Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

July 10, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. June 12, 2018 Draft Minutes - Regular Planning Commission

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials for 7/10/2018 Planning Commission Meeting

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

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

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

A. First Hearing of APL2018 0002: Appeal of the Director's Determination regarding Condition 5 of USE2018 0001

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

A. Comp Plan Ad Hoc Committee Report

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
June 12, 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 7:00 p.m.

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

Commissioners absent: Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Tim Felstead, Planner II; Laura Boyce, Senior Planner; Laurel Bruggeman, Planner I; Robert Palmer, Attorney; Amy Mead, Municipal Attorney

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. Haight welcomed Ms. Maclean as the new Community Development Director.

One item on the Consent Agenda, USE2018 0008, was pulled for further work at staff level, said Mr. Haight. He asked for comments to the agenda. There were none.

III. APPROVAL OF MINUTES - None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

Due to several Commissioner conflicts with some of these proposals, Mr. Haight explained he would move on each of the Consent Agenda items separately.

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CSP2018 0005:	A City Project in a Rural Reserve zone district to provide an easement across CBJ property
Applicant:	City & Borough of Juneau
Location:	13010 Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission finds CSP2018 0005 consistent with the *2013 Comprehensive Plan, the Land Management Plan, the Auke Bay Area Plan,* and Title 49 and forward a recommendation of approval to the Assembly.

The motion passed with no objection; Mr. Haight recused himself due to a potential conflict.

CSP2018 0007:	A City Project to review the sale of city property to Alaska Legacy Partners
Applicant:	City & Borough of Juneau
Location:	9290 Hurlock Ave

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to dispose of the CBJ property located at 9290 Hurlock Avenue with the following condition:

- The "retention" status of the subject parcel be changed to "dispose" in the Land Management Plan.

The motion passed with no objection.

USE2018 0004:	A Conditional Use Permit for a marijuana product manufacturing facility
Applicant:	ISG Inc.
Location:	5011 Short St

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 650 square foot marijuana product manufacturing facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD a State of Alaska license that permits the use of marijuana retail at the subject site that

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substantially matches subject plans and operations described in the subject Conditional Use Permit.

2. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.
3. Prior to approval of a CBJ marijuana license, to comply with State requirements, the door between the manufacturing area and the cultivation area shall have a suitable lock and that this remains locked at all times except for access to and from the room.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity.
5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

The motion passed with no objection.

USE2018 0006: A Conditional Use Permit for a marijuana retail store.
Applicant: Alaskan Kush Company LLC
Location: 159 S. Franklin St

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development and operation of a marijuana retail business in downtown Juneau.

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.
2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.
3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.
4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.

The motion passed with no objection; Mr. Dye recused himself due to a potential conflict.

~~**USE2018 0008:** A Conditional Use Permit for a 220 square foot detached accessory apartment.~~
~~**Applicant:** Jeff Martinson~~
~~**Location:** 811 4th Street~~

~~**Staff Recommendation**~~

~~It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a detached 220 square foot accessory apartment on an under-sized lot in the D5 zoning district.~~

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

A. Discussion Item: Ordinance 2018-28 amending 49.65, Article I, the Exploration and Mining Code

Mr. Haight said that the goal of this item at this time was to introduce the ordinance, have some discussion with staff, open the discussion for public testimony and then he plans to motion to postpone and conclude with a hearing at the next Planning Commission meeting.

Ms. Mead made a presentation to the Commission and explained that the draft ordinance before them was the result of a process undertaking by the CBJ Mining Ordinance Subcommittee, established by the CBJ Assembly in 2017. The Committee went through a long process considering comments and requests which originally came from concerned members of the public. The end result includes clarification of CBJ code, removal of some duplication, and a streamline of the process for obtaining a permit.

Ms. Mead pointed out that she was directed by the Committee to reorganize the mining code without removing any substantive language. These changes can be seen in the annotated copy of the code. The Assembly has approved moving the entire packet to the Planning Commission as the next step. However after a review by the Assembly's Committee of the Whole, Ms. Mead was authorized to add language recognizing the state's reclamation plan and financial warranty requirements. Code makes clear that a municipality's authority is not preempted by state law. Ms. Mead conferred with an attorney who works in this area, and her memo to the Commission, included in Ms. Boyce's staff report, explains the changes to these two sections.

Commission Comments and Questions

Mr. Voelckers said he had a comment regarding process. Is it expected that the Planning Commission work through the draft ordinance page by page? He said he felt it was the Committee's expectation to get down deep and make sure the clauses make sense. Ms. Mead said it was not her understanding that the Planning Commission would make changes at this point, but she said that it was the Commission's prerogative to do so. However, she clarified, she tried to stay as close to the current version as possible when doing her revisions.

Public Comment

Guy Archibald, staff scientist with Southeast Alaska Conservation Council, asked if there was any possibility for conditions under financial warranties beyond what was planned for and agreed to. He said his concern is reclamation.

Mr. Archibald also asked if CBJ would be able to pull from the state bonding pool. Ms. Mead said potentially; the state can enter into cooperative agreements. The bonding can be joined. She said that in her discussions with the State, the City can if it is in one of these cooperative agreements with the State.

MOTION: by Mr. Campbell to postpone the discussion of the mining ordinance until the next meeting.

The motion passed with no objection. Mr. Haight encouraged members to go through the reading material very thoroughly in order to be well prepared for June 26.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Ms. Maclean said there will be an update on the FEMA flood map revision project at the Planning Commission meeting on June 26. Regarding projects related to downtown planning, Laura Boyce has leadership for the Alternative Development Overlay District (ADOD) and Tim Felstead and she are still working on the Downtown Blueprint Plan though Mr. Felstead will now take the lead and another planner as yet to be determined will assist. The RFP for the visioning process is due on June 13, and so Ms. Maclean expects to have an update for the Commissioners on June 26. It is hoped that the public engagement piece will begin in late July or early August. On Thursday, June 14, the Juneau Commission on Sustainability (JCOS) hosts

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the Governor's Climate Action for Alaska Leadership Team's listening session from 5 to 8 pm in Assembly Chambers and all welcome to attend.

Mr. Voelckers asked if there was any update concerning the appeal of the building permit for the coffee shop in the flats? Ms. Maclean said that the City is in conversation with the appellant. The appellant is handing off the issue to other neighbors as she is moving, and they have asked to hold off bringing the appeal to the Planning Commission for the time being.

XII. COMMITTEE REPORTS

Lands Committee
Mr. Voelckers reported the Lands Committee had an update on Indian Point and a potential transfer of that land. This is a slow and deliberate process and there is a group from Goldbelt Heritage foundation working to establish a path forward. There is also conversation about acquiring cemeteries in Douglas. The Lands Committee has been asked to look at operating and other implications of such a transfer.

Comprehensive Plan Ad Hoc Committee
Mr. Dye reported that the Comprehensive Plan Committee met and plans to meet one more time before bringing recommendations to the full Planning Commission.

Auke Bay Implementation Committee
This committee did not meet as planned on June 7, due to a lack of a quorum, but will meet next on June 28, 2018.

Title 49 Committee
The next meeting scheduled for the June 18, 2018, said Ms. McKibben. They have not met since the last Planning Commission meeting.

Downtown Blueprint Plan
Ms. Maclean said that a Planning Commission liaison is needed for the Downtown Blueprint Plan. Mr. Haight said he will talk with the group to see who is most interested and get back to staff.

Historic Resources Advisory Committee (HRAC)
Ms. McKibben said HRAC next meets on June 13, 2018.

XIII. LIAISON REPORTS - None

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Hickok asked why the mining ordinance was tabled. Mr. Haight explained that staff wanted to introduce the materials first. Commissioners need more time to read and digest this material before they dig into the hard questions. Ms. McKibben said staff will be producing a Comprehensive Plan analysis to go along with the draft ordinance.

Mr. Dye stated that he was interested in being the liaison for the Downtown Blueprint Plan.

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting adjourned at 7:24 pm.

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Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: July 6, 2018y 10, 2018

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1. **UPDATED AGENDA FOR 7/10/18 MEETING**

2. **APL2018 0002:**
   a. Appeal of Director's Determination Application, submitted June 22, 2018

Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

July 10, 2018
Assembly Chambers
7:00 PM

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XVII. ADJOURNMENT

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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.

To be completed by Applicant

APPELLANT'S CONTACT INFORMATION

Ken Williamson	deltaak@ptialaska.net	(503) 789-9630
Appellant's Name (please print)	E-mail Address	Phone

PO Box 32801	Juneau, Alaska		99803
Mailing Address	City	State	Zip

X Ken Williamson
Appellant's Signature

DECISION THAT IS BEING APPEALED*

Date of Director's Determination June 4, 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 1C070K820022 Zoning District Mixed Use

Case Number USE 2018 0001 + BLD 2018 0142 Title 49 Code Section multiple

Current Use of Land or Buildings Retai sales and residential on second floor

Proposed Use of Land or Buildings Same

Other

ALL REQUIRED MATERIALS ATTACHED

- [x] **Complete Application**
- [x] **Appeal Decision**
- [x] **Narrative including:**
  - [x] Grounds for Appeal
  - [x] Specific questions you would like the Planning Commission to address

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

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	$ 200			
Refund (Yes/No)	$			
Total Fee	$ 200	7704		6/22/18

CBJ CLERK
JUN 22 2018
RECEIVED

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
APL 1802	6/22/18

Appeal Submittal Information

Appeals of Director's Determination is outlined in CBJ 49.20.110

Notice of Appeal Submittal Date: Review by the Planning Commission of the decision of the Director, may be requested by filing a notice of appeal stating with particularity the grounds therefore with the Community Development Department **within 20 days of the date of the decision appealed.**

Notice of Appeal Submittals: These items are needed for the Planning Commission to make a determination:

1. **Forms:** A completed Notice of Appeal form including the appellant's signature.
2. **Fees:** The fee for an Appeal of Director's Determination is $200. The fee will be refunded if the applicant prevails.
   All fees are subject to change.
3. **Appeal Description:** A detailed letter or narrative describing the findings, issues, concerns, grounds for appeal, and what you want the Planning Commission to specifically address
4. **Submittals:**
   A. Document stating the date of the Director's Determination
   B. Copy of the Director's Determination
   C. Photos/plans relating to the appeal (if applicable)

Document Format: All information submitted shall be either of the following formats:

A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif .xlm, .rtf or other formats pre-approved by the Community Development Department
B. Paper copies may not be larger than 11" X 17" in size (Unless an alternate paper size is preapproved by the Community Development Department)

Appeal Process

Appeal Hearings:

Hearing #1: The Planning Commission considers whether or not to review the Appeal. Once the Notice of Appeal materials have been turned in and the fee has been paid, the notice of appeal will be considered by the Planning 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.

Hearing #2: If the Planning Commission decides to review the Appeal a second hearing is scheduled for an Appeal decision. The Commission announces whether to review the entire decision **or** a portion thereof, **and** whether review shall be de novo or on the record. Public notice thereof shall be given in a newspaper of general circulation in the municipality.

The Community Development Department shall prepare the record on appeal, consisting 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.

Upon its own motion, the Commission may forward a case directly to the Assembly without review, hearing or recommendation.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Notice of Appeal to the Planning Commission

Appeal of the Community Development Department's denial of the Building Permit for the retail tenant at 263 Marine Way. The refusal is an apparent effort to delay or prevent issuance of the Conditional Use Permit unless the owner of the land agrees to dedicate six parking spaces, one of which must be van-accessible. This appeal is filed within twenty days of the Director's determination.

ISSUES ON APPEAL:

1. The Department's refusal to authorize the Building Permit for interior improvements is constructive denial of the Conditional Use Permit since completion of an interior partition is necessary for the issuance of the Conditional Use Permit.
2. The Department's interpretation and application of parking requirements are inconsistent and arbitrary.
3. Six compliant parking spaces cannot be located on the existing site and the Department lacks authority to require an easement from the adjacent property.
4. The Department's requirement for six parking spaces at this site is in error:
   a) Currently, no parking is required for an existing structure in the PD-1 parking district.
   b) No parking is required for a change in use from an existing retail sales area to retail sales of marijuana products in the same area.
   c) A Conditional Use Permit for approximately 1,250 square foot of retail sales does not trigger parking requirements for the remainder of an approximately 6,500 square foot building.
   d) The Department lacks authority to add conditions or requirements beyond those which mitigate impacts created by the change in use.
   e) The Department does not impose similar parking requirements on other properties in the PD-1or PD-2 parking districts.
   f) The parking plan for this permit provides no parking and is adequate to issue the permit since no parking is required.
3. The Department's requirement for a van-accessible parking space at this site is in error.
4. The Department's interpretation of Commission action and the Notice of Decision are in error:
   a) The Commission did not adopt the parking requirement proposed by the Department (six parking spaces with one being van-accessible).
   b) The Department lacks authority to create requirements identical to those already considered, but not adopted by the Commission.
   c) A requirement to submit a parking plan with the Building Permit application does not create the same parking requirements which were removed by the Commission.
5. This property was subdivided into two tracts in 2014: Lot 3A and Lot 3B (Plat 2014-24). No parking was required for the subdivision or for other Building Permits issued for Lot 3B. The Department is barred from changing its position at this time to the detriment of the current property owner.
6. It is a misuse of process to deny or delay the Permits in order to obtain a parking concession from the property owner.
7. Information provided to the Commission was incorrect or misleading:
   a) The Department described parking from an Allowable Use Permit for a building which was never built at this site "Imaginary Building." The Imaginary Building had approximately 5,284 square feet of retail area and would have required an Allowable Use Permit. The smaller building which was built "Actual Building" has approximately 3,250 square feet of retail area and no Use Permits were required for its construction.
   b) The Department has not released plans, drawings or the Building Permit for the Actual Bldg.

RELIEF REQUESTED:

1. Determination that no parking is required for the existing building housing approximately 3,250 square feet of retail sales on the first floor and approximately 3,250 square foot of residential units on the second floor (four residential units).
2. Issuance of the Building Permit for 263 Marine Way.
3. Issuance of the Conditional Use Permit for 263 Marine Way when interior improvements are completed.
4. Provide a copy of all documents, plans and permits related to the existing building.
5. Provide such other relief as may be just and equitable.

The undersigned is authorized to represent Appellants Ken Williamson and Bellaluna, LLC.

Ken Williamson
Property Owner and Appellant

Property: Lot 3B according to Plat 2014-24
Owner and Appellant: Ken Williamson, PO Box 32801 Juneau, Alaska 99803 - Fax (907) 789-1493

Retail store: 263 Marine Way.
Tenant and Appellant: Bellaluna, LLC., 2375 Jordan #10, Juneau, Alaska 99801

Conditional Use Permit: USE18-01
Building Permit: 2018-0142

Email attachments:
June 4, 2018; Beth Maclean to Ken Williamson: Director's determination.
May 25, 2018; Ken Williamson to Tim Felstead: Request for review and determination by Director.

From: Jill Maclean [mailto:Jill.Maclean@juneau.org]
Sent: Monday, June 04, 2018 12:57 PM
To: 'deltaak@ptialaska.net'
Cc: Tim Felstead; Beth McKibben
Subject: 263 Marine Way Parking Requirement

Hi Ken,

I spoke to your office and they informed me that you are vacation. Listed below are possible ways for you to move your project forward. I am happy to speak with you when you return, should you have any questions.

As Tim has made you aware, in order to facilitate the issuance of the building permit, the conditions of the Notice of Decision (USE2018-01) issued on March 15, 2018 by the Planning Commission must be satisfied.

The options to facilitate the issuance of a building permit are:

1. Pay the fee-in-lieu amount in full for this year; or
2. Provide evidence via an easement demonstrating that the 6 spaces located in the rear of the building meet Title 49 standard (8.5 feet by 17 feet). CD has determined that the ADA space could be accommodated through the ADA spaces found in the Marine Parking Garage and on Ferry Way.

We hope that we can move forward in an amicable manner and support you in your development endeavor. Please let me know if I may be of further assistance.

Thank you,

Jill Maclean, Director, AICP
Community Development Department
City & Borough of Juneau
907.586.0756

From: Ken [mailto:deltaak@ptialaska.net]
Sent: Friday, May 25, 2018 9:25 AM
To: 'Tim Felstead'
Subject: RE: USE20180001: Building Permit 2018-0142 under review

Tim:

I offered the City an opportunity to settle; it was a very attractive offer. The offer is now withdrawn.

Apparently the Building Permit and the Conditional Use Permit "USE18-01" for 263 Marine Way are being delayed by the Community Development Department "Department" in an effort to extract a parking concession from me. I do not believe any parking is required at this location and I amno willing to submit a drawing which identifies any specific parking spaces for this Conditional Use Permit: USE18-01.Tthe Department must issue the pending permits or notify me in writing of the basis for their denial.

Confirm with the Director that he agrees the following items are his final determinations:

1) The Department requires six parking spaces based on its interpretation of the Code, with an additional reduction as allowed by the current PD-1 Parking District Overlay.
2) The Department requires one of the six spaces be van-accessible based on applicable City Law which the Department was authorized to enforce in 1996.
3) The van-accessible parking includes a requirement to build an ADA compliant ramp from the parking lot elevation to the sidewalk and build an accessible route to the front of the building.
4) The Department's requirements are based on the entire building - approximately 6,400 square feet - not just the 1,250 square feet of retail sales area which is the subject of the Conditional Use Permit application.
5) The Conditional Use Permit is for a tenant area within the building located on Lot 3B of Subdivision 2014-24. This subdivision was approved and recorded before I purchased the property and the Department did not require parking as a condition of subdividing Lot 3 into the two smaller parcels when it approved the subdivision.
6) The six parking spaces required by the Department do not fit on the subject property. Existing structures and the existing property boundaries of Lot 3B do not leave adequate room for six Code compliant parking spaces. To make its proposal for six parking spaces feasible, the Department is requiring me to grant an easement on the adjacent tract which I purchased at a later date.
7) The Department previously proposed the same parking requirement as Conditions 5 and 7 in its staff report to the Planning Commission "Commission." The Commission deleted the two proposed conditions before it approved the Conditional Use: USE18-01. The Department attempts to impose the same parking requirement, believing its authority springs from an opportunity to review a parking plan for the Building Permit.. Since I do not believe any parking is required, I didn't provide any drawings with parking.

The Community Development Department provided information to the Planning Commission which was confusing and misleading. The information the Department provided was about the

Conditional Use Permit and parking requirements for a larger, proposed building "Imaginary Building" which was never constructed. The Imaginary Building required a Conditional Use Permit; however, the smaller building which stands on the site today "Existing Building" would not need a Conditional Use Permit if it were built today and it did not need one when it was built in 1996.

I don't believe this Conditional Use Permit (USE18-01) requires any parking on Lot 3B. The parking which the Department desires will not fit on the lot. Although I purchased the adjacent property (Lot 3A) in 2016, the Department has no authority to require me to donate area on that tract in order to provide parking for a Conditional Use on Lot 3B.

It's time to issue the permits.

Sincerely,

Ken Williamson

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

DATE: June 29, 2018

TO: Planning Commission

FROM: Beth McKibben, AICP, Planning Manager

Community Development Department

CASE NO.: AME2018 0001

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

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

ATTACHMENTS:

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

BACKGROUND/DISCUSSION

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

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

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

Director Approval

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

Planning Commission Approval

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

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

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

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

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

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

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

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

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

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

The table below clarifies the discussion above.

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

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

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

COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

COMPLIANCE WITH CBJ LAND USE CODE

The amendment is housekeeping in nature and provides needed clarification.

FINDINGS

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

STAFF RECOMMENDATION

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-03

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

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

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

Section 2. Amendment of Section. CBJ 49.25.510 Special density considerations, is amended to read:

49.25.510 Special density considerations.

. . .

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

. . .

(2) *Approval standards.*

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

DRAFT

Attachment A

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

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

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

(i) The development meets all setback requirements;

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

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

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

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

(E) Single-family detached accessory apartment approval.

DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

. . .

DRAFT

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

DRAFT

AME2018 0001

Text amendment regarding proposed amendments to the accessory apartment regulations

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

AME2018 0001 Background

The revisions are "housekeeping" in nature and do not change policy or intent.

AME2018 0001

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

AME2018 0001

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

AME2017 0003

Director Approval

a) Accessory apartments that do not exceed 600 square feet on lots that meet the minimum lot size.

b) Accessory apartments up to 1000 square feet on lots that exceed 125% of the minimum lot size.

c) ~~Accessory apartments up to 1000 square feet each associated with a single family residence on a lot that has two single-family dwellings and exceeds 250% the minimum lot size.~~

c)Accessory apartments one 600 square feet and one up to 1000 square feet with a single family residence on a lot that has two single family dwelling and exceeds 250% of the minimum lot size.

AME2018 0001 Compliance

Comprehensive Plan

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

AME2018 0001 Compliance

CBJ Title 49

The amendment is housekeeping, and provides needed clarification.

AME2018 0001 Staff Recommendation

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

		3	1	1	NA	NA	NA	NA
		NA	NA	1				
		3	NA	NA	3	1	1	NA
		3			3	1	1	
		NA			N/A	NA	1	
		NA				NA	1	
		3	NA	NA	NA	NA	NA	1
		3	NA	NA	NA	NA	NA	1

One single family dwelling per lot 49.25.510(k)(2)(E) 1.130	**less than minimum lot size**	**100-124% minimum lot size**	**exceeds 125% minimum lot size**
One apartment up to 600 sq. ft.	3	1	1
One apartment up to 1000 sq. ft.	NA	NA	1

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

Multifamily, commercial and mixed use zoning 49.25.510(k)(2)(G) 1.130	**less than minimum lot size**	**exceeds minimum lot size**
One apartment up to 600 sq. ft. in single family home	3	1

Common Wall 49.25.510(k)(2)(H) 1.911	**less than minimum lot size**	**exceeds minimum lot size**
One APT up to 600 sq. ft.	3	1

	RR	D-1	D-3
Min Lot Size for Two Single-family Homes (100%)	72,000 sf	72,000	24,000
200% of minimum lot size	144,000 sf	144,000 sf	48,000 sf
250% of minimum lot size	180,000 sf	180,000 sf	60,000 sf

Accessory apartments on lots with two single-family homes are only allowed in RR, D-1, and D-3.

The PC can approve two accessory apartments on lots less than 100%.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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.

To be completed by Applicant

APPELLANT'S CONTACT INFORMATION

Ken Williamson	deltaak@ptialaska.net	(503) 789-9630
Appellant's Name (please print)	E-mail Address	Phone

PO Box 32801	Juneau, Alaska		99803
Mailing Address	City	State	Zip

X Ken Williamson
Appellant's Signature

DECISION THAT IS BEING APPEALED*

Date of Director's Determination June 4, 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 1C070K820022 Zoning District Mixed Use

Case Number USE 2018 0001 + BLD 2018 0142 Title 49 Code Section multiple

Current Use of Land or Buildings Retai sales and residential on second floor

Proposed Use of Land or Buildings Same

Other

ALL REQUIRED MATERIALS ATTACHED

- [x] **Complete Application**
- [x] **Appeal Decision**
- [x] **Narrative including:**
  - [x] Grounds for Appeal
  - [x] Specific questions you would like the Planning Commission to address

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

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	$ 200			
Refund (Yes/No)	$			
Total Fee	$ 200	7704		6/22/18

CBJ CLERK
JUN 22 2018
RECEIVED

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
APL 1802	6/22/18

Appeal Submittal Information

Appeals of Director's Determination is outlined in CBJ 49.20.110

Notice of Appeal Submittal Date: Review by the Planning Commission of the decision of the Director, may be requested by filing a notice of appeal stating with particularity the grounds therefore with the Community Development Department **within 20 days of the date of the decision appealed.**

Notice of Appeal Submittals: These items are needed for the Planning Commission to make a determination:

1. **Forms:** A completed Notice of Appeal form including the appellant's signature.
2. **Fees:** The fee for an Appeal of Director's Determination is $200. The fee will be refunded if the applicant prevails.
   All fees are subject to change.
3. **Appeal Description:** A detailed letter or narrative describing the findings, issues, concerns, grounds for appeal, and what you want the Planning Commission to specifically address
4. **Submittals:**
   A. Document stating the date of the Director's Determination
   B. Copy of the Director's Determination
   C. Photos/plans relating to the appeal (if applicable)

Document Format: All information submitted shall be either of the following formats:

A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif .xlm, .rtf or other formats pre-approved by the Community Development Department
B. Paper copies may not be larger than 11" X 17" in size (Unless an alternate paper size is preapproved by the Community Development Department)

Appeal Process

Appeal Hearings:

Hearing #1: The Planning Commission considers whether or not to review the Appeal. Once the Notice of Appeal materials have been turned in and the fee has been paid, the notice of appeal will be considered by the Planning 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.

Hearing #2: If the Planning Commission decides to review the Appeal a second hearing is scheduled for an Appeal decision. The Commission announces whether to review the entire decision **or** a portion thereof, **and** whether review shall be de novo or on the record. Public notice thereof shall be given in a newspaper of general circulation in the municipality.

The Community Development Department shall prepare the record on appeal, consisting 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.

Upon its own motion, the Commission may forward a case directly to the Assembly without review, hearing or recommendation.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Notice of Appeal to the Planning Commission

Appeal of the Community Development Department's denial of the Building Permit for the retail tenant at 263 Marine Way. The refusal is an apparent effort to delay or prevent issuance of the Conditional Use Permit unless the owner of the land agrees to dedicate six parking spaces, one of which must be van-accessible. This appeal is filed within twenty days of the Director's determination.

ISSUES ON APPEAL:

1. The Department's refusal to authorize the Building Permit for interior improvements is constructive denial of the Conditional Use Permit since completion of an interior partition is necessary for the issuance of the Conditional Use Permit.
2. The Department's interpretation and application of parking requirements are inconsistent and arbitrary.
3. Six compliant parking spaces cannot be located on the existing site and the Department lacks authority to require an easement from the adjacent property.
4. The Department's requirement for six parking spaces at this site is in error:
   a) Currently, no parking is required for an existing structure in the PD-1 parking district.
   b) No parking is required for a change in use from an existing retail sales area to retail sales of marijuana products in the same area.
   c) A Conditional Use Permit for approximately 1,250 square foot of retail sales does not trigger parking requirements for the remainder of an approximately 6,500 square foot building.
   d) The Department lacks authority to add conditions or requirements beyond those which mitigate impacts created by the change in use.
   e) The Department does not impose similar parking requirements on other properties in the PD-1or PD-2 parking districts.
   f) The parking plan for this permit provides no parking and is adequate to issue the permit since no parking is required.
3. The Department's requirement for a van-accessible parking space at this site is in error.
4. The Department's interpretation of Commission action and the Notice of Decision are in error:
   a) The Commission did not adopt the parking requirement proposed by the Department (six parking spaces with one being van-accessible).
   b) The Department lacks authority to create requirements identical to those already considered, but not adopted by the Commission.
   c) A requirement to submit a parking plan with the Building Permit application does not create the same parking requirements which were removed by the Commission.
5. This property was subdivided into two tracts in 2014: Lot 3A and Lot 3B (Plat 2014-24). No parking was required for the subdivision or for other Building Permits issued for Lot 3B. The Department is barred from changing its position at this time to the detriment of the current property owner.
6. It is a misuse of process to deny or delay the Permits in order to obtain a parking concession from the property owner.
7. Information provided to the Commission was incorrect or misleading:
   a) The Department described parking from an Allowable Use Permit for a building which was never built at this site "Imaginary Building." The Imaginary Building had approximately 5,284 square feet of retail area and would have required an Allowable Use Permit. The smaller building which was built "Actual Building" has approximately 3,250 square feet of retail area and no Use Permits were required for its construction.
   b) The Department has not released plans, drawings or the Building Permit for the Actual Bldg.

RELIEF REQUESTED:

1. Determination that no parking is required for the existing building housing approximately 3,250 square feet of retail sales on the first floor and approximately 3,250 square foot of residential units on the second floor (four residential units).
2. Issuance of the Building Permit for 263 Marine Way.
3. Issuance of the Conditional Use Permit for 263 Marine Way when interior improvements are completed.
4. Provide a copy of all documents, plans and permits related to the existing building.
5. Provide such other relief as may be just and equitable.

The undersigned is authorized to represent Appellants Ken Williamson and Bellaluna, LLC.

Ken Williamson
Property Owner and Appellant

Property: Lot 3B according to Plat 2014-24
Owner and Appellant: Ken Williamson, PO Box 32801 Juneau, Alaska 99803 - Fax (907) 789-1493

Retail store: 263 Marine Way.
Tenant and Appellant: Bellaluna, LLC., 2375 Jordan #10, Juneau, Alaska 99801

Conditional Use Permit: USE18-01
Building Permit: 2018-0142

Email attachments:
June 4, 2018; Beth Maclean to Ken Williamson: Director's determination.
May 25, 2018; Ken Williamson to Tim Felstead: Request for review and determination by Director.

From: Jill Maclean [mailto:Jill.Maclean@juneau.org]
Sent: Monday, June 04, 2018 12:57 PM
To: 'deltaak@ptialaska.net'
Cc: Tim Felstead; Beth McKibben
Subject: 263 Marine Way Parking Requirement

Hi Ken,

I spoke to your office and they informed me that you are vacation. Listed below are possible ways for you to move your project forward. I am happy to speak with you when you return, should you have any questions.

As Tim has made you aware, in order to facilitate the issuance of the building permit, the conditions of the Notice of Decision (USE2018-01) issued on March 15, 2018 by the Planning Commission must be satisfied.

The options to facilitate the issuance of a building permit are:

1. Pay the fee-in-lieu amount in full for this year; or
2. Provide evidence via an easement demonstrating that the 6 spaces located in the rear of the building meet Title 49 standard (8.5 feet by 17 feet). CD has determined that the ADA space could be accommodated through the ADA spaces found in the Marine Parking Garage and on Ferry Way.

We hope that we can move forward in an amicable manner and support you in your development endeavor. Please let me know if I may be of further assistance.

Thank you,

Jill Maclean, Director, AICP
Community Development Department
City & Borough of Juneau
907.586.0756

From: Ken [mailto:deltaak@ptialaska.net]
Sent: Friday, May 25, 2018 9:25 AM
To: 'Tim Felstead'
Subject: RE: USE20180001: Building Permit 2018-0142 under review

Tim:

I offered the City an opportunity to settle; it was a very attractive offer. The offer is now withdrawn.

Apparently the Building Permit and the Conditional Use Permit "USE18-01" for 263 Marine Way are being delayed by the Community Development Department "Department" in an effort to extract a parking concession from me. I do not believe any parking is required at this location and I amno willing to submit a drawing which identifies any specific parking spaces for this Conditional Use Permit: USE18-01.Tthe Department must issue the pending permits or notify me in writing of the basis for their denial.

Confirm with the Director that he agrees the following items are his final determinations:

1) The Department requires six parking spaces based on its interpretation of the Code, with an additional reduction as allowed by the current PD-1 Parking District Overlay.
2) The Department requires one of the six spaces be van-accessible based on applicable City Law which the Department was authorized to enforce in 1996.
3) The van-accessible parking includes a requirement to build an ADA compliant ramp from the parking lot elevation to the sidewalk and build an accessible route to the front of the building.
4) The Department's requirements are based on the entire building - approximately 6,400 square feet - not just the 1,250 square feet of retail sales area which is the subject of the Conditional Use Permit application.
5) The Conditional Use Permit is for a tenant area within the building located on Lot 3B of Subdivision 2014-24. This subdivision was approved and recorded before I purchased the property and the Department did not require parking as a condition of subdividing Lot 3 into the two smaller parcels when it approved the subdivision.
6) The six parking spaces required by the Department do not fit on the subject property. Existing structures and the existing property boundaries of Lot 3B do not leave adequate room for six Code compliant parking spaces. To make its proposal for six parking spaces feasible, the Department is requiring me to grant an easement on the adjacent tract which I purchased at a later date.
7) The Department previously proposed the same parking requirement as Conditions 5 and 7 in its staff report to the Planning Commission "Commission." The Commission deleted the two proposed conditions before it approved the Conditional Use: USE18-01. The Department attempts to impose the same parking requirement, believing its authority springs from an opportunity to review a parking plan for the Building Permit.. Since I do not believe any parking is required, I didn't provide any drawings with parking.

The Community Development Department provided information to the Planning Commission which was confusing and misleading. The information the Department provided was about the

Conditional Use Permit and parking requirements for a larger, proposed building "Imaginary Building" which was never constructed. The Imaginary Building required a Conditional Use Permit; however, the smaller building which stands on the site today "Existing Building" would not need a Conditional Use Permit if it were built today and it did not need one when it was built in 1996.

I don't believe this Conditional Use Permit (USE18-01) requires any parking on Lot 3B. The parking which the Department desires will not fit on the lot. Although I purchased the adjacent property (Lot 3A) in 2016, the Department has no authority to require me to donate area on that tract in order to provide parking for a Conditional Use on Lot 3B.

It's time to issue the permits.

Sincerely,

Ken Williamson

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

July 2, 2018

MEMORANDUM

From: Beth McKibben, AICP, Planning Manager

To: Planning Commission

RE: Comprehensive Plan Ad Hoc Committee Recommendation

This memorandum expresses the recommendation of the Comprehensive Plan Ad Hoc Committee to the full Commission. The Committee met twice, February 27, 2018, and May 29, 2018. Minutes from those meetings are included as attachments to the draft memorandum to the Assembly, submitted here for Planning Commission consideration. The Committee reviewed 14 plans from around the country that had been researched and evaluated by Community Development planning staff. The conclusion of the Committee is that the Commission should recommend the Assembly direct a full update of the Comprehensive Plan.

Attachment

June 30, 2018, draft memorandum to the CBJ Assembly from the Planning Commission

Recommendation

Review, discuss, amend as necessary and approve the recommendation to the Assembly.

Planning Commission

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

MEMORANDUM

TO: Ken Koelsch, Mayor
CBJ Assembly

FROM: Benjamin Haight, Chair
CBJ Planning Commission

DATE: June 30, 2018

RE: Recommendation to update the *Comprehensive Plan of the City & Borough of Juneau*

Pursuant to the discussion at the February 13, 2018, joint meeting of the Assembly and Planning Commission, the Comprehensive Plan Ad Hoc Committee has worked with staff to evaluate options for a review or update of the *Comprehensive Plan of the City & Borough of Juneau*. As explained below, the Commission recommends that the Assembly direct a full update of the Comprehensive Plan. This memorandum provides background, a summary of the work done by the Ad Hoc Committee, and several options and considerations for the Assembly.

Background

The City & Borough of Juneau has had a comprehensive plan since 1965. Since that time, the Comprehensive Plan has undergone a series of revisions and updates; the most recent of these were completed in 2008 and 2013. The Comprehensive Plan was amended to its current format in 1984, and the format and organization of the plan have remained largely unchanged. Over those 25 years, a series of plans (area plans, transportation plans, park and recreation plans, etc.) have been adopted by the City, and some of these plans have been adopted as components of the Comprehensive Plan.

The Comprehensive Plan calls for a "review" every two years. A review is described as "*one or more public sessions of discussion and examination of the Plan*". The result of the review may be the conclusion that no amendments are necessary at the time or that some mid-course corrections may be in order.

The Comprehensive Plan differentiates a "review" from an "update". The "update" is a more thorough and holistic evaluation of all text, policies, goals, implementing actions, land use maps, etc. The current plan describes the processes that were completed in 2008 and 2013 as "updates." As mentioned above, however, those updates did not alter the format or organization of the plan and did not address the relationship between other plans and the Comprehensive Plan.

It is now five years since the completion of the 2013 update. A review is overdue, and interest has been expressed in evaluating the Comprehensive Plan and identifying needed improvements, if any. To address this need, the Commission appointed a Comprehensive Plan Ad Hoc Committee, which was charged with evaluating the Comprehensive Plan and recommending to the full Planning Commission a recommendation to forward to the Assembly. Assembly Liaison Weldon participated in the meetings of the Ad Hoc Committee.

The Ad Hoc Committee reviewed the current Comprehensive Plan, discussed past updates and revisions, and considered the accessibility of the current Comprehensive Plan. The Community Development (CDD) planning staff researched comprehensive plans from communities around the country and synthesized 14 plans for the Ad Hoc Committee to review. Where possible, this review included understanding the process that those communities underwent to develop these plans. Example plans were studied and compared by staff identifying:

- The timeframe of the planning process,
- Whether or not consultants were used,
- If existing or "sub" plans were addressed, and, if so, what was the relationship between the plans and is that relationship explained in the plan,
- Chapters included,
- Size (population and area) of the community,
- Similarities to Juneau including capital city status, geography, and municipal activities such as airports and ski areas.

Discussion

The Planning Commission recognizes that the current Comprehensive Plan reflects significant work and compromise. The evaluation of Juneau's Comprehensive Plan with respect to other comprehensive plans revealed significant opportunities for improvement, including:

- The current Comprehensive Plan is dense, not easily accessible online, and not web-friendly,
- The relationship between the Comprehensive Plan and other plans that have been adopted as elements of the Comprehensive Plan is not clear,
- A review of plans that have been adopted and/or incorporated into the Comprehensive Plan is needed,
- The contents, format, and organization of comprehensive plans have evolved along with technical and graphical tools in the 25 years since the format of Juneau's Comprehensive Plan was created,
- Including more graphics and photographs (which is now easier and more affordable to do) would help make the Comprehensive Plan more accessible and understandable to the community,
- The current Comprehensive Plan has no implementation table, including responsible departments, timeframes, and measureable actions,
- The current Comprehensive Plan could be streamlined by separating background from actions and recommendations,
- The Land Use Maps are in need of review and revision,
- The Comprehensive Plan should be improved to address conflicting policies and reduce duplication and repetition, and
- The latest updates did not include community visioning, and there is both need and opportunity to engage members of the public to actively participate in the long-range planning of the community.

Based on the evaluation of the Ad Hoc Committee and staff and a discussion among Commissioners, the Planning Commission concludes that a holistic re-evaluation of the substance and format of the Comprehensive Plan is warranted.

DRAFT

Recommendation

The Planning Commission recommends that the Assembly direct the CDD to undertake a full update of the Comprehensive Plan. The update should be designed to result in a more streamlined plan that reflects current community values and vision, is easily accessible and user friendly online, and addresses the relationship between other CBJ plans and the Comprehensive Plan.

Development of the updated comprehensive plan would necessarily involve an extensive and inclusive public process. One possible pathway to developing an updated comprehensive plan would be to follow an expanded version of the process CDD has used to prepare the Auke Bay and Lemon Creek Area Plans.

The Commission recognizes that CDD is undertaking other planning processes that may compete for resources and public attention. It may be necessary to hire a consultant to lead the update. In light of those considerations, the Commission recommends that the Assembly direct a full review and request staff to provide options for timing and cost of the process. The Commission is prepared to work with staff on those recommendations.

Attachments

Attachment A: Comprehensive Plan Comparison Table
Attachment B: Meeting minutes February 27, 2018 and May 29, 2018
Attachment C: February 8, 2018 Memorandum to Assembly and Planning Commission

DRAFT

Juneau, AK
Population: approx. 34,000 / Visitors: 1,055,000
Square Miles: 3,255

Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
Portland, ME ***Portland's Plan 2030***		"Putting Portland Plan to Graphic depicting how the and area plans, and studies, Data and analytics in appendices, not the body of the plan	No clear		Yes - "Putting	Port city with	66,937 69.44 sq.	Yes – some for focused work and a graphic design
Website: http://www.portlandmaine.gov/1861/PortlandsPlan2030								
Cincinnati, OH ***Plan Cincinnati***	2012 to… 3 years to complete One of the first cities to have a comp plan (1925)	Solid, creative public outreach process Guiding Principles & Five Initiative Areas Committee to oversee implementation 1 Steering Committee & 6 Action Teams to encourage involvement in specific, focused areas Website is user-friendly and	Not clear on relationship to existing plans	History and Past Plans Demographics Location and Physical Features The Process Plan Organization (12 Elements) Guiding Policy Principles Guiding Geographic Principles Five Initiative	Yes – it references other city master plans and comp plans, states that area plans should be updated to guide future development, but is not clear on the relationship	Historic downtown Creative economy University Floodplain	298,800 79.54 sq. mi.	Unclear – did have assistance from AIA, APA, other outside entities

Attachment A

Juneau, AK
Population: approx. 34,000 / Visitors: 1,055,000
Square Miles: 3,255

Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
		logical, easy to follow Reviewed annually; updated every 5 years Glossary		Areas Implementation Glossary				
Website: https://www.cincinnati oh.gov/planning/plan cincinnati/about plan cincinnati/								
Spokane Valley, WA ***Spokane Valley Comprehensive Plan*** (not to be confused with Spokane; Spokane Valley was incorporated in 2003 and is located adjacent to Spokane)	2017 – 2037 Adopted in 2016	User-friendly, web-friendly Graphics Strategies for Implementation (p.2-34) Comp Planning Framework (p.1-12) "Approach" to the chapter "Planning context" for each chapter 9 Land Use Designations (CBJ has 26) Best Practices Clear direction on Comp Plan Amendments	High Level of detail " No clear update process	Intro & Vision Goals, Policies, Strategies Econ. Dev. Land Use Transportation Housing Capital Facilities & Public Services Public & Private Utilities Parks, Rec. & Open Space Natural Resources	No – existing plans were used as "guiding documents", and are different than area plans - they include a tourism strategy and a retail strategy	Outdoor lifestyle Tourism industry Mineral / resources Housing affordability 6.5% is industrial 49.7% is SF residential Vacancy rate is low, rents rising Aging population	94,000 38.2 sq. mi.	Yes
Website: **http://www.spokanevalley.org/cp** **http://www.spokanevalley.org/filestorage/6836/6896/7066/Comprehensive_Plan.pdf**								
Casper, WY	2030	Action-oriented and grounded	Format No clear	Our Story Our Lifestyle Our Vision	Yes – studies and master plans	Outdoor lifestyle Reliance on gas and	59,324 27.24 sq.	Yes

Attachment A

Juneau, AK
Population: approx. 34,000 / Visitors: 1,055,000
Square Miles: 3,255

Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
Generation Casper		Monitoring chapter with metrics (p.5-4) The Schedule – easy to understand, with a user-friendly approach (p.1-8) Various outreach methods Kept at a high level and relies on more focused area plans for specifics	update process	Our Framework Our Path Forward	Used the existing plan to provide more specific recommendations on topic areas	oil industries, and tourism Looking to diversify their economy Similar municipal uses, i.e. ski area	mi.	
Website: http://www.casperwy.gov/UserFiles/Servers/Server_62983/File/Government/Departments/Community%20Development/Planning/GenCasperCompPlan/PlanBreakdown/Summer%202017%20Generation%20Casper_Adopted%207.5.17_Reduced.pdf								
Boise, ID ***Blueprint Boise***	Adopted in 2011 4 years to complete numerous updates since	Well structured: vision, city-wide policies, area-specific policies, implementation plan Design & Graphics	Navigation of digital document impeded by absence of hyperlinks and bookmarks	Introduction Citywide Vision and Policies Community Structure and Design Planning Area Policies Action Plan appendices	Yes. Prefatory pages	Outdoor lifestyle Arts orientation	223,154 80 sq. mi.	Yes
Website: https://pds.cityofboise.org/media/114868/blueprintboise.pdf								
Sitka, AK ***Sitka 2030 Comprehensive Plan***	2018 – 2030 Not yet adopted	Two volumes: the Plan and the technical document Design and Graphics	Not yet adopted	Vision Introduction Community Profile Economic Development	References specific plans but does not define the relationship between the comp plan and focus plans	Vast undeveloped area Demographics	8,900 4,811 sq. mi	Yes

Attachment A

Juneau, AK
Population: approx. 34,000 / Visitors: 1,055,000
Square Miles: 3,255

Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
Website: http://www.sitkacomprehensiveplan.com/documents/Sitka2030ComprehensivePlan-NovemberPublicHearingDraft8Dec2017.pdf http://www.sitkacomprehensiveplan.com/documents/TechnicalPlanDraft8Feb2018.pdf								
Ashville, NC ***Living Ashville, A Comprehensive Plan for Our Future***								Yes
Website: **http://www.ashevillenc.gov/departments/urban_design/comprehensive_plan/default.htm#draft**								
Sarasota County, FL ***Sarasota***								

Juneau, AK
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Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
Comprehensive Plan, A Planning Tool for the Future of Sarasota County	in 2016	Focus on lands within the USB Quality of Life element is listed first Explanation of chapters and the layout of the plan Very user friendly. Contains a Thoroughfare plan Includes age-friendly policies, objectives, and goals.		Health Sustainability Mobility Public Utilities Implementation Economic Development		Mineral / resources Housing affordability 6.5% is industrial 49.7% is SF residential Vacancy rate is low, rents rising Aging population; number of households with children is declining	incorporated cities within it.	
Website: **https://www.scgov.net/Home/ShowDocument?id=9378**								

Comp Plan	Time-frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
Alachua County, FL ***Alachua County Comprehensive Plan, 2011 2030***	2011-2030 2 years	States key Principles and their benefits Energy Conservation and GHG Emissions Clear connections between chapters Integrated CIP	Long No clear update process	Maps Future Land Use Transportation Mobility Housing Potable Water & Sanitary Sewer Solid Waste Storm Water Conservation & Open Space Recreation Intergovernmental Coordination	no		259,964 969 sq. mi.	No

Juneau, AK
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Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
				CIP Public Schools				
Website: https://growth-management.alachuacounty.us/formsdocs/comp-plan.pdf								
City of Tallahassee, FL ***Tallahassee Leon Comprehensive Plan***	1990-2030	Chapter on Plan monitoring and evaluation procedures	Not many Long	Plan Monitoring Procedures	No	Capital City	190,894 98.2 sq. mi.	No
Website: http://www.talgov.com/Uploads/Public/Documents/planning/pdf/compln/tallahassee-leon-county-comprehensive-plan.pdf								
Olympia, WA ***Comprehensive***	2014-2036	User friendly Sustainability	Plan is accessed through code	Introduction to the Comprehensive	No	Outdoor lifestyle State Capital	49,670 19.68 sq. mi.	No

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Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
Plan, Olympia		Focus Areas "How to use this plan" Separate "action plan" Plan to fund the future Photos, maps	website – by process mandated by state law and outlined in plan	Plan; Community Values & Vision; Public Participation and Partners; Natural Environment; Land Use and Urban Design; Transportation; Utilities; Economy; Public Health, Arts, Parks and Recreation; Public Services. Volume II: Capital Facilities				
Website: **http://www.codepublishing.com/WA/Olympia/** **http://olympiawa.gov/city-government/codes-plans-and-standards/action-plan**								
Anchorage, AK ***Anchorage 2020***	2002 – 2022 Adopted in 2002	User-friendly, web-friendly Graphics Policies and Strategies for Implementation in text and table FAQ Growth scenarios with		Introduction Overview Anchorage Today Foundations Land Use Concept Plan Plan Implementation	Yes –explanation of the relationship of the overall comprehensive plan and neighborhood/area plans etc. Includes graphic to show relationships	Outdoor lifestyle Tourism industry Regional hub Housing affordability challenges Vacancy rate is low, rents rising	298,192 1,963 sq. mi.	No

Juneau, AK
Population: approx. 34,000 / Visitors: 1,055,000
Square Miles: 3,255

Comp Plan	Time frame	Pros	Cons	Chapters Included	Are Existing Plans / Studies Addressed?	Similar to Juneau?	Population & Size	Did They Use Consultants?
		preferred option				Aging housing stock		
Website: **http://www.muni.org/Departments/OCPD/Planning/Publications/Pages/Anchorage2020.aspx**								
Boulder, CO ***Boulder Valley Comprehensive Plan*** **Note:** the plan incorporates the area outside the city. City and county have an intergovernmental agreement (IGA)	2015-2030	Web-friendly Graphics and design Organized around sustainability principles and framework Entire chapter dedicated to "sub community" and area plans Action Plan	Big No clear update process	Introduction Plan Organization and Implementation Policies Land Use Map Designations Sub-community and neighborhood Planning Master Plan Summary and Trails Map Urban Service Areas Criteria and Standards	Yes - Addressed in introduction and includes chapter about area plans in relation to the comp plan.	Outdoor lifestyle Arts &culture Small local businesses Housing challenges	104,800 25 sq. mi City 740 sq. mil-county Unable to determine valley planning area	No
Website: **https://bouldercolorado.gov/bvcp**								

Comprehensive Plan Committee of the Planning Commission

Tuesday, February 27, 2018, 5:30 pm
Assembly Chambers

Members Present:
Andrew Campbell, Nathaniel Dye, Ben Haight, Dan Hickock, Mike LeVine

Members Absent:
Dan Miller

Staff Present:
Laura Boyce, Jill Maclean, Beth McKibben, Rob Steedle

I) Call to Order
Meeting called to order at 5:35 pm.

II) Agenda Topic

Chair LeVine began the discussion by focusing on process. There were differing views among committee members on the purpose of the committee. Eventually, consensus was reached that the committee is charged with making a recommendation to the Assembly on whether an update to the Comprehensive Plan is warranted and, if so, what the scope of that update should be. The committee will forward its recommendation to the Planning Commission, which would then forward its recommendation to the Assembly Committee of the Whole.

The committee would like the participation of the city manager, the Assembly liaison to the Planning Commission, and one other Assembly member.

The committee would like staff to:

- provide links to comprehensive plans from other communities similar to Juneau and from other Alaskan communities,
- research models for reviews or updates to comprehensive plans used by other communities,
- report on how the individual plans that are adopted as part of the comprehensive plan relate to the comprehensive plan.

Chair LeVine posed the rhetorical question “How do we know the plan reflects community values?” The committee agreed that the level of public input should be proportional to the degree of change contemplated by the comprehensive plan update.

III) Next Meeting

Tentative: Wednesday, January 17, 3:15 pm.

VI) Adjournment

The meeting adjourned at 6:50 pm.

Comprehensive Plan Committee of the Planning Commission

Tuesday, May 29, 2018, 6:00 pm
Marine View, 4th Floor Conference Room

Members Present:
Andrew Campbell, Nathaniel Dye, Ben Haight, Dan Hickok, Mike LeVine, Dan Miller

Members Absent:
None

Other Officials Present:
Beth Weldon – Assembly
Paul Voelckers – Planning Commission

Staff Present:
Laura Boyce, Jill Maclean, Beth McKibben, Laurel Bruggeman, Bhagavati Braun

I) Call to Order

Meeting called to order at 6:05 pm.

II) Approval of Agenda

Approved

III) Approval of Minutes

Approved with changes

IV) Agenda Topics

a) Review of Committee Purpose

Mr. LeVine began the meeting by restating the Committee's purpose: to provide a recommendation to the Assembly regarding how to move forward in updating the Comprehensive Plan. Mr. LeVine stated that he sees this Committee as a short lived one that will deliver a set of recommendations to the Assembly. Mr. Voelckers added that the Committee is not intended to solve a problem, but to ascertain if there is a problem to solve, and to recommend how to do so if that is the case. Mr. LeVine continued that he would like to review the CBJ Comprehensive Plan and other adopted plans as well as look over plans from other jurisdictions to help inform the Committees recommendations.

Mr. Voelckers asked if Ms. Weldon could inform the Committee about the Assembly's thoughts on this project. Ms. Weldon stated that she has heard the public state that the current Comprehensive Plan is cumbersome and outdated. She would like to see where it needs to be updated and update those places. She stated that the term cumbersome is subjective, and noted that it could be difficult to make a Comprehensive Plan that is much smaller, so would like to focus on the outdated parts of the document and update those. Ms. Weldon continued that the cumbersome element specifically relates to how adopted plans work together and confusion over what to do when the plans are duplicative or contradict each other. Mr. LeVine echoed Ms. Weldon, saying that it is not clear how adopted plans relate to each other and to the Comprehensive Plan. He added that the format of the plan is difficult to navigate online, and a search of the Comprehensive Plan may leave you without the full knowledge if part of what you were looking for is in another adopted plan. Mr. LeVine continued stating that the current Plan could be used to justify a wide range of development, saying that may be the right thing, but he would like to

address this issue. He stated that he thinks this Comprehensive Plan has stayed largely in the same format and model since it was conceived and he would like to strive for a more user friendly, useful, and inclusive Plan.

Ms. Weldon asked what staff thinks of the current Plan. Ms. McKibben stated that she certainly uses hers. She added that she would find an implementation table helpful to help see all of the actions, and to note progress more easily. She stated that a table could be a useful tool for others outside the department, both the public and other departments within the CBJ. Ms. McKibben continued that the current Plan looks a lot like it did in the 1980s, adding that the example plans provided have a lot more graphics and white space, many of the example plans have background or actions in separate documents. Ms. Maclean agreed with Ms. McKibben, adding that she thinks it's time for a new Plan. She continued stating that the community has changed a lot since the original Plan was written in the 1980s and has outgrown the current Plan. She stated that the current Plan lacks the more visionary aspect that the CBJ could use, it gets lost in the details which should live in the area plans or other specialized plans. She added that the Comprehensive Plan should be the umbrella that captures all of those smaller plans and the Capital Improvement Program (CIP).

Ms. McKibben stated that one of her frustrations in using the current Plan is the maps. She stated that she would like to revisit the Future Land Use Designations, adding that these designations, instead of being aspirational, are a reflection of the current use of the area. She added that there may be too many of these designations.
Mr. Miller stated that he was on the Planning Commission (PC) for the first major revision of the Plan in 2006-2008. He stated that at the time the PC was split, the two sides were in conflict and that is why the Plan is written so broadly with strong protection for the natural environment and strong protections for development (for example). He stated that it was a struggle to make everyone happy and compromises had to be made. He also added that he agrees with Ms. McKibben that the maps need more work.

Mr. LeVine asked if the rewrite he referenced was an update or a fundamental rethinking. Ms. McKibben answered that the department hired a planner specifically to update the Plan, stating that we have many of the tiles from the work she did, the outreach and other efforts during the time. She added that the effort was intended to be a rewrite, but it didn't result in a full overhaul. Ms. McKibben continued that the update in 2011-2013 was intended to be an update on data.

Mr. LeVine stated that the community generally agrees on general principles, but not how to get there, suggesting that the Comprehensive Plan might be better containing those general principles. He thanked Mr. Miller for his comments.

Mr. Campbell stated that he thought the Committee is on the right track, he would like to update how the Plan is delivered to the public stating that he hadn't heard complaints on the content of the plan but on the outdated and cumbersome nature of the document. He continued that changing the content could be difficult, but changing the format could be a simple solution. Mr. LeVine supported Mr. Campbell's statement adding that he is confident that there are better mechanisms for delivering the Plan. He continued that he would like to look at the more substantive questions of how the plans relate to each other; how plans adopted by ordinance versus adopted by resolution apply; and how progress on the goals of the plan are measured. He added that the Committee might want to look at the Plan in detail and find where there are clear issues of duplication that should be harmonized, as well as looking for other substantive issues. Mr. Dye asked if there was a flowchart that outlined the plans' importance, Ms. McKibben stated that one does not exist, but could be created. Mr. Hickok stated that he would like to see a flowchart, and that it could be helpful for other users of the plans as well.

Mr. Voelckers brought up protected views, asking how the Comprehensive Plan might handle an issue like this moving forward.

b) Discussion on Model Plans

Ms. McKibben gave a presentation which highlighted the table of contents for a number of model plans, she gave her presentation, listing some of the notes from the table (see packet) that listed all of the model plans and some of their attributes. Below follows some notes on specific plans that were discussed:

- Boise – Mr. LeVine stated he liked the relationship noted between the plan and zoning ordinances.
- Sika – Mr. LeVine liked the information on their website, specifically information about their approach to writing the plan.
- Anchorage – This plan won APA awards and explains its relationship to other plans well. Mr. Miller stated his interest in looking more closely at this plan; Mr. LeVine added that we could probably call them and talk with them about their process. Ms. McKibben stated that Anchorage wrote this plan partially using consultants, but mostly in house. She added that the director who undertook the project was now gone but a few of the planners are probably around. Ms. McKibben continued speaking to the APA's Comprehensive Plan Standards for Sustaining Places, relating it to LEED certification – bodies can earn medals for how well their plans align with the framework. Ms. McKibben added that she could send a link of the criteria to Committee members.

Mr. LeVine discussed document length and that certain sections seem superfluous to the plan, such as "how we made the plan" sections. Ms. McKibben added that some plans have pulled the technical information and appendixes out of the main plan.

Mr. LeVine brought up the Comprehensive Plans relation to other plans asking if all of the plans are supposed to agree. Ms. McKibben stated that the CBJ's Comprehensive Plan has competing policies and suggested the direction of weighing these competing policies and making decisions based on that. She gave the example of the housing chapter in the Plan, stating that it was updated in 2013, but it wasn't a substantial rewrite. The Housing Action Plan (HAP) came out of that and is more focused on housing, and is at a greater level of detail than the Comprehensive Plan's chapter. Ms. McKibben cited the Lemon Creek Area Plan as another "finer grain" plan that echoes the Comprehensive Plan's broader ideas, stating that Ms. Maclean's writing of the Lemon Creek Area Plan was well thought out in how it related to the Comprehensive Plan. Mr. Voelckers added his support for the implementation steps that were included in the Lemon Creek Area Plan.

Committee members asked if there is a level of precedence between the different plans. Ms. McKibben replied that all of the plans carry the same weight. Committee members again asked if a future rewrite would be bound by existing adopted plans, stating that if the plans were all in concert it wouldn't matter which takes precedence, but voicing concern for conflicts between plans. Ms. Maclean replied that most bodies would be in a similar situation where multiple plans exist and each new one will reflect those, but also push them forward. She pointed to the example of downtown where there are many plans that affect the whole area, the Blueprint Downtown process plans to analyze them all and create some organization and harmony between the many plans, and hopefully push the borough further with the new plan. Ms. McKibben echoed this by stating the new document can be a framework for moving forward, and during the process it may be found that some plans are less relevant.

Mr. LeVine stated that some of the plans have been superseded and not removed from the adopted plans. He noted issues about each of the plans, how they relate to each other, hoping that the rewrite could see where the documents are redundant, conflicting, and where the holes are. Mr. Voelckers stated three categories that he could see: area plans that have greater specificity; old plans that are no longer applicable; and current still germane plans that disagree, stating that some of these plans are in conflict so cannot be reconciled. Mr. LeVine noted that one of the Committees recommendations could be to identify the problems and attempt to smooth them over.

Mr. Hickok asked if anyone could foresee problems hiring a consultant. Ms. Weldon surmised that the Assembly could be amenable if there is a solid plan for the consultant's work. Mr. LeVine stated that weather or not a consultant is hired the project will take an outlay of funds and time. He laid out three steps for this Committee to take: do we have to make changes to the plan; why do we have to; and how do we make changes.

Mr. Dye stated his desire to undertake changes to the plan and to have a more succinct document, perhaps with appendixes in a separate document to make it more user-friendly.

Mr. Hickok asked if the city could easily make the current Plan more technologically up-to-date. Mr. LeVine stated that the city doesn't seem to have those strengths, adding that that could be a good use of a consultant.

The Committee looked at the Anchorage Plan online:
Mr. LeVine liked that before opening the plan on the website there are descriptions and ways to access the document by chapter. He asked if the history of a town is something that needs to live in a Comprehensive Plan. Ms. Maclean stated that it can be inclusive of a places heritage, showing where the area came from and where it is headed, adding that it makes for a more interesting document. Ms. McKibben stated that background and implementation could be housed in a separate document. Mr. Voelckers stated that he liked the snapshot of the economic plan (last page of Chapter 3 of the Anchorage plan). Mr. LeVine liked that all of the goals and actions for the plan were on three pages, adding that the measurements and implementations could add ease of use for the Planning Commission and the Department.

Mr. Voelckers asked staff if they view a good comprehensive plan as a terminal document or a more diffuse document that is meant to set the area up for more detailed action or area plans. Ms. McKibben stated that it could be either one; and Ms. Maclean stated her preference for the latter.

The Committee looked at the Spokane Valley Plan online:
Of note were their pull-out boxes and their tourism section. Ms. McKibben added that Olympia also had some good strategies for aging and homeless populations.

The Committee looked at the Sitka Draft Plan online:
Of note were their community engagement efforts, the website with a lot of info before you open the plan, and the Comprehensive Plan and Technical Plan.

The Committee looked at the Portland, ME Plan online:
Of note was its executive summary, its 92 pages of plan, with a large appendix, the color and graphics, public participation, and their discussion of other plans (page 20).

Mr. LeVine asked if doing a new plan is out of the question. Ms. Maclean stated that doing a new plan would allow for a lot of outreach and community building, both with the public and between CBJ departments. Ms. McKibben agreed, voicing her support for an implementation table to aid CDD and other departments in following through with the plan and using it more effectively. Mr. LeVine asked Ms. Weldon what she thought of a revision/update/new plan. Ms. Weldon replied that the name of it is less important to her, that if the city needs it then we should do it. Mr. Voelckers voiced support for bringing other departments in, so they have buy-in and use the Comprehensive Plan.

Mr. Dye stated that some of the chapters in the current Plan don't seem to belong there. Ms. McKibben stated that some states require certain chapters so this level of detail would need some more information; she added that the chapters in this document were created through the public process so the community must have wanted them.
Mr. LeVine stated his sense of the room was to move toward a new Comprehensive Plan more like some of the model plans that the Committee liked. Ms. Weldon offered that her idea Comprehensive Plan would be one that is a skeleton with the smaller plans filling in the muscles. Mr. Hickok agreed, stating that the Plan should be an umbrella over the borough that allows each community or stakeholder group develop plans for their specific area or interest.

Mr. Campbell suggested this could be two separate processes; creating a more internet friendly version and creating substantive changes to the Plan. Mr. LeVine stated he would like to figure out the next step before answering that, he thought there might be a hybrid, and that this decision might be up to the Assembly. He added that it might be one large process with both of the above outcomes. He then stated that he is hearing support from the Committee on moving forward with a new plan, and that the next steps are to determine the reasons why we want to do this and what we hope to accomplish in this process. He also called for the group to determine how they would like to proceed. He asked staff to pull the best parts of the model plans and make some recommendations on how to move forward. This will all aid in our recommendation to the Assembly.

The Committee was still concerned about how to tie in other adopted plans and how to make the Plan more user friendly in the short and long term. Mr. Voelckers and Mr. LeVine voiced their support for community input aiding in creating both a better document and a more accessible one. Mr. Dye echoed this stating that beautifying the Plan now, knowing it will be replaced soon, might be a wasted effort. He voiced his preference for sticking to content and why the Committee wants to change it, stating that the mechanisms for how it will look aren't in the Committee's hands until the Assembly approves changes anyway.

Mr. LeVine suggested that he work with Ms. McKibben to draft a recommendation to the Assembly that explains why what the Committee wants is necessary, shows a few models of plans and public process, and gives a flavor for what the Committee thinks would be an effective process for this.

Mr. Hickok added three goals: to be user friendly; cut the fat; and have a better grasp on how the plans relate. Mr. Campbell stated his preference for giving the Assembly a few options including smaller more user-friendly update.

Mr. Voelckers asked staff to look at the plans they find the best and see if they can find a range of costs for their creation, he suggested Ms. McKibben and Mr. LeVine choose which plans to use. Mr. Dye suggested that the Committee lay out options for the Assembly including public process, budget, and staff involvement.

Mr. LeVine suggested that the Assembly and Ms. Maclean might work together to come up with a direction for this process. Ms. McKibben spoke to the many in-house issues including multiple large scale plans being undertaken currently. Mr. LeVine asked that Ms. McKibben help him draft a plan that highlights the constraints in the Department in addition to what the Committee is looking for. Ms. McKibben and Mr. LeVine were to schedule a meeting to draft this document for the rest of the Committee to review.

c) How Ancillary Plans are Adopted as Part of Overall Comprehensive Plan

V) Committee Member Questions…

Next Meeting: Tentatively before the regular Planning Commission Meeting on June 26 at 5:30 PM.

VI) Adjournment

Meeting adjourned at 7:52 pm.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
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155 S. Seward Street • Juneau, AK 99801

DATE: February 8, 2018

TO: CBJ Assembly and Planning Commission

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

SUBJECT: **Comprehensive Plan Review**

Juneau has had a Comprehensive Plan since 1965; the current Comprehensive Plan was updated in 2013. Interest has been expressed by some members of the Assembly and the Planning Commission in updating the Plan at this time. The Comprehensive Plan calls for a "review" of the Plan every two years. The Plan distinguishes between a "review" and an "update" of the plan. A review is described as "one or more public sessions of discussion and examination of the Plan." The result of the review might be the conclusion that no amendments are necessary at the time or that some mid-course corrections are in order. An update is considered to involve a holistic review of all text, policies, implementing actions, and land use maps. The 2013 plan states that both the 2008 and 2013 plans were updates. Included below are potential strategies for either an update or a review of the Comprehensive Plan.

Comprehensive Plan Update

An update involves a complete planning process, the creation of a steering committee, focus groups, significant public outreach, review of goals, policies, implementing actions, and maps. This also could include the development of a new format for the Plan. The 2013 plan organization and format are essentially unchanged since the 1984 Plan was adopted. The following are options for how an update to the Comprehensive Plan might be accomplished.

- In-house – CDD staff, with assistance from other CBJ Departments, would be responsible for all aspects of plan development.
- In-house temporary hire – a temporary position would be created for the specific purpose of managing and over seeing this project with assistance from permanent CDD staff.
- Consultant – a consultant hired through a competitive proposal process would be responsible for all aspects of plan development.
- Combination in-house/consultant – this could take several forms, with a consultant being hired to facilitate the public outreach and visioning aspects, or consultant being hired to focus on specific topics of the plan.

Comprehensive Plan Review

The Planning Commission, with staff support, would review the goals, policies, implementing actions, and each chapter. The Commission's recommendations for updates would be forwarded to the Assembly for consideration. This process took place in 2001, and in early 2002 the Commission made specific recommendations, such as adjusting the boundary of the Urban Service Area and adding a policy direction to address storm water management. These recommendations would inform future work for CBJ staff and the Planning Commission.

Recommendation

The Community Development Department is committed to community-based planning, as evidenced by the Auke Bay Area Plan and the Lemon Creek Area Plan. Juneau residents articulate their vision and help develop a plan to shape the future. Community involvement and participation builds commitment to the effort, allows differing perspectives to help identify solutions, and ensures more accountability. Both the Auke Bay and Lemon Creek Area Plans have been identified as successful planning processes and have been well received by the community. CDD has been directed to work on a Downtown Plan now that the Lemon Creek Area Plan is complete; this downtown planning initiative is the subject of a separate memorandum. Additionally, CBJ has received grant funds to complete the Historic and Cultural Preservation Plan. The review and development of new residential zoning districts mandated by the adoption of the Alternative Overlay Development District (ADOD) (which sunsets August 1, 2019) is underway. In addition to the above planning efforts being undertaken by CDD, the Parks and Recreation Master Plan is currently being updated and a public process is occurring this year. Community input is critical for these planning efforts to be successful, and too many competing efforts may jeopardize public participation in one or all of these efforts. Additionally, completion of these planning efforts will provide a solid foundation to begin the update to the Comprehensive Plan. A comprehensive plan update that values community involvement may benefit from a short delay.

Staff recommends that the Planning Commission form a committee to review how well the 2013 Plan reflects the community now and make recommendations for areas to be updated in the mid-term. This effort will inform the Assembly and the community while not diluting the other planning work that is underway.