

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

April 9, 2019
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. March 12, 2019 DRAFT Minutes - Planning Commission Regular Meeting
- B. March 12, 2019 DRAFT Minutes - Planning Commission Committee of the Whole Meeting

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Materials for April 9, 2019, Planning Commission Meeting

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

- A. USE2019 0006: A Conditional Use Permit for a mobile home caretaker's unit / office
- B. CSP2019 0002: Review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack.

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

- A. Ordinance 2019-12: An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium
- B. Early entry to the sites to be leased by Deckhand Dave's and Juneau Composts! for utility and grading purposes

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.ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 12, 2019

I. ROLL CALL

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

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt

Commissioners absent:

Staff present: Jill Maclean, CDD Director, Alix Pierce, Planning Manager, Laurel Bruggeman, Planner I; Amy Liu, Planner I

Assembly members: Wade Bryson

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA- None

III. APPROVAL OF MINUTES- None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION- None

VI. CONSENT AGENDA

CSP2018 0020: A consistency review for the installation of a traffic signal at the intersection of Stephen Richards Memorial Drive & Riverside Drive

Applicant: Kinney Engineering LLC

Location: Stephen Richards Memorial Drive and Riverside Drive Intersection

Staff Recommendation

Staff recommends that the Planning Commission adopt the above analysis and findings, and **APPROVE** the replacement of the all-way stop traffic control with a traffic signal at the intersection of Stephen Richards Memorial Drive and Riverside Drive and the installation of new curb ramps and street lighting.

USE2019 0001: A Conditional Use Permit for a temporary asphalt plant for an airport project

Applicant: SECON

Location: Maplesden Way & Yandukin Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a temporary asphalt plant at Maplesden Way and Yandukin Way for airport project.

The approval is subject to the following conditions:

1. The applicant shall inspect the traveled route a minimum of twice daily for escaped material from the haul.
2. The applicant shall sweep and clean the roadway at the end of each day if any water or material has escaped or if a major spill occurs.
3. The applicant shall immediately respond to any additional clean-up requests during the operation from the project engineer, CBJ, or Alaska Department of Transportation.
4. Prior to the issuance of a building permit, the applicant shall provide the final Stormwater Pollution Prevention Plan, in conformance with ADEC requirements, to ensure protection of adjacent waters.

USE2019 0004: A Conditional Use Permit for a brewery and tasting room

Applicant: Forbidden Peak Brewery, LLC

Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a brewery and tasting room with office spaces.

The approval is subject to the following conditions:

1. Prior to issuance of the final Certificate of Occupancy (CO), all required parking lot striping (or wheel stops installed) shall be in a place that complies with dimensions as per 49.40, Parking and Traffic. This shall be reviewed during the building permit process.

2. Prior to the issuance of a CO, the required 4,356 square feet of live vegetative cover shall be installed or bonded for. This shall be reviewed during the building permit process.
3. In accordance with CBJ 49.40.220, the applicant shall submit a parking plan, signed and stamped by a professional architect or engineer, to be reviewed during the building permit process.

MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations and approve items CSP2018 0020, USE2019 0001 and USE2019 0004 on the consent agenda.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

Mr. Arndt recused himself from participating in USE2019 0002. He said he lives across the street from the applicant, and while he thought he could be fair and unbiased, he felt it would be best if he stepped down.

Mr. LeVine said he does not believe that Mr. Arndt has a conflict, but that if it made him most comfortable to recuse himself that he would support that.

USE2019 0002: A Conditional Use Permit to allow the use of a fifth wheel trailer as a dwelling

Applicant: Brent Bitterman

Location: 20012 Cohen Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a fifth wheel on an individual lot as an ordinary single-family residence.

The approval is subject to the following conditions:

1. The applicant shall receive a building permit for the placement of the fifth wheel on the subject parcel.
2. The applicant shall receive ADEC approval to construct and operate the required septic system prior to the issuance of a temporary certificate of occupancy and/or a certificate of occupancy from CDD.
3. The applicant shall connect to city water prior to the issuance of a temporary certificate of occupancy and/or a certificate of occupancy by CDD.

4. Using the subject parcel for general storage inside or outside of enclosed structures will require a separate Conditional Use Permit issued by the Planning Commission (CBJ 49.25.300, Use 10.220).

Ms. Bruggeman told the Commission that this is a request for a Conditional Use Permit (CUP) to allow a fifth wheel trailer on an individual lot zoned D1 as a residence. The area has public water and private sewer, she said. The fifth wheel trailer meets the current definition of mobile homes, and mobile homes can be kept on individual lots with a CUP, she said.

Parking and traffic are not an issue, and a Traffic Impact Analysis (TIA) is not required, said Ms. Bruggeman. Neighborhood harmony is a concern by some neighbors, but some neighbors who had submitted comments initially against the CUP have retracted those comments, said Ms. Bruggeman. There is a large garage on the property that was permitted and built in 1983, she said.

The site plan indicates that the fifth wheel would be situated adjacent to the existing garage, she said. While the applicant had discussed some interest in storing business equipment on the property, that is not being reviewed under this CUP said Ms. Bruggeman.

This proposal is in conformance with the 2013 Comprehensive Plan and with the Housing Action Plan, said Ms. Bruggeman.

The application is complete, the proposed use is in conformance with the Table of Permissible Uses, it complies with the other requirements of the chapter, it will not materially endanger the public health or safety, it will not substantially decrease the value of or be out of harmony with property in the neighboring area, it is in general conformity with the land use plan and with the Coastal Management program.

Commission Comments and Questions

Mr. Hickok asked why residents had retracted their initial negative response to the proposal.

Ms. Bruggeman said from what she understands the applicant spoke with these residents and they no longer had objections to the project.

Mr. Alper asked if there was any indication of the intent of the applicant to eventually construct a home on the property, or if this was a long-term solution.

The intent of the applicant is to eventually construct a home, said Ms. Bruggeman. While mobile homes can be used as temporary residence with a building permit, the applicant is not at the stage for a building permit, but the staff is requiring a CUP since this will be used longer than a temporary residence.

In answer to another question by Mr. Alper, Ms. Bruggeman said the applicant is in the process of purchasing this property from its current owners, and that they are fine with this proposal.

Mr. Alper asked if the storage of commercial equipment on a residential lot fits within the Table of Permissible Uses.

Ms. Bruggeman answered in the affirmative.

Mr. Hickok asked if the applicant would have to apply for a CUP every 12 months.

Ms. Bruggeman said they would not need to apply for a permit every 12 months.

Applicant

Mr. Bitterman said he would answer any questions the Commission may have.

Mr. Alper asked if Mr. Bitterman was in the process of purchasing the property.

Mr. Bitterman answered in the affirmative.

Mr. Alper asked if Mr. Bitterman planned on building a home on the property.

Mr. Bitterman said he did plan to build a home on the property in the future.

Mr. Alper asked if he would come back to the Commission for a CUP for the storage of equipment.

Mr. Bitterman said the neighbors were not in favor of equipment storage. He said he has two vehicles and two large boats stored off the property, and a backhoe stored within the garage.

Mr. Dye asked if the applicant had a timeline set for home construction.

Mr. Bitterman said he hoped to begin construction next year, but that he could not say for sure. He gave the Cohen home association a timeline of five years, he said. He said he has to apply for a building permit just to put the fifth wheel in place.

Ms. Crossley asked if the five-year time frame was for the completion of the house or the beginning of construction of the house.

Mr. Bitterman said he thought the home would be completed in five years.

Mr. Voelckers asked if the Commission had the authority to impose a time limit on the condition.

Ms. Mores said the permit does not need to be tied to the construction of a home. There is a separate provision which can be tied to the construction of a home, she said.

Mr. LeVine asked if the fifth wheel could be retained on the property after the construction of a home.

Ms. Maclean said once the home is constructed, it is part of the building permit that the fifth wheel would have to be removed before the issuance of the certificate of occupancy. It could be retained on the property if it was not used as a dwelling unit, she said.

Mr. Alper asked if the proposed septic system is typical for this area, and if this septic system would be adequate to remain in place for the home once it was constructed.

Any areas not on City sewer have to go through the Department of Environmental Conservation (DEC) for the permit, said Ms. Maclean. Once the home was built, it would once again have to meet the requirements of the DEC, she said.

Mr. Voelckers asked again if the Commission has the authority to add a timeline on the length of the permit if it felt the need.

Ms. Mores said since there is a provision that the permit could be given without a timeline that it was a grey area.

Chairman Haight asked if the proposed addition to the garage was for the fifth wheel or for some other reason.

Mr. Bitterman said the site map was used by the DEC for the septic system for the previous owners. That permit has expired. He said he is in the process of obtaining a new septic permit, and that site map will not be used.

Public Comment

Area resident Gary Miller said he was initially opposed to the installation of a fifth wheel trailer on the lot on Cohen Drive. He said after speaking with Mr. Bitterman, he no longer opposed the plan. He now supports the temporary placement of the trailer on the lot, he said. He said several residents have started out their residence on Cohen Drive by living in a trailer or garage while they constructed their homes. He said there are some subsequent red flags upon learning that the applicant does not own the lot, and that Arizona is listed as his home. Because of this information, he said it appeared to him that the construction of a residence on the lot was not going to happen in the near future. He said a five-year limit would make him satisfied. The residents do not want a trailer park built in their area, said Mr. Miller. He said this could be the start of it.

Cohen Drive resident Ricky Erickson said that he agrees with the comments of Mr. Miller. He had a trailer on his property when he built his home, but there were limitations, said Mr. Erickson. The trailer had to be off the property within a two-year period, he said. He said he would not want a trailer left on the property any longer than two years. He said he felt the applicant should have to reapply for a permit every two years.

Cohen resident Doris Kirchoffer said she has lived in the area for over 40 years, and that she feels the same as the neighbors that spoke before her. Her home is her biggest asset, and she needs it to be protected, she said. She said she does feel that property values will be affected by a permanent trailer in the neighborhood. She said she supports having a time limit on the time the trailer can remain on the property.

Applicant/Commission Comments and Questions

Mr. Alper said he was “fascinated” by the multiple letters of opposition that were then retracted. He said he would like the applicant to explain how he reassured the neighbors about his fifth wheel trailer.

Mr. Bitterman said he was clearer with the neighbors about his intent. His first letter was vague, so the neighbors were not clear about his intent, he said. He is installing a water line that will be adequate for a home, not a trailer, he said.

Mr. Hickok asked if the fifth wheel trailer was on site.

Mr. Bitterman said he stored it on the property over the winter, but that it is no longer on the property.

Mr. Voelckers asked if the sewer plan will be suitable for a home.

Mr. Bitterman said there may be two separate sewer systems because of the topography of the land.

Discussion

Mr. Campbell said he is in favor of the permit and feels the applicant has performed all of the necessary steps for the permit.

Mr. Hickok said he supports Mr. Campbell’s statement, and that he does not think the applicant needs a time limit.

MOTION: *by Mr. LeVine, that they approve USE2019 0002 and approve staff’s findings, analysis and recommendations, with one change which is to strike condition four.*

Speaking in favor of his motion, Mr. LeVine said he felt that condition four should be removed

because it seems unnecessary and duplicative of information the Commission already possesses. They already know that storage would require a separate CUP, said Mr. LeVine. Mr. LeVine said he understands that this fifth wheel residence is intended to be temporary, but that he does not think the Commission is within its rights to put a time limit on it. Mr. LeVine said he is sensitive to the feelings of the neighborhood. If they do not want to allow the permanent use of a trailer within a residential area such as this then they need to change the rules, he said.

Mr. Dye said he feels exactly as Mr. LeVine, and that he is in favor of the motion.

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

Ms. Maclean said she will not be present at the next meeting as she has to attend training. She said the next agenda should not be too large, and should be similar in scope to this evening's meeting. There will be a Blueprint Downtown meeting scheduled for April 3, 2019.

The Comprehensive Plan update is in the budget for \$150,000 and will be moving to the Assembly, she said. Zoning for downtown Douglas will be taking place late this summer or this fall, she said. They should be reviewing nonconforming lots this spring, followed by common walls and accessory apartments and urban agriculture and nonconforming apartments, said Ms. Maclean. They should perhaps schedule a Title 49 meeting. The Rules committee meets on March 14, 2019, she said.

Ms. Maclean said she needs the Commission members to be committed to checking their Planning Commission email at least every other day. The staff also needs responses to the emails, so they know they have been read, she said.

Mr. Campbell said he has trouble getting his email to work. Other Commission members said they have gone to the MIS staff and that they had their emails set up.

XII. COMMITTEE REPORTS

Mr. Dye said that he will not be present at the Downtown Blueprint meeting. They need to work on scheduling for the Title 49 committee meeting, he said. He said he and the staff feel that day time meetings for Title 49 are the most appropriate, since it seems the best for having the staff present at the meeting during the day hours.

Mr. Campbell said he has no problem with Title 49 meetings during the day now, but that it would be a problem for him over the summer due to the busy construction season.

Ms. Maclean said that meetings at night for the staff are often difficult as it runs into overtime for some of the staff who are not on salary. The week nights fill up very quickly for the staff already, she said, so days are best if possible.

Chairman Haight said they should add one more person to the Title 49 committee so that it could continue to meet over the summer. He appointed Mr. Arndt to the Title 49 committee.

Mr. Hickok asked if there was an Auke Bay subcommittee meeting scheduled aside from the one scheduled for March 13, 2019.

Ms. Maclean said they were going to see how the neighborhood meeting went on March 13, 2019, with maybe one more neighborhood meeting prior to another subcommittee meeting. They did have about 40 people attend the Auke Bay neighborhood meeting in January, said Ms. Maclean, and it was much more supportive of the zoning work presented by the staff.

Mr. Hickok said they have a Wetlands Review Board meeting scheduled for March 18, 2019.

In answer to a question posed by Mr. Voelckers, Ms. Maclean said they plan on having a total of five neighborhood meetings for Auke Bay by June. She said they plan to stick to one major topic per meeting.

Mr. Voelckers asked if there was a completion date in mind for the ad hoc Auke Bay committee.

Ms. Maclean said it can start meeting again soon, as they garner information from the neighborhood meetings, and that it would probably be fall before it comes before the Planning Commission.

Mr. LeVine said they have finalized the order dismissing the Harris homes appeal. Mr. Harris has appealed that to the Assembly, he said.

Mr. LeVine said he thinks he can fill in for Mr. Dye at the Blueprint Downtown meeting April 3, 2019.

Ms. Crossley said she can attend that meeting.

Mr. Campbell said he attended the Public Works and Facilities meeting. He said it was an informative meeting, during which they discussed stub streets and cul-de-sacs. He said they also discussed the LEED requirement for the airport north terminal and cruise ship shore power

connection. There was also discussion about some residents on Meander Way who are trying to move forward with bank stabilization.

XIII. LIAISON REPORTS

Mr. Bryson reported that at the regular Assembly meeting on March 4, 2019, it voted to disband the Affordable Housing committee. They had a Human Resource committee meeting on March 4, said Mr. Bryson. They are working on increasing the number of applications they receive for boards and commissions, said Mr., Bryson. There are 31 boards and commissions that serve the City, said Mr. Bryson. They are getting very few applications for the smaller and lesser known boards, he said. They currently have an 11 percent vacancy rate, said Mr. Bryson. They had a special Public Works and Facilities meeting on March 11, 2019, which was a presentation for the potential new JAHC facility. One of the designs connected the new JAHC with Centennial Hall, said Mr. Bryson. On March 4, 2019, they dealt with two appeals and they have assigned hearing officers for those appeals, said Mr. Bryson.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Agenda
Planning Commission
Committee of the Whole
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 March 12, 2019

I. ROLL CALL

Ben Haight, 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 5:34 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Michael LeVine, Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt,

Commissioners absent:

Staff present: Jill Maclean, CDD Director, Alix Pierce, Planning Manager

Assembly members: Wade Bryson

II. REGULAR AGENDA

A. Planning Commissioner Training

Ms. Mores reviewed rules and tools for an effective Planning Commission meeting using the Rules of Order. The most important things the Commission can do to assure effective meetings are:

- ✓ Preparation
- ✓ Public notification
- ✓ Explain the process
- ✓ Role of the chair person
- ✓ Respect and decorum
- ✓ Listen and keep an open mind
- ✓ Receive public comments
- ✓ Keep to the agenda and stay on topic

In its role as a quasi-judicial decision-maker, the Commission gives the public and parties a reasonable opportunity to be heard by a fair and impartial tribunal. It objectively reviews and ascertains the facts, and it has to be able to set aside individual values to determine whether or

not the issue complies with the law, regardless of personal feelings on the matter, said Ms. Mores. If they are in violation of proper procedure the Commission's actions can be challenged, she said.

The role of the chair person is to conduct and control the meetings, by ascertaining that digressions are avoided and that the agenda is followed, said Ms. Mores. It must be a fair and respectful forum which is open to the public, she said. The chairperson restates motions and their results to help create a clear record, said Ms. Mores. The chair person is to avoid digressions and keep the panel to the agenda.

Comments made during the meeting are made through the chair person, and no one is to participate until they are recognized by the chair person, said Ms. Mores. The public should also be notified that their comments are to be through the chair person, she added.

When public participation is closed, and the last person has spoken, a good way to excuse a speaker is to thank them for their testimony, said Ms. Mores. This shows a respect for the process and for the speakers, she said.

The purpose of the Commission for asking questions is to obtain and clarify information. The questions and comments from the Commission should never be argumentative, said Ms. Mores. The process should always be respectful, welcoming of comments and fair to the participants, said Ms. Mores.

Once public participation is closed, that is final, said Ms. Mores, unless there is two thirds vote of the Commission to re-open public comment.

Mr. Voelckers said the Commission has witnessed many times an individual from the public wanting to make a comment after the public comment period is closed. He clarified that the meeting would stop and the Commission would need to vote whether to re-open the public comment period.

Ms. Mores said this is the process. If the chair was not interested in re-opening public comment, the chair could state that the public comment period is closed, she added. Obtaining recognition from the chair is a very important piece of the process, said Ms. Mores. This keeps the meeting moving along, and makes for more orderly and effective meetings, she said.

Mr. Dye asked where rezones fit into the spectrum of the role that the Commission plays.

Ms. Mores said a rezone is done as a legislative matter of the Assembly.

Mr. Alper asked about the time limit portion of the rules. He said it appears that the default time limit is five minutes, but that the Chair has the discretion to reduce that time limit for all public comments. He said it appears the Commission has also stuck to the rules by giving one person more time if they spoke for more than one person.

Ms. Mores said that is also a good item to review for the public prior to the commencement of the meeting.

Mr. LeVine said it did make some sense for people to be able to consolidate their time when making public comments.

Chairman Haight pointed out that if someone is speaking for other people, then those people should be present at the meeting.

Ms. Mores said an individual cannot give their unused time to another, and they also cannot give their time to another person. That is different than allowing one person a little extra time to speak for others.

The general Roberts Rules of Order for motions, is that a motion is made prior to discussion, said Ms. Mores. These rules are not always absolute, she noted. She noted it is allowed for the Commission to discuss the issue prior to having a motion on the floor. She added that is not a huge problem. She said it is helpful that a motion be written prior to verbally making the motion, so that it is a clear motion.

Mr. LeVine said at other meetings he has attended that motions are actually typed and placed upon the projector for all to view for clarity. He said that may be helpful for some of the more complicated motions.

Mr. Voelckers asked about whether motions are supposed to be structured in the affirmative.

Roberts Rules states that motions are to be made in the affirmative, with either a request for passing the motion or for denying the motion, said Ms. Mores. She added that if a motion is made to adopt an item, and it fails, there may not be a clear reason articulated why the motion failed, she said. She said it helps for each member to speak to the motion and their reasons for voting, she said.

Mr. Dye asked if a motion can be made that fails with a vote, then a subsequent motion is made on the same item and it passes.

Ms. Mores said she saw no problem with this.

Mr. Voelckers said he understood that a vote by the Commission does not have the same weight on appeal as a vote by the Commission with each commissioner stating their reasons for how they voted.

Ms. Mores said the fact that the findings that are adopted are in the staff report, that carries an adequate weight for an appeal. She said it would be good to have the reasons for the vote expanded and clarified for the record if necessary.

Mr. Voelckers noted that at a recent meeting the Commission made a vote on a controversial issue late in the evening, when the members were fatigued. He said he felt with that issue that not as much information was perhaps put on the record due to the late time in the evening.

Ms. Mores said the recommendations and findings in the staff report are what the Commission is voting upon, and the staff report is a solid part of the record. She said it would be important for a member to speak about a particular finding they did not agree with, she said, which would be important for the record.

Chairman Haight said he felt like Mr. Voelckers, that after a certain hour in the evening the Commission's ability to deliberate clearly and in a thorough manner is limited due to fatigue. He said as they review the rules, that perhaps it should be considered that the Commission not make votes after a certain hour in the evening. He said they could continue to take testimony but when that was concluded, that they could continue the topic from that point on at a subsequent meeting.

Ms. Maclean said she would suggest that Commission members not only read the staff reports but pay close attention to the particular type of permit they are reviewing. The Commission mostly reviews use permits, said Ms. Maclean, but there are other types of issues they review, such as subdivisions, said Ms. Maclean. They do not follow the same process as use permits, she added.

B. AME2017 0011: Text amendment of CBJ Land Use Code for regulation of livestock

In answer to a question by Mr. Voelckers, Ms. Maclean said the point of bringing this item up before the Commission at a COW is to review the draft ordinance, at which point it could go to the law department for review prior to coming back to the Commission, or it could also come back to a COW for further review, if the Commission felt that was necessary.

The Juneau Commission on sustainability (JCOS) held several meetings on urban agriculture, said Ms. Maclean. The current Title 49 states that six hens can be retained as personal agriculture, with no other options, said Ms. Maclean. Everything beyond that would be considered commercial agriculture, she said. With that designation, the restrictions become much tighter and the zoning districts more specified, she said. It would also typically require a Conditional Use Permit, she added.

With the JCOS meetings, other animals were added as possible additions for personal agriculture, said Ms. Maclean. Bees were also included, she said. There was also a lot of discussion about what zoning districts roosters belonged in and where they did not belong, said Ms. Maclean. At the last Title 49 meeting, it was discussed that roosters could be kept in RR, D1 and D3 zones, said Ms. Maclean. They also discussed the number of animals which could be kept on a property, said Ms. Maclean. This was decided according to the size of the animal, she

said. This would be cumulative, she said; a property owner could not have the maximum number of smaller animals and also the maximum of larger animals.

Chairman Haight said he felt their purpose was to review this at this time since there were new commissioners.

Mr. LeVine said there were some thorny issues they were discussing at the last Title 49 meeting this item was brought up. There was discussion about how the standards regarding noise and odor would be expressed, he said. Mr. LeVine said he would be interested in having the legal language applied to this ordinance before it came before the Commission for review again.

Mr. Alper asked what the task of the Commission was at this point. He said he was not clear on what action was expected of them at this juncture in the process.

Chairman Haight explained this was before the Committee of the Whole to bring everyone up to date as to where they are with this issue, and to also garner any feedback the Commission may have on this item at this juncture.

Ms. Maclean said the draft language the Commission has before it is not yet a draft ordinance. It would go to Law and be reviewed into a draft ordinance the Commission could see.

Mr. Dye said he recalled the biggest highlights at the Title 49 level were electric fences, manure and roosters.

Mr. LeVine said he recalled JCOS recommending that roosters be allowed more or less everywhere, and that discussion centered on where roosters should be allowed, and if Conditional Use Permits would be required. He said this language before the Commission this evening is where they left the discussion.

Mr. Dye said while there is no minimum lot size required to have a rooster, but that a certain amount of buffering would be required to be around that rooster.

Mr. Voelckers said there was a sense that roosters are one of the thornier problems in this ordinance. He said they felt it would be best to ease into this somewhat conservatively, as roosters were a source of resident complaints. He said he felt this made the Title 49 Committee less lenient than JCOS on what areas and how roosters could be kept. He added he did not see any discussion in this language about enforcement.

Mr. Dye added that the issue of odor was found to be difficult to define and regulate.

Mr. Arndt said he felt it was good to begin as they did with accessory apartments, where the regulations were rather tight to begin with, and opening up as they saw how it was proceeding. Opening up and lessening regulations was an easier process than tightening them as time went on, he said. He added that enforcement may be an issue. Stream side setbacks may also be a problem, said Mr. Arndt. There have been times recently where Twin Lakes has had high rates of fecal matter in the water.

Chairman Haight said the biggest issue for bee keeping is swarming. Bees are going to go where they want to go, he said. There is only so much that can be done to control bees, he said.

Mr. Voelckers said he would like to see a draft ordinance for review with more specificity, rather than the overview currently before them.

Mr. LeVine said that he thinks the intent of the ordinance is to allow poultry on smaller lots. He said he wondered how setback rules would apply to small lots in the Flats, for example. He also said he would like more information on what it meant that existing livestock under certain circumstances would be made nonconforming by this article (49.30.100). He asked if that meant if he purchased 12 chickens if he could keep six on his property. He said his suggestion was that the individual would be allowed to retain their nonconforming livestock until those animals died, at which time the number of animals would move into conformance.

Mr. Alper asked if there is a swarming problem with bees.

Chairman Haight said while bees typically do not attack during swarming, that there have been incidences of swarming in the community. He said that bee keeping has become more popular recently.

Mr. Alper asked if the Commission was going to have to go over this all over again when the planner in charge of this ordinance returned to work.

Ms. Maclean said the Commission has requested more specificity with this ordinance. She said the ordinance does address proximity of livestock to wells and water. She suggested if the Commission has further comments that those comments be mailed to her, Ms. Pierce and Mr. Felstead. She said current priorities are nonconforming property, with the stream buffer setback next, with urban agriculture addressed after that. There will be time before this item is addressed by the Law Department, she said.

Mr. Voelckers asked if the next step with this item would be going back to the staff for more refined language or if the next step would be this item going directly to the Law Department for more specific language. He said his remarks referred to this item going back to the staff for cleaning up and clarity, then coming back to the Commission.

Chairman Haight suggested that this draft ordinance go back to the Title 49 committee prior to going to the Law Department.

Mr. LeVine said he felt once this draft ordinance went to the Law Department it could then come back to a COW for review, prior to a full meeting before the Commission.

Mr. Dye said without more polished language there is not much more that the Title 49 Committee can do with this.

Mr. Campbell said this seems to be a subject matter that will be hard to get perfect. He said spending more time at this stage to work out any potential problems would not be a good use of time.

Ms. Crossley asked how the City currently deals with nonconforming situations.

Ms. Maclean said they have one code compliance officer, borough-wide. Livestock is not typically their current priority, she added. Swampy Acres has taken in a few animals that became a problem, she said. Sometimes the complaints go to the humane society, she said. They received more complaints about roosters than the City, she said.

III. OTHER BUSINESS

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

V. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

DRAFT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers, 7:00pm

Meeting Date: April 9, 2019

1. REVISED AGENDA FOR 4/09/18 MEETING

2. CSP2019 0002:

- a. Staff report for CSP2019 0002

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

April 9, 2019
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. March 12, 2019 DRAFT Minutes - Planning Commission Regular Meeting
- B. March 12, 2019 DRAFT Minutes - Planning Commission Committee of the Whole Meeting

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. ITEMS FOR RECONSIDERATION

VI. CONSENT AGENDA

- A. USE2019 0006: A Conditional Use Permit for a mobile home caretaker's unit / office
- B. CSP2019 0002: Review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack.

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

- A. Ordinance 2019-12: An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium
- B. Early entry to the sites to be leased by Deckhand Dave's and Juneau Composts! for utility and grading purposes

XI. STAFF REPORTS

XII. COMMITTEE REPORTS

XIII. LIAISON REPORT

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT



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

DATE: April 5, 2019

TO: Planning Commission

FROM: Jill Maclean, AICP, Director *Jill Maclean*
Community Development Department

FILE NO.: CSP2019 0002

PROPOSAL: Review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack.

GENERAL INFORMATION

Applicant: CBJ Docks & Harbor; William Heumann

Property Owner: The City & Borough of Juneau

Property Address: 470 South Franklin Street

Legal Description: Lot 13C, Block 83, Tidelands Addition

Parcel Code No.: 1C100K830012

Site Size: 1.8023 acres (78,510 sq. ft.)

Comprehensive Plan Future Land Use Designation: Marine Commercial (MC)

Zoning: Waterfront Commercial (WC)

Utilities: CBJ Water and Sewer

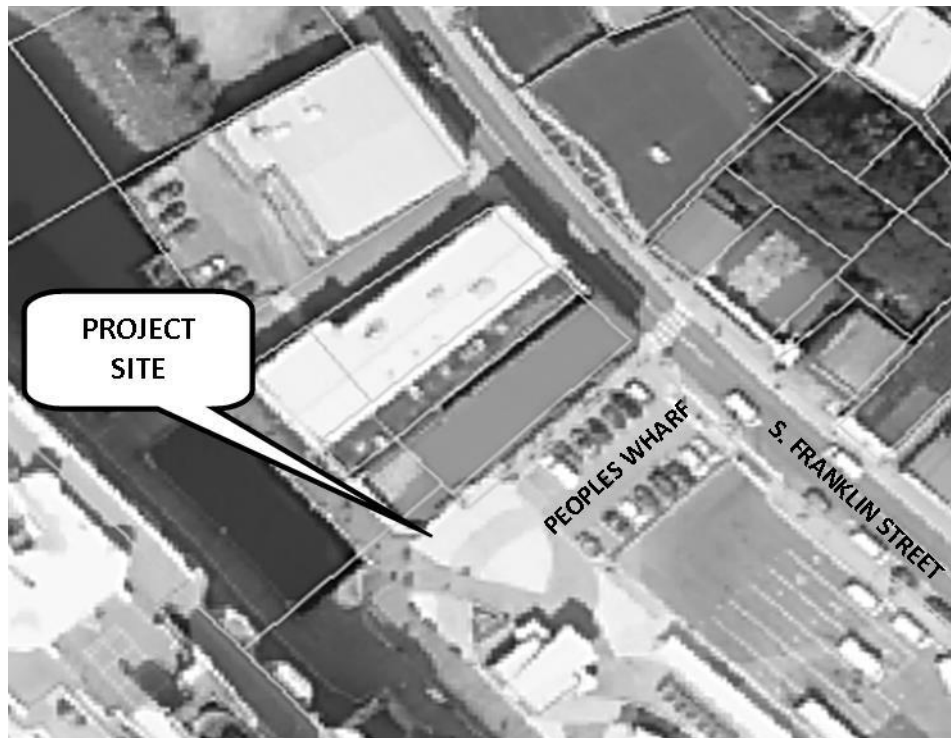
Access: South Franklin Street

Existing Land Use: Dock/Wharf

Surrounding Land Use:

North	-	commercial building
South	-	dock/parking lot
East	-	commercial building
West	-	dock

Planning Commission
File No.: CSP2019 0002
April 5, 2019
Page 2 of 4



ATTACHMENTS

Attachment A: Ordinance 2019-18 and Supporting Documents

PROJECT DESCRIPTION

This application is not for a Conditional Use Permit under Title 49, but instead is a review of a lease and use permit, under Title 53, for CBJ Docks and Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack. Leases are regulated by 05 CBJAC 50, CBJ 53.20, and CBJ 85.02.060. Title 53 Temporary Use Permits are regulated by CBJ 53.09.310 and issued by CBJ Docks and Harbors for use of lands under their management (CBJ 85.02.060(5)(C)(ii)).

Ordinance 2019-18 would authorize the lease amendment (additional ~305 sq. ft.) and is set for public hearing in front of the Assembly on April 22, 2019. Because ordinances have a 30-day delay, and because the first cruise ship is scheduled to arrive on April 28, 2019, a Title 53 Temporary Use Permit is necessary to authorize early entry pending consideration of Ordinance 2019-18. If Ordinance 2019-18 is adopted, then the Title 53 Temporary Use Permit would be effective from mid-April until May 22, and the lease would be effective on May 22. If Ordinance 2019-18 is not adopted, then a Title 53 Temporary Use Permit is not authorized, and the lease would not be amended.

Planning Commission
 File No.: CSP2019 0002
 April 5, 2019
 Page 3 of 4

The proposed lease and Temporary Use Permit would authorize propane tanks, signage, outdoor cooking facilities, and outdoor seating on an additional 305 sq. ft. of CBJ property. The use was approved by the Planning Commission in 2017. This proposed lease would simply expand the leased area from 466 sq. ft. to 771 sq. ft.

DEPARTMENT REVIEW

Docks & Harbors - The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended the Assembly adopt Ordinance 2019-18 to authorize this lease amendment.

Building Division - No issues at this time.

Capital City Fire & Rescue - Propane tanks shall not be located within three (3) feet of any opening, such as windows or doors. No other issues at this time.

General Engineering - No concerns in reference to Title 19.120.

ANALYSIS

Project Site – The project site is a 78,510 square foot parcel located in the Waterfront Commercial (WC) zoning district. The site currently accommodates the visitor's center, public dock, public rights-of-way (People's Wharf and Martin Way), cruise ship berths, and parking. The property is not located within the Historic District, but given the public spaces and uses surrounding this area, the propane tanks must be enclosed and disguised in a manner that blends with the existing building.

Habitat – No known habitats that are protected by the Land Use Code exist on the site. The site is partially located within a Flood Zone VE at elevation twenty-five (25) feet. VE Zones are areas subject to inundation by the 1-percent annual chance flood event with additional hazards due to storm-induced velocity wave action. The development would need to comply with flood regulations, which may require additional elevating standards.

Conformity with Adopted Plans

Comprehensive Plan 2013 – Yes

- Complies with future land use map designations (Marine Commercial).
- Complies with Chapter 5 – Economic Development.
 - *Policy 5.6 To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural, cultural, and economic attractions for local residents and visitors alike, and to*

Planning Commission
File No.: CSP2019 0002
April 5, 2019
Page 4 of 4

participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.

- Complies with Chapter 10 – Land Use.
 - *Policy 10.12 To designate and reserve waterfront land with adequate services and in appropriate locations for water-dependent recreation, public access, and commercial/industrial activities while protecting important fish and wildlife habitat and other coastal resources.*

Long Range Waterfront Plan – Yes

- Complies with Chapter 3 Long Range Waterfront Plan.
 - *3.1 Long Range Plan Overview - Greater Cultural Venues for Residents and Visitors. A greater size and variety of cultural and historic venues, inclusive of expansion to the State Museum and Centennial Hall and introduction of a new Aviation and Waterfront History Center is proposed under the Plan. Redevelopment of the AEL&P building as a mixed-use cultural, educational, and commercial venue is also envisioned.*

Title 49 – Yes

- Complies with CBJ 49.25.300(a)(4) Accessory Uses.

Title 53 – Yes

- Complies with CBJ 53.09.310 Use Permits.

FINDINGS

A review of adopted plans and codes indicates that the proposed use of CBJ-owned land for Tracy's Crab Shack located adjacent to People's Wharf complies with the Comprehensive Plan, 2004 Long Range Waterfront Plan, Title 49, and Title 53. A new building permit is required for any change or addition of a propane tank.

RECOMMENDATION

The Director recommends that the Planning Commission adopt these findings and analysis and recommends the Assembly adopt Ordinance 2019-18 and that a Title 53 Temporary Use Permit is issued per CBJ 53.09.310 with the following conditions:

1. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
2. Any signs planned shall receive a sign permit prior to installation.

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 3, 2019 5:30 PM

Assembly Chambers - Municipal Building
Meeting #2019-19; Immediately followed by Assembly Finance Committee meeting.

I. CALL TO ORDER / ROLL CALL

II. APPROVAL OF AGENDA

III. AGENDA TOPICS

IV. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action
 - 1. Ordinances for Introduction

- a. **Ordinance 2019-05 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2019 Based Upon the Proposed Budget for Fiscal Year 2020.**

This ordinance establishes the mill rates for property taxes for 2019, which funds a significant portion of the City and Borough of Juneau's FY20 operating budget. The Charter requires the assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY20 Revised Budget that will be reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

For FY20 the operating mill rate remains unchanged there is a change in Service Areas from FY19, and the proposed debt service mill rate is set to decrease by 0.10 mills. This ordinance proposes a total mill levy of 10.56; the components of which are:

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Ordinance 2019-18 An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

MANAGER'S REPORT:

In 2006, the Assembly enacted Ordinance 2006-32, which authorized a 35 year lease of approximately 500 square feet of tidelands for construction of the building known as People's Wharf and associated access. Ordinance 2019-18 would amend Ordinance 2006-32 by authorizing the Port Director to increase the leased area by 305 square feet to provide space for outdoor food service. The applicant has used the area for the last two years for crab cookers, propane tanks, and customer waiting space associated with Tracy's King Crab Shack with an annual permit. This ordinance would eliminate the administrative burden of processing an annual permit and instead expand an existing lease. If the Assembly adopts this ordinance, the Port Director intends to issue a temporary use permit, pursuant to CBJC 53.09.310, so the applicant can open before the first cruise ship arrives on April 28.

The applicant has also received a license for the last two years for 400 square feet of right of way adjacent to the lease area for outdoor seating, but that right of way space is not subject to this lease amendment. (CBJC 53.09.350)

The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended approval. The Planning Commission is scheduled to review this matter on April 9, 2019.

RECOMMENDATION:

The City Manager recommends this ordinance be introduced and set for public hearing on April 22, 2019.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2019-18	4/1/2019	Non-Code Ordinance
☐ Exhibit A - Ordinance 2019-18	4/1/2019	Exhibit

Presented by: The Manager
Introduced: 04/03/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-18

An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

WHEREAS, on October 9, 2006, the CBJ Assembly passed Ordinance 2006-32, approving a thirty-five (35) year lease with William C. Heumann ("Applicant"), for 466 square feet of land within Alaska Tidelands Survey No. 3, immediately adjacent to Lot 12, Block 83, which is owned by the Applicant; and

WHEREAS, under the lease, the Applicant is currently paying \$5,950.00 per year in rent, as adjusted since 2006, in accordance with CBJC 53.20.190(d); and

WHEREAS, since 2017, the Applicant applied for and received a permit for the seasonal use of approximately 62 square feet on People's Wharf for temporary food services related to the operation of Tracy's King Crab Shack; and

WHEREAS, the Applicant used the space for outdoor crab cookers and propane tanks; and

WHEREAS, under the permit, the Applicant posted a \$5,000.00 bond for the removal of the propane tanks and storage, and paid rent of \$144.00 per month as the result of an appraisal setting the value of the space at \$22.00 per square foot per year; and

WHEREAS, in early 2019, the Applicant applied for an amendment to the 2006 lease, requesting to expand the 62 square foot area to 305 square feet for additional seating and waiting area; and

WHEREAS, as the result of the request, an appraisal concluded the fair market value of the requested amended leased is \$6,405.00 per year (\$21.00 per square foot per year); and

WHEREAS, the appraisal further included approximately 400 square feet of land being utilized in the right-of-way under the authority of CBJC 53.09.350 for \$8,400.00 per year (\$21.00 per square foot per year), which is not subject to this lease amendment; and

WHEREAS, per the lease amendment, the additional leased area is only to be used for crab pot cookers, propane tank(s), waiting area, and additional seating by the Applicant for food services; and

WHEREAS, if the Applicant ceases to use the additional leased area for the purposes contemplated under the lease, the CBJ shall have the right to terminate the lease; and

WHEREAS, all other terms and conditions required by Ordinance 2006-32 and the resulting lease remain unchanged and control; and

WHEREAS, on March 28, 2019, the Docks and Harbors Board recommended approval of the lease amendment.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Amend Lease. The Port Director is authorized to execute a lease amendment to William C. Heumann for the operation of an outdoor retail food service.

Section 3. Description of Amended Lease Property. The real property to be leased is located on or near the People's Wharf and more particularly described as follows:

Approximately 305 square feet located on a fraction of Lots 13A and 13B, Block 83 of the Tidelands Addition to the City and Borough of Juneau within A.T.S. No. 3, Juneau Recording District, First Judicial District, State of Alaska, more particularly described in Exhibit A

Section 4. Minimum Essential Terms and Conditions. The lease is subject to the following minimum terms and conditions:

- A. The leased property shall be utilized only for the operations of an outdoor food service. Unless approved by the City and Borough of Juneau, any utilization or development of the leased property for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation.
- B. The Port Director is authorized to execute a lease amendment to commence on May 21, 2019. CBJC 53.09.310 provides authority for the Port Director to authorize early entry prior to April 28, 2019.
- C. The annual lease payment under the amended lease shall be \$6,405.00 per year for the additional leased area, in addition to the current \$5,950.00 being paid per year under the original lease, for a new rent of \$12,355.00 per year under the amended

lease, with the first payment due as of the effective day of the lease amendment, plus sales tax.

- D. Beginning with the first year after the initial five-year period of the term of the amended lease, the Port Director will re-evaluate and adjust the annual lease payment for the leased property, equipment, and improvements for the next five-year period of the term in accordance with CBJC 53.20.190(2). The new annual lease payment amount shall be paid retroactively to the beginning of the lease payment adjustment period. Lessee shall pay all appraisal costs associated with re-evaluating and making adjustments to the annual lease payment.
- E. Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers and employees for any claims related to or arising out of Lessee's use, operation, maintenance of the leased property, equipment, improvements, and any further development of the leased property or improvements by Lessee.
- F. The lease shall include all provisions of the standard City and Borough land lease form not in conflict with this ordinance, and any other provisions that the Port Director determines to be in the public interest.

Section 5. 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

PEOPLE'S WHARF LEASE APPLICATION

Plan Depicting Lease Addition Locations and Dimensions

January 17, 2019

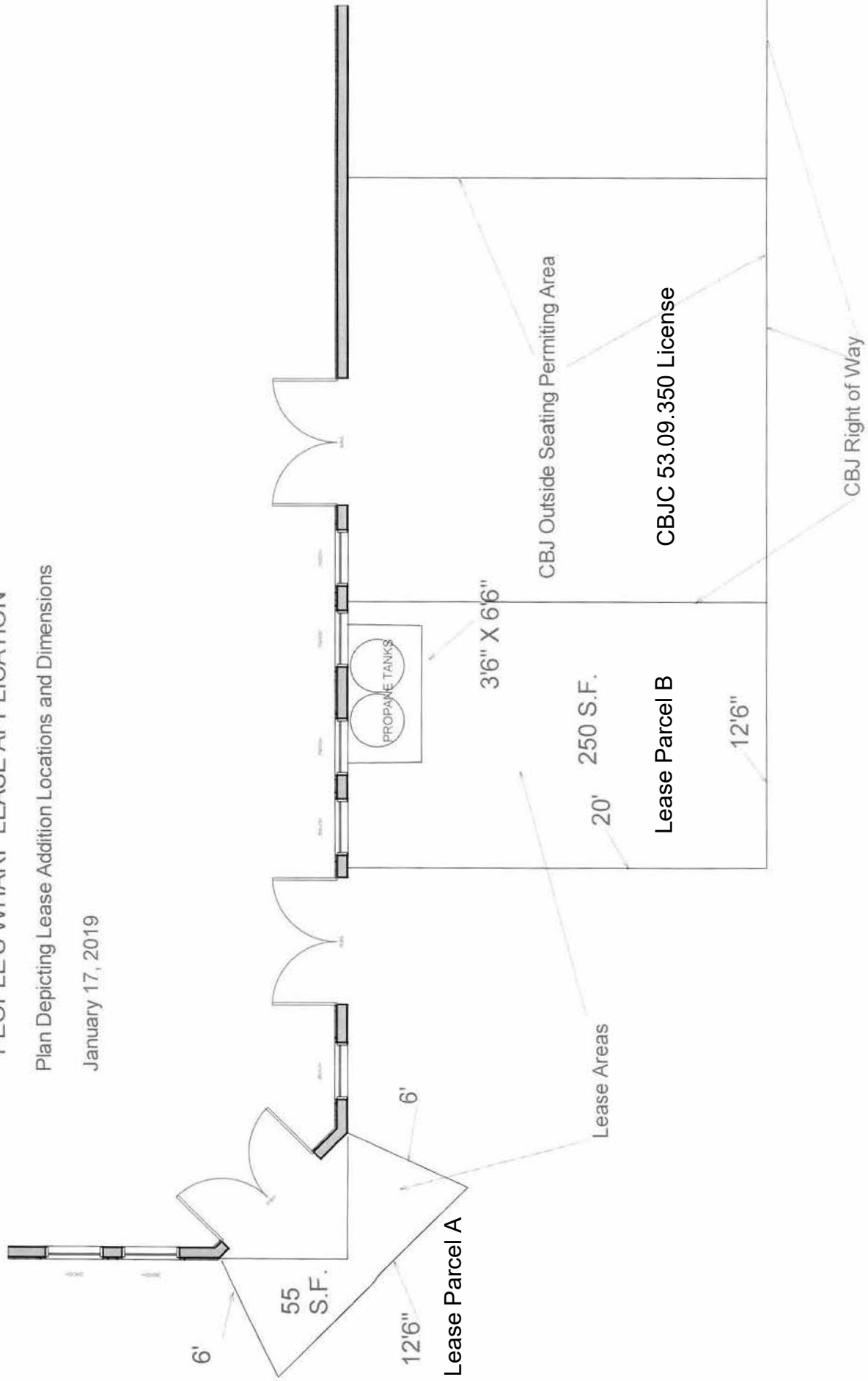




Exhibit "A"

**Lease Parcel Easement "A" within portions of Lot 13B, Block 83,
Alaska Tidelands Survey (ATS) No. 3**

**Located in protracted Section 27, Township 41 South,
Range 67 East, Copper River Meridian, Juneau Alaska,
First Judicial District of Alaska, Juneau Recording District**

Commencing at an Alaska Department of Transportation monument Corner No. 44 of ATS 3; thence, a bearing of N35°56'28"E, a distance of 2,546.74 feet, to a Toner & Nordling primary cap, being the Northeast corner of Lot 7A, Block 83, ATS 3; thence a bearing of S34°46'31"E, a distance of 468.91 feet, to the Northeast corner of Lot 12, Block 83, ATS 3; thence along the boundary of Lot 11 & 12, Block 83, a bearing of S48°37'03"W, a distance of 142.81 feet, to a point; thence a bearing of S41°21'00"E, a distance of 39.76 feet, to the **POINT OF BEGINNING**;

Thence a bearing of N46°35'54"E, a distance of 6.98 feet, to a point; thence a bearing of S17°42'01"E, a distance of 6.98 feet, to a point; thence a bearing of N87°22'33"W, a distance of 14.55 feet, to a point; thence a bearing of N22°56'54"E, a distance of 6.98 feet, to a point; thence a bearing of S41°21'00"E, a distance of 6.98 feet, to the **POINT OF BEGINNING**.

This lot contains 55 square feet, or 0.001 acres, more or less.

This description is solely based on a Toner & Nordling As-built survey dated June5, 2007.



P:\2019\19101JN-CBJ_Wharf\L\19101JN-Lease Parcels ABI 83_13B-ATS 3-Legal description.docx

Anchorage | Fairbanks | **Juneau** | Palmer | Soldotna
6205 Glacier Hwy., Juneau, Alaska 99801
907.780.6060
www.pdceng.com



Exhibit "A"

**Lease Parcel Easement "B" within portions of Lot 13A, Block 83,
Alaska Tidelands Survey (ATS) No. 3**

**Located in protracted Section 27, Township 41 South,
Range 67 East, Copper River Meridian, Juneau Alaska,
First Judicial District of Alaska, Juneau Recording District**

Commencing at an Alaska Department of Transportation monument Corner No. 44 of ATS 3; thence, a bearing of N35°56'28"E, a distance of 2,546.74 feet, to a Toner & Nordling primary cap, being the Northeast corner of Lot 7A, Block 83, ATS 3; thence a bearing of S34°46'31"E, a distance of 468.91 feet, to the Northeast corner of Lot 12, Block 83, ATS 3; thence along the boundary of Lot 11 & 12, Block 83, a bearing of S48°37'03"W, a distance of 142.81 feet, to a point; thence a bearing of S41°21'00"E, a distance of 39.76 feet, to a point; Thence a bearing of N46°35'54"E, a distance of 33.37 feet, to the **POINT OF BEGINNING**;

Thence a bearing of S43°24'06"E, a distance of 20.00 feet, to a point; thence a bearing of S43°35'54"W, a distance of 12.50 feet, to a point; thence a bearing of N43°24'06"W, a distance of 20.00 feet, to a point; thence a bearing of N46°35'54"E, a distance of 12.50 feet, to the **POINT OF BEGINNING**.

This lot contains 250 square feet, or 0.006 acres, more or less.

This description is solely based on a Toner & Nordling As-built survey dated June5, 2007.



P:\2019\19101JN-CBJ_Wharf\L\19101JN-Lease Parcels ABI 83_13B-ATS 3-Legal description.docx

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www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: March 29, 2019

TO: Planning Commission

FROM: Allison Eddins, Planner *A. Eddins*
Community Development Department

CASE NO.: USE2019 0006

PROPOSAL: A Conditional Use Permit to allow a mobile home to be used as a caretaker's unit/office space in an Industrial zoning district

GENERAL INFORMATION

Applicant: Jon McGraw

Property Owner: Ken Williamson

Property Address: 5446 Commercial Boulevard

Legal Description: SSG IV Lot 40

Parcel Code Number: 5B1201390020

Site Size: 16,108 square feet (0.3 acres)

Comprehensive Plan Future Land Use Designation: Light Industrial (LI)

Zoning: Industrial (I)

Utilities: City Water & Sewer

Access: Commercial Boulevard

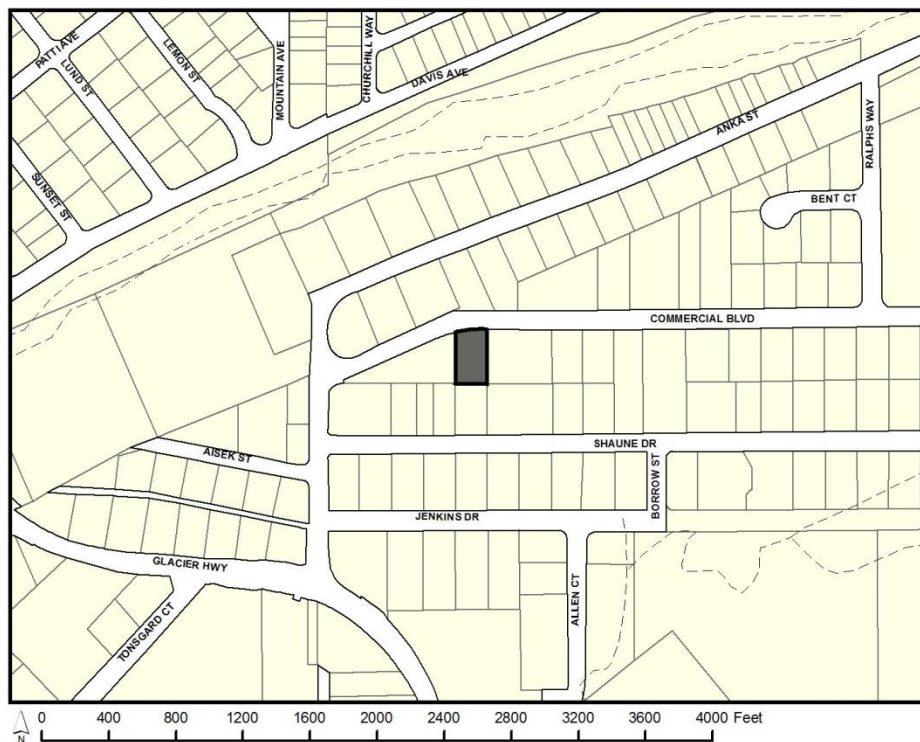
Existing Land Use: Equipment Storage

Planning Commission
Case No.: USE 2019 0006
March 29, 2019
Page 2 of 6

Surrounding Land Use:

- North – Storage Units with one caretaker unit & State of Alaska Records Building
- South – Storage Units
- East – CBJ Household Hazardous Waste Facility
- West – Vacant Lot

VICINITY MAP



ATTACHMENTS

Attachment A – Application Packet
Attachment B – Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit (CUP) for the use of a mobile home as a caretaker's unit/office space for Southeast Earthmovers in an Industrial zoning district. The subject lot is currently being used by Southeast Earthmovers for industrial equipment storage, which is an allowed use in the Industrial zoning district. CBJ 49.25.300 Table of Permissible Uses allows, with an approved CUP, a mobile home as a caretaker's unit that is accessory to an existing allowed use.

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Case No.: USE 2019 0006
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Use Description	Industrial (I)
1.800 Mobile homes	
1.815 Caretakers mobile homes on individual lots ^E	3

Note E: See special use regulations for mobile homes, chapter 49.65, article III.

BACKGROUND

The subject lot, Lot 40 SSG Subdivision Phase IV, was platted in 1993. The lot has no permanent structures, has a gravel surface, and a curb cut to Commercial Boulevard where access is provided. In 2010, a CUP was approved to allow a mobile sales trailer for Miller Construction Company to locate on the subject lot. Prior to that, the lot was used by Eagle Construction to recycle building materials. At that time, Eagle Construction added electricity to the lot.

In February 2019, CBJ Code Compliance Officer received a complaint for an unpermitted caretaker's unit on the subject lot. The applicant was aware of the 2010 CUP for the mobile sales trailer, but was unaware that a new CUP was needed for using a mobile home as a caretaker unit. The applicant had a pre-application conference with CDD staff on March 6, 2019.

ANALYSIS

Project Site and Design – The site is 16,108 square feet and is zoned Industrial. Approximately 7,000 square feet of the lot is currently being used for equipment storage. A 37' x 8' x 11' mobile home would provide a caretaker unit and office space for Southeast Earthmovers. The caretaker will be an employee of Southeast Earthmovers. According to the site plan submitted, the mobile home is 100 feet from the front property line and 56 feet from the rear property line. Front and rear yard setbacks in the Industrial zoning district are 10 feet, and side yard setbacks are 0 feet. There are no other structures on the subject lot.

A caretaker unit is allowed in the Industrial zoning district only when they are associated with a primary allowed use. In this case, the primary allowed use is equipment storage. As a condition of approval, an allowed primary use must remain active on the subject lot. Without an active allowed primary use, the caretaker unit is not permissible.

As mentioned above, the subject lot currently has electricity. In 2018, the property owner received utility permits for water and sewer (UTL2018-0047; 48). A 1" water line and 4" sewer line have been installed and the mobile home is currently using CBJ utilities. According to CBJ 49.65.300 all mobile homes on individual lots also require building permits in order to verify setbacks. As a condition of approval, the applicant must receive an after-the-fact building permit to verify the placement of the mobile home on the subject lot.

Planning Commission
 Case No.: USE 2019 0006
 March 29, 2019
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Traffic – The primary use on the lot is equipment storage which, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, will generate 3.89 trips per day per employee. Per the ITE, a single-family residence, which includes the mobile home as a caretaker unit, generates 9.52 average daily trips. The use of the mobile home as office space is accessory to the primary use (equipment storage) and is not expected to generate additional vehicle trips. Per CBJ 49.40.300 (a) (1), a traffic impact analysis is not required for projects that generate less than 500 average daily trips. Traffic generation is not expected to be out of character for the industrial neighborhood.

Parking and Circulation – The caretaker unit requires 2 off-street parking spaces, the office requires 1 parking space, and the equipment storage requires one parking space per 1,000 square feet. As mentioned above, approximately 7,000 square feet of the lot is used for equipment storage, making the parking requirement 7 spaces. A total of 10 parking spaces, one of which must be ADA compliant, are required. The submitted site plan shows, and a site visit by staff confirmed, that there is adequate space on the lot for the on-site parking.

Noise – Noise generated by the proposed development is not expected to be out of character with the industrial neighborhood.

Public Health or Safety – There is no evidence that the proposal will materially endanger public health and safety.

Habitat – There are no habitat concerns on the subject lot.

Property Value or Neighborhood Harmony – There is no evidence that the proposal will decrease surrounding property values or be out of harmony with the surrounding neighborhood.

Conformity with Adopted Plans

2013 Comprehensive Plan – The 2013 Comprehensive Plan identifies the subject lot as Light Industrial (LI). LI is described as*land to be developed for heavy commercial or light industrial uses such as small-to-medium scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.* (Emphasis added)

Staff finds the proposed development to be consistent with the 2013 Comprehensive Plan.

Planning Commission
Case No.: USE 2019 0006
March 29, 2019
Page 5 of 6

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses; and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above 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.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public 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. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.815 for the Industrial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 29, 2019 and April 8, 2019 issues of the Juneau

Planning Commission
Case No.: USE 2019 0006
March 29, 2019
Page 6 of 6

Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right-of-Way.

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

No. There is no evidence that the development will materially endanger public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. There is no evidence that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. Staff finds the proposed development to be in general conformity with the CBJ Land Use Code and the 2013 Comprehensive Plan.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

N/A.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a caretaker unit/office space in a mobile home in an industrial zoning district.

The approval is subject to the following conditions:

1. The applicant must receive an after-the-fact building permit to verify the placement of the mobile home on the subject lot.
2. An allowed primary use must remain active on the subject lot. Without an active allowed use, the caretaker unit is not permissible.



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 5446 Commercial Blvd		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SSG IV LT 40		
	Parcel Number(s) 5B1201390020		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Ken Williamson	Contact Person Ken Williamson	Phone Number(s) 503-789-9630
	Mailing Address 2425 Industrial Blvd Juneau Ak. 99801		
	E-mail Address deltaak@ptialaska.net		
	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>Jon McGraw</u> Landowner/Lessee Signature <u>7/27/2019</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 Southeast Earthmovers Inc.		Contact Person Jon McGraw	
Mailing Address P.O. Box 784 Sitka Alaska 99835		Phone Number(s) 907-738-8056	
E-mail Address earthmovers.jon@gmail.com			
X <u>Jon McGraw</u> Applicant's Signature <u>7/22/2019</u> Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

The applicant would prefer April 9th PC mtg.
 will be out of town April 23rd.
 May 14th will work for the applicant, if needed.

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 ANE
Case Number use 20190006
Date Received 3/6/19



ALLOWABLE/CONDITIONAL USE PERMIT 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.

PROJECT SUMMARY
Southeast Earthmovers has a trailer at 5446 Commercial Blvd we use it as a watchman and office for our construction company. We store trucks and equipment on this site as it is zoned industrial.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED
☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: 1.815 Associated w/ USE 10.300

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? ☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED WATER: ☐ Public ☒ On Site SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS
 Total Area of Lot 18,108 square feet Total Area of Existing Structure(s) 320 square feet
 Total Area of Proposed Structure(s) 320 square feet

EXTERNAL LIGHTING
 Existing to remain ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☒ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED
☒ **Narrative including:**
☒ Current use of land or building(s)
☒ Description of project, project site, circulation, traffic etc.
☒ Proposed use of land or building(s)
☐ How the proposed use complies with the Comprehensive Plan
☒ **Plans including:**
☒ Site plan
☐ Floor plan(s)
☐ Elevation view of existing and proposed buildings
☐ Proposed vegetative cover
☐ Existing and proposed parking areas and proposed traffic circulation
☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:
☐ Notice of Decision and case number
☐ Justification for the modification or extension
☐ Application submitted at least 30 days before expiration date

To be completed by Applicant

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

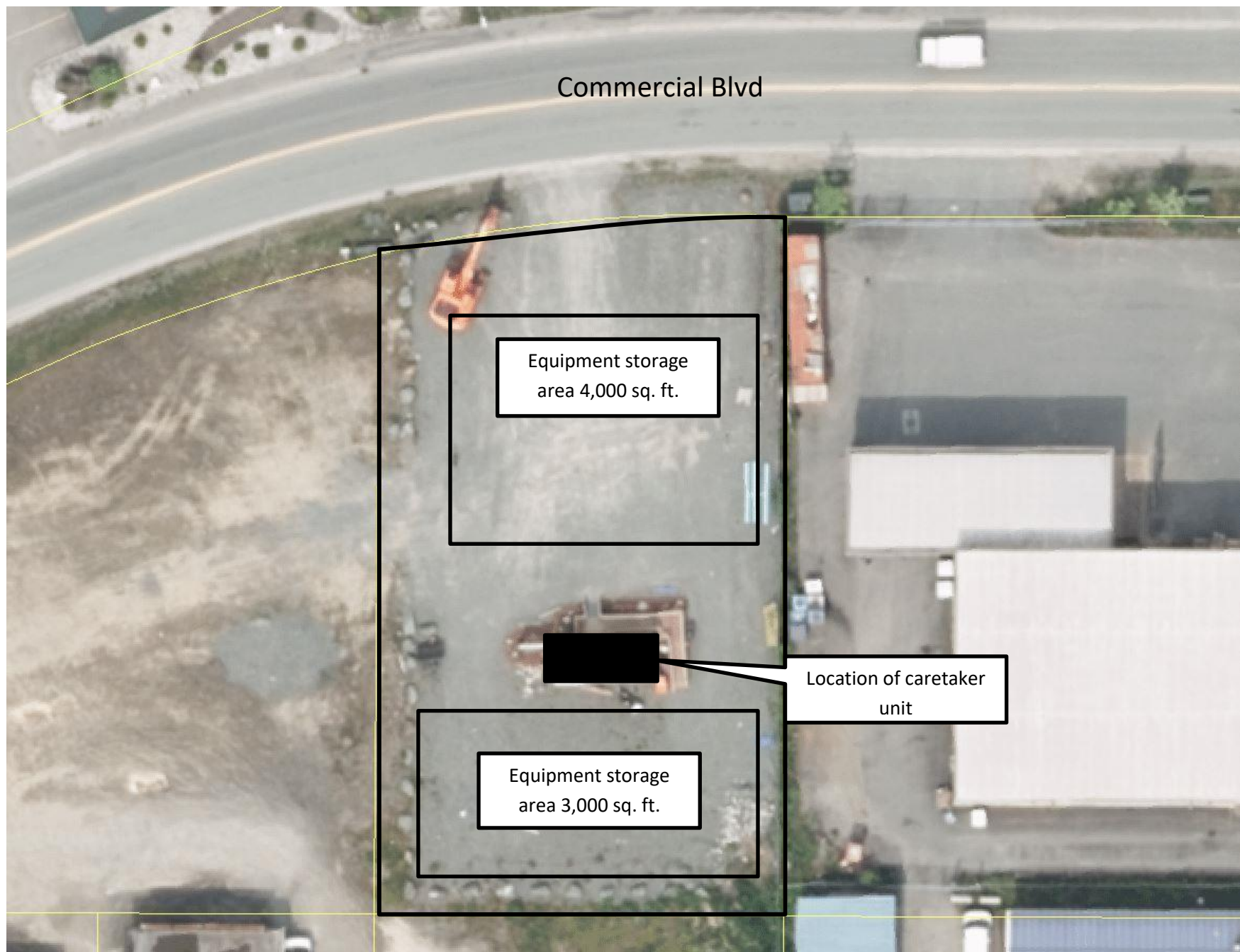
ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>350 x 2 = 700</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>850.00</u>			

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

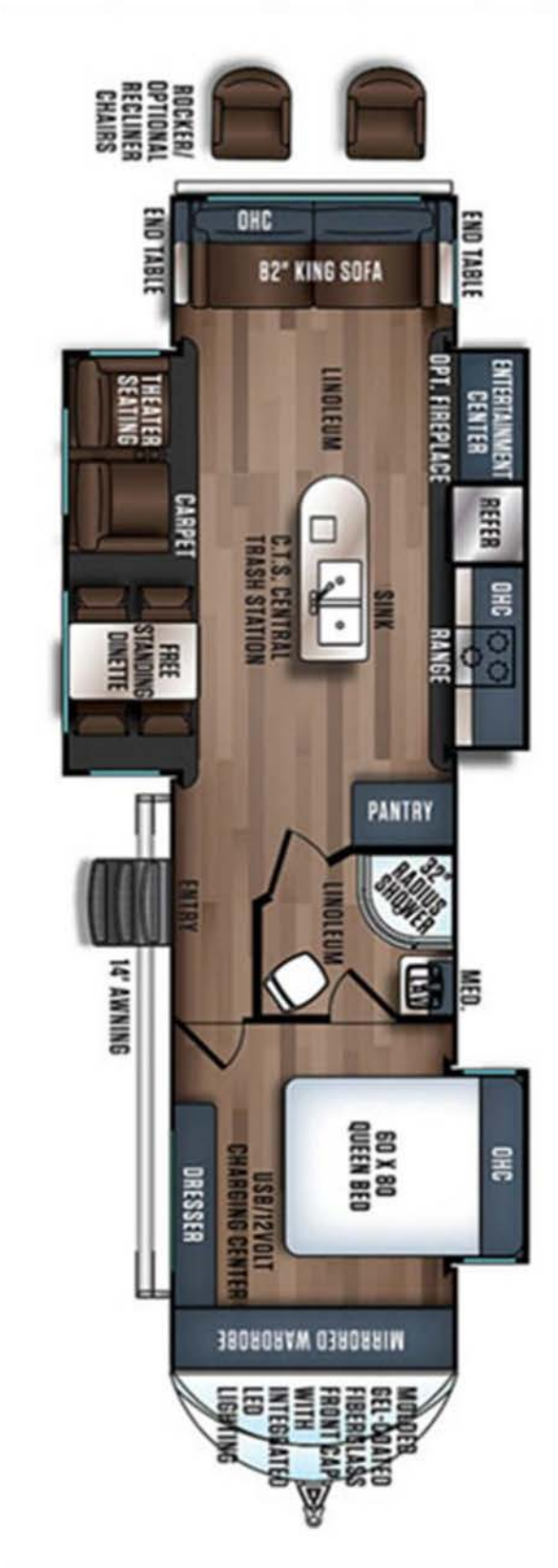
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>USE 20190006</u>	Date Received <u>3/6/19</u>
------------------------------------	--------------------------------



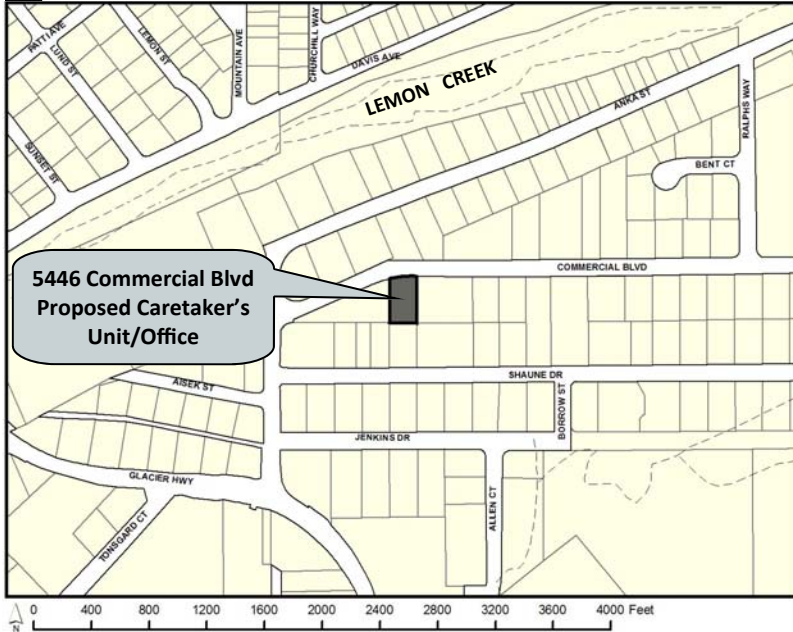
Attachment A - Application Packet





Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **mobile home caretaker's unit/office** located at **5446 Commercial Blvd** in an **Industrial Zoning District**.

TIMELINE

Staff Report expected to be posted **Monday, April 1** at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through March 18, 2019

Comments received during this period will be sent to the Planner, **Allison Eddins**, to be included in the staff report.

March 19, through 12 noon, April 5

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, April 9, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

April 10

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**

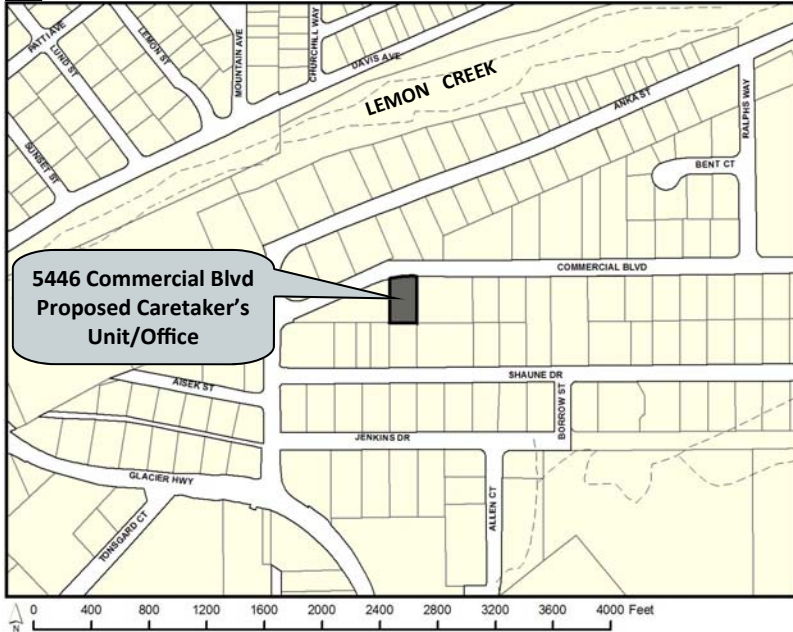
Case No.: USE20190006
Parcel No.: 5B1201390020
CBJ Parcel Viewer: <http://epv.juneau.org>

Parcel No.	Owner	Site Address	Mailing Label
5B1201020041	AKBEV GROUP LLC	5433 Shaune Dr	AKBEV GROUP LLC 5429 SHAUNE DR JUNEAU, AK 99801
5B1201300090	ANDREW CAMPBELL & JUDY P CAMPBELL	1790 Anka St; 1792 Anka St	ANDREW CAMPBELL & JUDY P CAMPBELL 4420 N DOUGLAS HWY JUNEAU, AK 99801
5B1201020140	BRUCE L HAAR & BARBARA R HAAR	5438 Shaune Dr	BRUCE L HAAR & BARBARA R HAAR 15250 WILBUR RD LA CONNER, WA 98257
5B1201390031	CITY AND BOROUGH OF JUNEAU LANDS AND RESOURCES	5436 Commercial Blvd	CITY AND BOROUGH OF JUNEAU LANDS AND RESOURCES 155 S SEWARD ST JUNEAU, AK 99801
5B1201310041	COLASKA INC	2025 Anka St	COLASKA INC PO BOX 32159 JUNEAU, AK 99803-2159
5B1201040051	CONSTRUCTION MACHINERY INDUSTRIAL LLC	1725 Anka St	CONSTRUCTION MACHINERY INDUSTRIAL LLC 5400 HOMER DR ANCHORAGE, AK 99518
5B1201010040	DAVID LEE VANPOOL & REBECCA M BRYANT	5456 Jenkins Dr	DAVID LEE VANPOOL & REBECCA M BRYANT PO BOX 21706 JUNEAU, AK 99802-1706
5B1201010040	DAVID LEE VANPOOL & REBECCA M BRYANT	5456 Jenkins Dr	DAVID LEE VANPOOL & REBECCA M BRYANT PO BOX 34584 JUNEAU, AK 99803
5B1201300060	DENNIS D MAYER & LINDA G MAYER	1766 Anka St	DENNIS D MAYER & LINDA G MAYER 1750 ANKA ST JUNEAU, AK 99801
5B1201300160	EDWARD SESSIONS	1743 Anka St	EDWARD SESSIONS PO BOX 035018 JUNEAU, AK 99803
5B1201300020	FOOD SERVICES OF AMERICA INC	5451 Commercial Blvd	FOOD SERVICES OF AMERICA INC PO BOX 25119 SCOTTSDALE, AZ 85255
5B1201050190	GASTINEAU HUMAN SERVICES CORP	1705 Anka St	GASTINEAU HUMAN SERVICES CORP 5597 AISEK ST JUNEAU, AK 99801
5B1201300030	GRANITE MOUNTAIN PROPERTIES LLC	5441 Commercial Blvd	GRANITE MOUNTAIN PROPERTIES LLC PO BOX 34316 JUNEAU, AK 99803
5B1201300170	JAMES GEORGE WILLIAMS & ARBE JEAN WILLIAMS	1735 Anka St	JAMES GEORGE WILLIAMS & ARBE JEAN WILLIAMS PO BOX 240754 DOUGLAS, AK 99824-0754
5B1201010050	KEN G WILLIAMSON	5452 Jenkins Dr; 5454 Jenkins Dr	KEN G WILLIAMSON PO BOX 32801 JUNEAU, AK 99803-2801
5B1201020120	KURT WILLIAMSON	5444 Shaune Dr	KURT WILLIAMSON PO BOX 33944 JUNEAU, AK 99803-3944
5B1201030004	LEMON CREEK SELF STORAGE LLC	5391 Commercial Blvd	LEMON CREEK SELF STORAGE LLC 175 S FRANKLIN ST STE 304 JUNEAU, AK 99801
5B1201300010	LEONID A KHMELEV	5459 Commercial Blvd	LEONID A KHMELEV PO BOX 035575 JUNEAU, AK 99803-5575
5B1201020150	MIDWAY BUSINESS CENTER LLC	5434 Shaune Dr	MIDWAY BUSINESS CENTER LLC 5165 GLACIER HWY JUNEAU, AK 99801

5B1201010030	NATIONAL BANK OF ALASKA	Jenkins Dr	NATIONAL BANK OF ALASKA C/O DELOITTE TAX LLP PO BOX 2609 CARLSBAD, CA 92018
5B1201020100	ODOM REAL ESTATE PARTNERSHIP	5452 Shaune Dr	ODOM REAL ESTATE PARTNERSHIP 11400 SE 8TH ST STE 300 BELLEVUE, WA 98004-6409
5B1201300120	OWEN K CLARK & KAMI S CLARK	1775 Anka St	OWEN K CLARK & KAMI S CLARK 1775 DIMOND DR JUNEAU, AK 99801
5B1201300150	PLUMBER'S & PIPEFITTER'S UNION, LOCAL 262 & PLUMBERS & STEAMFITTERS LOCAL UNION 262 JOINT APPRENTICESHIP AND TRAINING TRUST	1751 Anka St	PLUMBER'S & PIPEFITTER'S UNION, LOCAL 262 & PLUMBERS & STEAMFITTERS LOCAL UNION 262 JOINT APPRENTICESHIP AND TRAINING TRUST 1751 ANKA ST JUNEAU, AK 99801
5B1201300070	RICHARD AND CANDACE BEHREND'S LIVING TRUST RICHARD HENRY BEHREND'S & CANDACE EILEEN BEHREND'S AS TRUSTEE	1774 Anka St	RICHARD AND CANDACE BEHREND'S LIVING TRUST RICHARD HENRY BEHREND'S & CANDACE EILEEN BEHREND'S AS TRUSTEE PO BOX 20347 JUNEAU, AK 99802-0347
5B1201030001	SEARLS PROPERTIES	5403 Commercial Blvd	SEARLS PROPERTIES PO BOX 035845 JUNEAU, AK 99803-5845
5B1201030000	STEVE AUER	5411 Commercial Blvd	STEVE AUER 1200 INGERSOL AVE COOS BAY, OR 97420
5B1201010070	TLINGIT HAIDA REGIONAL HOUSING AUTHORITY	5446 Jenkins Dr	TLINGIT HAIDA REGIONAL HOUSING AUTHORITY PO BOX 32237 JUNEAU, AK 99803-2237
5B1201020110	WILLIAM E HARTSOCK AND TWYLA L HARTSOCK REVOCABLE LIVING TRUST WILLIAM E HARTSOCK & TWYLA L HARTSOCK TRUSTEES	5448 Shaune Dr	WILLIAM E HARTSOCK AND TWYLA L HARTSOCK REVOCABLE LIVING TRUST WILLIAM E HARTSOCK & TWYLA L HARTSOCK TRUSTEES PO BOX 240585 DOUGLAS, AK 99824-0585
5B1201020093	WRIGHT SERVICES	5453 Jenkins Dr; 5454 Shaune Dr	WRIGHT SERVICES 5454 SHAUNE DR JUNEAU, AK 99801
5B1201300110	YOUNG RENTALS LLC	1783 Anka St	YOUNG RENTALS LLC 2389 KA SEE AN DR JUNEAU, AK 99801

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **mobile home caretaker's unit/office** located at **5446 Commercial Blvd** in an **Industrial Zoning District**.

TIMELINE

Staff Report expected to be posted **Monday, April 1** at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through March 18, 2019

Comments received during this period will be sent to the Planner, **Allison Eddins**, to be included in the staff report.

March 19, through 12 noon, April 5

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, April 9, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

April 10

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**

Case No.: USE20190006
Parcel No.: 5B1201390020
CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: April 9, 2019
Case No.: USE2019 0006

Southeast Earthmovers Inc.
ATTN: Jon McGraw
P.O. Box 784
Sitka, AK 99835

Proposal: A Conditional Use Permit to allow a mobile home to be used as a caretaker's unit/office space in an Industrial zoning district

Property Address: 5446 Commercial Boulevard

Legal Description: SSG IV Lot 40

Parcel Code No.: 5B1201390020

Hearing Date: April 9, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached staff report dated March 29, 2019, and approved the conditional use permit to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant must receive an after-the-fact building permit to verify the placement of the mobile home on the subject lot.
2. An allowed primary use must remain active on the subject lot. Without an active allowed use, the caretaker unit is not permissible.

Jon McGraw
Case No.: USE2019 0006
April 9, 2019
Page 2 of 2

Attachments: March 29, 2019 staff report from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2019 0006.

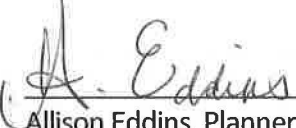
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. 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 Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 9, 2019

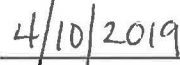
Expiration Date: The permit will expire 18 months after the effective date, or October 9, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Allison Eddins, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk


Date

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.



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

DATE: April 5, 2019

TO: Planning Commission

FROM: Jill Maclean, AICP, Director *Jill Maclean*
Community Development Department

FILE NO.: CSP2019 0002

PROPOSAL: Review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack.

GENERAL INFORMATION

Applicant: CBJ Docks & Harbor; William Heumann

Property Owner: The City & Borough of Juneau

Property Address: 470 South Franklin Street

Legal Description: Lot 13C, Block 83, Tidelands Addition

Parcel Code No.: 1C100K830012

Site Size: 1.8023 acres (78,510 sq. ft.)

Comprehensive Plan Future Land Use Designation: Marine Commercial (MC)

Zoning: Waterfront Commercial (WC)

Utilities: CBJ Water and Sewer

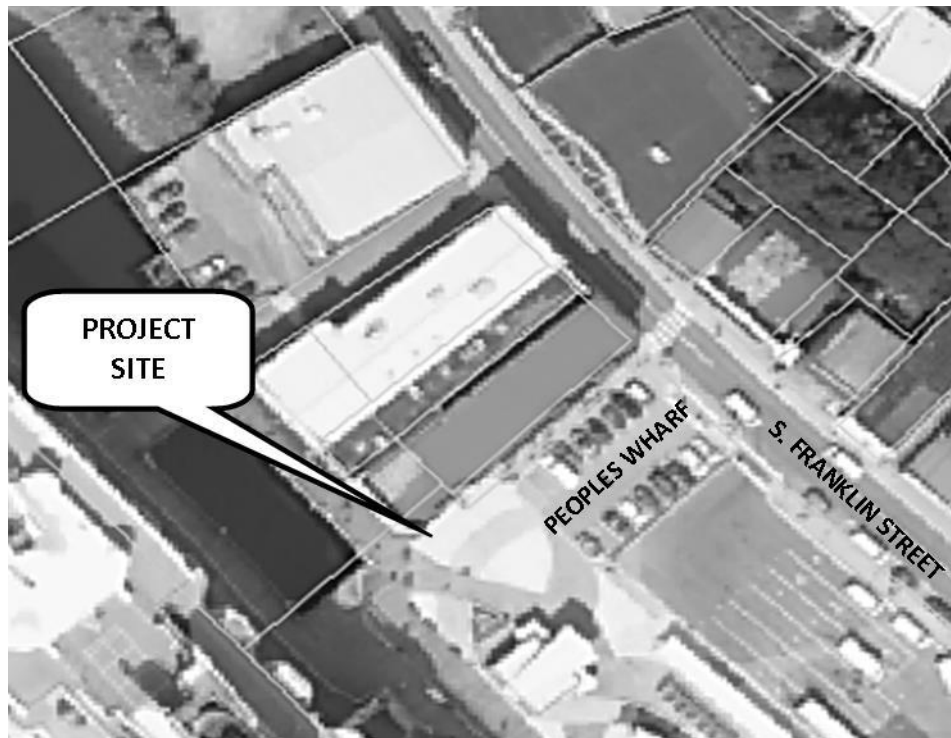
Access: South Franklin Street

Existing Land Use: Dock/Wharf

Surrounding Land Use:

- North - commercial building
- South - dock/parking lot
- East - commercial building
- West - dock

Planning Commission
 File No.: CSP2019 0002
 April 5, 2019
 Page 2 of 4



ATTACHMENTS

Attachment A: Ordinance 2019-18 and Supporting Documents

PROJECT DESCRIPTION

This application is not for a Conditional Use Permit under Title 49, but instead is a review of a lease and use permit, under Title 53, for CBJ Docks and Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack. Leases are regulated by 05 CBJAC 50, CBJ 53.20, and CBJ 85.02.060. Title 53 Temporary Use Permits are regulated by CBJ 53.09.310 and issued by CBJ Docks and Harbors for use of lands under their management (CBJ 85.02.060(5)(C)(ii)).

Ordinance 2019-18 would authorize the lease amendment (additional ~305 sq. ft.) and is set for public hearing in front of the Assembly on April 22, 2019. Because ordinances have a 30-day delay, and because the first cruise ship is scheduled to arrive on April 28, 2019, a Title 53 Temporary Use Permit is necessary to authorize early entry pending consideration of Ordinance 2019-18. If Ordinance 2019-18 is adopted, then the Title 53 Temporary Use Permit would be effective from mid-April until May 22, and the lease would be effective on May 22. If Ordinance 2019-18 is not adopted, then a Title 53 Temporary Use Permit is not authorized, and the lease would not be amended.

Planning Commission
 File No.: CSP2019 0002
 April 5, 2019
 Page 3 of 4

The proposed lease and Temporary Use Permit would authorize propane tanks, signage, outdoor cooking facilities, and outdoor seating on an additional 305 sq. ft. of CBJ property. The use was approved by the Planning Commission in 2017. This proposed lease would simply expand the leased area from 466 sq. ft. to 771 sq. ft.

DEPARTMENT REVIEW

Docks & Harbors - The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended the Assembly adopt Ordinance 2019-18 to authorize this lease amendment.

Building Division - No issues at this time.

Capital City Fire & Rescue - Propane tanks shall not be located within three (3) feet of any opening, such as windows or doors. No other issues at this time.

General Engineering - No concerns in reference to Title 19.120.

ANALYSIS

Project Site – The project site is a 78,510 square foot parcel located in the Waterfront Commercial (WC) zoning district. The site currently accommodates the visitor's center, public dock, public rights-of-way (People's Wharf and Martin Way), cruise ship berths, and parking. The property is not located within the Historic District, but given the public spaces and uses surrounding this area, the propane tanks must be enclosed and disguised in a manner that blends with the existing building.

Habitat – No known habitats that are protected by the Land Use Code exist on the site. The site is partially located within a Flood Zone VE at elevation twenty-five (25) feet. VE Zones are areas subject to inundation by the 1-percent annual chance flood event with additional hazards due to storm-induced velocity wave action. The development would need to comply with flood regulations, which may require additional elevating standards.

Conformity with Adopted Plans

Comprehensive Plan 2013 – Yes

- Complies with future land use map designations (Marine Commercial).
- Complies with Chapter 5 – Economic Development.
 - *Policy 5.6 To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau's natural, cultural, and economic attractions for local residents and visitors alike, and to*

Planning Commission
File No.: CSP2019 0002
April 5, 2019
Page 4 of 4

participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.

- Complies with Chapter 10 – Land Use.
 - *Policy 10.12 To designate and reserve waterfront land with adequate services and in appropriate locations for water-dependent recreation, public access, and commercial/industrial activities while protecting important fish and wildlife habitat and other coastal resources.*

Long Range Waterfront Plan – Yes

- Complies with Chapter 3 Long Range Waterfront Plan.
 - *3.1 Long Range Plan Overview - Greater Cultural Venues for Residents and Visitors. A greater size and variety of cultural and historic venues, inclusive of expansion to the State Museum and Centennial Hall and introduction of a new Aviation and Waterfront History Center is proposed under the Plan. Redevelopment of the AEL&P building as a mixed-use cultural, educational, and commercial venue is also envisioned.*

Title 49 – Yes

- Complies with CBJ 49.25.300(a)(4) Accessory Uses.

Title 53 – Yes

- Complies with CBJ 53.09.310 Use Permits.

FINDINGS

A review of adopted plans and codes indicates that the proposed use of CBJ-owned land for Tracy's Crab Shack located adjacent to People's Wharf complies with the Comprehensive Plan, 2004 Long Range Waterfront Plan, Title 49, and Title 53. A new building permit is required for any change or addition of a propane tank.

RECOMMENDATION

The Director recommends that the Planning Commission adopt these findings and analysis and recommends the Assembly adopt Ordinance 2019-18 and that a Title 53 Temporary Use Permit is issued per CBJ 53.09.310 with the following conditions:

1. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
2. Any signs planned shall receive a sign permit prior to installation.

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 3, 2019 5:30 PM

Assembly Chambers - Municipal Building
Meeting #2019-19; Immediately followed by Assembly Finance Committee meeting.

I. CALL TO ORDER / ROLL CALL

II. APPROVAL OF AGENDA

III. AGENDA TOPICS

IV. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action
 - 1. Ordinances for Introduction

- a. **Ordinance 2019-05 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2019 Based Upon the Proposed Budget for Fiscal Year 2020.**

This ordinance establishes the mill rates for property taxes for 2019, which funds a significant portion of the City and Borough of Juneau's FY20 operating budget. The Charter requires the assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY20 Revised Budget that will be reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

For FY20 the operating mill rate remains unchanged there is a change in Service Areas from FY19, and the proposed debt service mill rate is set to decrease by 0.10 mills. This ordinance proposes a total mill levy of 10.56; the components of which are:

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Ordinance 2019-18 An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

MANAGER'S REPORT:

In 2006, the Assembly enacted Ordinance 2006-32, which authorized a 35 year lease of approximately 500 square feet of tidelands for construction of the building known as People's Wharf and associated access. Ordinance 2019-18 would amend Ordinance 2006-32 by authorizing the Port Director to increase the leased area by 305 square feet to provide space for outdoor food service. The applicant has used the area for the last two years for crab cookers, propane tanks, and customer waiting space associated with Tracy's King Crab Shack with an annual permit. This ordinance would eliminate the administrative burden of processing an annual permit and instead expand an existing lease. If the Assembly adopts this ordinance, the Port Director intends to issue a temporary use permit, pursuant to CBJC 53.09.310, so the applicant can open before the first cruise ship arrives on April 28.

The applicant has also received a license for the last two years for 400 square feet of right of way adjacent to the lease area for outdoor seating, but that right of way space is not subject to this lease amendment. (CBJC 53.09.350)

The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended approval. The Planning Commission is scheduled to review this matter on April 9, 2019.

RECOMMENDATION:

The City Manager recommends this ordinance be introduced and set for public hearing on April 22, 2019.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2019-18	4/1/2019	Non-Code Ordinance
☐ Exhibit A - Ordinance 2019-18	4/1/2019	Exhibit

Presented by: The Manager
Introduced: 04/03/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-18

An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

WHEREAS, on October 9, 2006, the CBJ Assembly passed Ordinance 2006-32, approving a thirty-five (35) year lease with William C. Heumann ("Applicant"), for 466 square feet of land within Alaska Tidelands Survey No. 3, immediately adjacent to Lot 12, Block 83, which is owned by the Applicant; and

WHEREAS, under the lease, the Applicant is currently paying \$5,950.00 per year in rent, as adjusted since 2006, in accordance with CBJC 53.20.190(d); and

WHEREAS, since 2017, the Applicant applied for and received a permit for the seasonal use of approximately 62 square feet on People's Wharf for temporary food services related to the operation of Tracy's King Crab Shack; and

WHEREAS, the Applicant used the space for outdoor crab cookers and propane tanks; and

WHEREAS, under the permit, the Applicant posted a \$5,000.00 bond for the removal of the propane tanks and storage, and paid rent of \$144.00 per month as the result of an appraisal setting the value of the space at \$22.00 per square foot per year; and

WHEREAS, in early 2019, the Applicant applied for an amendment to the 2006 lease, requesting to expand the 62 square foot area to 305 square feet for additional seating and waiting area; and

WHEREAS, as the result of the request, an appraisal concluded the fair market value of the requested amended leased is \$6,405.00 per year (\$21.00 per square foot per year); and

WHEREAS, the appraisal further included approximately 400 square feet of land being utilized in the right-of-way under the authority of CBJC 53.09.350 for \$8,400.00 per year (\$21.00 per square foot per year), which is not subject to this lease amendment; and

WHEREAS, per the lease amendment, the additional leased area is only to be used for crab pot cookers, propane tank(s), waiting area, and additional seating by the Applicant for food services; and

WHEREAS, if the Applicant ceases to use the additional leased area for the purposes contemplated under the lease, the CBJ shall have the right to terminate the lease; and

WHEREAS, all other terms and conditions required by Ordinance 2006-32 and the resulting lease remain unchanged and control; and

WHEREAS, on March 28, 2019, the Docks and Harbors Board recommended approval of the lease amendment.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Amend Lease. The Port Director is authorized to execute a lease amendment to William C. Heumann for the operation of an outdoor retail food service.

Section 3. Description of Amended Lease Property. The real property to be leased is located on or near the People's Wharf and more particularly described as follows:

Approximately 305 square feet located on a fraction of Lots 13A and 13B, Block 83 of the Tidelands Addition to the City and Borough of Juneau within A.T.S. No. 3, Juneau Recording District, First Judicial District, State of Alaska, more particularly described in Exhibit A

Section 4. Minimum Essential Terms and Conditions. The lease is subject to the following minimum terms and conditions:

- A. The leased property shall be utilized only for the operations of an outdoor food service. Unless approved by the City and Borough of Juneau, any utilization or development of the leased property for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation.
- B. The Port Director is authorized to execute a lease amendment to commence on May 21, 2019. CBJC 53.09.310 provides authority for the Port Director to authorize early entry prior to April 28, 2019.
- C. The annual lease payment under the amended lease shall be \$6,405.00 per year for the additional leased area, in addition to the current \$5,950.00 being paid per year under the original lease, for a new rent of \$12,355.00 per year under the amended

lease, with the first payment due as of the effective day of the lease amendment, plus sales tax.

- D. Beginning with the first year after the initial five-year period of the term of the amended lease, the Port Director will re-evaluate and adjust the annual lease payment for the leased property, equipment, and improvements for the next five-year period of the term in accordance with CBJC 53.20.190(2). The new annual lease payment amount shall be paid retroactively to the beginning of the lease payment adjustment period. Lessee shall pay all appraisal costs associated with re-evaluating and making adjustments to the annual lease payment.
- E. Lessee shall indemnify, defend, and hold harmless the City and Borough and its officers and employees for any claims related to or arising out of Lessee's use, operation, maintenance of the leased property, equipment, improvements, and any further development of the leased property or improvements by Lessee.
- F. The lease shall include all provisions of the standard City and Borough land lease form not in conflict with this ordinance, and any other provisions that the Port Director determines to be in the public interest.

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

Adopted this ____ day of _____, 2019.

Beth A. Weldon, Mayor

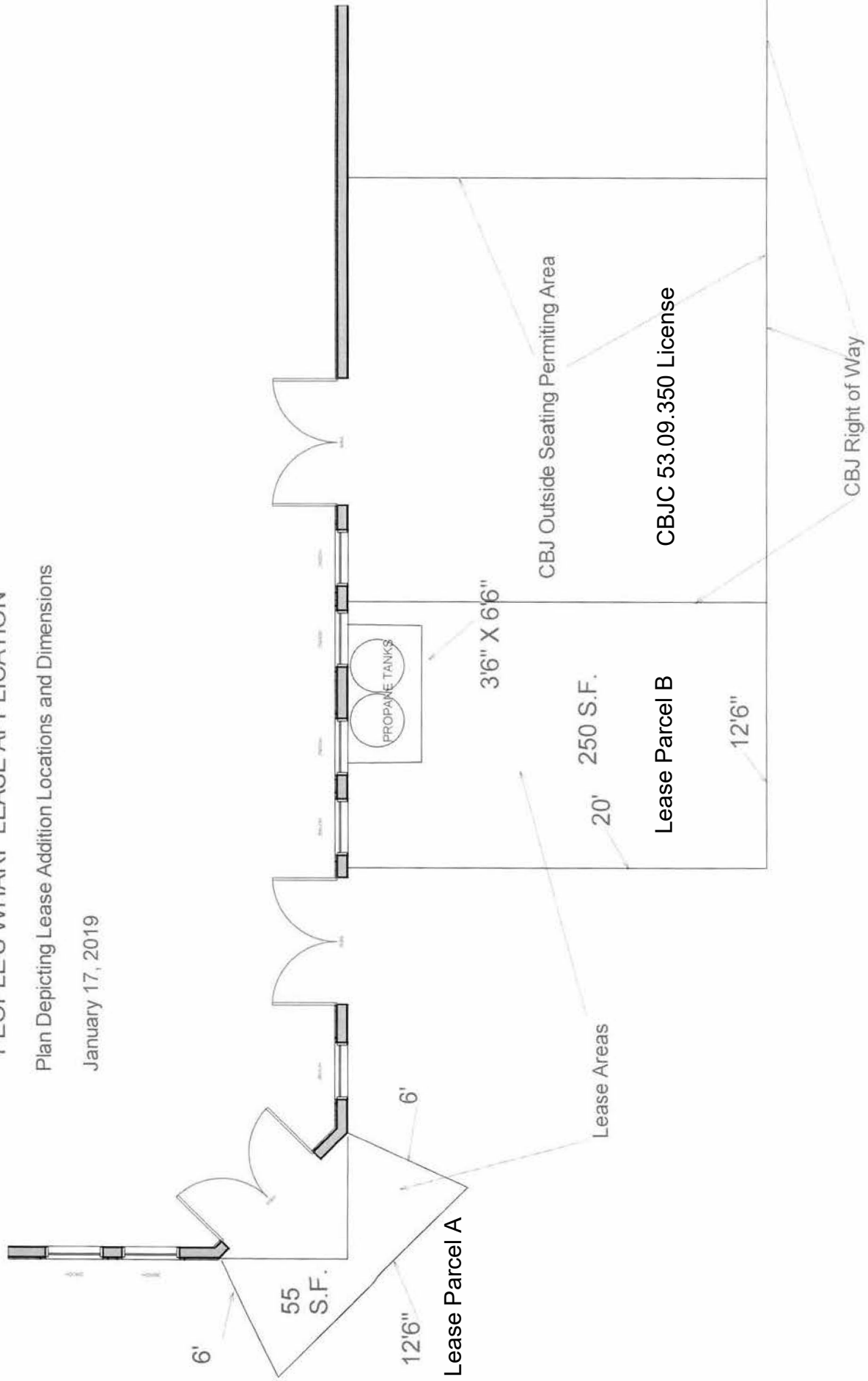
Attest:

Elizabeth J. McEwen, Municipal Clerk

PEOPLE'S WHARF LEASE APPLICATION

Plan Depicting Lease Addition Locations and Dimensions

January 17, 2019



Attachment A



Exhibit "A"

**Lease Parcel Easement "A" within portions of Lot 13B, Block 83,
Alaska Tidelands Survey (ATS) No. 3**

**Located in protracted Section 27, Township 41 South,
Range 67 East, Copper River Meridian, Juneau Alaska,
First Judicial District of Alaska, Juneau Recording District**

Commencing at an Alaska Department of Transportation monument Corner No. 44 of ATS 3; thence, a bearing of N35°56'28"E, a distance of 2,546.74 feet, to a Toner & Nordling primary cap, being the Northeast corner of Lot 7A, Block 83, ATS 3; thence a bearing of S34°46'31"E, a distance of 468.91 feet, to the Northeast corner of Lot 12, Block 83, ATS 3; thence along the boundary of Lot 11 & 12, Block 83, a bearing of S48°37'03"W, a distance of 142.81 feet, to a point; thence a bearing of S41°21'00"E, a distance of 39.76 feet, to the **POINT OF BEGINNING**;

Thence a bearing of N46°35'54"E, a distance of 6.98 feet, to a point; thence a bearing of S17°42'01"E, a distance of 6.98 feet, to a point; thence a bearing of N87°22'33"W, a distance of 14.55 feet, to a point; thence a bearing of N22°56'54"E, a distance of 6.98 feet, to a point; thence a bearing of S41°21'00"E, a distance of 6.98 feet, to the **POINT OF BEGINNING**.

This lot contains 55 square feet, or 0.001 acres, more or less.

This description is solely based on a Toner & Nordling As-built survey dated June5, 2007.



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Exhibit "A"

**Lease Parcel Easement "B" within portions of Lot 13A, Block 83,
Alaska Tidelands Survey (ATS) No. 3**

**Located in protracted Section 27, Township 41 South,
Range 67 East, Copper River Meridian, Juneau Alaska,
First Judicial District of Alaska, Juneau Recording District**

Commencing at an Alaska Department of Transportation monument Corner No. 44 of ATS 3; thence, a bearing of N35°56'28"E, a distance of 2,546.74 feet, to a Toner & Nordling primary cap, being the Northeast corner of Lot 7A, Block 83, ATS 3; thence a bearing of S34°46'31"E, a distance of 468.91 feet, to the Northeast corner of Lot 12, Block 83, ATS 3; thence along the boundary of Lot 11 & 12, Block 83, a bearing of S48°37'03"W, a distance of 142.81 feet, to a point; thence a bearing of S41°21'00"E, a distance of 39.76 feet, to a point; Thence a bearing of N46°35'54"E, a distance of 33.37 feet, to the **POINT OF BEGINNING**;

Thence a bearing of S43°24'06"E, a distance of 20.00 feet, to a point; thence a bearing of S43°35'54"W, a distance of 12.50 feet, to a point; thence a bearing of N43°24'06"W, a distance of 20.00 feet, to a point; thence a bearing of N46°35'54"E, a distance of 12.50 feet, to the **POINT OF BEGINNING**.

This lot contains 250 square feet, or 0.006 acres, more or less.

This description is solely based on a Toner & Nordling As-built survey dated June5, 2007.



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Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: April 9, 2019
File No.: CSP2019 0002

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack.

Legal Description
or ROW name: Lot 13C, Block 83, Tidelands Addition

Parcel Code No.: 1C100K830012

Hearing Date: April 9, 2019

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 5, 2019, and recommended that the Assembly adopt Ordinance 2019-18 and that a Title 53 Temporary Use Permit per CBJ 53.09.310 is issued in accordance with the following recommendations:

1. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
2. Any signs planned shall receive a sign permit prior to installation.

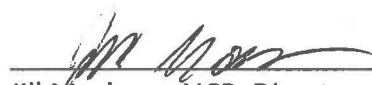
Attachments: April 5, 2019 memorandum from Jill Maclean, Director Community Development, to the CBJ Planning Commission regarding CSP2019 0002.

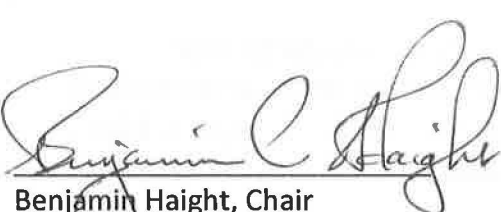
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even

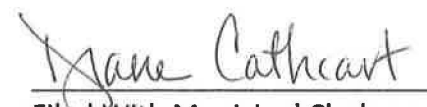
City and Borough of Juneau
CBJ Assembly
File No.: CSP2019 0002
April 9, 2019
Page 2 of 2

if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

Project Planner:


Jill Maclean, AICP, Director
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

4/10/2019
Date

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. The CBJ and project 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.

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-12

An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium and Sunset Date.

WHEREAS, new businesses have popped up in other municipalities that rent dockless vehicles or provide dockless vehicle services to people over the internet without direct human interaction; and

WHEREAS, commercial rental or provision of dockless vehicles has caused significant public harm in other municipalities without a comprehensive regulatory structure; and

WHEREAS, commercial rental or provision of dockless vehicles have cluttered sidewalks leading to pedestrian conflicts, blocked access for individuals with mobility disabilities, and created aesthetic harm in other municipalities; and

WHEREAS, commercial rental or provision of dockless vehicles create safety issues for riders due to lack of safety equipment provided at the time of rental; and

WHEREAS, commercial rental or provision of dockless vehicles may be inappropriate in certain areas because of congestion or terrain; and

WHEREAS, the City and Borough of Juneau intends to solicit public comment and prepare a comprehensive regulatory package to allow commercial use and rental of dockless vehicles in 2020; and

WHEREAS, this ordinance does not apply to a business that occupies a regular place of business to rent bicycles or scooters in which the bicycle or scooter is picked up and returned to the same place of business during business hours.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Definition. Dockless vehicle includes a bicycle, a bicycle with an electric assist, a scooter, a scooter with an electric assist, and similar micromobility devices, which (a) are available for use by the public for short term rentals and (b) are picked up from, left at, or returned to a location in which the vehicle is not locked to a docking station or similar secured facility for that vehicle. Dockless vehicle does not include a micromobility device provided to a person with a mobility disability.

Section 3. Prohibition. Commercial rental or provision of a dockless vehicle is prohibited.

Section 4. Permit Moratorium. Notwithstanding any provision of the City and Borough of Juneau Code, including but not limited to Title 53 (CBJ Land Management), Title 62 (Right of Ways), and Title 49 (Land Use), no permit application shall be accepted or approved pertaining to commercial rental or provision of a dockless vehicle.

Section 5. Sunset Date. This ordinance shall be automatically repealed on February 1, 2020.

Section 6. 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