




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

March 2, 2020

**MEMO**

**From:** Irene Gallion, Senior Planner   
**Through:** Alexandra Pierce, Planning Manager  
**To:** Nathaniel Dye, Chair, Title 49 Committee  
**Case Number:** AME18-03

**RE: Considering Public Comments in Draft Ordinance Revision**

*REQUESTED ACTION: Provide edits to the draft Downtown ADOD ordinance.*

The purpose of this packet is to facilitate draft ordinance review. Comments received during meetings and the public comment period are organized into two packets: **“Dimensions,”** and **“Other Elements.”** These are comments you have seen before, but they are presented in a simplified format to make draft ordinance review easier.

I recommend Commissioners review the **“Dimensions”** packet first. Comments are organized by the elements of Draft Ordinance section 49.70.1430, which outlines dimensional standards:

- a) Lot size
- b) Lot width and depth
- c) Vegetative cover
- d) Structure height
- e) Setbacks

In this packet I’ve also included comments on 49.70.1440, “Yard Setback Exceptions.”

The second comment packet includes comments that are systemic, procedural, or purpose-driven. **“Other Elements”** is organized by topic as it appears in the draft ordinance. Where applicable, the comments have been further broken down into general topics:

- 49.70.1400, Purpose
  - ADOD Process
  - Conformity

- Neighborhood standards
  - Overlay vs. zoning
- 49.70.1410, Applicability
- 49.70.1420, Downtown Juneau ADOD procedure
  - Variances
- Other Topics
  - General
  - Accessory Issues
  - Miscellaneous
  - Meeting Presentation

Attachments to this memo:

- Draft Ordinance: “ADOD Opening Position 7”
- Consolidated comments applicable to dimensions: “DIMENSIONS CONSOLIDATED COMMENTS 2.2020”
- Consolidated comments applicable to other elements of the ordinance, “OTHER CONSOLIDATED COMMENTS 2.2020”

The two original comment analyses were more detailed, including the name of the commenter (when available), where and how the comment was made, and draft responses. The meeting comments analysis was sent out in an e mail on 12.12.2019 from Chelsea Wallace. The comment period comment analysis was sent out in an e mail on 2.10.2020 from Jack Scholz.

BACKGROUND: CBJ’s current Alternative Development Overlay District code is found in 49.70.1200. The existing standards were developed quickly, and have turned out to be cumbersome to execute. Current ADOD standards involve averaging the setbacks of nearby properties. There are many variables in this process, the result being that detail-oriented, well-intentioned people can come up with different answers. Additionally, even relatively minor developments go before the Planning Commission, which increases staff and Commission work load, increases project costs, and delays project start. The Assembly has directed the Planning Commission to update the process by August of 2020. T49 began work with the Downtown ADOD, and will move on to a Douglas ADOD soon.

Presented by: The Manager  
Introduced:  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2019-XX**

**An Ordinance Amending the Land Use Code Relating to the Downtown  
Juneau Alternative Development Overlay District.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Chapter.** Chapter 70 is amended by adding a new article XIV to read:

**ARTICLE XII. DOWNTOWN JUNEAU ALTERNATIVE DEVELOPMENT OVERLAY  
DISTRICT**

**49.70.1400 Purpose.**

The purpose of this chapter is to establish zoning that suits the built environment in historic neighborhoods while reducing the number of non-conforming properties. Improving conformance reduces the need for variances or conditional use permits, lessening the burden to property owners.

Dimensional standards:

- (a) Set minimum standards and procedures for construction of new structures;
- (b) Set minimum standards and procedures for expansion, restoration or repair of existing structures;
- (c) Encourage building designs with varied elevations and massing;
- (d) Provide greater design flexibility in the treatment of interior and exterior space;
- (e) Provide a setback area similar to that which would be achieved without averaging corresponding setbacks of neighboring properties;

Commented [LEC1]: Do we want to call this zoning? Maybe "standards"?

Commented [LEC2]: Why do we want to encourage this?

Commented [LEC3]: This to me sounds like use? What do you mean?

Commented [LEC4]: Is without the correct wording?

1  
2 (f) Establish dimensional standards that support health, safety and welfare of the neighborhood.

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4 **49.70.1410 Applicability.**

5 (a) This ordinance applies to property within the Downtown Juneau Alternative Development  
6 Overlay District (ADOD) boundary as shown on the map dated **August 30, 2019**.

7 (b) Participation in the Downtown Juneau ADOD is optional, unless required to make non-  
8 conforming development more conforming.

9 (c) This section specifically modifies certain dimensional standards. Unless noted in this section,  
10 All remaining requirements of the underlying zoning district apply.

11 (d) This ordinance does not modify permissible uses or the processes outlined in 49.15 Article II.

12 (e) When the standards of this section conflict with other parts of code, the more specific code  
13 will prevail.

14 (f) When a land owner chooses to use Downtown Juneau ADOD dimensional standards, they  
15 must conform to all the standards outlined in 49.70.1440 below.

16 (g) Downtown Juneau ADOD standards may be applied in development of subdivisions within  
17 the ADOD boundary.

18 **49.70.1420 Downtown Juneau Alternative Development Overlay District procedure.**

19 (a) Developers affirm their participation in the overlay district by submitting an alternative  
20 development permit application with their development permit application, and any other  
21 applications that may be required.

22 (b) The processes will be governed by permit type in accordance with Chapter 49.15.

23 **49.70.1430 Downtown Juneau Alternative Development Overlay District Standards.**

24 (a) Applicability. The following dimensional standards shall apply to lots within the ADOD  
25 boundary regardless of their underlying zoning district designation.

(a) Lot size.

(1) Minimum lot size is 3,000 square feet.

(2) Minimum lot size for a duplex is 4,500 square feet.

(3) Minimum lot size for a common wall structure is 3,000 square feet.

(4) Lots that do not have minimum lot size may participate in the other dimensional  
modifications of this part.

**Commented [IG5]:** Opening position, goes to our "new questions" on over-riding other restrictive standards. Do we need this if our exceptions are outlined?

**Commented [AP6R5]:** I think that's a great discussion to have with Law. My immediate thought is that we may be creating wiggle room that could help us in unforeseen future conditions, but it may backfire similarly.

**Commented [JMM7R5]:** I agree with asking Law; I made the revision to keep consistent language if this remains

**Commented [LEC8R5]:** I'd be careful with this statement. May have unintended consequences. Maybe we should do some analysis on possible scenarios?

**Commented [LEC9]:** What about non-conforming for lot size? Or an existing non conforming setback?

**Commented [LEC10]:** Do we need a new application name? We use this for current ADOD, not sure if we should change?

**Commented [LEC11]:** I think we should clearly state minor development follows x and major development follows y and describe how that is determined (TPU)

**Commented [LEC12]:** Can we do this section as a table? Everything but setbacks works for a table.

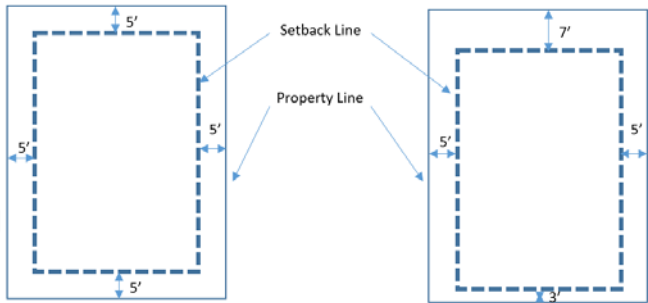
**Commented [LEC13]:** Do we need to state this? I think it helps make it more clear.

**Commented [IG14]:** Note that the new common wall ordinance has residential and mixed-use in it. Do we want to limit to residential?

**Commented [LEC15R14]:** LC might be able to have a mixed-use common wall. So we should add both?

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- (b) Lot width and depth.
  - (1) Minimum lot width is 25 feet.
  - (2) Minimum lot depth is 25 feet.
- (c) Minimum vegetative cover is 15 percent.
- (d) Structure height.
  - (1) Maximum height for primary uses is 35 feet.
  - (2) Maximum height for accessory uses is 25 feet.
- (e) Setbacks.
  - (1) Setbacks will be measured from the structure closest to the lot line.
  - (2) The minimum setback for any lot line is three feet.
  - (3) The sum of all setbacks must equal at least 20 feet.



(4) If lot size is less than required in this section, the required setback sum may be reduced proportionally. In no case shall the required setback sum for the lot be less than 12 feet and in no case shall any side setback be less than three feet.

Commented [LEC16]: Look at wording for existing setback exception. Should this be in the below setback exception section?

**49.70.1440 Yard Setback Exceptions.**

- (a) Purpose. This section clarifies the exceptions that apply in the Downtown Juneau Alternative Development Overlay District. Exempted structures do not count toward the

Commented [JMM17]: Please check that we have Juneau included where it needs to be; I just noticed it here so far

setback total. Nothing in this section is intended to supersede the International Code Council.

Commented [LEC18]: I don't think we need this in there. It's not something we are reviewing for so it's a little confusing.

(b) Methodology.

(1) Architectural features and roof eaves may project into a required yard, but can be no closer than two feet from the side and rear lot lines.

Commented [LEC19]: Existing code says roof eaves can encroach x number of inches per required foot of setback. Can we add those types of numbers to be clear how much can encroach?

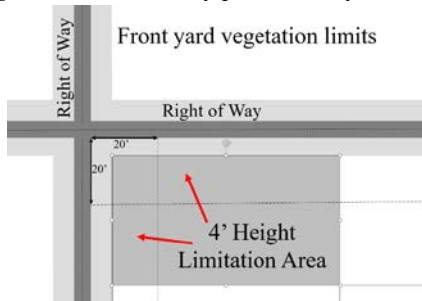
(2) Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs, may extend to the front lot line or street side lot lines provided the structure does not exceed five feet in internal width exclusive of support structure.

(3) A parking deck, no part of which exceeds one foot above the level of the adjoining roadway, and which does not include other uses, is exempt from the setback requirements of this chapter, provided a non-sight-obscuring safety rail not more than 42 inches in height is allowed.

(4) Energy efficiency improvements that do not increase interior square footage, such as exterior insulation, may project up to eight inches into a required yard.

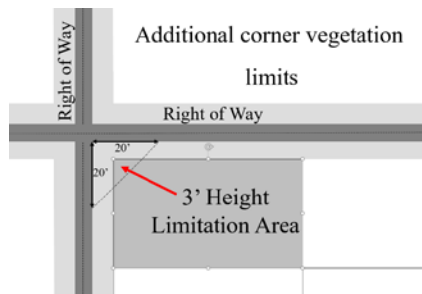
(5) Fences and vegetation. For this section, a "travelled way" is defined as the edge of the roadway shoulder or curb closest to the property.

(A) The maximum height of a sight-obscuring fence or vegetation shall not exceed four feet within 20 feet of the edge of the traveled way. Trees are allowed within 20 feet of the edge of the traveled way provided they do not obscure view from a height



of four feet to a height of eight feet above ground.

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2 (B) On corner lots the maximum height of a sight-obscuring fence or vegetation  
3 located within 20 feet of a street intersection shall not exceed three feet. The area in  
4 which sight-obscuring fences and vegetation is restricted shall be determined by  
5 extending the edge of the traveled ways to a point of intersection, then measuring  
6 back 20 feet, then connecting the three points. In this area, vegetation shall be  
7 maintained to a maximum height of three feet. Trees are allowed in this area  
8 provided the trees do not obscure view from a height of three to eight feet above the  
9 ground.



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14 (6) The Planning Commission, through the conditional use permit process, may allow  
15 structural projections exceeding setback standards and exceptions outlined above if:

Commented [LEC20]: Would we allow an upfull CU for a nonconforming property? Might need to add that section. I think yes, since it's allowed under current code.

- 16 (A) The affected yard adjoins publicly owned land that has been placed in a park,  
17 open space, or similarly restrictive land management classification;  
18 (B) Projections into the yard are minimized;  
19 (C) Projections do not negatively impact health and safety, create neighborhood  
20 disharmony, or contradict plans;  
21 (D) Projections do not excessively block views or restrict light and air, or infringe on  
22 privacy; AND  
23 (E) Projections do not have other deleterious impacts.

24 **Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

25 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Beth A. Weldon, Mayor

Attest:

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Elizabeth J. McEwen, Municipal Clerk



# Comments on Dimensions

## 49.70.1430 Downtown Juneau ADOD Standards

### *Lot Size*

Can some expectations (like lot size) be specific to existing structures? Helping any building conform to minimum lot size is existing very different from allowing lot subdivision.

Bigger structures on smaller lots?

Why is common wall lot size the same as SF?

Square foot of the lot size seems small, a dramatic reduction. Under this regime my neighbors could have 14 units instead of 8 (D18)

What is the number of lots that could be subdivided based on lot size?

Concern: Small developable lots. Don't want infill on tiny lots. (at least 2 people had this concern)

Why do we need minimum lot size?

Single family recommend 5,000, 3000 is too small. Minimum 4000.

Lot size. We agree that 7,000 square feet is too large of a lot size for the Casey-Shattuck neighborhood. Many, if not most, lots in the Casey-Shattuck subdivision are 3,600 square feet and when walking around the neighborhood they are the lots that appear to have adequate room for a house, driveway, garage, patio, outbuilding, garden, etc. without everything being squished together. A look at the Casey-Shattuck subdivision map shows a generally consistent lot size and shape that is 60'x90'. Obviously, several of us already live on much smaller lots (ours is 2,400 square feet) but it is very cramped. In our opinion 3,000 square feet is too small to be a standard lot size in the Casey-Shattuck subdivision. At 3,600 square feet conformance would likely be greater than 70%, which is a small difference to the proposed 3,000 sq. ft. (78%) compared to a significant difference in viability for adequate development. This is a good example for establishing specific standards for each of the various neighborhoods in the ADOD. It also begs the question of trying to make conformance for existing situations just for the sake of conformance. In reviewing the Assessor's database, 3,600 square feet is by far the most common lot size in the Casey-Shattuck neighborhood. We see no logical reason to significantly reduce the minimum lot size to 3,000 square feet, which would capture very little additional conformance while creating more challenges for development.

I strongly oppose the reduction in ADOD lot size to 3000sf. I understand that it brings 78% of residences into compliance, but I don't actually agree that achieving a high rate of compliance is the most important goal in maintaining the nature and habitability of downtown Juneau. I think a 60-70% compliance rate is actually preferable than trying to fit "as many properties as possible" into compliance.

I was left wondering why we don't just make the changes to the set back and undeveloped space calculations, but leave the minimum lots sizes as they are until the comprehensive plan and zoning update are done. Is it because being out of compliance with minimum lot size prohibits any increase in the footprint, regardless of compliance with the set back?

Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below: - Proportion of improvements to lot size. There have been a couple of recent developments in the Casey-Shattuck subdivision that appear to have a significantly greater proportion of improvements to lot size than most of the pre-existing Casey-Shattuck subdivision development. They are significantly more imposing than the overall general character of the Casey-Shattuck subdivision. Please refer to our comments on lot sizes, setbacks, etc. below.

**Lot Size, continued**

I understand why the setback and green space changes could give a property owner more buildable space, but I am still not clear why it matters if the minimum lot size shrinks — unless owners want to tear down existing buildings and subdivide, which you all explained they probably won't because parking requirements will prevent construction of two new buildings (or would the legal principle that at least one house must be allowed prevail despite lack of parking?)

We believe minimum lot size should be 3,600 square feet for the Casey-Shattuck subdivision

I recommend the ADOD lot size requirements remain at 5000sf, but if necessary, reduce with an absolute minimum of 3500-4000sf. That would bring more properties into compliance, but retain more of the current neighborhood character.

Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below: - Landscaping. Many, if not most, homeowners in the Casey-Shattuck subdivision take pride in the appearance of their house and landscaping. With the small lots and minimal green space, residents can afford to put a little extra energy in what they do have. Most houses have their green space facing the paved street, which we consider to be the front of the house, regardless of the lot's access point. Street side green spaces add to the overall sense of a long established, well-cared for neighborhood.

I got distracted by being exposed first to the map showing lots that could be subdivided, making me think subdivision opportunity was an important motivation (or risk) of the ADOD change. Other meeting participants thought the lot size change would allow new multi-family or apartment buildings.

Also, perhaps explain why it helps if the ADOD makes more existing/grandfathered construction comply with minimum lot size.

**Lot Width**

I also recommend lot width and depth not be reduced past 30' except where currently less than that measurement.

***Lot width, depth, and vegetative cover** Width and depth. We believe a 25' lot width is far out of character with the Casey-Shattuck neighborhood. There are very few, if any, lots in the Casey-Shattuck subdivision with such a narrow width. Further, with the proposed 3,000 sq. ft. minimum lot size, a 25' wide lot would have to be 120' long and there are few, if any, lots in the Casey-Shattuck subdivision 120' long. A 25' width does not maintain the character of the Casey-Shattuck subdivision and is much too narrow to accommodate compatible development in the neighborhood. With the proposed minimum 3' side yard setbacks, 19' would be the maximum width for a house. Below we advocate minimum 5' side yard setbacks, which would result in a maximum 15' wide structure.*

We believe the minimum lot width should be 35' for the Casey-Shattuck subdivision.

**Lot Depth**

Recommend 50' not 25'

I also recommend lot width and depth not be reduced past 30' except where currently less than that measurement.

<b>Minimum Vegetative Cover</b>
15% minimum vegetative coverage seems too low - especially after seeing your graphic!
Would like to keep more veg, your change is too much.
Why so low on vegetative cover? Do not see the justification (common concern).
Please make vegetative cover higher.
What is vegetative cover?
Please do not require less than 15% vegetative cover.
In regards to vegetative cover, I recommend retaining at least 20% vegetative cover or more, rather than reducing to 15%. As with lot size, this is related to maintaining the character of downtown properties.
Love to see sight-obscuring regs (vegetation) applied to existing properties.
3' minimum height for vegetation is too high. Some children are less than 3'. If you are in a small car, 3' is still obscuring.
Vegetation is a key esthetic and decreasing requirements would impact sense of green space.
<b>Structure Height</b>
<b>Lot Coverage</b>
Bigger structures on smaller lots?
Will this allow large structures on small lots?
<b>Setbacks</b>
I both dislike and like the proposed setbacks. As stated above, our setbacks concern me. I do like that this will increase the minimum side setback from two feet to three feet.
I like the idea of having a "moveable" setback box for where you can build.
Consider different, smaller set backs against access easement that have become part of property - i.e. paths between buildings owned by 3rd party.
Setbacks should not be impacted by structure size. The coverage on the lot would still seem greater with smaller setbacks.
Discussion of relationship between 3' setback and fire code - person's neighbor has a "no construct" agreement - she thinks 3' to the lot line is too close.
3' separation seems small to some (multiple comments)
Reduced setbacks for non-conforming properties. Round to the nearest foot? Maybe a portion of a foot? (tenth or hundredth?)
Concerns about eaves and agreements between neighboring properties if one neighbor has to use the other neighbor's property for maintenance access.
Why a 5' width on excepted access?
Why is 5' a maximum internal width for excepted access rather than a minimum internal width?
Love to see sight-obscuring regs (vegetation) applied to existing properties.
3' minimum height for vegetation is too high. Some children are less than 3'. If you are in a small car, 3' is still obscuring.
Starr Hill - one foot won't help us.
3' cannot be reduced with the setback sum reduction, correct?
Reduced setbacks will make a tremendous difference for remodels and additions. These are the most common construction projects in the overlay district.
I really like the new standards and thank you for your efforts. However, this effort will not help those of us with encroaching/non-conforming properties on Starr Hill, etc. Thank you.
Minimum 5' per side, 20' total. Otherwise it is a set up for neighbor conflicts for air/light/maintenance

## ***Setbacks, continued***

Reducing setbacks on smaller lots concerns me because of the increased fire hazards and noise and light pollution. This will also increase insurance risks when performing routine house maintenance.

Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below: - Friendliness. One important characteristic of the Casey-Shattuck neighborhood is its friendliness. People generally walk on the sidewalks (which is another unique characteristic of the Casey-Shattuck subdivision) and often will stop and chat with residents about their landscaping, local news, the weather, or whatever. One reason they stop is that there is generally a vacant comfortable distance from the sidewalk to the resident, which tends to encourage casual conversations. It's also because residents are spending time in their yard. Similar to the concept of personal space when talking with an acquaintance, the personal space in the outdoor neighborhood setting is generally much greater. When a house is three feet from the sidewalk such interactions are less likely to occur. The resident is less likely to spending time in such a small yard and walkers may be self-conscious about looking towards the house. More people would tend to walk in the street to avoid the feeling of invading privacy, increasing pedestrian/driving hazards, making the neighborhood a little less personal.

*Structure height, Street-side (front yard) setbacks:* While walking around the Casey-Shattuck subdivision with a tape measure we have found that nearly all houses (not including entry ways) are at least seven feet from the inside edge of the sidewalk, which we assume is a reasonable proxy for the property line. This includes at least one side of corner lots. We identified only one house less than seven feet from the sidewalk south of B Street. We did not investigate north of B Street but we believe there would be very few, if any exceptions there, as well. As discussed above, the space between the sidewalk and the houses is a desirable characteristic of the Casey-Shattuck subdivision. That front yard space is integral to the desirability and character of the neighborhood and should not be compromised. Allowances could be made for entry-ways and decks.

We believe developments in the Casey-Shattuck subdivision should have a minimum 7' front yard setback, not including entryways.

Side yard setbacks: We believe that no side yard setback should be less than 5' in any portion of the proposed ADOD zone for two reasons: Safety, and creating potential conflict with neighbors. Anyone who builds their house within three feet of the property line cannot perform the usual and customary maintenance on their house (sanding, painting, staining, cleaning windows, clearing gutters, replacing windows, replacing siding, etc.) on that side without trespassing onto their neighbor's properties. Most of these tasks require a ladder to accomplish the work. OSHA guidelines (attached) specify for safety that the proper angle for setting up a ladder is to figure one-quarter of the working length of the ladder and placing the foot of the ladder that distance away from the wall. A 12 foot ladder (which might be long enough to wash windows but not long enough for any of the other tasks above) would require 3 feet away from the wall. If the structure is a two story building and the ladder is 24 feet it would need 6 feet to be safe which is still an issue with 5' setbacks. Perhaps setback distance should be based on the height of the structure?

We believe that no side yard setback should be less than 5'.

*Exceptions to setbacks:* Please refer to our comments on side yard setbacks above. Roof eaves two feet from the property line is inadequate for rain gutter access and maintenance without having to encroach on the neighbor's property. We support expanding the proposed setback for eaves to be three feet (3').

How would the ADOD apply when the property has a deficient setback (less than 3 feet) on one side, but "excess" setbacks elsewhere? The documents are clear whether a setback less than 3 feet on one side would preclude application of the ADOD. My home on 521 W 9th has a substandard set back on one side, but "excess setbacks elsewhere of the proposed 20 foot requirement. Would The ADOD allow for an expansion given other requirements are met?

***Setbacks, continued***

I really like the simplicity of the "formula" of 20' to 12' for total setbacks. However, I do think that the exceptions to setbacks should eliminate references to Front/Side/Rear.

I am strongly against any changes that allow a setback of less than ten feet.

We believe that no side yard setback should be less than 5' in any portion of the proposed ADOD zone for two reasons: Safety, and creating potential conflict with neighbors. In a perfect world all neighbors would get along and would work cooperatively but we all know that this is often not the case. We're sure Community Development can attest to that. Ladder placement can be a pretty site-specific requirement for the required task. If a neighbor asks permission to put their ladder on their neighbor's property and it would land in the middle of the neighbor's prize vegetable or flower garden they may rightfully choose to say no, which could lead to hard feelings. Or one neighbor may decide to construct a tall privacy fence along the property line and preclude the other neighbor from being able to use a ladder at all. The 3' setback seems to be setting up potential conflict situations or unsafe situations as people try to do what they need to do within a 3' setback. We have personal experience with this situation. Our neighbor's side yard setback is 2'7". He has to seek our permission any time he wants to do any maintenance and upkeep on the back wall of his house. Ours is a congenial relationship but if it wasn't and we refused that permission he would be hard-pressed to be able to do anything for maintenance and upkeep there. It seems like the CBJ would be institutionalizing inevitable neighbor conflict with this unrealistic and impractical side yard distance.

**49.70.1440 Yard Setback Exceptions**

Why is access to the rear lot line not included in the exemption? (there seemed to be multiple individuals interested in this)

Are arctic entries included in the setback exceptions?

# Comments on Other Elements

## 49.70.1400 Purpose

General concern for the look and feel of Casey Shattuck. Worry about "quaint" character of the neighborhood (multiple people)

### *ADOD Process*

Why not just update zoning? (1 person doesn't like ADOD as band aid)

Why not extend for another year?

Why not a new zoning district?

To my mind the whole standard review and revision seems rather rushed. I know you were given direction, but it's OK to push back if the direction doesn't seem reasonable, and I think it would be better to extend the current expiring standards for a year to give enough time to finish working through the revisions. Having two standards (and allowing owners to choose) sacrifices consistency for ambiguous expediency, which is a choice I've encountered before, and learned--by bitter experience--to regret.

### *Conformity*

Describe non-conforming better

How many buildings currently conform? Would be good to see more spread on lot size vs. Conformance

We should decide as a community what percentage of zoning conformity we want. Present a wider range of lot sizes and per cent conformity.

Why is non-conforming so important?

Why do we care about conformity for lot size?

How does this interact with non-conforming ordinance?

### *Neighborhood Standards*

These comments are based on the ADOD slide show and proposed development standards presented at the December 5 meeting. We reside in the Casey-Shattuck subdivision (also known as "The Flats") and our comments come from what we consider to be appropriate for that particular neighborhood. These comments may not apply to other neighborhoods, which is why we strongly support some unique standards for each neighborhood. We interpret the "What does this do?" slide as describing two goals: 1. "More flexibility for improvements and development" Flexibility can be a two-edge sword. We agree that situations arise that require innovative solutions that may not fit within set standards. However, such exceptions should only be allowed if they can be made consistent with the overall character of the specific neighborhood (Goal 2). Universal standards for the entire ADOD area would by necessity need to be generalized and loosely written to meet a wide variety of circumstances that likely apply to certain neighborhoods. This would likely lead to inappropriate application of exceptions in other neighborhoods, diminishing the effectiveness of this whole ADOD effort. Such an approach in turn seems to work directly against goal #2 below. We believe that having neighborhood-specific standards would reduce the need for exceptions because the standards could be written better to fit a particular neighborhood.

## ***Neighborhood Standards, continued***

We interpret the “What does this do?” slide as describing two goals: 2. “Maintain character of the neighborhoods” We fully support this goal. Using the plural in “neighborhoods” implies there are neighborhoods that have different characteristics. The logical conclusion would be that, where appropriate, there should be different development standards among the ADOD neighborhoods in order to maintain each neighborhood’s particular character. Providing uniform standards to all neighborhoods would tend to result in all the neighborhoods having similar characteristics, which would diminish the existing unique characteristics of each neighborhood. As well, “Character” is a subjective term and the qualities of a neighborhood’s character are not described. Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below:

Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below: - Historic Neighborhood. Please refer to our separately submitted comments about how we believe the proposed ADOD standards are not consistent with existing Historic Neighborhood characteristics and the CBJ Comprehensive Plan.

I understand the need for more housing and working with properties, but the recent “maxi-buildings” in the federal flats are a bit alarming and I believe they are the precedent that the new ADOD would encourage. Maintaining a smaller ADOD lot size requirement continues the critical role of the Planning Commission in maintaining the character of our community.

### ***Overlay v Zoning***

As currently zoned, only 36% of the buildings are in compliance. This indicates that the current zoning is inappropriate.

To my mind the whole standard review and revision seems rather rushed. I know you were given direction, but it's OK to push back if the direction doesn't seem reasonable, and I think it would be better to extend the current expiring standards for a year to give enough time to finish working through the revisions. Having two standards (and allowing owners to choose) sacrifices consistency for ambiguous expediency, which is a choice I've encountered before, and learned--by bitter experience--to regret.

I was left wondering why we don't just make the changes to the set back and undeveloped space calculations, but leave the minimum lots sizes as they are until the comprehensive plan and zoning update are done. Is it because being out of compliance with minimum lot size prohibits any increase in the footprint, regardless of compliance with the set back?

### **49.70.1410 Applicability**

My strong preference is to leave Willow Drive lots out of the Overlay as all of our lots meet current zoning (D-5) standards. If the purpose is to bring 80% of the lots within the overlay into compliance, then that was already exceeded in our neighborhood. Please make a slight revision in your map so that we can keep our current zoning standards. *Staff note: One of the ADOD applications completed was on Willow Drive.*

How can someone be nonconforming to ADOD? I want to use ADOD but am non-conforming for lot size - can I?  
How does this fit with the historic plan?

One thing bothers me: Owners will be able to decide which standard they want to follow, but what if a property changes hands and the new owner wants to do a new project under the other standard? Do you let them? Or are they stuck with the previous owner's choice?

I got distracted by being exposed first to the map showing lots that could be subdivided, making me think subdivision opportunity was an important motivation (or risk) of the ADOD change. Other meeting participants thought the lot size change would allow new multi-family or apartment buildings.

## 49.70.1420 Downtown Juneau ADOD procedure

I think it's actually preferable for folks to get variances when they are proposing to build beyond the 4000sf limit, and helps maintain an appropriate level of government/planning commission oversight on buildings that maximize the space on their lots. The cost is high, but is appropriate for many of the proposals that result in new revenue streams for owners such as small rental apartments, B&B's, etc.

What if you have an existing structure on a 2,000 square foot lot, but you decide you want to participate in ADOD for the 3' setbacks? Can you do that without conforming lot size?

I will state what I noted at the public meeting, which is that this makes an already complex code even more complicated.

Zoning codes should be addressed separately from building codes. Zoning codes should establish look, feel and function. Building codes can adapt to zoning restrictions.

How does this impact accessory apartments?

Do not wait until a building permit to decide on if you will participate in ADOD or not. That is too late in the process.

What if we are "grandfathered" in to some things? How to balance.

Avoid design reviews.

More predictability please! (positive toward proposal)

### *Variances*

How does ADOD affect ability to get a variance?

How does this relate to variances?

## Other Topics

### *General*

The only other comment I would suggest at this time is that the restrictions on fence height at corners should not apply to lots adjacent to platted ROWs that are not used by vehicles. My house is adjacent to the 5th Street stairs; a tall fence would not impede visibility for motorists.

Qualities of the Casey-Shattuck neighborhood that we consider important to maintain during this process are described below: - Sidewalks. We believe the Casey-Shattuck subdivision is unique from other nearby neighborhoods in that both sides of the streets have sidewalks. Sidewalks help provide a buffer between the house and the vehicles on the roadway, enhancing the feeling of space for the typically small lots in the Casey-Shattuck subdivision. Sidewalks also enhance the feeling of friendliness as described above.

The reduced lot sizes are a big step in the right direction, as are the width, depth, and coverage--I'd like to see 90% of the lots conforming; what would that require?

I generally support the proposal, but have a question about the modified set back requirements.

I am a homeowner in Juneau, and have been in Juneau since 1989. I have owned (including current properties) three properties in Juneau including a 4-plex, duplex, and townhouse. I have had to get easement agreements and permits to meet building/zoning requirements, so I understand working with property boundary issues. I support the need for a new ADOD to replace the expiring ADOD, and appreciate the efforts the team has put into the new proposal.

Thank you for considering these comments, and please consider reducing the proposed ADOD requirements to closer to "half" of what you are proposing.

More flexible where not how tall (....?)

Lots vs. city streets



<b><i>Accessory Issues</i></b>
Keep parking for AAP. Stop providing waivers.
This will help improve conformance and the ability to get a bank loan.
Avalanche and mass wasting concerns should be worked into this ADOD. (One-on-one comment)
Zone for GROWTH (one-on-one comment)
How does this affect parking?
"Zoning people are crazy"
My address is on one street but my access is on another, how does that impact "front"?
Does this change frontage?
How to deal with disputed property lines?
Would access be limited for raised garages?
How does this interact with avalanche zones?
Parking downtown is an issue.
<b><i>Miscellaneous</i></b>
Clarification: Survey costs in addition to ADOD costs
Discussion of relationship between 3' setback and fire code - person's neighbor has a "no construct" agreement - she thinks 3' to the lot line is too close.
<b><i>Meeting Presentation</i></b>
Confusion re current ADOD and new ADOD
Define duplex vs common wall vs single family
Clarify that bungalows exist now - not changing
What if houses is not parallel to the lot line? Would be good to show a house that is not parallel in the example.
Definitions need more clarity.
Purpose needs more clarity.
Provide meeting materials ahead of time and on line.
Would like to know how many variances we've had since 1987.
3D models would be very helpful.
Describe difference between existing zoning districts.
Remove Capital Park from map of sub dividable properties (next to Terry Miller building)
How many unbuilt lots do we have in the ADOD?
What is the number of lots that could be subdivided based on lot size?
Describe non-conforming better
Better distinguish between the existing process and the proposed process
Also, perhaps explain why it helps if the ADOD makes more existing/grandfathered construction comply with minimum lot size.
I appreciated the public meeting and came away with better understanding and greater comfort with the proposal.
My observation is that many of us - even those with sufficient interest to attend a meeting- don't know what current downtown zoning allows and prohibits, so it is easy to jump to incorrect conclusions about the effects of the ADOD

***Meeting Presentation, continued***

In future presentations, it could help to spend the first 10 minutes setting the stage by explaining the basics of D5/10/18 zoning and the effects of being out of compliance, which you ended up having to do intermittently as a result of questions. (References to variances for repairs were confusing because repairs don't usually affect the building footprint.)

Beyond these questions and suggestions, my primary message is that the meeting was helpful and I appreciated you giving us your evening and Saturday afternoon.

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

Thursday, March 5, 2020  
Community Development Department  
Large Conference Room, 12:00 pm

**Members Present:**

Nathaniel Dye, Travis Arndt, Joshua Winchell

**Members Absent:**

Weston Eiler

**Staff Present:**

Jill Maclean (CDD Director), Laurel Christian (CDD Planner), Irene Gallion (CDD Planner), Allison Eddins (CDD Planner), Jack Scholz (CDD Admin)

**I. Call to Order**

The meeting was called to order at 12:09 p.m.

**II. Approval of Agenda**

**MOTION:** *by Mr. Arndt to approve the agenda.*

**The motion passed with no objection**

**III. Approval of Minutes**

**A. Draft Minutes December 12, 2019 Title 49 Committee Meeting**

**MOTION:** *by Mr. Arndt to approve the December 12, 2019 minutes.*

**The motion passed with no objection.**

**IV. Agenda Topics**

**A. AME2020 0002: Landscape and vegetative cover definitions**

**B. AME2018 0003: A text amendment to Title 49, Land Use Code 49.70.1200**

Ms. Gallion stated that the Alternative Development Overlay District (ADOD) expires in August 2020. She presented the public comments she had received on the proposed ordinance to replace it. She had broken the comments into two sections: one on dimensions, and one on other elements of the proposed ordinance.

Ms. Gallion directed the Subcommittee to the first element: lot size. She asked if they would like to change the standards of lot size.

Ms. Maclean gave an outline of the hoped-for timeline that would move the proposed ordinance through the Planning Commission and on to the City and Borough of Juneau Assembly.

Mr. Arndt asked if this ordinance was the same as the past ordinance, or if it had changed.

Ms. Gallion replied that it was the same ordinance they had gone over in November. She stated that the purpose of compiling the comments on it was to see if they needed to modify it.

Mr. Dye remarked that presented concepts appeared to create confusion with the public.

Ms. Maclean said that the low frequency of housing turnover in the area means that lot size concerns come up infrequently. She surmised that they might not be aware of the difficulties related to lending due to unfamiliarity with the issue.

Mr. Winchell stated that there are a high percentage of lots downtown which can't conform and therefore can't attain lending. The ADOD addresses this issue through floating lot sizes so that they can conform, attain lending, and sell. He approved the changes.

Ms. Christian acknowledged complexities of the issue, especially when considering the overlapping concerns of lot size and density.

The subcommittee reviewed the comments for lot width and depth in light of public comment. They recommended no changes. They did the same with the comments on the sections regarding vegetative cover, structure height, and lot coverage.

When Ms. Gallion moved on to the comments regarding setbacks, Mr. Dye remarked that setbacks were also a complex issue.

The subcommittee decided on no modifications to proposed setbacks.

Regarding yard setback exceptions, Ms. Christian said that the first comment is talking about the exception for ramps and landings to access a dwelling. The commenter asks why that access piece couldn't be in the rear of a dwelling if the inhabitants access it from an alley, for example.

Mr. Arndt asked if there is an issue with adding access via the rear lot line.

Ms. Gallion said they could apply access through unenclosed walkways and stairways to rear lot lines as well.

Mr. Winchell asked about the prohibition on arctic entrances in the rear of a dwelling.

Ms. Maclean said that it is possible to have something that meets the setback requirements for a rear arctic entrance. She added that the setback exceptions apply borough-wide, as a reminder.

Mr. Dye said that downtown has a large number of unusual public right-of-ways. He suggested adding an exception for any property line abutting a public right-of-way. That way, if the alleyway already exists, a property owner could build an arctic entry in the rear.

Ms. Maclean said sliding setbacks already cover many of those cases. She questioned how many properties it would actually affect.

Mr. Arndt asked if the downtown alleys are already right-of-ways.

Ms. Christian responded that yes, they are platted as such.

Mr. Winchell asked if it would be cumbersome to include an exception for arctic entries in the rear and placed it under the purview of the Planning Commission. He noted the Flats neighborhood as an area to which it would be relevant.

Ms. Christian replied that they wouldn't need to bring those cases to the Planning Commission because they have rules in place that are easy to meet.

Mr. Dye said that there is no appropriate process through which those cases come to the Planning Commission, and they should be decided through code.

Ms. Christian said that major developments are the exception.

Mr. Winchell expressed his support. He asked if staff foresee a problem in the Flats neighborhood where property owners wouldn't be able to build arctic entries in the rear.

Mr. Arndt stated that arctic entries already do not qualify.

Mr. Dye said that the ordinance is talking about ramps and allowing for ADA access. He said that being able to get quality access for ramps is a positive.

Mr. Arndt said that it seems like the intent is to access a right-of-way.

Ms. Christian said that by including the phrase "streetside," that meets the intent. She expressed doubt that there would be any issues since they were already increasing flexibility by reducing the required setbacks.

Mr. Dye said that we don't have any traditional front and rear sides anymore because they're all sliding.

Ms. Maclean said that property owners can pick their setbacks, but they should be getting access from the front. She said that this is defined in code.

Mr. Dye said that someone could make the argument that the alleyway is the front.

Ms. Gallion said that she thought they should keep the lot line along the street as the front, but give people the ability to include public right-of-ways.

Ms. Maclean said that the current exemption only get property owners down to five feet for the arctic entry. Setbacks would be three feet under the ADOD.

Regarding the comments on the other elements of the ADOD not related to dimensions, Ms. Gallion said that she grouped them together for convenience, and not necessarily any other reason.

Ms. Maclean said that the complexity of the zoning code makes it difficult for property owners to what they can do under current zoning unless they consult with a planner. She said that the CBJ doesn't have design regulations for any neighborhoods, regardless of whether they're historic or not, and that this is going to be an ongoing issue.

Referencing a specific comment, Ms. Maclean asked why the commenter feels that this process should be extended for another year.

Ms. Gallion said that the person feels the process is rushed. She said that this sentiment goes back to the idea that CBJ should be reworking the zoning rather than reworking the ADOD overlay. She explained that reworking the zoning will come after the update to the Comprehensive Plan, which is about seven years off. She said that this is a triage move.

Mr. Dye added that starting on a smaller scale allows people to experience what changes look like before the updates to the Comprehensive Plan and zoning.

Regarding the section on draft zoning, Ms. Gallion said that staff could change "zoning" to "overlay district."

Ms. Maclean said that there might be a legal reason why it's called "zoning." She said that the idea could be brought up to the CBJ legal team.

The subcommittee reviewed some potential wording and organizational changes.

Mr. Dye asked whether a property would have to completely conform in order to be able to use this for their property.

Ms. Christian replied that if a property is nonconforming, the ADOD will help to make them more conforming.

Mr. Dye said that there is no middle ground between conforming and nonconforming.

Ms. Maclean said that the intention was to have property owners opt in or out of the ADOD, so perhaps that needs to be made clearer.

Mr. Winchell said that it brings the owner into conformity for the purpose of loans.

Ms. Maclean asked if the current overlay district only applies to residential uses, and if the new one would apply to commercial as well.

Mr. Dye confirmed that the new overlay district would apply to residential and commercial uses.

Ms. Gallion suggested that staff clarify that this is the case, with Ms. Christian suggesting that they add it into the purpose statement.

Mr. Dye reiterated his concern about aggravating existing nonconforming situations. He asked if this would help the situation.

Mr. Arndt said that it would help.

Ms. Christian said that they can reduce the setbacks of a nonconforming lot in a building permit.

Mr. Dye said that it allows people to attain legal nonconforming status in lot size but then aggravate their nonconforming status through the ADOD.

Ms. Christian disagreed that it aggravated the situation.

Ms. Maclean said that the reduction currently exists. Staff agreed that the ADOD doesn't aggravate the nonconforming situation.

The subcommittee discussed the merits of two separate ways of calculating yard setbacks. Mr. Dye disagreed that they needed to include calculations, and pointed out a potential loophole. The subcommittee agreed to exclude calculations.

Staff remarked that the upfill conditional use permit wasn't included but agreed that it didn't need to be. Staff concluded that they should make a note that the exception already exists.

Current code allows structural projections into setbacks if the lot abuts public land in reserve status. That exemption was carried over into the draft ordinance. Mr. Arndt said that he didn't think the exemption should exist at all, and that this might have to be a bigger conversation due to the complexity.

Ms. Maclean said that the exception does help avoid situations where property owners ask for variances. Often, the properties are on steep slopes so it's already a challenging situation.

Mr. Arndt said that the Planning Commission can't define what qualifies as an "excessively blocked view."

Ms. Maclean mentioned several instances in which the Planning Commission had, in fact, defined it.

Mr. Winchell asked if this allows property owners to exceed minimum standards, so if they meet all of the requirements, the buildings would be even closer together or higher.

Mr. Dye said that he thought it shouldn't be an exemption written into the ADOD. All agree, and the exemption is struck.

Mr. Winchell moved to approve staff findings for AME2018 0003 and to forward it to the Planning Commission Committee of the Whole.

#### **V. Committee Member Comments and Questions**

Ms. Gallion asked the subcommittee what support materials they will need for sending AME2018 0003 to the Planning Commission Committee of the Whole.

Mr. Arndt replied that he thought the lot size drawings should be included in the presentation.

Ms. Gallion asked if they wanted to consider how to move forward with something similar in the Douglas area.

Ms. Maclean reported that Alexandra Pierce, the CDD Planning Manager, had started on that process. She said that they intend to ask for a one-year extension on that project.

Mr. Arndt expressed that AME2018 0003 will be a good example for a similar process in the Douglas area.

The subcommittee discussed the tentative schedule for future projects, remarking that CBJ's legal staff had limited time to devote to them.

#### **VI. Adjournment**

The meeting adjourned at 1:33 p.m.

DRAFT