

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**
January 30, 2017, 6:00 PM.
Municipal Building - Assembly Chambers

Special Joint Worksession with the Planning Commission

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. January 9, 2017 Committee of the Whole Meeting Minutes

IV. AGENDA TOPICS

A. Planning Priorities

- Comp Plan update / overhaul
- Downtown plan expectations and relationship to Main Street USA, Docks & Harbors plan, Front & Franklin, Willoughby District, etc...
- Other neighborhood plans

B. Title 49 updates

- Process: parking waivers example
- In work: variances, eagles, stream side setbacks, etc...

C. Ordinance 2016-26 An Ordinance Amending the Land Use Code Relating to Access Standards.

The primary purpose of this ordinance is to create a new access option for subdivisions. If approved, the shared private access option would exempt lots in certain subdivisions from the requirement that lots have frontage on a public right of way, and instead allow the lots to be accessed via private shared access located in a private easement. Private shared access ways would be maintained solely by the homeowners.

In August, 2015, the Assembly directed staff to codify the existing practice of allowing shared access. Since then, Community Development staff has been working with the Subdivision Review Committee, a subcommittee of the Planning Commission, the Public Works and Engineering Department, the Fire Department, the Law Department, and the Planning Commission to develop the proposed changes.

On October 25, 2016, the Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the Community Development Department's staff report and recommended that the City and Borough Assembly adopt staff's recommendation for approval, with changes.

This ordinance was introduced at the November 7, 2016 Assembly meeting and referred to the November 21, 2016 Committee of the Whole meeting. At that meeting it was referred to the January 9, 2017 Committee of the Whole meeting and was continued for additional consideration at this January 30, 2017 meeting. No date for a public hearing and Assembly action has been set.

The "strikethrough" version of 2016-26 included in your packet shows the changes (in italics) made by the Planning Commission at its last Commission meeting from the version of the ordinance as it was originally presented. Those changes are discussed in the November 3, 2016, memo, also attached.

D. Ordinance 2016-43 An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters.

This ordinance would amend the Land Use Code with respect to sobering facilities by amending the Table of Permissible Uses to identify the use, defining the term, and by providing for minimum parking requirements. Additionally, the ordinance would define "emergency shelters" as one type of assisted living facility.

The Planning Commission considered this ordinance on November 10 and December 27, 2016, and recommended it be moved forward to the Assembly for adoption.

One small change has been made to the ordinance as approved by the Commission. The definition of 'emergency shelter' was modified to apply to temporary accommodations for 'homeless persons' instead of 'displaced persons.' The reason for this change was to clarify CDD's intention that the definition of 'emergency shelter' not be interpreted to include emergency lodging and shelter needed in the event of a disaster.

This ordinance was introduced at the January 9, 2017 Assembly meeting and referred to the Assembly Committee of the Whole. No date for a public hearing and Assembly action has been set.

V. EXECUTIVE SESSION

A. CLIAA Litigation Update

VI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

January 9, 2017, 5:30 PM.
Municipal Building - Assembly Chambers

Work Session - No Public Testimony

I. ROLL CALL

Deputy Mayor Jerry Nankervis called the meeting to order at 5:30 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon and Debbie White.

Assemblymembers Absent: None.

Staff present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk; Scott Ciambor, Chief Housing Officer; Rob Steedle, Community Development Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Assistant Attorney; Roger Healy, Engineering and Public Works Director; Bryce Johnson, Police Chief.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. December 12, 2016 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the December 12, 2016 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Update on Mayor's Ad-Hoc Committee on Homelessness

Scott Ciambor explained information included in the packet regarding homelessness in Juneau. He spoke about the "continuum of care" outlined by Housing and Urban Development (HUD). When communities see homelessness on the street, it means that the continuum of care is under resourced or that homeless people are not using available services. He explained the entities involved with housing and homelessness in the state. The mayor has had a number of ad hoc meetings with citizens in the community about homelessness. Some ideas coming from those meetings include support for outreach teams, more police presence, development of rapid re-housing, a "no-camping" ordinance, a low-barrier emergency shelter, year-round Thane Campground improvements, a new sleep-off center to free up Rainforest Recovery to pursue medically assisted treatment, and some ideas for permanent supportive housing. The goal is to update and monitor the continuum of care system. He spoke about the benefit of having someone to be able to connect the homeless with services and benefits, such as social security and disability payments, and housing. In the larger discussion, he has been asked by the City Manager to draft a CIP for housing programs going forward, including housing first, rapid re-housing, Thane Campground and a sleep-off center. There is \$390,000 in the Affordable Housing Fund and he said that fund is fairly flexible.

Mr. Jones asked about \$175,000 grant to BRH for medically assisted treatment. Mr. Watt said it is a two-year grant from the state and he would forward more information from BRH to the Assembly.

Ms. Becker said all the items on the list would not begin until 2018. Mr. Ciambor said the CIP list was hypothetical at this point and homelessness issues had been added from recent discussions.

Ms. Gladziszewski asked for a definition of rapid re-housing. Mr. Ciambor said that to shorten the time from near homelessness to housing is to help with a housing connection, which can be a list of potential landlords, or a ticket via ferry or air to a location where they do have housing. Ms. Gladziszewski asked about the success of this. Mr. Ciambor said AHDC has purchased tickets, particularly for young persons back to families. We currently don't have a rapid re-housing program and there is some need for capacity to be increased for that kind of assistance. Ms. Gladziszewski asked about the homeless coalition. Mr. Ciambor explained the work of the coalition, including Project Homeless Connect, which provides services to the homeless and connects them to resource agencies.

Ms. Weldon asked for a definition of chronically homeless individuals and veterans. Mr. Ciambor said he would follow-up as the definition had changed and that is why there were none shown in Juneau due to the classification, not because they don't exist in Juneau.

Mr. Kiehl asked about Thane Campground being in an avalanche zone. Ms. Cosgrove said there is a group of people assessing nearby locations that were not subject to avalanche activity. Mr. Kiehl agreed that the best way to deal with homeless is to keep people from becoming homeless, but we are there. He asked if the city is the entity to run a homeless camp and about liability issues. Ms. White said she is looking for alternative sites and would speak with Ms. Mead directly. She is not comfortable with putting people in the Thane Camp Ground due to the avalanche concerns.

Ms. Gladziszewski asked about the coalition. Mr. Ciambor said there were about 35 agencies represented, it is considered a model for the rest of the state. They have been working cohesively for the past ten years and encouraged the Assembly to seek its input first regarding homeless issues. She asked about the camping ordinance and how it is viewed by those who fund housing projects. Mr. Ciambor said that for a collective application for HUD funds, the criminalization of camping is seen as a detriment to funding..

Mr. Gregory asked about permanent supportive housing. Mr. Ciambor said the US Interagency on Homelessness investigated best practices and the continuum of care and what is available. In the old days the solution was a 90-day stay in a shelter and then back on the street. People on the street are not able to figure out solutions and permanent supportive housing for people with the greatest needs is seen as the best practice. HUD is reducing funds to shelters and pushing it towards permanent supportive housing. Juneau Housing First will have 32 beds in Phase 1 and will have a potential for 20 more units on that property. Mr. Gregory said ten children under age 18 were identified as homeless and what was being done to help. Mr. Ciambor said that Zach Gordon Teen Center was working on this issue along with the school district and there is more collaboration among youth agencies. Homeless Veterans have been the target group for federal funds and the next focus is for youth - 18 and below, and transition ages 18 - 24.

Ms. Becker said that Tim McLeod of AEL&P spoke about available property for camping near Thane and she hoped that area would not be discounted.

Ms. Weldon asked about the 51 individuals identified and their status. Mr. Ciambor said that the point in time count gathers information for one day in the year, but the seven agencies in the statewide housing database system in Juneau have a good idea of who the individuals with the greatest needs are.

Mr. Gregory asked if the affordable housing fund was adequately funded, if not, how could it be, and how best could the funds be used. Mr. Ciambor said the fund was unique as it is flexible - it could handle a rapid re-housing program on short notice, or could provide capital as a match for a

big project. Mr. Gregory said the fund could be a key piece in solving some of these issues, and may need more revenues.

Ms. Gladziszewski asked about the next "Homeless Connect" event. Mr. Ciambor said it was scheduled for January 25 at the JACC and he encouraged the Assembly to participate. It includes food, an intake survey, a summation of all the resources available in the gym and people are referred to the resources they need. There are people that are housed that stop by for services as well and they are not turned away. He said the continuum of care is evolving and the street outreach personnel provide immediate feedback.

Ms. White asked if the point in time count was inclusive of the homeless in Juneau. Mr. Ciambor said census information from housing services such as AWARE and Glory Hole and from the school district were included in the point in time count and it takes some time to ensure no duplication.

Mr. Nankervis thanked Mr. Ciambor for his work and report.

B. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

Mr. Watt said that CBJ has an existing camping ordinance and this is an amendment to that ordinance, with a relatively narrow change to focus on a downtown geographic area on private property. This is an outcome of the ad hoc group to address camping on private property within a limited area as a tool, of one amongst many, to address the affects of homelessness.

Mr. Jones said the attorney sent an email on January 6 that the current camping ordinance would fail the constitutional test as it is too broad, so if we amend an ordinance that we deem unconstitutional, can the court throw out the whole thing - are we barking up the wrong tree here? Ms. Mead spoke about severability and the courts ability to "throw out" parts of a law as unconstitutional, not the entire law. There is a 9th circuit decision that is informative, and there are a number of cases from across the country, regarding whether a community can criminalize camping. This ordinance is an infraction and is "quasi-criminal." There are decisions that have found our type of ordinance to be constitutional based on how it is enforced. Amending our current ordinance is not problematic but expanding to further public property may need more investigation.

Mr. Nankervis asked Chief Johnson for a report on camping. Chief Johnson said that JPD has worked with housing specialists to make contacts and all but one turned down help. He was shocked with the lack of enforcement that is possible and to not have a tool to make a change. This matter used to be enforced through the trespassing ordinance. JPD will continue to do outreach to drive folks to services but we currently don't have a tool to address this type of camping. Homelessness is not a crime but allowing conditions to continue will exacerbate issues and criminals hide in this population and also victimize the homeless themselves.

Mr. Nankervis said the trespassing ordinance is unenforceable. Ms. Mead said that in the past JPD has understood the trespassing ordinance, regarding city property - if asked to leave and they fail to do that it is trespass, but it is the facility owner and manager that needs to be the one to tell people they are trespassing. Chief Johnson said that with private property - the officers can't say move along - the property owner needs to be the party to do that but during the after hour times there is not a tool to tell people to move. Ms. Gladziszewski asked about the violation of trespass. It is a misdemeanor, which is more serious than a violation of the camping ordinance. Ms. Mead said that is true. The person in charge of property can tell someone to leave, or if there is a recurring problem, people can serve a no-trespass letter to individuals for a specific length of time.

Ms. Gladziszewski asked about an infraction. Ms. Mead said a violation does not have jail time, the worst case is a \$500 fine. The worst case is that people don't pay the fines, we pull their PFD or garnish wages, and there are people who have many citations, such as open container citations.

Ms. White said that as a property manager she has had to serve trespass letters and we need to know the name of the person who is camping on private property to issue such a letter. If we say they can't be downtown, we need to find a place for them to be.

Mr. Gregory showed a demonstration sign and asked if it could be enforced. Ms. Mead said if the court found all steps along the way had been observed the person could be guilty of a misdemeanor.

Mr. Kiehl asked what happened when JPD asked people to move and Chief Johnson said that after confronted by JPD, the people stayed right where they were. Mr. Kiehl asked if we have seen increases in crime due to people sleeping in doorways. Chief Johnson said they do not track homelessness as a crime and said in no way were his statistics stating that homeless perpetrated crimes. He showed some statistics they gathered comparing the downtown area to the valley in 2016 - including camping, harassment, indecent exposure, intoxication, panhandling, trespass and the numbers were significantly higher in the downtown area vs. the valley. Mr. Kiehl asked how the numbers compared to previous years. He said that there has been a change to the way they are enforcing the trespass law, there are many factors taking place at the same time, and there has been an increase in the crime rate overall. Mr. Kiehl asked where the problem areas were in downtown and he said it is very close to the area in the camping ordinance.

Ms. Gladyszewski asked how this camping ordinance would connect people to services. Chief Johnson said that they don't want to create an environment that enabled people to avoid using available services. We want to have a tool to keep people out of doorways and for enforcement we would continue embedded outreach, following Anchorage and Seattle models, and to help people to make a better decision. Ms. Gladyszewski asked if those people would be qualified to be clients of the Glory Hole based on behaviors. Chief Johnson said that some would not be eligible to stay in the Glory Hole but overall there needed to be a tool to get a handle on this camping behavior. We could issue a citation if the person refused to move out of a doorway and he felt this was incentive to get people to use services. Ms. Mead said that violating the camping ordinance and failure to follow an order of a police officer would be the bigger violation. A ticket vs. a misdemeanor is intended as having some crimes on a person's record can prohibit them from obtaining housing. This ordinance has to be narrowly tailored and we can't ban camping on private property borough wide.

Mr. Jones spoke about the inability to enforce camping on public property such as the dock area near the garage. Ms. Mead said if we narrow this to private property it addresses the consequences to the property owners about damage and crime, and the city may be more able to address these issues as this camping ordinance is supposed to be part of a systemic solution, not the solution, to homelessness.

Chief Johnson said the JPD's job is to enforce order and encourage people to get help and connected to services, and this ordinance would assist in this effort.

Ms. White asked about the idea of warming stations, turf wars between the homeless people, using the transit center for warming as a safe or unsafe location, was there JPD staffing available for this.

Mr. Kiehl asked about the idea of "growing criminality" and if the problems are bigger or different, and asked about moving people along and the movement of their property such as blankets and backpacks.

Mr. Nankervis said that due to lack of a majority of hands shown to keep the ordinance in committee, the matter was set for public hearing on the January 23 assembly agenda.

C. Ordinance 2016-26 An Ordinance Amending the Land Use Code Relating to Access Standards.

Due to a lack of time, this matter was not addressed at this meeting.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 6:53 p.m.

Submitted by Laurie Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-26

An Ordinance Amending the Land Use Code Relating to Access Standards.

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. Repeal of Section. CBJ 49.15.424 Access, is repealed and reserved.

Section 3. Repeal of Division. CBJ 49.15 Article IV, Division 4, Privately Maintained Access in Rights-of-way, is repealed and reserved.

Section 4. Amendment of Section. CBJ 49.15.442 Improvement Standards, is amended to read:

49.15.442 Improvement standards.

The following improvement standards apply to remote subdivisions:

- (1) CBJ 49.35.250, ~~49.15.424~~ Access.
- (2) CBJ 49.35.240, Improvement standards.
- (3) CBJ 49.35.310, Water systems.
- (4) CBJ 49.35.410, Sewer systems.

Section 5. Amendment of Chapter. CBJ 49.35 Public Improvements, is amended to read:

Chapter 49.35
Public and Private Improvements

Section 6. Amendment of Section. CBJ 49.35.110 Purpose, is amended to read:
49.35.110 Purpose.

The purpose of this chapter is to:

- (1) Establish design and development criteria for public and private improvements; and
- (2) Outline the procedures and responsibilities of the developer for furnishing plans and completing the improvements.

Section 7. Amendment of Section. CBJ 49.35.120 Public improvements; generally, is amended to read:

49.35.120 Improvements; Public improvements; generally.

(a) The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to allow the potential ~~provide~~ for future extension to adjoining lands.

(b) If a publicly-maintained street serves an area outside the roaded service area boundary as a result of a subdivision, the roaded service area boundary, and if appropriate, the fire service area, shall be extended to include the roaded area and newly-created subdivision.

Section 8. Amendment of Table. 49.35.240 Table of roadway construction

standards, is amended to read:

<i>Avg. Daily Trips (ADT)</i>	<i>Adopted Traffic Impact Analysis Required</i>	<i>Sidewalks</i>	<i>Travel Way width</i>	<i>Street lights</i>	<i>ROW Widthⁱⁱ</i>	<i>Paved Roadway Required</i>	<i>Publicly maintained</i>
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft. <u>Public ROWⁱⁱ</u>	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft. <u>Public ROWⁱⁱ</u>	Yes	Yes
0 to 211	No	Not required	22 ft.	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROWⁱⁱ</u>	Yes	Yes
0 to 211	No	Not required	20 ft. ⁱ	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROWⁱⁱ</u>	No, if outside the urban service area ⁱⁱⁱ	No
<u>0 to 70</u> 50	<u>No</u>	<u>Not required</u>	<u>20 ft.ⁱ</u>	<u>No</u>	<u>50 ft. private easement</u>	Yes <u>No</u>	<u>No</u>

Notes:

ⁱ Or as required by the Fire Code at CBJ 19.10.

ⁱⁱ ROW width may be reduced as prescribed at CBJ. 49.35.240.

~~ⁱⁱⁱ Paving of roadway is required for any street type located within the urban service area or within the Juneau PM-10 Non-Attainment Area – Maintenance Area Boundary map.~~

Section 9. Amendment of Article. CBJ 49.35, Article II, is amended by adding a

new section to read:

49.35.250 Access.

1
2
3 (a) *Principal access to the subdivision.* Except as provided below, the department shall
4 designate one right-of-way as principal access to the entire subdivision. Such access, if not
5 already accepted for public maintenance, shall be improved to the applicable standards for
6 public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the
7 cost of the right-of-way improvements.

8 (1) Principal access to remote subdivisions. The department shall designate the
9 principal access to the remote subdivision. Such access may be by right-of-way.
10

11 (b) *Publicly maintained access within a subdivision.* Unless otherwise provided in this
12 section or in 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have
13 direct and practical access to the right-of-way through the frontage. The minimum frontage
14 requirement on a right-of-way is 30 feet or the minimum lot width for the zoning district or use
15 as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished
16 by:

17 (1) Dedication of a new right-of-way with construction of the street to public
18 standards. This street must connect to an existing publicly maintained street;

19 (2) Use of an existing publicly maintained street;

20 (3) Upgrading the roadway within an existing right-of-way to public street
21 standards. This existing right-of-way must be connected to another publically maintained
22 street; or
23

24 (4) A combination of the above.

25 (c) *Privately maintained access within a subdivision.* Lots shall front and have direct access
to a publically maintained street except as:

(1) *Privately maintained public access.* A subdivision may create new lots served by a privately maintained access within a public right-of-way not maintained by an agency of government as provided by CBJ 49.35, Article II, Division 2. All lots must have either a minimum of 30 feet of frontage on a right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

(2) *Private shared access.* A lot in a subdivision is exempt from having the minimum frontage on a public right-of-way when a ~~new access point is prohibited or when a new access point would likely result in a traffic safety hazard as determined by the director~~ shared access is approved pursuant to CBJ 49.35, Article II, Division 1. All lots served by a shared access shall have a minimum of 30 feet of frontage on the shared access.

(d) *Remote subdivisions accessible by navigable waterbodies.* All lots in a remote subdivision solely accessible by navigable waterbodies must have a minimum of 30 feet of frontage on, and direct and practical access to, either the navigable water or a right-of-way. The right-of-way must have direct and practical access to the navigable water.

(e) *Access within remote subdivisions accessible by pioneer paths.* All lots must either have direct and practical access with a minimum of 30 feet of frontage on the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

Section 10. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new division to read:

DIVISION 1. PRIVATE SHARED ACCESS

49.35.260 Purpose.

Shared access serving four or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division.

~~(a) — A subdivision shall be designed to minimize lots without frontage on a publicly maintained right of way.~~

~~(b) — If a new access point is prohibited or if traffic safety concerns warrant restricting access to a public right of way, then shared access serving three or fewer lots not having frontage on a right of way may be constructed within a private easement consistent with this division.~~

49.35.261 Application.

An applicant must submit the following to request shared access:

- (1) A preliminary plan and profile of the proposed shared access; and
- (2) A proposed access easement, drainage and utility agreement.

49.35.262 Standards.

(a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.

(b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that has a shared access if all of the following criteria are met:

~~(1) — A new access point is prohibited or a new access point would likely result in a traffic safety hazard.~~

(2) The shared access will be located in a private easement completely on and fully crossing all of the lots served.

(3) The shared access serves ~~four~~ **three** or fewer lots. If a subsequent common wall residential subdivision is intended to be served by shared access, the common wall parent lot shall count as two lots.

(4) The shared access does not endanger public safety or welfare.

(5) The shared access complies or can be improved to comply with the emergency service access requirements of CBJ 19.10.

~~(6) The use of each lot served by the shared access shall be limited to one single family residence and an accessory apartment.~~

(7) The total Average Daily Trips resulting from the subdivision shall not exceed 70 and no use of any subdivided parcel shall prevent construction of a single-family home with an accessory apartment on any other parcel.

(8) Shared access is only allowed in RR and residential ~~the D-1, D-3, D-5, and D-10-SF~~ zoning districts defined by CBJ 49.25.210.

~~(9) Shared access is prohibited if street connectivity would be impaired.~~

(10) Shared access is prohibited if the subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way.

~~(11) The portion of the shared access in the right of way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.~~

(12) Lots must meet the minimum standards for the zone district according to the Table of Dimensional Standards excluding the shared access easement. A buildable area must exist without the need for a variance.

(c) *Approval process.*

1
2
3 (1) Upon preliminary plat approval by the director, the applicant shall construct the
4 shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway
5 with 0 to 70 ~~50~~ average daily trips. A financial guarantee cannot be used as a condition of
6 construction.

7
8 (2) The shared access easement shall be recorded.

9 (3) The following shall be noted on a plat or in a recorded decision that contains a
10 shared access:

11 (i) The private easement is for access, drainage, and utilities and shall be
12 specifically identified.

13 (ii) The owner(s) of the lots served by the private access easement
14 acknowledge the City and Borough is not obligated and will not provide any
15 maintenance or snow removal in the private easement.

16 (iii) The owner(s) of the lots served by the private access easement shall be
17 responsible and liable for all construction and maintenance of the shared access
18 from the edge of the publically maintained travel lane.

19 (iv) Except a subsequent common wall subdivision depicted on this plat, the
20 lots served by the private access easement are prohibited from subdividing unless
21 the access is upgraded to a public street, dedicated to, and accepted by the City and
22 Borough.

23
24 (v) Owner of a lot served by the private access easement shall automatically
25 abandon all rights to and usage of the private access easement except for utilities, if
any, if a publically maintained street serves that lot.

(vi) A lot with frontage on a public street and on the shared access is prohibited from having vehicular access to the public street except through the shared access.

49.35.263 Other Shared Access Requirements.

(a) If a shared access is approved, the applicant must apply for and receive a right-of-way permit to construct the shared access.

(b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.

(c) The front yard setback shall be measured from the shared access easement.

(d) The width of the shared access easement may be reduced up to 20 ~~40~~ feet if the director finds there is sufficient area for the provision of utilities, drainage, snow storage, and that it is unlikely for the shared access easement to expand in the future to a public street.

(e) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.

(f) Shared access existing on the effective date of Ordinance 2016-26 is exempt from the requirements of this division.

~~(f) — Parcels that are served by an existing shared access and made nonconforming by the adoption of this division shall be allowed to construct a single family residence, including an accessory apartment if otherwise allowed, and any previously permitted~~

~~development. All other development shall be prohibited unless consistent with this division.~~

Section 11. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new division to read:

DIVISION 2. PRIVATELY MAINTAINED ACCESS IN A RIGHT-OF-WAY

49.35.270 Purpose.

A privately maintained access road serving 13 or fewer lots located outside the urban service area may be constructed within a public right-of-way and constructed to less than full public street construction standards.

49.35.271 Application.

On a preliminary plat application, the applicant must submit the following to request approval for a privately maintained access in a right-of-way:

- (1) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities; and
- (2) A proposed access agreement as required by 49.35.272.

49.35.272 Access agreement.

(a) An access agreement must be executed between the City and Borough and all property owners proposed to be served by a privately maintained access road. The agreement must identify the parties and the property, all signatures must be notarized, and the agreement must include the following provisions:

1
2
3 (1) In exchange for the grantee not being required to construct a road that can be
4 accepted for maintenance by the City and Borough, and for the City and Borough not being
5 responsible for maintaining the privately maintained access road, the parties execute this
6 agreement with the intent for it to run with the land and bind all heirs, successors, and
7 assigns consistent herein;

8
9 (2) The grantee acknowledges that the City and Borough is not obligated to provide
10 any maintenance, including snow removal, for the privately maintained access. The
11 grantee is required to arrange for year-round reasonable maintenance for the privately
12 maintained access, including snow removal, sufficient to meet weather conditions and to
13 allow for safe vehicular traffic;

14 (3) The grantee and the grantee's heirs, successors, and assigns will defend,
15 indemnify, and hold harmless the City and Borough from any claim or action for any
16 injury, loss, or damage suffered by any person arising from the location, design,
17 maintenance, or use of the privately maintained access;

18 (4) The grantee will ensure that use of the privately maintained access road will not
19 block vehicular or pedestrian access by the public in the right-of-way;

20 (5) The City and Borough will have unimpeded access in the right-of-way.

21 (6) The grantee is required to arrange for maintenance of the right-of-way. The
22 grantee and the grantee's heirs, successors, and assigns will maintain the privately
23 maintained access road and public right-of-way according to the conditions established in
24 this agreement;

25 (7) The City and Borough will record a copy of the agreement, at the grantee's
expense, with the state recorder's office for each lot or parcel of land either, in the case of

1
2
3 existing lots, those adjoining the segment of right-of-way in which the privately
4 maintained access is to be located; or, in the case of lots created by subdivision and served
5 by the privately maintained access, those lots so created;

6 (8) The owners of the lots subject to this agreement are required to pay for right-of-
7 way upgrades when existing or proposed development served by the privately maintained
8 access exceeds 211 average daily trips as determined by the director;

9
10 (9) The owners of the lots subject to this agreement are prohibited from subdividing
11 unless the privately maintained access is upgraded or all the property owners served by
12 the privately maintained access execute a new access agreement;

13 (10) Any development that increases the estimated traffic above 211 average daily
14 trips, as determined by the director, shall pay a proportionate share of the costs of the
15 right-of-way upgrades, which will offset the costs imposed on the existing owners served by
16 the privately maintained access. The proportionate share shall be the percentage increase
17 in average daily trips;

18 (11) The owners of the lots subject to this agreement authorize the City and Borough
19 to amend this access agreement by adding a new owner only upon presentation of a
20 written and fully executed maintenance agreement between all the existing property
21 owners subject to the original access agreement and the new property owner proposing to
22 be served by the existing privately maintained access. Any amended access agreement
23 supersedes an existing access agreement. After recording, the new access agreement shall
24 be sent to all the owners subject to it; and
25

(12) The owners agree to maintain in full force and effect any insurance policy required by the City and Borough until and unless the roadway is accepted for maintenance by the City and Borough.

(b) Prior to the City and Borough executing the access agreement:

(1) The owners of the lots subject to the agreement shall create an owner's association for the purpose of continuing the duties contained in the agreement; and

(2) The association shall obtain liability insurance of a type and in the amount deemed necessary by the City and Borough to provide coverage for claims arising out of or related to the use, occupancy, and maintenance of the privately maintained access road.

The City and Borough shall be named as an additional insured on any required policy.

49.35.273 Standards.

(a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.

(b) *Approval criteria.* A subdivision may be approved, with or without conditions, with privately maintained access in a public right-of-way if all of the following criteria are met:

(1) The subdivision is located outside of the Urban Service Boundary;

(2) The proposed privately maintained access would abut and provide access to 13 or fewer lots each limited to a single-family residence, or the proposed access road could serve 13 or fewer lots;

(3) The proposed privately maintained access will be located in a public right-of-way that has not been accepted for public maintenance;

(4) The proposed privately maintained access does not endanger public safety or welfare;

(5) The proposed privately maintained access will be improved to provide for emergency service access;

(6) A privately maintained access shall only serve property in which the maximum allowable residential density uses do not exceed 211 average daily trips as determined by the director; and

(7) Property served by the privately maintained access shall include accessory apartment traffic, if allowed with or without a conditional use permit, even if accessory apartments are not currently proposed.

(8) Privately maintained access is prohibited unless:

(A) The abutting parcels have alternative and practical frontage on a publicly maintained right-of-way; or

(B) The property owners of all abutting parcels are signatories of the access agreement required by CBJ 49.35.272.

(c) *Approval process.*

(1) All of the requirements of this Title and the conditions identified in the preliminary plat notice of decision have been satisfied.

(2) Area for the right-of-way has been dedicated to the City and Borough. The privately maintained access has been constructed consistent with corresponding standard in 49.35.240 for a roadway with 0 to 211 average daily trips.

(3) The access agreement is recorded prior to recording the final plat.

(4) The director may impose conditions necessary for public, health, safety, and welfare upon approving the subdivision.

49.35.274 Other requirements.

(a) If a preliminary plat with a privately maintained access in the public right-of-way is approved, the applicant must apply to the engineering and public works department for a permit to construct the privately maintained access as required by CBJ 62.05, accompanied by final construction plans. Additional fees and bonding may be required for final plan review, inspection, and construction of the access road and utilities.

(b) The applicant shall install a street sign, to be provided by the City and Borough, which shall indicate that the privately maintained access is not maintained by the City and Borough.

(c) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.

Section 12. Amendment of Section. CBJ 49.80.120 is amended by the addition of the following definitions to be incorporated in alphabetical order:

Access point means any improvement designed for a motor vehicle to travel from or onto a right-of-way including, a driveway, a parking area, or street that intersects an existing street, and any similar improvements.

~~Grade (maximum grade for access) means the maximum percentage slope of the finished surface measured every 10 feet.~~

Travel way means the portion of the roadway for the movement of vehicles, exclusive of shoulders.

Section 13. Amendment of Section. CBJ 49.80.120 is amended to read as follows:

Common driveway means a commonly shared or used pedestrian or vehicular way that connects or serves two or more properties within a common wall development.

...

Roadway means that portion of a street intended for vehicular traffic, including shoulders.
~~where curbs are laid, the portion of the street between the back of the curbs. The sum of the~~
traveled way and shoulder widths constitutes the roadway width.

...

~~*Roadway width* is measured as the paved section of a paved street or from shoulder to shoulder on a gravel street.~~

Section 14. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2016.

 Kendell D. Koelsch, Mayor

Attest:

 Laurie J. Sica, Municipal Clerk



Rob Steedle, Director

(907) 586-0757
Rob.Steedle@juneau.org
www.juneau.org/cdd
155 S. Seward Street • Juneau, AK 99801

January 4, 2017

To: Jerry Nankervis, Deputy Mayor, Chair Assembly Committee of the Whole

From: Rob Steedle, Community Development Director

Subject: Title 49 Shared Driveway Access Decisions

The central question for the Assembly to answer when it takes up Ordinance 2016-26 is whether or not the practice of allowing shared driveway access for new subdivisions should continue. If the answer is no, some properties will remain undevelopable for the foreseeable future because alternative access would be cost-prohibitive. These include lots that front on publicly maintained roads for which additional driveways will not be allowed by DOT for traffic safety reasons as well as lots that are access-challenged due to physical geography. If the answer is yes, then the Assembly must consider the subsidiary policy questions addressed in the ordinance. These are:

- Hardship or by-right. The draft ordinance as modified by the Planning Commission would allow this type of development outright. In earlier versions of the draft ordinance, shared access would not be allowable unless terrain or the inability to secure a driveway permit prevented development.
- Zoning districts. The draft ordinance would permit shared driveway access in Rural Reserve and in all residential districts. Note that permitting this in multi-family districts may allow less intensive development, which runs counter to the direction encouraged by the Comprehensive Plan and by the Housing Action Plan.
- Limit number of lots. The draft ordinance would allow up to four lots to be served by a shared driveway. The Assembly could choose a different number or no number at all.
- Limit Average Daily Trips (ADT). The draft ordinance limits use of the shared driveway to 70 ADT. That level would allow each lot in a four-lot subdivision to have a single-family home with an accessory apartment. Again, the Assembly might choose a different number or no number at all.
- Uses. The draft ordinance would allow all uses permitted in the underlying zoning district to take place on lots served by a shared driveway. Note that if the number of lots and the ADT remain unchanged in the final ordinance, a four lot subdivision will consume all of the available ADT. If the subdivision consisted of just two lots, a childcare home could be permitted on one of the lots but be limited to four children. (It may be necessary to draft additional language that explicitly permits the Community Development Director to impose such a condition.)
- Frontage. The draft ordinance relaxes the requirement that a lot must have frontage on a right-of-way by allowing frontage on an easement to be sufficient.
- Paving. The draft ordinance requires the entire driveway to be paved.



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MEMORANDUM

TO: Borough Assembly Committee of the Whole

FROM: Beth McKibben, AICP *BMc*
 Planning Manager, Community Development

DATE: November 17, 2016

SUBJECT: 2016-26 Shared Access Ordinance

In August of 2015, the Assembly adopted Ordinance 2015-03, enacting significant changes to subdivision development requirements in Title 49, the Land Use Code. During its deliberations of that ordinance, the Assembly recognized that the new code did not adequately address the prevalent practice of allowing shared private vehicular access from properties to the road network. The Assembly directed staff to codify its practice. CBJ's overarching policy has been, and remains, to provide flexibility with development options for well-designed neighborhoods that provide safe connectivity to properties, using both public and private access. The potential for developing land for infill is expanded if private shared access is allowed. The overuse of shared accesses can result in haphazard development and hinder or prohibit future development and street connectivity. The proposed ordinance is intended to balance these competing concerns.

The key shared access policies in the draft ordinance are as follows:

- The proposed access option would eliminate the current requirement and practice that lots in new subdivisions must have frontage on a publicly maintained right-of-way. The long standing practice of CBJ has been to approve shared driveways when all of the lots have frontage on a publicly maintained street.
- Shared access in private easements may be considered for subdivisions of four or fewer lots that do not have frontage on a publicly maintained right-of-way with approval of a permit as follows:
 - o Frontage of lots must be along the private easement. CBJ 49.15.424(a) requires public right-of-way access to a subdivision. CBJ 49.15.424(b) addresses access within a subdivision;
 - o No more than four lots may share the easement;

- o The easement may be constructed to less than full public street construction standards;
- o Applies only to residential zoning districts, (RR, D1, D3, D5, D10SF, D10, D15 & D18);
- o The average daily trips (ADT) for a subdivision using shared access cannot exceed 70 ADT. Any use in the zoning district may be permitted, but other uses cannot prohibit any lot in the subdivision from having at least one single family home and one accessory apartment per lot.
- Shared access standards include the following:
 - o Fifty foot wide easement (may be reduced by 20 feet with Director approval);
 - o Must be paved borough wide;
 - o Must meet minimum Title 19 standards;
 - o Yard setbacks would be measured from the easement rather than the property boundary;
 - o Minimum lot size requirements must be met exclusive of the access easement; and
 - o Provide a plat note that states the following:
 - Further subdivision is not allowed unless access is upgraded to a public street;
 - Acknowledgement that the owners are responsible for snow and access maintenance, not the CBJ;
 - Identifies presence of access easement and which lots are served by it; and
 - Owners shall automatically abandon all rights and duties to the private access easement when a publicly maintained street serves the lot.
- Required submittals for consideration of shared private access approval include the following:
 - o A preliminary plan and profile of the proposed access along with any proposed public or private utilities;
 - o A private utility easement if private utilities are proposed to be located within the shared easement;

- o An access agreement that will be reviewed by the CBJ to ensure it meets access requirements but will not be reviewed for legal sufficiency; and
- o Review by the Fire and Engineering and Public Works Departments with approval by the CDD Director, who may specify conditions.

Key Policy Questions considered by the Planning Commission

Should all lots be required to have frontage on public right-of-way:

The CBJ's practice of requiring frontage for each lot on the publicly maintained road while also allowing shared access provided a relief valve in the event that the private shared access situation fell apart. Even though constructing access through the frontage might have been difficult and/or expensive, direct access to the property – while not necessarily vehicular – could have been achieved via stairway or some other pedestrian method. Access would not be impaired catastrophically if the property did not also have that frontage on the publicly maintained right-of-way. Removing that requirement for frontage takes away that relief valve.

Surface type:

The shared access surface type is proposed to be a paved surface. Potential neighbor disputes regarding maintenance may be allayed by having a paved surface which requires less long-term, ongoing maintenance. The Mendenhall Valley is subject to air quality monitoring. Additional gravel roads/driveways may have an impact.

Public Improvements:

Based upon discussion at the Planning Commission COW meeting on July 12, 2016 and the regular Planning Commission meeting on October 25, 2016, the ordinance states that public improvements must be designed and constructed to allow for the potential for future extension. This distinction acknowledges that future extension is a possibility rather than a certainty. CBJ 49.35.120 (a) requires that improvements must be designed and constructed to provide for future extension to adjoining lands. Because subdivisions using the shared access provision are not allowed if the subdivision abuts a parcel that does not have alternate and practical frontage on a publicly maintained ROW, subdivisions using the shared access provision may not be required to provide for future extension of public improvements.

Easement width:

The easement width is required to be 50 feet wide, and may be reduced up to 20 feet if the director finds there is enough area to provide for utilities, drainage improvements and snow storage and that it is unlikely the easement would become a future public street. The CBJ Streets and Transit Superintendent has indicated that 40 feet is the minimum public right-of-way width. The director's finding of no possible future road is

critical to allowing the reduction of the easement to 30 feet. The required 50-foot easement width is less than the current new street standard requirements for public rights-of-way, which is 60 feet. Reductions in the 60-foot ROW are allowed by code, with approval of the director.

Number of lots:

Initial discussions and recommendations limited the use of shared private access to three lots or less. Staff researched approved shared accesses as far back as 1987. The majority of the private shared accesses were approved for two to four parcels. However, there are approved private shared accesses for more lots. The Commission ultimately recommended 4 lots.

Use and Zone District Limitations:

The proposed ordinance allows for private shared access in all residential zoning districts, including multi-family (RR, D1, D3, D5, D10SF, D10, D15 & D18). It also limits the number of average daily trips (ADT) for the subdivision to 70 ADT. The Planning Commission rationale is to make possible alternative developments in multi-family zones and to not preclude smaller developments in multi-family zones.

The draft ordinance also does not limit the uses for the lots on private shared access. Any use allowed in the zoning district may be permitted, as long the total ADT does not exceed 70 ADT. The intent, stated by the PC, is to assure that anyone who built on an adjacent lot in the subdivision would have enough allocated trips for a single family home and an accessory apartment. Every lot in the subdivision would be guaranteed at least a single-family home and an accessory apartment. The rationale for not limiting the uses in the subdivision to only one single-family and an accessory apartment is to not create a different class of residential subdivisions. The Commission discussed a variety of uses that might take place that would have little to no impact on ADT, such as a small home occupation or a home childcare. They decided that if ADT is used then more uses might be allowed, while at the same time not increasing the traffic beyond what the private shared access can adequately accommodate, or place un-fair burden on the owners of the other lots within the subdivision. This change also recognizes that not every subdivision created using the private shared access provision will be the maximum number of lots allowed, and there may be “extra” trips left for other uses permitted in the zoning district. For example, if a three lot subdivision is developed with three single-family homes, each with an accessory apartment, there are approximately 25 trips remaining that could be used by another use allowed in the zoning district before reaching the maximum of 70 ADT.

Hardship or allowed outright:

At its COW meeting on September 13, 2016, the Planning Commission decided that hardship should not be a criterion for allowing private shared access. Not requiring the hardship standard provides more flexibility. While, ultimately the Commission voted to support this amendment, during the discussion there was not agreement among all, and a vote was taken to keep the hardship criterion, which failed.

Pre-existing shared access:

The ordinance recommended by the Planning Commission includes the provision that shared accesses approved prior to the adoption of this ordinance are exempt from these requirements. There are a number of previously approved shared access easements in many different zone districts. A number of the lots served by these easements do not yet have approved building permits. Some of these are in multifamily zoned districts as well as in the Industrial zone (I). If building permits are not approved at the time of this ordinance's adoption, the only development that may occur would be a single-family dwelling and an accessory apartment or uses that generate less than 70 ADT. This is especially problematic for the Industrial zone and commercial zones where uses generate higher traffic counts. Also, the only residential use allowed in the Industrial zone district is a caretaker unit which is accessory to the primary industrial use.

Street Grade:

The maximum grade of the shared access is dictated by the International Fire Code, which is 10%. The Fire Chief may, in some cases, approve the grade to a maximum of 14%. The Commission removed the definition of grade (which would apply to all street improvements, not just shared private access) which measured slope every 10 feet. This change was recommended by the Director of Public Works and Engineering. It was explained that measuring grade at 10-foot intervals is not standard engineering practice. Engineering staff is concerned that defining grade in this way will lead to problems, challenges, and inconsistencies, and other unintended consequences. Engineering has indicated that the language in the ordinance that requires the director (of CDD) to forward the complete application to the Fire Department and to the Engineering and Public Works Department for review provides for sufficient consideration of the driveway grade. Additionally, Engineering has stated they would develop a typical section (drawing) for private roadway access that would be included within the Standard Drawings. This will significantly reduce the potential for inconsistencies and challenges.

Setbacks and Lot Area:

Although the easement will be included in the respective lots because it will be privately owned, the lots will need to meet the underlying zone district minimum requirements exclusive of the easement area. In the event that the easement is further developed into a CBJ street and dedicated and accepted by the CBJ for maintenance, then the resulting lots would still meet the zone district requirements and will not create undersized nonconforming lots. At the October 25, 2016 meeting the Commission added the requirement that the easement must be completely and fully on all of the lots served. One of the reasons for this amendment is to ensure that all lots have enough lot area, and subsequent development is adequately setback in the event that at some time in the future the easement may become a developed right-of-way.

Landlocked Parcels:

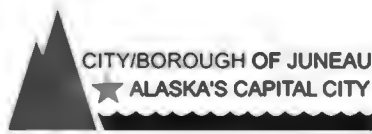
49.35.262(b)(7) prohibits private shared access if it will create a landlocked parcel. Adjacent parcels not part of the subdivisions must have access to a publicly maintained right-of-way. While this ordinance was crafted in such a way that shared private access is not an option if access to adjacent properties is clearly to be needed at some point in the future, the Commission gave a great amount to the thought that at some point in the future an approved shared private access may need to become a public right-of-way. While the easement width is less than required for new street construction, great care was taken to ensure there is sufficient space for a travel way, utilities and drainage, and that buildings are adequately setback, and the lot size sufficient.

Common Driveway:

The definition for Common Driveway was changed to be specific to common wall developments. This means that any other shared driveway could be subject to the requirements of the shared private access ordinance, including shared driveways for panhandle subdivisions and developments on a single parcel with more than one primary structure (such as a multifamily apartment complex in more than one building). Requiring these types of development to be subject to the easement width, construction standards and maintenance agreements requirements was not discussed by the Commission.

Financing implications:

While not discussed in detail by the Planning Commission, there may be financing implications for lots being served by a private easement. Most financing programs require a permanent easement (into perpetuity) for access, water and waste water. Additionally, most financing programs require a maintenance agreement. It may be through a Homeowner's Association (HOA) or through a legally enforceable agreement. Additionally, most lending programs require an appraiser to verify the existence of the easement and maintenance agreement. Appraisers are also asked to report on the condition of the driveway and verify that it has an all-weather surface that an emergency vehicle and typical passenger vehicles can drive on at all times. This draft ordinance does not require a HOA or a legally binding maintenance agreement.



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Borough Assembly
FROM: Amy Gurton Mead, Municipal Attorney *AGM*
DATE: November 3, 2016
SUBJECT: 2016-26 Shared Access Ordinance

The purpose of this memo is to explain the substantive provisions of 2016-26.

Section 2. Section 2 repeals 49.15.424 and moves that section's access requirements to 49.35. Doing so concludes the process the Assembly directed when the subdivision ordinance (2015-03) was adopted.

At that time, the Assembly was told that it was CDD's practice to allow variances for shared access issues. The Assembly was told that a shared access ordinance was being prepared and that in the meantime, CDD could either stop allowing variances for shared access absent a code change, or the Assembly could direct that the access provisions be relocated to the Design Division of code for clarity (variances are specifically allowed for "design.") The Assembly directed that the access provisions be moved to the design section until the shared access ordinance was brought forward.

Section 3. This section moves the privately maintained roads in public rights of way section out of 49.15 and to the Improvements Chapter for consistency.

Section 7. The Planning Commission recommended the following code change to section (a) of 49.35.120:

The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to allow the potential provide for future extension to adjoining lands.

First, it is important to note that this code section is not specific to private shared access. This code section applies to all development.

This change marks a shift from the policy currently embodied in Title 49. Currently, developers must provide for future expansion by providing the appropriate infrastructure. This change would allow a developer to provide only what is necessary for that developer at that time.

An example illustrating this policy shift is stub streets. Under current code, absent a waiver, developers are required to fully construct a roadway located within the developer's subdivision in order to provide right of way access to bordering property. (See CBJ 49.35.120 and 49.35.210(a)(1)). The change proposed by the PC eliminates that requirement. (It must be assumed that by making this change, the PC meant to impose a different requirement than exists in current code.)

Section 8. This is a housekeeping measure. Note iii to the Table of Roadway Construction Standards, requiring paving within the Juneau PM-10 Non-Attainment Area, is no longer necessary as all roadways constructed within the urban service area must be paved.

Section 9. This is where the access section now located in 49.15.424 moved (see Section 2, above). There were two changes to the current code language:

- 1) A change recognizing private shared access as a type of allowable access:

Current code:

49.15.424(c) Privately maintained access within a subdivision. A subdivision may create new lots served by a privately maintained access road not maintained by an agency of government as provided by CBJ 49.15, article IV, division 4. All lots must have either a minimum of 30 feet of frontage to the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

2016-26:

(c) *Privately maintained access within a subdivision.* Lots shall front and have direct access to a publically maintained street except as:

(1) *Privately maintained public access.* A subdivision may create new lots served by a privately maintained access within a public right-of-way not maintained by an agency of government as provided by CBJ 49.35, Article II, Division 2. All lots must have either a minimum of 30 feet of frontage on a right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

(2) *Private shared access.* A lot in a subdivision is exempt from having the minimum frontage on a public right of way when a shared access is approved pursuant to CBJ 49.35, Article II, Division 1. All lots served by a shared access shall have a minimum of 30 feet of frontage on the shared access.

- 2) A change to current code in order to specify that access is through frontage. This change was necessary to embody the fact that the purpose of frontage is to provide access (for example,

for public safety and utilities)¹.

Current code:

49.15.424(b) Publicly maintained access within a subdivision. Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by....

2016:26:

(b) *Publicly maintained access within a subdivision.* Unless otherwise provided in this section or in 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage. The minimum frontage requirement on a right-of-way is 30 feet or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by ...

Section 10. This is the section that makes the most substantive changes to Title 49 by introducing privately shared access. The policy questions related to this type of frontage and access are as follows:

- 1) Should privately shared access be allowed in the case of hardship (topography or inability to access the ROW because of DOT or CBJ requirements) or allowed outright? The concept originally presented suggested privately shared access be allowed only in cases of hardship; the PC at its last meeting made them allowed outright.
- 2) Zoning. Originally, the concept for shared access was to allow them only in single-family zoning districts. The idea was to allow these exceptions to frontage and access requirements in order to encourage development in lower density areas where development would not otherwise occur due to hardships (topography, no access to the right of way) that would make development economically infeasible. In the first drafts of this ordinance, private shared access was only allowed in RR, D1, D3, D5, and D10-SF.

At its last meeting, the Planning Commission expanded the permissible areas for private shared access to include the multi-family zoning districts (D-10, D-15 and D-18).

This change could encourage low density single family lots being developed in the multi-family zones. (Because of the ADT limitations, a developer would be prohibited from building a multi-

¹ Utilities and public safety are not the only reasons local government normally requires frontage on a public right of way. In addition to providing access for utilities, fire, police, and emergency medical services, frontage requirements are considered useful for minimizing the potential for private disputes, remove the need for private parties to rely on their neighbors for each other's winter maintenance and repairs including snow removal, and avoids creating roadblocks for first time homebuyers seeking certain loans that require the home have frontage on a public right of way.

family unit on a shared private access.)

3) CBJ 49.35.263, the vested rights issue. A prior draft of 2016-26 imposed the same limitations on preexisting shared access as the new code section proposes for new development on shared access. At its last meeting, the Planning Commission changed 49.35.263(f) to only impose the code restrictions on new shared access development.

This sets up a situation where similarly situated developers and property owners are treated differently under the code due to whether the shared access was developed before or after this ordinance.²

4) Use limitation. A prior version of 2016-26 limited uses on privately shared access to only single family and accessory apartments, which had a combined ADT of 16.17 (9.52 + 6.65) per lot. At its last meeting, the PC changed the use limitation to allow for any use allowed consistent with the TPU, but the PC did not change the allowed ADT. The new language is at 49.35.262(b)(5):

The total Average Daily Trips resulting from the subdivision shall not exceed 70 and no use of any subdivided parcel shall prevent construction of a single-family home with an accessory apartment on any other parcel.

This code section cannot be adopted as written. If a homeowner has a home-based business (child care providers, for example) and an accessory apartment, the ADT for that lot exceeds 16. If there are unimproved lots served by the same shared access, that fact could prohibit development of unimproved lots served by the same access road because the home based business would be using too much of the allowable 70 ADT.³

In order to address this inconsistency and still allow all uses allowed under the TPU would mean increasing the allowed ADT, but increasing the allowable ADT results in increased use on a private roadway not maintained by the CBJ.

As I understand it, the Planning Commission's intent was to allow for additional uses beyond single family/accessory apartment in cases where the ADT would be less than 70 even if all lots were developed. (For example, a subdivision serving only two lots.) But because of the Planning Commission's change to 49.35.262(b)(1) (see paragraph 5, below) requiring developers to build the shared access across all lots, it seems there is an expectation that the shared access serve additional property. That cannot be the case and still comply with the 70 ADT requirement.

² The CBJ has addressed vested rights differently in the past. For example, when Ordinance 2015-32 was adopted to amend the child care zoning standards, a different vested rights clause was used: "The standards identified in this article do not apply to any preexisting legal child care home or center so long as the preexisting use does not change." CBJ 49.65.1100.

³ See CDD's memo to the Title 49 Committee on child care dated April 9, 2015, finding that the ADT for a child care home is 4.48 ADT per child or CDD's power point to the Planning Commission Committee of the Whole on Sept. 13, 2016, finding that a day care center having 1,000 square feet of floor has a 74.06 ADT.

5) 49.35.263(d) was amended by the Planning Commission to allow for a reduction in the width of the shared access if CDD finds that the shared access is unlikely to become a public street in the future. But the Commission also added a requirement at 49.35.262(b)(1) that the shared access be completely on and fully cross all of the lots served by the access, in anticipation of a public street being constructed in the future.

This inconsistency can be resolved in one of two ways:

a) Keep the requirement that the director make a finding that the shared access will not eventually be used for a public street⁴ and eliminate the requirement that the private access fully cross all lots served by the access. This would be consistent with a policy decision that private shared access be an exception to the normal requirement for frontage and access and that shared access be used in hardship scenarios; or

b) Remove the language allowing for a reduction in the width of the easement but keep the requirement that the private access abut all lots in anticipation of a public street being constructed. This would be consistent with a policy decision to allow private shared access outright.

Section 11. All of the language in this section (Privately Maintained Access in a Right-of-Way or PMAs) is currently in code. Besides the few changes identified below, 2016-26 relocates these code provisions (currently found in 49.15, Division 4) to a new section in 49.35.

1) 49.35.270 (formerly 49.15.424). This line is being deleted from the purpose section: “Such permits may also allow subdivisions creating new lots accessed by a roadway not accepted for maintenance by a government agency.”

2) 49.35.271 (formerly 49.15.431) clarifies that the request for approval of a privately maintained access road (PMA) must be made with the preliminary plat application.

3) Current code section 49.15.432 (providing for department review of the application for a PMA) is now consolidated in a new code section: 49.35.273(a).

4) Current code section 49.15.433, Design criteria, was also incorporated into 49.35.273(b), with changes (for example, adding the requirement that the PMAs be located outside the urban service area, which the Assembly did with Ordinance 2015-03. Previously, that requirement was only in the road standard table; it’s been added to the chapter on PMAs for clarity.)

Section 12. This section makes changes to the definition section of Title 49. Of note is a change by the PC that did not make it into the final version of the ordinance. The PC removed the following definition:

⁴ Using a private shared access for a public street would likely require the CBJ to initiate an eminent domain action to take the property needed for a public right of way.

Grade (maximum grade for access) means the maximum percentage slope of the finished surface measured every ten feet.

The reason for this definition was to specify how grade would be measured. The need to specify how grade would be measured arose last year. In that case, a developer obtained all preliminary permits and approvals from CDD through the Title 49 process, including approval of the engineering plan for construction of a shared access driveway (serving four homes). When it came time for final approval by the Fire Department for purposes of obtaining the certificate of occupancy, the Fire Department could not approve because portions of the driveway were too steep for the fire trucks to access. The developer argued that when the grade of the driveway was averaged over its whole length, the driveway met the code's grading specifications. Though that was an accurate statement, that did not change the fact that portions of the driveway were too steep for the trucks. Fire and Engineering requested that a definition clarifying *how* grade would be measured be included in Title 49, thereby giving advance notice to developers and not leaving the issue for a late-discovery and dispute. When the private shared access concept was being presented at a Subdivision Review Committee meeting last year and this question arose, a commission member recommended grade be measured every ten feet.

At the last Planning Commission meeting, the Engineering Director asked that the definition be removed.



2974 Foster Ave.
Juneau, AK 99801
907-723-8444

murray@acsalaska.net

January 24, 2017

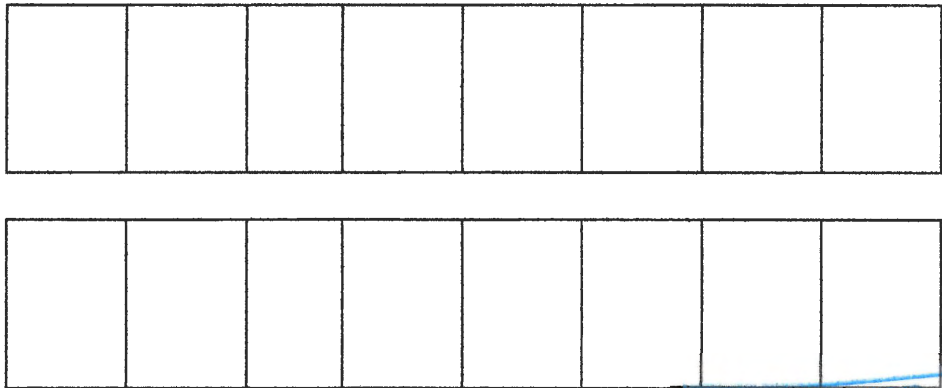
Mayor Ken Koelsch and Members of
The Assembly
City and Borough of Juneau
155 South Seward St.
Juneau, AK 99801

Re: Shared Driveway Ordinance

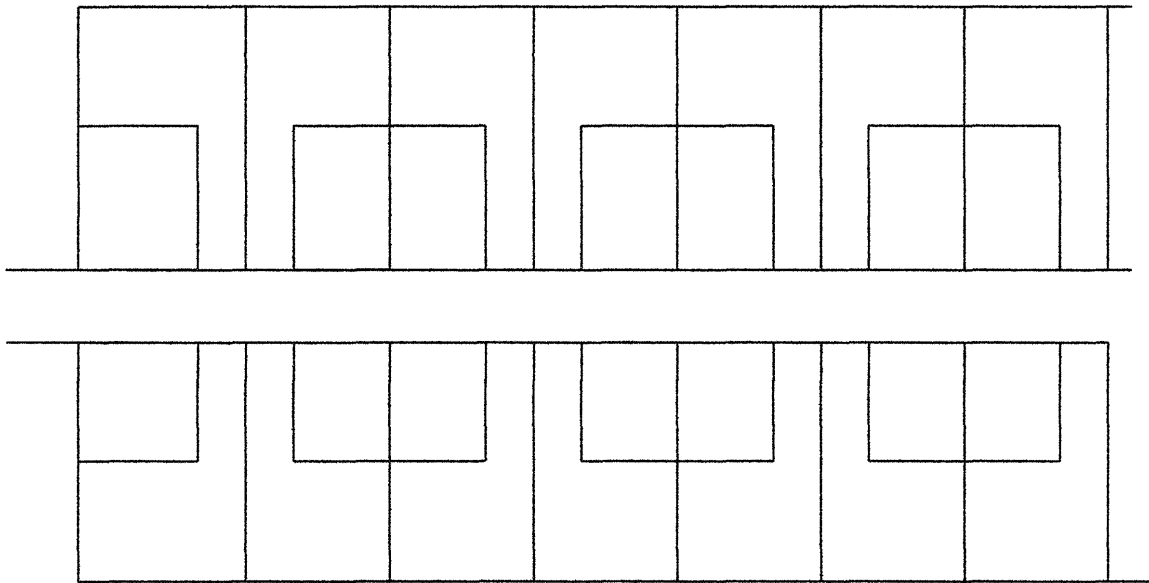
Dear Mayor Koelsch and Assembly Members,

I have a keen interest in this proposed ordinance and I will not be able to be with you at the next time you discuss it in COW on January 30. The ordinance is aimed at a number of problems in Juneau that are mostly the result of topographic situations. However, the ordinance would also provide more opportunities to make housing more affordable. One way to achieve affordable housing is to make it possible to develop small, freestanding, houses on small lots. This is efficient use of land and efficient use of new-built streets.

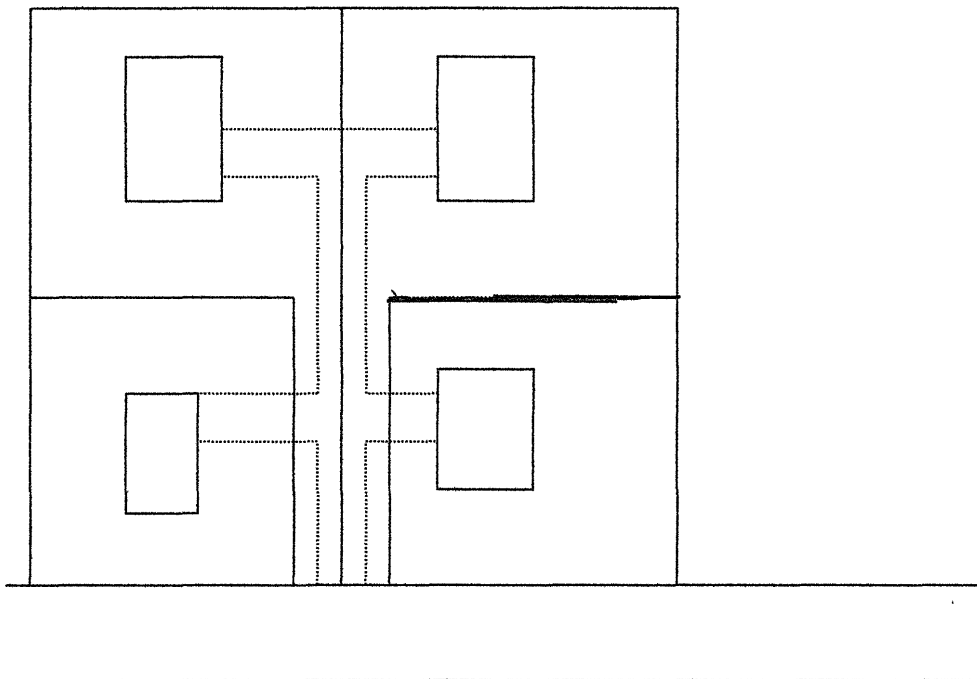
The CBJ has upgraded its street standards over the years, and wisely so. A new CBJ residential street – fitted with water, sewer, drainage, sidewalks and other amenities costs more than \$2000 per lineal foot. I am not going to recommend downgrading the street standards. Everyone wants to live with high-quality streets, regardless of how large or small their house or property may be. Rather, I am proposing a more efficient use of streets by proposing a double tier of small lots to adjoin either side of new streets. The traditional subdivision design is simply a row of lots on either side of a street, like this:



A more efficient design would allow a double row of lots with shared driveways and could look like this:



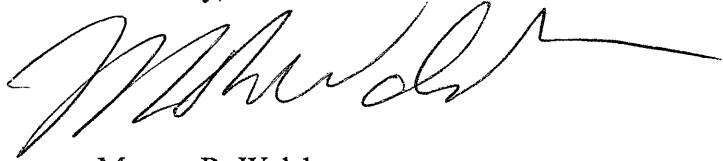
In the layout above, each group of four houses would share a single driveway. The driveway should be paved at the time of final plat approval and should be at least 20 feet wide. The figure below shows how each group of four houses would share a driveway.



The proposed ordinance would allow the creation of lots that are connected to public ROW only by easement. I have no opinion on that issue other than to say that I would not offer a subdivision like that. In the double tier configuration, every lot has a direct panhandle-style, connection to ROW. The panhandles would each be 20 feet wide. This allows a total of 40 feet for the shared driveway easement that would be overlaid on to the panhandle pairs. I have shared this proposal with the planners at CDD and have been assured that the ordinance, if passed as proposed, would allow this configuration.

I am sorry that I will be out of town on the 30th. I will be back on February 19 and will be happy to appear at any meeting to discuss this proposal and will be glad to discuss it on the phone or any other way that is convenient. Thank you for your attention and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Walsh', with a long horizontal flourish extending to the right.

Murray R. Walsh
Owner, WPDS

CC: Laura Boyce

Private Shared Access – Proposed Ordinance No. 2016-26

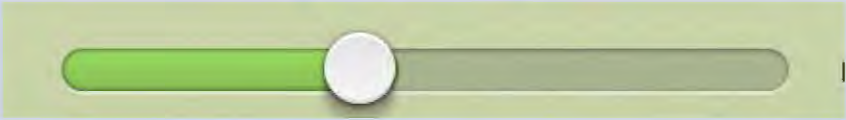
**Assembly and Planning Commission
Committee of the Whole Meeting
January 30, 2017**



Proposal – Ordinance No. 2016-26

If approved, Ordinance No. 2016-26 will amend Title 49, the Land Use Code, as follows:

- Access requirements will no longer be eligible for variances
- Create a new subdivision access standard for small subdivisions – Private Shared Access

Eligibility	By Right		Hardship
Zoning Districts	 RR D1 D3 D5 D10SF D10 D15 D18 LC GC WC MU2 MU I WI		
Number of Lots	 1 3 4 10 13		
Average Daily Trips (ADT)	 50 70 230		
Uses	All Uses per Zone District		Residential Uses
Frontage	Not Required		Required
Paving	Required		Not Required

Proposed Private Shared Access Concepts

If ...

- Zoned Rural Reserve and residential,
- No more than 4 lots,
- Average Daily Trips (ADT) will not exceed 70 ADT,
- ADT level is sufficient to ensure a single-family home and an accessory apartment for each lot,
- Will not create a landlocked parcel,
- Will not endanger public safety or welfare

Then ...

- Private shared access is allowed outright

Existing Example - Nine Mile Creek Road

**3 lots
share
access**

Zoned D-1

**14 foot
gravel
access**

**Easement
for access
and water
utilities**

**Easement
agreement
in place**



Private Shared Access Comparison

	Previous Practice	Proposed
Frontage on Publicly Maintained Right-of-way Requirement	Yes	Other than first lot – No
Easement Width	Varied – generally 20 to 30 feet wide	50 feet, may be reduced to 30 feet
Surface type	Gravel	Paved
Applicable Zone Districts	Any	Residential Districts Only (RR, D-1, D-3, D-5, D-10SF, D-15, D-18)
Use Restrictions	None	ADT ensures a single-family dwelling and one accessory apartment for each lot; any remaining trips are up for grabs
Average Daily Trip (ADT) Restrictions	No	Yes, 70 ADT
Access and maintenance agreement required	Yes	Yes
Number of lots restriction	No – generally 2 to 4 lots	4 maximum

Proposed Private Shared Access Standards

Standards ...

- 50 foot easement (may be reduced to 30 feet)
- 20 foot paved driveway, or as required by Fire Code
- Frontage on publicly maintained right-of-way is not required
- Privately maintained
- Neither sidewalks nor streetlights are required
- Lots must have a minimum of 30 feet of frontage on the easement
- Lots must meet minimum zone district requirements exclusive of easement area

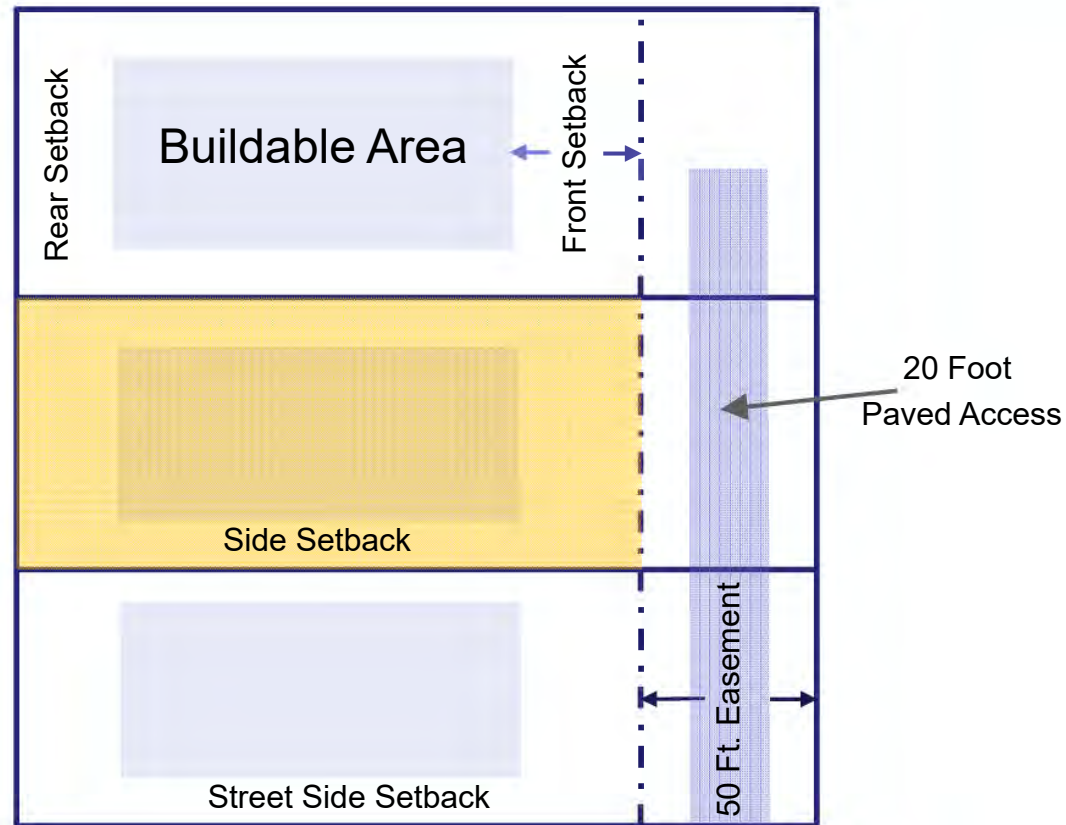
Proposed Private Shared Access Concepts

Requirements ...

- Shared access easement shall be shown on the plat
- Submittal of access, utility, and drainage agreement
- Included in the plat notes or a recorded decision:
 - Acknowledgement that the owners are responsible for snow and access maintenance, not the CBJ
 - Owners automatically abandon all rights and duties to the private access easement when a publicly maintained street serves the lot
 - Further subdivision may not occur until the access is upgraded to a public street and dedicated to and accepted by the CBJ

Subdivision Standards

Lot Area must meet minimum zone district requirements exclusive of easement area



Publicly Maintained Street

Shared Access – Proposed Change

CBJ 49.35.262(b)(1) –

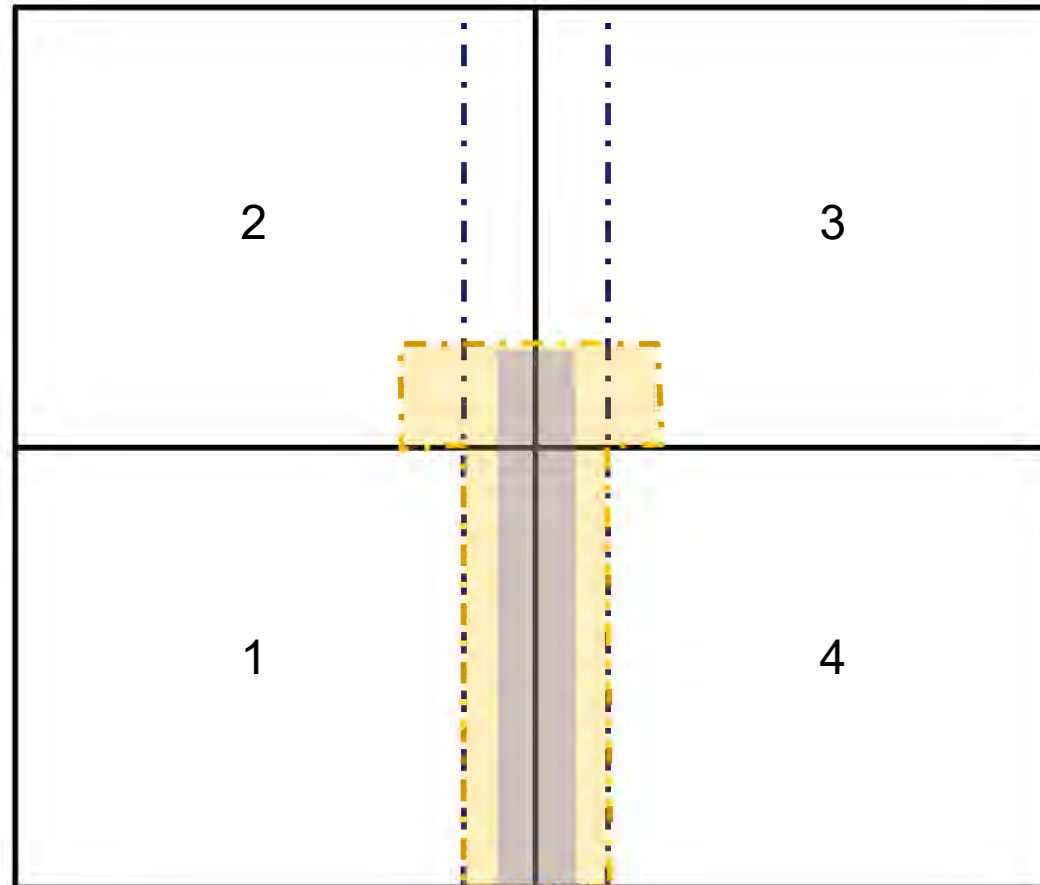
The shared access will be located in a private easement ***completely on and fully crossing all of the lots served.***

Proposed language –

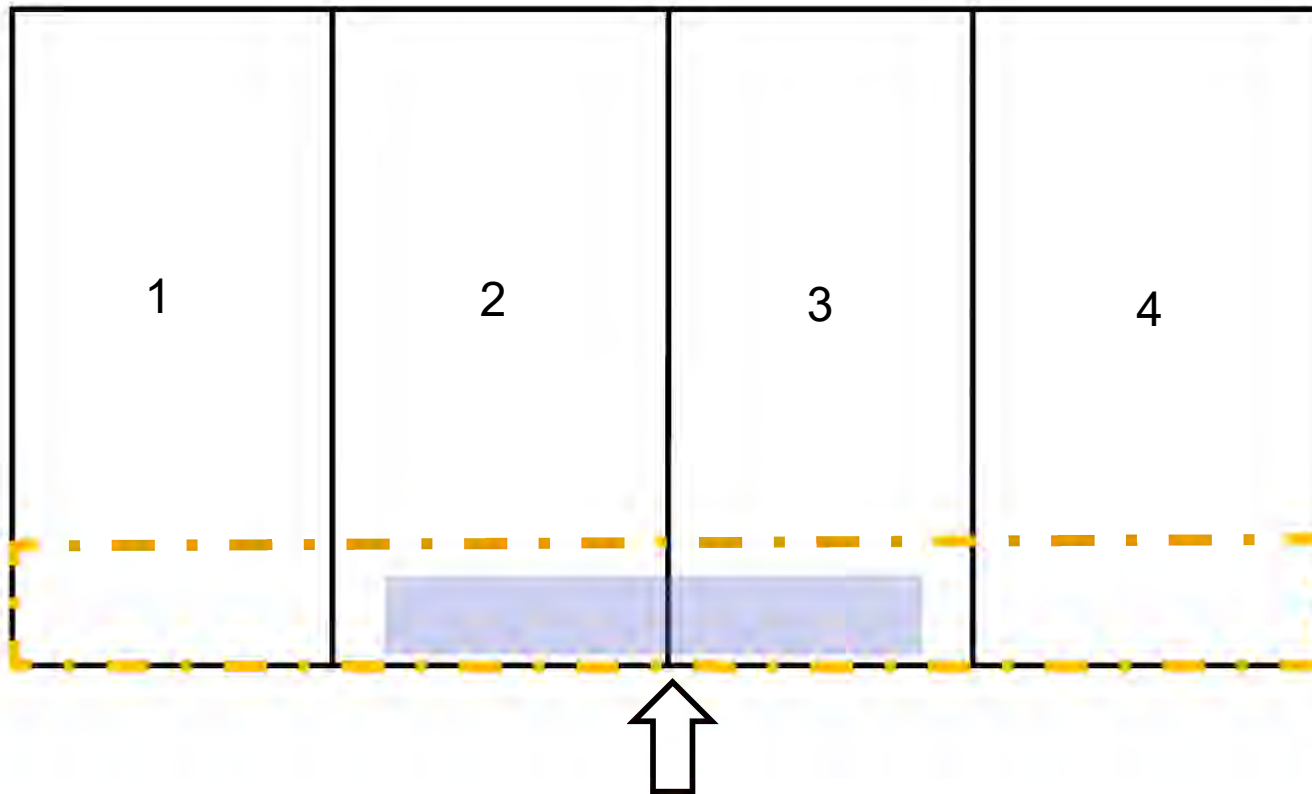
The shared access will be located in a private easement on the lots served.

Ord. Page 6, Line 15

Subdivision Design Examples



Subdivision Design Examples



Publicly Maintained Street



How Many Parcels Are We Talking About?

North of Douglas Bridge to Bonnie Brae (USAB)

NOW: 67 parcels →
161 potential lots

SHARED ACCESS: 67 parcels
→ **282 potential lots**

North Douglas Example



North Douglas Example



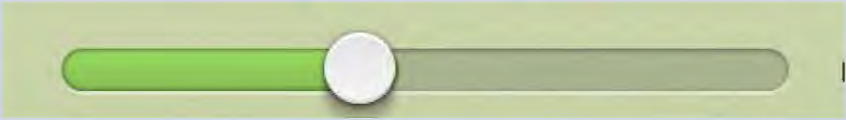
North Douglas Example



Shared Access – Vesting

CBJ 49.35.263(f) –

Shared access existing on the effective date of Ordinance 2016-26 is exempt from the requirements of this division.

Eligibility	By Right		Hardship
Zoning Districts	 RR D1 D3 D5 D10SF D10 D15 D18 LC GC WC MU2 MU I WI		
Number of Lots	 1 3 4 10 13		
Average Daily Trips (ADT)	 50 70 230		
Uses	All Uses per Zone District		Residential Uses
Frontage	Not Required		Required
Paving	Required		Not Required



Thank You

Any questions?



Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-43

An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters

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 Table. Category 7.000 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	Use Description	RR	D1	D3	D4	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
7.00	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
...																
<u>7.600</u>	<u>Sobering centers</u>									3	3	3	3			
...																

Section 3. Amendment of Table. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read as follows:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

(a) Table of minimum parking standards. The minimum number of off-street parking

spaces required shall be set forth in the following table. The number of spaces shall be calculated to the nearest whole number.

Use	Spaces Required
...	
Assisted living facility	0.4 parking spaces per maximum number of residents
<u>Sobering Centers</u>	<u>1 parking space per 6 beds, plus 1 visitor parking space</u>
Theaters	1 for each four seats
...	

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

...

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

...

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Emergency shelter means a residential facility which provides temporary accommodations and minimal supportive services for homeless persons on a short-term basis.

1
2 *Sobering center* means a facility that provides temporary shelter for incapacitated and
3 intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.
4

5 **Section 7. Effective Date.** This ordinance shall be effective 30 days after its
6 adoption.
7

8 Adopted this _____ day of _____, 2016.
9

10 _____
11 Kendell D. Koelsch, Mayor

12 Attest:

13 _____
14 Laurie J. Sica, Municipal Clerk
15
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25

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an 8,100 square foot marijuana cultivation facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

1. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.
3. Prior to approval of a building permit for a portion wall to create a room identified as Flowering Room C on the applicant's floor plan, a revised surveillance camera plan be submitted to ensure the room has adequate surveillance coverage.
4. Prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed.
5. All waste containing marijuana products shall be stored in a locked enclosure until transported to the CBJ landfill.

MOTION: *by Mr. LeVine, to approve items CSP2016 0012 and USE2016 0030 on the Consent Agenda.*

The motion was approved with no objection.

V. REGULAR AGENDA

AME2016 0015: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

Applicant: City & Borough of Juneau

Location: Borough Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments to the Assembly with a recommendation for approval.

Chrissy Steadman told the Commission that at the previous Planning Commission meeting the original staff recommendation had included four items:

- ✓ That a sobering center would be added as a permissible use to Title 49
- ✓ That a sobering center be defined
- ✓ That a parking requirement be provided for sobering centers
- ✓ That emergency shelters be added to the definition of assisted living

The Commission asked the staff to come back with a recommended definition for emergency shelters, and also for a determination if sobering centers should be permissible in the Industrial zoning district.

The staff finds that a sobering center allowed in the Industrial zone was inconsistent with Title 49, said Ms. Steadman, and not consistent with the goals and policies of the Comprehensive Plan, she said. The use is also not consistent with the definition of Industrial District found in CBJ 49.25.240, she explained.

The three Industrial zones within the CBJ include the Rock Dump, areas in Lemon Creek and adjacent to the airport, said Ms. Steadman. Most of the Industrial zone has a Comprehensive Plan land use designation as "Heavy Industrial", but there is some Light Industrial zoned land with a little bit of institutional and public uses, said Ms. Steadman. Waterfront Commercial Industrial is the land use designation in the area around the Rock Dump, and there is some resource development within the Lemon Creek area, she said.

Each of these designations does not include personal service uses consistent with each of these land use designations, said Ms. Steadman.

The staff found that sobering centers are most consistent with a personal service use, said Ms. Steadman. Neither the Comprehensive Plan or Title 49 define personal service uses, but the *Illustrated Book of Development Definitions* defined personal service uses as, "The establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel", said Ms. Steadman.

Chapter 10 of the Comprehensive Plan provides guidance on the use of Industrial land within the CBJ, said Ms. Steadman. Policy 10.7 states that, "To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses," read Ms. Steadman.

Further development guidelines within Chapter 10 state that the, "Distance from sensitive receptors, such as homes, schools and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors, and night time light glare," read Ms. Steadman.

She said that Chapter 10 further states that, "Residential, retail, office, personal service uses and similar nonindustrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards and similar business and household services would be compatible with heavy industrial uses."

Chapter 5 of the Comprehensive Plan emphasizes the importance of preserving Industrial zoned lands for industrial and commercial purposes, said Ms. Steadman. It states that an industrial lands inventory and needs assessment may be required as part of such a rezoning application, she stated. "Lands designated for heavy industrial use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such a conversion", said Ms. Steadman.

The Comprehensive Plan does state that areas which have been encroached upon by nonindustrial uses should be rezoned to have an appropriate land use designation, said Ms. Steadman, so that the uses and the zoning districts are consistent.

Ms. Steadman stated that the staff still recommends that sobering centers be allowed in the Mixed Use (MU), Mixed Use 2 (MU2), Light Commercial (LC) and General Commercial (GC) zoning districts. The draft ordinance reads that a, "Sobering Center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170", stated Ms. Steadman.

The parking standard stipulates one space for six beds plus one visitor parking space, said Ms. Steadman. She explained that the amended definition of assisted living, "means a residential facility providing temporary accommodations and minimal supportive services for displaced persons on a short-term basis." This definition was compiled from various definitions researched around the country, said Ms. Steadman.

Ms. Steadman said the staff's recommendation is to:

- ✓ Add a section on sobering centers to the TPU (Table of Permissible Uses)
- ✓ Add a parking requirement for sobering centers of one space per six beds plus one visitor parking space
- ✓ Define sobering centers as previously listed in the report
- ✓ Amend the definition of an assisted living facility to include emergency shelters
- ✓ Define an emergency shelter as previously outlined

Commission Comments and Questions

Mr. Voelckers said he had raised the issue of possibly locating a sobering center within an Industrial zoned district so that areas were not precluded from consideration. He said he appreciated the research the staff had done on this item and that it made a compelling case

that an Industrial zoned district is not really appropriate for a sobering center. He said he did find it interesting that the Comprehensive Plan does draw a distinction between heavy and light industrial zones, but that the zoning ordinance does not. There are significant areas for instance in Lemon Creek that are Light Industrial and do have a more transitional and mixed zoning aspect to them, he said.

Mr. LeVine said the analysis provided makes good sense to him. He said it did seem a little strange that there is an entire definition for something called a sobering center when it seems more of a subset of something like an emergency shelter. He asked if this was an unusual practice based upon the research the staff has performed. He said he was asking this question because if the practice continued then down the road the CBJ could end up a TPU 700 pages in length.

Ms. Steadman said there are several examples of sobering centers versus emergency shelters. She said that is why they wanted to clarify it within Title 49. Based upon the HUD definition that emergency shelters should really be included in residential zoning districts, and the staff did not feel that a sobering center was an appropriate use for residential districts.

Public Comment

Juneau resident Cynthia Dau told the Commission she feels the community has missed the opportunity over many years to talk about an emergency shelter. There are people on the street who are not eligible to participate in the Glory Hole program, noted Ms. Dau. There are downtown business owners who are fed up with the presence of homeless individuals sleeping in their doorways, she said. Ms. Dau said that she can understand this perspective.

The urine and the feces are not just from those individuals who are not able to participate in the Glory Hole program, she said. In the summer this is from visitors as well, she noted. Bathrooms are very difficult to locate in town, she said. She encouraged the community to do something about this problem.

Chairman Haight commented that these issues are going to be before the Assembly in its forthcoming discussions in 2017 and that the Commission would certainly support the Assembly in this cause.

MOTION: *by Mr. Voelckers, to approve AME2016 0015 and asked for unanimous consent.*

The motion passed by unanimous consent.

VI. DIRECTOR'S REPORT

Mr. Steedle told the Commission that the staff had provided a schedule for the Commission meetings for 2017.