

**ASSEMBLY STANDING COMMITTEE
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**
July 13, 2015, 5:00 PM.
Assembly Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. June 22, 2015 Lands and Resources Committee Meeting Minutes - DRAFT

IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

- A. Proposed Changes to Title 49 for Expansion of Childcare Uses Allowed in Residential Zoning Districts
- B. Proposal to Create a CIP for Replacement of CBJ Truck Scale in Lemon Creek
- C. Request for Rezone of USS2386 Lots N, J1 and J2, Located near Glacier Highway at the South End of Auke Lake

VI. STAFF REPORTS

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIII. 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 MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

June 22, 2015, 5:00 PM.

Assembly Chambers

I. ROLL CALL

Jesse Kiehl called the meeting to order at 5:02pm.

Members Present: Jesse Kiehl; Jerry Nankervis; Mary Becker

Members Absent: Kate Troll

Other Assembly Members Present: Mayor Sanford; Loren Jones; Karen Crane; Debbie White

Liaisons Present: Chris Mertl, Parks & Recreation Advisory Committee; Bill Peters, Planning Commission

Liaisons Absent: Mike Peterson, Docks & Harbors Board

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Jessica Beck, Lands Specialist

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

A. June 1, 2015

The minutes of the June 1, 2015 Lands Committee were approved.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda changes.

V. AGENDA TOPICS

A. Mobile Home Down Payment Assistance Program

Mr. Chaney: The Affordable Housing Commission has been working very hard to figure out ways to incentivize construction and purchasing of homes. The mobile home is the entry level home ownership market. It's been difficult for people to get mobile home loans in part because of the down payment. Another factor is that there aren't very many lenders willing to work in this market. We have at least one that is interested in participating. The Affordable Housing Commission is proposing this loan program. It would be up to 50% or \$10,000 of what the lender is requiring for the down payment. The loan would only require 1% interest over 5 years. The funds would be issued to the lender at the time of closing. A secondary lien would be placed on the mobile home to secure the loan. The mobile home would have to be owner occupied for the term of our loan. The loan approval would be determined by the Affordable Housing Commission and subject to funding availability. There's a possibility that we'll get more applications than what we have funding for. It would be first come first served up to a certain number of loans. The total number of loans would vary depending on the amount loaned to each person, so we would continue to issue loans until the fund is depleted. As money is repaid, more loans would become available. It's a loan program, not a grant program. It would lubricate the mobile home ownership market, allowing people to get equity to move out and up. It's the first level of home ownership. We have Tamara Rowcroft from the Affordable Housing Commission here as well.

Ms. Becker: These do not have to be new mobile homes?

Mr. Chaney: That is correct. We weren't requiring that they be new. They do need to be in a mobile home park, which is difficult to get a loan on because they don't own the land.

Mr. Kiehl: If I understand right, the commercial market has been reluctant to participate in loans.

The down payment assistance program is going to free up the commercial market's interest how?

Mr. Chaney: A lot of people trying to get into this rung of home ownership have a hard time getting the down payment together. It helps reduce a little bit of the risk to the lender. It helps the buyer get the down payment together, which has been a barrier to entry.

Mr. Peters: Taking off my Planning Commission hat and putting on my True North Federal Credit Union job hat. One of the issues presented in the housing market in Juneau is financial institutions willing to lend on mobile homes. Alaska Housing does have a mobile home program, a type 1 and type 2 (on land or in a park). The barrier has been the 15% down payment requirement. In order to get into that entry level housing, if you have a \$100,000 mobile home, the borrower may qualify but doesn't have the \$15,000 cash down payment because the loan to value requirement is set at 85%. With this program stepping in and providing 50% of the down payment, that alleviates some of the down payment burden for the buyers.

Mr. Kiehl: We would anticipate that most of these would be placed through AHFC.

Mr. Peters: It could be AHFC or local area financing.

Mr. Kiehl: What is the process if we get a giant number of loan applications right off the bat, with huge interest, for choosing who gets the first set?

Mr. Chaney: We're going to do a first come first served. If there's a large number, we would be talking to the Affordable Housing Commission as to how they would like to prioritize the loans. I kind of doubt that will happen initially, but it's a new program, so who knows.

Mr. Kiehl: Application will be date stamped as they come into the lender partner or CBJ? Who puts the date stamp?

Mr. Chaney: We also have a representative from Finance if I get off track. We were hoping to have the borrower work with the lender and we are in the background offering the program. So, the lender would be putting the date stamp.

Motion: Ms. Becker: I move the Lands Committee adopt a motion of support to the Assembly for the CBJ to administer the Mobile Home Down Payment Assistance program as outlined in the June 16, 2015 memo presented to the Lands Committee.

Mr. Kiehl: Let me just check that neither Ms. Troll or Mr. Nankervis have joined us online?

Hearing no objection, the motion passes unanimously.

B. Gastineau Apartment Demolition

Mr. Chaney: I would say Amy Mead is in the house so she's available to answer the tough questions.

Ms. Mead: There's no real update other than Mr. Barrett (and his mother presumably) have filed an appeal of the demolition order. The first things that are going to happen will be the Building Code Board of Appeals meeting to engage in the same analysis the Assembly does under 01.50.030e, where you determine whether to accept or reject the appeal. That is going to happen hopefully very soon. As far as the purpose of tonight, which was to explain Mr. Watt's funding request of the first stage, which was the getting a contractor in place that can develop the RFP, and to put out the RFP for the actual demolition. What I told the Public Works and Facilities Committee earlier was that there was no legal impediment to move forward at this time with those plans.

Mr. Chaney: What we were proposing, since if we do take over demolition, we're going to need some funding to do it. Our current rough estimate is \$1.8 million. We have a contractor that gave us an estimate of \$1.2 but we added some contingency to that, so that's why we're asking for \$1.8 million. We had the West Juneau/North Douglas access study that was a CIP that has been on the books for a while, and we haven't pursued that one. We are recommending that we take money from that and transfer it to that for the demolition project. If we don't spend it all we return it to the CIP. If we sell the property we can redirect that money as well. I would hope we don't lose all that money, as a land sale once the property is vacant.

Mr. Mertl: What's the risk of not getting the money back?

Mr. Chaney: First, we don't know how much it's going to cost to demolish the building. There was one estimate of \$800,000. Another one at \$1.2 million. It's an old building with unknown issues. The risk is that we hit something expensive, that had to be remediated and we'll only see the value of the property in the end. Right now the latest appraisal for the property was \$800,000. We'll probably lose some money but we don't know how much. And we have to have a willing buyer to get the \$800,000 back.

Mr. Kiehl: Procedurally, the CBJ doesn't go out for a demolition contract until the Building Code Board of Appeals has finished and made a ruling, correct?

Ms. Mead: That is correct. I don't see that timing to be a problem.

Mr. Kiehl: And so what is envisioned here is that the first draw on this transfer if the committee recommends and Assembly approves it, would be for a contractor to put together an RFP in the event the Building Code Board of Appeals sides in Mr. Ford's favor.

Ms. Mead: That is correct, assuming they accept the appeal and decide in Mr. Ford's favor. There's also the option that Mr. Barrett decides to move forward with the demolition should the Building Code Board of Appeals rule in the CBJ's favor. That could happen as well. At some point Mr. Barrett could step back in and start doing the work himself.

Ms. Becker: No action required because it's going to the Assembly anyway, right?

Mr. Kiehl: Is there a recommendation to forward?

Ms. Becker: Recommend we keep moving forward and not hold it back.

Mr. Kiehl: Motion to recommend approval?

Motion: Ms. Becker: I recommend we keep marching forward with the process we were involved in and not let this hold us back.

Mr. Kiehl: I'm going to choose to read that as a recommendation to recommend approval. Mr. Nankervis to you have questions, comments, objections to the motion?

Mr. Nankervis: No, I would have the same stance. I respect Mr. Mertl's comment. I expect that when all is said and done with the property we will lose money.

Hearing no objections, the motion passes unanimously.

C. Fisheries Development Committee - Potential Land Trades

Mr. Chaney: Greg Fisk with the Fisheries Development Committee is here. This is mostly his show. We wanted to bring this up so the committee is aware of developments on this issue.

Mr. Fisk: We have two items we wanted to bring to your attention, which will hopefully advance over the next period of time. The first one is something that needs attention in regards to the development of more roadside fisheries opportunities, which is one of the priorities of the committee. Doug Trucano had contacted Jim Becker to trade some land between some land that Trucano owns, patented tidelands and uplands at the end of Channel Drive. He is interested in exchanging it for lands he leases in front of his property over by the bridge. The committee's idea was to develop the area for road side fisheries opportunities. It's already used by people but it's not very safe for them to access the tidelands. We also see this as a potential opportunity to consolidate ownership on the site that the city would own on Channel Drive, and create a larger site for development opportunities. We also think it would have some benefits for fisheries development. It would also have some benefits for Mr. Trucano in that it would further develop his site on the other side of the bridge. We recognize there are some issues here in terms of value for value swap. There's a City ordinance dealing with non alienation of tidelands so it would have to be determined that it's an equal swap. This slide shows the two pieces are that are owned by Trucano and where the end of the road is. That would consolidate City ownership back quite a ways. Four lots that would all belong to the City. Trucano leases all the sites owned by CBJ. He leases a little more than double of the pieces on the other side, so it would be subject to negotiation. Another complicating factor is that Docks and Harbors receives about \$25,000 a year from leasing this site. Carl Uchtyl is concerned about losing revenue for that site, so that needs to be factored into the overall deal if there is one. We think it's worth the City investigating the potential. We don't have a hard and fast recommendation for you, but it's worth some staff time. These land swaps can get complicated and there's a price tag with just doing them.

The second item is something that's been in the works for a long time. It's at the University site at what we call the crane dock. This has been a really important industrial development site for the City. Both Taku Seafoods and Alaska Glacier Seafoods already use this site. Docks and Harbors has had an interest in developing this location as a fisheries terminal site. The site has been under lease for some time. There have been two rounds of discussions about doing a direct land swap for lands closer to the University. One of those was initiated by Chancellor Pugh when he was still in office. He was interested in lands near the University. The idea is that there's potential to get developable lands into the hands of two different agencies so we'd have a win-win situation. Two engines driving the negotiations and benefiting from land swaps. The University Lands Office has their own motivations. Fortunately this April, they have said they are interested in a swap for Tracts A and B which are the tidelands out in front which would allow for development. They're willing to discuss an outright exchange. The Fisheries Development Committee recommends strongly that the City pursue this. It's in the long term interest of both parties and especially the fisheries industry in Juneau.

Ms. Becker: The University wants to keep the building with classes, right?

Mr. Fisk: Correct. It's only the tracts that are indicated as tidelands. Particularly with Tract B, we could fill it and create an area for vessels with a much larger capacity. We currently only have a 35 ton lift but need at least 130 ton lift to service vessels in town.

Mr. Kiehl: As we think about potential land swaps, have you had an opportunity to work with University Lands and staff, to get an idea of what City lands they're interested in.

Mr. Fisk: Not as much as we'd like. There have been various indications. I know Greg Chaney took Tina Shimshat from the University Lands Office to look at some lands. Chancellor Pugh indicated some lands that he thought were of interest to the further development of the campus. The University Lands Office has a different take than UAS themselves. The Lands Office is also looking at lands that are of value. Some of the things discussed have included partnering with CBJ on Pederson Hill Development; there's another piece of property caddy corner from the University on Fritz Cove Road. But, they haven't said yes.

Mr. Mertl: I think they're both great projects. Is there any funding down the pipeline that would make these projects real? Are they 5 years away or 20 years away?

Mr. Fisk: The university site first work began on that in the late 80s and there was an agreement on a mutual development concept. \$500,000 went to the Egan Library and this long term lease was entered into, which is extendable for another term. So there was a vision there. Without having ownership of the site it's difficult to get funding sources. Two potential funding sources are EDA, which we're normally not eligible for because our unemployment rate is low in Juneau. We have been able to apply in the past, because it was fisheries oriented we were able to get it past that rule. The other one is the USDOT TIGER Grants, but again, ownership is preferred. It's much easier developing a funding package if we have ownership.

Mr. Kiehl: Do you know what Docks and Harbors pays to lease those two parcels?

Mr. Fisk: It's not a lot. It's a small sharing arrangement, but it's not great.

Mr. Kiehl: Returning to the other Channel Drive tidelands, Mr. Chaney, you talked about the two parcels under long term lease. Was there another parcel to the further north of those?

Mr. Chaney: DIPAC is further to the north. Who owns the 5th lot, I'm not sure.

Mr. Fisk: I believe the two lots are leased to Hugh Grant. They were leased for Channel Marina.

Mr. Kiehl: For either of you, how about seaward of the patented tidelands, are those state submerged tidelands?

Mr. Fisk: Yes.

Ms. Becker: The trade that Mr. Trucano is talking about. For that land, he would no longer pay lease for the property on the other side?

Mr. Fisk: These are patented tidelands and a little uplands that he's proposing for the lands he currently leases. Since they don't equal out, there would have to be other compensation. There's a potential here. The City would get consolidated ownership here that is potentially developable and perhaps for fisheries purposes.

Mr. Kiehl: I am particularly intrigued by the proposal by the University's Vocational Technical Center and the possibility for some exchange of value. I share your concern that the University of Alaska Land Office has a somewhat different mission than UAS. We are undergoing a development project and access to CBJ lands that abut developable University lands. It strikes me that there is a potential here to work some sort of arrangement for great benefit especially if the benefits to the University Lands Office brings more housing to the University which brings us a

broad community development. I would be interested in pursuing that further and asking the Lands Staff to add that to their work list in terms of working with Docks & Harbors. I would be interested in pursuing this further with all the parties involved and bringing it back to the committee.

Mr. Nankervis: I thought doing something where Channel Marina used to be is a good spot for a roadside fishery... (and then it became too difficult to tell what he was saying over the teleconference line)... It's all good stuff to keep talking about.

Mr. Kiehl: We lost the second half of your comments. If you wouldn't mind putting your thoughts in an email and sending them to Mr. Chaney, he can distribute them. I did catch at the end that we should proceed with both proposals?

Mr. Nankervis: Yes, I think we should proceed with both discussions...

Mr. Fisk: Thanks for the opportunity to update you. We've been working as close as we can with Docks and Harbors and we've been working with Greg Chaney. We wanted to let you know where things stood.

D. Authorization to Begin Negotiations for a Lease with Pacific Coast Paving for an Asphalt Plant

Mr. Chaney: Pacific Coast Paving has applied to lease City property at Lemon Creek. The first question that comes with a request to lease City property is whether the proposal shall be reviewed by the Assembly as it was proposed, ask for further proposals or not to lease that land. There are three choices. The proposal was for this area of Lemon Creek behind Home Depot. This is their site plan. It's a fairly straight forward proposal. We're requesting a motion to recommend to the Assembly whether it should be considered and if so, whether by direct negotiation or by competition after invitation by other proposers. We have a representative from the applicant and their competitor here tonight.

Mr. Kiehl: At our last meeting you brought us a Land Use Permit, that needs to go to the Planning Commission. That would be one year and this would...

Mr. Chaney: A use permit can be for up to one year but its temporary. And then there's the long term lease, which would be for many years.

Mr. Kiehl: That continues to proceed to the Planning Commission. This is not replacing that. Should we invite the applicant and their competitor to discuss this issue or should we proceed with our normal course of discussions?

Ms. Becker: I'm willing to wait until the Assembly level.

Mr. Kiehl: Staff needs direction in terms of forwarding the proposal to the Assembly on what terms.

Ms. Becker: Are these movable? If we have a lease and we don't want them there. It seems to me it was easy to pack them up.

Mr. Chaney: They're designed to be mobile. It's not cast with concrete foundations.

Ms. Becker: That's true for both?

Mr. Chaney: Yes. They're designed to be mobile somewhat.

Mr. Mertl: As part of the lease process, does the application have to go through a conditional use process?

Mr. Bleidorn: Yes

Mr. Mertl: So there would be the standard procedure of getting the public hearing and getting the big red signs up?

Mr. Bleidorn: At this time it's a little premature to look at the specifics, but once we get that direction from the Assembly, we will work with CDD and moving in the direction that's best for the City.

Mr. Kiehl: I have a little familiarity with some of our tidelands leases. In terms of industrial lands, are there other industrial lands we are leasing?

Mr. Chaney: Yes, the City does own other industrially zoned property, but Lands is not leasing them for industrial uses at this time.

Ms. Becker: Is there more information you would provide at the Assembly level?

Mr. Chaney: We've given you what the applicant has given us, which is a high overview. If you have a specific question, we can delve into that.

Ms. Becker: I would like to see what the other applicant has provided. Are there two applicants?

Mr. Chaney: There's no other applicant at this point. The question is whether to further consider this proposal or ask for additional proposals. This particular proposal has come in, but we could open it up for other proposals if you want.

Mr. Kiehl: In the ones I've seen in the past using this ordinance or similar clause, I think generally my own take, if someone has come forward with a proposal and their \$500, my thought is that it's worth giving them a shot to pursue it. In the past this committee has elected, with sale proposals to put it out to the public. My thought would be if someone came in there's nothing wrong with negotiating with them directly. I'm open to the will of the committee on this one.

Mr. Nankervis: No questions. I think we should move forward with Lands Department to enter into negotiations with the original person. I don't think we should open it up to the competitor. That defeats the purpose of being the person with first idea first. If we don't like the negotiations, then we don't have to make a deal.

Mr. Mertl: I think if we're going to the conditional use permit, just a general comment. I would think the land should come back in as good as or better condition. So making sure there's a bond or process where if there's cleanup that need to be done, the lessee can be held accountable - making sure the City doesn't get a piece of land that's less valuable or have cleanup or you have to demo a building.

Motion: Ms. Becker: I move the Lands Committee forward a recommendation to Assembly that the proposal to lease CBJ land in Lemon Creek for an asphalt plant should be further considered with the original proposer.

Hearing no objection, the motion passes unanimously.

VI. STAFF REPORTS

A. Renninger Subdivision Update

Mr. Chaney: We received our Army Corps of Engineers permit for the Renninger Subdivision, also known as Switzer 2A. They way that played out, we are not required to set aside this land as a separate lot. That would be part of the larger lot. Overall that means we can use it as density for the property. Theoretical zoning allows for 189 dwelling units. The area will still be preserved as preservation easement. We're going to move forward with the owner of that lot, who will be the owner of this preservation easement. The preservation easement will be a no build area. We're working out the details of the final plat. If everything goes as hoped, the project will be ready by the beginning of July. We hope to have the project advertised by mid-July and bids due early August. If there are no issues, a notice to proceed could be issued by the end of August. With the work being done by the end of summer. It will be up to the contractor to determine if they can do it within the building season or wait for paving in the spring. There is one issue worth thinking about. As it's laid out, there are six building lots. The lots are roughly sized to accommodate 8 unit complexes. One of the additive alternatives, would be what would it cost to have the sites cleared of trees and a pad put down. The pads would be something you could drive on. It would not be engineered for a foundation, just a clear building site. There are several advantages. In a lot of places in the country, this is the normal procedure. One of the advantages is that if you leave the trees in place and someone removes some trees on the neighboring lot the remaining become unstable and start to fall over. It's more efficient to clear all at once. It increased the value and you get the value back. Hauling and clearing can be done prior to paving so you save wear and tear on the road. It's easier to sell a property that's been cleared. It takes less time. If a builder wants to go in, it's one less thing they have to do. Once we fill those areas, we don't have to worry about the Army Corps anymore. The Corps permit is good for 5 years and then we'll have to renew. Every time we renew the Corps permit, it's a risk. It's an unknown in the future as to what we will have to do. There are disadvantages. It costs more. We'll have some engineering estimates before we start the bidding process. We won't know the actual costs until we get the bids back. The surrounding neighborhoods may complain because more trees are being removed initially. That's unfortunate but that's the game we're in. There's still a buffer below and above. It's something to consider. I'm happy to answer questions.

Mr. Mertl: The green hatched along the bottom of the site. Does that represent the existing trail?

Mr. Chaney: Correct. There is a boardwalk trail that continues to Switzer wetlands.

Mr. Mertl: That would be maintained as part of this development.

Mr. Chaney: It's already part of the parks system and will continue to be maintained. We'll actually be adding a little spur from the cul-de-sac down to the trail. It's the line of the sewer and we asked the engineers put a gravel layer to form a trail.

Mr. Mertl: Has there been any discussion about adding a community playground. You have a high density of housing in this area.

Mr. Chaney: Not an improved park. We have this natural area set aside here which is right against Switzer Natural Area Park. On the other side we have Dzentiki Heeni Middle School and they have playgrounds. We haven't proposed to put an improved park.

Mr. Mertl: Is it something you would consider?

Mr. Chaney: It's a little late at this point. We're going out to bid soon. It might be a difficult thing to add and we'd have to get very specific direction to do that.

Mr. Mertl: I'm always hesitant for us to start clearing pads without a master plan and start clearing until we know what we're getting into without understanding what we're going to put in there. There are advantages but I see there's a lot more disadvantages. I'm more a proponent that you get the most out of your land and your property through a master plan.

Mr. Kiehl: My thinking was that it doesn't make sense to clear land when we don't know where the owner wants to put the building. There's room for further discussion on that topic when we know what the additive alternative is estimated to cost.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

There were no committee member or liaison comments.

VIII. ADJOURNMENT

The meeting adjourned at 5:55pm.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Greg.Chaney@ci.juneau.ak.us
Voice (907) 586-0205
Fax (907) 586-5385

TO: CBJ Lands Committee

FROM: Greg Chaney, Lands and Resources Manager



DATE: July 8, 2015

SUBJECT: Ordinance 2015-32. A Proposal to Expand Areas Where Childcare Homes and Centers Could Operate.

This ordinance would amend CBJ Title 49 as it relates to child and day care homes and centers, in order to address an identified need in the community for childcare.

The ordinance would amend the Table of Permissible Uses to expand where childcare homes and centers can operate, would add minimum standards for these operations, and would amend the definitions for child care centers and homes.

Currently up to 8 children are allowed outright, but a conditional use permit is required for 9 to 12 children. Under current code, childcare centers – those that provide supervision for 13 or more children up to the age of 12 – are not allowed in single family districts.

There is no upper limit on the number of children that could be housed in a childcare center.

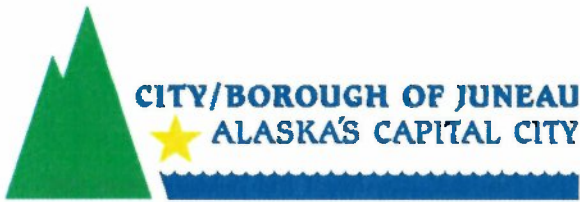
Under the proposed ordinance:

- Childcare **homes** for up to 12 children are proposed to be allowed outright in any zoning district.
- Childcare **centers** for 13 or more children are proposed to be allowed with a conditional use permit in single-family zone districts, as well as in multifamily districts.

At its regular public meeting on June 23, 2015, the Planning Commission adopted the analysis and findings in the Community Development Department's staff report and, with some revisions, recommended that the Assembly approve the ordinance.

Staff Recommendation:

This item has been scheduled for the Lands Committee to allow discussion of the merits of the proposed changes to the Land Use Code. If the Committee reaches concensus on a preferred course of action, it would be appropriate to forward a recommendation to the full Assembly by motion.



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: June 26, 2015

File No.: AME2015 0004

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to Title 49 regarding the expansion of child care uses.

Legal Description: Boroughwide

Hearing Date: June 23, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 15, 2015, and recommended that the City and Borough Assembly adopt staff's recommendation for a text amendment to Title 49 regarding the expansion of child care uses, with amendments.

Attachments: June 15, 2105 memorandum from Beth McKibben, Planning Manager Community Development, to the CBJ Planning Commission regarding AME2015 0004.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner: Beth McKibben
Beth McKibben, Planning Manager
Community Development Department

Michael Satre
Michael Satre, Chair
Planning Commission

Georgina McEwen 6/29/2015
Filed With City Clerk Deputy Clerk Date

cc: Plan Review

City & Borough of Juneau

File No.: AME2015 0004

June 26, 2015

Page 2 of 2

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: June 15, 2015

TO: Planning Commission

FROM: Beth McKibben, Planning Manager
Community Development Department

FILE NO.: AME2015 0004

PROPOSAL: Text amendment to Title 49 regarding the expansion of child care uses.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS:

Attachment A: Draft Ordinance – Amending Title 49
Attachment B: June 1, 2015 Memorandum from Amy Mead, Municipal Attorney
Attachment C: January 27, 2015, Title 49 Committee meeting minutes
Attachment D: March 17, 2015, Title 49 Committee meeting minutes
Attachment E: April 10, 2015, Title 49 Committee meeting minutes
Attachment F: May 6, 2015, Title 49 Committee meeting minutes
Attachment G: May 26, 2015 Title 49 Committee meeting minutes
Attachment H: Correspondence regarding Child Care

BACKGROUND

As a result of public testimony and direction from the Assembly, the Planning Commission directed the Title 49 Committee to work with staff to review Title 49 as it relates to child care. There is an identified need in the community for child care. The Title 49 Committee met five times to discuss child care. There was participation by members of the Assembly, the general public, as well as representatives from The Association for the Education of Young Children – Southeast Alaska and the State of Alaska Child Care Program Office with the Department of Health and Social Services.

Planning Commission
File No.: AME2015 0004
June 15, 2015
Page 2 of 4

DISCUSSION

The proposed text amendment would amend the Table of Permissible Uses (TPU) in regard to Child Care. First, it would consolidate Child Care homes. Currently the code provides for Child Care homes caring for eight or fewer children as a permitted use in all zoning districts except Waterfront Commercial, Waterfront Industrial and Industrial. Child Care homes for nine to 12 children are allowed with an approved conditional use permit in all zoning districts except Waterfront Commercial, Waterfront Industrial and Industrial. The proposed amendment would create a new category in the TPU for Child Care homes caring for up to 12 children, which would be permitted in all zoning districts except Waterfront Commercial, Waterfront Industrial and Industrial. Second, Child Care centers, are currently allowed, with an approved conditional use permit in D-10, D-15 and D-18 zoning districts. In the Light Commercial, General Commercial, Mixed Use, and Mixed Use 2 districts, they are either permitted outright or with an approved conditional use permit, depending on whether or not they are a “minor” or “major” development. The proposed amendments will allow for Child Care centers to be permitted, with an approved conditional use permit in the Rural Reserve, D-1, D-3, D-5, and D-10SF zoning districts.

In regard to the TPU, the attached draft ordinance (Attachment A) also makes the same changes to the use Adult Day Care. The June 1, 2015 memorandum from Municipal Attorney Amy Mead addresses this change (Attachment B). The Title 49 Committee discussed this proposal at the May 26, 2015 meeting (Attachment G). The committee felt that changes to Adult Day Care were outside the scope of the work they were asked to do and that the licensing and regulations are different. The memorandum explains the legal rationale for including Adult Day care in the changes to the TPU.

The proposed text amendment also modifies the definitions for Child care center and Child care home. These changes provide some clarifying language for Child care center. For Child care home, the amendment removes the requirement that the use is “incidental and subordinate” to the residential use.

The proposed text amendment creates a new article in CBJ 49.65, Specified Use Provisions specific to Child care homes and centers. The standards require an approved parking plan, and require one parking space per employee as well as the required two parking spaces for the dwelling unit. These specific standards would apply to Child Care homes and would be reviewed through the “change of use” building permit process. Child Care homes already use the “change of use” permit as a mechanism to receive the required Fire Marshal inspections that are needed in order for the child care to become a licensed operation.

The Title 49 Committee proposed standards that would require fencing required by the State to be approved by CBJ. The purpose of this was to ensure that fencing meets the requirements of CBJ Title 49 (although no building permit is required if the fence is 6 feet tall or lower) and that

Planning Commission
 File No.: AME2015 0004
 June 15, 2015
 Page 3 of 4

it is aesthetically appropriate to the neighborhood. Staff has proposed a slightly different fencing standard to balance aesthetics and protection of children. Staff proposes requiring sight obscuring fencing unless the director determines that a substitute material is equally protective. An example of a sight obscuring fence would be a wooden fence with small gaps. A sight obscuring fence would not be open chain link, chicken wire, or orange snow fencing. See CBJ49.80.120 (defining “fence, sight-obscuring”); CBJ49.25.430(4)(L). However, a chain link fence could be allowed by the director if it was properly constructed. The reason for this language is that fencing is addressed in Title 49 only in the definition of “fence, sight-obscuring” and in CBJ49.25.430(4)(L) –projections into yards, which establishes height limits within 20 feet of a traveled way for sight-obscuring fences. There is nothing in Title 49 that addresses what materials a fence can be made from.

The text amendment also creates standards for Child Care centers. These standards will apply to any Child Care center whether a conditional use permit is required or not. The standards provide for the same review of fencing as for a Child Care home. In addition, a minimum of one off-street parking space per on-shift employee, plus one space per 10 children served is required. When a Child Care center is located in a residential zoning district the required parking cannot be within a required setback except for an approved driveway. The purpose is to maintain visual harmony with the surrounding residential neighborhood.

The text amendment also amends CBJ 49.40.230(b) – Parking and circulation standards. These amendments allow for Child Care homes in residential districts to have back out and stacked parking.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

One of the identified purposes of the 2013 Comprehensive Plan is to “preserve, promote, protect and improve the public health, safety, appearance, convenience, provision of service and general welfare.” Chapter 14, Community Education and Services states that “there is a critical child care shortage in Juneau, and that lack of quality child care makes Juneau a less than attractive place – and even an untenable home –for young families.”

Policy 14.3:

To support the provision of quality child care in a safe learning environment by well-trained educators and child care providers.

Standard Operating Procedures 14.3 –SOP1

Work with child care providers, advocates, and other stakeholders to ensure that regulatory or permitting requirements do not unduly restrict the availability of affordable, quality child care in Juneau.

Planning Commission
File No.: AME2015 0004
June 15, 2015
Page 4 of 4

The 2015 Juneau Economic Plan states that increasing the capacity, quality, and affordability of child care will allow more Juneau residents to fully participate in the local workforce and more fully utilize their talents and energy.

Initiative/Goal:

Prepare and attract the professional, technical, skilled, entrepreneurial, and creative workforce that Juneau's diverse employers, businesses, and non-profits need.

Objective 2:

Increase availability of child care year round with emphasis on Kindergarten readiness.

Action 2-G:

Complete an ordinance and zoning code review to ensure the codes allow for appropriate development of child care facilities.

The proposed amendment to Title 49 is consistent and in compliance with the goals, policies and objectives of the Comprehensive Plan and the Juneau Economic Development Plan. The proposed text amendment will allow for Child Care centers in more areas of Juneau and ease the permitting process for Child Care homes, while at the same time establishing standards to ensure neighborhood harmony and public safety.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. The definitions, parking and fencing requirements have been evaluated for consistency.

The proposed change is consistent with Title 49.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within any plans or Codes.

STAFF RECOMMENDATION

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-32

An Ordinance Amending the Land Use Code Relating to Child and Day Care Facilities.

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 1.500 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

1.500	<u>Child and Day care homes</u>															
	1.510	Child; 12 8—or fewer—under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.530	Adult; 12 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	1.540	Adult; 9 to 12 people, 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3	3	3

Section 3. Amendment of Table. Category 7.300 of CBJ 49.25.300 Table of

Permissible Uses, is amended to read as follows:

7.300	Child and day care centers for children and adults	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	3	3	3	1,3	1,3	1,3	1,3			
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Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

...

Child care center means a building or portion thereof, used for the purpose of providing for the paid care and supervision of thirteen or more children under the age of 12 at any one time, any of whom are nonresident. Child care centers include pre-schools and nursery schools not associated or co-located with an elementary, middle, or high school.

Child care home means a building or portion thereof, used for the purpose of providing for the paid care and supervision of no more than twelve caring for nonresident children under the age of 12 years of age at any one time, such use being incidental and subordinate to the occupants' residential use of the building. At no time shall there be present a total of more than 12 resident and nonresident children under the age of 12.

...

Section 5. Amendment of Chapter. CBJ 49.65 Specified Use Provisions, is

amended by adding a new Article to read:

Article X. Child Care Homes and Centers

49.65.1100 Purpose.

Affordable, reliable and quality, childcare is critical to the well-being of parents and children in the community and is a needed community service. The intent of this article is to promote the public health, safety, and welfare by simplifying the approval process and proscribing minimum standards for child care homes and centers. The minimum standards facilitate the siting of child care facilities while ensuring conformance with surrounding land uses. The minimum standards of this article do not apply to any preexisting legal child care home or center so long as the preexisting use does not change.

49.65.1110 Child care home standards.

(a) A child care home shall comply with the following minimum standards for initial permit approval and during the use of the child care home:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed to be sight-obscuring unless the director determines a substitute material is of a similar permanent nature and the fence is constructed to confine and protect children.

(2) A minimum of two parking spaces as required for the dwelling unit and one parking space for each on-shift employee.

(b) A parcel with a child care home use shall conform—without variance—to the lot size, building size, setback, and vegetated coverage requirements for the underlying zoning district in which the home is located. A child care home shall not be permitted on a parcel that has received a variance for lot size, building size, any setback, or vegetated cover.

(c) The department shall issue a permit for a child care home that complies with this section and the requirements of this title.

(d) The department may initiate enforcement action consistent with 49.10 Article VI for any violations of this section.

49.65.1120 Child care center standards.

(a) In addition to other conditions imposed by the commission, a child care center shall comply with the following minimum standards for initial permit approval and during the use of the child care center:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed to be sight-obscuring unless the director determines a substitute material is of a similar permanent nature and the fence is constructed to confine and protect children.

(2) In residential zoning districts, no parking or loading areas shall be located in any setback, except in an approved driveway.

(3) A minimum of one off-street parking space shall be provided for each on-shift employee of the child care center, plus one space per ten children served.

(b) A parcel with a child care center shall conform—without variance—to the lot size, building size, setback, and vegetated coverage requirements for the underlying zoning district in which the center is located. A child care center shall not be permitted on a parcel that has received a variance for lot size, building size, any setback, or vegetated cover.

(c) The commission may issue a permit for a child care center that complies with this section and the requirements of this title.

(d) The department may initiate enforcement action consistent with 49.10 Article VI for any violations of this section.

Section 5. Amendment of Section. CBJ 49.40.230(b), is amended to read:

...

(6) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(7) ~~[Space requirements Back-out Parking.]~~ Parking areas must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way; ~~except: If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the area and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:~~

(A) In the case of single-family dwellings and duplexes with or without accessory uses ~~apartments~~ located in residential and rural reserve zoning districts; or

(B) Where the right-of-way is an alley; or

(C) In the case of a child care home in a residential district.

...

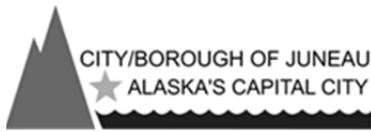
Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Beth McKibben, Planning Manager

FROM: Amy Gurton Mead, Municipal Attorney *AGM*

DATE: June 1, 2015

SUBJECT: Title 49 Amendment – Child care

Beth:

My understanding is that the Title 49 committee had questions about Law's recommendation that the child and "adult" (over 12 years old) care homes and centers be dealt with consistently.

The CBJ has consistently treated child care homes and centers, and day care homes and centers¹, the same for land use purposes. When changes were made in 2010 to the TPU, the same changes were made to both child and day care homes. Child and day care centers were combined to be in the same line in the TPU.

If the proposal is that child and day care homes now be treated differently for land use purposes, and that "child and day care centers" in 7.300 be separated, there needs to be a legal basis for doing so developed.

You asked whether it was significant that State regulations imposed different licensing standards for the 12 and over and 11 and younger age groups. The fact that the State has different requirements depending on the age of the kids being cared for is not relevant for land use purposes. (We wouldn't provide for different regulations for facilities caring for toddlers vs. school age kids, for example, but the State does). We are not regulating for the same reason as the State:

The purpose of state licensing requirements:

AS 47.32.010 ".... These procedures are intended to promote safe and appropriate services by setting standards for licensure that will reduce predictable risk; improve quality of care; foster individual and patient rights; and otherwise advance public health, safety, and welfare."

The purpose of our land use regulations:

49.05.100 - Purpose and intent.

¹ The code specifies that "child" care facilities are for those under the age of 12, and "day" care facilities – also referenced as "adult" facilities – are for those 12 and older. "Homes" are for 12 or fewer and "centers" are for 13 or more.

ATTACHMENT B

The several purposes of this title are:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
- (5) To provide adequate open space for light and air; and
- (6) To recognize the economic value of land and encourage its proper and beneficial use.

If the intent is to change the code and impose different standards on the “child” care homes and centers than the “day” care homes and centers, a rational basis for that distinction would need to be articulated. Unless we can articulate a rational basis for the age 12 cutoff, it becomes difficult to justify treating the care facilities differently.

Please let me know if you need anything else.

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU
JANUARY 27, 2015 MEETING, 5:00 PM TO 6:00 PM
COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM
MEETING MINUTES

Committee Members Present:

Nicole Grewe (Chair), Bill Peters, and Paul Voelckers

Committee Members Absent:

Michael Levine, Gordon Jackson (alternate)

Staff Present:

Beth McKibben, Laura Boyce

Public or Other Present:

Historic Resources Advisory Committee (HRAC) Zane Jones and Michael Tripp

Reading of Agenda [Note – Reading of agenda did not occur at this meeting.]

- Motion: Not applicable
- Vote: Not applicable
- Resolved: Not applicable

Approval of Minutes [Note – Meeting minutes for prior meeting not available for consideration.]

- Motion: Not applicable
- Vote: Not applicable
- Resolved: Not applicable

Agenda Topics

- Opening comments via Chair Grewe regarding intent of T49 committee, membership update, past meeting practices, and future meeting agendas.
- Short presentation regarding recommended update to Code of Ordinances regarding signage violation penalties provided by HRAC members Zane Jones and Michael Trip. HRAC recommends adoption of draft ordinance language to increase penalty fee from \$25 - \$100 to \$200 - \$1,000, to be applied across the CBJ. Discussion occurred regarding equally applying across the borough, types of current offenses, and methods to encourage sign ordinance compliance.
- Motion from Bill Peters: To approve for consideration by the full Planning Commission, draft ordinance language related to the enforcement and penalties of signage violations as drafted by the HRAC with consult by CBJ Planner Laura Boyce.
- Vote: Motion carried.
- Resolved: Draft ordinance language related to the enforcement and penalties of signage violation forwarded to the full Planning Commission for full consideration and meeting date TBD.

Meeting adjourned at 5:50 PM

ATTACHMENT C



TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

MARCH 17, 2015 MEETING, 5:30 PM TO 7:00 PM

COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM

MEETING MINUTES

Committee Members Present:

Nicole Grewe (Chair), Bill Peters, Paul Voelckers, Michael Levine

Committee Members Absent:

Gordon Jackson (alternate)

Staff Present:

Beth McKibben, Planning Manager

Laura Boyce, Senior Planner

Rob Palmer, Law Department

Public or Other Present:

None

Reading of Agenda

- Motion by Bill Peters: To approve the agenda for the March 17, 2015 meeting.
- Vote: Motion carried.
- Resolved: Agenda for the meeting of March 17, 2015 meeting approved without modification.

Approval of Minutes

- Motion by Bill Peters: To approve the minutes for January 27, 2015 meeting with technical edits as provided by Voelckers.
- Vote: Motion carried.
- Resolved: Minutes for January 27, 2015 meeting approved with technical edits as provided by Voelckers.

Agenda Topics

- Permitting of Day Care Facilities
 1. Memo submitted by McKibben and Boyce (dated 3.13.15) guided discussion focused on need for child care facilities, current T49 land use code provisions, and potential T49 revisions to encourage the development of more child care facilities across the borough.
 2. Discussion occurred regarding prior T49 committee work to amend the Table of Permissible uses for child and adult care services. Per staff recollection, traffic was consideration in prior T49 deliberations. Grewe also noted historical discussion regarding the compatibility of larger day care facilities in all residential zones.
 3. Discussion occurred regarding building walkable neighborhoods with schools, day care facilities, and other amenities and services available in neighborhoods. Preference expressed regarding locating larger day care facilities on the margins of neighborhoods rather than inside neighborhood cores.

ATTACHMENT D

4. General agreement to reconsider the classification structure for day care facilities. Current structure is up to 8, 9 to 12, and 13 or above (kids). Perhaps consider amending to up to 12, 13 – 20, 21 – 41, and 42 to 60 per staff-presented “Child Care Facilities Map”.
5. General agreement to also reconsider child care facilities of larger size allowed in lower-density residential zones per conditional use permit (amending Table of Permissible uses).
6. Points of concern also expressed regarding encourage development of more child care facilities across the borough, need (or not) to align with state permitting structure, and appropriateness of large facilities in lower-density residential zones.
7. No motions presented, but rather discussion tabled to April 10 meeting pending additional data/information regarding traffic concerns, potential draft land use code language, and other additional research needed.

Committee Member Comments and Questions

- Committee Documentation – Comments via Grewe regarding formalization of meeting agendas, minutes, and other required committee work documentation.
- T49 Workplan – Additional discussion regarding past, present, and upcoming T49 agenda topics, proposed code changes, and overall priorities. Grewe will review historical notes regarding incomplete T49 work from prior years and will present summary to T49 and full planning commission for additional consideration. General agreement to revisit unfinished work and outline future agenda topics. General concern also expressed regarding limited staff time and competing priorities. Further discussion to occur at April meeting. Current-day agenda topics include eagle nests, marijuana, planning unit development (PUD), signage enforcement, and required planning commission attendance.
- Marijuana – Peters inquired about role of T49 committee in amending the land use code to accommodate marijuana. T49 committee may/may not be consulted by the joint Assembly/Planning Commission subcommittee on marijuana. Peter expressed interest in having any proposed land use code changes run through T49 for further review, vetting, and public engagement.
- Regular meeting schedule proposed of second Friday of every month from 11:30 AM to 1:00 PM. Additional meetings as needed and per request of planning staff and/or planning commission.
- Next meeting scheduled for April 10, 11:30 AM at location TBD.

Meeting adjourned at 7:15 PM

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

APRIL 10, 2015 MEETING, 11:30 AM – 1:15 PM

COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM

MEETING MINUTES



Committee Members Present:

Nicole Grewe (Chair), Paul Voelckers, Michael Levine

Committee Members Absent:

Bill Peters, Gordon Jackson (alternate)

Staff Present:

Beth McKibben, Planning Manager

Public or Other Present:

Stephanie Shore, Juneau Empire

Israa Kako-Gehring, Gehring Nursery School

Loren Gehring, Gehring Nursery School

Sarah Lehmert, Gehring Nursery School

Loren Jones, CBJ Assembly

Debbie White, CBJ Assembly

Rob Steedle, CBJ Manager's Office

Hal Hart, CBJ Community Development Department (CDD)

Allison Eddins, CBJ Community Development Department (CDD)

Samantha Smith, Public

Reading of Agenda

- Motion by LeVine: To approve the agenda for the April 10, 2015 meeting.
- Vote: Motion carried.
- Resolved: Agenda for the meeting of April 10, 2015 meeting approved with modification to allow for public comment.

Approval of Minutes

- Motion by LeVine: To approve the minutes for March 17, 2015 meeting with technical edits as provided committee members or CDD staff.
- Vote: Motion carried.
- Resolved: Minutes for March 17, 2015 meeting approved with technical edits as committee members or staff.

Agenda Topic – Child Care Facilities

- Abbreviated Public Comment:

ATTACHMENT E

1. Israa Kako-Gehring, Gehring Nursery School, requested large day care facilities be treated the same as other similar facilities including elderly day care, dog grooming, and landscape enterprises. Also indicated the value of placing larger facilities on the margins of neighborhood.
 2. Loren Gehring, Gehring Nursery School, discussed Anchorage child care, state regulation of child care facilities, and churches as gathering places throughout the week – not just Sundays.
 3. Debbie White – CBJ Assembly and Prudential Southeast Alaska Real Estate, indicates she is an employer and regularly allows staff to bring children to work, which is becoming increasingly difficult over time as babies grow to toddlers. Also expressed opinion that larger institutions are safer than small in-home facilities. Provided reminder the state already has licensing requirements and that there is a relationship between living wages and child care. Child care remains a top priority as member of the CBJ Assembly.
- Committee discussion focused on documents submitted by CDD staff prior to meeting including:
 1. Traffic estimates by size of child care facility;
 2. Current definitions in Title 49 related to child/day care;
 3. Excerpted relevant TPU provisions; and
 4. The Current Status of Child Care in Juneau (2009) by Juneau Economic Development Council
 - The combination of scheduling the meeting over a business day lunch hour with limited time, accommodating public comment, and reviewing documents submitted just prior to meeting made committee deliberations difficult and no action was taken at this meeting.

Committee Member Comments and Questions

- Next meeting to be scheduled via Doodle Poll for early May. There was general agreement child care facilities, as an agenda topic, was too large for a lunch hour work meeting during the business week – especially incorporating public comment. There are scheduling conflicts for commissioners and CDD staff that prevent a late April meeting.

Meeting adjourned at 1:15 PM



TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

MAY 6, 2015 MEETING, 5:00 PM – 7:30 PM

DOWNTOWN LIBRARY, LARGE MEETING ROOM

MEETING MINUTES

Committee Members Present

Nicole Grewe, Chair

Paul Voelckers

Michael Levine

Bill Peters

Committee Members Absent

Gordon Jackson, Alternate

Staff Members Present

Beth McKibben, Planning Manager

Allison Eddins, Planner

Public/Guests

Nikki Love, Association for the Education of Young Children

Judie Klemmetson, Health and Social Services Childcare Licensing

Israa Kako-Gehring, Gehring Nursery School

Reading of Agenda

- Motion by Voelckers to approve the agenda for May 6, 2015 meeting was seconded by Levine.
- The motion passed and the May 6th Agenda was approved.

Approval of Minutes

- Laura Boyce was not present at the April 10, 2015 meeting and should be removed from the April 10th minutes.
- Motion by Voelckers to approve the minutes with amendments was seconded by Levine.
- The motion passed and the April 10, 2015 minutes were approved.

Non-Agenda Item

- The Committee agreed that the decision to allow public comment at meetings should be left up to the discretion of the Chair.
- The Chair decided not to open the May 6th meeting to public comment.

ATTACHMENT F

Agenda Item – Childcare Facilities

Childcare Centers:

- Committee agreed to restrict childcare centers from having direct access to major arterial roads.
 - CDD staff has concerns about relying on ADT numbers. State data on average daily traffic counts is usually 12 to 18 months behind and there is no data for City streets.
- In order to avoid redundancy, the Committee does not want to require outdoor space.
 - The State already requires 75 square feet of outdoor space per child.
 - The Committee does want to require that the outdoor space be fenced.
- No further vegetative requirements will be placed on childcare facilities beyond what is required in CBJ 49.50.300
- No further buffering requirements will be placed on childcare facilities beyond what is required in Title 49.
- The Committee agreed to require one parking space per employee and one space for every 10 children served.
- The Committee does not want to include language that requires childcare facilities to be licensed by the State.
- Childcare facilities would be required to submit a snow storage and removal plan.
- The Committee had no changes to Staff's recommended standards for Conditional Use Permits.

In-Home Childcare:

- Strike the following language from the definition:
 - "At no time shall there be present a total of more than 12 resident and nonresident children under the age of 12".
 - The State monitors this, so including the language would be redundant.
- The Committee agreed that any required outdoor space be fenced.
 - The State only requires outdoor space for in-home facilities caring for 9 to 12 children.
- No further vegetative requirements will be placed on in-home childcare facilities beyond what is required in CBJ 49.50.300.
- In-home childcare facilities will not be required to submit a snow removal and storage plan.
- In addition to the parking requirements for residential units, one space per non-resident employee must be provided. Parking plans will be approved by CDD staff.
- The Committee agreed that back out parking should be allowed.

Items for Further Discussion:

- Crafting a Purpose Statement that makes the intent of the new language clear.
- Potential locations for childcare centers – safety, congestion and neighborhood harmony are the key issues.
- Changing the current definition of a church to allow them to operate childcare centers five days a week.
- TPU Issues
 - Assessing the impact of a new in-home childcare facility vs. an established in-home childcare facility increasing capacity.
 - Include *Transitional Housing for Women* and *Salvage yard* to the TPU and include a definition for transitional housing

Committee Member Comments/Questions

- The preferred times for future meetings are during the lunch hour or before Planning Commission meetings.
- Beth will send an email with possible dates for the next meeting.

Meeting adjourned at 7:30 pm

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

MAY 26, 2015 MEETING, 5:00 PM – 6:35 PM

MARINE VIEW BUILDING, 4TH FLOOR

MEETING MINUTES



Committee Members Present

Nicole Grewe (Chair)

Paul Voelckers

Michael Levine

Bill Peters

Assembly Members Present

Jesse Kiehl, District 1 Assembly Member

Loren Jones, District 1 Assembly Member

Staff Members Present

Beth McKibben, Planning Manager

Allison Eddins, Planner I

Reading of Agenda

- Motion by Voelckers to approve the agenda for May 26, 2015 meeting was seconded by Levine.
- The motion passed and the May 26th Agenda was approved.

Approval of Minutes

- Motion by Peters to approve the minutes with amendments was seconded by Levine.
- The motion passed and the May 6, 2015 minutes were approved.

Agenda Item – Childcare Facilities

- It was decided unanimously that this would be the last Title 49 meeting about child care facilities before the issue goes to the full Planning Commission.
- Following the May 6, 2015 meeting, CBJ Law Department amended slightly the definitions of *child care center* and *child care home*. Special use regulations and use specific standards related to child care will also be reviewed by Law.
- The Committee discussed at length the proposed amendments to the Table of Permissible Uses:
 - o It was decided to leave 1.540 Adult; 9 to 12 people, 12 years and older in the TPU.
 - o Voelckers expressed concern about 7.300 Day Care Centers.

7.300	Child and day care centers for children and adults	3	3	3	3	3	3	3	3	1,3	1,3	1,3	1,3			
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It was suggested by Voelckers to separate child care centers and adult care centers in the TPU. The Committee agreed unanimously and the following was recommended:

7.300	<u>Adult</u> Day Care Centers	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	3	3	3	3	3	3	3			
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7.350	<u>Child</u> care centers	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	3	3	3	3	3	3	3			
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- o Levine expressed a strong preference to focus on child care centers and reserve further discussion on adult care centers until the Committee gets clarification on State licensing issues regarding adult care.
- o Levine moved to adopt changes to 1.51 and 1.52 as drafted by CDD Staff. The motion was seconded by Peters. Grewe offered an amendment that would require Conditional Use Permits for child care homes in residential districts, stating the importance of public notice and public comment. The motion passed without Grewe's amendments. The Committee recommends the following:

1.500	<u>Child and</u> Day care homes															
	1.510 Child; <u>12</u> 8-or fewer under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	1.520 Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3

- The Committee then discussed use specific standards related to child care centers:
 - o The CUP process for child care centers will ensure that standards like fencing, parking, lighting and vegetative buffers are reviewed for neighborhood harmony and consistency.
 - o The Committee would like to encourage child care centers in churches to operate five (5) days a week. Requiring these centers to go through the CUP process would allow Staff to analyze the impact of the surrounding neighborhood.

Meeting adjourned at 6:35 pm

Next Meeting will be June 12, 2015 at 11:30 am



City permit center of Juneau

To whom it may concern,

I am grandmother to a beautiful boy Jaxon Mays, he is just 9 months old.

My daughter has been struggling to get her feet on the ground since having her son Jaxon at 17 years old.

She is trying to finish school and work at the same time plus take care of her son Jaxon Mays.

We have been to Child Care Support Services with Catholic Community Services. They wouldn't support/approve the Childcare facility "Gehring's Nursery" due to zoning issues

I am not sure if you are aware of the childcare crisis in Juneau. Not only are we affected by it, but so many others in the community, including children who are in child protective custody. They can't find anywhere to put babies that are in danger.

The amazing Gehring family has dedicated their lives to help people like my daughter, to help her become a working and educated mother.

Jaxon spent one month at the Gehring Nursery, we were so sad to pull him out of the program today because of the zoning issues.

As a mother, grandmother and citizen, I feel the right to be treated fairly. The state/city/government need to provide us with opportunities to thrive in our community. With the regulations you have, it is impossible to do so.

Please consider changing the zoning code.

Our Community needs the Gehring's Nursery not only to help families in need but to help our community thrive.

Regards,

Dareen Puhlick

253-880-4492c

253-397-4461w

Mother to Sofia Schneider 18 years old

Grandmother to Jaxon Mays 9 months old

ATTACHMENT H



May 4, 2015

City and Borough of Juneau Planning Commission
Title 49 Committee
Attention: Beth McKibben
Planning Manager
155 S. Seward
Juneau AK 99801

Greetings,

This letter is to request consideration of two changes to zoning and permitting that will support licensed child care for working families. These changes have been discussed with community partners, and are supported by the Child Care Licensing Supervisor for Southeast Alaska. They build toward the Juneau Long Term Economic Plan to increase access to high quality child care as a strategy for building the next generation workforce.

Zoning change for small residential child care programs:

Change the definition of family child care homes to allow up to 12 children without obtaining a conditional use permit.

Background: The State of Alaska defines licensed family child care homes as up to 8 children, and defines programs with 9-12 children in a residential home as "group homes." There are currently 16 family child care homes and 3 group homes in Juneau.

Group homes caring for 9-12 children were identified in a study by the Juneau Economic Development Council as a fiscally strong model, with high appeal for parents. They are required to have a second adult, which offers more flexibility for programming. By removing the permitting barriers, this change would encourage more programs to open or expand into a group home. This is a change requested by family child care providers in a survey conducted by AEYC.

This change would be an addition of an average of two cars per day when parents drop off and pick up children, and one employee or partner car parked in the driveway. Most family child care programs have a partner that leaves during the day for work outside the home, leaving a parking space available for an employee. This change will have a nominal impact on a small number of programs in the community, but is one way CBJ can encourage and support small child care programs.





Zoning change for “institutional” child care center programs:

Allow “Institutional” child care centers offering care for more than 12 children to obtain a conditional use permit in any D-1, D-3, D-5 or D-10 zone.

Background:

Until the Title 49 zoning changes made in 2010, child care and preschool programs were allowed to operate within an existing church. Of the 9 licensed child care centers in Juneau, four are currently operating in a church facility. Seven others have housed one in the past, would be interested in the future, or currently operate Head Start or unlicensed part day preschools. Some of these are in D-5 zones. All elementary schools also house the licensed child care RALLY programs.

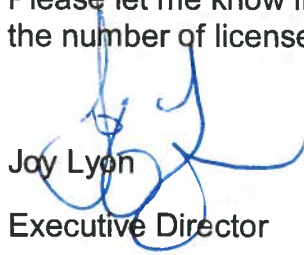
Housing child care programs in churches and schools is a common and mutually beneficial relationship in communities across the state and nation. The faith based organizations have space that is underused during the weekdays, and they have infrastructure in place, such as parking and fire marshal inspections. Finding affordable, safe, space is a major barrier for child care programs.

Child care programs are early education programs, and as such should be included in the definition of “school,” and be allowed in zones where schools are allowed. By requiring a conditional use application for these programs, the number of children served could be individualized to meet the capacity of the programs based on state licensing requirements for indoor and outdoor space, and for parking and drop off capacity.

Summary:

AEYC Southeast continues to work with our statewide Child Care Resource and Referral Network **thread** to increase access to affordable child care that is licensed, safe, healthy, and playful. We offer support and technical assistance to anyone interested in starting a child care program, and are also exploring possibilities for a large high quality child care center supported by employers in Juneau.

Please let me know if I can provide additional information or support for zoning changes to increase the number of licensed child care spaces in Juneau.



Joy Lyon

Executive Director



May 19, 2015

City and Borough of Juneau Planning Commission
Title 49 Committee
Attention: Beth McKibben
Planning Manager
155 S. Seward
Juneau AK 99801

Greetings,

This letter is to provide follow up information for items discussed at your May 6th meeting.

1. Consideration of a new requirement by CBJ Zoning for licensed child care programs to install and maintain a fence.

AEYC strongly recommends against adding this requirement. There are currently three child care centers, and five licensed family child care homes that do not have a fence. The estimated cost for 245 linear feet of a 6 foot installed fence is between \$8,000 and \$10,000.

http://homewyse.com/costs/cost_of_cedar_fencing.html

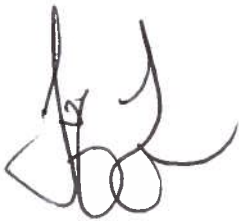
The State of Alaska Child Care Licensing reviews the need for a fence, and their recommendation has been effective for the past 20 plus years. The cost of installing a fence would further reduce the number of licensed child care programs in Juneau.

2. Consideration of a new requirement to require all licensed family child care programs to apply for a conditional use permit. AEYC strongly recommends against adding this requirement. We have not surveyed the 16 current licensed family child care programs in Juneau as to the impact this would have to their decision to operate a program in Juneau, but based on feedback from applicants for a group home serving 9-12 children, this would definitely reduce the number of current and future child care programs in Juneau.

3. Again, we urge the committee and CBJ Planning Commission to consider eliminating the requirement for a conditional use permit for group homes, and to allow a child care center to apply for a conditional use permit in any residential zone. This would further the Juneau Assembly goals outlined in the Juneau Economic Development plan to build the next generation workforce and make Juneau a more attractive community to work and raise a family.

Thanks for your consideration, and please feel free to contact me for any further information needed.

Joy Lyon




MINUTES

Regular Planning Commission Meeting CITY AND BOROUGH OF JUNEAU Mike Satre, Chairman

June 23, 2015

I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

- Swear in of new Planning Commission member Matthew Bell

Mr. Bell was sworn in to his seat on the Planning Commission to replace Gordon Jackson by Planning Commission Chairman Mike Satre.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Ben Haight, Nicole Grewe, Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Chrissy McNally, Planner I

II. APPROVAL OF MINUTES

- April 28, 2015 Draft PC Regular Meeting Minutes
- May 12, 2015 Draft PC Regular Meeting Minutes

MOTION: *by Mr. Watson, to approve the minutes of the Regular Planning Commission meeting of April 28, (2015) and the Regular Planning Commission meeting of May 12, (2015) with the correction that on Page 9 of the May 12 minutes in the second paragraph that "Director" be changed to, "members of the Public Works Committee".*

The motion passed by unanimous consent.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

IV. PLANNING COMMISSION LIAISON REPORT

Zoning Protests

Assembly Liaison Loren Jones reported that the Assembly held a special meeting on the three zoning protests. The decision of the Assembly at that meeting regarding the Light Commercial rezone on Glacier Highway was to have an ordinance drafted to approve a rezone of D-18 only, for the entire property. That ordinance will move on to the Assembly for introduction and then on to a public hearing, said Mr. Jones.

The Industrial to Mixed Use zoning at the rock dump was denied, said Mr. Jones, upholding the decision of the Planning Commission. The CBJ rezone from Waterfront to Commercial was tabled by the Assembly after a lengthy discussion.

Tall Timbers Appeal

The Tall Timbers Association has appealed the Haven House decision to the Superior Court, said Mr. Jones.

Subdivision Ordinance

The subdivision ordinance was to be up for a public hearing on Monday, (June 29, 2015) reported Mr. Jones. However, at the Assembly Committee of the Whole meeting last night, the Committee ran out of time, so subsequently the public hearing on the subdivision ordinance will not be heard on Monday, he said. This issue is now on the agenda for the Assembly Committee of the Whole meeting slated for July 27, (2015) he said. Pending the outcome of that, said Mr. Jones, the public hearing would be on August 10, (2015).

Honsinger Pond Appeal

Hearing officer John Corso heard the Bicknell appeal on June 15, (2015) said Mr. Jones. He has 45 days to render a decision, and the parties are given five days to comment on the decision, he said. There is also a three day period to file a statement in support, he said. If there are no objections, it would be scheduled on the next Assembly's agenda, said Mr. Jones, which would be sometime in late July.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0004:

Text amendment to Title 49 regarding the expansion of child care uses

Applicant:

City and Borough of Juneau

Location:

Borough-wide

Staff Recommendation

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

Ms. McKibben reported that the Title 49 Committee conducted five meetings to discuss the text amendment. Members of the public, the Assembly, representatives of the Association for the Education of Young Children (AYC) and the State of Alaska childcare program also participated in these meetings.

The current code allows for child care homes caring for eight or fewer children to be permitted directly in all zoning districts except for Waterfront Commercial, Waterfront Industrial, and Industrial zoned property, said Ms. McKibben. Childcare homes for nine to 12 children are allowed with an approved Conditional Use Permit in all zoning districts except for those mentioned above. Child care centers which are for more than 13 children are allowed with an approved Conditional Use Permit in D-10, D-15 and D-18 zoning districts, said Ms. McKibben.

The amendment for the proposed ordinance states that: "Childcare center means a building or portion thereof, used for the purpose of providing for the paid care and supervision of 13 or more children under the age of 12 at any one time." Clarifying language was also added stating the "child care centers include preschools and nursery schools not associated or co-located with the elementary, middle, or high school", said Ms. McKibben.

The amendment defines a child care home as a building used for the purpose of providing for the paid care and supervision of no more than 12 children under the age of 12, said Ms. McKibben. A child care home must be incidental and subordinate to a single family home, she said.

This ordinance proposes to make a new category in the Table of Permissible Uses (TPU) for child care homes caring for up to 12 children, which will be permitted in all zoning districts except for the industrial districts mentioned previously, she said. These childcare homes would be permitted outright through the building permit process, said Ms. McKibben. This change would compress the categories from ages zero to eight and then ages eight to 12 into one group, said Ms. McKibben. This means that group homes for eight to 12 children would no longer have to go through the Conditional Use Permit process, said Ms. McKibben. This would shorten the permit process and also help with costs to the applicant, she said.

Child care centers would be approved with a Conditional Use Permit in Rural Reserve (RR) D-1, D-3, D-5 and D-10 single-family zoning districts, in addition to the districts to which they are already allowed, said Ms. McKibben. This expands the districts in which childcare centers for 13 or more children could be permitted, said Ms. McKibben.

Child care is differentiated from day care, said Ms. McKibben in keeping with Alaska state definitions. Day care is for the care of people 13 and older, and child care is for the care of children 12 and under, said Ms. McKibben.

There is also a new article created for child care homes and centers, said Ms. McKibben. The article establishes criteria for child care homes and centers which are not currently in code, said Ms. McKibben. Child care homes would be required to have an approved parking plan which requires one parking space per employee, as well as the required two parking spaces for the dwelling unit.

Child care centers, for 13 or more children, would not allow any parking or loading areas within any setback except for an approved driveway, said Ms. McKibben. This helps to preserve the residential feel for those centers that may be located in a residential neighborhood, she said. A minimum of one off-street parking space would be required for each on-shift employee of the child care center, plus one space per 10 children served, said Ms. McKibben.

For both child care homes and child care centers, any fencing required or used to delineate an outdoor play space would need to be constructed to be sight obscuring, unless the Director determines a substitute material is of a similar permanent nature and the fence is constructed to confine and protect children, said Ms. McKibben. State of Alaska licensing does not always require that child care homes and centers have fenced play areas, explained Ms. McKibben. The Title 49 Committee decided to leave fencing requirements up to the licensing agency, she said. If fencing is required, the Committee wants the fencing to be attractive and to blend with the neighborhood, said Ms. McKibben.

The proposed ordinance also amends 49.40.230(b) to allow stacked parking for child care homes in a residential district, said Ms. McKibben. Under the amendment of this section, back-out parking would also be allowed when approved by the Director by over-the-counter permits or by the Commission by a Conditional Use Permit, said Ms. McKibben.

This ordinance addresses policies in the Comprehensive Plan which address the need for quality child care, said Ms. McKibben. It also addresses the needs for affordable, high-quality child care addressed in the recently adopted Juneau Economic Development Plan, she added.

Commission Comments and Questions

Referring to the new article 49.65.1100(b), which specifies that a parcel with a variance would not be permitted to have a child care home; Mr. Miller said he did not understand the philosophy behind this amendment. He asked how he would know as a potential home buyer how the home he was considering buying might have had a variance at some point. He said homes exist with a de minimis (over a trivial matter) variance which would automatically put them out of contention for having a child care home.

Ms. McKibben answered that the general idea is that a child care home increases the impact to a neighborhood. She said these impacts can be somewhat mitigated if the child care is in a home which meets the minimum lot size and setbacks and other basic requirements which do not require a variance. Ms. McKibben said she was not sure if anyone had thought about the situation of a de minimis variance.

Mr. LeVine commented that it was his understanding regarding TPU amendment 7.300 that the proposed ordinance would now allow adult day care facilities in places where they were not previously allowed, in addition to child care centers.

Ms. McKibben responded that adult day care centers are currently not allowed in RR (Rural Residential) D-1, D-3, D-5 and D-10 SF (Single Family).

Mr. LeVine said that he was not opposed to having adult day care centers, but that he did not understand the reasoning behind implementing the change at this time when there appeared to be no need for it.

Ms. McKibben said the City Attorney was very firm in her opinion that adult day care centers and child care centers should be treated the same.

Ms. Grewe said that she had read the opinion of the City Attorney on this matter and that she was highly uncomfortable with it. She said the opinion of the City Attorney stated that if child and adult day care centers were to be separated that there needed to be a legal reason. Ms. Grewe said she could recall no group consensus on the Title 49 Committee that these centers should be treated equally.

Mr. Voelckers said that he agreed with his fellow commissioners on this item, and that in the item just above on the TPU (1.530) that "child" and "adult" were distinguished from each other. He added that the implications of adult day care in the areas to which it has been added have not been considered. He said all of the talk was about child care issues.

On the topic of homes with a variance being exempted from child care, Mr. Watson said that he agreed with Mr. Miller. Mr. Watson asked the staff if an individual came to the Department requesting permission for a child care center, who had a variance on their home, if that issue would come before the Commission for consideration or not.

Ms. McKibben responded that the language in the proposed ordinance is very clear about a parcel that has received a variance being excluded from becoming a child care home.

Mr. Watson said he felt that language was more restrictive than what was needed.

Chairman Satre clarified that a variance could possibly be attained for parking because it was not listed as one of the items given a variance that would preclude a parcel from becoming a child care center.

Mr. Voelckers clarified that new amendments regarding parking would be applied to new applications and not existing facilities.

Ms. McKibben said this was true, and that the proposed amendments were not retroactive applying to pre-existing facilities.

Mr. Voelckers asked about language the Committee had requested regarding clarification of unintended language precluding child care centers from collocating with churches.

Ms. McKibben said within the current definitions of Title 49 child care centers are not to be co-located with churches. Ms. McKibben said the amendment under consideration in this ordinance allowed an applicant to come forward and obtain a separate Conditional Use Permit to operate a child care in that building if the zoning allowed for it.

Public Comment

Jessica Spurrier, childcare licensing specialist for the State of Alaska, said the vision of their child care program office is to see that child care is made available which is available and affordable for all families in Alaska. She said their office supports any action that would help to reduce the barriers to the operation of a state-licensed child care facility.

Nikki Love, with the Association for the Education of Young Children, spoke in support of the ordinance. She said the Association was in support of the changes allowing group homes to occur without going through the Conditional Use process, and the other changes proposed as well. She AYC was concerned about the terms applied to fencing. She said they objected to the term “site-obscuring” because that seemed to indicate a six foot high privacy fence which could be cost prohibitive and prevent the children from having a view beyond the fence.

Resident Steve Soenksen said he had just returned from Minneapolis where he had the opportunity to tour an intergenerational day care center facility. He said they were able to make the economic model work for the facility. He said this type of facility provided the opportunity for children, adults and senior citizens to interact with one another, which seemed to have a positive effect on the care for all of the residents. He said this may assist child care facilities to be financially stable. He added that he disagreed with the amendment which precluded properties with a variance from becoming child care facilities. He said he felt that the on-site parking requirement was an expensive luxury, considering the fact that many employees of day care centers would be taking a bus or riding a bike to work.

Commission Comments and Questions

Chairman Satre said that he would like to give Ms. Grewe, as Chairman of the Title 49 Committee, an opportunity to present the Committee’s thoughts on any items raised this evening regarding the ordinance.

Ms. Grewe said the Committee met five times with a lot of meaningful and constructive comment from various agencies and the public. She said the ordinance before the Commission this evening is similar to what the Committee approved at the last meeting with a few exceptions such as the adult child care addition. She said she did not recall the Committee discussing the exclusion of property with a variance in the ordinance.

Mr. LeVine commented that the single thing which was the most difficult to deal with as a subcommittee was combining the child care homes with day care centers. The result of this is that there will be no opportunity for public input.

Ms. Grewe said what this means is that any application with 12 or less children is a right, and an application for more than 12 children requires a Conditional Use Permit. She said this means that in every single zoning district within the Borough a day care center will be allowed for 12 children or less. She said it was her personal opinion that this amendment precluded public comment for those facilities with 12 or less children.

Chairman Satre said he would first like to address the issue of adult day care centers being included with child and day care centers in the Table of Permissible Uses (7.300). He suggested the Commission may want to separate those two issues with a motion.

Mr. Miller commented that he did not have a problem with the 13 years and older portion of the ordinance amendment. They would all be Conditional Use permits until the higher zones were reached, he said, so these items would be coming before the Planning Commission for review.

Mr. LeVine said that prior to this ordinance amendment adult day care facilities were not allowed in the zones proposed in the amended TPU. Therefore this action would be a change allowing adult day care centers to be allowed in those zones. While not against the adult day care centers, Mr. Levine stated that the Committee had no information and had not discussed the adult day care centers. He said it did not make sense to him to make a change in adult child care facilities simply because they were working on child care facilities. He said he felt there needed to be an actual reason for making a change in adult day care facilities. Mr. LeVine said his preference was to separate the two issues and deal with the child care issue now and to deal with adult day care centers when there was a need for that action.

MOTION: *by Mr. Peters, that the child and day care centers be separated in the TPU, resulting in TPU 7.300 child and day care centers, and adding 7.310 which would be for adult day care centers. Rural Reserve D1, D3, D5 and D10 SF (Single-Family) would once again be blank on the TPU as they were previously. The other zones would remain as they are listed in the TPU.*

The motion passed with no objection.

Mr. LeVine stated that in response to Ms. Mead's memo on the topic, that the Commission's justification for bifurcating the child and adult facilities in the TPU was because there is a known need for child care facilities in the community, and that the Committee was not presented with any information indicating a need for adult care facilities at this time.

Mr. Voelckers asked for clarification on the parking portion of the ordinance, and the application for facilities located in town, noting that there were specific parking requirements.

Ms. McKibben replied that depending on the location of the child care center, there are a number of options. There are zones where reduced parking is allowed such as PD (Parking District)-1 and PD-2. She said she thought PD-1 allowed for a reduction of 60% and PD-2 may result in a 40% reduction. She said sometimes parking can also be divided up by a facility which has two different uses during different hours of operation, such as a child care center in a church if the church was only using the parking lot on the weekend. There is also the opportunity to apply for a variance for the parking requirements, she added.

Chairman Satre said that he wanted to review the language in the new article 49.65.1100 (b) which precludes property with a variance from becoming a child care home.

MOTION: *by Ms. Grewe, that provision 49.65.1100(b) is deleted from the ordinance.*

The motion passed with no objection.

In addition, the Commission voted unanimously to delete 49.65.1120(b) from the ordinance, which stipulated the need for a variance for child care standards.

In support of the above Commission action, Mr. Watson said he felt this was a good move because it would prevent a lot of protests coming before the Commission.

Commissioner Voelckers said that he would like to suggest language for a change to 49.65.1110(a) for Child Care Home Standards. He suggested this provision read: "Any fencing required or used to delineate outdoor play space shall be constructed to safely confine and protect children, and be in visual harmony with the neighborhood." Mr. Voelckers explained that this would remove the portion of the provision that mentioned "sight-obscuring" fencing.

Ms. McKibben commented that there is no language in the code to address the appearance of fencing. She said she would have to check and make sure that the suggested alternate language could be used.

Chairman Satre said that he would like the language just presented by Commissioner Voelckers to be presented to the Assembly. The Assembly could always refer this back to the Commission if the language was not adequate, he added.

Mr. Miller commented that he felt that fencing was one area in the code where the words "visually harmonious with the neighborhood" were acceptable.

Ms. Grewe agreed with Mr. Miller and Mr. Voelckers, stating that she felt this was a good change to make to the provision.

Mr. LeVine said he felt that the word "permanent" was a good word to place in the provision because this would eliminate offensive neighborhood fencing such as snow fencing and chicken

wire. He said he would like to present this as a friendly amendment to the language change by Mr. Voelckers for the provision.

Ms. McKibben pointed out that the proposed language amendment takes out any discretion of the Director to approve a different type of fencing.

Mr. Voelckers agreed to the amendment suggested by Mr. LeVine.

Ms. McKibben said she felt the existing proposed language was the best language that could be formulated within the confines of the code.

Chairman Satre suggested that the following language be added to the beginning of the language suggested by Mr. Voelckers: "Any fencing required or used to delineate an outdoor play space shall be determined by the Director to be constructed of materials of a permanent nature."

MOTION: *by Mr. Voelckers, including the friendly amendment by Mr. LeVine, that 49.65.1100(a)(1) be amended to read: "Any fencing required or used to delineate an outdoor play space shall be determined by the Director to be constructed of materials of a permanent nature, and shall be constructed to safely confine and protect children, and be in visual harmony with the neighborhood".*

The motion passed with no objection.

MOTION: *by Ms. Grewe, to change amendment 1.510 in the TPU to replace the "ones" with "threes" for the RR zones D-1, D-3, D-5, D-10 SF and D-10.*

The number "1" indicates that the use requires departmental approval, in conjunction with the issuance of a building permit. The use is allowed in the district but limited conditions may be attached to the approval. The number "3" indicates the use requires a Conditional Use Permit from the Planning Commission.

In support of her motion, Ms. Grewe said she was concerned that a child care home could be placed in a low density neighborhood without the opportunity for public comment.

Mr. Peters spoke in favor of Ms. Grewe's motion, stating that that the opportunity for public comment is something the Commission should consider.

Mr. LeVine asked for the rationale for designating this use for lower density zones but not the higher density neighborhoods.

Ms. Grewe said while it could be argued that a lower density zone has the potential for hosting more children, that the RR zones tend to be quieter neighborhoods and more rural in nature.

She added that she would like public comment allowed for those zones which are not used to much activity.

Stating that he had mixed sentiments on this issue, Mr. Voelckers said that he would be voting against the motion because the larger zones by definition have the potential for greater buffers and increased capacity to shield noise and impacts. He added that there would be natural market forces at play which would dictate that child and day care homes would be placed in areas logically where they could establish connections. He said he did not see a sharp enough distinction between the different densities to find it compelling.

Mr. LeVine said the public comment the committee received was distinctly in favor of the language as it is currently proposed for the TPU. He said that while he did find this a difficult choice, that ultimately he would vote against the motion.

Roll Call Vote:

Yeas: Peters, Grewe, Watson

Nays: LeVine, Haight, Voelckers, Bell, Miller, Satre

The motion failed.

Mr. Voelckers stated that he would like to make a few alterations to the language in 49.65.1100 "Purpose". He said he felt there was some language in the proposed provision which was not helpful. He said he would like to delete the language, "by simplifying the approval process and proscribing minimum standards". He said this is the function of the ordinance, it does not need to be overtly stated. He added he would like to remove the term "minimum standards" and replace that term with "identified standards". He said he found those standards aspirational or performance-based.

The altered sentence would read: "The intent of this article is to promote the public health, safety, and welfare for child care homes and centers." In addition, "minimum standards" within this provision would be replaced with "identified standards".

MOTION: *by Mr. Voelckers, to alter the language in 49.65.1100 "Purpose" to read, "The intent of this article is to promote the public health, safety, and welfare for childcare homes and centers." In addition, the words "minimum standards" within this provision would be replaced with "identified standards".*

The motion passed with no objection.

MAIN MOTION: by Ms. Grewe, to approve AME2015 0004 with the ordinance text as drafted by staff, with all of the changes approved by the Commission.

Ms. Grewe stated she would be voting against the motion because of the lack of public comment allowed for child care homes located in lower density areas.

Roll Call Vote:

Yeas: Miller, Voelckers, Peters, LeVine, Haight, Bell, Satre, Watson

Nays: Grewe

The motion passed.

AME2015 0007:	A transition rezone of three lots from D-1(T)D-10 to D-10
Applicant:	City and Borough of Juneau; William Cheney; Gail Cheney; James Franco; David Kunate
Location:	Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the rezone of Lots USS 2386 Lot N, USS 2386 Lot J1 and USS 2386 Lot J2 from D-1(T)D-10.

The lots in question are on the uphill side of Glacier Highway as the road approaches Auke Lake from town. Ms. McNally explained that for lands within a transition zone the zoning would be upgraded to a higher density classification at the time the public water, sewer or other required improvements were implemented.

Public water has been available in the area for quite a while, said Ms. McNally, and public sewer for the lots was installed last summer. Rezoning requests have to be at least two acres or the expansion of an existing zone, said Ms. McNally. In addition, the rezone request must conform to the maps of the Comprehensive Plan.

The main issues brought up by the public regarding this rezone request involve traffic safety sight distance along this area of Glacier Highway, and noise which would accommodate potential development with a higher density, said Ms. McNally.

Commission Comments and Questions

Mr. Voelckers asked if anyone on the staff is aware of why a small needle of one of the parcels extends across Glacier Highway.

Ms. McNally responded that the reasoning behind this delineation is unclear.

Public Comment

Neighboring property owner Fred Thorsteinson stated that he was in opposition to the rezone of the property to D-10, primarily because of his concerns for traffic safety. He said that he was

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-32

An Ordinance Amending the Land Use Code Relating to Child and Day Care Facilities.

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 1.500 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
1.500	Child and Day care homes															
1.510	Child; 12 or fewer-under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
1.530	Adult; 12 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.540	Adult; 9 to 12 people, 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3

Section 3. 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	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
7.300	Day care centers for children and adults						3	3	3	1,3	1,3	1,3	1,3			
<u>7.310</u>	<u>Child care centers</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>1,3</u>	<u>1,3</u>	<u>1,3</u>	<u>1,3</u>			
...																

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

49.80.120 Definitions.

...

Child care center means a building or portion thereof, used for the purpose of providing for the paid care and supervision of thirteen or more children under the age of 12 at any one time, any of whom are nonresident. ~~Child care centers include pre-schools and nursery schools not associated or co-located with an elementary, middle, or high school.~~

Child care home means a building or portion thereof, used for the purpose of providing for the paid care and supervision of no more than twelve caring for nonresident children under the age of 12 years of age at any one time, such use being incidental and subordinate to the occupants' residential use of the building. ~~At no time shall there be present a total of more than 12 resident and nonresident children under the age of 12.~~

...

Section 5. Amendment of Chapter. CBJ 49.65 Specified Use Provisions, is amended by adding a new Article to read:

Article X. Child Care Homes and Centers

49.65.1100 Purpose.

Affordable, reliable and quality, childcare is critical to the well-being of parents and children in the community and is a needed community service. The intent of this article is to promote the public health, safety, and welfare by simplifying the approval process and prescribing identified standards for child care homes and centers. The standards facilitate the siting of child care facilities while ensuring conformance with surrounding land uses. 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.

49.65.1110 Child care home standards.

(a) A child care home shall comply with the following minimum standards for initial permit approval and during the use of the child care home:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed of materials of a permanent nature, as determined by the Director, and shall be constructed to safely confine and protect children and be in visual harmony with the neighborhood.

(2) A minimum of two parking spaces as required for the dwelling unit and one parking space for each on-shift employee.

(b) The department shall issue a permit for a child care home that complies with this section and the requirements of this title.

(c) The department may initiate enforcement action consistent with 49.10 Article VI for any violations of this section.

49.65.1120 Child care center standards.

(a) In addition to other conditions imposed by the commission, a child care center shall comply with the following minimum standards for initial permit approval and during the use of the child care center:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed of materials of a permanent nature, as determined by the Director, and shall be constructed to safely confine and protect children and be in visual harmony with the neighborhood.

(2) In residential zoning districts, no parking or loading areas shall be located in any setback, except in an approved driveway.

(3) A minimum of one off-street parking space shall be provided for each on-shift employee of the child care center, plus one space per ten children served.

(b) The commission may issue a permit for a child care center that complies with this section and the requirements of this title.

(c) The department may initiate enforcement action consistent with 49.10 Article VI for any violations of this section.

Section 5. Amendment of Section. CBJ 49.40.230(b), is amended to read:

...

(6) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(7) ~~[Space requirements-Back-out Parking.]~~ Parking areas must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way, ~~except:~~ If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the area and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

(A) In the case of single-family dwellings and duplexes with or without accessory ~~uses~~ apartments located in residential and rural reserve zoning districts; or

(B) Where the right-of-way is an alley; or

(C) In the case of a child care home in a residential district.

...

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

Adopted this _____ day of _____, 2015.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

From: [Amy Mead](#)
To: [Michael Satre](#)
Cc: [Nicole Grewe](#); [Jesse Kiehl](#); [Beth McKibben](#)
Subject: Childcare ordinance
Date: Monday, July 06, 2015 5:10:21 PM
Attachments: [2010-03-09 TPU proposed modifications.pdf](#)
[child care draft regs.docx](#)
[2015-32.docx](#)

Hi Mike

I've attached the child care ordinance with changes made by the PC on 6/23 for your review, but have a couple of issues to ask you about:

1. There was a motion by Mr. Voelckers as follows: **MOTION:** *by Mr. Voelckers, to alter the language in 49.65.1100 "Purpose" to read, "The intent of this article is to promote the public health, safety, and welfare for childcare homes and centers."* In addition, the words "minimum standards" within this provision would be replaced with "identified standards".

We can't actually do the highlighted part... we can't adopt ordinances that protect or promote health, safety and welfare for just one group. The "public health, safety and welfare" language comes from the general purpose section to Title 49 – the purpose of the land use code regulations are to "in general" promote public health, safety and "general" welfare. (In other words, Title 49 provides for the imposition of standards and regulation of land in order to promote public health, safety and general welfare for the CBJ as a whole.) I can't add the highlighted language but I can bring it forward to the Lands Committee (or Assembly) if you think it's important to the PC that it be included.

2. Day care (adult) and child care: Thank you for making the motion to separate. There was a lot of confusion prior to your motion about that issue and what appeared to be a misunderstanding that Law was suggesting the two be included in the same line with this amendment, which of course was not the case (as the PC combined them in 2010.) And please forward my thanks to Mr. LeVine for specifically addressing my memo and articulating a reason for separating the two. That's exactly what was needed at this point (I think it needs to be further addressed but he stated a defensible reason for moving forward with this piece now). Because a reason was articulated, I don't need this to stop at Lands before moving on (unless Jesse so desires...)

As to the change requested, my reading of the motion was an intent to return to the 2010 TPU. (It was in 2010 that the PC combined child and day care centers, and prohibited child care centers in D1,3 and 5.) I'm attaching the 2010 amendment– relevant material is on page 7. I think the motion was to return to that, but also allow child care centers in RR with a CUP.

3. A very small change to the suggested language on fencing. The motion was that the amendment read "Any fencing required or used to delineate an outdoor play space shall be determined by the Director to be constructed of materials of a permanent nature...."

I think the mandatory “shall” language was intended to tie to the fence being constructed of materials of a permanent nature, so I changed the placement of the “as determined by the Director” clause.

4. And because this issue was a hot topic at that meeting and as backup to our discussion: I’m attaching the memo (titled “child care draft regs”) I received from staff laying out the provisions I was to include in the child care ordinance. You’ll see that I was directed to include in the special use provisions for both homes and centers a provision that they be required to “conform to the lot size, building size, setback and lot and vegetated coverage requirements of the underlying zones.” That provision did not come from me.

I think I’ve captured it all. If the ordinance is going to still stop at Lands, I need to get packet material to staff by 7/8. Otherwise, I’ll add this to the agenda for 7/20.

amy

Amy Mead
CBJ Municipal Attorney
(907) 586-5340
(907) 957-2248 (cell)

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D- 10	D- 15	D- 18	LC	GC	MU	MU2	WC	WI	I
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, OR INSTITUTIONAL HEALTH CARE FACILITIES, OR CONFINEMENT CORRECTIONAL FACILITIES															
7.100	Hospital, clinic, other medical (including mental health) treatment facilities in excess of 5,000 square feet									2 3	2 3	3	3			
7.150	Health care clinics, other medical treatment facilities							3	3	1, 3	1, 3	1, 3	1, 3			
7.200	Nursing care, assisted living, immediate care, disabled care, or infirm, and child care institutions, and boarding homes for sheltered care	3	3	3	3	3	3	3	3	2 3	2 1,3	2 1,3	2 1,3			
7.300	Day care centers for children and adults						3	3	3	1,3	1,3	1,3	1,3			
	7.310 Child care center (Combined in 7.300)		3	3	3	3	3	3	3	2	2	3	3			
	7.320 Day care center (Combined in 7.300)					3	3	3	3	2	2	2	2			
7.400	Institutions Mental health facility (other than halfway houses) where mentally ill where persons are confined Halfway houses									2 3	2 3	2, 3	2, 3			
7.500	Penal or Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			3
8.000	RESTAURANTS, BARS, NIGHTCLUBS															
8.050	Small restaurants, less than 1,000 ft² without drive through service	3^T					3	3	3	1	1	1	1	1^N		

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Greg_Chaney@ci.juneau.ak.us
Voice (907) 586-0205
Fax (907) 586-5385

TO: CBJ Lands Committee**FROM:** Greg Chaney, Lands and Resources Manager**DATE:** July 8, 2015**SUBJECT:** Replacement of Lemon Creek Truck Scale to be Funded From the Land Fund

The existing Lemon Creek truck scale serving the two CBJ material sources in Lemon Creek Valley has worn out to the point that it cannot be repaired and a replacement scale is necessary. \$100,000 is required to establish a CIP for the purchase and installation of the replacement scale.

Staff is proposing an ordinance that would appropriate \$100,000 as a transfer from the Lands Fund's Fund Balance to the Lemon Creek Gravel Scale Replacement Capital Improvement Project (CIP) D14-020. This CIP would be used to purchase an appropriate replacement truck scale.

Staff Recommendation:

The Assembly Lands Committee approve a motion of support to for appropriating \$100,000 as a transfer from the Lands Fund's Fund Balance to the Lemon Creek Gravel Scale Replacement Capital Improvement Project (CIP) D14-020 and forward this recommendation to the full Assembly for approval.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Greg_Chaney@ci.juneau.ak.us
Voice (907) 586-0205
Fax (907) 586-5385

TO: CBJ Lands Committee 
FROM: Greg Chaney, Lands and Resources Manager
DATE: July 8, 2015
SUBJECT: Rezone of Lots N, J1 and J2 of USS 2386

In May 2015, the Community Development Department initiated an application to transition Lots N, J1 and J2 of USS 2386, located near Glacier Highway south of Auke Lake, from D1(T)D10 to D10. All three lots are located within the Urban Service Boundary.

Lot N of USS 2386 is owned by the City and Borough of Juneau. The property provides access for a water tower and the City does not have any plans to develop this lot in the near future. However the Lands and Resources Division would like for the zoning of this lot to reflect the installation of public utilities in the area. D10 zoning would allow for flexibility in the future if disposal of this property is considered.

At the June 23, 2015 Planning Commission meeting the Commission heard public testimony on the proposed transition. Based on the public testimony received, the Planning Commission recommended to the Assembly a rezone of all lots to D-3.

Two of the subject lots, Lots N and J1 of USS 2386, have a Comprehensive Plan land use designation of Medium Density Residential (MDR). The MDR designation calls for between 5 and 20 units per acre. The third property, Lot J2 is designated both MDR and Urban Low Density Residential (ULDR). The ULDR designation allows for 1 to 6 units per acre.

Per CBJ 49.75.120, Restrictions on rezones, rezones shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan. In considering rezone requests, Staff makes a threshold determination as to whether the proposed zoning district meets the density limitations specified by the land use designation of the comprehensive plan land use maps.

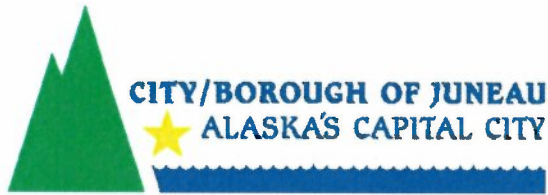
- CBJ 49.25.210(e) defines D-10 as a multi-family district with a density of 10 units per acre. Multi-family zones are intended to be located within the urban service boundary where public utilities are available. D10 is a relatively low density multifamily zoning district.

- CBJ 49.25.210(b) provides that D-3 has a density of 3 units per acre, is located primarily outside the urban service boundary where public utilities are not provided, and that only a limited amount of D-3 zoned land within the urban service boundary is appropriate. D3 zoning within the Urban Service Boundary is suitable where lower density is desirable or, in the case of transition zones, where the zoning is intended to be changed to a higher density when sewer and water are provided.

Since the properties under consideration for this rezone request are zoned D10(T)D3, are located with the Urban Service Boundary, are served by public utilities, and have been primarily designated MDR in the Comprehensive Plan, Lands staff recommends rezoning the lots in conformance with their transitional zoning designation to D10.

Staff Recommendation:

The Assembly Lands Committee approve a motion of support to for rezoning Lots N, J1 and J2 of USS 2386 from D1(T)D10 to D-10 and forward this recommendation to the full Assembly for approval.



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: June 25, 2015
File No.: AME2015 0007

City & Borough of Juneau
City & Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission recommendation to the Assembly regarding request to rezone 3 parcels from D-1(T)D-10 to D-3 along Glacier Highway.

Legal Description: USS 2386 Lot N
USS 2386 Lot J1
USS 2386 Lot J2

Property Address: Glacier Highway

Parcel Code No.: 4-B22-0-107-010-0
4-B22-0-107-011-1
4-B22-0-107-011-2

Hearing Date: June 23, 2015

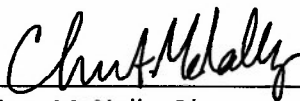
The Planning Commission, at its regular public meeting, amended the analysis and findings listed in the attached memorandum dated June 9, 2015, and recommended that the City and Borough Assembly adopt an amended recommendation for a zone change request. This regulatory map change would modify the current D-1(T)D-10 district in the designated area to D-3, allowing 3 dwelling units per acre.

Attachments: June 9, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Planning Commission regarding AME2015 0007.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

City & Borough of Juneau
File No.: AME2015 0007
June 25, 2015
Page 2 of 2

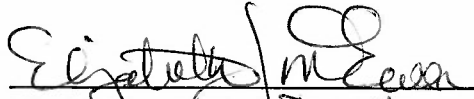
Project Planner:



Chrissy McNally, Planner
Community Development Department



Michael Satre, Chair
Planning Commission


Elizabeth M. Egan
Filed With City Clerk Deputy Clerk

6/29/2015
Date

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended map change. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: June 9, 2015

TO: Planning Commission

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: AME2015 0007

PROPOSAL: A transition of three lots from D-1(T)D-10 to D-10.

Applicant: City and Borough of Juneau

Property Owner: City and Borough of Juneau
William Cheney, Gail Cheney and James Franco
David Kunat

Property Address: Glacier Highway

Legal Description: USS 2386 LT N
USS 2386 LT J2
USS 2386 LT J1

Parcel Code No.: 4-B22-0-107-010-0
4-B22-0-107-011-1
4-B22-0-107-011-2

Site Size: 2.2 acres
0.91 acres
0.95 acres

Zoning: D-1(T)D-10

**Comprehensive Plan Future
Land Use Designation:** Medium Density Residential (MDR)/Urban Low Density Residential
(ULDR)

Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 2 of 9

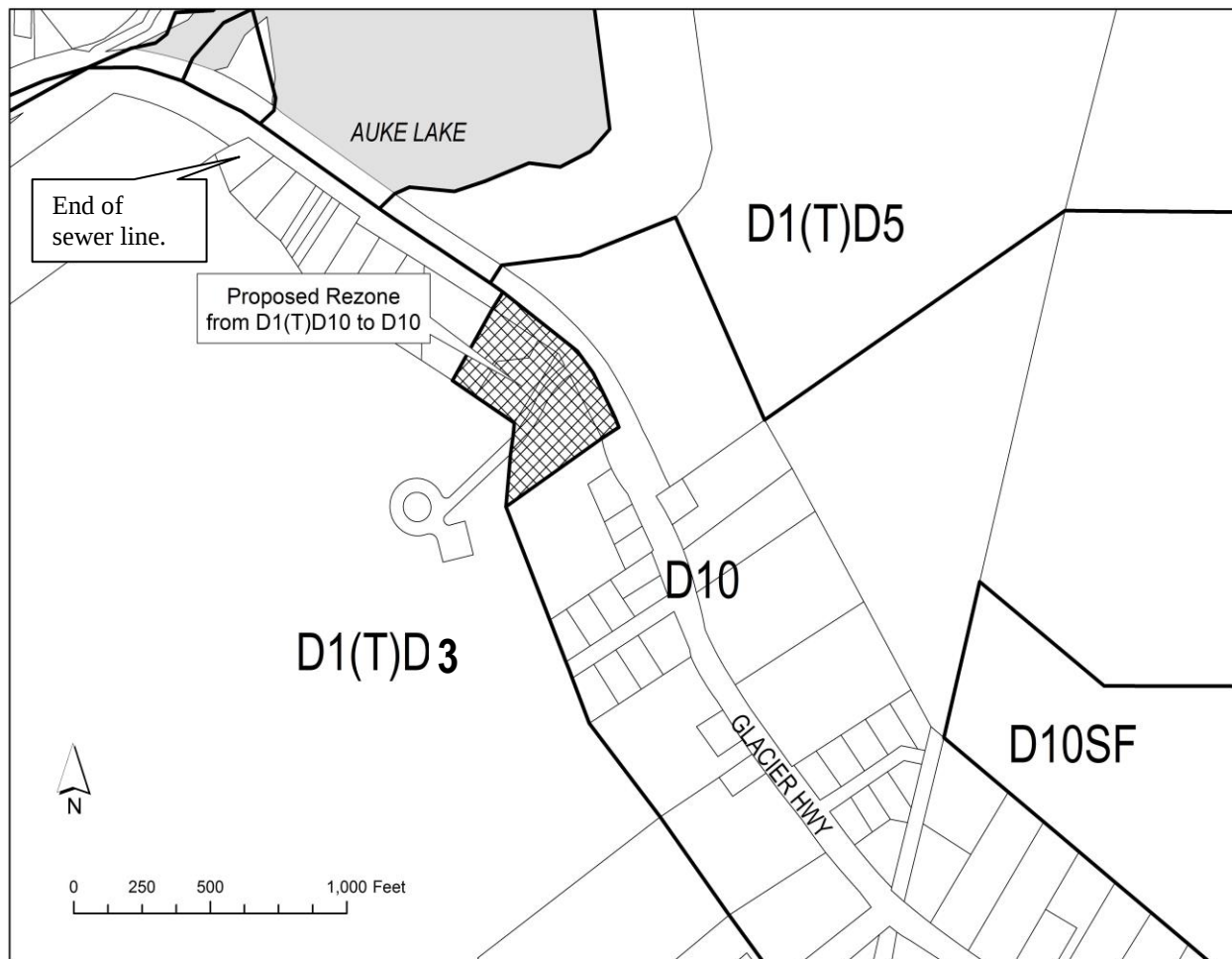
Utilities: City water and sewer

Access: Glacier Highway

Existing Land Use: Vacant/Single family dwelling

Surrounding Land Use: Surrounding lands to the northeast and southwest are generally undeveloped. Lands to the southeast consist of an Industrial Zone and Engineers Cutoff zoned D1(T)D3. Auke Lake and the undeveloped Peterson Hill area are to the north/northwest.

Vicinity Map



Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 3 of 9

Attachments

Attachment A: Rezone application
 Attachment B: Comprehensive Plan land use map
 Attachment C: Public comment
 Attachment D: Public notice

BACKGROUND

The three lots designated for transition from D-1 to D-10 were part of a larger transition zone that was approved for transition with AME2010 0008 at the November 12th, 2012 Planning Commission meeting. That approval transitioned 49 lots from D-1 to D-10. The three lots addressed in this rezone application were still awaiting the installation of city sewer service and therefore not yet eligible for transition at that time.

The property owner of USS 2386 Lot J2 contacted CDD staff in spring of 2015 to inquire when the transition for the remaining lots would take place. CDD staff confirmed with CBJ Engineering that sewer was installed at the three remaining lots designated for transition. Staff then initiated the rezone.

Discussion

The area discussed in this staff report is currently zoned D1(T)D10. CBJ 49.70.700 addresses transition zones. This section of Title 49, the Land Use Code states that a transition zone is an overlay zoning district for certain lands that are set aside for higher density development after public water and sewer have been provided. It further states that the increase in density will take place at the time public services are provided. Public water has been available for some time, and public sewer installation was completed in the summer of 2014 through 10965 Glacier Highway near the intersection of Fritz Cove Road. The property owners received a connection requirement notice in October 2014.

The parcels to the northwest of the subject area, which have city sewer, are zoned D1(T)D3. These parcels are part of a much larger transition area that includes all the parcels along Fritz Cove Road and the undeveloped portion of Mendenhall Peninsula which do not have city sewer. These lots are not part of this rezone.

CBJ 49.25.210(a) describes the D-1 zoning district as follows:

The D-1, residential district, is intended to accommodate primarily single-family and duplex residential development in areas outside the urban service boundary at a density of one dwelling unit per acre. Certain D-1 zoned lands, however, may exist within the

Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 4 of 9

urban service boundary in transition areas if public sewer or water are absent but planned for. The D-1 classification will be changed to a higher density upon delivery of these services.

CBJ 49.25.210(c) describes the D-10 zoning district as follows:

The D-10 and D-15, residential districts, are intended to accommodate primarily multi-family residential development at ten to 15 units per acre respectively. These are relatively low-density multi-family districts.

The 2013 Comprehensive Plan (Attachment B) designates USS 2386 Lot N and USS 2386 Lot J2 as Medium Density Residential (MDR). USS 2386 Lot J1 is designated as both MDR and Urban Low Density Residential (ULDR).

The plan describes MDR as follows:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

ULDR is described as follows:

These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

USS 2386 Lots J1 and J2 are privately owned and USS 2386 lot N is owned by the CBJ. The CBJ owned parcel is 2.2 acres. USS 2386 Lot J was subdivided in 2008 creating USS 2386 Lot J1 and J2, 0.92 acres and 0.91 acres respectively. The minimum lot size in the D-10 zoning district is 6,000 square feet. Each of the subject lots is large enough to be subdivided, though subject to the subdivision requirements found in Title 49.

According to the 1985 Comprehensive Plan land use maps the subject lots were designated RDR(T)MDR and USS 2386 Lot J1 partially designated RDR(T)MDR and RDR(T)ULDR. These designations were maintained through the 2008 Comprehensive Plan. The lots were transitioned to MDR and ULDR with the 2013 update to the Comprehensive Plan.

Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 5 of 9

Prior to the new code adoption in 1987, all the lots on the south side of Glacier Highway between Engineers Cutoff and Fritz Cove Road were zoned RM (Garden Apartment) Multifamily District. The purpose of the RM district was to;

“provide the opportunity for the establishment of multifamily uses in the lower density ranges such as townhouses or two –story apartments, particularly where higher density developments would tend to be out of character with that of the existing or prospective development of the adjoining properties.”

The minimum lot size in the RM district was 5,400 square feet and a minimum of 3,000 square feet for each dwelling unit. Duplexes and multifamily dwelling units were allowed in the district. In comparison, the minimum lot size in the D-10 zoning district is 6,000 square feet with a minimum of 4,356 square feet per unit. It is likely the D-1(T)D-10 was adopted due to the lack of city sewer and the intent was to bring the density back to the RM standard once city sewer was installed. Therefore, the zoning designation in this instance was adopted prior to the ULDR designation for half of USS 2386 Lot J1. Therefore, the intent of city code and plans has been to provide for a higher density in this corridor.

It would be more consistent with the historical zoning and intent of the transition area to transition the entirety of USS 2386 Lot J1 to D-10. The other option is to leave the lot zoned D1(T)D10. Any other zoning designation, such as D-5 which would substantially conform to the density guidelines of the ULDR designation, is not allowed according to the rezone requirements found CBJ 49.75.120. The lot is less than 2 acres and only two zones surround it; D1(T)D10 and D1(T)D3.

ANALYSIS

ZONE CHANGE INITIATION

CBJ 49.75.110. Initiation. A Rezoning may be initiated by the Director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame? OR was the zone change initiated by the commission or director?

YES. The application for the subject zone change was initiated by the Director.

Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 6 of 9

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request.

YES. The public was notified through newspaper advertising published on June 12th and June 22nd, mailings to owners of all properties within 500 feet of the subject property, and a public notice sign posted on-site two weeks prior to the Planning Commission hearing on the rezone request.

RESTRICTIONS AND PROCEDURE

CBJ 49.70 Article VII addresses transition zones. CBJ 49.70.700 states that a transition zone is an overlay zone district for certain lands that are set aside for higher density development after public water and sewer have been provided. It further states that the increase in density will take place at the time public services are provided. As stated previously, public water has been available for some time, and public sewer installation was completed in the summer of 2014.

CBJ 49.75.120. Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is more than 2 acres and is an extension of an existing zoning district.
2. No similar request has been made in the past year.
3. The transition zone as shown on the zoning maps substantially conforms to the maps of the 2013 Comprehensive Plan.

LAND USE

The CBJ owned lot is undeveloped. CBJ Lands Manager, Greg Chaney, stated that CBJ Lands and Resources "supports the transitional rezone of USS 2386 Lot N from D-1 to D-10." The lot is 2.2 acres and would therefore be allowed 22 units if zoned D-10. The lot provides access to a CBJ water tower and is therefore managed by Public Works. CBJ Lands may consider the lot for housing development in the future, though there are no current plans to develop the lot.

Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 7 of 9

There is a single family residence on USS 2386 Lot J1. There is also a single family residence on USS 2386 Lot J2. The owner of the latter lot contacted CDD to initiate the rezone because they are planning to add a second dwelling unit and would need the zone change in order to be allowed the additional density. The lots share access across Lot J1 as required by CBJ 49.40.130 for new lots along an arterial street. As part of the D-10 zoning district, both USS 2386 Lot J1 and J2 would be allowed 9 units. Therefore, the entire area to be rezoned would have an allowable density of 40 units.

COMPREHENSIVE PLAN

The area is located within Subarea 3 which consists of Auke Bay, Mendenhall Peninsula, and West Mendenhall Valley. As previously stated, the Comprehensive Plan map land use designation of the area is MDR and ULDR.

The guidelines and considerations for Subarea 3 relevant to this rezone include;

Guideline and Consideration #8

Provide for additional medium-to high-density residential development on CBJ lands within the Mendenhall Peninsula when served with utilities, roads, and other infrastructure and urban services, where high-value wetlands, steep slopes or hazard areas are not present, and where incompatible uses are not present such as within the flight-safety zone of the airport. All prospective tenants and owners of new dwelling units therein should be advised of the aircraft noise associated with the nearby airport operations.

Guideline and Consideration #14

The sewer system is being expanded to include the industrial area in the southerly part of the West Valley and to the Pederson Hill area. It should also be extended to other areas around the University to accommodate higher density, affordable student and faculty housing. Areas served by newly extended public sewer systems should be up-zoned to accommodate higher density development. Extend municipal water and sewer service to all properties within the Urban Service Area boundary.

The lots are part of the Pederson Hill area but are adjacent to the Mendenhall Peninsula, which is categorized as rural. The area of West Mendenhall Valley nearest the subject lots has a community form designation of transition from rural to urban. Rural community form is defined in the 2013 Comprehensive Plan as follows:

Planning Commission
 File No.: AME2015 0007
 June 9, 2015
 Page 8 of 9

Rural areas can be found in the forested areas west of the Mendenhall River and in Thane, North Douglas and the out the road areas of Tee Harbor, Lena Cove, and Indian Cove. Residential densities are low at 1 to 3 units per acre. Many of these areas are served by public water but not public sewer service. If and when public sewer service is provided to rural areas, higher residential densities should be permitted in order to make the most efficient use of hits sewer resource. Vacant parcel within rural neighborhoods that are provided municipal sewer service should be developed at suburban densities, although with site design and massing that reflects the rural character of the neighborhood.

Urban community form is defined as follows:

Urban areas are represented by downtown Juneau and Douglas, West Juneau, medium-density areas of Lemon Creek and Switzer Village, the mixed use area around and between the Mendenhall Mall and Nugget Mall, and the village area around Auke Bay Harbor and the University. In these urban areas, residential, commercial, mixed use and/or public facilities share land and utilities in a compact area. Urban areas are characterized by low-to mid-rise residential and commercial structures, often with the uses mixed within the same structure or with commercial uses lining the edges of residential neighborhoods. Typical mass and scale of these urban neighborhoods are 2 to 3-story structures separated by parking lots, roads, sidewalks and landscaping or small yards. Medium to high residential densities of 10 to nearly 400 residential units per acres can be found in the downtown Juneau area; densities of 14 units per acre can be found in the West Juneau Area; densities of seven units per acre can be found in the Lemon Creek and Switzer Creek areas and in the Auke Bay area.

ACCESS AND TRAFFIC

Access to USS 2386 Lots J1 and J2 is from Glacier Highway. The CBJ classifies Glacier Highway as an arterial. Glacier Highway is designated as an Urban Principal Arterial by the Alaska Department of Transportation and Public Facilities (DOT&PF). According to CBJ 49.40.130 no new lots may access an arterial street. Therefore, if subdivision occurred, access would have to be provided by an alternate access, or internal road.

There is a CBJ owned right-of-way between the CBJ Lot N and USS 2386 Lot J2. The ROW terminates at a CBJ water tower. Lot J2 could be accessed from this ROW, however CBJ Utility Business Manager, David Crabtree has stated the street would have to be brought up to City standards and accepted for maintenance by the CBJ Streets Division. According to Mr. Crabtree, Public Works only maintains the ROW as an access to the water tank.

Planning Commission
File No.: AME2015 0007
June 9, 2015
Page 9 of 9

Staff received comments in opposition to the rezone from the property owner two lots to the south. That property is zoned D-1(T)D-3. The property owner is most concerned about the impact of additional dwelling units on traffic safety along that section of Glacier Highway (Attachment C).

SUMMARY

Lot J1 has two Comprehensive Plan land use designations ULDR and MDR. The remaining two lots are designated MDR. The 49 lots that were transitioned in 2012 from D-1 to D-10 are designated MDR. The Comprehensive Plan states that the Planning Commission should aim to promote the highest and best use of the land under consideration. City sewer was extended to these lots and in order to make that extension cost effective a higher density is necessary.

Taking into consideration the guidelines and considerations for Subarea 3 in addition to the historical zoning of these parcels, the transition to D-10 is consistent with the MDR land use designation and substantially conforms to the maps of the Comprehensive Plan.

FINDINGS

After review of the CBJ Land Use Code and the CJB 2013 Comprehensive Plan the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code;
2. The proposal substantially conforms with the Land Use maps of the Comprehensive Plan – specifically Map F;
3. The rezoning is larger than 2 acres.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve the rezone of Lots USS 2386 Lot N, USS 2386 Lot J1 and USS 2386 Lot J2 from D-1(T)D-10 to D-10.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 5/14/15
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description TRANSITION ZONE		
	PROPERTY LOCATION		
	Street Address Glacier Highway		City/Zip 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 2386 LOTS N, J1, J2		
	Assessor's Parcel Number(s) 4B2201070100; 4B2201070111, 4B2201070112		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBT		Contact Person: _____ Work Phone: _____
	Mailing Address		Home Phone: _____ Fax Number: _____
	E-mail Address		Other Contact Phone Number(s): _____
	LANDOWNER/ LESSEE CONSENT		
PROJECT / APPLICANT	****Required for Planning Permits, not needed on Building/ Engineering Permits**** I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
	X _____ Landowner/Lessee Signature		_____ Date
	X _____ Landowner/Lessee Signature		_____ Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT		
	If the same as OWNER, write "SAME" and sign and date at X below.		
	Applicant's Name CBT		Contact Person: _____ Work Phone: _____
	Mailing Address 155 S. Seward		Home Phone: _____ Fax Number: _____
	E-mail Address		Other Contact Phone Number(s): _____
	X _____ Applicant's Signature		_____ Date of Application

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	X Zone Change Application		5/14/15	AME 20150007	
	Other (Describe)				
Comments:					Permit Intake Initials CM

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters) <u>D1 (T) D10</u>	Case Number <u>AME 15-007</u>	Date Received <u>5/14/15</u>
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LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:

USS 2386 LOT N
USS 2386 LOT J2
USS 2386 LOT J1

IS THIS AN EXPANSION OF AN EXISTING ZONE?

☒ Yes ☐ No

Total Land Area of Proposed Change _____ acres

Comp Plan Designation MDR / ULDR

Current Zone(s) D1(T)D10

Comp Plan Map MAP F

New Zone Requested D10

TYPE OF ZONE CHANGE REQUESTED:

☐ Regular

☒ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?

☐ Yes

☒ No

UTILITIES AVAILABLE:

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

PURPOSE OF THE REQUESTED ZONE CHANGE:

Final lots to transition from D1 to D10

IS THERE A PROPOSED USE OF THE LAND?

☐ Yes ☒ No

PROPOSED BUFFERS TO ADJACENT ZONES?

☐ Yes ☒ No

DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:

STREETS: N/A

WATER: N/A

SEWER: N/A

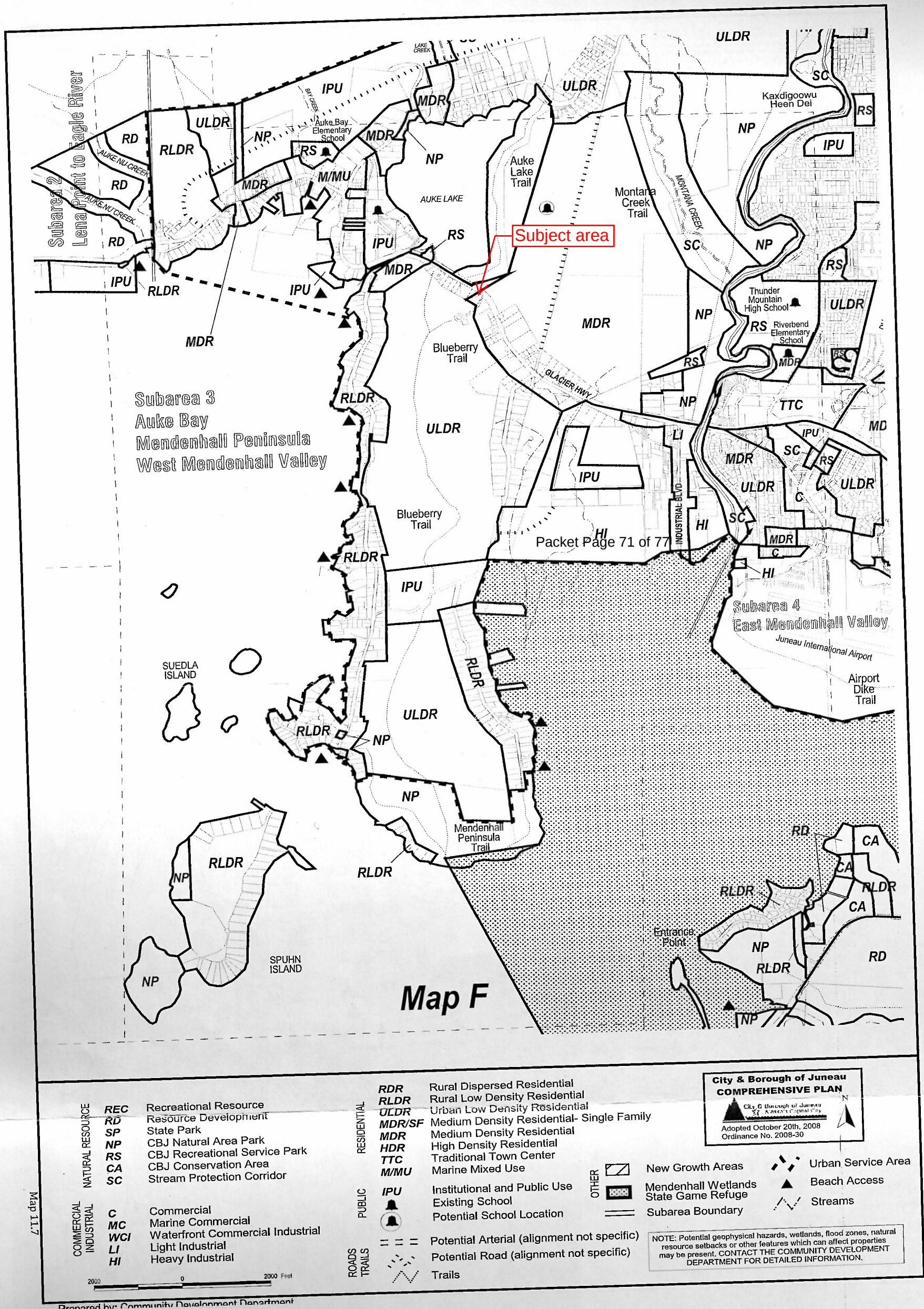
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

ZONE CHANGE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>N/A</u>	_____	_____	_____
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Pub. Not. Sign Fee	\$ _____	_____	_____	_____
Pub. Not. Sign Deposit	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



Megan Daniels

From: Fred Thorsteinson <fredthorsteinson@gci.net>
Sent: Tuesday, June 02, 2015 1:25 PM
To: Christine McNally
Subject: Proposal: A Transition Rezone of Three Lots From D-1(T)D10 To D10

Chrissy

Thank you for the opportunity to comment on the proposed re-zoning of lots located at 10763, 10765 and 10785 Glacier Highway from D-1(T)D10 to D10.

When my wife and I purchased our home at 10829 Glacier Highway, we specifically were looking for a low density housing location with the expectation that the zoning would not be changed. The proposed change would significantly affect the character of the neighborhood increasing the noise and traffic hazard in the area.

My biggest concern is the impact to traffic safety in the neighborhood. Access to the proposed area to be re-zoned is from Glacier Highway. The speed limit on Glacier Highway at this location is 50 miles per hour. The Alaska Department of Highways requires that driveway or access roads with this speed limit have a minimum of 425 feet of sight distance in each direction for safe access. This proposed area to be re-zoned does not meet this requirement for either right or left turns. The re-zone would significantly increase the number of vehicles trying to access the highway creating a traffic hazard for drivers on Glacier Highway as well as those trying to access it. If this area is to be re-zoned access should be required to be from a frontage or secondary road that meets the public safety standards.

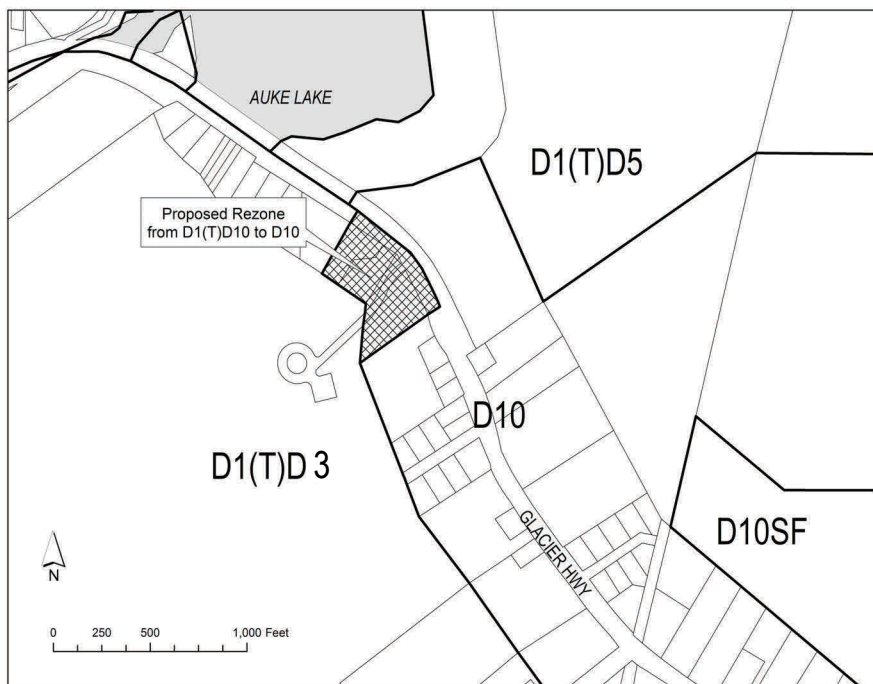
The number of traffic accidents has already increased along this section of Glacier Highway possible as a result of increased traffic commuting from the new developments in the West Mendenhall Valley and illegal parking along the roadway by users of the Auke Lake Recreation Area. Let's not increase the problem further.

Thank you for considering these comments.

Fred Thorsteinson
790-4728



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A TRANSITION REZONE OF THREE LOTS FROM D-1(T)D-10 TO D-10

The Planning Commission has the discretion to consider and recommend alternative rezoning designations other than that being proposed by the applicant or recommended by staff.

File No:	AME2015 0007	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	4-B22-0-107-010-0; -011-1; -011-2
Hearing Date:	June 23, 2015	Owners:	CBJ; William Cheney; James Franco; Gail Cheney; David Kunat
Hearing Time:	7:00 PM	Site Address:	10763, 10765, 10785 Glacier Highway
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Size:	Approximately 4 acres
		Zoned:	D-1 (T) D-10
		Accessed Via:	Glacier Highway

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Chrissy McNally at Christine.McNally@juneau.org or 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

ATTACHMENT D

Date notice was printed: May 20, 2015

Ms. Grewe stated she would be voting against the motion because of the lack of public comment allowed for child care homes located in lower density areas.

Roll Call Vote:

Yeas: Miller, Voelckers, Peters, LeVine, Haight, Bell, Satre, Watson

Nays: Grewe

The motion passed.

AME2015 0007:

Applicant:

Location:

A transition rezone of three lots from D-1(T)D-10 to D-10

City and Borough of Juneau; William Cheney; Gail Cheney; James Franco; David Kunate

Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the rezone of Lots USS 2386 Lot N, USS 2386 Lot J1 and USS 2386 Lot J2 from D-1(T)D-10.

The lots in question are on the uphill side of Glacier Highway as the road approaches Auke Lake from town. Ms. McNally explained that for lands within a transition zone the zoning would be upgraded to a higher density classification at the time the public water, sewer or other required improvements were implemented.

Public water has been available in the area for quite a while, said Ms. McNally, and public sewer for the lots was installed last summer. Rezoning requests have to be at least two acres or the expansion of an existing zone, said Ms. McNally. In addition, the rezone request must conform to the maps of the Comprehensive Plan.

The main issues brought up by the public regarding this rezone request involve traffic safety sight distance along this area of Glacier Highway, and noise which would accommodate potential development with a higher density, said Ms. McNally.

Commission Comments and Questions

Mr. Voelckers asked if anyone on the staff is aware of why a small needle of one of the parcels extends across Glacier Highway.

Ms. McNally responded that the reasoning behind this delineation is unclear.

Public Comment

Neighboring property owner Fred Thorsteinson stated that he was in opposition to the rezone of the property to D-10, primarily because of his concerns for traffic safety. He said that he was

a retired DOT (Department of Transportation) engineer, and that he had been responsible for permitting accesses into the DOT right-of-way. Glacier Highway is a DOT arterial highway, said Mr. Thorsteinson. He said he had not been aware that the CBJ standard now prohibits new accesses to arterial road systems. If the lots under consideration for a rezone were to be subdivided, access to those lots would be from a secondary road. This alleviates his main concern about access to Glacier Highway, he said. The access to Glacier Highway on Pederson Hill involves very restricted sight distances, he said. The road is poorly maintained by DOT in the winter, with black ice and snow prevalent, he said. Mr. Thorsteinson said he felt it would be prudent to rezone these lots consistent with other lots in the area, which would be D-1 to D-3.

Neighboring resident Laurie Ferguson Craig said she agreed with the proposal of Mr. Thorsteinson to rezone the lots D-1 to D-3. She said her concerns involve the condition of the road, the blind curve, the speed of the traffic and the increased traffic. She said that she could not support zoning proposed which could allow for the construction of 40 units on the property. Ms. Craig said she felt that the rezone of the City-owned property should not be combined with the rezone of the privately owned property. She also recommended that the City request an accident history on that piece of road and perform a traffic study as well. She also thanked the City for changing the plat map which she said has been an inaccurate for a number of years.

Owner of one of the lots up for a transition rezone James Franco said they are the family requesting the construction of one additional house on their lot. He said they have no interest in D-10 zoning. They are only interested in constructing one other home on their property, explained Mr. Franco. He said they also had concerns about the 22 dwelling units which could be constructed on the City land, located behind them. Mr. Franco said he felt that D-3 zoning for their parcel would be more than sufficient for their needs.

Neighboring resident Dana Hanselman also expressed concerns about traffic on that piece of road. He said the trail improvements have caused a lot more traffic activities than there has been in the past. They had two separate car wrecks within one and one half hours the past week, he said.

Mr. Hanselman said one of the big discussions on the Auke Bay Steering Committee, of which he was a member, was that the Auke Bay area would have a core high density area, fanning out to areas with less density. He said a goal of the Committee was to not have patchwork zoning throughout the Auke Bay area, and that the proposed transition rezone would have that effect.

Commission Comments and Questions

Mr. Voelckers asked Ms. McNally if someone were to come in with a subdivision request for example, which would increase the density, if the road was evaluated for things like slickness and history of traffic accidents so the comprehensive impact could be evaluated.

Ms. McNally responded that typically the rezone process is a much broader, higher level tool for development. She said they receive very specific comments on proposed developments from DOT with any concerns or conditions that they may place on access points. She said that the number of potential dwelling units listed for a zone is the maximum number allowed, and that often there would be constraints on a lot reducing the number of dwellings which could be constructed from that maximum number.

Mr. Bell said that in light of the testimony heard this evening, that he would like to see more information to back up the decisions the Commission is about to make. He asked if it would be possible to gather data regarding the concerns raised by the residents this evening.

Chairman Satre responded that if the item were to be continued that they could ask for specific items to be brought back for their consideration.

Mr. Miller commented that the land parcels in question could be rezoned D-1 to D-10 or to D-3. He said testimony and evidence had been brought forward which indicated that D-3 zoning may be appropriate for the parcels. He said perhaps the hill on Glacier Highway which goes by the property and the sight distance should be the defining factors in the determination of the zone. Mr. Miller stated that he felt that he was leaning towards a D-3 zone, acknowledging the statement by staff that D-10 zoning did not necessarily mean that the maximum number of dwelling units could be constructed.

Mr. Miller asked if it was true that Wilma Drive could be an access point.

Ms. McNally responded that Wilma Drive could not be an access point.

Another alternative may be to up-zone the -property to D-10 and then rezone the private parcels to D-3, said Mr. Miller.

Ms. Grewe stated she felt that Ms. Ferguson-Craig raised a powerful argument that it was the neighbors which had initiated the zoning issue, and that it had been agreed that a D-3 zone would meet their needs. Ms. Grewe stated that a D-10 zone seemed too high considering the conditions of the road and the visibility.

Mr. LeVine asked why the report stated that any other zone would not be allowed due to the zoning requirements. He asked if it was fruitless for the Commission to consider a D-3 zone.

Ms. McNally said she was referring to one of the single lots which was not eligible, but that the parcels as a group would be eligible.

Ms. McKibben explained that this is a transition zone, and that the Commission had the authority to rezone the land D-1 to D-10. If the Commission wanted to take an action other than D-10 zoning, it would have to take its recommendation to the Assembly.

Following up on the comment of Mr. Miller, Mr. LeVine asked what the potential would be for the City parcel to be rezoned D-10 and the private parcels D-3.

Chairman Satre said it appeared to him that due to lot size that that all parcels needed to be rezoned as a unit.

Mr. Haight asked if it would be allowable to change the recommendation that land be rezoned to Transition D-10 and instead make it D-3 zoning.

Chairman Satre clarified that would be for all the parcels, and that it would then go to the Assembly for approval.

MOTION: *by Mr. Haight, to recommend acceptance of AME2015 0007 transition of these properties to D-10, with the recommendation to the Assembly to make that transition to D-3 zoning, and with the findings that this substantially conforms to the land use maps.*

Speaking in support of the motion, Mr. Voelckers said that it appears that it is a fairly arbitrary transition and that they have heard a lot of testimony in favor of D-3 zoning. He said it does make him uncomfortable to come in and make small edits to the Comprehensive Plan, but that it appears this parcel of land may have been overlooked in the Plan.

Looking at the Comprehensive Plan map, Mr. Miller commented he felt it has enough ambiguity in this portion under discussion that some of the land within the parcels is under D-1 to D-3 zoning.

Chairman Satre said the motion would be stating that the parcel of land substantially conformed to the land use maps with D-1 to D-3 zoning.

At the request of Mr. Bell, the motion was read again, with the inclusion of conformation to the land use maps added to the motion.

Roll Call Vote:

Yeas: LeVine, Peters, Bell, Haight, Voelckers, Grewe, Miller,

Nays: Watson, Satre

The motion passed.

The Commission was adjourned as the Planning Commission and reconvened as the Board of Adjustment.