

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

January 25, 2022
Virtual Meeting Only
7:00 PM

This virtual meeting will be held by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/81485001665>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 814 8500 1665.

I. LAND ACKNOWLEDGEMENT

II. ROLL CALL

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION

VIII. CONSENT AGENDA

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- A. AME2021 0003: Parking code revisions, which includes reorganization, establishing a "town center" parking standard, revised parking district boundaries, and allowing parking waivers downtown - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED**
- B. AME2022 0001: Amendment to the CBJ Land Use Code Title 49 to make pre-application conferences optional and not mandatory - REFERRED BACK TO TITLE 49 COMMITTEE FOR FURTHER REVIEW**
- C. AME2022 0002: Revision to 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED**

XI. OTHER BUSINESS

XII.STAFF REPORTS

XIIICOMMITTEE REPORTS

XIV.LIAISON REPORT

**XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA
ITEMS**

XVIPLANNING COMMISSION COMMENTS AND QUESTIONS

XVIEXECUTIVE SESSION

XVISUPPLEMENTAL MATERIALS

- A. Additional Materials for January, 25, 2022 Planning Commission

XIXADJOURNMENT

PLANNING COMMISSION AGENDA THE CITY AND BOROUGH OF JUNEAU, ALASKA

AME2021 0003: Parking code revisions, which includes reorganization, establishing a "town center" parking standard, revised parking district boundaries, and allowing parking waivers downtown - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED

AGENDA ITEM:

Case No.: AME2021 0003

Applicant: City & Borough of Juneau

Location: Borough-wide

Proposal: Parking code revisions, which includes reorganization, establishing a "town center" parking standard, revised parking district boundaries, and allowing parking waivers downtown

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to **APPROVE** the parking code revision, which includes reorganization, establishing a "town center" parking standard, revised parking district boundaries, and allowing parking waivers downtown. This recommendation includes staff proposals to (CHOOSE AS APPROPRIATE):

1. Move the "C Street line" to B Street.
2. Modify the No Parking Requirement Area boundary to encompass Manilla Square.
3. Include 310 Second Street, at the corner of North Franklin and Second Street, in the No Parking Requirement Area (or, document other boundary modifications).
4. Modify proposed code 49.40.220(a)(2) regarding Director and Commission review of items that may influence granting an off-street parking waiver: *Provision for alternative transportation ~~or transit~~ improvements approved by CBJ Capital Transit.*
5. Modify CBJ 62.10.050(e) to replace the PD2 restriction with a No Parking Requirement Area restriction, and the PD1 restriction with a Town Center Parking Area restriction.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for AME2021 0003	1/19/2022	Staff Report
☐ Presentation for AME2021 0003	1/25/2022	Presentation
☐ Notice of Recommendation for AME2021 0003	1/31/2022	Notice of Recommendation



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

DATE: January 19, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Irene Gallion, Senior Planner *Irene Gallion*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Parking code amendment, which includes: Reorganization of this chapter of code, establishing a “town center” parking standard, revised parking district boundaries, and allowing parking waivers downtown.

STAFF RECOMMENDATION: Forward the proposed ordinance amendment with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Establishes a No Parking Required Area;
- Establishes a Town Center Parking Area;
- Repeals Parking Districts 1 and 2 (PD1 and PD2);
- 60 percent parking reduction in the Town Center Parking Area;
- Waivers available borough-wide, including Town Center Parking Area;
- Fee-in-lieu may be used in combination with a waiver.

GENERAL INFORMATION	
Applicant	City and Borough of Juneau
Initiated By	Assembly
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.40 Article 2, Parking and Loading	Reorganization and rewrite
49.65.530, Standards (Convenience Stores)	Modify to recognize off-street parking requirements for the Traditional Town Center Parking Area
49.80.120, Definitions	Add definition of “mobile food vendor” and “open air food service”
49.85, Fees for Land Use Actions	Add fees for off-street parking waiver and fee-in-lieu. Housekeeping modification to clarify Public Notice Sign Fee from Commercial Sign Permit.

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission’s recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.10.170(d)

The Commission shall hear and decide the case per 49.10.170(d) Planning Commission Duties. *The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.*

Record documents have been collected at <https://juneau.org/community-development/short-term-projects>. The table below summarizes what occurred at each meeting.

Date	Event summary
January 28, 2020	Regular Planning Commission meeting to hear VAR2019 0005, to reduce off-street parking requirements to zero. Meeting continued.
February 4, 2020	VAR2019 0005 denied; findings recognize pushing parking into neighborhoods is a detriment.
February 18, 2020	Applicant writes letter to the Assembly.
February 24, 2020	Assembly member requests discussion of the letter at a future Committee of the Whole.
March 2, 2020	Assembly Committee of the Whole: direction to Planning Commission.
March 19, 2020	CBJ in lock down due to COVID pandemic.
April 14, 2020	Regular Planning Commission meetings resume.
September 10, 2020	First post-lockdown Title 49 Meeting; no quorum. Initial meeting to review parking code, fee-in-lieu maps, Downtown Parking Management Plan (2010), Planning Commission minutes, and Assembly minutes.
October 8, 2020	Title 49 review of options: no change, modification to parking districts, development of new standards, modify or eliminate fee-in-lieu, or eliminating off-street parking minimums for a geographic area. Reviewed Downtown Parking Management Plan actions for applicability.
October 29, 2020	Title 49 review of information requested at the previous meeting: fee-in-lieu data, existing mapped areas, off-street parking variance, and off-street parking waiver data.
November 24, 2020	Title 49 first draft of modifications to code. Included parking district boundary review, various reductions by-right, and criteria for further reductions.
December 17, 2020	Title 49, draft ordinance review in light of research on the intent of parking districts and fee-in-lieu, and review of response to previous comments. Parks and Recreation Department provided empty space counts for city garages and lots in 2019 and partial information for 2020.
January 28, 2021	Title 49 review of draft code and parking district boundaries.
February 18, 2021	Title 49 review of draft code and parking district boundaries.
April 1, 2021	Title 49 final review before sending to the Commission.
May 25, 2021	Regular Planning Commission – review of proposed ordinance.
June 10, 2021	Title 49 modification to ADA off-street parking requirements.
June 24, 2021	Title 49 review of Town Center Parking Area (TCPA) standards and loading zone modifications.
August 26, 2021	Title 49 review of proposed changes, including definitions.
September 14, 2021	Committee of the Whole review of changes and intent language. Asked staff to consider a No Parking Required Area (NPRA).
November 30, 2021	Title 49 review of possible NPRA.
December 14, 2021	Regular Planning Commission information item on changes made and sent to CBJ Law Department for review.

Attachments:

- Proposed Parking Code: 49.40 Article II (**Attachment A**)
- Proposed boundaries for the TCPA and NPRA (**Attachment B**).
- Proposed modification to Convenience Store Standards for consistency with proposed reductions in required off-street parking in the TCPA [CBJ 49.65.530, **Attachment C**].
- Proposed definitions, including “mobile food vendor” and “open air food service” [CBJ 49.80.120, **Attachment D**].
- Proposed fees for off-street parking waiver and fee-in-lieu. Housekeeping modification to clarify Public Notice Sign Fee from Commercial Sign Permit [CBJ 49.85.100, **Attachment E**].

DISCUSSION

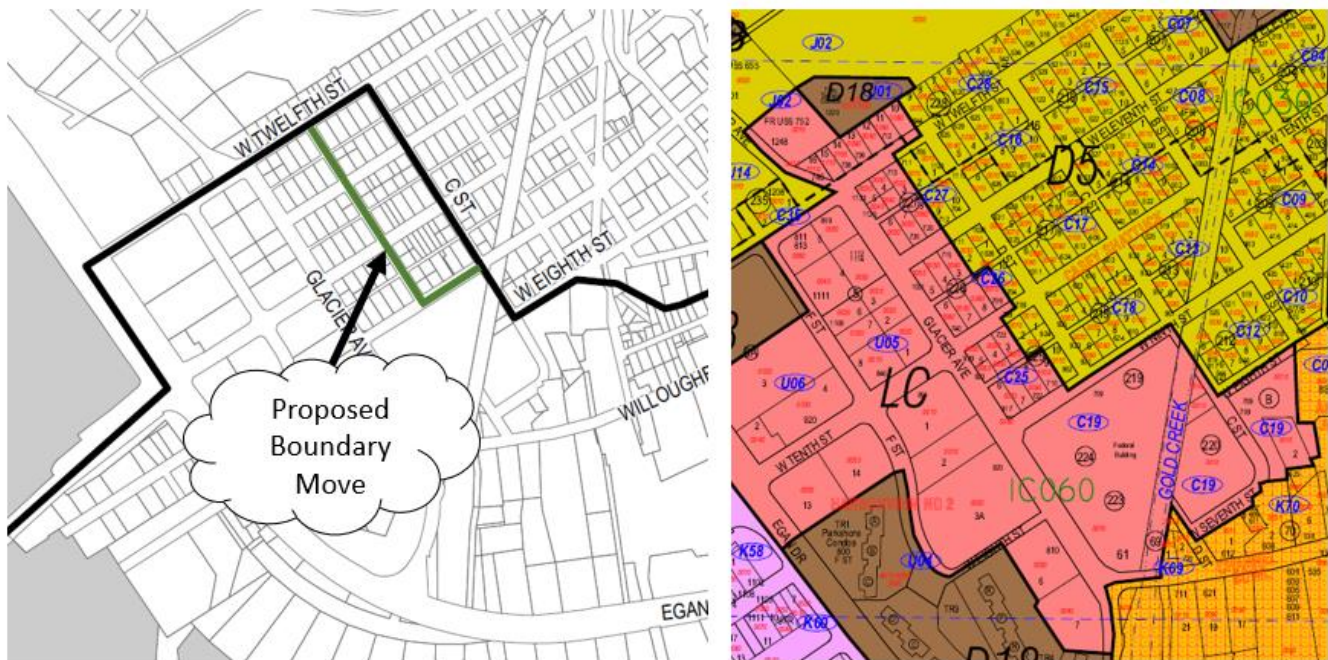
Background – Record documents can provide the detailed discussion regarding notable features of the code rewrite:

- **NEW: Creation of a NPRA.** This area was developed based on historic development. Further fine-tuning is discussed in “Property Affected,” below.
- **Creation of a TCPA.** Reductions of 60 percent would apply to the mapped area. This change aligns the proposed parking regulations eventually to correspond to areas mapped in the revised Comprehensive Plan as a “Town Center.”
- **Allowing parking waivers downtown.** Until this revision, properties in the parking districts were ineligible to apply for parking waivers.
- **Fee-in-lieu of constructed parking.** After reductions have been applied, a TCPA developer can pay a fee rather than construct required off-street parking spaces, excluding ADA spaces.
- **“Town Center Parking Area” map revision.** Reviewed above under “Property Affected.”
- **Consistency with federal law on ADA accommodations.** Contrary to federal regulations, CBJ’s current code allows the number of ADA spaces to be based on reduced parking requirements, or be addressed with fee-in-lieu. Revisions bring code in alignment with federal regulations.

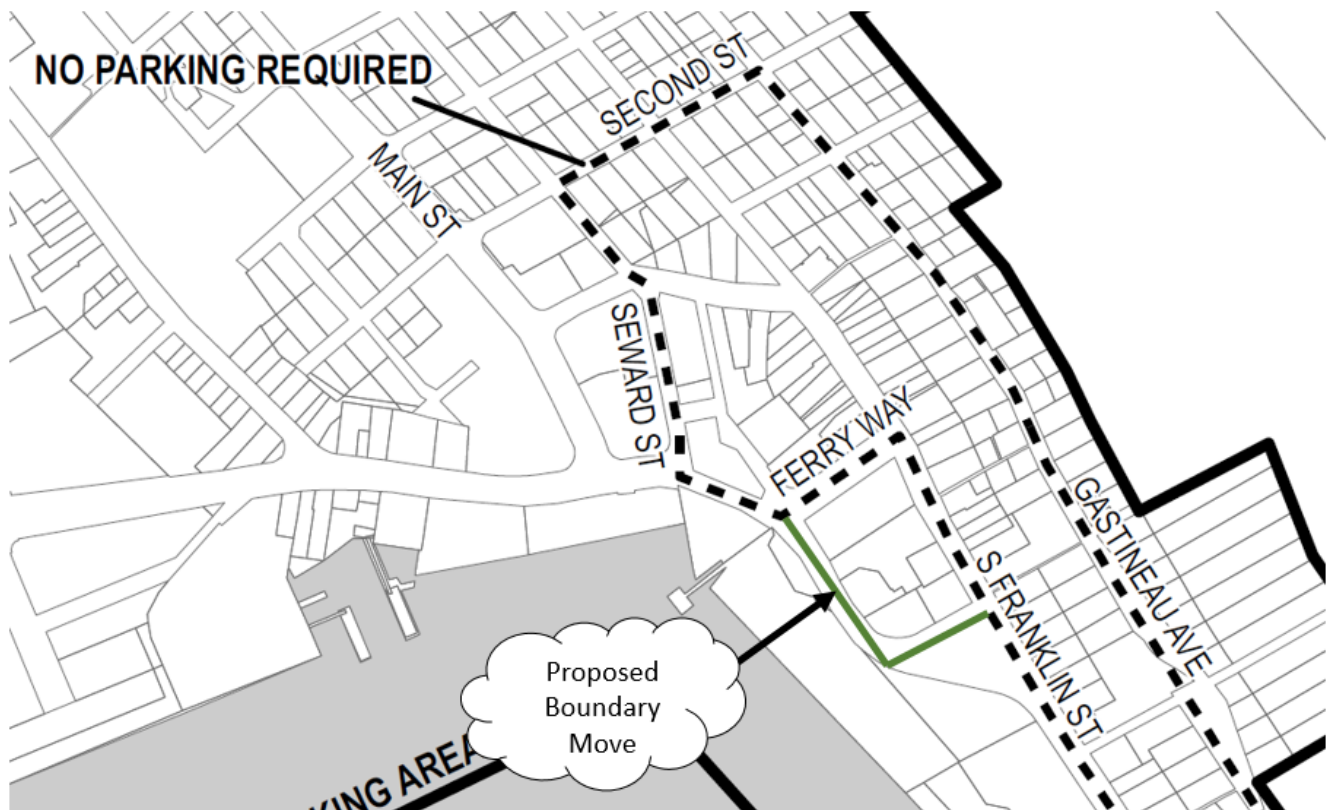
Property Affected – The image below can be found in **Attachment B**.



(a) Consider moving the “C Street line” to B Street to better approximate the zoning boundary between Light Commercial and D5 (image below, left). The actual zoning boundary is jagged, (image below, right) and not easy to discern.



(b) Clarification: Is the current NPRA boundary at Ferry Way correct? Or did the Commission intend for the boundary to encompass Manilla Square?



January 19, 2022
 AME2021 0003
 Page 6 of 10

(c) Be advised that 310 Second Street, at the corner of North Franklin and Second Street, lies outside of the NPRA. This property had been considered for multi-use development, including housing. The most recent proposal was from Eagle Rock Ventures. Providing parking on-site has been a detriment to development of the lots.



(d) Proposed code outlines relevant information that the Director or Commission may consider in granting an off-street parking waiver. One item is, "Provision for alternative transportation or transit improvements approved by CBJ Capital Transit" [Proposed Code 49.40.220(a)(2)]. CBJ Engineering and Public Works (E&PW) has indicated it is impractical to approve proposed transit facilities. Most transit facilities would be located in the right-of-way, rather than on private property. Additionally, E&PW might not want a transit facility where a developer would like to provide one.

Staff recommends modification of this proposed code:

Provision for alternative transportation ~~or transit improvements approved by CBJ Capital Transit.~~

Changes made since the Commission last saw the proposed code – At the December 14, 2021 Regular Planning Commission meeting, the Commission received a summary of the ordinance as presented to CBJ's Law Department for review. Substantive modifications made during the review process include:

- ADA for residential structures: If a residential facility provides off-street visitor parking spaces, they need to provide an ADA space regardless of how many spaces are provided for the residents. A residential development with fewer than ten required off-street spaces and no visitor spaces provides an ADA space if a resident requests [Proposed Code 49.40.210(b)(1)].
- "Modifications" was changed to "Parking Alternatives" [Proposed Code 49.40.215].
- The differences in fee-in-lieu payment between new development and expansion have been removed. In both cases, the fee-in-lieu must be paid before the issuance of a Temporary Certificate of Occupancy [Proposed Code 49.40.220(b)].

Related Proposed change

CBJ 62.10.050(e) bases street vending permits on PD1 and PD2 parking districts. Staff proposes replacing the PD2 restriction with an NPRA restriction, and the PD1 restriction with a TPCA restriction.

Vending carts and vending vehicles may not be located in any on-street vehicle parking space in the ~~PD-2 zoning~~ No Parking Requirement Area parking district. Carts and vehicles with a valid permit may park in a

single space within the ~~PD-1 zoning~~ Town Center Parking Area parking district or outside the ~~PD-2 zoning~~ No Parking Requirement Area parking district. The manager may place additional parking and location restrictions on a permit if the manager determines that the size, location, and operation of the cart or vehicle will create a safety hazard. Overnight parking is prohibited.

COMPLIANCE WITH TITLE 49

49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (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.*

TITLE 49 – The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

Code Reference	Item	Summary
49.40 Article 2	Parking and Loading	Reorganization and rewrite
49.65.530	Standards for Convenience Stores	Modify to recognize off-street parking requirements for the Traditional TCPA
49.80.120	Definitions	Add definition of “mobile food vendor” and “open air food service.”
49.85	Fees for Land Use Actions	Add fees for off-street parking waiver and fee-in-lieu. Housekeeping modification to clarify Public Notice Sign Fee from Commercial Sign Permit.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment complies with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
4, Housing	39	4.3-IA1	Reduce off-street parking requirements for areas served by transit.
5, Economic Development	49	5.5-IA3(F)	Eliminate or reduce off-street parking requirements for downtown residences.
5, Economic Development	58	5.11-SOP1	Develop parking policies that encourage and support local businesses.
8, Transportation	104	8.1-IA2	Improve parking.
10, Land Use	130	10.2-IA2	Reduce off-street parking requirement for residences.
10, Land Use	140	10.13-SOP1	Encourage mixed use with lower off-street parking requirements.
11, Land Use Maps	186	B	Do not induce demolition of historic structures to accommodate off-street parking.
11, Land Use Maps	186	C	Parking alternatives, like shared off-street parking, should be accommodated.
11, Land Use Maps	186	H	Eliminate off-street parking requirements for affordable downtown units.
12, Utilities and Facilities	208	Policy 12.10	Manage on-street parking integrally to the road system.
12, Utilities and Facilities	208	12.10-SOP1	Consider demand and land use when establishing off-street parking requirements for an area.

2016 HOUSING ACTION PLAN The proposed text amendment complies with the 2016 Housing Action Plan.

Chapter	Page No.	Item	Summary
2	51	Address parking	Demand management, leverage development for off-street parking, use transit to mitigate need.

2015 Economic Development Plan The proposed text amendment complies with the 2016 Housing Action Plan.

Page No.	Item	Summary
90	Community Support for the Initiative	Downtown parking is an issue in need of attention.

2015 Economic Development Plan The proposed text amendment complies with the 2016 Housing Action Plan.		
AP A-6	Juneau Land Consumption, Land use, and Municipal Revenue	Development in the Mixed Use zoning district generates about \$72,000 per acre, or 17 times more in property tax than D1, and 13 times higher than D18.

AGENCY REVIEW

During the code development process the Community Development Department reached out to impacted agencies. Comments received are outlined below, and provided in **Attachment F**. CBJ's Parks and Recreation Department manages off-street public parking (Note: Juneau Police Department manages on-street public parking). They attended code development meetings when able.

Agency	Summary
Nathan Leigh, University of Alaska Southeast	Retain ability to present supporting information (parking study, for instance) to modify requirements.
Katie Koester, CBJ Engineering and Public Works	E&PW approval of transit facilities proposed to reduce off-street parking requirements is impractical.

PUBLIC COMMENTS

Public notice consisted of regular meeting protocols, including newspaper advertising and press releases. Staff reached out to business owners understood to be interested in order to gauge certain developments. Feedback is summarized below and provided in **Attachment G**.

Name	Summary
Blake Rider	Assure that "mobile food vendor" includes bars.
David McCasland	Clarify "zero parking," don't let off-street parking be a barrier to development.
Jeff Wilson	Questions about impacts to 6 th Street area of downtown.
Noel Schweers, Morris Communications	Project goals being re-evaluated.
Steve Soenksen	Will look at the proposal in more detail. Issue is important to downtown, especially housing.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is consistent with the overall vision.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan, the 2016 Housing Plan, and the 2015 Economic Development Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes.

Finding: Yes. The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to **APPROVE** the parking code revision, which includes reorganization, establishing a “town center” parking standard, revised parking district boundaries, and allowing parking waivers downtown. This recommendation includes staff proposals to (CHOOSE AS APPROPRIATE):

1. Move the “C Street line” to B Street.
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3. Include 310 Second Street, at the corner of North Franklin and Second Street, in the No Parking Requirement Area (or, document other boundary modifications).
4. Modify proposed code 49.40.220(a)(2) regarding Director and Commission review of items that may influence granting an off-street parking waiver: *Provision for alternative transportation ~~or transit~~ improvements approved by CBJ Capital Transit.*
5. Modify CBJ 62.10.050(e) to replace the PD2 restriction with a No Parking Requirement Area restriction, and the PD1 restriction with a Town Center Parking Area restriction.

STAFF REPORT ATTACHMENTS

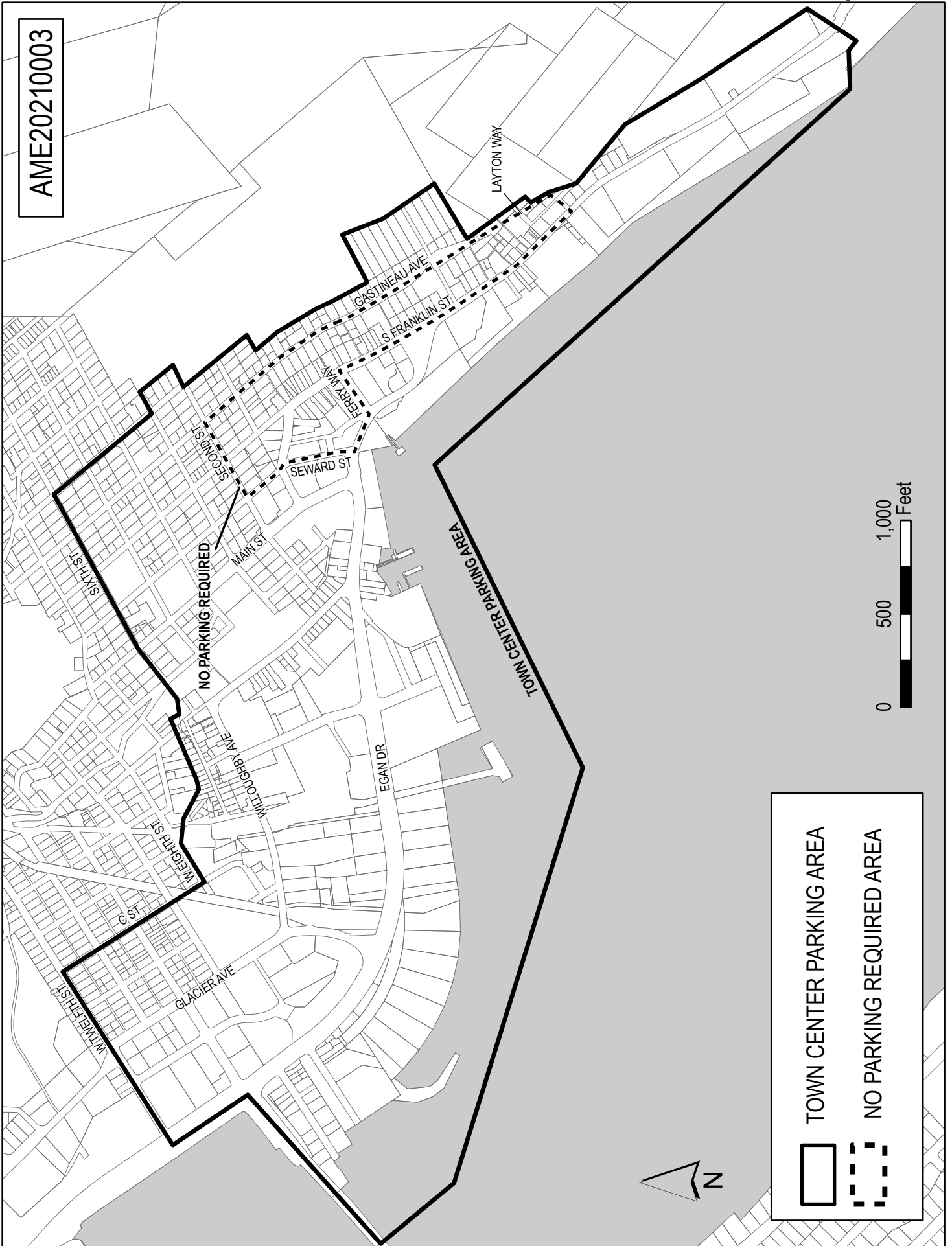
Item	Description
Attachment A	Proposed Parking Code: 49.40 Article II
Attachment B	Proposed Boundaries of Town Center Parking Area and No Parking Requirement Area
Attachment C	Modifications to Convenience Store Standards, CBJ 49.65.530
Attachment D	Modifications to Definitions, CBJ 49.80.120
Attachment E	Modifications to Fees, CBJ 49.85.100
Attachment F	Agency Comments
Attachment G	Public Comments

ATTACHMENT A

Proposed Parking Code: 49.40 Article II

PENDING

Anticipate in the Friday folder



ATTACHMENT C

Modifications to Convenience Store Standards, CBJ 49.65.530

PENDING

Anticipate in the Friday folder

ATTACHMENT D

Modifications to Definitions, CBJ 49.80.120

PENDING

Anticipate in the Friday folder

ATTACHMENT E

Modifications to Fees, CBJ 49.85.100

PENDING

Anticipate in the Friday folder

Irene Gallion

From: Nathan Leigh <nleigh1@alaska.edu>
Sent: Wednesday, July 28, 2021 9:05 AM
To: Irene Gallion
Subject: RE: Parking Standards Review

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Thank You

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Wednesday, July 28, 2021 8:53 AM
To: Nathan Leigh <nleigh1@alaska.edu>
Subject: RE: Parking Standards Review

Hi Nathan,

Attached is the draft parking table, and you'll see university uses beginning on page 2 of three and extending onto page 3.

Parking waivers will be considered under the new code, and a parking study would provide strong support for reductions.

When we get the ordinance hammered out I'll send it over for your enjoyment, and keep you posted on Planning Commission meetings regarding the ordinance.

Thanks for your time!

IMG

From: Nathan Leigh <nleigh1@alaska.edu>
Sent: Wednesday, July 28, 2021 8:44 AM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: RE: Parking Standards Review

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Also, will there still be the acceptance of doing a parking study. Good example is that most of our students do not have vehicles and take public transportation.

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Tuesday, July 27, 2021 6:48 PM
To: nleigh1@alaska.edu
Subject: Parking Standards Review

Hi Nathan,

Juneau's Planning Commission is revising parking code, and using this opportunity to revisit standards. What do you think of these requirements for college parking? Do you feel they work, or are too stringent or too lenient? Attached is a map showing the parking district boundaries.

Use	Spaces Required in All Other Areas	Spaces Required in Parking District
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 1,250 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, 0.4 per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 750 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, 0.4 per four seats, whichever is greater

Thank you for any feedback you have.

Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street | 4th Floor Marine View Building
 Office: 907.586.0753 X2



Fostering excellence in development for this generation and the next.

Irene Gallion

From: Katie Koester
Sent: Friday, January 14, 2022 9:55 AM
To: Irene Gallion
Subject: FW: AME21-03: Parking Code Revision - EPW considerations

Hi Irene,

Transit thoughts below.

I guess our conclusion is this seems like an imperfect fix – I see as an unlikely scenario where things would work out, but I guess we don't have an objection to it. Seems like a feel good thing now that will not be practical in application.

Katie

From: Denise Koch <Denise.Koch@juneau.org>
Sent: Thursday, January 13, 2022 6:07 PM
To: Katie Koester <Katie.Koester@juneau.org>; Rich Ross <Rich.Ross@juneau.org>
Subject: RE: AME21-03: Parking Code Revision - EPW considerations

My only thought is the obvious one....at some point a developer will want to waive the parking requirements and set up a bus stop but we may not want/need it at that location...and there will be lots of pressure to add a bus stop. We'd just have to be able to say "no" if it doesn't make sense.

I don't have a sense for how prominent this Capital Transit provision will be in this parking waiver process. If there aren't many other ways to get a waiver, then we may get more requests than we want. If it's one of multiple options, it's probably less problematic.

Denise

From: Katie Koester <Katie.Koester@juneau.org>
Sent: Thursday, January 13, 2022 4:55 PM
To: Denise Koch <Denise.Koch@juneau.org>
Cc: Rich Ross <Rich.Ross@juneau.org>
Subject: FW: AME21-03: Parking Code Revision - EPW considerations

Thoughts on this email chain?

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Thursday, January 13, 2022 4:21 PM
To: Katie Koester <Katie.Koester@juneau.org>
Subject: RE: AME21-03: Parking Code Revision - EPW considerations

Tomorrow would be nice. Tuesday at the latest. If we need to punt...meh, we will punt.

From: Katie Koester <Katie.Koester@juneau.org>
Sent: Thursday, January 13, 2022 4:20 PM
To: Irene Gallion <Irene.Gallion@juneau.org>

Cc: Jill Maclean <Jill.Maclean@juneau.org>

Subject: RE: AME21-03: Parking Code Revision - EPW considerations

I think so...not sure how much building there is. The bus stop itself would be in ROW, so that is ours. A shelter costs about \$9k right now...

I will chat with Denise and Rich to make sure I am not missing anything. Timeline?

K

From: Irene Gallion <Irene.Gallion@juneau.org>

Sent: Thursday, January 13, 2022 3:59 PM

To: Katie Koester <Katie.Koester@juneau.org>

Cc: Jill Maclean <Jill.Maclean@juneau.org>

Subject: AME21-03: Parking Code Revision - EPW considerations

Hi Katie,

We are rewriting parking requirements, and we need to know if you are ok with some proposed language.

In discussing relevant information for Commissioner review when considering a waiver, we state they may consider "provision for alternative transportation or transit improvements approved by CBJ Capital Transit."

In other words, if Capital Transit wants a bus stop and the developer wants to provide it, the developer can get some spaces waived. If Capital Transit DOES NOT want the stop, we do not need the developer to build it.

Thoughts? Does that work for you?

Thanks!

Irene Gallion | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street | 4th Floor Marine View Building

Office: 907.586.0753 X2



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Irene Gallion

From: Steven Soenksen <SSoenk@yahoo.com>
Sent: Friday, May 21, 2021 7:35 AM
To: Irene Gallion
Subject: Re: Downtown Parking Code - proposed revisions

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Irene:

Thank you for this letter And the opportunity to provide input to the decision making. It is good to hear from you!

It is a most important topic that impacts anything downtown, especially housing. I would like to look at the proposal ideas in more detail and provide input for the discussions.

As you may know, I have studied planning And access issues in other communities and in Detail through architecture. There are some good possibilities that could apply here and for the future of our community.

Please feel free to contact me in this issue or on other topics related to downtown housing.

Sincerely,
 Steve Soenksen
 9072090709

On May 20, 2021, at 1:47 PM, Irene Gallion <Irene.Gallion@juneau.org> wrote:

Hi Steve,

Scott Ciambor in our Housing Office recommended I let you know about this meeting.

Juneau's Planning Commission will be looking at proposed parking district changes at their meeting on May 25th. Proposed ideas include:

- 60% parking reduction in a downtown parking district.
- Waiver application in downtown (currently, downtown properties cannot pursue waivers).
- Continuing fee-in-lieu for the downtown area. Note that the fee is proposed at \$10,000 per space, and contrary to current code, there is no reduction for residential development.

The parking information is the second item on the Regular Agenda. <https://packet.cbjak.org/MeetingView.aspx?MeetingID=1494&MinutesMeetingID=-1&dctype=Agenda>

If interested you can watch it on Zoom.

This is the Commission's introduction to the changes proposed by the Title 49 Committee. They will be taking testimony.

Let me know if you have questions,

Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street | 4th Floor Marine View Building

Office: 907.586.0753

Our telephone system is changing. Beginning May 3rd I can be reached by dialing 586-0753, extension #2.

<image001.jpg>

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Irene Gallion

From: Jeff Wilson <jwilson@wileng.net>
Sent: Friday, May 28, 2021 5:29 PM
To: Irene Gallion
Cc: Karen E Wilson; Gina Spartz
Subject: Parking master plan revision

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Irene,

We live on 6th Street above the Capitol School Playground. How does this Parking zone change to include 6th Street impact the residents here? It is confusing!

Thank you!

Jeff

Jeffrey W. Wilson
175 S. Franklin Street, Suite 300
Juneau, Alaska. 99801
907-586-2100, (cell) 321-3210
jwilson@wileng.net

Irene Gallion

From: Schweers, Noel <noel.schweers@morris.com>
Sent: Thursday, June 3, 2021 11:01 AM
To: Irene Gallion
Subject: RE: Juneau Downtown Parking Code - Proposed Revisions

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Unfortunately, it always is. Thanks again.

From: Irene Gallion [mailto:Irene.Gallion@juneau.org]
Sent: Thursday, June 3, 2021 2:20 PM
To: Schweers, Noel <noel.schweers@morris.com>
Subject: RE: Juneau Downtown Parking Code - Proposed Revisions

I'd say it is fair. "Tweak" may be open to interpretation, but the intent is a new parking ordinance.

IMG

From: Schweers, Noel <noel.schweers@morris.com>
Sent: Thursday, June 3, 2021 9:55 AM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: Re: Juneau Downtown Parking Code - Proposed Revisions

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Thanks.

It sounds like the ordinance is likely to be enacted, subject to some tweaks. Is that a fair read?

Noel Schweers
Morris Communications Company, LLC
(706) 823-3492

On Jun 3, 2021, at 1:46 PM, Irene Gallion <Irene.Gallion@juneau.org> wrote:

Hi Noel,

No major decisions or actions. The code will be sent back to Committee for clarification on how ADA spaces are required, and some mop-up operations on details of shared parking and loading spaces.

IMG

From: Schweers, Noel <noel.schweers@morris.com>
Sent: Tuesday, June 1, 2021 10:49 AM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: RE: Juneau Downtown Parking Code - Proposed Revisions

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Irene:

I hope you had an enjoyable holiday. I thought I would check in to see what happened at the Planning Commission. Did they reach any conclusion on how to proceed? Thanks.

Noel

From: Irene Gallion [<mailto:Irene.Gallion@juneau.org>]
Sent: Friday, May 21, 2021 12:13 PM
To: Schweers, Noel <noel.schweers@morris.com>
Subject: RE: Juneau Downtown Parking Code - Proposed Revisions

Hi Noel,

I'll be around all day except for a meeting at 10:00 our time. I am not the planner who worked on the original project so may be lacking some details, but happy to discuss and see how to approach next steps.

IMG
(907) 586-0753 press 2

From: Schweers, Noel <noel.schweers@morris.com>
Sent: Friday, May 21, 2021 2:57 AM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: Re: Juneau Downtown Parking Code - Proposed Revisions

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Irene:

Bob retired at the end of last year, so his email was forwarded to me to respond. I appreciate your efforts in getting this before the Planning Commission. However, due to the delay in our project and the issues related to COVID, we are in the process of reevaluating our plans for the property. If you are available sometime this morning (your time), I would like to discuss the situation with you. Is there a time that would be convenient?

Thanks.

Noel

J. Noel Schweers III
General Counsel
Morris Communications Company, LLC
725 Broad Street
Augusta GA 30901
Office: (706) 823-3492
Cell: (706) 825-3602
Fax: (706) 722-7125

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From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Wednesday, May 19, 2021 1:39 PM
To: Schweers, Noel <noel.schweers@morris.com>
Subject: Juneau Downtown Parking Code - Proposed Revisions

Hello Mr. Kuhar,

I know you've been interested in pursuing development in Juneau, so wanted to let you know that our Planning Commission will be looking at proposed parking district changes at their meeting on May 25th. Proposed ideas include:

- 60% parking reduction in a downtown parking district.
- Waiver application in downtown (currently, downtown properties cannot pursue waivers).
- Continuing fee-in-lieu for the downtown area. Note that the fee is proposed at \$10,000 per space, and contrary to current code, there is no reduction for residential development.

The parking information is the second item on the Regular Agenda. <https://packet.cbjak.org/MeetingView.aspx?MeetingID=1494&MinutesMeetingID=-1&doctype=Agenda>

If interested you can watch it on Zoom.

This is the Commission's introduction to the changes proposed by the Title 49 Committee. They will be taking testimony.

Let me know if you have any questions,

Irene Gallion | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street | 4th Floor Marine View Building
 Office: 907.586.0753
 Our telephone system is changing. Beginning May 3rd I can be reached by dialing 586-0753, extension #2.
 <image001.jpg>

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Irene Gallion

From: David McCasland <davidmccasland907@gmail.com>
Sent: Tuesday, August 17, 2021 8:49 AM
To: Irene Gallion
Subject: Re: Downtown Parking - feedback

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Irene!

Thanks for the consideration, that's incredible nice of you. The definition seemed great. Can you please elaborate on what "zero parking" means?

In my opinion A private entity trying to start a new project shouldn't be hindered by "fees in Lou" I think the city should be promoting new development and the rehabilitation of the downtown area. I think every building should be brand new looking from 100 years ago.

Allowing developments to occur, allows money to flow through City through different business, taxes and contractors.

Just my thought. People can find parking and walk or take a cab.

David

On Tue, Aug 17, 2021 at 8:33 AM Irene Gallion <Irene.Gallion@juneau.org> wrote:

Hi Dave,

As you may recall, I am working with the Planning Commission's subcommittee on parking revisions for downtown.

Note that we are proposing zero parking for two downtown entities: Mobile Food Vendors and Seasonal Open Air Food Service. I suspect the latter is where Deckhand Dave's current establishment would fall.

The challenge is defining the two uses. Please take a look at the definitions below and let me know if you see any critical errors, or any modifications that would make common sense.

Mobile Food Vendor: A mobile food vendor is a type of food service that is located in a vehicle, trailer or cart and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

Seasonal Open Air Food Service: A seasonal open air food service is a type of food service located in a structure that does not have a permanent means of heat. (Note that woodstoves are not considered a

permanent means of heat by building code officials). The food service operates for 210 days or less. A zoning official can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

Thanks!

Irene Gallion | Senior Planner

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street | 4th Floor Marine View Building

Office: 907.586.0753 X2



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Irene Gallion

From: Blake Rider <blake@rmces.com>
Sent: Sunday, October 17, 2021 4:54 PM
To: Irene Gallion
Subject: Re: Downtown Parking

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi again, Irene!

I think this actually seems pretty good for us but we're not a mobile food vendor or open air *food* service company. I think the 210 days would work for us as long as it was inclusive of bars?

Thanks again!
 Blake

On Tue, Aug 17, 2021 at 8:35 AM Irene Gallion <Irene.Gallion@juneau.org> wrote:

Hi Blake!

As you may recall, I am working with the Planning Commission's subcommittee on parking revisions for downtown.

Note that we are proposing zero parking for two downtown entities: Mobile Food Vendors and Seasonal Open Air Food Service. I suspect the latter is where Griz Bar would fall.

The challenge is defining the two uses. Please take a look at the definitions below and let me know if you see any critical errors, or any modifications that would make common sense. The main question I have is regarding your operations – I think you guys are operating year round?

Mobile Food Vendor: A mobile food vendor is a type of food service that is located in a vehicle, trailer or cart and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

Seasonal Open Air Food Service: A seasonal open air food service is a type of food service located in a structure that does not have a permanent means of heat. (Note that woodstoves are not considered a

permanent means of heat by building code officials). The food service operates for 210 days or less. A zoning official can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

Thanks!

Irene Gallion | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street | 4th Floor Marine View Building

Office: 907.586.0753 X2



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AME2021 0003

Proposed Parking Code Revisions

Regular Planning Commission Meeting
January 25, 2022

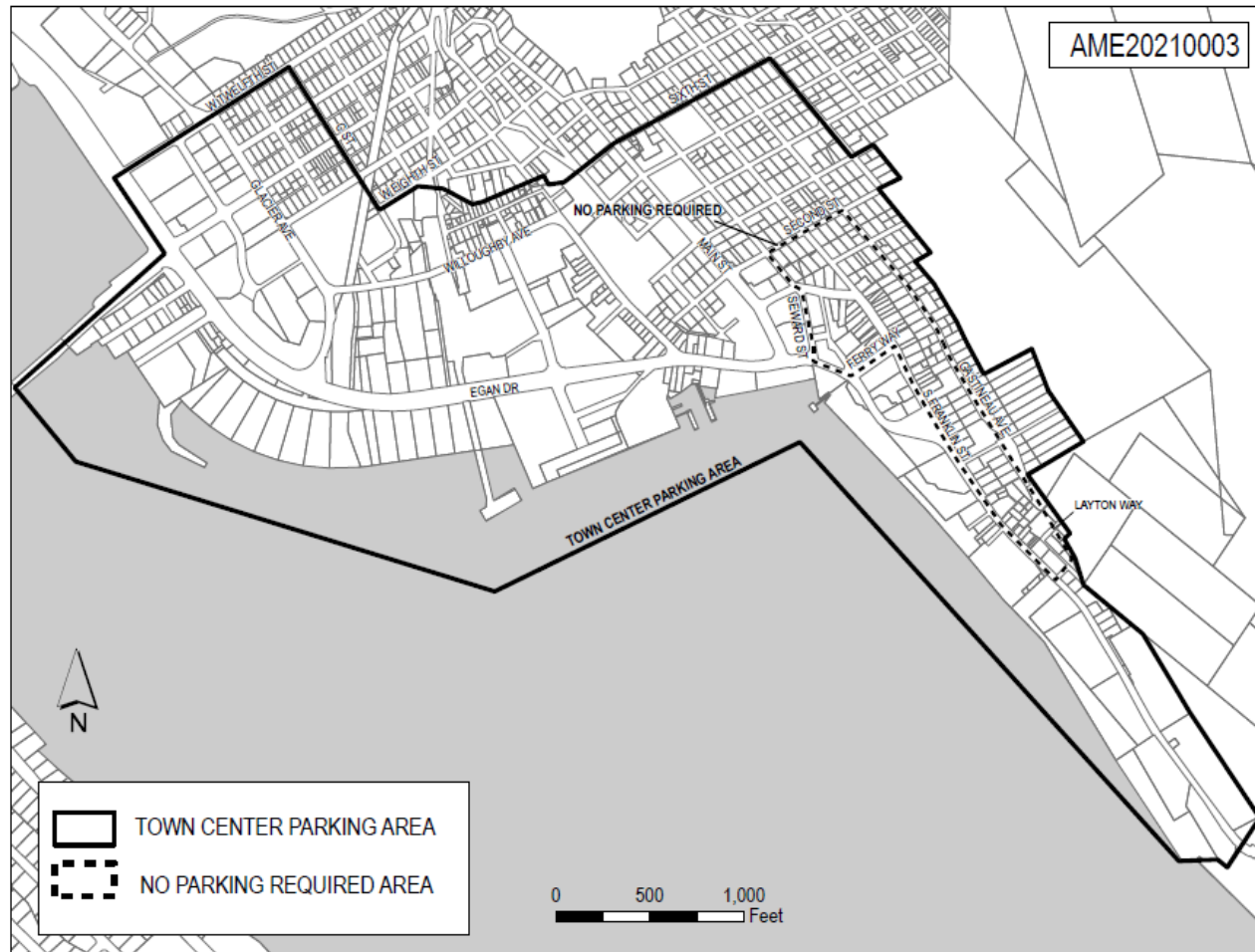
Packet Page 4

History available in the staff report

Today's presentation will cover:

- Overview of what this does
- Changes that might need consideration before recommendation to Assembly

Geographic areas



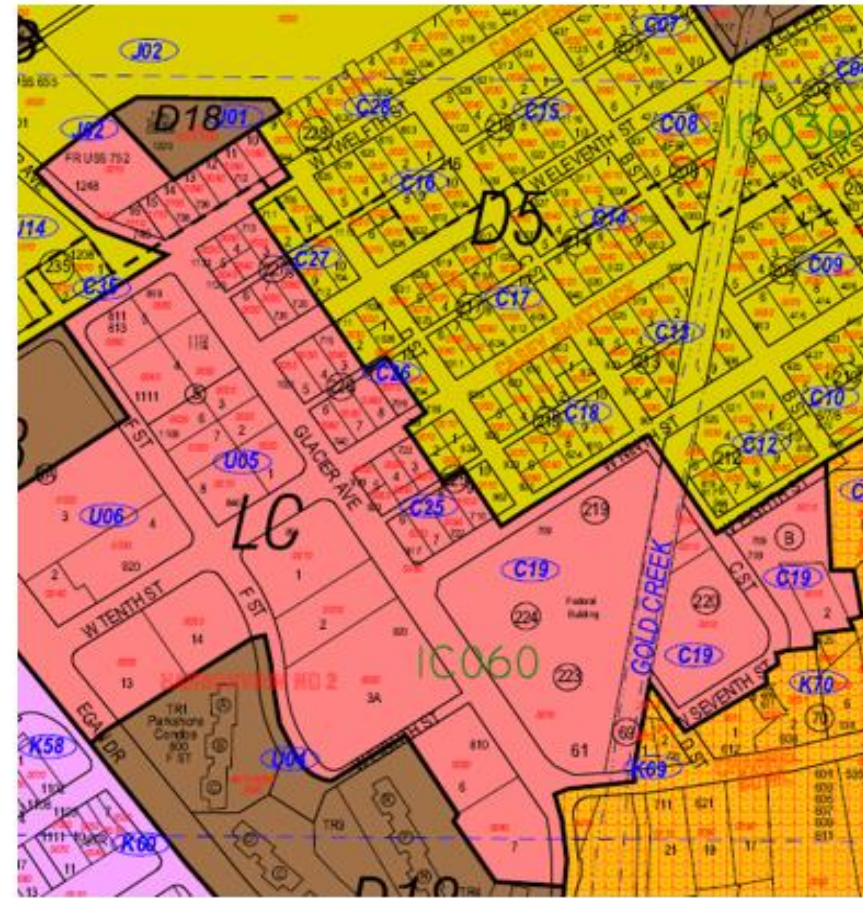
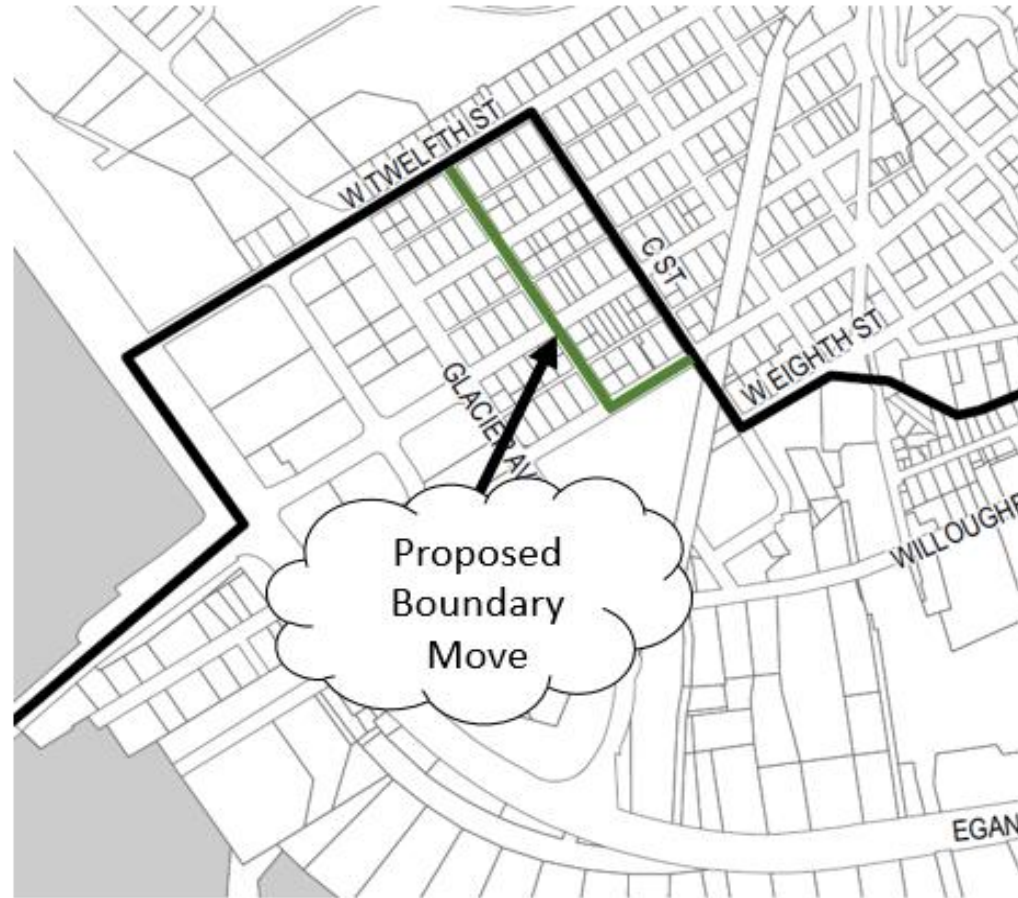
ArcMap Source: P:\quinn\Projects\LA\ame20210003.mxd

Packet Page 6

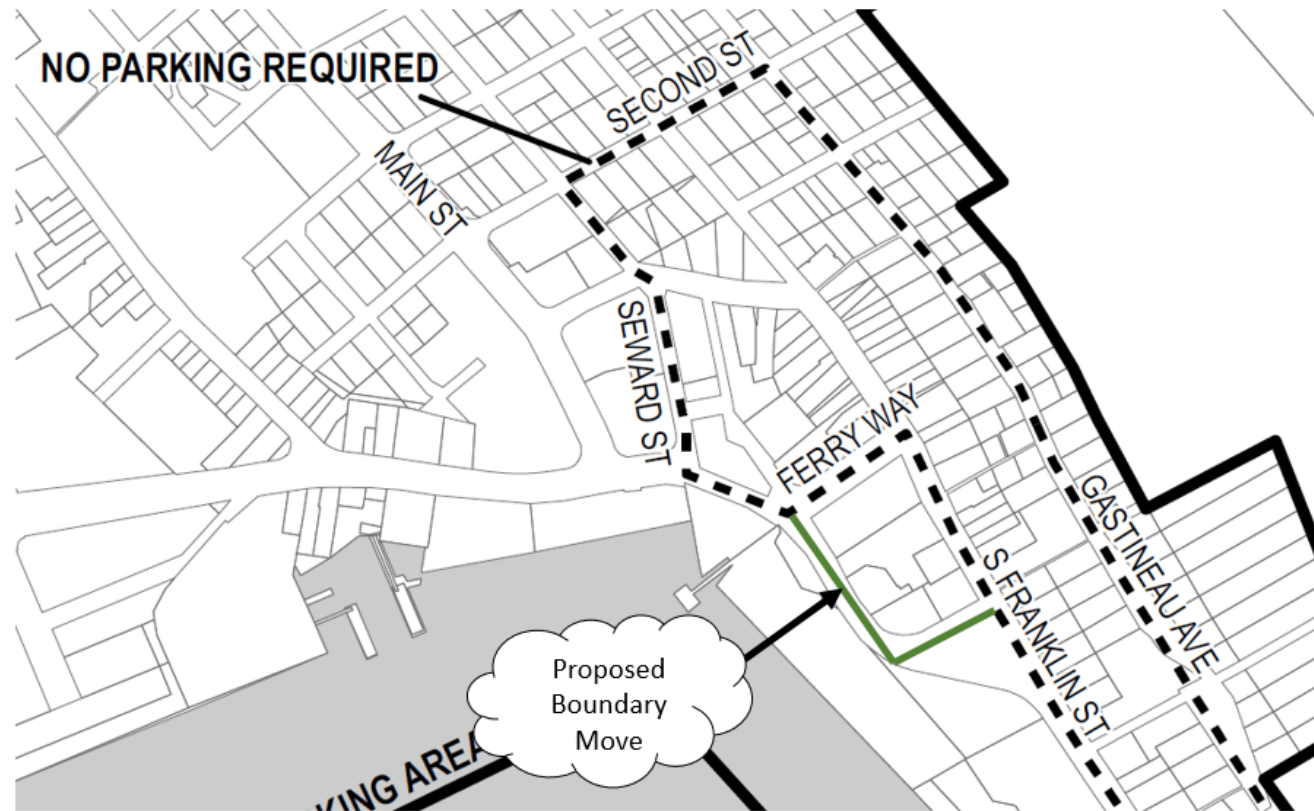
Summary

- NPRA – no parking required for development
- TCPA – Column outlining requirements
 - ADA cannot be reduced
 - Established new standard, 60% reduction from area-wide
 - Modified in COW
- Parking Waivers allowed downtown
- Fee-in-lieu remains

Further Considerations: C Street Boundary



Further Considerations: Manilla Square



Further Considerations: 310 Second St.



Changes: Residential ADA

Accessible parking spaces. Accessible parking spaces must be provided as part of the required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except, Accessible parking spaces are not required for residential uses that require fewer than ten parking spaces and no visitor parking spaces.

Further Considerations: Waivers

~~Provision for alternative transportation or transit improvements approved by CBJ Capital Transit.~~

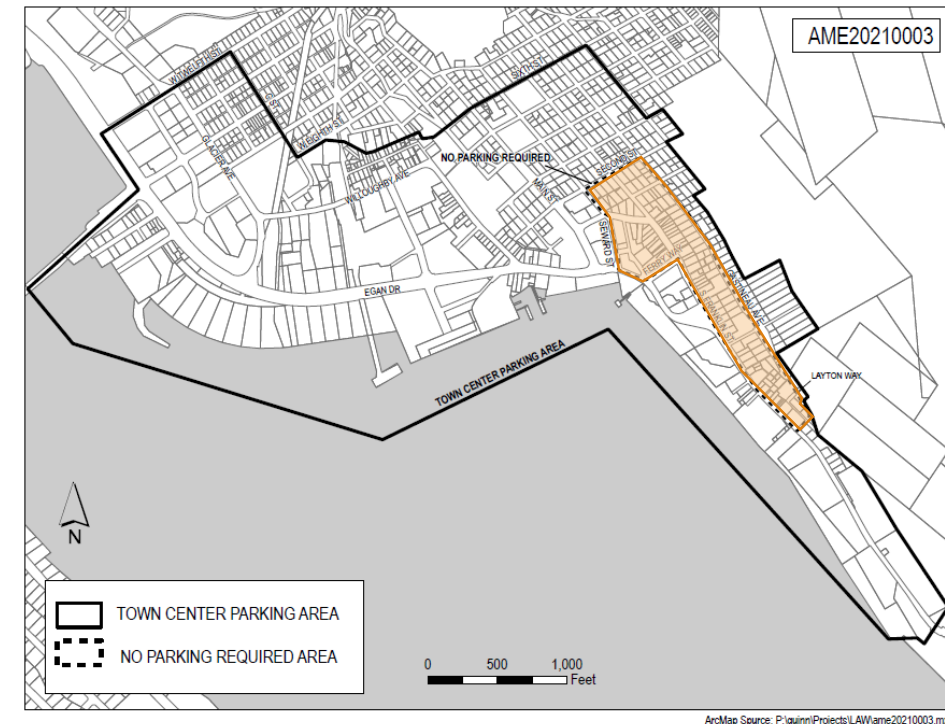
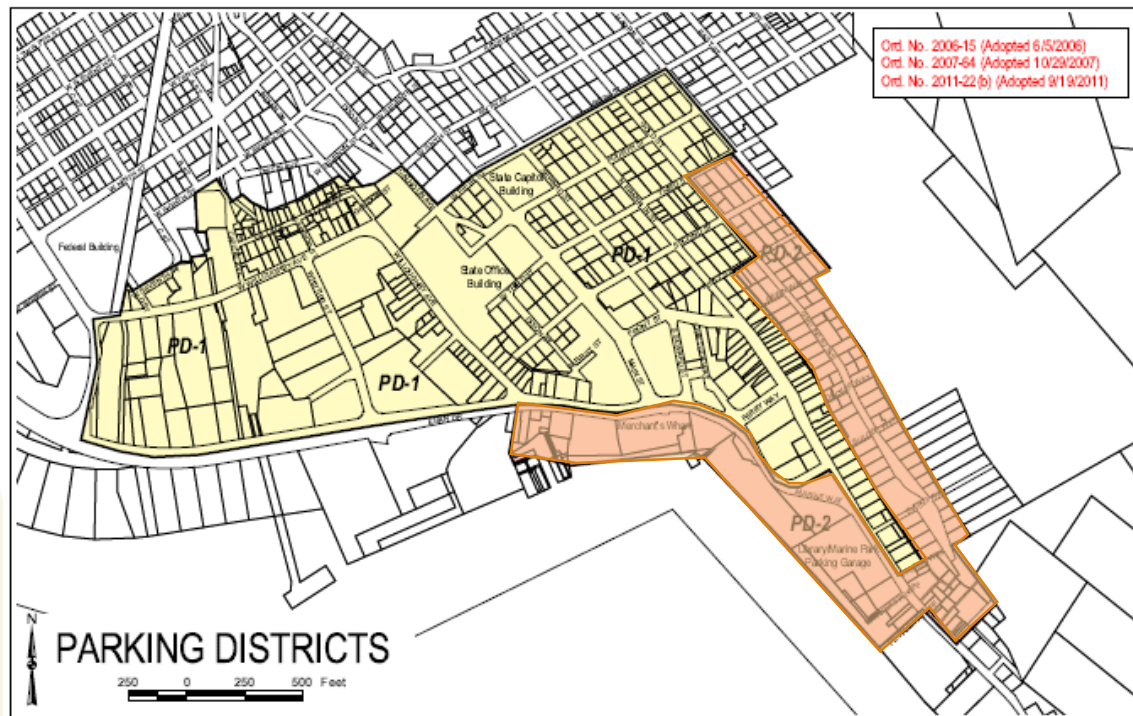
- Impractical means of developing infrastructure and routes
- Stops determined through Capital Transit
- Pressure on Capital Transit
- Shelters usually in the right-of-way

Changes: Fee-in-lieu

- Had different payment standards for new development and expansions – removed
- Provision to lien for payment - removed

Related Proposed Change: Food Carts

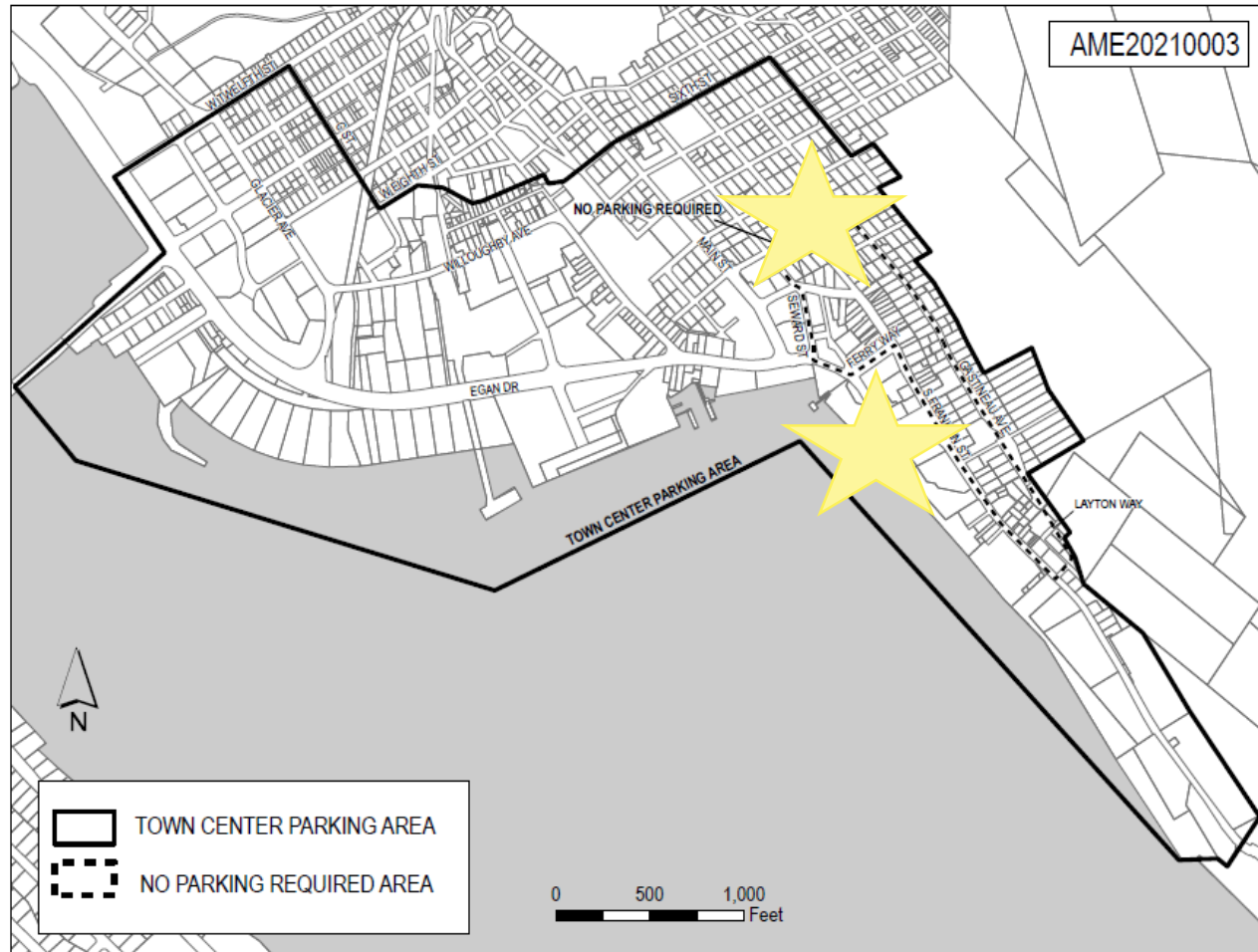
CBJ 62.10.050(e):



Correction to Parking Table

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration.
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	No parking requirement.

Final Thoughts



Staff proposes recommending APPROVAL

- Move “C Street line” of TCPA?
- NPRA encompass Manilla Square?
- Include 310 Second Street in the NPRA?
- Modify Proposed Code regarding review of items that may influence granting waiver: Eliminate transit.
- Modify vendor regs to replace the
 - PD2 with NPRA
 - PD1 with TCPA
- Corrected parking space table

Thank You!



Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: January 26, 2022
Case No.: AME2021 0003

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding parking code amendment, which includes reorganization of this chapter of code, establishing a “town center” parking standard, revised parking district boundaries, and allowing parking waivers downtown.

Property Address: Downtown Juneau

Hearing Date: January 25, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 19, 2022, and recommended that the City and Borough Assembly adopt staff's recommendation for parking code amendment, which includes reorganization of this chapter of code, establishing a “town center” parking standard, revised parking district boundaries, and allowing parking waivers downtown. Modifications to the proposed ordinance include:

1. Make edits agreed to in the line-by-line review.
2. Revise the Town Center Parking Area boundary from C Street to D Street.
3. Include the entire Parking Space table provided in “Additional materials.”
4. Under 49.40.210(a), make the following change: “The number of spaces must be calculated and rounded down to the nearest whole number.”
5. In the table under 49.40.210, for the use “Senior housing,” change the calculation text on spaces to 0.6 general spaces per dwelling unit. In the Town Center Parking Area column, change the calculation text on spaces to 0.3 general spaces per dwelling unit.
6. In the table under 49.40.210, for the use “Sobering center,” change sobering center parking to 1 per 12 beds (deleting the visitor space) for all of Juneau. In the Town Center Parking Area require two spaces.

City and Borough Assembly
Case No.: AME2021 0003
January 26, 2022
Page 2 of 2

7. Under 49.40.220(a)(2)(B), make the following change: “Provision for alternative transportation or transit improvements vetted through CBJ Capital Transit.”

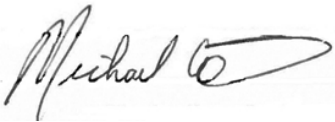
This recommendation maintains the No Parking Required Area as presented in the draft map, without changes proposed in the staff report.

The Commission takes no position on Chapter 62 edits, and requests that the Assembly take appropriate action to make the Chapter consistent with parking code changes.

Attachments: January 19, 2022 memorandum from Irene Gallion, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME2021 0003.

Additional Materials: Memo dated January 21, 2022.

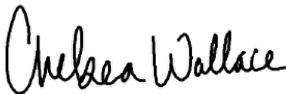
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of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



Michael LeVine, Chair
Planning Commission

January 28, 2022

Date



Filed With City Clerk

January 31, 2022

Date

cc: Plan Review

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.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

AME2022 0001: Amendment to the CBJ Land Use Code Title 49 to make pre-application conferences optional and not mandatory - REFERRED BACK TO TITLE 49 COMMITTEE FOR FURTHER REVIEW

AGENDA ITEM:

Case No.: AME2022 0001

Applicant: City & Borough of Juneau

Location: Borough-wide

Proposal: Amendment to the CBJ Land Use Code Title 49 to make pre-application conferences optional and not mandatory

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment allowing pre-application conferences to be optional and not mandatory, recognizing that the pre-application conferences are an opportunity to make developers aware of challenges and opportunities within code, provide developers information on application submittal requirements, and if a developer opts out, the application review period may be extended if applications are incomplete. Furthermore, it is recommended that a pre-application conference remain mandatory for the following processes:

- 49.60.130, Procedure – Bonus Procedures;
- 49.65.907, Special Use Permit Applications, Wireless Communications;
- 49.70.130, Concept Review, New Growth Areas.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for AME2022 0001	1/19/2022	Staff Report
☐ Presentation for AME2022 0001	1/25/2022	Presentation



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

DATE: January 19, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Beth McKibben, Senior Planner, AICP *BME*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: The proposed ordinance would amend the CBJ Land Use Code Title 49 to make pre-application conferences optional, and not mandatory.

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Pre-application conferences would no longer be mandatory, and would become optional.
- Staff notes that the pre-application conference is critical to make developers aware of challenges and opportunities within code.
- The pre-application conference provides developers with information on application submittal requirements, and if a developer opts out, then the application review period may be extended if applications are incomplete.

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.10.170(d)

The Commission shall hear and decide the case per 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

GENERAL INFORMATION	
Applicant	City & Borough of Juneau
Initiated By	Housing & Development Task Force
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.15.310	Department Approval
49.15.320	Allowable Use Permit
49.15.330	Conditional Use Permit
49.15.401	Minor Subdivisions
49.15.402	Major Subdivisions
49.15.404	Public way vacations
49.15.410	Sketch Plat
49.15.620	Planned unit development review process
49.15.720	Cottage housing development review process
49.15.930	Alternative residential review process
49.60.130	Procedure
49.65.970	Special use permit applications
49.70.130	Concept review
49.70.1230	Alternative development procedure

DISCUSSION

Background – The Housing and Development Task force recommended to the Assembly to amend the Land Use Code making pre-application conferences optional, and no longer mandatory. The Assembly then moved the draft ordinance to the Title 49 Committee. The amendment clarifies that information provided in a pre-application conference is not binding. Making pre-application conferences optional may provide flexibility to applicants, and allow projects to move more quickly through the permitting process, if applications are complete and comply with the Land Use Code.

Pre-application conferences have been required for all major permits since 1987 when CBJ adopted an entirely new zoning ordinance. In 2014, CDD formalized the pre-application conference with a standardized template for conference notes. In 2018, CDD committed to providing applicants with complete pre-application notes within one week. Occasionally, there is a longer turn-around time, particularly when a proposal is complex.

Pre-application conferences are a service provided by CBJ at no cost. Representatives from Planning, Building, General Engineering, and Fire attend the conferences. The meetings provide the opportunity for an applicant to present a conceptual proposal and gain information about the permitting process and requirements of the various codes; zoning, building, engineering, and fire. This information guides the development proposal and sets the applicant up for success, providing them with information about the permitting process, options available, and materials required for a complete permit.

Sections Amended – A draft ordinance can be found in Attachment A. The proposed ordinance amends the following sections:

- 49.15.310, Department Approval – minor developments approved is amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.
- 49.15.320, Allowable Use Permit – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- 49.15.330, Conditional Use Permit – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- 49.15.401, Minor Subdivisions – is amended to make a pre-application conference optional and not mandatory, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.

- 49.15.402, Major Subdivisions – is amended to make a pre-application conference optional and not mandatory prior to submitting an application, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the commission.
- 49.15.404, Public Way Vacations – is amended to make a pre-application conference optional and not mandatory, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.
- 49.15.410, Sketch Plat – may be required at the Director’s discretion at the pre-application conference for both minor and major subdivisions.
- 49.15.620 Planned Unit Development Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- 49.15.720, Cottage Housing Development Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- 49.15.930, Alternative Residential Subdivision Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- 49.60.130, Procedure – Bonus Procedures – is clarified to state that the developer shall state their intent to apply for a bonus at the pre-application conference, if one occurs, to make clear the pre-application conference is optional and not mandatory.
- 49.65.907, Special Use Permit Applications, Wireless Communications Facilities – is amended to make a pre-application conference optional and not mandatory.
- 49.70.130, Concept Review, New Growth Areas – is amended to make a pre-application conference optional and no longer required. This section is further amended to make the submittal requirements for the pre-application conference optional and not mandatory. It is also amended to clarify that nothing stated in a pre-application conference by either party is binding, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.
- 49.70.1230, Alternative Development Procedure – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.

Staff recommends that pre-application conferences remain mandatory for the following processes:

- 49.60.130, Procedure – Bonus Procedures;
- 49.65.907, Special Use Permit Applications, Wireless Communications;
- 49.70.130, Concept Review, New Growth Areas.

COMPLIANCE WITH TITLE 49

49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (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.*

TITLE 49 – The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is consistent with some sections and inconsistent with other sections of the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
4	40	Policy 4.6	The proposed text amendment supports Policy 4.6 by streamlining the development review process. <i>Policy 4.6 TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.</i>
10	134	Implementing Action 10.6 IA2	The proposed text amendment conflicts* with Implementing Action 10.6 IA2. <i>The CDD should improve the development review process to require all applications for major residential developments, including major</i>

2013 COMPREHENSIVE PLAN The proposed text amendment is consistent with some sections and inconsistent with other sections of the 2013 Comprehensive Plan.

			<i>subdivisions, to provide detailed site information at the pre-application stage of review that identifies existing on-site slopes, soil characteristics, natural hazards, drainage channels, locations of old growth trees, access to streets and public utilities, and existing buildings or historic resources, along with the proposed building(s) pads, lot configuration(s), drainage systems, and new road configurations. This pre-application review would focus the site and project analysis and would expedite the review process once the application is made.</i> <i>*49.05.200(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.</i>
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2015 ECONOMIC DEVELOPMENT PLAN The proposed text amendment complies with the 2015 Economic Development Plan.

Chapter	Page No.	Item	Summary
2	22 & 23	Economic Development Planning	The proposed text amendment is in compliance the recommendations of the plan to employ strategies such as an efficient regulatory environment. <i>Local government building, zoning, and environmental regulations are intended to protect businesses, workers, public health, and the overall quality of life in a community. However, if not managed appropriately, development regulations and review processes can present lengthy and uncertain procedural hurdles for business.</i>

2016 HOUSING ACTION PLAN The proposed text amendment complies with the 2016 Housing Action Plan.

Chapter	Page No.	Item	Summary
7	47	Implementation Action	The proposed text amendment is in compliance with Chapter 7 Implementation Action, because it will help streamline permitting. <i>Action: Streamline/fast-track infill housing permitting.</i>

AGENCY REVIEW

At time of writing this staff report, no agency comments were received.

PUBLIC COMMENTS

At time of writing this staff report, no public comments were received.

FINDINGS

1. *Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?*

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision. The proposed amendment is generally consistent with the 2016 Housing Action Plan.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

2. *Does the proposed text amendment comply with Title 49 – Land Use Code?*

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially numbers 2.

Finding: Yes. The proposed text amendment generally complies with the purpose and intent of Title 49. Additionally, the proposed amendments do not create inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment allowing pre-application conferences to be optional and not mandatory, recognizing that the pre-application conferences are an opportunity to make developers aware of challenges and opportunities within code, provide developers information on application submittal requirements, and if a developer opts out, the application review period may be extended if applications are incomplete. Furthermore, it is recommended that a pre-application conference remain mandatory for the following processes:

- 49.60.130, Procedure – Bonus Procedures;
- 49.65.907, Special Use Permit Applications, Wireless Communications;
- 49.70.130, Concept Review, New Growth Areas.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Proposed Ordinance
Attachment B	Housing and Development Task Force Draft Minutes – October 15, October 29, November 12, and December 10, 2021

Presented by:
Presented:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-_____

An Ordinance Amending the Land Use Code Regarding Pre-Application Conference Requirements.

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 Section. CBJC 49.15.310 is amended to read:
49.15.310 Department approval.

- (a) *Purpose.* The department shall review minor developments to ensure compliance with this title.
- (b) *Application form.* The director shall provide a minor development application form to be submitted as part of the application process for a building permit.
- (c) *Preapplication conference.* Prior to submitting an application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. No statement made by either party shall be regarded as binding, and the result of the conference shall not constitute approval by the department. A development application is not required to have a preapplication conference.

...

Section 3. Amendment of Section. CBJC 49.15.320 is amended to read:

49.15.320 Allowable use permit.

- (a) *Purpose.* An allowable use permit is established for uses allowed in a particular zoning district but which, due to size, intensity or particular characteristics must be reviewed and approved by the planning commission. To ensure the compatibility of the use with the location, the commission may attach conditions to the permit to help mitigate external impacts. Conditions that may be attached to the permit are limited to those listed in subsection (f) of this section.
- (b) *Preapplication conference.* Prior to submission of an application, the developer ~~may~~ shall meet with the director for the purpose of discussing the site, the proposed development activity, and the allowable use permit procedure. The director shall discuss with the developer, regulations which may limit the proposed development as well as the standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this title. A copy of this subsection shall be provided to the developer at the conference.

...

Section 4. Amendment of Section. CBJC 49.15.330 is amended to read:

49.15.330 Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall be afforded the opportunity to meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. A development application is not required to have a preapplication conference. The director ~~should~~ shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.

...

Section 5. Amendment of Section. CBJC 49.15.401 is amended to read:

49.15.401 Minor subdivisions.

- (a) ~~{Permit required.}~~ A minor subdivision permit is required for the following:

1
2 ...
3 (b) Preapplication ~~Pre-application~~ conference. Prior to submitting an minor subdivision
4 application, the applicant shall be afforded the opportunity to discuss with the director such
5 facts, issues and proceedings as may be relevant to the application. No statement made by
6 either party shall be regarded as binding, and the result of the conference shall not constitute
7 approval by the department. A development application is not required to have a
8 preapplication conference. A pre-application conference is required prior to submitting an
9 application for a minor subdivision. A sketch plat (CBJ 49.15.410) may be required for the
10 preapplication conference at the director's discretion.
11

12 ...
13
14 **Section 6. Amendment of Section.** CBJC 49.15.402 is amended to read:
15 **49.15.402 Major subdivisions.**

16 (a) ~~{Permit required.}~~ A major subdivision permit is required for subdivisions resulting in 14
17 or more lots.
18
19 (b) Preapplication ~~Pre-application~~ conference and sketch plat. Prior to submitting a major
20 subdivision application, the applicant shall be afforded the opportunity to discuss with the
21 director such facts, issues and proceedings as may be relevant to the application. No
22 statement made by either party shall be regarded as binding, and the result of the conference
23 shall not constitute approval by the department. A development application is not required to
24 have a preapplication conference. A sketch plat (CBJ 49.15.410) may be required for the
25 preapplication conference at the director's discretion. A pre-application conference and sketch
plat (CBJ 49.15.410) is required prior to submitting an application for a major subdivision.

...

Section 7. Amendment of Section. CBJC 49.15.404 is amended to read:

49.15.404 Public way vacations.

- (a) ~~{Applicability of section.}~~ This section applies to petitions to vacate any portion of an existing public way, public easement, or any other area dedicated to the public. This section does not apply to property owned by the City and Borough in its proprietary capacity.
- (b) Preapplication ~~Pre-application~~ conference. Prior to submitting a public way vacation application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. No statement made by either party shall be regarded as binding, and the result of the conference shall not constitute approval by the department. A development application is not required to have a preapplication conference. A pre-application conference is required prior to submitting an application for a public way vacation.

...

Section 8. Amendment of Section. CBJC 49.15.620 is amended to read:

49.15.620 Planned unit development review process.

- (a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in

the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

(b) *Preapplication conference.* Prior to submitting a planned unit development application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. A development application is not required to have a preapplication conference. ~~Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed planned unit development.~~ The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference should ~~shall~~ include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; the street layout and the vehicle and pedestrian circulation; the development schedule and the planned unit development permit procedures. The developer should ~~shall~~ provide a sketch of the proposed planned unit development.

...

Section 9. Amendment of Section. CBJC 49.15.720 is amended to read:

49.15.720 Cottage housing development review process.

- (a) *General procedure.* A proposed cottage housing development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and this article. Approval shall be a two-step process, preliminary plan approval and final plan approval.
- (b) *Preapplication conference.* Prior to submitting a cottage housing application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. A development application is not required to have a preapplication conference. ~~Prior to submission of an application, the applicant shall attend an informal preapplication conference with the community development department to discuss the proposed cottage housing development.~~ The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues. The developer should ~~shall~~ provide a sketch, drawn to scale, of the proposed cottage housing development. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department.

...

Section 10. Amendment of Section. CBJC 49.15.930 is amended to read:

49.15.930 Alternative residential subdivision review process.

- (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of

an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.

(b) *Preapplication conference.* Prior to submitting an alternative residential subdivision application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. A development application is not required to have a preapplication conference. ~~Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision.~~ The purpose of the preapplication conference ~~is shall be~~ to exchange general and preliminary information and to identify potential issues and bonuses. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference should ~~shall~~ include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the

alternative residential subdivision permit procedures. The developer should ~~shall~~ provide a sketch of the proposed alternative residential subdivision.

Section 11. Amendment of Section. CBJC 49.60.130 is amended to read:

40.60.130 Procedure.

The developer shall state any intent to apply for a bonus and shall show the nature and extent of such bonus in the application and at the preapplication conference, if any.

Section 12. Amendment of Section. CBJC 49.65.970 is amended to read:

49.65.970 Special use permit applications.

- (a) As of the effective date of this article, no person shall be permitted to site, place, build, construct, modify, or prepare any site for the placement or use of WCF, except for those WCF identified in section 49.65.940, Table 1, without having first obtained a special use permit. All applicants for a special use permit and any modification of such facility shall comply with the requirements set forth in this section.
- (b) Preapplication conference ~~Pre-application meeting~~. Prior to submitting a WCF application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. Prior to submission of an application, the applicant shall meet with the director for the purpose of discussing The purpose of the preapplication conference is to discuss the site and development proposal, and to address any issues that will help to expedite the review and permitting process, including the scope of the visual assessment the applicant will be required to provide as part of the special use permit process. A pre-application meeting may also include a site visit, as determined by the

director. No statement by either the applicant or director shall be regarding as binding or authoritative for purposes of this section. A development application is not required to have a preapplication conference.

(c) Additional required application submittals.

(1) In addition to the fee required in subsection 49.65.940(b), the applicant shall pay an additional special use permit application fee as set forth in section 49.85.100.

(2) In addition to the documentation required by section 49.65.960, the following documentation must be submitted with any special use permit application:

(A) *Design criteria.* A narrative describing compliance with the design criteria listed in section 49.65.930;

(B) *Visual impact assessment.* The scope of the required assessment should ~~will~~ be reviewed at the preapplication conference ~~pre-application meeting~~, but the planning commission may require submission of a more detailed visual analysis after submittal of the following required information. The visual impact assessment must include:

...

Section 13. Amendment of Section. CBJC 49.70.130 is amended to read:

49.70.130 Concept review.

(a) *Preapplication conference.* Prior to submitting a new growth area application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application. A development application is not required to have a preapplication conference. The purpose of the preapplication conference is to:

- (1) Provide an opportunity for the proponents of a new growth area to explain the concept of their development to the department;
- (2) Allow the department to explain to the developer the requirements of City and Borough land use laws and the potential impacts of this title and the plans adopted therein; and
- (3) Allow the department to outline the concerns of the City and Borough with regard to the potential hazards inherent in the development of wetlands, steep slopes and hazard areas, and the conservation of marginal lands and open spaces having environmental value.

(b) *Submittal requirements.* The submittal requirements for a preapplication conference should ~~shall~~ be:

- (1) Documents.
 - (A) A legal description;
 - (B) A statement of the goals and objectives of the development; and
 - (C) An explanation of any unique features of the property proposed for new growth area.
- (2) Maps showing existing site and vicinity conditions and including:
 - (A) Topography contour lines at intervals of ten feet or less;
 - (B) The location of streams, lakes, wetlands, drainage courses, floodplain areas, and other water features;
 - (C) The nature and extent of existing stands of trees and shrubs, ground cover and other vegetation;
 - (D) Existing access to and within the site including roads, peripheral roads, trails and sidewalks;

- (E) Avalanche and landslide hazard areas, soils, and surface geology; and
- (F) Sensitive area boundaries.
- (3) A sketch plan showing proposed:
 - (A) Topography and water features;
 - (B) Streets, pedestrian, and bicycle access;
 - (C) Conceptual uses and densities; and
 - (D) Open space and recreational areas.
- (c) *Preapplication conference comments.* The department ~~should~~ will review the preapplication conference submittal materials and provide written comments to the applicant not more than 30 days after the date of the conference. The comments should ~~shall~~ advise the applicant on the consistency of the proposal with the intent of this chapter, with adopted City and Borough plans, laws, and regulations, and on the compatibility of the proposed development with the surrounding area. No statement made by either party shall be regarded as binding, and the result of the conference shall not constitute approval by the department.

...

Section 14. Amendment of Section. CBJC 49.70.1230 is amended to read:
49.70.1230 Alternative development procedure.

- (a) *Alternative development permit.* The planning commission shall hear all applications pursuant to this article.
- (b) *Preapplication* ~~Pre-application~~ *conference.* Prior to submitting an alternative development application, the applicant shall be afforded the opportunity to discuss with the director such

facts, issues and proceedings as may be relevant to the application. A development application is not required to have a preapplication conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the alternative development permit procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this Code. A copy of this article should ~~shall~~ be provided to the developer at the conference.

...

Section 15. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

**THE CITY AND BOROUGH OF JUNEAU, ALASKA
HOUSING & DEVELOPMENT TASK FORCE
October 15, 2021 – *DRAFT* Meeting Minutes**

A. Call to Order

The meeting of the Housing and Development Task Force was held in the 4th Floor Conference Room of the Marine View Building, and was called to order by Chair Loren Jones at 11:03a.m.

Roll Call

Members Present: Loren Jones, Maria Gladziszewski, Jill Maclean, Alexandra Pierce, Nathaniel Dye, Paul Voelkers, Dave Hanna, Wayne Jensen, and Bill Heumann.

Members Absent: Michelle Hale.

Approval of Agenda

Mr. Hanna noted that the current agenda did not have a designated item for agenda approval; he added that he would prefer the agenda to have an item to allow for public participation.

MOTION to reorder the agenda to place Item D before Item C.

Hearing no objections, the motion passed by unanimous consent.

Ms. Maclean recommended placing the public participation item towards the bottom of the agenda. She spoke to her previous experience in doing this, and said that it allowed suitable time for the meeting's agenda to be addressed prior to public participation. She added that public comment at the end of the meeting gave insight on what should be featured in the next meeting's agenda.

Mr. Jones questioned the need for public comment for a task force meeting, particularly considering that there has not yet been an agenda item they have dealt with that has called for testimony.

B. Minutes for Approval

a. September 30, 2021 Draft Minutes

MOTION by Mr. Hanna to approve the September 30, 2021 Minutes, with the corrected spelling of Mr. Heumann's name throughout the document.

Hearing no objections, the minutes were approved by unanimous consent.

C. Discussion of Pre-Application Process

Ms. Maclean provided the committee with a recent pre-application conference report. She explained that the pre-application conference became a requirement after many local developers found that their application was incomplete several weeks into the process.

The rewritten subdivision ordinance was adopted in 2015, this ordinance established that pre-application conference requirement.

Ms. Maclean described the pre-application conference as a service provided by CDD staff to help developers understand all of the information they must provide in their application. This service also ensures that the developers and any involved entities are all on the same page in the process.

Ms. Pierce added that oftentimes pre-application conferences can be held via phone or email.

Mr. Hanna mentioned that there have been times in which he felt that the pre-application conference process was not needed. He asked if CDD could possibly streamline the process, or if there was a breaking point that decided whether or not the pre-application process was necessary.

Ms. Pierce explained that it is a complicated issue, and part of the reason why CDD began conducting pre-application conferences via telephone and email. She noted that the process as it stands can help applicants who might otherwise waive a service that could be beneficial to their application.

There was further discussion about the timing and the necessity of the pre-application conference.

Mr. Heumann added that he appreciated giving applicants the option to decide whether to opt-in to the conference process, and spoke to the preparation that often occurs prior to applying.

Mr. Dye brought up a topic of conversation from his Title 49 Committee meetings: minimum submittals for applications. He also suggested finding a way to streamline the minimum requirements for pre-applications.

There was further discussion on various aspects on the conference process, particularly in comparison to other government agencies.

MOTION by Ms. Gladziszewski to draft an ordinance that allows minor subdivisions to have the option to opt-out of the pre-application conference.

Ms. Maclean expressed concern regarding this action, as CDD had been directed by the Assembly, and explained that changes to Title 49 must be reviewed by the Title 49 Committee, the Planning Commission, the Law Department, and the Assembly.

Ms. Gladziszewski noted that the Assembly will be hosting a retreat in December, during which they can decide where the HDTF could fit within their priorities.

Mr. Dye suggested allowing all applicants to have the option to opt-out of the pre-application conference, instead of only restricting to minor subdivision applicants.

Amendment #1 by Ms. Gladziszewski. Ms. Gladziszewski amended her motion to state “to draft an ordinance that gives all applicants the option to opt-out of the required pre-application conference process.”

There was further discussion about the committee creating ordinances, and the notion to consider waiting until after the Assembly retreat to receive direct instruction on how to move forward with their priorities.

Ms. Gladziszewski clarified the intent of her motion was for the committee to draft an ordinance, and then take the time to discuss and amend it if needed.

Mr. Jones spoke to his experience in dealing with the continuous work and occasional disagreements that come with making changes to processes, especially considering the various entities represented on this committee.

Ms. Maclean had to exit the meeting.

Hearing no objections, the motion passed by unanimous consent as amended.

There was a discussion about CDD staffing levels, the workload given to CDD staff, and the amount of that workload that could be handled within the committee or by a third-party entity.

D. Review of Documents Emailed Out to Members: Question or Discussion

a. 2020 Housing Forum Presentation

b. Example of a Pre-Application Conference Report

c. August 2021 Title 49 Land Use Code Updates Memo to Lands, Housing, & Economic Development Committee

d. July 2021 Title 49 Land Use Code and Industrial Zoning and Table of Permissible Uses Memo to Lands, Housing, & Economic Development Committee

e. Community Development Department Overview

f. Final Comprehensive Plan Memo to CBJ Assembly 2018

g. Links to:

i. Table of Permissible Uses

ii. Table of Dimensional Standards

iii. Upstairs Downtown

iv. Comprehensive Plan

E. Suggestions for Next Agenda

Mr. Jones mentioned that the agenda for the next two meetings would focus on the development of Task Force recommendations in relation to CDD priorities. These recommendations will be brought to the Assembly prior to the Assembly Retreat on December 4.

F. Next Meeting Date

Mr. Jones scheduled the next Housing & Development Task Force meeting to be held on October 29 at 12:00p.m.

There being no further business to come before the committee, the Housing & Development Task Force meeting was adjourned at 1:14p.m.

THE CITY AND BOROUGH OF JUNEAU, ALASKA
HOUSING & DEVELOPMENT TASK FORCE
October 29, 2021 – Meeting Minutes

A. CALL TO ORDER

Chair Loren Jones called the Housing & Development Task Force Meeting to order at 12:05p.m.

B. APPROVAL OF AGENDA

MOTION by Mr. Hanna to add a new topic under **Item E – CDD Workload & Resources** to include: “d. Task Force Recommendations to the Assembly”.

Hearing no objections, the agenda was approved as amended.

C. MINUTES

a. October 15, 2021 Draft Minutes

MOTION by Mr. Hanna to change the language in **Item E - Suggestions for Next Agenda** to state “...coming up with Task Force recommendations to the Assembly Priorities.”

D. Comments About Previous Meeting

Mr. Hanna recalled that the task force unanimously agreed to draft changes to Title 49 that would allow for the pre-application process to become optional. He asked for clarification on the next steps following this decision.

Mr. Jones mentioned that the Law Department had begun drafting an amendment to Title 49 for the pre-application process, however, this did not include making the process optional. He added that the Law Department is currently addressing each item in their amendment, and it is an ongoing process.

There was a discussion regarding the draft amendments to Title 49.

Ms. Gladziszewski and Ms. Hale spoke to bringing the draft ordinances to the Lands, Housing, and Economic Development Committee and the Committee of the Whole.

E. CDD Workload & Resources

a. Discussion Based on Previous Documents Sent to Task Force

b. Memo from City Manager to Lands, Housing, & Economic Development Committee

Mr. Hanna shared that he felt disheartened by the memo. He said that the memo seemed to recommend appointing a hearing officer, rather than receiving a hearing from the Planning Commission. Mr. Hanna believed that appointing a hearing officer, as employed by the city, would not be impartial to the applications they would be tasked with handling.

Mr. Watt clarified that he did not make any recommendations in his memo to the LHEDC, as stated in the document.

c. Memo from CDD Regarding Priorities

Ms. Maclean explained how CDD Priorities and Assembly Goals are established and developed each year, and how it corresponded with the table featured in the memo.

Mr. Jones advised the task force to be clear on exactly what changes they would like to make to certain processes, and reminded them that the Planning Commission is not obligated to accept any of the priorities they set.

Mr. Heumann noted that Code administration in relation to permit processing was not included in the Priority List. He felt that permit processing should be considered one of the topmost priorities for the task force, particularly the timing of the process.

Ms. Maclean spoke to CDD's involvement in permitting, and said that the permitting process was considered a guaranteed priority for the department.

d. Task Force Recommendations to the Assembly

Ms. Gladziszewski introduced task force ... she suggested that one of the priorities could be an assessment of Title 49.

Mr. Hanna suggested the task force conduct an assessment of CDD's current workload, and determine which projects could be outsourced to a consultant.

Mr. Heumann shared that local developers have expressed frustration with the length of time it takes to complete the permitting process. He also called for the task force to review CDD's workload, re-delegating their responsibilities to allow for an expedited process.

Mr. Dye mentioned that amending Title 49 can be a complicated effort due to the amount of staff time it takes for CDD and the Law Department to review and draft each amendment.

Ms. Hale and Ms. Maclean discussed CDD developing and presenting a matrix to share with the task force and the LHEDC.

MOTION by Ms. Gladziszewski for the Housing & Development Task Force to draft and forward a memo to the Assembly that listed the priorities of the task force.

The first priority listed was for the task force to identify ways in which the permitting process could be completed in a timely manner.

The second priority chosen for the list directed the task force to conduct a thorough review of Title 49.

The third and final priority listed called for the task force to rewrite the Comprehensive Plan.

Mr. Dye supported Ms. Gladziszewski's motion, and gave an example of how changes at the federal level can affect ongoing development projects and Title 49 as a whole.

Mr. Heumann also spoke in favor in Ms. Gladziszewski's motion.

Ms. Maclean spoke to the efficient timing of how permits are issued, particularly compared to the timing of permitting compared to other communities of comparable size. She also explained that certain applications given to CDD are incomplete or incorrect when submitted; this

sometimes results in a cycle of corrections and re-submissions between CDD and the developer, which cannot be entirely attributed to CDD's workload.

Hearing no objections, the motion passed with unanimous consent.

F. Comments on Two Draft Documents Related to Process for Task Force to Move Recommendations from and to Another Body

Mr. Jones will present a draft memo to the task force at the November 12, 2021 HDTF meeting, as well as a draft memo in relation to the pre-application process as discussed at the October 15, 2021 HDTF meeting.

G. Public Comment (10 Minutes)

Arch – Mr. Arch spoke to the amount of backlog that has been attributed to the Code and to Title 49. He recommended for the main revisions to Title 49 to be reductions and deletions, rather than additions. Mr. Arch said that adding more amendments to Title 49 creates more work for CDD staff and the Planning Commission, and does not necessarily change or improve the finished product.

H. Suggestions for Next Agenda

Mr. Hanna had two agenda item suggestions: the first suggestion was to bring recommendations for changes in Title 49, the second suggestion was to bring a list of permitting delays to review.

I. ADJOURNMENT

There being no further business to come before the Housing & Development Task Force, the meeting was adjourned at 1:21p.m.

**THE CITY AND BOROUGH OF JUNEAU, ALASKA
HOUSING & DEVELOPMENT TASK FORCE**

November 12, 2021 – Meeting Minutes

A. CALL TO ORDER

The meeting of the Housing and Development Task Force (HDTF) was held in the 4th Floor Conference Room of the Marine View Building, and was called to order by Ex-Officio Chair Loren Jones at 12:03a.m.

Roll Call

Members Present: Ex-Officio Chair Loren Jones, Vice Chair Maria Gladziszewski, Michelle Hale (via Zoom), Paul Voelkers, Nathaniel Dye (via Zoom), Dave Hanna, Bill Heumann (via Zoom), and Wayne Jensen.

Members Absent: None.

Staff Present: CDD Director Jill Maclean, City Manager Rorie Watt, Mayor Beth Weldon,

B. Approval of Agenda

MOTION by Ms. Gladziszewski to include “Review the Ordinance” to the Agenda. Chair Jones added “**b. Ordinance Review**” under Item D.

MOTION by Ms. Hale for the committee to discuss Mr. Heumann’s memo. Chair Jones added “**c. Discussion Regarding Mr. Heumann’s Memo**” to the Agenda.

C. Approval of Minutes

A. October 29, 2021 DRAFT Meeting Minutes

Mr. Jones noted that the October 29, 2021 Meeting Minutes were in need of correction. The minutes were sent back for correction.

D. Comments About Last Meeting

a. Review Memo to Mayor/Assembly

Mr. Jones explained that Ms. Gladziszewski had provided a memo which included a revised written version of her motion from the previous HDTF meeting.

Mr. Voelkers shared that he appreciated the new motion’s clarity, but noted that it did not mention the “opt-out” ordinance that had been discussed.

Ms. Gladziszewski explained that the “opt-out” ordinance was separate from this motion, as this motion in particular represented the committee’s recommendations to the Assembly’s priority list.

Ms. Hale added that this motion’s intent was to bring forth the HDTF’s recommendations to the Assembly prior to their priority-setting retreat in early December.

Mr. Hanna commented that he approved of the motion.

Mr. Dye suggested that it may be helpful to add clarifying language to the motion, and to reorganize the wholesale rewrite of the Comprehensive Plan to be placed prior to the rewrite of Title 49.

Ms. Gladziszewski disagreed with the suggestion, saying the rewrite of Title 49 should be considered first priority.

There was a discussion about rewriting the Land Use Code, specifically the process of a rewrite resulting in hiring a consultant to go through the Land Use Code.

Mr. Jones agreed that writing the Comprehensive Plan could result in subsequent rewrites further down the line.

Ms. Gladziszewski spoke to the vastness of the Comprehensive Plan, and said that they do not need an update of the Comprehensive Plan to update Title 49.

Ms. Maclean agreed with Mr. Dye's suggestion of writing the Comprehensive Plan prior to rewriting Title 49, and advised the committee to take into consideration the Systemic Racism Review Committee review process of the Comprehensive Plan, particularly zoning issues.

Ms. Maclean further explained that a full review of the Comprehensive Plan with consultants would be a three-year process, during which the committee could implement some changes to Title 49, but not a wholesale rewrite.

Mr. Dye spoke to the Planning Commission's reliance on the Comprehensive Plan to make changes to aspects such as zoning laws, industrial lands, commercial use versus residential use properties, etc. He explained that these changes are made based on the Comprehensive Plan, not based on Title 49.

Mr. Voelkers recommended removing the word "wholesale" from the motion, and to add "and/or partial rewrites". The new language would read as follows: "The HDTF does not have a recommendation at this time regarding how this gets done, but possibilities include: hiring a firm to do a rewrite, selective editing of key sections, or using existing staff in committee processes."

Hearing no further edits, Mr. Jones will work with CDD staff to bring the revised motion to the Assembly.

b. Ordinance Review

Ms. Maclean reviewed the ordinance and highlighted the lines which contained edits or adjustments.

Mayor Weldon asked for clarification on the difference between a development application and a pre-application.

Ms. Maclean explained that a development application could include variances, sub-applications, Conditional Use Permits, etc. She further clarified that a pre-application is typically required for

most applications, and includes a pre-application conference in which the developer can meet with the Planning Commission, General Engineering, the Building Division, and the Fire Marshal to discuss the application.

Ms. Gladziszewski noticed a typo (“an” instead of “and”) on Line 3, Page 4 of the ordinance.

Mr. Dye had a question about the language (from “required” to “may be required”) regarding sketch plots in the ordinance.

Ms. Gladziszewski noted that this language would make sketch plots optional in the application process.

Mr. Dye explained that sketch plots are required for a major subdivision application.

Ms. Maclean clarified that this language is specifically for a pre-application process; the actual submission of a major subdivision application would still require the inclusion of a sketch plot.

Mr. Watt cautioned that adding more flexibility to the pre-application process could result in potential delays later down the line. He added that he was not advising against this, but was bringing attention to the potential consequences.

Mr. Hanna said that they had discussed the potential consequences at length, and felt that this process could help applicants move their projects along smoothly.

Mr. Heumann echoed Mr. Hanna’s comments, and also understood Mr. Watt’s concerns. He mentioned that there are oftentimes smaller projects in which the pre-application process is not necessary; and the CDD Director has the discretion to strongly suggest the pre-application process to applicants as needed.

Mr. Dye asked if this ordinance would be referred back to the Planning Commission.

Mr. Jones explained that this would be brought to the Law Department and CDD, then will be introduced to the Assembly following standard procedure.

Ms. Gladziszewski noted that it could be forwarded to the Planning Commission following its introduction to the Assembly.

There was further discussion about the pre-application process.

Ms. Maclean described opting out of the pre-application conference as a missed opportunity for applicants to discuss their project with several CBJ departments altogether. She clarified that she was not opposed to this ordinance, but would like for developers to consider the opportunity available to them.

Mr. Hanna suggested CDD produce a handout that would list the negative outcomes that may arise from opting out of the pre-application conference.

Ms. Hale asked when the pre-application conference first became a requirement.

Ms. Maclean said that it may have come into effect following the 2010 rewrite, or after the 2015 rewrite.

Mr. Jensen spoke to the value of the pre-application process, but also felt it would be helpful if the process could be done in a timely manner.

Mr. Dye clarified that the pre-application conference has been in the Code since the 1987 rewrite.

c. Discussion Regarding Mr. Heumann's Memo

Mr. Heumann shared that his memo addressed the industry-wide concern regarding the permitting process; he further explained how streamlining the process could boost productivity and help meet the demands of the housing market.

Mr. Voelkers referenced the line in the memo which stated that developers are unable to obtain permits, and asked Mr. Heumann to clarify if the concerns surrounding the permitting process were a matter of timeliness, or if permits were being denied to developers.

Mr. Heumann clarified that it was more an issue of a timeliness rather than the inability to receive permits.

Mr. Voelkers asked Mr. Heumann if there was a notable difference in the timing or the permitting process compared to previous years.

Mr. Heumann said that the process to obtain a permit had become more difficult in recent years.

There was a discussion about the timing of the permitting process.

Ms. Maclean spoke to the difficulties presented by the Code when developing land, and to the additional difficulties of living, working, and housing in Juneau. She felt that CDD have been producing permits in a reasonable amount of time, especially considering that they are working with limited staff during a pandemic.

There was a discussion about variances. Ms. Maclean explained the challenges associated with issuing multiple variances, often risking the chance of the variance being appealed and going through a lengthy legally involved appeal process.

Mr. Heumann commented on the lack of affordable housing, and the legal and financial resources that could be provided by the City.

Mr. Hanna shared his perspective on the increasing costs for various CBJ projects and utilities throughout town, and recommended the committee discuss cheaper developments at a future meeting.

Mr. Watt noted that every neighborhood in Juneau has benefitted from public funding, and very few neighborhoods have come into being (meeting full dimensional standards) by developers.

There was further discussion regarding the table of dimensional standards and variances.

E. Discussion of Possible Metrics Related to Workload/Priorities

Chair Jones addressed that this item is currently in motion, but would not be fully discussed at today's meeting as the committee was running short on time.

F. Public Comment (10 Minutes)

None.

G. Suggestions for Next Agenda

The next meeting date is scheduled to be held on December 10, 2021.

The agenda items for the next meeting will include dimensional standards, a discussion with the Law Department about variances, and scheduling future meetings for 2022.

H. ADJOURNMENT

There being no further business to be brought before the committee, the Housing & Development Task Force meeting was adjourned by Chair Jones at 1:15p.m.

**THE CITY AND BOROUGH OF JUNEAU, ALASKA
HOUSING & DEVELOPMENT TASK FORCE**

December 10, 2021 – Meeting Minutes

A. CALL TO ORDER

The meeting of the Housing and Development Task Force was held in the 4th Floor Conference Room of the Marine View Building, and was called to order by Chair Loren Jones at 11:03a.m.

Roll Call

Members Present: Ex-Officio Chair Loren Jones, Dave Hanna, Wayne Jensen, Bill Heumann, Paul Voelckers, Nathaniel Dye (via Zoom)

Members Absent: Vice Chair Maria Gladziszewski and Michelle Hale.

Staff Present: City Manager Rorie Watt, Mayor Beth Weldon, City Attorney Robert Palmer, Community Development Department Director Jill Maclean, CDD Administrative Assistant Chelsea Wallace,

B. Approval of Agenda

Hearing no changes, the agenda was approved as presented.

C. Approval of Minutes

a. September 30, 2021 Draft Minutes

b. October 15, 2021 Draft Minutes

c. October 29, 2021 Draft Minutes

Mr. Voelckers noted that the October 29 Meeting Minutes listed him as being present at the meeting, when he was actually absent and traveling during that time.

Hearing no further comments, the September 30 and October 15 Minutes were approved as presented.

D. Comments About Last Meeting

There were no comments about the November 12, 2021 meeting.

E. Review of Variance Ordinance

Mr. Jones referenced the discussion surrounding variances at the November 12 meeting, which prompted him to invite City Attorney Robert Palmer to today's meeting to provide additional insight to variance-related ordinances.

Mr. Palmer thanked Mr. Jones for the introduction, and identified two key concepts essential to this discussion: the Conditional Use Permit and the concept of variances. He described the Conditional Use Permit as a permit approval process designed to provide flexibility to

developers, whereas a variance is a request that violates the law as it is written. He further explained that variances are not meant to be used for flexibility purposes.

Mr. Palmer gave a general overview describing the legal processes, comparing State law practice to local Assembly rulings in relation to variances.

Mr. Voelkers added that variances are often rather difficult to obtain, and heavily rely on geographical and physical limitations.

Mr. Hanna mentioned that 30% of Juneau's ordinances are in some way related to Title 49. He said that this number of ordinances is a testament to an underlying problem that is in need of being addressed, adding that a functional Title 49 would not necessitate such a high amount of ordinances.

Mr. Voelkers asked CDD Director Maclean to define the criteria in which a Conditional Use Permit is necessary.

Ms. Maclean explained that the CUP process is often determined on the number of dwelling units, bedrooms, and acreage. She suggested the committee to keep neighborhoods in mind when considering the CUP process, and to recognize the impact that rezoning may have on neighboring properties.

Mr. Jones shared his experience from attending a significant amount of Planning Commission meetings over the past nine years, saying that the public process is often the most contentious part of the CUP process. He spoke to the importance of allowing the public the ability to weigh in by opting for a thorough public comment period.

Mr. Jones asked Ms. Maclean to clarify where in the process the public comment period begins prior to a Planning Commission decision, such as a neighborhood meeting hosted by CDD.

Ms. Maclean shared that the initiation of the public comment period is at her discretion as CDD Director, and typically depends on the type of permit being issued. She added that she takes this aspect of her role very seriously, and has adopted the Systemic Racism Review Committee criteria into her decision-making. Ms. Maclean also added that CDD strives to issue notice to the public at least six weeks in advance, beyond the standard two week public notice requirement.

There was further discussion surrounding the Conditional Use Permit process.

F. Assembly Retreat Update

Mayor Weldon provided an update on the Assembly Retreat that was held on December 4, where the Assembly met to decide upon the Assembly Goals for 2022. Mayor Weldon reported that the Assembly considered the revision of Title 49 and updating the Comprehensive Plan as Assembly Goals related to the Housing and Development Task Force.

Mayor Weldon added that one of the Assembly Goals involved allocating funds for the purpose of accomplishing the goals they established.

Mr. Watt reported that the Assembly discussed revising and improving Title 49, facilitating housing, the implementation of projects and strategies that further develops the Affordable Housing Action Plan, and continue utilizing the Affordable Housing Fund.

Mr. Voelkers asked if the Assembly had considered an entire rewrite of Title 49 or selective upgrades to Title 49 as needed.

Mayor Weldon said that the sentiment of the Assembly seemed to be to revise Title 49 as needed.

G. Examples of Permitting Delays

Mr. Jones recommended this topic be included in the agenda for a future meeting.

H. Recommendations for Changes to Title 49

Mr. Heumann shared that the developers held a meeting on December 7, the general consensus from this meeting expressed that a revised Title 49 should include specific requirements for the timing of the permitting process. He added that one of the biggest problems shared amongst local developers was identified as a lack of communication between developers and the City. Mr. Heumann provided examples of this through his experiences with the City from past developer projects.

Mr. Hanna agreed with Mr. Heumann's report, and said that communication issues was one of the biggest concerns discussed at the developer meeting. He acknowledged the staffing issues at CDD, and suggested the City address the empty positions through contracting outside help.

Mr. Voelkers noted that one of the first actions taken by this committee was to modify the pre-application process. He asked if a streamlined pre-application process would help address concerns regarding timing.

Mr. Jensen explained that the pre-application process typically takes up to a year, during which the project often morphs and changes, which in turn results in further delays in the pre-application process.

There was further discussion regarding the details and the timing of the pre-application process.

Ms. Maclean explained that the issue regarding the pre-application schedule was recently brought to her attention, and she was able to fix that problem the following day. She encouraged the development sector to plan further out with their scheduling, noting that the winter months are often a slower time for CDD. Ms. Maclean also said that putting hard deadlines into Code would be difficult; if the developers were asking CDD to consider adopting hard deadlines into Code, she noted that in order to do so, pre-applications would need to be detailed, specific, and meeting the requirements set by the state.

Ms. Maclean provided an update on recently filled CDD staff positions.

I. Public Comment (10 Minutes)

Municipal Clerk Beth McEwen mentioned that the draft Assembly Retreat Meeting Minutes would be posted later that day, prior to the Regular Assembly Meeting on December 13.

J. Suggestions for Next Agenda

Mr. Jones set the agenda for the next meeting to include a discussion related to the Table of Dimensional Standards, permitting, and Title 49.

There was a discussion about Title 49 in relation to the local housing shortage.

K. Next Meeting Date

Mr. Jones recommended the committee set the next HDTF meetings to be held on January 14 and January 28.

Ms. Maclean shared that she would be travelling during January 28.

Mr. Jones suggested setting the next meeting dates to be held on January 7 and January 21.

L. ADJOURNMENT

There being nothing else to come before the Housing & Development Task Force, the meeting was adjourned by Chair Loren Jones at 1:30p.m.

AME2022-0001

A text amendment to Title 49 to make pre-application conferences optional, and not mandatory.

Staff Recommendation: Forward the proposed text amendment with a recommendation of **APPROVAL** to the Assembly.

Planning Commission Regular Meeting – January 25, 2022

Key Considerations

- Pre-application conferences would no longer be mandatory, and would become optional.
- Staff notes that the pre-application conference is critical to make developers aware of challenges and opportunities within code.
- The pre-application conference provides developers with information on application submittal requirements, and if a developer opts out, then the application review period may be extended if applications are incomplete.

Why make pre-application conferences optional?

- Housing & Development Task Force recommended the amendment to the Assembly;
- Assembly directed the manager to direct staff to work on the proposed ordinance;
- May provide flexibility to applicants;
- May allow projects to move more quickly through the permitting process.

Staff recommends that pre-application conferences remain mandatory

- **49.60.130**, Procedure – Bonus Procedures;
- **49.65.907**, Special Use Permit Applications, Wireless Communications;
- **49.70.130**, Concept Review, New Growth Areas.

Public and Agency Comment

No public or agency comments have been received.

Findings

1. The text amendment complies with the Comprehensive Plan and other adopted plans.
2. The text amendment conforms to the purpose and intent of Title 49 land use code. The text amendment should not create any inconsistencies within the code.

Recommendation

- Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to **APPROVE** the proposed text amendment allowing pre-application conferences to be optional and not mandatory, recognizing that the pre-application conferences are an opportunity to make developers aware of challenges and opportunities within code, provide developers information on application submittal requirements, and if a developer opts out, the application review period may be extended if applications are incomplete. Furthermore, it is recommended a pre-application conference remain mandatory for the following processes:
 - 49.60.130, Procedure – bonus procedures;
 - 49.65.907, Special use permit applications, wireless communications;
 - 49.70.130, Concept review, new growth areas.

QUESTIONS

Text Amendment Summary

- **49.15.310**, Department Approval – minor developments approved is amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.
- **49.15.320**, Allowable Use Permit – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- **49.15.330**, Conditional Use Permit – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- **49.15.401**, Minor Subdivisions – is amended to make a pre-application conference optional and not mandatory, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.

Text Amendment Summary continued

- **49.15.402**, Major Subdivisions – is amended to make a pre-application conference optional and not mandatory prior to submitting an application, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the commission.
- **49.15.404**, Public Way Vacations – is amended to make a pre-application conference optional and not mandatory, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.
- **49.15.410**, Sketch Plat – may be required at the Director's discretion at the pre-application conference for both minor and major subdivisions.
- **49.15.620**, Planned Unit Development Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.

Text Amendment Summary continued

- **49.15.620**, Planned Unit Development Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- **49.15.720**, Cottage Housing Development Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- **49.15.930**, Alternative Residential Subdivision Review Process – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.
- **49.60.130**, Procedure – Bonus Procedures – is clarified to state that the developer shall state their intent to apply for a bonus at the pre-application conference, if one occurs, to make clear the pre-application conference is optional and not mandatory.

Text Amendment Summary continued

- **49.65.907**, Special Use Permit Applications, Wireless Communications Facilities – is amended to make a pre-application conference optional and not mandatory.
- **49.70.130**, Concept Review, New Growth Areas – is amended to make a pre-application conference optional and no longer required. This section is further amended to make the submittal requirements for the pre-application conference optional and not mandatory. It is also amended to clarify that nothing stated in a pre-application conference by either party is binding, and is also amended to clarify that information discussed during a pre-application conference by either party is not binding, and a pre-application conference is not an approval by the department.
- **49.70.1230**, Alternative Development Procedure – is amended to make a pre-application conference optional and not mandatory prior to submitting an application.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

AME2022 0002: Revision to 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED

AGENDA ITEM:

Case No.: AME2022 0002

Applicant: City & Borough of Juneau

Location: Borough-wide

Proposal: Revision to 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for AME2022 0002	1/14/2022	Staff Report
☐ Presentation for AME2022 0002	1/25/2022	Presentation
☐ Notice of Recommendation for AME2022 0002	1/31/2022	Notice of Recommendation



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155 S. Seward Street • Juneau, AK 99801

DATE: January 14, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Beth McKibben, Senior Planner, AICP *Bmk*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: The proposed ordinance would revise 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments.

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Requirements for a five-year review of all Conditional Use Permits issued to marijuana establishments by the Planning Commission will be removed from Title 49;
- Each year, an annual inspection is required;
- CBJ and State licenses must be renewed per passing the annual inspections.

GENERAL INFORMATION

Applicant	City & Borough of Juneau
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED

49.65.1245	Marijuana establishment Conditional Use Permits
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WORK SESSION DATES

Title 49 Committee	January 6, 2022
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ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.10.170(d)

The Commission shall hear and decide the case per 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

DISCUSSION

Background – CBJ’s proposal to remove the requirement for the Planning Commission to review all Conditional Use Permits for marijuana establishments every five years will ease the permitting burden for business owners and treat marijuana establishments similarly to other businesses permitted through the Conditional Use Permit process. Additionally, removing this review process reduces the number of cases that must be heard by the Commission and decreases the burden on staff creating staff reports.

Section Amended – 49.65.1245 will be amended to repeal the requirement for Conditional Use Permits issued to marijuana establishments to be subject to review by the Commission every five years.

COMPLIANCE WITH TITLE 49

49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (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.*

TITLE 49 – The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

Code Reference	Item	Summary
49.05.100	Purpose Statement	The proposed text amendment complies with the purpose and intent of Title 49.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

The 2013 Comprehensive Plan does not speak directly to marijuana establishments or the five-year review of their Conditional Use Permit. However, there are policies that speak to a diverse and robust economy.

2013 COMPREHENSIVE PLAN – The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
Chapter	Page No.	Item	Summary
5	45	Policy 5.1	The proposed text amendment supports Policy 5.1 by helping to develop and sustain a diverse economy. <i>Policy 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS</i>

2015 ECONOMIC DEVELOPMENT PLAN – The proposed text amendment complies with the 2015 Economic Development Plan			
Chapter	Page No.	Item	Summary
4	41	Vision	The proposed text amendment is in compliance with the vision for Juneau’s Desired Economic Future by helping to provide a vibrant, diversified and stable economy. <i>Vision: A vibrant, diversified, and stable economy built around a business climate that encourages entrepreneurship, investment, innovation, and job creation; supports the environmental, cultural, and social values that make Juneau a great place to live and enjoyable place to visit.</i>

AGENCY REVIEW

At time of writing this staff report, no agency comments were received.

PUBLIC COMMENTS

At time of writing this staff report, no public comments were received.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision. The proposed amendment is generally consistent with the 2015 Economic Development Plan.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan and the 2015 Economic Development Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially number 2.

Finding: Yes. The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendments do not create inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Proposed Ordinance

PART II - CODE OF ORDINANCES
TITLE 49 - LAND USE
Chapter 49.65 - SPECIFIED USE PROVISIONS
ARTICLE XI. MARIJUANA ESTABLISHMENTS

ARTICLE XI. MARIJUANA ESTABLISHMENTS¹

49.65.1200 Purpose.

It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare. It is not the intent of this chapter to authorize anything specifically prohibited by state law.

(Serial No. 2015-38(b)(am), § 2(49.65.1100), 5-2-2016, eff. 6-2-2016)

49.65.1205 License required.

- (a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. The following types of licenses may be issued under this article:
 - (1) Marijuana retail store license;
 - (2) Marijuana cultivation facility license;
 - (3) Marijuana product manufacturing facility license; and
 - (4) Marijuana testing facility license.
- (b) A separate license shall be required for each specific business or business entity or for each specific location identified on the license as the licensed premise.
- (c) Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under this article shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates state or federal law, all licenses issued under this article shall be deemed immediately revoked by operation of law, with no grounds for appeal or redress on behalf of the licensee.

(Serial No. 2015-38(b)(am), § 2(49.65.1105), 5-2-2016, eff. 6-2-2016)

49.65.1210 Prohibited acts.

- (a) It is unlawful for any licensee to engage in business contrary to any term or condition of any City and Borough of Juneau marijuana establishment license or any provision of this article.
- (b) It is unlawful for any person to obtain or attempt to obtain a license by making a false statement in any application for a license, or by any other fraudulent or deceptive means.

¹Editor's note(s)—Sec. 2 of Serial No. 2015-38(b)(am), adopted May 2, 2016, enacted provisions to be designated as Art. X, §§ 49.65.1100—49.65.1170. Inasmuch as there already exists an Art. X, §§ 49.65.1100, 49.65.1120, said new provisions have redesignated as Art. XI, §§ 49.65.1200—49.65.1270, per City's instructions. Original section designations have been maintained in the history notes following each section.

- (c) It is unlawful for any person to forge, counterfeit, or fraudulently alter a license issued under this chapter.
 - (d) It is unlawful for any person to obstruct, impede or otherwise refuse to allow an administrative inspection authorized under CBJ 49.65.1240.
 - (e) It is unlawful for any person licensed or regulated under this article to knowingly or willfully authorize, order, instruct, or permit an employee, agent or person under the licensee's control to act in connection with the licensed activity which violates any provision of this article or any license issued under this article.
- (Serial No. 2015-38(b)(am), § 2(49.65.1110), 5-2-2016, eff. 6-2-2016)

49.65.1215 Application for license.

- (a) An applicant for a marijuana establishment license shall submit an application on a form provided by the director accompanied by the appropriate fee. Applications must include the following documentation:
 - (1) If the applicant is not a natural person, the organizational documents for all entities identified in the application;
 - (2) A copy of the lease or deed for the property upon which the marijuana establishment will be located;
 - (3) A list of all other uses on the property;
 - (4) A statement verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code;
 - (5) A copy of the Notice of Decision approving the conditional use permit by the City and Borough of Juneau Planning Commission; and
 - (6) Any additional documentation determined by the director to be necessary to make a decision whether to approve or deny the license application, or approve with conditions.

(Serial No. 2015-38(b)(am), § 2(49.65.1110), 5-2-2016, eff. 6-2-2016)

49.65.1220 Term of license; renewal.

- (a) No license granted or issued under any of the provisions of this title shall be in any manner assignable or transferable.
- (b) Licenses are valid only as long as the applicant holds a current license from the state and is in compliance with the applicable conditional use permit.
- (c) Licenses issued under this chapter are effective from the date of issuance through December 31 of the same year.
- (d) In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than 60 days prior to the annual expiration of the license.
- (e) Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee, no outstanding corrective orders or enforcement actions, and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

(Serial No. 2015-38(b)(am), § 2(49.65.1115), 5-2-2016, eff. 6-2-2016 ; Serial No. 2021-04, § 2, 3-1-2021, eff. 3-31-2021)

49.65.1225 Corrective orders.

- (a) The director may issue a corrective order whenever a licensee:
- (1) Has violated any provision of this chapter;
 - (2) Has relinquished legal control of the licensed establishment to any other person;
 - (3) Has failed, refused or neglected to comply with any provision of the license issued under this chapter, any conditional use permit issued for the marijuana establishment, or any provision of AS Chapter 17.38 or regulations adopted pursuant to that chapter;
 - (4) Is delinquent in the remittance of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;
 - (5) Has delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;
 - (6) Has a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;
 - (7) Is in violation of state or local fire, health, or safety codes; or
 - (8) Any reason identified by state statute or regulation as appropriate grounds to protest a license.
- (b) A corrective order shall be served on the licensee by hand-delivery or certified mail and shall specify:
- (1) The provision of the license, state law, or CBJ Code that has been violated;
 - (2) The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limit for such corrective action, which shall be no earlier than seven days following date of issuance of the corrective order;
 - (3) Notification of the penalties provided by this title; and
 - (4) That the licensee may request an informal meeting before the director prior to suspension or revocation of the license in order to allow the licensee to contest the grounds for issuance of the corrective order and to provide the licensee the opportunity to provide information to the director relevant to the grounds for the corrective order.
- (c) Based on information timely received from the licensee, or from any other source, the director may amend the terms or conditions of the corrective order, or after consideration of the information provided by the licensee, affirm the corrective order as issued.

(Serial No. 2015-38(b)(am), § 2(49.65.1125), 5-2-2016, eff. 6-2-2016 ; Serial No. 2021-04, § 3, 3-1-2021, eff. 3-31-2021)

49.65.1230 License suspension or revocation.

- (a) Upon the expiration of the time allowed in a corrective order issued in CBJ 49.65.1225, if the licensee has not complied with the corrective order, the marijuana establishment license may be suspended or revoked, as determined by the director. Upon suspension or revocation of any license, the director shall notify the person whose license has been suspended or revoked by certified mail or by hand-delivery. Following such

suspension or revocation and after notification, it is unlawful for the licensee to continue to operate the marijuana establishment.

- (b) In deciding whether a license should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the director shall consider:
 - (i) The nature and seriousness of the violation;
 - (ii) Corrective action, if any, taken by the licensee;
 - (iii) Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of any prior corrective action;
 - (iv) The likelihood of recurrence;
 - (v) All circumstances surrounding the violation;
 - (vi) Whether the violation was willful;
 - (vii) The length of time the license has been held by the licensee;
 - (viii) The number of violations by the licensee within the applicable 12-month period;
 - (ix) Previous sanctions imposed, if any, against the licensee; and
 - (x) Any other factor making the situation with respect to the licensee or the licensed premises unique or the violation of greater concern.
- (c) Any person whose marijuana establishment license has been revoked shall be prohibited from applying for a license under this chapter for a period of one year.

(Serial No. 2015-38(b)(am), § 2(49.65.1130), 5-2-2016, eff. 6-2-2016)

49.65.1235 Appeal.

The denial, revocation, or suspension of a marijuana establishment license is appealable to the assembly in accordance with CBJ 01.50.

(Serial No. 2015-38(b)(am), § 2(49.65.1135), 5-2-2016, eff. 6-2-2016)

49.65.1240 Inspection of premises.

- (a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director for the purpose of ensuring compliance with this chapter and any applicable marijuana establishment license. Inspection shall include access to any marijuana or marijuana product on the premises, equipment used in cultivating, processing, manufacturing, testing or storing marijuana, the inventory tracking system and business records of the licensee or applicant.

(Serial No. 2015-38(b)(am), § 2(49.65.1140), 5-2-2016, eff. 6-2-2016)

49.65.1245 Marijuana establishment conditional use permits.

- (a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

- (1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: A floor plan showing how the floor space is or will be used to include, but not limited to, restricted access areas and the total floor area of the building(s);
 - (2) A security plan indicating how the applicant will comply with the requirements imposed by state law;
 - (3) A waste disposal plan indicating how the applicant will comply with the requirements imposed by state law;
 - (4) A screening plan illustrating the applicants compliance with AS 17.38.070 making it unlawful to display marijuana or marijuana products in a manner that is visible to the general public from a public right-of-way;
 - (5) If the establishment is to be served by a private septic system, certification from a registered, qualified engineer licensed by the State of Alaska that the system has adequate capacity for the proposed use, or will with improvements;
 - (6) Marijuana cultivation facility license applicants must provide a ventilation and filtration plan describing the systems that will be used to ensure compliance with CBJ 49.65.1260 and whether the applicant intends on using carbon dioxide. The applicant shall specify if carbon dioxide enrichment will be used in cultivation and by what means the carbon dioxide will be produced. Plans should indicate the storage area for fuels used to produce carbon dioxide;
 - (7) Marijuana product manufacturing facility license applicants, marijuana cultivation facility license applicants, and marijuana testing facility license applicants must specify all means to be used for cultivating, growing, extracting, heating, washing or otherwise changing the form of the marijuana plant, along with proposed ventilation and safety measures to be implemented for each process;
 - (8) Marijuana cultivation facility license applicants and marijuana product manufacturing facility license applicants must specify the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system; and
 - (9) Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f).
- (b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved state license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.
 - (c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or state law or designed to mitigate impacts of the development on surrounding residences.
 - (d) The commission shall impose as a condition of any permit issued by the commission under this title a requirement that the applicant submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.
 - (e) ~~Conditional use permits issued to marijuana establishments under this chapter shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title. If an appeal challenging the amendments to a conditional use permit is filed, the new conditions shall be stayed and the existing permit shall govern the operations of the marijuana establishment until the conclusion of the appeal. The scope of review on appeal is restricted solely to the amended conditions.~~

(Serial No. 2015-38(b)(am), § 2(49.65.1145), 5-2-2016, eff. 6-2-2016)

49.65.1250 Hours of operation—Marijuana retail stores.

Unless otherwise specified by a conditional use permit, licensed premises may not be open between the hours of 1:00 a.m. and 8:00 a.m., Monday through Sunday. No marijuana may be distributed, sold or dispensed at a licensed premises when the licensed premises is required to be closed pursuant to this section.

(Serial No. 2015-38(b)(am), § 2(49.65.1150), 5-2-2016, eff. 6-2-2016)

49.65.1255 Documents to be displayed.

- (a) A licensee shall prominently display the marijuana establishment license, in the same size and font as the original license issued by the director, in a conspicuous location inside the licensed premises near the main entrance.
- (b) A licensee shall display two separate warning signs as follows:
 - (1) A sign containing the following health warnings:
 - (A) "Marijuana has intoxicating effects and may be habit forming.";
 - (B) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.";
 - (C) "There may be health risks associated with consumption of marijuana.";
 - (D) "For use only by adults twenty-one and older. Keep out of the reach of children."; and
 - (E) "Marijuana should not be used by women who are pregnant or breastfeeding."
 - (2) A sign containing the following warnings:
 - (A) "Consumption of marijuana in public is prohibited by law. AS 17.38.040; CBJ 42.20.230."; and
 - (B) "The transportation or shipment of marijuana and marijuana products outside of the City and Borough of Juneau by U.S. mail, air travel or in the waters of the United States is prohibited by federal law. AS 17.38.010(d)."
- (c) The warning signs required by subsection (b) of this section must be at least 11 inches by 14 inches in size, and the lettering must be at least one-half inch high and in contrasting colors. The warning signs must be displayed in conspicuous locations inside the licensed premises near the main entrance.

(Serial No. 2015-38(b)(am), § 2(49.65.1155), 5-2-2016, eff. 6-2-2016)

49.65.1260 Odor.

All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. For purposes of this section, noxious odors are those odors detectable outside of the licensed premises that a reasonable person of ordinary sensibilities would find negatively affects the person's enjoyment of life, health or property.

(Serial No. 2015-38(b)(am), § 2(49.65.1160), 5-2-2016, eff. 6-2-2016)

49.65.1265 Marijuana cultivation in the D-1 zoning district.

- (a) Marijuana cultivation facilities located in the D-1 zoning district shall be an accessory use. An owner or manager must live on the same lot as the licensed premises.
- (b) In the D-1 zoning district, the minimum setback for marijuana facilities shall be at least 25 feet from the facility to any property line.

(Serial No. 2015-38(b)(am), § 2(49.65.1165), 5-2-2016, eff. 6-2-2016)

49.65.1270 Penalty.

- (a) A person who violates or causes or permits to be violated a provision of this chapter is guilty of a civil violation. Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject the offender to separate charges and fines, in accordance with CBJ 03.30.075. Civil fines and penalties for violations of this chapter may be imposed in addition to any other remedies provided by law, including the imposition of corrective orders or license actions authorized by this chapter.
- (b) In addition to any other remedies provided by law, the City and Borough may seek a court order enjoining the continued operation, within the municipality, of any business whose owner or operator fails to comply with correction orders issued under CBJ 49.65.1225, terms of any decision on appeal under CBJ 49.65.1235, or who fails to cease operation following suspension or revocation of a license under CBJ 49.65.1230.

(Serial No. 2015-38(b)(am), § 2(49.65.1170), 5-2-2016, eff. 6-2-2016)

AME2022-0002

A text amendment to Title 49 Marijuana Establishment Conditional Use Permits to remove the requirement for Planning Commission review every 5-years.

Staff Recommendation: Forward the proposed text amendment with a recommendation of **APPROVAL** to the Assembly.

Planning Commission Regular Meeting – January 25, 2022

Key Considerations

- Requirements for a five-year review of all Conditional Use Permits issued to marijuana establishments by the Planning Commission will be removed from Title 49;
- Each year, an annual inspection is required;
- CBJ and State licenses must be renewed per passing the annual inspections.

Why remove the requirement for 5-year review by the Planning Commission?

- Eases the permitting burden for business owners;
- Treats marijuana establishments similarly to other businesses permitted through the Conditional Use Permit process;
- Reduces the number of cases that must to be heard by the Commission; and
- Decreases the burden on staff creating staff reports.

Title 49 Committee

Amend the ordinance to have marijuana conditional use permits expire when there is a change in ownership vs. running with the land.

Why?

- Approval of marijuana conditional use permits are tied to specifics of the operation (security plan, waste disposal plan, etc.)

Considerations

- May prohibit the successful transfer of ownership if changes have taken place, such as new churches or schools, that limit where a marijuana business may be operated.
- Marijuana businesses would continue to be treated differently than others uses permitted through the conditional use permit process.
- May have economic impacts, such as the inability to sell a viable business.

Considerations continued

- When a marijuana business is transferred new operator must comply with the conditions of the approved conditional use permit (security plan, waste disposal plan, etc.)
- Marijuana businesses are subject to state and borough licensing and annual inspections.
- Borough license renewal requires compliance with Title 49 and any applicable permit(s). Therefore license renewal requires compliance with the conditions of the approved conditional use permit.
- Annual inspection and licensing provides much more oversight to the continued compliance and operation than is exercised over most other conditional use permits.

Option for consideration

Modifications to any of the plans approved through the conditional use permit require a modification to the conditional use permit by the Planning Commission.

Text Amendment Summary

49.65.1245 - Marijuana Establishment Conditional Use Permits will be amended to repeal the requirement for Conditional Use Permits issued to marijuana establishments be reviewed by the Commission every five years.

Public and Agency Comment

No public or agency comments have been received.

Findings

1. The text amendment complies with the Comprehensive Plan and other adopted plans.
2. The text amendment conforms to the purpose and intent of Title 49 land use code. The text amendment should not create any inconsistencies within the code.

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings, and recommend the Assembly **ADOPT** the proposed text amendment to 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments.

1

2

QUESTIONS



Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: January 31, 2022
Case No.: AME2022 0002

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly to revise 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments.

Property Address: Borough-wide

Legal Description: N/A

Parcel Code Number: N/A

Hearing Date: January 25, 2022

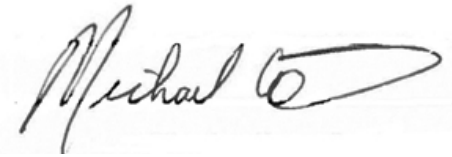
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 14, 2022, and recommended that the City and Borough Assembly adopt staff's recommendation to revise 49.65 Article XI Marijuana Establishments to remove the requirement for a five-year review for Conditional Use Permits issued to marijuana establishments with the amendments made at the January 25, 2021 meeting. Amendments which include:

- Conditional Use Permit expires if the Director determines the use is abandoned for six months;
- A determination by the Director of the abandonment and expiration may be reconsidered;
- Establishment of criteria needed to overcome the finding of abandonment.

City and Borough Assembly
Case No.: AME2022 0002
January 31, 2022
Page 2 of 2

Attachments: January 14, 2022 memorandum from Beth McKibben, AICP, Community Development, to the CBJ Planning Commission regarding AME2022 0002.

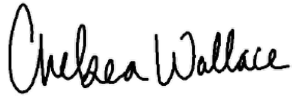
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of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



Michael Levine, Chair
Planning Commission

January 31, 2022

Date



Filed With City Clerk

January 31, 2022

Date

cc: Plan Review

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.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Additional Materials for January, 25, 2022 Planning Commission

ATTACHMENTS:

	Description	Upload Date	Type
▣	Additional Materials for January, 25, 2022 Planning Commission	1/24/2022	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: January 25, 2022

1. AME2021 0003:

- a. Memo from Irene Gallion (page 2)
- b. Correction Memo from Irene Gallion (page 24)

2. AME2022 0001:

- a. Updated Ordinance (page 28)

3. AME2022 0002:

- a. Updated Ordinance (page 41)



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155 S. Seward Street • Juneau, AK 99801

January 21, 2022

MEMO

From: Irene Gallion, Senior Planner

To: Michael Levine, Chair

Through: Jill Maclean, AICP, Director

Case Number: AME2021 0003 Parking Revisions

RE: Friday packet materials in advance of the January 25, 2022 Regular Planning Commission Meeting

Attached in this packet are two documents.

- **ATT A,C,D,E** – This is the draft ordinance for
 - Proposed Parking Code: 49.40 Article II (**Attachment page 1**)
 - Proposed modification to Convenience Store Standards for consistency with proposed reductions in required off-street parking in the TCPA [CBJ 49.65.530, **Attachment Page 15**].
 - Proposed definitions, including “mobile food vendor” and “open air food service” [CBJ 49.80.120, **Attachment page 17**].
 - Proposed fees for off-street parking waiver and fee-in-lieu. Housekeeping modification to clarify Public Notice Sign Fee from Commercial Sign Permit [CBJ 49.85.100, **Attachment page 18**].
- **ADDITIONAL MATERIALS** – An Ordinance Amending the Street Vending Requirements of Title 62 Regarding Parking. This is support documentation for the issue discussed on page 9 of your packet.

Presented by:
 Presented:
 Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-04 vPC1

An Ordinance Amending the Parking Requirements of the Land Use Code, Title 49.

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 Section. CBJ 49.40 Parking and Traffic, Article II Parking and Loading, is repealed and reenacted to read:

ARTICLE II: PARKING AND LOADING

49.40.200 General Applicability

Off-street parking spaces for automobiles must be provided in accordance with the requirements set forth in this chapter at the time any structure is erected, expanded, or when there is a change in the principal use.

(a) **No Parking Required Area.** The lots within the area bound by Gastineau Avenue, Second Street, Seward Street, Egan Drive, Ferry Way, South Franklin Street, and Layton Way and specifically depicted in the “No Parking Required Area” of Ordinance 2022-04 are excluded from the parking requirements of this chapter. No additional parking is required for development in this area.

(b) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(c) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(d) *Determination.* The determination of whether these requirements are met, with or without conditions, and deemed necessary for consistency with this title, must be made by the Director for minor development and; the Commission for major development; and the Commission if the development application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the Director.

(e) *Expansion.* In cases of expansion of a structure on or after the effective date of Ordinance 2022-04,

(1) The number of additional off-street parking spaces required must be based on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to two or less spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development, as determined by the Director.

(f) *Change in use.* In cases of a change in use on or after the effective date of Ordinance 2022-04, the number of spaces required will be based on this chapter.

(g) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts must be governed by chapter 49.30.

(h) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately.

(i) *Uses not specified.* The requirements for off-street parking in 49.20.320 are based on the requirements for the most comparable use specified, as determined by the Director for minor development or by the Commission for major development.

(j) *Location.* Off-street parking facilities must be located as provided in this chapter. If a distance is specified, such distance is the walking distance measured from the nearest point of the parking facility to the nearest point of the building it is required to serve. Off-street parking facilities for:

- (1) Single-family dwellings and duplexes must be on the same lot as the building served;
- (2) Multifamily dwellings may not be more than 100 feet distant, unless compliant with section 49.40.215; and
- (3) Uses other than those specified above, may be not more than 500 feet distant, unless compliant with section 49.40.215.

(k) *Off-street parking requirements for a lot accessible by air or water only.* Off-street parking requirements do not apply to a lot if it is accessible only by air or water. If the Director determines that public access by automobile to the lot later becomes physically available, the

owner of the property must be given notice and within one year must provide the required off-street parking.

(l) *Town Center Parking Area.* The Town Center Parking Area, as depicted in Ordinance 2022-04 is adopted.

49.40.210 Number of Off-Street Parking Spaces Required

(a) *General.* The minimum number of off-street parking spaces required must be as set forth in the following table. The number of spaces must be calculated to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1.0 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two bedroom unit	0.6 per two bedroom unit
	2.0 per three or more bedroom unit	0.8 per three or more bedroom unit
Roominghouse, boardinghouse, single-room occupancies with shared facilities, bed and breakfast, halfway house, and group home	1 per 2 bedrooms	1 per 5 bedrooms
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities.
Accessory apartment	1	0 per each unit
Motel	1 per each unit in the motel	1 per each 12 units in the motel
Hotel	1 per each four units	1 per each 12 units
Hospital and nursing home	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 0.05 employee parking spaces per unit.	1 per four dwelling units, plus 1 guest parking spaces per 10 units, plus 0.05 employee parking spaces per unit.
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Sobering center	1 parking space per 12 beds, plus 1 visitor parking space	1 parking space, plus 1 visitor parking space
Theater	1 for each four seats	1 for each 10 seats
Church, auditorium, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alley	3 per alley	1.2 per alley
Bank, office, retail commercial, salon and spa	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinic	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouse, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurant and alcoholic beverage dispensary	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pool serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping center and mall	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience store	49.65 Article V	1 per 750 square feet of gross floor area
Watercraft moorage	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and processing, assembling, industry	1 per 1,000 square feet gross floor area except that office space must provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space must provide parking as provided for offices.
Library and museum	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area
School, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom

(b) *Accessible parking spaces.* Accessible parking spaces must be provided as part of the required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except,

Accessible parking spaces are not required for residential uses that require fewer than ten parking spaces and no visitor parking spaces.

Table 49.40.210(b)	
Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 space for each 100 spaces over 1100 total spaces in lot

(c) *Facility loading spaces.* In addition to the required off-street parking requirements, a development must provide loading spaces as set forth in the following table:

Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Motels and hotels	5,000—29,999	6,000-60,000	One
	30,000—60,000		Two
	Each additional 30,000	Each additional 30,000	One
Commercial	5,000—24,999	6,000-50,000	One

	Gross Floor Area in Square Feet		
Use	All other areas	Town Center Parking District	Loading Space Required
	25,000—50,000		Two
	Each additional 30,000	Each additional 30,000	One
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	6,000-50,000	One
	25,000—50,000		Two
	Each additional 30,000	Each additional 30,000	One
Hospital	5,000—40,000	6,000-40,000	One
	Each additional 40,000	Each additional 40,000	One
School	For every two school buses		One
Home for the aged, convalescent home, correctional institution	More than 25 beds		One

49.40.215 Parking Alternatives

A developer may apply for one or more parking alternatives. Parking alternatives may be combined with approved reductions. The developer must present to the Director a written instrument, proposed by the parties concerned, providing for joint use of off-street parking facilities. Upon approval by the Director, such instrument must be recorded by the developer and documentation of recording provided to the Director.

(a) *Loading spaces off-site.* The required loading space(s) may be met by an alternative private off-site loading parking space, if the alternate space is determined by the Director to be of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(i).

(b) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the parking requirement of different uses at different times. Joint use of off-street parking spaces may be authorized when the developer demonstrates there is no substantial conflict in the principal operating hours of the structures and uses involved and subject to the following requirements:

- (1) Any structure or use sharing the off-street parking facilities of another structure or use must be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the Commission.
- (2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed; and

49.40.220 Parking Reductions

Developer may apply for one or more parking reductions. Accessible parking spaces must not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met.

- (1) *Standards.* Any waiver granted under this section must be in writing and must include the following required findings and any conditions, such as public amenities, imposed by the Director or Commission that are consistent with the purpose of this title:

 - (A) The effect of granting a waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and
 - (B) The effect of granting a waiver will not materially endanger public health, safety, or welfare.
- (2) *Relevant information.* The following information may be relevant for the Director or Commission's review:

 - (A) Analysis or data relevant to the intended use and related parking demands.
 - (B) Provision for alternative transportation.
 - (C) Traffic mitigation measures supported by industry standards.
 - (D) Bicycle and pedestrian amenities.
- (3) *Applications.* Applications for parking waivers must be on a form specified by the Director and must be accompanied by a one-time fee as provided in 49.85.
- (4) *Public notice.* The Director must mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications should be made concurrently in accordance with CBJ 49.15.230.
- (5) *Expiration.* An approved parking waiver expires upon a change in use.

(b) *Town Center Parking Area, Fee-In-Lieu of off-street parking spaces.* In the Town Center Parking Area, a developer may pay a one-time fee in lieu of providing off-street parking spaces to satisfy the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces.

(a) *Standard spaces.*

- (1) Except as provided in this section, each standard parking space must consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.
- (2) Spaces parallel to the curb must be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

- (1) Each accessible parking space must consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least 5 feet by 17 feet. Two accessible parking spaces may share a common access aisle.
- (2) One in every eight accessible parking spaces, but not less than one, must be served by an access aisle with a width of at least eight feet and must be designated "van-accessible."
- (3) Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces must have an additional sign designating the parking space as "van-accessible" mounted below the symbol of

accessibility. A sign must be located so it cannot be obscured by a vehicle parked in the space.

- (4) Access aisles for accessible parking spaces must be located on the shortest accessible route of travel from parking area to an accessible entrance.

(c) *Facility loading spaces.*

- (1) Each off-street loading space must be not less than 30 feet by 12 feet, must have an unobstructed height of 14 feet 6 inches, and must be permanently available for loading.

49.40.230 Parking area and site circulation review procedures.

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable, safe, and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; and that the parking area will be properly drained, lighted, and landscaped.

(b) *Plan submittal.* Development applications must include plans for parking and loading spaces. Major development applications must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

- (1) *Contents.* The plans must contain the following information:

- (A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;
- (B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;

- (C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;
- (D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;
- (E) Topography showing existing and proposed contour intervals; and
- (F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The director may waive submission of any required exhibits.

(c) *Review procedure.* Plans must be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the city attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant is required to pay the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

49.40.230 - Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site must address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas must be landscaped and must feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

- (1) Access. There must be adequate ingress and egress from parking spaces. The required width of access drives for driveways must be determined as part of plan review depending on use, topography and similar considerations.
- (2) Size of aisles. The width of aisles providing direct access to individual parking stalls must be in accordance with the following table. Other angles may be approved by the Director that satisfy the needs of this chapter.

Parking Angle	0°	30°	45°	60°	90°
One-way traffic aisle width	13'	11'	13'	18'	24'
Two-way traffic aisle width	19'	20'	21'	23'	24'

- (3) Location in different zones. No access drive, driveway or other means of ingress or egress may be located in any residential zone if it provides access to uses other than those permitted in such residential zone.
- (4) Sidewalks and curbing. Sidewalks must be provided with a minimum width of four feet of passable area and must be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground must be provided in appropriate locations. Parked vehicles must not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.
- (5) 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.

- (6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. 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 parking space aisles 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 located in residential and rural reserve zoning districts;
- (B) Where the right-of-way is an alley; or
- (C) In the case of a child care home in a residential district.

(c) *Drainage.*

- (1) Parking areas must be suitably drained.
- (2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development must be subject to off-site improvement requirements and standards as established by the city.

(d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be "full cutoff" styles that direct light only onto the subject parcel.

(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes must be clearly marked.

(f) *General circulation and parking design.*

- (1) Parking space allocations must be oriented to specific buildings. Parking areas must be linked by walkways to the buildings they serve.
- (2) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks must be clearly designated by pavement markings or signs. Crosswalk surfaces must be raised slightly to designate them to drivers, unless drainage problems would result.

Section 3. Amendment of Section. CBJ 49.65.530 Standards, is amended to read:

49.65.530 Standards.

- (a) Stores may be approved in each of the areas shown on the convenience store use area maps A—B.
- (b) Video rentals, a laundromat, and an automatic teller machine may be permitted as accessory uses. Automobile fuel sales may be permitted as an accessory use in locations with adequate space for queuing. The retail area for liquor sales may occupy no more than 50 percent of the gross floor area. Automotive service and exterior merchandising shall not be permitted. Drive-up window service may be permitted only if vehicle queues will not extend into adjacent streets.
- (c) Except as authorized by the bonus provisions of this article, gross floor area shall be limited to 3,000 square feet.
- (d) Vehicle access must be directly from an arterial or collector, and not from a local street.

(e) Height shall be limited to one story except that a second story may be allowed for residential use and for accessory office and storage uses, provided that any storage use must relate directly to the primary permitted use.

(f) The site perimeter and parking area shall be landscaped and screened with live material installed within ten months of the date of final construction permit approval or issuance of a certificate of occupancy, whichever is the later. The Commission may authorize on any bond or other security or collateral required pursuant to CBJ 49.15.330(g)(5) a provision specifying that the bond shall be forfeit if landscaping is not complete by the time required or if any plants dying within one year of installation are not replaced. Development abutting a lot zoned for residential use shall include landscaped strips or landscape boxes at least five feet wide unless the applicant demonstrates that a narrower landscape strip meets the intent of this section. The strips shall be covered with ground cover and shall be maintained throughout the year such that:

- (1) On a property line shared with the residential lot the strip shall include a continuous shrub screen, fence, or both, six feet high and 95% opaque. The screen shall include one tree at least six feet high at installation per 30 lineal feet;
- (2) On a property line adjacent to a street the strip shall include a continuous low shrub screen on a berm or other raised facility which is at least five feet wide, landscaped at a slope not greater than the natural angle of repose, and consistent with sight distance requirements for vehicle egress. The strip width may be reduced to not less than 18 inches to accommodate planter boxes and sight obscuring fences. The screen shall include one tree per 30 lineal feet;

(3) On all other property lines except those along driveways the strip shall include a continuous low shrub screen with one tree per 30 lineal feet at least six feet high at installation.

(g) The minimum off-street parking requirement shall be one space per 250 square feet of gross floor area outside of the Town Center Parking Area.

(h) Exterior bear-resistant public litter cans shall be provided.

(i) The exterior building appearance, including siding, roof line, windows, paint colors and building massing shall be compatible on all sides with surrounding uses.

(j) Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site.

(k) The building shall be set back from any property line shared with a residentially zoned parcel by a distance of 20 feet or the distance required by the underlying zoning district, whichever is greater.

(l) No more than 80 percent of the lot shall be covered by an impervious surface.

(m) The layout of the store shall provide for views from the cash register of bicycle racks, telephones, seating areas, and other exterior public amenities.

(n) The parking lot shall be paved and striped with spaces and a circulation pattern.

(o) Headlight glare shall not be permitted onto residentially-zoned lots adjacent to the site.

(p) Liquor sales shall not be permitted from drive-in window(s).

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to include the following new definitions in alphabetical order, to read:

49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Mobile food vendor means a type of food service that is located in a vehicle, trailer or cart and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

...

Open air food service means a food service located in a structure or area that does not have a permanent means of heat. (Note that woodstoves are not considered a permanent means of heat by the building code official). . The director can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

...

Section 5. Amendment of Section. Section 49.85.100 is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule. If a public notice sign is required by the Director, the fee is \$150 for the first sign, and \$25 for each additional sign. \$100 of the sign fee can be refunded if the sign is returned within two (2) weeks of the decision being issued.

...

(21) Parking waiver, \$400. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

(22) Fee in lieu, \$10,000 per off-street parking space required.

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

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-11

An Ordinance Amending the Street Vending Requirements of Title 62 Regarding Parking.

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 Section. CBJC 62.10.050(e) is amended to read:

62.10.050 Street vending; permit required.

...

(e) Vending carts and vending vehicles may not be located in any on-street vehicle parking space in the No Parking Requirement Area (NPRA) ~~PD-2 zoning~~ parking district. Carts and vehicles with a valid permit may park in a single space within the Town Center Parking Area ~~PD-1 zoning~~ parking district or outside the NPRA ~~PD-2 zoning~~ parking district. The manager may place additional parking and location restrictions on a permit if the manager determines that the size, location and operation of the cart or vehicle will create a safety hazard. Overnight parking is prohibited.

...

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



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

January 24, 2022

MEMO

From: Irene Gallion, Senior Planner

To: Michael Levine, Chair

Through: Jill Maclean, AICP, Director

Case Number: AME2021 0003

RE: Parking Code Revisions – Proposed Parking Space Table

The proposed ordinance inadvertently omitted rows after “high school.” Attached is a complete table.

Our apologies for the confusion this may have caused.

PROPOSED SPACE TABLE**49.40.210 Minimum space and dimensional standards for parking and off-street loading.**

- (a) *Table of minimum parking standards.* The minimum number of off-street parking spaces required shall be as set forth in the following table. The number of spaces shall be calculated to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1.0 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two bedroom unit	0.6 per two bedroom unit
	2.0 per three or more bedroom unit	0.8 per three or more bedroom unit
Roominghouses, boardinghouses, single-room occupancies with shared facilities, bed and breakfasts, halfway houses, and group homes	1 per 2 bedrooms	1 per 5 bedrooms
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities
Accessory apartments	1	0 per each unit
Motels	1 per each unit in the motel	1 per each 12 units in the motel
Hotels	1 per each four units	1 per each 12 units
Hospitals and nursing homes	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 0.05 employee parking spaces per unit	1 per four dwelling units, plus 1 guest parking spaces per 10 units, plus 0.05 employee parking spaces per unit
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents
Sobering centers	1 parking space per 12 beds, plus 1 visitor parking space	1 parking space, plus 1 visitor parking space
Theaters	1 for each four seats	1 for each 10 seats

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(Supp. No. 130)

Churches, auditoriums, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alleys	3 per alley	1.2 per alley
Banks, offices, retail commercial, salons and spas	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinics	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouses, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurants and alcoholic beverage dispensaries	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pools serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping centers and malls	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience stores	49.65, Article V	1 per 750 square feet of gross floor area
Watercraft moorages	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and processing, assembling, all industries	1 per 1,000 square feet gross floor area except that office space shall provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space shall provide parking as provided for offices.
Libraries and museums	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area
Schools, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom

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(Supp. No. 130)

College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration.
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	Zero

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(Supp. No. 130)

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-05 PC.v1

An Ordinance Amending the Land Use Code Regarding Pre-Application Conference Requirements.

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 Section. CBJC 49.15.310 is amended to read:

49.15.310 Department approval.

(a) *Purpose.* The department shall review minor developments to ensure compliance with this title.

(b) *Application form.* The director shall provide a minor development application form to be submitted as part of the application process for a building permit.

(c) *Pre-application conference.* Prior to submitting an application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. No statement made by either party shall be regarded as binding, and the result of the conference shall not constitute approval by the department. A development application is not required to have a pre-application conference.

...

Section 3. Amendment of Section. CBJC 49.15.320 is amended to read:

49.15.320 Allowable use permit.

(a) *Purpose.* An allowable use permit is established for uses allowed in a particular zoning district but which, due to size, intensity or particular characteristics must be reviewed and approved by the planning commission. To ensure the compatibility of the use with the location, the commission may attach conditions to the permit to help mitigate external impacts. Conditions that may be attached to the permit are limited to those listed in subsection (f) of this section.

(b) *Pre-application conference.* Prior to submission of an application, the developer may ~~shall~~ meet with the director for the purpose of discussing the site, the proposed development activity, and the allowable use permit procedure. The director shall discuss with the developer, regulations which may limit the proposed development as well as the standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this title. A copy of this subsection shall be provided to the developer at the conference.

...

Section 4. Amendment of Section. CBJC 49.15.330 is amended to read:

49.15.330 Conditional use permit.

(a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary

1
2 to make determinations appropriate to individual sites. The commission may attach to the
3 permit those conditions listed in subsection (g) of this section as well as any further conditions
4 necessary to mitigate external adverse impacts. If the commission determines that these
5 impacts cannot be satisfactorily overcome, the permit shall be denied.

6 (b) *Pre-application conference.* Prior to submission of an application, the developer shall be
7 afforded the opportunity to meet with the director for the purpose of discussing the site, the
8 proposed development activity, and the conditional use permit procedure. A development
9 application is not required to have a pre-application conference. The director ~~should~~ shall
10 discuss with the developer, regulation which may limit the proposed development as well as
11 standards or bonus regulations which may create opportunities for the developer. It is the
12 intent of this section to provide for an exchange of general and preliminary information only
13 and no statement by either the developer or the director shall be regarded as binding or
14 authoritative for purposes of this code. A copy of this subsection shall be provided to the
15 developer at the conference.
16
17 ...

18
19
20 **Section 5. Amendment of Section.** CBJC 49.15.401 is amended to read:

21 **49.15.401 Minor subdivisions.**

22 (a) ~~{Permit required.}~~ A minor subdivision permit is required for the following:

23 ...

24 (b) *Pre-application conference.* Prior to submitting a minor subdivision application, the
25 applicant shall be afforded the opportunity to discuss with the director such facts, issues, and
proceedings as may be relevant to the application. No statement made by either party shall be

1
2 regarded as binding, and the result of the conference shall not constitute approval by the
3 department. A development application is not required to have a pre-application conference. A
4 pre-application conference is required prior to submitting an application for a minor
5 subdivision. A sketch plat (CBJC 49.15.410) may be required for the pre-application conference
6 at the director's discretion.
7
8 ...

9
10 **Section 6. Amendment of Section.** CBJC 49.15.402 is amended to read:

11 **49.15.402 Major subdivisions.**

12 (a) *{Permit required.}* A major subdivision permit is required for subdivisions resulting in 14
13 or more lots.

14 (b) *Pre-application conference and sketch plat.* Prior to submitting a major subdivision
15 application, the applicant shall be afforded the opportunity to discuss with the director such
16 facts, issues, and proceedings as may be relevant to the application. No statement made by
17 either party shall be regarded as binding, and the result of the conference shall not constitute
18 approval by the department. A development application is not required to have a pre-
19 application conference. A sketch plat (CBJC 49.15.410) may be required for the pre-application
20 conference at the director's discretion. A pre-application conference and sketch plat (CBJ
21 49.15.410) is required prior to submitting an application for a major subdivision.
22

23 ...
24
25

Section 7. Amendment of Section. CBJC 49.15.404 is amended to read:

49.15.404 Public way vacations.

(a) ~~{Applicability of section.}~~ This section applies to petitions to vacate any portion of an existing public way, public easement, or any other area dedicated to the public. This section does not apply to property owned by the City and Borough in its proprietary capacity.

(b) *Pre-application conference.* Prior to submitting a public way vacation application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. No statement made by either party shall be regarded as binding, and the result of the conference shall not constitute approval by the department. A development application is not required to have a pre-application conference. A pre-application conference is required prior to submitting an application for a public way vacation.

...

Section 8. Amendment of Section. CBJC 49.15.620 is amended to read:

49.15.620 Planned unit development review process.

(a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

1
2 (b) *Pre-application conference.* Prior to submitting a planned unit development application,
3 the applicant shall be afforded the opportunity to discuss with the director such facts, issues,
4 and proceedings as may be relevant to the application. A development application is not
5 required to have a pre-application conference. ~~Prior to submission of an application, the director~~
6 ~~shall conduct an informal preapplication conference with the developer to discuss the proposed~~
7 ~~planned unit development.~~ The purpose of the pre-application conference shall be to exchange
8 general and preliminary information and to identify potential issues. The developer may
9 discuss project plans and the director may provide an informal assessment of project permit
10 eligibility, but no statement made by either party shall be regarded as binding, and the result of
11 the conference shall not constitute preliminary approval by the department. The conference
12 should ~~shall~~ include a discussion of the zoning, size, topography, accessibility, and adjacent uses
13 of the development site; the uses, density and layout of buildings, parking areas, the open space
14 and landscaping proposed for the development; the common facilities; the street layout and the
15 vehicle and pedestrian circulation; the development schedule and the planned unit development
16 permit procedures. The developer should ~~shall~~ provide a sketch of the proposed planned unit
17 development.
18
19

20 ...
21

22 **Section 9. Amendment of Section.** CBJC 49.15.720 is amended to read:

23 **49.15.720 Cottage housing development review process.**

24 (a) *General procedure.* A proposed cottage housing development shall be reviewed according to
25 the requirements of section 49.15.330, conditional use permit, and this article. Approval shall
be a two-step process, preliminary plan approval and final plan approval.

(b) *Pre-application conference.* Prior to submitting a cottage housing application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. A development application is not required to have a pre-application conference. ~~Prior to submission of an application, the applicant shall attend an informal preapplication conference with the community development department to discuss the proposed cottage housing development.~~ The purpose of the pre-application conference shall be to exchange general and preliminary information and to identify potential issues. The developer ~~should~~ shall provide a sketch, drawn to scale, of the proposed cottage housing development. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department.

...

Section 10. Amendment of Section. CBJC 49.15.930 is amended to read:

49.15.930 Alternative residential subdivision review process.

(a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.

(b) *Pre-application conference.* Prior to submitting an alternative residential subdivision application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. A development application is not required to have a pre-application conference. ~~Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision.~~ The purpose of the pre-application conference is ~~shall be~~ to exchange general and preliminary information and to identify potential issues and bonuses. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference should ~~shall~~ include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer should ~~shall~~ provide a sketch of the proposed alternative residential subdivision.

Section 11. Amendment of Section. CBJC 49.60.130 is amended to read:
49.60.130 Procedure.

The developer shall state any intent to apply for a bonus and shall show the nature and extent of such bonus in the application and at the pre-application conference, if any.

Section 12. Amendment of Section. CBJC 49.65.970 is amended to read:

49.65.970 Special use permit applications.

(a) As of the effective date of this article, no person shall be permitted to site, place, build, construct, modify, or prepare any site for the placement or use of WCF, except for those WCF identified in section 49.65.940, Table 1, without having first obtained a special use permit. All applicants for a special use permit and any modification of such facility shall comply with the requirements set forth in this section.

(b) ~~Pre-application conference meeting. Prior to submitting a WCF application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. Prior to submission of an application, the applicant shall meet with the director for the purpose of discussing~~ The purpose of the pre-application conference is to discuss the site and development proposal, and to address any issues that will help to expedite the review and permitting process, including the scope of the visual assessment the applicant will be required to provide as part of the special use permit process. A pre-application meeting may also include a site visit, as determined by the director. No statement by either the applicant or director shall be ~~regarded regarding~~ regarded as binding or authoritative for purposes of this section. A development application is not required to have a pre-application conference.

(c) Additional required application submittals.

- (1) In addition to the fee required in subsection 49.65.940(b), the applicant shall pay an additional special use permit application fee as set forth in section 49.85.100.

(2) In addition to the documentation required by section 49.65.960, the following documentation must be submitted with any special use permit application:

(A) *Design criteria.* A narrative describing compliance with the design criteria listed in section 49.65.930;

(B) *Visual impact assessment.* The scope of the required assessment ~~should~~ will be reviewed at the ~~pre-application conference~~ ~~pre-application meeting~~, but the planning commission may require submission of a more detailed visual analysis after submittal of the following required information. The visual impact assessment must include:

...

Section 13. Amendment of Section. CBJC 49.70.130 is amended to read:

49.70.130 Concept review.

(a) *Pre-application conference.* Prior to submitting a new growth area application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. A development application is not required to have a pre-application conference. The purpose of the pre-application conference is to:

(1) Provide an opportunity for the proponents of a new growth area to explain the concept of their development to the department;

(2) Allow the department to explain to the developer the requirements of City and Borough land use laws and the potential impacts of this title and the plans adopted therein; and

- 1
- 2 (3) Allow the department to outline the concerns of the City and Borough with regard
- 3 to the potential hazards inherent in the development of wetlands, steep slopes and
- 4 hazard areas, and the conservation of marginal lands and open spaces having
- 5 environmental value.

6 (b) *Submittal requirements.* The submittal requirements for a pre-application conference

7 should shall be:

8 (1) Documents.

9 (A) A legal description;

10 (B) A statement of the goals and objectives of the development; and

11 (C) An explanation of any unique features of the property proposed for new

12 growth area.

13 (2) Maps showing existing site and vicinity conditions and including:

14 (A) Topography contour lines at intervals of ten feet or less;

15 (B) The location of streams, lakes, wetlands, drainage courses, floodplain areas,

16 and other water features;

17 (C) The nature and extent of existing stands of trees and shrubs, ground cover

18 and other vegetation;

19 (D) Existing access to and within the site including roads, peripheral roads, trails

20 and sidewalks;

21 (E) Avalanche and landslide hazard areas, soils, and surface geology; and

22 (F) Sensitive area boundaries.

23 (3) A sketch plan showing proposed:

24 (A) Topography and water features;

25

(B) Streets, pedestrian, and bicycle access;

(C) Conceptual uses and densities; and

(D) Open space and recreational areas.

(c) *Pre-application conference comments.* The department ~~should~~ will review the pre-application conference submittal materials and provide written comments to the applicant not more than 30 days after the date of the conference. The comments ~~should~~ shall advise the applicant on the consistency of the proposal with the intent of this chapter, with adopted City and Borough plans, laws, and regulations, and on the compatibility of the proposed development with the surrounding area. No statement made by either party shall be regarded as binding, and the result of the conference shall not constitute approval by the department.

...

Section 14. Amendment of Section. CBJC 49.70.1230 is amended to read:

49.70.1230 Alternative development procedure.

(a) *Alternative development permit.* The planning commission shall hear all applications pursuant to this article.

(b) *Pre-application conference.* Prior to submitting an alternative development application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues, and proceedings as may be relevant to the application. A development application is not required to have a pre-application conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the alternative development permit procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the

1
2 developer or the director shall be regarded as binding or authoritative for purposes of this Code.

3 A copy of this article should ~~shall~~ be provided to the developer at the conference.

4 ...

5
6 **Section 15. Effective Date.** This ordinance shall be effective 30 days after its adoption.

7
8 Adopted this _____ day of _____, 2022.

9
10 _____
Beth A. Weldon, Mayor

11 Attest:

12 _____
13 Elizabeth J. McEwen, Municipal Clerk

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-10 PC.v1

An Ordinance Amending the Land Use Code Regarding the Requirement that Marijuana Establishments are Subject to a Five-Year Review.

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 Section. CBJC 49.65.1245 Marijuana establishment conditional use permits, is amended to read:

49.65.1245 Marijuana establishment conditional use permits.

(a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

- (1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: A floor plan showing how the floor space is or will be used to include, but not limited to, restricted access areas and the total floor area of the building(s);
- (2) A security plan indicating how the applicant will comply with the requirements imposed by state law;

- (3) A waste disposal plan indicating how the applicant will comply with the requirements imposed by state law;
- (4) A screening plan illustrating the applicants compliance with AS 17.38.070 making it unlawful to display marijuana or marijuana products in a manner that is visible to the general public from a public right-of-way;
- (5) If the establishment is to be served by a private septic system, certification from a registered, qualified engineer licensed by the State of Alaska that the system has adequate capacity for the proposed use, or will with improvements;
- (6) Marijuana cultivation facility license applicants must provide a ventilation and filtration plan describing the systems that will be used to ensure compliance with CBJ 49.65.1260 and whether the applicant intends on using carbon dioxide. The applicant shall specify if carbon dioxide enrichment will be used in cultivation and by what means the carbon dioxide will be produced. Plans should indicate the storage area for fuels used to produce carbon dioxide;
- (7) Marijuana product manufacturing facility license applicants, marijuana cultivation facility license applicants, and marijuana testing facility license applicants must specify all means to be used for cultivating, growing, extracting, heating, washing or otherwise changing the form of the marijuana plant, along with proposed ventilation and safety measures to be implemented for each process;
- (8) Marijuana cultivation facility license applicants and marijuana product manufacturing facility license applicants must specify the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system; and

1
2 (9) Any additional documentation determined by the director to be necessary for the
3 commission to make a decision whether to approve or deny the permit, or approve
4 with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f).

5 (b) If a licensee desires to modify the licensed premises by changes to equipment, increased
6 use, such as in accordance with an approved state license endorsement, or any approved plan,
7 an amendment to the original application and required fee shall be submitted for review and
8 approval.
9

10 (c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose
11 any conditions necessary to ensure compliance with this chapter or state law or designed to
12 mitigate impacts of the development on surrounding residences.

13 (d) The commission shall impose as a condition of any permit issued by the commission under
14 this title a requirement that the applicant submit a complete copy of the applicant's approved
15 state license application to the department for review prior to operating. If the director
16 determines there are substantive inconsistencies between the state license application and the
17 conditional use permit application, the commission shall review the development for
18 consistency with this title.
19

20 ~~(e) Conditional use permits issued to marijuana establishments under this chapter shall be~~
21 ~~subject to review by the commission every five years from the date of issuance. Such review~~
22 ~~shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions~~
23 ~~if necessary to ensure compliance with this title. If an appeal challenging the amendments to a~~
24 ~~conditional use permit is filed, the new conditions shall be stayed and the existing permit shall~~
25 ~~govern the operations of the marijuana establishment until the conclusion of the appeal. The~~
~~scope of review on appeal is restricted solely to the amended conditions.~~

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk