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DATE: July 8, 2019

TO: Nathaniel Dye, Chair
Title 49 Committee *Amy Liu*

FROM: Amy Liu, Planner
Laurel Christian, Planner *Laurel Christian*

CASE NO.: AME2018 0004

PROPOSAL: Proposed Rezoning of Downtown Juneau Residential Areas

Attachments

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

General Overview

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

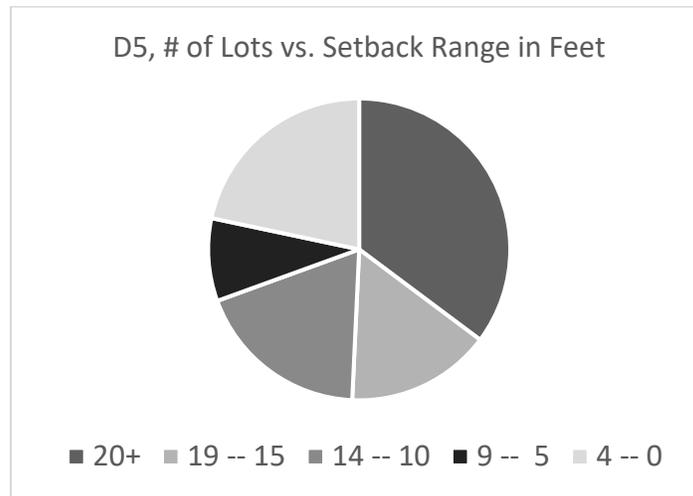
Existing Conditions

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

- Most lots do not meet required setbacks, so the need to reduce nonconformity is evident. Reducing nonconforming setbacks and lot sizes is beneficial because that could reduce the need for Conditional Use Permits and variances for development that is in keeping with the neighborhood character.
- More than half of the lots in the ADOD are zoned D5, so reforming D5 lots may be a higher priority than lots in other zones. In evaluating potential new zoning policy, staff specifically examined D5 lots.¹
- As demonstrated in the chart below, there is considerable variation in downtown D5 zone setbacks, which makes it difficult to choose minimum standards that create conformity without

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

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



Assumptions

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

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

- The proposed amendments should keep application of code as streamlined as possible. This can mean avoiding new zoning districts and improving existing code. Improving existing code could involve reducing the maximum allowed setback in the setback exceptions.
- Consider allowing for more flexibility. Euclidean zoning is straightforward but sometimes not adaptable to variable situations. Other zoning methods, such as sliding setbacks or amendments to setback exceptions in 49.25.430, should be considered.
- The new approach to the ADOD should balance preservation and aspiration. Zero foot setbacks should be discouraged. While reducing non-conformity is a priority, another goal is to discourage undesirable or unsafe development. Zero foot setbacks and 100% lot coverage could completely eliminate non-conformity but are potentially undesirable and unsafe.
- Note that current proposed amendments to 49.30 Nonconforming Development should help alleviate some of the difficulty financing nonconforming properties.

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

Next Steps

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

1. Modify setback exceptions

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

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

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

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

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

Staff recommends revision of this setback exception to read:

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

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

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

2. Set boundary for new overlay district

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

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

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

Or

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

3. Determine minimum lot size

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

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

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

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

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

- Sliding
 - Pros: Increases conformity, flexible
 - Cons: New concept may have a learning curve and may result in additional staff time during review
- Euclidean
 - Pros: Increases conformity, already a familiar concept
 - Cons: Rigid if setback exceptions are not applied

Attachment A - Conformity by Zoning District

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

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

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

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

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

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

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

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

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

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

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

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

Notes: F, R, S, SS denote front, rear, side, and street side setbacks respectively. Vacant, privately owned lots were evaluated for area but not setbacks. The total number of lots in the zoning district can be inferred from the intersection of row Area and column Total.

Data source is in

I:\DOCUMENTS\CASES\2018\AME\AME18-04 - MAP

AMENDMENT - Downtown Juneau Zoning -

LB_AL\Analysis

Attachment B - Conformity by Neighborhood

Casey Shattuck, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	44	148	30%
R	5	46	148	31%
S	20	117	301	39%
SS	13	23	75	31%
Area	7000	3	148	2%

Casey Shattuck, 1' Standard					
Standard	Value	Count	Total	% Conforming	
F		1	118	148	80%
R		1	97	148	66%
S		1	151	301	50%
SS		1	55	75	73%
Area		2000	122	148	82%

Casey Shattuck, 3' Standard					
Standard	Value	Count	Total	% Conforming	
F		3	118	148	80%
R		3	95	148	64%
S		3	141	301	47%
SS		3	54	75	72%
Area		2500	115	148	78%

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

Highlands, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	92	225	41%
R	5	124	225	55%
S	20	272	459	59%
SS	13	17	41	41%
Area	7000	76	225	34%

Highlands, 1' Standard					
Standard	Value	Count	Total	% Conforming	
F		1	189	225	84%
R		1	170	225	76%
S		1	325	459	71%
SS		1	34	41	83%
Area		3000	216	225	96%

Highlands, 3' Standard					
Standard	Value	Count	Total	% Conforming	
F		3	189	225	84%
R		3	168	225	75%
S		3	307	459	67%
SS		3	33	41	80%
Area		3500	212	225	94%

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

Starr Hill, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	5	73	7%
R	5	29	73	40%
S	10	42	147	29%
SS	13	9	24	38%
Area	7000	11	73	15%

Starr Hill, 1' Standard					
Standard	Value	Count	Total	% Conforming	
F		1	23	73	32%
R		1	47	73	64%
S		1	44	147	30%
SS		1	14	24	58%
Area		2000	53	73	73%

Starr Hill, 3' Standard					
Standard	Value	Count	Total	% Conforming	
F		3	23	73	32%
R		3	47	73	64%
S		3	44	147	30%
SS		3	14	24	58%
Area		2500	49	73	67%

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

Combined, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	143	465	31%
R	20	202	465	43%
S	5	437	946	46%
SS	13	51	142	36%
Area	7000	106	465	23%

Combined, 1' Standard					
Standard	Value	Count	Total	% Conforming	
F		1	334	465	72%
R		1	319	465	69%
S		1	527	946	56%
SS		1	105	142	74%
Area		2000	412	465	89%

Combined, 3' Standard					
Standard	Value	Count	Total	% Conforming	
F		3	334	465	72%
R		3	315	465	68%
S		3	499	946	53%
SS		3	103	142	73%
Area		2500	400	465	86%

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

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

Alternative Residential Development Overlay District (ADOD)

Title 49 Committee Presentation
July 10, 2019



General Overview

Scope

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

Overview

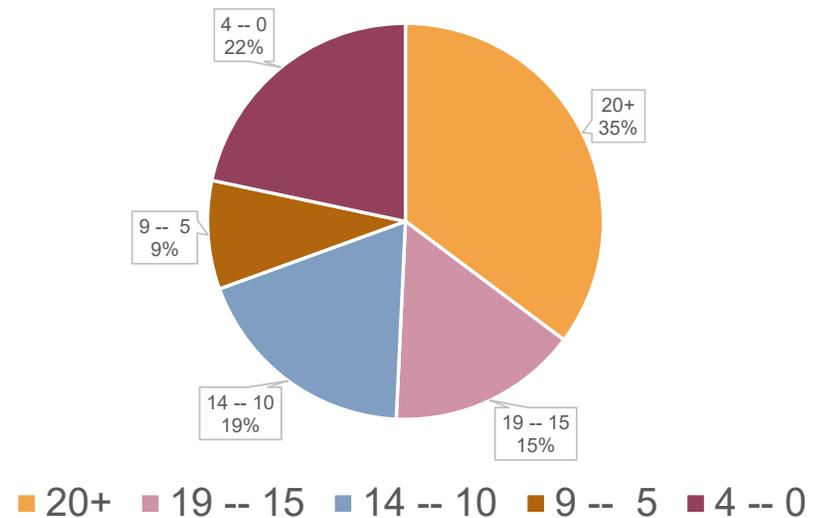
1. Existing Conditions
2. Assumptions
3. Recommendations

Existing Conditions

The existing conditions within the ADOD help set priorities.

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

D5, # of Lots vs. Front Setback Range in Feet



Assumptions

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

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

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

Recommendations

1. Modify setback exceptions.

- Modifying setback exceptions would allow for more flexibility for all properties and not just properties within the ADOD boundary.
 - 49.25.430(4)(J) *Substandard lots*
(J) Substandard lots. If the lot width, lot depth, or both are less than required, the corresponding front, side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the front, side and rear yard setbacks be less than half those required by this chapter, or three ~~five~~ feet, whichever is greater
 - 49.25.430(4)(K) *Existing substandard setbacks*
(K) Existing substandard setbacks. A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot.... For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or three ~~ten~~ feet, whichever is greater.
- Alternatively, separate setback exceptions for the ADOD district could live in a 49.70 and only apply to properties within the ADOD boundary.

Recommendations

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

- Overlay according to ADOD boundary.
 - Pros: Boundaries are already established.
 - Cons: Overlay does not address differences among neighborhoods. The differences between Highlands and Casey-Shattuck are relatively minor, but the difference between Starr Hill and other neighborhoods is significant. Note that 15% of all developed ADOD lots consist of Starr Hill lots.
- Overlay according to neighborhood boundaries.
 - Pros: Neighborhood Overlay addresses differences among neighborhoods.
 - Cons: Boundaries are not already established, which may lead to further public process to facilitate boundary adoption.

Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

Casey Shattuck, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	3	148	2%

Highlands, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	76	225	34%

Starr Hill, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	11	73	15%

Combined, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
Area	7000	106	465	23%



Recommendations

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

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

Pros: Increases conformity, flexible

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

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

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

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

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

Recommendations

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

Casey Shattuck, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	118	148	80%
R	1	97	148	66%
S	1	151	301	50%
SS	1	55	75	73%

Casey Shattuck, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	118	148	80%
R	3	95	148	64%
S	3	141	301	47%
SS	3	54	75	72%

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

Highlands, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	189	225	84%
R	1	170	225	76%
S	1	325	459	71%
SS	1	34	41	83%

Highlands, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	189	225	84%
R	3	168	225	75%
S	3	307	459	67%
SS	3	33	41	80%

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

Starr Hill, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	23	73	32%
R	1	47	73	64%
S	1	44	147	30%
SS	1	14	24	58%

Starr Hill, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	23	73	32%
R	3	47	73	64%
S	3	44	147	30%
SS	3	14	24	58%

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

Combined, 1' Standard				
Standard	Value	Count	Total	% Conforming
F	1	334	465	72%
R	1	319	465	69%
S	1	527	946	56%
SS	1	105	142	74%

Combined, 3' Standard				
Standard	Value	Count	Total	% Conforming
F	3	334	465	72%
R	3	315	465	68%
S	3	499	946	53%
SS	3	103	142	73%

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

Existing Conditions

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

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

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

Casey Shattuck, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	44	148	30%
R	5	46	148	31%
S	20	117	301	39%
SS	13	23	75	31%
Area	7000	3	148	2%

Highlands, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	92	225	41%
R	5	124	225	55%
S	20	272	459	59%
SS	13	17	41	41%
Area	7000	76	225	34%

Starr Hill, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	5	73	7%
R	5	29	73	40%
S	10	42	147	29%
SS	13	9	24	38%
Area	7000	11	73	15%

Combined, Current D5 Zoning				
Standard	Value	Count	Total	% Conforming
F	20	143	465	31%
R	20	202	465	43%
S	5	437	946	46%
SS	13	51	142	36%
Area	7000	106	465	23%

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

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

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

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

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

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

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

Members Present:

Nathaniel Dye, Travis Arndt, Shannon Crossley, Ben Haight

Members Absent:

Ken Alper

Staff Present:

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

I. Call to Order

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

II. Approval of Agenda

MOTION: *by Mr. Haight to approve the agenda.*
The motion passed with no objection.

III. Approval of Minutes

A. April 11, 2019 Draft Minutes

MOTION: *by Mr. Arndt to approve the April 11, 2019 minutes.*
The motion passed with no objection.

B. April 18, 2019 Draft Minutes

MOTION: *by Mr. Arndt to approve the April 18, 2019 minutes.*
The motion passed with no objection.

C. May 30, 2019 Draft Minutes

MOTION: *by Mr. Arndt to approve the May 30, 2019 minutes.*
The motion passed with no objection.

IV. Agenda Topics

A. AME2018 0004: Downtown Zoning

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

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

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

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

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

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

Ms. Liu shared staff's recommendations:

1. Modify setback exceptions.

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

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

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

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

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

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

2. Set boundary for new overlay district.

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

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

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

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

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

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

3. Determine minimum lot size.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Recommendation regarding preventing subdivision of lots

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

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

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

V. Committee Member Comments and Questions

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

VI. Adjournment

The meeting adjourned at 1:05 pm.