



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

DATE: September 3, 2019

TO: Nathaniel Dye, Chair
 Title 49 Committee

FROM: Irene Gallion, Senior Planner
 Amy Liu, Planner
 Laurel Christian, Planner

Irene Gallion *Amy Liu*
Laurel Christian

CASE NO.: AME2018 0004

PROPOSAL: Proposed Rezoning of Downtown Juneau Alternative Development Overlay
 District Area

General Overview

This report examines lot area and setbacks and the following topics:

- Minimum lot size: discussion of 3,500 square foot minimum lot size and diminishing returns for lesser lot sizes.
- Lot coverage and vegetative coverage.
- Future subdivision: whether the overlay can be the basis for future subdivision, or should be limited to correcting present situations.
- Other dimensional standards: whether other dimensional standards, such as minimum area for duplexes, should be revised.

Minimum Lot Size

Staff recommends 3,500 square feet as the minimum lot size, and affirms that a lesser area would not significantly improve conformity without compromising neighborhood character and safe building practices.

D5 (465 lots total)			D10 (115 lots total)			D18 (212 lots total)		
Area	Count	% Conforming	Area	Count	% Conforming	Area	Count	% Conforming
3500	360	77%	3500	66	57%	3500	145	68%
3000	385	83%	3000	70	61%	3000	161	76%
2500	402	86%	2500	83	72%	2500	175	83%
2000	414	89%	2000	100	87%	2000	195	92%

Lot Coverage

Staff recommends no change to maximum lot coverage or minimum vegetative coverage. Maximum lot coverage is 50% for permissible and conditional uses in D5, D10, and D18. Minimum vegetative coverage is 20% in D5, and 30% in both D10 and D18. Staff sampled as-builts for 82 total lots in the Alternative Development Overlay District (ADOD). As-builts were used to calculate lot coverage for corresponding lots.

The average lot coverage is 33%, and 10 lots exceeded 50% lot coverage. These numbers suggest that changing lot coverage will not improve conformity or flexibility for most lots. Further, there may need to be additional analysis of whether changing lot coverage or vegetative coverage will impact stormwater management. Of the total 82 as built, 30 are for lots zoned D5, 16 are for lots zoned D10, and 36 are for lots zoned D18. Lot coverage divides the total area of buildings by the total area of the lot. Decks and other appurtenant structures are not included.

The sliding setback box method is very flexible for creating more buildable area. Maintaining current lot coverage and vegetative coverage standards retains the existing character of the neighborhood.

Not enough information is currently available to calculate existing vegetative coverage.

Future Subdivision

Staff recommends future subdivisions in the ADOD to be allowed to use the ADOD dimensional standards. Staff and Title 49 Committee members have expressed agreement that the ADOD dimensional standards should resolve nonconformity and encourage continuation of existing neighborhood character. Consistency with new dimensional standards will support both of these objectives.

During previous public meetings, a few members of the public expressed concerns about increased future subdivision detracting from existing neighborhood character. Data shows that less than one quarter of the lots in the ADOD are 7,000 square feet, the minimum for subdivision to create two standard lots. Some lots in the ADOD are prohibited from subdivision, because they are within severe landslide/avalanche zones or without sufficient access for additional lots.

In D5, the minimum required lot width and depth are 70 feet and 85 feet, respectively. In D10, the minimum width and depth are 50 feet and 85 feet, respectively. In D18, the minimum width and depth are 50 feet and 80 feet, respectively. If consensus is allowing future subdivision to meet the ADOD dimensional standards, revising minimum lot width and depth will be necessary.

Other Dimensional Standards

Staff recommends changing the minimum lot size for a duplex to the same ratio that minimum lot size for a single-family dwelling is being reduced (option 2 discussed below). Note that minimum lot size for a duplex currently exists for D5 zoning, and not D10 or D18 zoning, where such structures would be considered multifamily.

Provided that certain conditions are met, a D5 zoned lot could have two dwelling units, either in the form of a duplex or a single-family home with an accessory apartment. In D5, the minimum lot size for a

duplex is 10,500 square feet, while the standard lot size is 7,000 square feet. A D5 lot less than 10,500 square feet may still have a single-family dwelling with an accessory apartment, either allowed outright or with a Conditional Use Permit. Duplexes and single-family dwellings with an accessory apartment are similar in that they both involve two distinct dwelling units. Duplexes, however, are not restricted to a square footage, while accessory apartments on a standard or substandard lot must be no more than 600 square feet in living space. Duplexes count toward density while accessory apartments do not.

Updating the minimum area for a duplex does not aggravate existing nonconformity for an already minor portion of the ADOD area, or significantly improve conformity for the ADOD area as a whole. There are six existing duplexes in D5 zoning within the ADOD. Four are nonconforming for lot area, which ranges from 1,500 square feet to 6,969 square feet. The number of duplexes in all zoning districts is less than 2% of the total number of dwellings in the ADOD. After site visits to duplexes within the ADOD, staff finds that duplexes are aesthetically consistent with neighborhood character.

The below table provides 3 options for addressing duplex minimum lot size. Staff recommends option 2.

	Option 1: Do nothing	Option 2: Reduce according to existing ratio; 5,250 sf*	Option 3: Reduce according to D10 area; 8,712 sf**
Pro(s)	<ul style="list-style-type: none"> Simplifies the ADOD revision 	<ul style="list-style-type: none"> Reduces barrier to duplexes within the ADOD area More consistent with 3,500 sf lot area 	<ul style="list-style-type: none"> Reduces barrier to duplexes within the ADOD area More consistent with 3,500 sf lot area
Con(s)	<ul style="list-style-type: none"> Barrier to duplexes remain within the ADOD area Does not positively or negatively affect conformity for the ADOD as a whole 	<ul style="list-style-type: none"> Does not positively or negatively affect conformity for the ADOD as a whole; most D5 duplex lots are less than 5,250 sf Contradicts the logic of D10 zoning, which requires 8,712 sf for two units 	<ul style="list-style-type: none"> Does not positively or negatively affect conformity for the ADOD as a whole; most D5 duplex lots are less than 5,250 sf

* $3500 \times 10500 / 7000 = 5250$

* Minimum lot size for a single-family dwelling is reduced by 50%. Minimum lot size for a duplex should also be reduced by 50%.

** $2 \times 43560 / 10 = 8712$
(43560 square feet = 1 acre)

Staff recommends reducing the common wall minimum lot area within the ADOD to 3,500 square feet. The current minimum area for common wall lots is equal to or lesser than that of standard lots. Continuing to apply this relationship between common wall and standard lots does not raise contradictions with other dimensional standards within the ADOD, and does not significantly impact existing development, and marginally increases possibilities for future development.

Staff recommends no change to maximum height. Current maximum heights for permissible uses and accessory uses are 35 feet and 25 feet, respectively, for all zoning districts. Site visits suggest that these height maximums are consistent with existing development. Proposed sliding setbacks afford flexibility laterally, thereby reducing the need to construct vertically.

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

Wednesday, September 4, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Travis Arndt, Ben Haight, Ken Alper

Members Absent:

Shannon Crossley

Staff Present:

Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Irene Gallion (CDD Senior Planner), Laurel Christian (CDD Planner), Chelsea Wallace (CDD Admin)

I. Call to Order

The meeting was called to order at 12:07pm.

II. Approval of Agenda

MOTION: by Mr. Arndt to approve the agenda.

The motion passed with no objection.

III. Approval of Minutes

A. July 10, 2019 Draft Minutes

MOTION: by Mr. Arndt to approve the July 10, 2019 minutes.

The motion passed with no objection.

IV. Agenda Topics

A. Proposed Rezoning of Downtown Juneau Alternative Development Overlay District Area

Ms. Christian had prepared a memo and started a presentation for the Committee, noting that minimum lot size, lot coverage, subdivisions, and dimensional standards would be discussed at this meeting. Ms. Christian stated that when she and CDD Staff were looking at new zoning areas, they had a desire to keep the character of the neighborhoods as they are, but also bring new aspects, as well. Staff recommended 3,500 square feet as the minimum lot size, showing a table with the percent conforming with 3,500 square feet as the minimum lot size. Ms. Christian asked what the Committee thought about this regulation.

Mr. Dye asked what the standard minimum lot sizes were for D10 and D18 zones.

Ms. Christian replied that the standard minimum lot size for is 6,000 square feet and 5,000 square feet for D10 and D18, respectively.

Mr. Alper noted that some houses were within the Alternative Development Overlay District (ADOD) boundary, but were zoned Mixed Use (MU).

Ms. Christian affirmed that there are some MU lots within the ADOD.

Ms. Pierce stated that Staff was trying to focus on the majority of the lots at this time, and will work on the MU lots more, after the bigger parts are reviewed and decided on.

Ms. Christian recalled questions from the previous meeting regarding the red lots toward the bottom of the ADOD boundary that were not fully included within the boundary. To follow up on those questions, she stated that the parcels share a parcel code, so they were unable to separate the parcel on the map.

Mr. Arndt clarified his understanding of the percent conforming with the different lot sizes and asked if the total number of lots within the ADOD was known.

Ms. Christian stated that Staff did not have that information at that time but could get the information for the next meeting.

Mr. Dye asked if Staff had an estimate of the number of MU lots within the ADOD.

Ms. Christian estimated around 30 or 40 MU lots within the boundary, but said she was not sure and could get the exact number

Mr. Dye asked what the minimum lot size in the MU districts is.

Ms. Christian replied that it is 4,000 square feet.

Mr. Alper asked, for the 28% currently nonconforming, if the new code would be the path toward options for development for those properties.

Ms. Christian stated yes.

Mr. Dye asked if a regulation of 3,000 square feet was considered and if there were any particular reasons it might be too small.

Ms. Christian stated that it was more about the balance between building area and creating lots that were conforming. Additionally, if smaller lots were allowed, there would be more future subdivision potential, which some neighbors had expressed was not desirable. The 3500 recommendation mirrored bungalow lot sizes for D5, which is a known number in the community.

Ms. Pierce reinforced this, stating that Staff was trying to tie the regulation to existing developments, but this could be adjusted, if the Committee saw fit. Ms. Pierce noted that there are a lot of buildings on small lots and Staff wanted to keep the character of the neighborhoods. The smaller regulations for minimum lot size also open up more potential for subdivisions.

Mr. Dye thought it might be worth adjusting the regulation, if it brings more developments into conformity, and thought 3,000 square feet would be a good choice.

Mr. Arndt thought if lot coverage drives part of this regulation, then it may be good to discuss that.

Mr. Dye agreed.

Ms. Pierce recommended reviewing a 3,000 square-foot requirement more, and moving forward into the other topics before fully deciding.

Ms. Christian stated that Staff was not recommending a change for the maximum lot coverage regulation, showing slides with more information and some pictures for examples. The first example showed a lot with 51% lot coverage, but noted that the porch on the house was not included in the percentage.

Ms. Maclean asked if the deck on the house was part of the percentage of lot coverage.

Ms. Christian stated that the deck on the rear of the house was not included in the percentage.

Ms. Maclean clarified that anything that has a cover would be included in the percentage; for example, a deck on the house with a roof covering it. If there is no covering, then it is not included in the percentage.

Ms. Christian presented a few more examples including a 4,663 square-foot lot with 30% lot coverage and a 2,698 square-foot lot with 45% lot coverage.

Mr. Arndt thought the last example seemed to have more than 45% lot coverage.

Ms. Christian stated that Staff used the as-built drawings when deciding on the examples. She noted that when thinking about lot coverage, using the sliding setback box helped make things more flexible and Mr. Arndt agreed.

Ms. Christian moved the conversation forward to allowing future subdivisions in the ADOD and the use of ADOD dimensional standards. Staff wanted to match the character of the neighborhoods, but also allow for future development, so they wanted to find the balance, without removing the old feel. Ms. Christian presented a few slides with more information, showing the common ownership and why some areas are not included in the boundary, and some hazard areas, as well.

Ms. Maclean was happy to see which properties crossed the boundary on the map, noting that the ADOD was explicitly only for residential use.

Ms. Christian stated that Staff would like to know if the Committee would like these areas to have the same regulations as the ADOD lots.

Mr. Dye asked how the ADOD was restricted to residential use only.

Ms. Maclean stated that when the boundary line was drawn, it was intended to be temporary. Some changes have come, but Staff tried to follow where there were only residential lots and exclude the MU lots, but some areas have been adjusted. The MU lots already have regulations that are much less strict than the others are. Ms. Maclean suggested looking at the boundary line more and being more specific with the lots that are included.

Mr. Dye noted that the lots from the Starr Hill Church area and down are all zoned MU.

Ms. Maclean suggested looking at redrawing the ADOD boundary to only include residential lots and exclude all MU lots.

Mr. Dye noted that all the calculations have been made with lots that are not zoned MU.

Ms. Christian asked if the Committee would like to see numbers for the MU lots at the next meeting.

Mr. Arndt asked if some lots were zoned MU2, or if all were just MU.

Mr. Dye stated that there were just MU lots, no MU2.

Ms. Pierce recommended that the information regarding the MU lots be heard at the next meeting; for that day's purpose, it might be best to focus on the information at hand and the MU lots could be discussed more when more information was gathered.

Mr. Dye agreed and thought the discussion on the MU lots would be easily completed. He thought it would be good to see the boundary redrawn, showing how many lots were excluded, but wasn't sure if the extra work would be necessary, as there may not be many lots excluded.

Mr. Haight thought it would be good to redraw the map and talk about MU at a later meeting.

Mr. Arndt thought it might be unnecessary, extra work for Staff and Mr. Dye agreed.

Ms. Pierce asked if the Committee was comfortable with the recommendations regarding subdivisions.

Mr. Arndt recalled from the previous meeting that the Committee and Staff wanted to consider having 5,000, 6,000, and 7,000 square-foot regulations to see how things would work and Mr. Dye agreed.

Ms. Maclean stated that the different regulations could be considered. Then, if the hazard maps change, the work would already be done for that portion, as well.

Mr. Arndt asked if Staff had information for the smaller lot sizes.

Ms. Christian stated they just had the information being shown and asked if the Committee would like to see the information for 5,000 square feet, as well.

Mr. Dye and Mr. Alper stated that they would like to see that information at the next meeting.

Ms. Christian then presented a table with some changes and recommendations, stating that Staff recommended no changes to maximum lot coverage, maximum height, or minimum vegetative cover. Staff performed site visits and did not see many situations where vegetative cover and height were a problem. Ms. Christian noted that staff reviewed as-builts for 82 lots in the ADOD boundary and the average lot coverage was 33%.

Staff recommended changing the regulations for common walls to be consistent with what the minimum lot size for a single-family dwelling that is decided on. If a smaller regulation than 3,500 square feet is sought, then the

regulations for bungalow lot sizes may need to be changed, as well. Ms. Christian asked if the Committee was comfortable with the height, vegetative coverage, and maximum lot coverage regulations.

Ms. Maclean stated that Staff had previously discussed decreasing height with the Committee, and the Committee was strongly opposed to reducing the height requirement. She stated that it may not be necessary to address it at this time, but it may be good to discuss what is, and is not, working with the height.

Ms. Christian stated that lot coverage could also be increased, but that topic hadn't been seen, yet.

Mr. Arndt thought it might be more of a paperwork difference, rather than a development difference.

Ms. Maclean stated that, as far as dimensional standards go, Staff was working on common walls and updating the numbers with Title 49. Historically, when common walls were introduced, they were not common at all. Ms. Maclean thought this may have been due to lack of information regarding them and Staff was working on changing it.

Mr. Dye asked if Staff was now looking for recommendations on minimum lot width and depth.

Ms. Pierce stated that the table being shown was why Staff had waited to talk about lot size. She thought this was a good time to talk about considering how a 3,000 square-foot regulation would affect the dimensional standards.

Ms. Christian asked if the Committee would like to hear the information on duplexes.

Mr. Dye stated they would.

Ms. Christian presented a slide on duplex lot size, stating there were a couple options, with pros and cons to each option. She noted that the D5 lots do contradict the D10 lots in some way, but because it's based on density, the square footage per acre is needed and allowing the duplex lot size to be the same in every lot would also contradict matters.

Ms. Maclean thought that, when it comes to density, it would be best to be consistent with how density is regulated in all of the CBJ and consistency should be used for the duplexes, as well. She noted that there is currently an ordinance being worked on to change the accessory apartment regulations. Duplexes currently are not allowed to have accessory apartments, but Staff is working to change that.

Mr. Dye thought that reducing the minimum lot size so drastically would not be remaining consistent with other regulations. He noted that many examples have been reviewed and asked if this would be an opt-in plan or a full rezone.

Ms. Christian stated that Staff planned to move forward with the ADOD overlay boundary and it would not be an opt-in plan.

Ms. Maclean noted that, even if the main focus is on residential, Staff knows there are other zones, as well, and looking at the Table of Dimensional Standards shows the square footage regulations.

Mr. Dye asked how regulations would be adjusted for single-family lots vs. multi-family lots.

Mr. Haight clarified that it would be like the Flats area of downtown having a unique density. The suggestion is to maintain that character, so maintain the density. Everyone wants it set so that it doesn't increase the density.

Mr. Dye thought that, since the ADOD is not an opt-in plan, there may be good argument to rezone to a new district. He asked if the Table of Permissible Uses (TPU) is different enough to worry about this.

Ms. Christian stated that it was a consideration of commercial uses vs. residential uses.

Ms. Maclean stated that there was less concern with the D10 and D18 lots and what could be allowed there. She noted that use in the Flats area is pre-dominantly residential and there is some worry about commercial uses.

Mr. Dye asked if the structure deterred from the harmony of the Flats.

Ms. Pierce thought that it did not. She stated that the purpose of looking at it this way was to maintain the character of the neighborhood. It also helps avoid talking about uses and just considers the residential aspects and gets the lots into conformity.

Mr. Arndt felt that the ADOD, as an overlay, has 3 or 4 goals in mind and if it were changed to a full rezone, instead of an overlay, then that may create many new problems.

Mr. Dye felt there was already information that considers everything with the underlying zoning of the Flats and older neighborhoods only built by the TPU. He thought it might be worth considering two zoning districts, with the dimensional standards being the same and adjusting the TPU with specific regulations.

Ms. Maclean felt there were two trains of thought occurring. This all started to attempt to fix the things CDD consistently received variance applications for, and the uses were not the issue at hand. Creating a new zoning district in Auke Bay is currently ongoing and that committee has had discussions about how many districts should be created. Ms. Maclean felt that opening up the topic for uses would make this a much bigger conversation, that would lead to include the Blueprint Downtown work and future Douglas work.

Mr. Dye agreed, but felt that the uses would not have to be changed, and it could be left to the TPU. Mr. Dye thought that if consideration was being given to rezone all of CBJ, then consideration should be given to making small changes vs. adding overlays and attempting to fix things later.

Mr. Arndt thought that looking at and combining everything would be good, but then the variance problem would ensue. Mr. Arndt thought creating an overlay would be the groundwork for the bigger work that would come later on, but the other process could take 5 to 10 years.

Mr. Haight agreed and spoke in favor of transitioning, with more time to understand the consequences.

Ms. Maclean asked for clarification if the Committee would like to see overlays with changes of uses, or without, noting that there was different timing for the big changes.

Ms. Pierce stated that the new Comprehensive Plan will create the opportunity to update TPU and everything else. She thought that if the Committee would like to look at the TPU in the future, and create a district for downtown Juneau and Douglas, then the guidelines of the overlay could be used to make this happen, without having to go through a rough process around uses. It is possible to solve one problem, see the other problems that come with it, and still make progress.

Mr. Dye stated he was okay with that and the overlay.

Ms. Christian then presented some pictures of duplexes from Staff's site visits, noting that there were 17 duplexes within the ADOD boundary and they did not seem out of character with the existing neighborhood.

Ms. Christian discussed the example duplexes noting that some lots are clearly quite tight, especially on Gastineau Avenue.

Ms. Maclean asked if the example being shown had received a variance.

Ms. Christian stated they had received a variance for the setback. She then showed a new example, noting that it wasn't much different from the others in the area.

Mr. Dye asked if duplexes usually only have one address with and "A" or "B" assigned to each side.

Ms. Maclean stated that, that did not always occur, as people are able to change it.

Mr. Alper went back to the duplexes options, asking how the number of 5,250 square feet was calculated for reducing according to existing ration.

Ms. Christian stated that the number was calculated for D10 and D18 by the density calculation which takes the square footage of an acre and divides is by 10 units per acre then multiplying by two units for a duplex.

Mr. Arndt asked if duplexes were allowed in those districts.

Ms. Maclean stated that they were multifamily lots, so duplexes were allowed and Ms. Christian reaffirmed that the TPU states duplexes are allowed in those multifamily zone districts.

Mr. Dye felt it would be unnecessary to do the math for reducing density. He thought the regulations being used for others would not have to apply, and it would be okay to use what is cohesive for that area. He asked if anyone had any concerns with this.

Ms. Pierce stated she had no concerns with this. She suggested the Committee now discuss minimum lot size and consider how that would apply to a duplex and other dimensional standards. Staff thought 3,000 square feet was reasonable, but wanted to discuss the other topics first.

Mr. Dye stated he would like to see how many subdivisions could be developed if the minimum lot size was 3,000 square feet.

Mr. Alper thought if a smaller regulation was made, adjustments may be needed at a later time due to a need for variances.

Ms. Pierce recapped that at the next meeting Staff would have maps and numbers showing the minimum lot size and subdivision potential for 3,000 and 2,500 square-foot lots. Staff would also adjust the dimensional standards down by ratio for the smaller lot sizes. Ms. Pierce asked if everyone was okay with the concept, theory, and scaling everything down.

Mr. Dye stated he was okay with everything. He asked if it mattered what the minimum lot width and depth square footage should be and if the ADOD needed those numbers.

Ms. Christian stated it would matter for future subdivisions and that the committee should determine if future subdivisions will be allowed at the next meeting

Mr. Alper asked if there were setback requirements.

Ms. Christian stated there are setback requirements, as well.

Mr. Arndt stated that the decision comes back to if the Committee wanted to allow subdivisions. He noted that if they did not want to allow subdivisions, this discussion would go away, so it would be best to decide if subdivisions are wanted or not.

Mr. Dye asked if Mr. Arndt was conceptually okay with them.

Mr. Arndt replied that he was.

Mr. Dye asked if Mr. Arndt was conceptually okay to allow subdivision anywhere in this area.

Mr. Arndt replied that he was, but he would like to think about it more.

Mr. Haight felt it would be best to see more information and see what's actually feasible, before making a decision. He asked if the lots that could subdivide would feasibly work.

Mr. Dye asked if there was a chart with all the lot depths and widths.

Ms. Christian stated they did not have that information on hand.

Mr. Dye stated the Committee would like to see those numbers at the next meeting and see what everything looks like.

Ms. Pierce felt that this information would not drastically change anything. She noted that concerns had been heard regarding losing the option to subdivide, but also with neighbors being able to subdivide.

Mr. Arndt, referencing the ADOD boundary map, noted that the purple lots are already subdivided, so Staff and the Committee would just need to focus on the red lots, unless the Committee decided to force them to combine, which would make the purple lots go away.

Mr. Dye asked, if the square footage regulation was lowered, if the purple lots could potentially subdivide into 3 lots.

Mr. Arndt said with that approach, that potential could then apply to most everything.

Ms. Pierce stated that Staff was mostly looking at the red boxes and staying away from the shared lots and with the existing lots, the red lots would likely not cause much change in this conversation.

Ms. Maclean stated that the big properties, like Telephone Hill and the cemetery, could be removed and areas like park space that is set aside as parks can be excluded, to get a better idea of everything.

Mr. Dye felt that removing the MU lots would also help.

Mr. Arndt stated he would be in favor of moving to lower numbers if subdivisions were allowed and looking at the other square footage didn't show big changes in the numbers.

Mr. Dye asked if there were any other questions.

Ms. Gallion, for clarification for Staff, asked if the Committee wanted to see new boundaries and exclude the MU lots.

Mr. Dye replied that, that was correct and asked if everyone was okay with everything else.

Staff and the Committee stated everyone was okay with what had been discussed.

V. Committee Member Comments and Questions

Mr. Dye asked when everyone would like to meet next.

After some deliberation, Staff and the Committee decided to meet on October 2, 2019.

VI. Adjournment

The meeting adjourned at 1:21pm.