

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

July 27, 2021
Virtual Meeting Only
7:00 PM

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- I. **ROLL CALL**
- II. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. May 11, 2021 Draft Minutes Regular Planning Commission - APPROVED
 - B. June 22, 2021 Draft Minutes Special Planning Commission - APPROVED
 - C. June 22, 2021 Draft Minutes Regular Planning Commission - APPROVED
- IV. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION**
- V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- VI. **ITEMS FOR RECONSIDERATION**
- VII. **CONSENT AGENDA**
- VIII. **UNFINISHED BUSINESS**
- IX. **REGULAR AGENDA**
 - A. PWP2021 0003: A reduction from 14 required off-street parking spaces to 9 to serve a daycare expansion - POSTPONED TO AUGUST 24, 2021 REGULAR PLANNING COMMISSION
 - B. AME2018 0001: A text amendment to revise and update Title 49 Section 49.25.510(k) Accessory Apartments and other related sections of the Land Use Code - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED
 - C. AME2018 0004: Proposed revisions to the Alternative Development Overlay District, which affects setbacks, minimum lot area, and other issues related to development. The Overlay covers both downtown Juneau and downtown Douglas, but revisions only concern Juneau at this time. - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED
- X. **BOARD OF ADJUSTMENT**
- XI. **OTHER BUSINESS**
- XII. **STAFF REPORTS**
- XIII. **COMMITTEE REPORTS**
- XIV. **LIAISON REPORT**

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. SUPPLEMENTAL MATERIALS

- A.** Additional Materials for July 27, 2021 Planning Commission

XIX. ADJOURNMENT

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

May 11, 2021 Draft Minutes Regular Planning Commission - APPROVED

ATTACHMENTS:

Description	Upload Date	Type
▣ May 11, 2021 Draft Minutes Regular Planning Commission	7/20/2021	Minutes

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
May 11, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:03 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Erik Pedersen

Commissioners absent: Josh Winchell

Staff present: Jill Maclean, CDD Director; Joseph Myers, CDD Planner; Beth McKibben, CDD Planner; Alexandra Pierce, CDD Planner; Teresa Bowen, Law; Sherri Layne, Law

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

MOTION: *by Mr. Dye to move the Joint Procedural Motion: APL2021 0001 from Other Business to Unfinished Business and to move Board of Adjustment VAR2021 0001 to be heard ahead of Regular Agenda.*

The motion passed with no objection.

III. APPROVAL OF MINUTES

A. Draft Minutes April 13, 2021 Planning Commission Committee of the Whole

MOTION: *by Mr. Voelckers to approve the Planning Commission Committee of the Whole April 13, 2021 minutes.*

B. Draft Minutes April 13, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting April 13, 2021 minutes.*

IV. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chairman LeVine explained the rules for participating via Zoom

V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA**

SMF2021 0002: Final subdivision approval for the Delta Drive subdivision, an Alternative Residential Subdivision creating 14 unit lots and 1 parent lot
Applicant: Bicknell, Inc.
Location: 4090 Delta Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested final plat. The permit would allow the final plat approval for the Delta Drive Subdivision, an Alternative Residential Subdivision creating 14 unit-lots and 1 parent lot.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve SMF2021 0002.*

The motion passed with no objection.

ARF2021 0001: Final subdivision approval for the Delta Drive subdivision, an Alternative Residential Subdivision creating 14 unit lots and 1 parent lot
Applicant: Bicknell, Inc.
Location: 4090 Delta Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the director's analysis and findings and **APPROVE** Final plan approval for the Delta Drive Subdivision, an Alternative Residential Subdivision creating 14 unit-lots and 1 parent lot.

The approval is subject to the following conditions:

1. The applicant shall submit to the department signed HOA documents to be recorded with the final plat.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve ARF2021 0001.*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS

*Joint Procedural Motion: **APL2021 0001**, an appeal of Director's determination regarding **ENF2021 0015** – Request for Compliance Hearing Date*

Attorney Bowen briefly explained this is a motion to have an informal hearing on June 8 or soon thereafter on a regular meeting date. The appellant requests two hours for the hearing.

MOTION: *by Mr. Dye to amend the Joint Procedural Motion to one hour allowing 30 minutes per side and to delete the last three lines describing openings, brief witness testimony, and closing statements for the hearing.*

The motion passed with no objection.

Mr. LeVine adjourned the Regular Meeting to convene the Board of Adjustment at 7:22 p.m.

IX. BOARD OF ADJUSTMENT

Board of adjustment convened to hear **VAR2021 0001**, continued from two meetings ago. In the meantime, a public comment was received.

MOTION: *by Mr. Voelckers to reopen **VAR2020 0001** for public testimony in order to receive public comment.*

The motion passed with no objection.

VAR2021 0001: Variance to D18 lot depth from 80 to 78.2 feet for the purposes of a common wall subdivision – Continued public hearing from April 13, 2021 (Commission may reopen and take more public testimony)

Applicant: Natalia Golovatiuk

Location: Peters Lane

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY requested non-administrative variance.

Applicant Comments – Natalia Golovatiuk spoke to the statement in the memorandum that states, "The applicant may not file an action for damages against the City & Borough of Juneau in this situation." She explained that she had relied on the information from the preapplication conference and believe this created an issue of detrimental reliance.

Ms. Golovatiuk gave a presentation explaining without the variance, the project would not be viable. She feels both the developer and the CBJ would benefit if the variance were to be granted.

Questions for Applicant –

Mr. Voelckers asked if the depth of the lot was discussed during the preapplication conference. Ms. Golovatiuk said it was not discussed.

Mr. Dye asked how the lot (#6) near hers was developed and able to get around the eighty (80) foot depth requirement. Ms. Golovatiuk did not have that information.

Public Testimony –

Grant Rich – 2961 Simpson – Mr. Rich submitted written comments and spoke to request the variance be denied. He cited flooding, parking and erosion concerns in his request for denial.

Mr. Dye noted that a triplex is allowed on that lot without a variance and asked Mr. Rich why the variance would be an issue. Mr. Rich answered he believes the variance is financially motivated and he believes the development will be unsightly and block his views.

Additional Applicant Comments – Ms. Golovatiuk said the financial hardship of installing the sewer line would be mitigated by allowing the subdivision.

Mr. Dye asked how the creek impacts the ability to develop the lot. Ms. Golovatiuk explained the engineering plans for retaining walls, French drain, and grading for site preparation for the lot.

Additional Questions for Staff

Mr. Pedersen asked for the reason the nonconforming certificate was completed. Director Maclean explained nonconforming certifications are not always required. It is required in this situation because the nonconforming situation directly relates to the project. In this particular instance, the lot depth is the nonconforming situation.

Mr. Dye asked how or why Lot #6 came to be subdivided. Ms. McKibben said she had looked in to that and there was no variance attached to it. She did not know the history of the lot.

Mr. Dye noticed in Parcel Viewer, the lot in question is described as having sewer and water available but the applicant has testified that it does not. He asked how does the description get added to Parcel Viewer and how to be sure which lots have sewer and water. Ms. Maclean answered that typically, a lot is considered to have water and sewer if it is in the service area. It does not necessarily mean it is directly to the property and water or sewer lines often need to be installed to a particular property as part of developing it.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and DENY VAR2021 0001.*

Mr. Voelckers spoke to his motion saying he understood the question of fairness in this case but Title 49 is clear on the minimum lot depth and they needed to be careful to avoid approving inappropriate or indefensible variances. Additionally, he said **VAR2020 0002** was a nearly identical case brought before them a year ago. He felt there was no way to get to a yes on this one.

Mr. Dye objected to the original motion saying he agreed that the criteria for a Variance is high but he did not agree that this case was similar to **VAR2020 0002**. Mr. Dye felt the lot does create a hardship. He added that the surrounding area is zero lot lines and common wall subdivisions and granting the variance would be in keeping with the area. Mr. Dye said he believed the applicant had acted in good faith based on information they were given. The property is steep and the water issue create unique and special conditions. He added it is narrowly tailored as it meets the bare minimum to be a common wall subdivision.

Mr. Pedersen, Mr. Alper, and Ms. Cole agreed with Mr. Dye and also spoke against the motion.

Roll Call Vote

Yea: Voelckers, LeVine

No: Alper, Hickok, Pedersen, Cole, Arndt, Dye

The motion failed on Roll Call 2-6

MOTION: *by Mr. Dye to APPROVE VAR2021 0001 stating the criteria have been met. He added similarly situated lots constructed in 1996 post the 1987 rezone do not meet the standards at the time and would be consistent with this variance. In reviewing public testimony, he found the concerns were about the construction of a new structure rather than about the proposed subdivision.*

Mr. Arndt asked if the PC were to approve the variance, what happens? Ms. Maclean explained that if the PC approves this variance, it would set a new lot depth measurement for the lot to be subdivided and the lot would then meet the minimum lot depth and the Director would not have grounds for denial.

Roll Call Vote

Yea: Dye, Alper, Pedersen, Arndt, Cole, Hickok

No: Voelckers, LeVine

The motion passed on Roll Call 6-2

Mr. LeVine adjourned the Board of Adjustment and reconvened the Regular Meeting at 8:11 p.m.

X. REGULAR AGENDA

Mr. Arndt was removed from the meeting due to a conflict as he is the applicant.

AME2021 0001: Amend zoning from D15 to General Commercial, General Commercial/Light Commercial, or Light Commercial

Applicant: TDLH, LLC

Location: N. Douglas Highway

Staff Recommendation

Staff recommends the Planning Commission ADOPT the Director's analysis and findings and forward a recommendation of APPROVAL to the Assembly for a rezone from D15 to D15(T)LC.

The approval for completion of the transition zone subject to the following condition:

1. Prior to upgrading the zoning from D15 to LC, additional public infrastructure must be constructed. This may include the Douglas Bench Road, a second crossing in North Douglas, or improvements to the Douglas roundabout and the 10th and Egan intersection. The purpose of this infrastructure is to ensure that any additional higher density development would improve, and not aggravate, existing issues with traffic flow and pedestrian safety.
2. Prior to upgrading the zoning from D15 to LC, a Comprehensive Land Use Designation Map amendment is required from MDR to HDR.

STAFF PRESENTATION – Joseph Myers, CDD Planner, presented **AME2021 0001**

QUESTIONS FOR STAFF

Mr. Dye asked why an update of the Comprehensive Plan is necessary. Ms. Maclean explained in this case, North Douglas highway lends itself to being zoned Light Commercial (LC) within the Medium Density Residential (MDR) due to its one access point and lack of infrastructure and cited the single point of access to the island as an example.

Mr. Dye asked how precise the lines are in the Comprehensive Plan and how are commissioners supposed to interpret them compared to the actual land shapes. Specifically, he wanted to know what is unique about this parcel that would differentiate it from the example on Atlin Drive. Ms. Maclean explained the infrastructure and topography around the Atlin Drive parcel is wholly different from the parcel in question.

Mr. Hickok asked why there is a concern that fifteen and a half (15 ½) acres of general commercial (GC) or LC versus D15 would create more traffic. Ms. Maclean explained MDR land use allows for five to twenty units of housing while GC allows up to fifty units per acre and LC allows more than that. Current D15 zoning fits within the MDR designation. Mr. Meyers added the grading at the intersections at either end of the bridge are currently at capacity and any increase in density would put them over capacity resulting in a failing grade.

Mr. Voelckers asked if there are other cases where zoning has been limited to just a certain function as in this case. Ms. Maclean explained there are other areas on Douglas that have been conditioned on traffic improvements. She added rezones cannot be conditioned for development but they can be conditioned for safety or access. Mr. LeVine asked how then the lot below was conditioned on being a car dealership (Jeep). He asked if that condition was illegal then or maybe is now but was not then. Ms. Pierce explained that particular rezone is from the 1990s and predates any of current CDD staff. Today, it would be considered spot zoning and would not be allowed under current Code.

Mr. Alper asked for background on the Bench Road right of way and asked if it would be appropriate to condition the rezone on preserving the right of way or would be better addressed as part of a subdivision permit process. Ms. Maclean said it would be addressed at the latter stage when the developer was ready to build. Ms. Pierce added at this stage it would be premature because it is not known yet what the zoning would be when the lot is eventually developed.

Mr. Hickok asked if the concern regarding infrastructure meant development on Douglas needs to stop until there is more access to the island. Ms. Pierce answered the comprehensive plan land use maps do not support the up zone. Based on that, it does not seem appropriate to move to LC or GC given the traffic analysis and the restriction under the comprehensive plan maps.

Mr. Pedersen asked if staff had included changing trends or the potential effect of commercial services on Douglas reducing the traffic across the bridge as people would not have to go so far to access those services. Ms. Maclean thought the traffic impact analysis was a part of that but the overall driver was the land use map designation and they felt MDR is the cap of what the infrastructure can handle for North Douglas.

At Ease 8:50 p.m. – 9:00 P.M.

APPLICANT PRESENTATION – Travis Arndt – 10840 Lilac Drive – presented the proposed project. The project is planned as possible boat condos that would be centrally located between the Douglas and North Douglas boat ramps and is a use that is currently not offered in the area. He noted there has been very little public comment on the project so he feels there is not opposition to it. Additionally, he feels it is in conformance with Title 49.15.43 Lot Consolidation.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked Mr. Arndt for his thoughts on the Bench Road. Mr. Arndt said the Bench Road and the second crossing have been in conversations since the 1970s and he does not foresee them happening.

Mr. Dye asked Mr. Arndt if he was aware of anything that is fifty units per acre built in GC or thirty units per acre in LC in Juneau. Mr. Arndt said he does not know of any and does not seem them as economically viable considering parking and other requirements.

Ms. Cole asked Mr. Arndt how it would affect his project if the PC were to approve the rezone with the transition. Mr. Arndt said he prefer GC but could live with going from GC to LC. However, the infrastructure requirements in Condition One are equivalent to a denial. The requirements are beyond anything he would have any control over.

Mr. LeVine asked Mr. Arndt for his thoughts to why Staff was suggesting the PC wait to recommend the Assembly change the Comprehensive Plan. Mr. Arndt understood that once one of the three access conditions were satisfied, then the zone would be allowed to become LC and then the map could be amended. Mr. Arndt said he would prefer both be done simultaneously now without the access conditions.

Public Testimony

Debbie Lewis – Realtor with ReMax– Ms. Lewis spoke in support of the applicant saying she has worked with him for many years on projects. She feels this rezone is similar to surrounding area and would allow residential and commercial development that would be in high demand. She asked the rezone be approved without the conditions saying the conditions would be like a denial.

Dave Hanna – 11495 Mendenhall Loop Road – Mr. Hanna explained the confusion surrounding the Mike Hatch building saying it was built by his father in the 1960s as a heavy equipment repair shop and the use has been grandfathered and handed down when the property has changed hands over the years. Mr. Hanna spoke in support of the rezone and felt it was not fair to require conditions over which the applicant had no control.

ADDITIONAL APPLICANT COMMENTS

Mr. Arndt cited the Traffic Impact study from 2009 and said by his calculations, the CBJ is well below the growth predicted. He added that he did his own observation and saw eighteen (18) trips during a time that, according to the traffic estimate calculations, he should have seen one hundred forty-five (145). Therefore, it appears there is less traffic than estimated. He said the conditions were essentially a denial or a decision could be made to deny based on not meeting the maps but the maps need to change anyway. He is asking to do it all right now. Changing the

maps could then negate the conditions and he could proceed.

ADDITIONAL QUESTIONS FOR STAFF

Mr. Dye asked if Staff was aware of any examples of fifty (50) units per acre built in GC or thirty (30) units per acre in LC in Juneau. Ms. Maclean did not know of any but this is not what they were looking at with the rezone so it was not addressed.

MOTION: *by Mr. Pedersen to accept staff's findings, analysis and recommendations and approve AME2021 0001 rezone from D15 to Light Commercial and recommend to the Assembly to update the designation on the Comprehensive Land Use Map from MDR to HDR and remove both Conditions.*

Mr. Pedersen spoke to his motion saying he does not like the idea of transitional zoning, he feels LC is not drastically different from MDR and the additional recommendation to update the map is to clean it up going forward.

Ms. Maclean asked for findings. Mr. Pedersen said his finding would be that the LC 30-unit zone is in substantial but not absolute conformance with the land use designation map.

Mr. Dye spoke to support the motion saying the traffic study is not important at this time and he agrees the LC is in substantial but not absolute conformance with MDR.

Ms. Cole spoke to support the motion adding that conditions which the applicant has no practicable control over are tantamount to a denial.

Mr. LeVine added he did not believe it was reasonable to rely on the 2009 traffic study that he felt has been disproven. He said he does not express an opinion about whether LC is in conformance with MDR but does support the motion.

The motion passed on Roll Call vote with no objection.

XI. OTHER BUSINESS – Moved to Unfinished Business

~~A. Joint Procedural Motion: APL2021 0001, an appeal of Director's determination regarding ENF2021 0015 – Request for Compliance Hearing Date~~

XII. STAFF REPORTS

Ms. Maclean reported Auke Bay and Downtown zoning ordinances will be coming before the PC again soon.

Ms. Pierce added staff are trying to schedule Title 49 and are waiting to hear back from commissioners so they can move on that.

Mr. Voelckers asked about the parking revisions. Ms. Pierce said the Parking ordinance is on the calendar for the next meeting.

Mr. Dye asked what meetings are scheduled for June. Ms. Maclean said there is one property with 6 cases coming. There is a special meeting planned for Auke Bay and Downtown zoning.

XIII. COMMITTEE REPORTS

Mr. Voelckers reported PWFC had a lunch meeting and learned two fire stations are getting ground source heating. Engineering looked at the possibility of burying powerlines in the Calhoun area and concluded it was unlikely to happen.

Mr. Dye reported the Blueprint Downtown Steering Committee met last week and has more meetings coming.

Mr. Hickok reported the Lands Committee met last night to discuss the Lena Point Communication Tower.

XIV. LIAISON REPORTS

Mr. Jones reported the Fireworks ordinance will be before the Assembly tomorrow. Ordinance 29.47 will be introduced tomorrow. May 24th will be the first in-person Assembly meeting and there will eventually be changes to Commission meetings.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Arndt commented that there seems to be several similar issues coming before the Commission and it makes him wonder if there is a need to adjust or change code to fix it. Mr. Voelckers noted that the Commission has been advised to take extreme care from a legal perspective but he would like to have a better option.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 10:02 P.M.

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

June 22, 2021 Draft Minutes Special Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	June 22, 2021 Draft Minutes Special Planning Commission	7/16/2021	Minutes

Minutes
Planning Commission
Special Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
June 22, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 6:01 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent: Ken Alper; Dan Hickok

Staff present: Jill Maclean, CDD Director; Allison Eddins, CDD Planner; Sherri Layne, Law

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

MOTION: *by Mr. Dye to reorder the items on the agenda from AME2015 0010; AME2020 0001; AME2021 0006; AME2020-0002 to AME2020 0001; AME2020 0002, AME2015 0010; AME2021 0006 and for all items to be heard together.*

The motion passed with no objection.

III. APPROVAL OF MINUTES – None

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

Mr. LeVine gave a brief review of the rules for public participation and described the plan is to open testimony on all of the items together.

V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA** – None

VIII. **UNFINISHED BUSINESS** – None

IX. **REGULAR AGENDA** – All items were presented by Planner Eddins

AME2020 0001: A text amendment proposing new zoning districts: Neighborhood Commercial, Mixed Use 3
Applicant: CBJ Community Development
Location: Juneau Borough-wide

Staff 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 adopt the Neighborhood Commercial (NC) and Mixed Use 3 (MU3) zoning districts.

Commissioner questions

Mr. Winchell asked if this plan was taking into account population aging. Ms. Eddins answered it takes into consideration both the young population and aging in place.

AME2020 0002: Text amendment to add landscaping and vegetative cover purpose statements to CBJ Land Use Code
Applicant: CBJ Community Development
Location: Juneau Borough-wide

Staff 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 add purpose statements for landscaping and vegetative cover to the CBJ Land Use Code.

Commissioner questions

Mr. Voelckers asked for explanation of the overlap of landscape and vegetative cover. Ms. Eddins said they do expect there to be overlap where one item could meet the requirements of the other.

AME2015 0010: A proposal to rezone a portion of the Auke Bay Center to Neighborhood Commercial, Mixed Use 3, and revision to landscape and vegetative standards.
Applicant: CBJ Community Development
Location: Auke Bay

Staff Recommendation

Staff recommends the Planning Commission ADOPT the Director's analysis and findings and forward a recommendation of APPROVAL to the Assembly for a rezone proposal for the Auke Bay Center with the boundary adjustment to the NC zoning district to exclude the Tanner Terrace Subdivision and include UAS property along Glacier Highway.

Commissioner questions

Mr. Voelckers asked how the CDD would ensure the 'buffers' around the elementary school would be maintained and how the process would work if there were to be amendments or other proposed changes prior to it being heard by the assembly.

Mr. LeVine adjourned the meeting at 6:57 p.m. saying this would be continued as unfinished business at the regular meeting immediately following this special meeting.

~~**AME2021 0006:** A text amendment to revise Title 49 to create the Auke Bay Overlay District.
Applicant: CBJ Community Development
Location: Auke Bay~~

Staff Recommendation

~~Staff recommends the Planning Commission ADOPT the Director's analysis and findings and forward a recommendation of APPROVAL to the Assembly for a text amend the CBJ Land Use Code to create the Auke Bay Overlay District with an amended boundary map that includes properties east of Auke Bay along the uphill side of Glacier Highway and removes the Tanner Terrace Subdivision.~~

~~Note that CBJ will not use a density bonus until water and waste water utilities can be upgraded.~~

X. **BOARD OF ADJUSTMENT** – None

XI. **OTHER BUSINESS** – None

XII. **STAFF REPORTS** – None

XIII. **COMMITTEE REPORTS** – None

XIV. **LIAISON REPORTS** – None

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS – None

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 6:57 P.M.

DRAFT

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

June 22, 2021 Draft Minutes Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	June 22, 2021 Draft Minutes Regular Planning Commission	7/16/2021	Minutes

Minutes
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 June 22, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:03 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent: Ken Alper; Dan Hickok

Staff present: Jill Maclean, CDD Director; Allison Eddins, CDD Planner; Laurel Christian, CDD Planner; Teri Camery, CDD Planner; Sherri Layne, Law

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA –

MOTION: *by Mr. Dye to move **APL2020 0001** from Other Business to Unfinished Business as item A.*

III. APPROVAL OF MINUTES

A. Draft Minutes May 25, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting May 25, 2021 minutes.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chairman LeVine briefly explained the rules for conducting the meeting via Zoom

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VI. ITEMS FOR RECONSIDERATION – None

VII. CONSENT AGENDA

Prior to presentation of Consent Agenda items, Mr. Arndt declared a potential conflict as the engineering company doing the work for this permit is also doing work for him on an unrelated project. He said he can be fair and impartial and was allowed to remain.

CSP2021 0002: A City Project Review for Early Access to Cope Park for a slope stabilization project
Applicant: City & Borough of Juneau
Location: 1001 Calhoun Avenue

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the City Project Review for early access to Cope Park for a slope stabilization project.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve CSP2021 0002.*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS

A. **APL2021 0001:** Compliance Hearing Decision on **ENF2021 0015**

MOTION: *by Mr. Dye to adopt the decision and affirm the compliance order dated March 10, 2021 regarding APL2021 0001.*

The motion passed unanimously on Roll Call vote.

B. June 22, 2021 Special Planning Commission Meeting ordinances continued, if needed

AME2015 0010 Commissioner questions continued

Mr. Arndt noted the proposed new zoning districts have a thirty-five (35) foot height limit with option to build higher within the overlay district. He understood these height limits were tied to the residential height limits for other residential districts. Since single-family homes are not allowed in the proposed areas, he asked why they are tying a height limit to a use not allowed in these districts. Ms. Eddins explained the 35-foot height limit applies to multi-family use as well as single-family use areas and it protects views for neighborhoods.

Ms. Cole asked about the Tanner Terrace exclusion and asked if staff had any concerns with this. Ms. Eddins said they would like to see Tanner Terrace included but there were concerns with existing structures becoming non-conforming. Staff decided it would be in the best interest of the project to go forward without Tanner Terrace. Ms. Cole asked if there was concern with this setting a precedent. Director Maclean explained that there was strong opposition from the Tanner Terrace residents and while it may look a bit odd within the scope of the presentation, if the area is viewed from out the road coming inbound, it actually blends well as an extension of the zoning of the surrounding area. Because of this, it is acceptable to exclude Tanner Terrace.

Mr. Dye asked if carving out that portion of the zone would create a spot zoning issue. Ms. Maclean reiterated the excluded area blends well as it is an extension of the zoning from the other side so there would not be a spot zone issue.

Mr. Arndt asked about moving the Neighborhood Commercial zone nearby to Tanner Terrace as it currently looks like a portion was missed. Ms. Eddins explained the reason that zoning line appears this way is because this is in accordance with the neighborhood wishes.

Mr. Voelckers asked about the University process and the zoning there. Ms. Eddins explained she consulted with the UAS and they did not express any concerns.

Mr. Pedersen asked if CBJ Lands had any comments or had expressed support for the proposal. Ms. Eddins answered CBJ Lands department is also in support of the proposed upzone.

AME2021 0006: A text amendment to revise Title 49 to create the Auke Bay Overlay District.
Applicant: CBJ Community Development
Location: Auke Bay

Staff Recommendation

Staff recommends the Planning Commission ADOPT the Director's analysis and findings and forward a recommendation of APPROVAL to the Assembly for a text amend the CBJ Land Use Code to create the Auke Bay Overlay District with an amended boundary map that includes properties east of Auke Bay along the uphill side of Glacier Highway and removes the Tanner Terrace Subdivision.

Note that CBJ will not use a density bonus until water and waste water utilities can be upgraded.

COMMISSIONER QUESTIONS

Mr. Arndt asked for clarification of how a developer could use earned points. Specifically, if a developer earns a number of points, he wanted to know if those points can be used for everything that has a point value less than the number earned or if the points would have to be added together and the total used once. He saw an opportunity for misinterpretation of that section. Ms. Eddins said that would be addressed during edits.

Mr. Arndt noted the slide that says CBJ will not use a density bonus but he does not see that clearly written anywhere. He thought it should be written into the Ordinance to limit that in case there is staff turnover and an incoming Lands officer wants to do that. Ms. Eddins said they would take that into consideration in edits.

PUBLIC PARTICIPATION

Rick Currier – 12020 Cross St (Tanner Terrace) – Mr. Currier spoke against the rezone saying it is not necessary and does not benefit Auke Bay.

Mr. Dye asked if Mr. Currier's opposition was with all of Auke Bay. Mr. Currier said his concern is with having their views and property values damaged by high rises.

Erin Howell – co-owner of Squire's building – Ms. Howell said the comments from local business owners have been overwhelmingly negative and she felt what the public wants is not reflected in this plan. She also said she does not support the proposed points system.

Mr. Winchell asked Ms. Howell to elaborate on negative items with the proposal that the commission should focus on. She answered the decreasing parking option is a negative. Mr. Winchell asked if she finds some of the proposals appealing. Ms. Howell did say there are several positive aspects to the plan but feels like the city is trying to control what happens when that should be up to the property owners.

Mr. Voelckers asked if she had looked at using the points system for their property and if any of them would negatively affect them. She said she has looked at it and her business could accumulate a number of points but that is not the point of her opposition. She emphasized that she is not against the plan but felt it should be up to private companies rather than the government to implement.

Michelle Denton – 3869 Bayview Ave (Tanner Terrace) – She said 13 of the 15 properties in Tanner Terrace were included in the carve out. However, the two excluded properties are directly in her line of sight and if they are allowed to build to forty-five feet tall, they would block her view. She asked if some of Tanner Terrace is carved out; please carve out all of the subdivision.

Anna & Nico Ambrose – 12065 Cross St (Tanner Terrace) – Spoke in support of the exclusion of Tanner Terrace and asked that it include the two residences not currently included in the exclusion zone.

Julie Flint – 12070 Cross St (Tanner Terrace) – Spoke to say it would destroy the neighborhood and home values if they allow high-rise condos and apartment buildings in their neighborhood

Ron Flint – 12070 Cross St (Tanner Terrace) – Spoke against the increase of commercial zoning in Auke Bay saying with the area property costs, decreasing population, and increasing online shopping, it is not viable to expect businesses to move in to the area. He urged the ordinance not be passed.

Dave Klein – 12410 Glacier Hwy – Spoke to say he feels the existing neighborhoods need to be preserved and the proposed increase in density would make the area less safe. Mr. Klein is an employee of the University of Alaska (UAS).

Mr. Voelckers asked if Mr. Klein had been involved in the meetings with UAS. Mr. Klein said he had not been involved in those meetings.

Debi Ballam – 12090 Cross St – Spoke in support of excluding all of Tanner Terrace from the proposed NC zoning stating that the increases in traffic would be very dangerous and would increase the risk of automobile accidents.

Mark Schwan – 12090 Cross St – Spoke in agreement with Ms. Ballam.

Mike Story – 12069 Cross St – Mr. Story would like to see all of Tanner Terrace to be removed from the ordinance saying under the point system, it would be very easy for developers to earn points and be allowed to build up to 45 feet high and block neighborhood views.

Mr. Winchell asked Mr. Story which he considered more important between density or view. Mr. Story said the view. Mr. Winchell asked if a cap on the height limit in the Tanner Terrace area would alleviate his concerns. Mr. Story said that would help for him.

Garrett Schoenberger – owns a parcel in the town center area – Spoke to say the rezone from general commercial (GC) to multi-use (MU) zoning in the town center will devalue his property. Moving from GC to MU zoning removes many of the options for development. He added the amount of rent that a developer would have to charge in the MU area would be so expensive that it would not be profitable for the users. Mr. Schoenberger said changing zoning from GC to MU would be a downzoning and would devalue the properties automatically.

Recess 8:43 until 8:55

AME 2020 0001

QUESTIONS FOR STAFF

Mr. Arndt asked if CDD anticipates other areas moving to MU3 beyond what was shown in the presentation. Ms. Eddins said she does. She sees potential for this in Downtown Douglas and the Aak'w Kwaan Village (Willoughby) area.

Mr. Pedersen referred to the presentation where structures were described and asked how a patio would be considered a structure. Ms. Eddins referred to Title 49 for definition of structure and said an outdoor patio would be a structure whether or not it was covered.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and recommend to the Assembly to approve **AME2020 0001**.*

Mr. LeVine and Mr. Pedersen spoke to support the motion.

The motion passed with no objection.

AME 2020 0002

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and recommend to the Assembly to approve **AME2020 0002** using the verbiage in the staff report rather than that in the proposed ordinance.*

The motion passed with no objection.

AME 2015 0010

QUESTIONS FOR STAFF

Mr. Voelckers asked for some background as to why the two properties were removed from the Tanner Terrace exclusion zone. Ms. Maclean said it was by request of the landowners at that time.

Mr. Arndt said some of the public comment came from people outside of Tanner Terrace and asked if they would be given the same consideration as those in Tanner Terrace. Ms. Maclean said general commercial and light commercial zoning uses do not fit the vision of the Auke Bay Area plan so it would not apply.

Mr. Winchell asked if it is possible to limit the heights in the cut-out area. Ms. Maclean said the Commission has the option to make different recommendations so long as they also have findings.

Mr. Arndt expressed concerns that there was zero public testimony in support of the Auke Bay plan. Ms. Cole agreed with Mr. Arndt's concerns.

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and recommend to the Assembly to approve **AME2015 0010**.*

Mr. Arndt spoke against his motion saying it would be interesting to have the area developed according to the plan but the people subject to the plan do not seem to be in support of it.

Mr. Dye also spoke against the motion saying he could not support it.

Roll Call Vote

Yea: Voelckers

No: Arndt, Cole, Pedersen, Winchell, Dye, LeVine
The motion failed on Roll Call 6-1

AME 2021 0006

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve AME2021 0006.*

Mr. Dye spoke against the motion because of the failure of the previous motion.

Roll Call Vote

Yea: (none)

No: Dye, Winchell, Pedersen, Cole, Arndt, Voelckers, LeVine
The motion failed on Roll Call 7-0

Mr. Voelckers left the meeting at 9:27 p.m.

RECESS 9:27-9:34

IX. REGULAR AGENDA

AME2021 0005: A text amendment to Title 49 Land Use Code to repeal and replace the Board of Adjustment with the Planning Commission
Applicant: City & Borough of Juneau
Location: Borough-wide

Staff 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 repeal the Board of Adjustment.

STAFF PRESENTATION – Planner Christian presented **AME2021 0005**

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve AME2021 0005.*

The motion passed with no objection.

Prior to presentation of **AME2021 0004**, Mr. Arndt declared a potential conflict as he has an ongoing appeal and variance application. He felt he could be fair and impartial on the issue.

Mr. Dye asked if he had sought advice on this from LAW. Mr. Arndt said he has and he is following the advice he received by disclosing it. Ms. Cole asked if the result of this AME could affect his appeal. Ms. Layne answered saying this proposal could have an effect borough-wide and it is unclear that Mr. Arndt would benefit directly no matter the outcome of the matter.

Mr. Arndt was allowed to remain.

AME2021 0004: An ordinance to repeal CBJ Article IX 49.70 Coastal Management, amend CBJ 49.70.310 Habitat, and amend CBJ 49.05.200 Comprehensive Plan
Applicant: City & Borough of Juneau
Location: Borough-wide

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend the Assembly APPROVE the proposed text amendment to repeal CBJ Article IX Title 49.70 Coastal Management, amend CBJ 49.70.310 Habitat, and amend CBJ 49.05.200 Comprehensive Plan to delete the Coastal Management Program reference.

STAFF PRESENTATION – Planner Camery presented **AME2021 0004**

Questions for Staff

Mr. Arndt asked if this would result in reducing the number of waiver requests. Mr. Arndt noted several items that were not addressed in the proposed amendments. Ms. Maclean agreed with Mr. Arndt that several watershed projects would not be covered under the criteria presented in **AME2021 0004**. They would more likely be covered under the stream ordinance that CDD is currently working on and will be presented in the future.

Mr. Dye asked if there is a significance in changing from 'ordinary high-water mark' to 'bank'. Ms. Camery explained 'ordinary high-water mark' is more precise as an accurate measurement that is defined in code and matches what the Alaska Department of Fish & Game uses.

MOTION: *by Mr. Dye. to accept staff's findings, analysis and recommendations and approve **AME2021 0004** striking part of 17 & all of 18 reading "a variance is required for any other development or disturbance in the setback portions of the section."*

The motion passed with no objection.

MOTION: *by Ms. Cole to postpone **AME2018 0001** to the July 27 meeting*

Mr. Dye spoke against the motion stating he thinks **AME2018 0001** would be finished quickly
 Mr. Winchell spoke to say that there is an applicant waiting to hear the next permit

Roll Call Vote

Yea: *Cole, Arndt, Pedersen, Winchell, LeVine*

No: *Dye*

The motion passed on Roll Call 5-1

AME2018 0001: ~~A text amendment to revise and update Title 49 Section 49.25.510(k) Accessory Apartments and other related sections of the Land Use Code~~
Applicant: ~~City & Borough of Juneau~~
Location: ~~Borough-wide~~

Staff 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 amend CBJ 49.25.300, Table of Permissible Uses; CBJ 49.25.400, Table of Dimensional Standards; CBJ 49.25.510(k) Special Density considerations – Accessory Apartments; and CBJ 49.80.120, Definitions in regard to accessory apartments.~~

Adjourned as Planning Commission and Reconvened as Board of Adjustment at 10:01pm

X. BOARD OF ADJUSTMENT

Prior to hearing **VAR2021 0002** Mr. Arndt declared a potential conflict. He and the applicant have multiple on-going construction and business deals but he is not involved in this project at all. He was able to be impartial and was allowed to remain.

VAR2021 0002: A Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and the 25-foot, no-disturbance buffer from Lemon Creek
Applicant: Northern Lights Development
Location: 1940 & 1941 Anka Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested non-administrative variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and 25-foot, no-disturbance buffer from Lemon Creek, as shown on the project site plan submitted with the application.

The approval is subject to the following conditions:

1. There shall be no disturbance or removal of vegetation below the top of the bank of Lemon Creek, including limbing of the trees that grow along the bank.

Staff Presentation – by Planner Christian

Questions for Staff –

Mr. Arndt asked if CDD has staked the bank so the applicant would know exactly where the 'no cut' line is located. Ms. Christian was not sure but said it could be done before issuance of a

building permit. Mr. Dye asked if we are not sure of the location of the bank, how can we issue a variance? Ms. Christian explained CDD staff has been on-site and determined the top of bank and ordinary high-water mark and the applicant has hired a surveyor to create a drawing showing those lines.

Mr. LeVine asked what effect the **AME** passed tonight would have on this variance. Ms. Christian said the variance would still be needed in this case. With the **AME**, the variance would be for less area. Additionally, with this variance, they could start construction right away rather than waiting for the Assembly to approve the **AME**.

Applicant Presentation –

Troy Mayer spoke on behalf of the applicant to request the variance.

Questions for the Applicant –

Mr. Dye asked if the variance was granted how soon could they start construction. Mr. Mayer said he could start almost immediately.

Mr. LeVine asked if the ordinary high water mark measurement were used, would he be able to go forward without the variance. Mr. Mayer said it would not work without the variance.

Public Comment –

Karen Wright – owner of the subject property. Ms. Wright said without the variance, the property will not be developable and she will not be able to sell it.

Jeff Wright – owner of the subject property. Mr. Wright said the property is not usable without the variance.

Additional Applicant Comments – Mr. Mayer reiterated the need for the variance.

MOTION: *by Mr. Dye to continue **VAR2021 0002** to the September 14 meeting to allow time for the Assembly to hear and approve the AME passed earlier this meeting.*

Mr. Winchell spoke against the motion saying if it is postponed until September the contractor will lose valuable time in the summer. He added the variance has been recommended for approval and he felt it should go to a vote tonight.

Ms. Cole asked Mr. Dye why he thought it would not be appropriate to vote on the variance at this meeting. Mr. Dye cited language from the CBJ vs Thibodeau case that says “the remedy is to change the code rather than grant a variance.”

Mr. Arndt spoke against the motion saying the variance meets the requirement of being narrowly tailored. He added that a variance would be required under the proposed amendment just as it

is now and it seems that delaying to wait for the new legislation is not worth it.

Mr. LeVine spoke to support Mr. Dye's motion.

Roll Call Vote

Yea: Dye, Cole, LeVine

No: Winchell, Pedersen, Arndt

The Motion failed 3-3 on Roll Call Vote

Questions for Staff

Mr. Dye asked if the other variances in the area were granted under the old criteria. Ms. Christian replied they were under the old criteria but they all cited Lemon Creek as the naturally occurring feature that warranted the granting of the variance.

MOTION: *by Mr. Pederson to accept staff's findings, analysis and recommendations and approve VAR2021 0002.*

Mr. Dye spoke against the motion citing his earlier comments and the pending legislation.

Roll Call Vote

Yea: Arndt, Winchell

No: Pedersen, Cole, Dye, LeVine

The Motion failed 2-4 on Roll Call Vote

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Maclean reported

- Lands Committee meets again on July 19th

XIII. COMMITTEE REPORTS

Mr. Dye reported

- Title 49 Committee meets this Thursday

Mr. LeVine reported

- The Governance Committee met last week

XIV. LIAISON REPORTS

Mr. Jones reported the Systemic Racism Committee has formed and will review all proposals that come before the Assembly.

Mr. Arndt asked how in-person meetings are working for the Assembly and how does it look for commissions getting back in person. Mr. Jones said the Assembly has been

meeting in person for most meetings lately but still have some via zoom. Mr. Winchell asked if members wear masks to meetings and how is that working. Mr. Jones explained the Assembly and staff are all fully vaccinated which means they do not need to wear masks. They ask unvaccinated members of the public to wear a mask if they attend in person.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye gave notice of reconsideration of **VAR2021 0002** for the next meeting.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 10:57 P.M.

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

PWP2021 0003: A reduction from 14 required off-street parking spaces to 9 to serve a daycare expansion -
POSTPONED TO AUGUST 24, 2021 REGULAR PLANNING COMMISSION

AGENDA ITEM:

Case No.: PWP2021 0003

Applicant: Kayla Svinicki

Location: 4341 Windfall Avenue

Proposal: A reduction from 14 required off-street parking spaces to 9 to a serve a daycare expansion

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for PWP2021 0003	7/16/2021	Staff Report
☐ Presentation for PWP2021 0003	7/26/2021	Presentation



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

DATE: July 16, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Irene Gallion, Senior Planner
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a parking reduction from 14 required off-street parking spaces to nine to serve a daycare expansion at 4341 Windfall Avenue in a D3 zoning district.

STAFF RECOMMENDATION: Approval.

KEY CONSIDERATIONS FOR REVIEW:

- Applicant amended an existing Conditional Use Permit (USE2020 0015) in 2020 for new ownership. Capacity remained at 21 children.
- Waiver is requested in advance of design investments that would support a proposed amendment to the Conditional Use Permit (CUP) to increase capacity to 38 children.
- Parents sign childcare contract agreements, which could be used to regulate drop-off times if needed.

GENERAL INFORMATION

Property Owner	Israa S. Kako
Applicant	Kayla Svinicki
Property Address	4341 Windfall Avenue
Legal Description	Raymond 2 Lot 1
Parcel Number	4B2701030043
Zoning	D3
Land Use Designation	Urban Low Density Residential
Lot Size	13,414 square feet
Water/Sewer	CBJ
Access	Windfall Avenue
Existing Land Use	Child Care Center
Associated Applications	USE2020 0015, PAC2021 0021

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-4 below that support the denial.
3. **Continue:** to a future meeting 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 not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.40.210(d)(6)
 - 49.65, Article X
 - 49.80

The Commission shall hear and decide the case per 49.40.210(d)(6) PARKING WAIVERS. *The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director*

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D3)	Residential
South (D3)	Mendenhall Loop Road
East (D3)	Windfall Avenue
West (D3)	Residential

SITE FEATURES	
Anadromous	No
Flood Zone	Zone X
Hazard	No
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	RV Park Area

BACKGROUND INFORMATION

Project Description – The applicant is requesting a reduction in required parking from 14 off-street parking spaces to nine off-street parking spaces in advance of future development (**Attachment A**). The outcome of this waiver will determine if the applicant:

- Purchases the property, and/or
- Builds a 1,532 square foot expansion.

The applicant would like to understand if the Parking Waiver is acceptable before investing in the design and expansion.

Commissioners may question how they can approve a Parking Waiver without knowing for sure the eventual operating parameters of the childcare center. Parking limitations for childcare centers are based on two things: The number of staff and the number of children. The code requires the applicant to amend the CUP before

operating at capacity over 21 children. When the applicant amends the CUP, the applicant proposal will have to meet the requirements of this Parking Waiver, or pursue a new Parking Waiver.

Under the current CUP, the applicant is required to have seven off-street parking spaces. They are proposing to construct nine off-street parking spaces under this waiver. If the applicant constructs the parking approved under this waiver in advance of amending the CUP, they will be compliant with current parking requirements.

Background – The State space requirements for childcare and the relatively high cost of suitable property in Juneau creates challenges to establishing affordable childcare centers. Properties that might appear difficult to develop can provide the “sweet spot” between accommodation and cost recovery that allows a childcare center to establish itself.

This property has evolved from a church to a childcare center. The table below summarizes relevant history for the lot and proposed development.

Item	Summary
USE-CU94-51	1994, Church
BLD-1061201	1995, Construction of a new church
Plat 2014-10	2014, Lot 1 is further subdivided into four lots, called the “Raymond Subdivision.” Lot 1 is again on the corner of Mendenhall Loop Road and Windfall Avenue, and is 13,414 square feet. This is the current plat for the lot.
BLD2014 40712	2014, Remodel to childcare center, withdrawn.
PAC2015 0012 & 0021	2015, Change of Use to childcare center for up to 21 children.
USE2015 0008	2015, Conditional Use Permit for a childcare center in a D3 zoning district in conjunction with a previously permitted church.
BLD2015 0688	2015, Change of use from a church to a church with childcare center for up to 20 children.
PAC2020 00037	2020, modification of the existing USE permit for 19 children and new owner.
USE2020 0015	2020, minor change to USE for operator and parking layout. Conditions include a limit of 21 children, prohibiting parking on Windfall Avenue, and management of lighting (Attachment B).
PAC2021 0021	2021, pre-application conference for expansion to 38 children with 10 staff.

In November of 2018, the CBJ Assembly created a Childcare Committee to look at the challenges of providing affordable, quality childcare, and the CBJ’s role in a solution. Their Final Report (April 2019) said,

“The Committee has identified capacity (the number of licensed childcare slots) as the most immediate and pressing issue for working families.”

The Assembly established a revolving loan fund to assist with start-up and on-going programmatic funding. A link to the Assembly Childcare Committee website is provided at the end of this report.

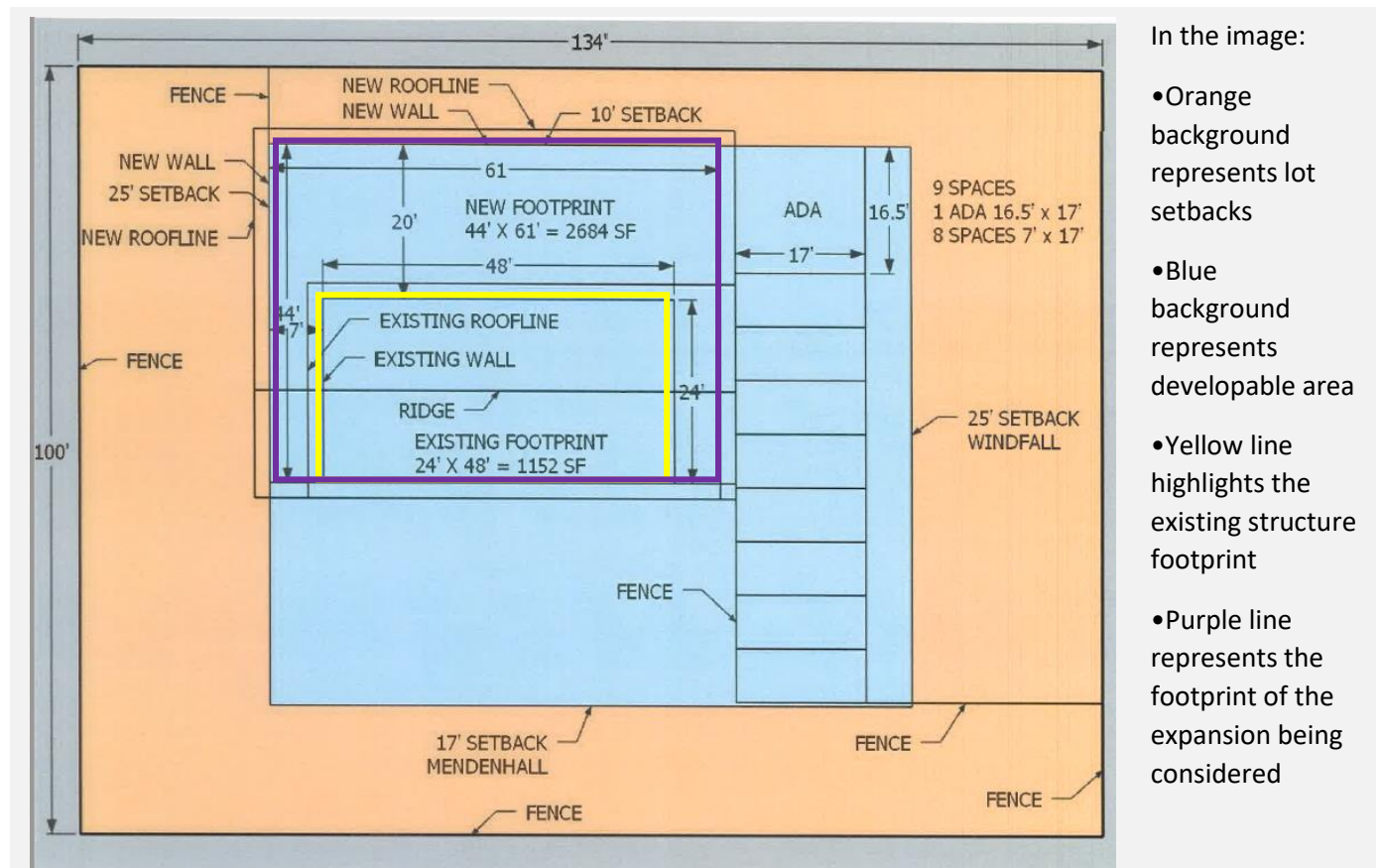
An ongoing challenge for childcare providers is finding appropriate space. In addition to State standards for indoor and outdoor accommodation, childcare in residential areas (like this application) is restricted from parking within the setbacks, in order to mitigate the operation’s impacts on the residential character of the neighborhood.

Another challenge is perceived conflicts with marijuana facilities. Commissioners may recall that a marijuana facility must be 500 feet away from a school ground, or a recreation or youth center [3 AAC 306.010. License Restrictions]. How or if childcare centers fall into these categories is unclear.

Challenges with procuring appropriate childcare space make expansion of Little Moon's Windfall childcare center attractive. The Windfall Avenue childcare center is in a residentially-zoned area, where marijuana businesses are prohibited.

CBJ code refers to childcare homes [CBJ 49.65.1110] and childcare centers [CBJ 49.65.1120]. Because of the number of children accommodated, Little Moon Daycare is a childcare center under the definitions of CBJ 49.80:

SITE PLAN



ANALYSIS

Project Site – The existing childcare center is on a 13,414 square-foot D3 lot. For a childcare center in a residential district, parking is prohibited in the setbacks, except for an approved driveway [CBJ 49.65.1120(a)(2)].

Condition: None.

Project Design – Expansion goals are:

	Current	Proposed
Square feet	1,152	2,684
Children	19	38
Staff	5	10
Parking	7	9

Planning staff worked with the applicant on the following scenario based on current parking usage (**Attachment C**).

Currently, personnel use four of the seven available parking spaces. Assuming similar ratios for proposed expansion, **staff would be expected to use six of nine proposed off-street parking spaces**. This leaves **three off-street parking spaces for families dropping off**.

Little Moon Daycare enters into a contract with parents of each family served. If parents breach the contract, the childcare relationship can be ended. Little Moon Daycare does not currently have a vehicle congestion problem, but if one arose, they would use the childcare center contract to manage which families dropped off when.

Currently, 19 children attend Little Moon Daycare, with four sibling groups. 15 cars transport 19 children. Note that some families carpool or double up, so actual vehicle use is lower.

Assuming similar ratios for the expansion, 30 cars would be expected to transport 38 children.

Little Moon Daycare would allow morning drop-offs using 10 minute increments. This creates ten drop-off times between 7:30 am and 9:00 am.

30 cars divided among 10 drop-off times would require three off-street parking spaces available at any one time.

The same method would be used to schedule evening pick-up.

The existing CUP limits childcare center operations to 21 children at any one time. This condition applies until the CUP is amended. **When the current CUP is amended, the condition should be modified for no more than 38 children and ten staff.**

Condition: None.

Vehicle Parking & Circulation – Determining required off-street parking spaces:

Standard per CBJ 49.65.1120(a)(3)	Spaces Required	Total Spaces
One per on-site employee	10	10

Standard per CBJ 49.65.1120(a)(3)	Spaces Required	Total Spaces
One per ten children	38	4
Total Parking Requirement:		14
Off-Street Loading Spaces Required:		0
ADA Accessible Spaces Required:		1

Plat 2014-10 has the note:

8. ACCESS FOR LOT 1 AND LOT 2 TO WINDFALL AVENUE IS RESTRICTED TO A SHARED DRIVEWAY AT THE COMMON PROPERTY LINE. THE OWNERS OF LOT 1 AND LOT 2 SHARE RESPONSIBILITY FOR THE CONSTRUCTION, RECONSTRUCTION MAINTENANCE AND SNOW PLOWING OF THE SHARED SECTION OF DRIVEWAY.

As discussed below, the Lot 2 neighbor has expressed support for the parking waiver request.

A traffic study is not required if the expansion is pursued. The average number of trips generated per 1,000 square feet of gross floor area is 74.06 [Institute of Traffic Engineers Trip Generation Manual Volume 3, page 1125], for a total of 161.8211 trips per day. This is less than the 250 that triggers a traffic study [CBJ 49.40.30(a) (2)].

Condition: None.

Impacts to Nearby On-street Parking – The existing CUP includes conditional exclusion of parking in the right-of-way. **When the current CUP is amended, the condition restricting parking in the right-of-way should be retained.**

Condition: None.

Non-motorized Transportation – Mendenhall Loop Road has wide shoulders to accommodate bike traffic and pedestrians. Windfall Avenue has no designated shoulders or sidewalks.

Condition: None.

Proximity to Transit – Capital Transit stops at the corner of Windfall Avenue and Mendenhall Loop Road (Stop Code 462). The nearest stop with established scheduling is in Auke Bay at Dehart's. The earliest weekday stop is 6:50 A.M. The latest is 11:22 P.M.

Condition: None.

Public Health or Safety – Safe and affordable childcare makes participation in the workforce and raising household income possible, important to community health given housing costs (Juneau Economic Development Plan, 2015). The Assembly Childcare Committee Problem Statement (linked at the end of this report) highlights the community health challenges related to childcare, like the ability to attract the next generation workforce, cost burdens of childcare, and kindergarten readiness.

Consequences of inadequate childcare include (Juneau Economic Development Council's *The Current Status of Child Care in Juneau* Working Paper, 2009)

- Juneau is a less attractive place to raise families.
- Children are potentially in unsafe or substandard care.

- There is a lack of quality care options.
- Juneau's business community faces increased obstacles to success.

A link to the Juneau Economic Development Council's working paper is provided at the end of this report.

Condition: None.

Property Value or Neighborhood Harmony – Prohibitions against parking in the setbacks preserve neighborhood character under a relatively intense use. This proposal meets code requirements. The applicant plans to address vehicle congestion if it becomes an issue. The owner of Lot 2 shares a driveway with the applicant, and is in support of the project (discussed below).

Condition: None.

AGENCY REVIEW

CDD conducted an agency review comment period between June 23, 2021 and July 5, 2021. No issues were raised through this review.

PUBLIC COMMENTS

CDD conducted a public comment period between June 25, 2021 and July 5, 2021. Public notice was mailed to property owners within 500 feet of the lot (**Attachment D**). A public notice sign was also posted on site two weeks prior to the scheduled hearing (**Attachment E**). Public comments submitted at time of writing this staff report are in **Attachment F**.

Name	Summary
Chad and Samantha Carson	Neighbor who shares the driveway – support.

CONFORMITY WITH ADOPTED PLANS

The proposed development conforms to the 2013 Comprehensive Plan, and the 2015 Juneau Economic Development Plan.

2013 Comprehensive Plan			
Chapter	Page No.	Item	Summary
14	217	Community Education and Services	Lack of childcare makes Juneau an untenable home for young families. HEARTS program established to encourage staff professionalism.
		14-SOP1	Regulatory requirements should not unduly restrict availability of childcare.
		14-SOP2	Support childcare providers in providing affordable, quality childcare.

2015 Juneau Economic Development Plan			
Chapter	Page No.	Item	Summary
Intro	6	Goals and Objectives	6. Increase availability of childcare year round, with an emphasis on kindergarten readiness.
	20	Foundational Area Development	Childcare makes local participation in the workforce possible, raising household income. Improves work-readiness of workforce.
	33	Household Survey Results	35% of respondents feel childcare services and costs are a barrier to Juneau's economic development.
	36	Business/Employer Survey Results	22-25% of respondents said childcare costs and availability were barriers to Juneau's economic development.
	61	Initiative: Attract and Prepare the Next Generation Workforce	Juneau's workforce is not keeping pace with employer demands, partially due to barriers to living in Juneau, like high housing costs and a shortage of childcare.
	62	Potential Threats/Opportunities	Affordable, quality childcare is critical for families, Juneau has a severe shortage.
	65	Objectives and Actions	Ease the childcare barrier.
	65	Action 2-E	Collaborate with childcare and pre-K education providers to secure, affordable, and appropriate space for pre-K programs.
	81	Action 4-D	Identify issues aside from housing, like childcare, that if addressed would induce more mine families to live in Juneau.

FINDINGS

Parking Waiver Criteria – Per CBJ 49.40.210(d)(6)(1-4), the Director makes the following findings on the proposed Parking Waiver:

1. *Will granting the waiver result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan?*

Analysis: Given the need for childcare and the dearth of appropriate properties, parking modifications that might otherwise seem tight are warranted.

Finding: Yes. Granting the requested Parking Waiver for proposed childcare expansion will result in more benefits than detriments to the community as a whole as identified by the 2013 Comprehensive Plan and the 2015 Juneau Economic Development Program.

2. *Is the development located outside of the PD-1 Parking District, PD-2 Parking District, and the Downtown Fee In Lieu of Parking District?*

Analysis: None required.

Finding: Yes. The lot is located outside of the above listed parking districts.

3. Will granting the waiver result in adverse impacts to property in the neighboring area?

Analysis: The applicant will use childcare contracts to manage drop-offs and pick-ups if parking becomes a problem. Of note, the neighbor who shares a driveway with this property has expressed their support for the expansion. Additionally, the approved CUP limits parking in the Windfall Avenue right-of-way.

Finding: No. With appropriate conditions, granting the requested waiver will not result in adverse impacts to neighboring property.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: The proposal addresses a need for childcare and improves overall community health.

Finding: No. With appropriate conditions, granting the requested waiver will not materially endanger the public health or safety.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Parking Waiver. The permit would provide a parking reduction from 14 required off-street parking spaces to nine to serve a child care expansion at 4341 Windfall Avenue in a D3 Zone.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	USE2020 0015: Notice of Decision
Attachment C	Parking Strategy
Attachment D	Abutters Notice
Attachment E	Public Notice Sign
Attachment F	Public Comments

Links to references:

2018 CBJ Assembly Childcare Committee: <https://juneau.org/assembly/assembly-childcare-committee>
Includes Problem Statement and Final Committee Report

2009 *The Current Status of Child Care in Juneau* Working Paper, JEDC:
<https://www.jedc.org/forms/JEDC-childcare-working-paper.pdf>



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address <u>4341 Wundtall Ave</u>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Raymond 2 LT 1</u>		
	Parcel Number(s) <u>4 B27 01030043</u>		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <u>Israa Kako</u>	Contact Person <u>Kayla Svinicki</u>	
	Mailing Address <u>PO BOX 210695 Aniak Bay AK</u>	Phone Number(s) _____	
	E-mail Address <u>israa.kako@gmail.com 99821</u>		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Kayla Svinicki</u> Landowner/Lessee Signature		<u>4/28/21</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant <u>Kayla Svinicki</u>	Contact Person <u>Same</u>		
Mailing Address <u>9033 NINNIS DR Juneau</u>	Phone Number(s) _____		
E-mail Address <u>littlemoonak@gmail.com AK 99801</u>	<u>907 209 3429</u>		
X <u>K Svinicki</u> Applicant's Signature	<u>4/28/21</u> Date of Application		

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

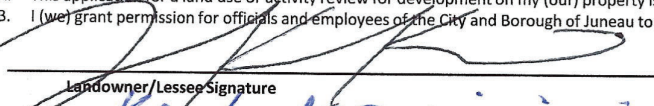
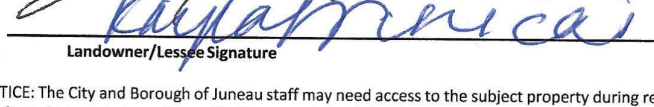
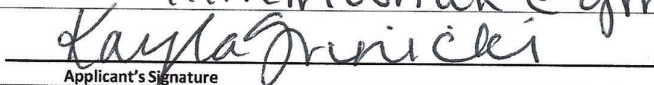
For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application Packet

Intake Initials LEC
Case Number <u>PWP 21-003</u>
Date Received 5-24-21

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 4341 Windfall Avenue, Juneau AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)		
	Parcel Number(s)		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Israa Kako	Contact Person	
	Mailing Address P.O. Box 210695, Anke Bay, AK 99821	Phone Number(s) 907 723 1173	
	E-mail Address Israa.Kako@realcompany.com		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
☒ Landowner/ Lessee Signature 		6/8/2020 Date	
☒ Landowner/ Lessee Signature 		6/22/21 Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT			
If the same as OWNER, write "SAME"			
Applicant Kayla Sviriicki		Contact Person	
Mailing Address 3784 McGinnis Drive Juneau AK 99801	Phone Number(s) 907 209 3429		
E-mail Address littlemoonak@gmail.com			
☒ Applicant's Signature 		6-8-20 Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

Note: Includes owner signature

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials	
Case Number	Date Received



PARKING WAIVER APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant	PROJECT SUMMARY <i>More Playground and parking to accommodate future expansion plan.</i>	
	TYPE OF PARKING WAIVER REQUESTED (check one)	
	☒ MINOR DEVELOPMENT Parking Waiver Departmental Review (PWD)	☒ MAJOR DEVELOPMENT Parking Waiver Planning Commission Review (PWP)
	DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one)	
	☒ Existing ☐ Proposed – Related Case Number: _____	
	NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A)	
☐ For Residential Uses: _____ spaces ☒ For Non-Residential Uses: <i>14</i> spaces <i>For proposed expansion</i>		
NUMBER OF PARKING SPACES THAT WILL BE PROVIDED		
☐ For Residential Uses: _____ spaces ☒ For Non-Residential Uses: <i>9</i> spaces <i>shown on site plan</i>		
ALL REQUIRED MATERIALS ATTACHED		
☒ Complete application per CBJ 49.15 and CBJ 49.40.210(d)(6) ☒ Narrative including: ☒ Why the parking waiver is being requested? ☒ How the requested waiver meets items 1-4 on page 2		

DEPARTMENT USE ONLY BELOW THIS LINE

PARKING WAIVER FEES			
Residential Spaces	_____	Non-Residential Spaces	<i>400.00</i>
Residential Fee	\$ _____	Non-Residential Fee	\$ _____
Total Residential	\$ _____	Total Non-Residential	\$ <i>400.00</i>
Total Fee		<i>\$550.00 + 150.00</i> <i>public notice sign / deposit</i>	

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<i>PWP 21-003</i>	<i>LEC 5-24-21</i>

Parking Waiver Information

Parking waivers are outlined in CBJ 49.40.210(d)(6)

Parking Waivers are pursuant to 49.40.210(d) Exceptions (6) Parking Waivers. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the Director of the Community Development Department in the case of minor development; the Planning Commission in the case of major development; and the Planning Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

Any waiver granted under this subsection shall be in writing and shall 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:

- (1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;
 - (2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;
 - (3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and
 - (4) The waiver will not materially endanger public health, safety, or welfare.
- Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.
 - The director shall mail notice of any complete parking waiver application to the owners of record of all 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 shall be made concurrently in accordance with CBJ 49.15.230.

Approved parking waivers shall expire upon a change in use.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

4/21/21

Salutations City Development Professionals,

This parking waiver request is in motion to serve the flow of our business needs for our employees, clients, and neighbors while we ease into our expansion plan.

First step in preparation while we are lining the offer on the building is to enhance our currently used space for the children who are presently enrolled. This requires a new parking arrangement since our play area will be moving to a new location leaving an empty space ready for client parking.

This new parking area will give easier access to clients and staff with a more direct pathway for parents to drop off and pick up children. This will leave less traffic in the way of neighbors on their way to or from work.

Having this parking space ready before the expansion plan will give a ready area for parents to park as the building is occurring for a better flow. There are more benefits to this parking area than detriments. The current parking pattern will result in a detriment with the new play area in place which is happening now.

The property is outside of parking districts.

This waiver does not adversely affect neighboring properties, but rather positively affect them.

This waiver will not endanger public health, safety, or welfare.

Sincerely,

Kayla Svinicki

A handwritten signature in dark ink, appearing to read 'K Svinicki', written over the printed name.

Program Owner/Center Administrator

Little Moon Daycare (Windfall) parking summary:

	Actual	Proposed
Square feet	1152	2684
Children	19	38
Staff	5	10
Parking	7	9

Staff will use six of the proposed nine parking spots.

Currently 3/5 staff park, plus the Administrator's vehicle: 4/7 spaces used by staff. Two staff take the bus or get dropped off.

Assuming similar ratios for proposed expansion, we would expect 6/9 spaces used by staff.

This leaves three spaces for families dropping off.

Currently, there are 19 children at Little Moon, with 4 sibling groups. So, 15 cars for 19 children. Note that there are families who carpool or double up, so actual vehicle use is actually lower.

Assuming similar ratios for the expansion, we'd expect 30 cars for 38 children.

Little Moon does not currently have a congestion problem, but if one arose, they would use the child care contract to manage which families dropped off when.

There would be 10 morning drop-offs, using 10 minute increments between 7:30 am and 9:00 am.

$30/10 = 3$ spaces would be used by people dropping off their kids at any one time.

The same method would be used for evening pick-up.

Laurel Christian

From: Kayla Svinicki <littlemoonak@gmail.com>
Sent: Monday, May 24, 2021 1:25 PM
To: Laurel Christian
Subject: Re: New Plan

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

Absolutely, the future expansion will include 38 children and 10 employees.

Kayla Svinicki
Center Administrator/Owner
Little Moon Daycare, Child Care Center & Outdoor Program

CONFIDENTIALITY NOTICE: The contents of this **email** message and any attachments are intended solely for the addressee(s) and may contain **confidential** and/or privileged information and may be legally protected from disclosure.

On Mon, May 24, 2021 at 1:26 PM Laurel Christian <Laurel.Christian@juneau.org> wrote:

Thanks Kayla,

Can you please also send me a brief description of how many children you anticipate having for your future expansion and how many employees?

With that information, we'll accept the parking waiver application for review. I'll submit the paperwork to our permits staff and they'll collect the payment.

Laurel Christian | Planner II

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4208

***NOTICE:** Effective May 3rd our phone system is changing. You will no longer be able to reach me directly at 586-0761. Instead, please call 586-0753 ext. 4208.

Attachment A - Application Packet



Fostering excellence in development for this generation and the next.

From: Kayla Svinicki <littlemoonak@gmail.com>
Sent: Monday, May 24, 2021 11:03 AM
To: Laurel Christian <Laurel.Christian@juneau.org>
Subject: Fwd: New Plan

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

Hi Laurel, here is the updated diagram for the parking waiver. Please let me know if this is acceptable. Thank you!

Kayla Svinicki

Center Administrator/Owner

Little Moon Daycare, Child Care Center & Outdoor Program

CONFIDENTIALITY NOTICE: The contents of this **email** message and any attachments are intended solely for the addressee(s) and may contain **confidential** and/or privileged information and may be legally protected from disclosure.

----- Forwarded message -----

From: SVINICKI, Buckley (JUNSC) <bsvinicki@colaska.com>
Date: Sun, May 23, 2021 at 6:41 PM
Subject: New Plan
To: Kayla Svinicki <littlemoonak@gmail.com>

Attachment A - Application Packet

Buck Svinicki

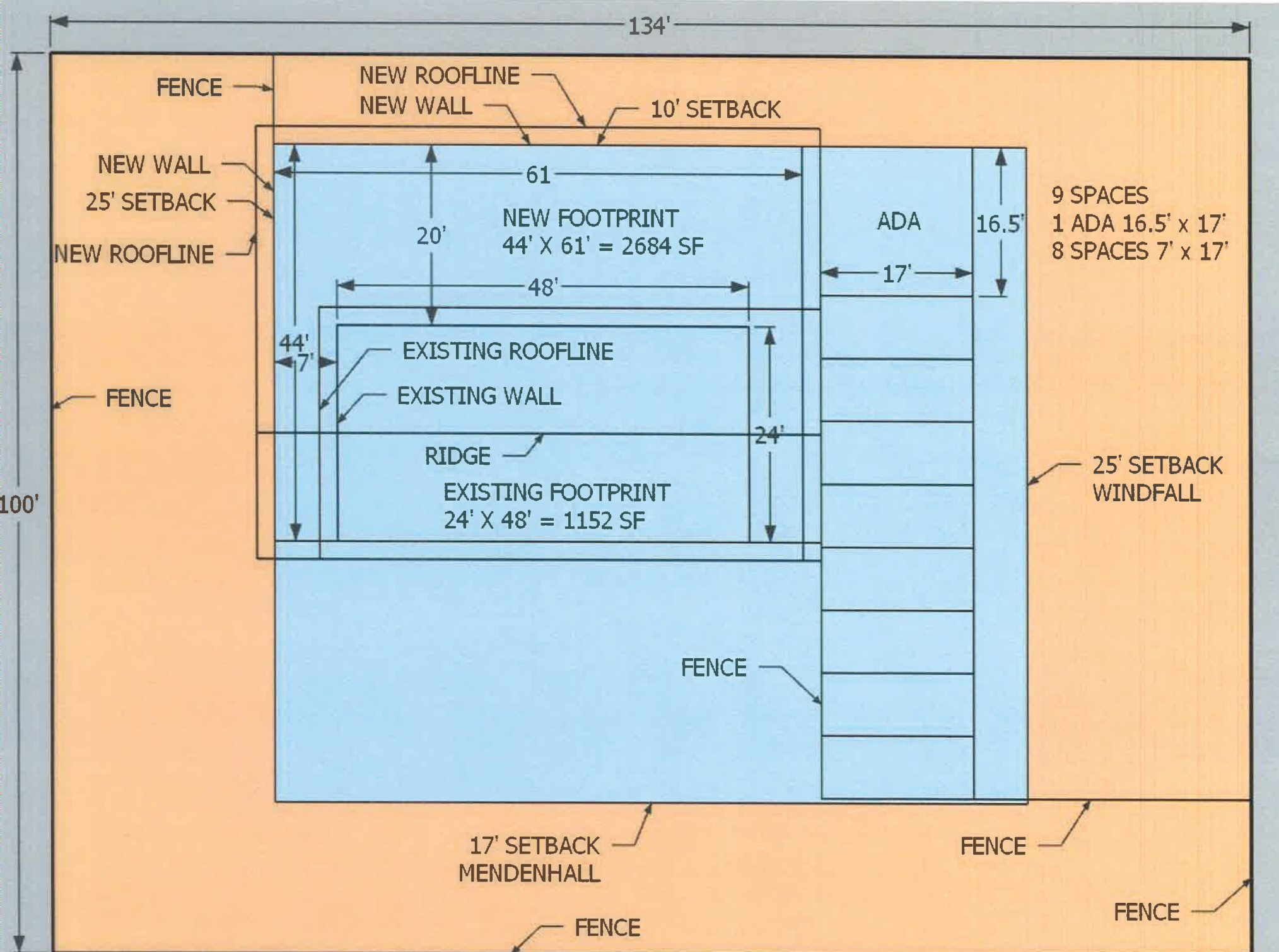
Project Superintendent



Office: 907-780-5145

Cell: 907-321-3343

bsvinicki@colaska.com





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

Windfall Daycare: Little Moon expansion to 10 staff and 38 children

Case Number: PAC2021 0021

Applicant: Kayla Svinicki

Property Owner: Israa S. Kato

Property Address: 4341 Windfall Avenue

Parcel Code Number: 4B270103004

Site Size: 13,414 square feet, 0.3079 acres

Zoning: D3

Existing Land Use: Daycare

Conference Date:	March 31, 2021
Report Issued:	April 21, 2021

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Kayla Svinicki	Applicant	littlemoonak@gmail.com
Irene Gallion	Planning	Irene.Gallion@juneau.org
Eddie Quinto	Permit Specialist	Edward.Quinto@juneau.org
Dan Jager	Fire Marshal	Dan.Jager@juneau.org

Pre-Application Conference Final Report

Conference Summary

Applicant currently has a conditional use permit (USE2020 0015) for up to 21 children and five staff members. This proposal would increase that capacity to 38 children with 10 staff.

This would require an update to the existing Conditional Use Permit.

Property is currently rented and applicant is interested in purchase. Expansion would allow for viable child care business and maintenance of current rates. The current sizing is legal, but not practical, especially with children of different ages. Multiple professional agencies have been working with the applicant, including JAMHI and JEDC.

CAN DRIVEWAY BE WIDENED?

The applicant asked about using a relocatable to provide additional space for operations. A relocatable would have to meet building and zoning code, but is possible.

The general process for a Conditional Use Permit is:

- Do a pre-application conference.
- Apply for a conditional use permit. Attach (see “List of required applications,” below):
 - A Development Permit Application
 - A Conditional Use Permit Application
 - Maybe a Parking Waiver Application?
 - A narrative explaining what you want to do.
 - Attach these notes.
- The application is considered complete when fees are paid. It will be assigned to a planner, who will reach out to you for scheduling a Planning Commission meeting.
- Once the meeting is scheduled,
 - The planner will develop a staff report for the Planning Commission
 - You’ll need to post a “public notice” sign two weeks before the hearing.
 - A post card will be sent to your neighbors letting them know of your proposal and inviting them to comment.
- At the Planning Commission hearing,
 - The planner will present a presentation (10 minutes)
 - You as the sponsor will be able to address the Commission (10 minutes)
 - The public will be allowed to testify (usually three minutes each)
 - You will be given an opportunity to respond to testimony.
 - The Commission will close public comment, debate the merits of the case, and make a decision.
 - The Commission can:
 - Approve the proposal
 - They can add conditions to the approval.
 - Deny the proposal
 - Carry the proposal to the next meeting.

Pre-Application Conference Final Report

Questions/issues/agreements identified at the conference that weren't identified in the attached reports. The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division

1. Zoning – D3

2. Setbacks –

- a. **Front (Windfall Avenue, east):** 25 feet
- b. **Rear (west):** 25 feet
- c. **Street side setback (south, along Mendenhall Loop):** 17 feet
- d. **Side (north):** 10 feet.

3. Height –

- a. **Permissible use:** 35 feet
- b. **Accessory use:** 25 feet

4. Access – Access is via Windfall Avenue. A plat note restricts lot access to a shared driveway at the common property line of Lots 1 and 2. These lot owners share responsibility for the construction, reconstruction, maintenance and snow plowing of the shared section of the driveway.

5. Parking & Circulation– Current use requires seven parking spaces, with one ADA accessible. There is a USE permit condition that **no visitor or employee parking shall occur within the Windfall Avenue right-of-way.**

CBJ 49.65.1120 requires 1 parking space per on-shift employee, plus one space per ten children served. 14 spaces would be required for the proposed development.

In residential zoning districts, no parking or loading areas shall be located in any setback, except in an approved driveway [CBJ 49.65.1120]. With your proposed plan, you'll need to rethink the parking spaces that are in the setbacks.

The "parking waiver" regulations are attached. You would need to demonstrate that:

- There are more benefits than detriments.
- That the property is outside of parking districts and fee-in-lieu district (it is).
- The waiver will not adversely impact neighboring properties.
- The waiver will not endanger public health, safety or welfare.

6. Lot Coverage – 35%. The proposed structure is 2,684 square feet, or 20 percent lot coverage.

7. Vegetative Coverage – Minimum vegetative cover is 20 percent.

8. Lighting – Lighting was approved under a previous conditional use permit. Modifications to the structure will result in lighting changes on the north side of the building, and require a new lighting plan. The current USE condition would remain: **On-site lighting shall not glare onto any public right-of-way or neighboring property.**

9. Noise – Noise is not anticipated to exceed that regularly occurring in a residential area.

10. Flood – The lot is not in a mapped flood hazard area.

Pre-Application Conference Final Report

11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a hazard area, and will not create slopes in excess of 18 percent.
12. **Wetlands** – If wetlands are on the lot will be filled, contact the United States Army Corps of Engineers for a permit. (907) 790-4490.
13. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
14. **Plat or Covenant Restrictions** – Plat Note 8 is the only one that directly impacts Lot 1:
 8. ACCESS FOR LOT 1 AND LOT 2 TO WINDFALL AVENUE IS RESTRICTED TO A SHARED DRIVEWAY AT THE COMMON PROPERTY LINE. THE OWNERS OF LOT 1 AND LOT 2 SHARE RESPONSIBILITY FOR THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND SNOW PLOWING OF THE SHARED SECTION OF DRIVEWAY.
15. **Traffic** – No Traffic Impact Analysis required. The institute of Traffic Engineer's Trip Generation Manual (9th Edition) estimates 74.06 trips per 1,000 square feet of childcare facility, resulting in estimated Average Annual Daily Traffic (AADT) of 199. A project creating less than 250 AADT does not require a traffic impact analysis.
16. **Nonconforming situations** – No nonconformities are evident at this time.

Building Division

17. **Building Comments** will be made during plan review.
18. **Outstanding Permits** - N/a

General Engineering/Public Works

19. **Engineering** – The existing driveway is a common shared driveway and may be extended, provided that the overall existing driveway with the new extended portion combined does not exceed 32'. You will need to submit a driveway plan to include culvert elevations and concrete headwalls, This can be done when you apply for the overall building permit.

Fire Marshal

20. **Fire Items/Access** – Comments made during plan review.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application: <https://juneau.org/index.php?gf-download=2019%2F12%2FDPA.pdf&form-id=22&field-id=11&hash=81202ef96484e0b859d1c4855a6b7ae4b18cb229e8824059dbb0d96082e74d6d>
2. Allowable/Conditional Use Permit Application: <https://juneau.org/index.php?gf-download=2019%2F07%2FUSE-Allowable-Conditional-Use.pdf&form-id=22&field-id=11&hash=1f4082f939f72daa29a17b66188d1bf0f634352cc2ca2397485edbab5a3d366d>
3. Parking Waiver Application (if applicable): https://juneau.org/index.php?gf-download=2019%2F12%2FPWD_PWP-Parking-Waiver-Application.pdf&form-id=22&field-id=11&hash=1233d8ef5ec4911f906bd0df42ce8dff0fc7b318c82a2d1eaa677f131261dcd1

Additional Submittal Requirements

Pre-Application Conference Final Report

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit: \$500
2. Parking Waiver (if applicable): \$320 if submitted with another application, otherwise \$400
3. Public Notice Sign fee: \$150, with \$100 refundable if the sign is brought back by the Monday after the Planning Commission hearing.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

You must submit your application(s) in person with payment made to:

City & Borough of Juneau, Permit Center
 230 South Franklin Street
 Fourth Floor Marine View Center
 Juneau, AK 99801

Phone: (907) 586-0715
 Fax: (907) 586-4529
 Web: www.juneau.org/cdd

Attachments:

- 49.15.330 – Conditional Use Permit
- Attach parking waiver stuff

Pre-Application Conference Final Report

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 meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director 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.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
 - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
 - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
 - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1) (A)—(1) (C) of subsection (e) of this section.
 - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
 - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
 - (A) Will materially endanger the public health or safety;
 - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*
 - (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
 - (A) Whether the proposed use is appropriate according to the table of permissible uses;
 - (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
 - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

Pre-Application Conference Final Report

- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:
 - (1) Materially endanger the public health or safety;
 - (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
 - (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
 - (2) *Use.* Use of the development may be restricted to that indicated in the application.
 - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
 - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
 - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
 - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
 - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
 - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
 - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
 - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
 - (A) Developments in wetlands and intertidal areas.
 - (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBA at the property line during the day or 55 dBA at night.
 - (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
 - (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
 - (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
 - (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.

Pre-Application Conference Final Report

- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c) (am), § 9, 8-31-2015; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018)

Pre-Application Conference Final Report

49.40.210 Minimum space and dimensional standards for parking and off-street loading.**(d) Exceptions.**

- (6) *Parking waivers.* The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.
 - (A) Any waiver granted under this subsection shall be in writing and shall 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:
 - (1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;
 - (2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;
 - (3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and
 - (4) The waiver will not materially endanger public health, safety, or welfare.
 - (B) Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.
 - (C) The director shall mail notice of any complete parking waiver application to the owners of record of all 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 shall be made concurrently in accordance with CBJ 49.15.230.
 - (D) Approved parking waivers shall expire upon a change in use.



(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

NOTICE OF DECISION

Date: June 26, 2020
Case No.: USE2020 0015

Kayla Svinicki
3784 McGinnis Drive
Juneau, AK 99801

Proposal: Minor modification of existing Conditional Use Permit (USE2015 0008) for a childcare center to change operator and parking layout.

Property Address: 4341 Windfall Avenue

Legal Description: Raymond 2 Lot 1

Parcel Code No.: 4B2701030043

The Director adopted staff's analysis and findings listed in the attached memorandum dated June 26, 2020, and approved the minor modification of existing Conditional Use Permit (USE2015 0008) for childcare to change operator and parking layout, to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

1. No more than 21 children at any one time are allowed to use the childcare center on the subject lot.
2. No visitor or employee parking shall occur within the Windfall Avenue right-of-way.
3. On-site lighting shall not glare onto any public right-of-way or neighboring property.

Attachments: June 26, 2020, memorandum from Laurel Christian, Community Development, regarding USE2020 0015.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CDD Director. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Director shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Kayla Svinicki
Case No.: USE2020 0015
June 26, 2020
Page 2 of 2

Effective Date: The permit is effective upon approval by the Director, June 26, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2021, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Laurel Christian, Planner II
Community Development Department



Jill Maclean Director, AICP
Planning Commission

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.

Little Moon Daycare (Windfall) parking summary:

	Actual	Proposed
Square feet	1152	2684
Children	19	38
Staff	5	10
Parking	7	9

Staff will use six of the proposed nine parking spots.

Currently 3/5 staff park, plus the Administrator's vehicle: 4/7 spaces used by staff. Two staff take the bus or get dropped off.

Assuming similar ratios for proposed expansion, we would expect 6/9 spaces used by staff.

This leaves three spaces for families dropping off.

Currently, there are 19 children at Little Moon, with 4 sibling groups. So, 15 cars for 19 children. Note that there are families who carpool or double up, so actual vehicle use is actually lower.

Assuming similar ratios for the expansion, we'd expect 30 cars for 38 children.

Little Moon does not currently have a congestion problem, but if one arose, they would use the child care contract to manage which families dropped off when.

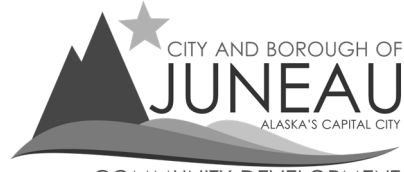
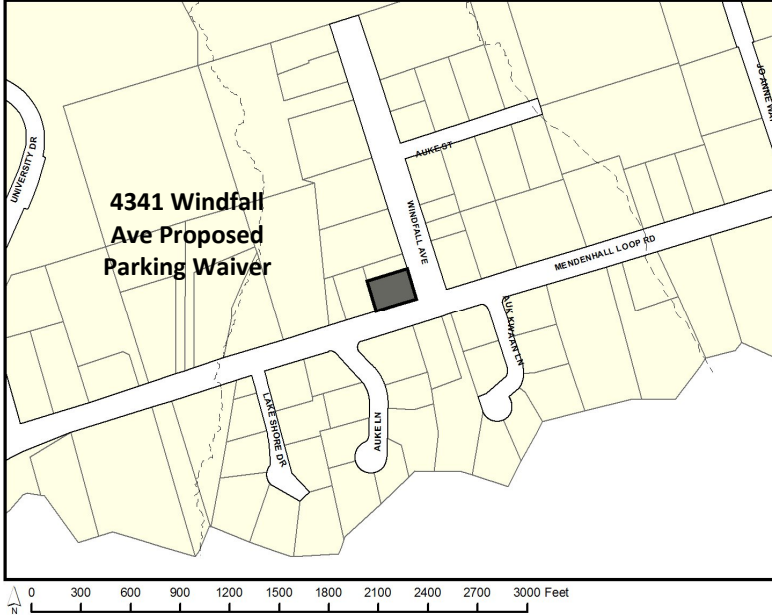
There would be 10 morning drop-offs, using 10 minute increments between 7:30 am and 9:00 am.

$30/10 = 3$ spaces would be used by people dropping off their kids at any one time.

The same method would be used for evening pick-up.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **reduction from 14 required off-street parking spaces to 9 to serve a daycare expansion at 4341 Windfall Avenue in a D3 Zone.**

Application materials can be found at <https://juneau.org/community-development/planning-commission>. Scroll to the bottom and choose the July 27, 2021 meeting. The Staff Report is expected to be posted at the same site the week of **July 19, 2021**. Find hearing results, meeting minutes, and more here as well.

TIMELINE

Now through July 5

Comments received during this period will be sent to the Planner, **Irene Gallion**, to be included as an attachment in the staff report.

July 6 — noon, July 26

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, July 27, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/96970037739>. The Webinar ID is: 969 7003 7739. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

July 28

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed June 25, 2021

Attachment D - Abutters Notice

Case No.: PWP2021 0003
Parcel No.: 4B2701030043
CBJ Parcel Viewer: <http://epv.juneau.org>

Irene Gallion

From: Kayla Svinicki <littlemoonak@gmail.com>
Sent: Monday, July 12, 2021 2:18 PM
To: Irene Gallion
Subject: Re: FW: PWP21-03: Post Sign by July 13th

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



Attachment E - Public Notice Sign

Irene Gallion

From: Kayla Svinicki <littlemoonak@gmail.com>
Sent: Wednesday, June 16, 2021 8:03 PM
To: Irene Gallion
Subject: Fwd: Parking-Expansion, CBJ

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

----- Forwarded message -----

From: Samantha Carson <samcarson07@gmail.com>
Date: Wed, Jun 16, 2021 at 6:48 PM
Subject: Re: Parking-Expansion, CBJ
To: Kayla Svinicki <littlemoonak@gmail.com>

Hey there,
 I would be happy too. Exciting news, we support your future plans!

The daycare facility has been a wonderful addition to Windfall. Kayla has done an amazing job managing traffic. We're excited about the new plans of expansion and trust Kayla's vision. We don't feel an expansion or parking lot will interrupt our daily life or routines here at home. Noise is no issue at all. I love hearing and seeing the the daycare kiddos playing outside and having fun. Little Moon has brought a fun element to our neighborhood. Our family is excited for Kayla's new and exciting changes!

Thank you,
 Chad & Samantha Carson

On Wednesday, June 16, 2021, Kayla Svinicki <littlemoonak@gmail.com> wrote:
 Hi Sam!

I am currently working with CBJ to complete our parking waiver, and future expansion plans for the center.

I want to share with you my plans since we have a shared portion of the driveway. My plan is to separate that as much as possible for more clearance for your family and our business here.

My first attempt to do that is to create new parking directly in front of the building and along the new fence in the form of a designated parking lot.

Secondly I intend to own this building and build on it next year. I hope to build out to the right side on the concrete to the setbacks which is ten feet from the fence separating our properties.

CBJ wants to know how our neighbors feel about these proposed changes. If you feel you would not mind these changes or if it wouldn't get in the way of your peace at your home residence would you please respond to this email stating that?

A statement confirming that our changes to add to the building and remodel the parking are not of any bother or impediment to you would greatly improve the cities motion on our projects.

Thank you so much! If you do feel this is concerning please feel free to let me know I am happy to discuss further :) I have considered any possible intrusions to your property and have done my best to be as considerate as possible :)

Thank you!

Kayla Svinicki
Center Administrator/Owner
Little Moon Daycare, Child Care Center & Outdoor Program

CONFIDENTIALITY NOTICE: The contents of this **email** message and any attachments are intended solely for the addressee(s) and may contain **confidential** and/or privileged information and may be legally protected from disclosure.

--

Kayla Svinicki
Center Administrator/Owner
Little Moon Daycare, Child Care Center & Outdoor Program

CONFIDENTIALITY NOTICE: The contents of this **email** message and any attachments are intended solely for the addressee(s) and may contain **confidential** and/or privileged information and may be legally protected from disclosure.

PWP2021 0003

A reduction from 14 required off-street parking spaces to 9 to serve a daycare expansion at 4341 Windfall Avenue in a D3 Zone.

Why now?

Applicant determining:

- Purchase property, and/or
- Expand 1,532 square feet
- Eventual expansion to 38 children would require amended CUP
- Would need to meet PWP requirements or get a new one

Why here?

- Secured space
- Costs of space are high
- Perceived conflict with marijuana establishments for commercial space

Childcare CENTER

- No parking in the setbacks
- 1 space for every 10 children
- One for every staff on site

- 14 spaces required
- Waiver to nine:
 - 6/9 spaces used by staff
 - 3 drop-off spaces managed contractually
 - 30 vehicles for 38 children
 - 10 drop-off time slots

Childcare an ongoing community concern

- Barrier to housing and participation in workforce
- Households (35%) and businesses (22-25%) feel it is a barrier to economic development.
- Untenable for young families
- Reduce regulatory burden

Neighborhood harmony and property value

- One comment: Direct neighbor supports
- Setback parking prohibitions mitigate impacts
- Contracts used to manage traffic, if needed

When CUP amendment pursued

- Limit to 38 children and ten staff.
- Restrict parking from the Windfall ROW.

Recommend APPROVAL

- More benefits than detriments? YES
- Outside of parking districts and FIL? YES
- Adverse impacts to neighbors? NO
- Endanger public health, safety and welfare? NO

Thank You!

Applicant: Kayla Svinicki

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

AME2018 0001: A text amendment to revise and update Title 49 Section 49.25.510(k) Accessory Apartments and other related sections of the Land Use Code - RECOMMENDED TO ASSEMBLY
FOR APPROVAL AS AMENDED

AGENDA ITEM:

Case No.: AME2018 0001

Applicant: City & Borough of Juneau

Location: Borough-wide

Proposal: A text amendment to revise and update Title 49 Section 49.25.510(k) Accessory Apartments and other related sections of the Land Use Code

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report for AME2018 0001 from June 22, 2021 Planning Commission	6/23/2021	Staff Report
▣	Presentation for AME2018 0001	7/26/2021	Presentation



DATE: June 15, 2021

TO: Michael LeVine, Chair, Planning Commission

BY: Beth McKibben, Senior Planner, AICP *Bmk*

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: A text amendment to revise and update Title 49 Section 49.25.510(k) Accessory Apartments and other related sections of the Land Use Code

STAFF 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 amend CBJ 49.25.300, Table of Permissible Uses; CBJ 49.25.400, Table of Dimensional Standards; CBJ 49.25.510(k) Special Density considerations – Accessory Apartments; and CBJ 49.80.120, Definitions in regard to accessory apartments.

KEY CONSIDERATIONS FOR REVIEW:

- All accessory apartments may be approved by the Director.
- Expands the opportunity to have larger accessory apartments on larger lots.
- Would allow accessory apartments with a duplex.

GENERAL INFORMATION	
Applicant	City and Borough of Juneau
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.25.300	Table of Permissible Uses
49.25.400	Table of Dimensional Standards
49.25.510(k)	Special Density considerations – Accessory Apartments
49.80.120	Definitions

WORK SESSION DATES	
Planning Commission	July 10, 2018
Title 49 Committee	July 16, 2018
Title 49 Committee	August 27, 2018
Planning Commission	April 27, 2021

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

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:
 - 49.25.300
 - 49.25.400
 - 49.25(510)(k)
 - 49.80.120

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 – This ordinance would amend Title 49 with respect to accessory apartments. The revisions initiated by the Community Development Department in 2018 were “housekeeping” in nature without changes to policy or intent. Further discussion by the Title 49 Subcommittee expanded the scope of the amendment to include lot size ratios, the size and number of accessory units, and to allow accessory apartments with a duplex, which is currently prohibited. Additionally, accessory apartments would become Director’s approvals.

Text Amendment Summary

The proposed amendment, if adopted will expand the opportunity for accessory apartments as follows:

- Oversized Lots [49.25.510(k)]
 - Current Code:
 - On lots equal to or larger than 250% of the minimum lot size, with two single-family dwellings, code provides for up to one accessory apartment up to 600 square feet or less and one or fewer bedrooms, and one accessory apartment up to 1,000 square foot and 2 bedrooms, not to exceed 50% of area of the primary dwelling, for each single-family dwelling.
 - Proposed Change:
 - On lots equal to or larger than 250% of the minimum lot size, with two single-family dwellings, this amendment provides for one accessory apartment up to 1,000 square feet and 2 bedrooms, not to exceed 50% of area of the primary dwelling for each single-family dwelling.
- Duplexes [49.25.510(k)]
 - Current Code:
 - Duplexes are not permitted to have an accessory apartment, as the duplex is considered one single-family dwelling with an accessory unit that mirrors the other unit in size and appearance; a duplex may be either side-by-side units or up-and-down units.
 - Proposed Changes:
 - On lots 150% of the minimum lot size (the minimum needed for a duplex), this amendment provides for one accessory apartment up to 600 square feet or less with one or fewer bedrooms;
 - On lots larger than 175% of the minimum lot size, this amendment provides for up to two accessory apartments 600 square feet or less with one or fewer bedrooms.

Title 49 Land Use Code Sections Amended

CBJ 49.25.300 – Table of Permissible Uses (TPU)

Additionally, current code allows accessory apartments on lots less than the minimum lot size (substandard lots) with a Conditional Use Permit approved by the Planning Commission. This amendment classifies an accessory apartment on a lot less than minimum lot size as a “*minor development*”, which is Director’s approval. The table

of dimensional standards will be expanded with minimum lot size standards specific to accessory apartments, and definitions will be amended to clarify and accommodate accessory apartments with duplexes. The uses are subject to Note X. Special requirements apply to accessory apartment applications. See CBJ 49.25.510(k).

CBJ 49.25.40 – Table of Dimensional Standards (TDS)

The TDS is amended, expanding the “Minimum Lot Size, Permissible Uses” section with standards specific to accessory apartments. The table below summarizes the standards specific to accessory apartments as shown in Attachment C.

	ZONING DISTRICT				
	RR	D1	D3	D5	D10SF
MINIMUM LOT SIZE					
Detached single-family dwelling and 1 accessory apartment ≤ 600 square feet	36,000	36,000	12,000	7,000	3,600
Detached single-family dwelling and 1 accessory apartment ≤ 1,000 square feet	45,000	45,000	15,000	8,750	4,500
Duplex and 1 accessory apartment ≤ 600 square feet	54,000	54,000	18,000	10,500	
Duplex and 2 accessory apartments each ≤ 600 square feet	63,000	63,000	21,000	12,250	
Common wall unit and 1 accessory apartment ≤ 600 square feet				10,500	3,600
Single-family detached, two dwellings per lot, with up to 2 accessory apartments each ≤ 600 square feet	72,000	72,000	24,000		
Single-family detached, two dwellings per lot, with up to 2 accessory apartments each ≤ 1,000 square feet	90,000	90,000	30,000		

CBJ 49.25.510(k) – Special density considerations

- Amends the introductory paragraph to clarify that in D10, D15, D18, MU, MU2, LC, GC, and WC accessory apartments are exempt from this section and treated as a primary dwelling unit. This does not clarify that an accessory apartment may be permitted in these zoning districts when the primary use is a single-family dwelling and the lot is not large enough to accommodate a second unit;
- Amends the approval standards as discussed above;

CBJ 49.80.120 – Definitions

- Amends the definition of accessory apartments to permit them in conjunction with a duplex;
- Amends the definition of duplex to clarify the duplex is considered the primary dwelling unit;
- Amends the definition of multi-family dwelling to specify that the accessory apartment unit(s) of a duplex is not considered a multi-family dwelling unit.

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 should 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 in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
3	20	Policy 3.2	The proposed text amendment supports Policy 3.2 by promoting compact development by expanding opportunities for accessory apartments.

2013 COMPREHENSIVE PLAN – The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
			<i>TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, AND SCENIC CORRIDORS.</i>
4	37	Policy 4.2	The proposed text amendment supports Policy 4.2 by facilitating additional housing for all economic groups by expanding opportunities for accessory apartments, and easing their permit requirements. <i>TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.</i>
4	40	Policy 4.6	The proposed text amendment supports Policy 4.6 by expanding the opportunities for accessory apartments. <i>TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.</i>
4	41	Policy 4.8	The proposed text amendment supports Policy 4.8 by providing additional opportunities for accessory apartments in existing neighborhoods. <i>TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.</i>
10	130	Policy 10.2	The proposed text amendment supports Policy 10.2 by adding flexibility in the code as it applies to accessory apartments. <i>TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.</i>
10	131	Policy 10.3	The proposed text amendment supports Policy 10.3 by expanding the opportunity for accessory apartments. <i>TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.</i>

2016 HOUSING ACTION PLAN – The proposed text amendment complies with the 2016 Housing Action Plan			
Chapter	Page No.	Item	Summary
2	47	Implementation Action	The proposed text amendment is in compliance with Chapter 2, Strategy 7, Implementation Action because it will expand opportunities for accessory apartments in zoning districts, many of which have existing public services. <i>Action: Evaluate policies designed to encourage new development areas that already have infrastructure.</i>
2	48	Implementation Action	The proposed text amendment is in compliance with Chapter 2, Strategy 7, Implementation Action because all accessory apartments may be approved by the Director, streamlining the permitting process. <i>Action: Streamline/fast-track infill housing permitting.</i>
2	48	Implementation Action	The proposed text amendment is in compliance with Chapter 2, Strategy 7, Implementation Action because it allows accessory apartments with duplexes and allows more and larger accessory apartments on larger lots. <i>Action: Look at reducing setbacks and minimum lot sizes for duplex, ADUs, and bungalow infill lots.</i>

2015 ECONOMIC DEVELOPMENT PLAN The proposed text amendment complies with the 2015 Economic Development Plan			
Chapter	Page No.	Item	Summary
5	94	Initiative	The proposed text amendment is in compliance with initiative 7 because it will reduce the permitting burden for accessory apartments and expand opportunities for accessory apartments. <i>Initiative: Promote Housing Affordability and Availability</i> • <i>Zoning to encourage smaller housing development (e.g. multiple small homes on a single lot, cottage housing, accessory apartments, etc.)</i> • <i>Reduce permitting burden for certain types of housing development</i>

PUBLIC COMMENTS

Public notice of this proposed text amendment was provided in the June 11 and June 20, 2021 issues of the Juneau Empire's "Your Municipality" section. No public comments have been 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 consistent with the goals and policies of the 2015 Economic Development Plan and the 2016 Housing Action Plan.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan the 2015 Economic Development 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, the amendment will be consistent with the above purposes, especially numbers 2, 3, 4, and 6.

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 amend CBJ 49.25.300, Table of Permissible Uses; CBJ 49.25.400, Table of Dimensional Standards; CBJ 49.25.510(k) Special Density considerations – Accessory Apartments; and CBJ 49.80.120, Definitions in regard to accessory apartments.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Proposed Ordinance
Attachment B	Revised Table of Permissible Uses (Exhibit A)
Attachment C	Revised Table of Dimensional Standards (Exhibit B)
Attachment D	April 21, 2021 Memo to Planning Commission with attachments

Presented by: Planning Comm.
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-21 vPC1

An Ordinance Amending the Land Use Code Relating to Accessory Apartments.

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

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

Section 2. Amendment of Table. CBJ 49.25.300 Table of Permissible Uses, is amended as shown in Exhibit A.

Section 3. Amendment of Section. CBJ 49.25.400 Table of Dimensional Standards, is amended as shown in Exhibit B.

Section 4. Amendment of Section. CBJ 49.25.510 Special density considerations, is amended to read:

49.25.510 Special density considerations.

...

(k) *Accessory apartments.* No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section. An apartment in D-10, D-15, D18, MU, MU2, LC, GC, and WC is exempt from this section and treated as a primary dwelling unit.

...

(2) *Approval standards.*

- (A) Unless otherwise provided, the accessory apartment shall be a one-bedroom or efficiency unit not exceeding 600 square feet in net floor area.
- (B) Areas common to more than one dwelling unit - including entry ways, furnace rooms, laundry rooms, and interior stairways - shall not be included in the computation of the net floor area for the accessory apartment.
- (C) The minimum lot size as used in this section refers to the minimum lot size for permissible uses listed in the table of dimensional standards, CBJ 49.25.400 ~~200~~.
- (D) A permit under this subsection may be issued if the applicant establishes:
 - (i) The development meets all setback requirements;
 - (ii) The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment;
 - (iii) The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment does not decrease the existing vegetative cover;
 - (iv) The development meets the parking standards required by chapter 49.40; and

- (v) The development is connected to public sewer or the existing wastewater disposal system has adequate capacity for the development, including the proposed accessory apartment.

(E) Single-family detached accessory apartment approval.

- (i) The director may approve a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area ~~and is on a lot that exceeds the minimum lot size~~; or

(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, ~~and is on a lot that exceeds 125 percent of the minimum lot size.~~

~~(ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:~~

~~(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or~~

~~(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50~~

percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.

~~(iii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 125 percent of the minimum lot size.~~

(F) Single-family detached, two dwellings per lot, accessory apartment approval.

(i) When a lot has two primary dwelling units, each primary dwelling unit may have up to one accessory apartment that is consistent with the requirements of this section. The lot shall not have more than two accessory apartments.

~~(ii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.~~

~~(ii)(iii)~~ The director may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, ~~is on a double sized lot (two times the minimum lot size), and the lot does not have another accessory apartment in excess of 600 square feet in net floor area; or~~

(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, ~~on a lot that exceeds 250 percent of the minimum lot size, and the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~

~~(iv) The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:~~

~~(a) The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;~~

~~(b) The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~

...

(I) Duplex accessory apartment approval.

(i) The director may approve a 49.25.300.1.210 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area; or

(b) The application is for a second accessory apartment for an efficiency or one-bedroom units that does not exceed 600 square feet in net floor area.

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended at the following definitions to read:

Accessory apartment means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling, a duplex dwelling, or in a detached building on the same lot as the primary dwelling unit. An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Duplex means a building on a single lot containing two attached primary dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Dwelling, multifamily, means a building designed for or occupied by three or more families. A duplex with an approved accessory apartment(s) is not considered a multifamily dwelling.

Section 6. 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

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

		Zones														
Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
	1.120	Single-family detached, two dwellings per lot	1	1	1											
	1.130	Single-family detached, accessory apartment ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.140	Single-family detached, two dwellings per lot, accessory apartments ^x	1, 3	1, 3	1, 3											
1.200	Duplex															
	<u>1.210</u>	<u>Duplex with accessory apartment^x</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>										
1.300	Multifamily dwellings															
...																

Key:

1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- ...
- X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).
- ...

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Single-family detached with 1 acc. apt ≤ 600 sq. ft.	<u>36,000</u>	<u>36,000</u>	<u>12,000</u>	<u>7,000</u>	<u>3,600</u>										
Single-family detached with 1 acc. apt ≤ 1000 sq. ft.	<u>45,000</u>	<u>45,000</u>	<u>15,000</u>	<u>8,750</u>	<u>4,500</u>										
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Duplex with 1 acc. apt ≤ 600 sq. ft.	<u>54,000</u>	<u>54,000</u>	<u>18,000</u>	<u>10,500</u>											
Duplex with 2 acc. apt each ≤ 600 sq. ft.	<u>63,000</u>	<u>63,000</u>	<u>21,000</u>	<u>12,250</u>											
Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500					
Common wall dwelling with 1 acc. apt ≤ 600 sq. ft.				<u>10,500</u>	<u>3,600</u>										
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Single-family detached, two dwellings per lot with up to 2 acc. apt each ≤ 600 sq. ft.	<u>72,000</u>	<u>72,000</u>	<u>24,000</u>												
Single-family detached, two dwellings per lot with up to 2 acc. apt each ≤ 1000 sq. ft.	<u>90,000</u>	<u>90,000</u>	<u>30,000</u>												
...															



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

April 21, 2021

MEMO

From: Beth McKibben, Senior Planner, AICP *Beth McKibben*
To: Michael LeVine, Chair, Planning Commission
Through: Jill Maclean, Director, AICP
Case Number: AME2018 0001

RE: A text amendment to Title 49, Land Use Code 49.25.510(k) Accessory Apartments

RECOMMENDED ACTION

Staff recommends the Planning Commission review the proposed changes to the accessory apartments ordinance, and schedule the ordinance for a public hearing before the full Planning Commission.

ATTACHMENTS:

Attachment A: June 29, 2018 Staff Report, AME2018 0001
Attachment B: Excerpt of July 10, 2018 Planning Commission Meeting Minutes
Attachment C: August 10, 2018 Memorandum to Title 49 (without attachments)
Attachment D: Excerpt of August 27, 2018 Title 49 Committee Meeting Draft Minutes
Attachment E: Excerpt of July 16, 2018 Title 49 Committee Meeting Minutes

INTRODUCTION

The purpose of this memorandum is to review the proposed changes to the accessory apartment regulations, familiarize the new Commissioners with the topic, and confirm the Commission supports the proposed changes or prefers to make additional changes.

Planning Commission
Case No.: AME2018 0001
April 21, 2021
Page 2 of 4

BACKGROUND

This ordinance would amend Title 49 accessory apartments. The revisions initially were housekeeping in nature without changes to policy or intent. At the July 10, 2018 Planning Commission meeting, the Commission considered the proposed ordinance. Excerpts from those minutes may be found in Attachment B. Concern was raised about the lot size ratios, and the size and number of accessory units. There was desire to examine the concept of allowing accessory apartments with a duplex, which is currently prohibited. The ordinance was referred to the Title 49 Committee for discussion of these items, which met on July 16, 2018 (Attachment B) and August 27, 2018 (Attachment D).

DISCUSSION

Ordinance 2015-07(b)(m) amended CBJ code related to accessory apartments to allow for accessory apartments in multifamily zoning districts on lots meeting the minimum lot size, lots of less than the minimum lot size, and allowed for larger accessory apartments when certain conditions are met. The ordinance clarified parking requirements and made additional housekeeping changes.

The intent of the Assembly in adopting Ordinance 2015-07(b)(m) was to allow for Director and Commission approval for accessory apartments as follows:

Director Approval	Planning Commission Approval
a) Accessory apartments that do not exceed 600 square feet on lots that meet the minimum lot size. b) Accessory apartments up to 1000 square feet on lots that exceed 125% of the minimum lot size. c) Accessory apartments up to 1000 square feet each associated with a single-family residence on a lot that has two single-family dwellings and exceeds 250% of the minimum lot size.	Conditional Use Permit for accessory apartments not to exceed 600 square feet on lots that are less than the minimum lot size.

However, during the adoption of the Ordinance 2015-07(b)(m), changes were made on the floor, which created unintended redundancy. Current code provides for both Director and Commission approval for accessory apartments on oversized lots as described above (items b and c). This proposed amendment removes the portions of code that call for Commission approval, specifying only Director approval for accessory apartments on lots meeting or exceeding the minimum lot size.

Planning Commission
Case No.: AME2018 0001
April 21, 2021
Page 3 of 4

Subsequent work by the Title 49 Committee recommended the following:

- Oversized Lots
 - Current Code:
 - On lots equal to or larger than 250% of the minimum lot size, with two single-family dwellings, code provides for up to one accessory apartment - 600 square feet or less and one or fewer bedrooms, and one accessory apartment - up to 1,000 square foot and 2 bedrooms, not to exceed 50% of area of the primary dwelling, for each single-family dwelling.
 - Proposed Change:
 - On lots equal to or larger than 250% of the minimum lot size, with two single-family dwellings, code provides for one accessory apartment for each single family dwelling (up to 1,000 square foot and 2 bedrooms, not to exceed 50% of area of the primary dwelling).
- Duplexes
 - Current Code:
 - Duplexes are not permitted to have an accessory apartment, as the duplex is considered one single-family dwelling with an accessory unit that mirrors the other unit in size and appearance; a duplex may be either side-by-side units or up-and-down units.
 - Proposed Changes:
 - On lots 150% of the minimum lot size (the minimum needed for a duplex), code provides for one accessory apartment (600 square feet or less and one or fewer bedrooms).
 - On lots larger than 175% of the minimum lot size, a duplex may have up to two accessory apartments (600 square feet or less and one or fewer bedrooms) with an approved Conditional Use Permit.
 - Proposed changes to Definitions (49.80):
 - Amends the definition of accessory apartments to allow them in conjunction with a duplex;
 - Amends the definition of duplex (two to clarify the duplex is the primary dwelling unit;
 - Amends the definition of multi-family dwelling to specify that the accessory apartment unit(s) of a duplex is not considered a multi-family dwelling; and
 - Creates a new dimensional standards table specific to accessory apartments.

Planning Commission
Case No.: AME2018 0001
April 21, 2021
Page 4 of 4

The following table is representative of the proposed dimensional standards table:

	ZONING DISTRICT*				
	RR	D1	D3	D5	D10SF
MINIMUM LOT SIZE					
Detached single-family dwelling and one accessory apartment up to 600 square feet	36,000	36,000	12,000	7,000	3,600
Detached single-family dwelling and one accessory apartment up to 1000 square feet	45,000	45,000	15,000	8,750	4,500
Duplex and one accessory apartment up to 600 square feet	54,000	54,000	18,000	10,500	
Duplex and two accessory apartments up to 600 square feet with Conditional Use Permit	63,000	63,000	21,000	12,250	
Common wall unit and one accessory apartment up to 600 square feet**				10,500	3,600
Detached two single-family dwelling units per lot, and one accessory apartment up to 600 square feet	36,000	36,000	12,000		
Detached two single-family dwelling units per lot, and one accessory apartment up to 1,000 square feet	45,000	45,000	15,000		
Detached two single-family dwelling units per lot, and two accessory apartments up to 600 square feet	72,000	72,000	24,000		
Detached two single-family dwelling units per lot, and two accessory apartments up to 1,000 square feet	90,000	90,000	30,000		

*In multi-family and commercial zoning districts, unless on a duplex, units are considered another multi-family unit, not an accessory apartment. Caretaker units are permissible in industrial zoning districts; accessory apartments are not permissible.

**Each common wall lot may be permitted to have one accessory apartment up to 600 square feet



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

DATE: June 29, 2018

TO: Planning Commission

FROM: Beth McKibben, AICP, Planning Manager
BME
Community Development Department

CASE NO.: AME2018 0001

PROPOSAL: A text amendment to Title 49, Land Use Code 49.25.510(k) Accessory Apartments

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

ATTACHMENTS:

Attachment A: Draft Ordinance – Amending CBJ 49.25.510(k) Accessory Apartments

BACKGROUND/DISCUSSION

This ordinance would amend Title 49 with respect to accessory apartments. The revisions are “housekeeping” in nature and do not change policy or intent.

Ordinance 2015-07(b)(m) amended CBJ code related to accessory apartments to allow for accessory apartments in multifamily zoning districts on lots meeting the minimum lot size, lots of less than the minimum lot size, and to allow for larger accessory apartments when certain conditions are met. The ordinance also clarified the parking requirements and made additional housekeeping changes.

The intent of the Assembly in adopting that ordinance was to allow for Director and Planning Commission approval for accessory apartments as follows:

Director Approval

- a) Accessory apartments that do not exceed 600 square feet on lots that meet the minimum lot size.
- b) Accessory apartments up to 1000 square feet on lots that exceed 125% of the minimum lot size.
- c) Accessory apartments up to 1000 square feet each associated with a single family residence on a lot that has two single-family dwellings and exceeds 250% of the minimum lot size.

Planning Commission Approval

- d) Conditional Use Permit for accessory apartments not to exceed 600 square feet on lots that are less than the minimum lot size.

However, during the adoption of the Ordinance 2015-07(b)(m) changes were made on the floor that created unintended redundancy. Current code provides for both Director and Planning Commission approval for accessory apartments on oversized lots as described above (items b and c). The proposed amendment would remove the portions of code that call for Planning Commission approval, specifying only Director approval for these types of accessory apartments. This amendment would only change requirements relating to the approval of accessory apartments up to 1000 square feet on oversized lots.

Changes to CBJ 49.25.510(k)(2)(E) (Single-family detached accessory apartment approval):

- (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section are met and the application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size. ~~the following are met:~~

- ~~(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or~~
- ~~(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.~~

Changes to CBJ 49.25.510(k)(2)(F) (Single-family detached, two dwellings per lot, accessory apartment approval):

- (iv) The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if ~~all of the requirements of this section and the~~ application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area. ~~the following are met:~~

Planning Commission

Case No.: AME2018 0001

June 29, 2018

Page 3 of 4

~~(a) The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;~~

~~(b) The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~

The table below clarifies the discussion above.

49.25.510(k)(2)(E) One single family dwelling per lot	less than min lot size	100-124% min lot size	exceeds 125% min lot size	
One apartment up to 1000 sq. ft.	No change	No change	Director and Planning Commission Approval	Current Code
One apartment up to 1000 sq. ft.	No change	No change	Director Approval	Amended Code

49.25.510(k)(2)(F) Two single-family dwellings per lot	less than 2x min lot size	200-250% min lot size	exceeds 250% min lot size	
One apartment up to 1000 sq. ft.	No change	No change	Director and Planning Commission Approval	Current Code
One apartment up to 1000 sq. ft.	No change	No change	Director Approval	Amended Code

This amendment was initially scheduled to come before the Commission in February. However CDD, working with Law, wanted to explore revising the code further to incorporate a table, with the goal of making this section of code easier to use. However, integrating a table into the ordinance would result in a much larger and complicated revision than was intended by this amendment. CDD will instead use a table as an informational item for the public and staff.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

This housekeeping amendment does not establish new policies. The code that it clarifies has been found previously to be consistent with the Comprehensive Plan.

Planning Commission

Case No.: AME2018 0001

June 29, 2018

Page 4 of 4

COMPLIANCE WITH CBJ LAND USE CODE

The amendment is housekeeping in nature and provides needed clarification.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Economic Development Plan, the Housing Action Plan, and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-03

An Ordinance Amending the Land Use Code Relating to the Approval Process for Certain Accessory Apartments.

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 49.25.510 Special density considerations, is amended to read:

49.25.510 Special density considerations.

...

(k) *Accessory apartments.* No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section.

...

(2) *Approval standards.*

(A) Unless otherwise provided, the accessory apartment shall be a one-bedroom or efficiency unit not exceeding 600 square feet in net floor area.

1
2 (B) Areas common to more than one dwelling unit - including entry ways, furnace
3 rooms, laundry rooms, and interior stairways - shall not be included in the
4 computation of the net floor area for the accessory apartment.

5 (C) The minimum lot size as used in this section refers to the minimum lot size
6 for permissible uses listed in the table of dimensional standards, CBJ 49.25.200.

7 (D) A permit under this subsection may be issued if the applicant establishes:
8

9 (i) The development meets all setback requirements;

10 (ii) The total building footprint does not exceed the maximum lot coverage
11 allowable under section 49.25.400, the table of dimensional standards, or, in
12 the case of nonconforming structures, the total building footprint does not
13 increase with the proposed accessory apartment;

14 (iii) The development does not violate the vegetative cover requirements
15 imposed by section 49.50.300; or, in the case of nonconforming structures,
16 the proposed accessory apartment does not decrease the existing vegetative
17 cover;

18 (iv) The development meets the parking standards required by chapter
19 49.40; and
20

21 (v) The development is connected to public sewer or the existing
22 wastewater disposal system has adequate capacity for the development,
23 including the proposed accessory apartment.

24 (E) Single-family detached accessory apartment approval.
25

(i) The director may approve a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area and is on a lot that exceeds the minimum lot size; or

(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.

(ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section are met and the application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size. ~~the following are met:~~

~~(a) The application is for an efficiency or one bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or~~

~~(b) The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed~~

~~1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.~~

(iii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 125 percent of the minimum lot size.

(F) Single-family detached, two dwellings per lot, accessory apartment approval.

(i) When a lot has two primary dwelling units, each primary dwelling unit may have up to one accessory apartment that is consistent with the requirements of this section. The lot shall not have more than two accessory apartments.

(ii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.

(iii) The director may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:

(a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a double sized lot (two times the minimum lot size), and the lot does not have another accessory apartment in excess of 600 square feet in net floor area; or

(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50

percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, on a lot that exceeds 250 percent of the minimum lot size, and the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.

(iv) The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area. the following are met:

(a) ~~The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;~~

(b) ~~The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~

...

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

Adopted this _____ day of _____, 2018.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk

DRAFT

EXCERPT FROM MINUTES
Planning Commission
Regular Meeting
July 10, 2018

AME2018 0001: A text amendment to Title 49, Land Use Code 49.25.510(k), Accessory Apartments

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Ms. McKibben explained that this ordinance review involves no changes to policy. She said when the Planning Commission proposed amendments to the accessory apartment code that when the Assembly adopted the ordinance it created some redundancy. This amendment to the code provides the opportunity for larger accessory apartments up to 1,000 square feet and up to two bedrooms, said Ms. McKibben.

For example, in the current code one apartment at 1,000 square feet allows both the Planning Commission and the Planning Director to have approval, she said. That was not the initial intent, she noted. One apartment is Director approval, clarified Ms. McKibben. It is the same situation for two single-family dwellings per lot, she noted. The code has been amended to state that it is Director approval, she said.

Commissioner Comments and Questions

Mr. Miller reviewed the ordinance. He noted there is a gap where the Planning Commission can approve one 600 square foot apartment on a lot less than minimum size. On a lot twice the minimum size there could be two 600 square foot apartments, said Mr. Miller. He said perhaps a 1,000 square foot accessory apartment could be made to fit along those lines within the ordinance. Mr. Miller prefaced his next statement by saying that he does own a duplex, that he consulted with the City Attorney and that he wanted to bring this up before the Commission as a potential conflict.

The Commission found there was no conflict.

Mr. Miller said he has long been an advocate of having accessory apartments for duplexes. He said he thought he found a place on the chart where this would fit very nicely. He said it could fit into the code as a single family dwelling if it met the minimum lot size, then there could be one 600 square foot apartment with director's approval, and if it was 125 percent over the minimum lot size, then there could be a 1,000 square foot accessory apartment with Director's approval. If it was less than the minimum lot size, then the Planning Commission could approve a 600 square foot accessory apartment, said Mr. Miller.

Mr. Voelckers said Mr. Miller has made a compelling case where extra attention may need to be paid within the ordinance. He asked if Mr. Miller had a motion he would like to make or language supporting the issue which has just been raised. He said he thought it may be best to hold this tonight and put this ordinance through the Title 49 Committee to address these issues that Mr. Miller has just raised within this ordinance.

Ms. McKibben said the intent with presenting this amendment to the Commission this evening was simply as a housekeeping issue, to eliminate the inconsistency within the code. She said Mr. Miller's suggestions deserve some attention by the Commission. She said her suggestion would be that this ordinance be moved to the Assembly for approval and that Mr. Miller's suggestions be added to the Title 49 committee's list for more consideration. The staff could then bring forward a researched and polished amendment after they make sure they were no inconsistencies elsewhere in the code to be added to the ordinance.

Mr. Miller said somewhere on the chart from 125 percent 150 percent of the minimum lot size that the Commission should be able to grant a 1,000 square foot apartment.

Ms. McKibben said:

- If there is an undersized lot Planning Commission approval is necessary for a 600 square foot accessory apartment.
- A single family home on a lot at 125 percent of the minimum lot size can have one, 600 square foot apartment with Director's approval.
- If the lot is more than 125 percent of the minimum lot size an accessory apartment of up to 1,000 square feet is allowed with Director's approval.
- Two accessory apartments are allowed when there are two single-family homes on a double-sized lot. Each single-family home on this lot could have up to one accessory apartment at 600 feet.
- If there are two single-family homes on a lot less than the minimum lot size, with Commission approval they can have one small accessory apartment. This is a quirk in the code, noted Ms. McKibben.
- If there are two single-family homes on a double-sized lot one of those homes can have up to a 1,000 square foot accessory apartment. They could also have one small accessory apartment and one 1,000 square foot accessory apartment.
- In a multi-family and commercial zoning district if there is a single family home on an undersized lot they could apply for a regular sized accessory apartment with Planning Commission approval. It would be the same for common wall dwellings, she noted.

Mr. Miller asked when two single-family homes detached would be allowed on a lot.

Ms. McKibben said that would be allowed when the homes were on a lot twice the minimum lot size in RR, D-1 and D-3 zones.

Mr. Miller clarified that minimum lot size for two single-family homes is actually twice the minimum lot size.

When a lot is 250 percent of the minimum lot size there could be one 600 square foot accessory apartment on one home and a 1,000 square foot accessory apartment on the other home, said Mr. Miller. He asked why two 1,000 square foot accessory apartments would not be allowed on a lot that is 250 percent of the minimum lot size. If a single-family home is on a lot that is 125 percent of the minimum lot size, a 1,000 square foot accessory apartment is allowed. Then why wouldn't two 1,000 square foot accessory apartments be allowed on a lot that is 250 percent the minimum lot size, asked Mr. Miller.

Ms. McKibben said she does not recall where the language originated as this was quite a few years ago, but this is for the language fell down, she said.

Mr. Dye noted that on page five, line six of the proposed ordinance, that if the accessory apartment was changed from 600 square feet to 1,000 square feet in this section, then it would reflect what Mr. Miller just suggested.

Mr. LeVine said his preference is to look at the entire ordinance holistically and not just make piecemeal changes. He said he would prefer to see that the staff provides them with evaluations of all proposed changes. He said he is fully confident they will end up exactly where Mr. Miller and Mr. Dye suggested, but that he would like it to be reviewed in one piece.

Mr. Dye noted that several times in the past changes by the Commission have been put off with the thought that it would be addressed more thoroughly at a later time, and that list seems to grow all the time, he commented. If one 1,000 square foot accessory apartment can be added to a home that is located on a lot with the minimum size of 125 percent, then it logically tracks that two 1,000 square foot accessory apartments should be allowed on each home located on one lot of 250 percent of the minimum lot size or larger.

Mr. Miller said section F of the ordinance tells him that when you have two residences on a lot that is 250 percent of the minimum lot size that there can be two 1,000 square foot accessory apartments, but that subsequent language within the ordinance contradicts this language. He said he felt the Commission could move forward with cleaning up this language and the current contradictions within the ordinance.

Agreeing with the previous statements, Mr. Voelckers said that he did not feel the Commission should deal with these changes at this point. He said he felt they should schedule dealing with this ordinance at the earliest possible opportunity to rectify the inconsistencies within the ordinance.

Mr. Dye asked Mr. Voelckers and Mr. LeVine if their intent was to approve the draft ordinance as it stands tonight to be sent to the Assembly and then subsequently deal with changes to the ordinance, or if their intention was to first deal with the changes and then forward the ordinance to the Assembly.

Mr. Voelckers said he did not think they should send the current draft ordinance to the Assembly. He said he felt they should first deal with the inconsistencies and then forward the ordinance to the Assembly.

Mr. Campbell asked if he could be given some idea of how many of these actual situations existed within the community. He said he is not familiar with any single lots that have two separate single-family dwellings on them where this would apply.

Ms. McKibben said she could not tell Mr. Campbell the answer to his question at this time. She said she did know when they provided the opportunity to add the larger accessory apartments up to 1,000 square feet on larger lots that there were a number of what were previously illegal accessory apartments that could then be properly permitted and could then come on the market.

Mr. LeVine said it is pretty clear to him that this is not a dire emergency since it has been in development since February. He said at this point he agrees with Mr. Voelckers that they not forward this draft ordinance to the Assembly since they know it has areas which need to be addressed. He said he felt it should first go to the Title 49 Committee as soon as possible for review.

MOTION: *by Mr. Miller that this draft ordinance be forwarded to the Title 49 Committee for housekeeping and for other possible changes.*

Mr. Campbell asked Ms. McKibben what the negative effect would be if this ordinance is delayed.

Ms. McKibben said they have been using the code as it exists and making it work. They can continue to do so, she added.

Mr. Campbell said then he speaks in favor of the motion.

The motion passed with no objection.



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

August 10, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Beth McKibben, AICP, Planning Manager
Community Development Department

RE: AME2018-01 Accessory Apartments

A handwritten signature in black ink, appearing to be 'BM', is located to the right of the 'From:' line.

ATTACHMENTS

- A- Excerpt of July 10, 2018 Planning Commission minutes
- B- Excerpt of July 16, 2018 Title 49 Committee draft minutes
- C- October 15, 2014 Memorandum to the Planning Commission
- D- Excerpt of October 28, 2014 Planning Commission minutes

BACKGROUND

Recently, staff initiated an amendment to the Accessory Apartment regulations that were "housekeeping" in nature and did not propose changes, policy, or intent. At the Planning Commission meeting of July 10, 2018, the Commission considered the proposed ordinance. Excerpts from those minutes are found in Attachment A. Concern was raised about the lot size ratios and the size and number of accessory units. There was also a desire to examine the concept of allowing accessory apartments with a duplex, which is currently prohibited. The ordinance was referred to the Title 49 Committee for discussion of these items. The Title 49 Committee discussed accessory apartments at the July 16, 2018 meeting (Attachment B).

DISCUSSION

Prior to amending the accessory apartment section of code in 2014, extensive research was done by staff. A copy of the October 15, 2014 memorandum to the Planning Commission is found in Attachment C. This memorandum contains most of the research CDD completed, a draft "white paper," and a recommendation from the Affordable Housing Commission. This document provides the back ground on how the lot size and apartment size and the ratios. The Planning Commission minutes from October 28, 2014, (Attachment D) reflect the Commission's decision. At that time the Commission indicated that a future discussion on accessory units and duplexes would be appropriate, but did not direct when, and no further action was taken.

In the May 13, 2014, Memorandum to the Planning Commission (within Attachment C), CDD staff Ben Lyman suggested that if accessory apartments were allowed in conjunction with a duplex that they be allowed on lots that are 175% of the minimum lot size. A duplex is required to have a lot that is 150% of the minimum lot size in RR, D1, D3 and D5 zoning districts. As mentioned above, in 2014 the Commission was not ready to consider accessory apartments with duplexes.

Accessory apartments do not count towards density in the RR, D1, D3, D5 and D10SF zoning districts. They are considered incidental and subordinate to the primary use of a single family dwelling. This is why the size and number of bedrooms is important when considering accessory apartments. Larger apartments are no longer incidental and subordinate to the primary dwelling, generally have more residents, create more vehicle trips and other impacts to the neighborhood.

In order to consider accessory apartments with duplexes, amendments are required to CBJ 49.80.120, Definitions. The amendments below are concepts only and that final wording will have to be developed with the Law Department.

Duplex means a building on a single lot containing two attached **primary** dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Accessory apartment means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling **or duplex** or in a detached building on the same lot as the primary dwelling unit(s). An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Dwelling means a building or portion thereof, used exclusively for human habitation.

Dwelling, detached, means a dwelling which is not attached to any other dwelling by any means.

Dwelling, single-family, means a detached dwelling which is designed for and occupied by not more than one family.

Dwelling, multifamily, means a building designed for or occupied by three or more families. **A duplex with an approved accessory apartment(s) is not considered a multifamily dwelling.**

There is no minimum or maximum square foot floor area requirement for duplexes, but there is a minimum lot size requirement of at least 150 percent of the required square footage required for a single family dwelling in that zoning district. After reviewing available data staff proposes that a duplex in D1, D3 or D5 on a lot of at 150% the minimum lot size be allowed a 600 square foot or smaller, one or fewer bedrooms, accessory apartment with a building permit only. Two 600 square feet or smaller, one or fewer bedrooms accessory apartment could be approved through the conditional use permit process when a duplex is located on a lot of at least 175% of the minimum lot size.

Zoning District	Single Family	Duplex Lot	Common Wall Lot	Proposed Common Wall Lot	Single Family, Detached, Two Dwellings Per Lot	ONE 600	ONE 1000	TWO 600	ONE 1000 + One 600	Duplex and ONE 600	Duplex and TWO 600
RR	100% 36,000	150% 54,000	NA	NA	200% 72,000	100% 36,000	125% 45,000	200% 72,000	250% 90,000	150% 54,000	175% 63,000
D1	100% 36,000	150% 54,000	NA	NA	200% 72,000	100% 36,000	125% 45,000	200% 72,000	250% 90,000	150% 54,000	175% 63,000
D3	100% 12,000	150% 18,000	NA	92% 11,000	200% 24,000	100% 12,000	125% 15,000	200% 24,000	250% 30,000	150% 18,000	175% 21,000
D5	100% 7,000	150% 10,500	100% 7,000	85% 6,000 (5,800?)	NA	100% 7,000	125% 10,500	NA	NA	150% 10,500	175% 12,250

Duplexes and single family homes, as well as more than one single family home, and in some cases up to two accessory apartments are permitted in the RR zoning district, however; these provisions seem contradictory to the purpose of the zoning district.

49.25.200 - RR, rural reserve district. *The RR, rural reserve zoning district, is intended for lands primarily in public ownership managed for the conservation and development of natural resources and for future community growth. In addition, recreation cabins, lodges and small seasonal recreational facilities may be allowed.*

		Less than permissible use minimum lot size	100-124% permissible use minimum lot size	Exceeds 125% permissible minimum lot size	Exceeds 150% permissible use minimum lot size	Exceeds 175% of permissible use minimum lot size
One duplex dwelling per lot	1 apt up to 600 sq ft	NA	NA	NA	1	1
	2 apt up to 600 sq ft				NA	3

Review of parcel data shows that 29% of existing duplexes in the D1, D3 and D5 zoning districts do not meet the current lot size requirement of 150% of the minimum lot size. However, approximately 3,126 lots in the D1, D3 and D5 zoning districts exceed the 150% of the minimum lot size required for a duplex and therefore could develop with a duplex and at least one accessory apartment.

As the background research from 2014 indicates, Juneau is a leader when it comes to regulating accessory apartments. Since 2014 staff have attended national conferences focused on housing and Juneau is still a pioneer in the area of regulating accessory apartments. The Housing Action Plan was adopted since the last revision to the accessory apartment regulations. A few of the key concepts in that document are that Juneau should focus on in-fill development, and find ways to increase density to “unstick” the housing market. The Plan encourages “out of the box” thinking as a way to address housing needs. Allowing for accessory apartments in conjunction with a duplex is one way to further advance these small infill developments.

Two Single Family Dwellings Per Lot

At both the July 10, 2018, Planning Commission meeting and the July 16, 2018, Title 49 meeting members expressed interest in changing current regulations that allow for lots that are more than 250% of the minimum lot size to have one large (up to 1000 sq. ft.) and one small (up to 600 sq.ft.) apartment. This is illustrated in the table below.

Two single-family dwellings per lot 49.25.510(k)(2)(F) 1.140	less than 2x min lot size	200-250% min lot size	exceeds 250% min lot size
One apartment up to 600 sq. ft.	3	1	1
Two apartments up to 600 sq. ft.	3	1	1
One apartment up to 1000 sq. ft.	NA	NA	1
One apartment up to 600 sq. ft. AND one apartment up to 1000 sq. ft.	NA	NA	1

The record is unclear as to how we arrived at allowing one 600 square foot apartment and one 1,000 square foot apartment on a lot more than 250% of the minimum lot size. However, the record is clear that this was intentional. The presentation to the Assembly states “Only 1 larger accessory apartment & 1 smaller accessory apartment, or 2 smaller accessory apartment—never 2 larger accessory apartments.”

RECOMMENDATION

Staff recommends that the Title 49 Committee review and discuss the information above, provide direction in regard to accessory apartments with duplexes and accessory apartments on large lots. Staff will work with the Law department to draft an ordinance. The Committee should indicate whether the draft ordinance should go to the full Commission or through the Committee.

III. Agenda Topics

A. Accessory Apartments

Ms. McKibben said that a lot of work was done to this in the last major code revision, adopted in 2015. At that time, the community was greatly concerned about having these apartments in their neighborhoods but they have become more familiar now. She went through her PowerPoint presentation (this can be found with the meeting packet) which provided information on permitting and walked through the code. She pointed out that there is no inconsistency in the code as it stands.

Mr. Voelckers asked about Mr. Miller's issue of concern about the inconsistency of the code allowing for different sizes. Ms. McKibben pointed to page 4 of her memo regarding two single family dwelling per lot and reiterated that "the record is unclear as to how we arrived at allowing one 600 square foot apartment and one 1,000 square foot apartment on a lot more than 250% of the minimum lot size." However, she said, it seems clear that the decision was intentional.

The table in the staff report needs to be looked at, said Ms. McKibben, when Commissioners are thinking if they want to include duplexes.

Mr. Levine asked why the community should care how big the apartments are. He said he felt the community concern is mostly just about who lives there. The apartments are accessory to the primary use of the property, said Ms. McKibben. On the scale of small to large, the CBJ code settled on these numbers: 600 sq. ft., 2 or fewer bedrooms, 50% of overall lot size. So size was capped at 50% of the primary dwelling up to 1,000 sq. ft, she said. Why asked Mr. Levine? The apartment is intended to be incidental to the primary use and subordinate, so those working on the code in 2015 came up with those figures. Density means units - more bedrooms equals more people and more traffic. Mr. Levine said isn't the concern more about how many people are in there and what the apartment looks like? Why else should the community be concerned, he asked? The only thing that matters is density, so limiting the apartment to two bedrooms makes sense to him, also scale.

Mr. Voelckers said the threshold is to get to two bedrooms. Mr. Levine said it makes sense to him why the code is limiting in that way. Ms. McKibben said it is less about what it looks like and more about scale and trying to keep the apartment accessory to the primary use. Mr. Levine said 1,000 square feet is a nice size.

Ms. McKibben directed members to look at the table (page 3 in memo) showing the range of what could be allowed in the various zoning districts. Mr. Voelckers asked if something like this table will be included in the new, amended code. It seems useful, he said. Ms. McKibben said a separate table of dimensions could be created, maybe, or there could be other ideas, but she agreed that this table is a good concept.

Ms. McKibben threw in the idea of the proposed common wall for context. In 2014 when work was done on the code, a staff conversation discussed if an accessory apartment should be allowed with a duplex. Ms. McKibben proposed they consider a small apartment or a duplex on a lot 150% or larger of minimum lot size. She suggested the Commission could consider allowing two small accessory apartments with a Conditional Use Permit (CUP).

Mr. Voelckers asked for explanation of the graphic showing common wall lots with accessory apartments (see PowerPoint, slide 8). Ms. McKibben said this was a proposal for the committee to consider. The suggestion is to consider one duplex with one small apartment and consider allowing 2 small accessory apartments with a CUP. What is the advantage to having the CUP, asked Mr. Levine? Ms. McKibben said it is consistent with the philosophy about requiring CUPs – the process provides notice to neighborhoods and includes Planning Commission review. Mr. Voelckers said it felt right to him. Two more on each side of duplex begs the question if they are the same thing. Mr. Levine said he agreed with requiring a CUP for the second apartment, then.

Ms. Maclean asked what would be the reason the commission might deny this. What findings would need to be there to lead to denial? Ms. McKibben said it would have to be about neighborhood harmony, safety, and parking. Each full size unit needs 2 parking spaces, and the geography of Juneau doesn't always provide for that. These things should be reviewed through the building process. So it falls down on allowing the neighborhood to comment. Ms. Maclean asked what if someone doesn't like one neighbor but likes another, so s/he only protests against the one due to personal issues. Ms. McKibben said there have been situations with neighborhood opposition and lot which was undersized but the Planning Commission still approved, although that was rare. Most of the concern is in downtown Juneau and Douglas.

Mr. Levine said he is sympathetic to the idea that the Commission is not in the business of having things come to the consent agenda and be a waste of people's money. Ms. McKibben agreed with having more in-house approval. As the community becomes more accepting of this apartment idea, approval becomes easier. Mr. Voelckers said he hears Ms. Maclean's point. Mr. Levine pointed out that sometimes the process of airing grievances in a public meeting helps to resolve them.

Ms. McKibben said if the committee is in favor of the idea of 2 small apartments, the question then becomes how to approve them, over the counter or before the Planning Commission. Mr. Dye asked if the property is 250% over lot size, why can't someone get two 1,000 sq. ft. apartments approved over the counter; that is Mr. Miller's, he said.

Mr. Voelckers said a basic numeric fairness is the concern. Ms. McKibben said she doesn't know why the code fell down there but it is clear it was intentional.

Mr. Voelckers said in conclusion he likes the three for the two apartments as it gives the chance for that forum. Mr. Levine said he does not feel strongly one way or another and defers to others who think more holistically. Why not have this as an option when the goal is to create more housing, he asked?

Ms. McKibben asked the committee to again look at page 3 of the staff report. Mr. Voelckers said in the definition of RR (Rural Reserve), a house is not mentioned, only cabins and such. Ms. McKibben said RR is treated like D1. It is a question to be asked, if the city continues to allow these other things in a RR zone, is whether or not to allow common walls but allow for 2 single family dwellings and 2 accessory apartments. Mr. Voelckers asked if this was an abstract idea or are there cases like this? It is abstract, said Ms. McKibben, but worth thinking about.

Ms. McKibben summarized and said she is hearing that the committee is in favor of going ahead with making changes to allow for duplexes as presented in the table. Does the committee want to talk about 600 and 1000 sq. ft. on a super large lot, she asked? How many, asked Mr. Dye? Ms. McKibben showed data included in the PowerPoint. Yes, then, we should look at that, said Mr. Dye. Why can't there be two 1,000 sq. ft. apartments? Mr. Levine said there would have to be a rule that you can't subdivide the property. Ms. Maclean said for each detached, single family dwellings each could have one apartment and the property could be subdivided if it can meet standards. Ms. McKibben said the chart shows lots, but not all are developed. Mr. Dye suggested pursuing this as option for in-fill development. He said he assumes someone would be thinking about design and parking.

Mr. Dye said what is the actual question needing an answer? Mr. Levine said it is about RR zones. Mr. Dye said it seems to need a whole other meeting to address that question. Do we need RR at all, he asked? Ms. McKibben said currently if a lot is in a RR zone and meets these requirements it can have an accessory apartment. Rural Reserve has not been looked at in relation to the purpose of the zoning district. Mr. Levine said basically D1 and RR have been treated as the same. If we want to change this, we need another meeting, said Mr. Dye. Maybe this could be reviewed after the Comprehensive Plan revision. Mr. Levine said if we want to have an RR zone, what are the rules that need to be applied? But, he said, there is not enough of a good reason to do this work at this time. Mr. Voelckers said he is also happy to talk about this in the future.

Mr. Levine said he doesn't see a compelling reason for there being a difference between 600 and 1000 sq. ft. apartments on big lots.

Ms. McKibben asked if the committee wanted this topic to come back to them or go directly to the full commission? Mr. Voelckers, Mr. Dye and Mr. Levine all said they were happy for it to go to commission. It can go on the October 9 agenda, said Ms. Maclean. Mr. Voelckers said please include the cool graphic.

EXCERPT FROM MINUTES

Title 49 Committee of the Planning Commission

Monday July 16, 2018

a) Accessory Apartments

Ms. McKibben said she was not prepared with new material for the committee but could bring an analysis and suggestions to the next meeting. If there are new questions, please send them to her.

Mr. Miller felt there was conflicting information in the proposed code changes in regards to a lot that is twice the minimum size.

Ms. McKibben admitted it is a challenge to make the information clear and this is why she wanted table included because that reflects the code which is challenging to read. We have to make a decision tree for this, she said. She recalls policy fell down on lots more than 200% the minimum size, you have to have twice the minimum lot size, enough for two single family homes, and each one can have an apartment of 600 feet with departmental approval. On a lot 250% of minimum size, you can have a 1,000 foot apartment or two each being 600 square feet.

Mr. Miller said he thinks there is a problem with the language on page 3 making good sense but not on page 4. Two 1,000 square foot apartments seem to make sense to him.

Mr. Voelckers suggested Mr. Miller work with Ms. McKibben to make the language and ratios consistent.

Mr. Levine said in theory it makes total sense so he wonders why it was done the other way. He wants this to be checked. Ms. McKibben said she can double check. If this is all that is needed, said Ms. McKibben, she can work with Mr. Palmer and bring it back to the committee.

Mr. Miller said he thinks duplexes ought to be allowed and this fits in with the math. Ms. McKibben said it would require a change in the definition and the committee might want to give more thought to that idea. For policy discussion about accessory units, the math works out but it is not so simple with the framework of Title 49. Mr. Voelckers said there was stuff on the left page that was not consistent with simple math. Everyone in room nodded that the lack of clarity was about the ratio of sizes. If this is made clear, the case can be calendared for the next PC meeting.

Ms. McKibben asked if that includes duplexes. Yes, said Mr. Voelckers.

AME2018-0001

Amending Title 49, Land Use Code
49.25.510(k) Accessory Apartments
and other related sections.

Planning Commission
July 27, 2021



Recommended APPROVAL

Amend:

- CBJ 49.25.300, Table of Permissible Uses
- CBJ 49.25.400, Table of Dimensional Standards
- CBJ 49.25.510(k) Special Density considerations – Accessory Apartments
- CBJ 49.80.120, Definitions in regard to accessory apartments.

Summary of Key Considerations (packet p. 50)

- ALL accessory apartments may be approved by the Director.
- Expands the opportunity to have larger accessory apartments on larger lots.
- Would allow accessory apartments with a duplex.

Background

- Initially, “housekeeping” without changes to policy or intent.
- Title 49 Subcommittee expanded the scope:
 - lot size ratios;
 - size and number of accessory units; and
 - allow accessory apartments with a duplex, which is currently prohibited.

Text Amendment Summary (p. 51)

- Oversized Lots [49.25.510(k)]
 - Current Code:
 - $\geq 250\%$ of the minimum lot size, with 2 SF = 1 AAP up to 600 square feet, AND 1 AAP up to 1,000 square foot and 2 bedrooms, not to exceed 50% of area of the primary dwelling;
 - Proposed Change:
 - $\geq 250\%$ of the minimum lot size, with SF = 1 AAP up to 1,000 square feet and 2 bedrooms, not to exceed 50% of area of the primary dwelling for EACH single-family dwelling.

Text Amendment Summary continued

- Duplexes [49.25.510(k)]
 - Current Code:
 - Duplexes are not permitted to have an accessory apartment,
 - Proposed Changes:
 - 150% of the minimum lot size = 600 square feet or less with one or fewer bedrooms;
 - 175% of the minimum lot size, = 2 600 square feet or less with one or fewer bedrooms.

(p. 52)

	ZONING DISTRICT*				
	RR	D1	D3	D5	D10SF
MINIMUM LOT SIZE					
Detached single-family dwelling and 1 accessory apartment ≤ 600 square feet	36,000	36,000	12,000	7,000	3,600
Detached single-family dwelling and 1 accessory apartment ≤ 1,000 square feet	45,000	45,000	15,000	8,750	4,500
Duplex and 1 accessory apartment ≤ 600 square feet	54,000	54,000	18,000	10,500	
Duplex and 2 accessory apartments each ≤ 600 square feet	63,000	63,000	21,000	12,250	
Common wall unit and 1 accessory apartment ≤ 600 square feet				10,500	3,600
Single-family detached, two dwellings per lot, with up to 2 accessory apartments each ≤ 600 square feet	72,000	72,000	24,000		
Single-family detached, two dwellings per lot, with up to 2 accessory apartments each ≤ 1,000 square feet	90,000	90,000	30,000		

Text Amendment Summary continued (p. 52)

- CBJ 49.25.510(k) – Special density considerations
 - Clarifies that in D10, D15, D18, MU, MU2, LC, GC, and WC accessory apartments are exempt from this section and treated as a primary dwelling unit.

This does not clarify that an accessory apartment may be permitted in these zoning districts when the primary use is a single-family dwelling and the lot is not large enough to accommodate a second unit;

Possible language to clarify accessory apartments are allowed in these zoning districts when lot size doesn't allow a second unit.

CDD staff to work with Law on exact wording.

An **accessory** apartment in D-10, D-15, D18, MU, MU2, LC, GC, and WC is considered a primary use and counts towards density, except when the primary use is a single family dwelling on a lot that is not large enough to accommodate a second dwelling unit.

Text Amendment Summary continued (p. 53)

- CBJ 49.80.120 – Definitions

- Amends the definition of accessory apartments to permit them with a duplex;
- Amends the definition of duplex to clarify the duplex is considered the primary dwelling unit;
- Amends the definition of multi-family dwelling to specify that the accessory apartment unit(s) of a duplex is not considered a multi-family dwelling unit.

Findings (p. 56)

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 does not create any inconsistencies within the code.

Recommendation (p. 56)

The Planning Commission ADOPT the Director's analysis & findings and amend:

- CBJ 49.25.300, Table of Permissible Uses
- CBJ 49.25.400, Table of Dimensional Standards
- CBJ 49.25.510(k) Special Density considerations – Accessory Apartments
- CBJ 49.80.120, Definitions in regard to accessory apartments.

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

AME2018 0004: Proposed revisions to the Alternative Development Overlay District, which affects setbacks, minimum lot area, and other issues related to development. The Overlay covers both downtown Juneau and downtown Douglas, but revisions only concern Juneau at this time. - RECOMMENDED TO ASSEMBLY FOR APPROVAL AS AMENDED

AGENDA ITEM:

Case No.: AME2018 0004

Applicant: City & Borough of Juneau

Location: Downtown Juneau

Proposal: Proposed revisions to the Alternative Development Overlay District, which affects setbacks, minimum lot area, and other issues related to development. The Overlay covers both downtown Juneau and downtown Douglas, but revisions only concern Juneau at this time.

ATTACHMENTS:

Description	Upload Date	Type
☐ Memo for AME2018 0004	7/16/2021	Miscellaneous
☐ Information Regarding AME2018 0004	6/29/2021	Miscellaneous
☐ Revised Public Notice for AME2018 0004	7/1/2021	Public Notice Announcement
☐ Original Public Notice for AME2018 0004	6/29/2021	Public Notice Announcement
☐ Presentation for AME2018 0004	7/26/2021	Presentation



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

June 25, 2021

MEMO

From: Irene Gallion, Senior Planner

Through: Jill Maclean, AICP, Director

To: Michael Levine, Chair, Planning Commission

Case Number: AME2018 0004: Alternative Development Overlay District (ADOD) – Downtown Juneau

RE: Post-COVID ADOD Restart

The Downtown Juneau ADOD **expires on August 1, 2021**. Staff is not proposing an extension. While this proposal continues through the process, Community Development planners will review proposals in accordance with non-ADOD zoning. Since its adoption in 2017, staff has processed 12 ADOD permits for eight properties within the Juneau ADOD boundary; there have been no ADOD permits processed within the Douglas ADOD boundary.

The last time the Commission reviewed the Downtown Juneau ADOD was at the Committee of the Whole (COW) on June 9, 2020. Partial materials from that meeting are attached (**Attachment A**) along with the latest draft ordinance (**Attachment B**), providing a summary of the current proposal.

This proposal is appearing at a Regular Planning Commission meeting in order to give the public an opportunity to weigh in should they choose to. When this topic was last heard, the Commission had decided to keep the ADOD at the COW for further review. However, given the time that has passed since the public has been able to weigh in, the Director saw an advantage in providing the public an opportunity to comment. Past public comments are summarized in **Attachment C**.

The purpose of the ADOD is development flexibility that is in keeping with current development of the surrounding area. Nonconformities cannot be expanded, limiting redevelopment and infill options. While improving conformity is a by-product of the ADOD, the primary intention is developmental flexibility.

Items that deserve review based on the last meeting include:

LOT COVERAGE

Does the Commission wish to modify lot coverage standards?

One Commissioner had questioned why lot coverage was held at 50%, when the current ADOD allows expansion of lot coverage to 60%. They had concerns about how that metric would impact development.

AME2018 0004: ADOD

July 27, 2021 Regular Planning Commission Meeting

	Proposed	Current			
FEATURE	ADOD	D5	D10	D18	LC
Lot coverage	50%	50%	50%	50%	No Max

60% had been considered but rejected, because:

- Lot coverage mitigated less restrictive three-foot setbacks.
- Seemed inconsistent with current downtown development. With 82 downtown properties sampled, the average lot coverage was approximately 33%.

The Commission may choose to increase lot coverage if:

- Setbacks are increased from three feet.
- Flexibility allowing a denser downtown development is preferred. This would appear to be out of character with the existing development.

SETBACKS

Does the Commission wish to modify proposed minimum setbacks?

Commissioners questioned why minimum setbacks had been reduced to three feet. A reminder that, while the minimum setback for any lot line is three feet, the total of the setbacks must add to 20 or more. Attachment A includes a discussion of sliding setback boxes that may be helpful.

Of Variances completed since 1987, 80% were for setbacks. Reduced setbacks match the existing built environment. When considering setbacks, staff discussed using a setback formula based on neighboring properties similar to the current ADOD. This was ultimately rejected, because of the percentage of existing structures with no setbacks and the subjectivity of the formula. The Title 49 Committee selected three-foot setbacks in recognition of the form and character of the existing neighborhood. Fire separation also informed this discussion. Structures closer than five feet to one another have additional building code requirements. Six feet (3 on each side) created the flexibility staff was seeking while avoiding this requirement. Since this discussion, the Building Official has recommended against determining separation by fire standards. Staff are encouraged to choose what works for the community, which building standards can adapt to. Recognizing the percentage of existing downtown structures in close proximity to the street or to one another, and the desire to promote flexibility and facilitate new construction that fits within the existing built environment, staff maintains the three-foot setback recommendation.

VEGETATIVE COVER

Given the definitions of “landscaping” and “vegetative cover” recommended to the Assembly, do we still need to discuss standards?

While the proposed 30% vegetative cover is doable mathematically, one concern voiced was difficulty for multi-family structures to meet the standard.

At the June 22, 2021 regular meeting the Commission recommended that the Assembly approve a text amendment that further define “vegetative cover” and “landscaping.” The proposed purpose of vegetative cover is to control and absorb drainage on the lot before drainage into city sewer. “Vegetative cover” includes Green roof, porous hardscape, and other drainage controls.

AME2018 0004: ADOD

July 27, 2021 Regular Planning Commission Meeting

Attached are the proposed “landscape” and “vegetative cover” definitions in case they add lucidity to the conversation (**Attachment D**).

NONCONFORMANCE CLARIFICATION

Improved conformity is not the primary purpose of the ADOD.

Commissioners asked if anything built before a certain date could be called “nonconforming.”

Short answer: that is what the Nonconforming Certification does. Use of the ADOD would reduce the number of properties that would need to pursue a Nonconforming Certification.

Since establishing the Nonconforming Certification process last year, the Commissioners and Staff have been able to see how the Nonconforming Certification process works and develop a better understanding of nonconformity. A more detailed discussion could start with a clarification of terms:

“Conforming” means a property meets current zoning requirements.

“Compliant” means the property needs a little regulatory help to meet standards, such as a Variance, Conditional Use Permit or ADOD.

“Non-conforming” means:

- A property does not meet current regulatory requirements, but the property met requirements when constructed.
- A property developer had explicit approval from CBJ staff to proceed with construction that did not meet current code.

“Non-compliant” means that the structure does not meet current code, nor the code when the structure was constructed.

For a Nonconforming Certification, a planner verifies, through records, that a property was developed under previous iterations of code, or that the developer received documented guidance that allowed them to develop contrary to code. In their certification, a planner will call out which elements of the property conform or comply, which are nonconforming, and which are non-compliant.

The idea of “amnesty” has been discussed amongst staff. CBJ Law has noted that amnesty could be considered unequitable to those who have followed the law.

If a structure meets ADOD requirements, the structure is considered “compliant.”

If a property is nonconforming with the underlying zoning, the possibilities for the ADOD developer are:

- Nonconformity under ADOD, and will need a nonconforming certification.
- Compliance under ADOD and want to opt-in to ADOD development standards.
- Compliance under ADOD, but do not want to opt in, in which case they’d need a nonconforming certification. A developer might want to pursue this option if they wanted the lot size or height benefits of an underlying zoning.

AME2018 0004: ADOD

July 27, 2021 Regular Planning Commission Meeting

SUBSEQUENT DEVELOPMENT CLARIFICATION

Given different compliance and conformity standards, this is how development would work under the proposed ADOD. Are modifications needed?

With an understanding of the existing status of a property, further development under ADOD standards can be considered.

CONDITION	SUB-CONDITION	DEVELOPMENT
Conforming		Can choose to use ADOD standards or underlying zoning standards
Complaint, non-ADOD	<i>Variance, CUP</i>	Can choose to use ADOD standards or underlying zoning standards
Compliant with ADOD	<i>Opt-in</i>	Subsequent development must meet ADOD standards.
Non-conforming	<i>also nonconforming under ADOD</i>	Needs a Nonconforming Certification (NCC), then can choose to use ADOD standards or underlying zoning standards for subsequent development
Non-conforming	<i>conforming under ADOD but do not want to opt in</i>	Needs a Nonconforming Certification (NCC), then subsequent development must meet underlying zoning standards
Non-compliant		Property must be brought into compliance

CODE CHANGES SINCE LAST CONSIDERATION

What regulatory changes have taken place since the last Commission meeting that may warrant consideration in developing the ADOD?

On June 22, 2021, the Commission recommended that the Assembly approve two new zoning districts – Neighborhood Commercial (NC) and Mixed Use 3 (MU3). The table below compares dimensional standards of NC and MU3 with the proposed ADOD.

Zoning Regulation	NC	MU3	Proposed ADOD
Minimum lot size	3,000	3,000	3,000
Minimum lot width	40	40	25'
Minimum lot depth	None	None	25 ^A
Height permissible uses	35	35	35
Height accessory uses	25	25	25
Maximum lot coverage	None	75%	50%
Minimum front setback	None	None	3
Maximum front setback	15	20	None
Minimum street side yard setback	None	None	3
Maximum street side yard setback	10	15	None
Minimum rear setback	0 ^B	5	3
Minimum side yard setback	0 ^B	0	3
Vegetative cover	25	10	30

A: See lot depth discussion below.

B: Additional setbacks and vegetative cover standards apply when a lot abuts multi-family or single-family residential zoning district, depends on the height of the structures.

AME2018 0004: ADOD

July 27, 2021 Regular Planning Commission Meeting

Note that the maximum setback for structures under the new zoning requires 50 percent of the ground level, street-facing façade to meet minimum front yard setbacks.

At the July 13, 2021 regular meeting, the Commission considered a proposal to eliminate the lot depth requirement in all zoning districts. Staff recommends that ADOD lot depth standards be eliminated if this concept comes to pass. Lot size, lot coverage, and setback standards provide tools to maintain the development feel of Downtown Juneau.

QUESTIONS AND CONCEPTS BEFORE THE COMMISSION

Does the Commission wish to modify lot coverage standards?

Does the Commission wish to modify proposed minimum setbacks?

Given the definitions of “landscaping” and “vegetative cover” recommended to the Assembly, do we still need to discuss standards?

The purpose of the ADOD is development flexibility that is in keeping with current development of the surrounding area. Improved conformity is not the primary purpose of the ADOD.

What regulatory changes have taken place since the last Commission meeting that may warrant consideration in developing the ADOD?

MEMO ATTACHMENTS

Item	Description
Attachment A	June 9, 2020 Meeting Materials (Partial) and Minutes
Attachment B	Latest Draft Ordinance
Attachment C	Consolidated Comments, Presented to the June 9, 2020 Regular Planning Commission
Attachment D	Proposed Ordinance: “Landscape” and “Vegetative Cover”



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

May 27, 2020

MEMORANDUM

From: Irene Gallion, Senior Planner

To: Planning Commission

Case Number: AME2018 0004

RE: Proposed Revisions to the Downtown Juneau Alternative Development Overlay District (ADOD)

REQUESTED ACTION:

This memo summarizes the history and proposed standards of an updated Downtown Juneau ADOD for review by the Planning Commission Committee of the Whole on June 9, 2020. During this meeting, for each modified standard, staff will review:

- How the standards were developed
- Implementation for the modified standard
- Public comments
- Facilitated discussion

This memo summarizes the Purpose and Need for the ordinance and summarizes proposed standards. **Staff requests that the Planning Commissioners review this memo in preparation for the Committee of the Whole work session. Please review (ATTACHMENTS):**

- ATTACHMENT A: City and Borough of Juneau v. Thibodeau, Supreme Court Opinion, May 11, 1979
- ATTACHMENT B: Olmo, LLC v. CBJ Board of Adjustment, Decision on Appeal, February 14, 2017
- ATTACHMENT C: Existing ADOD boundaries
- ATTACHMENT D: Proposed ADOD boundaries
- ATTACHMENT E: Public comments on dimensional standards
- ATTACHMENT F: Title 49 Committee minutes
- ATTACHMENT G: Draft Ordinance
- ATTACHMENT H: Public comments on elements of the ordinance other than dimensions
- ATTACHMENT I: Variances to Land Use and Platting Regulations, Lee Sharp, 1997

Attachment A - June 9, 2020 Meeting Materials (Partial) & Minutes

PURPOSE AND NEED

The need for the Downtown Juneau ADOD reflects:

- CBJ v Thibodeau (1979), establishing that variances must be related to features of the land (ATTACHMENT A).
- The “Olmo appeal” (2018), establishing hardship as a “threshold issue” for variances (ATTACHMENT B).

Pre-code downtown neighborhoods are unable to meet variance requirements due to the high thresholds of “hardship.” The need for code to regulate reasonable development advanced the Alternative Development Overlay District (ADOD). The initial ordinance (2017) was developed in haste, has burdensome costs for developers, and outlines methodologies that give well-intentioned interpreters different answers.

Proposed standards and this ordinance will:

- Reduce costs to the homeowner
- Facilitate consistent interpretations of dimensional standards
- Reduce complexity of using the ADOD

To clarify:

- Recently-approved non-conforming code allows residents to rebuild their existing non-conforming structure after destruction within the building’s pre-existing footprint. (Building code elements would have to be modernized.)
- Proposed ADOD facilitates improvements beyond the original structure for residences and commercial buildings within the boundary.

Background

The existing Downtown Juneau ADOD (2017):

- Acknowledged that existing zoning downtown does not match the built environment.
- Established a process for reducing dimensional standards to allow for the construction, reconstruction, expansion, or rehabilitation of residential buildings. This code:
 - Addresses lot coverage, vegetative cover, and setback requirements.
 - Applies to residential buildings.
- Established Planning Commission review for all ADOD permits.

The existing ADOD has a sunset date of August 2020. The existing ADOD was intended to be temporary, allowing time to establish new zoning regulations for downtown areas.

The existing ADOD code has exhibited some short-comings:

- **Complexity and consistency:** The procedure involves averaging setbacks of properties within a 150-foot radius. What percentage of the property that must be in that radius to be included is unclear. Some properties require use of GIS imagery to establish setbacks, while some properties have much more accurate as-built surveys. Well-intentioned interpreters can come up with different answers to the same question.

- **Expense:** The base price for an ADOD evaluation is \$400 per lot line.
- **Time:** The current ADOD requires a Planning Commission hearing, which compels a staff report and public noticing.

The proposed ADOD:

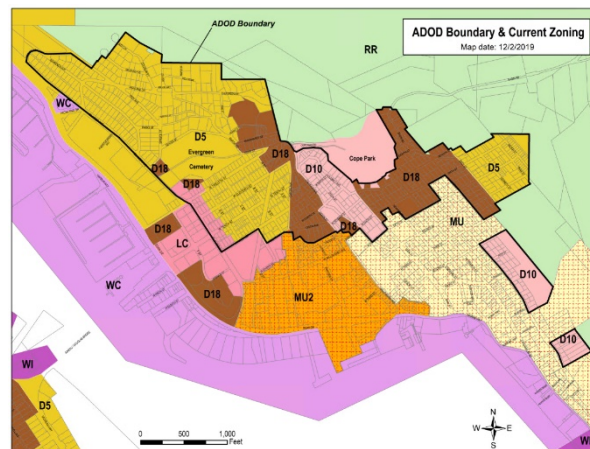
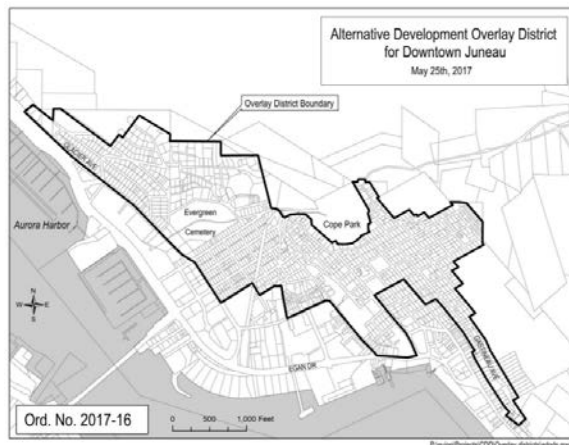
- Establishes dimensional standards, limiting interpretation required.
- Would execute through the Building Permit process, reducing workload for staff and the Planning Commission, and reducing cost and time for the developer.
- Costs of the proposed ADOD have not been established, and will likely be consistent with other permit fees.

PROPOSED STANDARDS

The proposed standards below are “opt in” modifications to underlying zoning in an overlay boundary. The tables below summarize existing standards and the proposed Downtown Juneau ADOD dimensional standards.

Note that density and use restrictions prevail under proposed ADOD standards – changes are limited to dimensional standards.

Staff and the Title 49 Committee have recommended changes to the proposed boundary of the Downtown Juneau ADOD (see also ATTACHMENTS C and D):



The largest change is the exclusion of the Mixed Use (MU) zoned area in the boundary. MU has more liberal dimensional standards than the Downtown Juneau ADOD is proposing.

Public comments on proposed dimensional standards are included in ATTACHMENT H.

Minimum Lot Area

The table below compares proposed Downtown Juneau ADOD minimum lot size to existing minimum lot size in the various zoning districts. Lot sizes are shown in square feet.

Note that under current regulation CDD would allow development of an undersized lot that met setback requirements. New standards would be used to:

- Evaluate proposals for subdivision of a lot in the ADOD boundary.
- Approve an accessory apartment without Planning Commission approval, if other parking and dimensional requirements could be met.

	Proposed	Current			
Structure	ADOD	D5	D10	D18	LC
Single Family Home	3,000	7,000	6,000	5,000	2,000*
Common Wall Dwelling	3,000	7,000	5,000	2,500	
Duplex	4,500	10,500	8,712	4,840	

* Light Commercial has a minimum lot size of 2,000 square feet for permissible uses, which includes residential and commercial development.

Lot Width, Depth and Coverage

	Proposed	Current			
FEATURE	ADOD	D5	D10	D18	LC
Lot width	25'	70'	50'	50'	20'
<i>Bungalow</i>	25'	35'	25'	25'	
<i>Common wall dwelling</i>	25'	60'	40'	20'	
Lot depth	25'	85'	85'	80'	80'
Vegetative cover	15%	20%	30%	30%	15%
Lot coverage	50%	50%	50%	50%	No Max

Lot coverage is 60% under the existing ADOD. The reduced coverage balances less-restrictive setbacks.

Structure Height

	Proposed	Current	
Height	ADOD	D5, 10, 18	LC
Permissible uses	35'	35'	45'
Accessory uses	25'	25'	35'
Bungalow		25'	

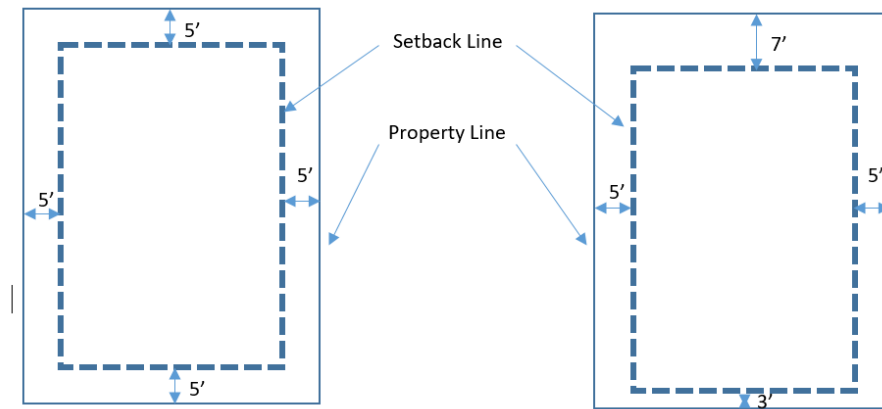
Structure Setbacks

Current setbacks:

YARD	D5	D10	D18	LC*
Front	20'	20'	20'	25'
Street Side	13'	13'	13'	17'
Side	5'	5'	5'	10'
Common Wall Dwelling Side	10'	3'	5'	
Rear	20'	20'	10'	10'

Proposed setbacks for all properties in the ADOD:

Staff proposes a 20-foot setback sum with a 3-foot minimum per side. This means that the setbacks of all sides of a lot must equal 20 feet, but no side may be less than 3 feet. This essentially creates a “setback box” that can be moved around the lot to accommodate existing structures. Examples:



Proposed setbacks for lots less than minimum lot area:

For lots less than the minimum lot area, the required setback sum can be reduced proportionally, but in no case can the setback sum be less than 12 feet and no side can be less than 3 feet.

Proposed Exemptions to Setbacks:

CBJ 49.25.430 establishes exemptions and reductions to required yard setbacks borough-wide. If the exemption listed in 49.25.430 is less restrictive than the proposed ADOD setbacks, it is shown in the proposed ordinance for clarity. If the exemption is more restrictive than the proposed ADOD setbacks, the ADOD setbacks apply.

Architectural features and roof eaves may project into a required yard setback but no closer than two feet from the side and rear lot lines.

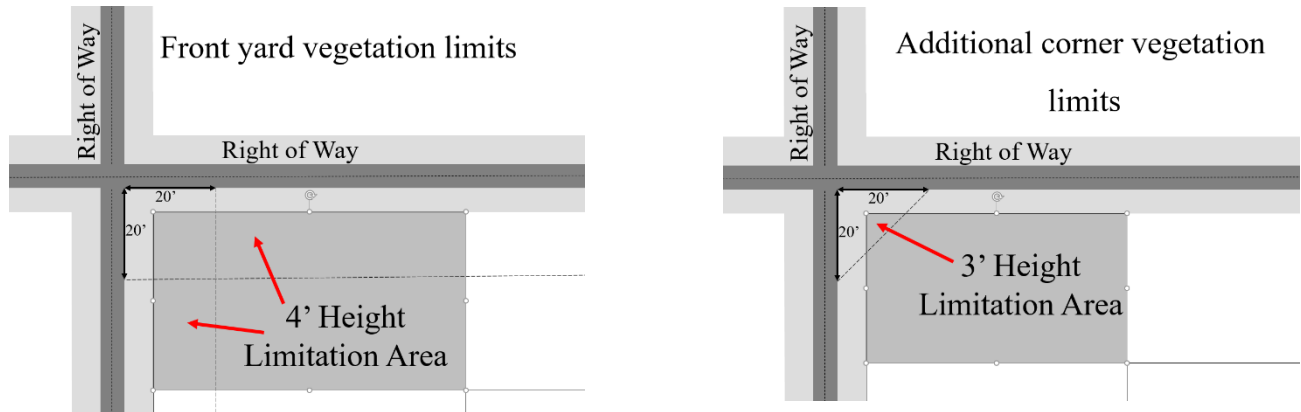
Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs may extend to the front lot line or street side lot lines. Structure may not exceed five feet internal width, not counting support structure.

A parking deck (which cannot be more than one foot above the level of the adjoining roadway, and can only be used for parking) is exempt from setback requirements. A non-sight-obscuring safety rail up to 42 inches is allowed.

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

(A) Maximum height of a sight-obscuring fence or vegetation is four feet, within 20 feet of the edge of the traveled way. Trees are allowed if they do not obscure view from four feet to eight feet above ground.

(B) On corner lots, the maximum height of a sight-obscuring fence or vegetation is three feet, within 20 feet of a street intersection. The area in which sight-obscuring fences and vegetation is restricted shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 20 feet, and then connecting the three points. Trees are allowed if they do not obscure view from three to eight feet above the ground.



ADDITIONAL SUPPORT MATERIALS

- Title 49 Committee meeting minutes (ATTACHMENT F)
- DRAFT proposed ordinance (ATTACHMENT G)
- Public comments on elements of the ordinance other than dimensional standards (ATTACHMENT H)

ADDITIONAL BACKGROUND

“Variances to Land Use and Platting Regulations,” by Lee Sharp (1997, ATTACHMENT I) is attached to provide context on variance case law.

In 2015 Olmo, LLC appealed a Planning Commission decision to deny a variance to the Assembly. The Assembly’s decision to uphold the variance hinged on the Appellant’s ability to demonstrate hardship. While the variance code had multiple criteria for considering a variance, those criteria could not be considered before hardship was established. Hardship was a “threshold issue.”

Under old code, “hardship” was a difficult standard to meet. In new code (established in 2018), the Planning Commission eased the standard from “extraordinary situation or unique physical feature” to “unusual or special” features of the property.

Nonetheless, pre-code downtown neighborhoods in Juneau and Douglas struggle to meet variance criteria. According to case law:

Hardship:

- **Denies reasonable use of the property.** Downtown home owners in established homes use the property reasonably.

- **Can only be related to costs in the most extreme conditions.** A homeowner needing to pay more for an improvement is not, in itself, a hardship.
- **Cannot be self-imposed.** A structure is considered “self-imposed” regardless of who built it and when. Nine-hundred-sixteen downtown structures have residences constructed before regulation was established (1956).

Peculiarities of the land:

- **Arise when the physical conditions of the land distinguish it from other land in the area.** A distinguishing condition might be a steep slope or meandering waterway that did not impact neighbors. Downtown neighborhoods have similar physical conditions, distinguishing few lots.

Under old variance code, 50% of variances were to setbacks community-wide. When you consider the variances in just Downtown Juneau that percentage rises to 80%.

Agenda
Planning Commission
Committee of the Whole
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 June 9, 2020

I. ROLL CALL

Michael LeVine, Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:04 p.m.

Commissioners present: Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Assistant Clerk; Ken Alper; Dan Hickok; Joshua Winchell; Erik Pedersen

Commissioners absent: Weston Eiler

Staff present: Jill Maclean, CDD Director; Irene Gallion, Senior Planner; Alexandra Pierce, Planning Manager; Emily Wright, CBJ Law Department; Laurel Christian, Planner

Assembly members: None

II. REGULAR AGENDA

AME2018 0004: Juneau Downtown Zoning – Alternative Development Overlay District
Applicant: City and Borough of Juneau
Location: Downtown Juneau

Due to A possible perceived conflict, Mr. LeVine turned the gavel to Mr. Dye to chair this portion of the meeting.

Irene Gallion, CDD, presented **AME2018 0004**.

Mr. LeVine noted that this has been a long-time work in process and wanted to note the amount of work that has gone into getting the AME to this point.

During the explanation of minimum lot size and percentage of conformity, Ms. Maclean explained if a property is nonconforming, it is more challenging for the property owner to obtain a mortgage loan. By making more properties conforming they think this should help homeowners.

Mr. Voelckers asked does the ADOD zoning supplant other zoning districts? Will this truly make the property conforming or will it just make their nonconformity allowed? Ms. Maclean said depending on how the ADOD is decided it could make them conforming. Later in the meeting, Ms. Wright clarified that this would make them 'more conforming' but they would not be conforming.

Mr. Voelckers had questions regarding subdividing in hazard areas. While they cannot subdivide, would they be allowed to add a kitchen or bedroom? Ms. Maclean answered yes and that is what is allowed today.

Mr. Voelckers asked what is the standard lot size in the Flats? Staff answered it is about 3,600 square feet. Mr. Voelckers asked why the Title 49 committee settled on a 3,000 square foot lot size when there was so much negative public testimony saying that was too small size. Mr. Dye explained the factors the committee considered and how they reached that decision saying that while there were concerns, there were mitigating factors as well.

Mr. Arndt explained that once the properties in hazard areas were removed from eligibility, only a handful of properties were left with subdivision potential. Mr. Winchell added the residential properties impacted by ability to subdivide was small and the intent is more to allow owners to use their land. Ms. Pierce explained that their goal was conformity and not so much subdividability. Mr. LeVine reminded the commission that the ADOD is an option for property owners to opt in to be compliant and it is not a requirement.

During discussion of setbacks, Mr. LeVine asked if a dwelling was built to the lot line with zero setback, and they wanted to add to it, could they build on the zero setback or would they have to observe the three-foot requirement. Staff answered, the property was already nonconforming and would not be allowed to add to the nonconformity. They would need to observe the three-foot setback for the addition.

Mr. Voelckers said he appreciates the flexibility the ADOD allows but has concerns with the setbacks as small as three feet and asked how staff came to find three feet acceptable and had concerns regarding the reduced setback requirements for the smaller sized lots. He also found the 50% limitation on lot coverage to be too stringent. He expressed surprise at the proposed reduction in setbacks to the very small lots and suggested the same percentage reduction be applied to the coverage requirement.

Mr. Arndt commented that the focus of the Title 49 Committee was on existing dwellings and not on new construction and explained that the majority of the lots affected by this are already built. Committee members discussed conforming versus more conforming nonconformity and the possibility of grandfathering the existing properties as conforming altogether.

Mr. Arndt reminded the Committee of the August 1 2020 sunset date saying they either need to extend the current ADOD or complete this to bring to the Assembly. Mr. Winchell asked what happens if the deadline is missed and how many properties would be affected. Ms. Maclean said the vast majority are nonconforming. If they cannot meet the sunset deadline, they could ask for an extension or if it is missed altogether, it could just become the standard zoning and there would be no sunset date. Mr. Dye explained the reason for continuing the ADOD is that would allow for additions and other options for the properties that would not be available if the sunset expires.

Mr. LeVine said he likes the postage stamp (setback box) approach but had trouble with the three-foot setbacks. He wondered if they could ask Ms. Wright to investigate other options in code that would allow the properties to become conforming rather than *more conforming* nonconformity without any possibility of unintended consequences that would eliminate the need for the phrase more conforming.

Mr. Winchell and Mr. Voelckers spoke in agreement with Mr. LeVine. Mr. Voelckers also had an issue with the percentages of required vegetative cover.

It was decided to keep this at the Committee of the Whole for further discussion.

Mr. Dye turned the gavel back to Mr. LeVine for the remainder of the meeting.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT** – 6:49 pm

REVISION RECORD

Version 1-8A were iterative developments.

Version 8A was reviewed by the Planning Commission on June 9, 2020.

Version 9 was reviewed by the Planning Commission on August 27, 2021. Substantive revisions from 8A:

- Per Law, removed 49.70.1410(e), *“When the standards of this section conflict with other parts of code, the more specific code will prevail.”*
- Added clarification 49.70.1410 (h), *“Existing non-conforming lots can participate in other ADOD standards.”*
- Per Planning Commission, removed exemptions for projections onto public land provided under current code, [8A citation 49.70.1440(b)(6)]:

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

(A) The affected yard adjoins publicly owned land that has been placed in a park, open space, or similarly restrictive land management classification;

(B) Projections into the yard are minimized;

(C) Projections do not negatively impact health and safety, create neighborhood disharmony, or contradict plans;

(D) Projections do not excessively block views or restrict light and air, or infringe on privacy; AND

(E) Projections do not have other deleterious impacts.

Presented by:
Introduced:
Drafted by: Gallion

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-XX

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

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

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

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

ARTICLE XII. DOWNTOWN JUNEAU ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT

49.70.1400 Purpose.

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

Dimensional standards:

- (a) Set minimum standards and procedures for construction of new structures;
- (b) Set minimum standards and procedures for expansion, restoration or repair of existing structures;
- (c) Establish dimensional standards that support public health, safety and welfare of the neighborhood.

49.70.1410 Applicability.

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

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

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

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

(e) When a land owner chooses to use Downtown Juneau ADOD dimensional standards, they must conform to all the standards outlined in 49.70.1430 and 49.70.1440 below.

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

(g) Expansion of nonconforming structures must meet ADOD or underlying zoning standards. The two standards cannot be combined.

(h) Existing non-conforming lots can participate in other ADOD standards.

49.70.1420 Downtown Juneau Alternative Development Overlay District procedure.

(a) Developers affirm their participation in the Downtown Juneau Alternative Development Overlay District by submitting an alternative development permit application with their development permit application, and any other applications that may be required.

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

49.70.1430 Downtown Juneau Alternative Development Overlay District Standards.

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

(a) Lot size.

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

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

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

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

(b) Lot width and depth.

(1) Minimum lot width is 25 feet.

(2) Minimum lot depth is 25 feet.

(c) Minimum vegetative cover is 15 percent.

(d) Structure height.

(1) Maximum height for primary uses is 35 feet.

(2) Maximum height for accessory uses is 25 feet.

(e) Setbacks.

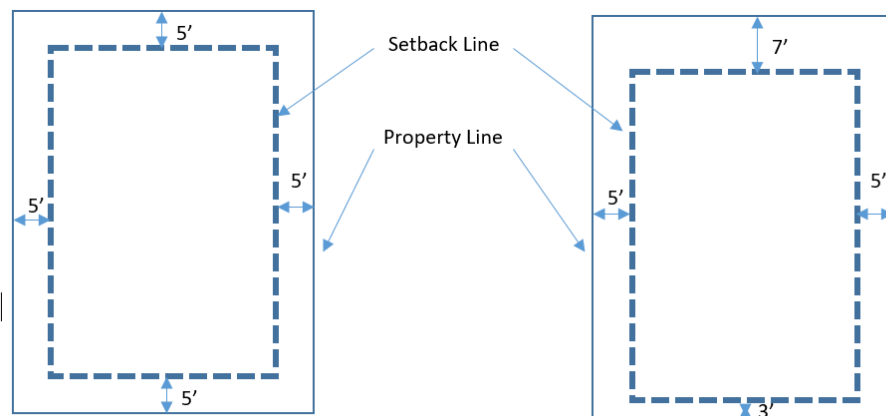
(1) Setbacks will be measured from the structure closest to the lot line.

(2) The minimum setback for any lot line is three feet.

(3) Setback sums

(A) The sum of all setbacks must equal at least 20 feet.

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



49.70.1440 Yard Setback Exceptions.

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

(b) Methodology.

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

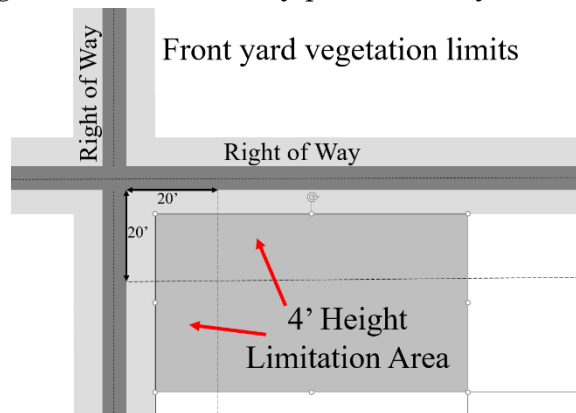
(2) Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs, may extend to an abutting public right-of-way provided the structure does not exceed five feet in internal width exclusive of support structure.

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

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

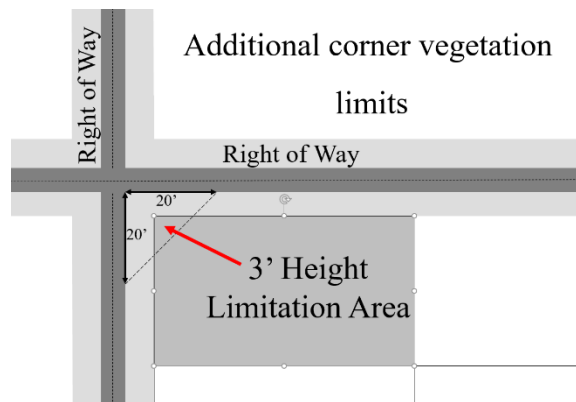
(5) Fences and vegetation. For this section, a “travelled way” is defined as the edge of the roadway shoulder or curb closest to the property.

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



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

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



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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Comments on Dimensions

49.70.1430 Downtown Juneau ADOD Standards

Lot Size

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

Bigger structures on smaller lots?

Why is common wall lot size the same as SF?

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

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

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

Why do we need minimum lot size?

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

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

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

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

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

Lot Size, continued

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

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

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

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

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

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

Lot Width

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

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

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

Lot Depth

Recommend 50' not 25'

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

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

Setbacks, continued

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

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

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

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

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

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

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

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

<i>Setbacks, continued</i>
I really like the simplicity of the "formula" of 20' to 12' for total setbacks. However, I do think that the exceptions to setbacks should eliminate references to Front/Side/Rear.
I am strongly against any changes that allow a setback of less than ten feet.
We believe that no side yard setback should be less than 5' in any portion of the proposed ADOD zone for two reasons: Safety, and creating potential conflict with neighbors. In a perfect world all neighbors would get along and would work cooperatively but we all know that this is often not the case. We're sure Community Development can attest to that. Ladder placement can be a pretty site-specific requirement for the required task. If a neighbor asks permission to put their ladder on their neighbor's property and it would land in the middle of the neighbor's prize vegetable or flower garden they may rightfully choose to say no, which could lead to hard feelings. Or one neighbor may decide to construct a tall privacy fence along the property line and preclude the other neighbor from being able to use a ladder at all. The 3' setback seems to be setting up potential conflict situations or unsafe situations as people try to do what they need to do within a 3' setback. We have personal experience with this situation. Our neighbor's side yard setback is 2'7". He has to seek our permission any time he wants to do any maintenance and upkeep on the back wall of his house. Ours is a congenial relationship but if it wasn't and we refused that permission he would be hard-pressed to be able to do anything for maintenance and upkeep there. It seems like the CBJ would be institutionalizing inevitable neighbor conflict with this unrealistic and impractical side yard distance.
49.70.1440 Yard Setback Exceptions
Why is access to the rear lot line not included in the exemption? (there seemed to be multiple individuals interested in this)
Are arctic entries included in the setback exceptions?

Comments on Other Elements	
49.70.1400 Purpose	
General concern for the look and feel of Casey Shattuck. Worry about "quaint" character of the neighborhood (multiple people)	
<i>ADOD Process</i>	
Why not just update zoning? (1 person doesn't like ADOD as band aid)	
Why not extend for another year?	
Why not a new zoning district?	
To my mind the whole standard review and revision seems rather rushed. I know you were given direction, but it's OK to push back if the direction doesn't seem reasonable, and I think it would be better to extend the current expiring standards for a year to give enough time to finish working through the revisions. Having two standards (and allowing owners to choose) sacrifices consistency for ambiguous expediency, which is a choice I've encountered before, and learned--by bitter experience--to regret.	
<i>Conformity</i>	
Describe non-conforming better	
How many buildings currently conform? Would be good to see more spread on lot size vs. Conformance	
We should decide as a community what percentage of zoning conformity we want. Present a wider range of lot sizes and per cent conformity.	
Why is non-conforming so important?	
Why do we care about conformity for lot size?	
How does this interact with non-conforming ordinance?	
<i>Neighborhood Standards</i>	
These comments are based on the ADOD slide show and proposed development standards presented at the December 5 meeting. We reside in the Casey-Shattuck subdivision (also known as "The Flats") and our comments come from what we consider to be appropriate for that particular neighborhood. These comments may not apply to other neighborhoods, which is why we strongly support some unique standards for each neighborhood. We interpret the "What does this do?" slide as describing two goals: 1. "More flexibility for improvements and development" Flexibility can be a two-edge sword. We agree that situations arise that require innovative solutions that may not fit within set standards. However, such exceptions should only be allowed if they can be made consistent with the overall character of the specific neighborhood (Goal 2). Universal standards for the entire ADOD area would by necessity need to be generalized and loosely written to meet a wide variety of circumstances that likely apply to certain neighborhoods. This would likely lead to inappropriate application of exceptions in other neighborhoods, diminishing the effectiveness of this whole ADOD effort. Such an approach in turn seems to work directly against goal #2 below. We believe that having neighborhood-specific standards would reduce the need for exceptions because the standards could be written better to fit a particular neighborhood.	

Neighborhood Standards, continued

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

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

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

Overlay v Zoning

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

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

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

49.70.1410 Applicability

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

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

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

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

49.70.1420 Downtown Juneau ADOD procedure

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

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

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

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

How does this impact accessory apartments?

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

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

Avoid design reviews.

More predictability please! (positive toward proposal)

Variances

How does ADOD affect ability to get a variance?

How does this relate to variances?

Other Topics

General

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

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

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

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

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

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

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

Lots vs. city streets

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

Meeting Presentation, continued

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

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

Presented by: The Manager

Presented: 06/08/2021

Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**Serial No. 2021-XX****An Ordinance Amending the Land Use Code Relating to Landscaping and Vegetative Cover.**

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. Article III. Vegetative Cover is amended to read:

49.50.300 Purpose.

The purpose of this section is to provide minimum vegetative cover requirements in order to minimize the risk of flooding and erosion, and to slow the speed and volume of storm water runoff onto surrounding lands. Vegetative cover shall be met with non-invasive plant species. Green infrastructure, including but not limited to green roofs, bioswales, rain gardens, and similar features, shall count toward vegetative cover requirements. Additionally, porous concrete used on site shall count toward vegetative cover requirements.

49.50.310 Minimum vegetative cover.

A minimum percent by area of each development site shall be maintained with live vegetative cover according to the following table. In the event of a conflict between district and area standards, the greater shall apply.

Zoning District	Percentage of Lot in Vegetation
D-1, D-3, and D-5, residential districts	20
D-10 SF residential districts	15
D-10, D-15, and D-18 multifamily residential districts	30
MU2, mixed use district	5
LC, light commercial district	15
GC, general commercial district	10
WC, waterfront commercial district	10

WI, waterfront industrial district	5
I, industrial district	5
Convenience store, outside a commercial district	20

49.50.320 Plan Submittal.

The areas to be maintained with vegetative cover shall be shown on the plans submitted for a development permit.

49.50.330 Areas included.

The required percentage of area maintained with vegetative cover may include required landscaping, sensitive area open space, or any other required natural areas.

Section 3. Addition of Section. Article IV. Landscaping

49.50.400 Purpose.

The purpose of this section is to provide minimum decorative vegetation requirements in order to minimize the visual and noise impacts of a development, provide visual separation between pedestrian and traffic movements, increase compatibility between different intensities of land use by providing visual barriers, and to visually unify a development and the surrounding neighborhood. Landscaping shall mean an area developed and maintained with non-invasive plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscaping elements, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas), and sculptural elements.

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption. Adopted this XX day of July 2021.

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

June 22, 2021

MEMO

From: Irene Gallion, Senior Planner

To: Downtown Neighbors and Interested Members of the Public

Case Number: AME2018 0004: Alternative Development Overlay District

RE: Preparation for the July 13th meeting

Perhaps you will recall that about a year ago we were on our way to developing new Alternative Development Overlay District (ADOD) standards for downtown when we got derailed by a pandemic.

The Planning Commission will be revisiting the proposal at their meeting on July 13, 2021. As we get a little closer, meeting materials will be posted here: <https://juneau.org/assembly/assembly-minutes-and-agendas>

To get folks back into the mindset, I've attached:

- The last memo that went to the Commission on May 27, 2020. Note there are no attachments, if you are interested in those let me know and I'll send them your way (they bring the packet up to 138 pages).
- Minutes from the last Committee of the Whole that reviewed the proposal.

If you would like to be included on a project e mail list, you can e mail me at Irene.Gallion@juneau.org



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

May 27, 2020

MEMORANDUM

From: Irene Gallion, Senior Planner

To: Planning Commission

Case Number: AME2018 0004

RE: Proposed Revisions to the Downtown Juneau Alternative Development Overlay District (ADOD)

REQUESTED ACTION:

This memo summarizes the history and proposed standards of an updated Downtown Juneau ADOD for review by the Planning Commission Committee of the Whole on June 9, 2020. During this meeting, for each modified standard, staff will review:

- How the standards were developed
- Implementation for the modified standard
- Public comments
- Facilitated discussion

This memo summarizes the Purpose and Need for the ordinance and summarizes proposed standards. **Staff requests that the Planning Commissioners review this memo in preparation for the Committee of the Whole work session. Please review (ATTACHMENTS):**

- ATTACHMENT A: City and Borough of Juneau v. Thibodeau, Supreme Court Opinion, May 11, 1979
- ATTACHMENT B: Olmo, LLC v. CBJ Board of Adjustment, Decision on Appeal, February 14, 2017
- ATTACHMENT C: Existing ADOD boundaries
- ATTACHMENT D: Proposed ADOD boundaries
- ATTACHMENT E: Public comments on dimensional standards
- ATTACHMENT F: Title 49 Committee minutes
- ATTACHMENT G: Draft Ordinance
- ATTACHMENT H: Public comments on elements of the ordinance other than dimensions
- ATTACHMENT I: Variances to Land Use and Platting Regulations, Lee Sharp, 1997

PURPOSE AND NEED

The need for the Downtown Juneau ADOD reflects:

- CBJ v Thibodeau (1979), establishing that variances must be related to features of the land (ATTACHMENT A).
- The “Olmo appeal” (2018), establishing hardship as a “threshold issue” for variances (ATTACHMENT B).

Pre-code downtown neighborhoods are unable to meet variance requirements due to the high thresholds of “hardship.” The need for code to regulate reasonable development advanced the Alternative Development Overlay District (ADOD). The initial ordinance (2017) was developed in haste, has burdensome costs for developers, and outlines methodologies that give well-intentioned interpreters different answers.

Proposed standards and this ordinance will:

- Reduce costs to the homeowner
- Facilitate consistent interpretations of dimensional standards
- Reduce complexity of using the ADOD

To clarify:

- Recently-approved non-conforming code allows residents to rebuild their existing non-conforming structure after destruction within the building’s pre-existing footprint. (Building code elements would have to be modernized.)
- Proposed ADOD facilitates improvements beyond the original structure for residences and commercial buildings within the boundary.

Background

The existing Downtown Juneau ADOD (2017):

- Acknowledged that existing zoning downtown does not match the built environment.
- Established a process for reducing dimensional standards to allow for the construction, reconstruction, expansion, or rehabilitation of residential buildings. This code:
 - Addresses lot coverage, vegetative cover, and setback requirements.
 - Applies to residential buildings.
- Established Planning Commission review for all ADOD permits.

The existing ADOD has a sunset date of August 2020. The existing ADOD was intended to be temporary, allowing time to establish new zoning regulations for downtown areas.

The existing ADOD code has exhibited some short-comings:

- **Complexity and consistency:** The procedure involves averaging setbacks of properties within a 150-foot radius. What percentage of the property that must be in that radius to be included is unclear. Some properties require use of GIS imagery to establish setbacks, while some properties have much more accurate as-built surveys. Well-intentioned interpreters can come up with different answers to the same question.

- **Expense:** The base price for an ADOD evaluation is \$400 per lot line.
- **Time:** The current ADOD requires a Planning Commission hearing, which compels a staff report and public noticing.

The proposed ADOD:

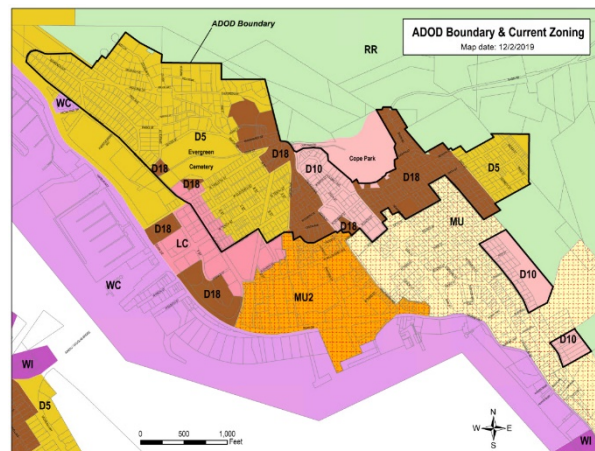
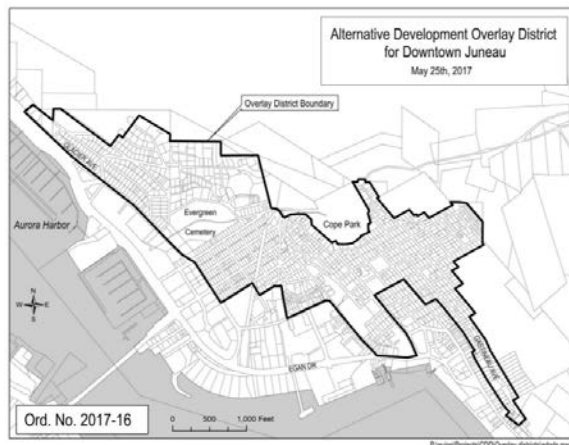
- Establishes dimensional standards, limiting interpretation required.
- Would execute through the Building Permit process, reducing workload for staff and the Planning Commission, and reducing cost and time for the developer.
- Costs of the proposed ADOD have not been established, and will likely be consistent with other permit fees.

PROPOSED STANDARDS

The proposed standards below are “opt in” modifications to underlying zoning in an overlay boundary. The tables below summarize existing standards and the proposed Downtown Juneau ADOD dimensional standards.

Note that density and use restrictions prevail under proposed ADOD standards – changes are limited to dimensional standards.

Staff and the Title 49 Committee have recommended changes to the proposed boundary of the Downtown Juneau ADOD (see also ATTACHMENTS C and D):



The largest change is the exclusion of the Mixed Use (MU) zoned area in the boundary. MU has more liberal dimensional standards than the Downtown Juneau ADOD is proposing.

Public comments on proposed dimensional standards are included in ATTACHMENT H.

Minimum Lot Area

The table below compares proposed Downtown Juneau ADOD minimum lot size to existing minimum lot size in the various zoning districts. Lot sizes are shown in square feet.

Note that under current regulation CDD would allow development of an undersized lot that met setback requirements. New standards would be used to:

- Evaluate proposals for subdivision of a lot in the ADOD boundary.
- Approve an accessory apartment without Planning Commission approval, if other parking and dimensional requirements could be met.

	Proposed	Current			
Structure	ADOD	D5	D10	D18	LC
Single Family Home	3,000	7,000	6,000	5,000	2,000*
Common Wall Dwelling	3,000	7,000	5,000	2,500	
Duplex	4,500	10,500	8,712	4,840	

* Light Commercial has a minimum lot size of 2,000 square feet for permissible uses, which includes residential and commercial development.

Lot Width, Depth and Coverage

	Proposed	Current			
FEATURE	ADOD	D5	D10	D18	LC
Lot width	25'	70'	50'	50'	20'
<i>Bungalow</i>	25'	35'	25'	25'	
<i>Common wall dwelling</i>	25'	60'	40'	20'	
Lot depth	25'	85'	85'	80'	80'
Vegetative cover	15%	20%	30%	30%	15%
Lot coverage	50%	50%	50%	50%	No Max

Lot coverage is 60% under the existing ADOD. The reduced coverage balances less-restrictive setbacks.

Structure Height

	Proposed	Current	
Height	ADOD	D5, 10, 18	LC
Permissible uses	35'	35'	45'
Accessory uses	25'	25'	35'
Bungalow		25'	

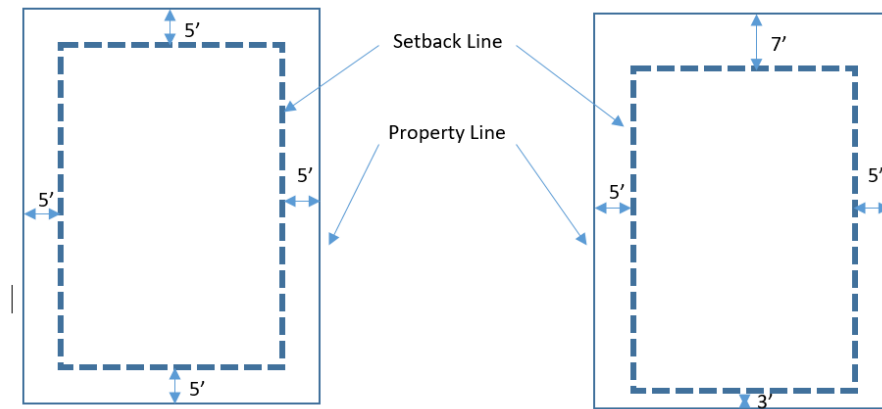
Structure Setbacks

Current setbacks:

YARD	D5	D10	D18	LC*
Front	20'	20'	20'	25'
Street Side	13'	13'	13'	17'
Side	5'	5'	5'	10'
Common Wall Dwelling Side	10'	3'	5'	
Rear	20'	20'	10'	10'

Proposed setbacks for all properties in the ADOD:

Staff proposes a 20-foot setback sum with a 3-foot minimum per side. This means that the setbacks of all sides of a lot must equal 20 feet, but no side may be less than 3 feet. This essentially creates a “setback box” that can be moved around the lot to accommodate existing structures. Examples:



Proposed setbacks for lots less than minimum lot area:

For lots less than the minimum lot area, the required setback sum can be reduced proportionally, but in no case can the setback sum be less than 12 feet and no side can be less than 3 feet.

Proposed Exemptions to Setbacks:

CBJ 49.25.430 establishes exemptions and reductions to required yard setbacks borough-wide. If the exemption listed in 49.25.430 is less restrictive than the proposed ADOD setbacks, it is shown in the proposed ordinance for clarity. If the exemption is more restrictive than the proposed ADOD setbacks, the ADOD setbacks apply.

Architectural features and roof eaves may project into a required yard setback but no closer than two feet from the side and rear lot lines.

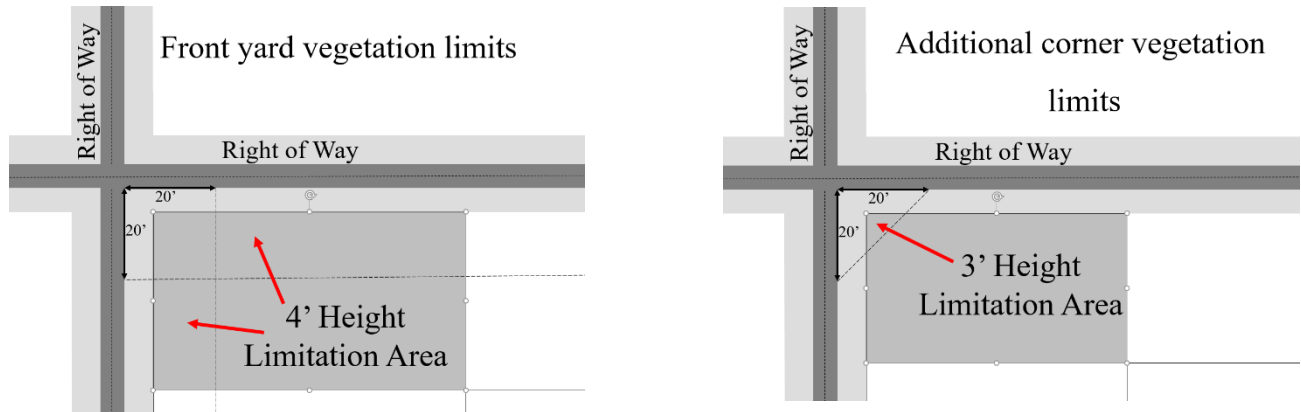
Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs may extend to the front lot line or street side lot lines. Structure may not exceed five feet internal width, not counting support structure.

A parking deck (which cannot be more than one foot above the level of the adjoining roadway, and can only be used for parking) is exempt from setback requirements. A non-sight-obscuring safety rail up to 42 inches is allowed.

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

(A) Maximum height of a sight-obscuring fence or vegetation is four feet, within 20 feet of the edge of the traveled way. Trees are allowed if they do not obscure view from four feet to eight feet above ground.

(B) On corner lots, the maximum height of a sight-obscuring fence or vegetation is three feet, within 20 feet of a street intersection. The area in which sight-obscuring fences and vegetation is restricted shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 20 feet, and then connecting the three points. Trees are allowed if they do not obscure view from three to eight feet above the ground.



ADDITIONAL SUPPORT MATERIALS

- Title 49 Committee meeting minutes (ATTACHMENT F)
- DRAFT proposed ordinance (ATTACHMENT G)
- Public comments on elements of the ordinance other than dimensional standards (ATTACHMENT H)

ADDITIONAL BACKGROUND

“Variances to Land Use and Platting Regulations,” by Lee Sharp (1997, ATTACHMENT I) is attached to provide context on variance case law.

In 2015 Olmo, LLC appealed a Planning Commission decision to deny a variance to the Assembly. The Assembly’s decision to uphold the variance hinged on the Appellant’s ability to demonstrate hardship. While the variance code had multiple criteria for considering a variance, those criteria could not be considered before hardship was established. Hardship was a “threshold issue.”

Under old code, “hardship” was a difficult standard to meet. In new code (established in 2018), the Planning Commission eased the standard from “extraordinary situation or unique physical feature” to “unusual or special” features of the property.

Nonetheless, pre-code downtown neighborhoods in Juneau and Douglas struggle to meet variance criteria. According to case law:

Hardship:

- **Denies reasonable use of the property.** Downtown home owners in established homes use the property reasonably.

- **Can only be related to costs in the most extreme conditions.** A homeowner needing to pay more for an improvement is not, in itself, a hardship.
- **Cannot be self-imposed.** A structure is considered “self-imposed” regardless of who built it and when. Nine-hundred-sixteen downtown structures have residences constructed before regulation was established (1956).

Peculiarities of the land:

- **Arise when the physical conditions of the land distinguish it from other land in the area.** A distinguishing condition might be a steep slope or meandering waterway that did not impact neighbors. Downtown neighborhoods have similar physical conditions, distinguishing few lots.

Under old variance code, 50% of variances were to setbacks community-wide. When you consider the variances in just Downtown Juneau that percentage rises to 80%.

Agenda
Planning Commission
Committee of the Whole
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
June 9, 2020

I. ROLL CALL

Michael LeVine, Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:04 p.m.

Commissioners present: Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Assistant Clerk; Ken Alper; Dan Hickok; Joshua Winchell; Erik Pedersen

Commissioners absent: Weston Eiler

Staff present: Jill Maclean, CDD Director; Irene Gallion, Senior Planner; Alexandra Pierce, Planning Manager; Emily Wright, CBJ Law Department; Laurel Christian, Planner

Assembly members: None

II. REGULAR AGENDA

AME2018 0004: Juneau Downtown Zoning – Alternative Development Overlay District
Applicant: City and Borough of Juneau
Location: Downtown Juneau

Due to A possible perceived conflict, Mr. LeVine turned the gavel to Mr. Dye to chair this portion of the meeting.

Irene Gallion, CDD, presented **AME2018 0004**.

Mr. LeVine noted that this has been a long-time work in process and wanted to note the amount of work that has gone into getting the AME to this point.

During the explanation of minimum lot size and percentage of conformity, Ms. Maclean explained if a property is nonconforming, it is more challenging for the property owner to obtain a mortgage loan. By making more properties conforming they think this should help homeowners.

Mr. Voelckers asked does the ADOD zoning supplant other zoning districts? Will this truly make the property conforming or will it just make their nonconformity allowed? Ms. Maclean said depending on how the ADOD is decided it could make them conforming. Later in the meeting, Ms. Wright clarified that this would make them 'more conforming' but they would not be conforming.

Mr. Voelckers had questions regarding subdividing in hazard areas. While they cannot subdivide, would they be allowed to add a kitchen or bedroom? Ms. Maclean answered yes and that is what is allowed today.

Mr. Voelckers asked what is the standard lot size in the Flats? Staff answered it is about 3,600 square feet. Mr. Voelckers asked why the Title 49 committee settled on a 3,000 square foot lot size when there was so much negative public testimony saying that was too small size. Mr. Dye explained the factors the committee considered and how they reached that decision saying that while there were concerns, there were mitigating factors as well.

Mr. Arndt explained that once the properties in hazard areas were removed from eligibility, only a handful of properties were left with subdivision potential. Mr. Winchell added the residential properties impacted by ability to subdivide was small and the intent is more to allow owners to use their land. Ms. Pierce explained that their goal was conformity and not so much subdividability. Mr. LeVine reminded the commission that the ADOD is an option for property owners to opt in to be compliant and it is not a requirement.

During discussion of setbacks, Mr. LeVine asked if a dwelling was built to the lot line with zero setback, and they wanted to add to it, could they build on the zero setback or would they have to observe the three-foot requirement. Staff answered, the property was already nonconforming and would not be allowed to add to the nonconformity. They would need to observe the three-foot setback for the addition.

Mr. Voelckers said he appreciates the flexibility the ADOD allows but has concerns with the setbacks as small as three feet and asked how staff came to find three feet acceptable and had concerns regarding the reduced setback requirements for the smaller sized lots. He also found the 50% limitation on lot coverage to be too stringent. He expressed surprise at the proposed reduction in setbacks to the very small lots and suggested the same percentage reduction be applied to the coverage requirement.

Mr. Arndt commented that the focus of the Title 49 Committee was on existing dwellings and not on new construction and explained that the majority of the lots affected by this are already built. Committee members discussed conforming versus more conforming nonconformity and the possibility of grandfathering the existing properties as conforming altogether.

Mr. Arndt reminded the Committee of the August 1 2020 sunset date saying they either need to extend the current ADOD or complete this to bring to the Assembly. Mr. Winchell asked what happens if the deadline is missed and how many properties would be affected. Ms. Maclean said the vast majority are nonconforming. If they cannot meet the sunset deadline, they could ask for an extension or if it is missed altogether, it could just become the standard zoning and there would be no sunset date. Mr. Dye explained the reason for continuing the ADOD is that would allow for additions and other options for the properties that would not be available if the sunset expires.

Mr. LeVine said he likes the postage stamp (setback box) approach but had trouble with the three-foot setbacks. He wondered if they could ask Ms. Wright to investigate other options in code that would allow the properties to become conforming rather than *more conforming* nonconformity without any possibility of unintended consequences that would eliminate the need for the phrase more conforming.

Mr. Winchell and Mr. Voelckers spoke in agreement with Mr. LeVine. Mr. Voelckers also had an issue with the percentages of required vegetative cover.

It was decided to keep this at the Committee of the Whole for further discussion.

Mr. Dye turned the gavel back to Mr. LeVine for the remainder of the meeting.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

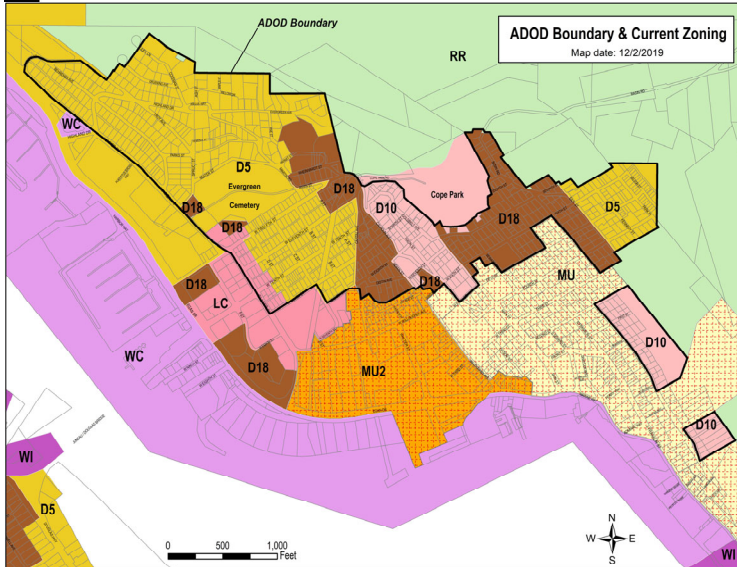
V. **ADJOURNMENT** – 6:49 pm

Revised Notice
Re: Downtown Juneau
Alternative Development
Overlay District

CITY AND BOROUGH OF
JUNEAU
 ALASKA'S CAPITAL CITY
 COMMUNITY DEVELOPMENT
 155 S. Seward Street Juneau, AK

Packet Page 177 of 194

PRESORTED
 FIRST CLASS MAIL
 U.S. POSTAGE PAID
 PERMIT NO. 61
 JUNEAU, ALASKA



To:

REVISED HEARING DATE & WEBINAR INFORMATION

You are receiving this notice regarding an application being heard by the Planning Commission for proposed revisions to the Alternative Development Overlay District, which affects setbacks, minimum lot area, and other issues related to development. Originally, the hearing was set for July 13, 2021. **The hearing has been rescheduled for July 27, 2021.**

TIMELINE

Case materials can be found at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>. Scroll to the bottom and choose the July 27, 2021 meeting. Staff review materials are expected to be posted at the same site the week of **July 19, 2021**. Find hearing results, meeting minutes, and more here as well.

Now through 12 noon, July 26

Comments received during this period will be sent to the Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Irene Gallion, will also read any written comments that are received. You may also contact her via the phone number listed below.

HEARING DATE & TIME: 7:00 pm, July 27, 2020

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/96970037739>. The Webinar ID is: **969 7003 7739**. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

July 28

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
 Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed July 1, 2021

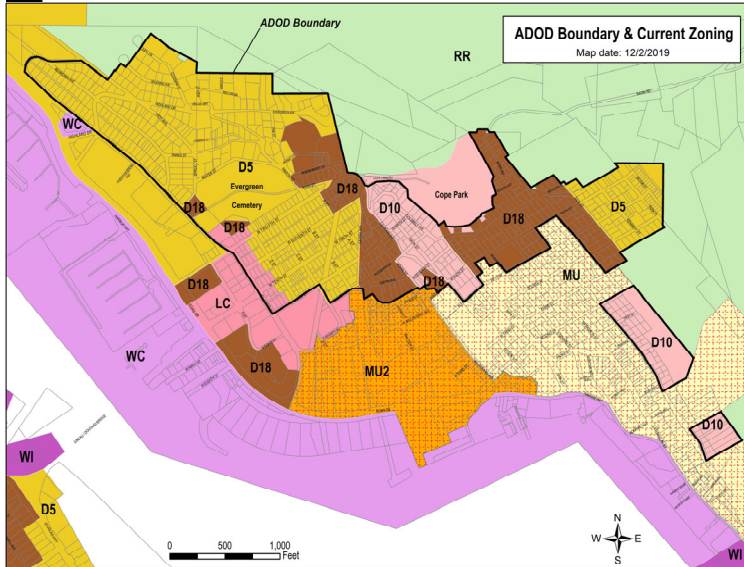
Case No.: AME2018 0004
Location: Downtown Juneau
CBJ Parcel Viewer: <http://epv.juneau.org>

Invitation to Comment
Your Community, Your Voice

CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, AK

Packet Page 178 of 194

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
PERMIT NO. 61
JUNEAU, ALASKA



To:

An application has been submitted for consideration and public hearing by the Planning Commission for **proposed revisions to the Alternative Development Overlay District, which affects setbacks, minimum lot area, and other issues related to development. The Overlay covers both downtown Juneau and downtown Douglas, but revisions only concern Juneau at this time.**

TIMELINE

Staff Report expected to be posted **Monday, July 5, 2021** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through June 21

Comments received during this period will be sent to the Planner, **Irene Gallion**, to be included as an attachment in the staff report.

June 22 — noon, July 12

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, July 13, 2020

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/92097499673>. The Webinar ID is: 920 9749 9673. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

July 14

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed June 10, 2021

Case No.: AME2018 0004
Location: Downtown Juneau
CBJ Parcel Viewer: <http://epv.juneau.org>

AME2018 0004

Revisions to the Alternative Development Overlay District
standards for Downtown Juneau

PURPOSE: Development Flexibility

Brief Evolution

- Modern zoning ≠ downtown development
- Changed how variances used
- Rezone detailed and time consuming
- ADOD was a band-aid
- Make a better band-aid

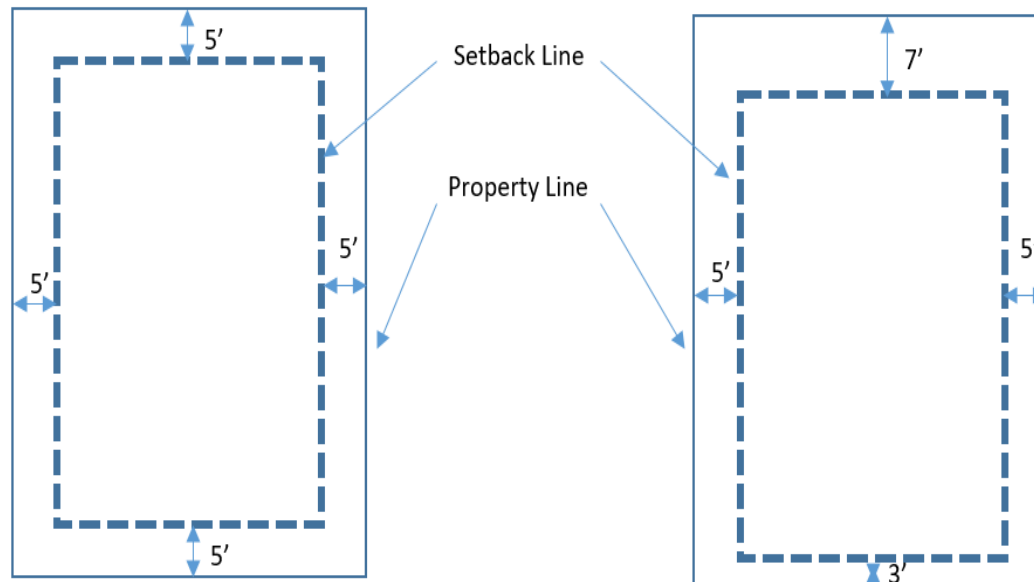
Work so far

Date	Meeting
6/12/2017	ASSM COW - Ord for ADOD forwarded to full Assembly
1/30/2019	Downtown Informational Meeting
2/5/2019	Downtown Informational Meeting
2/7/2019	Downtown Informational Meeting
4/11/2019	T49: ADOD proposal
4/18/2019	T49: ADOD proposal, additional info
6/24/2019	Assembly, ADOD ord introduced, extending date to August 2020
7/10/2019	T49: Modify setbacks, new boundary, min lot size, sliding setbacks
8/7/2019	T49: Continued discussion
9/4/2019	T49: Continued discussion
10/2/2019	T49: Continued discussion
11/1/2019	T49: Summary and continued discussion
12/5/2019	Neighborhood Meeting
12/7/2019	Neighborhood Meeting
12/12/2019	T49: Debrief on public meeting
3/5/2020	T49: Comments and proposed ordinance
6/9/2020	PC COW
7/27/2021	PC: Revive ADOD

What is proposed

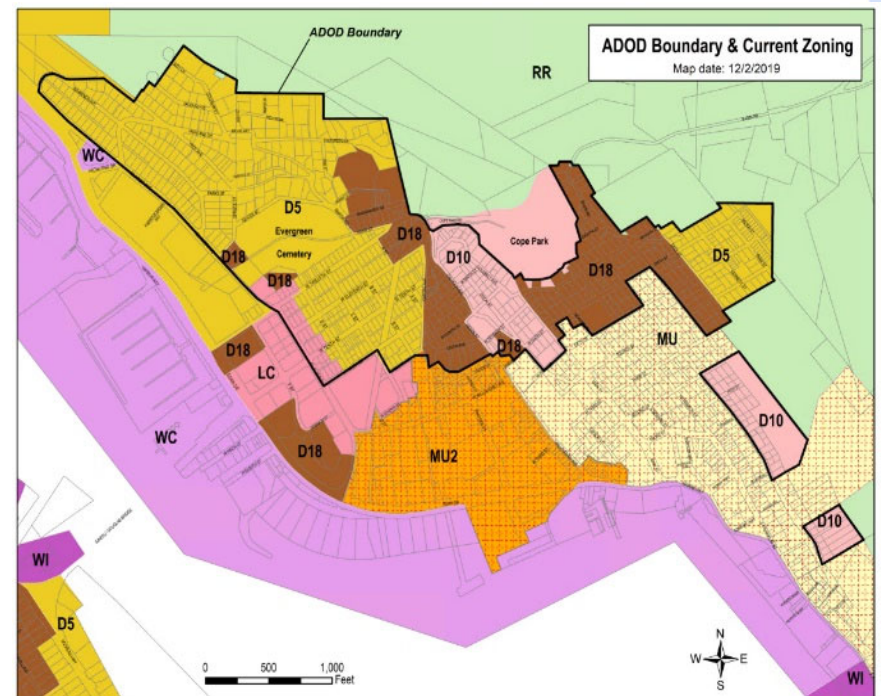
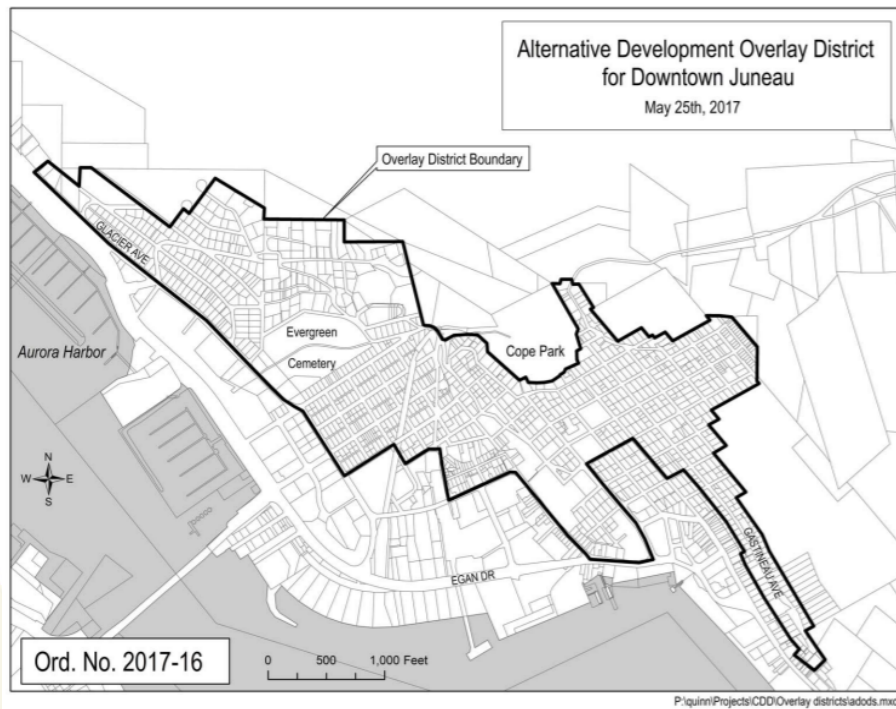
- Minimum lot area – 3,000 square feet
- Lot width and depth – 25 feet
- Lot coverage – 50%
- Vegetative cover – 15%
- Structure height – 35'/25'
- Allow commercial properties to participate

Proposed Setbacks



- Minimum setback 3 feet
- Sum of setbacks – 20'

Where



Questions the Commission had

- Is 50% lot coverage too restrictive?
- Should we modify the proposed three foot setback?
- Do we still need to discuss vegetative cover?
- How does this work for properties that are still nonconforming?
- Code developments since last meeting

Lot Coverage – 50% proposed

- Balances setbacks
- Consistent with current development

FEATURE	Proposed		Current		
	ADOD	D5	D10	D18	LC
Lot coverage	50%	50%	50%	50%	No Max

- Increasing setbacks?
- Prefer denser downtown development?

Setbacks – modify proposal?

- Since 1987, 80% of variances
- Based on fire separation + balance of maintaining community character

Vegetative Cover – 15%

FEATURE	Proposed			Current	
	ADOD	D5	D10	D18	LC
Vegetative cover	15%	20%	30%	30%	15%

Proposed Text Amendment

- Purpose – control and absorb drainage
- Includes green roof, porous hardscape, and other controls

Nonconformance/Compliance

Compliance under ADOD – want to opt-in to development standards

- Further development IAW ADOD standards

Compliance under ADOD BUT don't want to opt in

- Nonconforming certification
- Further development IAW underlying zoning

Code changes since last discussed

- Neighborhood Commercial (NC) and Mixed Use 3 (MU#) recommended to the Assembly
- Elimination of lot depth

Questions for the Commission

- *Modify lot coverage standards?*
- *Modify proposed minimum setbacks?*
- *Vegetative cover OK if definitions pass?*
- *The purpose is development flexibility that is in keeping with current development of surrounding area.*
- *Changes based on regulations passed in the interim?*

Thank You!

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

Additional Materials for July 27, 2021 Planning Commission

ATTACHMENTS:

Description	Upload Date	Type
Additional Materials for July 27, 2021 Planning Commission	7/26/2021	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: July 27, 2021

1. AME2018 0004:

- a. Public Comment – Margaret Little, received 7.25.21

From: M. Toby Little <mtlittle88@hotmail.com>
Sent: Sunday, July 25, 2021 6:18 PM
To: PC_Comments
Cc: Dixon; john dixon; Bob Little
Subject: Comments on Proposed Revisions to the Alternative Development Overlay District

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

Dear Sir or Madame --

I would like to register my comments on the proposed revisions. My brothers and I are the owners of a historic old house which I believe is in the Overlay District that will be affected by the proposed revisions. My parents owned and lived in the house for 40 years. The house (513-519 North Franklin) was built in 1897 where the building that used to be Capital City School is now. In approximately 1915 a basement was dug at the present site and the house was moved to its current location. The house is 3 feet from the uphill lot line and the garage for the house on the downhill side (also a historic old house) is right up against our downhill lot line. In addition, our house is right on the sidewalk on the street side. At that time our house was moved, the lots were somewhat different than they are now and, in fact, we had to have the lot lines officially changed years ago because the old lot line actually went through a corner of our house.

If our house were to become damaged (earthquake or fire, for example), we would want to rebuild on the existing foundation/basement. The way I understand the proposed revisions, we would be prohibited from doing this. I believe that there should be included in the proposed revisions a "Grandfather clause" of some sort that provides for an exemption process in cases such as ours.

Thank you for your time and attention. I plan to attend the hearing,

Sincerely,
Margaret Little
mtlittle88@hotmail.com
520-560-1051