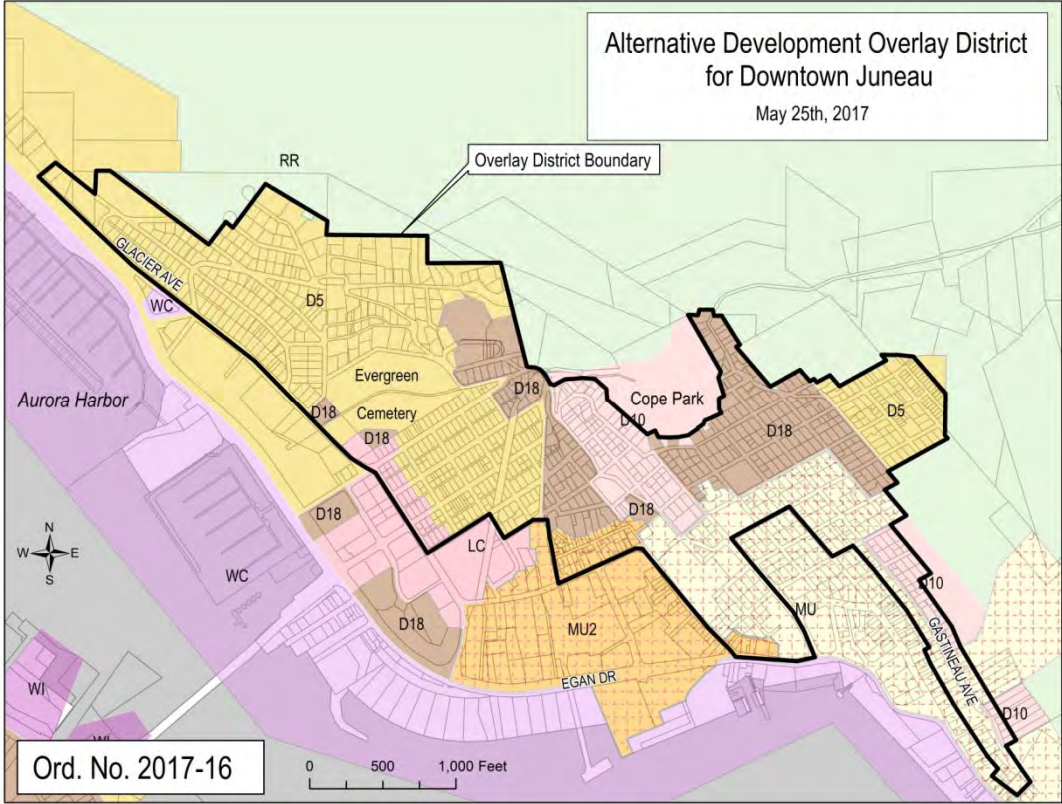
**Title 49 Committee**

**April 18, 2019**

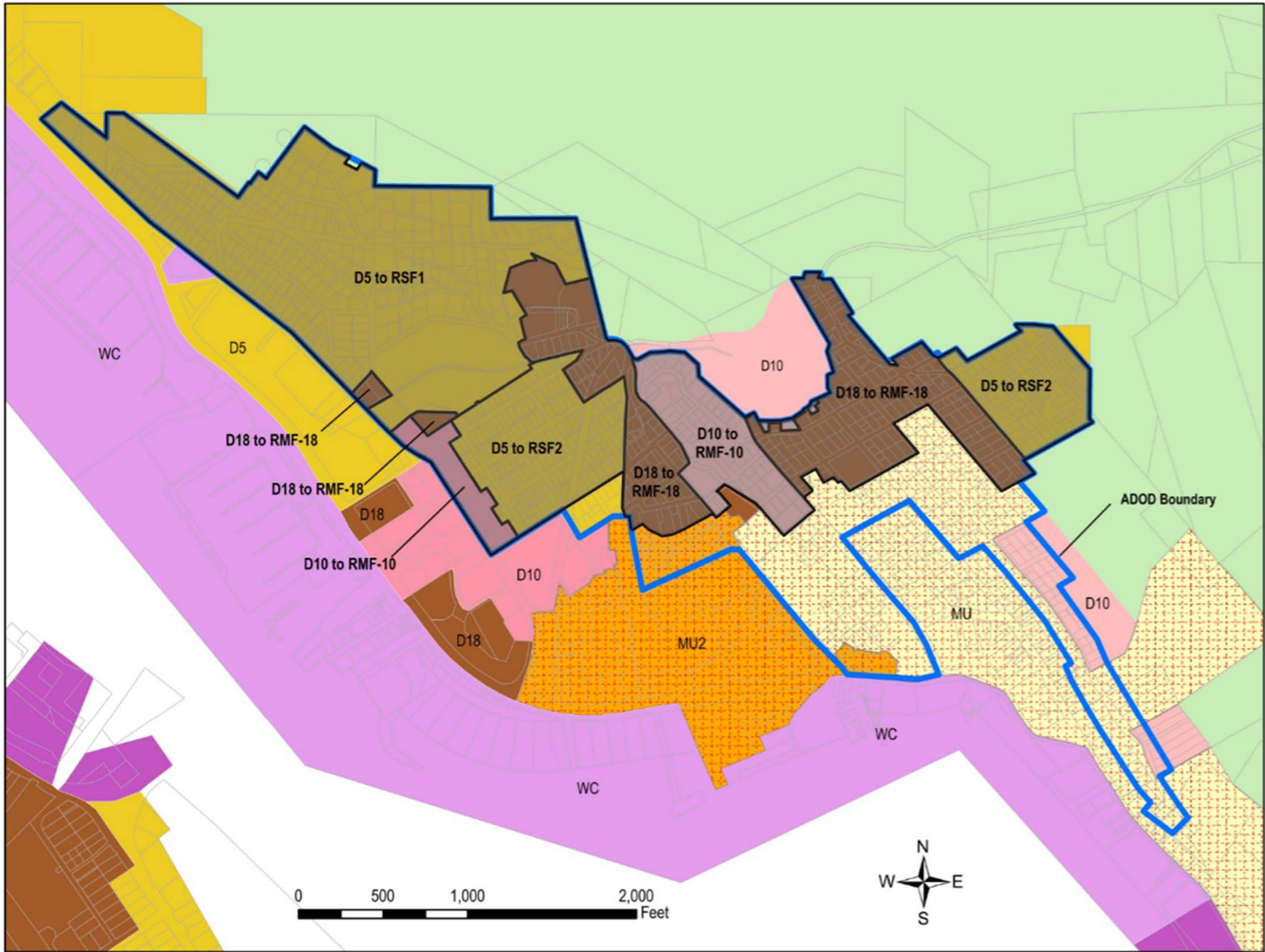


- [Parcel Viewer - Downtown Zoning](#)

# 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.



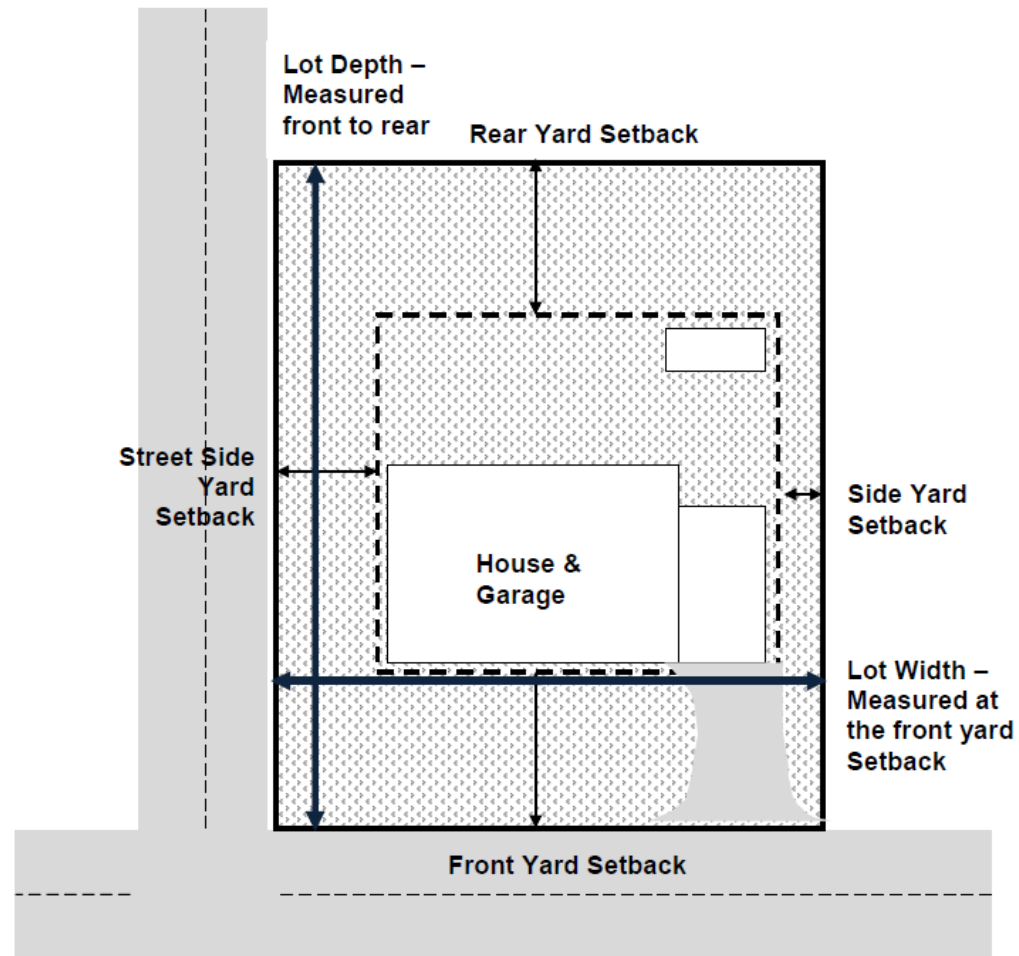


# Purpose of the ADOD

## **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

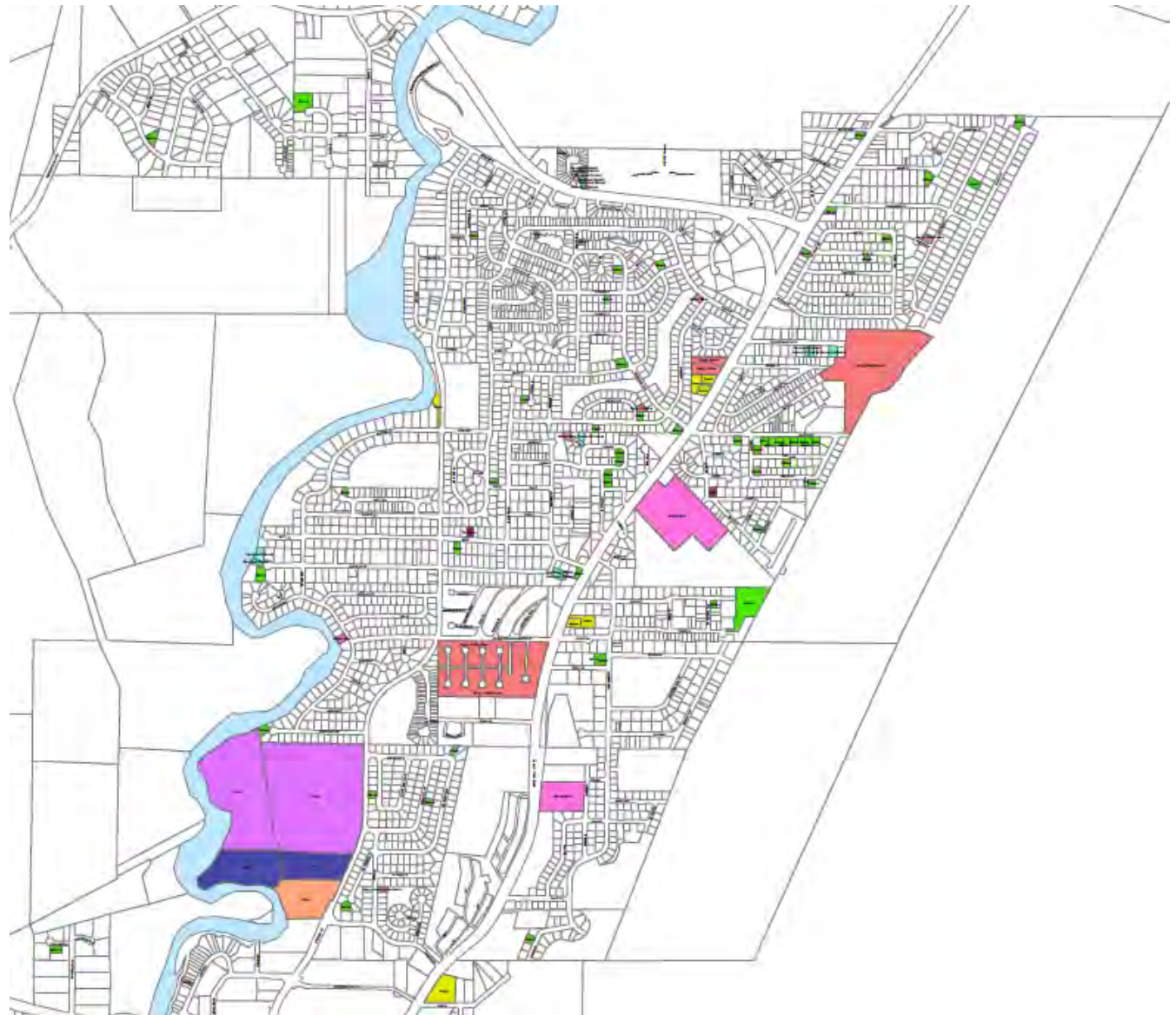




# Approved Variances since 1987

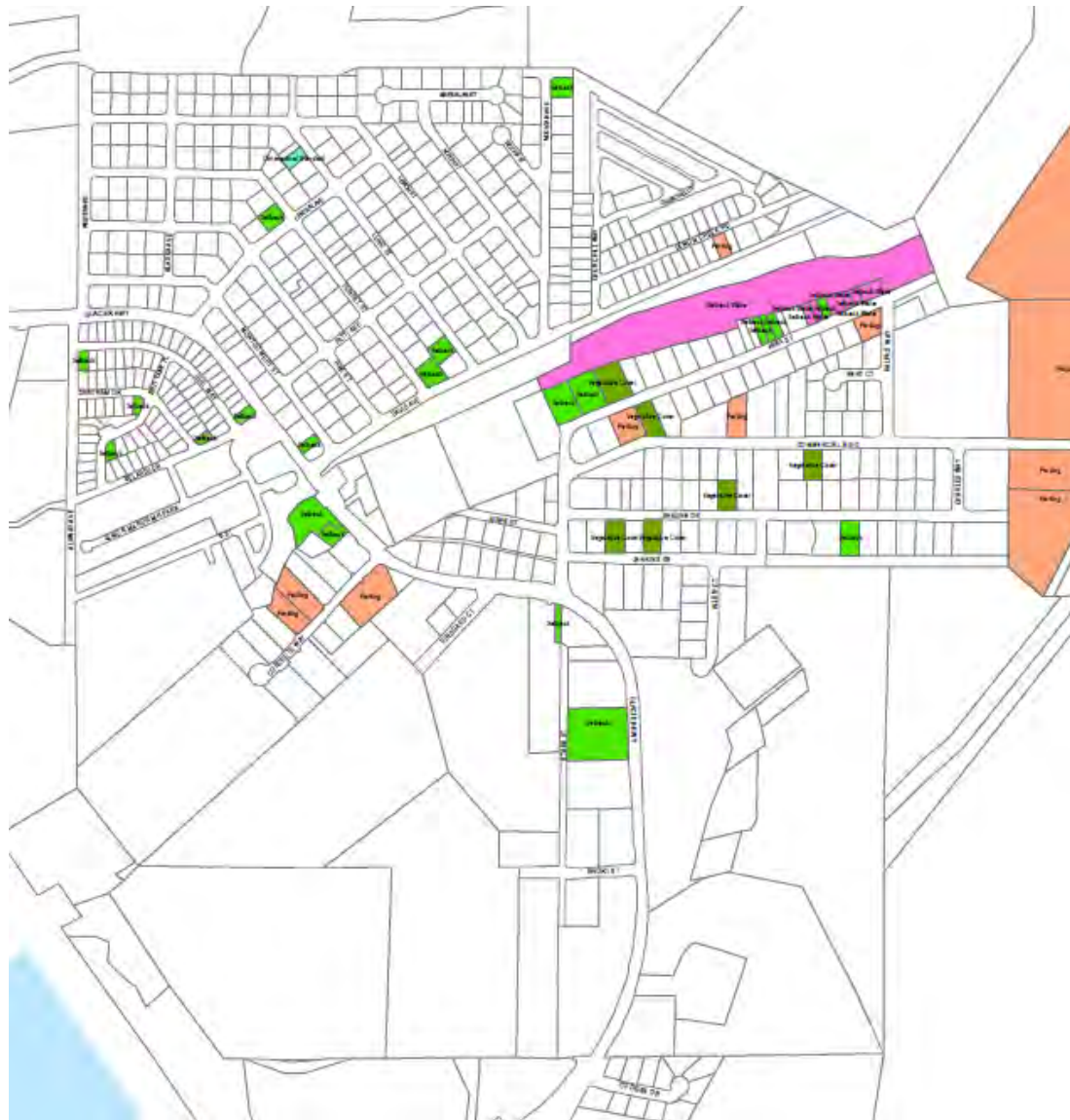


# Valley Variances Since 1987





# Lemon Creek Variances since 1987



# Variances since 1966



## *What exists now*



# Existing Conditions - Downtown Juneau

## *Setbacks*

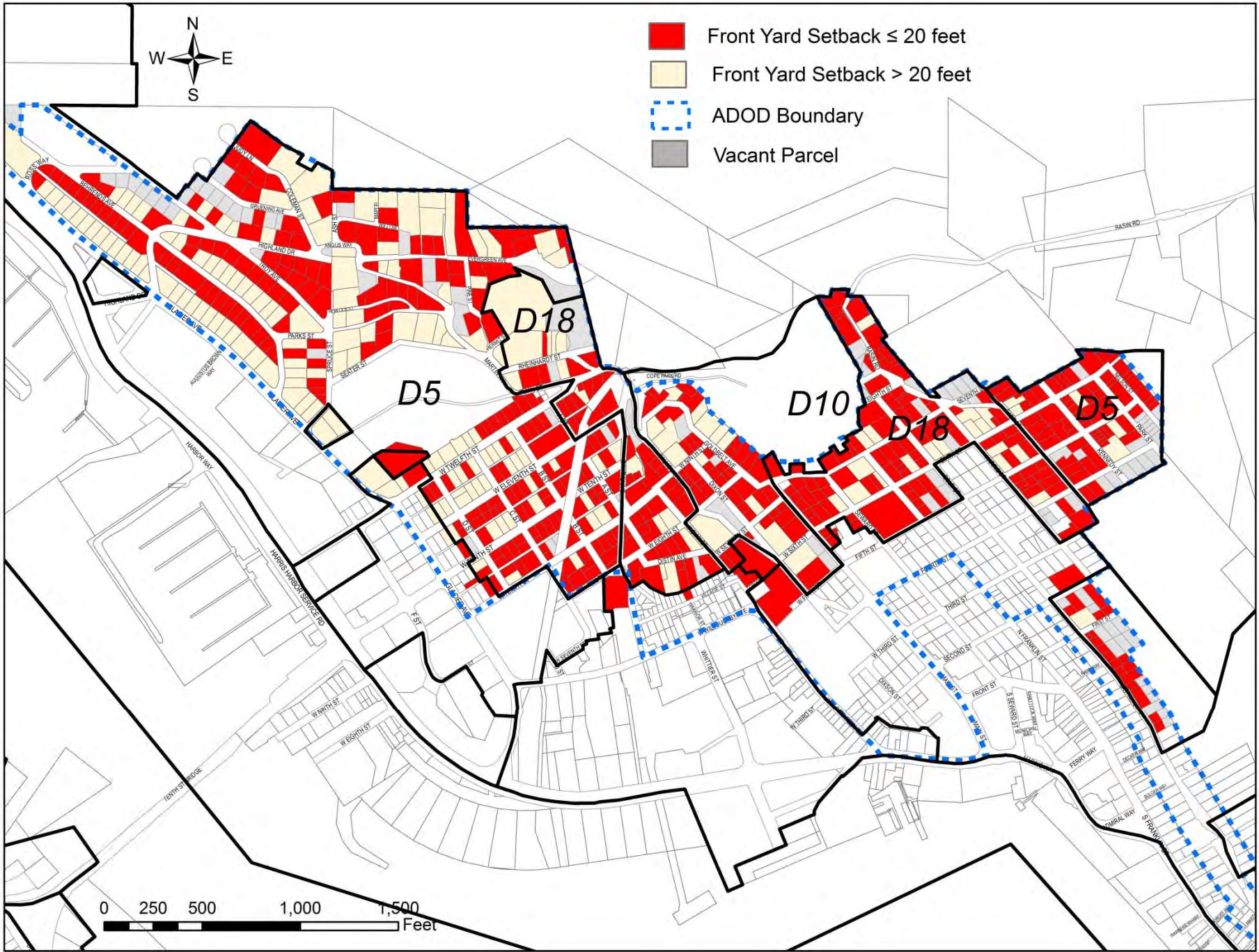
# Summary of Setback Nonconformity

<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>

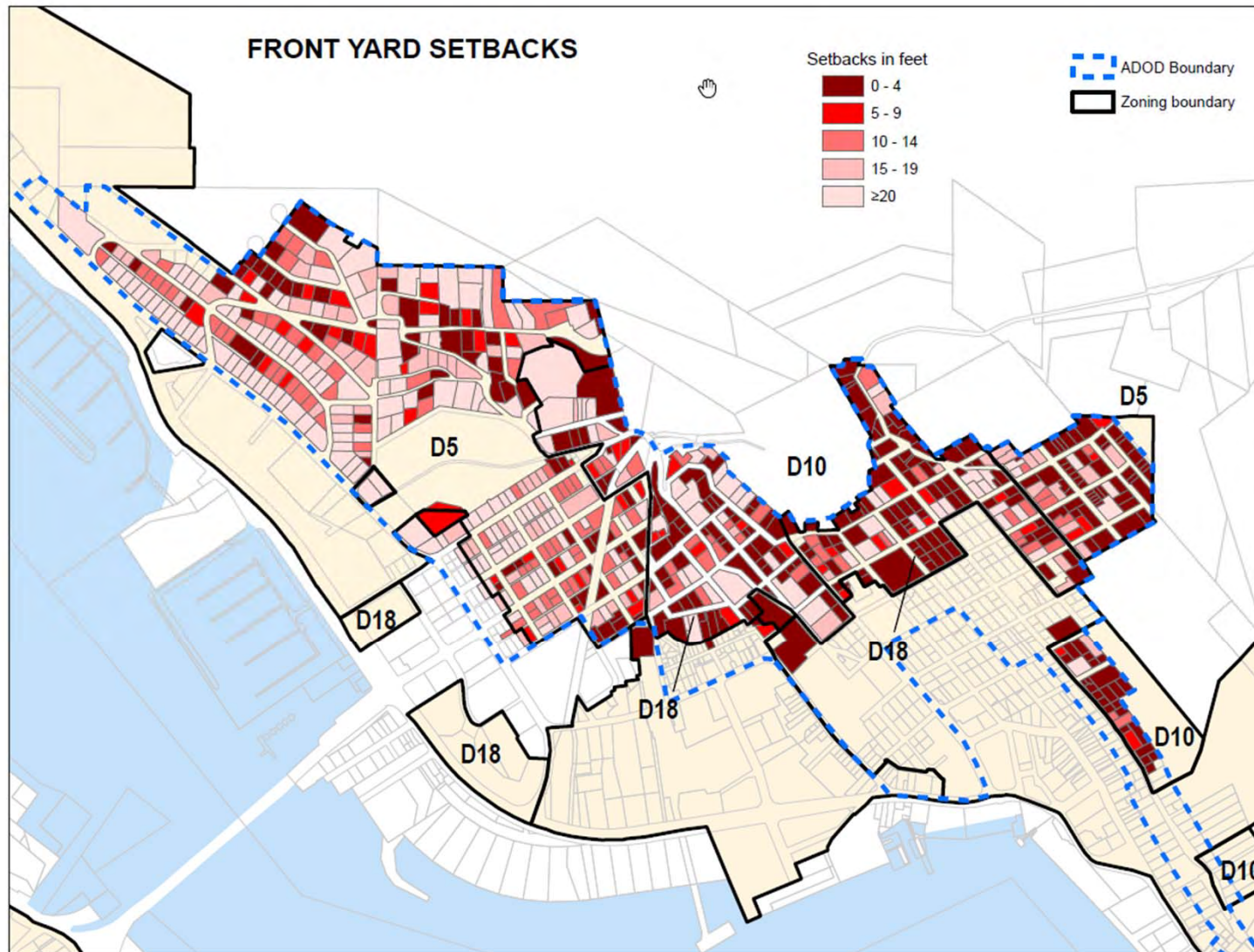
<b>D18</b>		
Setback	Conforming	% of total
Front	39	<b>22%</b>
Rear	98	<b>62%</b>
Side	155	<b>49%</b>
Sreet Side	34	<b>48%</b>

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






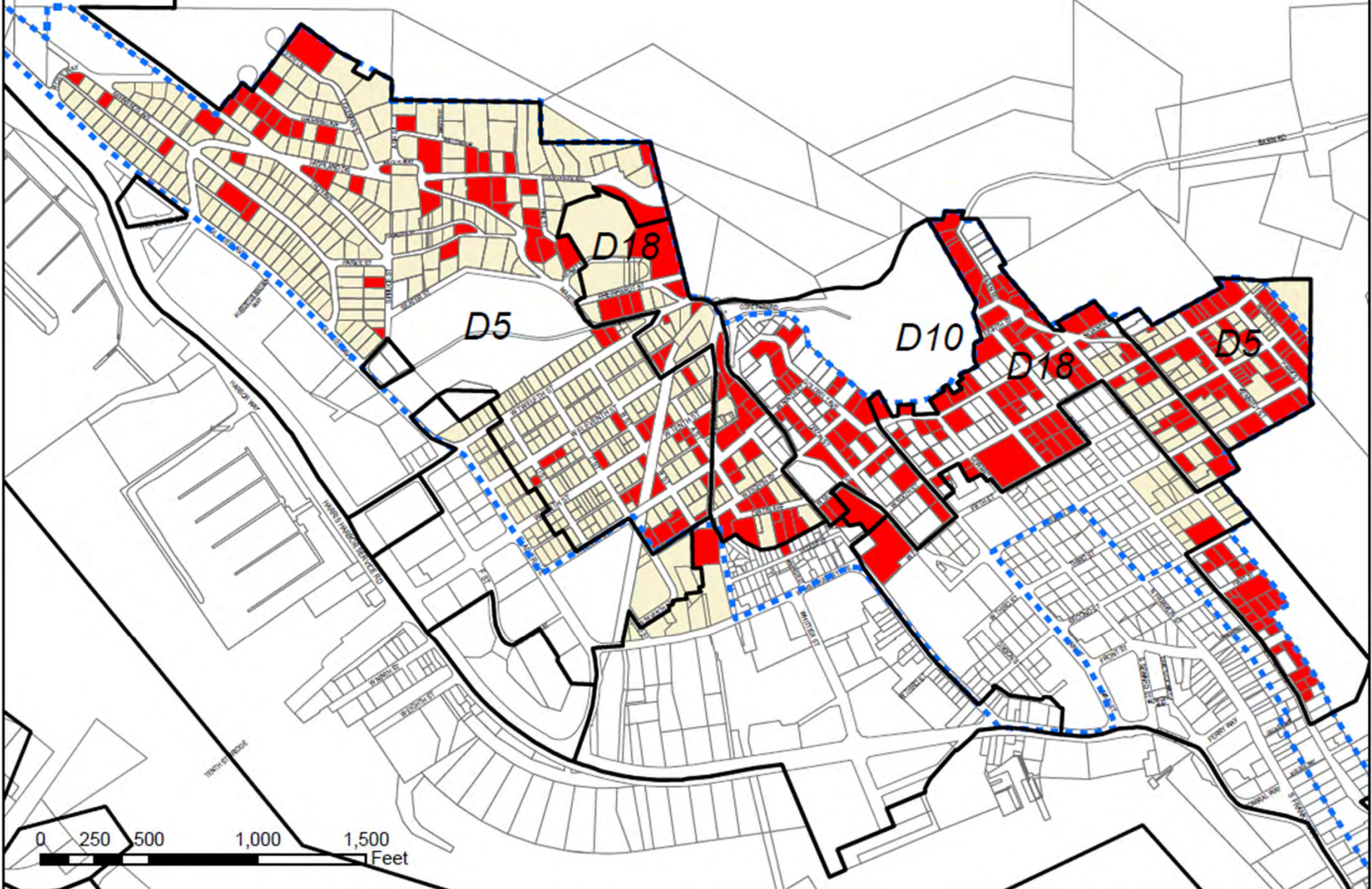
# Summary of Setback Nonconformity







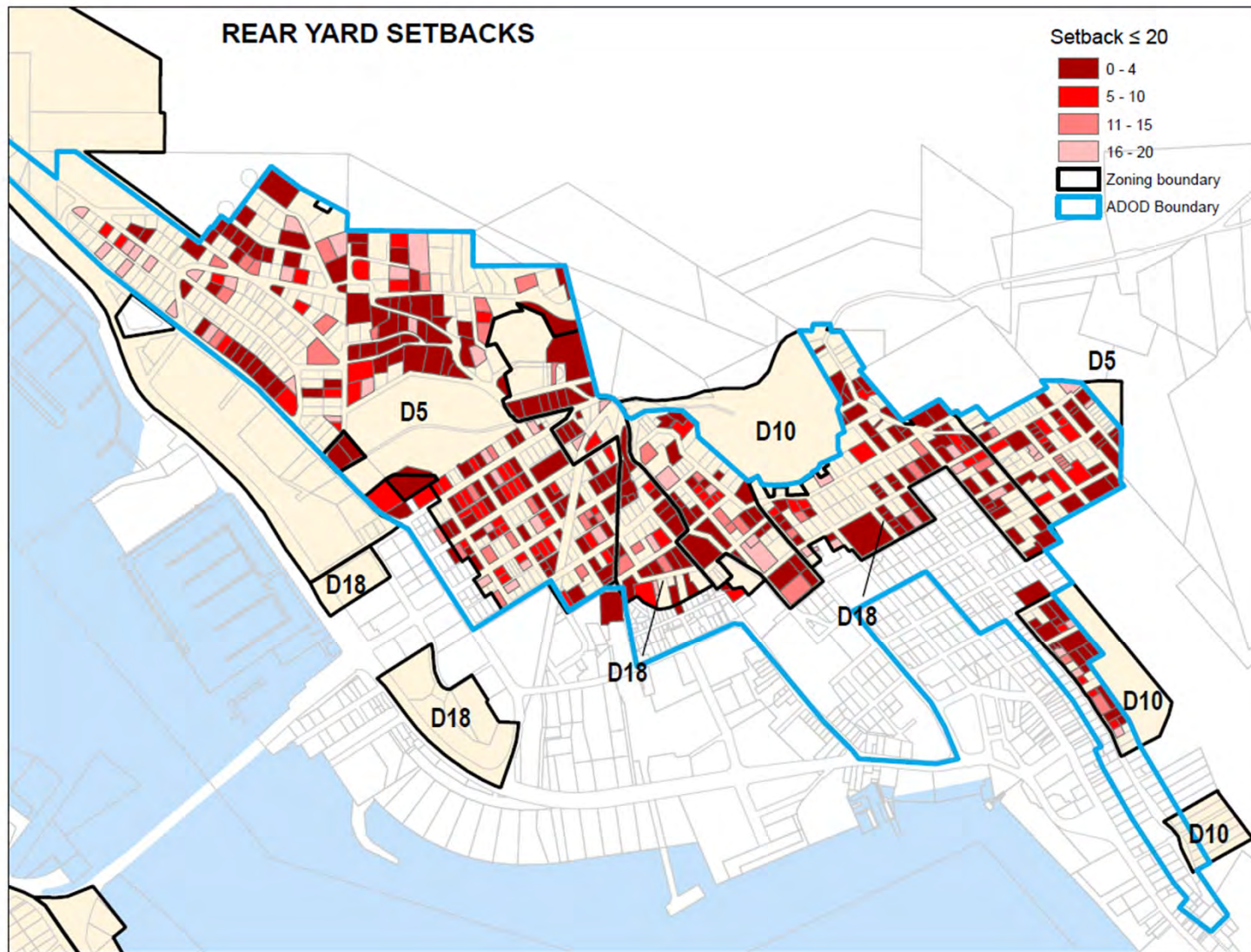
 Front yard setback < 5 ft



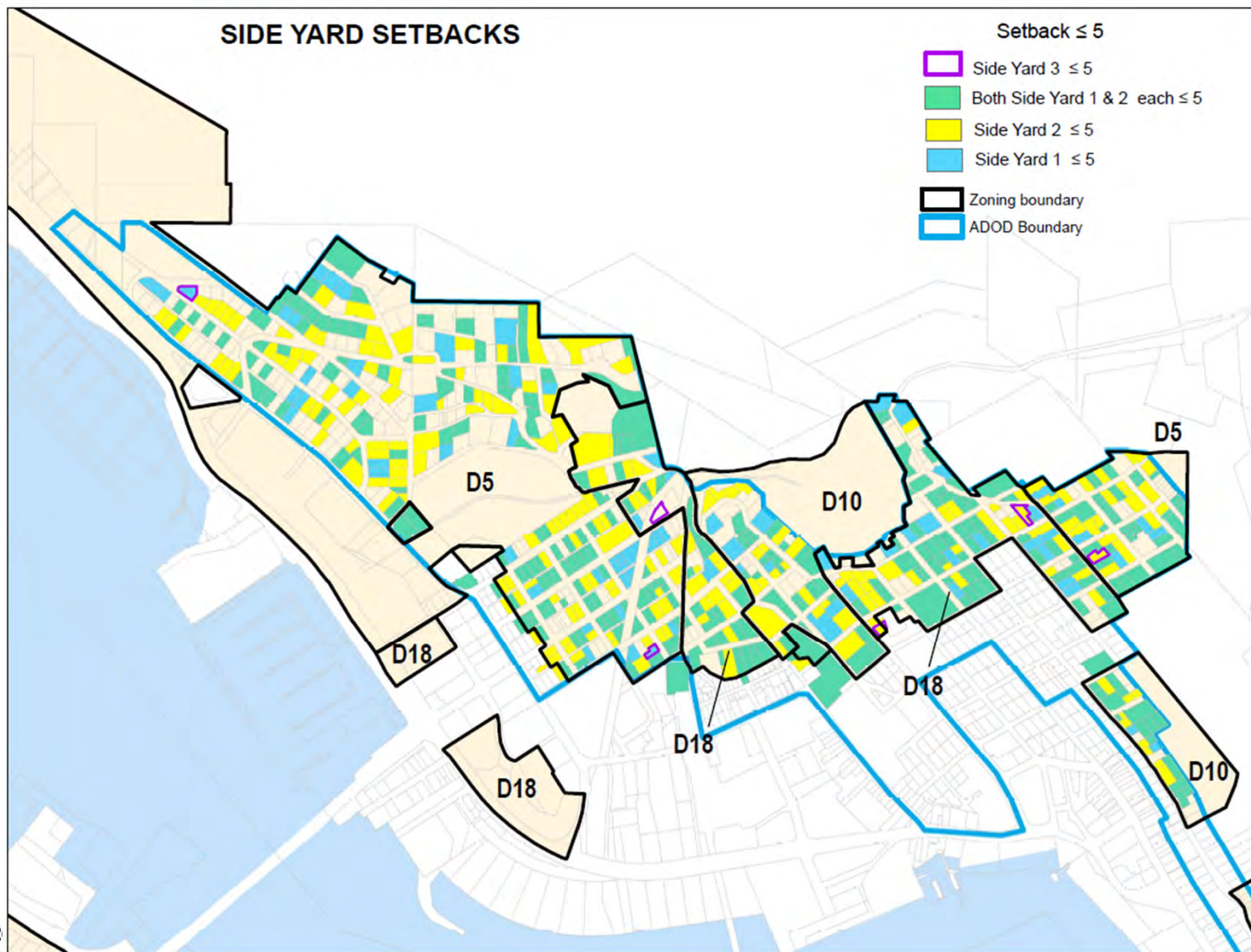
0 250 500 1,000 1,500 Feet



# Summary of Setback Nonconformity

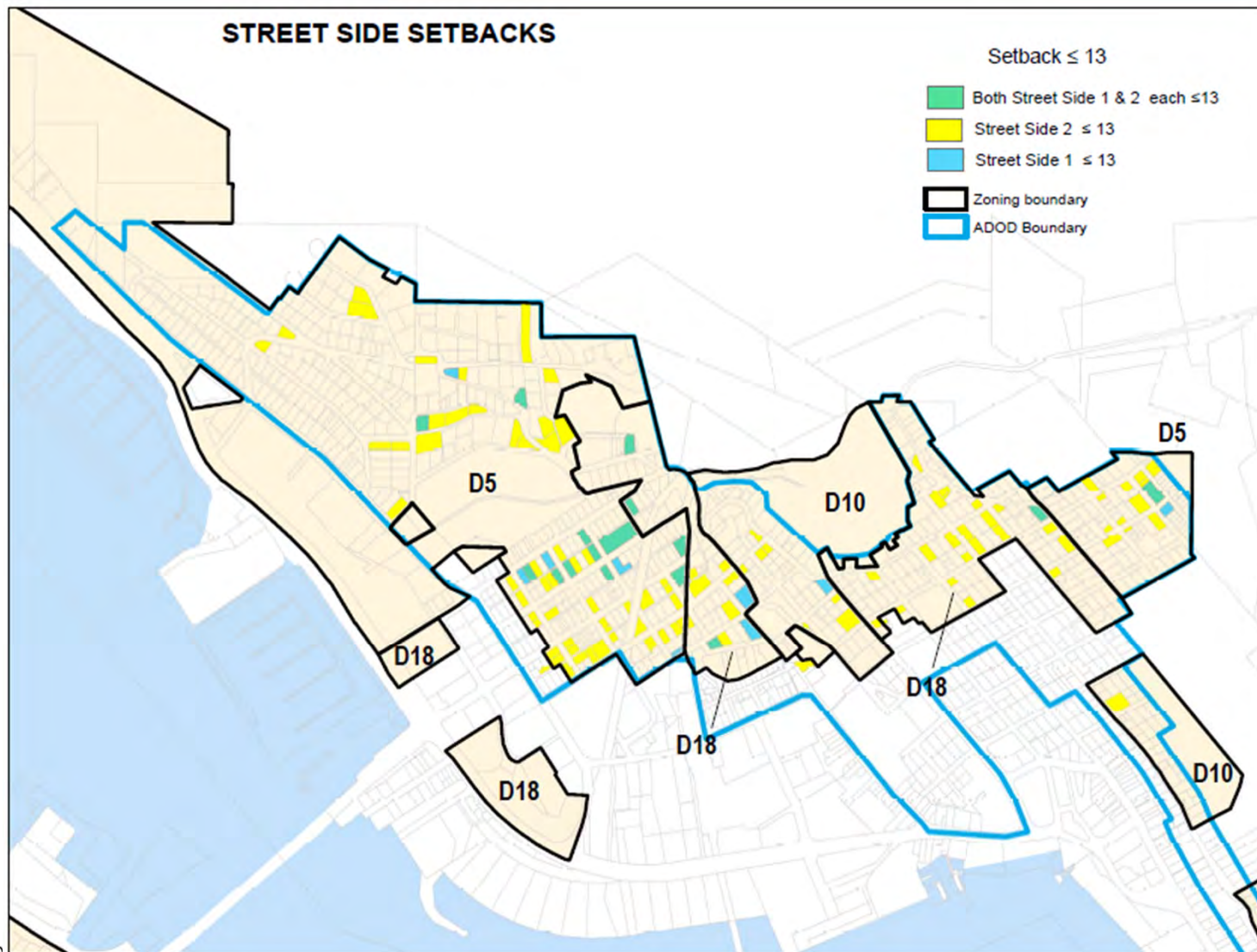


# Summary of Setback Nonconformity





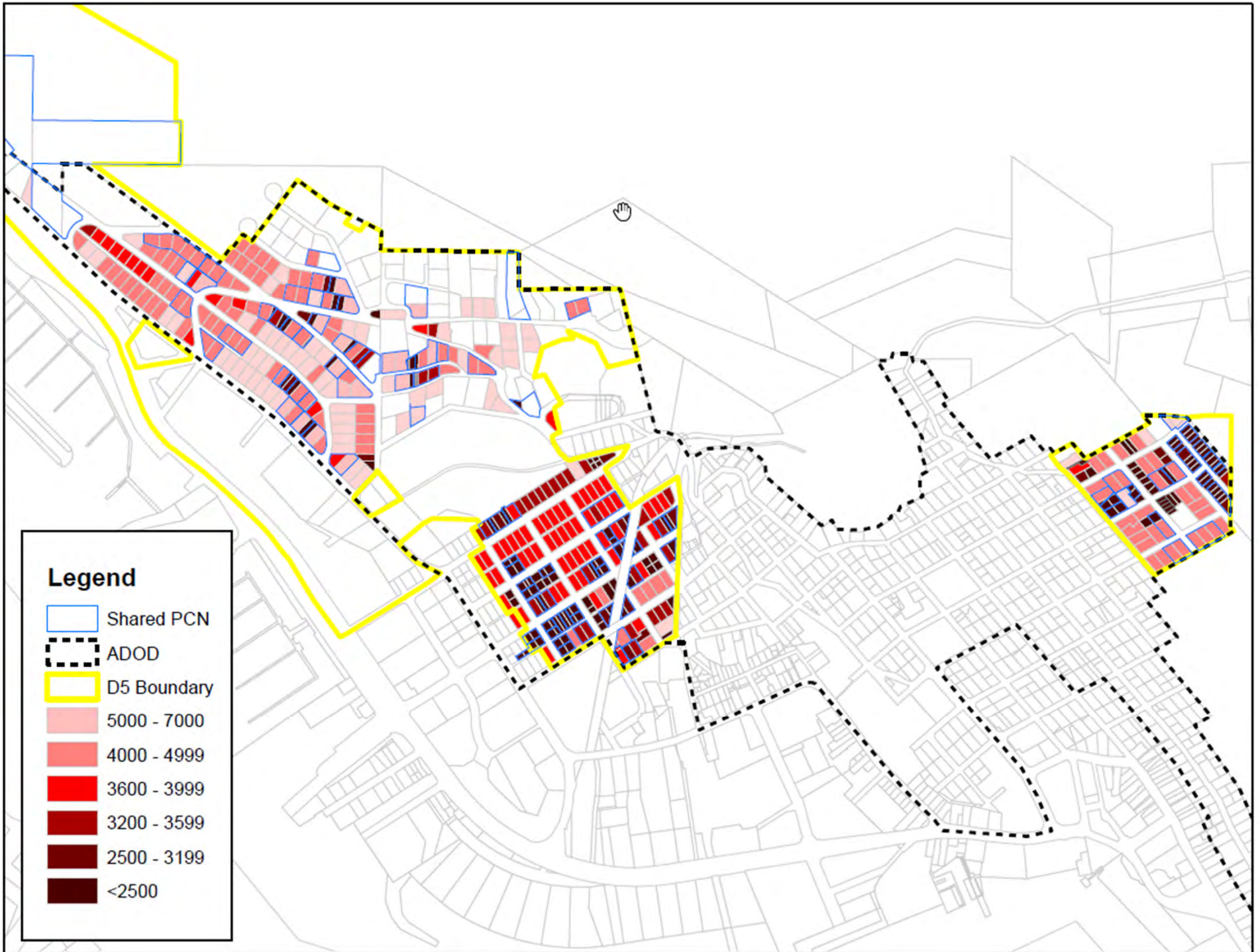
# Summary of Setback Nonconformity





# 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

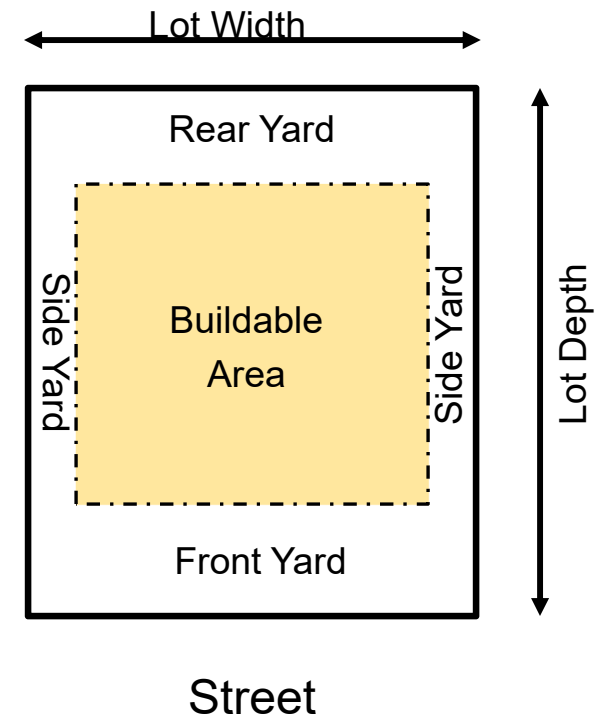
Street Side – 13 feet

Lot Size – 7,000 sf

Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

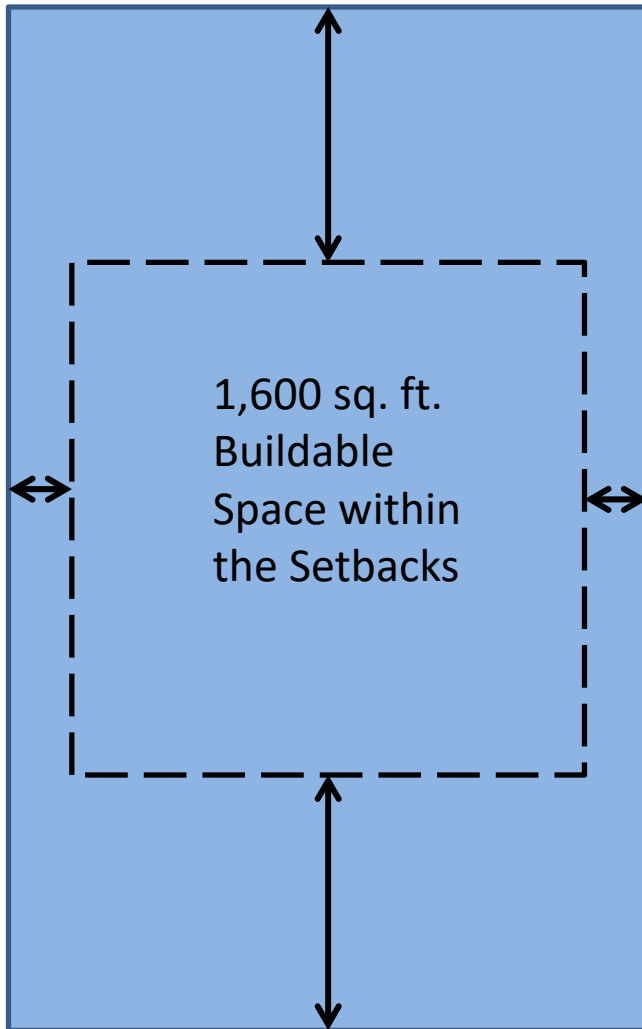


# The Highlands Neighborhood – Single-family Zone Districts Downtown

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%

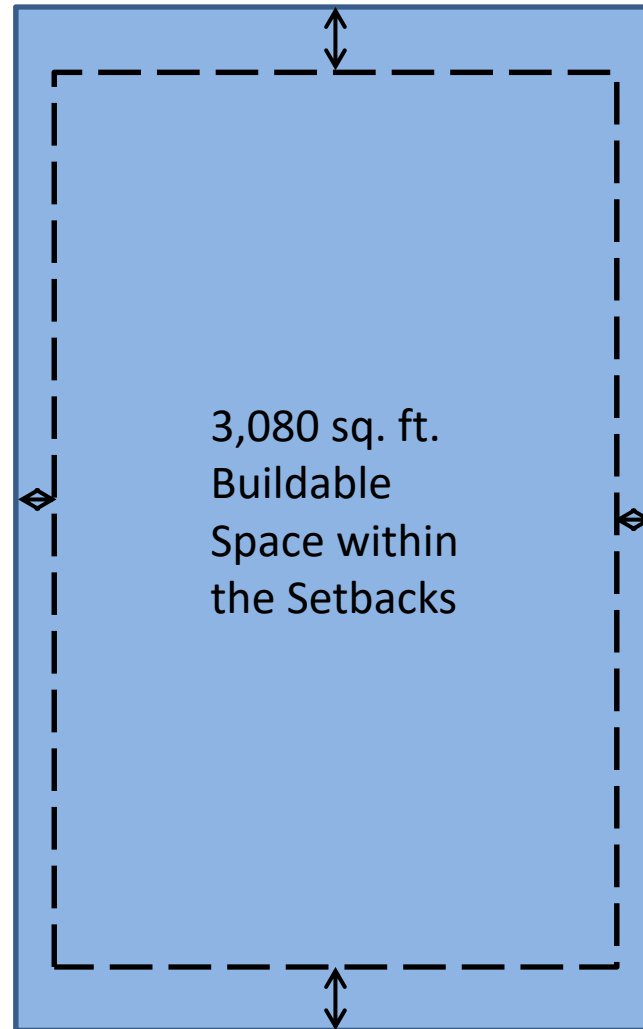
Highlands Area

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

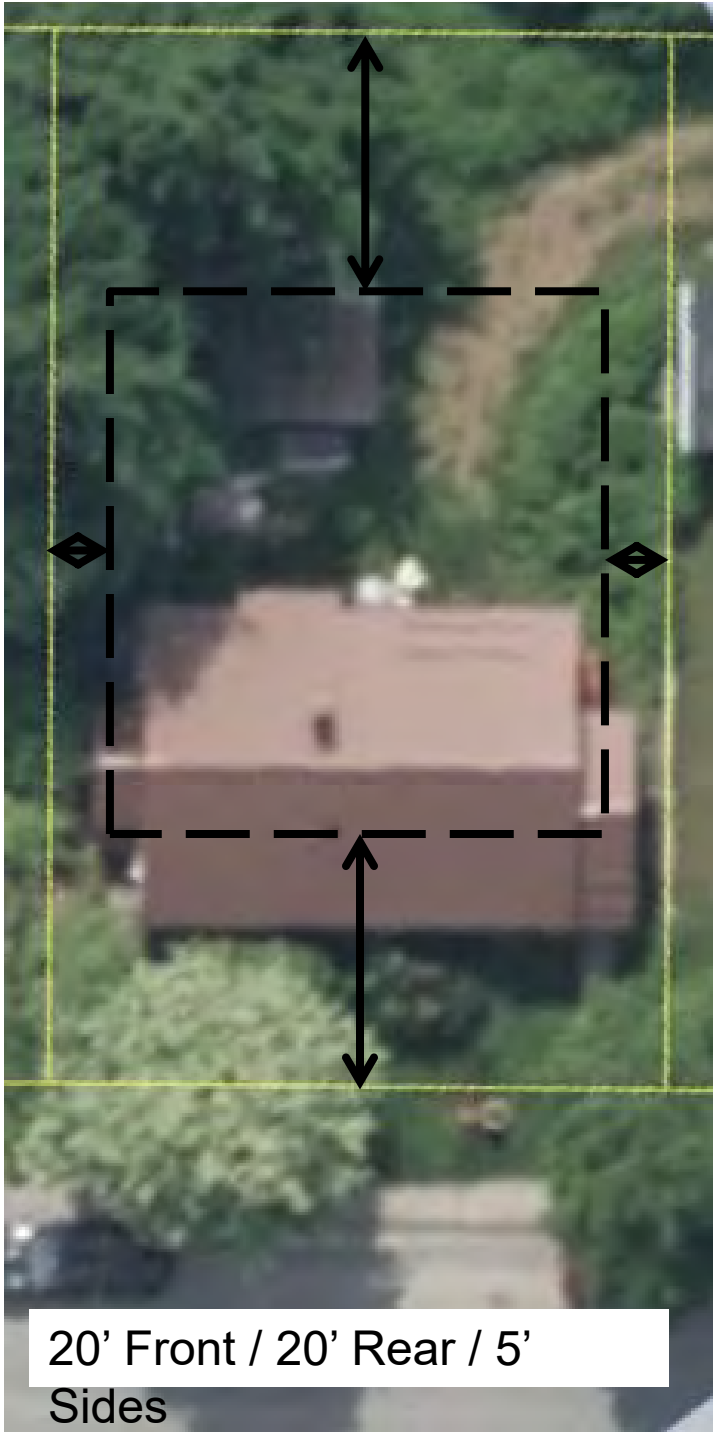


20' Front / 20' Rear / 5' Sides

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.



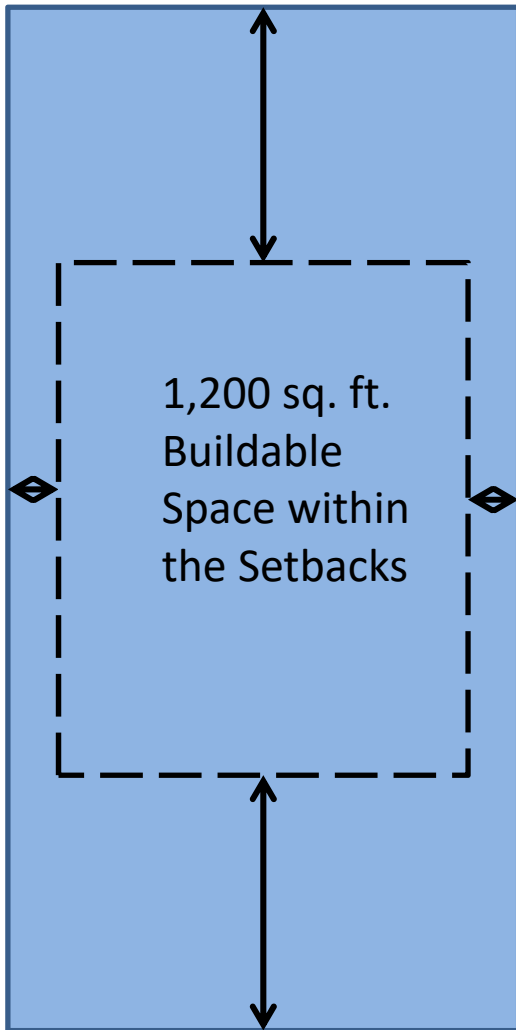


# Casey-Shattuck & Starr Hill – Single-family Zone Districts Downtown

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%

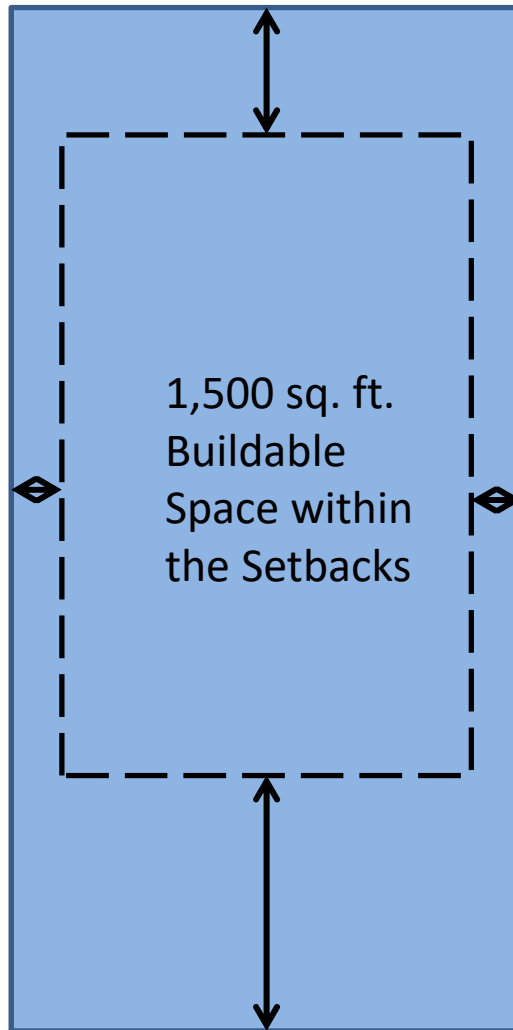
Casey Shattuck Area

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



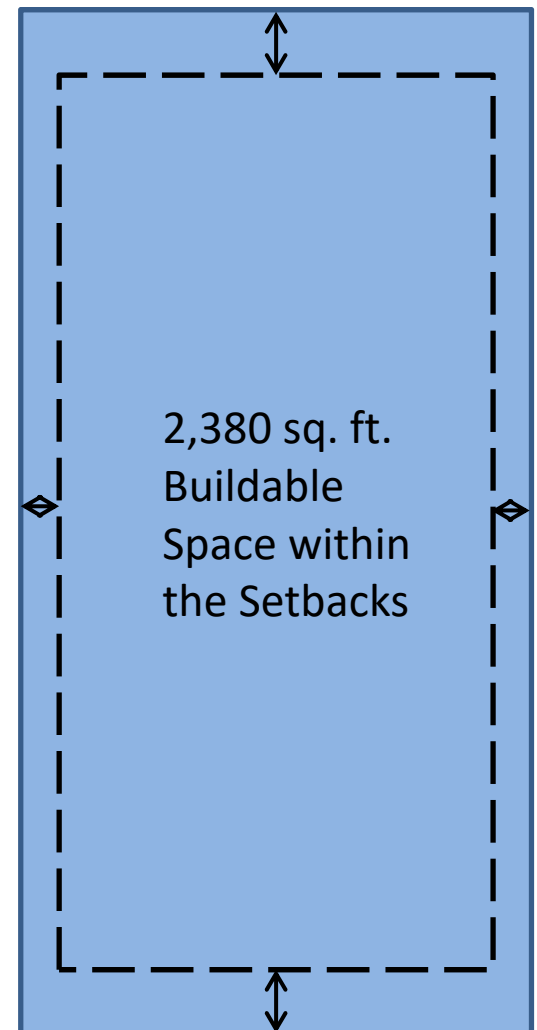
20' Front / 20' Rear / 5' Sides

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



20' Front / 10' Rear / 5' Sides

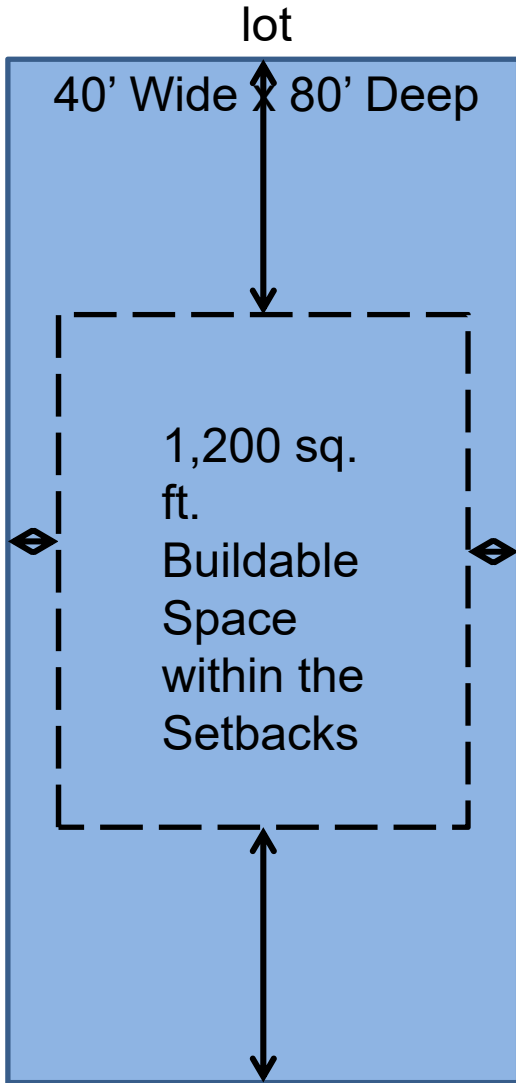
Proposed Setbacks on a 3,200 square foot lot  
40' Wide x 80' Deep



5' Front / 5' Rear / 3' Sides

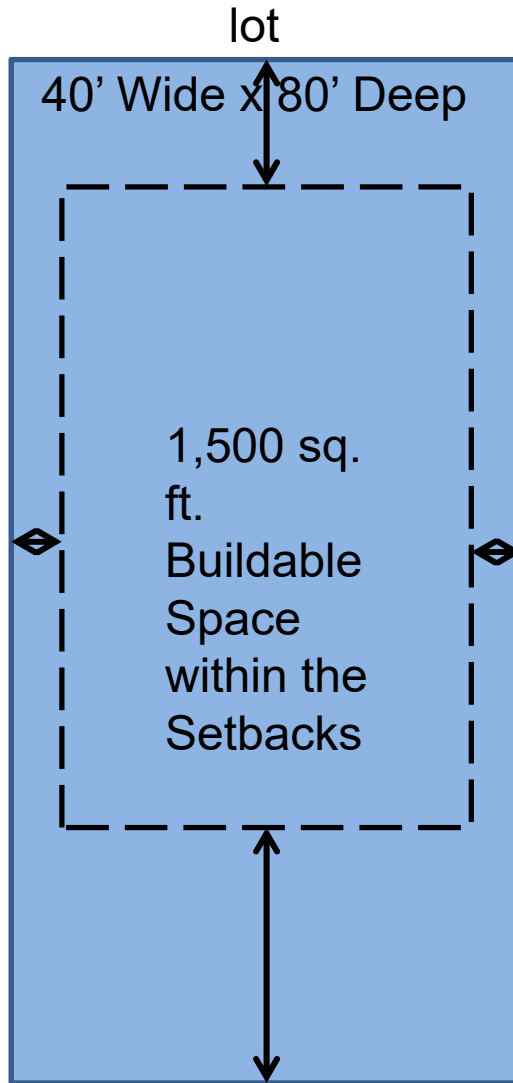
Star Hill Area

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



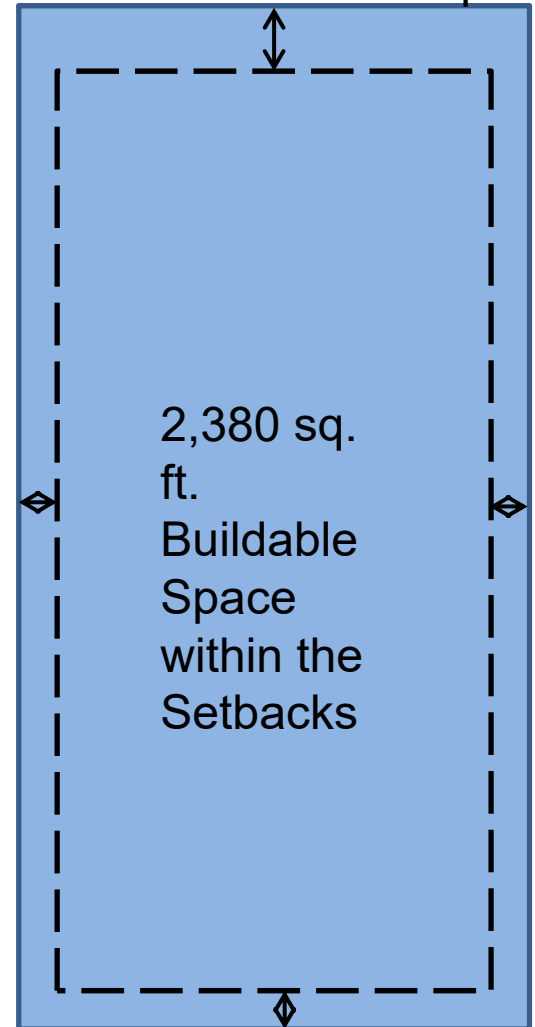
20' Front / 20' Rear / 5' Sides

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

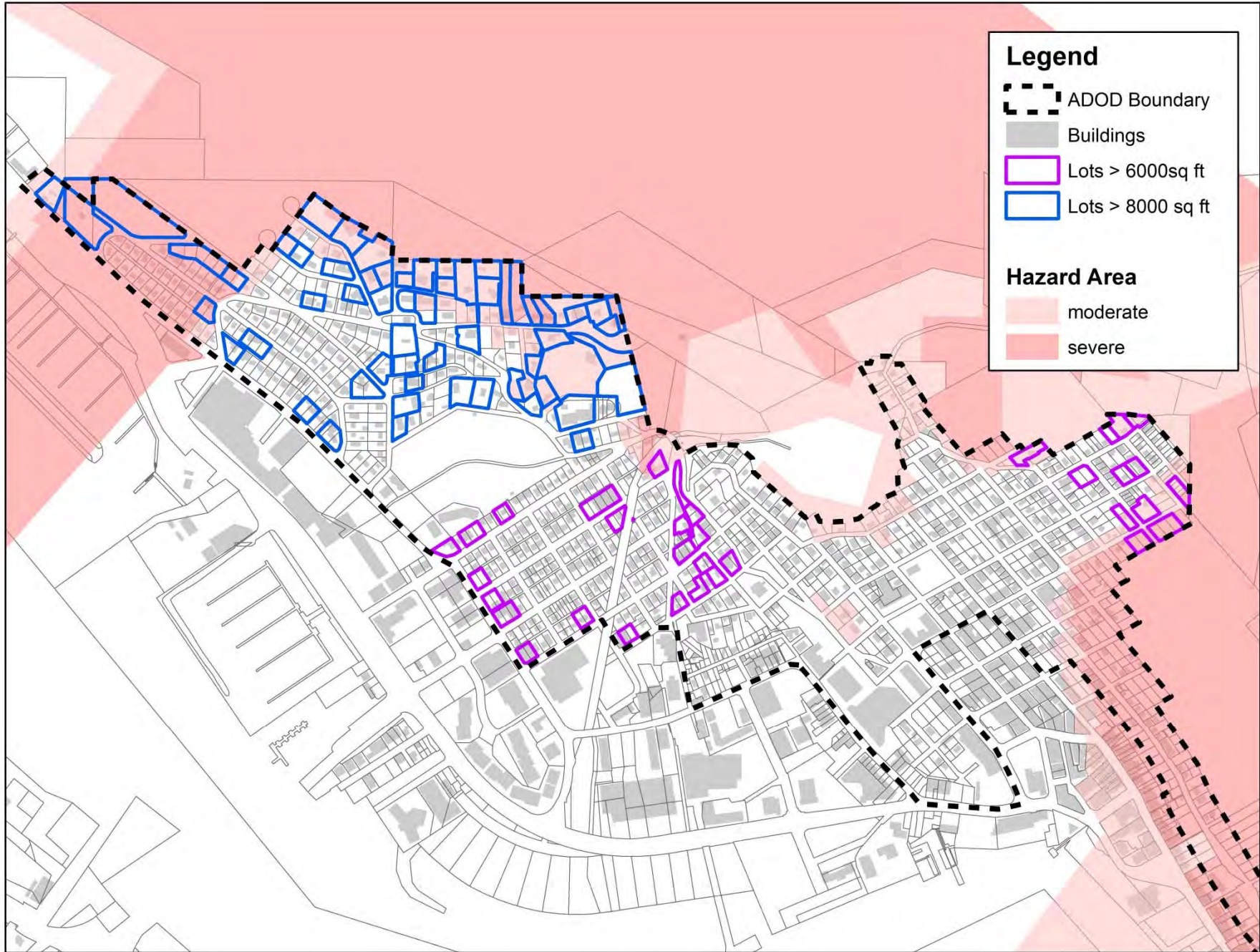


20' Front / 10' Rear / 5' Sides

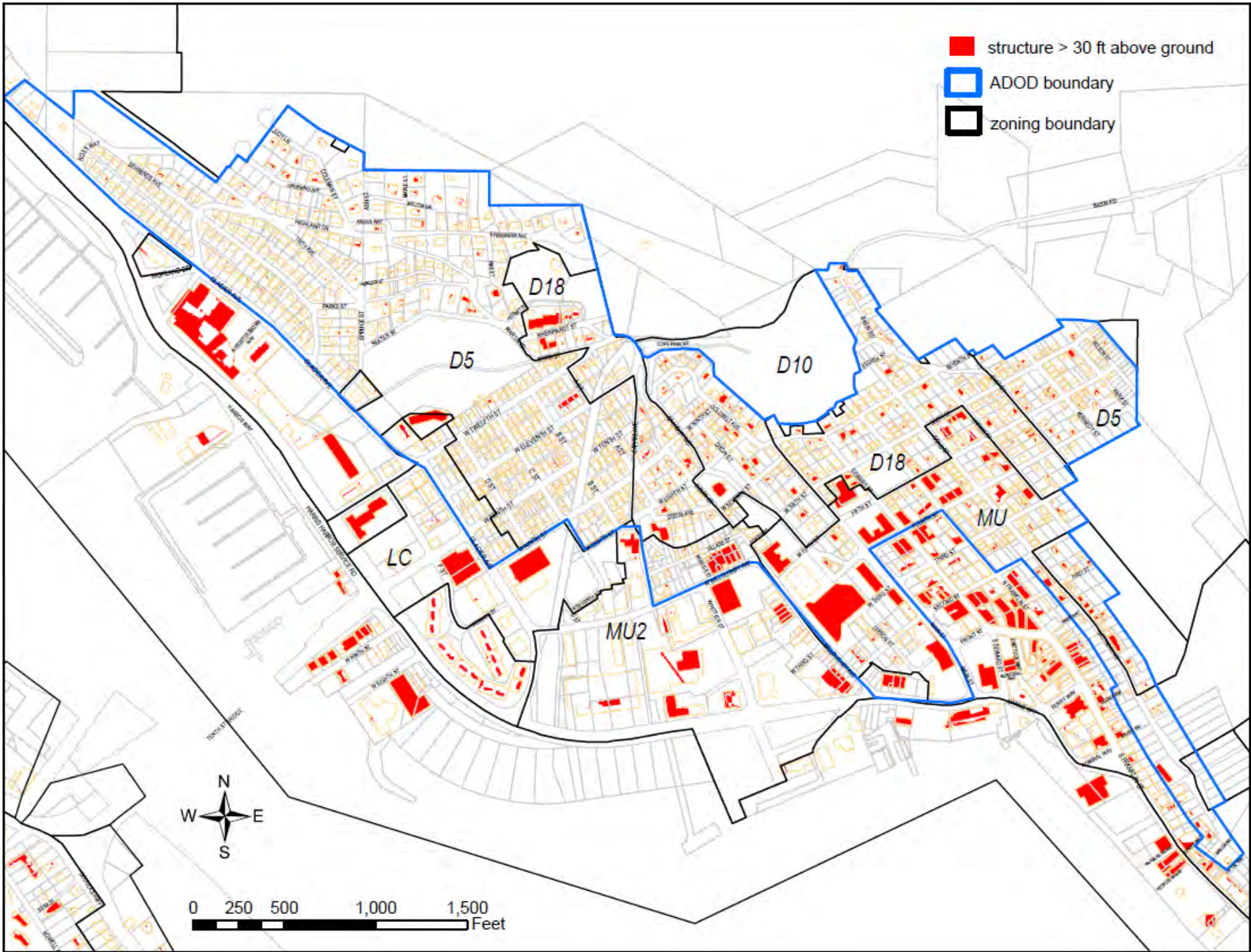
Proposed Setbacks on a 3,200 square foot lot 40' Wide x 80' Deep



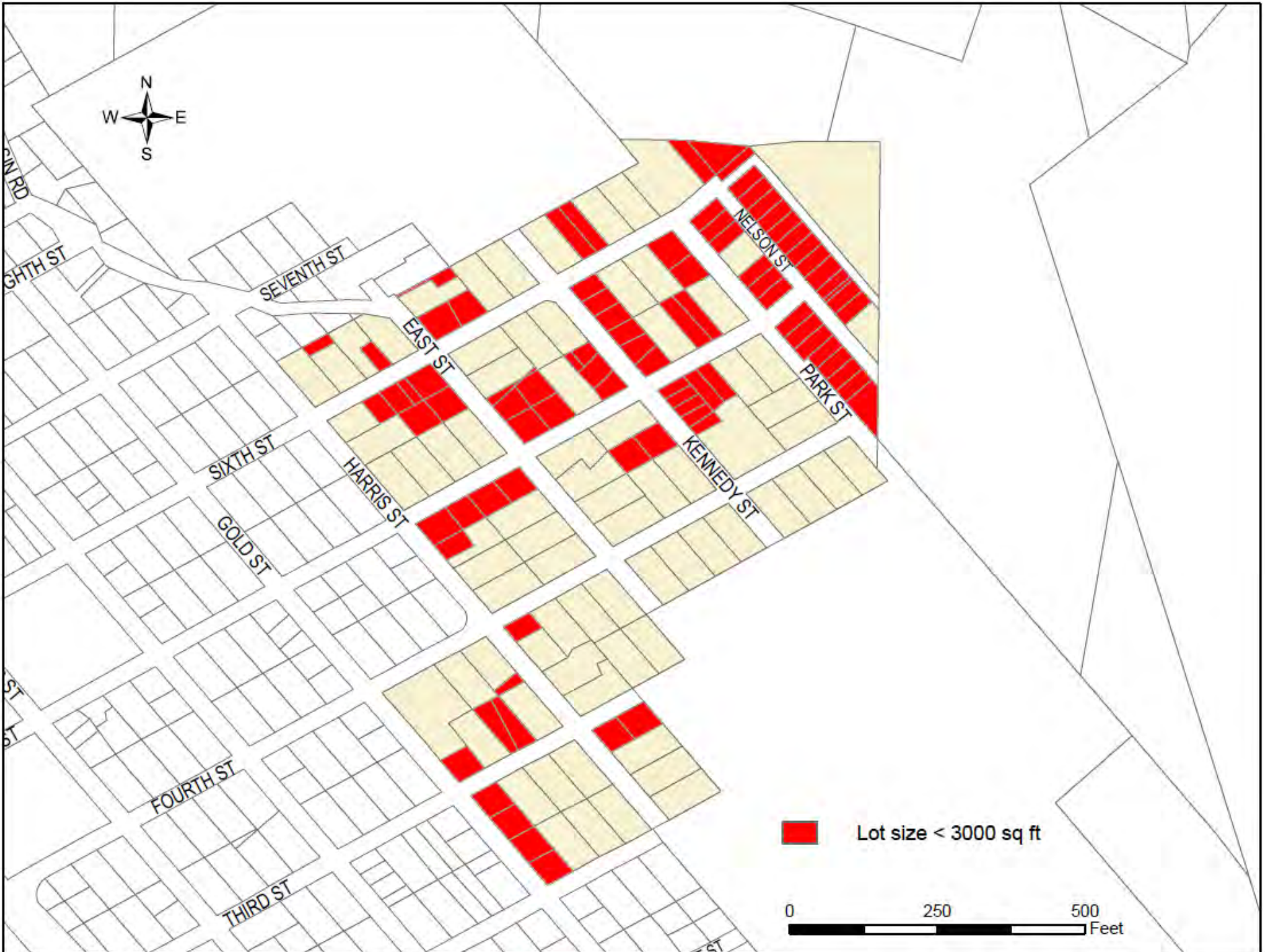
3' Front / 5' Rear / 3' Sides



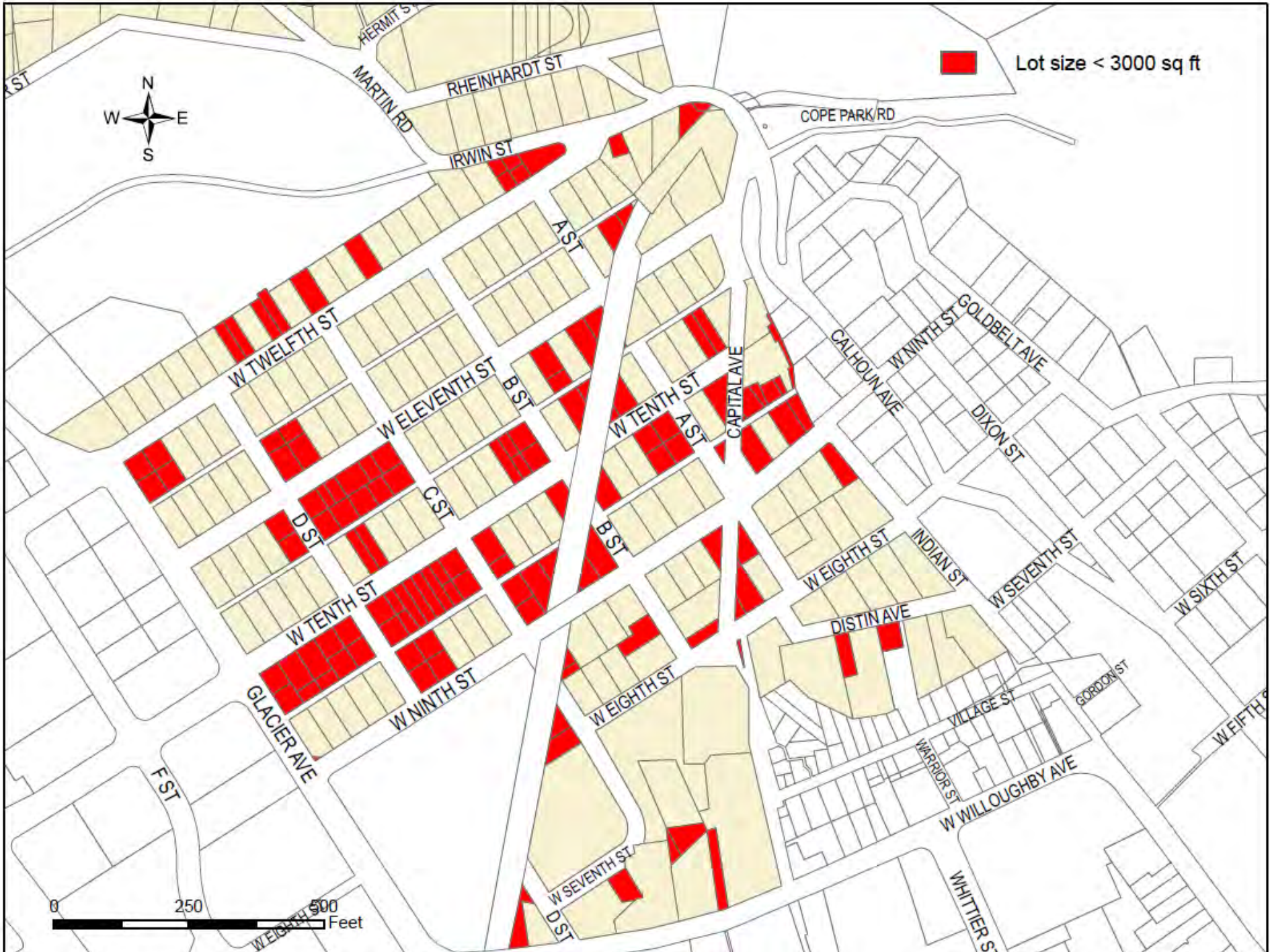






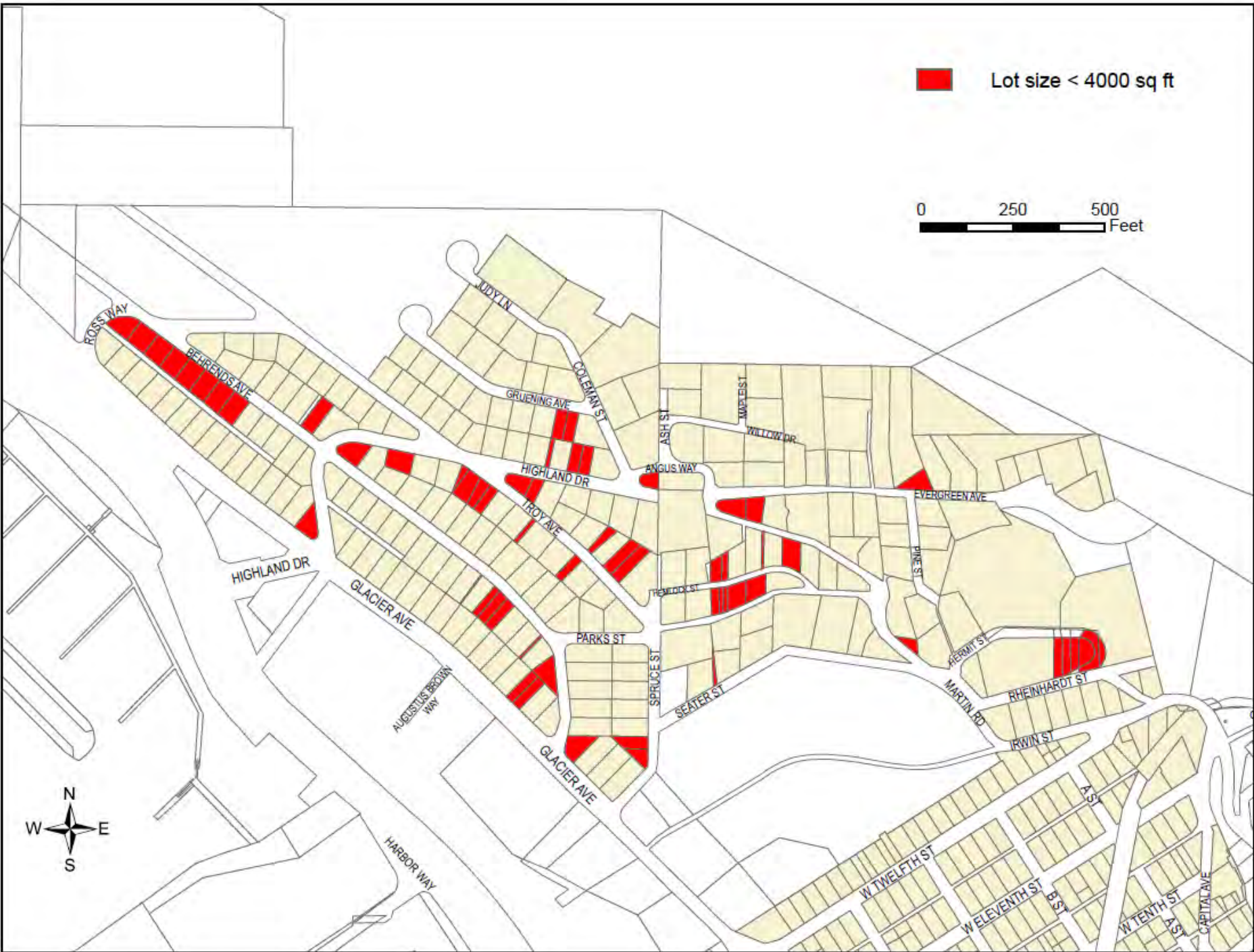
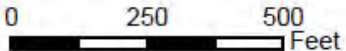








Lot size < 4000 sq ft





# 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 –

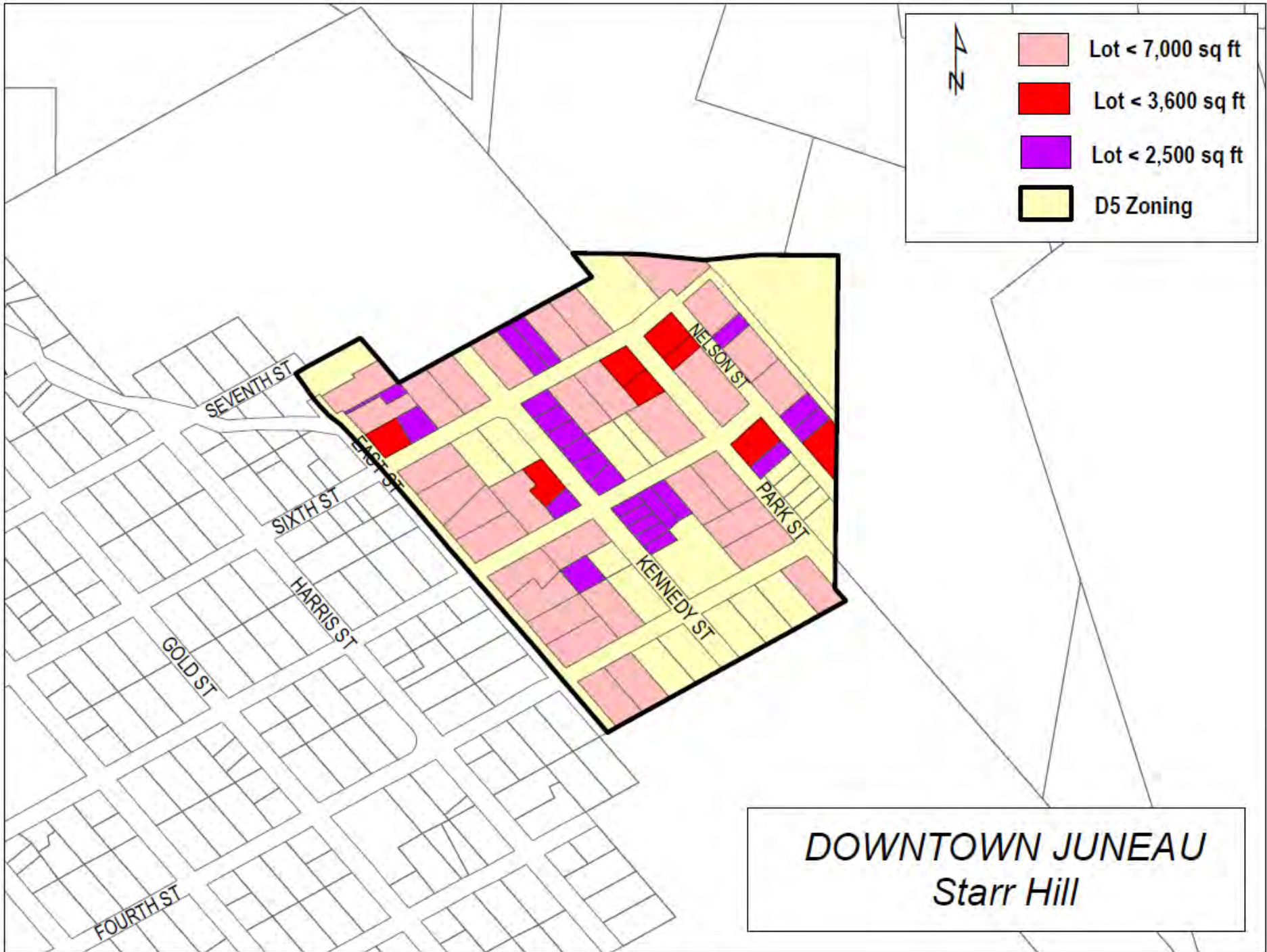
Front Yard – XX feet

Side Yard – XX feet

Rear Yard – XX feet

Street Side – XX feet

Average Lot Size – 5,655 sf



**DOWNTOWN JUNEAU**  
*Starr Hill*

# 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





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 in 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.