

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

April 18, 2019
Marine View Building, 4th Floor
12:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. Draft Minutes, October 15, 2018, Title 49 Committee Meeting
 - B. Draft Minutes, November 19, 2018, Title 49 Committee Meeting
 - C. Draft Minutes, December 3, 2018, Title 49 Committee Meeting
- IV. **AGENDA TOPICS**
 - A. AME2018 0004: Downtown Zoning
- V. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- VI. **ADJOURNMENT**

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

Monday, October 15, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Michael Levine, Carl Green, Dan Miller

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Rob Palmer (CBB Attorney), Beth McKibben (CDD Planning Manager), Tim Felstead (CDD Planner), Marjorie Hamburger (CDD Admin)

Members of the Public Present:

Chava Lee, Kaylee Henriksen, Laura Baker, Erich Schod, Duff Mitchell, Crystal Schmitz

I. Call to Order

Meeting called to order at 12:05 pm.

II. Approval of Agenda

Mr. Dye requested that *AME2018 0005: Common walls* be discussed first, and this change was made. Mr. Levine requested a 20 minute time limit on common walls, so as to accommodate the public in attendance whose interest was urban agriculture.

III. Agenda Topics

A. AME2018 0005: Common Walls

Discussion was had however the minutes from the discussion were inadvertently deleted during the review of the minutes.

B. Urban Agriculture

Mr. Felstead said that in 2016 the Juneau Commission on Sustainability (JCOS) was approached by members of the public who requested increasing allowances for poultry. Currently, roosters are not allowed in D5 zones. JCOS wanted to look into how to accommodate more poultry. Also, CDD realized the TPU and the code accommodate for livestock, but it is an ongoing source of confusion. Therefore, JCOS formed livestock committee, which included members of the public, to work on a new draft ordinance regarding livestock. Staff researched the practices of some other communities. Nationwide there is a shift to more urban livestock keeping. The committee looked at impacts that might result and came up with a set of rules for neighborhoods. Both commercial and personal uses were talked about; this is one deficiency in the current code language.

The staff memo contains proposed changes, said Mr. Felstead. There has been lots of input from current livestock keepers, the UAF Cooperative Extension Service, Gastineau Humane Society's animal control, the CDD code compliance officer, and Alaska Department of Fish and Game. There was a public meeting in November, 2017, where the public had the opportunity to weigh in.

Mr. Felstead discussed how the Table of Permissible Uses would change. Farm animals would be separated into three different categories – poultry, small livestock, and large livestock. Rabbits and roosters were discussed extensively because it was unclear which category was appropriate for rabbits and roosters are contentious. The size of a property becomes a determining factor. Each category has a different formula to apply and this would be cumulative depending on the size of a property. The ordinance tried to consider noise complaints and leverages other parts of code including animal control and disturbing the peace. CDD's current Code Compliance Officer only reported complaints about one rooster. Fencing requirements were discussed and, on the advice from the Department of Environmental Conservation (DEC), included are restrictions about roaming near wells and private water bodies. Our draft could use definitions for this, he said. There is a requirement for food and bedding storage in the draft and a requirement for buffer distances for housing of livestock. These requirements are about odor concerns. Ms. McKibben asked if manure storage impacts water quality also. Yes, said Mr. Felstead.

Mr. Felstead said there are general minimum requirements for the type of structure used to contain livestock. The idea is there should be no odors, although it was discussed if there could be occasional odors, such as there is when gardeners spreading manure for fertilizer. The draft contains a section about the slaughter of livestock. Enforcement is not fully spelled out.

While staff was doing the research there were phone calls about keeping bees. Some suggested that language be added to address bee keeping. There have been no complaints yet regarding bee keeping, but this might be good to bear in mind.

The Committee asked the Title 49 Committee to weigh in on appropriate numbers and categorization, and Title 49 only had suggestions about the keeping of roosters. Minutes of that meeting are in the packet of materials for this meeting. Also included are reports from other communities discussing their livestock ordinances.

Mr. Levine said he wondered if bees are not allowed now. Is this addressing a problem we don't have, he asked? Mr. Felstead said there was nothing in the Table of Permissible Uses specific to bees, and they are not included in the farm animal definition. Mr. Levine asked if they are allowed if they are not prohibited. It depends, said Ms. Boyce. Mr. Levine asked if staff felt it was advantageous to include bees. Mr. Felstead said it would be preemptive; he sees that there are other communities with such regulations. Ms. McKibben said that the public has expressed interest. Mr. Voelckers asked if there was any perception of danger or real danger. Mr. Felstead said there have been no complaints of bees swarming. Other ordinances that have been introduced can minimize swarming issues. Mr. Dye surmised that maybe Juneau temperatures reduce this likelihood. Mr. Felstead said there are strict requirements in Alaska about the types of bees can be introduced. Mr. Levine said he thought Juneau can benefit from more bees, and he would not want to dis-incentivize people from keeping them.

Mr. Dye confirmed that defining waterbodies needed to be done. Stormwater ends up in ocean. Mr. Felstead said that DEC guidance is written for larger farming operations, however when speaking with them they did not express an important distinction. DEC does not want to separate large from small personal farm holdings, he said. Mr. Dye asked if there are concerns about city maintained stormwater. Mr. Felstead said he thought not, but there are concerns about streams and lakes. Ms. McKibben pointed out that animal waste is high in nitrates. She was curious to know if the research addressed impacts to nearby waterbodies. Mr. Dye said that the size of the community is an issue that is also important regarding the treatment of stormwater versus not doing so.

Mr. Levine wanted to consider the odor and noise question. He said it seemed that the language was not specific about types of smells – the word “disagreeable” is subjective and “incidental to keeping” is something that is hard to agree upon. He suggested finding another way to define odor; perhaps “noticeable” is a better word. Also, he said, length of time might be something to consider, such as more than 48 hours. We cannot do what was done with marijuana and totally contain the smell. It does not seem realist to enforce this standard, he said.

Regarding the size of a property, Mr. Dye suggested a rooster could be kept on a nonconforming lot if the required dimensions can be met. Following there was much discussion about lot size. Mr. Miller said he did not recall how the 35-foot buffer was arrived at. If a rooster is kept 35 feet from a property line rather than 5 feet, what is the difference? This sounded subjective to him. During quiet hours of the night, a rooster should not be crowing, but during the daytime do we not care? Are we doing good by saying 35 feet, he asked? Mr. Levine said he could foresee a rooster kept in the dense, downtown Flats neighborhood on a 5,000 sq. ft. lot and all neighbors get together at Planning Commission meeting to complain; he would not look forward to that. Some folks have tried to keep roosters quiet and that has not always worked. Mr. Levine said he was conflicted about this because in theory he is in favor of keeping livestock, especially for sustainability purposes. But there is trouble allowing it in D5 zones. He did not know the right answer, he said, but he would appreciate if he could be given a sense of where things will land between lovers and haters of roosters. Mr. Felstead said he thought the community is in the middle right now. There are arguments for the keeping of roosters in terms of the health of flocks and predatory control for larger amounts of chicken keeping but also there is the issue of being a nuisance for the neighbors. Also, some members of the community work night shifts and need to sleep in the daytime.

Mr. Voelckers said he recalled from previous meeting conversations that requiring a 50 to 100 buffer would keep roosters out of the Flats-type areas by definition. He said he thought that a 35 foot distance from a lot line is meaningless. Ms. Maclean said she concurred. Also it was not her preference to employ an anarchistic approach. The Title 49 Committee and the whole Planning Commission need to consider that the Livestock Committee is comprised of members who are advocates for urban agriculture and not necessarily representative of the whole community. She said she is worried that at the end the ordinance might make everyone unhappy. Mr. Miller suggested putting the ordinance into effect for the larger lots with bigger buffers so as to get things started. This could allow people to get used to the sounds and the presence of livestock. If things are working well and there is a desire to expand the scope later, that could be easier to do because of the prescient and the community’s comfort with the concept. Mr. Miller said that the committee left off last time on this note, and he still thought this was the right way to go forward.

Mr. Felstead said that roosters are allowable in D5 zones with a Conditional Use Permit (CUP). The way the running area for roosters is applied is a measurement from the walls of a coop to the walls of the neighbor building. Mr. Dye said he ended up with a 40 foot calculation in D5 zone. Mr. Levine asked where else are D5 zones in Juneau. There are a number of them in the valley and downtown Douglas was the response. Mr. Levine said that it seemed to him that even with a CUP this would be going too far. Having this option now creates the risk of making people mad at each other in these neighborhoods. Mr. Felstead said the CUP idea would allow the Planning Commission to set conditions such as a larger buffer. Mr. Voelckers said that sounded fine, but the collective sentiment is that 35 feet is not enough and is too small a lot. Mr. Levine said he did not a mechanism in the current structure, but if a rooster owner were to get the whole neighborhood to sign off on getting a rooster perhaps that could help the Planning Commission approve a CUP. Ms. McKibben reflected on a lot in the valley that would require a rooster to be in the middle of the yard in order to meet separation standards but most folks want it on the edge of the property. If that is the only option, she said she might not choose to have the rooster. Mr. Greene said isn’t the idea for the rooster to be able to roam to keep predators away? He said that he has kept chickens but would not want a rooster on his size lot in the valley.

Ms. McKibben said that there are other ways to protect chickens from predators. Mr. Miller said that there are some big D5 lots in town that abut CBJ or forest service lands, so there are a few places that cause him to not want to write D5 off the list. Mr. Greene said this was a good point; he would want an assessment of a CUP application to include a walk around the yard. Mr. Dye asked what staff was hoping to get out of the committee at this meeting. This is just a kick-off conversation, said Mr. Felstead. The discussion is useful to get feedback on JCOS changes to the draft. At some point the committee will need to go through the ordinance line by line. Generally, do committee members agree that the number of animals should be determined by lot size? And regarding roosters, not all are created the same, he said. Also, a hen at the head of a flock can also crow.

Mr. Voelckers said he felt it necessary to operate on the assumption of the noisiest rooster being the test case. He said he thought starting incrementally is a good way, as suggested by Mr. Miller. If things are a success and people get used to it, then the keeping of livestock could expand. Mr. Levine asked if there is an allowance for some kind of animal not yet thought of. Can there be a petition process to save future commissioners' time, he asked?

Mr. Miller asked how soon should there be follow up. Ms. Maclean said next meetings need to be set and there is a need to space out Title 49 meeting better in relation to Auke Bay Implementation Committee meetings. Mr. Levine wondered if urban agriculture should go to the Committee of the Whole next in order to get the other commissioners to learn about the topic and offer comment. Mr. Dye said he wanted to see it one more time in the Title 49 Committee, and Mr. Voelckers agreed. Mr. Levine suggested having only this agenda item when next presented and carving out time to receive public input. Mr. Miller said he thought that a Committee of the Whole could be open to public testimony and allow for broader public participation.

IV. Next Meetings

- Monday, November 19, 2018, 12:00 – 1:30 pm. Good for Mr. Levine, Mr. Dye, Mr. Voelckers, Mr. Miller.

VI) Adjournment

The meeting adjourned at 1:22 pm.

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

Monday, November 19, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Michael Levine, Dan Miller

Members Absent: Carl Greene

Staff Present:

Jill Maclean (CDD Director), Laura Boyce (CDD Planner), Tim Felstead (CDD Planner), Chelsea Wallace (CDD Admin)

Members of the Public Present:

Duff Mitchell

I. Call to Order

Meeting called to order at 12:07 pm.

II. Approval of Agenda

The agenda was approved as is.

III. Approval of Minutes

A. October 1, 2018 Draft Minutes

MOTION: *by Mr. Levine to approve the October 1, 2018 minutes.*

The motion passed with no objection.

IV. Agenda Topics

A. Urban Agriculture

Mr. Felstead introduced Mr. Mitchell, as Mr. Mitchell was present to answer questions and provide comments regarding the Urban Agriculture topic being discussed. Previously, three public sessions had been held to discuss the Urban Agriculture topic with the community, as there have been issues regarding rooster noise and other agricultural aspects.

Mr. Mitchell felt that it is important for the community to consider Juneau's food security and food sustainability. As Juneau largely has meat, produce, and most other food shipped into the city, it is important to consider what we could have as a back-up, if supplies weren't able to get into the community. When shipments

are late, you can see in the stores how much of an impact it has, because so many shelves will be empty. It's important to have other resources in place.

Mr. Felstead made a new memo regarding Urban Agriculture and had six changes from the last meeting, to be discussed. One of the changes made was adjusting how the 'formula' for number of animals allowed on lots was presented. This is now shown as a table.

Regarding how far agricultural sources should be from a water body, commissioners asked to clarify on the definition of a "water body." It was decided that a "water body" was defined as anything considered to be permanent standing water. It was also noted that the Alaska Department of Environmental Conservation didn't have a clear regulation on how far agricultural sources should be from a water body. There is a 100 foot distance requirement from private and public wells which in Juneau could be someone's water source. Mr. Felstead suggested that a bigger buffer be introduced for roosters. The Committee congregated to work together on creating regulations so livestock owners didn't lose ground. However, the Livestock Committee was not happy with the suggested regulations, so a regulation requiring a 75 foot buffer between dwellings and livestock was introduced. This would prevent owners from having to relocate if new neighbors were to move into the area.

For cases regarding detectable agricultural odors being reported, Mr. Felstead stated that a grace time of 48 hours was introduced, in order to give property owners a chance to correct the concern. This is not a firm regulation though, and is up for discussion.

Mr. Dye asked why 48 hours was chosen.

Mr. Felstead stated that it was brought up at the last meeting and it was agreed that it would be a good regulation.

Mr. Voelckers stated that it would allow for things like transient events (e.g. a flood washing out a manure pile) to be corrected without fining the owner.

Mr. Felstead stated the 48 hours would give someone a chance to do something about the concerns. The regulation was crafted where a notice would be given after the 48 hours, fining the owner, but also giving them 2 weeks to take corrective actions on the concerns to avoid the fine. If corrective measures are not taken, the fine will be enforced.

Mr. Dye expressed his concern with the timeframe, stating he envisioned some people not making good, corrective changes, leaving their neighbors to continue to make further reports and the at-fault owners still not taking good enough corrective actions, essentially abusing the regulation to avoid the fine.

Ms. Maclean voiced that these issues may not be of highest priority in enforcement either.

Mr. Voelckers suggested that the 2 week aspect of the regulation could be adjusted.

Mr. Dye stated that the regulations for smelling marijuana outside of an establishment results in an immediate fine. He suggested that the livestock regulations be the same.

Mr. Felstead stated that he was unsure of the enforcement regulations and noted that sometimes the smells dissipate on their own and the Compliance Officer gets there and is unable to smell anything.

Mr. LeVine stated that this situation is a very difficult one to try and regulate, but at the end of the complaint we would want to see is the person doing everything they can to correct the concerns. We don't want to fall into neighborly quarrels with people reporting smells every couple days and waste is probably the most likely offender. If there are continuous complaints, maybe a point could be made about checking to make sure changes are being attempted and how to proceed from there.

Mr. Voelckers suggested using Best Management Practices and noted that the Compliance Officer would have to weigh in and use his digression, in case people are abusing the regulation.

Mr. Dye liked the idea of using Best Management Practices, but worries that people will abuse the regulation and timeframe.

Mr. Miller felt that giving people a chance to try to correct the problems was a good idea, along with checking in on the situation and making sure they really are trying. Sometimes, more time really is needed, because things can go wrong on the property, like a big storm coming through.

Mr. Dye found it interesting that such strong regulations are on placed marijuana, but not on manure.

Mr. Miller felt that the patrons should be given the benefit of the doubt, as they are not professional farmers and may really need some extra time to make adjustments.

Mr. Dye suggested that a 1st offence and 2nd offence clause be added to the regulation.

Mr. Felstead noted that in Best Management Practices it discusses the keeper utilizing Best Management Practices on odor, tying it together by giving a timeframe and fines. The fines can be issued for signs of odor every day until the odor is taken care of. Language like this could be used to write the livestock regulation as well.

Mr. LeVine stated they would want documentation showing that the owner is doing something to make changes and not finding loopholes. In order to fine someone every day, the Compliance Officer would need to go out there every day to see if the odor was still prominent.

Mr. Voelckers suggested that the regulation be gone through, line by line, and word smith to achieve the objectives sought.

Mr. Felstead stated that the Table of Permissible Uses was used to make sure anything allowed now would continue to be allowed and tried to build everything back into itself. Rooster housing in D5 is still there to compare whether they are able to meet those standard requirements.

Mr. Voelckers asked for the rationale on allowing roosters in a D5 zone, but not in a LC or GC zone.

Mr. Felstead stated that it is allowed in current code.

Ms. Boyce stated that the existing code pre-dated this committee, so reconsideration may be necessary.

Mr. Voelckers felt that roosters should not be allowed in commercial districts.

Mr. Dye noted that the minimum square footage required is 20,000, but if you meet that requirement, then you can automatically get 3 roosters. Clarification is needed on D5 and D10 zones requirements for having 1 rooster and 3 roosters. Mr. Dye asked about how many D5 lots are over 20,000 square feet.

Mr. Felstead stated that he had gone through and created a map of everything over the thresholds, but was unsure how many D5 lots may be over 20,000 square feet.

Ms. Maclean gave numbers from past work she had done looking at lot size.

Mr. Dye asked for the reasoning in allowing 3 roosters on a 20,000 square foot lot, but only allowing 1 rooster on a 15,000 square foot lot.

Mr. Voelckers noted that some things may need to be reworded, as it seems that the threshold is good, but then drops off for some reason.

Mr. LeVine stated that some research was done previously and the space requirements came from the amount of space that animals need.

Mr. Felstead stated that the JCOS Livestock Committee rejected the idea of having a more subtle way to determine allowed animals. Some communities assign a different number of points to different animals that is equal to their size and impact. All lots had a set number of units per acre. The owner could then decide what animals they would like based on their animal unit allowance.

Mr. Dye expressed concerns on this being too complicated. Mr. Felstead noted that the Livestock Committee agreed and that they would like to keep things simple.

Mr. Dye asked if the waste produced by the animals has something to do with the amount of space needed.

Mr. Felstead believed that the waste produced is an aspect considered when determining how much space would be needed.

Jumping around to "Hives", Mr. Voelckers was curious about the allowable size of hives and how the thresholds change. He suggested that a chart be made for the hive thresholds, similar to the one made for the livestock thresholds.

Mr. Felstead referenced some language, formulas, and square footage from another community in Washington State and stated that there may be other elements factoring into how it all works.

Mr. Voelckers felt that it is odd to not have a minimum threshold on hives and how far they have to be from other properties. It seemed the thresholds don't add up.

Mr. LeVine suggested that the thresholds should have more progression and be something like allowing 4 hives for 20,000 square feet, then 8 for 40,000 square feet and so on.

Mr. Voelckers suggested striking the 3s (Conditional Use Permit required) for the roosters in LC and GC.

Mr. LeVine asked why it would be allowed for other poultry, but not roosters.

Mr. Voelckers suggested striking it for all poultry and roosters.

Ms. Maclean directed attention to page 12, item (c), stating that some families may want a few chickens or roosters and it should be linked to a single family dwelling being present similar to how it is currently drafted for MU and MU2.

Mr. Dye pointed out that, at some point, the Committee should be planning for future use and not what is on the ground now. If the Committee feels that hens and roosters are appropriate in Light Commercial and General Commercial, then that should be planned for.

Mr. LeVine agreed with Mr. Dye, but felt that, that is forward-looking. If there are houses in those areas and they want chickens, then they should be allowed to have chickens. Mr. LeVine suggested adding an item about having them for residential use.

Mr. Dye asked for clarification on poultry in Waterfront Commercial areas vs. Waterfront Industrial areas and the rationale on protecting water dependent uses.

Mr. Felstead stated that in Waterfront Industrial, one would be allowed to keep up to 20 poultry and no roosters, but other than that, there are no options to have other livestock in those areas.

Mr. Dye asked if that was just for Waterfront Industrial, if one single family should take care of 20 chickens.

Mr. Felstead stated it was just for Waterfront Industrial.

Mr. LeVine asked that uses 14.221, 14.222, 14.223 be worded more consistently and that these sections be struck from the LC and GC sections or amended to the existing MU and MU2 clause.

Mr. Voelckers pointed out that other lots would need to be considered as well then. He felt that it may be better to air on the side of not having roosters in D5 zones or up, because it has been seen quite frequently that roosters become the item of complaint.

Mr. LeVine agreed with Mr. Voelckers.

Mr. Felstead stated the current regulations for stabling of farm animals, showing that people are currently able to stable a rooster in LC and GC if they obtain the proper Conditional Use Permit. When making the adjustments, they didn't want to outlaw something that people are able to do now.

Mr. Dye asked for clarification on what "stabling" consists of.

Mr. Felstead stated that "stabling" referred to housing the animals and not necessarily their use.

Mr. LeVine pointed out some inconsistency in the Table of Permissible Uses where there are no numbers given. He asked that the zones showing '3' either be dropped or the other sections should be '3'.

Mr. Miller thought that increasing the other zones to 3 would cover all aspects and bring consistency, as there may be people who would like to have roosters or are okay with their neighbors having roosters in the neighborhood.

Mr. Voelckers thought that starting out with incrementally increasing the allowable number would help to remain conservative. It's been seen that roosters are the cause of complaints and that is why this discussion is happening, so it may be better to start small.

Mr. Dye noted what should be removed from the Table of Permissible Uses in the waterfront dependent zone.

Mr. LeVine pointed out that it is the use that the chickens are going with, as chickens are not water-dependent.

Mr. Miller stated that he could see both sides of the spectrum, but was unable to stay for the rest of the conversation. Mr. Miller left the meeting at 1:01pm.

Mr. Voelckers directed attention to page 13, lines 12, 13, and 14, asking for clarification on this section and if the Compliance Officer would have to hear the noises being complained about or if the officer could rely on other people's judgment.

Mr. Felstead stated that the idea was to have the Compliance Officer take in surrounding noise and see if the animals are really making that much noise or not, as the Livestock Committee doesn't trust enforcement to make that call.

Mr. Voelckers asked if the Compliance Officer had to hear the noises.

Mr. Felstead stated yes, the officer would need to hear the noises.

Mr. LeVine felt that some extra language should be added to be more precise in the noise section, suggesting that something along the lines of "objectionable noise is subjective to the enforcement officer."

Mr. Dye asked if a decibel reading would be something worth considering. Mr. Felstead noted that it may be quite hard to distinguish between the noise problem and surrounding noise, when trying to take a decibel reading.

Mr. LeVine directed attention to page 12, line 35, stating that the word "less" should be replaced with "fewer", as anything you can count is referred to as "fewer". Mr. LeVine also asked if the definition of a "rooster" was necessary.

Mr. Felstead pointed out that it is actually quite difficult to determine the sex of a chick until they get older and that there are male chickens raised for meat that aren't rooster-like and don't make noises, so the definition of a rooster is needed.

Mr. Voelckers felt that barbed wire should not be allowed for containing livestock, but thought stakes should be allowed for animals on private property. Down south, it is very common for owners to tie their animals to a stake in the yard and move the animal around the yard throughout the day. This could be an option for livestock owners here as well.

Mr. LeVine expressed concerns about not having the animals properly secured and escaping.

Mr. Felstead asked if the Committee was looking for more language in the item regarding the security of the animals.

The Committee replied that, that is what they would like to see.

Mr. Voelckers asked about the advantage of an electric fence and if this could be a possibility.

Mr. Felstead stated that many of the people owning livestock in the area are very opposed to electric fences due to the high cost that comes with them.

Mr. Haight suggested that the owners who are okay with using the electric fences could be allowed to do so, but it wouldn't be mandated, so the owners who don't want to use electric fences wouldn't be required to.

Mr. LeVine agreed with Mr. Haight, but felt that the use of electric fences should be encouraged.

Mr. Haight agreed that it would be good to encourage the owners to use electric fences, in order to help avoid any accidental problems.

Mr. Dye expressed concerns with a large number of chickens at one location attracting more bears.

Mr. LeVine pointed out that there have previously been chicken coops damaged by bears and the owners then had to do something about it. He suggested some language to say that an electric fence, or something of equal state, would be required.

Mr. Dye agreed with Mr. LeVine.

Mr. Haight pointed out that there are also problems with bears damaging bee hives.

Mr. LeVine felt that the language is required to broaden this item and the owners will need something to protect the livestock from bears.

Mr. Felstead stated that when the Livestock Committee was working on the regulations, they felt it would be more self-regulating. If someone was having problems with bears coming around, then action would be taken to prevent damage from the bears.

Mr. Dye pointed out that there are many attractants for bears, even trash cans.

Mr. LeVine suggested owners could demonstrate that they don't need to have an electric fence.

Mr. Voelckers asked who would be able to regulate that and who you would have to demonstrate this to.

Mr. Felstead stated that it is a question the Commission will come up with, the assembly will come up with. After a brown bear was killed a lot of attention was raised about requiring electric fences. It is not clear if the bear was going after food, bedding, or animals, but the issue needs to be addressed and steps need to be taken to stop this from continuing.

Mr. Dye felt that this requirement shouldn't be a must, but there should be an appropriate mechanism for not having an electric fence.

The Committee agreed with Mr. Dye.

Mr. Felstead said it could be allowed up until a complaint is received.

Mr. Dye suggested requiring an electric fence unless you come in front of the Planning Commission and get permission to use a different, appropriate fencing mechanism. A Conditional Use permit would be one approach.

The Committee agreed this was a good regulation.

Mr. Voelckers directed attention to the bottom of page 13 where some wording did not fit well.

Mr. Felstead noted that was an error and the wording wasn't meant to be there.

Mr. Dye directed attention to page 13, line 29, asking if item (f) was necessary.

Mr. Felstead stated that item was for roosters in particular, as the plan was to allow animals to roam anywhere, except for any animals that may cause noise complaints.

Mr. Voelckers, referring to page 16, under Number of Hives, suggested using a linear system for increasing the number of hives on a property going from 20,000 square feet to 40,000 square feet to 60,000 square feet and so on, instead of just blocks of square feet.

Mr. LeVine directed attention to page 15, line 13, asking that this line be removed as it is unnecessary to state why the rest of the items were required. He felt that it is important to have regulations regarding the slaughter of animals in certain areas. He suggested requiring owners to slaughter their animals on their own property or take them somewhere to have them slaughtered appropriately.

The Committee agreed this would be an important regulation to have as everyone is looking to prevent attracting bears to an area.

Mr. Dye asked if the Community Development Department would need to discuss all of this with the Law Department and if everything would come back to the Title 49 Committee if there are changes needed.

Ms. Maclean stated that, if there are big changes needed, everything would come back to the Title 49 Committee. If there aren't any big changes needed, everything would be brought to the Planning Commission Committee of the Whole.

Mr. LeVine asked if the Committee of the Whole step could be bypassed and everything could go straight to the Commission.

Ms. Maclean replied that, that would be possible, too.

Mr. Dye felt that having everything come to the Committee of the Whole, before going to the Commission, would be beneficial to make sure that everything is outlined well.

Mr. Felstead stated that it largely depending on what the Law department said, but it is likely that everything would be progressing to the Committee of the Whole next.

B. Any other items?

V. Next Meetings

- Monday, December 3, 2018, 12:00 – 1:30 pm.

VI) Adjournment

The meeting adjourned at 1:28 pm.

DRAFT

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

Monday, December 3, 2018
Community Development Department
Small Meeting Room, 12:00 pm

Members Present:

Nathaniel Dye, Dan Miller, Paul Voelckers

Members Absent:

Carl Greene, Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Rob Palmer (CBJ Attorney), Tim Felstead (Planner), Marjorie Hamburger (CDD Admin), Mike Vigue (Engineering), John Bohan (Engineering)

I. Call to Order

The meeting was called to order at 12:08 pm.

II. Approval of Agenda

The two items on the agenda were swapped in order to accommodate Engineering staff in attendance.

III. Approval of Minutes

A. October 9, 2018 Draft Minutes

Mr. Miller requested that on page 10 it say that Mr. Dye did “not have a preference” instead of “did not care”.

MOTION: *by Mr. Voelckers to approve the October 9, 2018, minutes as amended.*

The motion passed with no objection.

IV. Agenda Topics

A. AME2018 0015: Improvement Standards

Mr. Felstead stated that this case was presented last Tuesday to the Planning Commission. There was feedback from the Engineering Department regarding their wish to keep the option of temporary cul-de-sacs and the Commission had questions including what would be the implications for permanent cul-de-sacs, and if there were repercussions in terms of how potentially permanent easements would work for a plat . Therefore, Mr. Felstead invited Engineering staff to come and help the committee understand why they gave the comments they did.

Mr. Voelckers said there was one more subtlety raised at the Tuesday meeting. Since a timeline is not established in the language, it might be a very long time before the road is ready to be upgraded. Who will bear

the cost to repave or do whatever is needed? Is there a time at removal of the cul-de-sac becomes the city's project rather than the adjacent developer?

Mr. Vigue said this is a discretionary item or a consistency issue regarding removal of the cul-de-sac in a timely manner but, being new to this department, he did not have much experience to draw from. His experience was from the Department of Transportation. However, he wondered what the reason was for this discussion in the first place. Regarding current stub-streets and temporary cul-de-sacs it looked to him like the developer was hit up twice. First the developer puts in a temporary cul-de-sac to access developable adjacent property, and then s/he is required to put a bond in place to cover the removal if that happens in 5 years. The city is asking a developer to provide access and requires payment to take it out if the adjacent developer develops their property. He wondered why the responsibility and cost is not put on the next developer. The next person who is going to use the access should be required to do the removal, he thought. Mr. Miller said the commissioners felt the same. The initial developer also has to plat the right of way and give up that chunk of land for that purpose. Commissioners agreed the onus should be on the next developer, he said, so there was a desire to remove the requirements. Mr. Vigue recommended not removing the word "temporary", make it permanent, and put the maintenance responsibility on the Streets Department. Mr. Vigue discussed the issue of snow plowing and said that it is a competitive contact sport between neighbors to complain about the size of berms.

Mr. Bohan recalled that CBJ has removed some cul-de-sacs and when they were removed there was trouble maintaining the characteristics of driveways that were in place. They were faced with the argument that an owner would get "bermed up" by the snowplow and have to take care of a longer driveway. Street changes made 30 years after a subdivision was built face a lot of entitlement by property owners. Street maintenance is a huge issue, he said.

Mr. Dye said that if CBJ has a 30 year life span of asphalt is there extra cost to Streets for maintenance, and what is the return on this investment? Is the cost of rebuilding more than the cost of 20 years of maintenance? Mr. Bohan said that a cul-de-sac takes much more time to clear than a straight street and it can be difficult to figure out where to put the snow.

Mr. Voelckers said he understands now the snowplow logic and the equity issue, so he wanted to endorse the recommendation by Engineering that the second developer who wants to extend from the cul-de-sac is responsible to straighten it out. He said he understood that this is a significant issue, which was the question.

Mr. Palmer said that the first developer has two choices - to build out or install a cul-de-sac. Are there times when they do not have to do either? Mr. Felstead said if it is part of an extended street in a later subdivision phase then yes. Mr. Voelckers asked if this was already in the new language. Yes, said Mr. Felstead.

Ms. Maclean said that a motion was not needed at this time; the vote will be at the Planning Commission now that there is clarity. Mr. Felstead confirmed that the proposed ordinance will keep the recommendation for temporary cul-de-sacs. Mr. Voelckers wondered if there was value in having some discretion on the director's part? Mr. Vigue said he could not think of all possible situations that might arise, so having the opportunity for some discretion might not be a bad idea. Ms. Maclean said there could be a situation where the potential access provided is the only option at the time but some time later there is another access option in place. Mr. Voelckers said then it would remain as a quiet cul-de-sac with no further access. Mr. Vigue said that the second developer would be responsible for the removal, but if the adjacent lot turns out to not need it, they would not touch it. Mr. Felstead asked if there was any issue with a taking if a street connection was required for a subdivision and then not used for a later subdivision. Mr. Palmer said he would need to see a map in order to make an analysis. Mr. Bohan said that for fire code purposes a cul-de-sac does not go away until a developed area exceeds a

certain number of units and then requires a second access; this would trigger the removal of the cul-de-sac. Mr. Felstead noted that other considerations might also trigger that second connection such as street connectivity or walkable access. This kind of situation could be director's discretion or could be language such as "for access as required".

Mr. Palmer said he did not see this as an issue yet. It was agreed among all that there was no need for Engineering to be present at the next Planning Commission hearing on this case Mr. Palmer did suggest Engineering come to the Assembly meeting when this is heard.

B. AME2018 0012: Alternative Residential Subdivisions (ARS)

Ms. Maclean said the meeting packet included the draft as it left the Planning Commission and Mr. Palmer sent memos with minor revisions from the Assembly. On page 15 of 34 of the packet, line 12 regarding the density bonus piece – the Assembly asked for the inclusion of wording about a sidewalk or pedestrian path being a requirement.

Mr. Voelckers said that section (F) on page 15 was the correct section to add such language. Ms. Maclean said that it seemed best to take this request back to the Commission for guidance. She had a number of questions to ask: Should it state that a minor ARS does not have this requirement but a major does? What is the correct determination? Should there be consistency, for example an ARS of 5 lots or more would trigger the requirement of a sidewalk or pedestrian path?

Mr. Voelckers said that the criteria on page 16, (f) *Frontage and access* discusses access, but if there are 40 units, the concern is how to create separation. Smaller developments do not need separation. He suggested that the determination could be by district such as the three densest zoning areas. Mr. Miller said that the problem with that is the townhomes being built, which are 4 units, would not want to have to build sidewalks. How big the parent lot is and how many units should be driving factor, he felt. Mr. Dye said that this would be hard to determine. For example the Vintage Park boat condos configured the development in the center surrounded by asphalt with no pedestrian access to the right-of-way (ROW). The number needs to be high enough to justify creating a pedestrian path and does not need to connect well to the public ROW because the school bus might come all the way into the development. Each is slightly different, he said. On North Douglas Highway the school bus does not like to stop on the road. This would be difficult to legislate and account for every scenario. Mr. Voelckers said that the geometry does not have a line for a clear sense of where a sidewalk should go. Mr. Dye said that his point was that it becomes subjective. Ms. Maclean said she thought minor versus major is a clear line regardless of the zoning district. Also, she said, it is important to remember that this is a bonus. Mr. Voelckers said that the Assembly's point is to not have it be a bonus; rather it should be a requirement.

Mr. Dye said he knew about an architect who worked on colleges and universities and would only plant grass first. He would see the paths where people walked and then came back to establish the paved pedestrian pathways. For a place surrounded by asphalt, no one is going to follow the sidewalks or painted lines, they will walk the logical path between point A and point B. Mr. Miller pointed out that the project at Vintage Park is not an ARS. He said he liked the major versus minor as a starting point. Similarly to having to build a ROW and get points, developers could get points for having to build a sidewalk. But there should be some room for discretion, he felt. Mr. Dye said he thought the language could be more flexible and discuss communal parking lots, mailboxes, and other pedestrian systems to facilitate movement.

Mr. Miller suggested putting language under "general provisions" and say that pedestrian access has to be safe. Make it a review process and require the developer to show how people will move around, or demonstrate that

a sidewalk is not needed. If such language were to be part of the general provisions, there would not be the need to dictate something unforeseen. The developer would have to prove as part of application process that this requirement would be satisfied.

Mr. Palmer added some additional ideas. He suggested adding a section for “pedestrian access” on page 20 of the packet under *(b) Required submissions*. This requirement must identify how people will move from the dwelling units to the ROW; alternatively this could be located under *general provisions* with a statement that there must be a separated pedestrian access from dwellings to the ROW. In other words, he recommended that the consideration of pedestrian access be a component of the application submittal and be graded through the application process. He said he was not in favor of the major/minor distinction. Mr. Voelckers said would this mean the submittal of a pedestrian plan would be at the discretion of the director and/or the Planning Commission? He said that this makes people antsy. Mr. Palmer said that on page 16 of packet, *(f) Frontage and access* is currently the section that subsumes public safety but Assemblyman Kiel was concerned that this was not clear. Mr. Voelckers suggested the wording could be sharpened to say vehicular and pedestrian access in order to make it very clear.

Mr. Dye asked if this would be enough encouragement to make the ordinance sail past the Assembly’s concerns. Mr. Miller said he felt this would do it. Mr. Palmer said that including a CDD memo along with the ordinance, demonstrating that the staff and commission have gamed through a variety of scenarios would be good to include. Developments with a large loop oval versus a long panhandle have different access needs and options. It comes down to design and why the director and the commission feel the applicant has met the requirement for safety when they do their review. Mr. Miller said that this will fit many lots that are difficult to develop. Staff and the commission do not know what will be presented, and he would hate to tie the hands of future development. Mr. Voelckers said it would work to add the key terms to bullet 2 under *Frontage and access* on page 16.

Mr. Dye wondered if language should also be added on page 22, under *(d) Commission action*, bullet point 6, to make it more evident that commissioners should look at pedestrian use. Yes, all agreed. Mr. Voelckers said there also should be some mention at bullet 2 or 3, talking about safety of non-motorized travel.

C. Next Meeting

Nothing will be scheduled until the committee is reconfigured after the appointment of the new commissioners and committee assignments are made in January.

VI) Adjournment

The meeting adjourned at 12:52 pm.



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 155 S. Seward Street • Juneau, AK 99801

TO: Title 49 Committee of the Planning Commission

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

DATE: April 17, 2019

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

The Alternative Development Overlay District became effective July 27, 2017. The purpose of the overlay district, which applies to residential portions of both Downtown Juneau and Downtown Douglas, is *"to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, preserve the character of neighborhoods, and promote the restoration of blighted buildings."* This overlay district was created in response to the variance study conducted by the Community Development Department that showed that the majority of variances applied for have been in the Downtown Juneau and Downtown Douglas areas. The variances were an outcome to the borough-wide rezoning that occurred in 1987 when suburban-type residential zone districts were applied to the downtown areas, resulting in most of the properties becoming nonconforming.

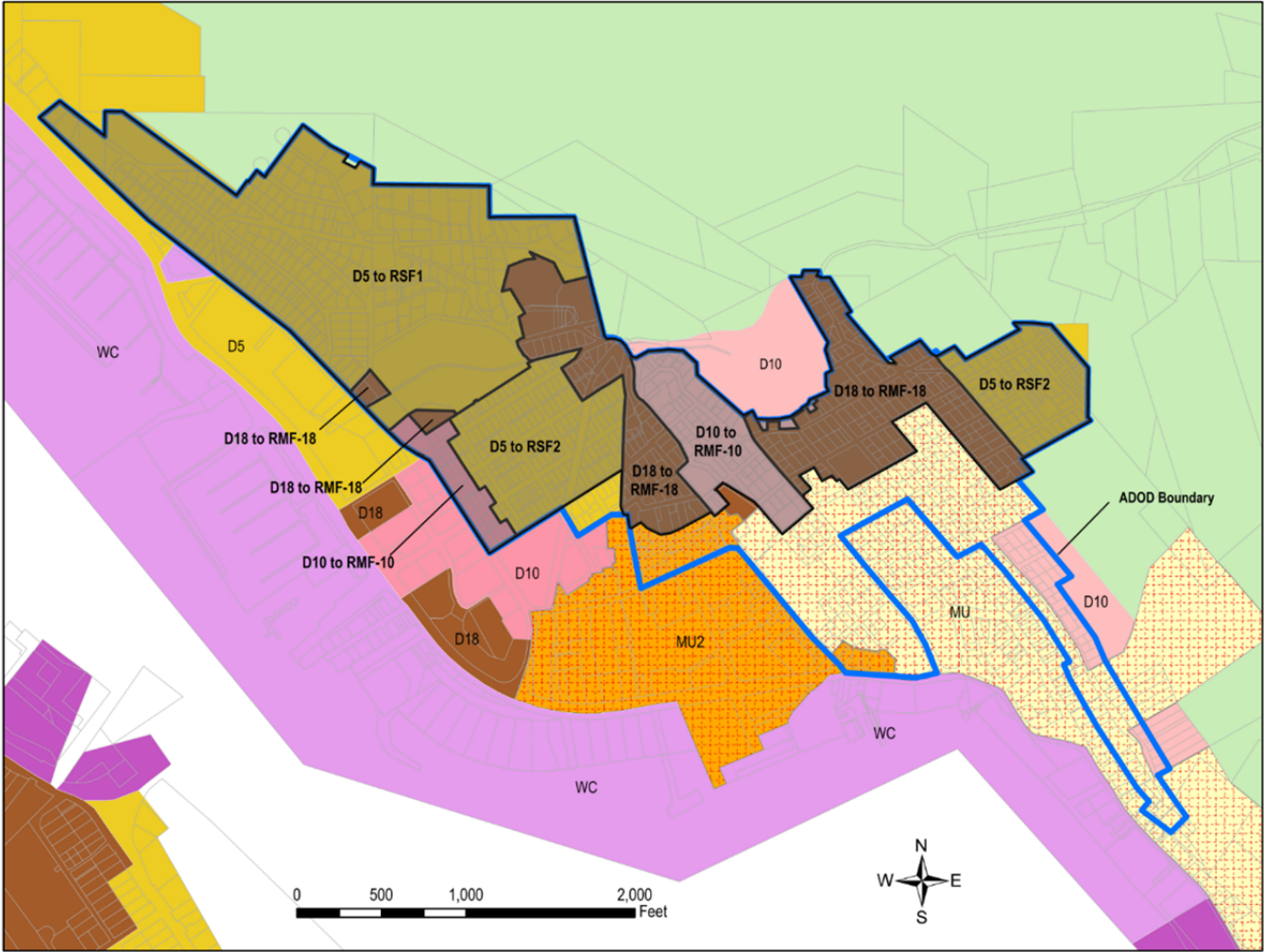
The Alternative Development Overlay District (ADOD) was created to provide relief to downtown residents who want to redevelop or improve their properties. The variance had been used inappropriately as a flexibility tool, and recent changes to the variance code language (Ordinance No. 2018-04(b), effective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

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

Attachment A – Proposed Zone Changes Map

Attachment B - Tables

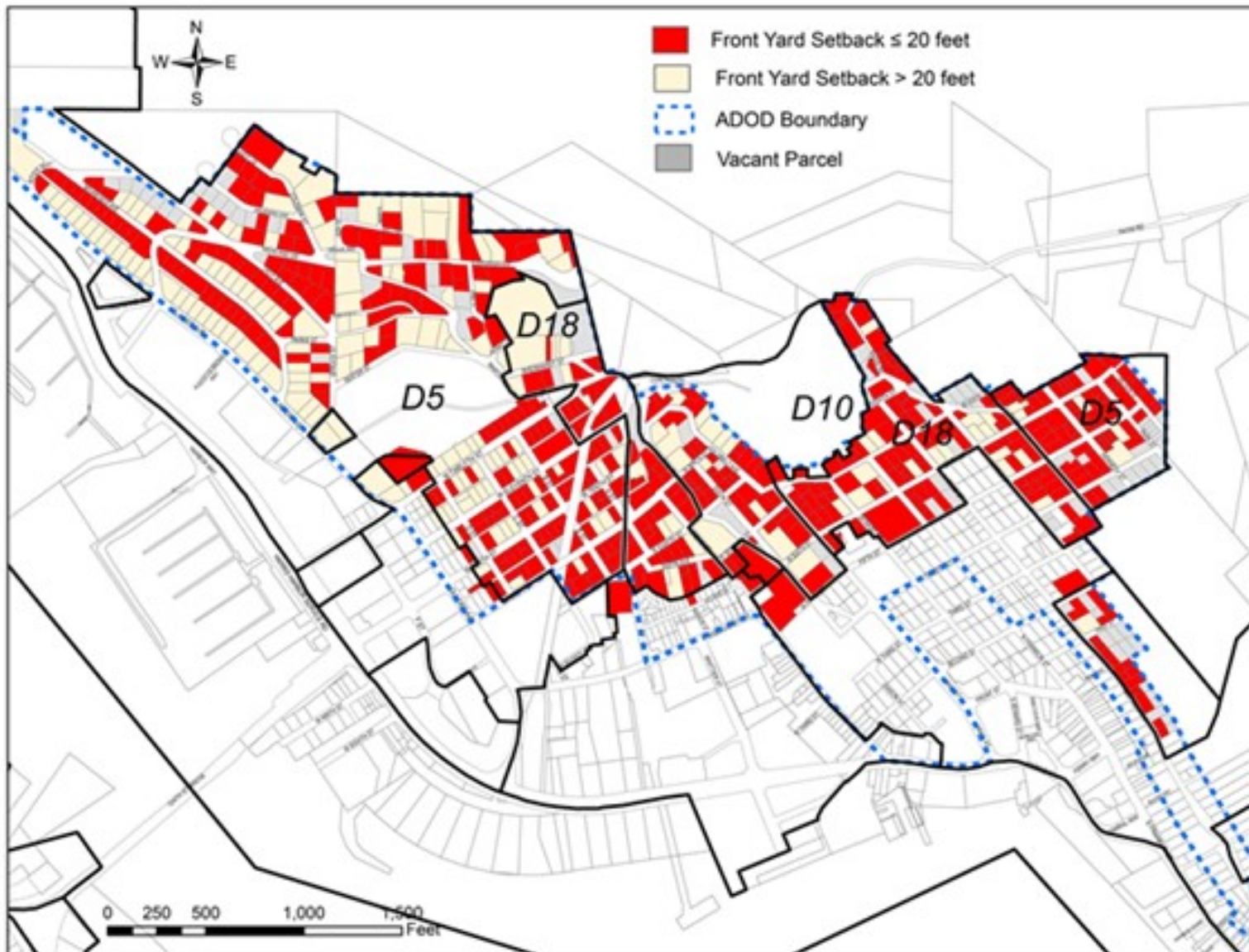
Title 49 Committee
April 17, 2019



Attachment A – Proposed Zone Changes in Downtown Juneau

Overall D-5 Zoned Areas

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



<u>Minimum Lot Size</u>	D5 Existing		Highlands Area Proposed			Starr Hill & Casey Shattuck Proposed				
	7,000 Sq. Ft.	5,000 Sq. Ft.	4,000 Sq. Ft.	3,600 Sq. Ft.	3,400 Sq. Ft.	3,000 Sq. Ft	2,500 Sq. Ft.			
Highlands Area	35% Conforming	66% Conforming	90% Conforming		97% Conforming					
Star Hill Area	9% Conforming		54% Conforming			58% Conforming	66% Conforming			
Casey-Shattuck Area	1% Conforming			62% Conforming		75% Conforming	82% Conforming			
<u>Minimum Setbacks:</u>	D5 Existing	Highlands & Casey Shattuck Proposed	Starr Hill Proposed	D5 Existing		All New SF Zones Proposed	D5 Existing	All New SF Zones Proposed		All New SF Zones Proposed
	Front: 20 Ft.	Front: 5 Ft.	Front: 3 Ft.	Rear: 20 Ft.	Rear: 10 Ft.	Rear: 5 Ft.	Side: 5 Ft.	Side: 3 Ft.	Street Side: 13 Ft.	Street Side: 5 Ft.
Highlands Area	41% Conforming	80% Conforming		55% Conforming		72% Conforming	59% Conforming	67% Conforming	41% Conforming	78% Conforming
Star Hill Area	7% Conforming	30% Conforming	32% Conforming	40% Conforming	53% Conforming	63% Conforming	29% Conforming	30% Conforming	38% Conforming	50% Conforming
Casey-Shattuck Area	30% Conforming	76% Conforming	80% Conforming	31% Conforming	47% Conforming	64% Conforming	39% Conforming	47% Conforming	31% Conforming	60% Conforming

Proposed Standards for Single Family Zoning Districts:

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

Proposed Standards for Multi-Family Zoning Districts:

Required Standards	Existing D-10 Standards	Proposed New Zone District	Existing D-18 Standards	Proposed New Zone District
Minimum Lot Size	6,000 square feet	4,500 square feet	5,000 square feet	2,500 square feet
Minimum Lot Width	50 feet	30 feet	50 feet	30 feet
Minimum Lot Depth	85 feet	50 feet	80 feet	50 feet
Maximum Lot Coverage	50%	60%	50%	60%
Maximum Height	35 feet	35 feet	35 feet	35 feet
Front Yard Setback	20 feet	5 feet	20 feet	5 feet
Rear Yard Setback	20 feet	10 feet	10 feet	10 feet
Side Yard Setback	5 feet	3 feet	5 feet	3 feet
Street Side Setback	13 feet	5 feet	13 feet	5 feet
Vegetative Cover	30%	25%	30%	25%

Number of Setbacks Counted by Neighborhood:

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

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

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

Highlands Area

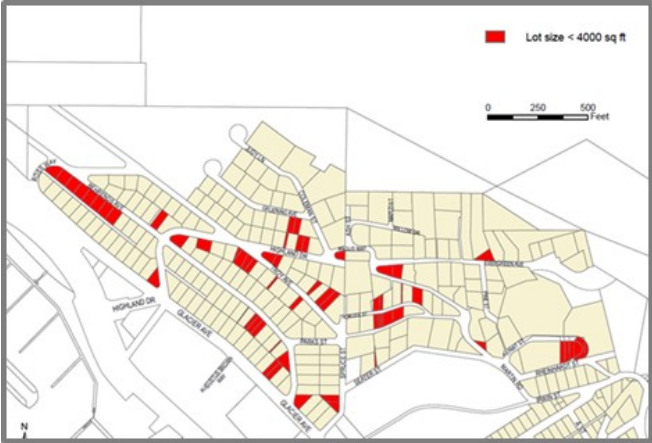
The Highlands area is zoned D-5, requiring a minimum lot size of 7,000 square feet. Currently, only 35% of the properties conform to this requirement. The lot size average is 7,485 square feet, while the median (middle) is 5,650 square feet, and the mode (most frequently occurring) is 5,000 square feet.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

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

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

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

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



The
Above: Nonconforming Lots After Rezoning

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

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

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

Starr Hill

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

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

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

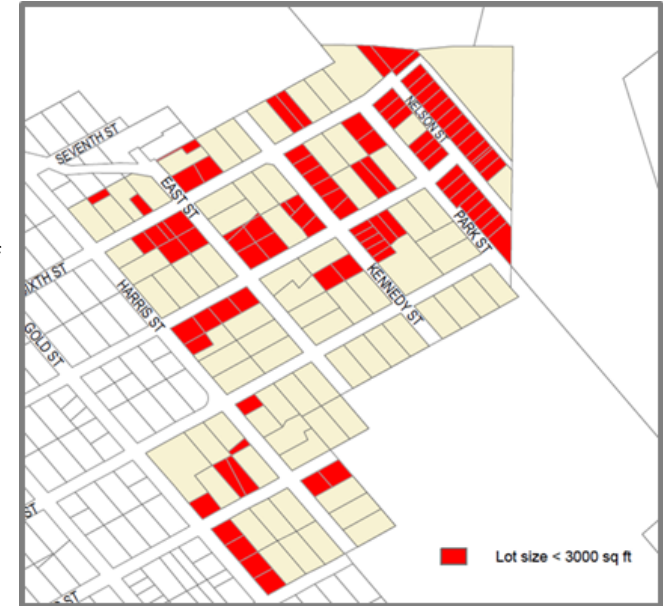
Existing Setbacks	Front yard – 20 feet	Rear yard – 20 feet	Side yard – 5 feet	Street Side – 13 feet
% Conforming	7%	40%	29%	38%
% Nonconforming	93%	60%	71%	62%

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

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

A summary of what is proposed follows:

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



Above: Nonconforming Lots After Rezone

Casey-Shattuck

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

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

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

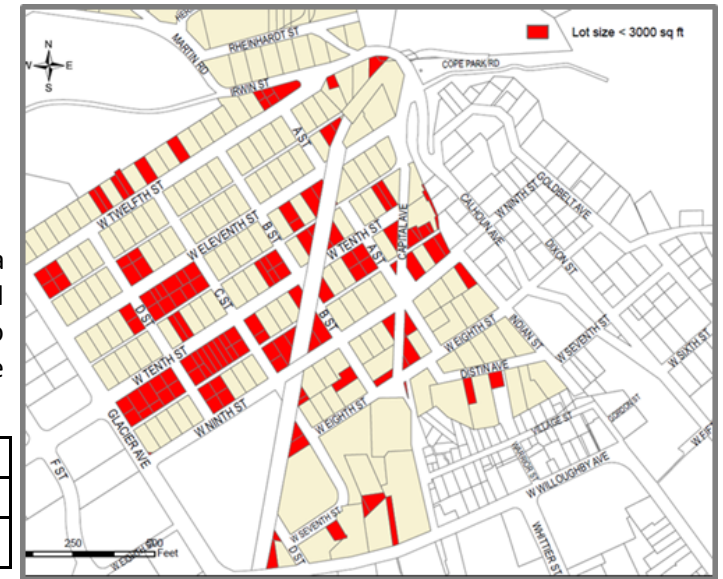
Existing Setbacks	Front yard—20 feet	Rear yard—20 feet	Side yard—5 feet	Street Side—13 feet
% Conforming	30%	31%	39%	31%
%Nonconforming	70%	69%	61%	69%

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

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

A summary of what is proposed follows:

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



Above: Nonconforming Lots After Rezoning

Multifamily Areas

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

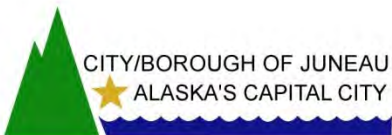
The recommendations are as follows:

Required Standards	D-10	Proposed New Zone District	D-18	Proposed New Zone District
Minimum Lot Size	6,000 square feet	4,500 square feet	5,000 square feet	2,500 square feet
Minimum Lot Width	50 feet	30 feet	50 feet	30 feet
Minimum Lot Depth	85 feet	50 feet	80 feet	50 feet
Maximum Lot Coverage	50%	60%	50%	60%
Maximum Height	35 feet	35 feet	35 feet	35 feet
Front Yard Setback	20 feet	5 feet	20 feet	5 feet
Rear Yard Setback	20 feet	10 feet	10 feet	10 feet
Side Yard Setback	5 feet	3 feet	5 feet	3 feet
Street Side Setback	13 feet	5 feet	13 feet	5 feet
Vegetative Cover	30%	25%	30%	25%

Proposed Residential Zone Districts – Downtown Juneau

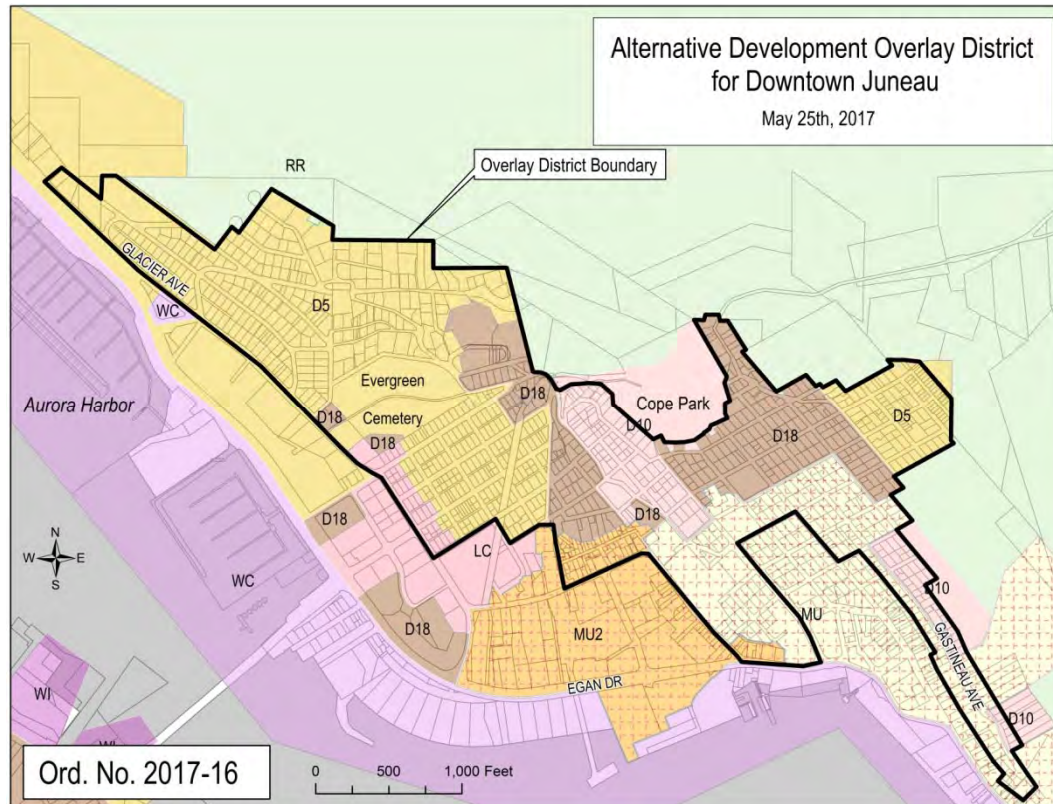
Title 49 Committee

April 18, 2019

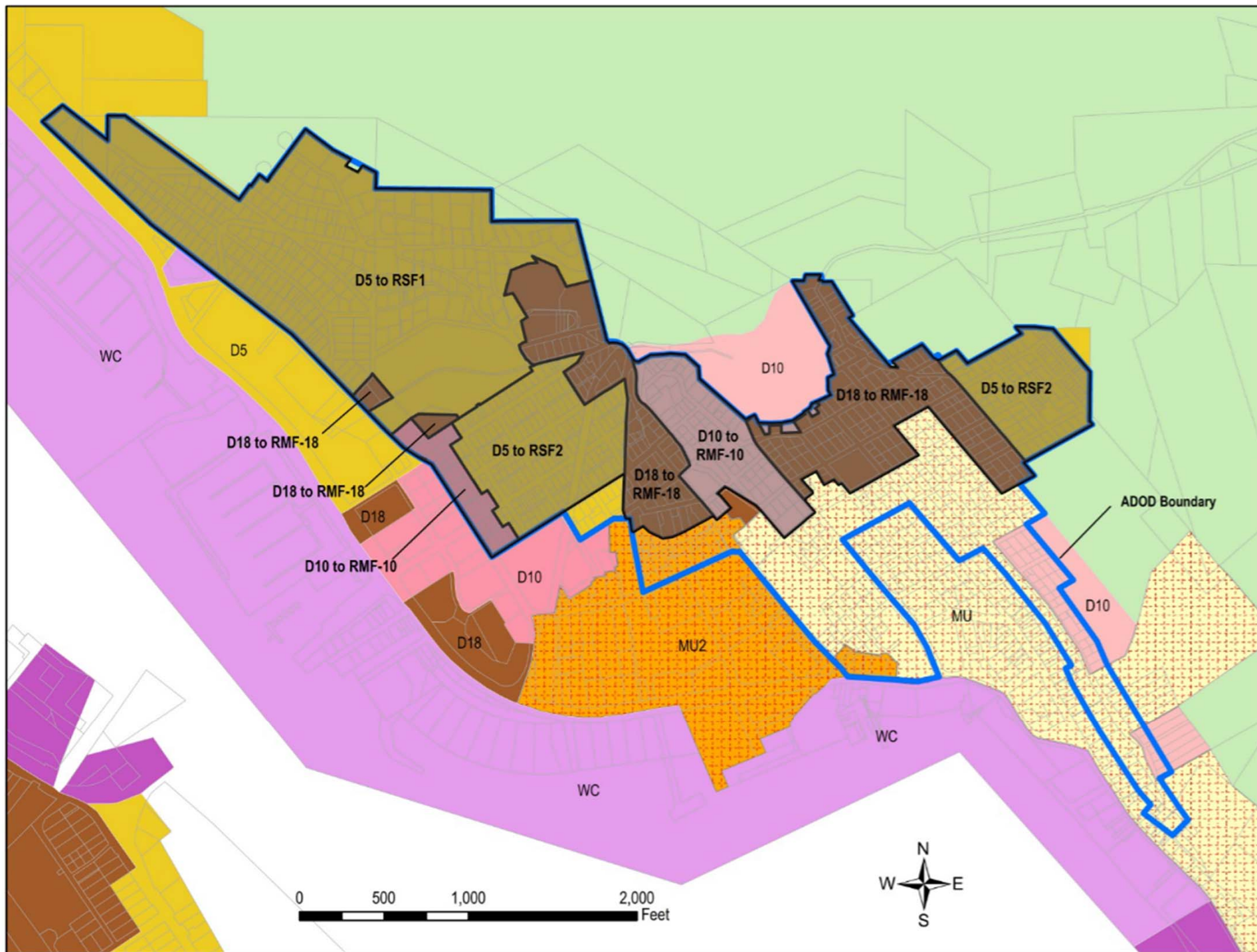


- [Parcel Viewer - Downtown Zoning](#)

Why Are We Here?



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

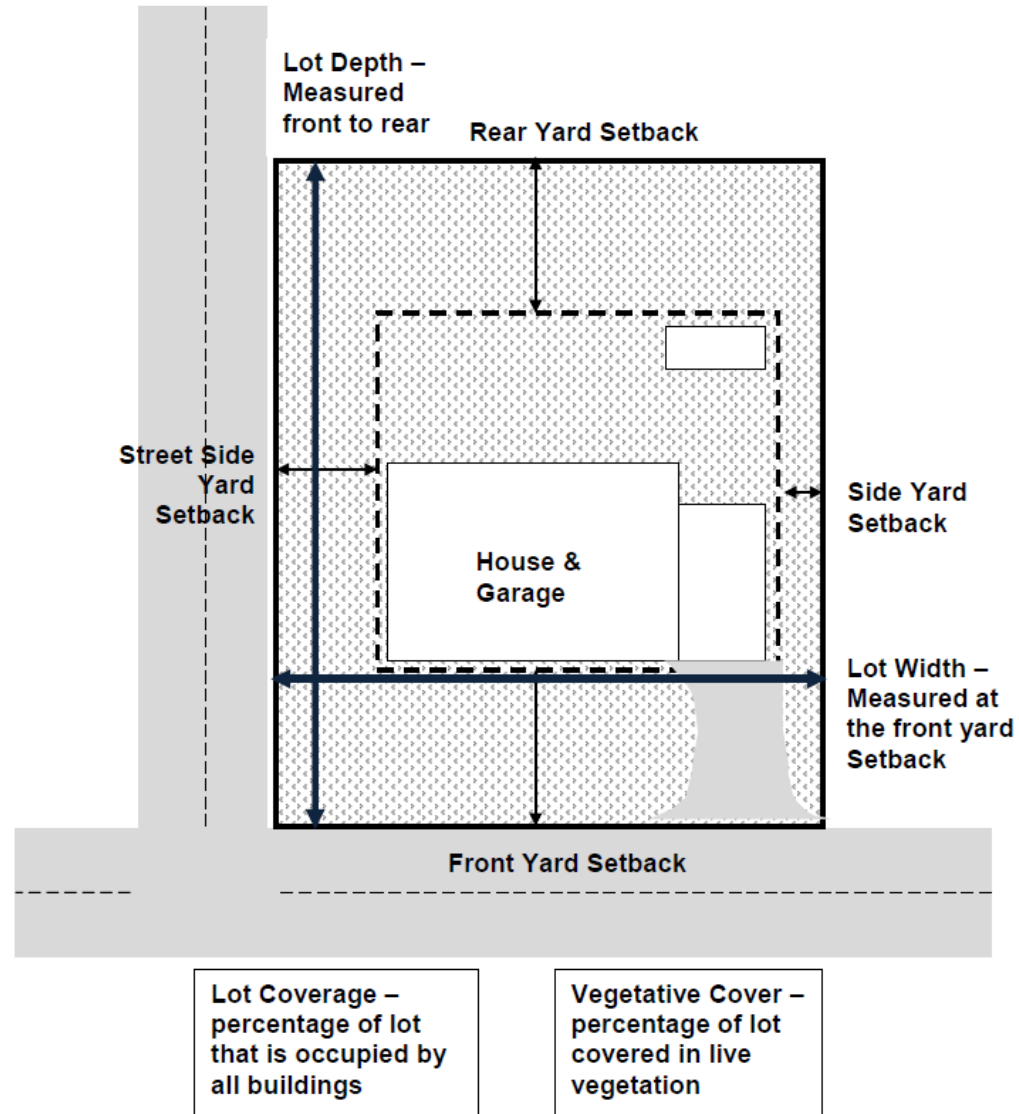


Purpose of the ADOD

Alternative Development Overlay District (ADOD):

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

Important Terms – Dimensional Standards



Important Terms – Nonconforming

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

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

Some History of Downtown Development

A Bit of History

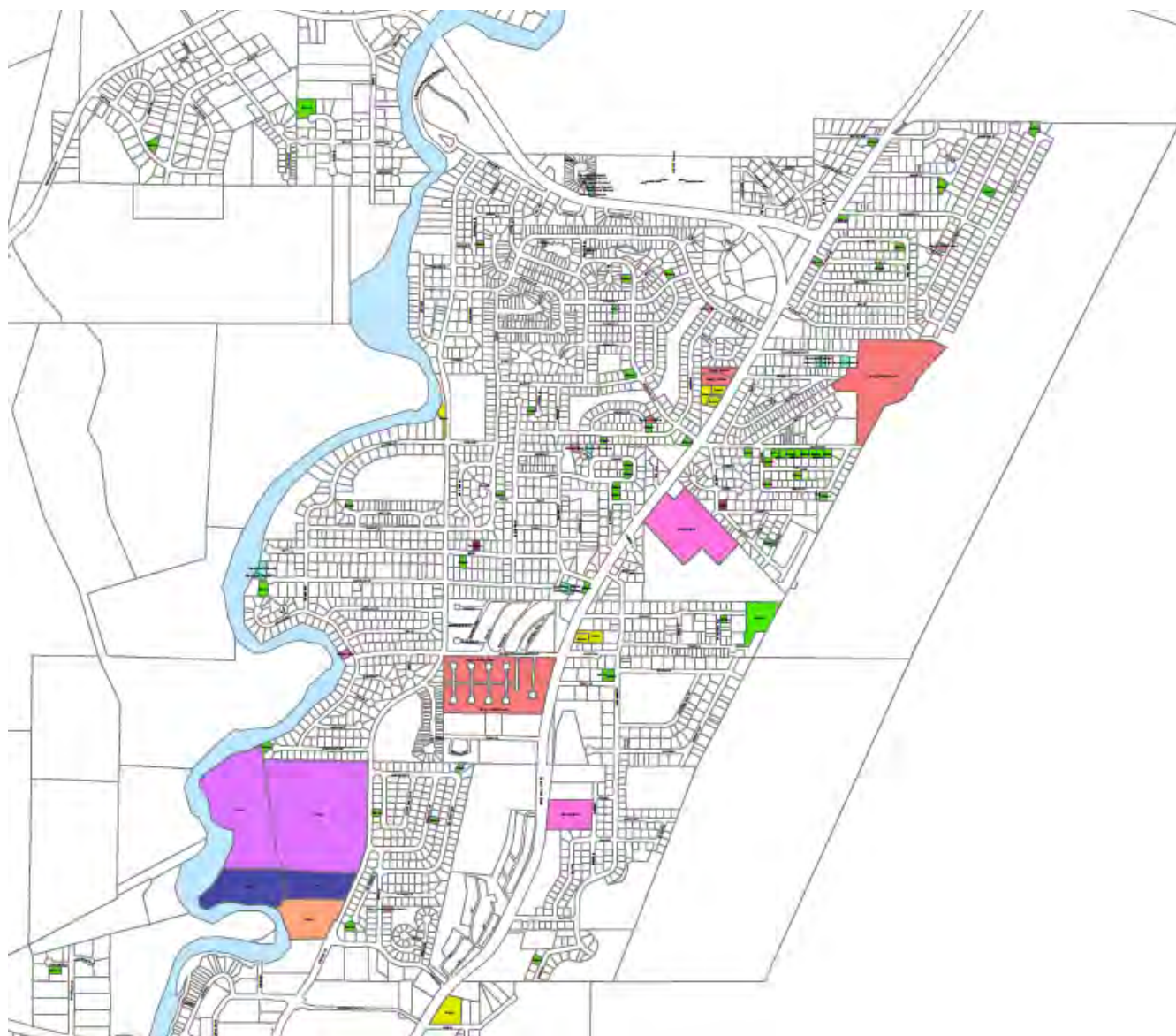
Year Built of Structures



Approved Variances since 1987



Valley Variances Since 1987



Lemon Creek Variances since 1987



Variances since 1966



What exists now

Existing Conditions - Downtown Juneau

Setbacks

Summary of Setback Nonconformity

D5

Setback	Conforming	% of total
Front	143	35%
Rear	202	55%
Side	437	61%
Street Side	51	36%

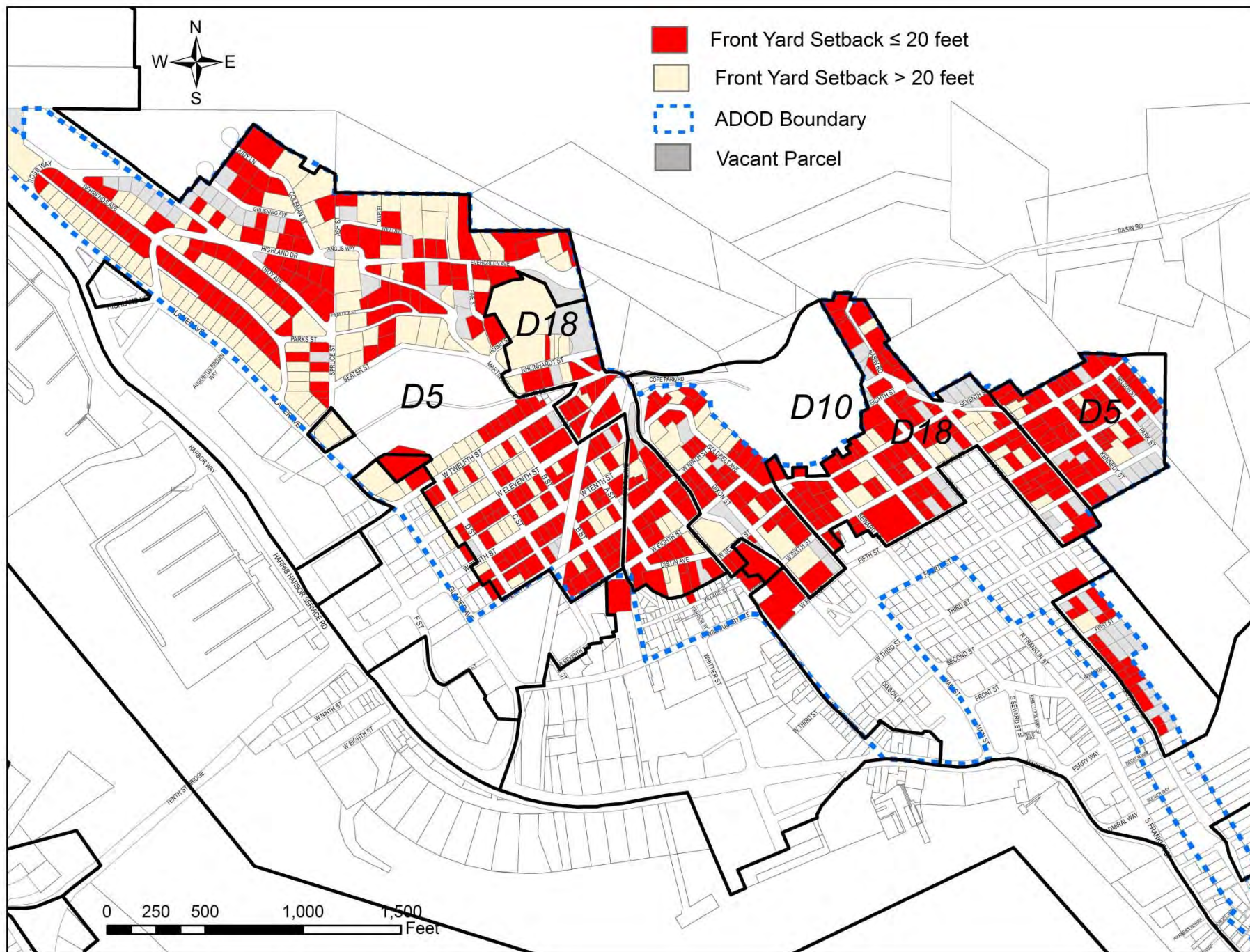
D10

Setback	Conforming	% of total
Front	14	19%
Rear	32	47%
Side	69	51%
Street Side	9	50%

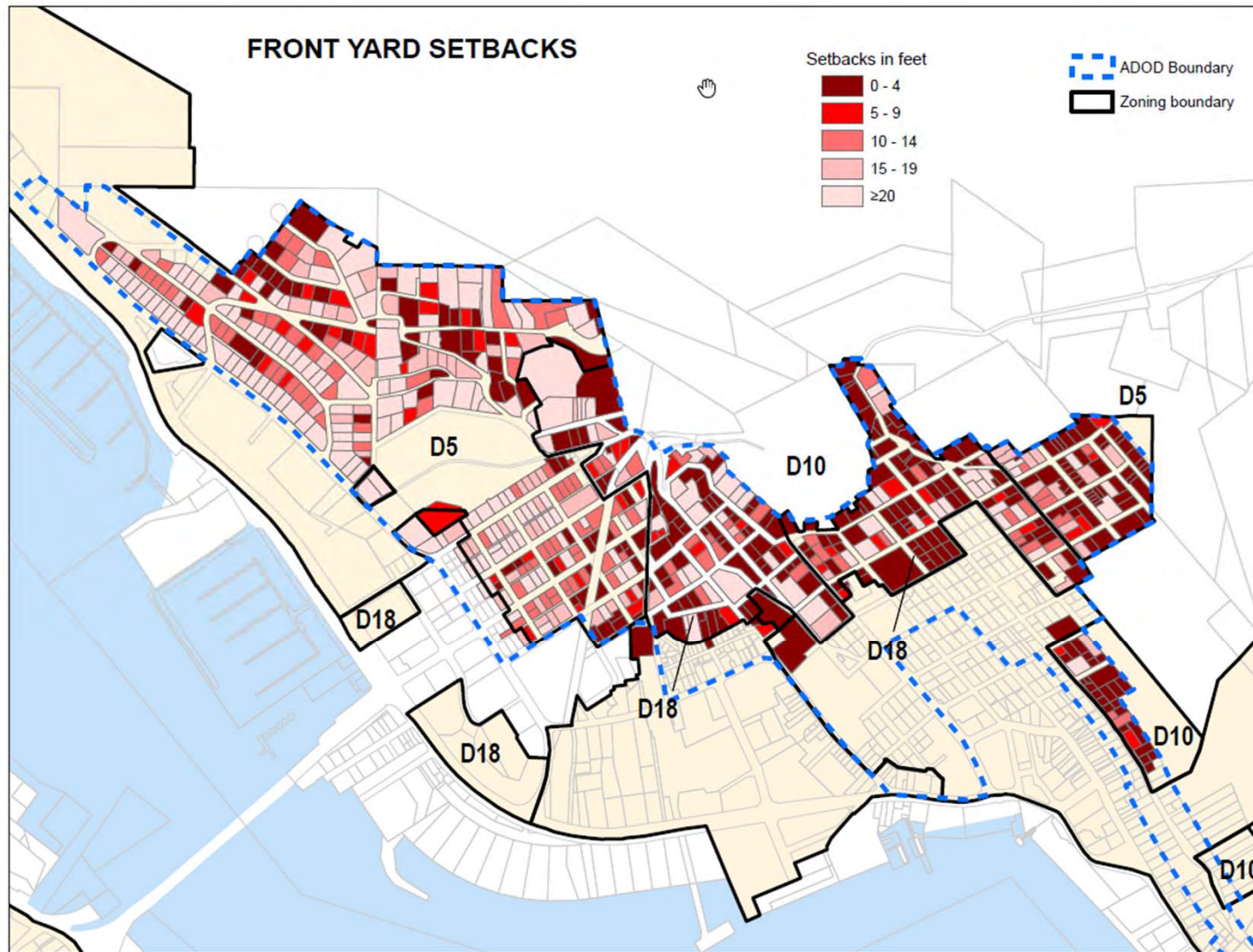
D18

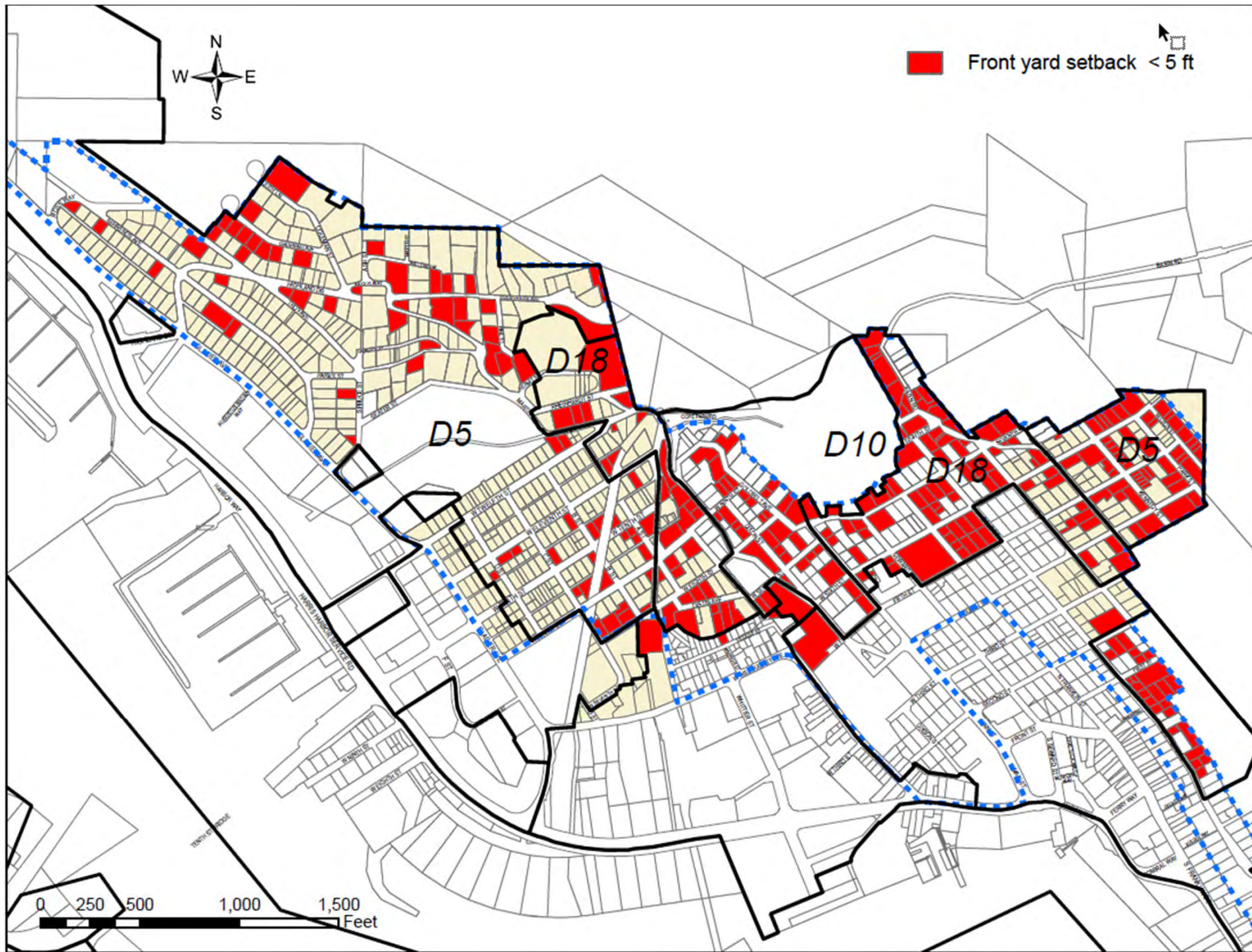
Setback	Conforming	% of total
Front	39	22%
Rear	98	62%
Side	155	49%
Street Side	34	48%

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

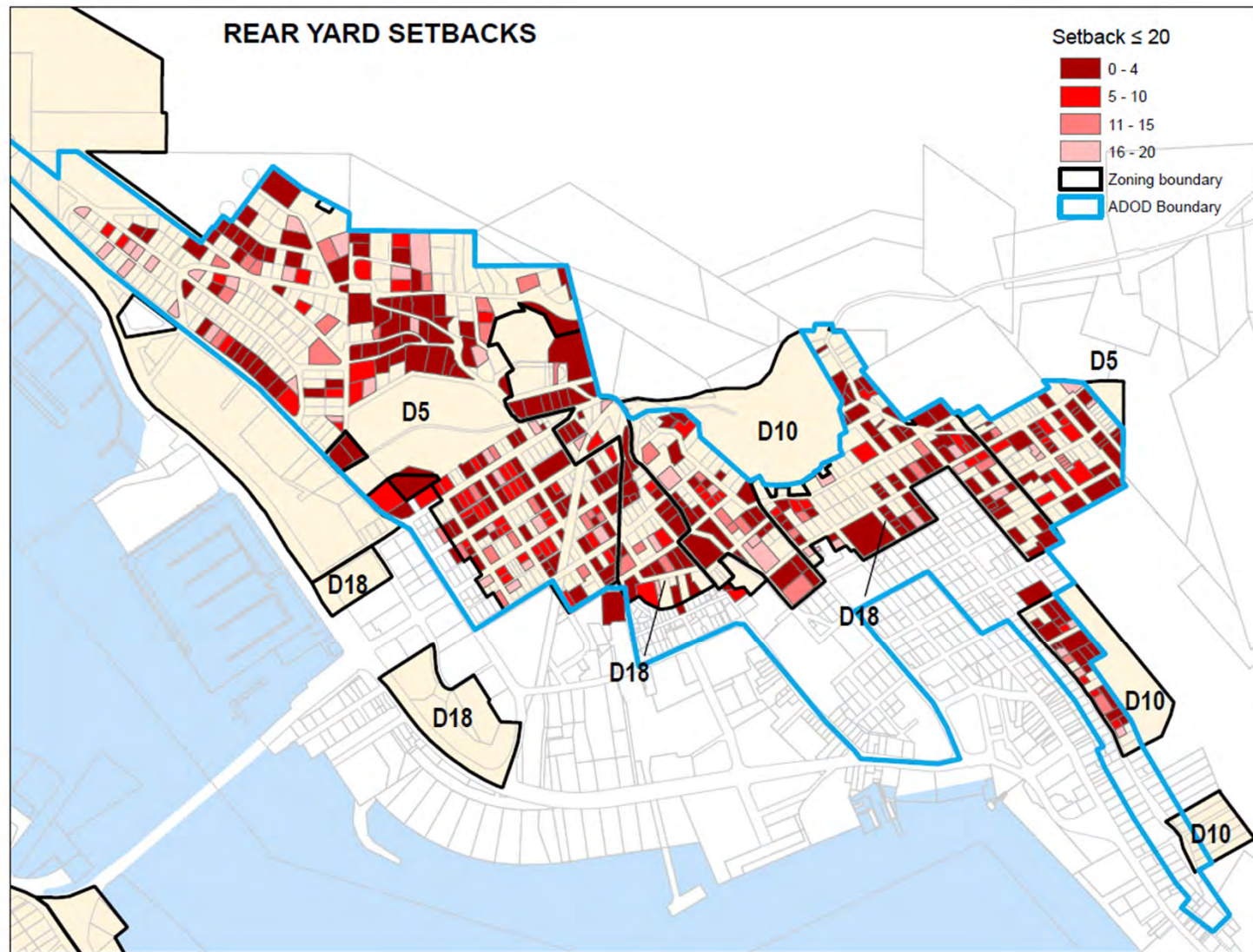


Summary of Setback Nonconformity

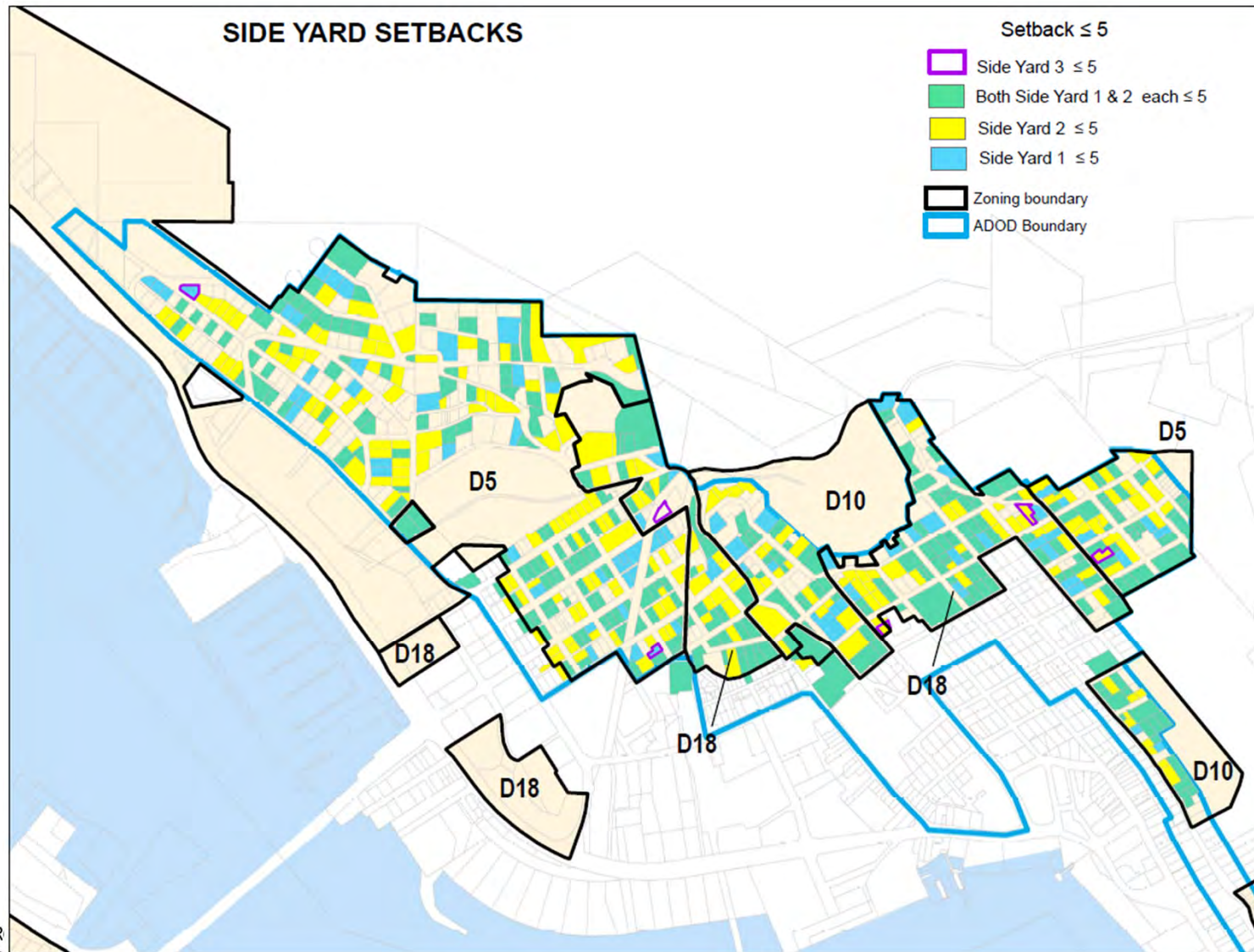




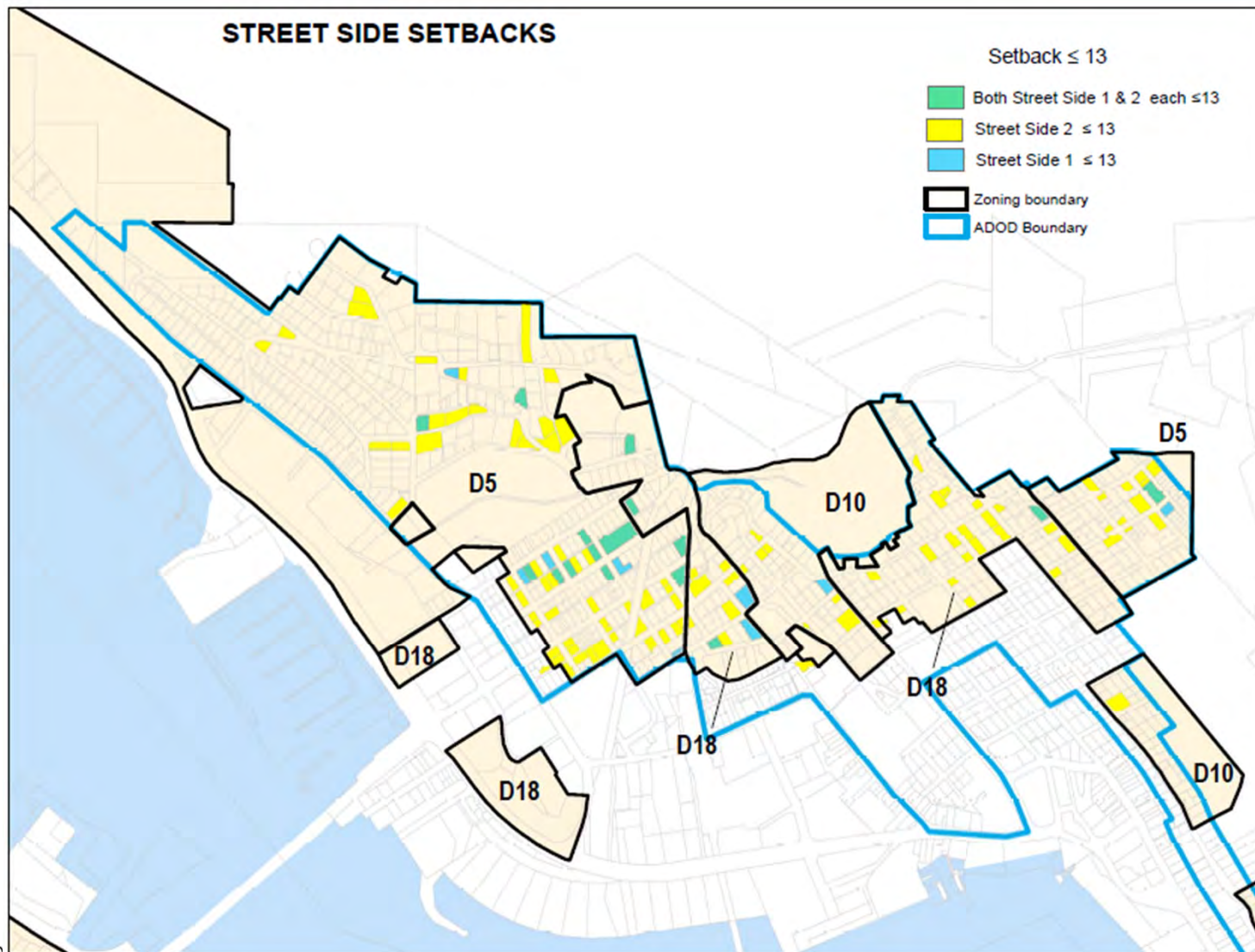
Summary of Setback Nonconformity



Summary of Setback Nonconformity

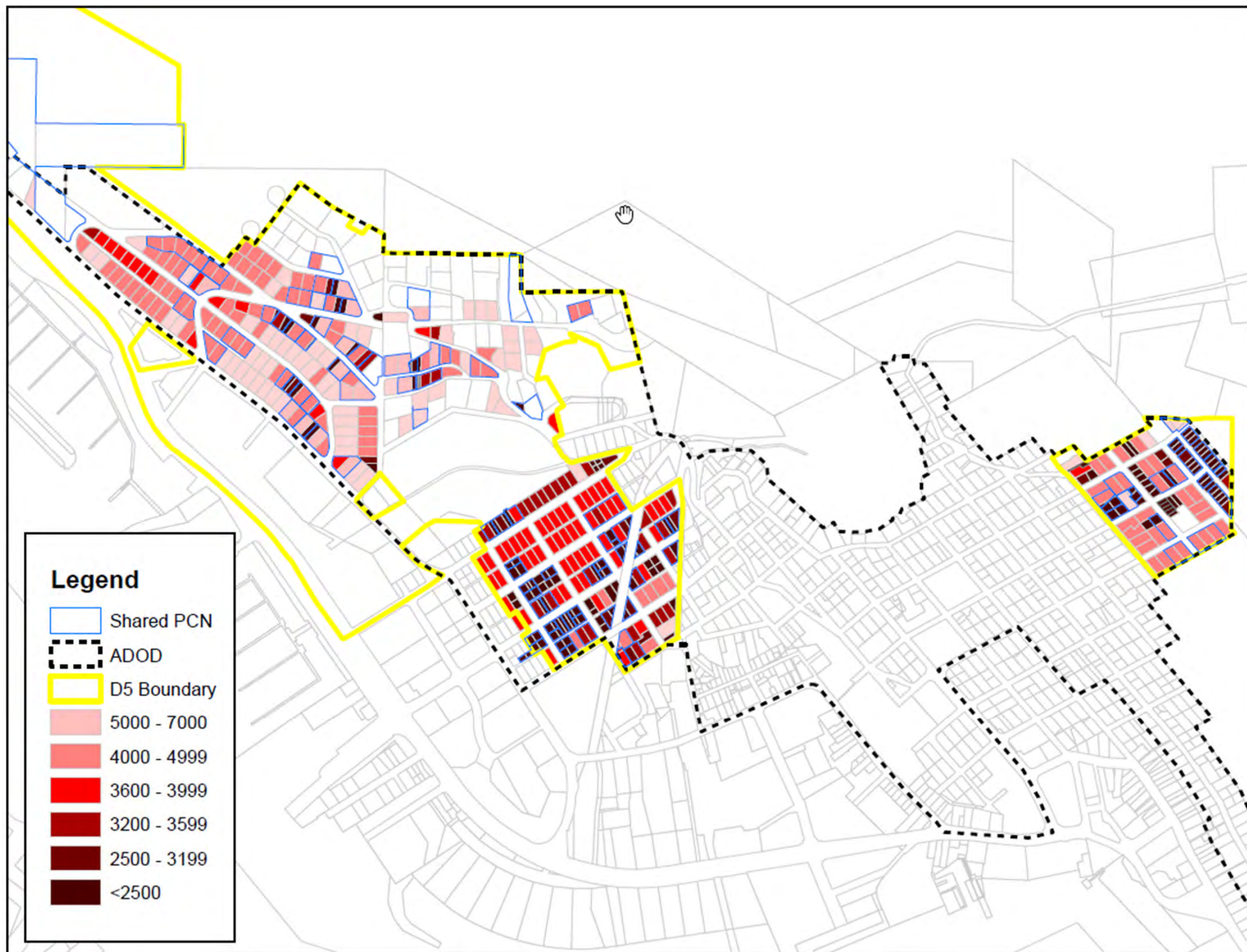


Summary of Setback Nonconformity



Existing Conditions - Downtown Juneau

Lot Size



Non-Conforming Properties



What is proposed?

Existing Zoning and Proposed Zoning

D-5 Zone District Standards

D-5 Minimum Standards:

Setbacks

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 20 feet

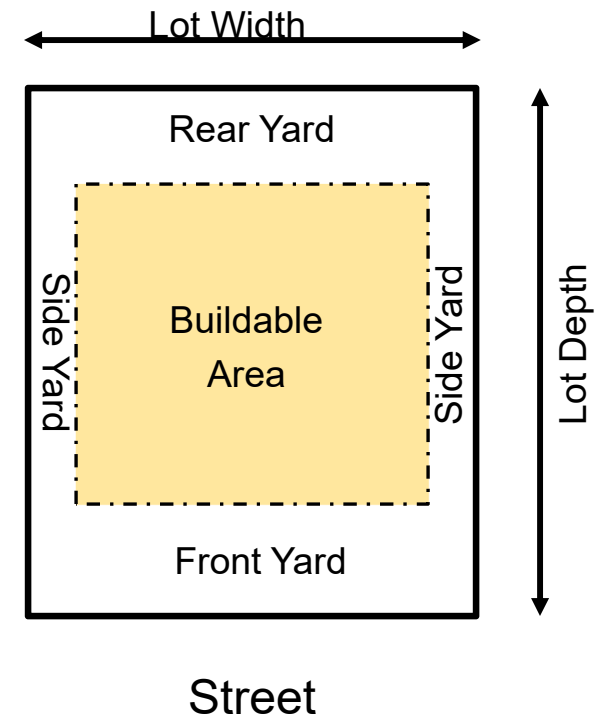
Street Side – 13 feet

Lot Size – 7,000 sf

Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

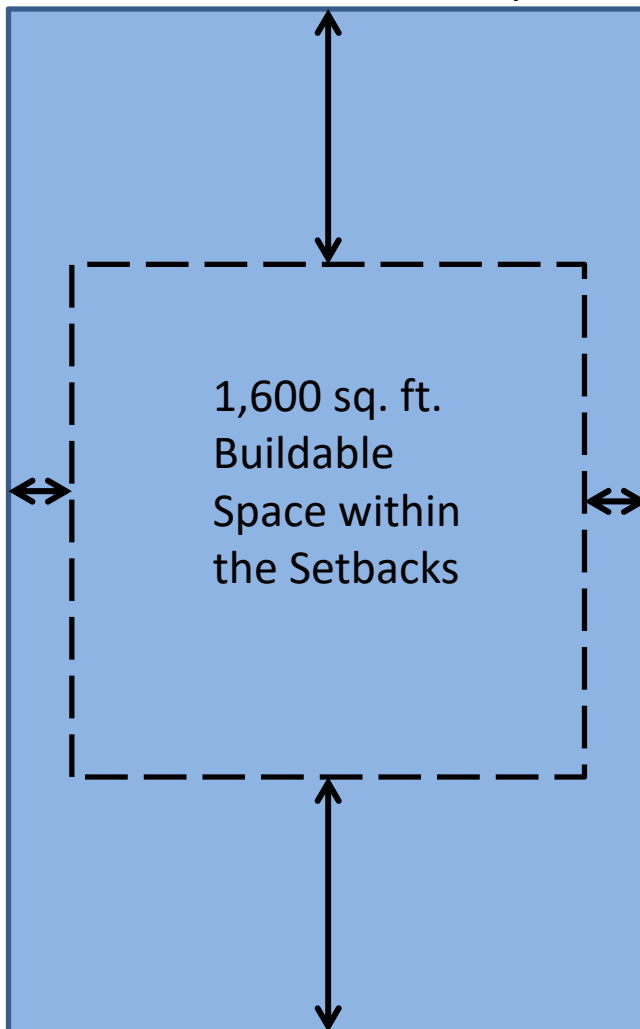


The Highlands Neighborhood – Single-family Zone Districts Downtown

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

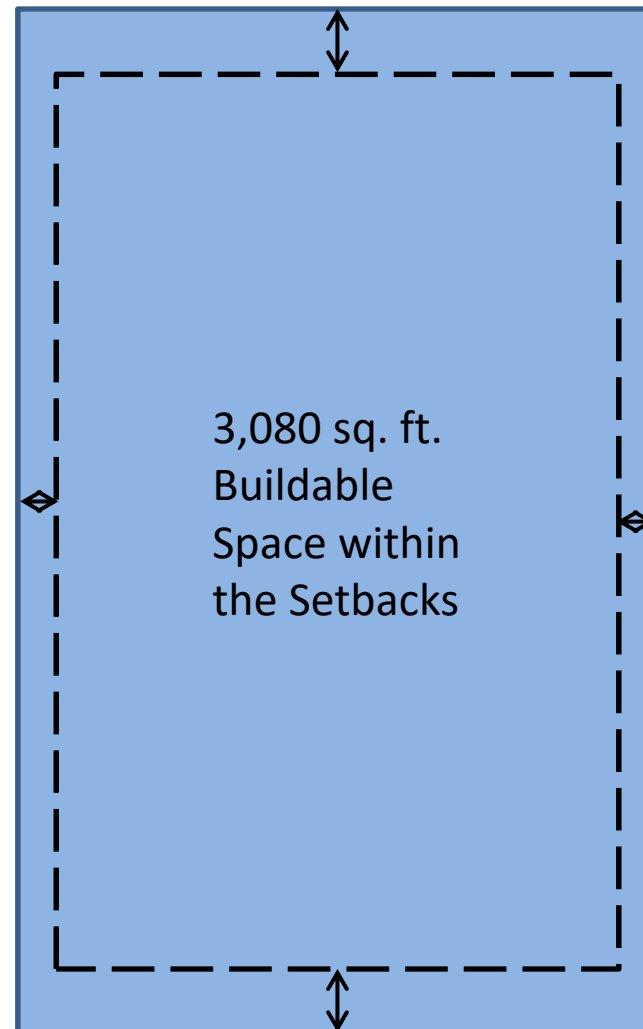
Highlands Area

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

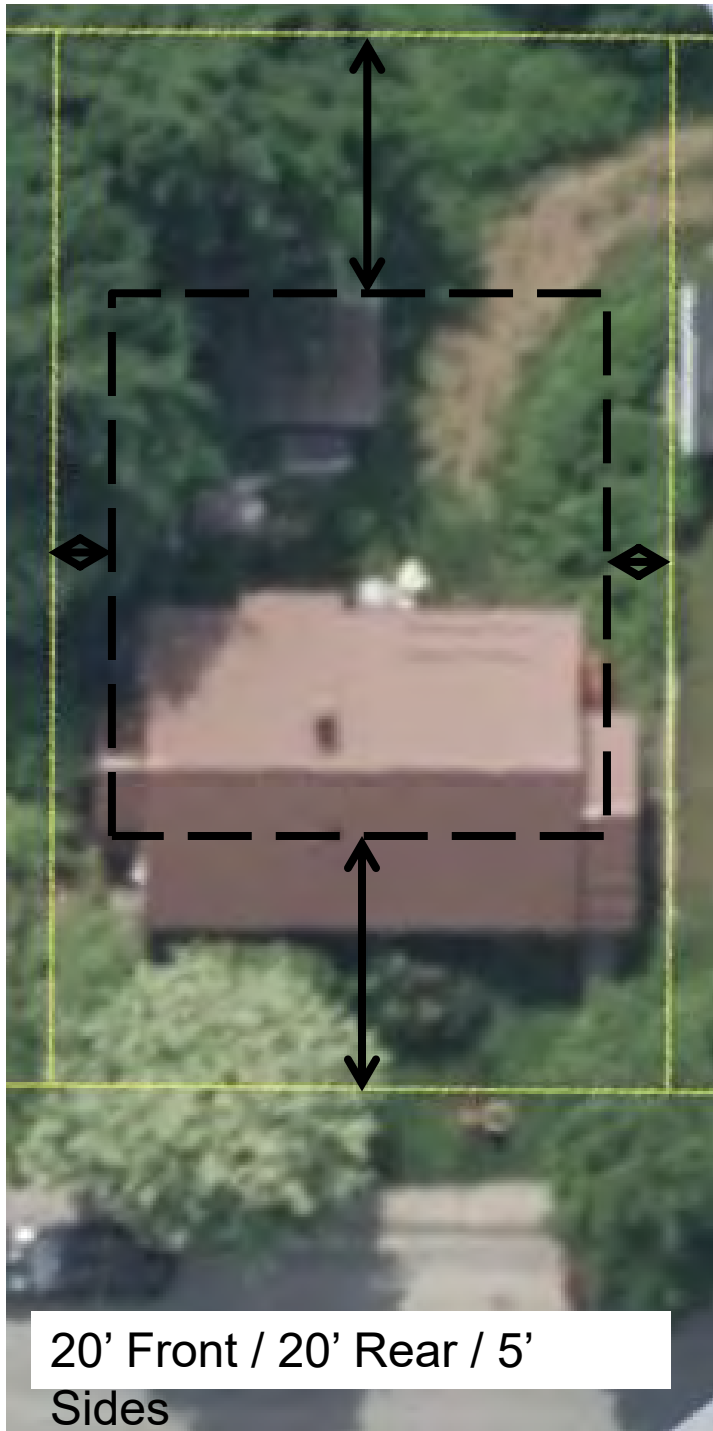


20' Front / 20' Rear / 5' Sides

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



5' Front / 5' Rear / 3' Sides



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

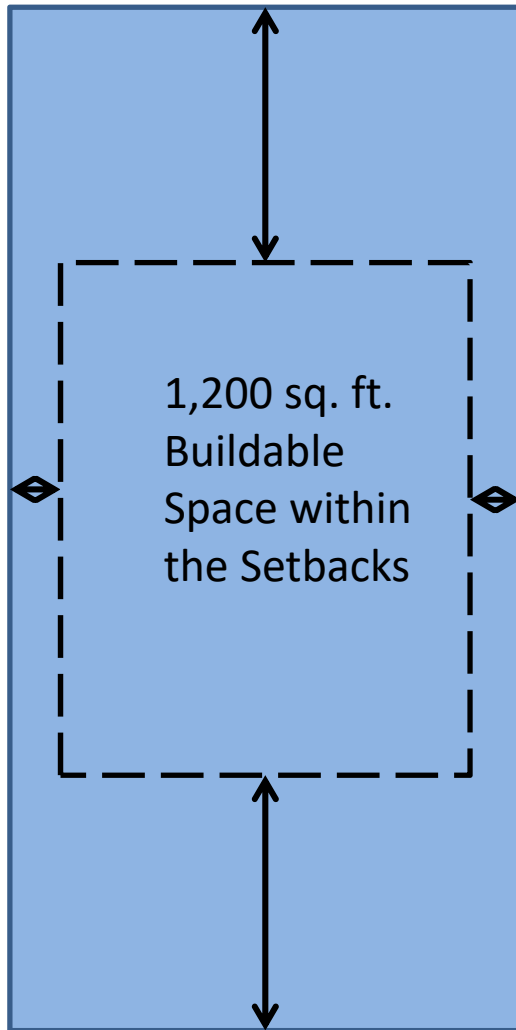


Casey-Shattuck & Starr Hill – Single-family Zone Districts Downtown

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

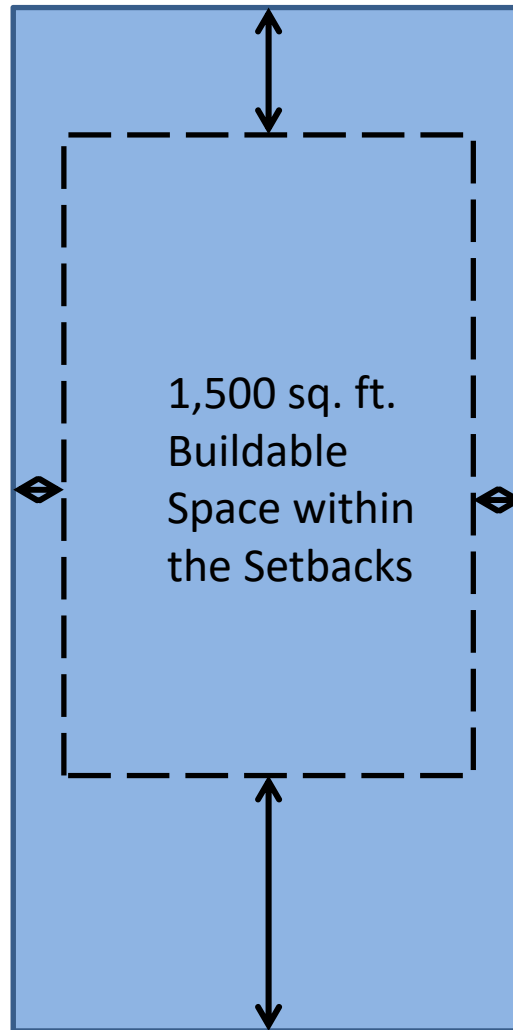
Casey Shattuck Area

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



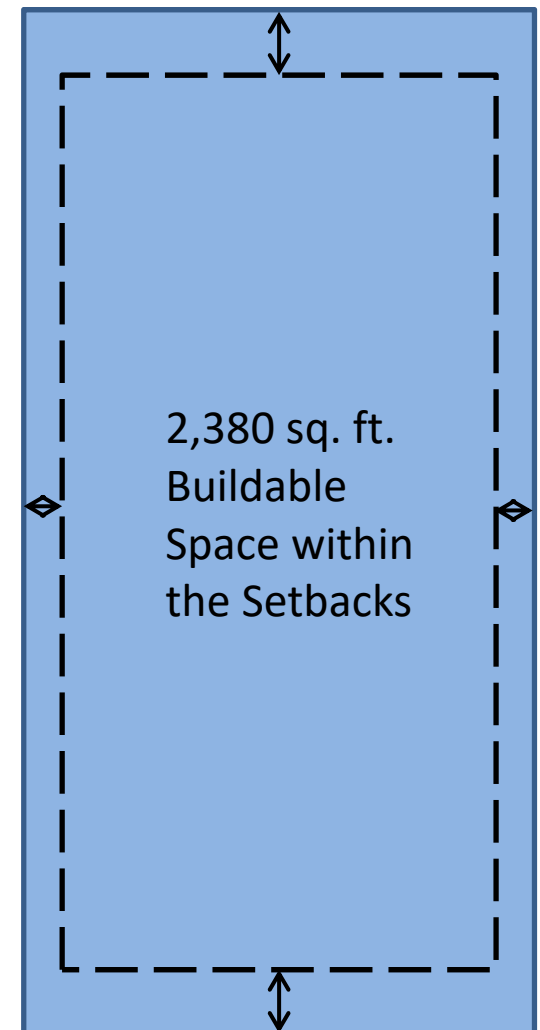
20' Front / 20' Rear / 5' Sides

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



20' Front / 10' Rear / 5' Sides

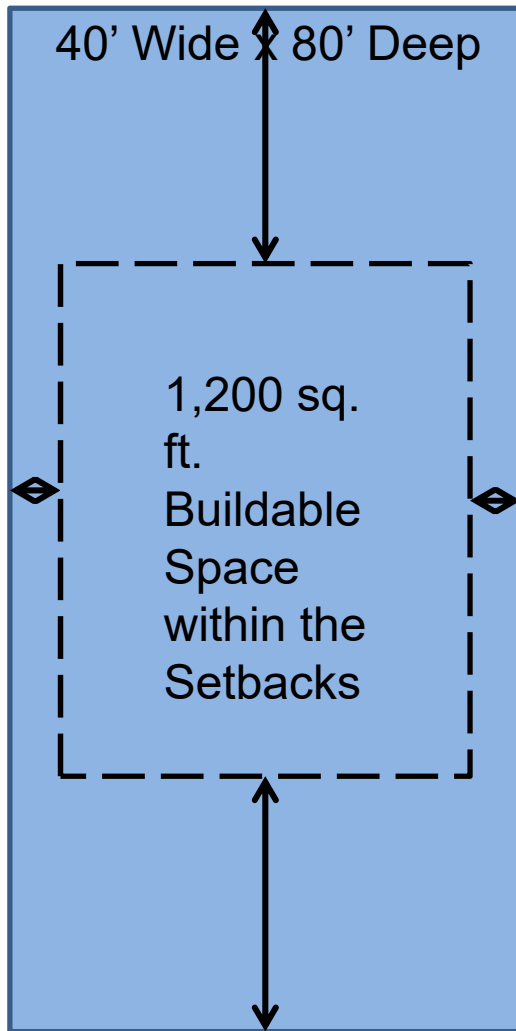
Proposed Setbacks on a 3,200
square foot lot
40' Wide x 80' Deep



5' Front / 5' Rear / 3' Sides

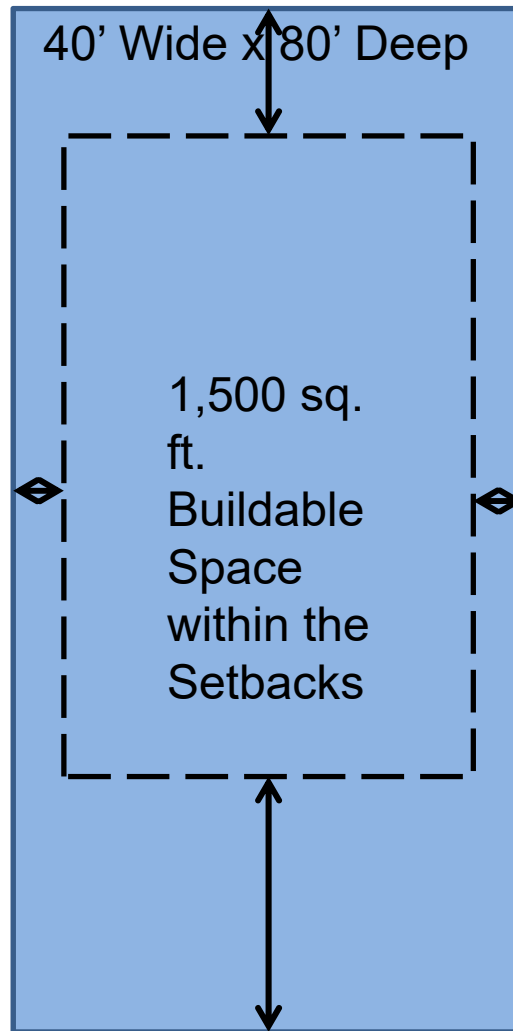
Star Hill Area

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



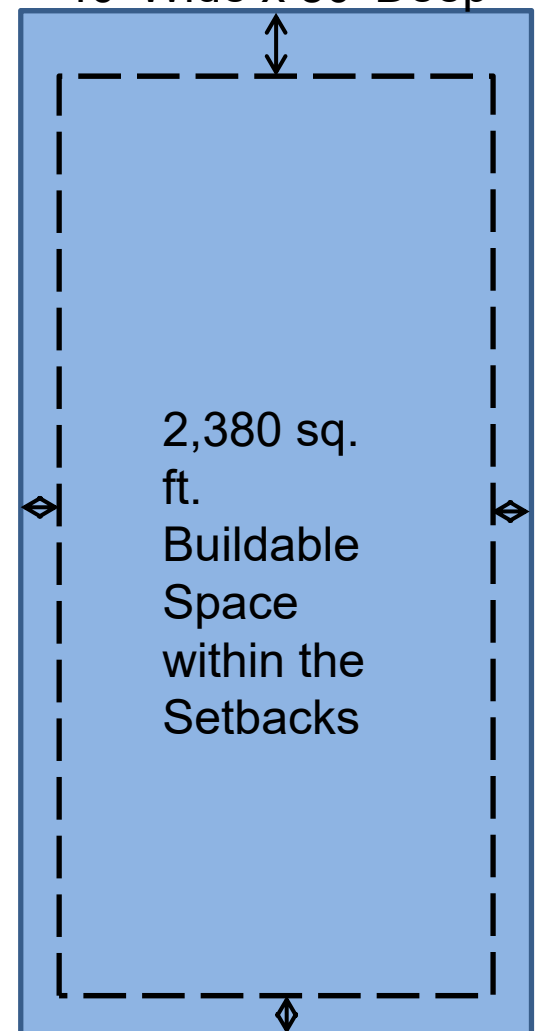
20' Front / 20' Rear / 5'
Sides

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

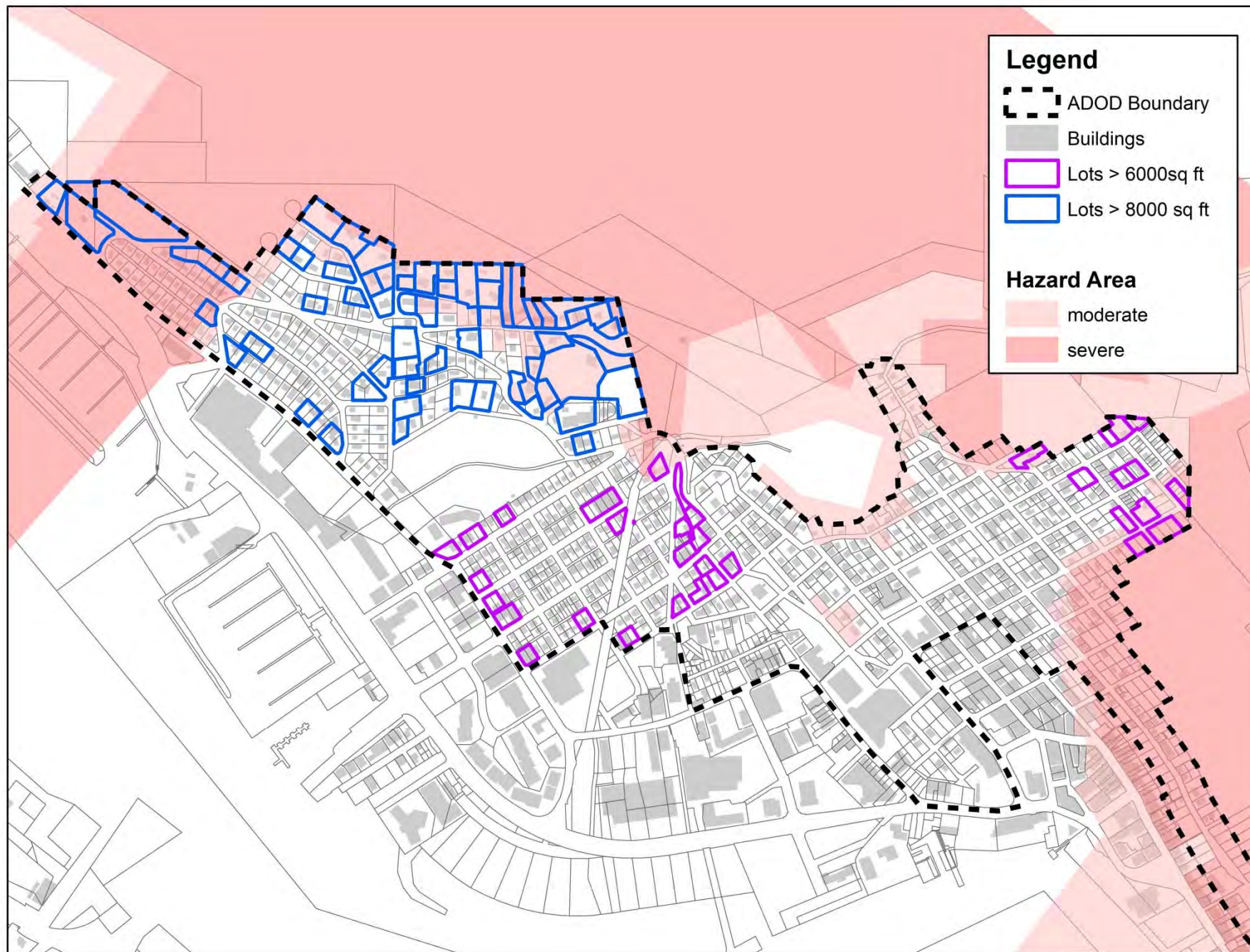


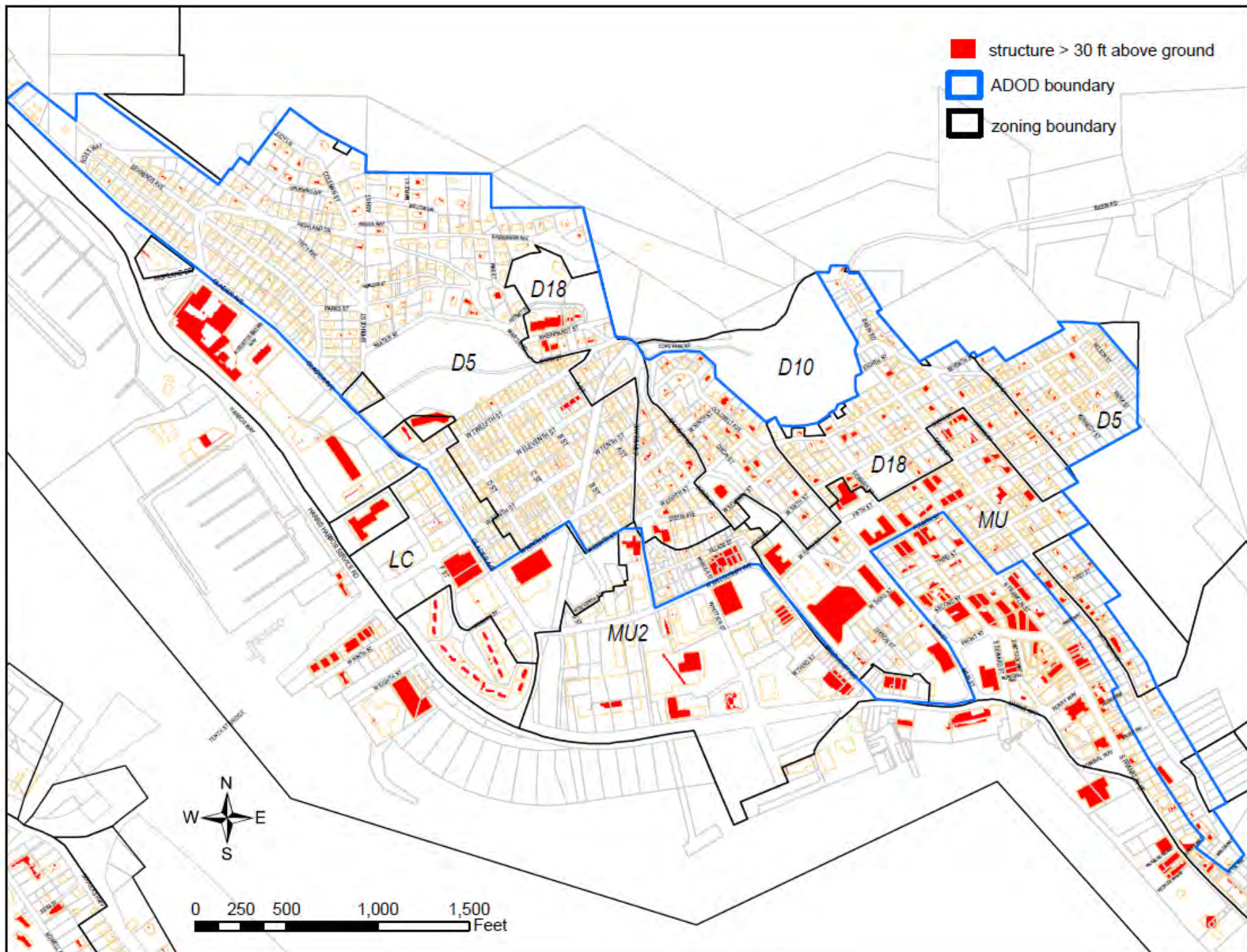
20' Front / 10' Rear / 5'
Sides

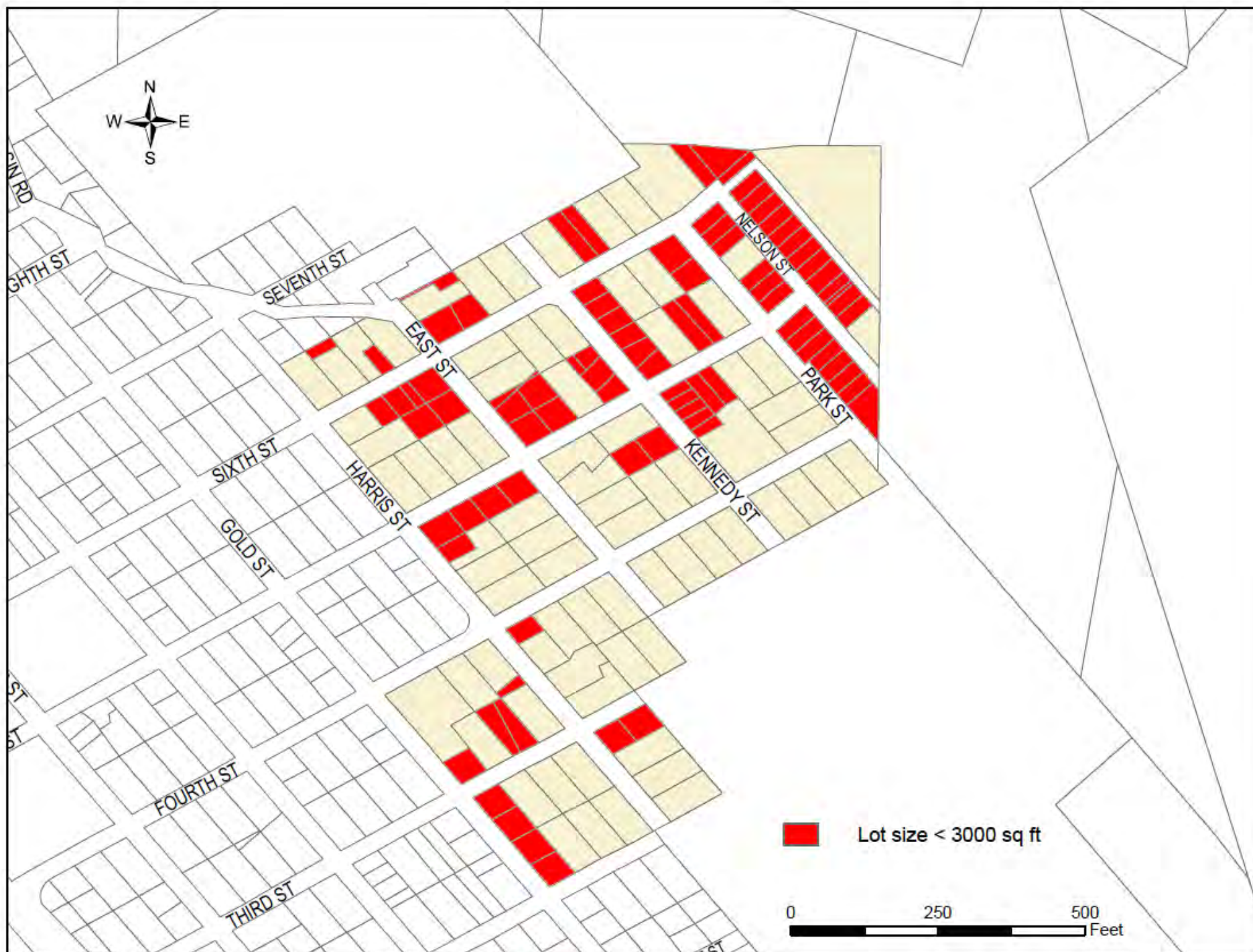
Proposed Setbacks on a
3,200 square foot lot
40' Wide x 80' Deep

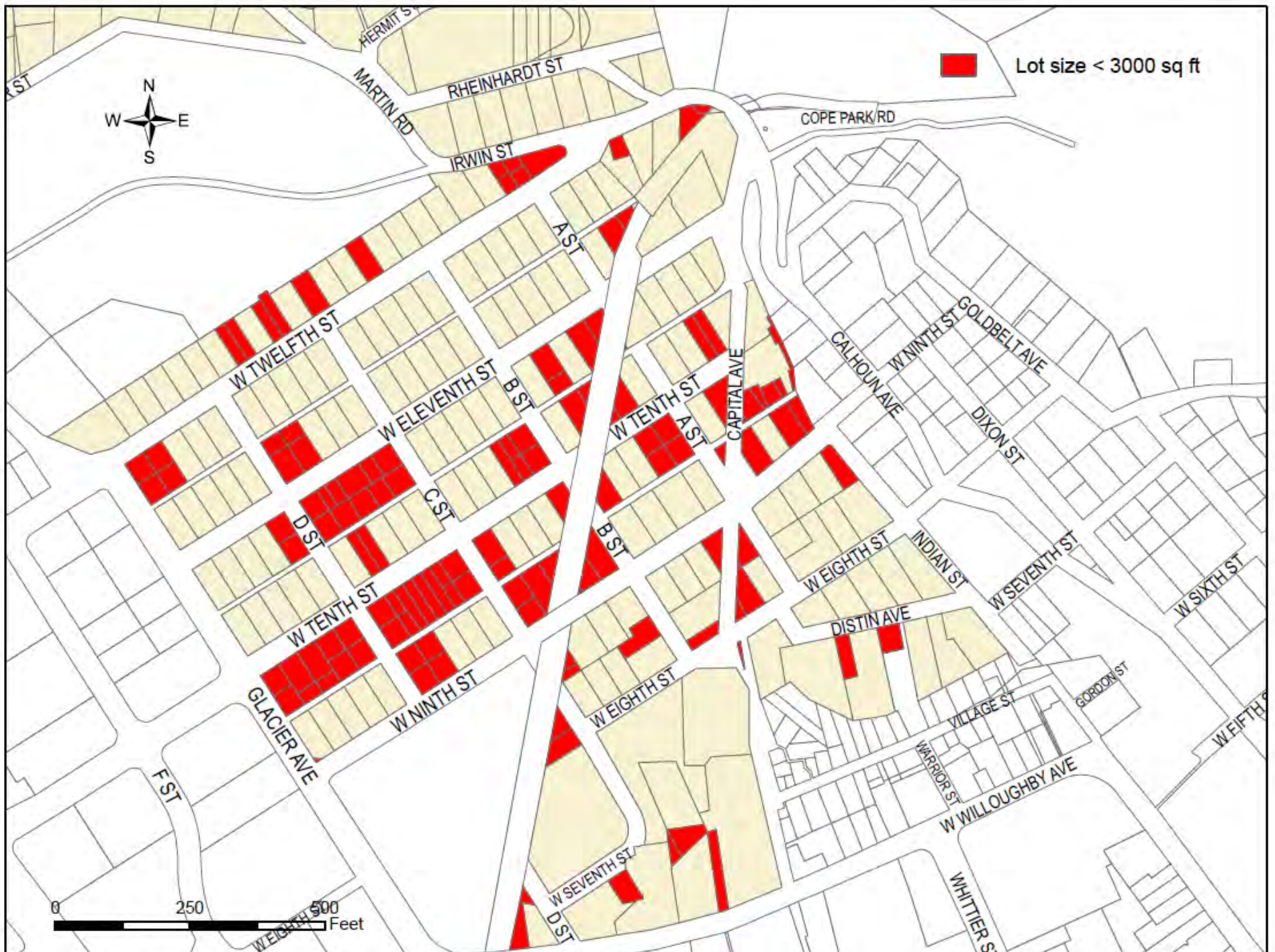


3' Front / 5' Rear / 3'
Sides

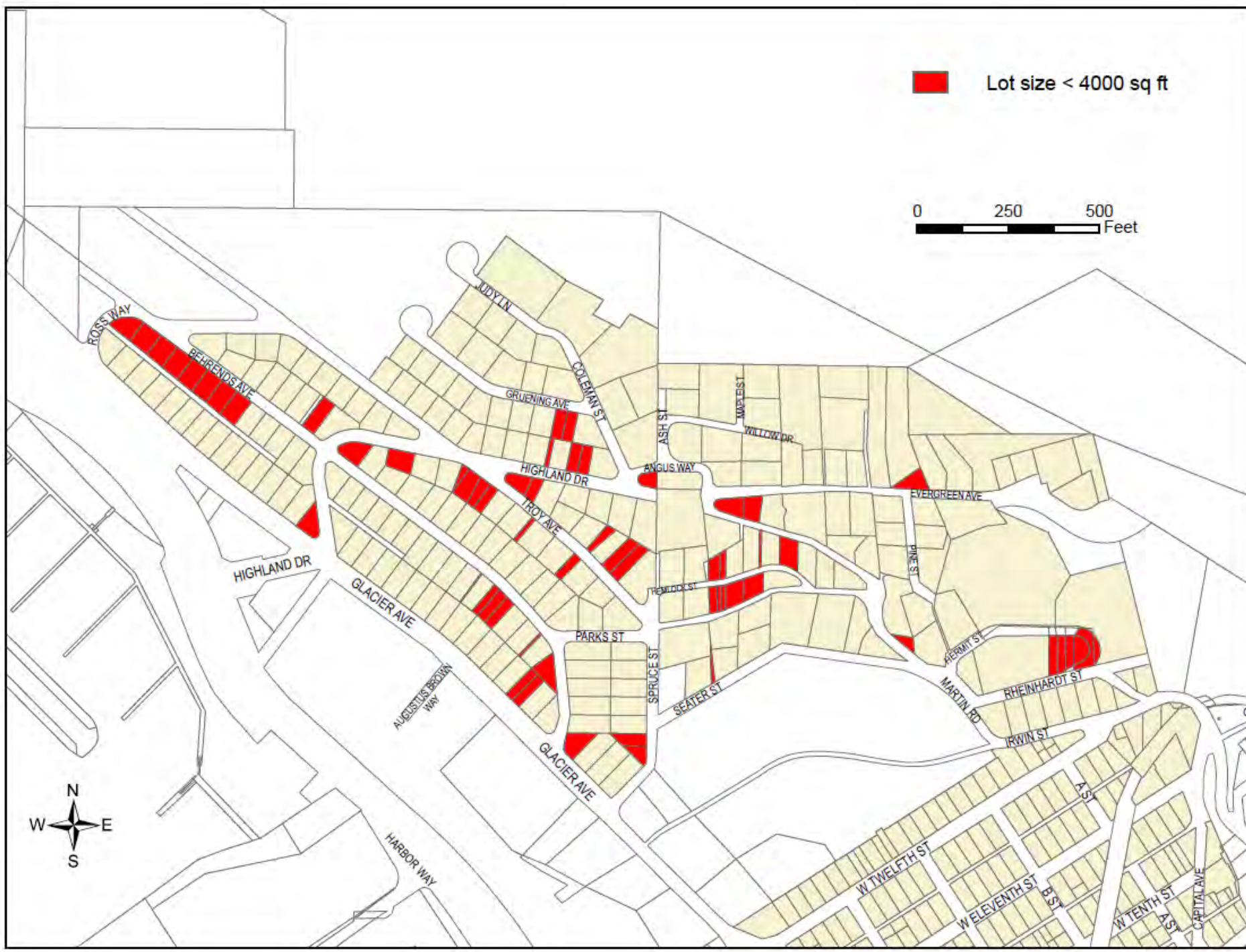
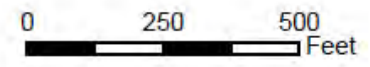








Lot size < 4000 sq ft



Multifamily Zone Districts Downtown

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

Proposal – to amend this section of Code:

CBJ 49.25.430(4)(K):

Existing substandard setbacks. A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side of the three closest adjacent buildings. The buildings used must be conforming or legally nonconforming enclosed buildings or carports. In no instance shall the required setback be less than half that required by this chapter or ten, whichever is greater. In Geographic Area Juneau, in no instance shall the required setback be less than three feet.

Zone District Changes Over Time

The Highlands Area

The Highlands Area platted in 1946:

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

Casey-Shattuck/The Flats Area

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

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

Starr Hill

Starr Hill – platted in 1894:

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

Benefits of Rezoning

What are the benefits from this?

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

Thank you!

Time for Questions

Some General Thoughts

Things to Cover in This Presentation:

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

D-5 Zone District Standards

D-5 Minimum Standards:

Setbacks –

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 20 feet

Street Side – 13 feet

Lot Size – 7,000 sf

Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

Downtown Juneau Stats:

Average Setbacks –

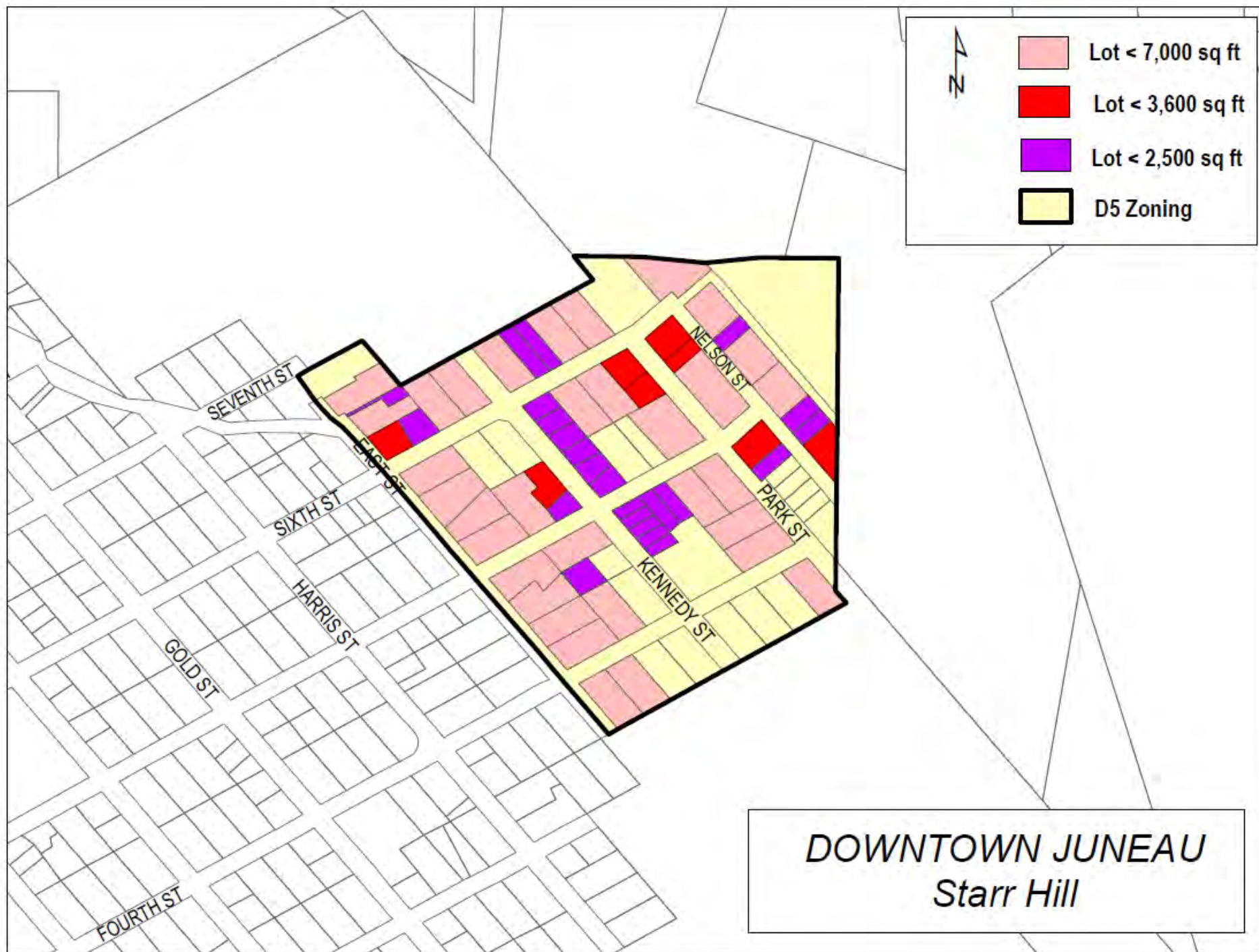
Front Yard – XX feet

Side Yard – XX feet

Rear Yard – XX feet

Street Side – XX feet

Average Lot Size – 5,655 sf



Multifamily Zone District Standards

D-10 Minimum Standards:

Setbacks –

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 20 feet

Street Side – 13 feet

Lot Size – 7,000 sf

Lot Dimensions –

Lot Width – 70 feet

Lot Depth – 85 feet

D-18 Minimum Standards:

Setbacks –

Front Yard – 20 feet

Side Yard – 5 feet

Rear Yard – 15 feet

Street Side – 13 feet

Lot Size – 5,000 sf

Lot Dimensions –

Lot Width – 50 feet

Lot Depth – 80 feet

Non-Conforming Properties

