

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
November 13, 2018

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 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Dan Miller, Dan Hickok, Carl Greene

Commissioners absent: Andrew Campbell, Nathaniel Dye, Percy Frisby

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Allison Eddins, Planner II; Laurel Bruggeman, Planner I; Laura Boyce, Senior Planner

Assembly members: None

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

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development

Applicant: The Jetty

Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

MOTION: *By Mr. Miller to approve reconsideration of USE2018 0016, a Conditional Use Permit for The Jetty, and continue the discussion at the next meeting.*

Mr. Voelckers recused himself from this item.

After Mr. Miller motioned to approve the reconsideration, Mr. Haight stated that five votes would be needed to approve this motion.

Ms. Maclean stated that due to Mr. Haight and Mr. LeVine being absent from the previous meeting, they needed to make sure they were prepared to vote at this meeting.

Mr. LeVine and Mr. Haight stated they had reviewed the staff report and the minutes from the October 23, 2018 Planning Commission meeting and were prepared to participate in the vote.

The motion was addressing two separate determinations, so Mr. LeVine suggested that two separate votes be taken; one vote to reconsider the case and one vote to decide to continue the discussion at the following Regular Planning Commission meeting.

Mr. Miller stated he was okay with separating the motion into two votes.

Roll Call Vote:

Yeas: Miller, LeVine, Hickok, Haight, Greene

The first motion to bring the case up for reconsideration passed with no objection.

Mr. Miller motioned to continue the hearing at the next Planning Commission meeting.

Mr. LeVine spoke in support of this motion.

Mr. Haight made it clear that it will require six commissioners to open the case up for public testimony at the next Planning Commission meeting, if they decide to do that.

Roll Call Vote:

Yeas: LeVine, Miller, Hickok, Greene, Haight

The second motion to continue the hearing at the next meeting passed with no objection.

VI. CONSENT AGENDA

Mr. LeVine requested that the Archipelago related cases including CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010 be pulled from the Consent Agenda for review by the staff.

USE2018 0019: A Conditional Use Permit for Juneau Makerspace, a community workshop and meeting space
Applicant: Juneau Makerspace
Location: 3915 N. Douglas 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 operation of a shared community workshop and event space in a D18 zoning district.

The approval is subject to the following conditions:

1. The applicant must schedule a final inspection for the CBJ Grading and Drainage Permit within 10 business days of the date of approval for this Conditional Use Permit. Any required work must be completed before the permit can be closed out.
2. The applicant must schedule a final inspection for the three open Building Permits within 10 business days of the date of approval for this Conditional Use Permit. Any repairs or alterations required must be complete and the building must receive a Certificate of

Occupancy.

3. Prior to the issuance of a Certificate of Occupancy, the applicant must provide a parking plan for review and approval. Staff will conduct a site visit to ensure that all required parking and signage is present.
4. The use of woodworking tools outside may only occur between the hours of 7:00 am to 10:00 pm Monday through Friday and between 9:00 am to 10:00 pm Saturday and Sunday. The volume measured at the property line shall not exceed 55 dBA between the hours of 11:30 pm and 6:00 am and 70 dBA at other hours.
5. Any use of microphones, speakers, or any other loud devices that may be used for special events is strictly limited to indoor use only.
6. No new lighting may be added to the exterior of the building without an approved lighting plan.
7. A detailed drainage and snow storage plan will be required prior to the issuance of a Certificate of Occupancy.

The motion passed with no objection.

PDP2018 0001: Modification of an existing Planned Unit Development to include the creation of 12 individual lots within the PUD
Applicant: Douglas Island Development, LLC.
Location: 1011 Teufelshund Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested amendment to Planned Unit Development Permit PDF2015 0001. The permit would allow the amendment of an approved Planned Unit Development to allow for the creation of 12 residential individual lots and 1 parent lot. The approval is subject to the following conditions:

The conditions of Final PDP2018 0001 & PDF2018 0001 as amended are as follows:

1. The developer must install a sprinkler system in each unit, which will be reviewed during the building permit review process. (Also a condition of PDP2014 0001)
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons. (Also a condition of PDF2015 0001).
3. The developer must include the following plat note on all phases of development:
"THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT OTHER THAN AS

APPROVED THROUGH VAR20140028". (Also a condition of PDF2015 0001, amended to include variance language).

4. With exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25 feet. (Also a condition of PDP2014 0001).
5. The homeowners' association documents shall be recorded with the each approved final plat, as required by state law, or both. (New Condition).
6. The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08 or CBJ 49.15 Article VI shall be prepared by a lawyer licensed to practice in the state. (Also a condition of PDP2014 0001).
7. The project shall incorporate the BMP's from the Manual of Stormwater Best Management Practices, produced by CBJ in partnership with USF&WS, 2008. (Also a condition of PDP2014 0001).

The motion passed with no objection.

PDF2018 0001: Modification of an existing Planned Unit Development to include the creation of 12 individual lots within the PUD.

Applicant: Douglas Island Development, LLC.

Location: 1011 Teufelshund Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested amendment to Planned Unit Development Permit PDF2015 0001. The permit would allow the amendment of an approved Planned Unit Development to allow for the creation of 12 residential individual lots and 1 parent lot. The approval is subject to the following conditions:

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1. The developer must install a sprinkler system in each unit, which will be reviewed during the building permit review process. (Also a condition of PDP2014 0001)
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons. (Also a condition of PDF2015 0001).
3. The developer must include the following plat note on all phases of development: "THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT OTHER THAN AS APPROVED THROUGH VAR20140028". (Also a condition of PDF2015 0001, amended to include variance language).
4. With exception of parks and public trails, all development within this PUD must be

setback from the exterior boundary of this development at least 25 feet. (Also a condition of PDP2014 0001).

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6. The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08 or CBJ 49.15 Article VI shall be prepared by a lawyer licensed to practice in the state. (Also a condition of PDP2014 0001).
7. The project shall incorporate the BMP's from the Manual of Stormwater Best Management Practices, produced by CBJ in partnership with USF&WS, 2008. (Also a condition of PDP2014 0001).

The motion passed with no objection.

SMP2018 0001: Subdivision of one (1) lot into five (5) lots within a PUD
Applicant: Douglas Island Development LLC
Location: 1011 Teufelshund Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Preliminary Plat for the Sunset Height Subdivision. This approval would allow the applicant to submit for the Final Plat Application. We further recommend that the approval be subject to the following conditions:

1. All changes requested by General Engineering, as discussed in a MEMO from Autumn Sapp, dated 10/23/2018.
2. Title Block
 - a. Revise title block (you could also shorten the name to just "SUNSET HEIGHTS"):

PLAT OF

SUNSET HEIGHTS PLANNED COMMUNITY

A SUBDIVISION OF

LOT 7B1, U.S. Survey 2960

CITY & BOROUGH OF JUNEAU, ALASKA

JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

- b. Alternatively, the developer could also name the subdivision "SUNSET HEIGHTS" or "SUNSET HEIGHTS PHASE 1". The next plat iteration will be "SUNSET HEIGHTS PLANNED COMMUNITY II" or "SUNSET HEIGHTS PHASE 2".
- 3. Plat Graphic
 - a. Show the private drive and label it "TEUFELSHUND WAY"
 - b. Change the name of LOT 7B1 to "LOT 13", and use a dashed or ghost font to label previous LOT 7B1.
 - c. Prior to final plat recording, remove all structures from the plat.
 - d. Prior to final plat recording, remove phases two and three from the plat, only showing lots 1-4 and lot 13.
 - e. Prior to final plat recording, remove the note "DEVELOPMENT RIGHTS RESERVED IN PHASE 2&3 MAY BE WITHDRAWN. UNITS SHOWN HEREON ARE PROPOSED AND NEED NOT BE BUILT."
 - f. Remove the "Typical Foundation with Setbacks" graphic within the plat graphic.
- 4. Scale:
 - a. Check the verbal scales. It appears that they should be 1" = 20' instead of 1" = 40'.
- 5. Plat Notes:
 - a. Add the following plat note: "LOTS ONE THROUGH FOUR (1-4) OF THIS SURVEY ARE PERMITTED TO BE DEVELOPED WITH ONLY ONE (1) SINGLE FAMILY DWELLING UNIT ON EACH LOT. NO ADDITIONAL DWELLING UNITS ARE ALLOWED BEYOND WHAT IS INDICATED."

The motion passed with no objection.

CSP2018 0008: A City Project to trade CBJ uplands for a strip of private property on Fritz Cove
Applicant: City & Borough of Juneau
Location: 13010 Glacier Highway

Staff Recommendation

The Director recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to trade CBJ owned land located on the Mendenhall Peninsula, specifically portions of ASLS 78-171 LT 3A FR.

The motion passed with no objection.

CSP2018 0011: A City Project Review for disposal of 1.09 acres of city property and an amendment to the CBJ Land Management Plan 2016 Update
Applicant: City & Borough of Juneau

Location: 11031 Mendenhall Loop Road

Staff Recommendation

Staff recommends as follows:

1. The Planning Commission recommends the Assembly change the Land Management Plan designation of Parcel 0300 to be “retain/dispose” to achieve the recommended disposal below.
2. The Planning Commission find CSP2018 0011 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c) and CBJ 49.15.580, and forward to the Assembly a recommendation for approval for disposal of 1.09 acres of city property with the condition that prior to selling the property a 60’ wide public access easement will be dedicated to the City and Borough of Juneau.

The motion passed with no objection.

CSP2018 0009: A City Project Review for purchase and sale of portions of the Archipelago Property for a coordinated development by Archipelago Properties LLC and CBJ Docks & Harbors

Applicant: Archipelago Properties LLC and CBJ Docks and Harbors

Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to dispose of the CBJ property located on portions of Archipelago Lots 1, 2, 3, and 4.

FZE2018 0001: A Flood Zone Exception for development of a covered shelter with restrooms seaward of the mean high tide line

Applicant: Archipelago Properties LLC and CBJ Docks and Harbors

Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and grant the requested Flood Zone Exception, FZE2017 0001. The Flood Zone Exception would allow construction of a public restroom in a Velocity Flood Zone, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the pile-supported structure will be designed to withstand the 100-year storm force which is described in the City and Borough’s currently adopted Flood Insurance Study.

USE2018 0015: A Conditional Use Permit and City Project Review for downtown waterfront improvements
Applicant: Archipelago Properties LLC and CBJ Docks and Harbors
Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The approval is subject to the following conditions:

1. Plans submitted with the building permit application must show that the proposed structure conforms with the required setbacks per CBJ 49.25.400 Table of Dimensional Standards, unless a variance is approved.
2. Prior to issuance of a building permit, the applicant shall submit a landscaping plan illustrating the location and type of vegetation proposed for the development, to ensure conformance with vegetative cover requirements per CBJ 49.50.300.
3. The landscaped areas shown on the plans submitted shall be maintained with live vegetative cover.
4. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. All exterior lighting fixtures shall be of a "full cutoff" design, and exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements at CBJ 49.40.230(d).
5. Exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
6. Construction of the shelter with restrooms is contingent on approval of FZE2018 0001, a flood zone exception to allow construction of a habitable structure seaward of the mean high tide line.

CSP2018 0010: A Conditional Use Permit and City Project Review for downtown waterfront improvements
Applicant: Archipelago Properties LLC and CBJ Docks and Harbors
Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend approval of this City Project Review to the Assembly, with the following conditions:

1. Plans submitted with the building permit application must show that the proposed structure conforms with the required setbacks per CBJ 49.25.400 Table of Dimensional

Standards, unless a variance is approved.

2. Prior to issuance of a building permit, the applicant shall submit a landscaping plan illustrating the location and type of vegetation proposed for the development, to ensure conformance with vegetative cover requirements per CBJ 49.50.300.
3. The landscaped areas shown on the plans submitted shall be maintained with live vegetative cover.
4. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. All exterior lighting fixtures shall be of a "full cutoff" design, and exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at CBJ 49.40.230(d).
5. Exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
6. Construction of the shelter with restrooms is contingent upon approval of FZE2018 0001, a flood zone exception to allow construction of a habitable structure seaward of the mean high tide line.

Ms. Camery gave a short presentation regarding cases CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010.

Mr. LeVine asked for clarification on the ownership of the parcels, who was buying which portions, and who was selling which portions.

Ms. Camery felt that those questions could best be explained by the applicant.

Mr. LeVine felt that it was important to get the background of the project before voting on the individual issues.

Ms. Camery gave a back-up of the site plan and gave an overview of all cases at once for more clarification.

Mr. Miller directed attention to Attachment 6, page 231 of 379, which shows a good representation of what is being purchased and sold in these cases.

Ms. Camery went on to discuss the recommendations and conditions for approval of the cases.

Committee Discussion and Questions

Mr. Hickok asked about the dock access in the new plans and if the current dock access will be removed.

Ms. Camery said the project does require a driveway permit from DOT, which CBJ Docks and Harbors is in the process of getting.

Mr. Hickok noted the current dock access next to the parking garage and the access that goes to the waterfront from the dock. He wanted to know if this access will be removed with the new plans.

Ms. Camery stated the access in the new plans would be from South Franklin and felt the applicant would be able to better answer Mr. Hickok's questions.

Gary Gillette, CBJ Docks and Harbors Port Engineer

Mr. Gillette referred to page 228 of 379, showing the current ownership. Lots 1 and 2 are owned by Archipelago LLC and lots 3 and 4 are owned by CBJ. As Mr. Miller pointed out on page 231, this shows the different properties based on uplands versus tidelands that would have to be either bought or sold to get the final configuration of the lot, Mr. Gillette stated.

For background, when CBJ Docks and Harbors began working with Archipelago LLC on this project they agreed to not let the property lines limit the creativity in the project, Mr. Gillette stated. They wanted to make it work for both parties, then go back and adjust the lines. As for the existing dock structure with access to the waterfront, Mr. Gillette stated that it will be taken out and a new dock structure with access to the waterfront will be constructed. The idea is that the access would be greatly improved.

Mr. Hickok asked if there would be fill all the way to the dock.

Mr. Gillette stated it would all be decked over. There will be a retaining wall for the uplands portion and the rest will be built on pile structures. When completed, it will all be at the same grade, with basically free-flow pedestrian access throughout the entire property from both sides.

Mr. Miller asked if the Commission had seen this part of the overall concept before.

Mr. Gillette stated that what Mr. Miller may have seen before was probably the Marine Park to Taku Dock Urban Design Plan. That was a part of it and they had looked at the whole area to meet the needs they identified for the cruise industry with the staging and they heard public comments for more open space and the covered shelter. This is a piece of that overall plan. The whole plan may have been seen before, but now they are zeroing in on the Archipelago piece for the development.

Mr. LeVine stated that he appreciates all the creativity that has gone into this planning. He expressed concerns about the covered shelter being seasonal and how the Commission is

meeting its goals for creating a vibrant downtown by having things that are open during the winter. He feels that there is at least a component of this that looks like a prime piece of property is being taken and will only be used seasonally to benefit cruise ship passengers and not having something that is going to facilitate a vibrant downtown during the rest of the year.

Mr. Gillette pointed out that, in the winter time, other facilities Docks and Harbors has built in the downtown area, for example the parking areas, have generally been available. If there doesn't seem to be a need, they don't maintain things in the winter, but the parking areas people do use, so the lots are maintained. The open space can be used by the public. The building's intent is to meet the needs of the cruise ship industry. As you may be aware, there is currently a lawsuit going on regarding the use of those public funds, so while everyone has an interest in seeing those facilities used year-round and bringing activities to downtown, there may be limitation depending on the outcome of the lawsuit. The building is designed with a concept of being structured mostly of glass, so everyone is able to see through it. It will have large sliding doors that can open up for people to walk through, or wait inside for their busses. The doors can be closed down in inclement weather, summer or winter, and for security reasons. A mechanical system is being designed in a way that will allow them to maintain at least 60 degrees inside the building when it is down to 5 to 0 degrees outside. The primary purpose is to keep enough heat in the building to avoid freezing or mold development.

Mr. LeVine clarified that his understanding from this is, in part, the City's ability to construct facilities like this for multiple uses is hindered by the limitations on the cruise ship funds that are available. So there are concerns that if something the people would like to use year-round is built, it may fall victim to the cruise ship lawsuit.

Mr. Gillette stated that this is possible, yes.

Mr. Haight asked for public testimony on these cases.

Kirby Day, Princess Cruises and Tourism Best Management Practices, 1302 Tarn Court

Mr. Day stated he had been involved in working on this project with Docks and Harbors for a long time. He has lived in Juneau for many years and has seen the growth of downtown. He believes this would be a vast improvement to the waterfront and it is consistent with the waterfront plan. Mr. Day believes it will help to not only move passengers, visitors, and vehicles, but it will also serve to move pedestrians equally between Franklin Street and the Seawalk, which could alleviate some of the pressure off of the additional passenger counts that will be seen in the coming years. About 7 or 8 years ago, when the City decided to build the two cruise ship docks, he and many others felt it was great, but there was also a need for staging for vehicles. The old Alaska Steamship dock typically housed ships of 14, 15, 1600 passengers and once the docks were built they would have ships there carrying over 3,000 passengers with no expansion possible at Marine Park to move vehicles in and out to move people. What that translates to is going back to 20 years ago when you just had vehicles roaming around through

town, just waiting for a spot so they can pull in and pick up their guests, then leave. Mr. Day believes this would help to vastly improve that situation and that having someone come in and talk about developing one side of this lot privately is really good and would be a real plus for downtown.

Bob Janes, Gastineau Guiding, 4476 Mountainside Drive

Mr. Janes feels that these moments with waterfront don't come along very often. Waterfront is a very special thing in Juneau and when the moment comes together, such as it has with the Archipelago property and CBJ, we need to seize that moment. Mr. Janes believes that if this moment isn't seized, it will be regretted.

Mr. Voelckers spoke in favor of the approval of these cases, but also felt there is a bigger question to address with making sure that they are promoting a year-round environment and doing enough to make sure that downtown has a vitality that makes people want to come downtown.

MOTION: *By Mr. Voelckers to approve the cases related to the Archipelago project, CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010.*

Mr. LeVine spoke in favor of approving these cases, but strongly encourages everyone to think about what it means to have a downtown that works for everyone and is vibrant year-round; as cruise ship passenger numbers increase coming through town, we don't want to end up turning over more of the downtown area to them than is needed.

Mr. Haight asked for any objections to the motion. None were presented, so Mr. Haight stated that all four items were passed.

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

Ms. Maclean stated that Title 49 would be meeting on Monday at noon, and asked the commissioners to confirm their ability to attend. On the agenda will be Urban Walls and Agriculture.

At a previous meeting, it was asked that CDD work with Commissioner LeVine on the Comprehensive Plan. Ms. Maclean stated that Beth McKibben would be reaching out to Mr. LeVine soon with the intent in moving forward being to draft a scope of services for a full re-write of the Comprehensive Plan, including web-based and potentially looking at a 2-3 year timeframe. They will also be looking for quotes with the intention of getting a memo to the Manager's Office in time for the budget next year. They are hoping to have that wrapped up in February.

They are also continuing to work on the Stream Ordinance; the Stubb Street revision will be back to the Commission at either the following Regular Planning Commission meeting or the first one in December. Laura Boyce is continuing to work on the Downtown Zoning. Those neighborhood meetings will probably start in January as they are working on wrapping up some items for the Blueprint Downtown and information they received through the Blueprint meetings that lends itself to the zoning as well. Non-conforming is moving along as well, with some revisions being worked on, and will hopefully be wrapped and before the Assembly right after the New Year. The Alternative Residential Subdivision Ordinance is still before the Committee of the Whole for the Assembly. Ms. Maclean had met with them to discuss questions and the need for more information and they will be meeting again for the Committee of the Whole meeting.

Mr. Miller asked where things stood with accessory apartments.

Ms. Maclean stated that there are some ongoing revisions and they are working with their attorney to wrap things up.

Mr. Miller explained that he had been working with some clients that would like to build an accessory apartment. The accessory apartment code states that if you meet certain conditions you can have up to a 1,000 square foot net apartment. The clients were troubled, because in a fairly short amount of time, they feel they will be in need of wheelchair and walker assistance in their home. The clients were surprised that there isn't a provision in code where you could get extra floor space for purely ADA improvements. If the math was done, it would be easy to show that if you make a bathroom ADA compliant, it's going to take much more square footage to do it. There may be some good reasoning behind it. Mr. Miller was surprised that when they made the change from 600 to 1,000 square feet it never came up.

Mr. Voelckers asked if it would be useful for any of the commissioners to attend the Committee of the Whole meeting for the Assembly on Monday to help support some of this debate.

Ms. Maclean stated it could possibly be helpful. She believes that there are some concerns about private streets, with questions such as how many parcels throughout the Borough would qualify at the 150% minimum lot size and it turns out there are a great number of them. Without taking into account CBJ land or forest it was still close to 600, if not more. There were other questions regarding what everything looked like, so Laurel Bruggeman and Quinn Tracy worked on some numbers and diagrams to demonstrate a traditional subdivision versus the ARS, panhandles, and shared access for D1, D5, and D18. Ms. Maclean is unsure of how testimony will go at the Assembly's Committee of the Whole meeting and if commissioners will be allowed to speak, since it is not a public hearing.

Mr. Haight stated he was also unclear of the regulations, but believes it is up to the Assembly.

Mr. Voelckers stated it is not very common, but he has seen where there have been questions arise and it was useful to have commissioners there to speak on the questions.

Ms. Maclean believes it wouldn't hurt to have the commissioners there and mentioned that there were questions on the bonus section regarding excellence and design. The Sherwood Lane Rezone case will also be brought up at that meeting.

XII. COMMITTEE REPORTS

Mr. Miller reported that the ADHOC Implementation Committee met and they worked their way through the last portions of the overlay zoning district. Mr. Miller believes they have cut CDD loose to hold a neighborhood meeting and outreach to the public. The committee would take what is gained from the public and make adjustments, if necessary, and move forward with a possible ordinance that creates new zones. Or is it a rezone?

Ms. Maclean stated that this would likely be the ordinance, because it is creating new zoning districts and the overlay district as well.

So possibly an ordinance followed a rezoning that travels with it at the same time, Mr. Miller asked. He stated they only briefly touched on that process and had left things there, but they are making good progress with everything and feel that it was ready to send off to the public.

Mr. LeVine stated this was not a committee report, but more of an update for the Commission to know that they are proceeding with the Harris Homes appeal. The record has been produced and there is a dispute about the documents that are, and are not, included in that record. They are in the process of considering the briefing on that dispute. The appeal will be briefed through the fall. The date of the actual hearing has been pushed until after the new commissioners are seated. It was originally going to be scheduled for while this commission was

seated, but it can't be held then, so it will be pushed until at least February so the new commission is in place and caught up to speed.

Mr. Greene asked if the progress on the project is at a cease and desist state in the meantime.

Ms. Maclean stated that the project is not shut down and a new condominium plat was recorded in August. In the middle of August they began issuing building permits, TCOs, and COs, once that new plat was recorded.

XIII. LIAISON REPORTS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers offered comments regarding the Blueprint Downtown meeting on October 30th that was very well-received by the public. There was a large turn out with lots of engagement from everyone. They developed some hypothetical action items and let people vote with stickers on what their favorite things were. There was one where they gave everyone 10 pennies and let them vote with their pennies on the popular projects that had been discussed. The most popular project that people voted for was more expenditure on social services to deal with vagrancy and homelessness downtown, then things like the Seawalk, rehabilitation of under-utilized properties downtown. There was a lot of sentiment on how to make downtown livable and vital year round. That vitality and authenticity has come up a lot from people. It is a really engaged process and they are at about the three quarters completion point now and will have a last public meeting in January.

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT

The meeting was adjourned at 7:55p.m.