

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

September 25, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. August 28, 2018 DRAFT Minutes - Planning Commission Regular Meeting

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Material for 9/25/18 Planning Commission Meeting

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

- A. USE2018 0012: A Conditional Use Permit for an Accessory Apartment on an undersized lot
B. USE2018 0018: A Conditional Use Permit to modify Juneau Housing First to add units to Phase 2 and add Phase 3 for a total of up to 77 units
C. PWP2018 0002: A Parking Waiver for Housing First to reduce parking from 112 to 37 spaces

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

- A. First Hearing of APL2018 0004: An appeal of the Director's decision to reject a request for a variance hearing
B. AME2018 0012: A text amendment to revise Title 49 to create an Alternative Residential Subdivision (ARS) ordinance

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
August 28, 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 7:03 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Hickok, Andrew Campbell, Carl Greene

Commissioners absent: Dan Miller, Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Deputy Municipal Attorney

Assembly members: None

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

III. APPROVAL OF MINUTES

A. July 10, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. Dye, to approve the Planning Commission July 10, 2018, regular meeting minutes with any minor changes by staff or Commission member.*

The motion passed with no objection.

A. June 26, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: by Mr. Dye, to approve the Planning Commission June 26, 2018, regular meeting minutes with any minor changes by staff or Commission member.

The motion passed with no objection.

IV. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** - None

V. **ITEMS FOR RECONSIDERATION** - None

VI. **CONSENT AGENDA** – None

VII. **UNFINISHED BUSINESS** - None

VIII. **REGULAR AGENDA**

APL2018 0001: First Hearing of an appeal of a Director's decision regarding BLD2018 0055

Applicant: City & Borough of Juneau

Location: Borough-wide

This case was withdrawn by the appellants prior to the meeting.

APL2018 0001: First Hearing of an appeal of the Director's determination regarding USE2011 0015

Appellant: RH Development

Mr. Palmer told the Commission there are four specific questions the Planning Commission should address when considering the appeal:

1. Should the Commission hear the appeal
2. If the appeal is accepted, does the Commission intend to review the entire decision of the Director or a portion of that decision
3. Should the appeal be reviewed on the record or do Novo
4. Does the Commission want to appoint a presiding officer to deal with any procedural issues or does the Chairman want to step in and fulfill that role

According to Title 49, the department and any aggrieved person may appear at this meeting and explain why it should hear the appeal, said Mr. Palmer. Mr. Palmer told the Commission that the appeal should be accepted, unless it represents minor or routine issues.

Chairman Haight said the grounds for the appeal as stated by the appellant are that the new CDD director has wrongfully stopped a legally permitted condominium project midcourse, based on her misinterpretation of state and local code. The appellant also stated that the CDD director also failed to accept that the appellant's project is fully permitted, and has not followed CBJ requirements.

Mr. Hickok asked if the Commission denied hearing the appeal, if the director's decisions would stand.

Chairman Haight said if the Commission rejects the appeal it would not proceed further.

Mr. Dye asked if the Commission had the ability to hear an appeal about state law.

Mr. Palmer said the Commission has the ability to interpret the CBJ code, which in this instance is Title 49.

MOTION: by Mr. Campbell, to accept the appeal and to give the appellant the opportunity to present his case.

There was no objection to proceeding with the appeal.

Chairman Haight said the next action would be to decide the nature of the appeal.

MOTION: by Mr. Dye, to hear the appeal on record, and that a hearing officer be appointed.

Mr. Palmer said the property owner and any aggrieved person may appear at the meeting and explain to the Commission why it should hear the appeal. Mr. Palmer said since the Commission has already made the decision that it is going to hear the appeal, there is no right of the appellant to present his case at this point.

Mr. Hickok said he has known the appellant for a number of years and that in 2007 he did purchase some property from the appellant.

The Commission voiced no objection to Mr. Hickok remaining on the panel.

Mr. Campbell said that he has also had previous business dealings with the appellant but that at this time he has no business or personal relationships with the appellant.

The Commission voiced no objection to Mr. Campbell remaining on the panel.

Mr. Frisby said the first motion by Mr. Campbell, was that the appellant have his appeal heard by the Commission, and that the appellant be given the opportunity to present his case.

Mr. Palmer explained again that the threshold question is whether the Commission wanted to hear the appeal. The Commission accepted the appeal, said Mr. Palmer. At this juncture there is no need for the appellant to present his case since the appeal has been accepted, he said. During the appeal process both the appellant and the CDD staff will have the opportunity to present each side of their case, he said.

The appellant, Richard Harris, asked for the opportunity to comment on his appeal.

Mr. Voelckers said that Mr. Palmer has made it clear that the function of the Commission this evening is to decide whether to accept the appeal, not to go into the merits of the case at this time. He said he did not think it was appropriate to jump forward in the process until it was time for each party to present their case. He said he would like to hear Mr. Palmer's opinion on the subject.

Mr. Palmer said if the Commission wants to give Mr. Harris the opportunity to explain why he feels the Commission should hear his appeal, even though the Commission has already made that decision, that the Commission could potentially decide to hear the comments of Mr. Harris regardless, if that was the will of the Commission, he said.

Chairman Haight explained to Mr. Hickok that the role of the Commission this evening was restricted to whether it wanted to hear the appeal or not. Hearing the merits of the appeal would come at a later date, he explained.

Mr. Voelckers said the Commission has agreed this evening to hear the appeal. That decision triggers a very deliberative process with very specific legal steps. He said he felt the Commission should follow those steps. He said he saw no strategic advantage to jumping in to the next step of the process this evening.

Mr. Dye said he also spoke against opening up testimony at this time for the same reasons voiced by Mr. Voelckers. He said he she felt they should honor the process and wait until both sides are given the equal opportunity to present each side of their case at the appropriate time and in the appropriate manner.

Mr. Campbell said he felt that if the appellant's testimony was restricted to the four points addressed by the Commission this evening, and not a presentation of the case, that it would be reasonable to give the appellant the opportunity to speak.

Mr. Greene said he felt if Mr. Harris wanted to comment solely on how the Commission should hear the appeal, then in his opinion, that it would be relevant.

Roll Call Vote: (On whether the appellant should be given the opportunity to comment on how the appeal should be heard.)

Yeas: Hickok, Campbell, Frisby, Greene, Haight

Nays: Dye, Voelckers

The motion passed.

Mr. Dye asked for clarification on the minimum vote required for reopening public testimony.

Mr. Palmer said this is not quite public testimony. There is a slightly different provision in the code for this circumstance under the appellate rules, he said. He said it appears to him that the Commission wants to follow appellate rule 49.20.110 (a) to give the appellant the limited opportunity to explain to the Commission why it should hear the appeal.

Mr. Harris said he would like to ask one question. He asked if the Title 49 Committee directed the CDD Director to file the violation against his project.

Chairman Haight said he did not think the Commission could answer that question.

Mr. Harris then started to present the merits of his case before the Commission. He said he would appreciate the appeal being decided as soon as possible because this hold-up in his project is very damaging. He said he would like to hear the case heard de novo. He said he felt that deciding the case do Novo would be a more direct path to resolving the case. He said he would like the Commission to accept the appeal and to *move it to the Assembly* [sic].

Mr. Dye asked Mr. Harris if he was referring to the Title 49 subcommittee of the Planning Commission.

Mr. Harris said that is correct. He said it was after attending a meeting of the Title 49 Committee, that he received a notice of violation from the Director.

Chairman Haight said now the Commission needs to decide what exactly will be included in the nature of the appeal.

Mr. Frisby asked if it was correct that once the Commission made a decision on the appeal that it then went to the Assembly.

Chairman Haight said that is not correct. The Commission is the final arbiter on this appeal.

In answer to a question by Mr. Voelckers, Mr. Palmer said the best course of action is to construe all the points on appeal and all the facts on appeal in favor of protecting Mr. Harris and his development so that all of his rights are preserved and that through the appeal process the parties can present their cases on both issues.

MOTION: *by Mr. Voelckers, that the Commission accept all of the issues raised in the appeal.*

Mr. Campbell said he wanted to clarify for the record that there were five points to be addressed by the Commission, not four points.

The motion passed with no objection.

Chairman Haight said the next decision for the Commission is whether to hear the appeal on the record or do Novo.

Mr. Palmer explained that an on the record review is the traditional approach where the Commission would review everything the Director had and only what the Director had. If the Commission heard the appeal de Novo it would be a trial-like setting with the Commission deciding issues of fact that the Director has already decided.

Mr. Campbell asked for the speed of the process of one approach compared to the other.

Mr. Palmer said either approach could be as fast or as slow as the Commission and the parties wanted it to be.

MOTION: *by Mr. Voelckers, to hear the appeal on the record.*

Speaking in favor of the motion, Mr. Dye said he would prefer the information be presented in written form and have time to review and digest the information.

Mr. Campbell said he is not opposed to hearing the appeal on the record. He stated he would like to see that the process is accomplished as quickly as possible. He said he respects the appellant's desire to resolve this issue quickly.

The motion passed with no objection.

Chairman Haight appointed Mr. LeVine as hearing officer for this appeal.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Ms. Maclean told the Commission that the Capital Brew Appeal was withdrawn. They were able to reach agreement between the appellants and the owners of Capital Brew, said Ms. Maclean. Most of the concerns of the appellants were addressed and those that cannot be addressed are outside the scope of Capital Brew's responsibility, she said. They agreed to installing a stop sign at the alley and glacier Avenue and installing arrows directing people to use the correct side of the alley, since it is a two-way alley, she said. The Capital Brew owners also agreed to announce when school was starting on the coffee wrappers and to remind their customers to drive safely in the area, said Ms. Maclean. Public Works is also considering the moving of the bus stop which is currently situated in front of Capital Brew, said Ms. Maclean. They have also limited the loading zone in front of Harri's Plumbing to 30 minutes, she said. The police department has also agreed to do direct enforcement in the area, she said.

The other appeal regarding Green Market has also been settled, said Ms. Maclean. The staff realized that their analysis was not complete, said Ms. Maclean. They allowed the owner to move ahead with his building permit and not have to provide parking at this time, she said. They missed that opportunity back in 2014, said Ms. Maclean. Any future expansion of the building or infill development would trigger the need for additional parking, she noted.

At the Assembly Committee of the Whole meeting slated for August 29, they will be hearing the Comprehensive Plan update from the ad hoc committee, which is recommending that they undertake a new Comprehensive Plan, said Ms. Maclean.

The evening of August 30 is the kickoff meeting at the JAHc for the downtown area plan, said Ms. Maclean.

On September 11, (2018) the Commission will be attending a meeting on Auke Bay preceding its regular Planning Commission meeting, said Ms. Maclean. At the regular meeting they will also have a presentation from a representative of the Parks and Recreation master plan, she said. They will be looking for feedback from the Commission as it may become part of the Comprehensive Plan, said Ms. Maclean.

On September 25, (2018) preceding the regular Commission meeting, there will be a meeting of the Committee of the Whole during which there will be a presentation on the Preservation Plan. They also hope to have ready for presenting to the Commission the alternative residential subdivision ordinance, accessory apartments, and there will be one USE case on the agenda that evening as well, said Ms. Maclean.

XII. COMMITTEE REPORTS

Title 49 Committee

Mr. Dye said they have had three Title 49 committee meetings since the Commission last met. They twice discussed alternative residential subdivisions and they also discussed accessory apartments and common wall structures, he reported.

Auke Bay Implementation Committee

Mr. Voelckers said they are making progress on Auke Bay. They have had a couple of meetings and they are focusing on creating a potential new zoning district above the Department of Transportation Highway, and they are thinking of combining residential and commercial activities in the same buildings and to make this incentive-based so that height and density could be expanded for excellent projects.

Lands Committee

Mr. Voelckers reported that there was some interest on the lands committee in a proposal to consider the pocket park located at Front and Franklin for use of some of the food carts which may be displaced from current locations near the library.

XIII. LIAISON REPORTS - None

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye said he had a question about the letter received yesterday from R and S Construction.

Ms. Maclean said R and S Construction has questioned what the intent of the Commission was at the meeting where their permit was approved. The staff has reviewed the minutes numerous times and listened to the recording. The conditions are correct per the Commission's motions that evening, said Ms. Maclean. The applicant had 20 days to appeal the decision of the Commission, said Ms. Maclean. They can apply for a modification to the Conditional Use Permit if they did not agree with a condition, said Ms. Maclean. They sent the letter yesterday requesting that it be sent to the Commission, said Ms. Maclean.

Mr. Voelckers said on August 30, (2018) beginning at 6:30 p.m. there will be the meeting at the JAHC called Blueprint Downtown. It will be a focus session where the participants will break into six or seven topic tables on various issues such as housing in the town area and neighborhoods, traffic etc. There will be enough time for participants to attend several of the different topic tables, said Mr. Voelckers.

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

DRAFT



MEMORANDUM

DATE: September 25, 2018
 TO: Ben Haight, Planning Commission Chair
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Appeal to Planning Commission: Initial Decisions

When a person (appellant) files an appeal of a Director decision, the Planning Commission (Commission) has four decisions to make that are prompted by CBJ 49.20.110.

Decision 1. Accept or Reject the Appeal.

CBJ 49.20.110(a) states

- “The notice [of appeal] shall be considered by the commission at a regular scheduled meeting.”
- “The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal.”
- “The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.”

Procedurally, once this appeal item is presented, the Commission can give the appellant, the Director, and any aggrieved person the opportunity to explain why the Commission should hear the appeal. However, any comments must be limited to just to the issue of why the Commission should accept the appeal.

If the Commission makes a motion to reject the appeal, the Commission must make sure the appellant and any aggrieved person have been given the opportunity to comment. Alternatively, if a motion to accept the appeal is made and it passes, then that can work too.

Decision 2. If the appeal is accepted, what is being heard?

CBJ 49.20.110(b) states

- “If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof...”

Decision 3. Review “de novo” or “on the record.”

CBJ 49.20.110(b) states

- “If the commission decides to hear the appeal, it shall announce...whether review shall be de novo or on the record.”
- “The burden of proof in the appeal shall be on the party challenging the decision of the director.”
- “In a hearing de novo, proof shall be established by a preponderance of the evidence.”
- “If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein.”

“On the record” review means the facts (evidence) are the facts that the Director used when the Director’s decision was issued. An “on the record” review is the default standard courts use when people bring land use appeals to the judiciary. An on the record review allows the parties to go directly to briefing and oral argument, which can be prescribed events.

Alternatively, a “de novo” review means that you essentially erase the Director’s decision, both sides draft pretrial briefs, and the Commission holds a trial in which both sides make opening arguments, present evidence, and make closing arguments. Post-trial briefs may be authorized. Generally, a “de novo” review is warranted (a) when the appellate record is inadequate, (b) when there was insufficient due process, or (c) when the Director excluded important evidence. A “de novo” review is generally the exception to the normal appeal procedure.

You have discretion whether to review the appeal “on the record” or “de novo.”

Decision 4. Appointment of Presiding Officer.

If the Commission accepts an appeal, it should appoint a Commissioner to be the Presiding Officer. The Presiding Officer holds the prehearing conference and decides any prehearing issues that arise. The type of review chosen (“on the record” versus “de novo”) will dictate the briefing schedule and evidence issues, which will dictate when the Commission holds oral argument or the trial.

Attachment: CBJ 49.20.110, Appeals to the Planning Commission

CBJ 49.20.110 - Appeals to the planning commission.

- (a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefor with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.
- (b) If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof and whether review shall be de novo or on the record. If the commission decides to hear the appeal, it shall give public notice thereof in a newspaper of general circulation in the municipality. The department shall prepare the record on appeal, which shall consist of the original application and supporting materials, written public comment thereon, and all notes, memoranda, minutes and other department material in relation thereto. The burden of proof in the appeal shall be on the party challenging the decision of the director. In a hearing de novo, proof shall be established by a preponderance of the evidence. If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein. The commission may confirm, reverse, or modify the director's decision, or change the conditions which the director placed on approval. The commission shall support its action with written findings.
- (c) Upon its own motion, the commission may certify a case directly to the assembly without review, hearing or recommendation.

(Serial No. 87-49, § 2, 1987; Serial No. 92-10, § 3, 1992; Serial No. 95-35, § 4, 1995; Serial No. 97-01, § 6, 1997)



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155 S. Seward Street • Juneau, AK 99801

DATE: September 14, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner *Laurel Bruggeman*
Community Development Department

CASE NO.: USE2018 0012

PROPOSAL: A Conditional Use Permit for an accessory apartment on an undersized lot.

GENERAL INFORMATION

Applicant: Alberta Laktonen

Property Owner: Alberta Laktonen (Current)
Kirk and Judith McCallister (Former)

Property Address: 1018 Capital Avenue

Legal Description: Casey Shattuck Block 204, Lots 8, 9, and 10

Parcel Code Number: 1C030C040070

Site Size: 5,040 square feet

Comprehensive Plan Future Land Use Designation: Medium Density Residential, Single Family (MDR-SF)

Zoning: D5

Utilities: Public Water & Sewer

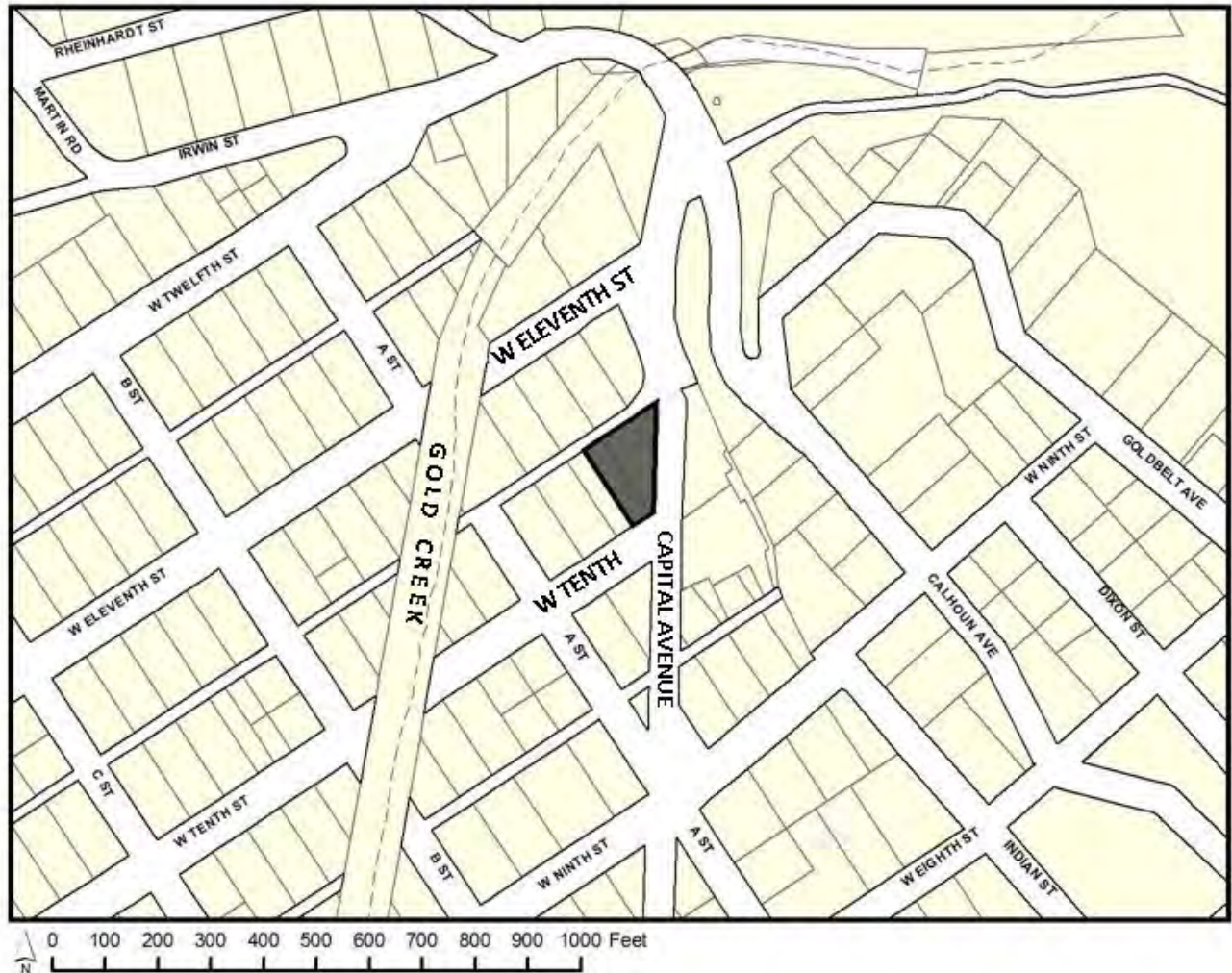
Access: Capital Avenue and Tenth Street

Existing Land Use: Single Family Home

Surrounding Land Use: North – D5, Single Family Residential
East – D18, Multifamily Residential
South – Single Family Residential
West – Single Family Residential

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VICINITY MAP



ATTACHMENTS

Attachment A – USE2018 0012 Application
Attachment B – Public Comments
Attachment C – Site Visit Photos
Attachment D – CBJ Assessor Evaluation

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of an accessory apartment on an undersized lot in the D5 zoning district. The minimum lot size for a D5 lot is 7,000 square feet. The subject parcel is 2 separate legal lots which share a parcel ID, and together measure 5,040 square feet.

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The existing use of the parcel is a single family residence measuring approximately 1,037 square feet. The proposed accessory apartment will measure approximately 524 square feet and have 1 bedroom, a ¾ bath, and a kitchen. CBJ 49.25.510(k)(2)(E)(ii) allows the Planning Commission to approve a Conditional Use permit for an accessory apartment on an undersized lot:

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

(2) Approval standards.

(E) Single-family detached accessory apartment approval.

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

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

The proposed accessory apartment meets these special density requirements.

BACKGROUND

The subject parcels were originally platted in 1913 as part of the Casey – Shattuck Addition to Juneau, Alaska, and was platted again in 1934, with Capital Avenue added to the plat. In 1956, the parcel was zoned R2, which required a minimum lot size of 3,600 square feet. In 1966, the parcel was rezoned to RO, which required a minimum lot size of 7,200 square feet. In 1987, the parcel was rezoned again to D5, which required a minimum lot size of 7,000 square feet. Through the adoption of various code amendments and rezones, the parcel became legally non-conforming in size.

The structure on the parcel was built around 1912 as a single story home with a basement. The basement in the single family home has been converted to living space, and includes a secondary kitchen, bathroom, and a separate entrance. It is unclear in department records when these changes occurred. In 2010, the Mcallisters, owners at the time, requested a deed restriction to be placed on the home, specifically for the use of the second kitchen. In this deed restriction, it was agreed that the second kitchen, and living space in the basement, would not be used as a rental, but would serve as extra living space for the home.

The house was recently sold, and the deed restriction transferred to the new owner. The new owner, Alberta Laktonen, would like to remove the deed restriction, to allow the possibility of renting the basement as an accessory apartment. When the deed restriction was placed on the parcel, there was no process for allowing accessory apartments on undersized lots. However, recent code amendments now provide for Planning Commission approval through the Conditional Use permit process to allow accessory apartments on lots less than the minimum lot size.

ANALYSIS

Project Site – The subject parcel is comprised of 2 legal lots that share a common parcel ID (see vicinity map above). The home on the subject parcels sits completely on the larger of the two lots, however; the

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two individual lots currently function as one lot. The home does not cross the property line. The undeveloped, smaller, of the 2 lots, could be sold and developed legally with a single family home, per CBJ 49.30.300. So that a new non-conforming situation is not created, staff is recommending that a condition of approval be that the 2 lots are consolidated to 1 legal lot.

The subject parcel is bordered by 3 rights of way, Tenth Street, Capital Avenue, and an alley, so no rear yard setback is required per CBJ 49.25.430(3). The required remaining setbacks in D5 are: 20' front yard, 13' street side, and 5' side yard. The home encroaches into the street side setbacks along the northern property line (alley) and eastern property line (Capital Ave.). This encroachment is considered legally non-conforming because the home was built before zoning regulations were adopted. There will be no new encroachment into setbacks through the addition of the basement accessory apartment.

Project Design – The accessory apartment will be located in the basement of the home on the subject parcel and be approximately 524 square feet. The apartment has already been constructed, as discussed above, and no changes are proposed to the existing building, however; the CDD Building Division is required to perform an inspection in order to remove the deed restriction and issue a Certificate of Occupancy for the accessory apartment.

CBJ 49.25.510(k) requires that accessory apartments must:

Meet all setback requirements

The home on the subject parcel is legally non-conforming to the setback requirements listed in CBJ 49.25.400. The accessory apartment will be located inside of the single family home. The development will not further encroach into the required setbacks.

Not exceed the maximum lot coverage

There is no proposed change in lot coverage. The home on the parcel currently does not exceed the maximum of 50% lot coverage allowed in the D5 zoning district.

Not violate vegetative cover requirements

There is no proposed change in vegetation. The parcel appears to be meeting the vegetative cover requirement for the D5 zoning district, 20%.

Meet the parking standards

As discussed below, there is adequate space in the existing parking pad for 3 parking spaces.

Be connected to public sewer or the existing wastewater disposal system has adequate capacity.

The parcel is served by public sewer and water.

Parking and Traffic – Three on-site parking spaces are required, one for the accessory apartment and two for the single family home. A pad for back out parking onto Tenth Street is currently in place. According to an as built survey provided by the applicant, the pad measures 19.5' in depth and 25.25' wide at the most narrow point, and 37.5' at the widest point. This is adequate space for 3 cars to park according to CBJ 49.40.210(b)(1). Traffic should not be affected by having an additional vehicle because very few homes use Tenth Street for access, as it comes to a dead end along Gold Creek. Currently, access is not provided through Capital Avenue, which is used by a higher volume of vehicles. To

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minimize potential impacts of back out parking, staff recommends as a condition of approval, that parking access be limited to Tenth Street, where the current parking pad exists.

According to the Trip Generation Manual, published by the Institute of Transportation Engineers, an accessory apartment generates 6.65 average vehicle trips per day, and a single family home generates 9.52 average vehicle trips per day. The addition of 6.65 average vehicle trips per day is not expected to have any significant impacts on traffic in the neighborhood.

Noise – Noise levels are not expected to be out of character with the residential neighborhood.

Public Health or Safety – There is no evidence that the proposed accessory apartment will pose a threat to public health or safety.

Habitat – There are no known habitat concerns on the subject parcel.

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence that the proposed accessory apartment would negatively affect property values or neighborhood harmony. CBJ Assessor, Robin Potter, does not anticipate the proposed accessory apartment would negatively affect property values or neighborhood harmony (Attachment D).

Conformity with Adopted Plans – The 2013 Comprehensive Plan addresses housing and development patterns in chapter 3, policy 3.2, which specifically addresses compact development:

Policy 3.2 to promote compact urban development within the designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective provision of community services and facilities while balancing protection of natural resources, fish and wildlife habitat and scenic corridors.

The proposed accessory apartment will be within the Urban Service Area and be connected to public utilities. There will be no negative impacts on natural resources or impacts.

Chapter 4 of the 2013 Comprehensive Plan addresses the need for various types of housing specifically:

Policy 4.2 to facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

AGENCY & PUBLIC COMMENTS

The application was provided to applicable CBJ departments, and State and Federal agencies; one comment from the CBJ Streets Department was received and addressed below. As of the date of this staff report, one public comment was received and is found as attachment B. The comments express support for the apartment, and concern about providing adequate onsite parking.

The CBJ Streets Department expressed concern as to whether or not the existing parking pad could accommodate three vehicles, especially if they were a full size SUV or truck. The as built survey for the property (in Attachment A) shows that the existing parking pad is 19.5 feet deep and 25.25 feet wide at the most narrow point. CBJ 49.40.210(b) establishes parking space dimensions, 8.5 feet X 17 feet. CDD

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staff performed a site visit on September 7, 2018, and determined that there was adequate space for 3 vehicles, but recommends an advisory condition that no vehicles are allowed to encroach into the right of way. Attachment C contains photos from CDD staff's visit, which displays 2 cars and 1 motorcycle parked on the parking pad, with adequate space for a 3rd vehicle.

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 1.130 for the D5 zoning district.

Planning Commission
Case No.: USE 2018 0012
September 14, 2018
Page 7 of 8

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 September 14, 2018 and September 24, 2018 issues of the Juneau 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. Additionally, the proposed development, with conditions, complies with the requirements of CBJ 49.25.510(k).

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

No. Based on the above analysis, there is no evidence that suggests the development of a 524 square feet basement accessory apartment on a 5,040 square feet lot, with conditions, will materially endanger the 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. Based on the above analysis, there is no evidence that suggests the development of a 524 square feet basement accessory apartment on a 5,040 square feet lot, with conditions, will substantially decrease the value of, or be out of harmony with, the 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. Based on the above analysis, the proposed development of an accessory apartment that is 600 square feet or less on an under-sized lot is found to be in general conformity with the land use code and the 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 524 square foot basement accessory apartment on an undersized lot in the D5 zoning district.

The approval is subject to the following conditions:

Planning Commission
Case No.: USE 2018 0012
September 14, 2018
Page 8 of 8

1. Lots with the legal description: Casey Shattuck Block 204, Lots 8, 9, and 10 will be consolidated prior to the issuance of a Certificate of Occupancy for the basement accessory apartment.
2. No access to lots Casey Shattuck Block 204, Lots 8, 9, and 10 shall be allowed from Capital Avenue.
3. A Certificate of Occupancy must be issued by the Community Development Department after an inspection of the accessory apartment by a Building Inspector.

Advisory Condition:

1. No vehicles parked on-site are allowed to encroach into the right of way.

DigiSign Verified: FCB06DA8-17DB-4FCF-8DB8-2C3F3297AEBF



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 1018 Capital Ave Juneau AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) CASEY SHATTUCK BL 204 LTS 8, 9 & 10		
	Parcel Number(s) 1C030C040070		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Kirk A. and Judith L. McCallister	Contact Person Kirk McCallister	Phone Number(s) 907-586-3163
	Mailing Address 1018 Capital Ave Juneau AK 99801		
	E-mail Address mcallisterak@gmail.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u><i>Kirk McCallister</i></u> <u>8-15-18</u> Landowner/Lessee Signature Date X <u><i>Judith McCallister</i></u> <u>8-15-18</u> 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 owner is (OWNER), use the "SAME"			
Applicant Alberta Laktonen	Contact Person Marty McKeown	Phone Number(s) 907-360-1376	
Mailing Address 1018 Capital Ave Juneau AK 99801			
E-mail Address Laktonen@gmail.com			
X <u><i>Alberta Laktonen</i></u> <u>08-15-2018</u> Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

- To add: pre-app. Correspondence & pre-app at counter.
- Site plan to be emailed.

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.

I:\FORMS\PLANFORM\DPa.docx

Case Number AAP20180002 use 20180002	Intake Initials TJR
Date Received 8/16/18	

Updated 2017 - Page 1 of 1

Attachment A



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.

To be completed by Applicant

PROJECT SUMMARY Removal of deed restriction at 1018 Capital Avenue. Implementing a conditional use permit for the existing apartment	
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: _____	
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 5040 square feet Total Area of Existing Structure(s) 934 square feet Total Area of Proposed Structure(s) 934 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 <i>If this is a modification or extension include:</i> ☐ Notice of Decision and case number ☐ Justification for the modification or extension ☐ Application submitted at least 30 days before expiration date ☐ 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)	

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

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
	Fees			
Application Fees	\$ 350			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$ 50			
Pub. Not. Sign Deposit	\$ 100			
Total Fee	\$ 500			

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

Attachment A

Case Number AAP20180012	Date Received 8/16/18
----------------------------	--------------------------

USE 20180012

ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20180012	Date Received 8/16/18
----------------	------------------------------	-----------------------------	--------------------------

DESCRIBE THE ACCESSORY APARTMENT:

one bedroom, 3/4 bath apartment with kitchen on the lower floor of home at 1018 Capital Avenue.
The apartment has its own entrance and a small living area.

TYPE OF ACCESSORY APARTMENT

- ☒ Attached to or Within a Single-Family Dwelling
 ☐ Associated With a Detached Garage
☐ Within a Two-Unit Common-Wall Dwelling
 ☐ Not Affiliated with Another Structure (Stand alone)

AREA OF APARTMENT

Net Floor Area 400 square feet

Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.

PARKING

Existing Spaces 1 Proposed Total Spaces 1

(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

SITE INFORMATION

ZONING DISTRICT D5

MINIMUM LOT SIZE (\$49.25.400) _____

ACTUAL LOT SIZE**** 5040

UTILITIES AVAILABLE

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site****

****Applicants please note that if the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

Permitting Process: ☐ Departmental Review ☐ Planning Commission

Fees (Departmental Approval)	Fees	Check No.	Receipt No.	Date
Application Fees	See Building Permit			
Fees (Conditional Use Permit)				
Application Fee	\$ <u>3500.</u>			
Public Notice Sign Fee	\$ <u>50.00</u>			
Public Notice Sign Deposit	\$ <u>100.00</u>			
Total	\$ <u>500.00</u>	<u>3833</u>		

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

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

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



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

Accessory apartment on undersized lot

Case Number: **PAC20180058**
 Applicant: **Marty McKeown**
 Property Owner: **Kirk and Judith McAllister**
 Property Address: **1018 Captial Avenue**
 Parcel Code Number: **1C030C040070**
 Site Size: **5040 square feet**
 Zoning: **D5**
 Existing Land Use: **Single family dwelling**

Conference Date:	8/16/18
Report Issued:	8/17/18

List of attendees

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

Name	Title	Email address
Marty McKeown	Realtor	Martymckeown@yahoo.com
Tim Felstead	Planner	Tim.felstead@juneau.org
Jeff Hedges	Building Inspector	Jeff.hedges@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that were not already identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Zoned D5. Consists of two legal adjacent lots under common ownership with one tax identification number. Combined lots are undersized for the zoning district. Currently a deed restriction on an existing space in the basement of the house. This space would normally be considered a dwelling but a deed restriction has been placed on the property preventing its rental as an accessory apartment. New property owners would now like to make it a legitimate apartment.

There are two separate legal lots. The house does not cross the property line. There is potential for another dwelling or for the lot to be sold. As part of the conditional use permit approval, to ensure the lot does not become more nonconforming in size, a condition may be placed that restricts further dwellings on the smaller rectangular fraction.

Conditional Use permit required. Apartment is limited to 600 square feet and 1 bedroom.

2. **Setbacks** – Development is in existing building which is assumed to be nonconforming though this will be verified during review of the conditional use permit. This is a lot bordered by three rights of way so no rear yard setback is required (49.25.430(3)).

Front yard (10th St because most conforming to required setback) – 20ft

Street side yard (Capital Avenue) - 10ft (reduced from 13ft - surrounding substandard setbacks)

Street side (Alley) - 10ft (reduced from 13ft- surrounding substandard setbacks)

Side – 5ft

3. **Height** – Height limit is 35 feet for permissible uses and 25ft for accessory uses.
4. **Access** – Lot is bordered by three rights of way. Parking access is located on corner of 10th St and Capital Ave. 10th Street is a very low volume street given the number of homes it serves and the its limited through street connectivity.
5. **Parking** – Will require 3 parking total (2 for single family dwelling and 1 for accessory apartment. Existing parking area 25 feet wide by 19.5 feet deep) appears large enough for three vehicles (each space is required to be 17 feet deep by 8.5 feet wide). Curb cuts for this three vehicle parking area that require back out parking are already in place so no additional permission for additional parking spaces is required.
6. **Lot Coverage** – Maximum lot coverage is 50%, this will not change through this permit.
7. **Vegetative Coverage** – Lot is required to have 20% of vegetative coverage.
8. **Lighting** – No additional lighting is proposed. Entrance to apartment seems to be on Capital Avenue.
9. **Noise** – Level of noise generated is not expected to be out of character with residential neighborhood and multifamily dwellings on opposite side of Capital Avenue.
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA

Pre-Application Conference Final Report

13. **Habitat** – NA

14. **Plat or Covenant Restrictions** – Other than deed restriction no issues found

Building Division:

15. **Building** – Existing deed restriction will be transferred to new owners. Deed restriction will be released if Conditional Use permit for apartment is approved.

16. **Outstanding Permits** – There are number of building permits that have not been 'finalled' on this property. CDD will be happy to perform inspections on these outstanding building permits to close them. Please call the Permit Center on 586-0770 to arrange inspection.

General Engineering/Public Works:

17. **Engineering** – NA

18. **Drainage** – No change to existing drainage is required.

19. **Utilities** – A meter will be required to be installed on the water line.

Fire Marshal:

20. **Fire Items/Access** – NA

Other Applicable Agency Review:

21. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections... - NA

List of required applications

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

1. Conditional Use permit application including narrative describing project, site plan, floor plan and demonstration that parking requirement can be met.
2. Accessory apartment application
3. Development permit application

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. Owner should consider getting letters of support from immediate neighbors.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. NA

Pre-Application Conference Final Report

Fee estimates

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

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

1. \$350 for Conditional Use permit
2. \$50 for public notice sign - MAY NEED TWO PUBLIC NOTICE SIGNS for corner of Capital and Alley, and Corner of Capital and 10th
3. \$100 public notice sign deposit (fully refunded if returned within a week of hearing or 50% refunded if within 8-14days of hearing).

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

Submit your completed application

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

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

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



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

August 8, 2018

Parcel: 1C030C040070

Address: 1018 Capital Avenue

Dear Mr. and Mrs. McAllister,

The Community Development Department is unable to remove the deed restriction placed on your parcel located at 1018 Capital Avenue. Your parcel is located in the D5 zoning district, which requires a minimum lot size of 7,000 square feet. Your parcel is only 5,040 square feet, which does not meet the minimum requirement for the zoning district, so an accessory apartment is not allowed outright. Accessory apartments may be allowed on undersized lots only after the issuance of an approved conditional use permit from the Planning Commission.

Staff completed an extensive review of building permit files and assessor's records and it is unclear when the accessory apartment was constructed and if it would have been allowed at the time of construction. Therefore, it cannot be considered a non-conforming unit.

There are three options for the space on your property. First, page one of the *Notice of Agreement of Restriction on Use of Extra Kitchen* allows prospective buyers of the parcel to enter into a new deed restriction agreement with the City & Borough of Juneau to restrict the use of the second kitchen prior to the closing of the sale of the property. This option would keep the same restricted status for future buyers of the property.

Options two and three allow for the release of the restriction. The removal of the kitchen would release the deed restriction, or, if a conditional use permit is approved by the Planning Commission, the restriction can be released and the space could be used as an accessory apartment.

If you would like to initiate the conditional use permit application process please call the permit center to schedule a pre-application conference. Once a complete application is received the proposal can be scheduled for a public hearing before the Planning Commission. Typically, the Planning Commission makes a decision the night of the hearing.

If you have any questions, please do not hesitate to contact me, I would be more than happy to help.

Sincerely,

A handwritten signature in black ink, reading "Laurel Bruggeman". The signature is fluid and cursive, with the first name "Laurel" and last name "Bruggeman" clearly distinguishable.

Laurel Bruggeman, Planner
Community Development Department
Tel: 586-0761

Attachment A

Coastal Appraisals, LLC
SKETCH ADDENDUM

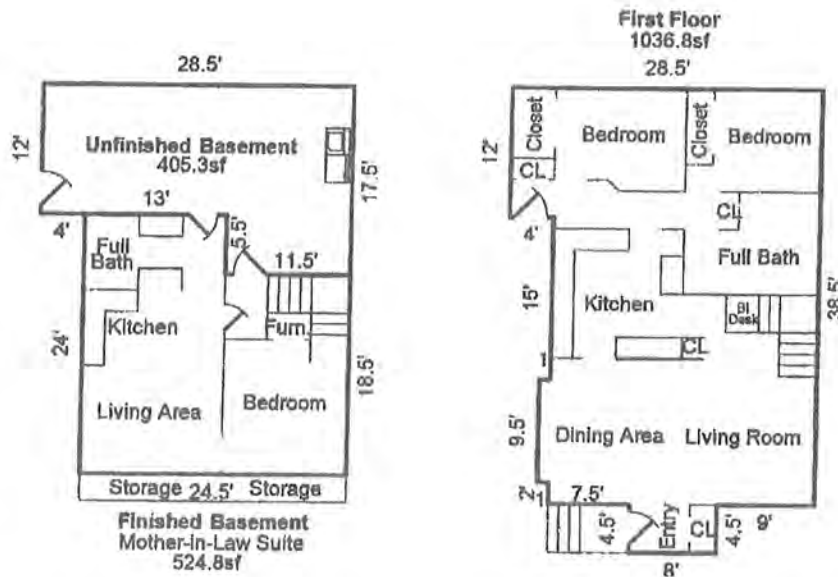
File No. 5245
Case No.

Borrower Alberta B. Laktonen

Property Address 1018 Capital Avenue

City Juneau County City And Borough of Juneau State AK Zip Code 99801-1659

Lender/Client Alaska USA Mortgage Company, LLC Address 4000 Credit Union Drive, Anchorage, AK 99503



The interior sketch is not drawn to scale and the exterior measurements are rounded. The floor plan is provided to give the reader general information regarding the layout and the exterior measurements used to calculate the GLA used on the grid.

AREA CALCULATIONS SUMMARY					AREA CALCULATIONS BREAKDOWN				
Code	Description	Pector	Net Size	Perimeter	Net Totals	Room	Base x	Height x	Width = Area
GLAI	First Floor	1.0	1036.8	145.0	1036.8	First Floor	8.0 x	4.5 =	36.0
BSMT	Unfinished	1.0	405.3	92.0			9.5 x	1.0 =	9.5
	Finished	1.0	524.8	97.0	930.0		28.5 x	12.0 =	342.0
							26.5 x	24.5 =	649.3
Net LIVABLE					(rounded)	4 total items		(rounded)	1,037

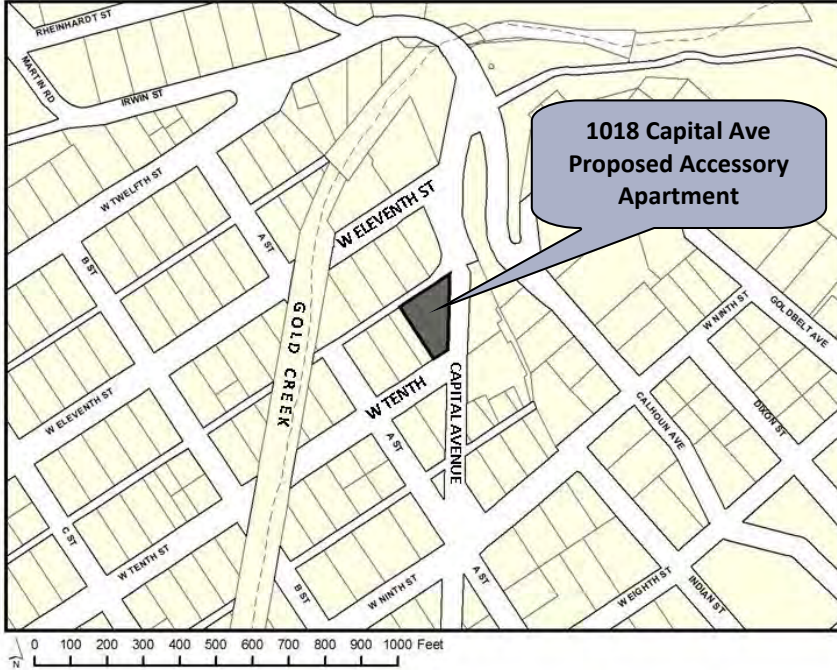
© Sturges Marketing, LLC, dba Apex Software



Attachment A

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for an **Accessory Apartment** on an undersized lot located at **1018 Capital Avenue** in a **D5 residential zone**.

TIMELINE

Staff Report expected to be posted **Monday, September 17, 2018**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through September 3, 2018

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

Sept. 4 through 12 noon, Sept. 21

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, Sept. 25, 2018

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.

Sept. 26

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 Nos.: USE2018 0012
Parcel No.: 1C030C040070
CBJ Parcel Viewer: <http://epv.juneau.org>

Laurel Bruggeman

-----Original Message-----

From: erik norberg [<mailto:norbergerik@yahoo.com>]

Sent: Tuesday, September 04, 2018 8:20 AM

To: Christine.Steadman@juneau.org

Cc: Tim Felstead

Subject: Notice of Public Hearing No. USE2018 0012

Good morning Laurel,

Thank you for the opportunity to comment on the Notice of Public Hearing No. USE2018 0012 for an accessory apartment on an undersized lot. As of now I am scheduled to be out of town for work missing the September 25 meeting, and therefore am submitting my comments in writing.

I have no objection to helping Juneau with its housing shortage by adding another apartment in the downtown area. My concern is related to how this multi-family structure will accommodate vehicle parking for its residents. My fear is that this housing unit, situated on an undersized lot, will not accommodate off-street parking, and therefore it will put additional parking pressure in this downtown Flats problem area.

Parking has emerged as a major concern for the downtown Federal Building Flats neighborhood area. This neighborhood bears the brunt of the overflow parking for Federal workers, State workers, as well as additional rental properties in the area. This extra load of vehicles has allowed the streets to boil over with 100% capacity for on-street parking, both day and night. In just a small section of the Flats, the corner of A Street and 10th Street, there are six homes with no off-street parking and for each of these working family homes are two cars per household, which adds up to twelve cars needing off-street parking. Within this small area of the Flats there are only 14-16 off-street parking spots depending on the vehicle size and how spacious each vehicle is parked. In addition to the residential parking in this zone, there is also three rental properties in this congested area along with an Engineering Firm that all regularly use street parking in this area. Now also add to this parking problem the few family homes with off-street parking, but choose to park in the street. By adding these informal factors together creates a challenging area for on-street parking.

If CBJ wants to continue issuing apartment rentals in homes to help with the housing problem in Juneau, it also need to consider the parking troubles that come with this congested residential area. Before implementing any decision I believe the city first needs to work to find the optimal solution for this neighborhood by analyzing the root of the problem and potential side-effects. Maybe resident permits to allow property holders to park a specified number of vehicles on the street in "No Parking" zones, identified with a unique ID tied to the holder's address, they may go in residents' or guests' cars, as long as the user abides by the conditions outlined. This could be another way to help fund the parking patrol!

I hope that you will seriously consider the impact that this proposed multi-family dwelling will have on an already extremely over maxed parking infrastructure. I would be more than happy to do discuss my concerns further and offer ideas I have for potential solutions to the parking problems in this area.

Sincerely,
Erik Norberg
957-2808







Laurel Bruggeman

From: Robin Potter
Sent: Tuesday, September 11, 2018 4:17 PM
To: Laurel Bruggeman
Subject: RE: USE18-12 Property Values
Attachments: CASEY SHATTUCK NGHD.xls

Hi Laurel,

I'm not sure why you sent this to the entire office for opinion. I am usually the only one that gets these conditional use property inquiries from CDD.

I don't have any problem with the apartment adversely affecting the neighboring property values or harmony. I pulled a report to check out Casey Shattuck subdivision and this is what I determined;

- There are 132 residential parcels in Casey Shattuck zoned D5. D5 zoning is a minimum 7000SF to 3500SF for bungalow housing.
- Of the 132 parcels, only one exceeds the 7000SF minimum for D5 zoning. I presume the rest of the properties are considered bungalows.
- 19 of the parcels have either 1) a single family residence with apartment or multiple improvements (more than one structure). Lot sizes for these parcels ranges from 2500SF to 5704SF.
- 14 parcels are less than the minimum 3500SF required for bungalow housing.

I recall reading last year a re-zoning of downtown Juneau and Douglas is in process. In the case of Casey Shattuck, I wonder why D5 was ever granted as most of the structures are older than the zoning period.

I hope this is not a complicated process for the property owners due to the inappropriate zoning put into place originally.

Please restrict your Assessor contact email for these inquiries to go only to the Assessor.

Thanks,
 Robin

Robin Potter ACAA V
 Assessor, Finance Department
 City & Borough of Juneau
 155 S. Seward Street
 Juneau, AK 99801
 907.586.0333

http://www.juneau.org/financeftp/assessor_main.php



From: Laurel Bruggeman
Sent: Tuesday, September 11, 2018 3:14 PM
To: Assessor
Subject: USE18-12 Property Values

Hello,

We are working to review a conditional use permit for an accessory apartment on an undersized lot. I was hoping that you could verify that the proposed accessory apartment would not negatively affect property values or neighborhood harmony.

I have attached the application materials. Please let me know if you have any questions.

Thanks for your help!

Laurel Bruggeman | Planner

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

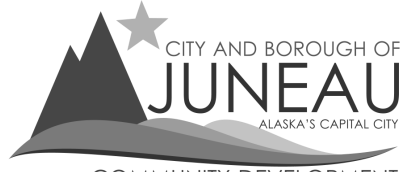
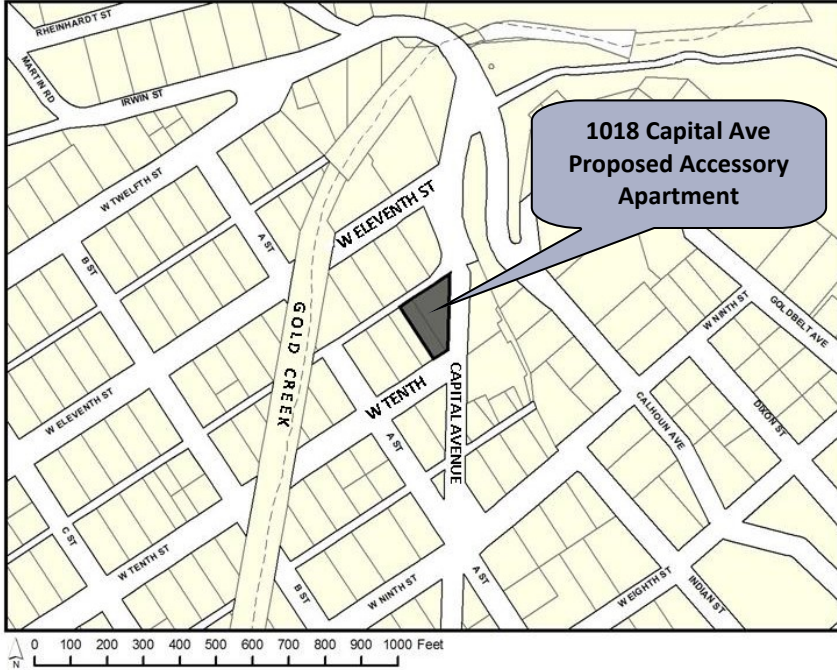
Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0761



Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

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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.

Sept. 26

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 Nos.: USE2018 0012
Parcel No.: 1C030C040070
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: September 28, 2018
Case No.: USE2018 0012

Alberta Laktonen
1018 Capital Avenue
Juneau, AK 99801

Proposal: A Conditional Use Permit for an accessory apartment on an undersized lot.
Property Address: 1018 Capital Avenue
Legal Description: Casey Shattuck Block 204, Lots 8, 9, 10
Parcel Code No.: 1C030C040070
Hearing Date: September 25, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 14, 2018, and APPROVED the accessory apartment on an undersized lot to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Lots with the legal description: Casey Shattuck Block 204, Lots 8, 9, and 10 will be consolidated prior to the issuance of a Certificate of Occupancy for the basement accessory apartment.
2. No access to lots Casey Shattuck Block 204, Lots 8, 9, and 10 shall be allowed from Capital Avenue.
3. A Certificate of Occupancy must be issued by the Community Development Department after an inspection of the accessory apartment by a Building Inspector.

Advisory Condition:

1. No vehicles parked on-site are allowed to encroach into the right of way.

Alberta Laktonen
Case No.: USE2018 0012
September 28, 2018
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Attachments: September 14, 2018 memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding USE2018 0012.

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.

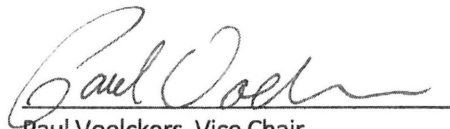
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (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).

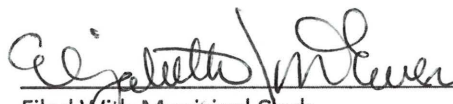
Effective Date: The permit is effective upon approval by the Commission, September 25, 2018.

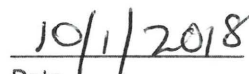
Expiration Date: The permit will expire 18 months after the effective date, or March 25, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Laurel Bruggeman, Planner
Community Development Department


Paul Voelckers, Vice 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: September 14, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner 
Community Development Department

CASE NO.: USE2018 0018

PROPOSAL: A Conditional Use Permit to modify Juneau Housing First to add units to Phase 2 and add Phase 3 for a total of up to 77 units.

GENERAL INFORMATION

Applicant: Housing First

Property Owner: Tlingit Haida Regional Housing Authority

Property Address: 1944 Allen Court

Legal Description: Lemon Glacier 2, Lot 3A

Parcel Code No.: 5B1201010091

Site Size: 44,952 sq. ft.

Comprehensive Plan Future Land Use Designation: Commercial (Map H)

Zoning: GC

Utilities: City water and sewer

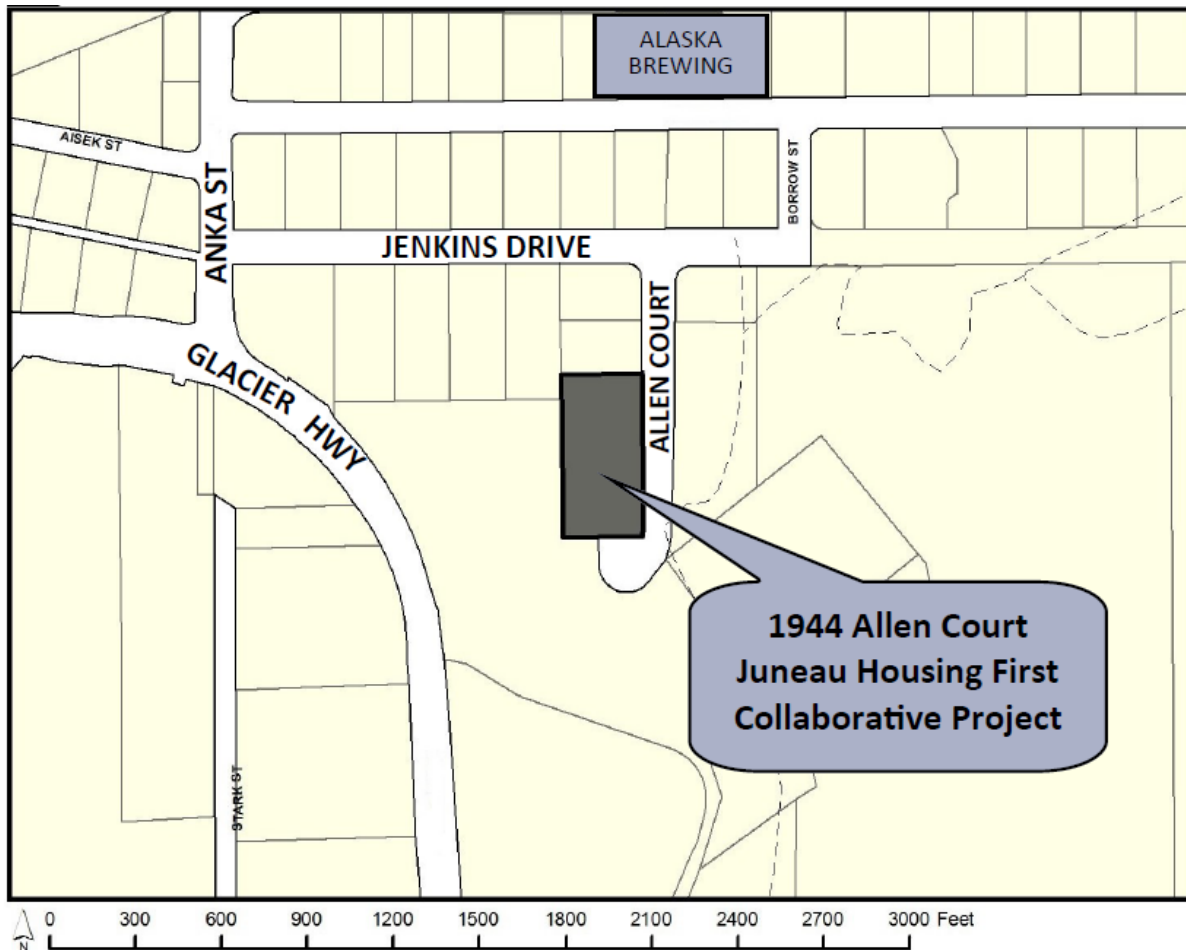
Access: Allen Court

Existing Land Use: Housing First

Surrounding Land Use: North – Industrial / Commercial (I)
South – Vacant / Residential (GC)
East – Vacant / Residential (GC)
West – Commercial / Industrial (GC)

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Case No.: USE 2018 0018
September 14, 2018
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VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – USE2015 0001 Notice of Decision
Attachment C – VAR2015 001 Notice of Decision
Attachment D – UAF 6 Month Pre/Post Service Usage and Indicators of Wellbeing Comparison June 2018
Attachment E – Site plan with Phase 2 and 3
Attachment F – Agency Comment from Streets

PROJECT DESCRIPTION

The applicant requests a modification to Conditional Use Permit USE2015 0001. This permit approved the development of 56 housing units, plus office and clinic space in 2 phases with 3 conditions of approval (Attachment B). Phase 1, as completed, has 32 units, while Phase 2 is proposed for a total of 33 units. The applicant requests the modification to allow for up to 77 single room occupancy (SRO) units total, in Phases 1, 2, and 3.

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Phase 2 would be further modified to reduce first floor office space by eliminating the 6,800 square feet of non-profit agency space and replacing this area with approximately 1,100 square feet of office space and 7 SRO units. Phase 3 would add 3,750 square feet of building in 3 stories, with 1,250 square feet per floor. The entire area of Phase 3 would be dedicated to 12 SRO units.

The applicant received a variance (VAR2015 0001) to the on-site parking requirement in conjunction with USE2018 0015 (Attachment C). Since that time, CBJ has adopted a parking waiver process. The applicant is seeking a parking waiver (PWP2018 0002) to address the parking requirements for all 3 phases.

AGENCY REVIEW AND PUBLIC COMMENT

At the time of the writing of this staff report, no public comments have been received.

CBJ Streets and Fleets Division noted that during construction, Allen Court was heavily impacted by construction equipment. They have requested that the applicant be made aware that they are responsible for the repair of damages to the street made during the construction of future phases.

No other agencies had comments or concerns.

BACKGROUND

For several years, the Juneau Homeless Coalition has been working towards developing a Housing First project. In November, 2014, Tlingit Haida Regional Authority donated the land for the development of the project. Housing First provides permanent supportive housing for the chronically homeless.

The applicants received approval for 56 housing units plus office and clinic space in a General Commercial zone in USE2015 0001. The development was approved in two phases. At the time, the site was 3 separate lots. Prior to receiving the temporary certificate of occupancy for Phase 1, the lots were consolidated into 1 lot of 44,952 square feet. Phase 1, as completed, is slightly different than as reviewed through USE2015 0001. There are 32 units (instead of 28) of SROs and the clinic space has been slightly reduced to 2,000 square feet.

The project requires a Conditional Use Permit as a major development of more than 12 multi-family units. All uses proposed for the development are permitted within the General Commercial zoning district.

ANALYSIS

Project Site - The proposed project is located on a 44,952 square foot lot in the General Commercial zone, accessed via Allen Court. The General Commercial zoning district requires a 10 foot front yard setback, 10 foot side and rear yard setbacks, a 10 foot side street setback, and a 55 foot maximum building height. All setbacks, height, and vegetative cover requirements have been met for Phase 1 and will be met for Phases 2 and 3.

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Project Design – The project consists of one 3-story building of 37,290 square feet in 3 phases. This is 3,800 square feet larger than the initial proposal of 33,500 square feet. At the highest point, the building is 37 feet, 6 inches, well within the 55 foot height limit of the GC zoning district. Phases 2 and 3 will be the same height as Phase 1. The first floor of Phase 1 has 2,000 square feet of clinic space, 1,350 square feet of office space, 335 square feet of kitchen space, and 650 square feet of cafeteria seating, with 1,865 square feet of general circulation, mechanical, and other support spaces. The second and third floors have 26 single room occupancy units, four of which are ADA accessible. Each SRO has a total area of 250 square feet. Each unit has a private bathroom and small kitchen with complete facilities.

The second and third floors of Phase 2 will be similar to what was approved with USE2015 0001 – with 26 SRO units identical to those in Phase 1, also including 4 ADA accessible units. The modification proposed for Phase 2 only changes the first floor. USE2015 0001 approved 6,800 square feet of non-profit agency space. Instead, the applicant proposes to add 7 additional SROs, identical to the others in the facility for a total of 33. There will be approximately 1,100 square feet of office space for Housing First. The applicants will seek grant funding in the near future to fund Phase 2.

The building is situated so that entry into the SROs is through 1 controlled entrance. This will be maintained with the addition of Phases 2 and 3. The common areas, as well as many of the SROs, are situated so as to look out on an open space that is accessible only to residents of the building. The common area is not accessible to clinic patrons.

Phase 3 would add 12 more SRO units identical to the others in the facility. At this time, the applicants do not know when they will seek funding for this phase. However, they are certain of continued demand for this housing. By receiving approval of the modification of the conditional use permit now, they will only need building permit review at the time of construction. This approval also strengthens future grant requests, which are critical to the success of the project.

As stated above, the residential units are intended to provide permanent housing for the chronically homeless. Housing First has 24-hour staff, 7 days a week. There is a Director to oversee operations, and a Special Projects Coordinator who oversees the garden and labor program, and facilitates the health and wellness of residents. Housing Specialists work in shifts to provide 24-hour staffing. There are 2 Housing Specialists for each shift. Housing First anticipates adding 1 more staff person with Phase 2. Housing Specialists help residents with transportation by driving residents with a van. There is no regular schedule for the van; it is used “as needed.” The applicant reports approximately 10 round trips a week with the van for this first year of operation. There is a phone line that community members can call at any time if they have questions, concerns, or complaints. This phone is only answered by staff. The applicant has indicated they have received 1 complaint in the first year of operation, and that it was quickly resolved.

Phase 1 opened in the fall of 2017. Since that time, 37 residents have been housed - 2 residents have passed away, 3 have been asked to leave, and 1 was allowed to return. Currently, all units are occupied. Preliminary statistics (Attachment D) indicate that Housing First is successful in housing the community's most vulnerable residents and reducing community support costs by decreasing the number of police and first responder calls and hospital visits.

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Traffic - Using the ITE Trip Generation Manual (ITE Manual), staff estimates the average daily traffic to be 443 trips per weekday for the aggregate of all uses and all 3 phases of the project. Weekend estimated average daily trips are expected to be slightly lower, as offices are expected to be closed or have reduced staffing. For the residential estimate, staff used the land use category of “Congregate Care” to calculate the estimated number of trips. Congregate Care seems most similar because the ITE Trip Generation Manual describes this use as “...independent living facilities that provide centralized amenities such as dining... transportation...” This accurately describes the intended use of the property. The ITE Manual does not offer “single room occupancy” as a land use. The ITE Manual does state for the land use category “apartments”, that there is a wide variation in the number of trips generated, and larger dwelling units, along with more expensive dwelling units, have a higher rate of trip generation. Given the very small size of these units and their low cost, one can assume they would generate fewer trips than the average rates identified in the ITE Manual. Furthermore, the units will be restricted by deed as housing for “vulnerable low income residents” for a minimum of 20 years.

During the initial review for USE2015 0001, staff spoke with a transportation planner for the City of Seattle where several similar projects have been constructed. He stated that because the ITE Manual does not have a land use category that fits well with this use, they use information about the residents of the facility and how many of them own a car or are licensed to drive. For this first year of occupancy, Phase 1, none of the residents drive or own a vehicle. There is a van, driven by staff, for transporting residents as needed. It is anticipated that the residents of Phases 2 and 3 will not have vehicles or drivers licenses.

Staff used the ITE Manual to calculate the number of trips generated by the clinic and office space. All estimates were calculated using the “per weekday” estimate. The table below indicates the traffic estimate by space allocation for all 3 phases.

Land Use	Trip Ends (x2)	Total Trips per Week Day
Congregate Care	2.02 trips/DU	312
Office	11.01 trips/1000 sq. ft. gross floor area	38
Clinic	7.75 trips/employee	93
		443

CBJ 49.40.300 states that a traffic impact analysis may be required when a development is projected to generate between 250 and 500 average trips in a day, if the Director determines one is needed because of the type of development, its location, the likelihood of future expansion, or other factors found relevant by the Director. Based on the above information, and that the site is zoned General Commercial which allows for diverse and intense uses, the Director has determined that a Traffic Impact Analysis is not required.

Parking and Circulation - CBJ 49.40.210 –Table of Minimum Parking Standards, requires 1 space per SRO unit, and 1 space for every 4 SRO units, which equates 1.25 parking spaces per unit. Additionally, 1 space for each 300 square feet of office space and 1 space per 200 square feet of clinic space is required. For this proposal 112 parking spaces are required, as well as 1 loading space. This is an increase from the 105 parking space required by USE2015 0001. This increased number of parking spaces does not increase the number that must be van accessible. The site plan shows 5 accessible parking spaces and 1

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loading space. The applicant has received a variance to reduce the parking to 37 parking spaces (Attachment C). Since then, the parking waiver process has been established in code. The applicant is seeking a parking waiver (PWP2018 0002). If approved, the waiver would allow for the existing 37 parking spaces, with 5 van accessible spaces and 1 loading space.

The initial parking analysis for Phases 1 and 2 was based on 56 units of SRO housing, a shared clinic, and an office space, including a substantial Phase 2 non-profit center of 6,800 square feet. The calculated parking requirement was 105 parking spaces, with 70 of those attributable to the 56 SRO units, calculated at 1.25 stalls per unit. If the SRO component of parking was removed entirely, 35 spaces were calculated for office, clinic, and support spaces alone. The parking variance was approved for 37 spaces, more than the non-SRO use calculation.

With the modified Phase 2 and addition of Phase 3 application, the space allocation is different than first anticipated. The SRO unit count increases by 21 to 77. Conversely, the anticipated non-profit office space of 6,800 square feet is eliminated, with 1,100 square feet of staff offices only. As stated above, the technical parking calculation for the full facility increases from 105 spaces to 112 spaces. Increasing the number of SROs increases the parking requirement by 27 spaces, while the reduction in office space decreases required parking by 19 spaces; this results in a net increase of 6 spaces. As noted in PWP2018 0002, the units provide permanent supportive housing for the chronically homeless. The units are restricted by deed as housing for "vulnerable low income residents." If the SRO calculation is removed, the actual office, clinic, and support parking demand of the facility decreases to a total of 15 parking spaces, well below the 37 provided.

CBJ 49.40.230(d) requires parking areas to be suitably lighted, and that all lighting fixtures be "full cutoff" style and direct light only onto the subject parcel. Required parking lot lighting was installed with Phase 1 and no changes are proposed.

Noise - Surrounding development is a mix of vacant, commercial, and industrial. The proposed development may increase noise impacts to the surrounding area. At the same time, the proposed development is not expected to create noise impacts to the neighborhood beyond those expected in the General Commercial zone.

Landscaping - The General Commercial district requires 10% of the lot be maintained with live vegetative cover (CBJ 49.50.300). USE2015 0001 included a condition that prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, a minimum of 10% of the lot must be planted with vegetation or the installation of vegetation must be bonded for. This condition was met with completion of Phase 1. USE2015 0001 also included a condition that the vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans. Staff recommends this condition be carried forward with the modified Phase 2 and added Phase 3.

Exterior Lighting - CBJ 49.15.330(g)(17) and CBJ 49.40.230(d) requires exterior lighting in parking areas, along pedestrian pathways, and immediately adjacent to the building. All exterior lighting must have appropriate cut-off optics and house-side shields to efficiently focus light in the desired areas and to minimize the impacts to adjacent neighbors. As a condition of approval, USE2015 0001 required that prior to the issuance of a building permit, the applicant shall submit a lighting plan illustrating the

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location and type of exterior lighting proposed for the development. This condition was met with Phase 1. However, Phase 2 and 3 will require additional lighting adjacent to the building. Staff recommends that the lighting condition from USE2015 0001 be carried forward as a condition of approval for Phase 2 and 3. During review of USE2015 0001 concerns were raised regarding the lack of street lighting in the area. At that time, staff suggested that street lights for this area should be added to the CIP. A review of the FY19-24 CIP does not appear to include this project.

Signs - A separate permit process per CBJ 49.45, Signs, requires that all signs proposed by the development be submitted to CDD staff for review and approval.

Public Health or Safety - The structures meet all zoning requirements for height and setbacks and will meet all applicable building code requirements for fire safety. During review of USE2015 0001, concerns were raised regarding public health and safety during the neighborhood meeting and by the one written comment received. One of the concerns raised is the safety of residents as they walk. Allen Court and Jenkins Drive do not have sidewalks or street lights. There is a bus stop on Old Glacier Highway, just north of the Anka Drive intersection, and to the south across the street from Western Auto. Since Phase 1 has been in operation, no incidents have been reported regarding pedestrians in this area. The Juneau Non-Motorized Transportation Plan identifies a need for intersection improvements at Old Glacier Highway and Anka Drive.

Habitat – Not applicable. There are no sensitive habitats in this area.

Property Value or Neighborhood Harmony - The Conditional Use Permit is for a mixed use development of 76 units of housing, clinic and office space in the GC zoning district. The purpose of the GC zoning district according to CBJ 49.25.230 is:

“...to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those uses that are listed as conditional uses to ensure compatibility.”

CBJ 49.25.500 establishes residential density for the various zoning districts. The General Commercial zone allows for a maximum of 50 units per acre. CBJ 49.25.510(j)(2) allows for SROs of less than 400 square feet to be calculated as one-half of a dwelling unit. Using the site area of 44,942 square feet at 50 units per acre, the site can accommodate 52 units. By calculating the SROs as one-half unit, the site could accommodate 103 SROs.

Surrounding land uses are primarily industrial and commercial. As mentioned above, the CBJ Assessor reviewed the application materials and has indicated that she has no concerns with the requested modification of Phase 2 or the addition of Phase 3. For USE2015 0001 she did not foresee a negative impact to neighboring property values from the proposed development.

Conformity with Adopted Plans -- The 2013 Comprehensive Plan, Chapter 4, addresses housing. This chapter strongly states the need for more housing in Juneau and states that Juneau is suffering a housing crisis.

Policy 4.1 To facilitate the provision and maintenance of safe, sanitary, and affordable housing for its residents.

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September 14, 2018
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Policy 4.2 To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

Policy 4.6 To facilitate and assist in the development of affordable housing.

Chapter 10 of the 2013 Comprehensive Plan speaks to Land Use.

Policy 10.2 To allow flexibility and a wide range of creative solutions in residential and mixed use land development of affordable housing within the Urban Service Area.

Policy 10.3 To facilitate residential development of various types and densities that are appropriately located in relation to site conditions, surrounding lands uses, and capacity of public facilities and transportation systems.

Policy 10.13 To provide for and encourage mixed use development that integrates residential, retail, and office use in downtown areas, shopping centers, along transit corridors, and in other suitable areas.

The project is located in Subarea 5 (Map H). The future land use designation of this site is C – Commercial. The 2013 Comprehensive Plan describes Commercial, in part, as mixed retail/residential/office in one building. The Plan recommends residential densities of 18 – 60 units per acre.

There are fifteen guidelines and considerations listed. The ones that seem most relevant to this proposal include:

2. *Provide for additional medium-to-high density residential development in areas with access to arterial roadways from collector streets. Encourage the efficient use of land by allowing non-family housing, such as for students, single adults, or seniors, in mixed use districts within shopping centers or malls. Increase building height limits and decrease or eliminate parking requirements for such residential developments where adequately served by public transit.*
4. *Provide a safe pedestrian and bicycle circulation system in Lemon Creek and Switzer Creek areas.*

Granting a Conditional Use permit for mixed use development in the GC district, with appropriate conditions, is consistent with the 2013 Comprehensive Plan.

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,

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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 a 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 1.300, 2.200 and 7.150 for the General Commercial zoning district.3.

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 September 15, 2018 and September 22, 2018 issues of the Juneau 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. Based on the above analysis the proposed development will not endanger the public health and safety.

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

No. Based on the above analysis, the use will maintain values and will be in harmony with 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. As discussed above, the proposed development is in general conformity with the land use plan, particularly Policies 4.1, 4.2, 4.6, 10.2, 10.3, and 10.13.

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?*

Not applicable.

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 modification of USE2015 0001, to allow for up to 77 single room occupancy units in Phases 2 and 3. Phase 2 would be further modified to reduce first floor office space, by eliminating the 6,800 square feet of non-profit agency space, and replacing with approximately 1,350 square feet of office space and 7 additional units.

The approval is subject to the following conditions:

1. The vegetative cover/landscaped areas shown on the plans and installed with Phase 1 shall be maintained with live vegetative cover.
2. 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. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
3. The Conditional Use Permit may not be approved, as presented, unless PWP2018 0002, the parking waiver, is also approved.

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description Addition of 45 SROs with 24 staffing to the existing 32 SROs, medical clinic, office space.		
	PROPERTY LOCATION		
	Street Address 1994 Allen Court	City/Zip Juneau/99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lemon Glacier 2LT 3A		
	Assessor's Parcel Number(s) 5B1201010091		
	LANDOWNER/ LESSEE		
	Property Owner's Name Juneau Housing First Collaborative	Contact Person: Mariya Lovishchuk	Work Phone: (907) 957-2885
	Mailing Address 1994 Allen Court Juneau, AK	Home Phone: (907) 957-2885	Fax Number:
	E-mail Address info@feedjuneau.org	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits, not needed on Building/ Engineering Permits***		
PROJECT / APPLICANT	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>Mariya Lovishchuk</u> Landowner/Lessee Signature		<u>08/27/2018</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" and sign and date at X below		
	Applicant's Name Juneau Housing First Collaborative	Contact Person: Mariya Lovishchuk	Work Phone: (907) 957-2885
	Mailing Address 1994 Allen Court Juneau, AK 99801	Home Phone: (907) 957-2885	Fax Number:
	E-mail Address info@feedjuneau.org	Other Contact Phone Number(s):	
	X <u>Mariya Lovishchuk</u> Applicant's Signature		<u>08/27/2018</u> Date of Application

-----OFFICE USE ONLY BELOW THIS LINE-----					
STAFF APPROVALS	Permit Type	***SIGN	Date Received	Application Number(s)	
	Building/Grading Permit				
	City/State Project Review and City Land Action				
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
	Mining Case (Small, Large, Rural, Extraction, Exploration)				
	Sign Approval (If more than one, fill in all applicable permit #'s)				
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	✓ Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		8/31/18	USE 20180016 71W720180002	
	Variance Case (De Minimis and all other Variance case types)				
	Wetlands Permits				
	Zone Change Application				
	Other (Describe)				
	***Public Notice Sign Form filled out and in the file.				
	Comments: Modification to use 2015-1 & at parking lot				Permit Intake Initials

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED			
☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)			
☒ Use Listed in §49.25.300 (USE) (Table of Permissible Uses)			
Please list the Table of Permissible Uses Category: 1.300 Multifamily Dwelling (SRO's)			
***An Accessory Apartment Application will also be required.			
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.			
This CU approval cover Phase II and Phase III of the Housing First expansion. An original CU was approved for a projected phase I and II with a total SRO count of 56. Final Phase I SRO count was 32. Phase II and Phase III, the subject of this CU, will add 32 and 12 additional SRO units, respectively.			
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☐ NO ☒ YES – Case # USE 2015-1			
CURRENT USE OF LAND OR BUILDING(S): 32 units of housing and and support services, including co-located JAMHI clinic, are operating on-site. The site was intended for future expansion, and full parking has been developed with Phase I.			
PROPOSED USE OF LAND OR BUILDING(S): The building expansion provides additional SRO housing to support Juneau's highly vulnerable chronic homeless population. The additions are predominately SRO units, with no additional non-profit support space.			
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site			
SITE AND BUILDING SPECIFICS:			
Total Area of Lot 39,424 square feet Total Area of Existing Structure(s) 18,600 square feet			
Total Area of Proposed Structure(s) 18,690 (Phase II, III) 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			
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:			
☒ Site Plan ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation			
☒ Floor Plan of proposed buildings ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)			
☒ Elevation view of existing and proposed buildings			
☐ Proposed Vegetative Cover			
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.		ALLOWABLE/CONDITIONAL USE FEES	
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		Fees Check No. Receipt Date	
		Application Fees \$ 1450	
		Admin. of Guarantee \$	
		Adjustment \$	
		Pub. Not. Sign Fee \$ 50	
		Pub. Not. Sign Deposit \$ 100	
		Total Fee \$ 1600	

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Project: **Housing First, Phase II**
 Re: Phase II, Phase III parking impacts
 To: Beth McKibben, Mariya Lovishchuk, Bruce Denton
 By: Paul Voelckers
 Date: August 7, 2018

MRV 1815

Parking will be analyzed as part of the new Conditional Use permit process for Phase II and potential Phase III of Housing First. This memo clarifies the differences between the initial parking analysis assumptions, and the actual resolution of Phase II and Phase III spaces.

As background, the initial proposal was for a three story building of about 33,500 sq.ft. total area, with 11,200 sq.ft. per floor. The initial parking analysis identified a mixed-use building with 56 SRO units (including Phase II) on the upper two floors of the proposed facility, and a mix of office, clinic, and general support space on the first floor. The area proposed for the first floor mixed space included a combination of clinic, management offices, meeting space, mechanical space, kitchen, and other support areas.

Actual Phase I construction measured 6,200 sq.ft. on a single floor, or 18,600 sq.ft. total. First floor spaces included 2,000 sq.ft. clinic, 1,350 sq.ft. offices, 335 sq.ft. kitchen, 650 sq.ft. cafeteria seating, and 1,865 sq.ft. circulation, mechanical, and other support spaces. Levels 2 and 3 included 16 SRO units, and a small laundry room.

Phase II is proceeding differently than planned. It is smaller than Phase I, with most of the first floor, and all of floors 2 and 3 for SRO units. Only one additional office space is included, not space for a shared social services non-profit center as originally envisioned. The same 32 SRO units in total will be provided, but the total footprint is smaller, given the near elimination of office space on floor one. Total Phase II area is 4,980 sq.ft. per floor, 14,940 sq.ft. total. Phase III, if and when it occurs, would add 1,250 sq.ft. per level, or 3,750 sq.ft. in total, and 12 more SRO units.

The full building of 37,290 sq.ft. (all phases) is 3,800 sq.ft. larger than the initial proposal of 33,500 sq.ft. It will provide a total of 76 SRO housing units (32, 32, 12). Most significant for parking load analysis, the initial assumption for Phase II assumed an addition of 6,800 sq.ft. of office space, where only 120 sq.ft. is being provided. Since office and clinic space are the key drivers of parking load, it seems clear that the aggregate building parking load should be well-less than that initially calculated and approved.

Edward Quinto

From: Beth McKibben
Sent: Friday, August 31, 2018 1:16 PM
To: Edward Quinto
Subject: FW: Juneau Housing First Collaborative Conditional Use Permit modification
Attachments: Development Permit Application.pdf; ATT00001.htm; parking variance.PDF; ATT00002.htm; Application.pdf; ATT00003.htm; CBJ Planning Application information (for Paul's review).doc; ATT00004.htm; Phase 2 Scope and Cost.pdf; ATT00005.htm; Phase 2.pdf; ATT00006.htm; Lighting.pdf; ATT00007.htm

Beth McKibben, AICP | Planning Manager

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465



From: Mariya Lovishchuk [<mailto:lovishchuk.mariya@gmail.com>]
Sent: Friday, August 31, 2018 10:44 AM
To: Jill Maclean; Beth McKibben; Beth McKibben
Cc: brucecdenton@gmail.com; paul@mrvarchitects.com
Subject: Fwd: Juneau Housing First Collaborative Conditional Use Permit modification

Sorry forgot to CC Bruce and Paul

Thank you

Mariya

Begin forwarded message:

From: Mariya Lovishchuk <lovishchuk.mariya@gmail.com>
Date: August 31, 2018 at 10:37:47 AM AKDT
To: Beth McKibben <Beth_McKibben@ci.juneau.ak.us>, jill.maclean@juneau.org
Subject: Juneau Housing First Collaborative Conditional Use Permit modification

Hello Jill and Beth,

I hope you are doing well.

Attachment A

As you know Juneau Housing First Collaborative project is applying for a modification to our conditional use permit. The project is currently permitted for 56 units and we would like approval for 21 additional units.

We are only planning to build 32 more units as Phase 2. So if approving just 8 more units is easier, we would like to take this route.

As you know there is an extreme time crunch as we are submitting an application for AHFC funding on October 5. The application requires evidence of readiness to proceed. Having a permit puts us in a much better position than not having a permit. Not having a permit confuses the reviewers and they may not award us all the readiness to proceed and evidence of zoning and feasibility points.

Thank you very much for all of your help. The following documents are attached....

- Schematic Drawings
- Phase 2 Scope and Cost
- Existing external Lighting specifications
- Allowable/Conditional Use Permit Application
- Development Application
- Parking Variance (please note that currently the parking lot is mostly empty all of the time and none of our residents can ever have or drive a car. We address this in the application)
- CBJ Planning Application Explanation

Please let us know if you have any questions or if we can send anything else.

Also I am wondering about the public meeting. We did not hear back from CDD staff regarding the meeting. We did speak to Tlingit and Haida Regional Housing Authority and their conference/meeting room is available again.

Thank you

Mariya

--
--

Mariya Lovishchuk
Executive Director, TGH
Project Coordinator, JHFC
"Serving Those Most in Need"
247 S. Franklin Street
Juneau, AK 99801
Phone (907) 586-4159
Fax (907) 586-4304
www.feedjuneau.org
TGH is a United Way Agency

Attachment A

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Project: Housing First Building
Re: CBJ Conditional Use Modification Application Information
To: Community Development Department
Cd: Mariya Lovishchuk, Bruce Denton, Scott Ciambor
By: Paul Voelckers
Date: August 30, 2018
 MRV 1414

MRV Architects is working with the Juneau Housing First Collaborative and other strategic partners in the development of Phase 2 of the Juneau Housing First Collaborative Project. Phase 2 consists of a 45 unit expansion.

Population Served: The project targets Juneau's highly vulnerable chronic homeless population with substance abuse diagnosis. It is expected that many of these individuals will have co-occurring disorders (substance abuse and mental health disorders). The primary focus will be to ensure that this population enters into permanent housing and are provided the appropriate supports and resources to allow for the pursuit of recovery and to maintain safe and secure housing.

Description and Size: Phase 2 will add 45 units. Footprint size will not change from the size originally approved.

Site: The identified property is Lemon Glacier Subdivision No. 2. The property is leased to the Juneau Housing First Collaborative with a 99-year lease.

Zoning and Set-back Requirements: The property is zoned General Commercial. From CBJ Table 49.25.400, the minimum lot size is 2,000 sq.ft. Minimum property dimensions of 20' width and 60' depth are easily met. General Commercial maximum height is 45', with 10' setbacks on front, back, and sides. All site requirements are met per the attached site plan.

The CBJ Table of Permissible Uses, 49.25.300, identifies use descriptions, categories, and their associated approval process. The closest housing category to the proposed project is 1.300, Multi-family dwellings. The Housing First project will include single room occupancies measuring 250 sq.ft. in size. This use category, in General Commercial zoning, will require a Conditional Use permit from the CBJ Planning Commission.

Density: 49.25.500: General Commercial zoning allows a maximum density of 50 units per acre. Special Density considerations listed under 49.25.510 j(2) allows SROs of less than 400 sq.ft. to count as one half unit. With the total area of 39,424 sq.ft., the maximum density derived is 91 SRO units, well over the design intent of 56 units.

Parking: Title 49.40.200 defines parking requirements, with efficiency apartments, stipulated to provide 1 stall per unit (with Downtown and Douglas lessened to 1 per 2 units).

Almost by definition, the parking needs for the served population will be very low. A parking variance will be requested from the Planning Commission to allow a lessened parking requirement based on realistic staffing and visitor load, rather than resident counts.

Per separate correspondence, a specific Variance Request has been identified which requests a reduced total parking count for the full facility of 37 parking spaces.

Vegetative Cover: As illustrated in the attached site plan, substantial green space and vegetative cover will be provided.

Operational and Design Issues: The population served by the Housing First facility relies heavily on a staff driver and van (profiled below), CBJ bus service and taxis rather than private vehicles.

The building itself will be efficient in layout and energy requirements. Materials both inside and outside will be designed for low maintenance and operating costs. Interior finishes will be keyed to the population served, with heavy utilization of easily cleaned and damage-resistant finishes.

The driveway entrance to the building will be designed to handle drop-off traffic, such as taxis and community transportation services. The site plan will also develop some degree of independent identity at the building front for support operations, like the clinic and potential non-profit agencies, like SAIL. Such support functions are intended to support the community at large, in addition to residents of the facility.

Staffing Assumptions: The Juneau Housing First project will have 24-hour staffing. The staff will consist of a facility director who will oversee the general operations of the facility. Housing specialists will work daily shifts to ensure that the residents are safe and the operations proceed smoothly.

The Juneau Housing First facility will not hire mental health professionals. However, contracts with existing mental health providers in the community are in place in order to ensure that mental health services are available on site. The housing specialists are also responsible for driving the residents to necessary appointments.

In summary, the Lemon Creek location proposed, its property zoning, and existing adjacencies appear to support the Glory Hole Board's conclusion that this will be a highly successful location for the new Housing First facility. The suitability and location of property should allow this critical need for the community of Juneau to move forward.

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Project: **Housing First, Phase II**
 Re: Phase II, Phase III parking impacts
 To: Beth McKibben, Mariya Lovishchuk, Bruce Denton
 By: Paul Voelckers
 Date: August 7, 2018

MRV 1815

Parking will be analyzed as part of the new Conditional Use permit process for Phase II and potential Phase III of Housing First. This memo clarifies the differences between the initial parking analysis assumptions, and the actual resolution of Phase II and Phase III spaces.

As background, the initial proposal was for a three story building of about 33,500 sq.ft. total area, with 11,200 sq.ft. per floor. The initial parking analysis identified a mixed-use building with 56 SRO units (including Phase II) on the upper two floors of the proposed facility, and a mix of office, clinic, and general support space on the first floor. The area proposed for the first floor mixed space included a combination of clinic, management offices, meeting space, mechanical space, kitchen, and other support areas.

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The full building of 37,290 sq.ft. (all phases) is 3,800 sq.ft. larger than the initial proposal of 33,500 sq.ft. It will provide a total of 76 SRO housing units (32, 32, 12). Most significant for parking load analysis, the initial assumption for Phase II assumed an addition of 6,800 sq.ft. of office space, where only 120 sq.ft. is being provided. Since office and clinic space are the key drivers of parking load, it seems clear that the aggregate building parking load should be well-less than that initially calculated and approved.

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Project: **Housing First, Phase II**
 Re: General Scope, Configuration, and Pricing
 To: Mariya Lovishchuk, Bruce Denton
 By: Paul Voelckers
 Date: August 7, 2018

MRV 1815

MRV Architects has completed Schematic design documents for a proposed Phase II expansion of the Juneau Housing First project. As background, the initial project design was developed in 2015 with consideration of a second phase to approximately double the number of residential units. A parking reduction variance, for instance, was approved after analysis of the full project, including the Phase I scope with 32 units of housing, and a potential future Phase II to add an additional 32 units.

The attached graphics illustrate the proposed solution. The plan of the building is roughly mirrored to the south, partially enclosing an interior garden space, and extending the building along the developed parking and street frontage. The full size is 14,700 sq.ft. over three levels.

The proposed design will include 32 apartments in the base bid. The building configuration differs slightly from Phase I, with the provision of seven apartments on the first level, and only limited expansion of administrative and support space. Phase I, in contrast, utilized the entire first floor for general purpose support spaces, management offices, and a separate health clinic. Consequently, the Phase II size is somewhat smaller than Phase I to net the same unit count.

As identified in a separate memo from Housing First, a total budget of \$5,990,000 for Phase II has been identified, using a variety of local and State sources. Both a construction cost estimate, and an overall total project cost, have been developed as follows:

Construction cost estimates for the Phase II design are extrapolated from Phase I actual costs. The 2016 costs for Phase I averaged out to \$365/sq.ft., a competitive price developed by Triplette Construction utilizing modular off-site fabrication at their nearby plant. Phase I costs also included several overall costs that partially reduce some costs of Phase II, including parking lot development and paving, elevator, and fresh water/waste water utilities.

Given this, a relatively conservative cost of \$375/sq.ft. is proposed for Phase II construction. This number reflects two years of cost escalation, and a slightly higher base cost than Phase I. Using a cost of \$375/sq.ft., and the size of 14,700 sq.ft., a base construction cost of \$5,510,000 is derived. Other costs, such as design, administration, and contingency, are also estimated to give the full Project Costs.

Project Costs:

1.	Construction Cost: Base bid,	\$5,510,000
2.	Design costs, reflecting simplified scope:	\$100,000
3.	Administrative expenses: permits, legal, mgmt.:	\$70,000
4.	<u>Construction Administration, Special Inspections:</u>	<u>\$80,000</u>

Subtotal: \$5,760,000

Overall project contingency: 4% allowance: \$230,000

Total Project Costs: \$5,990,000

JUNEAU HOUSING FIRST COLLABORATIVE (JHFC)

PHASE 2

CONDITIONAL USE PERMIT MODIFICATION

USAGE OF SPACE (difference from original permit w/USE2015-1)

August 31, 2018

Ms. McKibben,

This document delineates the usage of SRO and common spaces as an explanation for the conditional use permit modification for the Phase 2 of the Juneau Housing First Collaborative Project.

The project has a conditional use permit for 56 SRO units, 24 staffing, office spaces, and a clinic which provides behavioral and primary care services to the community.

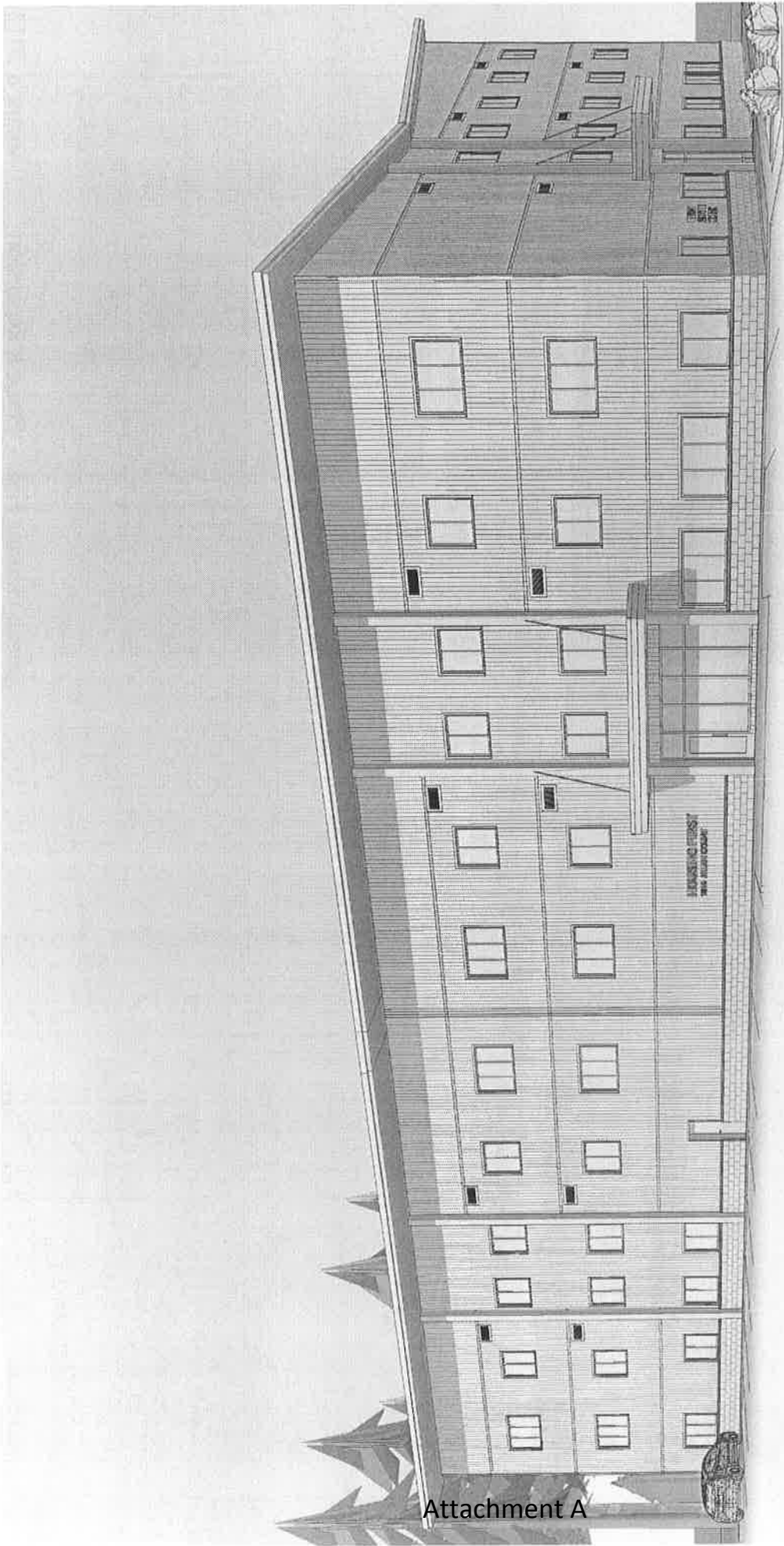
We are asking for a variance for the construction of more units and the plans are attached. The footprint of the project remains the same. As shown in the attached plan, one office is added, as well as hallways. The rest of additions are SRO units. Please note that Phase 2 is delineated in bold. The units for which we are seeking a variance are on the 3rd floor and are labeled MOD, for modifications to existing conditional use permit.

Please let us know if you have further questions.

Sincerely,

Mariya Lovishchuk, ED TGH

Project Coordinator

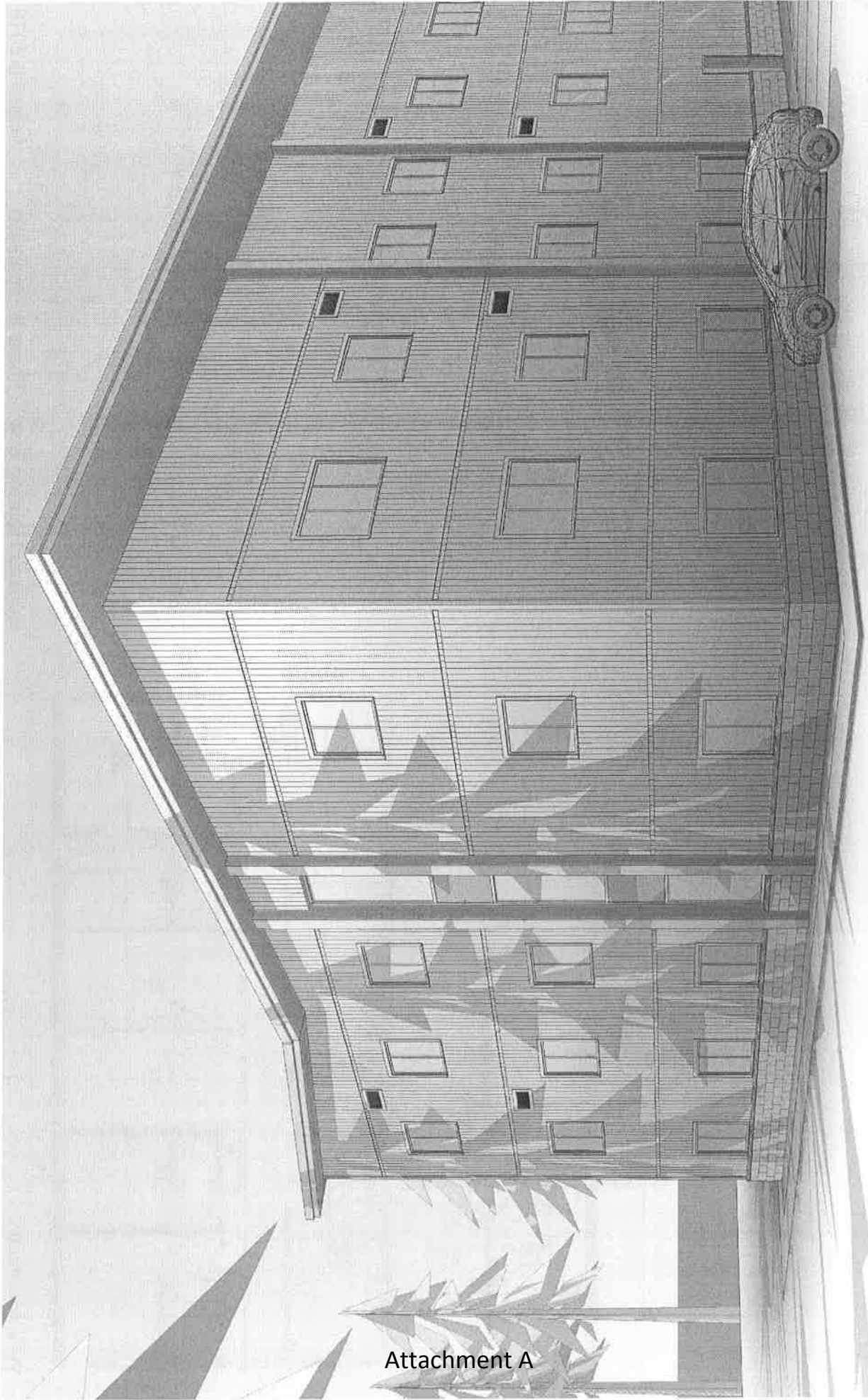


Attachment A

Juneau Housing First - Phase II Expansion

August 8 2018

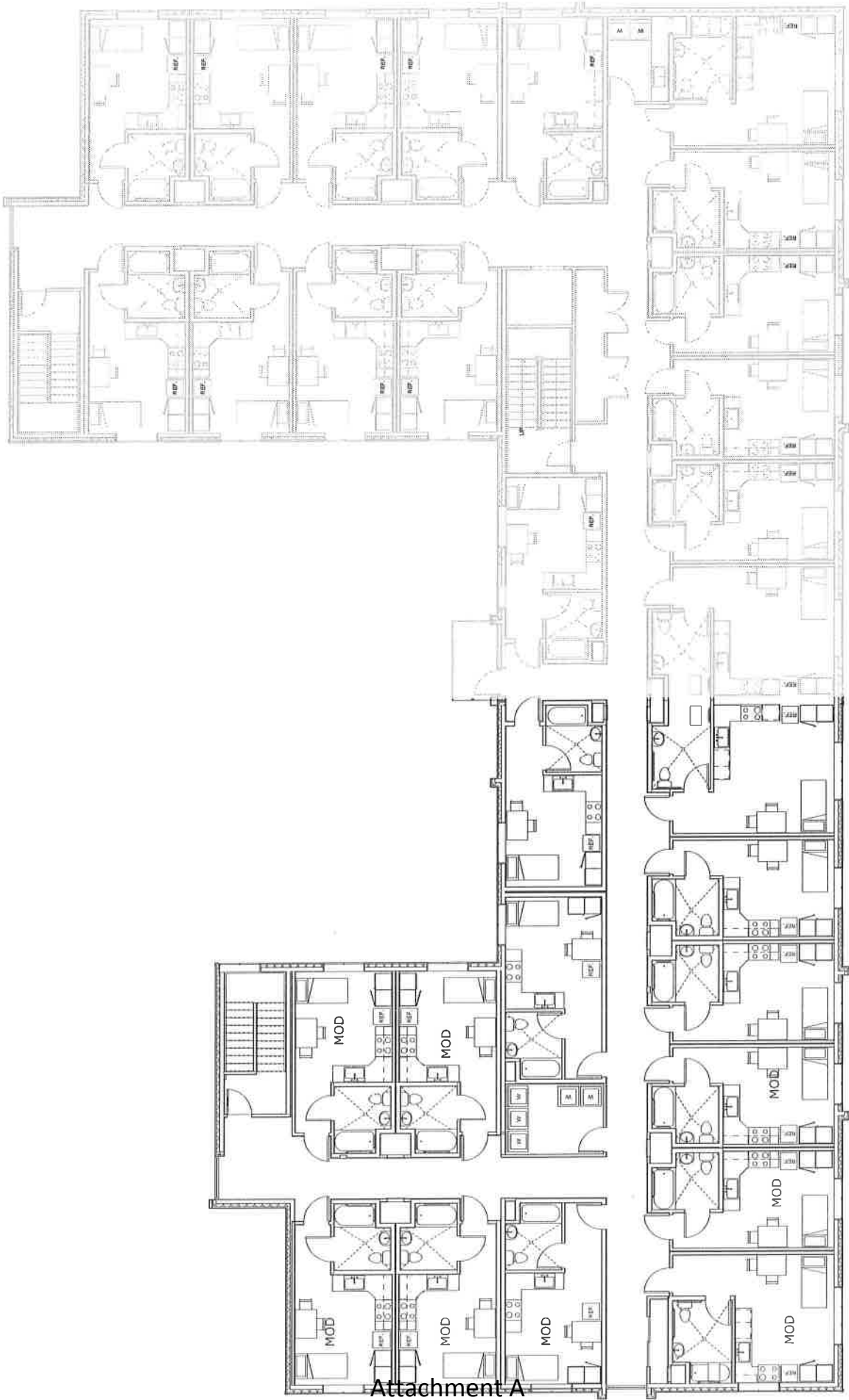
MRV Architects



August 8 2018

Juneau Housing First - Phase II Expansion

MRV Architects

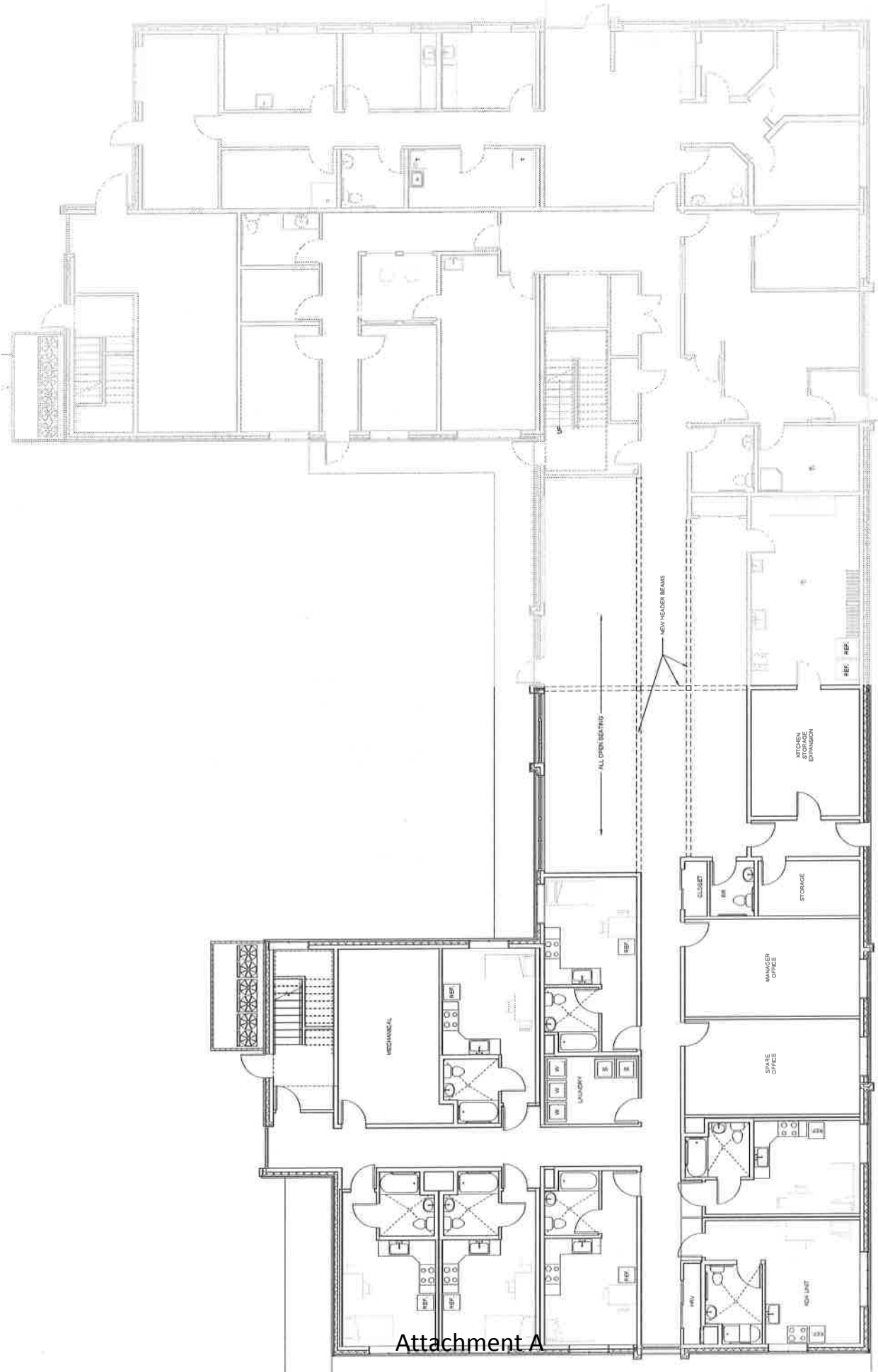


Attachment A

Juneau Housing First - Phase II Expansion

August 8 2018

MRV Architects



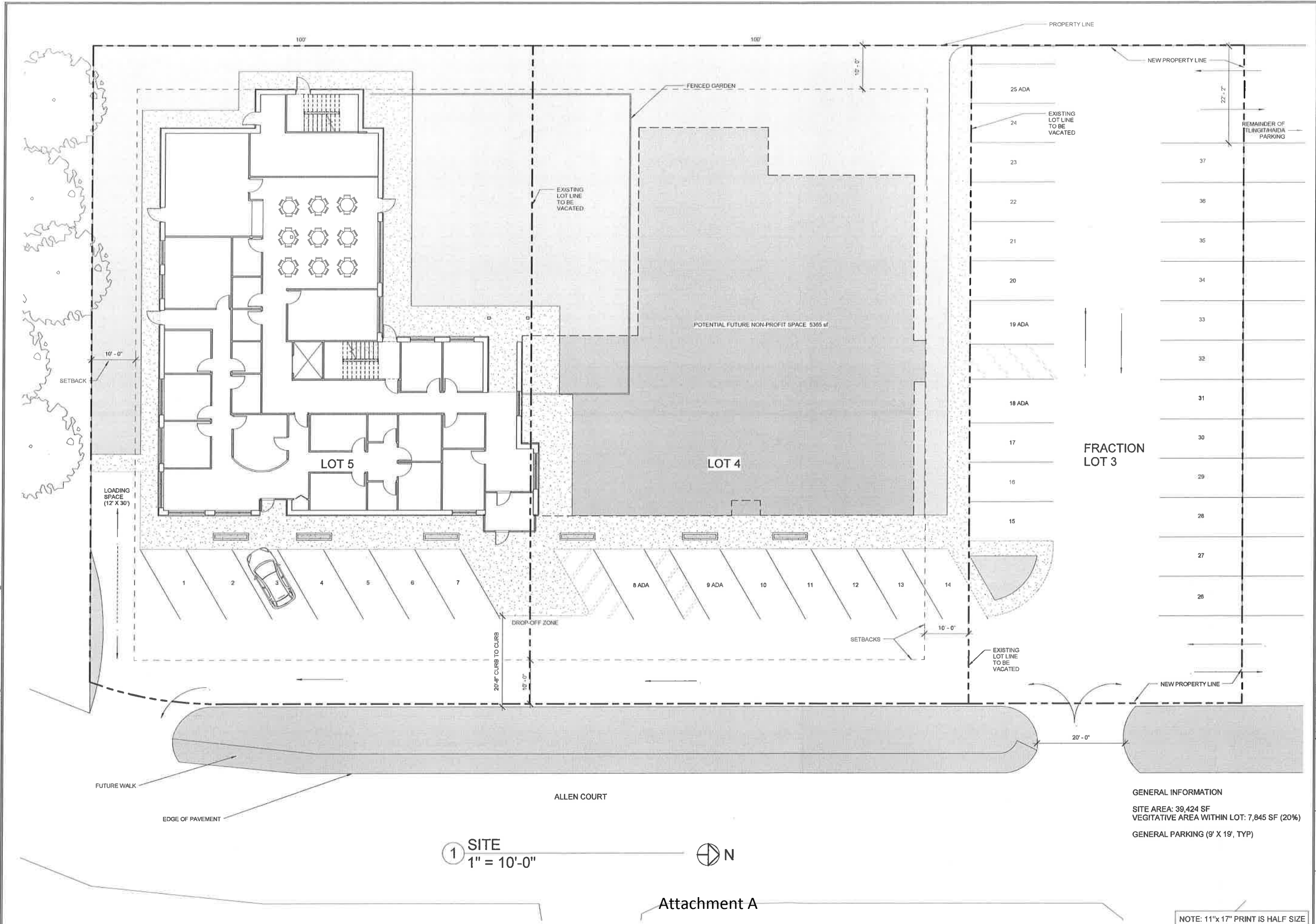
August 8 2018

Juneau Housing First - Phase II Expansion

Attachment A

MRV Architects

1/29/2015 9:31:33 AM C:\Users\Vlad\Documents\2015.01.08 Housing First PH1 minimized central_Sheri.rvt



1 SITE
1" = 10'-0"

N

Attachment A

GENERAL INFORMATION
SITE AREA: 39,424 SF
VEGETATIVE AREA WITHIN LOT: 7,845 SF (20%)
GENERAL PARKING (9' X 19', TYP)

No.	Description	Date
SHEET TITLE: SITE		
DATE:	01/20/15	
SCALE:		
DRAWN:	mrv	
CHECKED:	PV	
SHEET NO. A100		

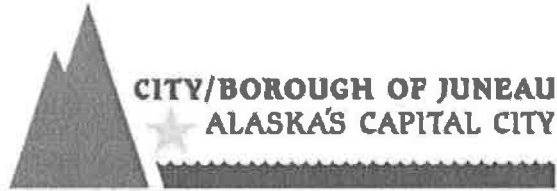


MRV ARCHITECTS
1420 GLACIER AVE. #101
JUNEAU, AK 99801
907-586-1371
FAX 907-463-5544
mrv@mrvarchitects.com

Housing for Juneau's Chronic & Vulnerable Homeless Population
JUNEAU HOUSING FIRST COLLABORATIVE

MRV 1415

NOTE: 11"x 17" PRINT IS HALF SIZE



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: February 11, 2015
File No.: USE2015 0001

MRV Architects
1420 Glacier Avenue #101
Juneau, AK 99801

Application For: A Conditional Use Permit to allow 56 housing units plus office and clinic space to be developed in a General Commercial zone.

Legal Description: Lemon Glacier 2 Lot 5, 4, Fraction 3

Property Address: 1944 Allen Court, Juneau, AK 99801

Parcel Code No.: 5-B12-0-101-009-0; 5-B12-0-101-010-0; 5-B12-0-101-011-0

Hearing Date: February 10, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2015, and approved the development of 56 housing units plus office and clinic space to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, a minimum of 10% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.
2. The vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.
3. 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. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Attachments: February 5, 2015, memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding USE2015 0001.

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.

MRV Architects
 File No.: USE2015 0001
 February 11, 2015
 Page 2 of 2

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, February 10, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or August 10, 2016, 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:


 Beth McKibben, Planner
 Community Development Department


 Michael Satre, Chair
 Planning Commission


 Filed With City Clerk

2/17/15
 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.

LEASE AGREEMENT

This LEASE, date and effective as of April 1, 2015, is by and between the Tlingit Haida Regional Housing Authority, a non-profit corporation organized under the laws of the State of Alaska, with its mailing address, PO Box 32237 Juneau, Alaska 99803, and its physical address 5446 Jenkins Drive, Juneau, Alaska 99801 ("**LESSOR**") and the Juneau Housing First Collaborative, c/o The Glory Hole, a non-profit corporation organized under the laws of the State of Alaska, whose address 241 South Franklin, Juneau, Alaska 99801 ("**LESSEE**")

For and in consideration of the mutual covenants contained herein, **LESSOR** and **LESSEE** hereby agree as follows:

Section 1: Premises.

- A. **LESSOR**, for and in consideration of the rents and covenants hereinafter specified to be paid, performed, and observed by the **LESSEE**, does hereby let, lease and demise unto the **LESSEE**, the following lots on Allen Court in Juneau Alaska (the "Property") described more particularly as follows:

Lots 4 & 5, and Fraction of Lot 3, Lemon Glacier SUB No 2, Plat 2013-20

With the understanding that the **LESSOR** shall, upon substantial completion of a Housing First facility as described in the (Draft) Memorandum of Understanding attached to this Lease, initiate a separate platting action to combine the lots described herein into one large lot, and that this lease will then apply to the new lot comprised of the combined lots described herein.

And subject to **LESSOR's** right to use the Property for stored materials until **LESSOR** commences construction. Subject further to **LESSOR's** right, herein granted, to enter onto, without limitation, and to construct the Housing First Facility in accordance with a Memorandum of Understanding to be executed among the parties within 60 days of the signing of this lease (the "Memorandum of Understanding"). This reserved right: (i) extends to **LESSOR's** contractors, agents, and others acting under **LESSOR's** authorization; and (ii) terminates upon issuance of certificate of occupancy for the completed Housing First Facility.

Section 2: Obligations of Lessee; Special Termination Provision.

Said Property shall be used by **LESSOR** to construct a Housing First Facility to be operated by **LESSEE**. Should **LESSOR**, within eighteen (18) months from the date hereto fail to receive Full Funding for construction of the Housing First Facility on the Property, or should **LESSEE** fail to keep open and operate that Housing First Facility over the term of this Lease, then said Lease shall terminate and the remainder of the leasehold term shall revert to **LESSOR**, provided that not more than sixty nor less than thirty days:

Lease Agreement - THRHA and Juneau Housing First Collaborative

- (i) prior to the end of said eighteen month period with respect to failure to receive Full Funding; or
- (ii) following notification by LESSOR to LESSEE that, in LESSOR's judgment, LESSEE is failing to keep open and operating that Homeless Facility,

LESSOR shall give written notice to LESSEE at its address in Juneau, Alaska, of LESSOR'S intention to exercise said right of termination. Failure to give such notice during said time period, time being of the essence, shall constitute a waiver of LESSOR'S termination right under this paragraph.

Notwithstanding the above, LESSOR shall permit an assignment of this Lease to the Alaska Housing Finance Corporation.

As used in this section, the "Full Funding" has the same meaning as is set out in the Memorandum of Understanding.

Section 3: Term.

The term of this lease shall be for fifty (50) years, commencing on the date first above written and terminating upon the 1st day of April, 2065. This term shall be renewable for an additional 50 years at the election of LESSEE, which election shall be made no later than sixty (60) days prior to termination of the original 50 year term. Upon termination of the lease under this section, and unless a new lease is negotiated:

1. Ownership of the Housing First Facility and all related improvements shall become the property of LESSOR, unless and to the extent that any improvements (including the Housing First Facility) is removed by LESSEE with six(6) months of termination of the lease. Ownership of all furniture and personal property within the Housing First Facility shall remain with LESSEE; however
2. In the event that LESSOR shall acquire ownership of the Housing First Facility under subsection 1 of this section, it shall pay LESSEE a monthly use fee for the Housing First Facility and all related improvements sufficient to amortize the then fair market value, as determined by a licensed real estate appraiser, of the Housing First Facility, over an eight year period. If the parties cannot agree on a use fee or choice of appraiser, the matter shall be resolved in accordance with the mediation and arbitration provisions of section 11 of this Lease.

Section 4: Rent and Other Payments; Alaska Native Occupancy Requirement.

- (a) No rental shall be charged for the granting of this leasehold estate, said leasehold estate is a grant to LESSEE for the purpose of operating the Housing First Facility. Consideration for the Lease is LESSEE's agreement that, over the full term of this Lease, ten (10) percent of the units will be occupied by Alaskan Natives and the LESSEE will provide annual documentation of occupancy by September 30 of each year.
- (b) LESSEE shall pay to LESSOR the full cost of the replatting action described in Section 2 of this Lease.

Lease Agreement - THRHA and Juneau Housing First Collaborative

Section 5 Taxes and Other Charges: Liens.

LESSEE agrees to pay to the proper authorities charged with collection thereof, promptly as the same become due and payable, all taxes, assessments, general and special, permit, inspection and licensing and other public charges, whether of a like or different nature levied upon or assessed against the Property and any building, structures, fixtures or improvements now or hereafter located thereon, or arising in respect of the occupancy, lien during the term of this lease, **LESSEE** shall also pay all charges for water, gas, electricity, power, or other public utility services rendered during the term of this lease as such charges become due. **LESSEE** shall keep the Property free of any liens.

The **LESSOR** warrants that the Property is free of any liens at the time of lease, whether asserted by any taxing jurisdiction, contractor, or other person entitled to lay a lien upon the Property. **LESSOR** further warrants that during the term of the lease the **LESSOR** shall maintain the Property free of any liens caused by fault, inaction or nonpayment of taxes by or of the **LESSOR**. **LESSOR** agrees to indemnify and hold harmless **LESSEE** from any such lien. **LESSEE** shall have the right at its sole discretion, to release compromise or satisfy such lien, and any such action shall not affect **LESSEE'S** right to recover the costs of release, satisfaction or compromise from the **LESSOR**, nor constitute a waiver of **LESSOR'S** default.

Section 6: Compliance with Law.

LESSEE shall comply with all applicable laws, ordinances and regulations of duly constituted public authorities now or hereafter in any manner affecting the leased premises or the sidewalks, alleys, streets, and ways adjacent thereto or any buildings structures, fixtures or improvements or the use thereof.

Section 7: Quiet Possession.

Provided **LESSEE** is not in default hereunder, **LESSOR** covenants that **LESSEE** shall have peaceful and quiet enjoyment of the Property without let or hindrance on the part of **LESSOR** and the **LESSOR** shall warrant and defend **LESSEE** in the peaceful and quiet enjoyment of the Property.

Section 8: Care of Property and Housing First Facility.

During the term of this lease, **LESSEE** shall maintain or cause to be maintained in a reasonable state of repair the premises hereby leased, together with any and all buildings, structures, improvements, fixtures, or appurtenances thereto, whether now on the Property, or hereafter built, erected, affixed, or otherwise placed on or under the Property. Failure to maintain in accordance with the foregoing shall constitute a default of the terms and conditions of this lease.

Section 9: Destruction of Housing First Facility.

If, at any time during the term of this lease a substantial portion of the Housing First Facility shall be destroyed by wind, fire, earthquake or other casualty, the **LESSEE** is responsible to repair or restore the facility within two calendar years from the date of such casualty.

Lease Agreement - THRHA and Juneau Housing First Collaborative

Section 10: Property and Liability Insurance.

LESSEE shall maintain property and liability insurance at all times sufficient to pay the full replacement cost of the Housing First Facility, and to prevent a lien against the Property arising from a liability claim.

Section 11: Default.

- (a) If **LESSEE** or **LESSOR**, at any time during the term of this lease, shall fail to observe or perform any of the covenants, agreements or obligations hereunder, and if such default shall not be cured within one year after the claiming party shall have given to the allegedly defaulting party written notice specifying such default or defaults, the claiming party shall have the right at its election, then or at any time thereafter, and while such default shall continue, to give the allegedly defaulting party notice of the claiming party's intention to demand mediation and arbitration in accordance with subsection (b) of this section. Mediation and arbitration shall be the exclusive remedy for any default under this Lease.

- (b) All disputes under this Lease shall be resolved: first, by mediation and second, should mediation fail, through binding arbitration. Mediation and, if necessary, arbitration, shall be conducted by a single mediator and/or arbitrator, utilizing the expedited procedure of the Real Estate Industry Arbitration Rules of the American Arbitration Association ("AAA"). The parties shall attempt to agree upon a mediator and/or arbitrator, and, if unable to agree, shall request the AAA to appoint a mediator or arbitrator, in accordance with such rules. Immediately upon serving notice of mediation under subsection (a) of this section, the claiming party shall inform the AAA of the need for the mediation and the contractual requirement therefore. If the mediation fails to produce a settlement within 90 days of notice of mediation, or either party serves notice of failure of mediation prior to such 90 day period, the claiming party shall have 30 days from either service of notice of failure, or expiration of such 90 day period (whichever first occurs), to: (i) serve notice of arbitration; and (ii) contact the AAA for the purpose of initiating expedited arbitration proceedings. Failure to timely request arbitration constitutes a waiver of that claim of default by the claiming party. The cost of mediation and arbitration shall be borne equally by both parties, although the arbitrator may re-allocate such costs as part of the arbitration award. If a party fails to timely make payment of any cost obligation under this subsection, the arbitrator at his discretion, may choose to treat such nonpayment as a waiver of the right to participate in arbitration, or may otherwise limit the nonpaying party's participation in arbitration, but no such waiver or limitation shall affect the arbitrator's authority to issue an arbitration award against the nonpaying party. In mediating or arbitrating a dispute under this subsection, the mediator shall apply the terms of the Lease and the laws of the State of Alaska, and the arbitrator may make any interim or final order that the arbitrator finds appropriate under the Lease and Alaska laws, including specific performance. However, notwithstanding the above, the mediator or arbitrator shall also take into account the investment that **LESSEE** has made in the Homeless Facility, and shall avoid any award that works an uncompensated forfeiture of that investment. Any arbitration award made under this subsection shall be binding on both parties, and shall not be subject to appeal.

Lease Agreement - THRHA and Juneau Housing First Collaborative

Section 12: Assignment by LESSEE.

LESSEE may not assign or sublease the Property, or any interest therein, without the express written consent of **LESSOR**, which consent will not be unreasonably withheld if, in the **LESSOR**'s judgment, the proposed assignee is capable of operating and maintaining the Housing First Facility to the same extent as that envisioned by **LESSOR** at the commencement of this Lease. Notwithstanding the above, **LESSOR** shall permit an assignment of this Lease to the Alaska Housing Finance Corporation.

Section 13: Successors in Interest.

This Lease shall be binding upon and shall inure to the benefit of the respective heirs, successors and assigns of the parties hereto, this lease shall be sublet or assigned without permission of **LESSOR** in order to accomplish the purpose of this Lease, to provide housing for the homeless on the demised premises.

Section 14: Condemnation.

If all or any part of the Property shall be taken by condemnation, that portion of any award in condemnation attributable to: (i) the Housing First Facility shall be paid to **LESSEE**; and (ii) the underlying land shall be paid to the **LESSOR**.

Section 14: Change of Address.

Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed to have been duly made and given when delivered if served personally, or upon mailing if mailed as provided in this paragraph.

LESSOR: Tlingit Haida Regional Housing Authority
5446 Jenkins Drive
Juneau, Alaska 99801

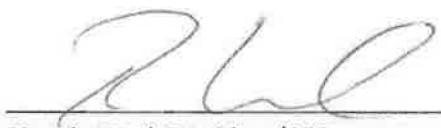
LESSEE: Juneau Housing First Collaborative,
c/o The Glory Hole
241 South Franklin Street
Juneau, AK 99801

Lease Agreement - THRHA and Juneau Housing First Collaborative

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above mentioned.

LESSOR:

Tlingit Haida Regional Housing Authority

Date Signed: 3-27-15 
Ricardo Worl, President/CEO

LESSEE:

Juneau Housing First Collaborative, c/o The Glory Hole

Date Signed: 03/27/2015 
Mariya Lovishchuk, Executive Director, The Glory Hole

cc

A
L
A
S
K
A

2013-001115-0

Recording Dist: 101 - Juneau
2/11/2013 9:53 AM Pages: 1 of 2



AFTER RECORDING, RETURN TO:

Tlingit Haida Regional
Housing Authority
PO Box 32237
Juneau, AK 99803

AETIA 44279

WARRANTY DEED
A.S. 34.15.030

The Grantor, **LEMON GLACIER PROPERTIES, INC.**, whose address is PO Box 210194, Auke Bay, AK 99821, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration hand paid, the receipt of which is hereby acknowledged, conveys and warrants to **TLINGIT HAIDA REGIONAL HOUSING AUTHORITY**, Grantee, whose mailing address is PO Box 32237, Juneau, AK 99803, the following-described real estate:

Lots 3, 4 and 5, Lemon Glacier Subdivision No. 2, according to Plat No. 81-88, Juneau Recording District, First Judicial District, State of Alaska.

SUBJECT TO the reservations and exceptions as contained in the U.S. Patent and acts relating thereto.

FURTHER SUBJECT TO the easements and notes as shown on Plat No. 81-88.

WARRANTY DEED
A4350\2406\Warranty Deed

Page 1

Attachment A

DATED this 8th day of February 2013.

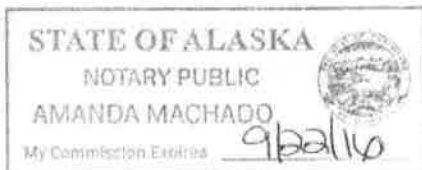
GRANTOR: **LEMON GLACIER PROPERTIES, INC.**


 Gary K. Jenkins, Secretary/Treasurer

STATE OF ALASKA)
)
 FIRST JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 8th day of February 2013, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Gary K. Jenkins**, to me known and known to me to be the **Secretary/Treasurer** of **LEMON GLACIER PROPERTIES, INC.**, and known to me to be the person who signed the foregoing instrument, on behalf of said corporation, and he acknowledged to me that he signed and sealed the same as a free act and deed of the said corporation for the uses and purposes therein expressed pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal on the day and year in this certificate first above written.




 Notary Public in and for Alaska
 My Commission Expires: 9/22/16





**PLANNING COMMISSION
NOTICE OF DECISION**

Date: February 11, 2015
File No.: USE2015 0001

MRV Architects
1420 Glacier Avenue #101
Juneau, AK 99801

Application For: A Conditional Use Permit to allow 56 housing units plus office and clinic space to be developed in a General Commercial zone.

Legal Description: Lemon Glacier 2 Lot 5, 4, Fraction 3

Property Address: 1944 Allen Court, Juneau, AK 99801

Parcel Code No.: 5-B12-0-101-009-0; 5-B12-0-101-010-0; 5-B12-0-101-011-0

Hearing Date: February 10, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2015, and approved the development of 56 housing units plus office and clinic space to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, a minimum of 10% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.
2. The vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.
3. 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. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Attachments: February 5, 2015, memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding USE2015 0001.

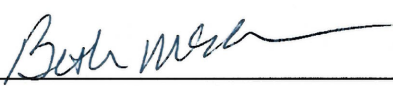
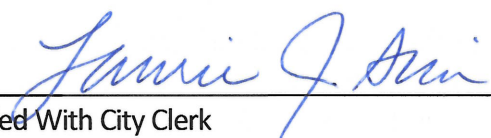
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

MRV Architects
 File No.: USE2015 0001
 February 11, 2015
 Page 2 of 2

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, February 10, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or August 10, 2016, 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:	 _____ Beth McKibben, Planner Community Development Department	 _____ Michael Satre, Chair Planning Commission
	 _____ Filed With City Clerk	2/17/15 _____ 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.



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: February 11, 2015
File No.: VAR2015 0001

MRV Architects
1420 Glacier Avenue #101
Juneau, AK 99801

Application For: A variance to reduce the parking requirement from 105 spaces to 37 spaces.

Legal Description: Lemon Glacier 2 Lot 5, 4, Fraction 3

Property Address: 1944 Allen Court, Juneau, AK 99801

Parcel Code No.: 5-B12-0-101-009-0; 5-B12-0-101-010-0; 5-B12-0-101-011-0

Hearing Date: February 10, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Within one year of expiration of the deed restriction for “vulnerable low-income residents” this variance is required to return to the Planning Commission for continued approval.

Attachment: February 5, 2015, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0001

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

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

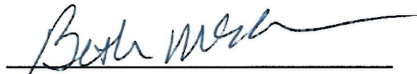
Effective Date: The permit is effective upon approval by the Board, February 10, 2015

Expiration Date: The permit will expire 18 months after the effective date, or August 10, 2016, if no Building Permit has been issued and substantial construction progress has not been

MRV Architects
File No: VAR2015 0001
February 11, 2015
Page 2 of 2

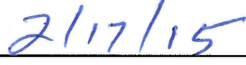
made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Beth McKibben, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City 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.



Juneau Housing First 6 Month Pre/Post Service Usage and Indicators of Wellbeing Comparison June 2018

**Heidi Brocious, PhD, MSW, &
Morgan Erisman, MSW & MPH**



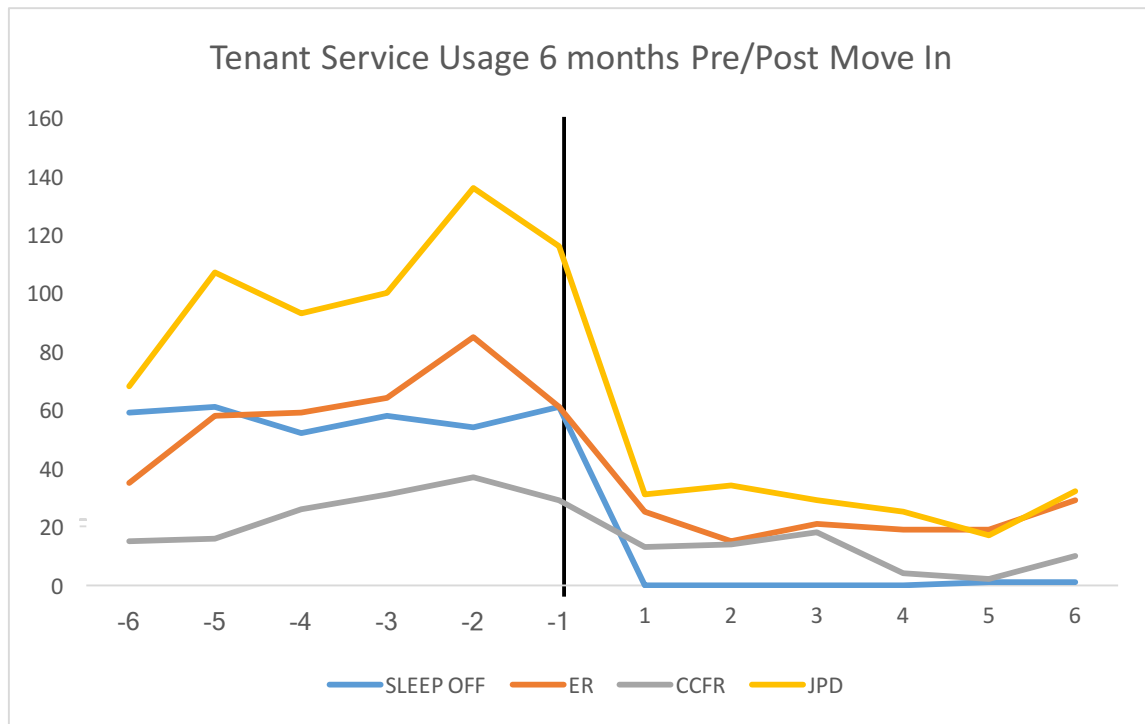
Service Utilization

Comparison of resident pre/post move-in usage of Bartlett ER, Rainforest Recovery Center Sleep Off, Contact with Juneau Police Department (JPD), and contact with Capital City Fire and Rescue (CCFR).

	6 months prior to move in	6 months post move in	Percent of decrease in usage between 2 six month periods
Bartlett ER Visits	360	126	65%
RRC sleep off visits	344	2	99.4%*
Contacts with JPD officers (any reason)	604	168	72%*
Transport by CCFR	137	63	54%

*indicates statistically significant difference

Usage Trends Visualized



Resident Demographics

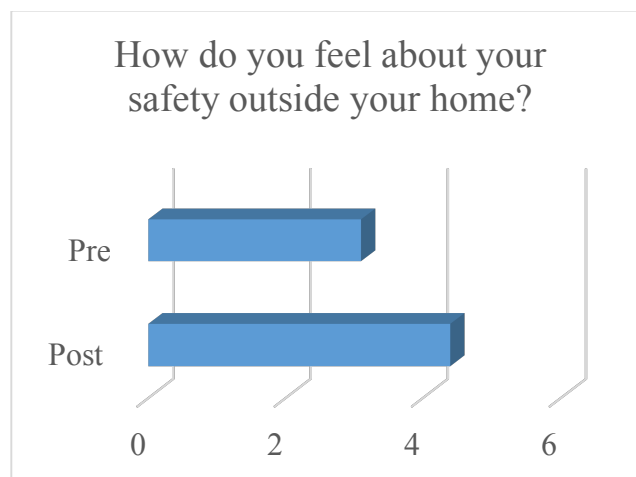
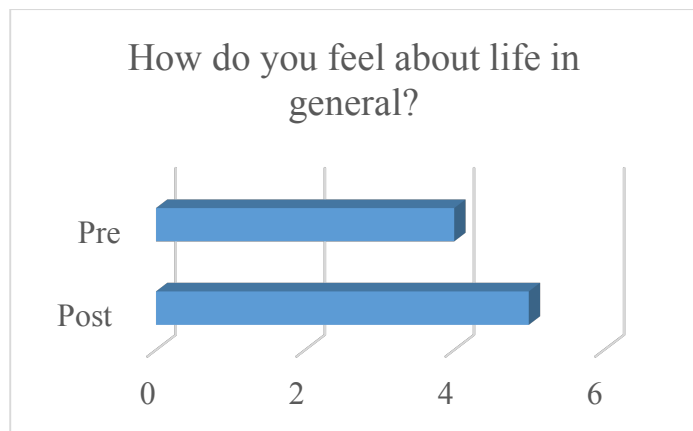
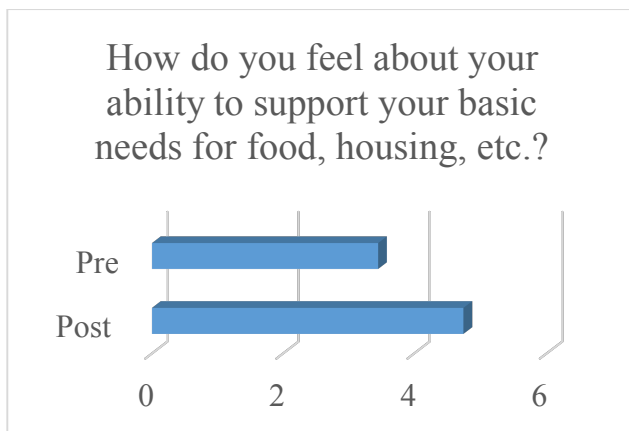
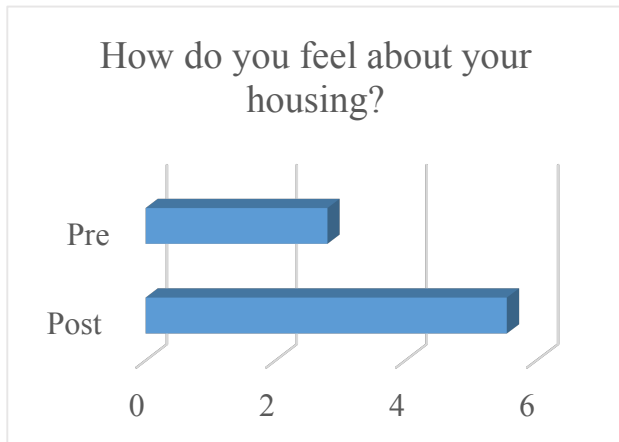
Average age of residents	50 years old (range of 31-62)
Gender	80% Male 20% Female
Race/Ethnicity	85% Alaska Native/American Indian 10% Caucasian 5% Mixed-race
Education	5% Graduate School 10% Undergraduate College 5% Vocational Education 75% High School Diploma or GED 5% Less than High School
Median number of Months Homeless	180 (approximately 15 years)

Residents' Experiences with Trauma

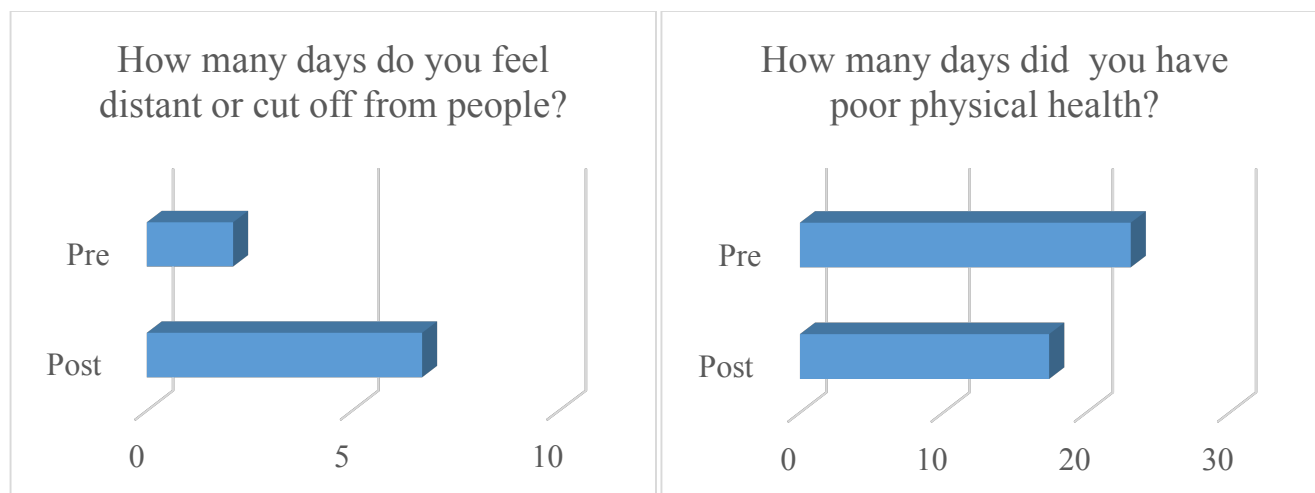
Lived with someone who abused substances	90%
Lived where there was not enough to eat, had to wear dirty clothes, or was not safe	80%
Lived with someone who was sent to prison	70%
Has been physically mistreated	60%
Lived with someone who was physically mistreated	50%
Lived with someone who attempted or committed suicide	45%
Personally in foster care, or a close relative in foster care	45%

Indicators of Well-being Average Group Scores (statistically significant findings at 6 months)

1=terrible, 2=unhappy, 3=dissatisfied, 4=mixed, 5=satisfied, 6=pleased, 7=delighted



Indicators of Well-being (Statistically Significant) Self-Reported Average Number of Days



Findings that were not statistically significant, but will be interesting to track and see with more time and more data:

	Average # of Days Pre	Average # of Days Post
Alcohol use	21.4	21.05
Drank more than four drinks	18.55	15.35
Used Tobacco	14.1	16.35
Felt barely able to control their anger	1.3	3.3
Felt Suicidal	1.5	3.6

This study is funded in part with a grant from the Alaska Mental Health Trust Authority



MRV ARCHITECTS
1420 GLACIER AVE. #101
JUNEAU, AK 99801
907-586-1371
FAX 907-463-5544
mrv@mrvarchitects.com

Construction Documents - Conformed Drawings

JUNEAU HOUSING FIRST COLLABORATIVE

MRV 1415

No.	Description	Date

SHEET TITLE:
SITE - PHASE II

DATE: 02/09/2016
SCALE: 1/1-18
DRAWN: ZJ
CHECKED: PV

SHEET NO.

A101

1 SITE
1" = 10'-0"



Attachment E

NOTE: 11"x17" PRINT IS HALF SIZE

2/17/2016 1:43:33 PM C:\Users\MRV01\Documents\Housing First_Central Model_MRV01.rvt

From: [Ed Foster](#)
To: [Teri Camery](#)
Subject: RE: CORRECTION: Expedited Review requested on Conditional Use Permit modification and Parking Waiver, USE 2018 0018
Date: Friday, September 07, 2018 10:03:50 AM

Teri,
 Streets and Fleet Maintenance Division has no issues with these requests. However, the truck and equipment traffic on the unpaved portion of Allen Ct. during the construction of phase I was very damaging to the road surface and required an unusual high level of repair and maintenance. It would be nice if we made it clear to the developer that they were responsible for maintenance and repair of the unpaved portion of Allen Ct during construction.

Thanks, Ed

From: Teri Camery
Sent: Friday, September 7, 2018 9:00 AM
To: Charlie Ford; Greg Chaney; Ed Foster; Dan Jager; darrell.wetherall@aelp.com; Pikul, Gretchen M (DEC); Robin Potter; Timothy, Jackie L (DFG) (jackie.timothy@alaska.gov); verne.skagerberg@alaska.gov; Rich Etheridge; Autumn Sapp
Subject: CORRECTION: Expedited Review requested on Conditional Use Permit modification and Parking Waiver, USE 2018 0018

Good morning again,

The Conditional Use Permit modification is for 21 more units, for a total of 77 in three phases. My previous message said 12. I apologize for the error.

Cheers and I will get some coffee,
 Teri

Teri Camery | Senior Planner

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

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

Office: 907.586.0755



From: Teri Camery
Sent: Friday, September 07, 2018 8:26 AM
To: Charlie Ford; Greg Chaney; Ed Foster; Dan Jager; 'darrell.wetherall@aelp.com'; 'Pikul, Gretchen M (DEC)'; Robin Potter; Timothy, Jackie L (DFG) (jackie.timothy@alaska.gov); verne.skagerberg@alaska.gov; Rich Etheridge; Autumn Sapp

Subject: Expedited Review requested on Conditional Use Permit modification and Parking Waiver, USE 2018 0018

Hello everyone,

CDD has received a Conditional Use Permit application to add 12 additional units to the Juneau Housing First Project, located at 1944 Allen Court in the General Commercial zone. CDD has also received a Parking Waiver application for the development.

CDD respectfully requests expedited review of these applications. Please provide comments as soon as possible but no later than Friday September 14. Please let me know if you have questions or need additional information.

Thanks very much for your time.

Teri Camery

Teri Camery | Senior Planner

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

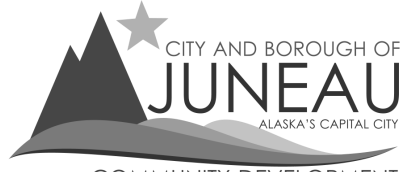
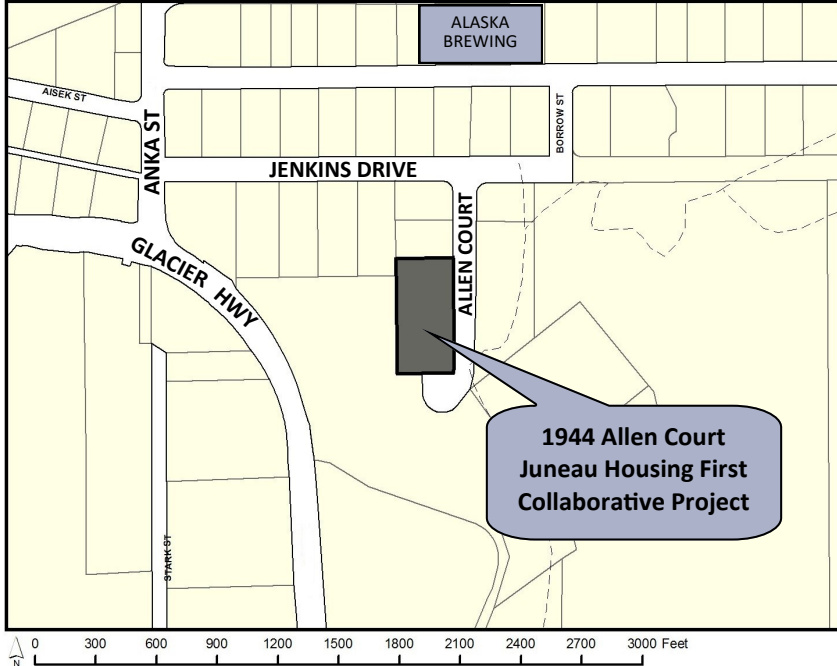
Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0755



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:

Applications have been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit to add additional units to the Juneau Housing First Project** located at 1944 Allen Court in a General Commercial zone and for a **Parking Waiver to reduce the parking requirements.**

TIMELINE

Staff Reports expected to be posted **Monday, September 17** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through 12 noon, September 21

Comments received by 12 noon on Friday, September 21, will be sent directly to the Commissioners to read over the weekend in preparation for the hearing.

Phone: (907)586-0715

Email: pc_comments@juneau.org

Mail: Community Development, 155 S. Seward St, Juneau AK

HEARING DATE & TIME
7:00 pm, Sept. 25, 2018

Sept. 26

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.

The results of the hearing will be posted online.

Case Nos.: USE2018 0018; PWD2018 0002
Parcel No.: 5B1201010091
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: September 26, 2018
Case No.: USE2018 0018

Housing First Collaborative
1994 Allen Court
Juneau, AK 99801

Proposal: A Conditional Use Permit to modify Juneau Housing First to add units to Phase 2 and add Phase 3 for a total of up to 77 units

Property Address: 1944 Allen Court

Legal Description: Lemon Glacier 2, Lot 3A

Parcel Code No.: 5B1201010091

Hearing Date: September 25, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 14, 2018, and approved the Conditional Use Permit to modify Juneau Housing First to add units to Phase 2 and add Phase 3 for a total of up to 77 units to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The vegetative cover/landscaped areas shown on the plans and installed with Phase 1 shall be maintained with live vegetative cover.
2. 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. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Housing First Collaborative
Case No.: USE2018 0018
September 26, 2018
Page 2 of 2

3. The Conditional Use Permit may not be approved, as presented, unless PWP2018 0002, the parking waiver, is also approved.

Attachments: September 14, 2018, memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2018 0018.

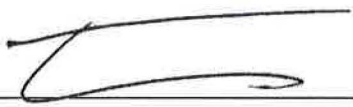
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

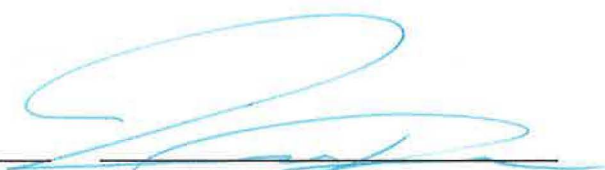
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (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, September 25, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or March 25, 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:


Teri Camery, Senior Planner
Community Development Department


Nathaniel Dye, Acting Chair
Planning Commission


Elizabeth M. Sever
Filed With Municipal Clerk

9/26/2018
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: September 14, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

A handwritten signature in black ink, appearing to be 'Teri Camery', is written over the 'FROM:' line.

FILE NO.: PWP2018 0002

PROPOSAL: A Parking Waiver for Housing First to reduce parking from 112 to 37 spaces

GENERAL INFORMATION

Applicant: Housing First

Property Owner: Tlingit Haida Regional Housing Authority

Property Address: 1944 Allen Court

Legal Description: Lemon Glacier 2, Lot 3A

Parcel Code No.: 5B1201010091

Site Size: 44,952 sq. ft.

Comprehensive Plan Future Land Use Designation: Commercial (Map H)

Zoning: GC

Utilities: City water and sewer

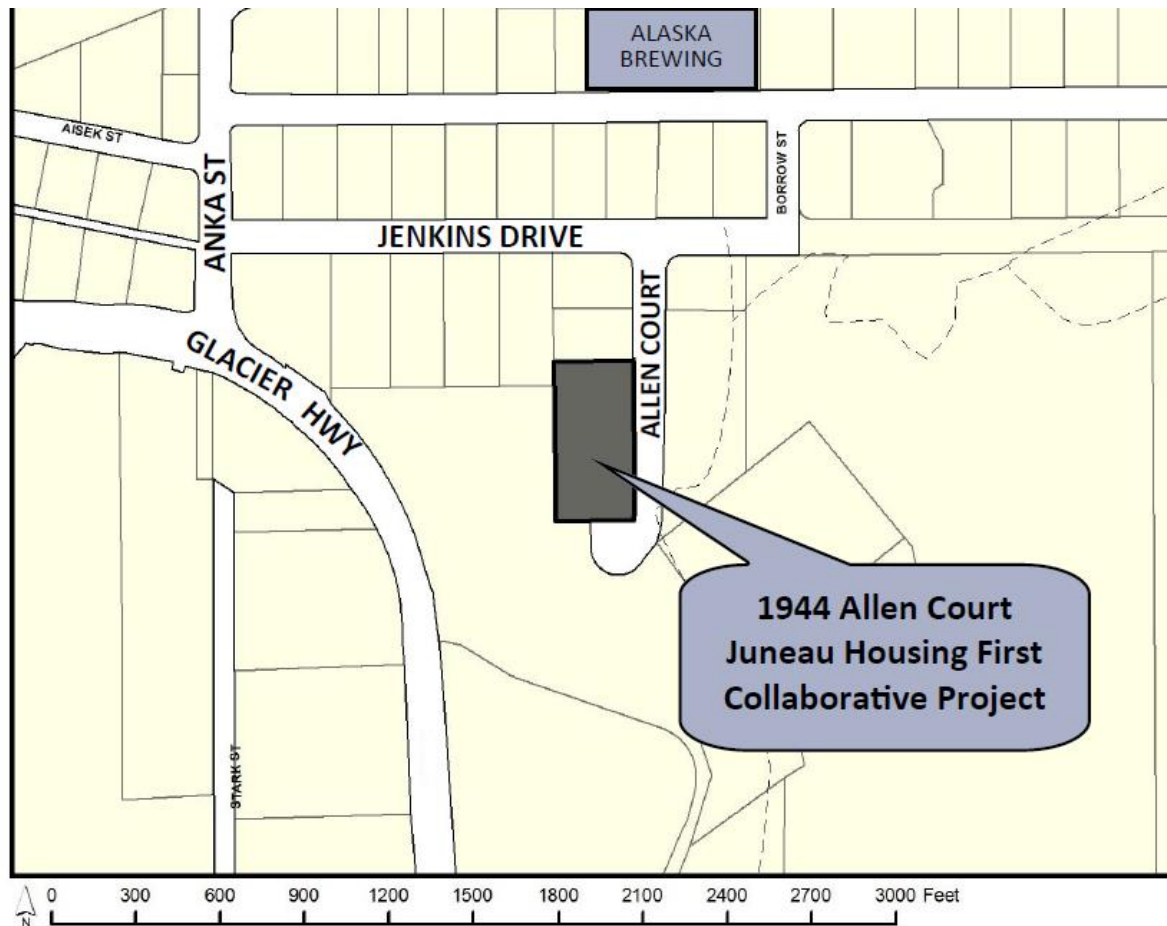
Access: Allen Court

Existing Land Use: Housing development

Surrounding Land Use: North – Industrial / Commercial (I)
South – Vacant / Residential (GC)
East – Vacant / Residential (GC)
West – Commercial / Industrial (GC)

Planning Commission
 File No.: PWP2018 0002
 September 14, 2018
 Page 2 of 6

VICINITY MAP



ATTACHMENTS:

Attachment A – Application
 Attachment B – Site plan with Phase 2 and 3
 Attachment C – Notice of Decision VAR2015 0001

PROJECT DESCRIPTION

The applicant is requesting a parking waiver for the reduction of required parking spaces from 112 spaces to 37 spaces for Phase 1, 2, and 3, of which will include 77 Single Room Occupancy (SRO) units and 3,750 square feet of clinic/office space.

The site is located on Allen Court. This waiver request is in conjunction with the Conditional Use application, USE2018 0018. The applicant is seeking to modify the Conditional Use permit to increase the Single Room Occupancy (SRO) units of multi-family housing from 56 to a maximum of 77. The housing provides permanent supportive housing for the chronically homeless. There is paid staff on site 24 hours a day, 7 days a week. The initial proposal included a half-time driver to provide transportation for the residents. However,

Planning Commission
 File No.: PWP2018 0002
 September 14, 2018
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in the first year of operation, there has not been a dedicated driver. The applicant stated that there is a van, and staff drives as needed. Typically, the van is making 10 round trips a week. Additionally, the Emergency Service Patrol van is available to bring residents home after the bus stops running. The kitchen and dining space, constructed in Phase 1, are only available for residents of the building. The residential units are, and will continue to be, restricted by deed as housing for “vulnerable low income residents” for 20 years.

BACKGROUND

The applicant received a variance (VAR2015 0001) when USE2015 0001 was approved for Phase 1 and 2 of Housing First. That use permit approved 56 Single Room Occupancy (SRO) units and 9,200 square feet of clinic/office space in two phases. Phase 1 was completed, with 32 SROs and 2,000 square feet of clinic space. It also includes a commercial kitchen and cafeteria, as well as general circulation/mechanical spaces and laundry facilities for residents. The applicant is now seeking to modify Phase 2 to reduce the office space and add 7 SROs, and add a Phase 3 which will include 12 SROs (USE2018 0018), for a total build out of 77 SROs.

Since 2015, the parking waiver process was put in place. A waiver allows reduced parking for a specific use at a specific location when it can be found that it would benefit the community as a whole. Approved parking waivers expire with a change in use. This waiver process is more appropriate to the requested parking reduction. The proposed modifications to the approved use permit increase the required parking from 105 to 112 on-site spaces. The approved variance included the following condition:

1. Within one year of expiration of the deed restriction for “vulnerable low-income residents” this variance is required to return to the Planning Commission for continued approval.

ANALYSIS

According to CBJ 49.40.210, Table (a), *Minimum Space and Dimensional Standards for Parking*, a total of 112 parking spaces are required (see table below). CBJ 49.40.200(2) requires that when two or more uses take place on the same lot, the required parking is the sum of the requirements for each use. The table below shows the required parking for all three phases.

	Per Table (a)	Required
Parking Calculations		
Office	1 per 300 square feet of gross floor area	5
SRO apartment	1 per unit plus 1 for each increment of 4	97
Clinic	1 per 200 square feet of gross floor area	10
Total Parking		112

Phase 1 created 37 parking spaces on site, 5 of which are van accessible, and one loading space. Five van accessible spaces are the number required by the full 112 parking spaces.

The applicant indicates the parking shown on the site plans is able to provide all the required parking for the

Planning Commission
 File No.: PWP2018 0002
 September 14, 2018
 Page 4 of 6

office and clinic spaces, as well as van accessible spaces provided for the full parking requirement. As shown in the table above, the parking requirement without the SROs is 15, less than half of what is provided on site. As stated previously, the housing is restricted to the chronically homeless. The applicant states that this population invariably has physical, legal, and/or medical circumstances that make typical use of a vehicle unlikely. The applicant also points out that this population is unlikely to own a car. In the first year of operation 37 people have been housed. None of the residents have owned a car.

During review of USE2015 0001 and VAR2015 0001, staff spoke with Kenny Scollan, the operator of Karluk Manor, a Housing First project in Anchorage that also provides permanent supportive housing to the chronically homeless. At that time they had been housing the chronically homeless for 37 months. During that time, none of their residents owned a vehicle. Mr. Scollan indicated that while some of their residents may have made steps towards being able to obtain a driver's license or own a vehicle, the cost of obtaining the required insurance was prohibitive.

Project Location – The lot is located on Allen Court. The lot is located outside of the PD-1, PD-2, and fee-in-lieu parking overlay districts. Lots in these overlay districts have the option to “buy out” their parking requirement. Because the subject lot is outside these overlay districts, a parking waiver is the only option for the subject property to reduce the off-street parking requirements.

Impacts on Nearby On-Street Parking – There is no designated on-street parking in this area. As the applicant has discussed, and Phase 1 has shown, the residents of the Housing First facility do not typically drive or have a license. The developed 37 on-site parking spaces are anticipated to be more than adequate for the full build out of all 3 phases. No impact to on-street parking is expected. The units are restricted by deed as housing for “vulnerable low income residents.” If the SRO calculation is removed, the actual office, clinic, and support parking demand of the facility decreases to a total of 15 parking spaces, well below the 37 provided.

Historic Properties Excluded – There are no historic properties in the vicinity of the requested parking waiver.

Public safety – Reducing the on-site parking requirement is not anticipated to have any negative impacts on public safety. The resident population does not typically own a car or drive. The requested modification to Phase 2 removes 6,800 square feet of non-profit office space, and instead proposes approximately 1,100 square feet of staff office space. This reduces both the parking demand and traffic generation of the facility from that anticipated and analyzed.

Consistency with other surrounding properties – While the lot is zoned General Commercial, it is accessed through industrially zoned land. The neighborhood consists of a mix of commercial and industrial uses. Industrial uses typically have a lower parking requirement. The adjacent Tlingit and Haida Housing office meets its parking requirements. The 37 parking spaces provided are consistent with parking provided by surrounding properties.

Consistency with Comprehensive Plan – The 2013 Comprehensive Plan was reviewed for relevant policies related to the requested parking waiver.

Chapter 3 – Community Form

Policy 3.2 To promote compact urban development within the designated urban service boundary

Planning Commission
File No.: PWP2018 0002
September 14, 2018
Page 5 of 6

area to ensure efficient utilization of land resources and to facilitate cost effective provision of community services and facilities while balancing protection of natural resources, fish and wildlife habitat and scenic corridors.

Chapter 4 – Housing Element

Policy 4.2 To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

Policy 4.5 To maintain the long-term affordability of dwelling units designated affordable as a condition of approval for the granting of rezoning, increased building height, reduced parking, or other economic benefit to the development project.

Policy 4.6 To facilitate and assist in the development of affordable housing.

Chapter 10 – Land Use

Policy 10.2 To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area.

10.2 - IA2 (Implementing Action) Review the existing multifamily zoning districts along transit corridors to increase density limits, reduce parking requirements for residential units, decrease lot sizes, and to allow a wider range of housing types including modular or manufactured homes, accessory apartments, live/work units, loft-style dwellings, and co-housing types.

Policy 10.3 To facilitate residential development of various types and densities that are appropriately located in relation to site conditions, surrounding lands uses, and capacity of public facilities and transportation systems.

HABITAT

Not applicable.

FINDINGS

CBJ 49.40.210 (d)(6)(A) states that the Planning Commission shall review the Director's report to consider:

1. The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan.
2. The development is located outside the PD-1 parking district, the PD-2 parking district, and the Downtown Fee-in-lieu of Parking District map areas.
3. Granting the waiver will not result in adverse impacts to property in the neighboring area.
4. The waiver will not materially endanger public health, safety, and welfare.

The Commission shall adopt the Director's determination on the four 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.

Planning Commission
 File No.: PWP2018 0002
 September 14, 2018
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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. The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan.
2. The development is located outside the PD-1 parking district, the PD-2 parking district, and the Downtown Fee-in-lieu of Parking District map areas.
3. Granting the waiver will not result in adverse impacts to property in the neighboring area.
4. The waiver will not materially endanger public health, safety, and welfare.

Per CBJ 49.40.210(D)(6) the Director makes the following findings on the proposed parking waiver:

1. The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan.

Yes. The waiver will result in more benefits to the community as a whole than detriments as identified by Comprehensive Plan policies. Providing permanent supportive housing for the chronically homeless is beneficial to Juneau. Information provided by the applicant indicates that adequate parking is provided for the projected parking demand of the non-residential uses of the project; therefore there will be no negative effects from the reduced parking requirement.

2. The development is located outside the PD-1 parking district, the PD-2 parking district, and the Downtown Fee-in-lieu of Parking District map areas.

Yes. The development is located outside these parking overlay districts.

3. Granting the waiver will not result in adverse impacts to property in the neighboring area.

Yes. No evidence has been presented showing the granting of the waiver will adversely impact neighboring property. A primary function of minimum parking standards is to prevent overflow parking from impacting adjacent property owners. The applicant has provided information that indicates the parking demand for the chronically homeless is very small. Furthermore a van driven by staff is available to provide transportation to the residents. The applicant has also indicated that the Emergency Service Patrol van is also available to bring residents home after the buses stop running. This housing is restricted to "vulnerable low income residents" which have reduced the need for on-site parking.

4. The waiver will not materially endanger public health, safety, and welfare.

No. Based on the above analysis, the granting of the parking waiver will not materially endanger public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the parking waiver permit. This will allow for the reduction in required parking spaces from 112 to 37 for 77 units of permanent supportive housing for the chronically homeless and 3,750 square feet of clinic/office space.

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description Addition of 45 SROs with 24 staffing to the existing 32 SROs, medical clinic, office space.		
	PROPERTY LOCATION		
	Street Address 1994 Allen Court	City/Zip Juneau/99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lemon Glacier 2LT 3A		
	Assessor's Parcel Number(s) 5B1201010091		
	LANDOWNER/ LESSEE		
	Property Owner's Name Juneau Housing First Collaborative	Contact Person: Mariya Lovishchuk	Work Phone: (907) 957-2885
	Mailing Address 1994 Allen Court Juneau, AK	Home Phone: (907) 957-2885	Fax Number:
	E-mail Address info@feedjuneau.org	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
PROJECT / APPLICANT	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>Mariya Lovishchuk</u> Landowner/Lessee Signature		08/27/2018 Date
	X _____ Landowner/Lessee Signature		_____ Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
	Applicant's Name Juneau Housing First Collaborative		Contact Person: Mariya Lovishchuk
	Mailing Address 1994 Allen Court Juneau, AK 99801		Work Phone: (907) 957-2885
	E-mail Address info@feedjuneau.org		Home Phone: (907) 957-2885
	X <u>Mariya Lovishchuk</u> Applicant's Signature		08/27/2018 Date of Application
	Other Contact Phone Number(s):		Fax Number:

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
		City/State Project Review and City Land Action				
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
		Mining Case (Small, Large, Rural, Extraction, Exploration)				
		Sign Approval (If more than one, fill in all applicable permit #'s)				
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)				
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments: <u>Modification of USE 2015-1</u> <u>a parking waiver</u>					Permit Intake Initials <u>BME</u>

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS



PARKING WAIVER APPLICATION

Case Number

TYPE OF PARKING WAIVER REQUESTED (check one)

MINOR DEVELOPMENT

MAJOR DEVELOPMENT



Parking Waiver Departmental Review

(PWD)



Parking Waiver Planning Commission Review (PWP)

8400
\$320

DESCRIBE THE PROPOSED USE THAT REQUIRES A PARKING WAIVER APPLICATION

The general SRO unit parking requirements do not accurately reflect intended building usage. None of the served residents have cars.

DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one)



Existing



Proposed****

Related Case Number: _____

****If Proposed, provide the related case number.

NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A)

For Residential Uses: _____ spaces

For Non-Residential Uses: _____ spaces

NUMBER OF PARKING SPACES THAT WILL BE PROVIDED

For Residential Uses: _____ spaces

For Non-Residential Uses: _____ spaces

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Project: **Housing First, Phase II**
 Re: Phase II, Phase III parking impacts
 To: Beth McKibben, Mariya Lovishchuk, Bruce Denton
 By: Paul Voelckers
 Date: August 7, 2018

MRV 1815

Parking will be analyzed as part of the new Conditional Use permit process for Phase II and potential Phase III of Housing First. This memo clarifies the differences between the initial parking analysis assumptions, and the actual resolution of Phase II and Phase III spaces.

As background, the initial proposal was for a three story building of about 33,500 sq.ft. total area, with 11,200 sq.ft. per floor. The initial parking analysis identified a mixed-use building with 56 SRO units (including Phase II) on the upper two floors of the proposed facility, and a mix of office, clinic, and general support space on the first floor. The area proposed for the first floor mixed space included a combination of clinic, management offices, meeting space, mechanical space, kitchen, and other support areas.

Actual Phase I construction measured 6,200 sq.ft. on a single floor, or 18,600 sq.ft. total. First floor spaces included 2,000 sq.ft. clinic, 1,350 sq.ft. offices, 335 sq.ft. kitchen, 650 sq.ft. cafeteria seating, and 1,865 sq.ft. circulation, mechanical, and other support spaces. Levels 2 and 3 included 16 SRO units, and a small laundry room.

Phase II is proceeding differently than planned. It is smaller than Phase I, with most of the first floor, and all of floors 2 and 3 for SRO units. Only one additional office space is included, not space for a shared social services non-profit center as originally envisioned. The same 32 SRO units in total will be provided, but the total footprint is smaller, given the near elimination of office space on floor one. Total Phase II area is 4,980 sq.ft. per floor, 14,940 sq.ft. total. Phase III, if and when it occurs, would add 1,250 sq.ft. per level, or 3,750 sq.ft. in total, and 12 more SRO units.

The full building of 37,290 sq.ft. (all phases) is 3,800 sq.ft. larger than the initial proposal of 33,500 sq.ft. It will provide a total of 76 SRO housing units (32, 32, 12). Most significant for parking load analysis, the initial assumption for Phase II assumed an addition of 6,800 sq.ft. of office space, where only 120 sq.ft. is being provided. Since office and clinic space are the key drivers of parking load, it seems clear that the aggregate building parking load should be well-less than that initially calculated and approved.

JUNEAU HOUSING FIRST COLLABORATIVE (JHFC)

PHASE 2

CONDITIONAL USE PERMIT MODIFICATION

PARKING WAIVER EXPLANATION

August 31, 2018

Ms. McKibben,

Attached is the narrative explanation for the parking permit waiver JHFC seeks for the development of Phase 2 of our project.

We have already received a waiver as part of our existing conditional use permit and this waiver is requested for an increase in SROs we are constructing.

As specified in the original permit application, the majority of the tenants of the JHFC are not legally allowed to drive as a result of their disability. We have been operating since October 17th and have not had a single tenant who owned a car.

As stated in Section A (1) of the parking waiver ordinance, "The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan." Development of permanent supportive housing to address a severe shortage in our community is one of the most acute priorities and outlined in the plan as well as in many Assembly meetings, and documents. Requiring more parking would be inconsistent with the goal of creating more affordable and permanent supportive housing because it would kill the project. This would be an unnecessary detriment to the community because none of the residents have cars. Additionally, creating more parking would result in more of a detriment to the community and thus would not be beneficial due to the simple fact that if we build more parking, which we cannot really do anyways, but if we did, tenants might be encouraged to park cars there and drive cars. The if you build it they will come sentiment is further applicable because other facilities in Juneau, with parking which is too big, such as Western Auto and Nugget Mall, to name a few, attract junk vehicles which are a public hazard and an eye sore.

Section A (3) states that, "Granting the waiver will not result in adverse impacts to property in the neighboring area". Section A (4) states that, "The waiver will not materially endanger public health, safety, or welfare". The derelict/junked vehicle situation more unnecessary parking would create would adversely impact the neighborhood. On the other hand, the waiver will not endanger public health, safety, or welfare.

As you know, from the wonderful research you conducted on other permanent supportive housing projects in Alaska and elsewhere for the conditional use permit granted for the construction of our project, parking requirements necessary for market rate apartment buildings are not applicable for permanent supportive housing project. Additionally, as we pointed out in the original parking variance application, attached here, the project is located in convenient proximity to public transportation and also has dedicated driving staff to provide tenants with transportation.

We respectfully request that the parking waiver is granted.

Sincerely,

Mariya Lovischuk. ED TGH

Project Coordinator



Source: *Author's calculations*.

Housing for Juneau's Chronic & Vulnerable Homeless Population

JUNEAU HOUSING FIRST COLLABORATIVE

[illegible]

DATE:	01/20/15
SCALE:	
DRAWN:	mv
CHECKED:	PV

A100

SITE AREA: 39,424 SF
VEGETATIVE AREA WITHIN LOT: 7,845 SF (20%)
GENERAL PARKING (9' X 19', TYP)

NOTE: 11"x 17" PRINT IS HALF SIZE



MRV ARCHITECTS
1420 GLACIER AVE. #101
JUNEAU, AK 99801
907-586-1371
FAX 907-463-5544
mrv@mrvarchitects.com

Construction Documents - Conformed Drawings

JUNEAU HOUSING FIRST COLLABORATIVE

MRV 1415

No.	Description	Date

SHEET TITLE:
SITE - PHASE II

DATE: 02-09-2016
SCALE: 1/1-18
DRAWN: ZJ
CHECKED: PV

SHEET NO.

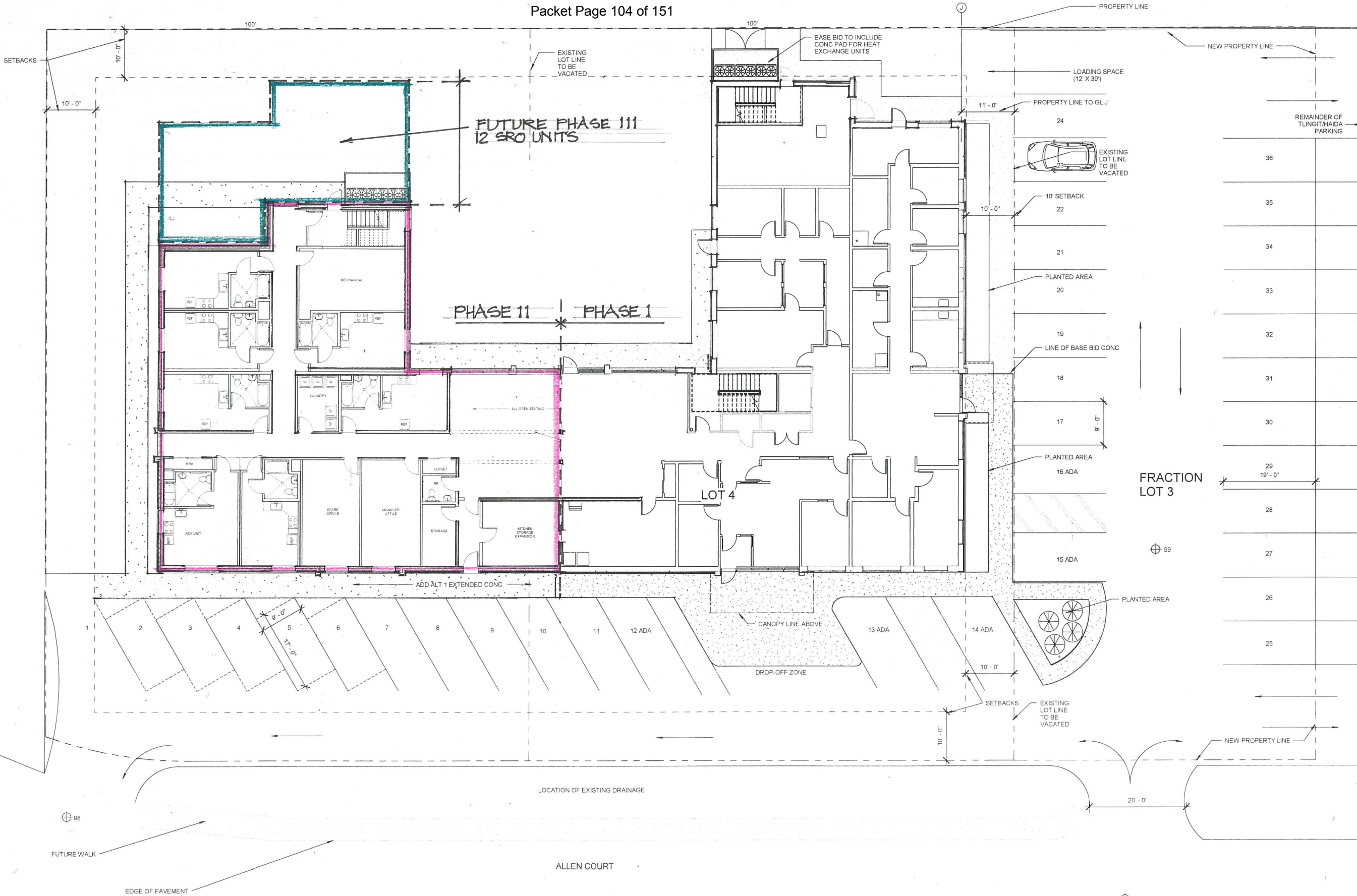
A101

1 SITE
1" = 10'-0"



Attachment B

NOTE: 11"x17" PRINT IS HALF SIZE





**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: February 11, 2015

File No.: VAR2015 0001

MRV Architects
1420 Glacier Avenue #101
Juneau, AK 99801

Application For: A variance to reduce the parking requirement from 105 spaces to 37 spaces.

Legal Description: Lemon Glacier 2 Lot 5, 4, Fraction 3

Property Address: 1944 Allen Court, Juneau, AK 99801

Parcel Code No.: 5-B12-0-101-009-0; 5-B12-0-101-010-0; 5-B12-0-101-011-0

Hearing Date: February 10, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Within one year of expiration of the deed restriction for "vulnerable low-income residents" this variance is required to return to the Planning Commission for continued approval.

Attachment: February 5, 2015, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0001

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

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

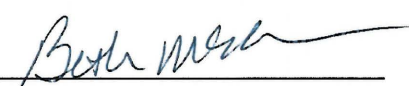
Effective Date: The permit is effective upon approval by the Board, February 10, 2015

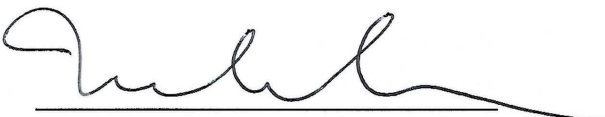
Expiration Date: The permit will expire 18 months after the effective date, or August 10, 2016, if no Building Permit has been issued and substantial construction progress has not been

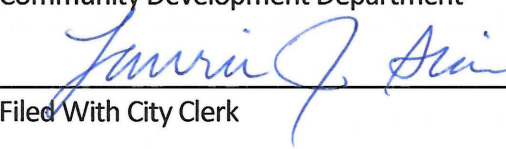
MRV Architects
 File No: VAR2015 0001
 February 11, 2015
 Page 2 of 2

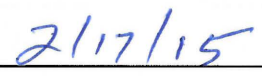
made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


 Beth McKibben, Planner
 Community Development Department


 Michael Satre, Chair
 Planning Commission


 Filed With City Clerk

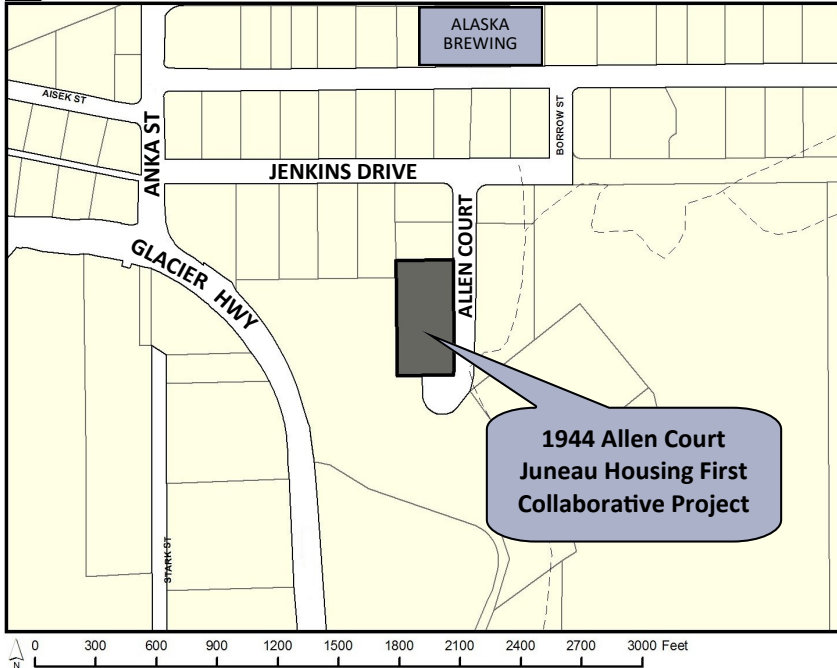

 Date

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.

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit to add additional units to the Juneau Housing First Project** located at 1944 Allen Court in a General Commercial zone and for a **Parking Waiver to reduce the parking requirements.**

TIMELINE

Staff Reports expected to be posted **Monday, September 17** at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through 12 noon, September 21

Comments received by 12 noon on Friday, September 21, will be sent directly to the Commissioners to read over the weekend in preparation for the hearing.

Phone: (907)586-0715

Email: pc_comments@juneau.org

Mail: Community Development, 155 S. Seward St, Juneau AK

HEARING DATE & TIME
7:00 pm, Sept. 25, 2018

Sept. 26

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.

The results of the hearing will be posted online.

Case Nos.: USE2018 0018; PWD2018 0002
Parcel No.: 5B1201010091
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: September 26, 2018
File No.: PWP2018 0002

Housing First Collaborative
1994 Allen Court
Juneau, AK 99801

Proposal: A Parking Waiver for Housing First to reduce parking from 112 to 37 spaces
Property Address: 1944 Allen Court
Legal Description: Lemon Glacier 2, Lot 3A
Parcel Code No.: 5B1201010091
Hearing Date: September 25, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 14, 2018 and approved the waiver of the requirement for 112 parking spaces to be conducted as described in the project description and project drawings submitted with the application.

Attachments: September 14, 2018 memorandum from Teri Camery, Senior Planner, Community Development to the CBJ Planning Commission regarding PWP20018 0002.

This Notice of Decision does not authorize any construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

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 PM on the day twenty days from the date the decision is filed.

Housing First Collaborative
File No.: PWP2018 0002
September 26, 2018
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Effective Date: The waiver is effective upon approval by the Planning Commission, September 25, 2018.

Expiration Date: Approved Parking Waivers shall expire upon a change of use.

Project Planner:



Teri Camery, Senior Planner
Community Development Department



Nathaniel Dye, Acting Director
Planning Commission



Filed With Municipal Clerk

9/26/2018
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 1 (800) 949-4232, or fax (360) 438-3208.



NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

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

APPELLANT'S CONTACT INFORMATION

Dale McFarlin

iamlordcheese@gmail.

957-7612

Appellant's Name (please print)

E-mail Address

Phone

4637 River Rd998091

Juneau

AK

99801//r

Mailing Address

City

State

Zip

X

Appellant's Signature

DECISION THAT IS BEING APPEALED*

Rejection of a Request for a Variance hearing

Date of Director's Determination August 23, 2018

Attach a copy of the Director's Decision (E-mail, Notice of Decision, Letter, etc.).

* Notice must be submitted within 20 days of the date of the decision being appealed.

APPEAL SPECIFICS (please fill in all that apply)

Parcel Number 4b2501000024

Zoning District

D3

Case Number var20180001

Title 49 Code Section

CBJ 49.20 Article II

Current Use of Land or Buildings Single family residential

Proposed Use of Land or Buildings Single family residential

Other

ALL REQUIRED MATERIALS ATTACHED



Complete Application



Appeal Decision



Narrative including:



Grounds for Appeal



Specific questions you would like the Planning Commission to address

To be completed by Applicant

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

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	\$ <u>700</u>			
Refund (Yes/No)	\$ <u></u>			
Total Fee	\$ <u>700</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	Date Received
<u>APL 18-004</u>	<u>9/11/18</u>



Nathan Bishop

4649 River Rd
Juneau, AK, 99801
(907) 789-2139
nathanbishop@gci.net

September 9, 2018

Jill Maclean
155 S. Seward St
Juneau, Alaska 99801

Dear Ms. Maclean

I am writing to you on behalf of the McFarlins and their desire to see your rejection of variance 2018 0001 appealed to the Planning Commission.

In your rejection letter dated August 23, 2018 you cited CBJ 49.20.200 (*Pursuant to this article, a variance may be granted to provide an applicant relief from the requirements of this title. A variance is prohibited from varying any requirement or regulation of this title concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35, or requirements in chapter 49.65. Applications for prohibited variances shall not be accepted for filing or shall be rejected by the director*) to justify the rejection of the variance application. We don't dispute that this section of code prohibits expansion on the existing structure with the overlying bungalow lot requirements. However we do reject the notion that this code section prohibits a variance to lot width.

We are asking the Planning Commission to consider a variance to lot width, thereby allowing this lot to be relieved of the Bungalow lot designation and associated requirements. The restrictions for prescribed in CBJ 49.20.200 (cited above) do not prohibit variances to lot width. In my experience as a city planner I found dimensional variations were one of the most common request for relief.

We are not requesting a variance to any requirement or regulation of this title concerning the use of land or structures, housing density, or lot area. Nor are we looking for relief of the requirements listed in chapter 49.35 (Public and Private Improvements). Last but not least, we are not looking for relief to CBJ 49.65, the section you used to justify the variance "rejection".

The bungalow lot requirements listed in chapter 49.65 are as follows:

49.65.610 Bungalow lot subdivisions.

(a) Subdivisions creating bungalow lots must meet the following requirements:

(1) lots must be served by sewer and water and publicly maintained roads.

(2) In zoning districts D1, D3, D5 and D10-sf and D10 subdivisions shall not exceed two bungalow lots for each standard lot.

(3) In zoning districts D15 and D18 bungalow lots may be platted without creating standard lots

(4) A note shall be included on all plats which create bungalow lots, providing: "At the time of plat recording, structures on (lot and block number for all bungalow lots) were limited to one 1,000 square foot detached single-family residence per lot; other restrictions apply as well. See the City and Borough of Juneau Land Use Code for current regulations."

(5) Lots created through the Planned Unit Development process shall not be further subdivided into bungalow lots.

All of the above listed requirements were met and/or are not pertinent to the discussion. We are not looking for any alteration or relief from these requirements as that would have no bearing on the property if the Planning Commission found variance to lot width appropriate.

Your staff has suggested the McFarlins acquire adjacent land from the neighbors to meet the 100ft lot width standard. Although this would require plating an irregular lot shape and would also be poor use of the land, I know they would gladly do so if the neighbor was willing, but that is not the case.

This proposal to remove the Bungalow lot requirements through land acquisition insinuates that such requirements can be detached from a parcel if it meets the dimensional standards governed by CBJ 49.25.410, and any relaxations and restrictions placed by the Planning Commission.

Variances are one of the most commonly used tools the public uses to resolve difficult land use issues. Not allowing a resident to plead their case denies individuals an essential right to plead their cases to the regulators we trust to run our community.

I was an advocate for the bungalow subdivision ordinance when it first became available as a tool for developers and individuals alike. Since then I have found that it is lacking in a number of ways. First and foremost, the square footage allowed is much too small. 1000

square feet is just barely adequate for a couple, much less a family of four. Juneau has had a shortage of appropriate houses for quite a long time now. We have been doing our best to create opportunities for alternative housing types. However, we have a long way to go to meet the diverse needs of our community.

The McFarlins have been doing their best to work with what they have, however with four people in such a small home, it is very difficult. This doesn't need to be the case. Variances are designed to help in situations such as this, where regulations bump up against common sense. The McFarlin's house is situated on a large lot (19,732sqft), three times the size allotted bungalow lots in the D3 zoning district, and 65% more square feet than the permissible dimensional standards. The house exceeds all setback standards by a minimum of 30%.

I take some of the blame for creating this situation, I should have realized that the bungalow size restriction was too burdensome, and applied for a variance during platting.

Thank you for your service,

Sincerely,



Nathan Bishop

Acknowledged : Dale and Florence McFarlin



RECEIVED

SEP 10 2018

PERMIT CENTER

MENDENHALL RIVER

50' SET-BACK LINE

MANSFIELD CROSSING SUBDIVISION

NORTH

LOT 2

LOT 1

LOT 3
19,732 SQ. FT.
0.45 ACRES

LOT 5

LOT 4

SINGLE STORY HOUSE

ACCESS AND UTILITY EASEMENT FOR LOTS 3,4,&5.

5' X 10' UTILITY EASEMENT FOR LOTS 3,4,&5.

RIVER ROAD

SCALE: 1"=50'



DATE: 10 JULY 2010

FILE: 08112.01A/317

AS-BUILT DRAWING OF:

LOT 3,
MANSFIELD CROSSING SUB.
U.S.S. 2091

JUNEAU, AK., CITY AND BOROUGH OF
JUNEAU, JUNEAU RECORDING DIST.

ALASKA LAND SURVEYING CO. L.L.C.

PO BOX 397, PALMER, ALASKA, 99645; TEL. 907-745-1491, FAX 907-745-1490

MORTGAGE SURVEY NOTE: THIS SURVEY IS PREPARED IN ACCORDANCE TO A.S.P.L.S. MORTGAGE LOCATION SURVEY STANDARDS. THIS SURVEY REPRESENTS SURFACE CONDITIONS FOUND AT THE TIME OF LOCATION SURVEY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY. THIS SURVEY IS SUBJECT TO ANY INACCURACIES THAT A BOUNDARY SURVEY MAY DISCLOSE. THE INFORMATION SHOWN HEREON SHALL NOT BE USED TO ESTABLISH FENCES, STRUCTURES, OR OTHER IMPROVEMENTS. UNLESS GROSS NEGLIGENCE IS DISCOVERED, LIABILITY OF THE PREPARER IS LIMITED TO THE FEES COLLECTED FOR SERVICES IN THE PREPARATION OF THIS PRODUCT.





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

DATE: September 14, 2018
TO: Planning Commission
FROM: Jill Maclean, AICP, Director
Community Development Department

A handwritten signature in black ink, reading 'Jill Maclean', is positioned to the right of the 'FROM:' line.

CASE NO.: AME2018 0012

PROPOSAL: Text amendment to revise Title 49 to provide for Alternative Residential Subdivisions (ARS).

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

ATTACHMENTS

Attachment A: Alternative Residential Subdivision Ordinance (2018-41)
Attachment B: Zoning District Potential Density with Potential Bonuses
Attachment C: Letter from S. Ciambor, Chief Housing Officer

BACKGROUND

Purpose

The Alternative Residential Subdivisions (ARS) ordinance, also sometimes referred to as "unit lot subdivisions", is designed to provide reasonable minimum standards and procedures for small-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. The ARS is intended to provide a housing option to allow dwellings on small-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities.

Review and Approval Process

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

Planning Commission
Case No.: AME2018 0012
September 14, 2018
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section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.

Prior to submission of an application, the director shall conduct an informal pre-application conference with the developer to discuss the proposed alternative residential subdivision. The purpose of the pre-application conference shall be to exchange general and preliminary information and to identify potential issues and bonuses.

Range of Housing Types / Flexible Site Development

The ARS allows for the ability to develop a range of housing options that are not available today, while at the same time encouraging developments that are in harmony with the surrounding area. Such development possibilities include infill development, tiny houses, and cottage-type housing, and an alternate option to planned unit development that allows for residential-only uses, with a few minor exceptions.

Zoning Districts / Permitted Uses

Alternative Residential Subdivisions are permissible borough-wide in the RR, D1, D3, D5, D10SF, D10, D15, D18 and LC zoning districts.

Unlike a planned unit development, the ARS allows for residential development. The remainder of the parent lot may include a recreational center, community facility, or a child care center. Consistent with the Table of Permissible Uses, 49.25.300, only residential uses and associated accessory structures are allowed on the small unit-lots. Accessory dwelling units are prohibited on the parent lot and on any small unit-lots. A home occupation or a child care home is permissible on the small unit-lots. If an ARS creates a lot that complies with the Table of Dimensional Standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.

Density and Density Bonuses

Similar to planned unit development, the ARS allows for the density of the development to be calculated by multiplying the maximum number of dwelling units, per gross acre permitted in the underlying district, by the number of acres in the alternative residential subdivision, and rounding to the nearest number (see Attachment B for examples).

The Commission may award density bonuses as an incentive to add enhancements to the development unless the Commission finds that the increased density may materially endanger the public health or safety; substantially decrease the value of or be out of harmony with property in the neighboring area; or, lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plan.

The sum of the total density bonus allotted to a development shall not exceed 50 percent of the base density permissible for the underlying zoning district in RR, D1, D3, D5, and D10SF zoning districts, and 25 percent of the base density permissible for the underlying zoning district in the D10, D15, D18, and LC zoning districts, rounded to the nearest whole number (see Attachment A).

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Open Space Requirements

Recognizing that the ARS provides for more dense and/or clustering of development on the site, open space is required as follows:

- Minimum 25% in RR and D1 zoning districts
- Minimum 20% in D5 and D10 zoning districts
- Minimum 15% in D10SF zoning district
- No minimum open space requirement for D15, D18, and LC zoning districts

ARS provides for more dense development and/or clustering of development, therefore open space is required.

Buffer from Neighboring Development and Surrounding Uses

The ARS seeks to protect established neighborhoods and support neighborhood harmony by requiring a perimeter buffer that creates a neutral space between different types of land uses, buildings, or development, with an interest in minimizing conflicts between potentially incompatible land uses. The minimum buffer width cannot be less than the standard setback(s) established by the underlying zoning district, and may be expanded to ensure neighborhood harmony and shield and minimize impacts to established surrounding properties.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed ARS ordinance as discussed in this report, and attached documents, comply with the Comprehensive Plan as follows:

Chapter 3: Community Form.

POLICY 3.1.

TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 3.2.

TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 3.4.

TO ENCOURAGE AND FACILITATE THE DEVELOPMENT OF NEW GROWTH AREAS IN SUITABLE LOCATIONS IN THE REMOTE AREAS OF THE BOROUGH IN ORDER TO ACCOMMODATE MASTER PLANNED, SELF-CONTAINED URBAN-LEVEL DEVELOPMENT OPPORTUNITIES OUTSIDE THE URBAN SERVICE AREA.

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Chapter 4 Housing Element.

POLICY 4.1.

TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.

POLICY 4.2.

TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 4.5. TO MAINTAIN THE LONG-TERM AFFORDABILITY OF DWELLING UNITS DESIGNATED AFFORDABLE AS A CONDITION OF APPROVAL FOR THE GRANTING OF A REZONING, INCREASED BUILDING HEIGHT, REDUCED PARKING, OR OTHER ECONOMIC BENEFIT TO THE DEVELOPMENT PROJECT.

POLICY 4.6.

TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.

POLICY 4.8.

TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

Chapter 6 Energy.

POLICY 6.10.

TO ENCOURAGE COST EFFECTIVE ENERGY EFFICIENT BUILDING AND REMODELING PRACTICES.

Chapter 10 – Land Use.

POLICY 10.2.

TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3.

TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.5.

THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

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Findings

Based upon the above review, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan.

COMPLIANCE WITH CBJ LAND USE CODE

The following sections of Title 49 have been examined to determine whether or not the proposed ARS ordinance is in compliance with the Code:

49.25 Article II. Zoning Districts.

Specifically, Article III Permissible Uses. No primary uses are permitted on the remainder of the parent lot except a recreational center, community facility, or a child care center. Consistent with the Table of Permissible Uses, 49.25.300, only residential uses and associated accessory structures are allowed on the small unit-lots. Accessory dwelling units are prohibited on the parent lot and on any small unit-lots. A home occupation or child care home is permissible on the small unit-lots. If an ARS creates a lot that complies with the Table of Dimensional Standards, 49.25.400, for the underlying zoning district, an accessory dwelling unit may be permissible.

49.25 Article V. Density.

The ARS stipulates that the number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre, permitted in the underlying zoning district, by the number of acres in the alternative residential subdivision, and rounding to the nearest whole number (see Attachment B).

The ARS provides for the Commission to award a density bonus as an incentive to add enhancements to the development unless the Commission finds that the increased density may materially endanger the public health or safety; substantially decrease the value of or be out of harmony with property in the neighboring area; or, lack general conformity with the comprehensive plan, thoroughfare plan or other officially adopted plan.

The sum of the total density bonus allotted to a development shall not exceed 50 percent of the base density permissible for the underlying zoning district in RR, D1, D3, D5, and D10SF zoning districts, and 25 percent of the base density permissible for the underlying zoning district in the D10, D15, D18, and LC zoning districts, rounded to the nearest whole number (see Attachment A).

49.35 Public and Private Improvements.

An ARS is required to connect each dwelling unit to public sewer and water per 49.35 Article II and Article III. A master meter for water shall be installed by the developer.

Additionally, the parent lot shall front on, and be accessed, by a publically maintained right-of-way. Access within the development may be exempted from 49.35 and be privately owned and maintained if it complies with the following requirements:

- (1) The access shall be located completely on the parent lot;
- (2) The access does not endanger public safety or welfare;

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(3) The access complies with, or can be improved to comply with, the emergency service access requirements of CBJ 19.10;

(4) Access to, and within, the development is paved.

49.40 Parking and Traffic.

Parking required for each dwelling unit may be located on either the parent lot or the small unit-lot and must meet the requirements of 49.40.210, Minimum space and dimensional standards for parking and off-street loading.

Findings

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Land Use Code.

COMPLIANCE WITH HOUSING ACTION PLAN

The Housing Action Plan states that the, *“CBJ’s plans, zoning ordinance, development codes, and Land Management Plan, must all stress the value of utilizing existing infrastructure before building new, and maximizing old and new infrastructure through higher densities and greater concentrations of uses wherever appropriate”*. The proposed ARS ordinance, as discussed in this report, and attached documents, comply with the Housing Action Plan as follows:

- Develop Housing Choices to Accommodate Juneau’s Workforce Needs
- Update CBJ zoning tools/regulations with a focus on housing
- Update Zoning Tools with a Focus on Housing
- Encourages efficient use of land
- Encourages increased density on existing utility services

Findings

Based upon the above review, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Housing Action Plan.

COMPLIANCE WITH THE JUNEAU ECONOMIC DEVELOPMENT PLAN

The proposed ARS ordinance, as discussed in this report and attached documents, comply with the Juneau Economic Development Plan as follows:

Initiative: Promote Housing Affordability and Availability

- Zoning to encourage smaller housing development (e.g. multiple small homes on a single lot, cottage housing, accessory apartments, etc.)
- Rezoning or bonuses to allow higher densities
- Reduce permitting burden for certain types of housing development
- Inclusionary housing programs, including fee-in-lieu options

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Findings

Based upon the above review, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Juneau Economic Development Plan.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan. Additionally, this change would not create any internal inconsistencies with any plans or codes, providing the amendments stated above are approved.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed ordinance and favorably recommend Ordinance (2018-41) to the Assembly for adoption.

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-41

An Ordinance Amending the Land Use Code Relating to Subdivisions.

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

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

Section 2. Amendment of Chapter. Title 49, Chapter 15 is amended to by adding a new article IX to read:

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that

provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable unit-lots.

49.15.920 General provisions.

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150% of the minimum lot size for the zoning district in which it is located. . There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, vegetative coverage, and setbacks shall be applied to the parent lot and not the unit-lots.
- (e) *Density.*
 - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.
 - (2) Land and water bodies used in calculating allowable density shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.

(3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10SF zoning districts, and 25 percent in the D10, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses of up to:

- (A) Five percent for each ten percent increment of open space in excess of that required to a maximum bonus of five percent for open space in excess of that required;
- (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of the stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
- (C) Five percent for a mixture of housing units, at least 15 percent of which are designed for purchase via a monthly mortgage payment of no more than 30 percent of the median income in the City and Borough, as calculated by the Alaska Department of Labor;
- (D) Ten percent for excellence in design, or provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
- (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with Chapter 49.35;
- (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use

pathways to facilitate pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;

(G) Five percent for designing all dwelling structures to a five-star energy efficiency rating; ten percent for designing all dwelling structures to a six-plus energy efficiency rating; and

(H) Ten percent for using alternative heating methods, such as heat pumps, in all dwelling structures.

(4) A density bonus may be limited or denied if it will more probably than not:

(A) Materially endanger public health or safety;

(B) Substantially be out of harmony with property in the neighboring area;

(C) Lack general conformity with the comprehensive plan or another adopted plan; or

(D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.

(f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from 49.35 and be privately owned and maintained if it complies with the following requirements:

(1) The access shall be located completely on the parent lot;

(2) The access does not endanger public safety or welfare;

(3) The access complies with or can be improved to comply with the emergency service access requirements of CBJ 19.10;

(4) Access to and within the development is paved;

(5) The developer submits adequate evidence that upon approval of the development, a homeowners association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and

(6) The alternative residential subdivision does not abut a parcel that lacks alternative and practical frontage on a publically maintained right-of-way.

(g) *Utilities*. An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.

(h) *Parking*. Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.

(i) *Open Space*. Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-5 and D-10 zoning districts; 15 percent in the D10SF district. . Open space is not required in the D-15, D-18, or LC zoning districts.

(j) *Buffer*. There shall be a perimeter buffer within the boundaries of parent lot. The minimum buffer width shall not be less than the standard setback(s) set by the underlying zoning district, and may be expanded to ensure neighborhood harmony and minimize off-site impacts. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. The commission shall determine the width and type of buffer upon considering, but not limited to: location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. No parking areas or dwelling units may be located within the perimeter buffer.

1
2 (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in
3 common by a homeowners association, or similar entity, comprised of the owners of the unit-
4 lots located within the parent lot.

5 (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be
6 adequate to serve the development and areas draining through the development. Management
7 shall be in accordance with the Stormwater Best Management Practices manual. Where
8 appropriate, natural drainage channels, swales, or other similar areas within the open space
9 may be used for stormwater management at the development. The developer shall provide the
10 CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls
11 for the additional runoff contributed by the alternative residential subdivision. The commission
12 may require construction of offsite drainage improvements necessary to accommodate
13 additional runoff from the development.
14

15 (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational
16 center, community facility, or a child care center. Consistent with the Table of Permissible
17 Uses, 49.25.300, only residential uses and associated accessory structures are allowed on the
18 unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A
19 home occupation or a child care home is permissible on the unit-lots. If an alternative
20 residential subdivision creates a lot that complies with the Table of Dimensional Standards,
21 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this
22 subsection does not apply.
23

24 (n) *Street sign.* Street signage is required. The developer shall install a street sign provided
25 by the City and Borough of Juneau at the developer's expense. The shall determine the type of

1
2 street sign—addresses or street name—upon considering public health, safety, and welfare
3 given the size of the subdivision.

4 (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall
5 determine the placement location of mailboxes. The director may require additional
6 improvements and design changes to enable efficient mail delivery and to minimize traffic
7 interferences and compliance with CBJ standard details.
8

9
10 **49.15.930 Alternative Residential Subdivision Review Process.**

11 (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed
12 according to the requirements of section 49.15.330, conditional use permit, and in the case of
13 an application proposing a change in the number or boundaries of unit-lots, section 49.15.402,
14 major subdivisions, except as otherwise provided in this article. Approval shall be a two-step
15 process, preliminary plan approval and final plan approval. In cases involving a change in the
16 number or boundaries of unit-lots, the preliminary and final plat submissions required by
17 section 49.15.402 shall be included with the preliminary and final plan submissions required
18 by this chapter.
19

20 (b) *Preapplication conference.* Prior to submission of an application, the director shall
21 conduct an informal preapplication conference with the developer to discuss the proposed
22 alternative residential subdivision. The purpose of the preapplication conference shall be to
23 exchange general and preliminary information and to identify potential issues and bonuses.
24 The developer may discuss project plans and the director may provide an informal
25 assessment of project permit eligibility, but no statement made by either party shall be

regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.

49.15.940 - Preliminary alternative residential subdivision plan approval.

(a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.430(1), the information required by this section, and any other information specified by the director.

(b) *Required submissions.* The application shall include the following material:

(1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.

(2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for

housing, open space, buffer, access, and parking; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.

(3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

(4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, open space, buffers, landscaping, and similar features.

(5) *Request for Density Bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus:

(6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:

(A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;

(B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;

(C) A description of the access connecting all the phases and where they will connect at the alternative residential subdivision boundaries;

(D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;

(E) A description of the overall design theme unifying the phases;

(F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and

(G) A sketch plat consistent with 49.15.410.

(c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.

(d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the following requirements:

(1) The design provides for effective housing;

(2) The development protects natural features and avoids natural hazards by reserving them as open space;

(3) The development is consistent with the land use code;

(4) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;

(5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;

(6) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;

(7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;

(8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and

(9) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).

(e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

49.15.950 - Final alternative residential subdivision plan approval.

(a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.

(b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.

(1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The homeowners' association shall be responsible for the open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

(c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

(d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

49.15.960 - Phased development.

(a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to

1
2 assess the cumulative effects of the entire alternative residential subdivision on the
3 neighborhood and the environment according to the standards in subsection 49.15.940.

4 (b) *Completion of an individual phase.* Each phase shall be so designed and implemented
5 that, when considered with reference to any previously constructed phases but without
6 reference to any subsequent phases, it meets the design and density standards applicable to
7 the entire alternative residential subdivision. Construction and completion of open space and
8 common facilities serving each phase in an alternative residential subdivision shall proceed at
9 a rate no slower than that of other structures in that phase. No phase shall be eligible for final
10 plan approval until all components of all preceding phases are substantially complete and
11 homeowner's association documents have been approved.

12 (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be
13 reviewed according to the provisions of this chapter then current. Each phase of an alternative
14 residential subdivision shall maintain design continuity with earlier phases. At no point during
15 a phased development shall the cumulative density exceed that established in the approved
16 preliminary plan.
17

18
19
20 **49.15.970 - Amendments to approved alternative residential subdivision plan.**

21 (a) *Request for amendment.* The developer of an alternative residential subdivision may
22 request an amendment to an approved preliminary or final alternative residential subdivision
23 plan. The request shall state the reasons for the amendment and shall be submitted in writing
24 to the director, who shall inform the developer within 15 days whether the request shall be
25 processed as a minor amendment or major amendment.

(b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, and would result in:

- (1) Insignificant change in the outward appearance of the development;
- (2) Insignificant impacts on surrounding properties;
- (3) Insignificant modification in the location or siting of buildings or open space;
- (4) No reduction in the number of parking spaces below that required;
- (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.

(c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

Section 3. Amendment of Section. 49.80.100, Fees For Land Use Actions, is amended by adding a new fee for Alternative Residential Subdivisions to read:

49.80.100(8)

(G) Alternative Residential Subdivision.

(i) Preliminary plan application approval, \$400.00 plus \$80.00 per residential unit;

(ii) Final Plan approval, \$300.00 plus \$60.00 per residential unit.

Section 4. Amendment of Section. 49.80.120, Definitions, is amended by adding a new definition to read:

Parent lot: means the original lot and the residual area from which unit-lots are created through an alternative residential subdivision.

Unit-lot: means any lot, site, parcel, unit-site, and similar geographically defined property that is created through an alternative residential subdivision and that is substantially smaller than the minimum lot size required for the zoning district.

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

Adopted this _____ day of _____, 2017.

xx, Mayor

Attest:

xx, Municipal Clerk

	RR	D1	D3	D5	D10SF	D10	D15	D18	LC
Min. Lot Size / Zoning District									2,000
Density / Zoning District									30/acre
Sq. Ft of an Acre / DUs per Acre	43,560 (not used for single-family)	43,560	14,520	8,712					1,452
#DUs / Acre									30
Min. Lot Size for ARS*									3,000
#DUs/Min. Lot in ARS				10500/7000= 1.5 = 2				7500/2420 = 3	3000/1452 = 2
BONUS									
10%	2.20 = 2	(same)	(same)	(same)	(same)	(same)	3.20 = 3	(same)	2.20 = 2
15%	2.30 = 2								2.30 = 2
20%	2.40 = 2								2.40 = 2
25%	2.50 = 3								2.50 = 3
30%	2.60 = 3								2.60 = 3
35%	2.70 = 3								2.70 = 3
40%	2.80 = 3								2.80 = 3
45%	2.90 = 3								2.90 = 3
50%	3.0 = 3						4.0 = 4		3.0 = 3
Recommended by T49	50%	50%	50%	50%	50%	25%	25%	25%	25%
#DUs/Min. Lot in ARS	130680/36000 = 3.63 = 4								
BONUS									
10%									
15%	4.60 = 5		12.165 = 12	21.85 = 22	41.4 = 41	34.5 = 35	51.75 = 52	62.1 = 62	103.5 = 104
20%	4.80 = 5		13.20 = 13	22.8 = 23	43.2 = 43	36	54	64.8 = 65	108
25%	5.0 = 5								
30%	5.20 = 5		14.30 = 14	24.7 = 25	46.8 = 47	39	58.5 = 59	70.2 = 70	117
35%	5.40 = 5		14.85 = 15	25.65 = 26	48.6 = 49	40.5 = 41	60.75 = 61	72.9 = 73	121.5 = 122
40%	5.60 = 6								
45%	5.80 = 6		15.95 = 16	27.55 = 28	52.2 = 52	43.5 = 44	65.25 = 65	78.3 = 78	130.5 = 131
50%	6.0 = 6								
*Minimum acreage required to use ARS = 150% of the required minimum lot size for the zoning district									
ARS Density is determined by “the number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number”.									



155 S. SEWARD STREET ▪ JUNEAU, ALASKA 99801
PHONE: 907-586-0220 ▪ FAX: 907-586-4552

August 20, 2018

MEMO

TO: CBJ Planning Commission

Re: Alternative Residential Subdivisions

Dear Planning Commission –

I wanted to send a quick note to encourage the Planning Commission to amend the land use code relating to subdivisions to include “alternate residential subdivisions.”

There are a number of reasons to consider this type of a change, including:

- **The CBJ Housing Action Plan (HAP)** has language encouraging zoning ordinance, development code, and land management changes that look to maximize infill housing development opportunities and encourage higher densities. Also, the HAP calls for streamlining or fast-tracking housing permitting which would be the case if the suggested alternative residential language changes were adopted.
- **The “missing middle”:** There is much discussion about providing more code flexibility to allow the creation of more housing opportunities through multi-unit or clustered type of housing than the typical single-family home and multi-family options. This code change would help developers with potential options in design and financing for projects in the future.
- **Financing:** The financing landscape for housing development changes frequently – in this case with conventional mortgages (USDA, FHA) now allowing for opportunities to lend on site condos or detached condos. These Title 49 changes would give developers another tool to develop future projects.

Thanks,

Scott Ciambor,
Chief Housing Officer

AME2018-0012

Text amendment to revise Title 49 to provide for
Alternative Residential Subdivisions (ARS)

Planning Commission Hearing

September 25, 2018



- The Alternative Residential Subdivisions (ARS) ordinance is designed to provide reasonable minimum standards and procedures for small-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot.
- The ARS is intended to provide a housing option to allow dwellings on small-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities.

Background

- Range of Housing Types / Flexible Site Development
 - Infill development, tiny houses, and cottage-type housing, and an alternative option to planned unit development, that allows for residential-only uses
- ARS are permissible borough-wide in the RR, D1, D3, D5, D10SF, D10, D15, D18 and LC zoning districts
- May include a recreational center, community facility, or a child care center on the parent lot;
- A home occupation or a child care home is permissible on the small unit-lots
- May have an accessory apartment if the lot meets the underlying zoning minimum required dimensional standards

- Open Space Requirements
 - Minimum 25% in RR and D1 zoning districts
 - Minimum 20% in D5 and D10 zoning districts
 - Minimum 15% in D10SF zoning district

- No minimum open space requirement for D15, D18, and LC zoning districts

- Buffer
 - A perimeter buffer that creates a neutral space between different types of land uses, buildings, or development, with an interest in minimizing conflicts between potentially incompatible land uses
 - Minimum buffer width cannot be less than the standard setback(s) established by the underlying zoning district, and may be expanded to ensure neighborhood harmony and shield and minimize impacts to established surrounding properties

Density

	RR	D1	D3	D5	D10SF	D10	D15	D18	LC
Min. Lot Size / Zoning District	36,000	36,000	12,000	7,000	3,600	6,000	5,000	5,000	2,000
Density / Zoning District	1	1	1	1	1	10/acre	15/acre	18/acre	30/acre
Sq. Ft of an Acre / DUs per Acre	43,560 (not used for single-family)	43,560	14,520	8,712	3,630	4,360	2,904	2,420	1,452
#DUs / Acre	1	1	3	5	12	10	15	18	30

Min. Lot Size for ARS*	54,000	54,000	18,000	10,500	5,400	9,000	7,500	7,500	3,000
#DUs/Min. Lot in ARS	$54000/36000 = 1.5 = 2$	$54000/36000 = 1.5 = 2$	$18000/12000 = 1.5 = 2$	$10500/7000 = 1.5 = 2$	$5400/3630 = 1.5 = 2$	$9000/4360 = 2$	$7500/2904 = 2.58 = 3$	$7500/2420 = 3$	$3000/1452 = 2$

BONUS									
10%	2.10 = 2	(same)	(same)	(same)	(same)	(same)	3	(same)	2
15%	2.15 = 2								
20%	2.20 = 2								
25%	2.25 = 2								
30%	2.30 = 2								
35%	2.35 = 2								
40%	2.40 = 2								
45%	2.45 = 3								
50%	2.50 = 3						4		3

Example Lot	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)	3 acres (130,680)
#DUs/Min. Lot in ARS	$130680/36000 = 3.63 = 4$	$130680/36000 = 3.63 = 4$	$130680/12000 = 10.89 = 11$	$130680/7000 = 18.66 = 19$	$130680/3630 = 36$	$130680/4360 = 29.97 = 30$	$130680/2904 = 45$	$130680/2420 = 54$	$130680/1452 = 90$

BONUS									
10%	4.10 = 4	(same)	11	19	36	30	45	54	90
15%	4.15 = 4								
20%	4.20 = 4								
25%	4.25 = 4								
30%	4.30 = 4								
35%	4.35 = 4								
40%	4.40 = 4								
45%	4.45 = 4								
50%	4.50 = 5		12	20	37	31	46	55	91

*Minimum acreage required to use ARS = 150% of the required minimum lot size for the zoning district

ARS Density is determined by "the number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number".

Compliance with Comp Plan

- ARS ordinance as discussed in the staff report, complies with the Comprehensive Plan, specifically:
 - Chapter 3 Community Form
 - Chapter 4 Housing Element
 - Chapter 6 Energy
 - Chapter 10 Land Use

Compliance with Title 49

- Title 49 has been examined, and it is determined that the proposed ordinance complies with the Code.
 - 49.25 Article II. Zoning Districts
 - 49.25 Article V. Density
 - 49.35 Public and Private Improvements
 - 49.40 Parking and Traffic

Compliance with Housing Action Plan

- ARS ordinance as discussed in the staff report, complies with the Housing Action Plan, specifically:
 - Develop housing choices to accommodate Juneau's workforce needs
 - Update CBJ zoning tools/regulations with a focus on housing
 - Update zoning tools with a focus on housing
 - Encourages efficient use of land
 - Encourages increased density on existing utility services

Compliance with Juneau Economic Development Plan

- ARS ordinance as discussed in the staff report, complies with the Economic Development Plan, specifically:
 - Initiative: Promote Housing Affordability and Availability
 - Zoning to encourage smaller housing development (e.g. multiple small homes on a single lot, cottage housing, accessory apartments, etc.)
 - Rezoning or bonuses to allow higher densities
 - Reduce permitting burden for certain types of housing development
 - Inclusionary housing programs, including fee-in-lieu options

Findings

Based upon the analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan.

Additionally, this change would not create any internal inconsistencies with any plans or codes, providing the amendments stated above are approved.

Recommendation

Staff recommends that the planning commission review and consider the proposed ordinance and favorably recommend ordinance (2018-41) to the assembly for adoption.

AME2018-0012

Text amendment to revise Title 49 to provide for
Alternative Residential Subdivisions (ARS)

QUESTIONS?

