

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

September 26, 2017
Assembly Chambers
7:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF MINUTES**
 - A. August 8, 2017 Draft Minutes - Committee of the Whole
 - B. August 8, 2017 Draft Minutes - Regular Planning Commission Meeting
- III. **WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE**
 - A. Additional Materials
- IV. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- V. **PLANNING COMMISSION LIAISON REPORT**
- VI. **RECONSIDERATION OF THE FOLLOWING ITEMS**
- VII. **CONSENT AGENDA**
- VIII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**
- IX. **UNFINISHED BUSINESS**
- X. **REGULAR AGENDA**
 - A. ****WITHDRAWN**** AME2017 0012: A Rezone Request from D5 to D10 at 8485 Forest Lane
- XI. **BOARD OF ADJUSTMENT**
 - A. ADP2017 0001: Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels.
- XII. **OTHER BUSINESS**
- XIII. **DIRECTOR'S REPORT**
- XIV. **REPORT OF REGULAR AND SPECIAL COMMITTEES**
- XV. **PLANNING COMMISSION COMMENTS AND QUESTIONS**
- XVI. **ADJOURNMENT**

MINUTES
Planning Commission
COMMITTEE OF THE WHOLE
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
August 8, 2017

I. ROLL CALL

Ben Haight, Chairman, called the Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:08 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Dan Miller, Percy Frisby, Kirsten Shelton, Carl Greene

Commissioners absent: Dan Hickok, Michael LeVine

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner, Chrissy McNally, Planner II

II. APPROVAL OF MINUTES - None

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2016 0002 – Amend Title 49 regarding variances.

Ms. Boyce told the Commission the staff would dive into the data of downtown Juneau and downtown Douglas first, focusing specifically on where the boundaries of the new Alternative Development Overlay District (ADOD) will apply, and ascertain how this would affect the variances in these areas. They would then next address revised criteria, said Ms. Boyce.

Showing the Commission a map of downtown Juneau, Ms. Boyce indicated the properties which have been granted variances since the current code was adopted in 1987. One hundred forty-three variances have occurred in this ADOD area, she noted. One hundred fourteen of those variances are setbacks, she noted. Most of these setback variances could most likely benefit from the newly approved ADOD, said Ms. Boyce.

The ADOD applies to residential properties that can provide relief for setbacks, vegetative cover, and lot coverage, explained Ms. Boyce. This applies to accessory structures such as garages as well, she noted. Roughly 10 percent of these 143 setbacks in the Juneau downtown area are for parking and roughly half of those could also find relief with the new parking waiver, said Ms. Boyce. Another small portion of those variances are for vegetative cover which could also be helped by the ADOD, said Ms. Boyce.

In downtown Douglas the majority of the variances granted are for setbacks, said Ms. Boyce. Roughly 80 percent of the 47 properties granted variances are setbacks which could find relief under ADOD, she noted. Five of those variances are for parking, and three of those could potentially find relief under the new parking standard, she said. Five properties are for other types of variances, she said.

They have amended the criteria from the last version viewed by the Commission, said Ms. Boyce. What they call the “threshold” in the current code has been moved and combined into variance criterion number one, she said. All of the criteria must be met in order for a variance to be granted, she said. Ms. Boyce said she is also proposing a sixth criterion exhibiting a clear finding that the granting of a variance would not result a variance for density, lot coverage, construction standards, or use.

Commission Comments and Questions

Referring to the last sentence of criterion one in the new draft, Mr. Dye said that developers do have some control over the division of their lots. He asked how this would be interpreted according to the new criterion. He mentioned a scenario where a property owner could claim that an irregularity of their property was something of which they were not aware when they purchased the property.

Ms. Boyce said it would need to be determined if the property owner had knowledge of the irregularities when they purchased the property.

Mr. Greene added that he felt this was a good point. If the property owner had knowledge of the irregularities of the property when purchased, then why would they be eligible for relief in the form of a variance?

This would also pertain to the reasonable use of the property, said Ms. Boyce.

Ms. McKibben stated a few years ago a variance was requested to reduce the number of parking spaces for back-out parking. The building had a very large footprint, she said. If it was designed a little differently they would not need to request a variance, she explained. By denying the variance, they were not eliminating the reasonable use of the property by the owner, she said. The property owner just needed to make some modifications in their building design, she added.

Mr. Dye asked if the second sentence in criterion one was necessary. *(These conditions result from the lot size or shape, topography, or other conditions that the property owners cannot control.)*

That sentence would not be crucial, said Ms. Boyce. She said it was added to clarify the meaning of the criterion.

Mr. Voelckers commented that overall he was pleased with the amendment to Title 49 regarding variances, but that he felt it was time to delve into the particulars of the verbiage. He said he felt it was good to have a purpose statement, but that he felt some changes in the wording were warranted.

A variance may be granted to provide property owners ~~from~~ relief from Code requirements when, due to the strict application of standards and to unusual circumstances regarding the subject property or structure, the property owners are deprived of privileges commonly enjoyed by other properties in the same vicinity, ~~and~~ zone and under the same land use regulations.

Mr. Voelckers said he felt the first “from” in the first sentence was just a typo and should not be there. He said in the last sentence he felt the word “and” should be eliminated and supplanted with the word “or”.

Referring to the Purpose sentences, Mr. Dye asked if the word “strict” needed to be applied to modify the word “application”. He said he felt that may infer that at other times the Commission was not being diligent in its application of the code.

Mr. Miller said that the code is black and white. If the staff cannot give an absolute answer “yes” to someone’s question about code application, then it was incumbent upon them to say “no”. However, said Mr. Miller, there can be gray areas that are not black and white. He said he felt that is why there are nine members of the Planning Commission. It is their job to delve into those gray areas, explained Mr. Miller.

Chairman Haight said he felt the word “strict” was a point of reference. It was referencing the black and white aspects of the code, he said.

Review of Criterion One

Special conditions or circumstances exist that are peculiar to the property in the same zone or vicinity. (These conditions result from the lot size or shape, topography, or other conditions that the property owners cannot control ;)

Mr. Voelckers said he felt that philosophically it was useful to reference “structure” as well as property. There are circumstances when all aspects of the property are not disclosed at the time of its purchase to the new owner. He said he felt that referencing structure would at times become germane to interpretation of this criterion. He said he would like to insert the words “or structure relative to other properties or structures” after the word “property” in the first sentence of criterion one. The word “or” should also be added after the word “vicinity”, said Mr. Voelckers.

Mr. Miller said the first person obtaining a variance on their property may qualify because the “circumstances that exist are peculiar to the property”. However, he said, a subsequent property owner would not be able to claim the peculiarity of the property, he said. The analysis of the proposed criterion one states that if there are similar requests in the neighborhood, then the zoning or standard that applies for that area might need to be corrected. Mr. Miller said he would not want the new variance criteria to be quite so short-lived. He added that he felt that criterion one and two could quite possibly cancel each other out in some circumstances.

Ms. Boyce said the current language says “unique”. She said the words “peculiar” and “unusual” step down from that. If they do see a trend in an area, then maybe the zoning needs changing or some type of setback exception can be added to the code that best fits that neighborhood’s character, she added.

Mr. Miller said he wasn’t quite sure how rigid the standard the word “peculiar” would be interpreted.

Ms. Shelton said she viewed the interpretation a bit differently. She said she liked the existence of criterion two as it supported the notion that the property did not have to be unique. Ms. Shelton suggested supplanting the first sentence in criterion one with: “Special conditions or circumstances exist that the property owners cannot control”.

Mr. Voelckers said he felt the word “unique” in existing language was a killer term and that the new verbiage proposed by the staff was a good compromise. There has to be something about the circumstance that sets it aside, he said.

Mr. Dye said he liked the suggestion of Ms. Shelton, and that he would also like to recommend that the second sentence in criterion one be eliminated. He said he felt the intent of that language was duplicated in criterion number four. In answer to Mr. Voelckers question about his meaning, Mr. Dye said criterion four states that “The hardship is not self-imposed...” He said he felt that criterion one should be less explicit and that criterion four could cover what was in the second sentence in criterion one.

Mr. Miller said he really liked the phraseology “that the property owners cannot control” in criterion one. He said criterion four referenced the things that were within the property owner’s control. He said he felt the statements referenced by Mr. Dye in criterion number one and criterion number four referenced two completely different things.

Mr. Dye said he did not see how the Commission would be able to define what was or was not within a property owner’s control.

For example, said Mr. Miller, after a person purchased a lot that had a house upon it, and they wanted to rebuild and they thought that they would be able to rebuild. The new property owners had performed their due diligence and subsequently found out that the foundation was inadequate. Mr. Miller said he felt this would be a circumstance in which he could understand that the situation was not under the property owner’s control.

Mr. Dye agreed with Mr. Miller, and added that he did not feel the second sentence in criterion one detracted from that meaning. The argument can be made that the new property owners could have hired an engineer ahead of time and found out there were problems with the foundation, and therefore it would not be outside of their control. He said if the second sentence in criterion one was removed, that they avoided the whole difficulty of whether it was within or not within the property owner’s control. He said the control level would lie within criterion four which stipulates that the hardship is not self-imposed.

Mr. Steedle said he felt that Ms. Shelton best captured the meaning with her proposed language for criterion one: “Special conditions or circumstances exist that property owners cannot control...”

Mr. Voelckers added they also needed to see how this language plays out when referencing structures as well as land. He said he liked the idea of simplifying the language and putting some of the language within the parentheses within the body of the first sentence.

Mr. Dye said if an individual owns a structure that theoretically it is within that person's control. He said he would like to have the first criterion a little more general and that specificity became more pronounced with the application of criterion four.

Chairman Haight said that many Commission members have witnessed a situation where an individual buys a property or structure and there are existing conditions unknown to the buyer. They subsequently find out the problems with their property when they begin a remodel for example, he said.

Ms. Shelton said she felt that language in criterion one and four was different. For example, she said, in number four, to be extreme, it could be said that the condition was self-imposed because the individual purchased the property.

Ms. Boyce said with criterion number one they are trying to get to the hardship factor pertaining to the property. Criterion four is more about the plight of the land owner, she said, where criterion one referenced the property itself.

Mr. Frisby said that every landowner has different land use intents. There are issues that arise when there is a new purchaser of property who may have different ideas about how that property should be used, said Mr. Frisby. He said to him criterion one and four did seem to be repetitive, but after listening to the discussion he could see how they were not repetitive.

Mr. Voelckers said since the criteria are related, that perhaps Mr. Palmer and Ms. Boyce could rework the phrasing in those two criteria while the Commission progressed through the other criteria.

Criterion Number Two

The variance is necessary so that the applicant can enjoy a property right that other owners of properties in the same zone or vicinity have;

Mr. Voelckers suggested that instead of having the sentence end with the word "have", that it be amended to read: "The variance is necessary so that the applicant can enjoy a property right that (is consistent with) other owners of properties in the same zone or vicinity;"

Criterion Number Three

The grant of the variance will not be detrimental to public health, safety, or welfare, or is injurious to nearby property;

Ms. Shelton said what the second half of this sentence says to her is that the granting of the variance is injurious to property. She said she felt the words "not be" be used instead of the word "is" prior to the word "property".

The Commission agreed to the above change for criterion number three.

Edited Criterion Number Three

The grant of the variance will not be detrimental to public health, safety, or welfare, and not be injurious to nearby property;

Criterion Number Four

The hardship is not self-imposed and the variance is the minimum that will alleviate the hardship;

Mr. Voelckers said he felt that criterion four may be the most difficult of all. He said it could be argued that all hardship to some degree is self-imposed. He said it he felt it was important to remember that the goal was to give the Planning Commission a common-sense tool to try to parse out what makes the most sense. He said he did not like the words within the criterion that stated, "...the minimum that will alleviate the hardship;"

Mr. Voelckers recommended that the criterion read: "The hardship is not self-imposed and the variance is proportional to the needed relief that will alleviate the hardship;" He said he felt the word "proportional" was better than the word "minimum". The word "minimum" was not very descriptive, he said. The word "proportional" provided some value judgment, he said.

Mr. Palmer responded he felt there were two concepts at work. The whole reason for these criteria is to provide some "objective standards" to deviate from the code, he explained. The purpose of the variance is to provide that unique tool when there is something so special about that property that they cannot comply with the standards that apply to everybody else, he said.

The addition to a building would generally be considered a self-imposed hardship, said Mr. Palmer. The topography of a very steep hillside next to a restricted right-of-way probably would not be a self-imposed hardship, for example, said Mr. Palmer.

Ms. Shelton commented that the steep hillside would have always been present, and would only become a self-imposed hardship when the property owner decided to act.

Mr. Palmer said it may be a good idea for the staff to take the recommendations on this ordinance amendment and work through the language corrections, providing explanations on the intent to accompany each of the criteria.

Mr. Voelckers asked Mr. Palmer what the consequences would be if they struck the words "self-imposed". He said it could be interpreted that any action would be self-imposed. He said those words actually made him a little uncomfortable.

Mr. Palmer said the Commission needed to decide if the “self-imposed” term used in number four was different or duplicative of the language used in criterion one.

Mr. Voelckers asked if the term “self-imposed” needed to be used to meet some legal litmus test.

Mr. Palmer said that specific term did not need to be used, but that the concept needed to be embodied within the variance. It follows a state statute which provides a good general guidance for the variance, said Mr. Palmer.

Mr. Miller said he felt that Mr. Voelckers had an excellent point in that anything that is brought forward could be construed as self-imposed. Then they would not have a mechanism for providing relief from the strict application of the code, he added. The term “self-imposed” could be interpreted very strictly, and then once again they are in a position where variances may not be issued, noted Mr. Miller.

Mr. Dye said he had problems with the terms “cannot control” in criterion one and “self-imposed” in criterion four.

Mr. Voelckers noted that a project he was involved with several years ago received a couple of critical variances so that it could be built. He said it could be argued that the project was completely self-imposed, and there were no unique features about the property. The Commission thought the height variance was useful for the project, so they could proceed with construction, said Mr. Voelckers.

Chairman Haight said he felt they needed more definition of what “self-imposed” really means.

Mr. Palmer said the state statute provides a slightly different standard, but that he felt it arrived at the same concept which the Commission was discussing. “Special conditions that require a variance are not caused by the person seeking the variance,” said Mr. Palmer.

Mr. Steedle said he was curious how this got around the quandary raised by Ms. Shelton, that the property was purchased, therefore the condition is self-imposed.

Providing an example for the discussion, Ms. McKibben said there was a property several years ago out the road on a very steep hill, where the highway has a 100-foot right-of-way. The lot was platted before the highway was 100 feet wide, said Ms. McKibben. Subsequently the property owners were left with a 20-foot portion of property to build upon. They did not create that situation, noted Ms. McKibben.

Criterion Number Five

Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary

hardship means that, because of special conditions of the property that distinguish it from others in the area, the property cannot be reasonably used in strict conformance with the ordinance.

Ms. Shelton said she did not think “that distinguish it from others in the area” needed to be in this criterion. She said she felt it took away from the meaning of this criterion, rather than clarified it.

Mr. Voelckers said he agreed with Ms. Shelton in that there was some redundancy. He said it made him wonder if they should not remove the words within the parentheses. He said perhaps they should just put; “Literal enforcement of the ordinance would result in unnecessary hardship.”

Ms. Shelton said she did not think they wanted to lose the concept of “reasonable use” in criterion five.

Mr. Dye suggested they just eliminate the language within parenthesis.

Criterion Number Six

This variance if approved would not result in lot coverage, construction standards, etc.

They may want to add the words “maximum density” prior to “lot coverage”, said Mr. Voelckers. Someone may want to add a kitchen to their home which would not result in maximum density to the neighborhood, said Mr. Voelckers.

The Commission agreed that they approved the general concept of criterion number six, which will undergo further wordsmithing by the staff.

Review Incorporating Commission Comments

Purpose Statement

A variance may be granted to provide property owners ~~from~~ relief from Code requirements when, due to the strict application of standards and to unusual circumstances regarding the subject property or structure, the property owners are deprived of privileges commonly enjoyed by other properties {or structures} in the same vicinity ~~and~~ {or} zone and under the same land use regulations.

Criterion One

Special conditions or circumstances exist {that the property owners cannot control} that are peculiar to the property {or structures} in the same zone vicinity. ~~{These conditions result from the lot size or shape, topography, or other conditions that the property owners cannot control};~~

Mr. Palmer suggested that criterion one be changed to state, "Special conditions or circumstances that require the variance are not caused by the person seeking the variance."

Mr. Dye said he liked the phrase suggested by Mr. Palmer because it did away with the "cannot control" verbiage. He said it did not bother him that the conditions were not listed. He said if they were listed then there could always be something that was left out.

Mr. Miller commented that the ADOD in theory should help a lot of people. However, he said, there may be some lots which would not be helped by the ADOD. There could be a nonconforming situation that may be a special condition or circumstance, not caused by the person seeking the variance, he noted.

The Commission approved of the phrase suggested by Mr. Palmer as criterion one.

Criterion Two

The variance is necessary so that the applicant can enjoy a property right that {is consistent with} other owners of properties in the same zone or vicinity have;

Criterion Three

The grant of the variance will not be detrimental to public health, safety, or welfare, ~~or~~ {and} is {not} injurious to nearby property;

Criterion Four

The ~~hardship is not self-imposed and~~ variance is the minimum {proportional to the needed relief} that will alleviate the hardship;

Criterion Five

Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means that ~~because of special conditions of the property that distinguish it from others in the area,~~ the property cannot be reasonably used in strict conformance with the ordinance.

Criterion Six

The variance would not result in exceeding allowed maximum density, maximum lot coverage, construction standards or use.

The Commission agreed with criterion six.

This amendment to Title 49 will next be presented to the Commission at a regular meeting with a formal hearing.

AME2017 0006 – Text Amendment related to Essential Public Facilities

Mr. Steedle told the Commission this is Ordinance 2017-23 for Essential Public Facilities. He explained this is to develop a process for permitting facilities that the government ought to be providing. This could be via contract rather than directly provided by the government, noted Mr. Steedle. These are facilities that typically individuals are not happy to have adjacent to their residences, said Mr. Steedle. An example would be a winter campground which has been proposed, he noted. There is no provision for that in a downtown location under Mixed Use, he said.

The idea is to come up with another permitting process in which a facility could be deemed by the CBJ Manager to be a candidate to be an essential public facility, said Mr. Steedle. This would be brought to the Commission through the Community Development Department for the Commission's own analysis, he explained. This streamlines the process, said Mr. Steedle. However, he said, currently under the best case scenario permitting could be accomplished within five months. Much of that time is taken up by staff analysis and research, he said. It would then come to the Commission and to the Assembly, he explained.

If the essential public facility process was in effect, said Mr. Steedle, it would come before the Commission and look very much like a Conditional Use Permit, but it would sidestep the Table of Permissible Uses.

Commission Comments and Questions

Mr. Miller asked if this sort of process could have been used for the facility within the Tall Timbers area. He said he recalled that facility did not have a use within the Table of Permissible Uses.

Mr. Steedle said it is correct that facility did not have a use within the Table of Permissible Uses, but that it would probably not have been deemed an essential public facility. The pivotal question would be, "is this an essential function that the CBJ should be providing", he said. The answer in that case is probably "no", he said. That facility was sponsored by a nonprofit organization not under the control of the CBJ, he added. If the CBJ was the source of the grant funding for that operation, then the Commission might make a finding, said Mr. Steedle, that it was an essential public facility and eligible to be placed in the neighborhood in which it resides.

Referring to number one under Determination of Applicability, Mr. Dye asked if the facility within the Tall Timbers neighborhood was completely privately funded.

The funding for that facility does not come via the CBJ, answered Ms. McKibben.

Mr. Dye asked if a warming shelter which was considered by the Salvation Army this winter would come under this essential public facility ordinance.

He was told that it would not, because the City was not involved in that proposal.

Mr. Palmer said the concept is that these are essential public facilities. If there is a strong public need for a facility, it can be expedited for a very good reason, he said. However, it is either a public facility or it is a private facility funded by or under contract by the CBJ.

Mr. Dye distinguished that the way the ordinance is written the essential public facility must have substantial public funding or be under contract by the CBJ, which he noted could entail minimal funding by the CBJ.

Mr. Palmer noted that most contracts have to go through the Procurement Code. That is another check and balance, he noted. And would have to be approved by the Assembly, he added.

Mr. Voelckers asked if there is the assumption that a unique site boundary would be created for the facility. He said he was curious how those limits would be defined to gauge the impacts for this conditional use process.

The ordinance is almost indistinguishable from a Conditional Use Permit. What this really accomplishes is the bypass of the TPU process, noted Mr. Steedle. The Commission is free to impose whatever conditions it thinks would be necessary, he added. Mr. Voelckers asked how the Commission would deal with this if the boundaries were not clearly defined.

Mr. Palmer said the proposed ordinance is deliberately left imprecise to allow for a small area, within a much larger defined parcel, for example, or to allow for trailers to be hauled onto a site, he said.

Mr. Voelckers suggested that on (10) (A) of the ordinance that "impacts on wildlife" be stated instead of specifying an eagle's nest only. Under (11) Sound, instead of specific decibels, just limit "adverse impacts to adjoining properties", he suggested.

Mr. Steedle noted that this language is lifted from Conditional Use Permits. He asked if the Commission would like to see the distinction between a traditional CUP and this ordinance proposal.

Mr. Voelckers said the specificity regarding eagles seemed a little odd in this draft ordinance. There are many other types of wildlife and habitat impacts which should be generally referenced besides just eagles, he said. Past practice has indicated that decibels are difficult to qualify, he said. It may be highly dependent upon where the property is located in comparison to how close it is to a residence, said Mr. Voelckers.

Ms. Shelton said that lines 10, 11, and 12 under Determination of Applicability seemed excessive in their words. She suggested that those lines just state, “Delivered under contract or with substantial funding under a government agency”.

Mr. Miller asked if performance bonds were a part of a Conditional Use Permit.

Mr. Steedle said that they were a part of a Conditional Use Permit. He added that there is a facility currently under development under a Conditional Use Permit and there is a vegetation requirement. He said the developers are currently requesting a performance bond so they could do that work in the spring rather than now. Before the CDD can issue a Certificate of Occupancy they need that performance bond in place, said Mr. Steedle.

Under Purpose Mr. Voelckers asked if the word “and” should supplant the word “or” on line 20.

This draft ordinance will next appear before the Commission during a regular meeting for public input and formal action.

AME2017 0003 – Proposed amendments to 49.15.423

Ms. McKibben told the Commission that this proposed ordinance will allow for the creation of smaller panhandle lots. She stated they are not yet at the point to be editing the language. There have been two Title 49 committee meetings on this proposal, she said.

Currently, the minimum lot size for a lot created by a panhandle subdivision is 20,000 square feet when served by City water and sewer, and 36,000 square feet when sewer is not available, said Ms. McKibben. By allowing smaller lots to be subdivided through the panhandle provisions, more lots could be created in the zoning districts that have smaller minimum lot size requirements, she stated. These lots would have frontage on a public right-of-way. They have a minimum width of the stem to be 30 feet wide with the maximum grade of the driveway to be no more than 15 percent, said Ms. McKibben. The code requires one shared access and that it be shown on the plat, she added, with an easement or a plat note. It also requires a maintenance agreement for the shared driveway, said Ms. McKibben.

It is limited to two lots, and the front yard setback is measured from the access easement, she said.

The concept is to allow any lot to be subdivided through the panhandle provisions if the lots created can meet the minimum dimensional standards of the underlying zoning district, said Ms. McKibben. The stem would not be included in the calculation of the lot sizes, she said. This provides another development option and creates infill development, she said. They have a few requests every year from property owners for individuals wanting to buy property looking to subdivide, said Ms. McKibben. The panhandle subdivision might be a good design option for

them, she noted, but the resulting lots would not meet the minimum square footage of 20,000 square feet.

Originally the panhandle subdivision was intended for larger lots, and it is usually used in more rural environments, said Ms. McKibben. There are a number of lots where this panhandle proposal could be used, said Ms. McKibben, including some that are already developed. These are instances where the shared private access would not work, she said. This provides an alternative when shared access is not an option, she noted.

They do preserve the opportunity for lots within the D-1 zone district to use up to 30 feet of the width of the panhandle to calculate the width of the front lot, said Ms. McKibben. For example, there are a number of very long, narrow lots along North Douglas Highway, she said. With each lot being required to meet the minimum lot size, said Ms. McKibben, the integrity of the density of the zoning district is preserved.

The proposed language would remove the maximum grade for the driveway of 15 percent, and instead stipulate that it meet the fire code requirements for that particular lot. It also specifies that access to the rear lot is required to be through the stem, she noted. If there is a shared driveway it still has to be shown in the plat and a maintenance agreement has to be recorded, she said. The front lot can have access through its own driveway, but the panhandle access would still be required, said Ms. McKibben. Some of these larger lots already have two approved driveways, said Ms. McKibben. Lots that are on DOT maintained rights-of-way are still limited to one access, she said.

The proposed ordinance adds language that requires the portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway to be paved, said Ms. McKibben. This is consistent with the recently adopted private shared access provisions, she pointed out. It removes the prohibition to limit panhandle subdivisions to two lots, said Ms. McKibben. This intent is that panhandle subdivisions will only include pairs of lots, she noted. It would prohibit three or more lots from being a panhandle and sharing a driveway, she said. This is to provide consistency with the new private shared access, she noted.

Lots with right-of-way frontage on DOT streets will continue to be limited to one shared driveway, said Ms. McKibben. The intent is that one pair of panhandle lots is created and the access to the rear lots will be shared within the stem of the two lots, she said. If the lots do not receive CBJ driveway permits for direct access to CBJ streets, then they will also use the stem for access, she noted. A maintenance agreement would be required for the shared driveway.

The new private shared access section of code requires the front yard setback to be measured from the access easement, said Ms. McKibben. The ordinance requires that the front lot of the panhandle subdivision be treated as a corner lot and choose the front setback and the street

side setback from either the right-of-way or the stem of the panhandle lot, she explained. They advise that shared access regulations be amended to allow lots fronting both the easement and a public right-of-way be able to be treated as a corner lot, and choose the front yard setback and the street yard setback, she noted. This provides consistency with corner lots and the recommendations for panhandle lots, and creates some flexibility for the front lot in the shared private access subdivision, said Ms. McKibben.

This proposed ordinance also removes the lot size requirements for lots not on public sewer, and specific dimensional requirements for lots using marine outfall for wastewater disposal, she noted. The State Department of Environmental Conservation used to have minimum lot sizes for residences on septic and well, and those requirements have been removed, said Ms. McKibben.

Commission Comments and Questions

Mr. Voelckers commented that the only thing he noticed to be missing from this draft ordinance is that the draft does not include the pairing and sharing of all four lots. (1) (E) which should be “up” to 30 feet. Mr. Voelckers said he felt this looked like a solid proposal.

Mr. Miller said he really liked this proposal. He said he liked the reduction of the panhandle to 20 feet if necessary. Mr. Miller said he did have a bit of an argument with the taking issue which could arise. For example, for a lot that is on a DOT right-of-way that fits every criterion, with the owner willing to put the driveway in the panhandle, which could then not be approved by DOT, he said. That person could then put a driveway in a location that would be legal for the DOT but that would then not be within the panhandle, said Mr. Miller. He said that may be a taking because the City would not be allowing the subdivision to happen.

Mr. Palmer noted that there is the shared access provision available in these circumstances. He added that he is not aware that the City could allow someone to create a panhandle, require that panhandle and not to require that access to be in that panhandle.

Ms. McKibben said the shared private access was created for certain circumstances in which a panhandle may not be an available option.

Mr. Miller asked if there has to be road frontage for a shared access when it is subdivided.

Mr. Palmer said that road frontage was not necessary for that circumstance.

Mr. Steedle said that from what they understand now about takings, the CDD would not approve a panhandle subdivision if a driveway permit could not be obtained.

Ms. McKibben said they would like to schedule this proposed ordinance for a hearing before the Commission in September.

X. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

XI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

XII. **ADJOURNMENT**

The meeting was adjourned at 6:46 p.m.

DRAFT

MINUTES
Planning Commission
REGULAR MEETING
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
August 8, 2017

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 7:04 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Miller, Kirsten Shelton, Carl Greene

Commissioners absent: Dan Hickok, Michael LeVine

Staff present: Rob Steedle, CDD Director;
Beth McKibben, Planning Manager;
Teri Camery, Senior Planner; Tim Felstead, Planner II;
Allison Eddins, Planner II;
Robert Palmer, Assistant Municipal Attorney;
Dan Bleidorn, Deputy Land Manager

Assembly members: Debbie White, Loren Jones

II. APPROVAL OF MINUTES

July 11, 2017 Regular Planning Commission meeting minutes

MOTION: *by Mr. Dye, to approve the July 11, 2017, regular Planning Commission meeting minutes with any small changes by Commission member or staff.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Juneau resident Murray Walsh noted that four weeks ago he represented an applicant for a cell phone tower approval. The experience was more challenging than it needed to be, said Mr. Walsh. He said there were a lot of features in the wireless cell tower code that needed attention. Mr. Walsh said he would appreciate the opportunity in the future to meet with the Commission and discuss what could be done to ameliorate the situation. In essence, said Mr. Walsh, the code is antagonistic to applicants. The applicant is asked to make analysis which could be performed by the CDD staff, said Mr. Walsh. The applicant is expected to submit information that could only be understood by a radio frequency engineer. Mr. Walsh said he felt the Commission was asking for too much upfront information.

Commission Comments and Questions

Mr. Voelckers said he felt it would be appropriate to schedule this issue for a Title 49 discussion.

IV. PLANNING COMMISSION LIAISON REPORT

Assembly liaison to the Planning Commission Debbie White reported that the Assembly adopted a resolution naming a portion of the whale park after former Mayor Bill Overstreet. The Assembly did accept the appeal on the application for the marijuana facility in the industrial area, she said. Ms. White said this is because the Law Department presented no options making it possible for the Assembly to turn it down. A proposed two percent increase on the bed tax was proposed for the ballot, said Ms. White. It is currently seven percent, but in addition to that there is a sales tax of five percent, said Ms. White. That will go to the Finance Committee on August 9, (2017) she said. On August 10, (2017) there will be a Committee of the Whole meeting of the Assembly where they will receive a verbal update from Hecla Greens Creek and Kensington mines. They are also going to discuss the Meander Way LID. They will also receive an update on Pederson Hill and a legislative update from CBJ's lobbyist, said Ms. White. They will also discuss the annexation issue, she noted. They are talking about potential expansion of the boundaries which would include Funter Bay, and Horse and Cove islands, she reported.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

USE2017 0014: Conditional Use Permit for Suzy's Caribbean Kitchen - a mobile restaurant in the Industrial zone.

Applicant: Susan Perry
Location: 5321 Commercial Blvd.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit to allow the development of a food trailer in an Industrial zone with the following conditions:

1. The on-site storage of food or waste overnight is prohibited.
2. A mobile restroom (port-a-potty) will be on-site and will be serviced regularly.
3. Gray water shall be disposed in an approved location as offered by CBJ Wastewater.
4. The applicant shall place the generator inside a box to minimize the noise level.
5. The applicant shall provide a copy of an approved DEC permit prior to the building permit final inspection.

Advisory Conditions

1. The applicant should make sure there are no seams in the metal shed that a bear could pull apart.
2. The grill and any grease traps should be thoroughly cleaned every evening in order to keep food scents down.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with any minor corrections by Commission member or by staff.*

The motion passed with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2016 0019: Deletion of CBJ code 49.70.310 (a) (2 and 3), Eagle Nest Buffers.

Applicant: City & Borough of Juneau

Location: Borough-Wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Ms. Camery reported that the ordinance proposed for deletion states that development is prohibited within 330 feet of an eagle nest on public land and within 50 feet of an eagle nest on private land. The Title 49 committee reviewed eagle nest buffer ordinance drafts at several of its meetings a year ago. The review included consultation with the US Fish and Wildlife Service and CDD staff. CDD staff followed these meetings with extensive consultation with the CBJ Law Department, and performed research on past variance applications, said Ms. Camery.

For many years now, since the Fish and Wildlife Service has experienced staffing cuts, the City has not been able to enforce the existing eagle ordinance, said Ms. Camery. There is not staff available to enforce the ordinance, she said.

The 2013 Juneau Comprehensive Plan contains a number of policies regarding eagle nests, said Ms. Camery. The Comprehensive Plan explicitly says that the existing eagle ordinance may need to be amended in light of the 2011 changes to federal law, she said. Deletion of the ordinance is consistent with the Comprehensive Plan because a federal permit exists that addresses eagle protection and development, and because local eagle populations appear to be increasing with the protections offered by other code requirements and policies, said Ms. Camery.

Even though this ordinance is being considered for deletion, said Ms. Camery, this does not mean that the City is giving up eagle protection, she said. The Comprehensive Plan policies will remain in place, she said. Many of these policies can still be addressed through the development review process and by other departments, she noted.

MOTION: *by Mr. Voelckers, to accept staff's findings, analysis and recommendations, and to approve AME2016 0019, deletion of CBJ code 49.70.310 (a) (2 and 3) of eagle nest buffers.*

The motion passed by unanimous consent

CSP2017 0013: A consistency review for reconstruction of Egan Drive between Tenth St. & Main St.

Applicant: State of Alaska

Location: Egan Drive between Tenth St. & Main Street

Mr. Voelckers said he wanted to clarify for the Commission in case it viewed this work as a conflict that he had assisted with some planning level and site utilization studies with the District Heating project, which are one of the lots fronted by this project. He also participated in some ongoing sketching, including some with the City and with private development options and with City land. He stated none of this is under contract currently.

The Commission voiced no objection.**Staff Recommendation**

Staff recommends that the Planning Commission adopt the below analysis and findings, and **APPROVE** the reconstruction of Egan Drive between Tenth Street and Seward Street subject to the following conditions:

Bike improvements

1. DOT&PF shall continue to allow the option to cycle on sidewalk on the seaward side of the Egan Drive remain. This is identified as a shared use path in the Juneau Non-Motorized Transportation Plan.
2. DOT&PF shall stripe non-buffered bike lanes sections with a 6-inch line as per the Juneau Non-Motorized Transportation Plan.
3. DOT&PF shall provide a cycle-only turn lane for bicyclists turning from Egan Drive onto the bridge in accordance with MUTCD standards if ROW width allows. This will provide a safer design for cyclists at this intersection as identified in the Comprehensive Plan, and the signage and pavement markings required in the Juneau Non-Motorized Transportation Plan.
4. DOT&PF shall provide a bicycle lane be added on the Casey-Shattuck leg of W. Tenth Street. This will provide a safer design for cyclists at this intersection as identified in the Comprehensive Plan, and the signage and pavement markings required in the Juneau Non-Motorized Transportation Plan.

5. DOT&PF shall provide dashed bike lane striping with a bicycle symbol across the Willoughby Avenue and Whittier Street intersections in accordance with the NACTO guidance for intersection treatment for bicyclists. Provision of a bike lane running the length of Egan Drive between Tenth Street and Main Street is a requirement of the Juneau Non-Motorized Transportation Plan.
6. DOT&PF shall place appropriate cycle route directional signage in the project area for the Cross-Juneau Bikeway described in the 2009 Juneau Non-Motorized Transportation Plan. They should work with CBJ to determine the placement.
7. DOT&PF shall provide 'sharrows' markings on the seaward traffic lane at the end of the project. Use of sharrows where bikes and motor vehicles share the road is a requirement of the Juneau Non-Motorized Transportation Plan

Pedestrian improvements

8. DOT&PF shall use continental/ladder style striping at all intersections where allowed under current design standards, particularly those crossing side streets. Where current adopted design standards do not allow this, but future standards do, future striping should be changed to meet this recommendation. Continental/ladder style crosswalks was required as part of the Juneau Non-Motorized Transportation Plan.
9. DOT&PF shall provide crosswalk markings using continental/ladder style striping across Willoughby Avenue. Crosswalk markings at this intersection are listed as priorities in the Juneau Non-Motorized Transportation Plan.
10. DOT&PF shall retain the existing crosswalk at Seward Street. This would meet the Waterfront Masterplan recommendation that pedestrian pathways to downtown be provided.
11. DOT&PF shall add conduit for an additional pedestrian crossing on the Bridge side of Egan Drive at Whittier Street. This crossing is identified in the Willoughby Plan and will provide for increased pedestrian use of this intersection as the subport area is sold and developed.

Vegetative treatment of median

12. DOT&PF shall provide a vegetated median that is planted and maintained with grass. This includes all areas currently covered with grass including either side of Gold Creek Bridge. DOT&PF shall work with CBJ to provide a suitable planting environment if it is determined the trees can survive in this location. This will provide vegetation in the

median as shown in both the Willoughby District Plan and the Waterfront Master Plan.

13. DOT&PF shall provide alternative pavement colors and/or textures other than traditional asphalt or concrete where the central median cannot be vegetated. This treatment is recommended in the Waterfront Plan.
14. It is recommended as a condition of approval that DOT&PF work with CBJ to develop and implement a plan for more attractive treatment of the raised median islands at the Willoughby intersection including at the new crossing.

Right-of-Way acquisition plats

15. DOT&PF submit the necessary ROW acquisition plat following conclusion of negotiations regarding all easements and land sales along the project length.

Recommendations for consideration by DOT&PF

While not explicitly supported by any of the adopted plans reviewed, the following recommendations have been made for DOT&PF to consider incorporating into their proposal.

Lighting

1. It is recommended the DOT&PF lighting plan prevents light trespass and follow lighting recommendation of the AMA.
2. It is recommended the DOT&PF lighting plan provide lighting should be immediately adjacent to all pedestrian crossings.

Operation of buses at the Downtown Transportation Center

1. It is recommended that DOT&PF continue to observe the operation of the DTC exit and develop an appropriate plan to ensure that exiting buses are not adversely delayed by the reconfigured Right of Way. If the changes negatively impact bus service some form of Transit priority should be explored.

Bike improvements

2. It is recommended that DOT&PF stripe the buffered bike lane according to the standards of the NACTO Urban Bikeway Design Guide.

3. It is recommended that DOT&PF implement bike boxes at all signalized intersections as part of their striping plan to better facilitate left turns by cyclists and to reduce the chance of right turn collisions.
4. It is recommended that DOT&PF provide ramped access onto the outbound cycle lane from shared use path connecting to Egan Drive adjacent to the Prospector Hotel.

Pedestrian improvements

5. It is recommended that a new pedestrian crossing should be added by DOT&PF when the next phase of the Sea walk is completed (anticipated after 2020) where the shared use path connects to Egan Drive between The Prospector Hotel and Foodland. DOT&PF may wish to plan for any necessary conduit under the ROW at this location for the future pedestrian crosswalk.
6. It is recommended that DOT&PF post a 30 mph speed limit prior to the Glacier Avenue intersection for inbound traffic.
7. It is recommended that DOT&PF should retain the raised medians as shown in the plans at Glacier Avenue and Willoughby intersections. Striped refuges should not be used.
8. It is recommended that DOT&PF work with CBJ to construct the CBJ preferred design of the Seward Street intersection. To understand the impacts on the Main Street intersection immediate traffic/pedestrian counts should occur at the intersection for use in modelling peak season traffic, and a temporary closure the left turn could be considered.
9. It is recommended that the pedestrian crossing at Whittier be a 2 stage crossing with a pedestrian refuge median.

Traffic control during construction

10. It is recommended that DOT&PF provide the Juneau School District an opportunity to review and comment on temporary traffic controls proposed to mitigate the increased traffic volume during construction within the school zones. DOT&PF should formally provide notice to the impacted neighborhoods of the increased traffic volumes during the construction project.

11. It is recommended that DOT&PF and their contractor should work with CBJ Capital Transit to ensure bus operations are not adversely impacted during the reconstruction.

RECOMMENDATION – PROVISION OF EASEMENT ON CBJ PROPERTY

Staff recommends that the Planning Commission forward the proposed easements and/or land purchase to the Assembly with a **recommendation of approval** with the following recommended conditions applied:

1. DOT&PF shall work with CBJ on the design of any reconstruction of this in the area of the JACC and Centennial Hall and coordinate the timing of work in this area with planned events at both venues including temporary access arrangements if needed.
2. It is recommended that the easement or sale of the CBJ parcel across Egan Drive from Centennial Hall to DOT&PF allows for its use to provide a CBJ parking information sign.

Mr. Felstead told the Commission the project area runs from the bridge to Seward Street. The project will involve:

- ✓ Repaving of Egan drive, repairing existing surface ruts, and drainage improvement
- ✓ Replacement of existing streetlights with more energy efficient LED's
- ✓ Upgrade the existing signals at 10th Street, Whittier Street, and Main Street to provide linked traffic signal network to improve flow of traffic
- ✓ Reduced traffic lanes in both directions between Willoughby Avenue and Seward Street from two lanes to one lane in each direction, and reduction of motor vehicle traffic lane width from 12.5 to 11 feet
- ✓ Addition of dedicated bike lanes at the same grade with vehicle travel-way along the entire length of project in both directions
- ✓ Widening of pedestrian sidewalks where existing as new ROW (Right-of-Way) width allows or existing ROW can be reallocated
- ✓ Addition of unsignalized pedestrian crossings with central median refuge at Glacier Avenue and Willoughby Avenue
- ✓ Removal of existing unsignalized pedestrian crossing at Seward Street
- ✓ Removal of some existing landscaped strips on the seaward side of Egan Drive and parts of the central median
- ✓ No additional crosswalk at Whittier Street intersection
- ✓ Widening of ROW through easements or land purchase of private, CBJ and state lands

A recommendation for this project is required to be forwarded to the Assembly, noted Mr.

Felstead. Mr. Felstead reported that this proposal has been reviewed against the 2013 Comprehensive Plan of the City and Borough of Juneau, and a number of other plans that have been adopted or referred to in the Comprehensive Plan including:

1. Area-wide Transportation Plan
2. Juneau Non-Motorized Transportation Plan
3. Willoughby District Land Use Plan
4. Long Range Waterfront Master Plan for the CBJ
5. Downtown Parking Management Plan

A condition of approval has been suggested where a clear requirement is identified in the review plans, said Mr. Felstead.

A new crosswalk will be added to Glacier Avenue, said Mr. Felstead, showing the Commission a map of the project. There will be some LED lights as part of the project which may become an issue for residential buildings and hotels, noted Mr. Felstead.

The plans indicate a 40 miles an hour speed limit at the location of the Glacier Avenue crosswalk on the seaward side, and 30 miles per hour on the outbound section, said Mr. Felstead. The CBJ Engineering Department has suggested that 30 miles per hour may be appropriate for both the inbound and outbound sections of that road, he said.

There may be a pedestrian activated light at that segment, but DOT will wait and see if it is required, said Mr. Felstead.

Commission Comments and Questions

Mr. Miller asked which agency would ascertain if that safety light was required.

Mr. Felstead said that DOT will be assessing the situation once construction is completed, and see if there appears to be a need for the light.

At the 10th Street intersection a new cycle lane is proposed, as well as one over the bridge, said Mr. Felstead. The staff has proposed as a condition that an additional bike lane be added at the left turn going over the bridge, he said. DOT's preferred option would be to have cyclists dismount and use the crosswalks to get to the other side of the bridge, said Mr. Felstead. Other options have been suggested in the staff report including bike boxes which are allowed if the state applies to the Federal Highway Administration, said Mr. Felstead. Mr. Felstead said he does not think any of these of bike boxes have yet been implemented within the state.

At the 10th Street intersection it is proposed that a cycle lane be identified to make that portion

of the street safer for cyclists, said Mr. Felstead. Additionally, signage is required along the length of the project. Therefore, it has been recommended that DOT be instructed to erect suitable signage along the project. DOT would like to direct any cyclists headed towards the Valley onto Glacier Highway as soon as possible, he said. They do not want the bicyclists proceeding past the 10th Street intersection on their way out of town, he said.

Looking at the project from 10th Street to Whittier, there will be a reduction in the traffic lanes from 12.5 feet to 11 feet, which will include an extra wide striped bicycle lane, said Mr. Felstead. Wider sidewalks will also be installed, he added. The Non-Motorized Transportation plan calls for six-inch-wide lines to be used for the bicycle striping, said Mr. Felstead. The current proposal is for four inch lines so a condition has been recommended to increase that striping to six inches, he said.

The sidewalks all meet the required width of five feet, said Mr. Felstead. There is a vegetative strip on the seaward side which will be removed, but there will be some sort of buffer between passing traffic and pedestrians, he said. The pedestrian environment as well as that for cyclists will improve as a result of this project, said Mr. Felstead.

Near the Parkshore Condominiums, there will only be expansion of the sidewalk to 5 ½ feet, noted Mr. Felstead. Some of the central median is being identified as turf in the proposed plans, and there are some locations in the proposed project where the existing median will be paved, noted Mr. Felstead. CBJ would like a vegetative cover for this median and trees have also been suggested in some of the plans, said Mr. Felstead.

It has been suggested that trees would have a difficult time surviving within the median, said Mr. Felstead. It has been recommended as a condition that DOT at least turf the existing portions of the median which currently house plantings, he said. They've also recommend that the possibility of trees in this area be explored, he said.

Commission Comments and Questions

Mr. Voelckers said there have been split opinions within the City itself on the viability of trees.

Mr. Felstead said that the Parks and Recreation department has stated that some trees may work in the median, and that it also may depend upon snow removal methods. They have been identified in past plans and the use of trees will be explored, he said. The Parks and Recreation Department will no longer be planting the flowers in the medians as it has in the past, said Mr. Felstead. They can no longer afford the additional labor for that work, he said. They have said they will be able to maintain a turf strip within the median, he said.

There are a number of easements requested by DOT which will be permanent, said Mr.

Felstead. They will be used for the sidewalk or for additional fill material to support the expansion of the sidewalk, he noted. There also will be a number of temporary construction easements, he said, during the time of construction.

It has been recommended as a condition of approval that DOT submit plat or right-of-way map to show where it has been relocated onto all CBJ and private property, said Mr. Felstead. Along the Whittier Street to Willoughby section of the road there will be a number of temporary construction easements, said Mr. Felstead.

The CBJ Engineering Department has recommended that DOT provide a conduit for pedestrians as to allow for extra pedestrians because of development of the subport area, said Mr. Felstead. It has been recommended that DOT provide a two-stage crossing across Egan. It has also been recommended as a condition that the DOT work with the CBJ to develop attractive median coverage where there will be no turf coverage. There is also a new crossing which will be located at the Four-Point hotel, said Mr. Felstead. It is a two-stage crossing with a refuge island in the middle, he said.

While DOT is requesting construction easements along the Juneau Arts and Humanities Council building and Centennial Hall, they probably will not need to use them, said Mr. Felstead. There is a very small triangular portion of land across the street from Centennial Hall which DOT is interested in purchasing, said Mr. Felstead. The Downtown Parking Management Plan suggests a parking guidance sign be placed on the approach to downtown and that location would be suitable, he said. This has been recommended as a condition of the sale, he said.

The two lane portion of the road close to town will be reduced to one lane with a turning Lane at the Seadrome building, said Mr. Felstead. There has been some concern from Capital Transit that the buses coming out of the transit center will struggle to make that turn, he said, as they head out of town. The buses currently have to wait for both lanes to be free to make their turn, he noted.

The project will also involve reconstruction of the retaining wall at Merchants Wharf, said Mr. Felstead. From Whittier proceeding into town the cycle lanes will be reduced to 4 ½ feet in width, said Mr. Felstead. Some sort of signage needs to be placed notifying cyclists that they can also share the pedestrian path for their transport, he said. The Non-Motorized Transportation Plan suggests using the sharrows markings to notify cyclists and motorists the cycle lane has ended and they should now share the road, said Mr. Felstead. This is to notify motorists that cyclists will begin merging into the traffic, he said.

DOT has indicated that are ready to begin construction in the fall of this year concluding construction the fall of 2018, said Mr. Felstead. They plan on leaving one Lane open in both

directions during construction, said Mr. Felstead.

There is also some concern from the schools in town that traffic may divert itself to Glacier Highway, thus increasing the traffic around the schools, said Mr. Felstead.

Most noise from heavy machinery will occur during the day, said Mr. Felstead. Noise permits will be required for any construction occurring at night, he said. An Army Corps of Engineers permit will be required for any additional fill for the project, said Mr. Felstead. A storm water pollution prevention plan will also be required for the project, said Mr. Felstead.

In terms of easements and land sale, the provision of the easement or the land sales are to facilitate the construction of the proposed project. They substantially conform to the locally adopted plans, said Mr. Felstead, subject to the recommendations that have been provided, he said.

In addition, the proposed reconstruction plan, with the recommended conditions, substantially conforms to Title 49 and locally adopted plans, said Mr. Felstead.

Mr. Felstead recommends that the Planning Commission forward the issue of easements and land sale to the Assembly for approval with two conditions:

1. DOT shall work with the JAHC and Centennial Hall to ensure that any events are not disrupted by construction
2. The CBJ land parcel across from Centennial Hall have posted a parking information sign in the area not being used for a sidewalk

It was also recommended that the Planning Commission approve the proposed reconstruction with the recommended conditions contained in the staff report.

There have been two small adjustments in the existing conditions, said Mr. Felstead. Instead of requiring a cycle turn lane for condition three, appropriate signage may be able to be used instead, said Mr. Felstead, to facilitate the transport of bikes through the 10th Street intersection, he explained. Condition seven has been modified to state that sharrows may not be appropriate, and that some other form of signage that directs cyclists may be used, he said.

Commission Comments and Questions

Ms. Shelton asked if the Commission has any authority regarding recommendations for conditions of approval. She asked if it has to be something found in the plans or if the

Commission can move something over.

Mr. Felstead responded that his understanding is that if there is not direct connection with the plans or the code, it is difficult to say something is a requirement of the local community.

Department of Transportation and Public Facilities (DOT)

Kirk Miller, Design Group Chief of DOT, told the Commission Chuck Tripp, the project manager for this project, could not be at the meeting. He said he was available for questions from the Commission.

Mr. Voelckers asked how the maintenance of the project would be handled once it was complete. Mr. Miller said DOT is looking for every avenue that they can to minimize maintenance responsibilities.

Mr. Miller said he has discussed with Mr. Felstead that they discuss each median regarding its maintenance and who would maintain them. He said it has not really been decided yet who would maintain the turf portion of the medians.

Mr. Voelckers said he is an advocate of green medians and would like to explore the possibility of some trees in median locations.

Mr. Miller said that trees will probably be frowned upon, due to concerns of roots growing under the streets and disrupting the pavement. He said that salt and snow plows would also not be favorable to trees within the medians.

Mr. Voelckers said that trees have been within the studies all along and that they indicate that trees are a strong calming force for traffic patterns.

Mr. Dye asked if there has been a projected increase in travel times due to the reduction of two lanes to one lane from Main Street to Whittier Street.

Mr. Miller said they do not think the traffic pattern they are proposing is going to be detrimental to the through traffic. Traffic times may even be better with dedicated turn lanes, said Mr. Miller. He said the one area they cannot improve at all is the area of 10th Street because of the traffic going to Douglas and across the bridge.

Ms. Shelton asked for more information on the DOT's plans to divert traffic during construction

near the Glacier Avenue schools.

Mr. Miller said what is being conveyed is during certain times of construction traffic will be diverted from 10th Street going into town to Glacier Highway.

Mr. Felstead said that traffic would naturally divert itself as needed. He said from his conversations with the CBJ Engineering Department that there is not much they can do to prevent traffic from diverting itself when road construction along Egan causes traffic to back up.

Ms. Shelton said she had concerns with the additional traffic going by the schools affecting the drop-off and pick-up of the students and of the general safety in the area with additional traffic.

Mr. Voelckers asked if the right-of-way itself widens or if they are merely obtaining easements across City property.

Mr. Felstead said he believed the intention was for a perpetual easement on the CBJ property, except for the small triangular portion of land located across the street from Centennial Hall that would be purchased by DOT. The perpetual easements do meet the definition of right-of-way within Title 49, he added.

Mr. Voelckers asked if there are any issues in terms of liability between DOT and the City should there be a traffic accident, for example. He asked if that would be considered to have occurred on City land or state land.

Mr. Bleidorn said the DOT has not yet submitted their final bid package to the CBJ for the easements. They will be purchasing these easements at fair market value, he said. As part of the agreement they will have full rights to that property, he noted. There are existing easements within the area, but these additional easements will be for the widening of the right-of-way, he said.

If it is for full market value, said Mr. Voelckers, why not just make it a clean sale to the state.

Mr. Bleidorn said he thought that would be more difficult to execute. That would involve numerous subdivisions for all of the individual lots along the street, he said. By granting easements, if the City ever wanted to put up a sign or some item related to the sea walk, they would have retained those rights, he said.

In answer to a question from Mr. Voelckers, Mr. Bleidorn said that DOT is also working on easements with the private property owners as needed.

Chairman Haight said he remembered discussion over this project several years ago which involved the issue of water being sprayed up from the road onto pedestrians. He said after a period of time, the road will wear and obtain ruts resulting in more road spray going onto pedestrians. He asked if with the narrowing of the roadway and deletion of some of the greenery in the medians if DOT is considering some form of alleviation for the road spray problems. Chairman Haight said he considers this a safety issue for pedestrians.

Mr. Miller said he has noticed personally that pedestrians get sprayed by water due to ruts and also there are also some drainage issues due to settlement and faulty construction. He said the construction will be close and that over time there probably would be ruts creating water spray on pedestrians. He added that he did think that traffic would be a little further away from the sidewalks than it is currently. He said improved drainage with the new construction should help as well.

Chairman Haight asked how snow plowing would be handled with the new construction, since currently snow gets piled up onto the sidewalks.

Mr. Miller responded that it would probably be plowed the same way as it is now. Mr. Miller said he would talk to his maintenance foreman and provide a written explanation on the DOT snow removal plan for downtown.

Chairman Haight asked if the LED lighting plan for the project would be curtailed to where it is currently.

Mr. Miller said they are going to go back and speak with their consultant and have that question addressed. He said his gut feeling is that the lights will be replaced according to their current placement.

He asked Chairman Haight if he felt the LED lighting would be more obtrusive if it was placed in the existing locations.

Chairman Haight said his experience is that the light dispersal between the types of lights would essentially be the same, but that LEDs actually have a sharper cut-off than the existing lights.

Chairman Haight asked if they would be reducing light levels at certain times during the

evening.

Mr. Felstead said this has not been a proposal of DOT.

Chairman Haight asked if this would be something that DOT could possibly implement.

Mr. Miller said he thought that they could.

Chairman Haight said he would expect that the lights would be kept full at the intersections throughout the night.

Chairman Haight said he would like DOT to keep in mind that as greenery and items were added to medians that they not interfere with the vision of the drivers.

Chairman Haight said he found the pedestrian signals at Main Street to be very dangerous. He said a pedestrian pushing a button could initiate the walk sign while a car in the turn lane was making a left hand turn. He asked if that problem could be remedied with this project.

Mr. Miller responded they are planning on re-doing the entire signal at Main Street, and that they recognize there are many difficulties with that intersection. They will also be synchronizing it with the 10th Street signal, he said.

Chairman Haight asked if the proposed bicycle turn lanes would have an impact on the DOT design.

They do not have room to implement the proposed “bike boxes”, said Mr. Miller. They also think they do not have the bicycle traffic to warrant their implementation, he added.

Chairman Haight noted that he did not think the buses would have any more difficulty making their turns with the newly designed streets than they do currently.

Mr. Felstead noted that with the addition of the bike lane the buses may actually have more of an effective turning lane width with the newly constructed road.

Mr. Voelckers asked if Mr. Miller was reasonably comfortable with the City’s proposal for Seward Street.

They were concerned that prohibiting a left turn at Seward Street would then force people to go back to Main Street and then come all the way back around South Franklin. They have been asked to analyze how many left turns are coming out of Seward Street and if those left turns were prohibited, they would need to assume that traffic would be proceeding to Main Street, said Mr. Miller.

Mr. Voelckers said they could also do an improved pedestrian crossing.

Mr. Miller asked when the City was planning on instituting those street changes. He said he felt they needed to meet further with the City and that perhaps DOT “dropped the ball”. They will do whatever it takes, he said.

Mr. Dye said he would like to know what the DOT traffic study indicated regarding the traffic on Main Street by removing the left-hand turn onto Seward Street. That is key for the downtown circulation to find parking, he noted. He also asked if it would be possible to implement a park and ride for City and State employees at a Valley location to alleviate the need for traffic congestion during construction.

Mr. Miller said he did not know why they could not implement that suggestion. He said federal aid does fund things like that.

Mr. Voelckers said the staff report mentioned allowing a conduit for a pedestrian crossing that is closer to the bridge at the Whittier intersection. He said he felt that would be a useful item to work into the plan at the very beginning. He said currently it is difficult to take a left turn on the bridge often because of the pedestrian crossings.

Mr. Miller said their thought there was a sufficient crossing at the existing signalized intersection and there would be little purpose adding a crossing across an additional leg. He said it may not be impossible but that they have not fully analyzed it yet.

Mr. Voelckers said he felt there were enough vehicle and pedestrian conflicts at that location to warrant the additional crossing.

Public Comment

Angie Mendbayer of the District Heating project said they have several crossings on this project. They would like to know how they can collaborate with the City and DOT and install some pipes during the construction phase of the road.

Chairman Haight said they will connect her with Mr. Miller of DOT so that they can collaborate to make this happen.

Lee Kadinger with the Sealaska Heritage Institute said they have provided written comments on this project. They have an interest in ensuring that the Seward Street crosswalk is maintained, he said. They notice that it is heavily used daily. They felt the elimination of the left-hand turn was a positive safety improvement for the pedestrian crossing, he said.

Mr. Voelckers asked if there has been discussion about closing Seward Street. Mr. Kadinger said they have discussed the closing of Seward Street, especially for special events.

Mr. Voelckers asked about the projected timeline for the construction.

Mr. Miller said they have had several meetings with the Juneau Heating District. They encouraged them to hire an engineer which they did, he said. They said they would work with them so that the crossings can be accomplished. They have encouraged him to install the crossing before DOT does the road, he said. DOT does not want to be responsible for installing the crossing, he said. It is complicated, and has to do with federal aid, he added.

Mr. Voelckers asked Mr. Miller when he expected the physical construction to commence. In the best case scenario, they can advertise this project this September or October, said Mr. Miller. They could probably expect to start some work in March, 2018, said Mr. Miller. They will need the next spring season, putting them into June, 2019, he said.

In response to a question by Chairman Haight, Mr. Miller said they are aware of the installation of an electrical conduit as well.

MOTION: *by Mr. Miller, to approve CSP2017 0013 and accept staff's most excellent findings, analysis and recommendations.*

Mr. Dye asked to make a friendly amendment to look into partnering with the CBJ in the attempt to provide a park and ride solution during construction.

Mr. Miller accepted Mr. Dye's friendly amendment.

Speaking in favor of the amendment, Mr. Voelckers said he felt that item 12 which is under the Vegetative Treatment of the Median is very important. He said he supported Mr. Felstead's

research and noted that the vegetative and trees strip is shown both in the Willoughby District plan and in the long range waterfront master plan. Mr. Voelckers said there have been studies indicating that trees have a calming influence on traffic and make the neighborhood safer and more accommodating. They also establish a threshold into the community, he noted. Mr. Voelckers said he also liked the recommendation to reduce the traffic to 30 miles per hour at the Gold Street Bridge. That will go well with the new pedestrian crossing, said Mr. Voelckers.

The motion including the friendly amendment passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Mr. Dye said at their last meeting that Mr. LeVine made a motion which was tabled. He said he would like to reopen that item for the purpose of tabling it once again until their next meeting when Mr. LeVine would be present. This was a comprehensive map change to amend the district upon which the Catholic diocese resides from Mixed-Use Residential to Traditional Town Center.

That item was tabled with no objection.

XII. DIRECTOR'S REPORT

Mr. Steedle said there is currently no Planning Commission meeting scheduled for August 22.

The Lemon Creek Area Plan will be scheduled if possible on September 12, at a COW meeting.

Also on September 12, there will be a rezone on the Front Street area in Douglas, said Mr. Steedle.

There is a Title 49 meeting on August 16, said Ms. McKibben.

There is also a Subdivision Review Committee meeting on August 23, she said. Ms. Boyce will poll members as to a time for the Subdivision Review Committee meeting.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chairman Haight said he felt the staff did a great job with their reports this evening.

Mr. Voelckers said the presentation on the DOT road reconstruction project was a very well researched and well delivered presentation.

In response to Mr. Walsh's comments about the cell tower ordinance earlier this evening, Chairman Haight said he felt it may be time to go back and review the ordinance. Mr. Steedle said they will add this to the staff's list of priorities and that they could review with the Commission the items the staff has before them and prioritize them.

Mr. Voelckers said while Mr. Walsh had deemed this a hostile ordinance, that only one has come back to the Commission and that he did not have the feeling it had been a real problem.

Mr. Steedle said it is only when a new tower is being erected that it needs to come before the Commission. The cell tower request presented by Mr. Walsh is the first time this type of request has come before the Commission, said Mr. Steedle. He said he thought it would be a good idea to review the ordinance.

Mr. Dye asked if it would be possible to see statistics on shared access properties in subdivisions under 13 lots.

Mr. Steedle said they would be happy to provide that information.

XV. ADJOURNMENT

The meeting was adjourned at 9:03 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: September 26, 2017

1. AME2017 0012:

- a. Public Comment from Greg Albrecht, received 9/22/17
- b. Public Comment from the Alfords, received 9/22/17
- c. Public Comment from Bruce & Judy Bowler, received 9/19/17
- d. Public Comment from Bill Ballard, received 9/21/17
- e. Public Comment from Mike Clemens, received 9/22/17
- f. Public Comment from Paul DeSloover, received 9/20/17
- g. Public Comment from Mary DeSmet, received 9/21/17
- h. Public Comment from David & Susan Downey, received 9/20/17
- i. Public Comment from John, Nancy & Luke Eiler, received 9/21/17
- j. Public Comment from Michael & Carolyn Fox, received 9/19/17
- k. Public Comment from Lance & Melanie Greer, received 9/21/17
- l. Public Comment from Dany Reyes & Alejandro Soria, received 9/20/17
- m. Public Comment from Horace & Deborah Johnson, received 9/21/17
- n. Public Comment from Paul Kaiser, received 9/22/17
- o. Public Comment from Rick & Linda Smith, received 9/19/17
- p. Public Comment from Stephen Clayton, received 9/20/17
- q. Public Comment from Scott & Donna Johnson, received 9/22/17
- r. Public Comment from Clinton & Michelle Singletary, received 9/22/17
- s. Public Comment from Vaughn Hammond, received 9/26/17
- t. Request to withdraw application, email received 9/25/17

From: Greg
To: [Jill Maclean](#)
Subject: Rezone request ame20170012
Date: Friday, September 22, 2017 7:34:24 AM

Hello Ms. Maclean,

I am writing to offer my comments on the proposed rezoning of the lot at the west end of forest lane. Though I wouldn't be concerned with the development plan expressed at the public meeting, adding another single apartment to the existing residence, I am concerned the rezoning could allow for high density development in the future.

Increased crime and traffic would inevitably come with high density housing, problems that exist even now. Furthermore, our proximity to Jordan creek creates a lot of negative human and bear interactions. Converting this large tract of land from wildlife habitat to an apartment complex would exacerbate this issue.

And finally, though I applaud the the CBJ for maintaining stream setback ordinances for development, the conversion of any forested land to an impermeable surface within the water table of a creek still has negative effects that are difficult to mitigate. Due to the development of the valley, duck creek ceases to flow for weeks and even months at a time. Jordan creek has narrowly escaped this fate, but the same effect is occurring in the watershed and would be exacerbated by the kind of development the rezoning would allow.

Though I am unfamiliar with the planning commissions authority in the matter, possibly an exemption or covenant could be issued to allow for the single apartment, but prohibit the potential for complex development?

Thank you for your time and consideration

Greg Albrecht
8507 forest lane

Sent from my iPhone

From: Jeanne Alford
To: [Jill Maclean](#)
Subject: re:rezone request AME20170012 of Forest lane from D5 to D10
Date: Friday, September 22, 2017 6:26:23 AM

We are Randy and Jeanne Alford on 8681 Dudley St. and we just bought here July because of the friendly family atmosphere this series of streets have, Dudley, Sierra and Forest Lane. They are kid friendly with very little traffic and most people, even the teenagers drive slowly and safely. When we arrived , people showed up from everywhere, to welcome us,, meet the kids and us, help us move in, and generally we felt this was the most welcoming group of neighbors we have ever had the honor of living around. They have a watch program in step to keep an eye out on everyone's place, yet not ever do we feel like people are just being nosey.

My family feels fortunate to have found such a nice place to live.

The rezoning proposal will allow 32 more residences to be built, and that doesn't mean only single family homes, it could and most likely will be huge apartment complexes because the suggested traffic increase could be as much as 500 cars more a day. We find that totally disturbing and unacceptable. This would change the face of our little area tremendously and would possibly end up even being detrimental because it could bring in undesirables who have criminal elements... we all know that's possible.

We do NOT agree to this rezone proposal, please note our decision. Thank you so much for your time. You can contact us here at this email or by phone at 907-359-2092 or mail at Randy and Jeanne Alford, 8681 Dudley St. Juneau AK 99801.

Sincerely
The Alfords

From: Bruce Bowler
To: [Jill Maclean](#)
Subject: Case No.: AME2017 0012 Comments: Proposed 8485 Forest Lane Rezone
Date: Tuesday, September 19, 2017 4:32:34 PM
Attachments: [image001.png](#)

Case No.: AME2017 0012

Applicant: Errol Champion

Location: 8485 Forest Lane

Proposal: A Rezone Request from D5 to D10 at 8485 Forest Lane

There is an application by owner and realtor to change the zoning of the land from D5 to D10.

Neighbors who attended the re-zoning meeting expressed concerns about vehicle, children and foot traffic, impact on Jordan Creek, impact on their home values, and had many questions about new bridges over the creek and the extension of utility services (and public safety services) to the property in question. There was not one neighbor who spoke in favor of the zoning change, and we agree.

Respectfully,

Bruce and Judy Bowler

8668 Dudley Street

From: Marcia/Bill Ballard
To: [Jill Maclean](#)
Cc: bill.ballard@me.com
Subject: Rezone 8485 Forest Lane
Date: Thursday, September 21, 2017 10:18:09 PM

I appreciate the opportunity to comment on the proposed rezone of the property at 8485 Forest Lane from D-5 to D-10. I am opposed to the rezone and request that the Planning and Zoning Commission deny the applicants request. As I understand the proposal, a perspective buyer of the property wants to add an apartment to an existing shop but the apartment can not be added to the property under the current D-5 zoning hence the rezone request. I believe the property owner/perspective buyer can accomplish the desired result of adding an additional apartment by subdividing the lot, which I would support.

It is not a stretch to assume that should the property be rezoned to D-10 the property would be developed as multi-family housing in the foreseeable future if not by the current owner or buyer then by a future developer/buyer. The property is a desirable location being located between Floyd Dryden Middle School and Glacier Valley Elementary School and it is walking distance to Thunder Mountain High School.

Under a D-10 zoning, this size lot could be developed with more than 30 residential units, which could add an additional 180 to 500 vehicles per day through the Dudley Drive Forest Lane neighborhood. Currently traffic volumes and speed through the neighborhood are a concern and its unlikely an additional 500 vehicle per day could be safely accommodated.

The proposed rezone to D-10 could have substantial environmental impact on Jordan Creek from storm water runoff and riparian incursion.

Thank you for the opportunity to comment.
 Bill Ballard
 8690 Dudley Street

from [Mail](#) for Windows 10

From: Mike Clemens
To: [Jill Maclean](#)
Subject: Staff Report for AME2017 0012
Date: Friday, September 22, 2017 1:22:24 PM

Dear Ms. Maclean,

After having some trouble gaining on-line access, I've briefly had a chance to review your staff report on this matter and offer the following comments prior to your 3 p.m. deadline:

Under Agency Review:

CCFR:

It seems to me that the distance from the nearest fire hydrant to the existing structure remains relevant but is not stated. If there is a problem with fire protection, subsequent buyers should know of CBJ's limited ability to protect the existing dwelling. It's common sense that response time really matters when trying to save life and property after a fire has been reported. This property's location makes it much less likely that a neighbor would see and report a fire due to its location back in the trees.

In speaking to CCFR personnel informally, I confirmed that the ambulance will barely fit with inches to spare, but suggest that darkness or icy conditions would present an access problem. Further, having witnessed that trees blow down when "perfect storms" of high wind and water combine together, access is further questionable.

Your staff report should definitely say that the fire engine will not fit rather than "most likely not fit." The application process appears to have provided enough time to resolve that question without presenting decision-makers with something less than definite. At the relatively recent National Night Out neighborhood gathering at the intersection of Dudley Street and Forest Grove Drive, in broad daylight, a normal sized fire engine barely fit along our congested local streets which sometimes have cars parked on them in spite of signage to the contrary.

JPD:

Four areas concern me and because none of them are discussed for the record at this time, I feel compelled to offer my amateurish comments:

Domestic violence calls typically involve the officers cautiously approaching the house rather than gaining immediate access (at least the time I watched officers "working" an adjacent house) and this location is problematic. If something worse happens, e.g. involving life-threatening emergencies however unlikely it might be, police responsiveness to this location faces serious tactical issues

Breaking and entering: when JPD responded to my 911 call made after someone was trying to break into my house (with me and my wife inside), they approached cautiously. My neighbor was also confronted by the same guy and threatened to use force (his gun) if the "bad guy" tried to gain

entrance. Access was key to JPD responsiveness.

Theft/vandalism: periodic rashes of theft impact our neighborhood area because we're somewhat isolated; the property in question is even more isolated. Houses/property protected from view have worse problems. We try to keep a watch out for strangers, those unknown to the area who might be casing a particular property, and have apparently scared off some potential thieves. Winter's darkness makes hiding easier.

Bears and garbage: Existing CSO staff is not sufficient to keep up with garbage bear and other complaints, e.g. speed enforcement on Dudley. Having had grandkids in an adjacent house, bears were a real threat. Younger kids don't possess sufficient judgement to always stay away.

While public notice efforts were technically legal, my knowledge of this application came from other than official CBJ notice.

Due to time constraints, I'm limiting my comments to the above, but may have more after reviewing the 62 page full application and might present them at the upcoming September 26 meeting. As I think I stated at the meeting in the Valley Library, there's not much time to fully review said document and respond in time to meet your deadline in order to give the Planning Commission time to review staff reports prior to their decision-making meeting.

Regards,
Mike Clemens
8676 Dudley Street

September 20, 2017

CBJ, Community Development Dept.
Planning and Zoning Commission
Commissioners

Dear Sir/Madam:

I own a home on the corner of Forest Lane and Forest Grove where my daughter and granddaughters live and play. The streets in this area are unlighted, only 16ft wide with no shoulders and have deep ditches on both sides. Additionally, parking is allowed on one side which makes there use even more narrow.

This is a high-density population area of mostly zero-lot line homes inhabited by many young families with numerous children. Because there are no sidewalks kids are forced to use the narrow streets for all of their activities and routinely are biking, walking, running, skateboarding, etc. on them.

Consequently, I think it would be a major health and safety issue to allow rezoning of a parcel at 8485 Forest Lane from D5 to D10. While the seller/realtor claim the request is only to allow a third dwelling (apartment) on the property this opens the door for 32 additional housing units and the congestion/traffic that would bring.

I ask and encourage you to deny this rezoning request.

Thank you,

Paul DeSloover
P.O. Box 240551
Douglas, AK 99824

907-586-6709
pdesloover@yahoo.com

From: [Jill Maclean](#)
To: ["Mary DeSmet"](#)
Subject: RE: Proposed Rezone of Forest Lane Property
Date: Thursday, September 21, 2017 9:23:16 AM

Good morning,

We notified abutters within 500 feet of the subject parcel, neighborhood associations, and it was posted in the Juneau Empire. That being said, we appreciate your comments and will forward them to the Planning Commission.

Thank you,
 Jill

From: Mary DeSmet [mailto:fullcircle@ak.net]
Sent: Thursday, September 21, 2017 8:55 AM
To: Jill Maclean
Subject: Proposed Rezone of Forest Lane Property

Hello Jill - I am sending this message to you after our phone conversation yesterday. My husband, Greg Burger, and I never received notice for the neighborhood meeting held on Sept. 18th or we would have attended. We live at 8760 Dudley Street which may be more than 500 feet from the rezoning location in question. Is that why we didn't receive notice? The case I am writing about is listed below:

Case No.: AME2017 0012
 Applicant: Errol Champion
 Location: 8485 Forest Lane
 Proposal: A Rezone Request from D5 to D10 at 8485 Forest Lane

I have lived at 8760 Dudley Street for nearly 40 years. An unnamed tributary to either Jordan Creek or Duck Creek is directly adjacent to our house (within 10-12 feet of the foundation) - running through the east side of our property. What I have noticed with the advent of more roads/pavement (Haloff Way) and many more homes (Haloff/Forest Lane/end of Dudley Street), all have diminished earth in an already low-lying area of the valley, thereby creating more standing water, poorer drainage and a higher water level/less flow in this tributary, potentially threatening our home. For years, the land and creek had absorbed rain and runoff adequately from my vantage point (I live and work at home so am here 24/7). Since the clearing of trees directly behind my home in order to build the two REACH homes, in

addition to the Haloff and Forest Lane projects - there has been a consistently higher level of water in the stream/creek next to my home.

This tributary, during heavy rains, comes very close to cresting the bank of the creek. In addition, there is increased debris in the creek which effects flow of water.

In addition, we already have a traffic problem in our neighborhood which has been much noticed this past year by the JPD, neighborhood residents and school officials from Glacier Valley Elementary and Floyd Dryden schools. D-5 is our zoning for many reasons and I strongly encourage the Planning Commission deny the request for rezoning to D-10.

Thank you for this opportunity to give comment.

Regards,
Mary L. DeSmet
8760 Dudley Street
Juneau, AK 99801
789-3933/789-9005

From: Gci
To: [Jill Maclean](#)
Subject: Fwd: Case No.: AME2017 0012 Comments: Proposed 8485 Forest Lane Rezone
Date: Wednesday, September 20, 2017 5:24:48 PM

Subject: Case No.: AME2017 0012 Comments: Proposed 8485 Forest Lane Rezone

Case No.: AME2017 0012

Applicant: Errol Champion

Location: 8485 Forest Lane

Proposal: A Rezone Request from D5 to D10 at 8485 Forest Lane

There is an application by owner and realtor to change the zoning of the land from D5 to D10. Neighbors who attended the re-zoning meeting expressed concerns about vehicle, children and foot traffic, impact on Jordan Creek, impact on their home values, and had many questions about new bridges over the creek and the extension of utility services (and public safety services) to the property in question. There was not one neighbor who spoke in favor of the zoning change, and we agree.

I also am opposed to the time frame you gave us to work with it seems like it was two weeks and there was a hearing scheduled already I hope that the realtors involved in this are not a part of the rush process on this. I'd like to point out the fact that there are many bears that travel through this neighborhood especially back in the woods where they are located that is a natural Gametrail for the bear , and we see them constantly and do not need more people creating garbage for them to become problem bears .

We have two schools in this neighborhood and lots of children , they are always walking and riding bikes on Dudley and Forest Lane there are no sidewalks , streetlights and some fairly deep ditches along both sides of the road the impact from more traffic is unthinkable .

They were many questions about fire standards and the fact that a firetruck cannot get across the existing bridge it will not support the weight . Jordan creek has resident fish species and supports many birds and assorted wildlife which we enjoyed from our backyard . I would also like to point out living so close to thunder mountain the noise factor that Really Echo's off the mountain and We are not in favor of this re-zone to D10. Respectfully

David and Susan Downey

From: J Eiler
To: [Jill Maclean](#); [PC_Comments](#)
Subject: 8485 Forest Ln. Rezone Request - Case No.: AME2017 0012
Date: Thursday, September 21, 2017 8:20:12 PM

To the CBJ Planning Commission:

We have lived on Dudley Street for 34 years and have watched our neighborhood grow from 26 residences to about 91 residences (when you add in apartments). The homes on Dudley Street, Forest Lane, Forest Grove, and Sierra Street all utilize Forest Lane and Dudley Street to access the Mendenhall Loop (or Tongass St.) to exit the neighborhood. We are concerned that the proposed change in zoning of 8485 Forest Lane could, in the future, result in increased development and a substantial increase in vehicle and people traffic. It would negatively change the nature of the neighborhood. The area should stay zoned D5.

We agree with the CBJ Community Development Senior Planner, Jill Maclean, in her recommendation.
Please deny the request to rezone 8485 Forest Lane (Case No. AME2017 0012).

Respectfully,
John H. Eiler
Nancy V. Eiler
Luke M. Eiler

From: Carolyn & Mike Fox
To: [Jill Maclean](#)
Subject: Forest Lane Re-zone
Date: Tuesday, September 19, 2017 7:20:44 PM

CBJ

We strongly object to re-zoning the land adjacent to the end of Forest Lane and Dudley and increasing the potential for more housing in the area. Associated increased traffic would make Dudley, Forest Lane, Sierra, and Forest Grove, more unsafe for pedestrians and vehicles. They have no sidewalks, no shoulders, open ditches, and no lighting. People frequently park on these streets narrowing them to one lane which forces pedestrians and vehicles into a single lane. Further, we already have an unsafe condition with children on these streets (often in the dark) because we are located between Floyd Dryden and Glacier Valley schools.

Sincerely,
Michael and Carolyn Fox
3502 Sierra St.

From: Melanie Greer
To: [Jill Maclean](#)
Subject: AME2017 0012 Rezone Request
Date: Thursday, September 21, 2017 4:24:14 PM

ATTN: Jill Maclean, CBJ Senior Planner; CBJ Planning Commission

RE: AME2017 0012 Rezone request from D5 to D10 at 8485 Forest Lane

As residents and homeowners in the neighborhood, we are **against** this rezone request. We are not against development in our community, provided that it is **responsible** development that does not pose a threat to public health and safety. Our concerns include the public safety impacts of increased traffic due to: (1) Limited access to the property; (2) Current condition and size of the access bridge; (3) Lack of sidewalks on Forest Lane and Dudley Street.

Thank you for considering our comments on this case.

Lance & Melanie Greer

8751 Dudley St

Juneau AK 99801

907.321.2684

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Melanie Greer
c. 907.321.268 6

From: dany guzman
To: [Jill Maclean](#)
Subject: No Rezoning
Date: Wednesday, September 20, 2017 4:30:11 PM

Dear Jill,

I 'm writing this email in representation of my family, and I would like to take this opportunity to register my opposition to any zoning changes as requested by Mr. Champion in this area.

AGENDA ITEM:

Case No.: AME2017 0012

Applicant: Errol Champion

Location: 8485 Forest Lane

Proposal: A Rezone Request from D5 to D10 at 8485 Forest Lane

Respectfully,

Dany Reyes and Alejandro Soria
8496 Forest Ln.
Juneau, AK 99801
(907) 957-4411

From: D. Johnson
To: [PC_Comments](#)
Cc: [Jill Maclean](#)
Subject: Case No: AME20170012 – Comments on Proposed Rezone of 8485 Forest Lane from D5 Single Family Residential to D10 Multi-Family Residential
Date: Thursday, September 21, 2017 9:01:28 AM

September 20, 2017

Planning Commission
City and Borough of Juneau
155 S. Seward Street
Juneau AK 99801

RE: Case No: AME20170012 – Comments on Proposed Rezone of 8485 Forest Lane from D5 Single Family Residential to D10 Multi-Family Residential

Prior to rezoning, approval to rezone property on Forest Lane to D10 multi-family residential must address:

- Road Improvements – The existing road is engineered and maintained for D5 single family. **There are no traffic lights, curbs nor sidewalks at the end of Forest Lane where 8485 is located.** The road is cracked, uneven and pot holes develop every winter. More traffic requires that this road be widened and resurfaced.
- Utility Improvements – This neighborhood is not designed for multi-family units, **there is no fire hydrant that services 8485 Forest Lane.** Extending water and utility services to this property is problematic due to the need to cross Jordan Creek.
- Environmental Impact – The Jordan Creek ecosystem is host to spawning salmon, geese, birds, bears and cranes. **Has a revised Environmental Impact Statement been prepared for this rezoning request?**
- Parking Problems - Parking on Forest Lane as it is currently zoned (D5 single family residential) is a **problem affecting our street maintenance, mail and medical deliveries year-round, and snow removal in the winter.** City snow plows do not plow if there are cars parked at this end of the road, nor will the post office deliver mail. There are no “No Parking” signs at this end of Forest Lane. There are no ways to resolve the parking

problem because Community Development refers neighbors to the police to resolve the problem, and the police say because there are not any “No Parking” signs they cannot help and refer problems to Community Development. Neighbors are pitted against each other with little hope of resolving issues.

- Public Safety and Protection – Emergency vehicles can not access this property, nor can trash removal, moving vans or other large vehicles.

Additional traffic without sidewalks impacts the safety of pedestrians and playing children.

Will the property taxes the City collects after this property is rezoned off-set the cost to accommodate the rezoning?

Thank you for the opportunity to comment.

Sincerely,

Horace and Deborah Johnson
Forest Lane
Juneau, AK 99801

From: Paul Kaiser
To: [Jill Maclean](#)
Subject: Case No.: AME2017 0012 Comments: Proposed 8485 Forest Lane Rezone
Date: Friday, September 22, 2017 10:32:45 AM

Re: Case No.: AME2017 0012. Proposed 8485 Forest Lane Rezone

Attn:
Jill Maclean, Senior Planner
Community Development Department
City & Borough of Juneau

Dear Ms. Maclean and Planning Commission Members,

I wish to register my support for maintaining the zoning plan for our neighborhood as it was carefully crafted years ago by professionals thru a comprehensive public process. The historic zoning, for the most part, has protected the residents from the many problems associated with high density development. I feel that the owners knew well that this neighborhood was already zoned when they purchased 8485 Forest Lane, and that only for very compelling reasons should they be allowed to change it.

We have enjoyed our home on Dudley street for nearly 40 years and have actively supported the "improvements" like the water and sewer Local Improvement District, the sidewalk addition for North Tongass Blvd, and enforcement of the codes and ordinances which protect the safety and integrity of our neighborhood. Please help us retain our "D5" neighborhood and protect the years of work by the city planners and the residents which have kept ours a nice area.

Sincerely,
Paul Kaiser
8695 Dudley Street

From: [Rick Smith](#)
To: [Jill Maclean](#)
Subject: No Rezoning
Date: Tuesday, September 19, 2017 4:45:56 PM

Dear Jill,

I was not able to attend last night's meeting but would like to take this opportunity to register my opposition to any zoning changes as requested by Mr. Champion in this area.

AGENDA ITEM:

Case No.: AME2017 0012
Applicant: Errol Champion
Location: 8485 Forest Lane
Proposal: A Rezone Request from D5 to D10 at 8485 Forest Lane

Respectfully,

Rick & Linda Smith
8689 Dudley St.
Juneau, AK 99801
790-2847

From: Stephen Clayton
To: [Jill Maclean](#)
Cc: stephen@stephenclaytonlaw.com; [Karen Clayton](#); [Lopez Janet and Brian](#)
Subject: Rezoning of 8485 Forest Lane property
Date: Wednesday, September 20, 2017 8:58:44 AM

Dear Ms. Maclean,

My wife, Karen Clayton, and I own a 3 unit property on Rainbow Road/Jennifer Drive in the neighborhood of the proposed rezone of the parcel at 8485 Forest Lane.

1. This rezoning to 10 dwellings per acre has no detrimental impact on our property.
2. This rezoning should have a positive impact on our property by bringing needed new multi-family housing to the neighborhood.

We have no objection to this rezoning proposal, and encourage Juneau to approve it.

Best regards

Stephen Clayton

stephen@stephenclaytonlaw.com
(510) 708-7667

From: sdjohn6063@acsalaska.net
To: [Jill Maclean](#)
Subject: Rezone of 8485 Forest Lane from D% to D10
Date: Friday, September 22, 2017 11:01:10 AM
Importance: High

Hi Jill

My wife and I have lived on Forest Lane since 1983; we have seen a steady increase in traffic on Forest Lane over the years and many speeding cars. We are very concerned about rezoning of 8485 Forest Lane from D5 to D10 and the possibility that future owners could develop up to 32 residences on the land. The potential extreme increase in vehicle traffic from 186 to 517 cars a day would be a huge safety problem for local home owners. Many families with young children live in this neighborhood and walk their kids on both Forest Lane and Dudley Street, especially to nearby Glacier Valley Elementary School and Floyd Dryden Middle School. The safety of kids walking to school during the dark months of winter with more cars on the road is a top priority for us. In addition, a substantial increase in vehicle traffic on these small feeder roads would be a detriment to local home owners because of increase car noise and traffic in the area.

Although our kids are now grown, we have considered putting out yellow signs (caution children playing) to slow cars down and community police officers have put up speed signs. These work for only short periods of time before cars are speeding again. A few years back, I screamed at the top of my lungs at a young neighborhood kid who had ventured onto the road on his bike and a car almost hit him....within a foot.

For the record, my wife and I are opposed to the rezoning effort and hope you take our concerns into consideration!

Thank you,

Scott and Donna Johnson
34 year residents of Forest Lane

From: clinton singletary
To: pc_comments@juneau.orh
Cc: [Jill Maclean](#)
Subject: Comments Re: rezone request for 8485 Forest Lane
Date: Friday, September 22, 2017 8:44:56 AM

Members of the Planning Commission:

I would urge you to **deny** the rezone request for 8485 Forest Lane. As explained in the staff recommendation on this action, approving this rezone would be inconsistent with the approved Land Usages of the Comprehensive plan for the immediate area.

While I understand that this rezone request has been filed to add an additional income producing element to the property, with the goal of making this property more appealing to prospective buyers, that fact alone is not sufficient cause to create an exception to the Land Use Code.

Even though there are supposedly no plans to build a housing development on the property if D10 was approved, future property owners may see potential in doing so.

The current residential nature of the Dudley St / Forest Ln neighborhood should not be jeopardized due to one property owner's decision to build the existing large, unique housing structure without considering how difficult it might be to sell the property at a later date.

Thank you for your time & consideration.

Clinton & Michelle Singletary
8675 Dudley St

From: Vaughn Hammond <vmhammond13@gmail.com>
Sent: Tuesday, September 26, 2017 8:57 AM
To: PC_Comments
Subject: Rezone 8485 Forest Ln D5 to D10

Before reading through what had already been summarized regarding this request, I was opposed to this. Traffic alone is bad enough on Forest Ln as it is without the potential of adding several multi family dwellings. I realize this may not be the intent of the current owner, but needs to be considered.

After reading the summaries, I am even more convinced that this request should be denied. Just the part about the potential increase in traffic scares me with all the kids in the neighborhood. Sure, JPD is aware of the many traffic violations that already occur, but their presence hasn't increased, and it probably wouldn't even if traffic were to increase due to a rezone and building of multi family units.

In short, as a resident on Forest Ln near the culdesac, I oppose this request.

Thank you for all you do!

Vaughn Hammond

Sent from Vaughn's iPhone
I know, shocking!

From: Errol Champion
To: [Jill Maclean](#)
Subject: Re: 8485 Forest Lane Rezone
Date: Monday, September 25, 2017 8:29:24 AM
Attachments: [image002.png](#)

Jill:

Per our conversation, we wish to withdraw our application to rezone 8485 Forest Lane from D5 to D10. This decision has been made after reviewing the CBJ staff report and a recap of the notes from the public meeting with the neighbors held on September 18, 2017.

Errol Champion
Representing the applicants - Dan and Shirley Penrose



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

DATE: September 19, 2017

TO: Planning Commission

FROM: Jill Maclean, AICP, Senior Planner
Community Development Department

A handwritten signature in black ink that reads 'Jill Maclean'.

FILE NO.: AME2017 0012

PROPOSAL: A Rezone Request from D5 to D10 at 8485 Forest Lane

Applicant: Errol Champion

Property Owner: Daniel & Shirley Penrose

Property Address: 8485 Forest Lane

Legal Description: Lot 2C, Bethany Baptist

Parcel Code No.: 5B2101600110

Site Size: 138, 976 sq. ft. (3.19 acres)

Zoning: D5 (single-family / duplex, 5 units per acre)

Utilities: City Water / Sewer

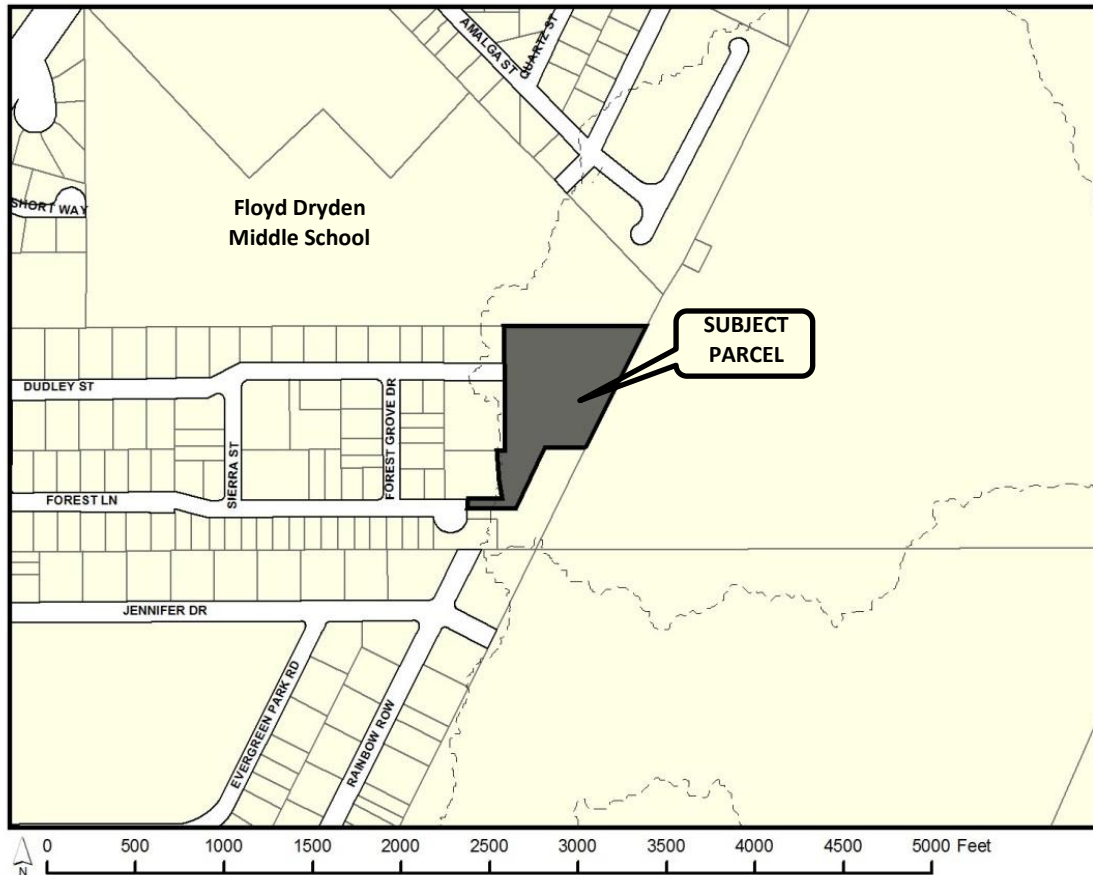
Access: Forest Lane via a 30-foot wide access easement containing a bridge crossing Jordan Creek

Existing Land Use: Single-family Dwelling with an Accessory Dwelling Unit

Surrounding Land Use:
North - Floyd Dryden Middle School (D5)
South - Single-Family Dwelling (D5)
East - CBJ-owned Vacant Land (D5)
West - Single-Family Dwellings (D5)

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VICINITY MAP



ATTACHMENTS

- Attachment A – Application and Public Notification
- Attachment B – Plat of Lots 2A, 2B, and 2C Subdivision of Lot 2 Bethany Baptist Subdivision
- Attachment C – Aerial Photo of Flood Zone
- Attachment D – Letter of Zoning Verification, Coho Apartments
- Attachment E – Table of Permissible Uses (49.25.300)
- Attachment F – Table of Dimensional Standards (49.25.400)
- Attachment G – Photo of the Existing Access Bridge
- Attachment H – Public Comments
- Attachment I – Neighborhood Meeting Sign-In Sheet

INTRODUCTION

The City and Borough of Juneau's 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.

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PROPOSAL

The proposed rezone is for a 138,976 square foot parcel (3.19 acres) from D5 (primarily single-family/duplex residential development at five dwelling units per acre) to D10 (multifamily residential development at 10 dwelling units per acre). The existing lot meets the dimensional requirements of Title 49 (49.25.400) for a D10 zoning district and is conforming in lot size.

The subject parcel contains a single-family dwelling with an accessory dwelling unit. The applicant states that they are requesting a rezone of the property in order to convert an existing workshop area into an additional accessory dwelling unit (see Attachment A). A variance to density is prohibited - CBJ 49.20.250 (b). The subject parcel has adequate land to develop for additional building lot(s) by subdividing under the current D5 zoning district requirements.

The stated project may not be considered when reviewing the appropriateness of the rezone. The rezone request must be reviewed and analyzed exclusively on the merits of the proposed zoning and all permissible uses, its relationship to the abutting properties, adjacent zoning districts, Title 49, and the Comprehensive Plan.

BACKGROUND

The property is located at the end of Forest Lane and Dudley Street, within the Urban Service Area. The subject parcel is currently zoned D5. The D5 zoning district is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

The subject parcel was subdivided in 2006 and shares an access easement varying from 30 feet in width to 33 feet in width with the abutting property to the south. The easement is located on the abutting property to the south for 202.55 feet, providing access to the subject parcel (see Attachment B). The access to both properties is via a one-lane bridge crossing Jordan Creek from the end of the cul-de-sac of Forest Lane. The Dudley Street right-of-way extends to the northern portion of the subject property but the right-of-way is not constructed. The construction of the Dudley Street right-of-way would necessitate an additional crossing of Jordan Creek, as Dudley Street currently ends in a cul-de-sac and does not extend to the subject parcel.

The property is bisected by Jordan Creek, which is an impaired, anadromous stream. Jordan Creek has been on the State of Alaska's list of impaired waterbodies since 1998 due to sediment, low oxygen levels, and debris.

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ZONE CHANGE INITIATION

The Land Use Code outlines the procedure and requirements regarding rezone requests at CBJ 49.75 Article I, Rezoning.

CBJ 49.75.110. Initiation. *A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.*

1. Was the proposed zone change initiated by the property owner during the appropriate time frame OR was the zone change initiated by the commission, assembly or director?

Yes. The application for the subject zone change was initiated by the property owner in July, 2017.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings, and by requiring a public notice sign be posted on-site?

Yes. A notice of a neighborhood meeting regarding the rezone request was mailed to all property owners within 500 feet of the subject parcel advising them of a neighborhood meeting on September 18, 2017. A Notice of Public Hearing was mailed to the same owners advising them of the September 26, 2017 hearing date. Public notice of this project was provided in the September 15, 2017 and September 25, 2017 issues of the Juneau Empire in the "Your Municipality" section. Two public notification signs were posted on the site, visible from the rights-of-way (Forest Lane and Dudley Street), at least two weeks prior to the scheduled Planning Commission hearing.

RESTRICTIONS AND PROCEDURES

The CBJ Land Use Code provides restrictions for zone district change requests.

CBJ 49.75.120. Restrictions on Rezoning. *Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zone district and the used allowed therein are in substantial conformance with the land use maps of the comprehensive plan.*

This proposal conforms to these restrictions:

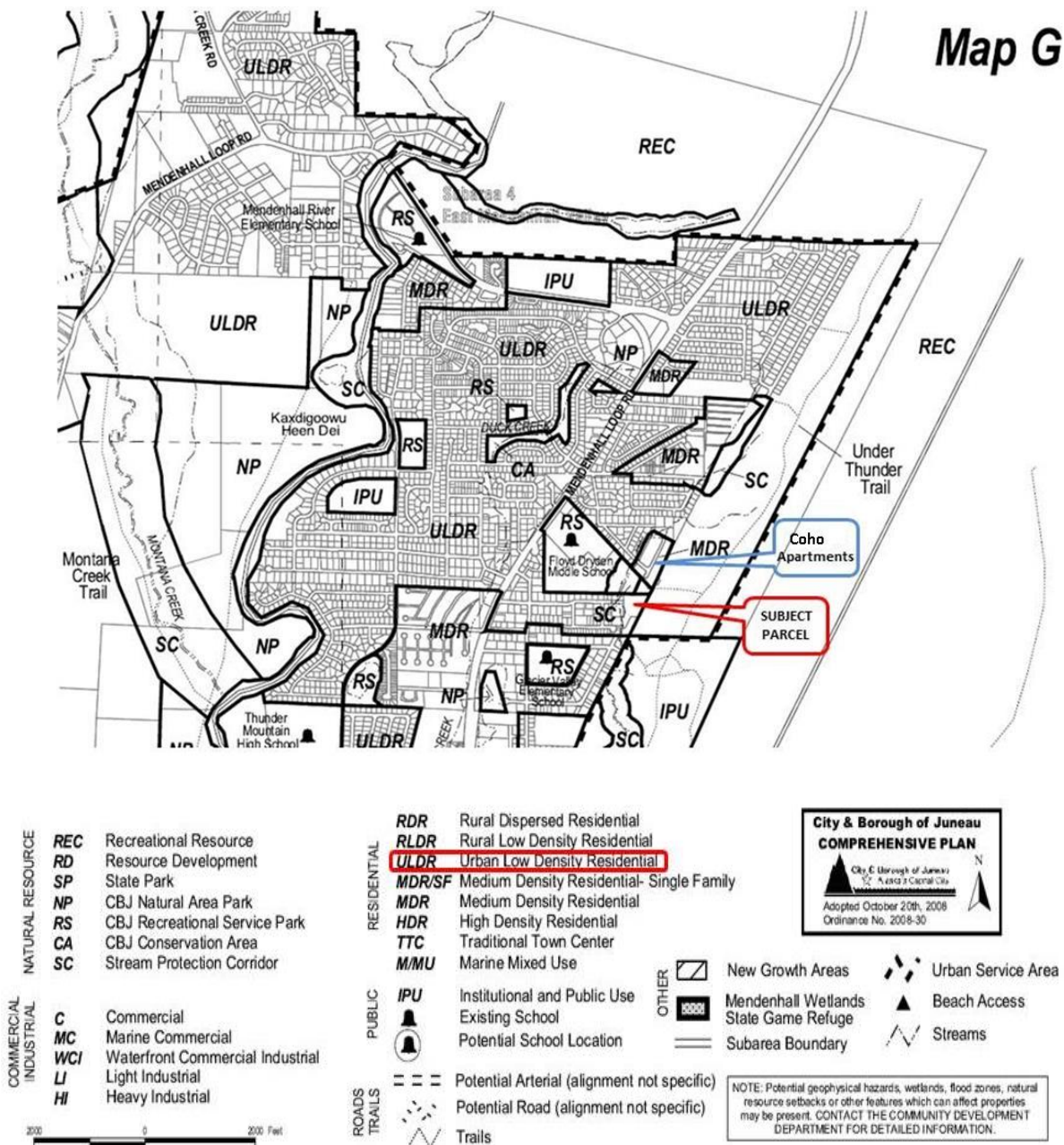
1. **MET.** The property is greater than two acres.
2. **MET.** There has not been a similar request made for the property within the past year.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

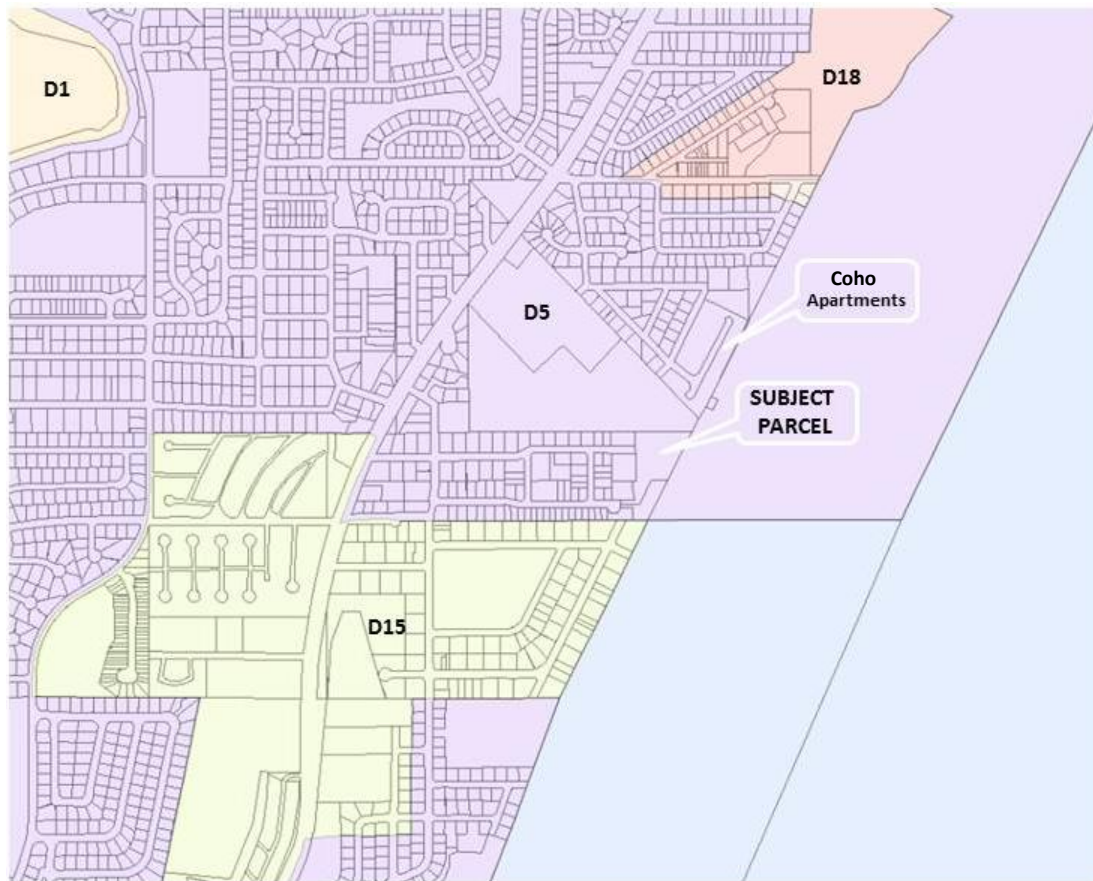
Comprehensive Plan Land Use Designations

The Comprehensive Plan land use designations and current zoning districts are shown on the maps below.

Below: an excerpt from Map G of the 2013 Comprehensive Plan Land Use Maps.



Below: a map of existing zoning districts.



The Comprehensive Plan land use designation for the property is Urban Low Density Residential (ULDR):

*These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at **densities of one to six units per acre** (emphasis added). Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

The Comprehensive Plan land use designations are “umbrella” designations under which multiple zoning designations may be implemented to accomplish the land uses that are aspired to in the Comprehensive Plan. For example, D1 and D5 zoning districts each may accomplish the objectives set out in the paragraph above describing the ULDR designation, as the densities allowed in these districts are less than six units per acre.

The proposed rezone request for a D10 zoning district is found to be noncompliant with the Comprehensive Plan Land Use Maps as the D10 zoning district allows for single- and multi-family residential developments at up to 10 dwelling units per acre.

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COMPLIANCE WITH CBJ LAND USE CODE

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

49.25 Article II. Zoning Districts

49.25 Article IV. Density Determination

49.75 Article I. Rezoning (see Restrictions and Procedures on page 4 of this report)

Properties located within this ULDR Comprehensive Plan land use designation area are zoned D5. The subject property is currently zoned D5 and the surrounding area is zoned D5. The property to the north side of Floyd Dryden Middle School, containing the Coho Apartments, is also currently zoned D5. However, this parcel of land is designated Medium Density Residential in the Comprehensive Plan land use maps, and the complex was developed in the 1980s under the previous zoning as a Planned Unit Development (see Attachment D).

CBJ 49.25.210 Residential Districts. Residential districts are established to provide a healthy, safe, and pleasant environment for residential living protected from incompatible and disruptive activities:

D5 zoning is intended to:

Accommodate primarily single-family and duplex development at a density of 5 dwelling units per acre.

D10 zoning is intended to:

Accommodate primarily multi-family development at a density of 10 dwelling units per acre. This is a relatively low density multi-family zoning district.

Per CBJ 49.25.300 Table of Permissible Uses (see Attachment E for complete listing), generally the main distinctions between D5 and D10 are as follows:

ZONING DISTRICTS & USES		
USE (Minor – minor development; Major is major development)	D5	D10
Dwelling Units	5 dwelling units/acre	10 dwelling units/acre
Multi-family dwellings	No	Yes
Commonwalls – 3 or more dwellings	No	Yes
Offices greater than 1,000 sq. ft., but less than 2,500 sq. ft.	No	Yes w/CUP
Daycare Centers	No	Yes w/CUP
Small Restaurants less than 1,000 sq. ft. without a drive-thru	No	Yes

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Per CBJ 49.25.400 Table of Dimensional Standards, the requirements for D5 and D10 may be found in Attachment F. Also included below are the vegetative cover requirements per CBJ 49.50.300. Generally, the main distinctions are highlighted:

Regulations	D5	D10
49.25.400 Table of Dimensional Standards		
Minimum Lot Size	7,000	6,000
Minimum Lot Width	70	50
Minimum Lot Depth	85	85
Minimum Lot Coverage	50%	50%
Maximum Height	35	35
Minimum Front Yard Setback	20	20
Minimum Street Side Yard Setback	13	13
Minimum Rear Yard Setback	20	20
Minimum Side Yard Setback	5	5
49.50.300 Minimum vegetative cover		
Vegetative Coverage	20%	30%

Per CBJ 49.25.500 Density, the density determinations are 5 dwelling units per acre in D5 and 10 dwelling units per acre for D10. The D5 zoning district permits single-family and duplex dwelling units. As the subject parcel contains a single-family dwelling with one accessory apartment, no additional dwelling units are permissible without subdividing the parcel.

If built out for residential use only and rezoned to a D10 zoning district, which allows for multi-family development, the subject property with 138, 976 sq. ft. may have a maximum density of 32 dwelling units, exclusive of other requirements such as flood plain restrictions, parking, setbacks, and vegetative cover; and nine dwelling units or more require a Conditional Use Permit.

The property is located in an AE flood zone. According to FEMA, the AE flood zone is a Special Flood Hazard Area and is subject to inundation by the 1-percent-annual-chance flood event. The base flood elevation of the subject parcel is 45.2 feet (see Attachment C).

Per CBJ 49.70.400 Floodplain, the purpose of Article IV regulating Flood Hazard Areas is to:

Promote the public health, safety, and general welfare and to minimize the public and private losses due to flood conditions in the specific areas. Other purposes are to:

1. *Reserved;*
2. *Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;*
3. *Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;*
4. *Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;*
5. *Reserved;*
6. *Ensure that potential buyers are notified that property is in a special flood hazard area; and*
7. *Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.*

Increasing the permissible density of the subject parcel is found to be inconsistent with the purposes of the Code.

HABITAT

In relation to stream corridors and shoreline properties, Chapter 7 Natural Resources and Hazards of the Comprehensive Plan states that:

- 1) *Stream courses and lakes possess unique ecological, recreational, and scenic values. Portions of the stream corridors also function as floodways and floodplains and protect against erosion of adjacent properties. Development along stream corridors and lake shorelines can destroy their ecological, scenic and recreational values. It also can cause destruction of stream banks, increased runoff, sedimentation and pollution, and increase the danger of flooding to people and property. Carefully designed and sited development that is responsive to the conditions of the site can diminish the potential negative impacts on these ecosystems as well as surrounding land uses, and may be able to actually enhance degraded stream and lake habitat and water quality.*

Shoreline values can be maintained and destruction of property from flooding and stream bank erosion minimized by careful management of shoreline development, which primarily takes the form of requiring development to be set back from shorelines of creeks, streams and lakes and to retain or restore natural vegetation (page 79).

- 2) *Flooding occurs with relative frequency in the CBJ. It is a natural event that becomes a problem only when it threatens human health, safety, or development. Appropriate land use designations (emphasis added) and development requirements can help minimize the potential of flood damage and threats to human health and safety. It is*

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important to distinguish between the floodway, which is the main channel that is essential to the rapid drainage of floodwaters, and the floodplain, which is an area floodwaters may cover. Additionally, coastal flooding can occur as a result of high winds and high tides that create storm surges and wave run-ups (page 98).

- 3) *Policy 7.18: TO PROHIBIT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT IN FLOODWAYS, TO REGULATE DEVELOPMENT IN FLOODPLAINS, AND TO MAINTAIN A PROGRAM OF EDUCATION, ASSISTANCE, AND INFORMATION IN ORDER TO MAINTAIN ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE BENEFIT OF LOCAL PROPERTY OWNERS AND THE LENDING INDUSTRY (page 99).*

No other habitat issues are known.

TRAFFIC

As stated previously, based exclusively on the requested up-zone to D10, the build-out potential of the subject parcel may result in 32 potential dwelling units (3.19 acres x 10 units per acre). The current zoning, at D5, has the maximum buildout of 5 dwelling units per acre however D5 zoning districts have a maximum density of 2 dwelling units per parcel.

According to the 9TH Trip Generation Handbook, the build-out scenarios of 2 dwelling units (D5) and 32 dwelling units (D10), and associated Average Daily Trips (ADT) may be as follows:

	WEEKDAY ADT		SATURDAY ADT		SUNDAY ADT	
	D5	D10	D5	D10	D5	D10
Single-Family w/accessory unit	16 ADT (1DU x 9.52 trips) + (1AU x 6.65 trips)	517 ADT (32DUs x 9.52 trips) + (32AUs x 6.65 trips)	16 ADT (1DU x 9.91 trips) + (1AU x 6.39 trips)	522 ADT (32DUs x 9.91 trips) + (32AUs x 6.39 trips)	14 ADT (1DU x 8.62 trips) + (1AU x 5.86 trips)	463 ADT (32DUs x 8.62 trips) + (32AUs x 5.86 trips)
Low-Rise Apartments (1 – 2 levels)	Not Allowed	211 ADT (32DUs x 6.59 trips)	Not Allowed	229 ADT (32DUs x 7.16 trips)	Not Allowed	194 ADT (32DUs x 6.07 trips)
Mid-Rise Apartments (3 - 10 levels)	Not Allowed	225 ADT (32DUs x 7.04 trips)	Not Allowed	217 ADT (32DUs x 6.78 trips)	Not Allowed	200 ADT (32DUs x 6.25trips)
Residential Condos	Not Allowed	186 ADT (32DUs x 5.81 trips)	Not Allowed	181 ADT (32DUs x 5.67 trips)	Not Allowed	155 ADT (32DUs x 4.84 trips)

DU = Dwelling Unit and AU = Accessory Unit

* = Rental Townhouse is the most similar use found in the Trip Generation Handbook to the CBJ 49.80 Definition of "Duplex"; Rental Townhouse is defined by the Trip Generation Handbook as "rented rather than owned and a minimum of two attached units per building structure...".

** = The Trip Generation Handbook cautions the use of this data because of the small sample size (1).

AGENCY REVIEW

- Capital City Fire/Rescue – There is nothing to prohibit this rezone at this time mainly because there are no more than two structures built on it currently. Should the owners decide to build a third structure in the future, then fire code requirements for apparatus access roads will come into play. The bridge will have to be wider, designed, and approved for supporting at least 85,000 pounds. There may also need to be an additional fire hydrant installed if a third structure is constructed, as the length to the most remote corner of the most remote structure may exceed 500 feet.

With the existing structures, CCFR can and will take an ambulance across the bridge for medical emergencies, but the fire engines we have would most likely not fit and we would not risk driving across a bridge that may or may not support the weight. As always, the exception to all of these fire code requirements would be installation of approved fire sprinkler systems in all affected structures.

- Juneau Police Department – No comments at this time.
- CBJ Assessor – No comments received.
- CBJ Building – The Building Department is not in favor of a rezone for this area. Access is insufficient.
- CBJ General Engineering – The access to the subject parcel is an issue. The existing bridge has a width of 12 feet; 40% - 50% of the subject parcel is within the floodplain, including the single access bridge (see Attachment G). General Engineering does not favor a rezone without a provision for a secondary access and verification that the existing bridge can hold a fire truck.
- CBJ Lands and Resources (abutter) – No comments at this time.
- Alaska Department of Environmental Conservation – No comments at this time.
- Alaska Department of Fish and Game (ADF&G) – It is our understanding that re-zoning the subject parcel to D10 would allow for up to 32 family dwelling units on this parcel.

Jordan Creek is catalogued by ADF&G as important habitat for anadromous fish species (AWC 111-50-10620). Activities occurring below the ordinary high water mark of Jordan Creek that could affect the spawning, rearing, or migration of anadromous fishes, or potentially provide blockages to the efficient passage of resident fish species, are regulated by state law and require a Fish Habitat Permit from ADF&G - Division of Habitat. The applicant should contact ADF&G-Division of Habitat Douglas office at (907) 465-4105 if they plan to repair or replace the bridge over Jordan Creek.

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The habitat along Jordan Creek is known to have bear and beaver activity. A 32-unit apartment complex would produce an amount of garbage that would likely attract bears. All bear attractants, including food and garbage, should be stored in bear-proof containers or in a garage. The applicant can pro-actively avoid flooding and other property damage caused by beavers and beaver damming by placing hardware cloth or metal 1-2 feet up the base of trees in and around the creek, building future homes above potential flood lines, and installing beaver barriers that allow for fish passage on small culverts that may be susceptible to damming (excerpt - for full comments see Attachment H).

PUBLIC COMMENT

A neighborhood meeting was held September 18, 2017 at the Mendenhall Valley Public Library. Approximately twelve people attended (see Attachment H for public comments and Attachment I for sign-in sheet). The residents that attended were unanimously opposed to the up-zoning of the subject parcel; a representative of the prospective buyer was in support. The concerns of the residents are stated below:

- If rezoned to D10, would a development be required to obtain approval from the Planning Commission? (A Conditional Use Permit is triggered by a major development – nine dwelling units or more.)
- Dudley Street and Forest Lane are 18 feet width with no sidewalks. They are not safe for additional traffic.
- JPD is aware of the amount of people already running the traffic signs and speeding.
- One person wanted to know if the development would trigger needed upgrades to Dudley Street and Forest Lane.
- Would an Army Corps Permit be needed for any development activity? (Potentially depending on Army Corps review and decision.)
- There were many questions about fire standards, especially concerning the (perceived) inadequate existing access bridge.
- Someone asked what would be involved if the property owner wanted to extend Dudley Street to their property. (Ms. Maclean answered that it would have to be constructed to CBJ standards in order for the CBJ to take ownership and responsibility for it.)
- Residents stated that they have 91 residents in the neighborhood, along with five businesses operated out of homes, and the area cannot handle any additional traffic.
- Another gentleman asked if there are any recent traffic studies for the area. (DOT may have conducted traffic analysis in relation to the Floyd Dryden rotary project.)

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SUMMARY

The policies in the Comprehensive Plan do not support up-zoning to more dense zones within floodways and Special Flood Hazard Areas. The subject parcel is located on the Subarea 4 East Mendenhall Valley Map G of the Comprehensive Plan land use maps which identifies this portion of Mendenhall Valley as having a community form of Suburban/Urban. The Comprehensive Plan Guidelines and Considerations for Subarea 4 that are relevant to this request include:

6. Duck Creek and Jordan Creek are listed as impaired water bodies by the Alaska Department of Environmental Conservation (DEC) and, therefore, careful review of future development proposals that could affect the volume, velocity, cleanliness, and overall water quality of these creeks and their watersheds and tributaries is warranted.

15. Coordinate all development within the sphere of influence of Duck and Jordan Creeks with the Alaska Department of Environmental Conservation (DEC) to ensure that development meets the guidelines of the creek restoration plan, called the TMDL Document.

The existing D5 zoning is consistent with the Comprehensive Plan land use designations and allows for residential uses that are consistent with the surrounding neighborhood.

Staff finds that the request for D10 is not in conformance with the maps of the Comprehensive Plan, nor its policies and guidelines for development near floodways and in floodplains. The Comprehensive Plan states that *appropriate land use designations and development requirements can help minimize the potential of flood damage and threats to human health and safety*. The current D5 zoning district is found to be an appropriate designation for development of this area and meets the Comprehensive Plan land use designation.

Given the Comprehensive Plan designation of ULDR and the existing D5 zoning districts surrounding the subject parcel as well as the potential traffic impacts to the neighborhood, a rezone to D10 is not appropriate. The increased density permissible under D10 zoning districts may generate additional degradation to the already impaired Jordan Creek and may allow future development to occur in a Special Flood Hazard Area. Further, access for future development may necessitate the construction and build-out of Dudley Street, creating another crossing of the Jordan Creek floodway and/or requiring the shared use of the existing one lane bridge that is used by the two existing single-family dwellings and the accessory apartment.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the 2013 Comprehensive Plan, the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was timely filed in July, the property is greater than two acres, and is not similar to a request made in the previous two years.
2. As discussed in the previous analysis, the request does not conform to the Land Use maps of the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission concur with the Director's analysis and findings, and deny the rezone request of the subject parcel from D5 to D10, and the subject parcel remains in a D5 zoning district.

Should the Planning Commission recommend approval of the requested rezone of the subject parcel from D5 to D10 to the Assembly, the following condition is recommended:

1. Prior to a zone change from D5 to D10, the property owner shall obtain and develop legal access to the subject parcel from Forest Lane or Dudley Street, in conformance with CBJ Code 49.35.240 and 49.35.250.

DEVELOPMENT PERMIT APPLICATION

Project Number ANE20170012	CITY and BOROUGH of JUNEAU	Date Received: 07/31/2017
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Zone change request from current zone of D5 to D10		
	PROPERTY LOCATION		
	Street Address 8485 Forest Lane		City/Zip Juneau, AK 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Bethany Baptist Lot 2C		
	Assessor's Parcel Number(s) 5B2101600110		
	LANDOWNER/ LESSEE		
	Property Owner's Name Daniel & Shirley Penrose		Contact Person: Errol Champion
	Mailing Address 2103 N Jordan Ave		Work Phone: 907 723 4816
	E-mail Address errolchampion@me.com		Home Phone: 907 723 4816
			Fax Number: 907 789 8460
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X <u><i>Shirley Penrose</i></u> Landowner/Lessee Signature X <u><i>Daniel Penrose</i></u> Landowner/Lessee Signature <u>7/30/17</u> Date <u>7/30/17</u> Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Errol Champion		Contact Person: same	
Mailing Address 2103 N Jordan Ave		Work Phone: 907 723 4816	
E-mail Address errolchampion@me.com		Home Phone: same	
		Fax Number: 907 789 8460	
		Other Contact Phone Number(s):	
X <u><i>Errol Champion</i></u> Applicant's Signature		<u>7/30/17</u> Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type Building/Grading Permit	***SIGN	Date Received
		City/State		
		Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (De Minimis and all other Variance case types)		
	Wetlands Permits			
☒	Zone Change Application		07/31/2017 ANE20170012	
	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments:			Permit Intake Initials <u>JM</u>	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
 I:\FORMS\2010 Applications Revised November 2009

ZONE CHANGE APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number	Project Name (15 characters)	Case Number AME 20170012	Date Received 07/31/2017		
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: Bethany Baptist Lot 2C					
IS THIS AN EXPANSION OF AN EXISTING ZONE? ☒ Yes ☐ No					
Total Land Area of Proposed Change <u>3.19</u> acres		Comp Plan Designation <u>ULDR</u>			
Current Zone(s) <u>D5</u>		Comp Plan Map <u>Not sure?</u>			
New Zone Requested <u>D10</u>					
TYPE OF ZONE CHANGE REQUESTED:					
☒ Regular ☐ Transition					
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?					
☐ Yes ☒ No					
UTILITIES AVAILABLE:					
WATER: ☒ Public ☐ On Site		SEWER: ☐ Public ☒ On Site			
PURPOSE OF THE REQUESTED ZONE CHANGE:					
The present dwelling is a single family 3500 sq.ft. four bedroom home with a 1200 sq.ft. two bedroom apartment. The owners want to convert the workshop area into a second apartment similar to the other apartment. The dwelling consists of more than 9000 sq.ft. of enclosed space under one roof. There is a 50 x 50 multi purpose room at one end of the dwelling.					
IS THERE A PROPOSED USE OF THE LAND?					
☒ Yes ☐ No					
PROPOSED BUFFERS TO ADJACENT ZONES?					
☒ Yes ☐ No					
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):					
The owners wish to convert the workshop area into a second apartment similar to the apartment already built and being utilized.					
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:					
STREETS: Minimum. At the very end of Forest Lane.					
WATER: Public					
SEWER: On site system					
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ZONE CHANGE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>600.00</u>	<u>18303</u>	<u>CD000009571</u>	<u>07/31</u>
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$ <u>50.00</u>	_____	_____	_____
	Pub. Not. Sign Deposit	\$ <u>100.00</u>	_____	_____	_____
Total Fee	\$ <u>750.00</u>	_____	_____	_____	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



Errol Champion
Sales Associate

2103 N. Jordan Avenue
Juneau, Alaska 99801

BUS (907) 789-0555
FAX (907) 789-8460
CELL (907) 723-4816
errol.champion@acsalaska.net

July 30, 2017

TO: Beth McKibben
City & Borough of Juneau
Community Development Dept

FROM: Errol Champion
Broker, Coldwell Banker Race Realty

REPRESENTING: Dan & Shirley Penrose, Owners

SUBJECT: 8485 Forest Lane
Parcel # 5B2101600110
Current Zoning: D5

On behalf of my clients, Dan and Shirley Penrose, I am submitting a application to change the zoning from D5 to D10. I attended a pre-conference meeting with CBJ staff to discuss the request on July 12, 2017. A copy of the meeting notes prepared by staff is attached.

The current home is a two level contemporary dwelling consisting of:

- Main home is 3500 sq.ft., 4 bedroom/2 bath and occupies the second floor.
- First floor has a 1250 sq.ft.2 bedroom/1 bath apt; 1250 sq.ft. shop area and a 2500 sq.ft. garage/multi purpose room.
- The lot is 138,976 sq.ft. and borders lots with higher density zoning.

The owners wish to remodel the 1250 sq.ft. shop into a second 2 bedroom/1 bath apt. Based on the pre conference meeting with CBJ staff and the meeting notes prepared by Laura Boyce, the owners will need to apply for a zone change. As a side note, the property is currently listed with our brokerage for sale. Lot 2C totals 3.19 acres and is accessed at the end of Forest Lane. The north (back side) of Lot 2C borders Coho Park and a small strip of CBJ land that is part of Floyd Dryden school facilities.

Attachments:

- Building plans
- As Built Survey
- CBJ Comp Plan Maps

From: Laura Boyce Laura.Boyce@juneau.org
 Subject: Follow up - rezone request
 Date: July 13, 2017 at 4:33 PM
 To: errolchampion@me.com
 Cc: Edward Quinto Edward.Quinto@juneau.org

Mr. Champion:

Regarding the possibility of two accessory apartments on the property and the one main dwelling unit, that is NOT possible after all. The Land Use Code is misleading – see the screen shot below – where it seems to indicate that more than one accessory apartment may be allowed with a single-family detached house (Use 1.130). The plural nature of “accessory apartment” on that line is in error.

		Zones													
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI
1.000	RESIDENTIAL														
1.100	Single-family dwellings														
1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A
1.120	Single-family detached, two dwellings per lot	1	1	1											
1.130	Single-family detached, accessory apartments ^N	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	
1.140	Single-family detached, two dwelling per lot, accessory apartments ^N	1, 3	1, 3	1, 3											

Since that is not an option, the only way to move forward is to either seek a rezone, as you inquired about, or subdivide the property to create more building potential. We will send a follow up pre-application report with specific notes about our meeting.

Please call me with any questions.

Thank you,

Laura

Laura A. Boyce, AICP
 Senior Planner

Community Development Department
 City and Borough of Juneau
 907.586.0753

laura.boyce@juneau.org



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

Penrose rezone request to allow additional dwelling units

Case Number: PAC20170037
 Project Description: Rezone request from D5 to D10
 Applicant: Errol Champion
 Property Owner: Daniel Penrose
 Property Address: 8485 Forest Lane
 Parcel Code Number: 5B2101600110
 Site Size: 3.19 Acres
 Zoning: D5
 Existing Land Use: Single family residence with apartment

Conference Date:	7/12/2017
Report Issued:	7/18/2017

List of attendees

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

Name	Title	Email address
Errol Champion	Applicant representative	errolchampion@me.com
Laura Boyce	Planner	Laura.Boyce@Juneau.org
Ron King	General Engineering	Ron.King@Juneau.org
Eddie Quinto	Permit Specialist	Edward.Quinto@Juneau.org

Pre-Application Conference Final Report

Additional submittal requirements:

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

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

Fee estimates

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

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

1. \$600.00

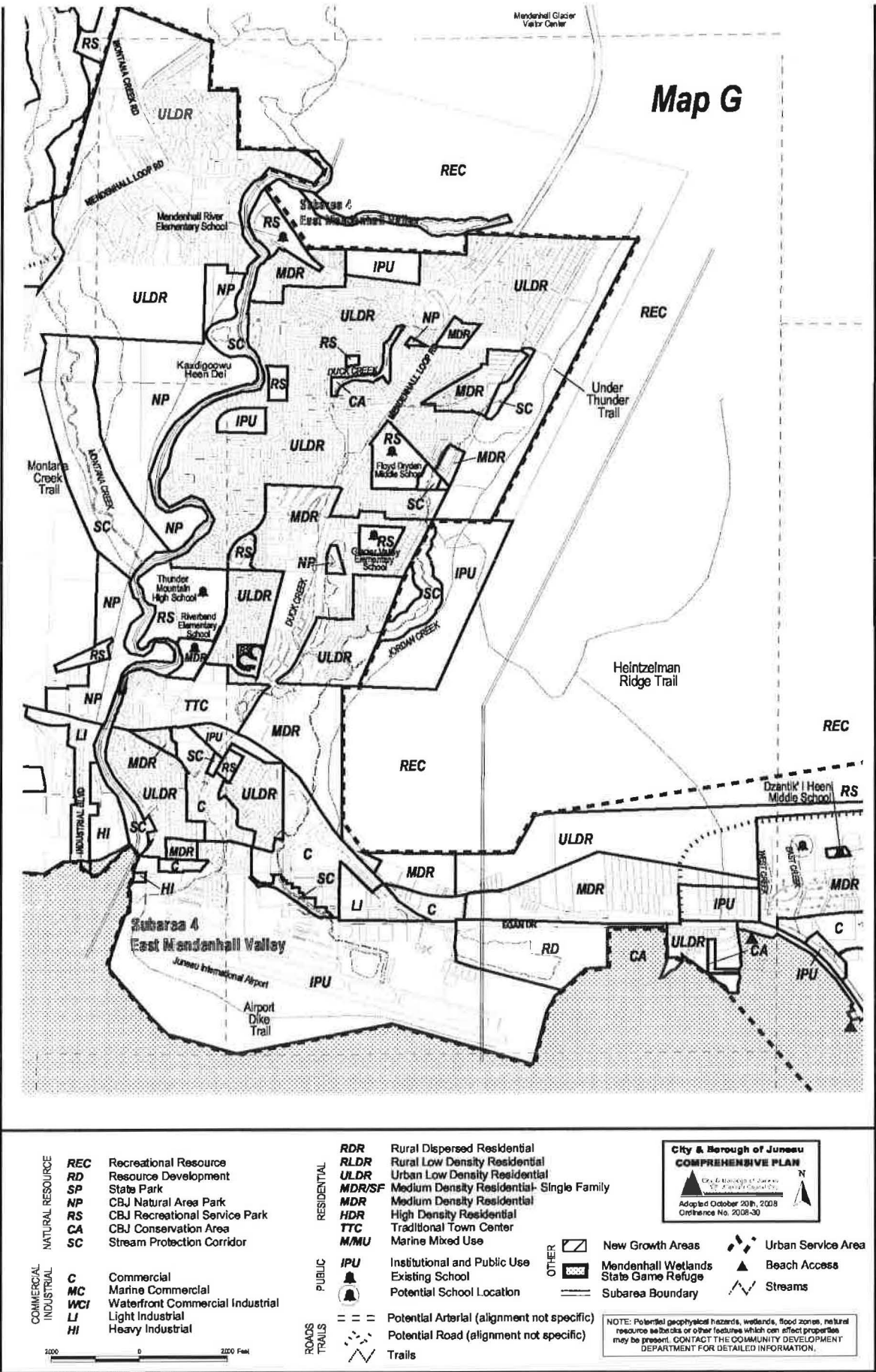
For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

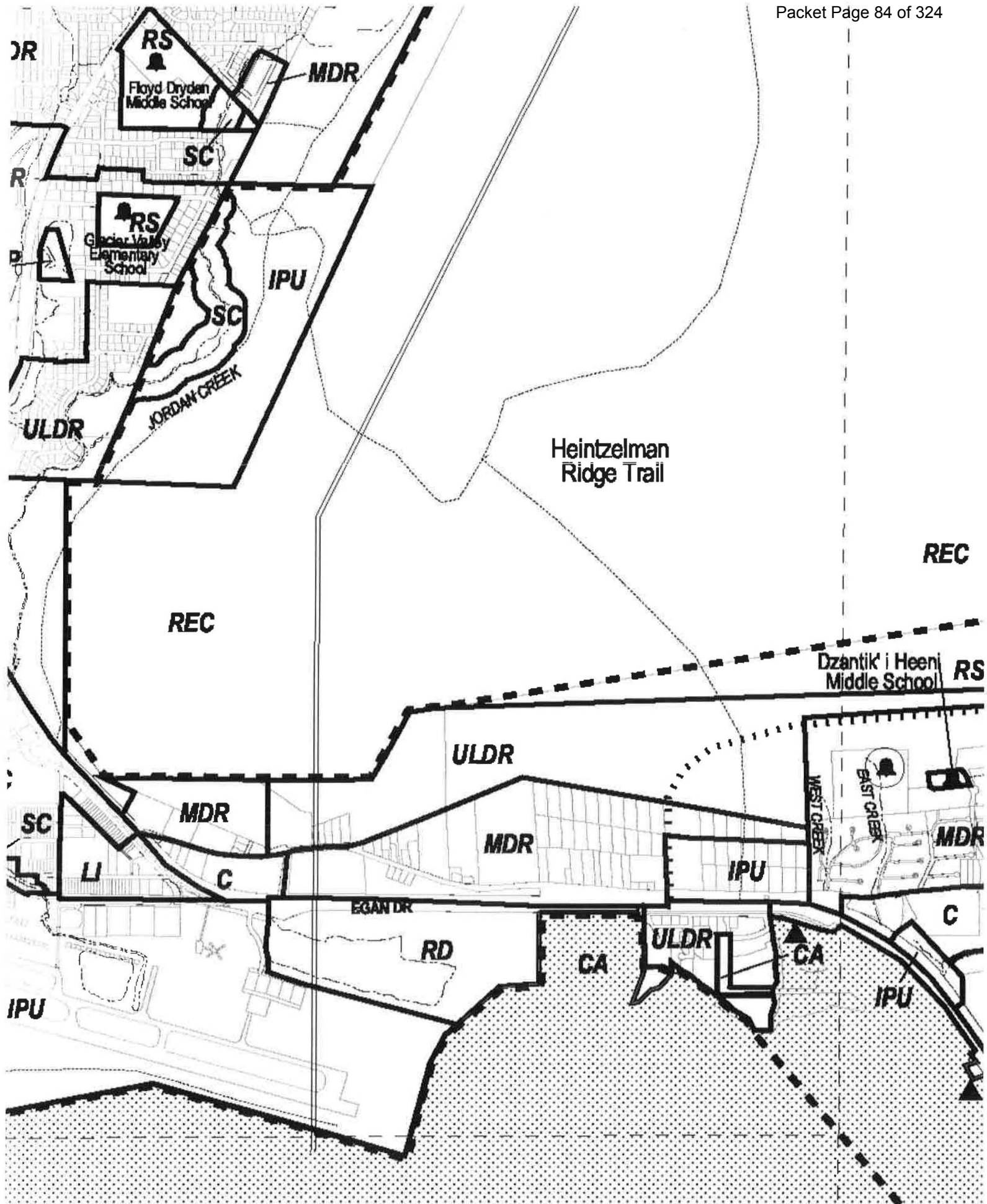
You must submit your application(s) in person with payment to:

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

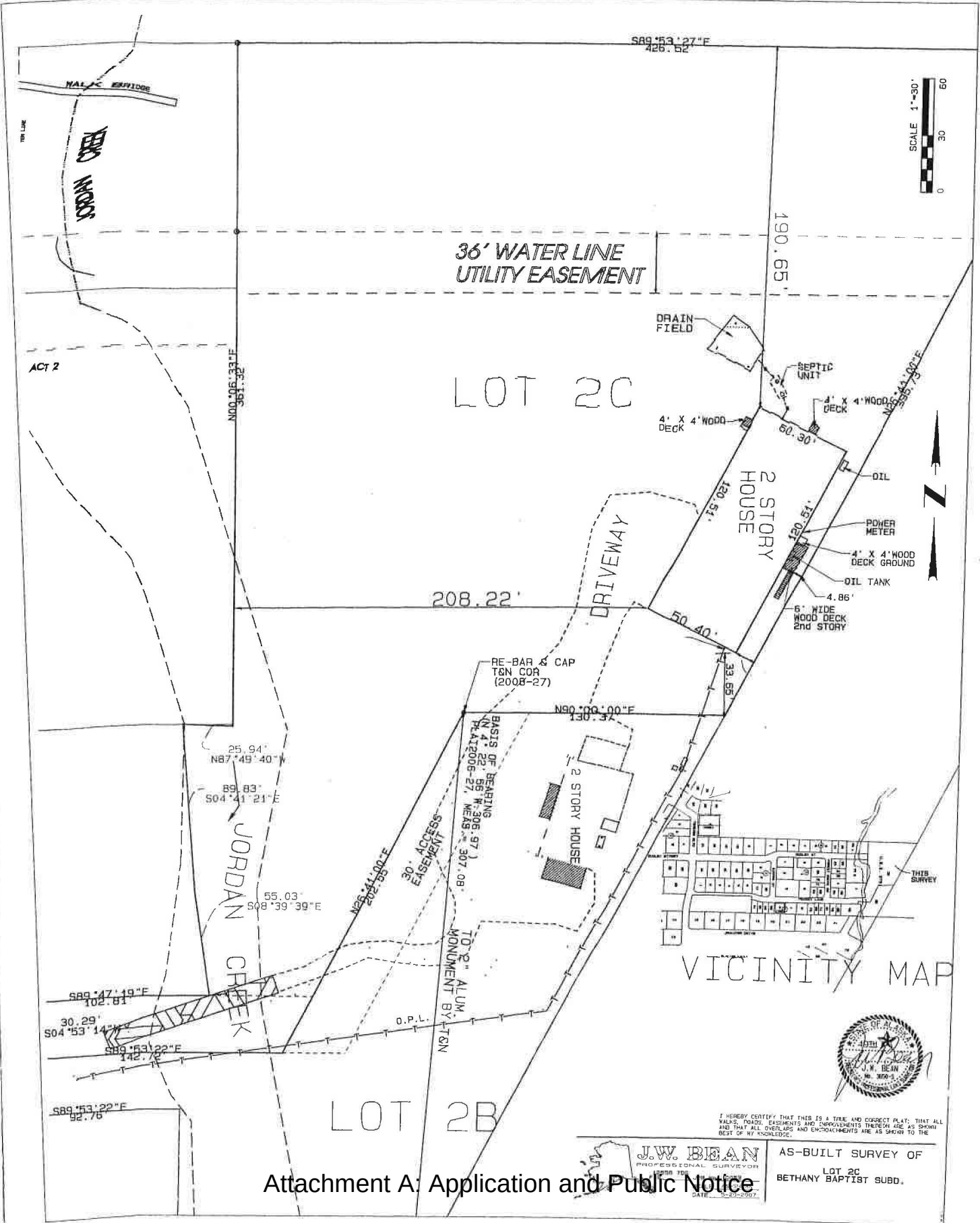
Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd



Prepared by: Community Development Department



Attachment A: Application and Public Notice

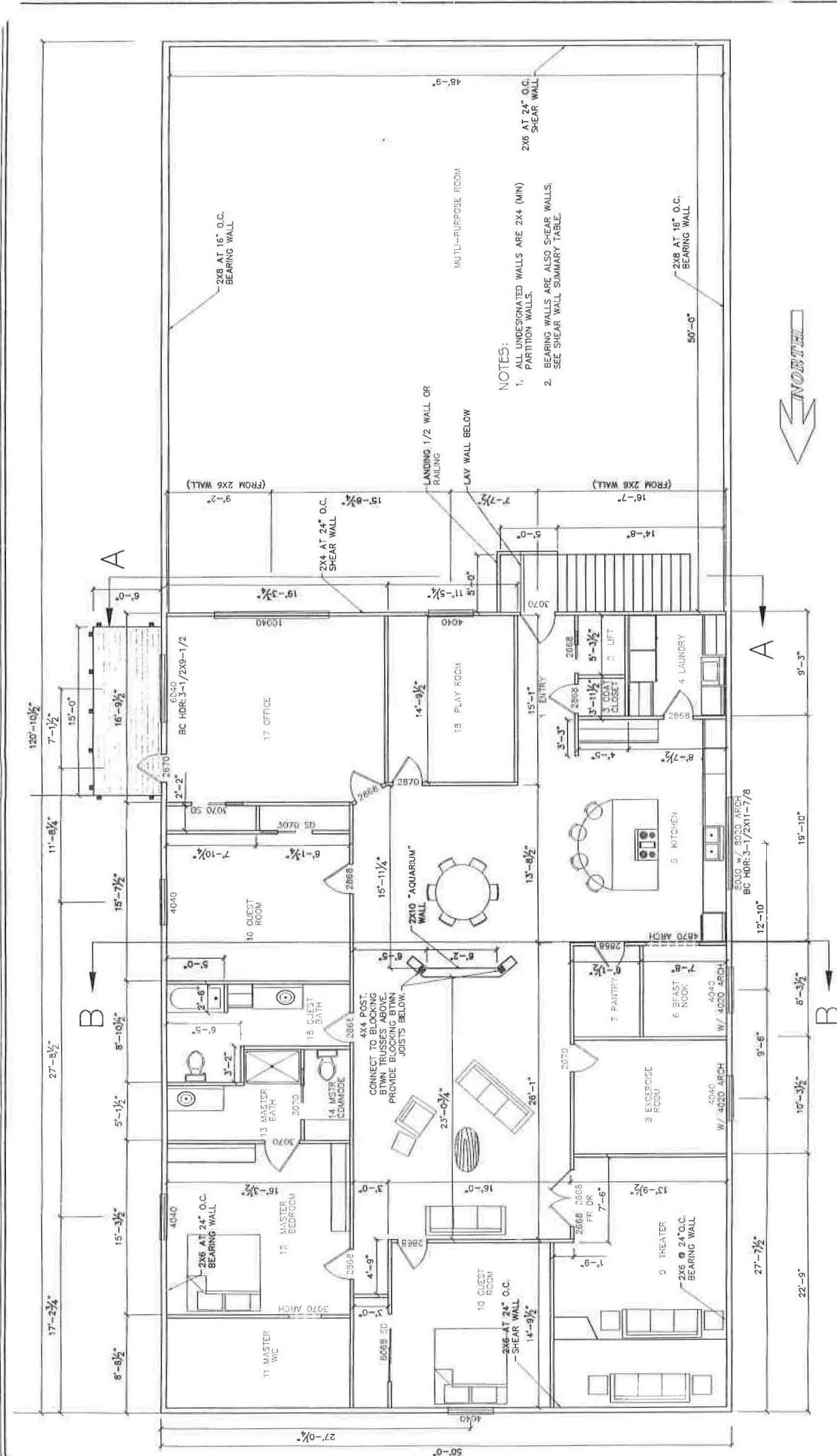


Attachment A: Application and Public Notice

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS AND ENCROACHMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

J.W. BEAN
PROFESSIONAL SURVEYOR
J.W. BEAN
No. 3650-1
DATE: 5-20-2007

AS-BUILT SURVEY OF
LOT 2C
BETHANY BAPTIST SUBD.



SCALE: 1/8"=1'-0"

3 of 11

PENROSE HOUSE

Forest Lane

SECOND FLOOR PLAN

Admiralty Engineering

Consulting Engineer

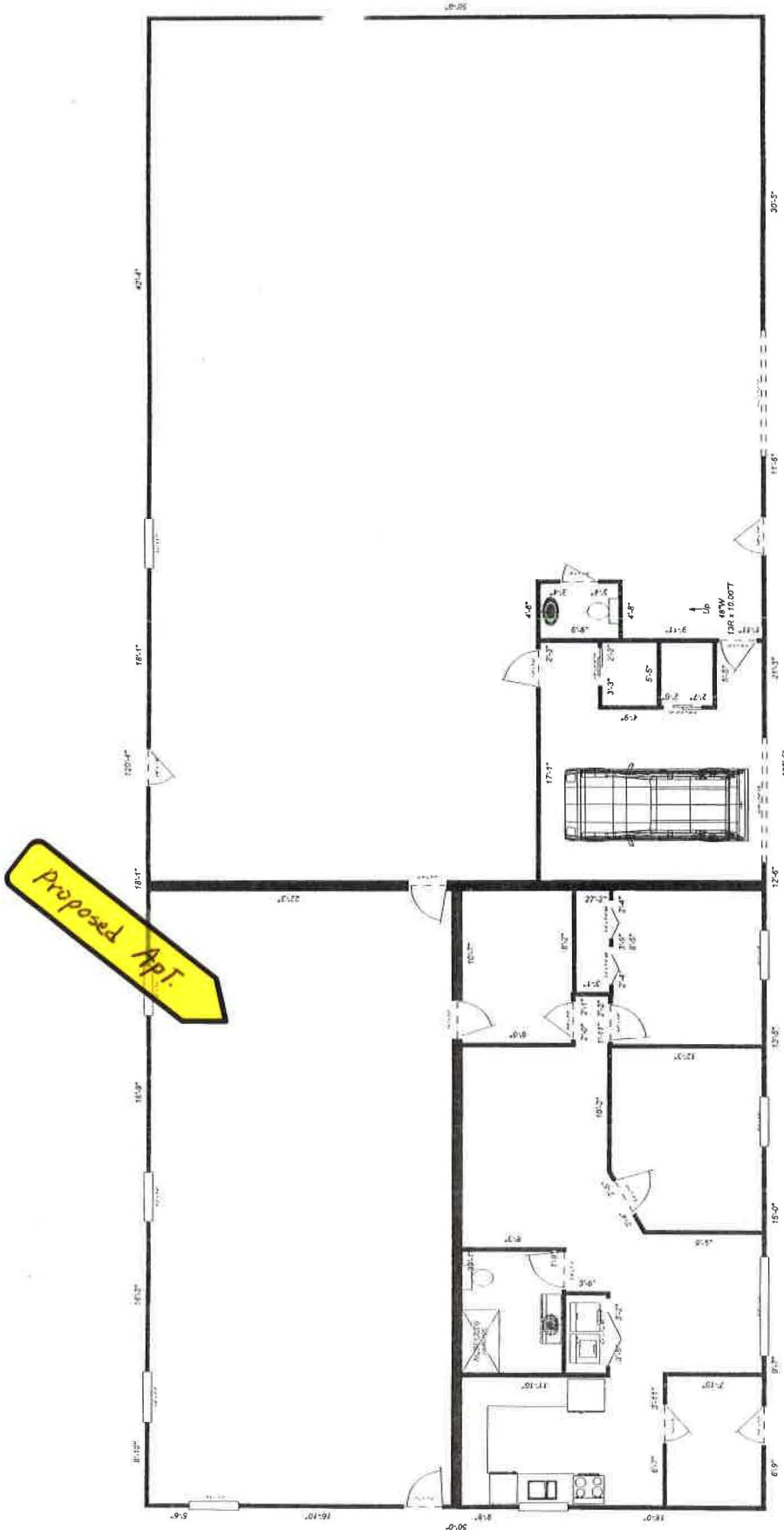
25500 E. MELLESEY AVENUE
015 ORCHARD WA 99027
PH/FAX (509) 927-4862

DATE: _____ BY: _____

REVISIONS: _____

27'-0 1/2" x 50'-0"

Attachment A: Application and Public Notice



Parcel #	Street Address	Legal Description 1
5B2101600110	FOREST LN 8485	BETHANY BAPTIST LT 2C

Owner's Name and Address

DANIEL A PENROSE & SHIRLEY PENROSE
 9105 MENDENHALL MALL RD UNIT 146
 JUNEAU AK
 99801

Previous Owner	Site Value	Building PV	Total PV
THOMAS & NICOLE PENR	\$ 126300.00	\$ 567300.00	\$ 693600.00

Use Code	Exempt	Zoning	Tax Year
Residence w/Apartment	No Data	-Single Family and Duplex -7,000 sq.ft minimum lot size -5 units per acre	2017

Number of Units	Year Built	Gross Living Area
002	2006	004750 sq.ft.

Garage	Garage Area	Lot Size	Last Trans
Yes	002625 sq.ft.	138976.00 sq. ft.	0608

City Water Available	City Sewer Available
Yes	Yes

Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

Back

Zone Change Application Instructions

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau staff to discuss the proposed Zone Change, the permit procedure and the application fee. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at Permits@ci.juneau.ak.us.

Application: An application for a Zone Change will not be accepted by the Community Development Department until it is determined to be complete. **A developer or property owner may apply for a Zone Change only in the months of January and July.** The items needed for a complete application are:

Forms: A completed Zone Change Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee for Zone Change Application is \$600.00. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

Project Description: A detailed letter or narrative describing the purpose for the requested change.

Plans: A traffic study may be required for zone changes. A site plan, drawn to scale, is required for all Zone Change Applications. The site plan should include the following information:

- A. The boundaries of the existing and proposed zone change and proposed buffers;
- B. The location of existing structures (i.e. buildings, fences, signs, parking areas, etc.); and
- C. The location of existing physical features of the site (i.e. drainage, topography, eagle trees, hazard areas, salmon streams, wetlands, etc.).

Document Format: All information that is submitted as part of an application shall be submitted in 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" (Unless a larger paper size is preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Zone Change Application request, the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department will coordinate the review of this application by other agencies, as necessary. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed Zone Change.

Hearing: All Zone Change Applications must be reviewed by the Planning Commission who sends a recommendation to the Assembly. Once an application has been reviewed by all applicable parties the Community Development Department will schedule the zone change for the next appropriate Planning Commission meeting. Following a recommendation of approval by the Planning Commission, the Community Development Department will coordinate the zone change review by the Assembly. In order for zone changes to become effective, they must be adopted by ordinance by the CBJ Assembly.

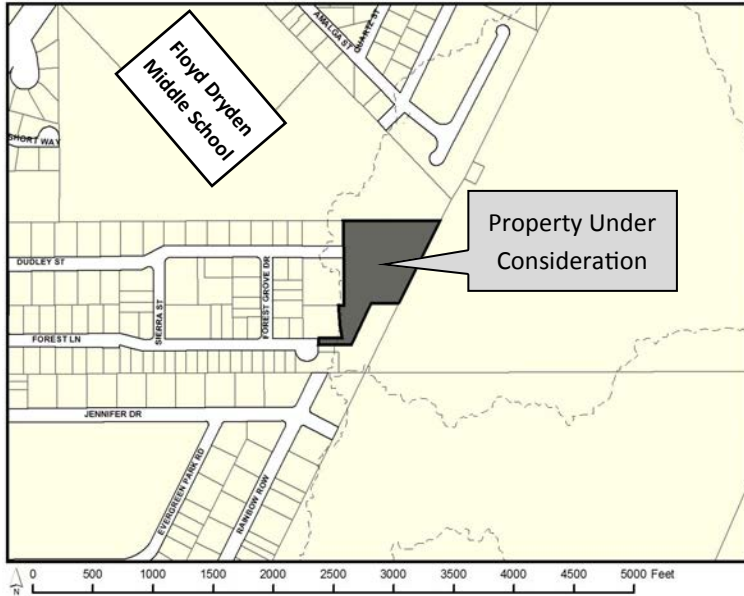
Public Notice Responsibilities: As part of the Zone Change process, all requests must be given proper public notice, which consists of the following:

Community Development Department: Will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

Applicant: Will post a sign on the site at least 14-days prior to the meeting. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

NOTICE OF NEIGHBORHOOD MEETING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



Notice of Neighborhood Information Meeting for a Proposed Rezone of a Forest Lane Property

Mendenhall Valley Public Library

Monday, September 18th, 7:00 to 8:00 pm

Dear Resident,

The **CBJ Community Development Department** is hosting a neighborhood meeting to discuss AME2017 0012, a proposal by the owners to rezone the property at 8485 Forest Lane from D5 (single family residential, 5 dwelling units per acre) to D10 (multi-family residential, 10 dwelling units per acre). We encourage you to share your comments, questions, and any concerns on **Monday, September 18th, from 7:00 to 8:00 pm at the Valley Library large meeting room.**

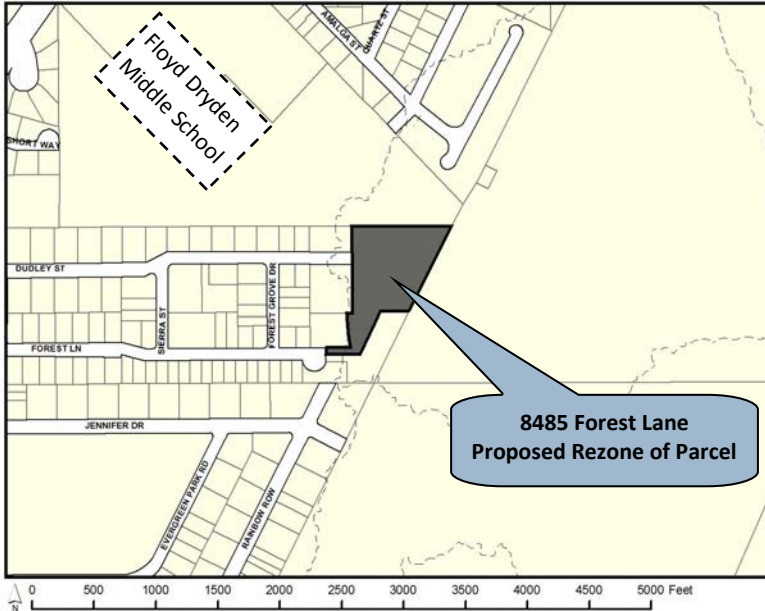
If you are not able to attend the meeting but would like more information or to offer your comments, please contact Jill Maclean, Community Development Planner, at 586-0756 or by email at jill.maclean@juneau.org.

The proposal, AME2017 0012, has not yet been scheduled for **review by the Planning Commission**, however once it is scheduled to be heard, all landowners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify on the proposal.

Date notice was printed: September 6, 2017

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Rezone** of the property located at **8485 Forest Lane** from **D5** (single family residential, 5 dwelling units per acre) to **D10** (multi-family residential, 10 dwelling units per acre).

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through Sept. 14, 2017

Your comments to the Planner, Jill Maclean will be included in the staff report.

Sept. 15 through 3 pm, Sept. 26

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, September 26, 2017

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

September 27

The results of the hearing will be posted online.

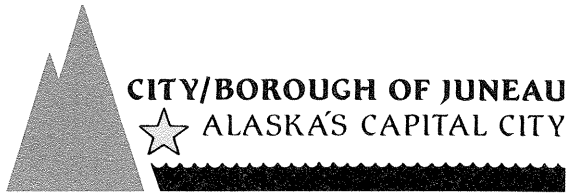
Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Attachment A: Application and Public Notice

Case No.: AME20170012
Parcel No.: 5B2101600110
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: September 7, 2017



Attachment C: Aerial Photo



January 28, 2011

Dominion Due Diligence Group
Attn.: Daniel Walton
4121 Cox Road
Glen Allen, WA 23060

RE: Zoning Verification Letter for 3601 Amalga Street.

File No.: LZC2011 0001
Parcel No.: 5-B24-0-103-005-0
Legal Description: Fraction of USS 2084 Lot 6
Property Address: 3601 Amalga Street

Dear Mr. Walton,

This letter is in response to your inquiry for a zoning verification letter.

Property Information

The property in question is located at 3601 Amalga Street and the current use is a fifty-two unit apartment complex that consists of thirteen separate buildings which were built in 1982 prior to current zoning. The parcel is 280,962 square feet (6.45 acres) in size.

Zoning Information

The property is zoned D5. CBJ§49.25.210(c) Residential Districts, states the D5 district “*is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.*”

Legal Non-conforming

This parcel was developed as a Planned Unit Development (PUD) and exceeds current zoning code regulations for density.

CBJ§49.15.670 Planned unit development design standards.

(g) *Density.*

(1) *The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the planned unit development and rounding to the nearest whole number.*

Attachment D: Zoning Verification

155 So. Seward Street, Juneau, Alaska 99801-1397

Dominion Due Diligence Group
 Attn.: Daniel Walton
 File No.: LZC2011 0001
 January 28, 2011
 Page 2 of 3

In this case, the overall lot size is 280,962 square feet. Maximum density for the D5 zones is 5 units per acre. With an allowed density bonus, the maximum number of units allowed under current code would be 37 units. Coho Apartments exceeds the maximum allowed density by 15 units under current code regulations. However, section CBJ§49.30.100 authorizes nonconforming situations that were lawful when originally permitted to continue to operate as permitted.

CBJ§49.30.100 Unless otherwise specifically provided in this chapter and subject to the restrictions and qualifications set forth in sections 49.30.200—49.30.700, nonconforming situations that were otherwise lawful on the effective date of the ordinance codified in this chapter may be continued.

Reconstruction

Section CBJ§49.30.500(a) allows a multi-family building to be reconstructed providing that the reconstruction costs do not exceed 75% of total cost to replace the entire building, exclusive of foundations. If any buildings were destroyed beyond 75% a Conditional Use permit would be required per CBJ§49.30.500(c).

CBJ§49.30.500(c) The commission, through the conditional use permit process, may allow the replacement or reconstruction of a multifamily dwelling in any multifamily residential, general commercial, light commercial, mixed use, or waterfront commercial district when the dwelling is damaged by any involuntary change, including fire, flood, landslide, avalanche, or earthquake, and the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundations, using new materials, provided the intended use of the building is the same as, or less intensive than, the prior use. The determination of whether a building is destroyed to the extent described shall be made by the building official. A building may be replaced or reconstructed under this subsection with the same number of off-street parking spaces as were provided for the original building unless additional spaces are required under the Federal Americans with Disabilities Act. Nothing in this subsection constitutes an approval or waiver of an encroachment of the building or its footprint or projections beyond the footprint into a required yard, nor does it authorize the building or projections beyond the footprint of the building to be replaced or reconstructed so as to encroach into a required yard, except as provided in subsection 49.25.430(5). Nothing in this subsection waives any other applicable laws or regulations, including title 19, the building regulations code; and title 49, the land use code.

Zoning Enforcement

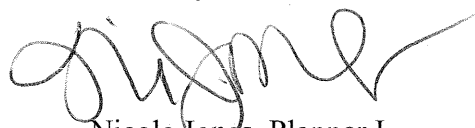
Lastly, there are no open or on-going enforcement cases for zoning or building compliance and this property is not pending a change of zoning.

Dominion Due Diligence Group
Attn.: Daniel Walton
File No.: LZC2011 0001
January 28, 2011
Page 3 of 3

Conclusion

I have included the information that you outlined in your request, dated January 14, 2011 which verifies that the Chinook Apartments complies with the current applicable zoning requirements. It has been a pleasure to work with you on this request. Should you have additional questions, please do not hesitate to contact me and I will be happy to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicole Jones', with a long, sweeping horizontal line extending to the right.

Nicole Jones, Planner I
Community Development Department
Ph: (907) 586-0218
E-mail: Nicole_Jones@ci.juneau.ak.us

cc: File

TABLE 49.25.300
TABLE OF PERMISSIBLE USES - CBJ 49.25.300

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
	1.120	Single-family detached, two dwellings per lot	1	1	1											
	1.130	Single-family detached, accessory apartments ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.140	Single-family detached, two dwelling per lot, accessory apartment ^x	1, 3	1, 3	1, 3											
1.200	Duplex		1	1	1	1	1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.500	Child and Day care homes															
	1.510	Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1			

			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	1.520	Reserved															
	1.530	Adult; 12 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540	Reserved															
1.550		Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3			
1.600		Miscellaneous, rooms for rent situations															
	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 ^N		
	1.620	Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700		Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800		Mobile homes															

			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	1.810	Residential mobile homes on individual lots ^E	3	3	3												
	1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks ^E					3	3	3	3	3	3					
	1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks ^F	3 ^F	3 _F	3 _F												
1.900		Common wall development															
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.920	Three or more dwelling units					1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3			

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ^G															
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods															
2.110	<i>Reserved</i>															
2.120	Miscellaneous									1	1	1	1	3 ^N	3 ^N	3
2.130	Marine merchandise and equipment	3 ^T								1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods									1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	3
2.300	Marijuana retail store	3								3	3	3	3	3	3	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G															
3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N		
3.200	<i>Reserved</i>															

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
3.300	Research, laboratory uses	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
3.400	Offices greater than 2,500 square feet									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N		3 ^S
3.500	Marijuana testing facility	3								3	3	3	3			3
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G															
4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
4.070	Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
4.100	Heavy manufacturing	3 ^T	3 _Q												3 ^N	3
4.150	Rock crusher	3 ^T	1	1											3 ^N	3

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
			Q	Q												
4.200	Storage of explosives and ammunition	3													3 ^N	3
4.210	Seafood processing	3 ^T												3	1, 3	1, 3
4.220	Marijuana product manufacturing facility	3 _{AC}									3	3				3
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES															
5.100	Schools															
	5.110 Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120 Trade, vocational schools, commercial schools	3 ^T								3	3	3	3	3 ^N	3 ^N	3
	5.130 Colleges, universities	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
5.200	Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
5.300	Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N		
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100	Indoor activity conducted entirely within building or substantial structure															
6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
6.130	Theaters seating for 200 or fewer	3 ^T						3	3	1	1	1	1	3 ^N		3
6.135	Theaters seating from 201 to 1,000									3	1	1	1	3 ^N		3
6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3 ^N		

			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	6.150	Indoor shooting range	1, 3									3					3
6.200	Outdoor activity conducted outside enclosed buildings or structures																
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3 ^N		3
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3 ^N		3
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3
	6.250	<i>Reserved</i>															
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264	Capacity for up to 20 people ^w	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N	
	6.266	Capacity for more than 20 people ^w	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I						
	6.270	Aerial conveyances and appurtenant facilities										3	3	3	3	3	3	3	3 ^N	3 ^N	3	
	6.280	Shooting ranges										3									3	
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																					
7.100	Hospital																					
7.150	Health care clinics, other medical treatment facilities providing out-patient care																					
7.200	Assisted living											3	3	3	3	3	3	3	3	3	3	
7.300	Day care centers															3	3	3	1, 3	1, 3	1, 3	
7.310	Child care centers										3	3	3	3	3	3	3	3	3	3	3	3
7.500	Correctional facilities										3	3	3	3	3	3	3	3	3	3	3	3
8.000	RESTAURANTS, BARS, NIGHTCLUBS																					

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T					3	3	3	1	1	1	1	1 ^N		3
8.100	Restaurants, bars without drive through service	3 ^T								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 ^N , 3 ^N	3 ^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3 ^T								3	1					1
9.300	Car wash									3	1					1

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
9.400	Boat sales or rental	3 ^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3 ^T									3			1	1	1
9.500	Marine fuel, water sanitation	3 ^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	STORAGE, PARKING, MOORAGE															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
10.210	All storage within completely enclosed structures	1, 3	3							3	1	1 ^U , 3 ^U	1 ^U , 3 ^U	1 ^N , 3 ^N	1 ^N	1
10.220	General storage inside or outside enclosed structures	1, 3	3								1, 3			1 ^N , 3	1 ^N	1

			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
															N		
	10.230	Snow storage basin															
	10.232	Neighborhood, less than ½ acre	3	3	3 _z	3 _z	3 _z	3 _z	3 _z	3 _z	3 _z	1			3 ^z	1	1
	10.235	Regional, ½ to 1 acre	3	3	3 _z						3 _z	3			3 ^z	1	1
	10.237	Area wide, over 1 acre	3	3 _z	3 _z							3 ^z				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot		1, 3	3								1, 3			1 ^N , 3 _N	1 ^N , 3 _N	1
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time		1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1
10.500	Moorage																
	10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3

			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation		3	3	3										3	3	
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT																
11.100	Recycling operations																
	11.110	Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1
	11.120	Enclosed structures for recyclable materials collection	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	3	3	1	1 ^P
	11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure														1 ^N	1
11.200	Reclamation landfill not associated with a specific use		1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
11.300	Sanitary landfill		3														3

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS															
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1
12.200	Kennel	3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N		3
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
	14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220 Including farm animals ^M	1, 3	3													1, 3
	14.230 Stabling of farm animals ^M	3	3	3	3					3	3					1, 3
	14.240 Marijuana cultivation (500 square feet or more under cultivation)	3								3	3					3
	14.245 Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 AB							3	3					3
14.250	Personal use agriculture															
	14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.300	Silviculture and timber harvesting ^j	3	3													3
14.400	Mining operations	2, 3 ^k	3	3										3 ^N	3 ^N	2
14.500	Sand and gravel operations ^l	3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3 ^N	3 ^N	3
15.500	Heliports, helipads	3									3			3 ^N	3 ^N	3
15.600	Transit facilities															

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I	
	15.610	Transit center															1, 3
	15.620	Transit station															1
	15.630	Park and ride not associated with transit station															1
15.700	Public works facility															1, 3	
16.000	DRY CLEANER, LAUNDROMAT																
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process															1, 3 ^N	
16.200	Full service onsite laundry and/or dry cleaning															1, 3 ^N	
17.000	UTILITY FACILITIES																
17.100	Minor															1	

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															
18.000	TOWERS AND RELATED STRUCTURES															
18.100 AA	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200 AA	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300 AA	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ^R	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities	See CBJ 49.65, Wireless Communication Facilities														
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES															

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
19.100	Open air markets (farm, craft, flea, and produce)	1, 3	1, 3							1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
19.200	Nurseries, commercial greenhouses															
	19.210 Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V			1
	19.220 Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V			1
	19.230 Marijuana cultivation (500 square feet or more under cultivation)	3								3	3					3
	19.240 Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 _{AB}							3	3					3
20.000	CEMETERY, CREMATORIUM, MORTUARY															
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium	3														1, 3

		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 ^N		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

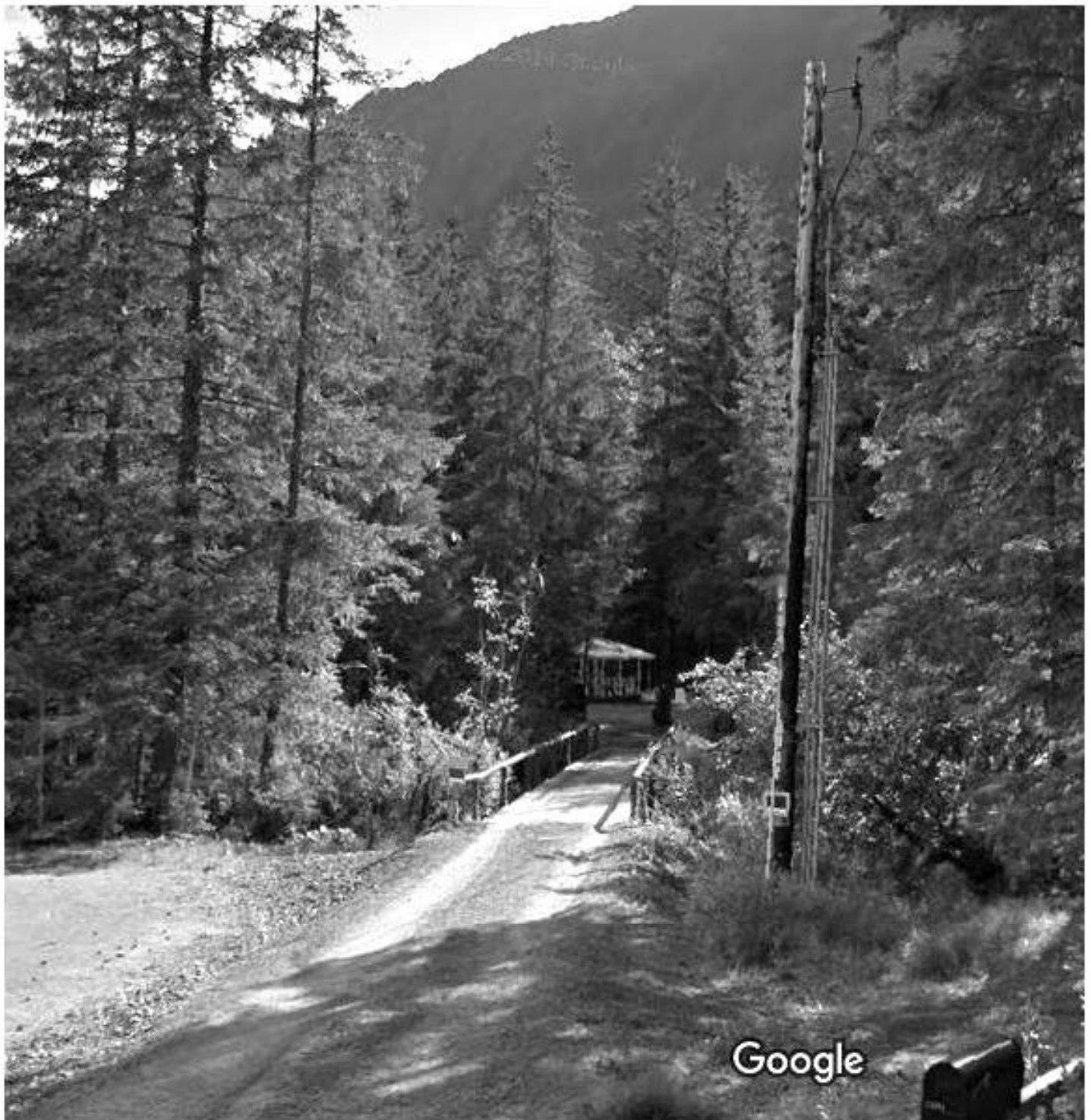
Key:

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

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 10	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 10	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					



Attachment G: Existing Access Bridge

From: Zafian, Holly K (DFG)
To: [Jill Maclean](#)
Cc: [Timothy, Jackie L \(DFG\)](#); [Sell, Stephanie K \(DFG\)](#); [Teske, Daniel J \(DFG\)](#)
Subject: FW: Rezone 8485 Forest Lane
Date: Friday, September 15, 2017 3:48:32 PM
Attachments: [image002.png](#)
[APP_AME17-12.pdf](#)

Good afternoon,

The Alaska Department of Fish and Game (ADF&G) reviewed the application submitted to the City and Borough of Juneau (CBJ) which requests to re-zone a 3.12 acre parcel located along Jordan Creek at 8485 Forest Lane in order to create a second accessory dwelling unit (apartment) out of an existing shop. The existing structure consists of a 3,500 sq. ft home, a 2,500 sq. ft garage/multi-purpose room, a 1,250 sq. ft apartment, and a 1,250 sq. ft shop area. In order to meet borough zoning code with the proposed second apartment on site, the applicant has applied to change the zoning for D5 to D10.

The CBJ Land Use Code 49.25.210 (c) states, “the D-5 residential district is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.” Land Use Code 49.25.210 (e) states, “The D-10 and D-15, residential districts, are intended to accommodate primarily multifamily residential development at ten and 15 units per acre respectively. These are relatively low-density multifamily districts.” It is our understanding that re-zoning the subject parcel to D10 would allow for up to 32 family dwelling units on this parcel.

Jordan Creek is catalogued by ADF&G as important habitat for anadromous fish species (AWC 111-50-10620). Activities occurring below the ordinary high water mark of Jordan Creek that could affect the spawning, rearing, or migration of anadromous fishes, or potentially provide blockages to the efficient passage of resident fish species, are regulated by state law and require a Fish Habitat Permit from ADF&G- Division of Habitat. The applicant should contact ADF&G-Division of Habitat Douglas office at (907) 465-4105 if they plan to repair or replace the bridge over Jordan Creek.

The habitat along Jordan Creek is known to have bear and beaver activity. A 32-unit apartment complex would produce an amount of garbage that would likely attract bears. All bear attractants, including food and garbage, should be stored in bear-proof containers or in a garage. The applicant can pro-actively avoid flooding and other property damage caused by beavers and beaver damming by placing hardware cloth or metal 1-2 feet up the base of trees in and around the creek, building future homes above potential flood lines, and installing beaver barriers that allow for fish passage on small culverts that may be susceptible to damming. Questions regarding wildlife in this area can be directed to ADF&G-Division of Wildlife Area Management Biologist, Stephanie Sell at 465-4266 or Stephanie.sell@alaska.gov.

Thank you for the opportunity to review and comment on this proposal. Please contact me if you have any questions regarding our comments.

Holly Zafian
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518
Phone 907-267-2292
Fax 907-267-2859
Email holly.zafian@alaska.gov

From: Jill Maclean [<mailto:Jill.Maclean@juneau.org>]
Sent: Friday, September 01, 2017 2:14 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Mercer; Greg Chaney; Dan Bleidorn; Timothy, Jackie L (DFG); Sell, Stephanie K (DFG); Roger Healy; Robin Potter
Subject: Rezone 8485 Forest Lane

Good afternoon,

Attached please find an application for a rezone request at 8485 Forest Lane from D5 to D10. Please note that Jordan Creek runs through this property, and a good portion of the property is located within an AE flood zone. The existing single-family dwelling and accessory unit are accessed via a bridge, which is shared with the existing dwelling located at 8484 Forest Lane.

A neighborhood meeting is scheduled for Monday, September 18th at 7pm at the Mendenhall Valley Public Library.

Please return your comments on this application to me by September 15th.

Thank you,

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



AME2017 0012

Neighborhood Meeting Notes – Proposed Rezone at 8485 Forest Lane

Materials Provided:

- Sign In Sheet
- PowerPoint Presentation

Presentation began at 7 p.m. by Jill Maclean, AICP, Senior Planner.

Laura Boyce, AICP, Senior Planner.

Jill went through the presentation, explaining the rezone process. She then went over the property details and explained that the current zoning only allows single-family and duplex development; only two units may be constructed on the property and the applicant wants a third unit. Jill explained that rezones cannot be conditioned unless they pertain to health and safety aspects, such as with safe and adequate access. Jordan Creek and the difference between the floodway and the floodplain were explained to the audience. Development may occur if development is above the base flood elevation. Maximum density on the property could be 32 multifamily dwelling units if the property is rezoned to D-10.

Question from the audience: Are those 32 dwelling units allowed outright?

Answer: Nine or more multifamily units require a conditional use permit approval by the Planning Commission.

Jill explained the ULDR designation of the Comprehensive Plan and how it applies to the property. She explained that the requested zone district of D-10, which could allow up to ten dwelling units per acre, is not consistent with the upper density limit established with the ULDR designation of six dwelling units/acre. Jill explained that staff will be recommending denial for this rezone request.

The dimensional standards of both D-5 and D-10 were explained, as well as the uses allowed in each district.

Jill covered the potential traffic impacts generated by the maximum density allowed in D-10. There were many statements of concern and questions from the audience about this, such as the following:

- Dudley Street and Forest Lane are 18 feet width with no sidewalks. They are not safe for additional traffic.
- JPD is aware of the amount of people already running the traffic signs and speeding.
- One person wanted to know if the development would trigger needed upgrades to Dudley Street and Forest Lane.
- Would an Army Corps Permit be needed for any development activity?
- There were many questions about fire standards, especially concerning the (perceived) inadequate existing bridge for access.

- Someone asked if the property owner wanted to extend Dudley Street to their property, what would be involved? Jill answered that it would have to be constructed to CBJ standards in order for the CBJ to take ownership and responsibility for it.
- Residents stated they have 91 residents in the neighborhood, along with five businesses operated out of homes, and the area cannot handle any additional traffic.
- Another gentleman asked if there are any recent traffic studies for the area.

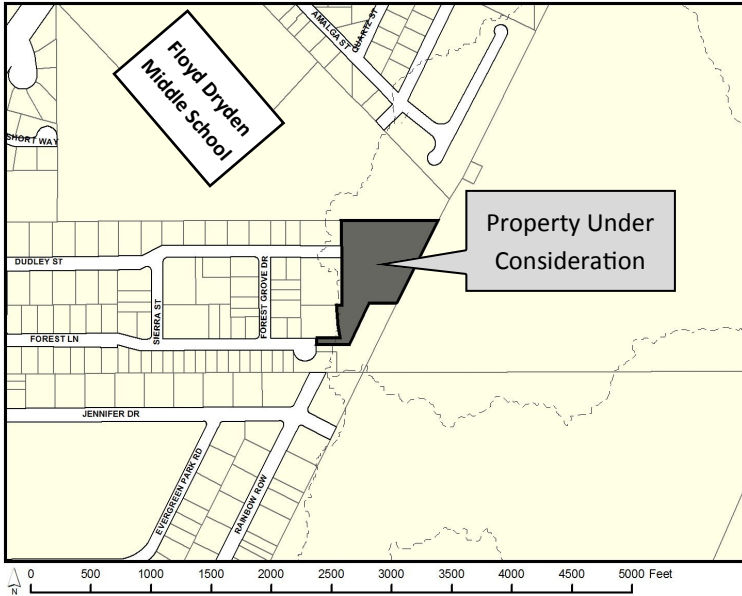
The attendees also indicated that they did not have enough time to prepare a formal petition or public input since the hearing is next week. They asked if it is possible for the hearing to be postponed until the following meeting. Jill stated that the comments would be included in the staff report. The attendees stated they would like Jill to email the staff report when it is complete so that they may prepare for the hearing.

The meeting closed at 7 p.m.

AME 2017-0012 - 8485 Forest Lane Rezone Proposal - Neighborhood Meeting

Name	Email	Address
Nancy Eiler	thealaskaeilers@gmail.com	8685 Dudley St. Juneau
Lance Greer	AKlgreer@gmail.com	8751 Dudley St.
Bruce Bowler	cozylog@alaska.net	8668 Dudley St
Judy Bowler	"	"
Marciano Duran Jr.	marcsduran19@gmail.com	2719 David St.
Ann Liebergesell	ann.liebergesell@yahoo.com	8673 Dudley St
Paul DeSlover	pdeslover@yahoo.com	3519 FOREST GROVE
LAURA BOYCE	STAFF	
JILL MACLEAN	STAFF	
Clinton + Michelle Singletary	singcd@gmail.com	8675 Dudley St
Carolyn + Mike Fox	foxhouse@gsi.net	3502 Sierra St
Dave & Susan Downey	alaskastartlere@gsi.net	8655 Dudley St.
Mike Clemens	mjclemens@alaskan.com	8676 Dudley St.
Bill Ballard	bill.ballard@me.com	8690 Dudley St

NOTICE OF NEIGHBORHOOD MEETING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



Notice of Neighborhood Information Meeting for a Proposed Rezone of a Forest Lane Property

Mendenhall Valley Public Library

Monday, September 18th, 7:00 to 8:00 pm

Dear Resident,

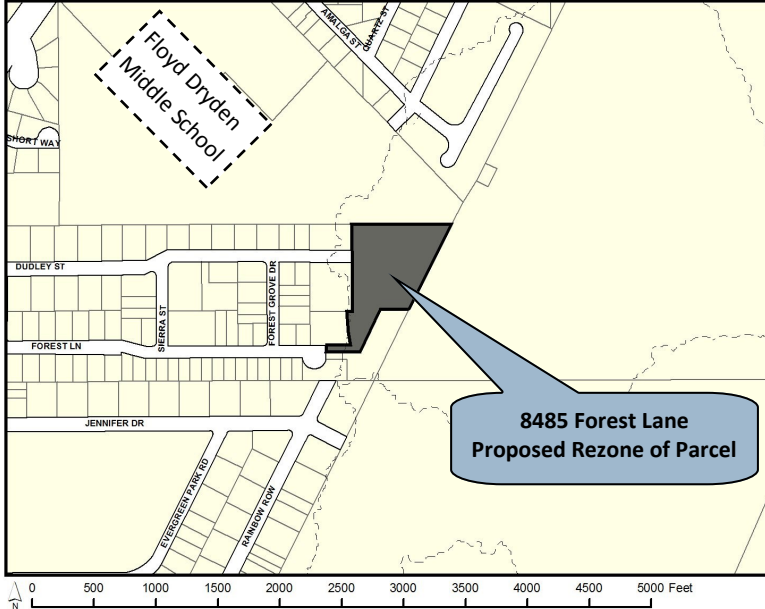
The **CBJ Community Development Department** is hosting a neighborhood meeting to discuss AME2017 0012, a proposal by the owners to rezone the property at 8485 Forest Lane from D5 (single family residential, 5 dwelling units per acre) to D10 (multi-family residential, 10 dwelling units per acre). We encourage you to share your comments, questions, and any concerns on **Monday, September 18th, from 7:00 to 8:00 pm at the Valley Library large meeting room.**

If you are not able to attend the meeting but would like more information or to offer your comments, please contact Jill Maclean, Community Development Planner, at 586-0756 or by email at jill.maclean@juneau.org.

The proposal, AME2017 0012, has not yet been scheduled for **review by the Planning Commission**, however once it is scheduled to be heard, all landowners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify on the proposal.

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Rezone** of the property located at **8485 Forest Lane** from **D5** (single family residential, 5 dwelling units per acre) to **D10** (multi-family residential, 10 dwelling units per acre).

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through Sept. 14, 2017

Your comments to the Planner, Jill Maclean will be included in the staff report.

Sept. 15 through 3 pm, Sept. 26

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, September 26, 2017

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

September 27

The results of the hearing will be posted online.

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

Case No.: AME20170012
Parcel No.: 5B2101600110
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: September 7, 2017



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

DATE: September 21, 2017

TO: Board of Adjustment

FROM: Jill Maclean, Senior Planner, AICP
Community Development Department

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

FILE NO.: ADP2017 0001

PROPOSAL: Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels. This property is located within the downtown Juneau ADOD.

GENERAL INFORMATION

Applicant: Pagan Hill and Rob Roys

Property Owner: Pagan Hill and Rob Roys

Property Address: 315 W. Eleventh Street, Juneau

Legal Description: Casey Shattuck Block 204, Lot 2

Parcel Code Number: 1C030C040021

Site Size: 3,600 sq. ft.

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

Zoning: D5

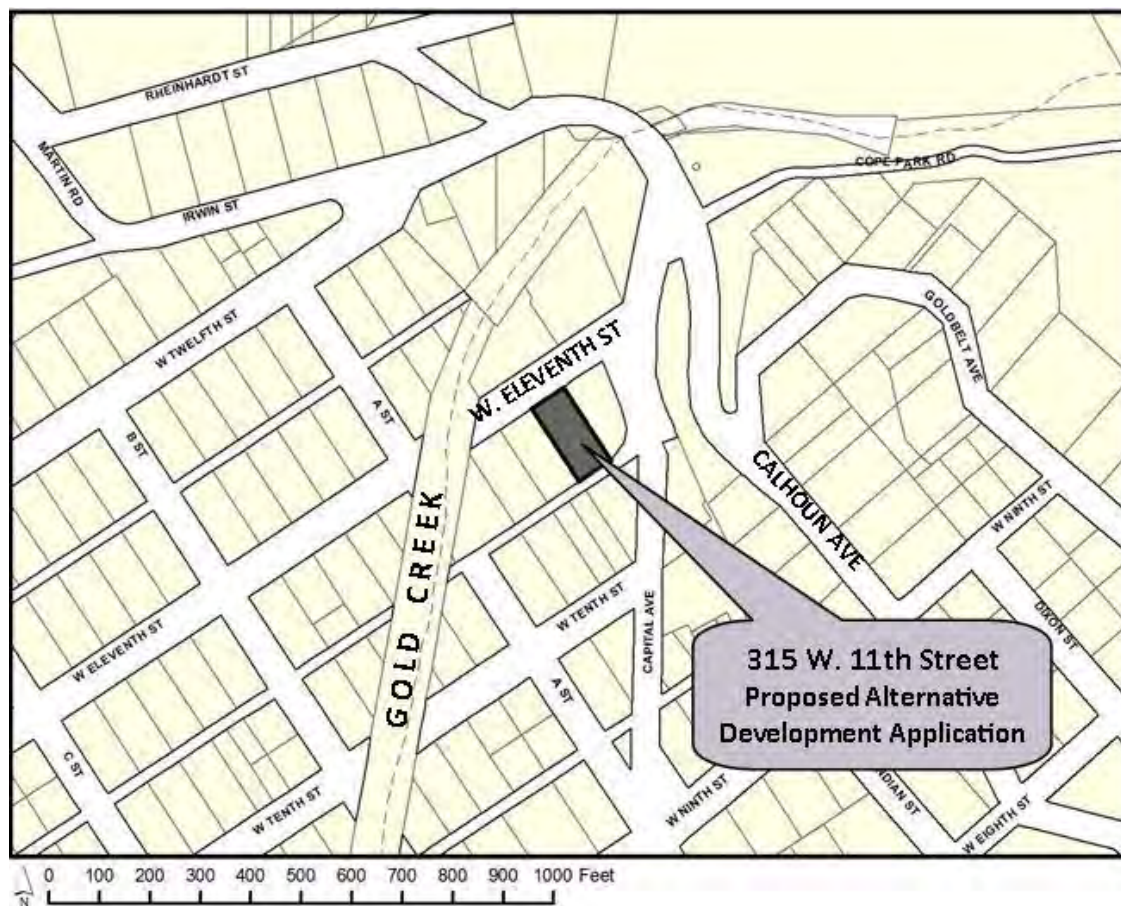
Utilities: CBJ Water / Sewer

Access: W. Eleventh Street

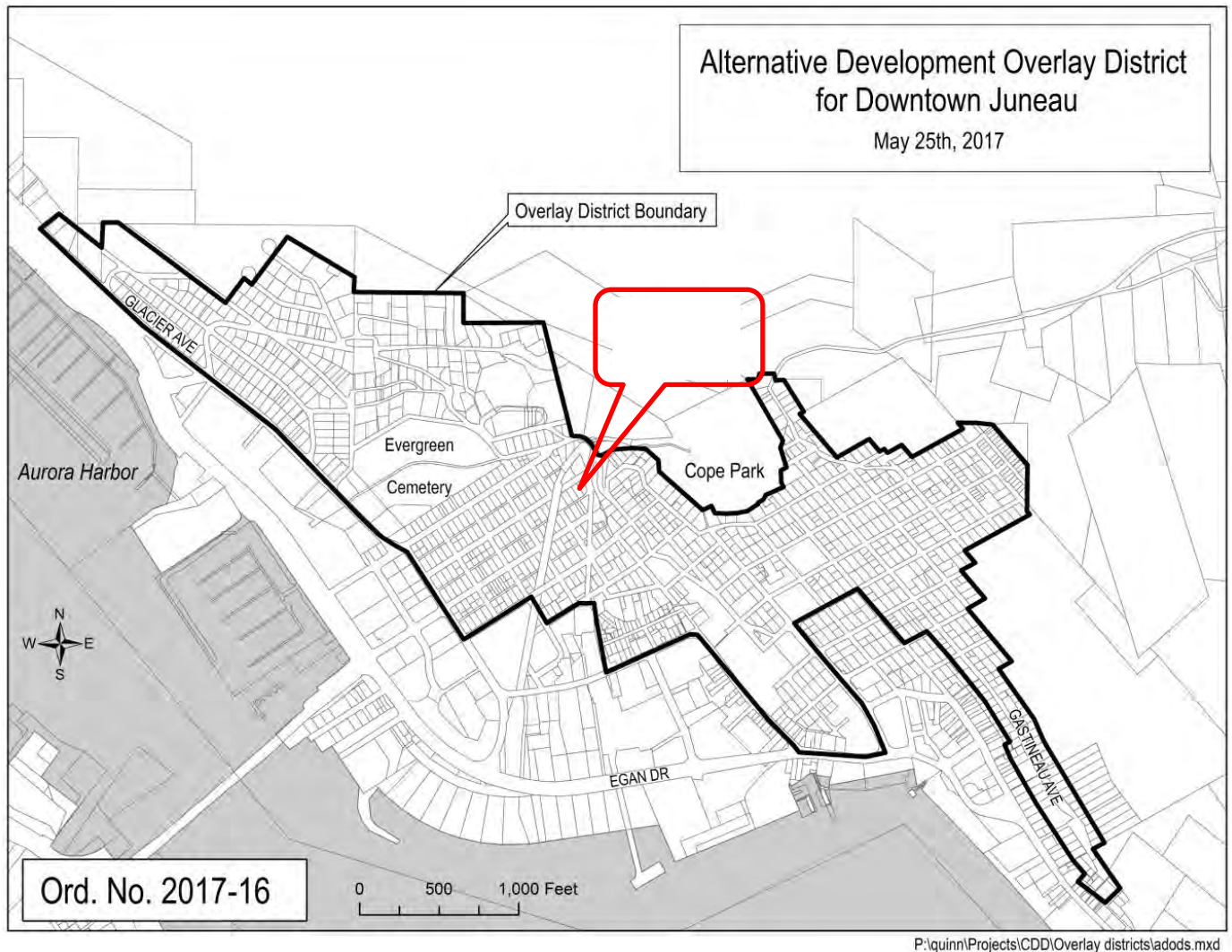
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Existing Land Use:	Single-family dwelling w/accessory apartment
Surrounding Land Use:	North - D18, Multi-family and Single-family dwellings South - D5, Single-family dwellings East - D18, Vacant CBJ property, Multi-family and Single-family dwellings West - D5, Single-family dwellings

VICINITY MAP



ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT MAP (Juneau)



ATTACHMENTS

Attachment A – Application and Public Notice

Attachment B – Site Photos

Attachment C – Ordinance 2017-16, Alternative Development Overlay District

Attachment D – Conditional Use Permit for an Accessory Apartment (AAP2016-0022)

Attachment E – Project Timeline

Attachment F – Staff Report AME2017-08

Attachment G – Planning Commission Minutes May 23, 2017

Attachment H – Public Comments

PROJECT DESCRIPTION

The subject parcel contains a newly constructed 3-story single-family dwelling with an attached accessory apartment (Attachment B - Site Photos). The applicant requests an Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels that encroaches nine inches into the setback. The development is located in the downtown Juneau Alternative Development Overlay District (see Attachment C).

BACKGROUND

The purpose of the Alternative Development Overlay District (ADOD) is to provide adequate minimum standards for the construction of new residential buildings and is intended to provide for the development of housing and **preserve the character of the neighborhoods** (emphasis added).

Under the ADOD, the Board of Adjustment has the authority to reduce the side yard setback by averaging corresponding side yard setbacks of residential buildings within a 150 foot radius as determined by the director. If any of the corresponding setbacks used in the averaging calculation is located a greater distance than the required setback of the underlying zoning (greater than 5 feet), then the standard setback of the underlying zoning (5 feet) will be used. If any of the corresponding setbacks used in the averaging calculation encroach into the public right of way or onto an adjacent property, then zero feet will be used in the averaging calculation for that setback.

In this instance, the applicant is seeking a reduction to the side yard setback. Based upon the averaging of the properties within a 150 foot radius, a side yard setback of 3.8 feet (see page 13 in Attachment A) may be granted through an Alternative Development Permit, if the Board of Adjustment finds that the residential development meets the requirements of the ADOD.

On April 10, 2001, the previous property owner(s) received a variance (VAR2001-00011) to reduce the front and rear yard setbacks from 20 feet to five feet. This development was not constructed, and the variance expired on October 10, 2002.

On October 11, 2016, the current property owners received a building permit for a new single-family residence. The permit was approved for zoning compliance on September 28, 2016, subject to the conditions listed below. This zoning compliance assured that the proposed location and height met zoning requirements. The required foundation setback verification form was issued on September 28, 2016, to allow the foundation to be poured. The setback verification form enabled the location of the foundation to be verified by a surveyor. To minimize permit costs to the applicant, a separate foundation permit was not required by CBJ.

The permit included two conditions per the zoning requirements:

- 1) That an approved Conditional Use Permit was required for the accessory apartment;
- 2) That the second and third story “bump out” enclosure was **not approved** (emphasis added). According to emails, the property owner and architect were informed of this on

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September 28, 2016. The notes indicate that that any design of the “bump out” had to raise the base of the window above floor height.

Additional information was needed regarding drainage, and therefore the building permit was not issued until October 11, 2016, when Engineering approved the drainage plan. The issued building permit approved the plans **without the “bump out” and indicated that revised plans would need to be submitted** (emphasis added).

The section of code that applies to the projection into the required side yard setback is CBJ 49.25.430(4)(B) Enclosures. In one of the emails to Tim Felstead, Planner II, CBJ 49.25.430(4)(A) “Architectural features” was referenced; however, the portion of the building that is under discussion **is not an architectural feature** (emphasis added) when considering which setback exception applies because it is an integral part of the building.

CBJ 49.25.430(4)(B) addresses bay windows, garden windows, chimney and ventilation shafts, and other similar enclosed structures that **do not increase the building’s floor area** (emphasis added). This section of code allows for these types of enclosures to encroach up to 4 feet into a required setback (but no closer than 3 feet from a property line). However, these types of enclosures must not increase the building’s floor area and the proposed “bump out” increases the building’s floor area.

There are a series of emails between the architect, the property owners, Planner Felstead, and the building official regarding the “bump out”. In a follow-up email regarding the approval of the Accessory Apartment Permit on November 14, 2016, Planner Felstead reminded the architect and applicant of the need to submit revised plans for the “bump out”.

On November 10, 2016, the current property owners received a Conditional Use Permit for an Accessory Apartment on an Undersized Lot (see Attachment D - AAP2016-0022).

On December 12, 2016, the architect emailed a proposal for plans showing a revised “bump out” which had an exterior face that extended the full height of the 2nd and 3rd stories. This significantly differed from the guidance previously provided regarding bay windows. The architect explained that significant construction had already occurred on the unpermitted “bump out” and revising the exterior face would require costly structural revisions.

On December 14, 2016, the Community Development Department (CDD) agreed to the proposed revision of the plans **if there was a condition on the building permit that the bay windows are never able to provide useable space, and also if someone were motivated to use that space in the future, then they would be in violation of the approved building permit** (emphasis added). The agreed upon plan removed the cabinets for the wet bar and studio desk from the “bump out” area. Furthermore, it was decided that an agreement would be signed

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saying that if the desk or wet bar were removed and the “bump out” was accessible, a window seat would be added to ensure the space in the “bump out” did not become useable floor space. This compromise allowed for approval of the permit without costly structural revisions. The architect proposed filling the void with concrete. The purpose of this was to meet the requirement of the code that provides for “bay windows” that do not increase floor area to encroach into setbacks. It was made clear that the agreed upon plans still needed to be formally submitted to CDD for the permit to be modified and a fee needed to be paid.

Subsequently, an additional modification to the agreed upon plans was requested. For various reasons, the nature of this request was not clear to CDD until February. The proposed modification would allow a refrigerated “piece of equipment” to use the floor space in the “bump out” which previously was agreed to not be useable floor space. From reviewing the emails, the dimensions of the area to be “voided” were arrived at using information from the building code regarding tempered glass and height of a space that is considered useable. The storage of this “piece of equipment” would increase this space and eliminate the void. **This negates the previously agreed to modifications, which allowed the “bump out” to remain in the setback** (emphasis added).

The owners were informed that information would be made available to them should they wish to seek a variance and that CDD would keep them apprised of the progress of the new Alternative Development Permit, which at the time had not been drafted nor adopted (see Attachment E for Project Timeline).

Further, the applicant does not meet the requirements for a de minimis variance. Per CBJ 49.20.250 Grounds for Variances (a) De minimis variance (1), a de minimis variance may be granted, *Where a minor setback infraction could be corrected only at the unreasonable expense or inconvenience the director may, after taking into account the views of the owners of adjoining property, and upon finding that the infraction **was not the result of a deliberate effort to evade the dimensional requirement**, grant a de minimis variance in harmony with the general purposes of this title* (emphasis added).

ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT (ADOD)

As was stated in the ADOD staff report (see Attachment F), the existing zoning does not appropriately reflect the history and built environment, nor does it ensure the preservation of the character of these historic neighborhoods.

The ADOD (Ordinance 2017-16 - Attachment B) was discussed and recommended for approval by the Planning Commission at the May 23, 2017, public hearing. During that hearing, the Commission heard testimony from the public, including concern that the overlay would allow property owners to construct “McMansions” that would be out of character to the Casey-Shattuck Flats neighborhood and would be constructed higher than the existing structures, and

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that this would change the flavor of the neighborhood. The Commission agreed that preserving the character of the historic neighborhoods was important and was the reason for considering an overlay district, because the existing zoning standards did not reflect the built environment and did not allow for the construction or restoration of these buildings. The Commission further stated that the overlay would provide time needed to consider new zoning that better represents the historic neighborhoods (see Attachment G for full minutes).

The ADOD was developed and adopted with the intent to provide the Board of Adjustment flexibility when reviewing residential development in downtown Juneau (and Douglas) until new zoning regulations are adopted.

The stated purpose of the ADOD is to:

*Provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, **preserve the character of neighborhood** (emphasis added) and promote the restoration of blighted buildings.*

Per the Commission's deliberations, the knowledge gained thru ADOD applications is intended to guide new zoning standards for the downtown neighborhoods. The subject parcel is located within this historic neighborhood, which has been surveyed and documented in *THE REPORT OF THE CASEY-SHATTUCK NEIGHBORHOOD HISTORIC BUILDING SURVEY* completed in 2004. The Casey-Shattuck Subdivision was platted in 1913. The subdivision targeted working class miners and fishermen of the region, and the dwellings are predominantly one- and two-stories in height.

Based on the above information, the requested second- and third-story encroachments are not in character with the neighborhood.

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ANALYSIS

Project Site – The subject parcel is located in a D5 zoning district and within the downtown Juneau ADOD. The subject parcel is a pre-existing substandard lot. The reduced setback being sought is highlighted in the table below, which lists the required and existing dimensional standards.

	D5	Subject Parcel	ADOD
Lot Size			
Lot Width	70	40	-
Lot Depth	85	90	
Height	35	34.6	-
Lot Coverage (maximum)	50%	24%	
Vegetative Coverage (minimum)	20%	20%+	Not applicable to this request
Front Setback	20	20+	
Street Side Yard Setback (alley)	13	10	Not applicable to this request (permissible under CBJ 49.25.430 Setbacks(4)(K) Existing substandard setbacks)
Side Yard Setback (east)	5	5	
	5	4.475	3.8 (see Attachment A p. 13 for analysis)*
*Setbacks permissible thru an Alternative Development Permit under the ADOD for the Subject Parcel if approved by the Board of Adjustment			

Project Design – The subject parcel consists of a 3-story, single-family dwelling with an attached accessory apartment.

Per CBJ 49.25.430 Yard Setbacks (4)(J), Substandard lots, an existing lot may:

If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

The owners of the subject parcel are seeking a reduction to the side yard setback that is greater than five feet.

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Per CBJ 49.25.430 Yard Setbacks (4)(K), Existing substandard setbacks, a new building may have:

A front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback or street side yard setback shall be used to calculate the average.

An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

If there are fewer than three buildings within 500 feet of the subject property, then the required setback shall be the average of front yard setbacks, or street side yard setbacks, of such fewer buildings, using a maximum of one building per lot.

Based upon these setback requirements, the subject parcel may have a reduced front yard setback of 10 feet and a reduced street side yard setback of 10 feet.

The new single-family dwelling has a front yard setback of over 20 feet and a street side yard setback of 10 feet. The side yard setback is 5 feet on the easterly side and 4.475 feet on the westerly side. It is the westerly side yard setback that is not in compliance with the underlying zoning nor the exemptions permitted in code, therefore, the applicant seeks an Alternative Development Permit under the ADOD.

Parking and Circulation – The subject parcel is accessed via the alley located to the easterly side of the property. According to CBJ 49.40.210, the proposed development requires three parking spaces (two spaces for the single-family dwelling and one space for the accessory apartment). The site plan shows three parking spaces total.

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Noise – A single family home and accessory apartment are permissible in the D5 zoning district and are not expected to generate noise beyond that of other uses allowed outright in the D5 zoning district.

Public Health or Safety - No evidence indicates that there are any public health or safety impacts from the proposed encroachment. Based upon the plans, the structure meets building and fire code requirements.

Habitat – There is no mapped habitat located on the subject parcel that is regulated by Title 49.

Property Value or Neighborhood Harmony - The development is surrounded by D5 and D18 zoning districts consisting of single-family and multi-family dwellings that are primarily one- and two-story structures. The development of a single-family dwelling and accessory apartment is in harmony with the surrounding neighborhood. However, the scale of the structure (which has been constructed) with its full three stories and the additional living space encroaching at the second and third story levels is not in harmony with the surrounding neighborhood and is therefore inconsistent with the intent and purpose of the ADOD.

CONFORMITY WITH ADOPTED PLANS

Compliance with the Comprehensive Plan

The applicants have constructed a new single-family home and accessory apartment in “the Flats”. The structure is 3 full stories in height and 34.6 feet high. The applicants are seeking approval to allow a second and third story “bump out” to encroach nine inches into the five foot side yard setback.

Chapter 3 – Community Form

Policy 3.2: TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE BOUNDARY AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

Principles for Creating Livable Mixed Use Communities

- *Adapt to Urban Centers*
*Take advantage of the presence of adequate municipal water and sewer services, other utilities, roads and infrastructure by pursuing in-fill development on vacant land within the urban service area, adaptive re-use of vacant buildings and/or redevelopment of underutilized or older, obsolete buildings. **In-fill and redevelopment structures should respect the overall character of the existing neighborhood** (emphasis added), although*

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building heights and densities will be greater. New developments should provide vehicular, pedestrian and viewshed connectivity to adjacent established neighborhoods.

Standard Operating Procedure

3.2 - SOP3 Establish specific policies and land use categories and land use map designations for the full range of needed land uses and activities with an emphasis on compact development of commercial and residential uses along express (fast service to distinct destinations) public transit corridors.

Sub-Area 6: Juneau (Comp Plan Maps K, M, & N)

Guidelines and Considerations for Subarea 6:

*1. **Preserve the scale** and densities of the older single family neighborhoods in the downtown area, including **the Casey-Shattuck "flats"** (emphasis added) and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.*

AGENCY REVIEW

- Capital City Fire/Rescue – No comments received.
- CBJ Building – No concerns at this time.
- City Assessor – No comments received.

PUBLIC COMMENTS

Four comments were received from the public, three of which are abutters within 500 feet. All commented in favor of the development (see Attachment H).

FINDINGS

CBJ 49.70.1230 (e), Review of Director's Determinations, states that the Board of Adjustment shall review the Director's report to consider:

1. Whether the proposed development is appropriate according to the Alternative Development Overlay District;
2. Whether the application is complete;
and,
3. Whether the development as proposed will comply with the other requirements of this title.

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The Board of Adjustment shall adopt the Director's determination on each item set forth in paragraph in (1) of this subsection unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.70.1230 (f), Board of Adjustment Determinations, states that even if the Board of Adjustment adopts the Director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.70.1240, Review of Director's & Board of Adjustment's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Alternative Development Permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.70.1200.

2. Is the proposed use appropriate according to the Alternative Development Overlay District?

Yes. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.110 for the D5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the September 15, 2017, and September 25, 2017, issues of the Juneau Empire's "Your Municipality" section. A Notice of Public Hearing was mailed twice to all property owners within 500 feet of the subject parcel. (The second mailing was sent in order to correct a scrivener's error in the project description.) Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way. Furthermore, the proposed development complies with the height, parking and vegetative cover requirements of the D5 zoning district.

Board of Adjustment
File No.: ADP2017 0001
September 21, 2017
Page 13 of 13

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

No. As discussed in the above analysis, the proposal is located in a D5 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed development will materially endanger public health or safety.

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

Yes. As discussed above, the development is not in harmony with the neighboring properties. The development chose to benefit from the existing (D5) zoning standards for maximum height (35 feet), which is a full story higher than neighboring properties, and seeks to benefit from reduced side yard setbacks for the second and third stories of the building, thus creating a development (single-family dwelling) that is not in character with the surrounding built environment of the historic Casey-Shattuck Flats neighborhood.

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

No. As discussed above, the development is in general conformity with Title 49, but the requested encroachment does not conform to the 2013 Comprehensive Plan.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Alternative Development Permit for a reduction to the side yard setback.

DEVELOPMENT PERMIT APPLICATION

Project Number PAC20170043	CITY and BOROUGH of JUNEAU	Date Received: 8/21/17
Project Name (City Staff to Assign Name) ADD HILL BAY WINDOW		

INFORMATION PROJECT / APPLICANT	Project Description		
	PROPERTY LOCATION		
	Street Address 315 W 11th St	City/Zip JUNEAU AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name THOMAS Hill + Rob ROYS	Contact Person: PAGAN	Work Phone:
	Mailing Address PO Box 20273 99802	Home Phone: 321 1972	Fax Number:
	E-mail Address hillpagan@gmail.com	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X Landowner/Lessee Signature		8/16/17 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Fax Number:	
		Other Contact Phone Number(s):	
X Applicant's Signature		8/16/17 Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	**SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
		City/State Project Review and City Land Action				
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
		Mining Case (Small, Large, Rural, Extraction, Exploration)				
		Sign Approval (If more than one, fill in all applicable permit #'s)				
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)				
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe) ADD - Ba				
	***Public Notice Sign Form filled out and in the file.					
	Comments: ADD - Uses substandard setbacks of surrounding properties. - up to 3.8 ft setback allowed. Check encroachment on asphalt applicant will submit.					Permit Intake Initials TJP

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



ALTERNATIVE DEVELOPMENT PERMIT APPLICATION

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

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

TYPE OF ALTERNATIVE DEVELOPMENT PROPOSED (ONLY AVAILABLE TO ALLOWED RESIDENTIAL USES)

☐ Rebuild w/in Existing Footprint ☒ Setback Reduction ☐ Lot Coverage Reduction ☐ Vegetative Coverage Reduction

If requesting a Reduction of Setback(s), Lot Coverage, and / or Vegetative Coverage, the following must be provided:

☒ Map of properties w/in 150' radius ☒ Table demonstrating average corresponding setbacks located w/in 150' radius

PROJECT SUMMARY

☒ Project Narrative Attached

New construction w/ bumpout on 2nd + 3rd floors that encroaches 9"

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES - Case # _____

Existing use of property: _____

Is this project an: ☐ Expansion ☐ Rehabilitation ☒ New Development

Has this property received a Variance in the Past? ☐ NO ☒ YES - Case # _____

☒ PROJECT NARRATIVE ATTACHED

Narrative includes:

☐ Current use of land or building(s)
☒ Proposed setbacks, lot coverage, vegetative coverage
☐ How the proposed use complies with the Alternative Development Overlay District

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 3600 square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet *at ground level?*

EXTERNAL LIGHTING

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

CHECKLIST

- | | |
|--|--|
| ☐ Site Plan | ☐ Access to proposed use |
| ☐ Floor Plan of proposed buildings | ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| ☐ Elevation view of existing and proposed buildings | ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| ☐ Proposed Lot Coverage | |
| ☐ Proposed Vegetative Cover | |

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>400</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>550</u>			

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

Case Number

PAC20170043

Date Received



Public Notice Sign Lease Agreement

Community Development Department

Case # PAC 20170043 Sign # _____ Hearing Date: _____

Assessor's Parcel # 10030040021 Check # _____ Receipt # _____

Applicant: PAGAN HILL Phone #: 321 1972
(please print)

Application Received by: JOSHUA MUSSON Date: 08/22/2017
(CDD staff initials/name)

I, _____, in cooperation with the Community Development Department (CDD), have leased a Public Notice Sign and agree to the terms listed below:

CHARGE: \$50 Preparation Fee
\$100 Refundable Deposit

RETURN TIME: The sign **MUST** be returned to the Community Development Department **by 4:30 p.m. on the Monday** following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded.

PENALTIES: The sign **MUST** be returned to the Permit Center Staff in the same condition it was taken: clean, undamaged, and with no attachments. **If a sign is not returned on time, or has been damaged, the \$100 deposit fee will be forfeited.**

POSTING REQUIREMENTS:

- The sign must be posted by the applicant/developer on the site at least 14 days prior to the hearing date.
- The sign must be clearly visible and readable from a public Right-of-Way.

(Applicant Signature)

(Date)

Sign Received by: _____ Date: _____ Staff Initials: _____

Sign Returned by: _____ Date: _____ Staff Initials: _____

REFUND INFORMATION: Receipt Number: _____

Amount Refunded: _____ Method: _____ Date: _____ Staff Initials: _____

Refund Received by: _____ /mailed to: _____



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

Project name ADOD Hill Bay window.

Case Number: PAC 20170043.

Project Description:

Applicant: Peggy Hill

Property Owner: Peggy Hill

Property Address: 315 W 11th.

Parcel Code Number: 1C030C040021

Site Size: 3600.00 sq ft

Zoning: D-5.

Existing Land Use:

Conference Date: 8/16/17. 1:30.

Report Issued: (Date)

List of attendees

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

Name	Title	Email address
PAGAN Hill	Homeowner to be	hillpagan@gmail.com
TRAVIS MILLER	ARCHITECT	jtravis.m.antlrach@gmail.com
SHERRI VON WOLFE	ARCH ASSISTANT	sherrib.ak@gmail.com
Tim Kyle Paw	Permit tech	Kyle.Paw@juneau.org
Tim Felstead Felstead	Planner	

Pre-Application Conference Final Report

Exceptions to submittal requirements:

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

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee estimates

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

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

1. (List individual permit fees and sign fees) ADOD \$400.00, DPA, Public Notice. \$150.00
- 2.

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

Submit your completed application

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

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

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

Pre-Application Conference Final Report

Conference Summary

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

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

1. Zoning –
2. Setbacks – (TAKEN SURROUNDING LOT LINES TO CALCULATE SETBACKS FOR PROPERTY) TAKEN FROM SIDE SETBACKS ONLY. MUST GO TO P.C. FOR APPROVAL. SIMILAR TO VARIANCE PROCESS. PUBLIC NOTICE REQUIRED.
3. Height –
4. Parking –
5. Landscaping –
6. Lighting –
7. Building –
8. Fire District –
9. Engineering –
10. Noise –
11. Drainage –
12. Utilities – (water, power, sewer, etc.)
13. Wetlands – N/A
14. Habitat – (Eagle, Riparian, etc.) –
15. Hazard/Mass Wasting/Avalanche/Hillside Endorsement –
16. Flood –
17. Plat or covenant restrictions –
18. Other Agency Reviews – (DOT&PF, Alcohol Beverage Control Board, Corps of Engineers, DEC waste-water, DNR, USF&WL, FAA, US Coast Guard, Corrections etc.) –

List of required applications

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

1. (Add application forms required)
2. (Add notes as necessary)

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

Parcel Code # 1C030C040021 (p_id:351) | PAGAN HILL Since Sep 2004 (Owner:354) | 315 W ELEVENTH ST | Current Zoning: D5 | HousingUnits: | PAGAN HILL ROB ROYS PO BOX 20273 JUNEAU AK 99802-0273 (Name nra_id:354) | Approval Application # PAC20170043 (pm_id:2015292) | Case Status:

Deposit No: 40372 (Refund) (deposit_id:40372)

(1) Permit Center.Parcel Information

General | Not Used | Legal Description | Land General | Acquisitions

PARCEL CODE NUMBER
1C030C040021

LEGAL DESCRIPTION
CASE: SHATTUCK BL 304 LT 2

ALTERNATE ID

☐ Manual Parcel

☐ Non Parcel Flag

Non-Parcel Type

Notes

Inset Prop Area

STATUS
A (Active)

Year Effective DATE CREATED
2008

Year Inactive DATE RETIRED
9999

Plot Number

Recorded Plot Date

(Plot) Square Feet
3600

(Plot) Acres
0.0626

Public Data

Tag Maint

Display Tags

Exit

Edward Quinto

From: jtravism . <jtravism.art.arch@gmail.com>
Sent: Friday, August 11, 2017 9:21 AM
To: Pagan Hill
Cc: Edward Quinto; Rob Roys; sherrib.ak@gmail.com
Subject: Re: 315 West 11th street
Attachments: HillRoys Bay_version 1.pdf; HillRoys Bay_version 2.pdf

Hello Eddie,

Here are the two versions of the HillRoys Bay Window. Version 1 is what I presented to Tim Felstead late last year. Version 1 is based on the design drawings. Version 2 is as-built conditions and resulted in approx. 6" reduction of the projection from the proposed version 1 setback.

During construction the Contractor chose to modify the exterior envelope. From the Bay Window the Contractor deleted the insulated metal panel (2.5"), the furring (1.5"), and the waterproof membrane (assumed 1/8"). From the opposite side of the house the Contractor deleted the blackened cedar (2"), the furring (1.5"), and the waterproof membrane (assumed 1/8"). The Contractor installed 1/4" furring at both sides. They shifted the house ~2" towards the property to the NE, away from the Bay Window side.

Please note: in Version 2 the resulting project over the setback is 9-10". This is basically the depth of the Remote Exterior Wall System that was installed.

In Version 2 I've attempted to depict the solution Tim Felstead and I discussed from Version 1. As Pagan noted, it is our distinct preference to not build the pony walls next to the Bay Window. The pony wall would result in the client losing 4-5" of floor space in their Dining Room and Studio due to the projection of the wet bar and studio desk.

Please contact me with any questions.

Regards,

Travis Miller
atelier corbeau - art & architecture

On Thu, Aug 10, 2017 at 5:06 PM, Pagan Hill <hillpagan@gmail.com> wrote:
 Hi Eddie,

I am contacting you at Beth McKibben's suggestion.

Here is my narrative summation. Drawings are forthcoming, our architect said he will be able to complete them tonight.

Our house was designed by Travis Miller and Sherri von Wolfe to have a small bumpout that extends from the second to third floor. They explained to us (Pagan Hill and Rob Roys, homeowners-to-be) during the design phase that this bumpout would project into the setback, and that this was allowed by code under the language that allows bay windows.

Attachment A - Application

Basically, we understand and are happy to comply with the rules, and we are not really asking for leniency, necessarily. There can be no usable space from floor level to 18 inches above floor level. This is to prevent anyone standing in the space. One may have a window seat, as long it is at least 18 inches above floor level, so the rest of the space is permitted to be usable, but not the floor space. No standing! Understanding that, we designed the bumpout with permanent built in cabinetry at each level. This is a significant design element. On the second floor, the cabinetry comprises a wet bar and storage for the dining area, and on the third floor the cabinetry is to contain craft storage and crafting desk. Not a removable desk, or a work area with leg room under, but similar to the wet bar below, a counter built over permanent cabinetry. We chose this design element because the house, while tall, is really pretty small and we needed all the built in storage we could get. This seemed like a good way to go about this design goal, since it is allowed.

In addition to carefully complying in this case, we also made a number of design choices that are intended to help the neighbors and the neighborhood. We put in an accessory apartment, which meets the stated goals of the city. We set the house as far back on the lot as was allowed by setbacks, so that we would not interfere with the light, air, or views of our immediate neighbors. I feel that we excelled at that goal in particular and I'm extremely proud of how gently we rest among our neighbors. We are building an exceedingly efficient home that runs on hydroelectricity instead of fuel oil. We echoed neighborhood elements in the exterior design and materials. We put 3 parking spots in the rear (alley side) of the house, where there were none. We have a curb cut on the 11th street side, which allows for a driveway, which would in effect take a parking space from the street, but we elected not to put in a driveway. So we have added 4 parking spots to the neighborhood.

So what's the problem? The problem is that we are informed by Tim Felstead that since it would be conceivable that one day we could rip out all of our expensive, carefully designed and integral-to-our-way-of-life cabinetry and countertops and stand in the space where they had once been, we may not put cabinets in the bump out. We must instead build voids there, from the floor to 18 inches high on each story. Obviously, this doesn't make sense to us, and additionally we are confused as to how deep the voids must be, since the interior space of the bumpout is deeper than the amount that the exterior extends into the setback. Our original plans (attached) expected it to be more of an encroachment, but that was an error.

As things stand now, the bumpout is extending into the setback less than 1 foot. I guess **this is where the "overlay" comes in.** I gather that if our neighbors (within 150') have an average of less than 5 feet for their proximity to side lot lines then we can too. I don't know if this is the case but I imagine it is, since no houses in the flats that I am aware of comply with current setbacks. So perhaps this is a way out of our dilemma. We do have the full support of the neighbors on the side of the bumpout, should their input be needed.

OK, like I said, Travis will be sending drawings tonight. I requested that he show both the voids and the cabinets as originally envisioned.

One thing: The contractors are ready to install the cabinets any day now. I have not ordered cabinetry for these spaces and I need to do so basically 6 weeks ago. So if there is any way you can fit us in on Wednesday the 16th, we would be hugely grateful.

Please let me know if you require any further explanation or clarification, or if you would like to stop by the site for a visit.

Warm regards,

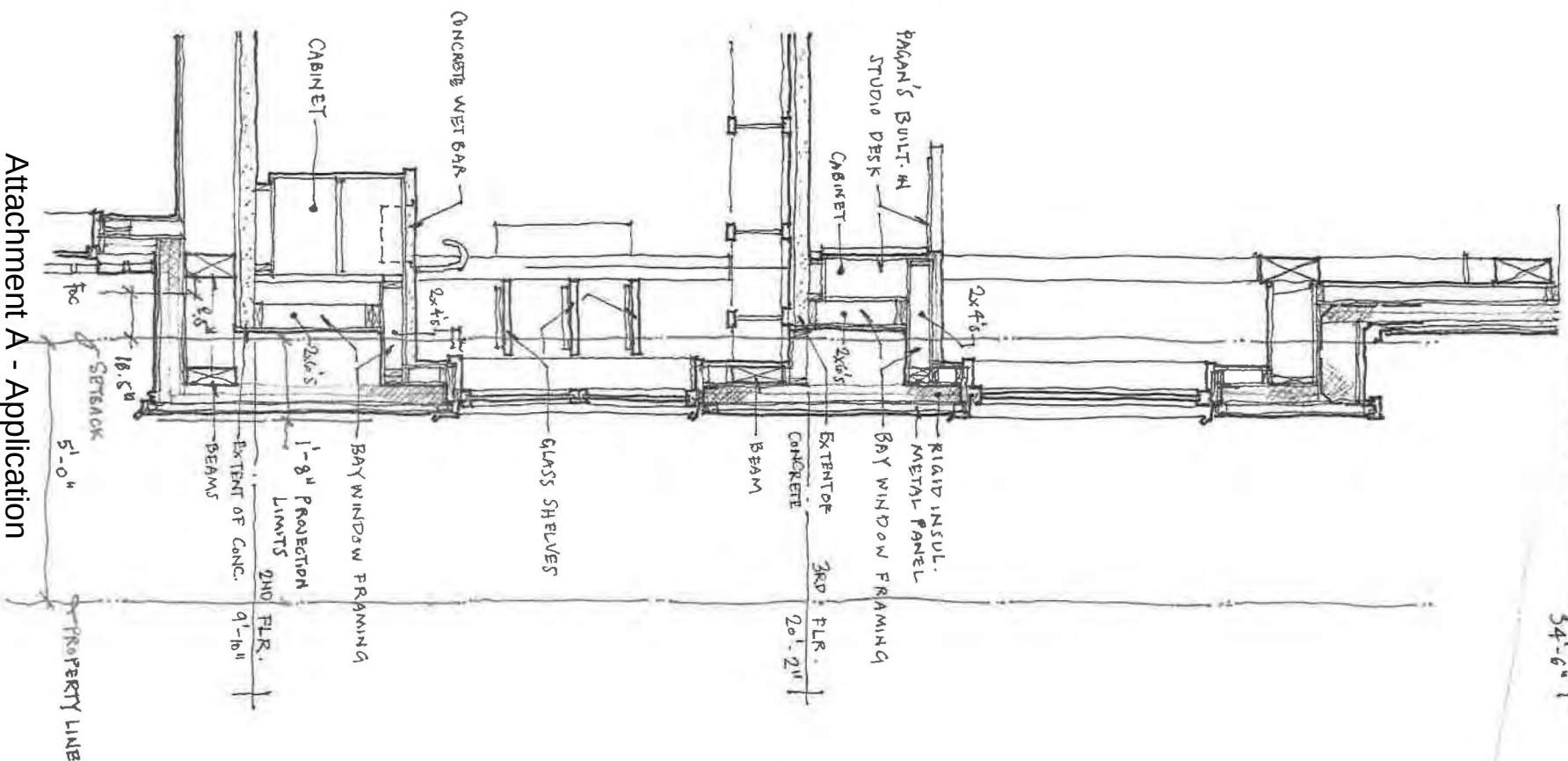
Pagan Hill (and Rob Roys)

Original Proposal

MID. ROOF
3'-6"

SECTION @ BAY WINDOWS

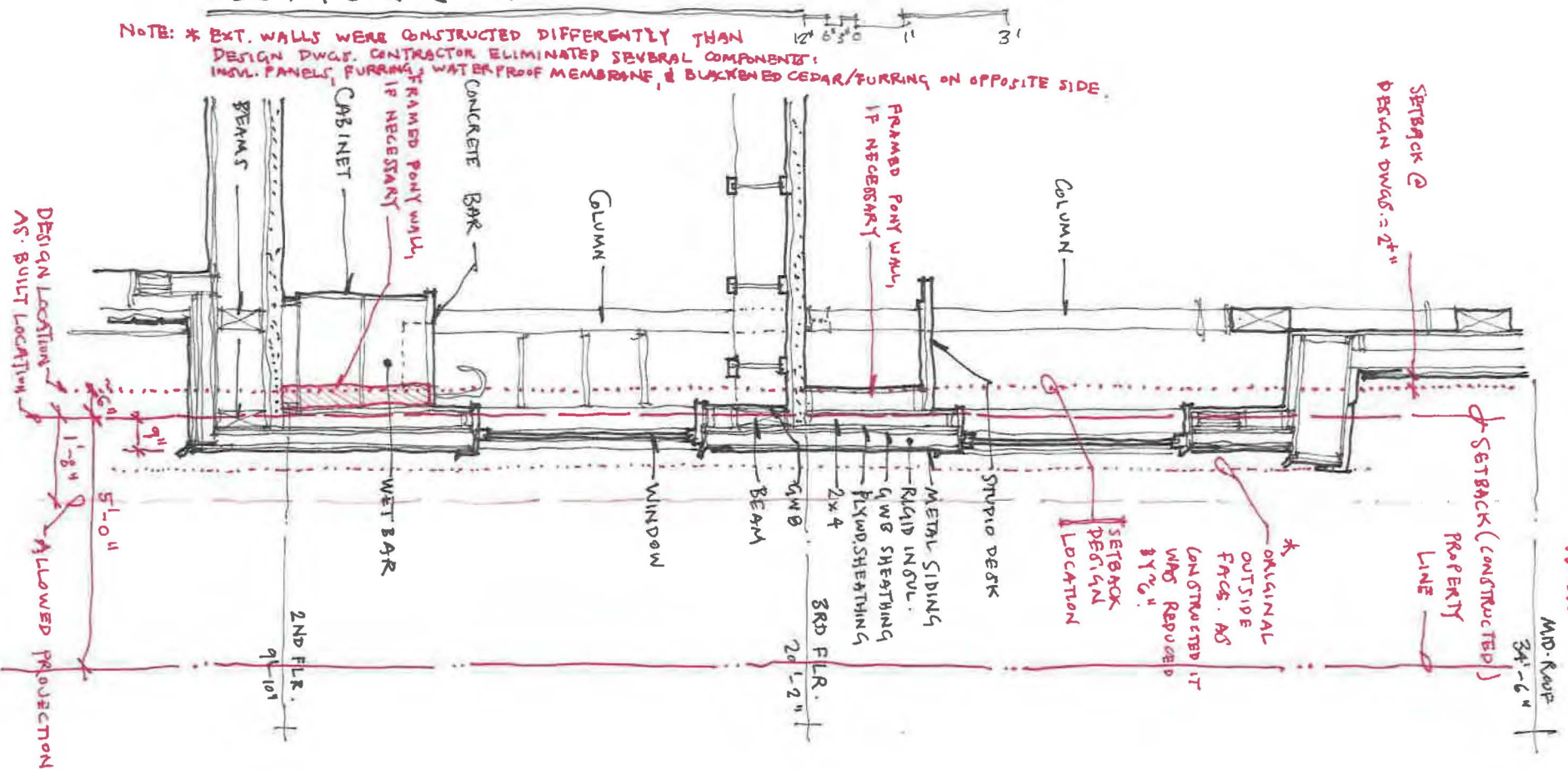
12" 6" 3" 1' 3"



Final Construction

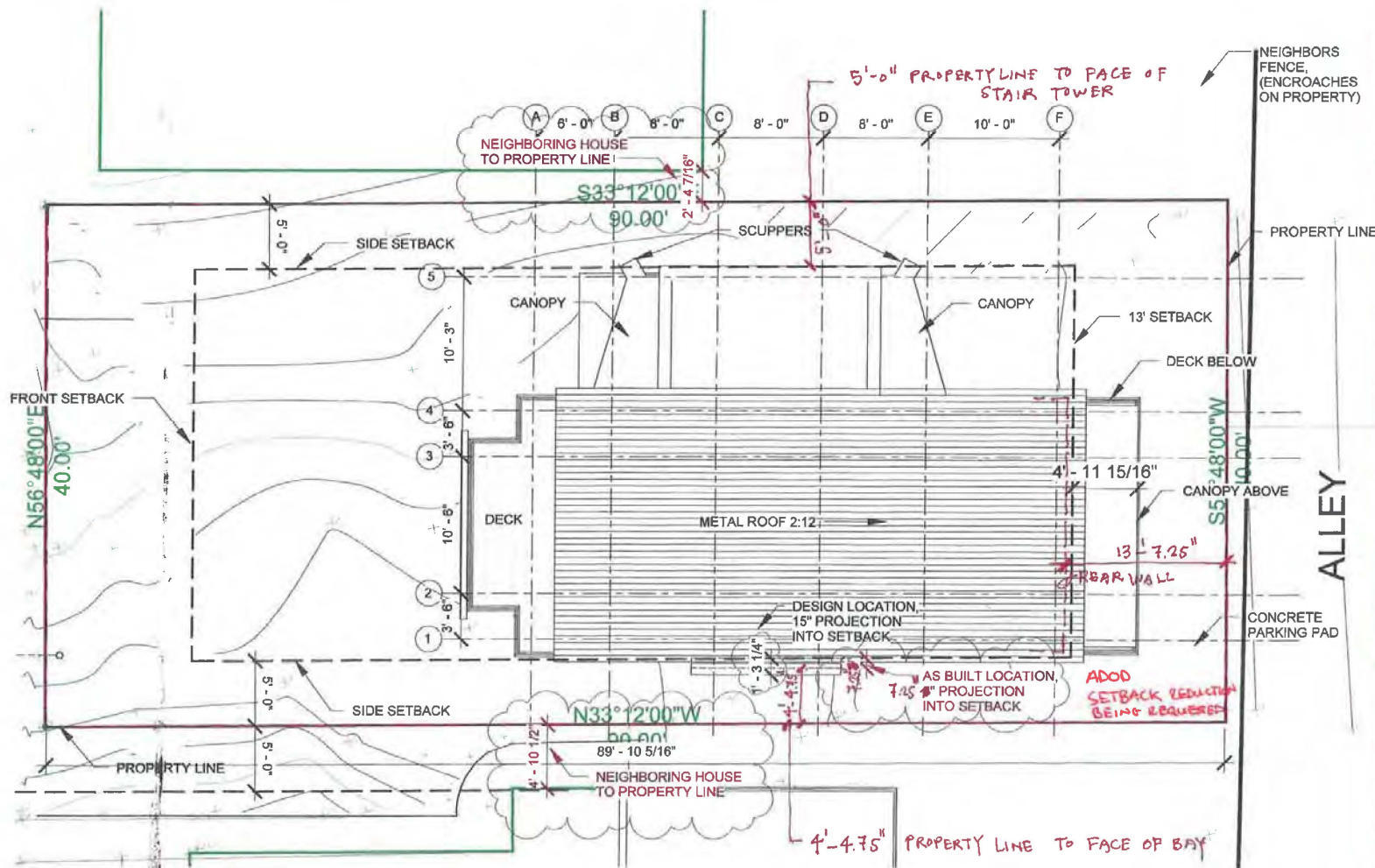
SECTION @ BAY WINDOW V.2

NOTE: * EXT. WALLS WERE CONSTRUCTED DIFFERENTLY THAN DESIGN DWG. CONTRACTOR ELIMINATED SEVERAL COMPONENTS: INSL. PANELS, FURRING, WATERPROOF MEMBRANE, & BLACKENED CEDAR/FURRING ON OPPOSITE SIDE.



Attachment A - Application

tax_id	site_addr	Actual side yard A	Yard A Averaging	Source	Actual Side yard B	Yard B Averaging	Source	legal_desc
1C030E050012	300 W Eleventh St	16.0	5.0	Old site plan/building seperation similar to GIS	NA			IRWIN ADDITION TR 2
1C030E050011	316 W Eleventh St	7.2	5.0	Old site plan/building seperation similar to GIS	87.00	5.0	Old site plan/building seperation similar to GIS	USS 4521 IRWIN ADDITION
1C030C040010	1038 Capital Ave	2.4	2.4	Site plan for variance on subject lot/building seperations similar to GIS	NA			CASEY SHATTUCK BL 204 LT 1
1C030C040070	1018 Capital Ave	4.2	4.2	Asbuilt survey to lot line	NA			CASEY SHATTUCK BL 204 LTS 8, 9
1C030C040050	338 W Tenth St	2.5	2.5	GIS	NA			CASEY SHATTUCK BL 204 LT 6
1C030C040020	319 W Eleventh St	4.9	4.9	Site plan for variance on subject lot	5.57	5.0	Site plan for variance on subject lot	CASEY SHATTUCK BL 204 LT 3
1C030C040030	327 W Eleventh St	1.5	1.5	Asbuilt survey	13.20	5.0	Asbuilt	CASEY SHATTUCK BL 204 LT 4
1C030C040080	1011 Capital Ave	44.5	5.0	Building location on ROW vacation plat	2.00	2.0	Building location on ROW vacation plat	MCKELVEY LT.B
1C030C040060	328 W Tenth St	7.6	5.0	GIS	Encroach	0.0	GIS	CASEY SHATTUCK BL 204 LTS 7 &
1C030C040040	1029 A St	5.3	5.0	Asbuilt survey	NA			CASEY SHATTUCK BL 204 LT 5
	Sum		41	Sum		17		
	Count		10	Count		5		
				Average side yard setback		3.8		
Planner	Tim Felstead							



1 SITE PLAN & ROOF PLAN A101, V2
1/8" = 1'-0"

atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

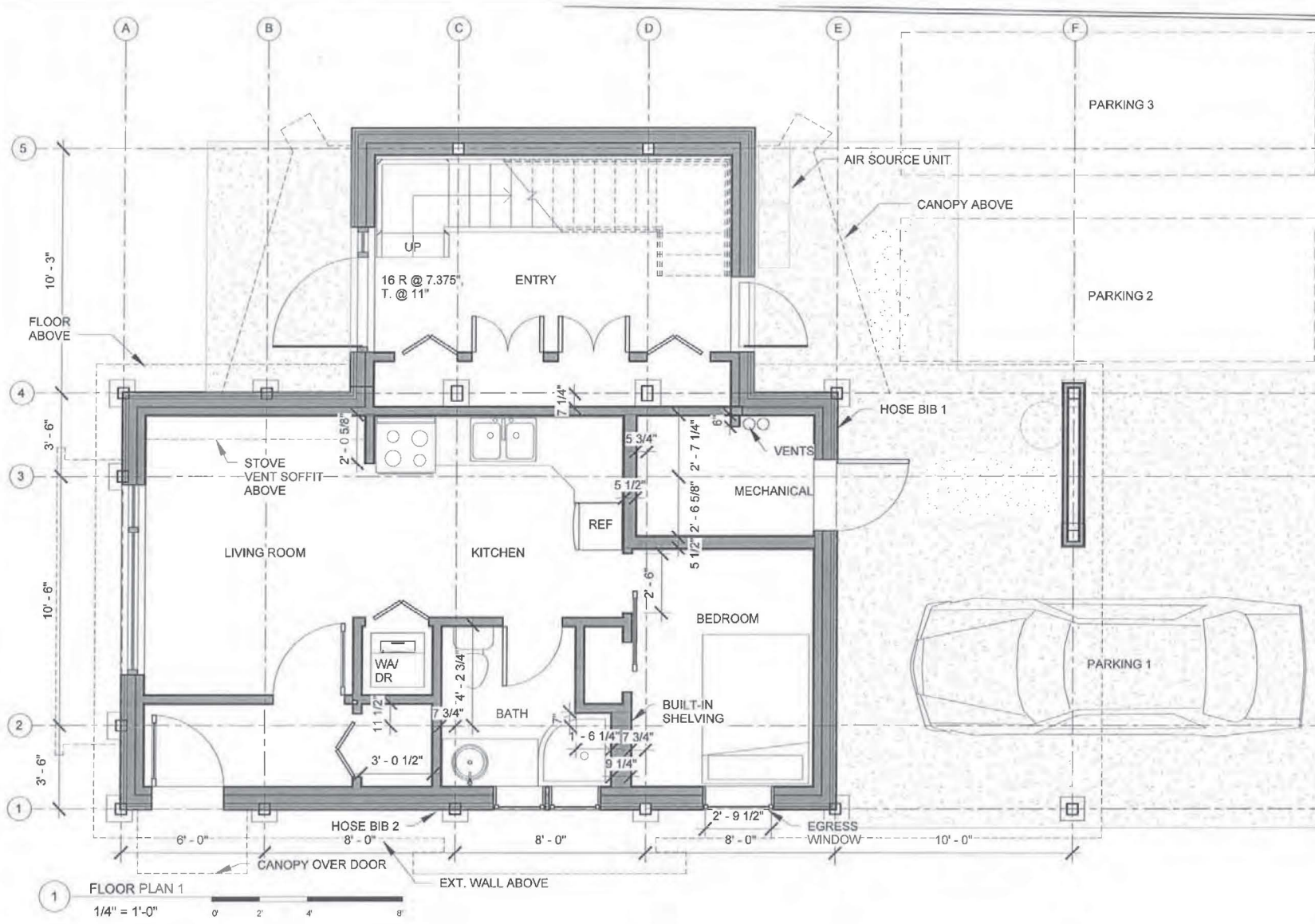
SHEET TITLE
SITE & ROOF
PLAN,
SETBACKS

DATE: 08/16/17

DRAWN: SWW

CHECKED: JTM

SHEET NUMBER
A 101
V2



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art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

LEVEL 1

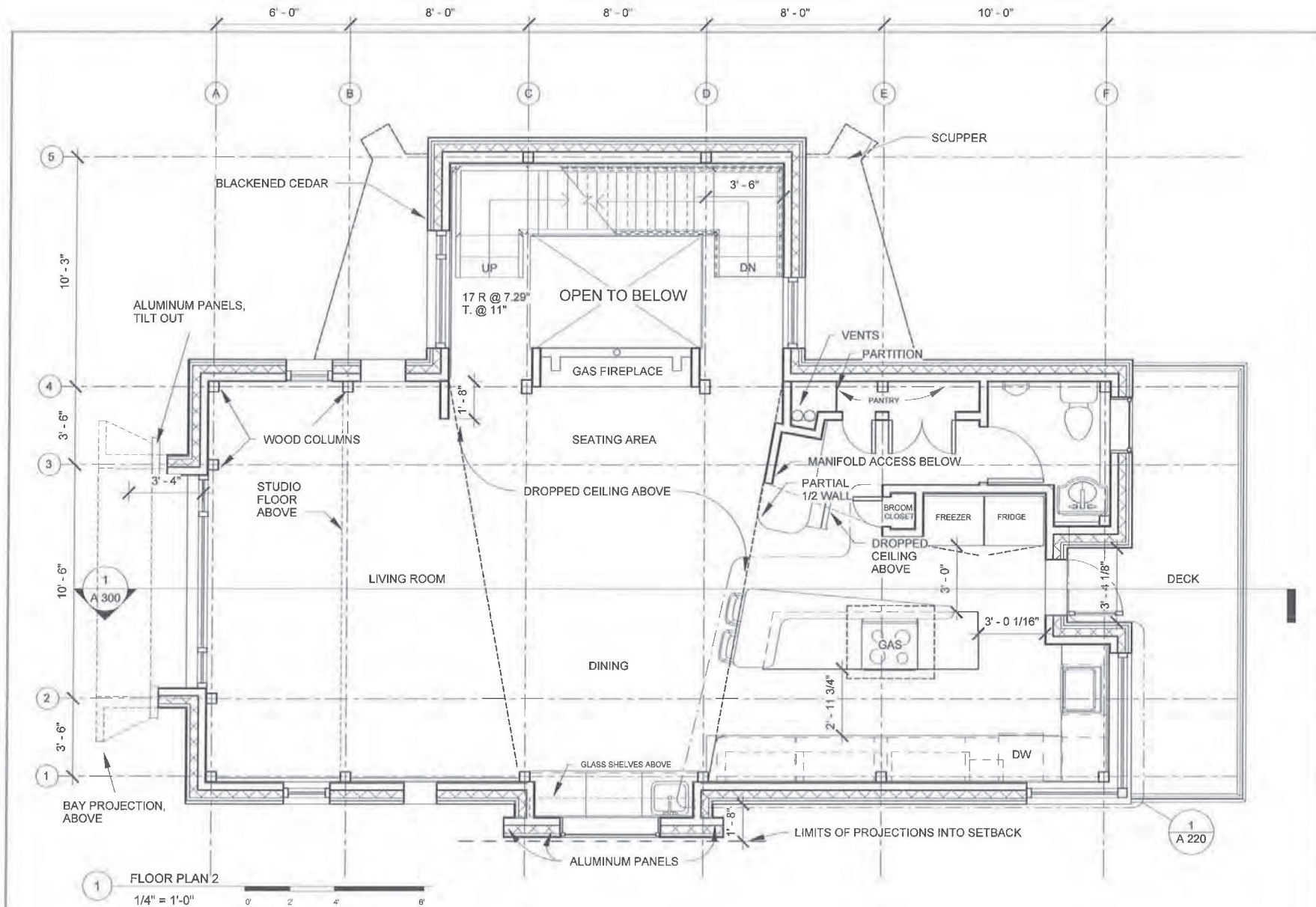
DATE: 9/22/2016

DRAWN: SWW

CHECKED: JTM

SHEET NUMBER

A 201



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CONSTRUCTION DOCUMENTS

HILLOYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

LEVEL 2

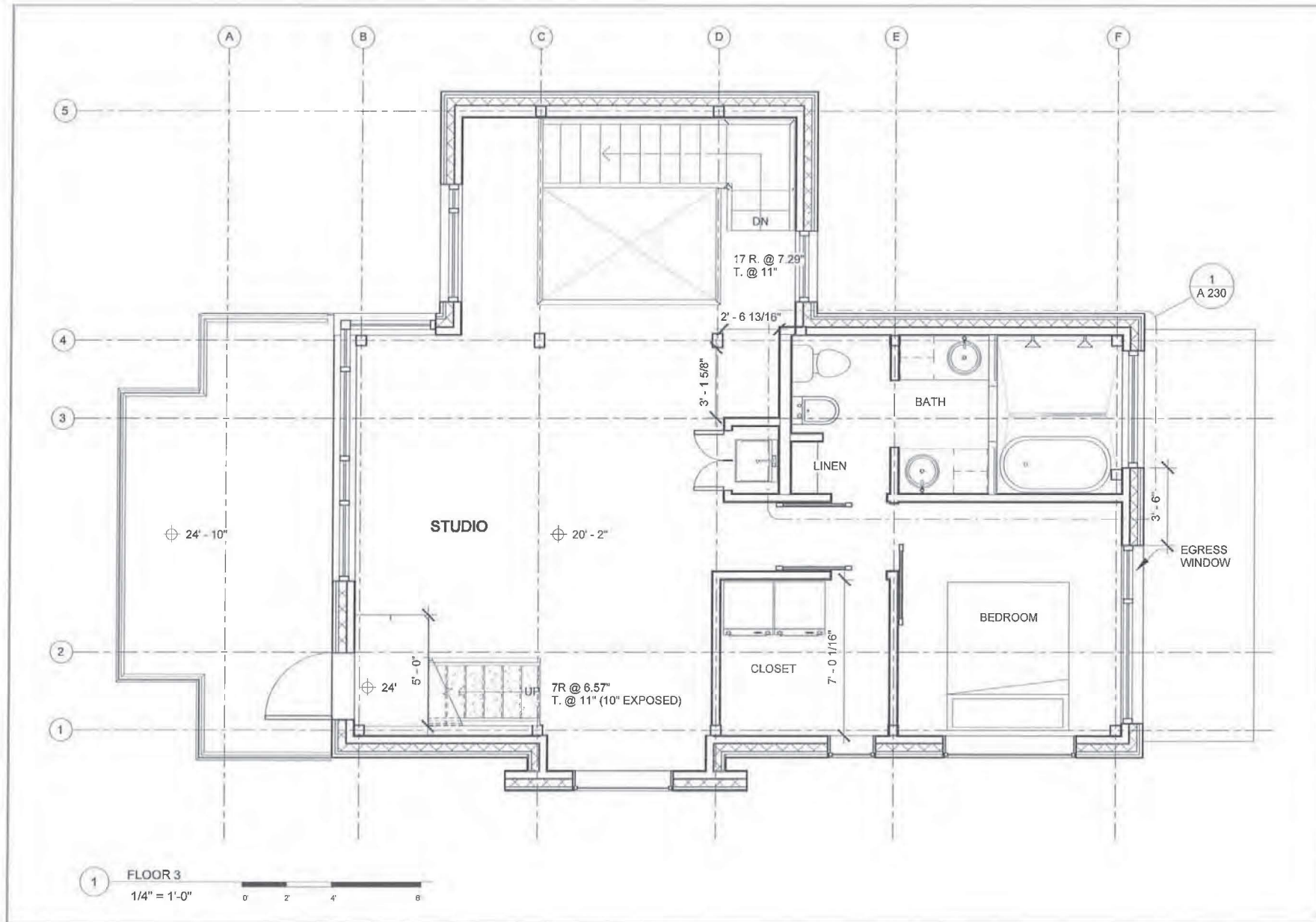
DATE: 9/22/2016

DRAWN: SW

CHECKED: jTm

SHEET NUMBER

A 202



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juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

LEVEL 3

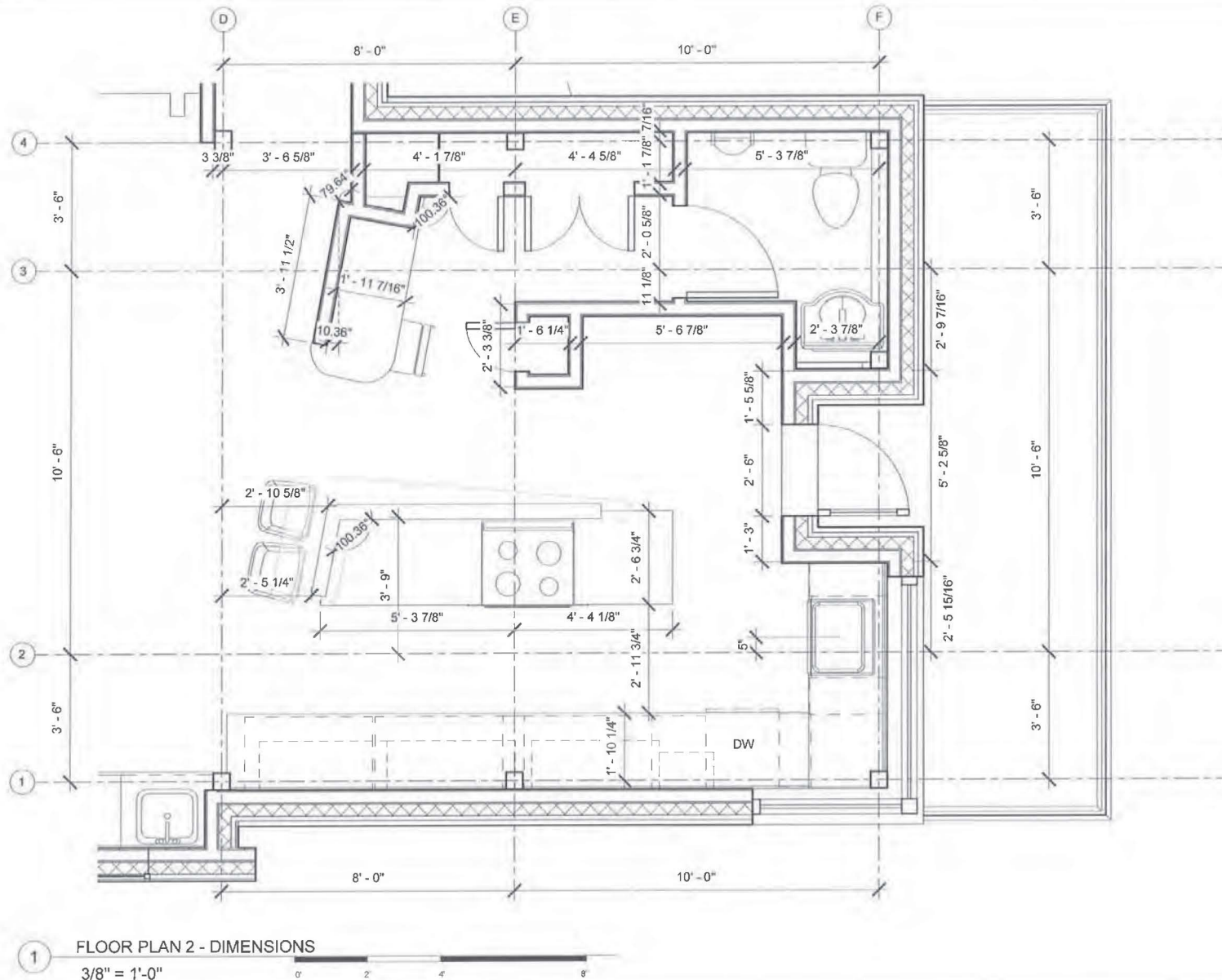
DATE: 9/22/2016

DRAWN: SWW

CHECKED: JTM

SHEET NUMBER

A 203



atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE
ENLARGED
LEVEL 2 -
DIMENSIONS

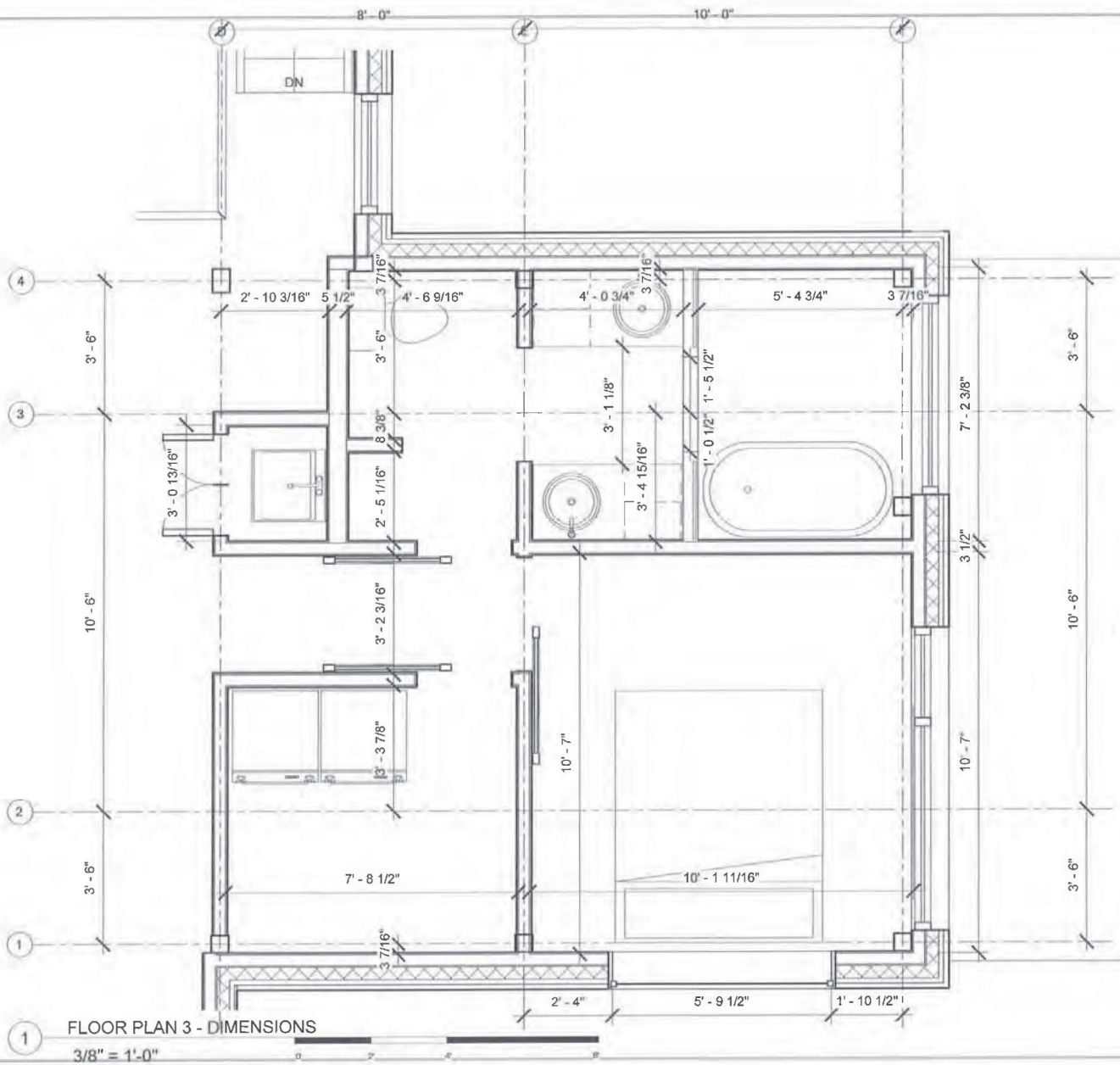
DATE: 9/22/2016

DRAWN: SvW

CHECKED: JTr

SHEET NUMBER

A 221



**atelier corbeau -
art & architecture**

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

Pagan Hill & Rob Roys

1403

SHEET TITLE
ENLARGED
LEVEL 3 -
DIMENSIONS

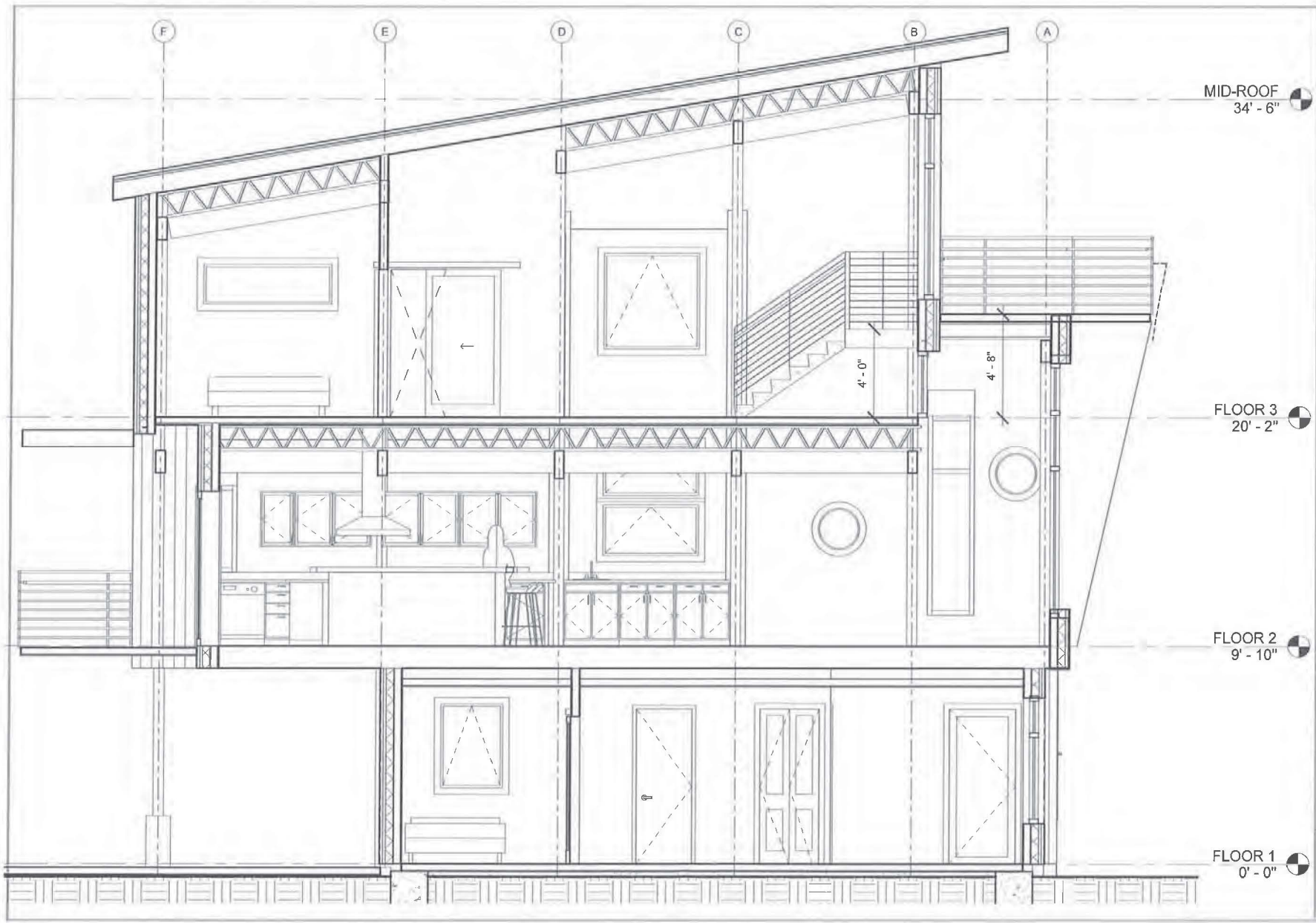
DATE: 9/22/2016

DRAWN: SWW

CHECKED: jTm

SHEET NUMBER

A 222



atelier corbeau -
art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLOYS

for
Pagan Hill & Rob Roys

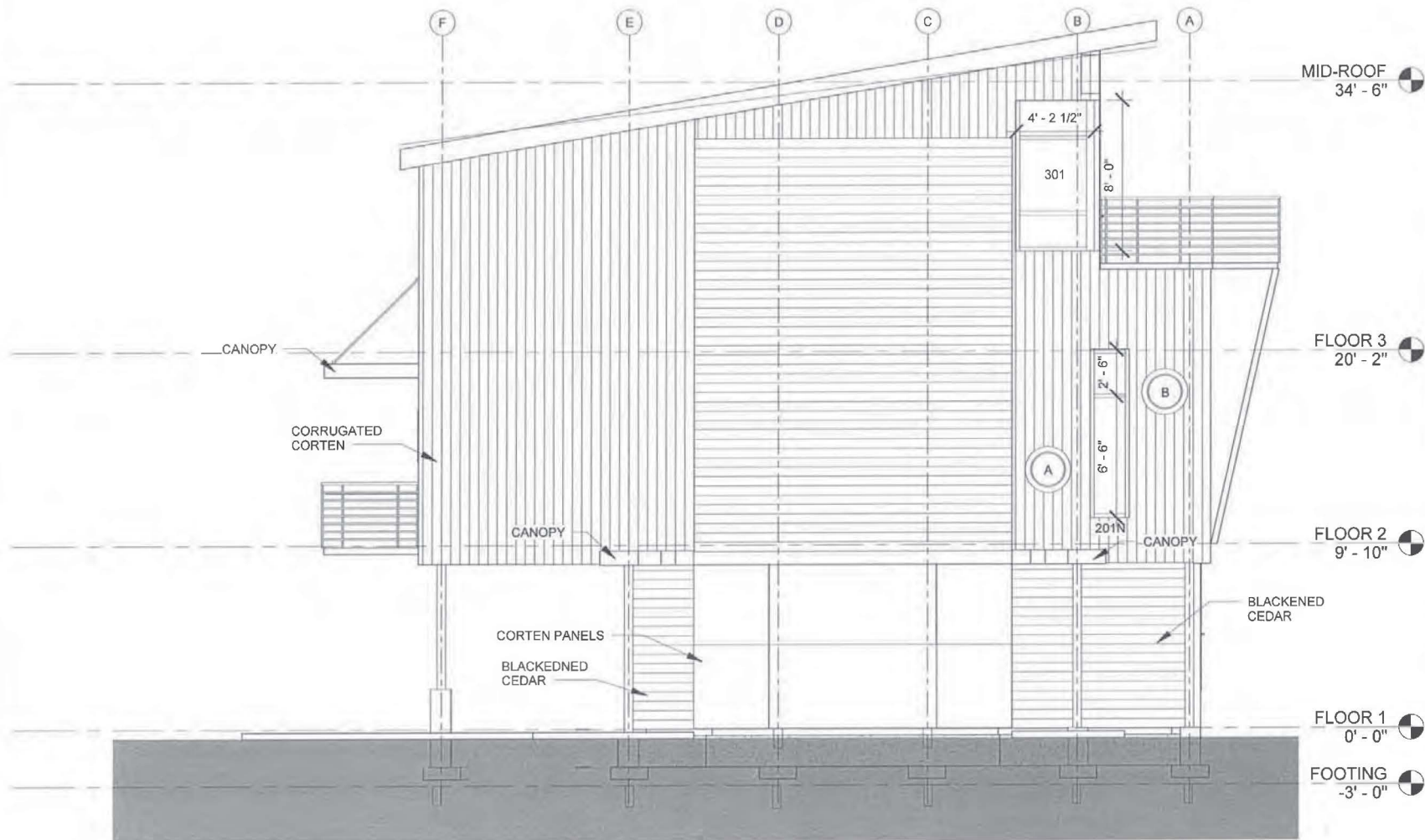
1403

SHEET TITLE
EAST WEST
LONGITUDINAL
SECTION

DATE: 9/22/2016
DRAWN: SWW
CHECKED: JTM

SHEET NUMBER

A 300



1 NORTH ELEVATION
3/16" = 1'-0"

atelier corbeau -
art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
NORTH

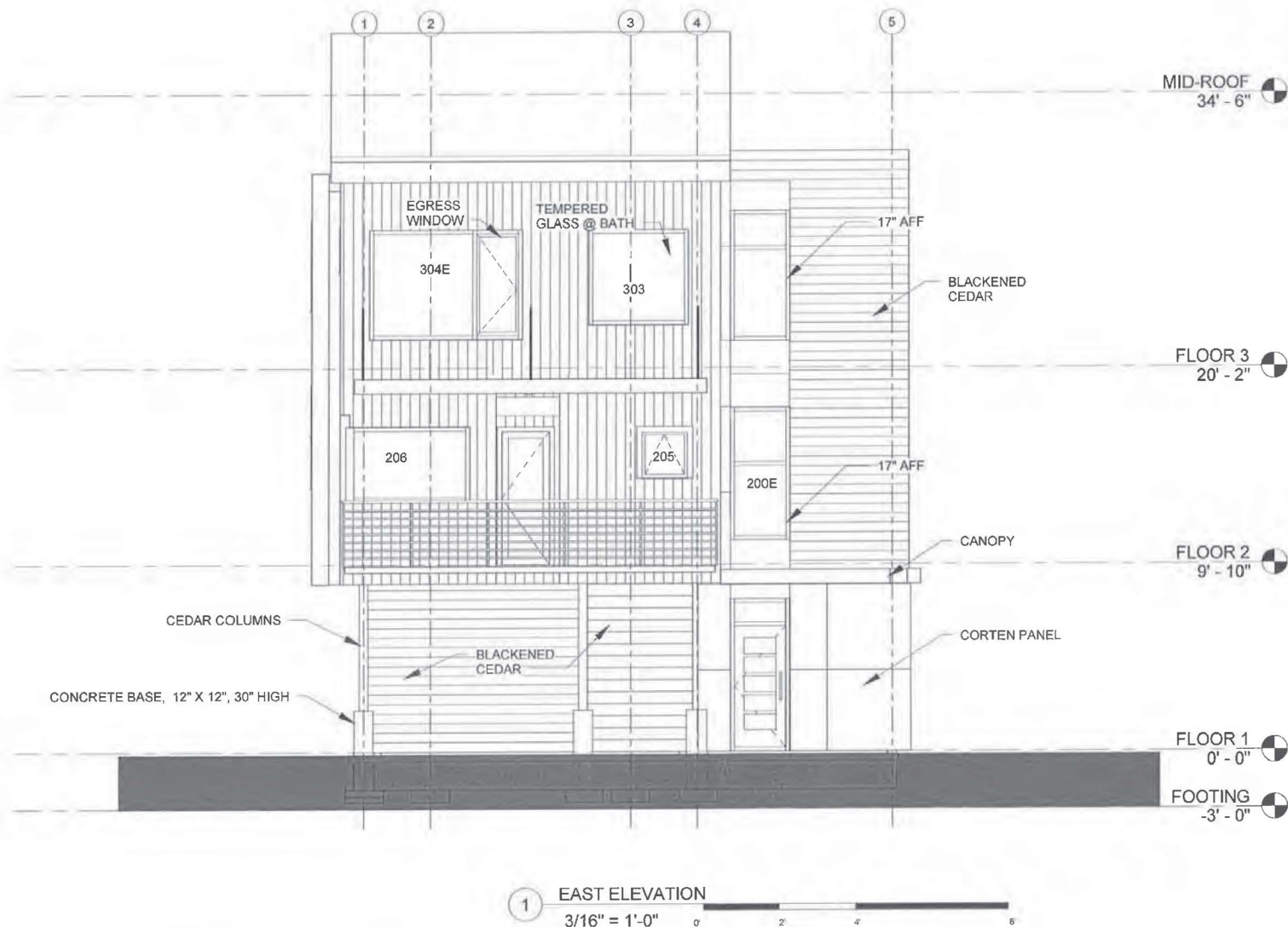
DATE: 9/22/2016

DRAWN: SvW

CHECKED: jTm

SHEET NUMBER

A 400



atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
EAST

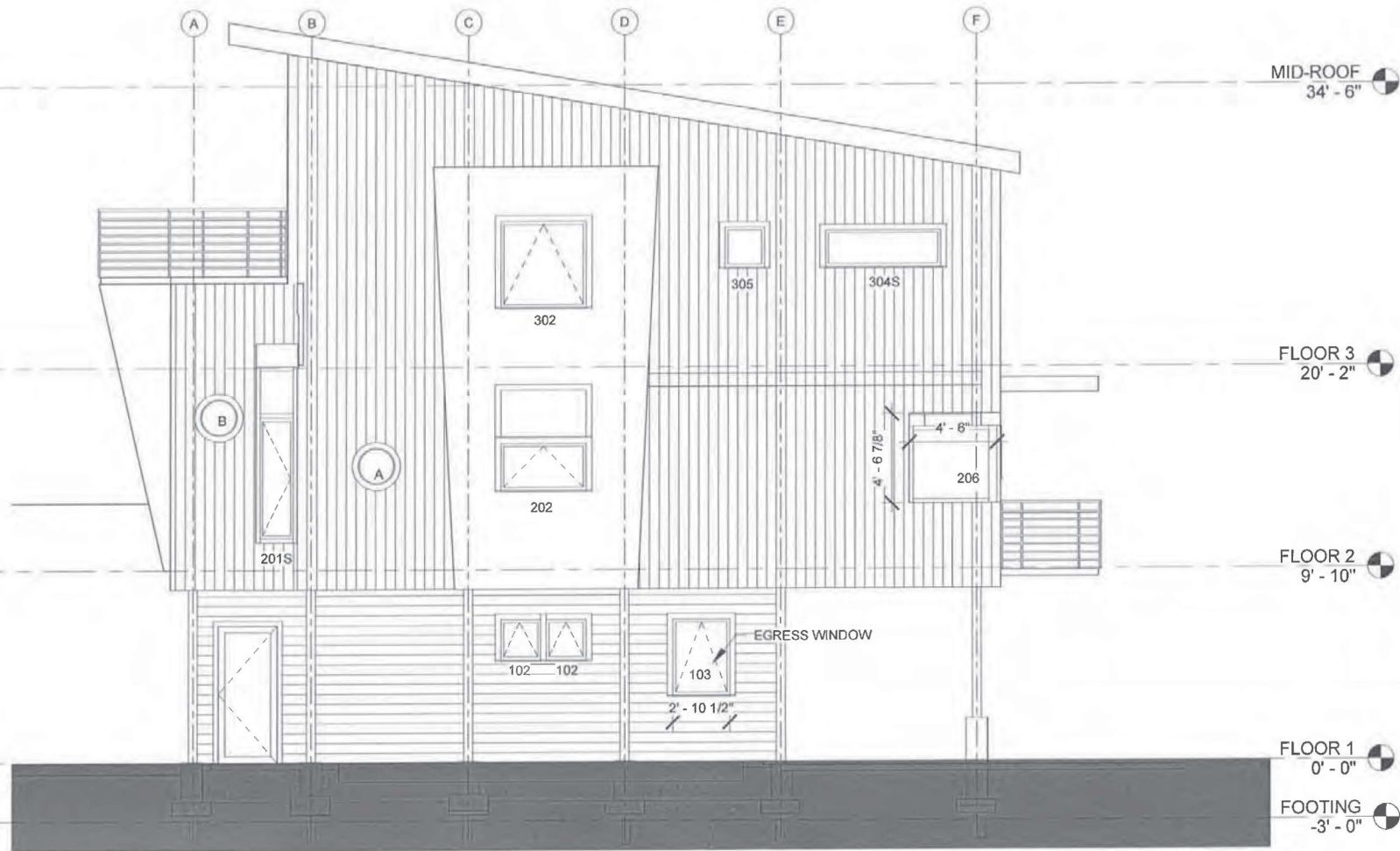
DATE: 9/22/2016

DRAWN: SvW

CHECKED: jTm

SHEET NUMBER

A 401



1 SOUTH ELEVATION
3/16" = 1'-0"

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juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILL ROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
SOUTH

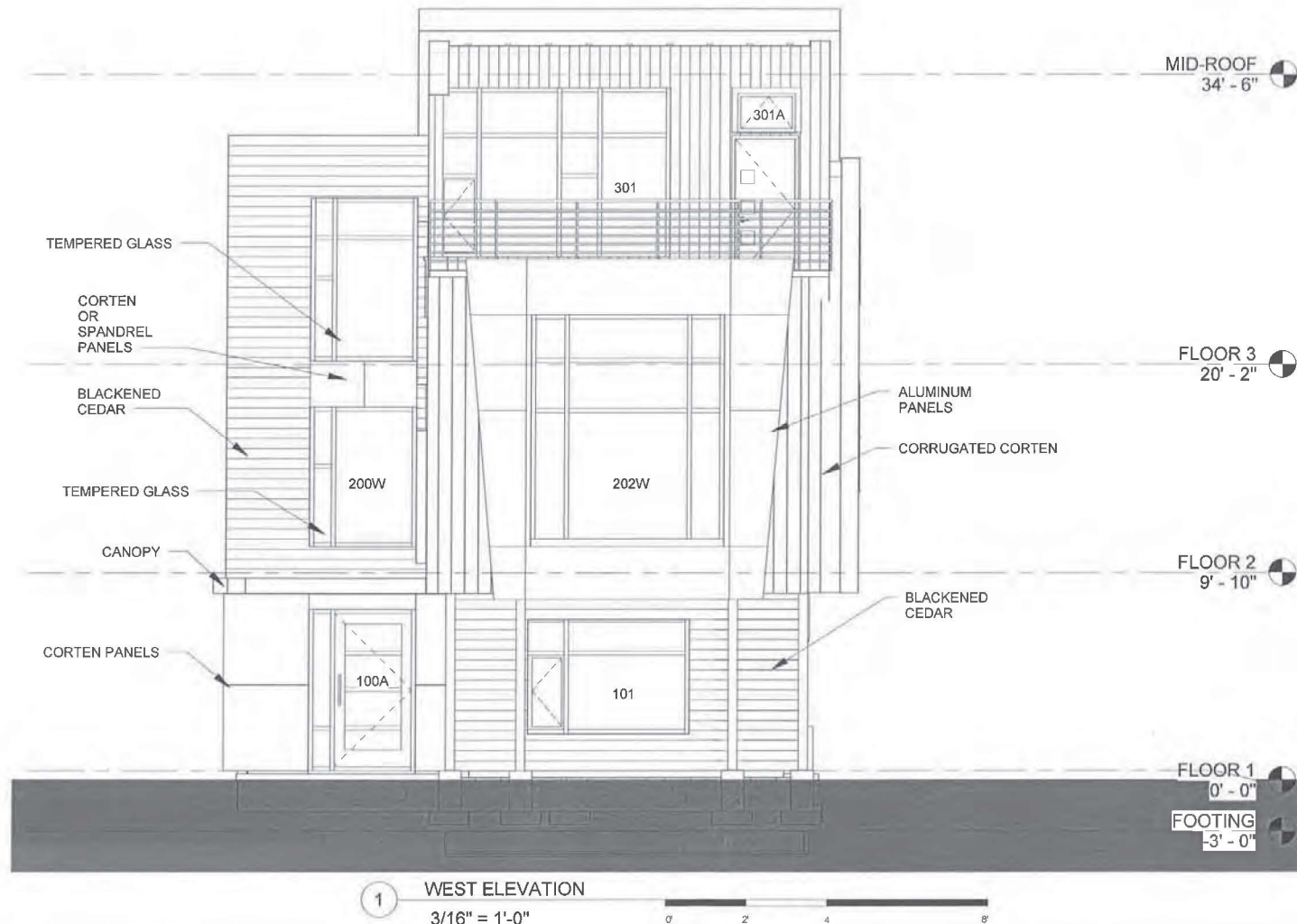
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CHECKED: jTm

SHEET NUMBER

A 402



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art & architecture

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juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
WEST

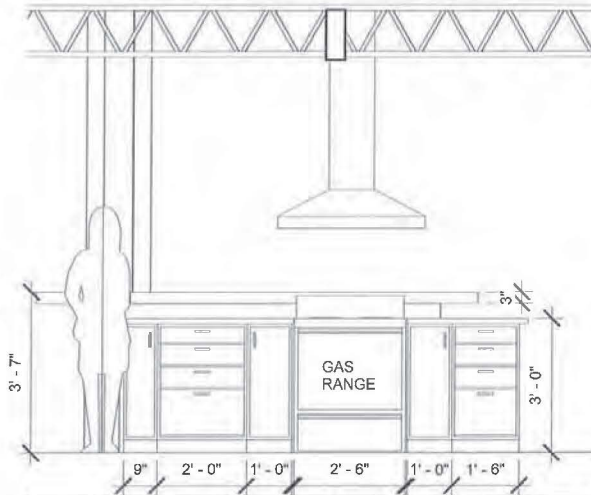
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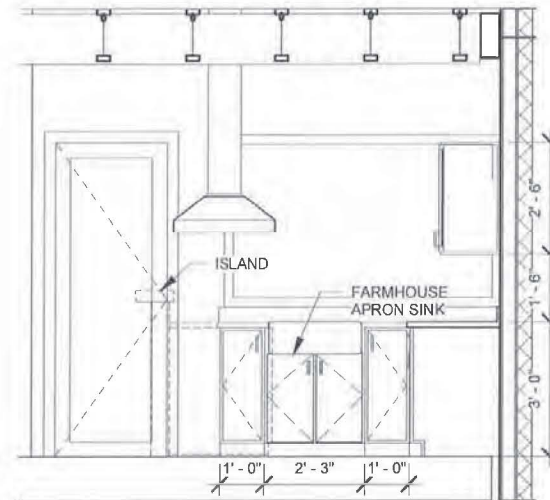
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SHEET NUMBER

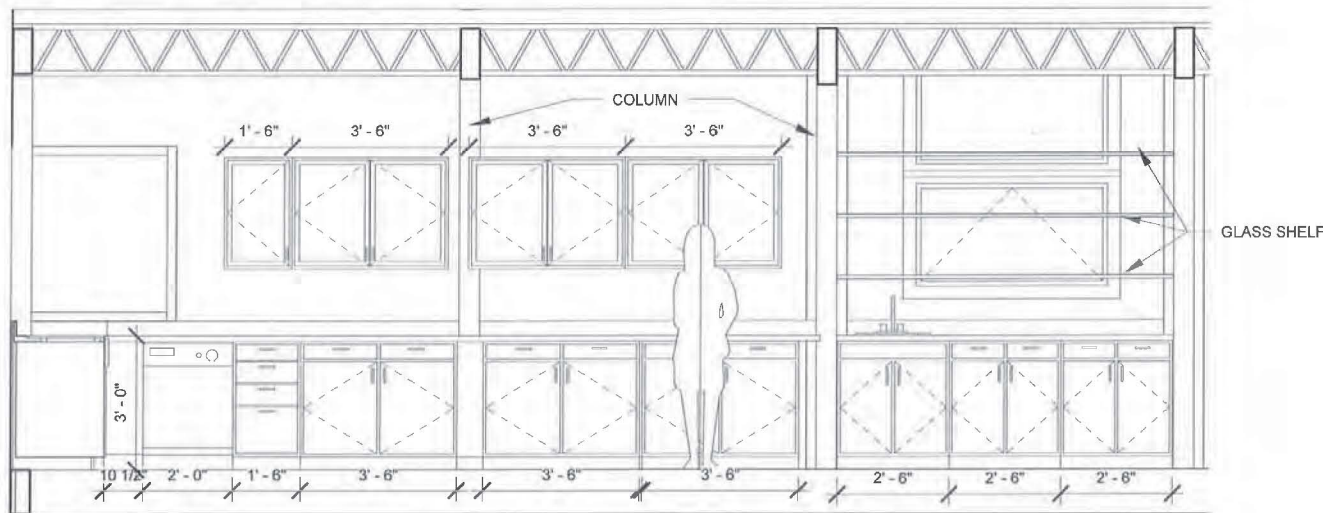
A 403



2 N. KITCHEN ELEVATION
3/8" = 1'-0"



1 E. KITCHEN ELEVATION
3/8" = 1'-0"



3 S. KITCHEN ELEVATION
3/8" = 1'-0"

atelier corbeau -
art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLOYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

KITCHEN
ELEVATIONS

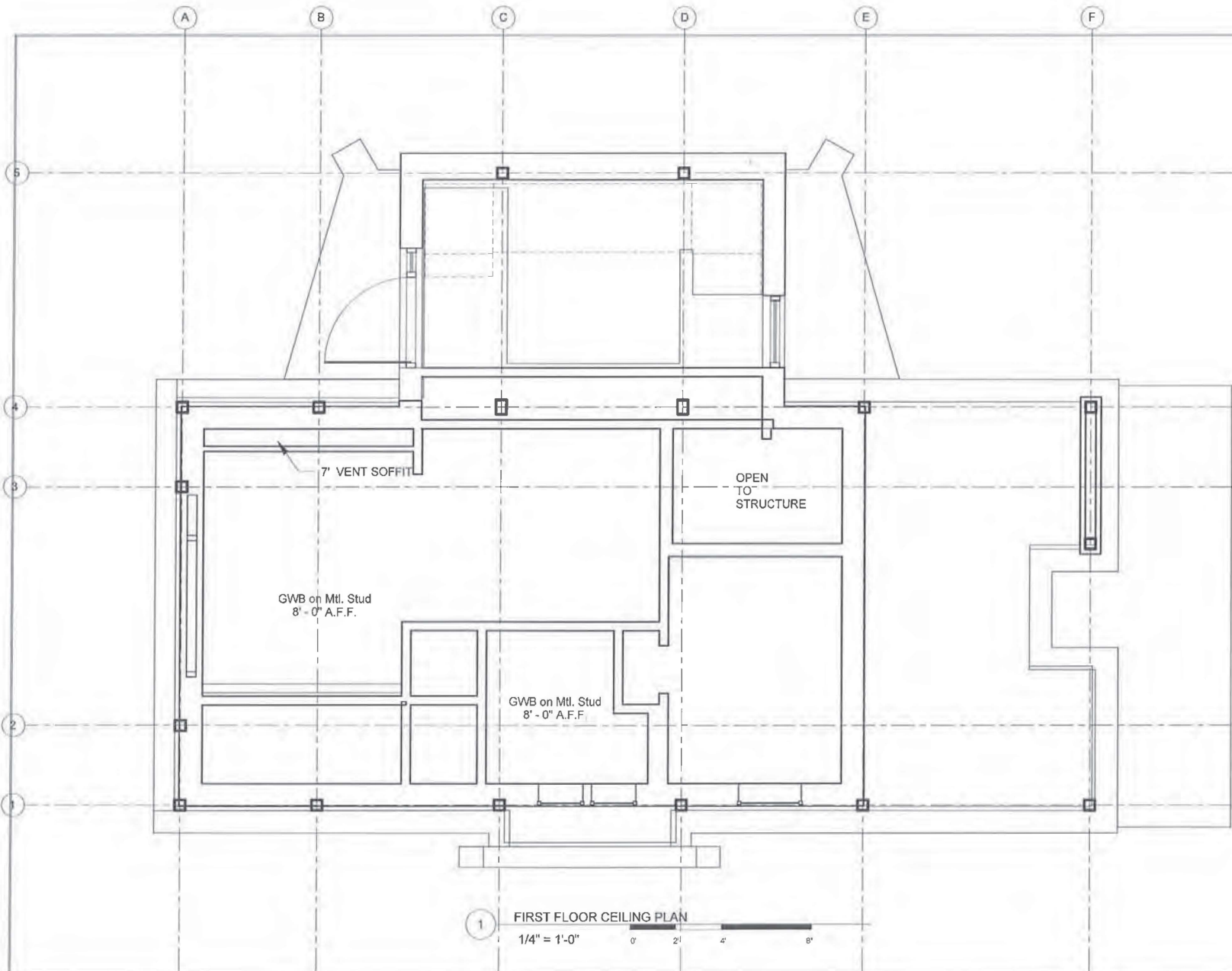
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CHECKED: JTM

SHEET NUMBER

A 600



atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILL ROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE
REFLECTED
CEILING PLAN
- 1

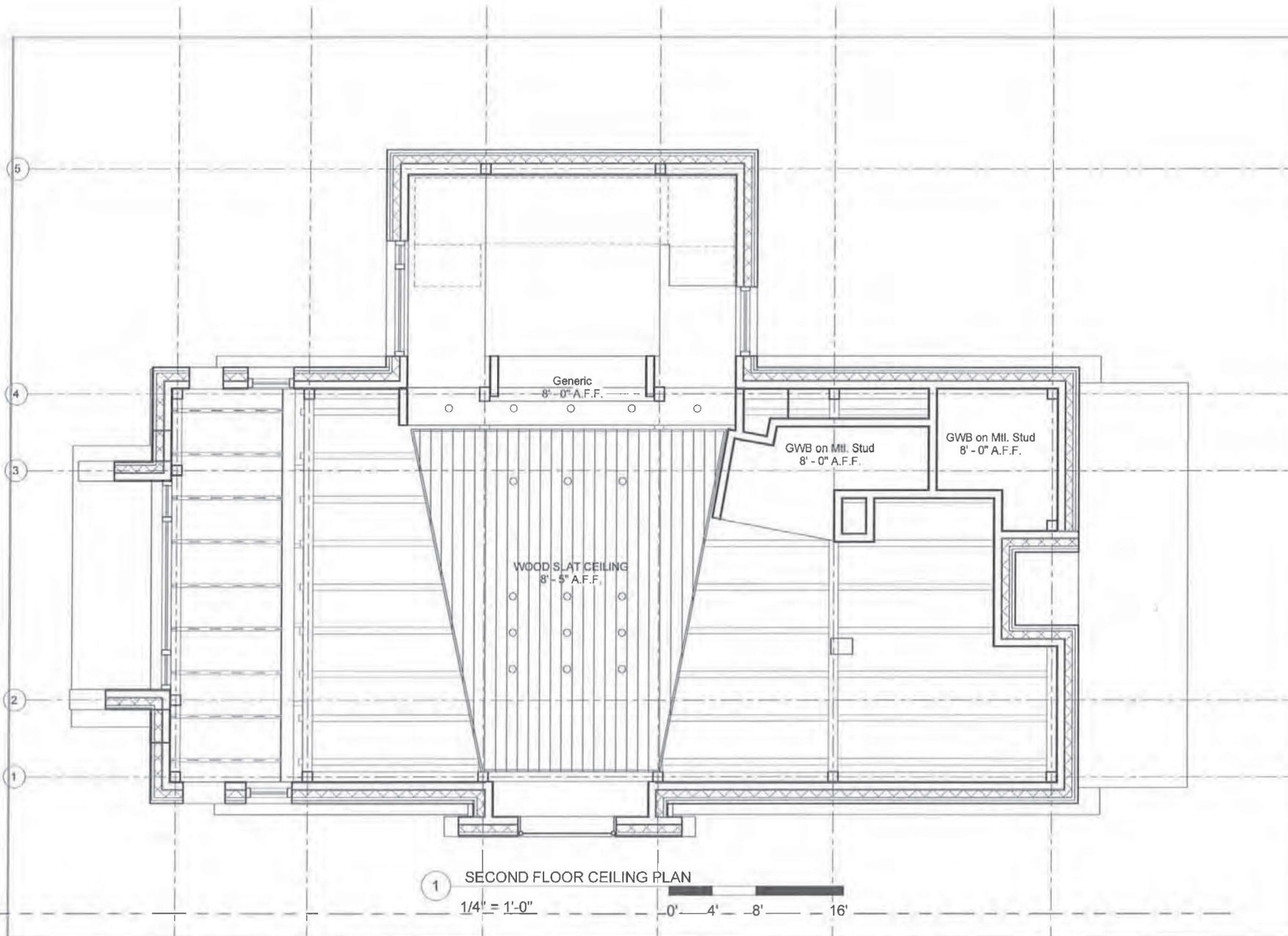
DATE: 9/22/2016

DRAWN: Author

CHECKED: Checker

SHEET NUMBER

A 900



atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE
REFLECTED
CEILING PLAN
- 2

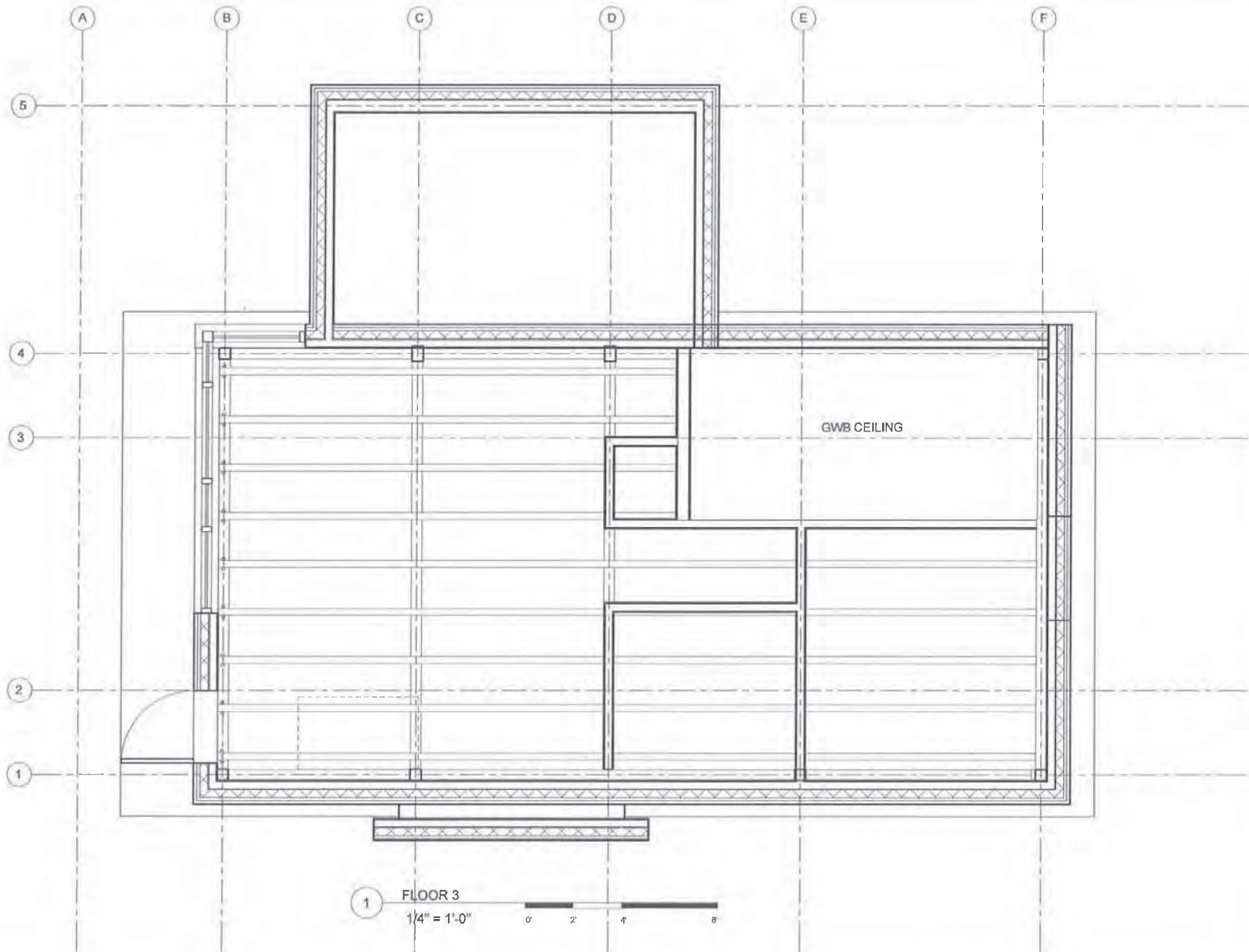
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CHECKED: Checker

SHEET NUMBER

A 901



atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILL ROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE
REFLECTED
CEILING
PLAN-3

DATE: 9/22/2016

DRAWN: Author

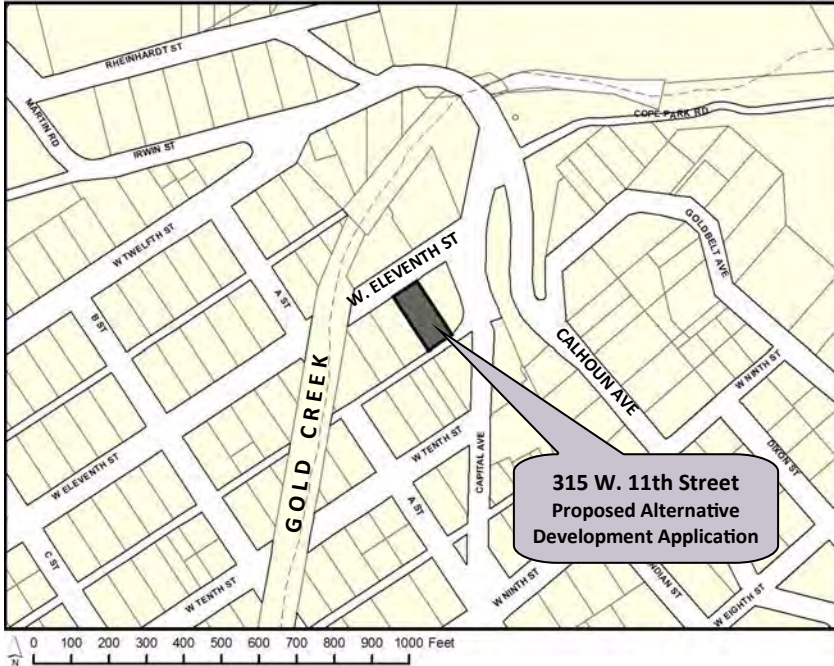
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SHEET NUMBER

A 902

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for an **Alternative Development Permit** for a **reduced side yard setback to accommodate an architectural feature at the 2nd and 3rd story levels at 315 W. 11th Street**, located in the **downtown Juneau Alternative Development Overlay District**.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through Sept. 14, 2017

Your comments to the Planner, Jill Maclean, will be included in the staff report.

Sept. 15 through 3 pm, September 26

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, September 26, 2017

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

September 27

The results of the hearing will be posted online.

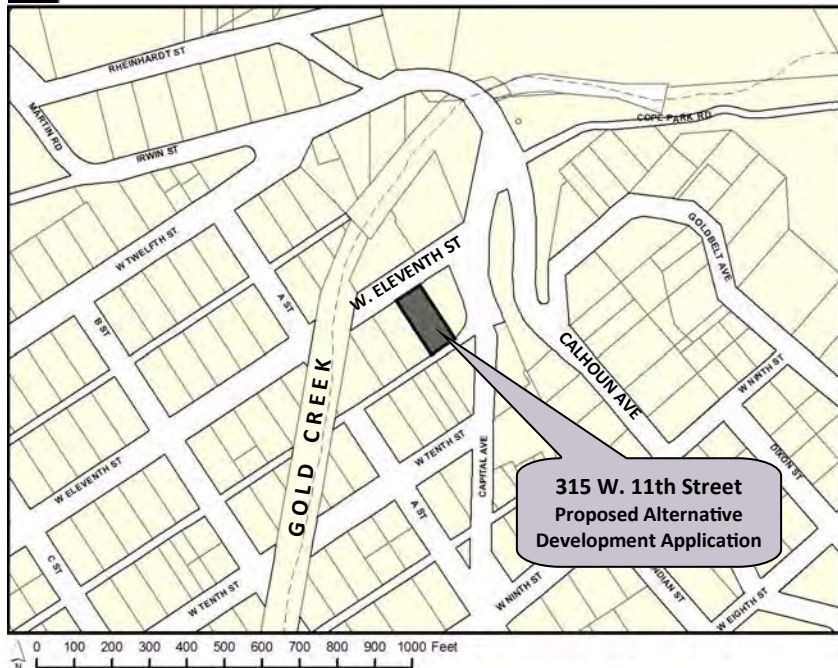
Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Attachment A - Public Notice

Case No.: ADP2017 0001
Parcel No.: 1C030C040021
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: September 7, 2017

Invitation to Comment

PLEASE NOTE: You are receiving a 2nd notice of this hearing so that we can correct a small text error in the case description. This does **NOT** change the applicant's project in any way.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for an **Alternative Development Permit** for a **reduced side yard setback to accommodate additional living space at the 2nd and 3rd story levels at 315 W. 11th Street**, located in the **downtown Juneau Alternative Development Overlay District**.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through Sept. 14, 2017

Your comments to the Planner, Jill Maclean, will be included in the staff report.

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September 27

The results of the hearing will be posted online.

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

Attachment A - Public Notice

Case No.: ADP2017 0001
Parcel No.: 1C030C040021
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: September 12, 2017

Attachment B - Site Photos



View from Capital Ave

Attachment B - Site Photos



View from W. Eleventh Street



View from W. Eleventh Street

Attachment B - Site Photos



View from W. Eleventh Street



View from alley



Attachment B - Site Photos



View from alley

Attachment B - Site Photos



View of alley and neighboring properties

Attachment B - Site Photos



View of alley and neighboring properties



View of W. Eleventh Street and neighboring properties

Presented by: The Manager
 Introduced: 06/05/2017
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-16

An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

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

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

Section 2. Amendment of Chapter. Title 49, Chapter 70 is amended by adding a new article XII to read:

ARTICLE XII. ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT

49.70.1200 Purpose.

The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, preserve the character of neighborhoods, and promote the restoration of blighted buildings.

49.70.1210 Overlay Districts.

(a) *Downtown Juneau Overlay District.* This article applies to property within the Alternative Development Overlay District for Downtown Juneau as shown on the map dated May 25, 2017. The Downtown Juneau Overlay District shall cease to exist and the provisions of this article shall not apply to property within the Downtown Juneau Overlay District after August 1, 2019.

(b) *Downtown Douglas Overlay District.* This article applies to property within the Alternative Development Overlay District for Downtown Douglas as shown on the map dated May 25, 2017. The Downtown Douglas Overlay District shall cease to exist and the provisions of this article shall not apply to property within the Downtown Douglas Overlay District after August 1, 2020.

49.70.1220 Relationship to Existing Zoning.

This article applies only to allowed residential uses in the Alternative Development Overlay District. This article provides an alternative development process in addition to the underlying zoning regulations. An alternative development permit does not exempt a developer from obtaining all other required permits.

49.70.1230 Alternative Development Procedure.

- (a) *Alternative Development Permit.* The board of adjustment shall hear all applications pursuant to this article.
- (b) *Pre-application Conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the alternative development permit procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this article shall be provided to the developer at the conference.
- (c) *Application.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
 - (1) The director shall endeavor to determine whether the application accurately reflects the developer's intentions, shall advise the developer whether or not the application is acceptable, and, if it is not, what corrective action may be taken.
 - (2) After accepting the application, the director shall schedule it for a hearing before the board of adjustment and shall give notice to the developer and the public in accordance with CBJ 49.15.230.
 - (3) The director shall forward the application to the board of adjustment together with a report setting forth the director's recommendation for approval or denial, with or without conditions, and the reasons therefor. The director shall make the determinations specified in subsection (e) of this section.
 - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
 - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:

- (A) Will materially endanger the public health or safety;
- (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

(e) *Review of director's determinations.*

- (1) At the hearing on the alternative development permit, the board of adjustment shall review the director's report to consider:
 - (A) Whether the proposed development is appropriate according to the Alternative Development Overlay District;
 - (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
- (2) The board of adjustment shall adopt the director's determination on each item set forth in paragraph (1) of this subsection unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(f) *Board of adjustment determinations.* Even if the board of adjustment adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

- (1) Materially endanger the public health or safety;
- (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

49.70.1240 Alternative Development Requirements.

The board of adjustment may reduce the following requirements of the Table of Dimensional Standards, 49.25.400, for development of new residential buildings, and the expansion, restoration, or repair of existing residential buildings. The term residential building includes accessory structures.

(a) *Setbacks.* No part of any residential building may be erected closer to the property line than

(1) The average corresponding setback(s) of residential buildings within a 150 foot radius as determined by the director. If any of the corresponding setbacks used in the averaging calculation is located a greater distance than the required setback of the underlying zoning, then the standard setback in 49.25.400 of the underlying zoning will be used. If any of the corresponding setbacks used in the averaging calculation encroaches into the public right of way or onto an adjacent property, then zero feet will be used in the averaging calculation for that setback; or

(2) The footprint of the existing residential building. No encroachment into the public right-of-way or on adjacent property shall be permitted.

(b) *Lot Coverage.* A lot within the overlay district shall not exceed 60% lot coverage.

(c) *Vegetative Coverage.* A lot within the overlay shall maintain 15% vegetative coverage.

Section 3. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

...

(10) Board of adjustment.

(A) De minimis variance, \$120.00;

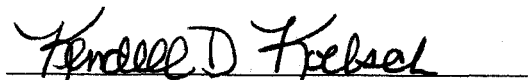
(B) Variance other than a de minimis variance, \$400.00;

(C) Alternative development permit, \$400.00.

...

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 26th day of June, 2017.


Kendell D. Koelsch, Mayor

Attest:


Laurie J. Sica, Municipal Clerk



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/cdd

155 S. Seward Street • Juneau, AK 99801

DATE: October 27, 2016

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

A handwritten signature in black ink that reads "Tim Felstead".

FILE NO.: AAP2016 0022

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

GENERAL INFORMATION

Applicant: Pagan Hill and Rob Roys

Property Owner: Pagan Hill and Rob Roys

Property Address: 315 W. Eleventh Street

Legal Description: Casey Shattuck Block 204 Lot 2

Parcel Code Number: 1-C03-0-C04-002-1

Site Size: 3,600 square feet (0.0826 acres)

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

Zoning: D5

Utilities: Public Water/Public Sewer

Access: Alley between W. Eleventh Street and W. Twelfth Street

Existing Land Use: Single Family Residence (under construction)

Surrounding Land Use:

- North - D18 (W. Eleventh Street/Office)
- South - D5 (Alley/Single Family Residence)
- East - D5 (Single Family Residence)
- West - D5 (Single Family Residence)

Planning Commission
File No.: AAP2016 0022
October 25, 2016
Page 2 of 7

Vicinity Map



Planning Commission
File No.: AAP2016 0022
October 27, 2016
Page 3 of 7

ATTACHMENTS

Attachment A – Application including plans and narrative
Attachment B – Public notice
Attachment C – Letter of support from adjacent neighbors at 319 W. Eleventh St.

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of an accessory apartment in a single family residence on an undersized lot in a D5 zoning district.

BACKGROUND

The applicants are currently constructing a single family residence on a vacant lot and would like to add an accessory apartment of ~400 square feet (application narrative states 475 square feet in error) (see **Attachment A**) on the 1st floor of this building. Previously, a garage was located on the lot and was used by 319 W. Eleventh Street. This was demolished sometime after 2001.

In 2001 an application to reduce rear and front yard setbacks to 5 feet was approved for a single family residence (VAR2001-00011) but this residence was never constructed and the variance has now expired.

The Casey-Shattuck subdivision was first platted in 1915 with the majority of the lots being 3,600 square feet and so nearly half that required by today's D5 zoning standard.

ANALYSIS

Project Site – The subject lot located in a D5 which has a minimum lot size of 7,000 square feet. The subject lot is 3,600 square feet but is a legal lot created prior to minimum lot sizes were required. It is a common lot size in the Casey Shattuck subdivision. The lot is accessed by a CBJ maintained alley and the W. Eleventh Street Right of Way.

Project Design – A building permit has been issued for a three story single family residence which is currently being constructed. The applicants intend to use the 1st floor of this structure for an accessory apartment approximately 400 square feet in size. The apartment will be accessed via a door on the west side of the building (next to 319 W. Eleventh Street) and the main dwelling will be accessed from the east side of the building (next to 1038 Capital Avenue).

The relevant section of the CBJ Land Use (CBJ 49.25.510) has number of requirements for accessory apartment approval. The development must

Planning Commission
 File No.: AAP2016 0022
 October 27, 2016
 Page 4 of 7

- ≠ Meet minimum building setbacks.
- ≠ Not exceed maximum lot coverage limits.
- ≠ Meet vegetative cover requirements.
- ≠ Meet parking requirements.
- ≠ Be connected to public sewer or have adequate on-site wastewater disposal.

The application meets all the above requirements. The approved building permit for the building in which the proposed accessory apartment will be located has already demonstrated it meets the above zoning requirements. The building complies with the required setbacks. Lot coverage will be 24% with the maximum lot coverage for the D5 zoning district being 50%. The D5 zoning district requires a minimum of 20% vegetative cover. The site plan indicates this proposal will have at least this level of vegetative cover. A single family dwelling with an accessory apartment is required to have three parking spaces - two for the single family dwelling and one for the accessory apartment (49.40.210(a)). The applicants have submitted plans that show three on-site parking spaces. The building will be connected to public sewer.

Traffic, Parking and Circulation – The number of required parking spaces is discussed above. Access to the parking spaces will be via alley. This means that on-street parking in front of the subject lot on W. Eleventh St. can still be used by the neighborhood. Back-out parking is allowed for single family dwellings and also when the access is via an alley.

Noise – The proposed use as an accessory apartment will be in keeping with a residential neighborhood. The neighbors closest to the entrance for the proposed apartment are supportive of the application (see **Attachment C**).

Public Health or Safety – The structure meets all zoning requirements for height and setbacks and will meet all applicable building code requirements for fire safety. CBJ Fire Department and both CBJ General Engineering and CBJ Building divisions have stated they have no issues with the application. The accessory apartment will require a modification to the original Building Permit for the single family residence. No public health or safety concerns have been raised by this proposal.

Habitat – No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site.

Property Value or Neighborhood Harmony – Available evidence indicates that property values will not be affected and the proposed use is in harmony with the surrounding neighborhood. No public comments against the proposal have been received at the time of writing this report. The accessory apartment will be within a structure that meets the requirements of the CBJ Land Use Code.

Planning Commission
File No.: AAP2016 0022
October 27, 2016
Page 5 of 7

Conformity with Adopted Plans – The project substantially conforms to the 2013 Juneau Comprehensive Plan Policy 4.1 and 4.2 as follows:

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

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

The proposed development meets the intent of these policies by providing additional housing in the community.

FINDINGS

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

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

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Planning Commission
 File No.: AAP2016 0022
 October 27, 2016
 Page 6 of 7

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

1. Is the application for the requested Accessory Apartment permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.130 for the D-5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the October 30, 2016 and November 7, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. As described in the preceding analysis, Building Permits will help ensure that the proposed development will not materially endanger the public health or safety.

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

No. As described in the preceding analysis, no evidence indicates that the development will substantially decrease the value of or be out of harmony with the property in the neighboring area.

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

Yes. The proposed development meets the intent of the 2013 Juneau Comprehensive Plan, specifically Policy 4.1 and Policy 4.2.

Planning Commission
File No.: AAP2016 0022
October 27, 2016
Page 7 of 7

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

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

Not applicable.

RECOMMENDATION

Based upon the proposed plans, it is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an undersized lot in a D-5 zoning district.

DEVELOPMENT PERMIT APPLICATION

Project Number AAP 2016 0022	CITY and BOROUGH of JUNEAU	Date Received: 9/29/16
Project Name (City Staff to Assign Name)		
PROJECT / APPLICANT INFORMATION	Project Description New single family home w/ accessory apartment	
	PROPERTY LOCATION	
	Street Address 315 West 11th St	City/Zip JNU 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) CASEY SHATTUCK BL 204 LOT 2	
	Assessor's Parcel Number(s) 1C 030C 040021	
	LANDOWNER/ LESSEE	
	Property Owner's Name PACAN Hill + Rob Roys	Contact Person: PACAN Hill
	Mailing Address PO Box 20273 99802	Home Phone: 321 1972
	E-mail Address phillpacan@gmail.com	Other Contact Phone Number(s): Rob 321 3356 / 465 8684
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits**** I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X <u>[Signature]</u> <u>9/27/16</u> Date Landowner/Lessee Signature X <u>[Signature]</u> <u>9/27/16</u> Date Landowner/Lessee Signature	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name SAME	Contact Person:	
Mailing Address	Home Phone:	
E-mail Address	Other Contact Phone Number(s):	
X <u>[Signature]</u> <u>9/27/16</u> Date of Application Applicant's Signature		

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			AAP 2016 0022
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
Comments: Accessory Appr-					Permit Intake Initials TJR

ACCESSORY APARTMENT APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number <u>AAP 2016 0022</u>	Project Name (15 characters)	Case Number <u>AAP 20160022</u>	Date Received <u>9/27/14</u>																																			
DESCRIBE THE ACCESSORY APARTMENT: <u>475 sq. ft 1 br 1 ba ground floor</u>																																						
TYPE OF ACCESSORY APARTMENT ☒ Attached to or Within a Single-Family Dwelling ☐ Associated With a Detached Garage ☐ Within a Two-Unit Common-Wall Dwelling ☐ Not Affiliated with Another Structure (Stand alone)																																						
AREA OF APARTMENT Net Floor Area <u>475</u> square feet Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.																																						
PARKING Existing Spaces <u>0</u> Proposed Total Spaces <u>4</u> (Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)																																						
SITE INFORMATION ZONING DISTRICT <u>D5</u> MINIMUM LOT SIZE (\$49,25,400) <u>7000 sqft</u> ACTUAL LOT SIZE**** <u>3600 sqft</u> ****Applicants please note that if the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.																																						
UTILITIES AVAILABLE WATER: ☒ Public ☒ On Site SEWER: ☒ Public ☒ On Site****																																						
Permitting Process: ☐ Departmental Review ☒ Planning Commission																																						
<table border="0" style="width:100%;"> <tr> <td style="width:30%;">Fees (Departmental Approval)</td> <td style="width:20%;"><u>Fees</u></td> <td style="width:20%;"><u>Check No.</u></td> <td style="width:20%;"><u>Receipt No.</u></td> <td style="width:10%;"><u>Date</u></td> </tr> <tr> <td>Application Fees</td> <td><u>See Building Permit</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="5">Fees (Conditional Use Permit)</td> </tr> <tr> <td>Application Fee</td> <td>\$ <u>350</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Public Notice Sign Fee</td> <td>\$ <u>50</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Public Notice Sign Deposit</td> <td>\$ <u>100</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td>\$ <u>500</u></td> <td><u>Vice</u></td> <td><u>8643</u></td> <td><u>9/29/14</u></td> </tr> </table>				Fees (Departmental Approval)	<u>Fees</u>	<u>Check No.</u>	<u>Receipt No.</u>	<u>Date</u>	Application Fees	<u>See Building Permit</u>				Fees (Conditional Use Permit)					Application Fee	\$ <u>350</u>				Public Notice Sign Fee	\$ <u>50</u>				Public Notice Sign Deposit	\$ <u>100</u>				Total	\$ <u>500</u>	<u>Vice</u>	<u>8643</u>	<u>9/29/14</u>
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For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.																																						

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment D - CUP (AAP16-22)

Attachment A

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number AAP 2016 0022	Project Name (15 characters)	Case Number AAP 2016 0022	Date Received 9/29/16
--	------------------------------	-------------------------------------	---------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☒ Accessory Apartment*** (AAP)

☐ Driveway in Right-of-Way (ADW)

☐ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: _____

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

We are building a single family home on an empty lot and would like to include a 475 square foot accessory apartment on the ground floor. The apartment would have 1 small bedroom and a 3/4 bath.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ NO
 ☐ YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S): Empty lot

PROPOSED USE OF LAND OR BUILDING(S): _____

UTILITIES PROPOSED:

WATER:
☐ Public
 ☐ On Site

SEWER:
☐ Public
 ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 3600 square feet

Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 1900 ? square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☒ Site Plan
☒ Floor Plan of proposed buildings
☒ Elevation view of existing and proposed buildings
☐ Proposed Vegetative Cover

☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>350</u>	_____	_____	_____
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____
Total Fee	\$ <u>500</u>	<u>Vista</u>	<u>8643</u>	<u>9/29/16</u>

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

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

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Pagan Hill ~ 907-321-1972 ~ hillpagan@gmail.com ~ P.O. Box 20273 ~ Juneau, AK 99802
 Rob Roys ~ 907-321-3356 ~ robroys@gmail.com ~ P.O. Box 20273 ~ Juneau, AK 99802

9/30/16

Planning director and commissioners:

We are constructing a new single family home at 315 West 11th Street in Casey Shattuck. The plans have been approved (BLD20160568) and include 3 off street parking spots. We are requesting that you allow us to include a 475 square foot accessory apartment on the ground floor. It would have a small bedroom, a kitchenette area in the main room, and a $\frac{3}{4}$ bath. It would not jut out from the house in any way, and like the rest of the house it would not extend into any setbacks. The tenants would access the parking spots by a path along the west side of the house from the apartment door to the rear carport area. Any lighting installed at the apartment entrance or along this path would be designed so it does not project into the neighboring properties.

The Conditional Use Permit is required because we are zoned D-5, and in D-5 the minimum lot size for an accessory apartment is 7000 square feet. Our neighborhood, Casey Shattuck, is a planned development and all of the lots (unless irregular due to creek or road, or halved) are 3600 square feet in size. Many of these homes have accessory apartments (or are multifamily residences) and still fit well into the fabric of the neighborhood, despite none of them being zoned for that.

We have created three off street parking spots where before there was, in a way, negative one. This is because we have a curb cut, and the right to put in a driveway, on the 11th street side of the house, but we do not intend to do so. So by not having a driveway we actually add a parking spot to the street. (Our off street parking will be accessed from the alley behind the house, so no parking spots are disrupted).

We have made other choices in planning the new residence with the well-being of our neighbors in mind. We lived next to the building lot, at 319 West 11th, for 12 years, and in that time we got a feel for the year round light patterns and general spatial feel of the block. Because of this we determined that it would be least disruptive to our neighbors if we built the new residence set back on the lot, closer to the alley side, staggered from the existing homes, which in fact we are doing, despite our architects' determination that our personal use and enjoyment of the lot (and the light) would be enhanced by building directly between the residences on either side (see image at end of this narrative). We have also planned a deck far above street level, leaving the front yard undisturbed and available to be enjoyed as open space, and separating many of our outdoor activities from the immediate vicinity of our neighbors' windows, porches and yards.

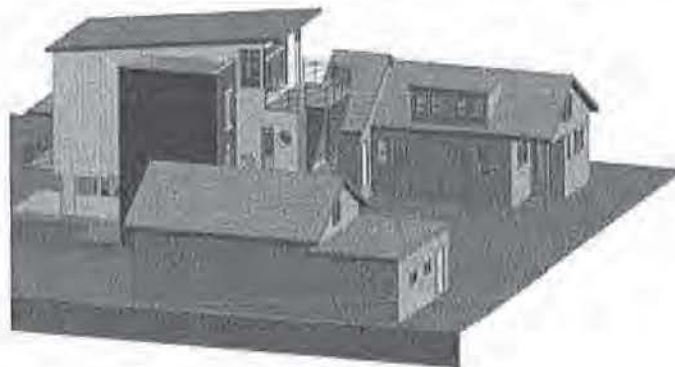
The harm that could result from the apartment not being approved is that it would be devastating to our plans going forward. Unfortunately the entire project, including the construction loan, hinges on us being able to expect the income from an apartment. We

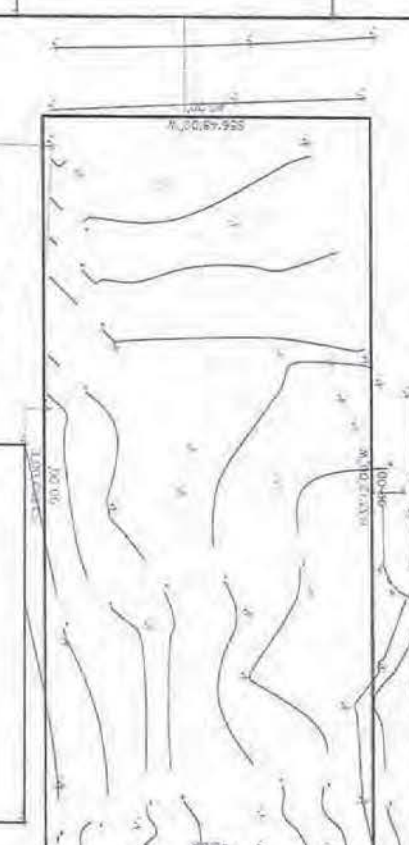
Pagan Hill ~ 907-321-1972 ~ hillpagan@gmail.com ~ P.O. Box 20273 ~ Juneau, AK 99802

Rob Roys ~ 907-321-3356 ~ robroys@gmail.com ~ P.O. Box 20273 ~ Juneau, AK 99802

know it is ultimately our responsibility, but we did bring the plans into the CBJ planning department over a year ago to discuss the parking requirements vis a vis the apartment, and no one mentioned that we were not zoned for one, despite multiple planners viewing the project. Neither the architects, the builders, nor the bankers were aware of the requirement. Accessory apartments are common in our neighborhood, and we were even encouraged to apply for a CBJ grant for putting one in, so it never occurred to us to check. At this point we have broken ground and now that we are aware of the situation we are terrified that our entire investment to this point (basically everything we have) is in jeopardy, not to mention that we have sold our home in order to build.

The apartment would be for rent year round at a reasonable rate and would help the city achieve its oft-stated goals of realizing greater housing density, and of keeping young people in Juneau. We have been quiet, respectful residents of the block for all these years and we would seek out the same in any tenants. We wholeheartedly feel that our project, including a small apartment, would improve the quality of life in the neighborhood, not detract from it, and we humbly request that you grant us the Conditional Use Permit.



OWNER Pagan Hill & Rob Roys PO Box 20273, 99802 Juneau, Alaska 99801 Rob 907-321-3356 Pagan 907-321-1972 E-MAIL: hillpagan@gmail.com robroyes@gmail.com	ZONING INFORMATION SINGLE FAMILY LEGAL DESCRIPTION LOT 1C030C040021, CASEY SHATTUCK BL. 204 LT 2 Address: 315 W. 11TH Street Juneau, AK 99801 LOT AREA Lot: 3600 Sq. Ft.	ZONING CBJ SETBACKS (LOT ADJACENT TO ALLEY): - FRONT = 10' - SIDE = 5' - REAR = 13' MAX. HEIGHT = 35' MIN LOT WIDTH = 70', ACTUAL = 40' MIN LOT DEPTH = 85', ACTUAL = 90' MAX LOT COVERAGE = 50% ACTUAL LOT COVERAGE = 24%	ARCHITECTURAL G 000 COVER A 001 GENERAL INFO, SHEET INDEX A 002 SPEC/BASIS OF DESIGN A 003 SCHEDULES, DOORS & WINDOWS A 004 CASEWORK SCHEDULE A 101 SITE PLAN A 102 FOUNDATION PLAN A 201 FLOOR PLAN 1 A 202 FLOOR PLAN 2 A 203 FLOOR PLAN 3 A 204 ROOF PLAN A 400 ELEVATION, NORTH A 401 ELEVATION, EAST A 402 ELEVATION, SOUTH A 403 ELEVATION, WEST A 500 SECTIONS A 600 INT. ELEVATION- KITCHEN A 601 INT. ELEVATION- KITCHEN, CONT. A 602 INT. ELEVATION- KITCHEN ISLAND A 603 INT. ELEVATION- MASTER BATH A 700 EXT. WALL DETAILS A 701 EXT. DETAILS A 800 INTERIOR WALL TYPES A 900 SELECTED CEILING PLAN INTAKE REVIEW Gen Eng POC IOC Tech. 411 Coleman Street Juneau, AK 99801 atelier corbeau - art & architecture	ARCHITECT atelier corbeau - art & architecture 411 Coleman Street Juneau, AK 99801 907-957-2369 Principal: J. Travis Miller E-MAIL: jtravis@ateliercorbeau.com	PROJECT DESCRIPTION New three story home in the Downtown Juneau Flats. Structure to include a high efficiency thermal envelope with metal siding and blackened cedar. Small apartment on Level 1. Building footprint 850 sf. All resident parking provided onsite. Total Project Area: 2300 sf (measured from outside face of stud)		STRUCTURAL M 1 GRAVEL SPACE PLAN M 2 FLOOR PLAN M 3 GROUNDHOG DIAGRAMS & SPECIFICATIONS S 1 ROOF PLAN S 2 ROOF FRAMING S 3 2ND LEVEL FRAMING PLAN MECHANICAL - NOT SHOWN M 001 SYMBOLS & SCHEDULES M 002 SCHEDULES M 100 PLUMBING FOUNDATION M 101 PLUMBING 1ST FLOOR M 102 PLUMBING 2ND FLOOR M 103 PLUMBING 3RD FLOOR M 201 RADIANT 1ST FLOOR M 202 RADIANT 2ND FLOOR M 203 RADIANT 3RD FLOOR M 301 DUCTWORK 1ST FLOOR M 302 DUCTWORK 2ND FLOOR M 303 DUCTWORK 3RD FLOOR M 400 DETAILS	STRUCTURAL BBFM Engineers 510 L St #200 Anchorage, AK 99501 (907) 274-2236 Principal: Colin Maynard E-MAIL: cmaynard@bbfm.com	All Electrical work must comply with the requirements of the, 2014 NEC Code as modified by CBJ Title 19.	All Plumbing work must comply with the requirements of the, 2012 UPC Code as modified by CBJ Title 19.	MECHANICAL ENGINEER Murray & Associates P.O. Box 20180 Juneau, AK 99801 907-780-6151 Principal: Doug Murray E-MAIL: dougm@murraypc.com	CONTRACTOR Corban Custom Construction 8800 Glacier Hwy # 113, Juneau, AK 99801 907-723-9049 Superintendent: Jeff Boman jeff@corbancc.com		REVIEWED FOR CODE COMPLIANCE Inspections will not be performed without CBJ approved plans on site. Attachment AS 9/28/16	CONSTRUCTION DOCUMENTS HILL ROYS for Pagan Hill & Rob Roys 1403 GENERAL INFO, ZONING & SHEET INDEX DATE: 5/16/2016 DRAWN: JTB CHECKED: JTB SHEET NUMBER A 001	RECEIVED SEP 13 2016 PERMIT CENTER/CDD 61D 26105 169
---	--	---	--	--	--	--	--	---	--	--	--	--	---	---	--	--









atelier corbeau -
art & architecture
411 coleman street
juneau, ak
99801

HILLROYS
CONSTRUCTION DOCUMENTS

for
Pagan Hill & Rob Roy's

1403

SHEET TITLE

ELEVATION -
NORTH

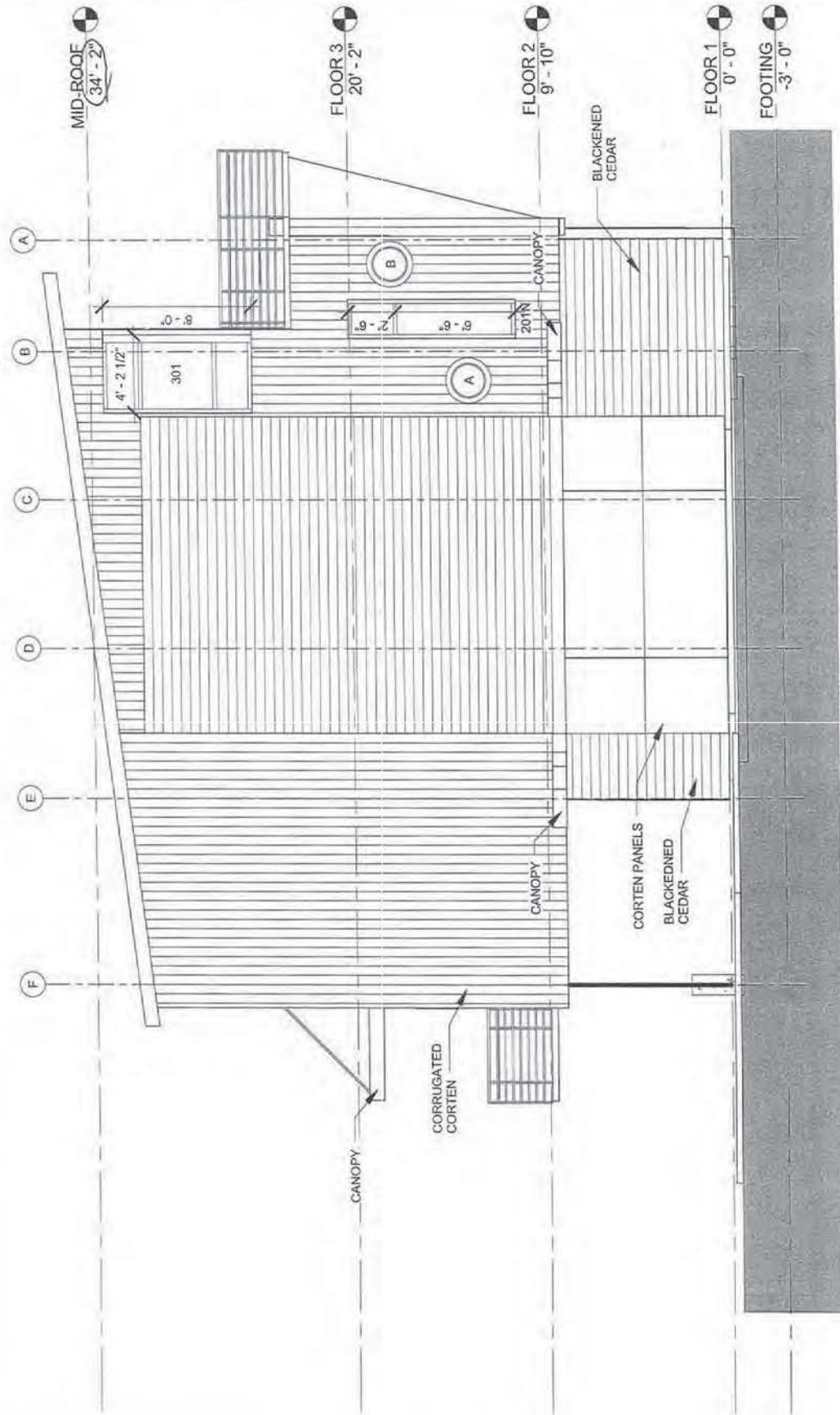
DATE: 5/16/2016

DRAWN: S

CHECKED: J

SHEET NUMBER

A 400



1 NORTH ELEVATION
3/16" = 1'-0"

Attachment A

atelier corbeau -
art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS
for
HILLROYS
Pagan Hill & Rob Roy's

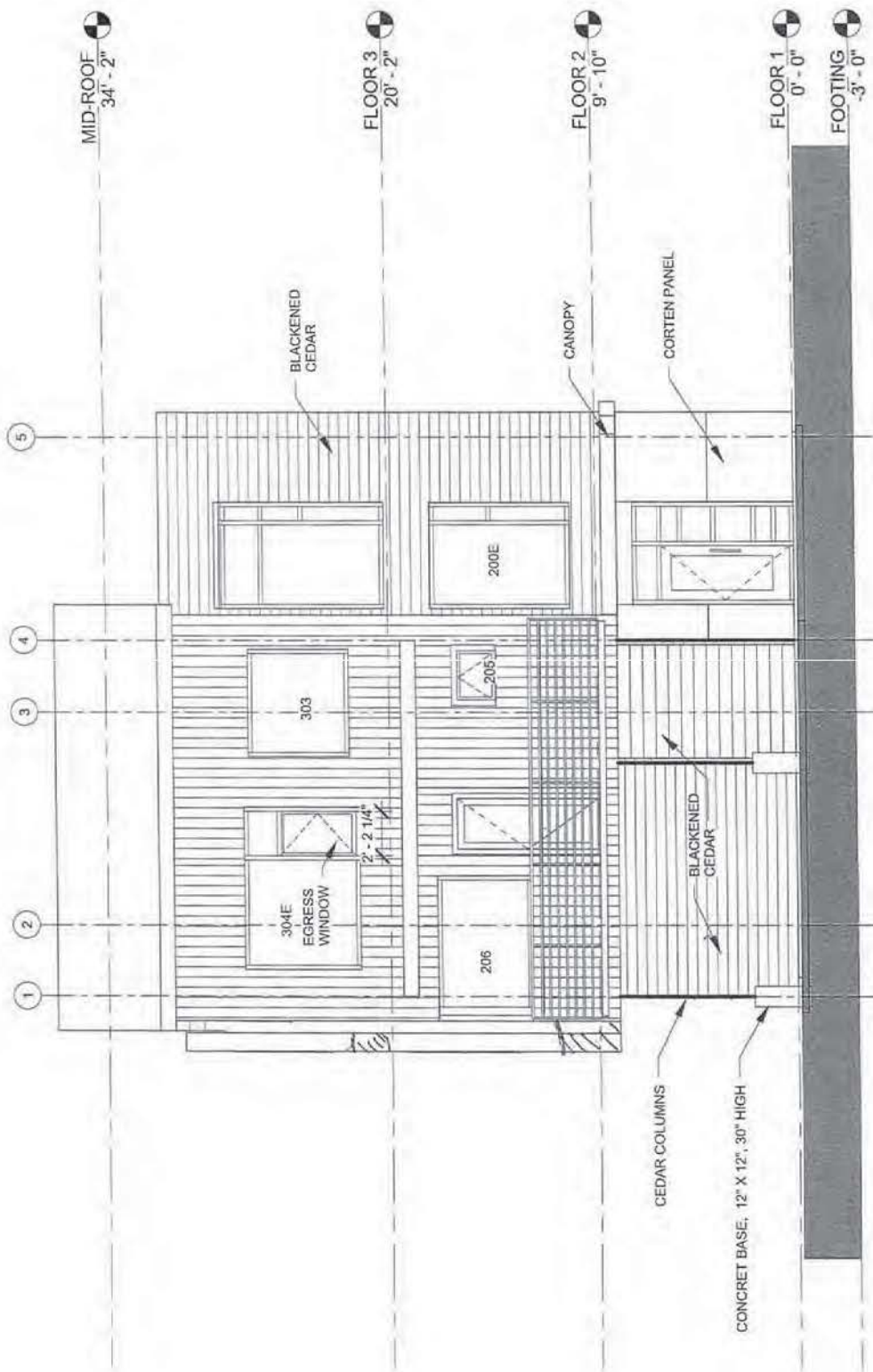
1403

SHEET TITLE
ELEVATION -
EAST

DATE: 5/16/2016
DRAWN: [signature]
CHECKED: [signature]
SHEET NUMBER

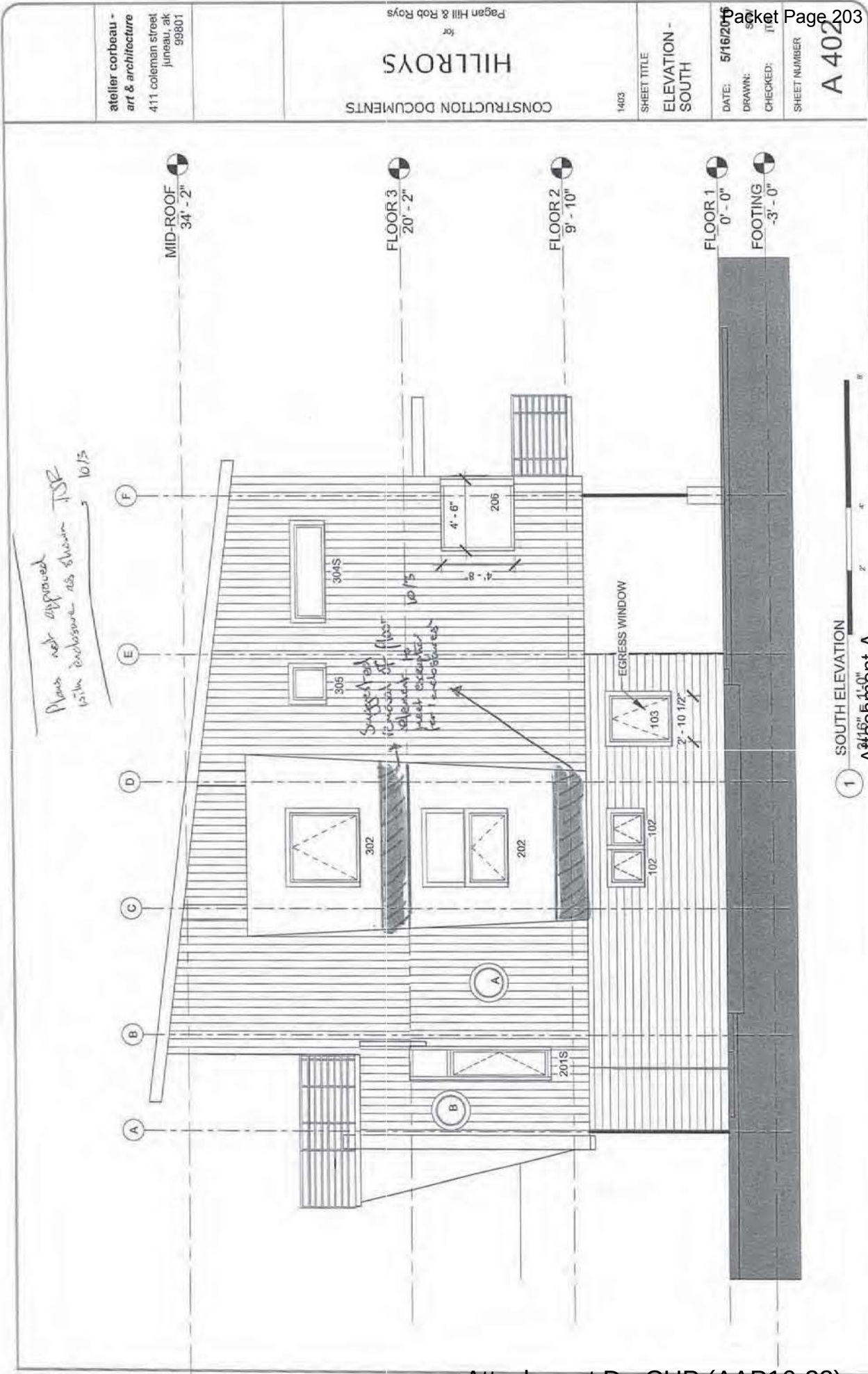
A 401

Packet Page 202 of 324



1 EAST ELEVATION
3/16" = 1'-0"

Attachment A



atelier corbeau -
 art & architecture
 411 coleman street
 juneau, ak
 99801

CONSTRUCTION DOCUMENTS
 for
HILLROYS
 Pagan Hill & Rob Roy's

1403
 SHEET TITLE
ELEVATION - SOUTH
 DATE: 5/16/2015
 DRAWN: SS
 CHECKED: JT
 SHEET NUMBER
A 402

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art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS
for
HILLROYS
Pagan Hill & Rob Roy's

1403

SHEET TITLE

ELEVATION -
WEST

DATE: 5/16/2016

DRAWN: S

CHECKED: J

SHEET NUMBER

A 403

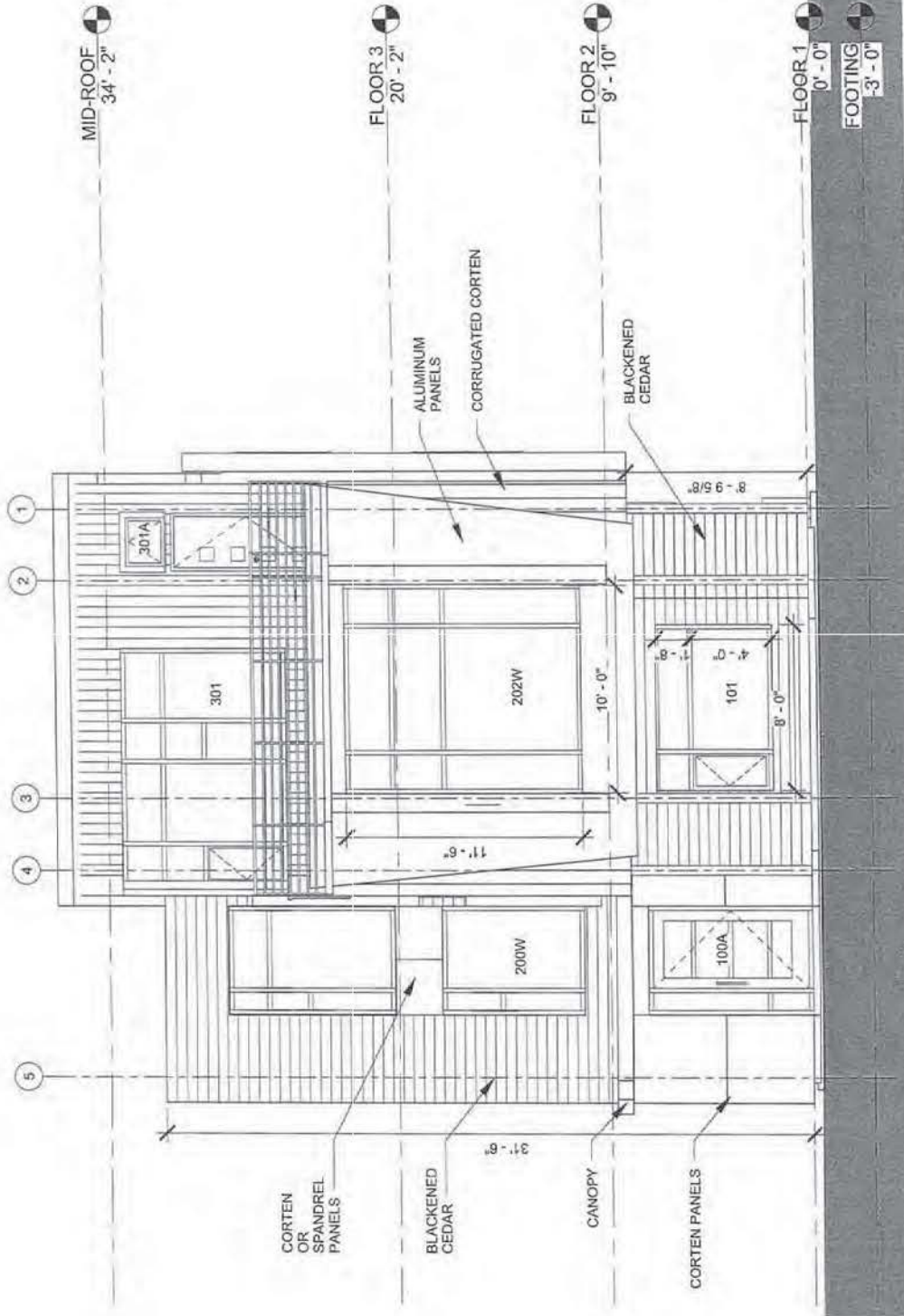
FLOOR 1
0' - 0"

FOOTING
-3' - 0"

FLOOR 2
9' - 10"

FLOOR 3
20' - 2"

MID-ROOF
34' - 2"





NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



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

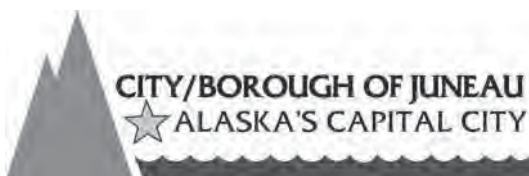
File No:	AAP2016 0022	Applicant:	Pagan Hill
To:	Adjacent Property Owners	Property PCN:	1-C03-0-C04-002-1
Hearing Date:	November 8, 2016	Owner:	Pagan Hill
Hearing Time:	7:00 PM	Lot Size:	3,600 square feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D5
		Site Address:	315 W. Eleventh Street
		Accessed Via:	W. Eleventh Street / Alley

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Tim Felstead at tim.felstead@juneau.org or 586-0466.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Attachment B Attachment D - CUP (AAP16-22)

From: [Jake Lapenter](#)
To: [Tim Felstead](#)
Subject: Rob and Pagan Hill

Date: Wednesday, October 05, 2016 11:06:27 AM

Tim,
On behalf of Bridget and myself I am writing you to express our support and approval of the accessory apartment that Rob and Pagan are requesting. We have looked at the plans and hope that it gets approved!
Thank you, and good day.
Jake Lapenter

Attachment C – Letter of support from adjacent neighbors at 318 W. Eleventh St.

Attachment D - CUP (AAP16-22)



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

Pagan Hill
Rob Roys
P.O. Box 20273
Juneau, AK 99802-0273

Travis Miller, Atelier Corbeau-Arts and Architecture
411 Coleman Street
Juneau, AK 99801

RE: BLD 2016 0568
315 W. Eleventh Street
1-C03-0-C04-002-1

Dear Ms. Hill, Mr. Roys, and Mr. Miller

I am responding to your April 10, 2017 email to Tim Felstead, Planner II. I'm sorry for the delayed response, but this is a complicated issue and required some research to fully understand the history of this permit.

My understanding of the timeline is that a building permit application was submitted by the architect on September 14, 2016. The contractor arrived at our offices on September 27, 2016 seeking the approved building permit as they were ready to pour the foundation. The permit had not been reviewed because payment had not been received from the property owner. In order to not hold up construction our office expedited the building permit review once payment was received that day. The permit was approved for zoning compliance on September 28, 2016. This zoning compliance assured that the proposed location and height met zoning requirements. The required foundation setback verification form was issued on September 28, 2016 to allow the foundation to be poured. The setback verification form enabled the location of the foundation to be verified by a surveyor. To minimize permit costs to the applicant, a separate foundation only permit was not required by CBJ. Of the zoning conditions placed on the permit, one was that an approved conditional use permit was required for the accessory apartment and that the second and third story "bump out" enclosure was not approved. According to the emails the property owner and architect were informed of this on September 28, 2016. The notes indicate that that any design of the "bump out" had to raise the base of the window above floor height. Additional information was needed regarding drainage and therefore the building permit was not issued until October 11, 2016 when Engineering was able to approve the drainage plan. The issued building permit approved the plans without the "bump out" and indicated that revised plans would need to be submitted.

Pagan Hill, Rob Roys, Travis Miller
BLD2016 0568
May 16, 2017
Page 2 of 3

The section of code that applies to the projection into the required side yard setback is CBJ 49.25.430(4)(B) "Enclosures". In one of the emails to Tim, CBJ 49.25.430(4)(A) "Architectural features" were referenced; however, the portion of the building that is under discussion is not an architectural feature when considering which setback exception applies because it is an integral part of the building. CBJ 49.25.430(4)(B) addresses bay windows, garden windows, chimney and ventilation shafts, and other similar enclosed structures that do not increase the building's floor area. This section of code allows for these types of enclosures to encroach up to 4 feet into a required setback (but no closer than 3 feet from a property line). However, these types of enclosures must not increase the building's floor area.

There are a series of emails between the architect, the property owners, Tim, and the building official regarding the "bump out". In a follow up email regarding the approval of the Accessory Apartment permit on November 14, 2016, Tim reminded the architect and applicant of the need to submit revised plans for the "bump out". On December 12, 2016 the architect emailed a proposal for plans showing a revised "bump out" which had an exterior face that extended the full height of the 2nd and 3rd stories. This is significantly different than the guidance previously provided regarding bay windows. The architect explained that significant construction had already occurred on the unpermitted "bump out" and revising the exterior face would require costly structural revisions. On December 14, 2016, the Community Development Department (CDD) agreed to the proposed revision of the plans if there is a condition on the building permit that the bay windows are never able to provide useable space and also if someone were motivated to use that space in the future then they would be in violation of the approved building permit. The agreed upon plan removed the cabinets for wet bar and studio desk from the "bump out" area. Furthermore, it was decided that an agreement would be signed that if the desk or wet bar were removed and the "bump out" was accessible, a window seat would be added to ensure the space in the "bump out" did not become used floor space. This compromise allowed for approval of the permit without costly structural revisions. The architect proposed filling the void with concrete. The purpose of this was to meet the requirement of the code that provides for "bay windows" that do not increase floor area to encroach into setbacks. It was made clear that the agreed upon plans still needed to be formally submitted to CDD for the permit to be modified and a fee paid.

Review of the emails indicates some confusion between the building code and the zoning code. It is important to keep in mind that because the building code might permit something (such as structures closer to property lines) it does not mean that the zoning code can permit the same proposal.

It is my understanding that an additional modification to the agreed upon plans is now being requested. For various reasons the nature of this request was not clear to CDD until February. The proposed modification would allow a refrigerated "piece of equipment" to use the floor space in the "bump out" which was previously agreed to not be useable floor space. From reviewing the emails, the dimensions of the area to be "voided" were arrived at using information from the building code regarding tempered glass and height of a space that is considered useable. The storage of this "piece of equipment" would increase this space and eliminate the void. This negates the previously agreed to modifications which allowed the "bump out" to remain in the setback.

Pagan Hill, Rob Roys, Travis Miller
BLD2016 0568
May 16, 2017
Page 3 of 3

While I understand the desire to maximize an efficient floor plan we cannot approve the requested change as a modification of the building permit; to do so would be in direct conflict with the previously agreed to modifications, which preserved the exterior aesthetic of the building and did not require costly, after the fact, construction modifications. There are several options available that might allow for the “piece of equipment”. The building plans could be revised so that the “piece of equipment” is accommodated elsewhere in the building, such as in the kitchen or a closet. Alternatively, the property owners could apply for a variance to the setback. This requires an application and a public hearing before the Board of Adjustment. According to the zoning code variances can be approved when it can be shown that there is hardship and practical difficulties that result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures. It will be challenging to show how this standard applies to this site, which will make approval of a variance difficult to obtain. A third option would be to continue with the plans as they are currently approved and propose a modification in the future. The Planning Commission recently created an Ad Hoc committee tasked with reviewing zoning in the downtown historic neighborhoods where we know the existing zoning does not fit well with existing lot sizes and development. It is possible that the zoning code might be amended in such a way that the “bump out” could be permitted without being considered an encroachment. If this is the case it may be possible that the conditions of approval, such as the void and the requirement that the space not be useable floor area could be eliminated.

Thank you for your attention to this matter and for your diligence in striving to meet the requirements of the both the zoning code and the building code; if you would like more information about the variance application process please contact me. I will also have more information to share with you about the potential code change by the week of May 15th.

Sincerely,

Beth McKibben, AICP
Planning Manager
Beth.McKibben@juneau.org
(907)586-0465

Attachments:

Attachment A – Emails dated September 28 – November 14, 2016
Attachment B – Emails dated December 11 – December 14, 2016
Attachment C – Emails dated December 14, 2016
Attachment D – Email dated January 13, 2017
Attachment E – Emails dated January 13 – April 10, 2017

Tim Felstead

From: Tim Felstead
Sent: Friday, April 14, 2017 12:21 PM
To: Beth McKibben
Subject: FW: 315 W. 11th St

From: jtravism . [<mailto:jtravism.art.arch@gmail.com>]
Sent: Monday, November 14, 2016 9:41 AM
To: Tim Felstead
Cc: Pagan Hill; Rob Roys; Sherri von Wolfe
Subject: Re: 315 W. 11th St

Hello Tim,

Good news on the CU permit, thanks!

We changed the meeting to this afternoon. We're discussing the bay window options and I should have something to discuss with you in the next couple of days.

Regards,

Travis

On Mon, Nov 14, 2016 at 9:14 AM, Tim Felstead <Tim.Felstead@juneau.org> wrote:

Folks,

Congratulations on the Conditional Use permit for the apartment. The official Notice of Decision is in the process of being signed at the moment. Whenever you are ready you can submit your new plans that reinstate the accessory apartment and show how you want to deal with the bump out on the side next to 319 W. 11th St. I know you were due to meet over the weekend.

When you submit, I'll be able to review it pretty quickly.

Best regards

Tim

From: Tim Felstead
Sent: Wednesday, September 28, 2016 4:31 PM
To: 'jtravism.art.arch@gmail.com'
Subject: 315 W. 11th St

Travis,

I spoke with the Planning Manager about how the exception for 'enclosures' is applied. It has been applied in the way I described to you. The enclosure can not add any additional floor space. This is taken to mean that it should not be possible to stand in. I appreciate that having a sink or built in desk may prevent its use but it is possible that these could be removed in the future and the proposed floor space opened up for use.

To ensure that additional space is not being provided we look for the base of the projection to be raised above the level of the floor so that it could not be practically used as a standing area. The purpose of the exception is to allow enclosures that do not significantly impact on visual massing, movement of light and air etc. for neighbors.

I have approved the plans without the 20" projection on the understanding it will allow them to get going with work and we can figure out how to get this in later. For clarity this is the sort of projection that would be acceptable in terms of how the base of the bay window/projection and floor are offset (the glazed wings would not be necessary). You could stack two of these 'bay windows' on the 2nd and 3rd floors. The building code uses a threshold of 18 inches from the floor as the point at which tempered glass may be required (presumably because somebody may try standing in that space) so I would be happy with that size offset from the floor. There is also a 5ft limit for it to be counted as habitable space so I suggest this be used as the maximum allowable height of the projection.



Let me know if you have any questions.

Thanks

Tim

Tim Felstead

Community Planner

Community Development Department

City and Borough of Juneau

155 S. Seward

Juneau, AK 99801

Tel: [\(907\) 586 0466](tel:9075860466)

<http://www.juneau.org/cddftp/>

Tim Felstead

From: Tim Felstead
Sent: Friday, April 14, 2017 12:25 PM
To: Beth McKibben
Subject: FW: 1403 HillRoys - Revised Bay Windows

From: Tim Felstead
Sent: Wednesday, December 14, 2016 10:53 AM
To: 'jtravism .'
Cc: sherrib.ak@gmail.com; Charlie Ford
Subject: RE: 1403 HillRoys - Revised Bay Windows

Travis,

Having spoken with my colleagues we will allow the proposed/constructed design. A condition will be placed on the building permit that the bay windows are never able to provide useable space and so if someone were motivated to use that space a floor space in the future then they would be in violation of the approved building permit. This only addresses one part of the criteria for use of this enclosure exception. The code language is less prescriptive than I would like and can understand where confusion in how this is applied comes from. I should be clear that the purpose of the exception is to allow minor bump outs that do not act or appear like they are a floor extension over the setback. I will place a copy of our emails in the file so if anyone attempts to use this as an example of what can be done with this exception they will realize it is a bad example.

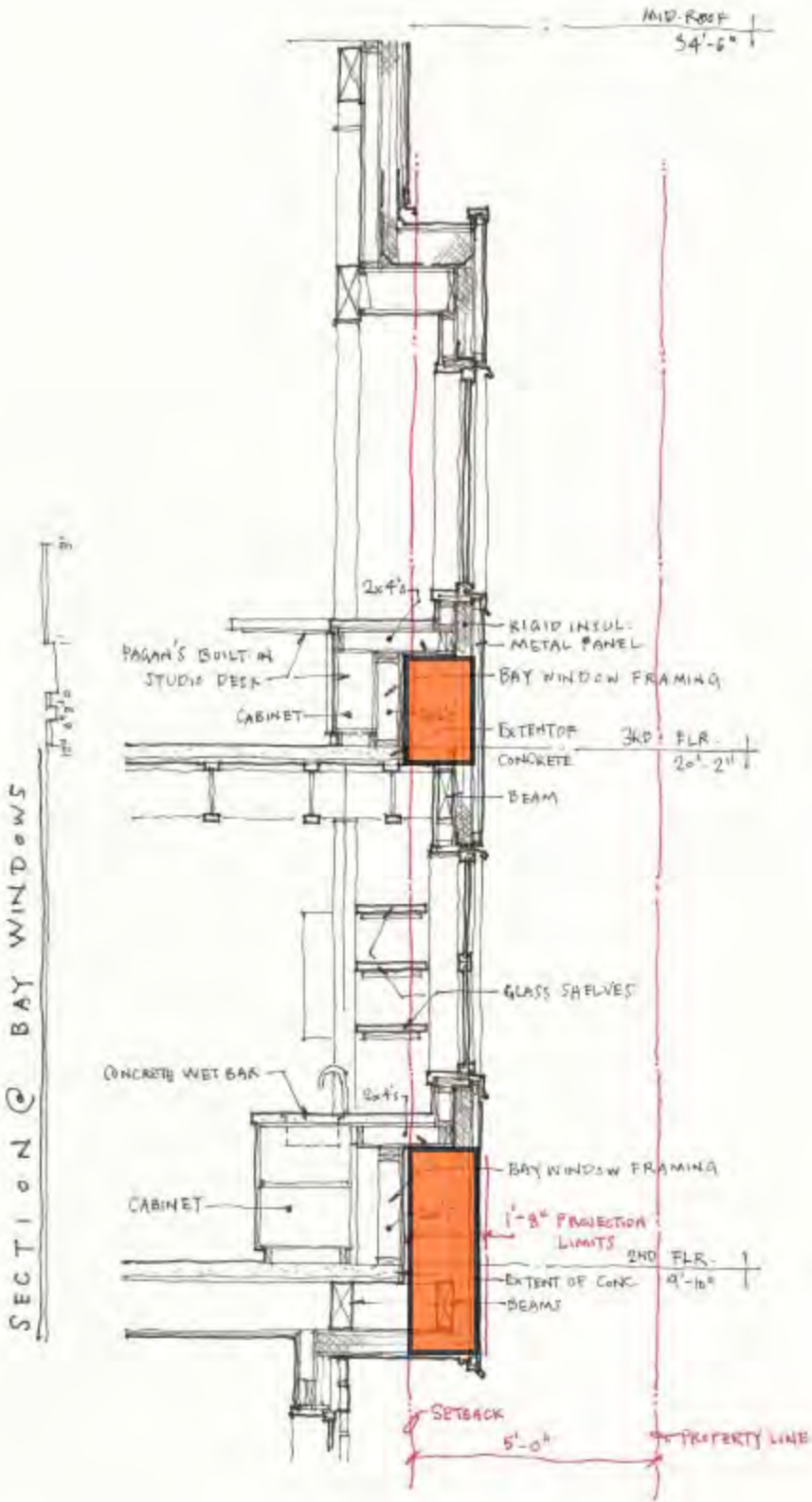
I'm sorry if you feel you have received mixed messages and advice from us. We really strive to be consistent.

The example you gave of the Alaskan Hotel really isn't the same. It was a structure built before the current zoning requirements which allowed them to build up to the property line (and sometimes they went further). I haven't seen the interior of those rooms but I'm guessing that they do or could add floor space to the rooms due to their depth.

So, the next step is to submit these new building plans as a plan modification for which there is a nominal fee (this was definitely explained when we approved the building plans so that the contractors could get to work). Please mark on the plans the areas that are not providing habitable space (the shaded areas in the section below). You should address the fire rating issue in the plans as well.

Thanks for working with us on this.

Tim



From: jtravism . [<mailto:jtravism.art.arch@gmail.com>]
Sent: Wednesday, December 14, 2016 9:00 AM
To: Tim Felstead
Cc: sherrib.ak@gmail.com; Charlie Ford
Subject: Re: 1403 HillRoys - Revised Bay Windows

Hello Tim,

That makes sense then. Although it wasn't discussed when we met with you, we should have known the Bldg Dept would also weigh in.

I kind of get that you are frustrated. But you also have to understand our frustration. Our office philosophy is to meet with CBJ, often numerous times, before we submit. We met with planning to discuss several issues on the HillRoys house. We specifically spoke to the double-stacked bay and were told it was acceptable if it did not exceed the 20". However, I don't think we got it in writing. The frustration for us is the shift has occurred on a few items we felt were good to go after our initial meetings.

It's not simply removing the beams, at the second floor. It's more problematic at the 3rd floor and roof of the bays. I can walk you and Charlie through it if it would assist. It might be good for all of us to sit down anyways.

In terms of us moving forward without approval. When we met you stated the issue was the increased floor area, which we quickly figured we could address with the section we sent. You showed us the examples of bay windows, but we had a different situation with our design. We didn't think we were limited to a one-story bay. I've attached a photo of the Alaskan's 2-story bay that projects over the sidewalk in downtown Juneau. Multi-story bay windows occur often, especially in downtown areas.

We definitely see the issues with the 1-hr assembly and are willing to do that.

Thanks for working with us in trying to find a solution.

Regards,

Travis

On Tue, Dec 13, 2016 at 7:51 PM, Tim Felstead <Tim.Felstead@juneau.org> wrote:

Hi Travis,

The bay window example I gave you was to illustrate what would meet the intent of the 'enclosures' exception – so the zoning side of things. I'm sure that the example I gave window would not satisfy the building code side of things.

It is frustrating that work continued on the bump out despite revised plans for this part of the building not being approved. CDD is now placed in an awkward position. I am discussing the revised plans you have sent with the other planners to see what options exist. I appreciate that removing the beams from this unused floor space will be a burden but it is a possibility at this stage.

I hope to get back to you with an answer tomorrow.

Tim

From: jtravism . [mailto:jtravism.art.arch@gmail.com]
Sent: Tuesday, December 13, 2016 2:33 PM
To: Tim Felstead
Cc: sherrib.ak@gmail.com; Charlie Ford
Subject: Re: 1403 HillRoys - Revised Bay Windows

Hello Tim,

Thanks for boring in on this and talking with Charlie.

I know you showed us photos of typical bay windows, but we had the understanding we must eliminate the "expanded floor area" from the equation. The solution we are proposing does that, even if it doesn't meet what is the "typical bay window". You know us architects, we like to try something new...

I find it somewhat odd that if it was a bay window as you've shown that the windows & bay do not have to be 1-hour. When what we are proposing would have basically the same opening location. That being said, I think at this junction our preference is to go for the 1-hr assembly. The wall area of the bay is approx. 225 sf. 15% of 225 = 33.75 sf. The windows are 4'x4' (x2) = 32 sf (but the glazing is actually smaller), so we meet the opening limits. I'll check with the Contractor to see whether the budget can handle it. Let us know if you feel we could make it work.

There is a bit of confusion on the notes. The "EXTENT OF CONC." note was referring to the concrete floor. The "BEAMS" note refer to the 2 existing wood beams. The beams are the problem for us. The beams were already ordered and have since been installed. We thought by eliminating the additional floor area would solve Planning concerns. If we pull back, we'll have to cut back the structure and it will reverberate throughout the other floors. If there is any way we can make the current layout and structure work, I would be truly grateful.

Thanks again,

Travis

atelier corbeau - art & architecture

On Tue, Dec 13, 2016 at 12:14 PM, Tim Felstead <Tim.Felstead@juneau.org> wrote:

Hi Travis,

While I can see the design takes out the potential for it to additional floor space the scale of what you are proposing is really going against what is intended under the Enclosures exception.

It is going to have the appearance of one single bump out into the setback and so will seem much larger than would be expected for a 'bay window, garden window, chimney and ventilation shaft or other similar structures that do not increase the buildings floor area'. What you have proposed really isn't 'similar' enough in appearance .

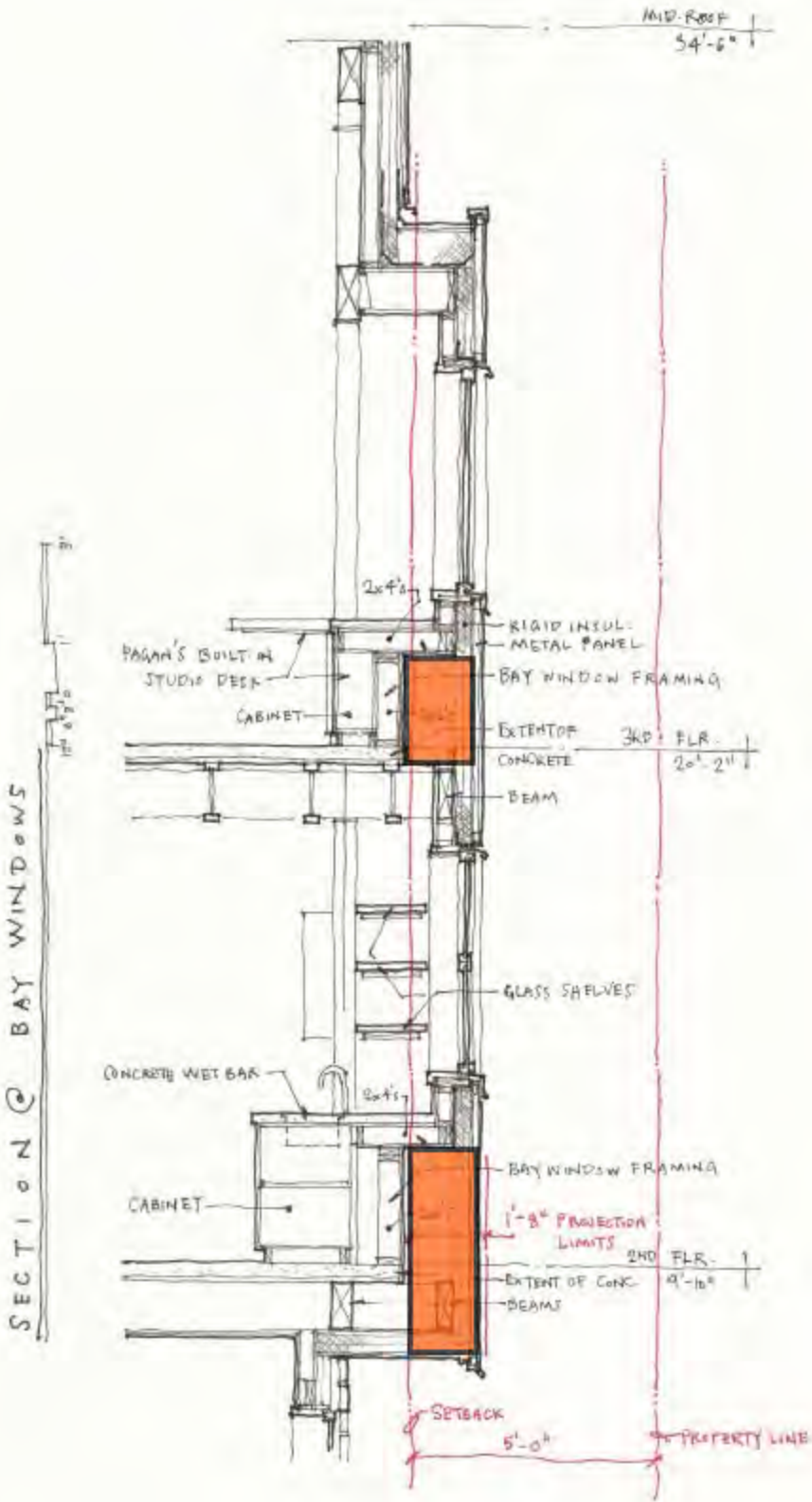
Can the rigid insulation wrap into the recesses so they look more like bay windows? I've drawn in the parts that need to be removed that would let them meet the appearance requirement (see below). I guess this might have issues with one of the concrete beams on the 2nd floor and weather proofing between the 2nd and 3rd floor bay windows.

I also discussed this with Charlie Ford as I remembered there were some building code issues with when a similar enclosure had been suggested along a side lot line before for another building permit. Charlie informed me that the whole 'bay' including the window needs to be 'fire protected' and that the window can be no more than 15% of the area of the bump out. He also said these rated windows tend to be expensive. Call Charlie if you need more clarification on this – 586 0767.

Give me a call if you want to talk about this further but I'd be keen on finalizing this and getting the final plans approved.

Sorry to have to come back on this.

Tim



From: jtravism . [mailto:jtravism.art.arch@gmail.com]
Sent: Sunday, December 11, 2016 8:15 PM
To: Tim Felstead
Cc: Pagan Hill; Rob Roys; Sherri von Wolfe
Subject: 1403 HillRoys - Revised Bay Windows

Hello Tim,

Apologies for taking so long to get this to you. Attached are plans and a wall section showing the revised bay windows. Please note the following:

1. We've moved the wet bar cabinet & the studio desk into the main portion of the house, all within the required setbacks..
2. We'll build a bay window structure to secure that nothing can be built over the setback line.
3. The overall bay will be enclosed with a metal panel that has rigid insulation and inaccessible cavities at each floor. This is as a result of the existing structure.

Please contact me with any questions.

If I don't speak with you before, have a happy holiday season.

Regards,

Travis

Tim Felstead

From: Tim Felstead
Sent: Friday, April 14, 2017 12:26 PM
To: Beth McKibben
Subject: FW: 1403 HillRoys - Revised Bay Windows

From: Tim Felstead
Sent: Wednesday, December 14, 2016 4:53 PM
To: 'Pagan Hill'; Rob Roys
Cc: 'jtravism .'; 'sherrib.ak@gmail.com'; Charlie Ford
Subject: FW: 1403 HillRoys - Revised Bay Windows

Hi Pagan/Rob,

Please see below the email sent to Travis this morning. To be clear:

- The latest design proposed by Travis will be accepted with one continuous face to the bump out over two floors. As I note, it is not an ideal application the Land Use code exception that Travis' design is utilizing.
- New plans should be submitted to CDD as a modification of the existing permit. This was made clear when we allowed construction to begin without an accessory apartment being approved or the design of the 'bump-out' being finalized. The additional fee is not much.
- The building permit condition I refer to is that the voids between the face of the bump out and the internal framing can never be used for additional floor space – the wet bar and desk may be installed as shown. Travis's latest design satisfies this. If Travis doesn't mark this on the amended plans we will do it.
- The fire separation issue is something that is in the building code and nothing to do with zoning. Charlie tells me that Travis has a good plan to deal with this. If Travis's proposal to deal with the fire separation issue is causing aesthetic issues that is nothing to do with the Land Use Code and a Planner cannot make decisions on this.

I have done my best to ensure structural elements that were not approved in the building design do not have to be removed.

Feel free to call me if you have any questions.

Best regards

Tim

From: Pagan Hill [<mailto:hillpagan@gmail.com>]
Sent: Wednesday, December 14, 2016 2:05 PM
To: Charlie Ford; Rob Roys
Subject: Hill Roys project

Hi Charlie,

Would you be available to speak with Rob and me about our bump out, that we are running into problems with with the city planners? We really want to figure out a good compromise that retains

the aesthetic intentions of the design, but that satisfies the city that we won't ever have usable floor area. I gather Travis has discussed this with you.

Let me know when would be a good time for us to call or stop by, if any.

Regards,

Pagan Hill (and Rob Roys)
future site: 315 West 11th St.

From: Tim Felstead
Sent: Wednesday, December 14, 2016 10:53 AM
To: 'jtravism .'
Cc: sherrib.ak@gmail.com; Charlie Ford
Subject: RE: 1403 HillRoys - Revised Bay Windows

Travis,

Having spoken with my colleagues we will allow the proposed/constructed design. A condition will be placed on the building permit that the bay windows are never able to provide useable space and so if someone were motivated to use that space a floor space in the future then they would be in violation of the approved building permit. This only addresses one part of the criteria for use of this enclosure exception. The code language is less prescriptive than I would like and can understand where confusion in how this is applied comes from. I should be clear that the purpose of the exception is to allow minor bump outs that do not act or appear like they are a floor extension over the setback. I will place a copy of our emails in the file so if anyone attempts to use this as an example of what can be done with this exception they will realize it is a bad example.

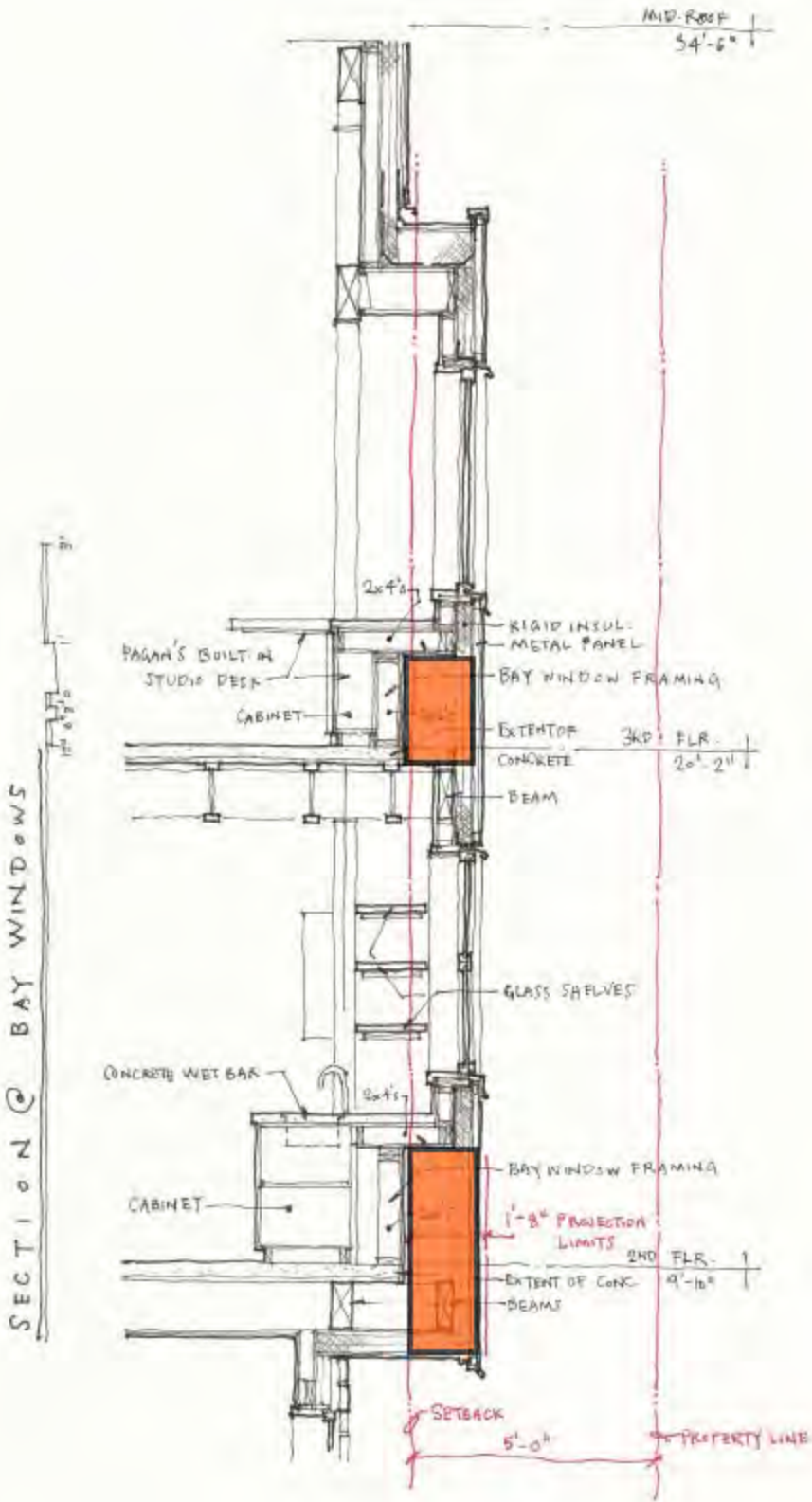
I'm sorry if you feel you have received mixed messages and advice from us. We really strive to be consistent.

The example you gave of the Alaskan Hotel really isn't the same. It was a structure built before the current zoning requirements which allowed them to build up to the property line (and sometimes they went further). I haven't seen the interior of those rooms but I'm guessing that they do or could add floor space to the rooms due to their depth.

So, the next step is to submit these new building plans as a plan modification for which there is a nominal fee (this was definitely explained when we approved the building plans so that the contractors could get to work). Please mark on the plans the areas that are not providing habitable space (the shaded areas in the section below). You should address the fire rating issue in the plans as well.

Thanks for working with us on this.

Tim



Tim Felstead

From: Tim Felstead
Sent: Friday, April 14, 2017 12:26 PM
To: Beth McKibben
Subject: FW: HillRoys House Bay Windows

From: jtravism . [<mailto:jtravism.art.arch@gmail.com>]
Sent: Friday, January 13, 2017 2:13 PM
To: Tim Felstead
Cc: Sherri von Wolfe
Subject: HillRoys House Bay Windows

Hello Tim,

Happy New Year.

We were wondering why we hadn't heard back from you, but found out yesterday from John Young that you are on vacation until 1.16.17.

I had phoned in December to discuss the bay windows. I proposed we install a 6-8" concrete step in each bay, assuring the floor space will never be extended into the bays. Additionally, I offered to provide a Memorandum of Agreement/Understanding that if the wet bar and studio desk were ever removed the Owner would be required to build the bay window bench per the section we provided in November.

The challenging issue for the Owner is by pushing the wet bar into the dining area 2', it significantly impacts their ability to have a full dining table. As you can tell from the drawings it's a tight floor plan and 2' would help tremendously.

Additionally, the client wants to have a piece of equipment in the wet bar that is 30-32" tall. If we build the full window seat per the proposed section, there will be no place for the equipment. With the concrete step, wet bar cabinet and preferred equipment, there will be no possibility of the Owner using that space for increasing the floor area.

Please let us know what you think or if you would like us to come in and discuss this further.

Regards,

Sherri & Travis
atelier corbeau - art & architecture

Tim Felstead

From: Tim Felstead
Sent: Friday, April 14, 2017 12:28 PM
To: Beth McKibben
Subject: FW: HillRoys House Bay Windows

From: jtravism . [mailto:jtravism.art.arch@gmail.com]
Sent: Monday, April 10, 2017 11:31 PM
To: Tim Felstead
Cc: Sherri von Wolfe; Pagan Hill; Rob Roys
Subject: Re: HillRoys House Bay Windows

Hello Tim,

Sorry, it's been a crazy couple of weeks for us. In response to your queries:

- The bay was not an aesthetic choice, it was intended to maximise the usable floor space in an extremely tight floor plan by moving the cabinetry into the bay. For reference: the bay projection is 7'7"W x 1'7"D and the area is 12sf. Please recognise that the Owners wanted to retain views from the windows of the existing adjacent houses on each side, as well as, preserve as much green space as possible for those houses. Thus the vertical design and side solutions we presented to CBJ. Everyone discussed how Title 49.24.430-Yard Setbacks 4.A states that architectural features can project into the setback 4" per 1' of setback. The bay window meets that dimensional standard. Title 49 in no way states the projections have to be separate bay windows. I've said it several times, but we presented this to CBJ twice before we presented the documents for the building permit. We called attention to it each time and were told it was acceptable and we moved forward. Whatever happened during CBJ's review process to overrule previous interpretations should not penalise the Owners.
- We explained this earlier, but the structural members were part of the approved early start permit documents, had already been purchased, and were being installed when CBJ decided to revise their interpretation of what constitutes a bay window. In response to your first query, we presented a couple of options that exist in Juneau that doesn't fit CBJ's new interpretation of bay windows, but you chose to ignore those existing conditions.
- The beams as installed cantilever from columns at the exterior face of the main wall of the house. To revise it now would result in significant costs to the Owner. Would CBJ reimburse the Owners for the costs in revising these previously approved structural installations?
- The project was already in construction due to the early start permit. I'll say it again, we presented the drawings to CBJ before the early start permit and at that time there was no issue with the bay. At that time it was everyone's interpretation that it met the intent of 49.24.430.4A. It wasn't until later that this interpretation was revised by CBJ. It appears to me that you have recently added clarifications to Title 49 to meet your revised interpretations.

I have been attempting to find a compromise with CBJ. I presented an option for what I thought would meet CBJ's new interpretation of the Yard Setback, but it impacts how the Owner intends to use the spaces. You stated in our discussions that CBJ's interpretation is the bays cannot add "usable floor space or be able to stand in the bay", You also stated you are concerned the Owner will remove the built-in cabinets to provide additional floor space. I have to admit I find this concern nonsensical. During a telephone conversation, I most recently discussed adding a concrete step at the bays to alleviate your concerns of the bays being additional floor space.

It is our interpretation that building in the concrete steps and built-in cabinets for the wet bar and studio desk would not result in additional usable floor space or space where someone can stand. I have also proposed that the Owner sign a Memorandum of Agreement with CBJ to never remove these cabinets. These solutions seem like a reasonable compromise to the issues you've raised and I hope will bring this issue to closure.

You need to know that this process has been profoundly frustrating to our clients. The Owners and **atelier corbeau** have done everything to assure the project meets CBJ's dimensional standards and zoning requirements. The design has met all of the parking requirements, is adding needed residential options, and has been thoughtful about the existing neighbours on each side. It's obvious, but there are very few existing houses in the Casey-Shattuck neighbourhood that can say this.

Please contact us with any questions.

Regards,

Travis

On Tue, Apr 4, 2017 at 8:40 AM, Tim Felstead <Tim.Felstead@juneau.org> wrote:

Hi Travis,

Have you managed to put anything together on the questions below? I need to provide the Director with answers to these questions before I can have the discussion a wetbar.

The plans for the bump outs have not been approved yet so we will not be able to issue a Certificate of Occupancy until this is resolved.

I would hate for the wetbar to be placed where it would prevent the permit being closed out.

Thanks

Tim

From: Tim Felstead
Sent: Friday, March 24, 2017 10:51 AM
To: 'jtravism.art.arch@gmail.com'
Cc: Sherri von Wolfe
Subject: RE: HillRoys House Bay Windows

Hi Travis,

I have been speaking to the Planning Manager and the Director about this. There are some additional questions:

Can you clarify why, other than aesthetic purposes, the face of bump out had to extend from the floor of the 2nd floor to the ceiling of the 3rd floor?

Why could it not follow the profile of the 'voids' and have recesses between the 2nd and 3rd story bump puts. Why could the appearance not look more like the bay window examples I sent in the past.

What structural loads are the beams that are in the setbacks supporting currently?

Why were the plans not redesigned to move the beams out of the setback when the issue with the initial bump out design was communicated to you at the time the permit was issued?

Thanks for the information.

Tim

From: jtravism.art.arch@gmail.com [<mailto:jtravism.art.arch@gmail.com>]
Sent: Thursday, January 26, 2017 10:43 AM
To: Tim Felstead
Cc: Sherri von Wolfe
Subject: Re: HillRoys House Bay Windows

Hello Tim,

I do think we should sit down over some sketches. It seems to me that my previous description of our request has given you the interpretation that we are attempting to increase the bay window, we are definitely not asking

for that. We are trying to work within your parameters of the agreed enclosure, yet still achieve most of what the Owners need. A drawing would clear everything up.

Unfortunately, I am in Anchorage recovering from surgery for a detached retina. I probably will not return to JNU until Feb 3-5. Can we meet the following week?

Sorry about your daughter's bug, I hope she's better.

Regards,

Travis

On Jan 26, 2017, at 9:11 AM, Tim Felstead <Tim.Felstead@juneau.org> wrote:

Hi Travis,

Sorry for the delay responding. Unfortunately a sickly flight home got the better of my daughter and I so I was only able to return to work this week. I finally got to your email.

I'm a little confused what you are requesting. I have attached the revised drawings you provided in December that I thought we agreed to. A condition was to be added to the permit and shown on the revised plans that these voids can never be used as 'floor space'. I was just waiting for the modification to be submitted formally with a permit modification fee paid. I my email below was an attempt to clarify what we had agreed in mid-December. On those plans I don't believe there was ever a proposal to fill the voids with concrete – it looked like it was just going to be framed out and we would be satisfied with this.

I'm not sure where you want the 2 inches for the wet bar to come from, what it is for and why it can't be accommodated by the proposed void dimensions. Perhaps sitting down together over the attached revised plans might be easier.

I'd like to stress that I find the way this exception has been interpreted to be liberal and the result will be something more imposing on the neighbors than they expect. The exception should address whether is provides additional floor space and if it similar in exterior appearance to a bay window. Regardless of

whether the current neighbors have no issue with it, the setback requirements are as much for the neighbors benefit as it is for the owners. It seems like you are now asking for further exceptions to something I believe we have already been as generous as we can be so an equipment choice of the owners can be accommodated. If the height of the internal framed 'seat' needs to be dropped a little this really is a big issue but it needs to be shown on the approved plans.

Let me know when you can come in to clear this up as I really want to be as reasonable as we can be within the limits of the land use code and let Rob and Pagan finish their house.

Thanks

Tim

From: Tim Felstead
Sent: Wednesday, December 14, 2016 4:53 PM
To: 'Pagan Hill'; Rob Roys
Cc: 'jtravism .'; 'sherrib.ak@gmail.com'; Charlie Ford
Subject: FW: 1403 HillRoys - Revised Bay Windows

Hi Pagan/Rob,

Please see below the email sent to Travis this morning. To be clear:

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Feel free to call me if you have any questions.

Best regards

Tim

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Please let us know what you think or if you would like us to come in and discuss this further.

Regards,

Sherri & Travis

atelier corbeau - art & architecture

<2016.12.11_BAY WINDOW SECTION.PDF>

<2016.12.11_A203_LEVEL 2_MODIFIED BUMP OUT.PDF>

<2016.12.11_A203_LEVEL 3_MODIFIED BUMP OUT.PDF>



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

DATE: May 11, 2017

TO: Planning Commission

FROM: Jill Maclean, AICP Senior Planner
Community Development Department

FILE NO.: AME2017 0008 and 0009

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau and Douglas neighborhoods.

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 – Public Notification for AME2017 0008 and 0009
- Attachment B – Ordinance Language ADOD for Downtown Juneau
- Attachment C – Ordinance Language ADOD for Downtown Douglas
- Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017
- Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017

DISCUSSION

Downtown Juneau and Downtown Douglas were predominantly built by miners and fishermen as dense villages. Modern day zoning does not appropriately reflect this history, nor does it ensure the preservation of the character of these historic neighborhoods.

The current zoning districts do not support the community's vision for downtown Juneau and Douglas as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan. The current zoning does not provide sufficient standards for new residential development, or the expansion, rehabilitation, or restoration of existing residential dwellings.

An Alternative Development Overlay District (ADOD) provides CBJ staff adequate time to draft new zoning standards that fit the individual neighborhoods, while providing the Planning Commission with the flexibility to work with property owners to permit appropriate residential

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development projects. The proposed Alternative Development Overlay District provides flexibility to permit new residential development, or the expansion, repair, or restoration of existing residential development.

PURPOSE

The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

A benefit of an Alternative Development Overlay District is that it improves predictability and clarity for property owners, the Planning Commission, and CBJ staff by better defining the process and standards for development activities for residential uses within the downtown areas.

The Alternative Development Overlay Districts provide the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries.

SUNSET PROVISION

Alternative Development Overlay Districts are temporary and include sunset provisions. For the purposes of these ordinances, the recommended sunset dates are as follows:

1. AME2017 0008 Downtown Juneau:
 - a. The Alternative Development Overlay District Downtown Juneau sunsets in 24 months from the date of adoption. Downtown Juneau is slated for an area plan/strategy over the next two years, and the ADOD supports this process and timeframe.
2. AME2017 0009 Downtown Douglas:
 - a. The Alternative Development Overlay District Downtown Douglas sunsets in 36 months from the date of adoption. Downtown Douglas area planning is further in the future, thus the ADOD for Douglas is given a longer timeframe to better support the needs of the property owners in the interim.

PROPOSED BOUNDARIES

1. AME2017 0008 Downtown Juneau
 Downtown Juneau's boundary encompasses the historic neighborhoods of the Highlands, Telephone Hill, Chicken Ridge, Casey Shattuck, Starr Hill, and Gastineau Avenue (see Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017).

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2. AME2017 0009 Downtown Douglas

Downtown Douglas' boundary encompasses the historic neighborhood of downtown Douglas (see Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017).

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed Alternative Development Overlay Districts as discussed in this report and attached documents comply with the Comprehensive Plan:

Chapter 3: Principles for Creating Livable Mixed Use Communities.

Design on a Human Scale

Compact, pedestrian-friendly communities (emphasis added) allow residents, workers and visitors to walk to shops, services, cultural venues, and jobs, reduce traffic congestion and improve people's health. Commercial space should face the street and should mimic a traditional Main Street development pattern with clear display windows, multiple entrances, all weather canopies and seating areas. There should be no blank walls facing public streets or walkways. Parking should be provided in the rear of structures with access roadways limited to side streets. Pedestrian pathways should be well-lit and protected from rain and snow.

Provide Choices

People want variety in housing styles and size (emphasis added) and want conveniently accessible shopping, recreation, entertainment, transportation and employment. A variety of pedestrian-friendly uses creates dynamic neighborhoods and accommodates residents in different stages of their lives. Residential densities should be a minimum of 10 dwelling units per gross acre of land within the development with higher densities of 30 to 80 units per acre encouraged. These densities facilitate the efficient provision of frequent transit service, convenient shops and services, affordable development, and help create a vibrant street life.

Adapt to Urban Centers

Take advantage of the presence of adequate municipal water and sewer services, other utilities, roads and infrastructure by pursuing in-fill development on vacant land within the urban service area, adaptive re-use of vacant buildings and/or redevelopment of underutilized or older, obsolete buildings. In-fill and redevelopment structures should respect the overall character of the existing neighborhood (emphasis added), although building heights and densities will be

Planning Commission
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 Page 4 of 6

greater. New developments should provide vehicular, pedestrian and viewshed connectivity to adjacent established neighborhoods.

Chapter 3 – Community Form

Policy 3.2: TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE BOUNDARY AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

Standard Operating Procedure

3.2 - SOP3 Establish specific policies and land use categories and land use map designations for the full range of needed land uses and activities with an emphasis on compact development of commercial and residential uses along express (fast service to distinct destinations) public transit corridors.

Chapter 4 – Housing

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 4.4. TO FACILITATE THE PRESERVATION AND REHABILITATION OF EXISTING HOUSING, PARTICULARLY HOUSING AFFORDABLE TO LOW- INCOME RESIDENTS.

POLICY 4.7. TO ENCOURAGE PRESERVATION OF RESIDENTIAL STRUCTURES THAT ARE ARCHITECTURALLY AND/OR HISTORICALLY SIGNIFICANT TO THE CBJ AND WHICH CONTRIBUTE TO THE HISTORIC AND VISUAL CHARACTER AND IDENTITY OF THE NEIGHBORHOOD.

Implementing Action

4.7 - IA2 In developing new zoning or development standards in areas with concentrations of historic structures, ensure that relaxed standards, such as higher building heights, do not induce a property owner to demolish the historic structure in favor of a larger structure or development.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

Development Guideline

4.8 - DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be

Planning Commission
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 May 11, 2017
 Page 5 of 6

deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

Chapter 10 – Land Use

Policy 10.2: TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

Implementing Action

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

POLICY 10.3: TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.6: TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

Implementing Action

10.6 - IA1 Continue existing incentives and develop additional incentives to encourage and reward excellence in site design and provision of amenities or facilities, particularly those related to preservation of natural terrain and vegetation, building orientation to maximize energy efficiency and privacy, and screening the parking in medium-to-high density developments. These incentives may include lower permit fees and/or permit expediting services (emphasis added).

Sub-Area 6: Juneau (Comp Plan Maps K, M, & N)

Guidelines and Considerations for Subarea 6:

1. Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck “flats” and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.
2. Encourage the retention of existing dwelling units in or near the older residential neighborhoods to avoid exacerbating traffic and parking congestion and to preserve the privacy and quiet of those neighborhoods.

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COMPLIANCE WITH TITLE 49

Title 49 has been examined, and it is determined that the proposed ordinance complies with the Code. Specifically, the ordinance language states that it supplements the existing code (the underlying zoning remains) and that an alternative development permit does not exempt a developer from obtaining all other required permits, such as a conditional use permit for an accessory apartment on a substandard lot, or a parking waiver if a parking reduction is needed.

FINDINGS

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

RECOMMENDATIONS

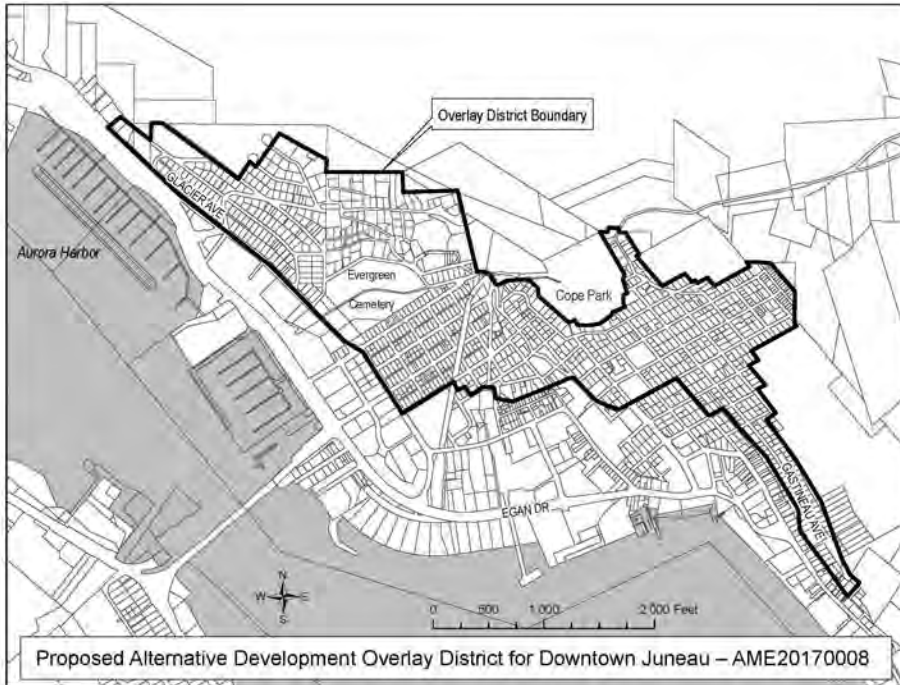
AME2017 0008 DOWNTOWN JUNEAU STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

AME2017 0009 DOWNTOWN DOUGLAS STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendments and Alternernative Development Overlay District map to the Assembly with a recommendation for approval.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau neighborhoods.

The overlay provides flexibility to work with property owners to permit new residential development or the expansion, repair, or restoration of existing residential development.

File No:	AME2017 0008	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Location:	Downtown Juneau
Hearing Date:	May 23, 2017	Hearing Time:	7:00 PM
Place:	Assembly Chambers, Municipal Building 155 South Seward Street, Juneau, Alaska 99801		

PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Jill Maclean at jill.maclean@juneau.org or (907) 586-0756.

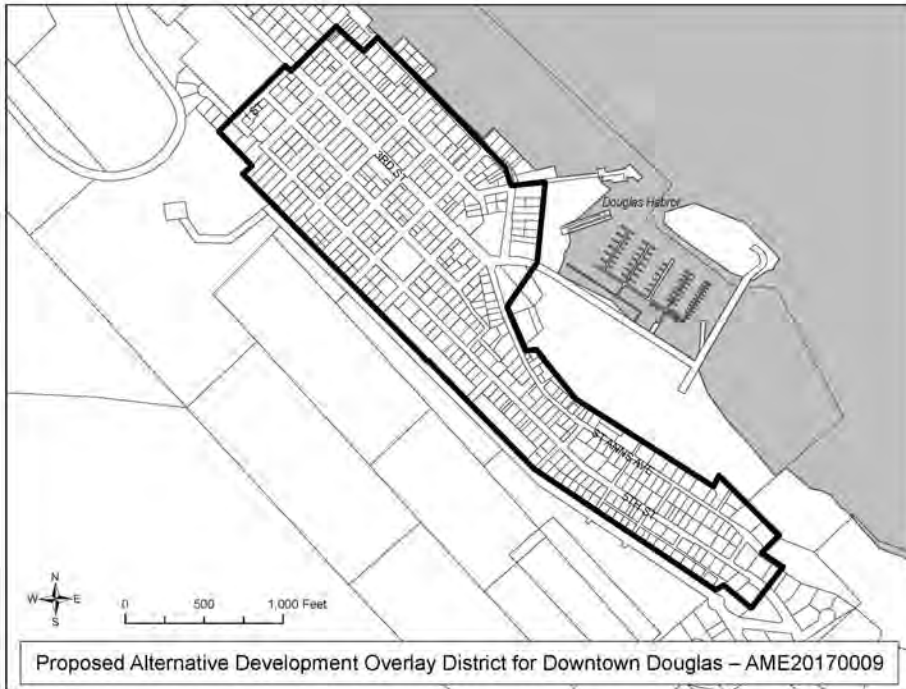
Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment F - Staff Report

Attachment A - Public Notice

Date notice was printed: May 11, 2017

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Douglas neighborhoods.

The overlay provides flexibility to work with property owners to permit new residential development or the expansion, repair, or restoration of existing residential development.

File No:	AME2017 0009	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Location:	Downtown Douglas
Hearing Date:	May 23, 2017	Hearing Time:	7:00 PM
Place:	Assembly Chambers, Municipal Building 155 South Seward Street, Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



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Attachment F - Staff Report

Attachment A - Public Notice

Date notice was printed: May 11, 2017

(Sections 1-4 would be created in Article XX in 49.XX)

Section 1. – Alternative Development Overlay District.

1A. Purpose. The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

1B. Location. There is adopted for the purpose of defining the Alternative Development Overlay District in the City and Borough, Alternative Development Overlay District Downtown Juneau Map, dated May 10, 2017, as the same may be amended from time to time by the assembly by ordinance.

1C. – Sunset Provision. This article shall terminate 24 months after adoption.

Section 2. Relationship to Existing Zoning. This article applies only to allowed residential uses in the Alternative Development Overlay District. This article provides an alternative development process that supplements the underlying zoning regulations. An alternative development permit does not exempt a developer from obtaining all other required permits.

Section 3 – Alternative Development Planning Procedure.

3A. Alternative Development Permit. The board of adjustment shall hear all applications pursuant to this article.

3B. Pre-application conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the alternative development permit procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this article shall be provided to the developer at the conference.

3C. Submission. The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.

3D. Director's review procedure.

(1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable; and, if it is not, what corrective action may be taken.

(2) After accepting the application, the director shall schedule it for a hearing before the board of adjustment and shall give notice to the developer and the public in accordance with section 49.15.230.

(3) The director shall forward the application to the board of adjustment together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in section 3E.1.

(4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:

(A) Will materially endanger the public health or safety;

(B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or

(C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

3E. Review of director's determinations.

(1) At the hearing on the alternative development permit, the board of adjustment shall review the director's report to consider:

(A) Whether the proposed development is appropriate according to the Alternative Development Overlay District;

(B) Whether the application is complete; and

(C) Whether the development as proposed will comply with the other requirements of this title.

(2) The board of adjustment shall adopt the director's determination on each item set forth in section 3E.1 unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

3F. Board of adjustment determinations; standards. Even if the board of adjustment adopts the director's determinations pursuant to subsection 3E of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

(1) Materially endanger the public health or safety;

(2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or

(3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Section 4. Alternative development permit. The board of adjustment may reduce the following requirements of the Table of Dimensional Standards, 49.25.400, for development of new residential buildings, and the expansion, restoration, or repair of existing residential

Alternative Development Overlay District-- Downtown Juneau – 05-10-17

93 buildings. The term residential building includes an accessory structure for any parking
94 space.

95 **4A. Setbacks.** No part of any residential building may be erected closer to the property
96 line than (i) the average setback of residential buildings within a 150 foot radius as
97 determined by the director, or (ii) the footprint of the existing residential building. No
98 encroachment into the public right-of-way or on adjacent property shall be permitted.

99 **4F. Lot Coverage.** Residential lots within the overlay shall not exceed 75% lot
100 coverage.

101 **4G. Vegetative Coverage.** Residential lots within the overlay shall maintain 15%
102 vegetative coverage.

103 **Section 5. Fee.** The fee for an alternative development permit shall be \$400. (Create
104 49.85.100(10)(C))

(Sections 1-4 would be created in Article XX in 49.XX)

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Alternative Development Overlay District-- Downtown Douglas – 05-10-17

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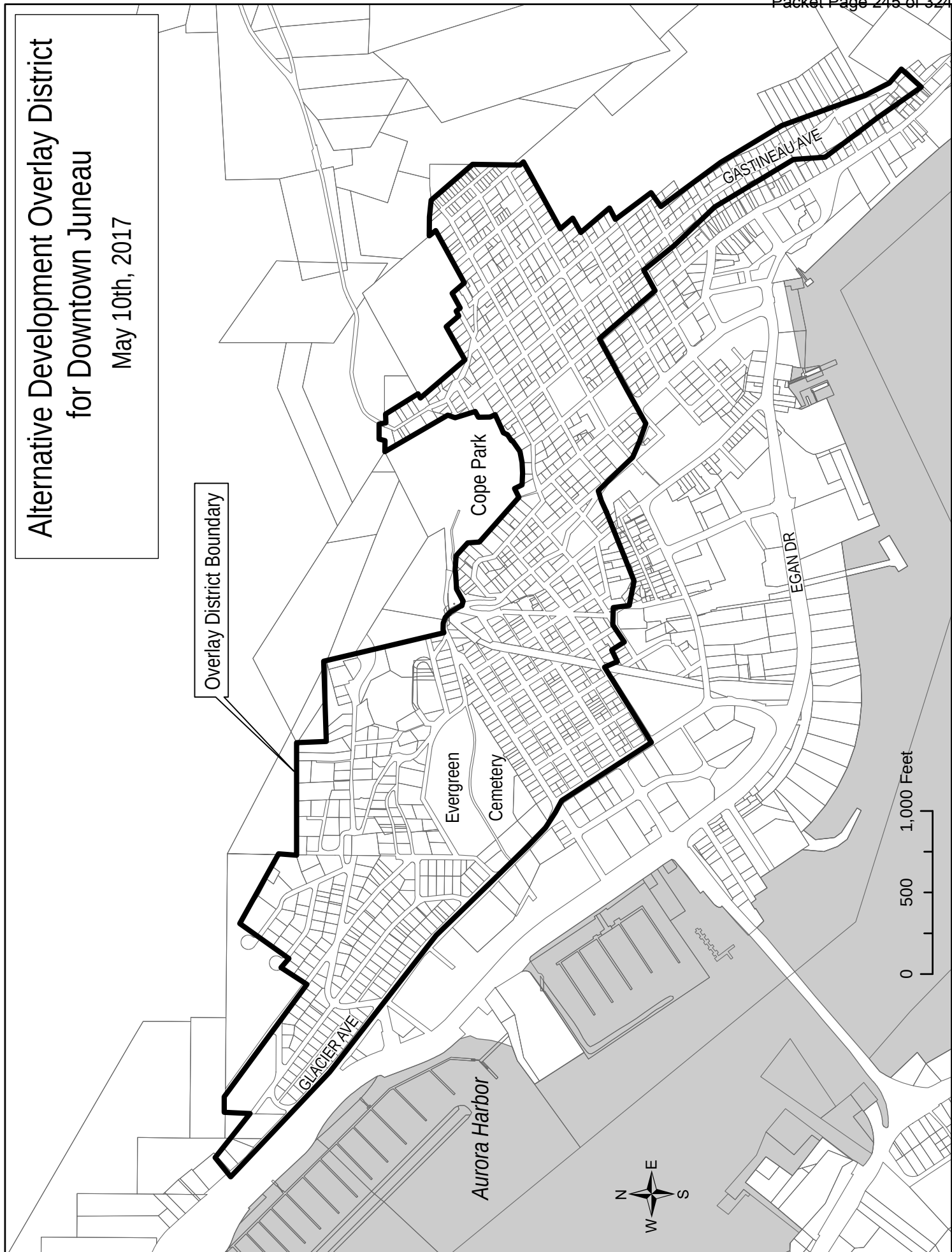
101 **4G. Vegetative Coverage.** Residential lots within the overlay shall maintain 15%
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103 **Section 5. Fee.** The fee for an alternative development permit shall be \$400. (Create
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Alternative Development Overlay District
for Downtown Juneau

May 10th, 2017

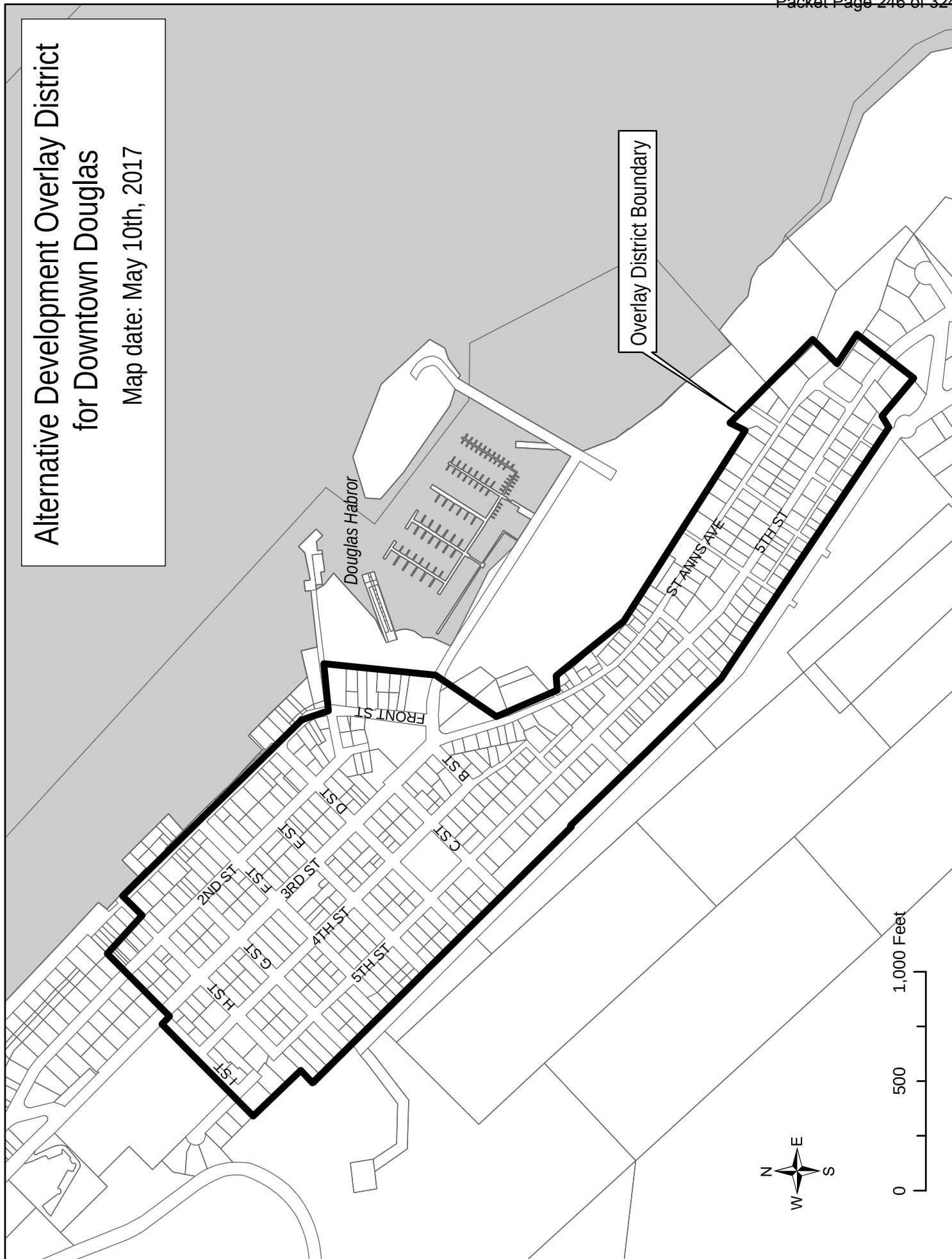
Overlay District Boundary



Alternative Development Overlay District for Downtown Douglas

Map date: May 10th, 2017

Overlay District Boundary



MINUTES
Planning Commission
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 May 23, 2017

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Dan Hickok, Dan Miller, Carl Greene (telephonically)

Commissioners absent: Percy Frisby, Kirsten Shelton-Walker

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner; Greg Chaney, Lands and Resource Manager; Robert Palmer, Assistant Municipal Attorney; Rachael Friedlander, Lands and Resource Specialist

Assembly members: None

II. APPROVAL OF MINUTES

April 25, 2017 Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the regular Planning Commission meeting minutes of April 25, 2017, with any minor adjustments by staff or Commission member.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mark Luchini, with Southeast Communication Services, said he felt the current wireless communication ordinance was not tailored for small companies such as his to expand service in Juneau. He said for very small companies, the current ordinance is unreasonably burdensome.

The permitting process is extremely cumbersome and expensive for smaller companies such as his, and the repercussions are that it stifles development for the smaller companies, he stated. Companies such as his which want to install a small device the size of a pie tin or a pint glass are placed together with the larger companies that are installing large service providers that are installing 100 foot towers and large antenna arrays, said Mr. Luchini.

They would like to streamline the process for the smaller companies and eliminate the need for a potential third party review costing thousands of dollars for installation of a device that may cost a few hundred dollars. They would also like to see diminimus standards for the small companies that would not require such stringent standards and review.

Commission Comments and Questions

Mr. Voelckers asked Mr. Luchini if he has met with staff regarding this issue.

Mr. Luchini said they have absolutely met with the staff on numerous occasions over the years. He said whatever CBJ entity they met with referred them to the legal department. The legal department would then refer them to the ordinance, which is what they wanted addressed in the first place, he said.

Mr. Voelckers said that he was referring specifically to the planning staff.

Mr. Luchini said that is why he was here this evening. He said he would like to know what the next step should be.

Mr. Steedle said he would call Mr. Luchini the next day to discuss his issue.

- IV. **PLANNING COMMISSION LIAISON REPORT** - None
- V. **RECONSIDERATION OF THE FOLLOWING ITEMS** – None
- VI. **CONSENT AGENDA** - None
- VII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None
- VIII. **UNFINISHED BUSINESS** – None
- IX. **REGULAR AGENDA**

CSP2017 0008: CBJ land disposal of a 4,893 square foot lot in the D-5 zoning district along the Fourth Street Right-of-Way

Applicant: City and Borough of Juneau

Location: Fourth Street

Staff Recommendation

Staff recommends that the Planning Commission find CSP2017 0008 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the sale of Lot 5 & 6 Fraction, Block 115, Juneau Townsite to the owners of Lot 7, Block 115, Juneau Townsite. This recommendation is based on the following condition:

1. The fraction of Lots 5 & 6 and Lot 7 of Juneau Townsite Block 115 shall be consolidated.

Ms. McKibben said the proposed buyer of this property owns the adjacent property and would like to be able to use this property for stabilization of the slope so they can make an addition to their existing family home. She said the staff report incorrectly notes that it was in the severe avalanche and land slide zone. The land is in the land slide zone but not in the avalanche zone, clarified Ms. McKibben. If this land is disposed to the applicant, they could expand their existing home, she noted.

Commission Comments and Questions

Mr. Voelckers said the applicant is requesting to increase the size of their house and yet there would be no increase in density in this hazard zone.

Ms. McKibben replied that the correction in the staff report clarified that the structure could be modified in the land slide zone, where it is located, but not in the avalanche zone, where it is not located.

Public Comment

Juneau resident Dennis Harris said he lived on Starr Hill for a couple of years, and that the soil is unstable at the topmost street, and that a friend's house was creeping down the hill at the rate of half an inch a year. He said there is nothing here to indicate that the applicant's defensive structure would be adequate. He said he felt very uncomfortable that the City is selling property to people when the best possible use would be to try to re-vegetate that land to help mitigate damage. Mr. Harris said he felt if there was an earthquake that homes in that area would slide down the hill.

Home Owner

Christopher Siddon, the Fourth Street resident who is trying to purchase the City property, said he is trying to purchase the property to improve stability of land behind it. This would allow appropriate setbacks and add space, so they could add on one story as a future living space for their son, who has a disability.

Commission Comments and Questions

Mr. Voelckers asked if there have been any engineering studies yet or if they have had any response on the best way to stabilize the land.

Mr. Siddon said they have not had any studies performed yet. He said if they cannot purchase the land from the City, there is no sense in going to the expense of an engineering study or other preliminary work.

Mr. Glenn Merrill, a neighbor of the Siddons, spoke in favor of the proposal. He said any improvements they could make to the land in terms of stability would also benefit his own residence. He said it would also be wonderful for the Siddons to be able to purchase the property so that they could continue to live in their existing residence, with the necessary accommodations for their lifestyle.

Ms. Friedlander said the CBJ Lands and Resources Division is requesting that the Planning Commission make a positive recommendation to the Assembly on the proposed land disposal. She said they would not be interested in engineering studies if they could not sell the property. There would be no increase in density resulting from the consolidation of these two lots, she said. The consolidation of the lots would enable the Siddons to increase the size of their home while at the same time bolstering the stability of the area, she said.

MOTION: *by Mr. LeVine*, to approve the land disposal and accept staff's findings, analysis and recommendations.

The motion passed with no objection

AME2017 0007: Text amendment to revise Title 49 regarding Wireless Communication Facilities (WCF) 49.65.930 General Requirements (f) Setbacks

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward the following draft text amendments to the Assembly with a recommendation for approval:

1. Deleting the example provided in 49.65.930 General Requirements (f) Setbacks (2).

The staff noticed an error in an example which is provided in number two, said Ms. Maclean. Thus, the staff is requesting that the Commission strike this example, she said. She added the staff feels that examples do not really belong in the code in the first place. They would simply strike the second sentence, she said, retaining the first and third sentences.

Commission Comments and Questions

Mr. Voelckers pointed out that the version before the Commission is a different version than they have in their binders.

Ms. Maclean said that is because she made the decision this evening to strike only the example and not the last sentence.

MOTION: *by Mr. LeVine, to approve the amendment as it is in the staff report, and to forward the recommended changes to the Assembly for review.*

The motion passed with no objection.

USE2017 0006: A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial zone

Applicant: Taku Horticulture Company

Location: 1758 Anka Street

Potential Conflicts

Mr. Voelckers announced that he may have a potential conflict with this item. One of the attorneys who submitted paperwork on this item is a tenant in one of the buildings in which Mr. Voelckers is a part owner, he stated.

The Commission voiced no objection to Mr. Voelckers remaining on the panel for this item.

Mr. Miller said that he had a potential conflict. One of the applicants is a finish carpenter and works for his business, said Mr. Miller. This person also rents an apartment of his, said Mr. Miller. Upon his subsequent conversation with the City Attorney, they found that this would not be a conflict, said Mr. Miller.

Mr. Dye said he also has a potential conflict. He said that he manages a property which is three lots down from the subject lot. He said he also spoke with the City Attorney and it was found this would not be a barrier to his participation on this item.

The Commission voiced no objection to Mr. Miller and Mr. Dye remaining on the panel for this item.

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 an 8,996 square foot marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.
4. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the room has adequate surveillance coverage.
5. Vegetative cover totaling 1,096 square feet shall be shown on a site plan, reviewed and approved by CBJ staff, and installed prior to issuance of a CBJ marijuana permit. The vegetative cover areas shown on the plans shall be maintained with live vegetative cover.
6. Prior to approval of a CBJ marijuana license, a revised site plan illustrating the required parking and loading spaces shall be submitted and approved by staff.

Ms. Boyce told the Commission there are a number of last-minute items pertaining to this issue in their folders which they should have received for the meeting this evening.

There is a statement from Robin Potter, the CBJ Assessor, regarding the property values of marijuana facilities in Industrial zoned properties, said Ms. Boyce. There is also correspondence from the attorney for Granite Mountain Properties. They Are Requesting a continuance for more time to respond to this request, noted Ms. Boyce. They provided their own property value report, she said. There is also correspondence from Ms. Morrison, who is concerned about teenagers potentially living in nearby caretaker units, said Ms. Boyce. There is also additional information from the applicant about filtration and odor control for the marijuana growing facility, she added.

This property is located on Anka Street. The applicant is Taku Horticulture, said Ms. Boyce. The Comprehensive Plan future land use designation for this property is Light Industrial, she said. The district is zoned Industrial, said Ms. Boyce. This is an existing storage facility with a caretaker's unit. The work on the building will solely involve changing the interior, she said. The proposed use is a marijuana cultivation facility of almost 9,000 square feet, she said.

The purpose of the Industrial zoned district is to accommodate industrial activity which includes manufacturing, processing and repairing and assembling goods. Because of noise, odors, waste and other impacts in industrial activity, performance standards do apply, said Ms. Boyce. There are a number of standards to which a marijuana cultivation facility must adhere, she said.

There are 17 existing parking spaces with only 10 of those spaces required for the proposed use, said Ms. Boyce. There is also a van accessible space, she noted. The upper story of the facility would include seven rooms of 3,108 square feet of cultivation use linked by a common hallway, she said. They would consist of blooming, vegetation, trimming, drying and packaging rooms, she said. There would also be a separate office/security area which would hold the security system, said Ms. Boyce.

It will be a closed loop charcoal filtration system, noted Ms. Boyce. None of the air within the facility will be expelled outside the building, said Ms. Boyce. If this is approved, the applicant proposes to have the cultivation on the second floor of the building. As business improved, they would also like to convert the lower portion of the building into additional growing space, she said. That would be 4,563 square feet of space, she said. The applicant may also want to consider in the future a 405 square foot retail space. At that juncture they would have to apply for a separate Conditional Use Permit, noted Ms. Boyce.

The request is consistent with the Comprehensive Plan and the land use designation, said Ms. Boyce. The CBJ property appraiser said she was unable to find any information that legal grow facilities have any negative impact on surrounding commercial properties, said Ms. Boyce. The appraiser said that by commercial properties she also meant industrial properties, she added. The appraiser said there is some evidence that illegal grow facilities in residential areas could have a negative impact on property values, said Ms. Boyce.

The proper public notice for this Conditional Use Permit has been followed, said Ms. Boyce. The application is complete, the use is appropriate with the Table of Permissible Uses, and it is in compliance with all necessary regulations, she said. The permit application meets all of the necessary criteria for marijuana cultivation, said Ms. Boyce. The six conditions listed above must be met, she added.

Commission Comments and Questions

Mr. Voelckers said that while it was mentioned there were three existing windows that would be covered for the usable grow facility space that there are pictures showing no windows in the photograph of the usable space. Mr. Voelckers asked if all of the City's notice burden had been met.

The notice was posted in the newspaper twice, and the sign was required to be posted 14 days prior to the meeting, which it was, noted Ms. Boyce. In addition, she said, notice was also mailed to all property owners residing within 500 feet of the proposed facility. That was mailed at the end of April, she said.

Applicant

Aaron Overton said the windows in the facility were there if they were required for the building code, but otherwise they were going to block those windows off, he said.

Public Comment

Todd Araujo, an attorney representing Granite Mountain Properties, said they were one of the land owners within 500 feet of the proposed marijuana grow facility. This property is leased to the Bureau of Vital Statistics, he said. One of the bases for denial of a Conditional Use Permit is, "if the proposed development will substantially decrease the value of or be out of harmony with property belonging in the neighboring area." The proposed marijuana cultivation facility, according to the City, is not expected to result in the devaluation of neighboring properties, said Mr. Araujo.

Granite Mountain Properties commissioned its own appraisal contracted through another agency which is a very reputable appraisal company, based upon the hypothetical situation of the cultivation facility being constructed, said Mr. Araujo. That appraisal estimates that the current land value of the Granite Mountain property is approximately \$2.5 million with an estimated devaluation of that property should the marijuana cultivation facility be in business to be anywhere from between \$780,000 and \$1.25 million, he said.

The construction of this marijuana cultivation facility would have a substantial negative impact on the property value of the Granite Mountain facility, said Mr. Araujo. Mr. Araujo said that Granite Mountain apologizes to the Commission for submitting the report so late. Although the notice was posted in the newspaper and a sign was posted in the area, they never received the written notice, he said. Granite Mountain feels that their own appraisal should be used as the basis for denial of the Conditional Use Permit for the Taku Horticulture Company, said Mr. Araujo. They requested that this item be tabled until the material submitted by their firm which was just received by the staff and Commission a few hours ago was given sufficient time for evaluation of their submission and appraisal, said Mr. Araujo.

This would also give the applicant time to commission their own appraisal should they desire, he said. Mr. Araujo said they did not feel the delay would cause any harm to the applicant. At this time the applicant has not yet submitted a complete application to the state, said Mr. Araujo. Therefore, he said, they would not be holding up the application process by delaying the Conditional Use Permit.

They believe their report is far more in depth and comprehensive than the report from the City Assessor, said Mr. Araujo. They do not know if the report from the City Assessor is analyzing marijuana cultivation facilities in already blighted areas in which the cultivation facility would bring prices up in a neighborhood already in severe decline, he said. In a normal economic setting in which property was in a decent state, the cultivation facility may have a detrimental effect, he said.

The Granite Mountain appraiser looked specifically at this property to reach his conclusion of the severe loss to the property value, said Mr. Araujo. In this state there are buffer zones

around schools, recreation centers and correctional facilities, he said. There is no buffer around the Bureau of Vital Statistics, or museums, or places that house critical documents, said Mr. Araujo. These items require a very controlled environment in terms of odor and particulates that may enter the air, he said. It may be a mitigating factor that this is a closed air system, he said. These critical documents need to be protected and they may have concerns in spite of a closed air system that the documents may be damaged, he said.

Commission Comments and Questions

Mr. Voelckers asked Mr. Araujo if he is in the same boat as the Commission in terms of not having had time to properly read the Granite Mountain appraiser's report. Mr. Araujo said they spoke to him about the content. They would like their appraiser to have time to speak to the Commission about these issues, said Mr. Araujo.

Mr. Hickok asked if it would be financially feasible for the applicant to have their own appraisal done.

Mr. Araujo said that it is true that appraisals have a fee associated with them.

The only thing they have to balance out the Granite Mountain appraisal is the report from the City Assessor which seems to be gleaned from Google and the Internet, and from articles from Denver and from Oregon, said Mr. Araujo. They have a 65-page appraisal report which has been commissioned and well documented, he said.

Noting that the Bureau of Vital Statistics has a lease for five years, Mr. LeVine asked if they had any reason to believe that the lease may be terminated as a result of the marijuana facility being located nearby, or if they have any reason to believe that their client may incur any harm in the next five years.

That is a concern, said Mr. Araujo. We are currently in an economy on both the City and State levels in which they are trying to consolidate their properties, he responded. They are trying to place critical infrastructure in Anchorage, he noted. There are irreplaceable documents at the Bureau of Vital Statistics building, he said.

Mr. LeVine clarified that there are no existing issues with the five year lease and that any worries about the consequences of the cultivation facility on that lease are hypothetical.

Mr. Araujo said this is correct.

Mr. LeVine said he did manage to skim through the 65-page report issued by the Granite Mountain appraiser and that he found four or five pages of the total report dedicated to possible harm which the company may incur as a result of the marijuana cultivation facility. He

asked if there was evidence anywhere in the report that suggests that facilities such as the applicant's proposed facility have caused harm to neighboring properties.

Even though he had previously stated that their appraiser's report was "well documented", Mr. Araujo said there would have been more anecdotal and other evidence from other places had they had more time to formulate the report. The report they submitted was a refined one with "a need for speed" since they could not convince the City to move the hearing to allow them more time, said Mr. Araujo.

Mr. Miller said he has had the time to completely review the report. He said he read every single page. He said that he, as Mr. LeVine, identified four or five pages upon which the appraiser's decision was hinged. Mr. Miller said he understood the concerns were possibly very grave and important. Mr. Miller said he found that the concerns were actually conjecture, and that a lot of it was based on possible odor emanating from the cultivation facility. If there was no odor and that issue was removed, said Mr. Miller, would there then be no objection from Granite Mountain since all of the arguments in the report that he could find were based upon odor.

Mr. Araujo said he did not think all of the objections were based solely upon odor. He said there were obviously safety issues and other issues that would come into play. Since they could not establish contact with the appraiser for this meeting, they are limited without him being able to speak to his own report, said Mr. Araujo. If the cultivation facility utilized a closed air system as they said, that would certainly give their client some comfort, said Mr. Araujo.

Mr. Dye noted that this is an office complex within an Industrial zone. There are smells from the dump in the area and there are smells from the brewery, noted Mr. Dye. It seems more that the office space is in the wrong area, he said. He asked Mr. Araujo if he was aware of any other offices located in Industrial areas such as this.

Mr. Araujo responded that he was not personally aware of other office spaces within Industrial zoned areas such as this. This is a quasi-site industrial area, noted Mr. Araujo, with commercial aspects to it. He named Costco and Home Depot as examples.

Mr. Dye asked Mr. Araujo if he would call car crushing an industrial or commercial use.

Mr. Araujo said he would call car crushing an industrial use, but not Costco and Home Depot.

The Bureau of Vital Statistics received a special use determination in order to establish its office in that area, noted Ms. Boyce. Offices are not typically allowed in industrial use areas, she said. If the Bureau of Vital Statistics was to leave the area, she said, another office use would not be allowed in that location.

Mr. Voelckers asked if there was something specific in the function of that office that allowed it to be placed within the Industrial district.

Ms. Boyce said she does not know the complete history, but that it was deemed similar to a post office when it was allowed within the district.

Mr. LeVine clarified that if the Bureau of Statistics leaves that space that it would not be able to be leased again as an office space.

Offices are not allowed in the Industrial zoned district, said Ms. Boyce.

Mr. Dennis Watson spoke against allowing the cultivation facility within this industrial area. Mr. Watson said he felt during his nine years on the Planning Commission as he feels now, that the City Assessor is not qualified to speak on properties impacted by marijuana facilities, as she has yet to speak on any properties that have had negative impacts. There are instances in which letters should be sent out to properties further than 500 feet, said Mr. Watson. He said he found it unusual that the CDD did not send out letters to properties located further than 500 feet from the proposed facility. Marijuana businesses of any kind are still new to Juneau, said Mr. Watson. Mr. Watson noted that he has also served on the Marijuana Committee for Juneau. His position was that the business should be allowed in Juneau and that it should be as accessible as possible. He said he did not have a negative attitude about the industry itself.

The cultivation facility does not fit in this Industrial zone, said Mr. Watson. In this area there is everything from single room occupancy apartments, a brewery and retail space and a halfway house, he said. This is not now primarily an industrial area although it was at one time, said Mr. Watson. The State constructed the Bureau of Vital Statistics in that location because it was the cheapest place to build, said Mr. Watson. This proposed facility does have the potential to have a tremendous negative effect on the neighbors, said Mr. Watson. The Plumbing and Pipefitters Union conducts classes at its location in that area for students of high school age, said Mr. Watson. It would not take long for the parents of the students to be in an uproar because of the cultivation facility, he said.

Mr. LeVine clarified that Mr. Watson does not oppose having marijuana cultivation facilities in the Industrial zone. He clarified that it was just this particular area.

Mr. Watson agreed with Mr. LeVine's statement.

Mr. Dennis Harris said that although he does not know the applicants, that he was under the impression that marijuana cultivation facilities were already located within this general vicinity. He said the Planning Commission went through a long process to identify where marijuana cultivation facilities could be located and that the Industrial district was one of those areas.

The Industrial zone has changed somewhat, partly because people who have storage facilities want to have residences above them, said Mr. Harris. He also noted that the Bureau of Vital Statistics has not moved because of odors caused by the brewery nor have they moved by odors generated by the landfill.

Murray Walsh said he was also appearing on behalf of Granite Mountain Properties. He said the concerns were basically area emissions and property values. The fear of the decreased property values is real, said Mr. Walsh. The 10 days given the property owners to research the repercussions of the cultivation facility on the area is simply not enough time, said Mr. Walsh. If the Conditional Use Permit request cannot be denied by the Commission this evening, said Mr. Walsh, then he asked they at least grant more time so that they can obtain better information for the Commission on this issue. Mr. Walsh said this may be the beginning of troublesome land use decisions by the Planning Commission. He asked if this may not be a good time to consider designating a pot district where all of the marijuana related uses could be grouped together.

Mr. Dye asked if Mr. Walsh was tying the two issues of odor and property values together.

Mr. Walsh said that he was not tying the two issues together.

Mr. LeVine stated that there has been quite an extensive process with numerous occasions for public comment in deciding where marijuana related uses should be located. He asked Mr. Walsh if his client owned this current piece of property while this process was going on and if so did his client participate in that process and voice any objection to the proposed zoning allowing marijuana cultivation facilities in an Industrial zone.

Mr. Walsh said he did not believe that Granite Mountain participated in that process.

Applicant

Mr. Overton said the system they would be using for their cultivation facility lets no air out of the facility, only heat. There will be no people outside of the business, only the employees entering and exiting the building.

Mr. Miller asked Mr. Overton to explain how the closed air system worked.

They have the safest CO₂ burner on the market, said Mr. Overton. It will circulate the air inside the building and disperse the heat, he said.

Mr. Voelckers asked that if the building was functioning at its maximum capacity how much transactional activity would occur on a typical day.

They will have few employees with little traffic generated, said Mr. Overton. He said there would be four or five vehicles at the most with a delivery van picking up the product and then departing, he said.

Mr. Miller asked about the purpose of the carbon filters, and he asked about the air generated from the filters.

There are three different filters inside the unit, said Mr. Overton, which is actually an excess of what is required. The air goes through five different charcoal filters and is recirculated within the room and the air-conditioners handle the temperature, he said.

Mr. Dye read the portion of the code relating to odors emanating from a marijuana cultivation facility, and stated that if a cultivation facility did not live up to those standards then their license could be revoked.

Mr. Overton said they are aware of this and that consequently they are going above and beyond what is required so that this would not happen. This is a closed loop system with no odors escaping, he said.

Mr. Dye asked the applicant if they had the intention of drawing attention to their facility with large signs.

Mr. Overton said their signage would be very discreet and that they had no need to advertise the cultivation facility.

If there are odors, said Mr. Miller, and there are complaints, what would transpire. He also asked if there have been any complaints about cultivation facilities at this juncture.

Ms. Boyce said there are a number of cultivation facilities already open within the community within Industrial districts. To date there have been no complaints, she said. The municipal marijuana license is renewed annually, said Ms. Boyce. They will be reviewing each facility each year to make sure that it remains in compliance, she said. She said she thought if there was a valid complaint there was the possibility of a license being revoked.

The Conditional Use Permit has a five-year review period, said Ms. Boyce, in addition to the annual review for the CBJ license.

Mr. Dye verified that the Conditional Use Permit review would be up for public hearing each time it was up for review.

Mr. Voelckers asked if the City has in the past experienced a disagreement with two different property appraisals being given on the same piece of property. He asked if the City has any specific risk in the event of a disagreement and property valuation.

Mr. Steedle said there is no particular process involved. They rely on the best evidence that they can obtain for the valuation of property, he noted.

Ms. McKibben said for several instances in the past the City has hired an appraiser to write a report on impacts to property values. More recently they have relied on the City Assessor who has in some cases written a more complete report on behalf of the City.

Are there particular cases in which there has been a disagreement between the City and another party on property valuation, asked Mr. Voelckers?

Mr. Steedle replied there have been no instances that he can recall.

MOTION: *by Mr. Dye, to approve the staff's findings, analysis and recommendations and approve USE 2017 0006.*

Speaking in favor of the motion, Mr. LeVine said that he is very sympathetic to the points raised by both Mr. Watson and Mr. Walsh. He said there are times when more notice or a different notice might be warranted and that this is an unusual type of setting. However, said Mr. LeVine, there are rules and they have complied with those rules and this application in his view comports with all of the regulations. He said he does not see the information indicating an actual devaluation in property values that may occur due to the establishment of this facility.

Also speaking in favor of the motion, Mr. Miller said that he has a tremendous amount of respect for two of the gentleman who spoke against the cultivation facility this evening. Mr. Miller said the facility is in an Industrial zone and meets all the requirements of the marijuana cultivation ordinance. Noting that this Lemon Creek area is a hodgepodge of different uses, it still is zoned Industrial and Industrial land is very scarce within the community, he said.

Mr. Greene said he was also in favor of the motion.

Chairman Haight said he was also in favor of the motion. If a facility which is designated for use in an Industrial manner cannot be used in that manner, then the Commission would have to maintain some consideration in that respect, as well, noted Chairman Haight.

Roll Call Vote:

Yeas: Hickok, Miller, Voelckers, LeVine, Greene, Dye, Haight

Nays:

The motion passed by unanimous vote.

AME2017 0008: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau neighborhoods.

Applicant: City and Borough of Juneau

Location: Downtown Juneau

Commission Member Disclosures

Mr. Miller said there was a variance request before the Commission a few weeks ago in which he needed to recuse himself since he may be constructing the house for the applicant for that variance. The location of that home is in the downtown neighborhood covered by this text amendment, he noted. He discussed this situation with the City Attorney because if the text amendments were to pass that his clients could feasibly benefit from that action. The City Attorney said that since this is for an entire neighborhood where all would receive the same benefits, that his remaining on the Commission for these text amendments would not be in conflict, he said.

Mr. LeVine noted that he owns a home which would potentially be affected by these text amendments, and for all the reasons listed by Mr. Miller, Mr. LeVine said he felt satisfied that he did not have a conflict either.

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

AME2017 0009: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Douglas neighborhoods.

Applicant: City and Borough of Juneau

Location: Downtown Douglas

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

Ms. Maclean told the Commission that the downtown Juneau and Douglas areas were predominantly built by miners and fishermen in dense villages. Current zoning does not appropriately reflect this history, she said, nor does it ensure the preservation of the character of these historic neighborhoods.

The current zoning districts do not support the community's vision for downtown Juneau and Douglas as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan, said Ms. Maclean. The current zoning does not provide sufficient standards for new residential development, or the expansion, rehabilitation, or restoration of existing residential dwellings, she said. The variance process has changed, noted Ms. Maclean, and it is no longer as flexible as it used to be. A new tool has become necessary, she said. The Planning Commission created an ad hoc committee to address these issues, and the committee met with CDD staff and representatives from the Law Department on May 3, and May 8, (2017) said Ms. Maclean.

The committee chose to develop an Alternative Development Overlay District for downtown Juneau and the town of Douglas, said Ms. Maclean. These overlay districts are temporary, providing specific zoning controls in a defined area of the City where the existing zoning does not provide sufficient standards for the area's current activities, said Ms. Maclean. An overlay district may supplement or supersede an area's zoning, and may include guidelines, she noted.

By using the descriptive word "supplement", that means the underlying zoning stays in effect and is always an option. The Alternative Development Overlay District is simply adding more options for the Commission to review. It does not mean that the more restrictive of the two would apply, she said. This is only for residential uses, noted Ms. Maclean. The purpose of this is to provide time to implement new zoning regulations, providing the development of housing while the permanent zoning is developed, said Ms. Maclean.

The Alternative Development Overlay Districts are to provide the Planning Commission with three items, said Ms. Maclean:

1. Setbacks
2. Lot coverage
3. Vegetative coverage

This will not speak to height, use, density, or any other regulations within Title 49, said Ms. Maclean.

There is one distinguishing difference between the two overlay districts, noted Ms. Maclean. That is the Sunset Clause, providing Juneau with a Sunset Clause of 24 months, and downtown Douglas with the Sunset Clause of 36 months. Other than boundaries, the Sunset Clause is the only difference between the two overlay districts, said Ms. Maclean.

Ms. Maclean indicated on a map the boundaries for the Alternative Development Overlay Districts. Downtown Juneau's boundary encompasses the historic neighborhoods of the High lands, Telephone Hill, Chicken Ridge, Casey Shattuck, Star Hill, and Gastineau Avenue, noted Ms. Maclean. The commercial district on South Franklin is not included since that is primarily commercial, said Ms. Maclean. The Alternative Development Overlay District for downtown Douglas encompasses the historic neighborhood of downtown Douglas, excluding the newer home development which begins past Savikko Park, she said.

The Commission needs to make some decisions on these text amendments, said Ms. Maclean. The first item is to decide where this article would be placed if approved within Title 49. There is discussion that it could be in variances and appeals or if it belonged in specified use areas, she said. The staff recommends that it be placed within the specified use areas of the Title, she noted. The staff felt it would be best to keep this separate and distinct from variances, said Ms. Maclean.

Commission Comments and Questions

Mr. Miller asked if a property owner did not fall within the boundaries and yet met the distinction of being a historical home if there would be a mechanism to include it at a later time.

The boundaries can be modified, said Ms. Maclean, but that would have to be approved by first the Commission and then the Assembly.

Chairman Haight asked if the process would be the same as for zone changes.

Mr. LeVine asked for a brief summation as to how the boundaries were formulated.

Ms. Maclean explained that the historic district maps were used as the base and that the cartographer within the department assisted with formulating those boundaries, including any historical residences that he noted.

Mr. Voelckers stated he noticed that the homes on Telephone Hill were not included within the boundary. He noted there are several historical properties on that ridge which probably have very similar setback issues to other properties within the boundary. There are also three or four older homes behind the Andrew Hope building adjacent to the Willoughby District, he noted, which are not included within the Juneau boundary.

Ms. Maclean stated they may not have thought of including Telephone Hill.

Regarding the older homes behind the Andrew Hope building, Ms. McKibben said there are

two types of land status within the Village; there are restricted deed properties which the City does not permit, and there is the property which is owned out right which she understands may be created in a trust by the Tlingit and Haida Central Council. In that case, it would probably not be eligible to be permitted by the City, she added.

Mr. Voelckers stated that it appeared not to be a problem to include Telephone Hill within the boundary.

An alternative development permit does not exempt the builder from obtaining all of the other required permits, said Ms. Maclean. Obtaining an alternative development permit would go before the Board of Adjustment, said Ms. Maclean. The term “residential buildings” includes an accessory structure for any parking space, said Ms. Maclean. They would appreciate feedback from the Commission on what buildings could be included under accessory structures, said Ms. Maclean. They felt garages would fall under accessory structure as well as greenhouses and sheds and other types of structures which may fall under these guidelines, explained Ms. Maclean.

4A of the proposed amendment speaks to the setbacks, said Ms. Maclean. “No part of any residential building may be erected closer to the property line than (i) the average setback of residential buildings with any 150-foot radius as determined by the Director, or (ii) the footprint of the existing residential building. No encroachment into the right-of-way or an adjacent property shall be permitted.”

Ms. Maclean repeated that the applicant would always be able to comply with the underlying zoning, or to seek a variance rather than pursue the Alternative Development Overlay District option.

4B (incorrectly written as ‘4F’) speaks to the lot coverage, said Ms. Maclean; “Residential lots within the overlay shall not exceed 75 percent lot coverage.”

4C (incorrectly written as ‘4G’) addresses vegetative coverage; “Residential lots within the overlay shall maintain 15 percent vegetative coverage.”

The average lot coverage is 34 percent, said Ms. Maclean. The median is 32 percent, she noted, and the outliers consisted of one lot having 10 percent coverage and another lot having 89 percent coverage, she noted.

Encroachment on other properties would not be allowed, she said.

Mr. Dye asked what would happen if an existing lot footprint was 80 percent of the lot coverage. He asked if the 75 percent lot maximum would still apply.

Ms. Maclean said if they wanted to rebuild on the exact existing footprint than it could be whatever that existing footprint was, and if it was 80 percent they could build up to 80 percent upon an existing footprint.

The staff proposes that the alternative development fee be \$400, which is the same as for a variance, noted Ms. Maclean.

The Alternative Development Overlay District complies with the Comprehensive Plan, said Ms. Maclean, specifically Chapter 3 on creating mixed use communities. It speaks to creating compact, pedestrian friendly communities, she said. It addresses a variety of houses, styles and sizes, she noted. This amendment speaks specifically to Chapter 4 of the Title under “housing” to facilitate the preservation and rehabilitation of existing housing, said Ms. Maclean.

The Comprehensive Plan addresses Sub – Area Six, which is Juneau, said Ms. Maclean. It calls for preserving the scale and the density of the older single-family neighborhoods in the downtown area, she read. It also states its purpose is to preserve the existing dwelling units in or near the older residential neighborhoods, she said.

Ms. Maclean repeated that the Commission needs to decide where this Alternative Development Overlay District should reside within Title 49, the maximum lot coverage, which the staff now recommends at 60 percent, and the minimum vegetative coverage is proposed at 15 percent, as recommended by both the staff and the ad hoc committee, said Ms. Maclean. The Commission also needs to decide if accessory structures would be included, she said.

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

Mr. LeVine asked why the word “supplement” was used, stating that he found it confusing. He stated, “This article provides an alternative development process that may be used as an alternative to the underlying zoning regulations.” Mr. LeVine stated that to him this was an unambiguous statement whereas when read with the word supplement it sounded like “in addition to” rather than as an “alternative to...”

Ms. Maclean said she saw no problem with that change to the verbiage.

The zoning overlay district for downtown would still be subject to public hearings, noted Ms. Maclean.

Referring to 4A, Setbacks, Mr. LeVine noted that it should perhaps be more clear that not all of the setbacks together would be averaged, but that front would be averaged with front, side to side, and rear to rear yard setbacks.

Public Comment

Thea Howard, a resident of the historic district in Juneau, said that her property would be affected by this decision, as would the property of many of her neighbors. She said she wondered what the real reason was for enacting these text amendments. Ms. Howard said it seemed to her that there is already an existing set of rules in which the Commission may function.

Ms. Howard noted that when someone came before the Commission and wants to do something outside of the rules, that the Commission just decides to change the rules to accommodate the applicant.

Maintaining the historical neighborhood is extremely important for the community, and it is what attracts visitors to Juneau every year, noted Ms. Howard. Ms. Howard asked how many properties would be affected by these proposed text amendments. She said she bet they could be counted upon one hand. Ms. Howard said she did not want to discourage people from fixing up their property within the historical district, but that she was not sure that changing the rules was the answer. There are already rules in place which enable the Planning Commission or the Board of Adjustment to look at requests on a case-by-case basis, said Ms. Howard.

Mr. Voelckers explained to Ms. Howard that the ability of historical home owners to fix up their property has been based upon aspects of the variance in the past which are no longer open to them. He said that is why they are considering the Alternative Development Overlay District while they consider further zoning changes to better represent the district. He said the text amendments are to accomplish exactly what Ms. Howard is supporting, so he was surprised to hear from her that this is not constructive.

Ms. Howard responded by saying that these text amendments would enable people to construct "McMansions". She said that is what the variance the Commission denied a few weeks ago was about; a big home, on a small lot. She said that is what these text amendments would allow. She said when larger properties were constructed to tower over smaller properties, that changes the flavor of the neighborhood. She said she did not feel it was the Commission's role to change the rules of for a few individuals. She said she felt the Commission's role was to review and analyze requests on a case-by-case basis. She said the variance already provides the process to do that.

Mr. Miller said that he agrees completely that the variance process is what has been used in the past, and very successfully. However, said Mr. Miller, recently the variance has been hamstrung by some rulings coming out of an Assembly appeal decision with guidance from the

Law Department. Now, said Mr. Miller, there is not a process for Commission review on certain variance requests which in the past was a good process. This is the fix, said Mr. Miller, so that variances aren't required anymore.

Mr. Dye said the Alternative Development Overlay District process is based upon the Conditional Use Permit process. An applicant choosing this process would still have to demonstrate why, still come before the Commission, and public notice would still be given, said Mr. Dye.

Ms. Howard said the historic character of the neighborhood will not be promulgated if the Commission allowed huge houses to be erected.

Dennis Harris, a resident of the Juneau historical district, said he did not see why this issue would be going before the Board of Adjustment, which he thought dealt with tax issues, instead of the Planning Commission. (*"...a strict application of the zoning standards may produce an especially difficult and unreasonable burden for a property owner. **In those cases the Planning Commission, sitting as the Board of Adjustment, may grant a variance to dimensional or design standards so that an individual lot owner can enjoy the same granted rights as others.**"*)¹

Mr. Harris said the proposed text amendments do not solve one of the problems of those who live in the original townsite. The original surveying for the area was one degree off, said Mr. Harris. For those who want to buy or sell one of those properties extensive title searching is necessary, and lengthy explanations must be given to banks, especially if they are not located in Juneau, said Mr. Harris. He said the original townsite plat needs to be replatted. That would solve some of the issues, he said.

Mr. Fanning said he was before the Commission this evening representing his wife and several other residents within the area. He said he has a home on Sixth Street which is a triplex. They are having trouble selling the triplex, said Mr. Fanning. He said it is zoned D-5, for a single family dwelling with an apartment. The appraiser will not appraise the dwelling because it is within a single family D-5 zone, he said. He cannot appraise it as a single family dwelling because it has three stoves, said Mr. Fanning. Therefore, they are stuck, and they cannot sell this piece of property, he said.

They are generally in favor of the overlay district, said Mr. Fanning. He said he does take note of homes on certain streets which are right next to each other which are not 60 percent of the lot size. Having 15 percent vegetative coverage for some property within the star Hill area would be very difficult, he said. He said it is his understanding that if a house were to burn down, in order to reconstruct, it would have to meet all of the provisions within the code for a new dwelling. If the residence was constructed on a nonconforming lot then in order to meet

¹ Community Development Department: Web site: www.juneau.org/permits

the code it would have to be reconstructed to a size smaller than its original size, said Mr. Fanning.

Chairman Haight noted that he has been hearing a reoccurring question during public testimony. The purpose of these text amendments is to use an intermediary measure while they review how well this supplemental regulation works, and to give the staff and Commission the opportunity and the time to build a new zoning regulation that better fits these areas.

Ms. Maclean stated that if a home had to be rebuilt due to a fire, the text amendments as they stand today would allow the home to be rebuilt within its existing footprint, if it is an allowed residential use. In this instance, with the residence being a triplex, the owner would have to prove an allowed, legal use for the third unit, she said. Otherwise, she said, the home could be rebuilt as a duplex with a Conditional Use Permit utilizing the same footprint as the original structure.

If the house were to burn down, the footprint would not be affected, but the structure would need to be in alignment with the existing use, said Mr. LeVine.

Mr. Miller said that issues such as what Mr. Fanning is experiencing with his lot are very important and that perhaps it could be Incorporated into the new zoning overlay which in two years would replace the temporary Alternative Development Overlay District.

Juneau resident Sean Eisele said this was not planned but that he is the individual who is trying to buy Mr. Fanning's dwelling. He said as far as they can tell, the Fanning triplex was built as such before there were any zoning laws. Across the street, still in D-5 zoning, is a fourplex, said Mr. Eisele. To purchase the house, he needs a multi-family loan, said Mr. Eisele. However, the bank will not lend because the dwelling is not zoned for a multi-family residence, he said. Mr. Eisele said the City said that it would not be allowable to rebuild as a duplex. The City's logic is if the house was changed during this temporary Alternative Development Overlay District, it would mean the house may not be rebuilt if something happened to it, he said. Therefore, it may not qualify for a loan under this temporary amendment, he said.

The triplex should be able to be constructed if it burned down as the duplex, since that is a permissible use, said Mr. Eisele. However, he said, were it to be rebuilt since it is a nonconforming dwelling, it would not be able to be in conformance with the existing code, he said. By definition, he said, it is a nonconforming dwelling. That seems like a bad reading, said Mr. Eisele. This sale has been stalled, perhaps, because of that reading, he said. Homes that were approved during the Sunset Clause that needed to be rebuilt, would not necessarily meet the setback requirements, he said, under new rules.

Mr. LeVine said this is an issue which the ad hoc committee discussed. The problem in Mr. Eisele's circumstance is that he would be changing the use, said Mr. LeVine.

Ms. Maclean said the other issue is that this lot in question is a substandard lot. Therefore, she said, it would not meet the requirements for a duplex. They could possibly construct for single family home with perhaps a Conditional Use Permit for an accessory apartment on a substandard lot.

Mr. Eisele said code says nothing about lot size when rebuilding. There are things such as lot size and setbacks which should not have to be complied with since the lot is already noncompliant, he said.

Ms. Maclean clarified that the Board of Adjustment is the Planning Commission. As they look at zoning they would also be possibly exploring other items such as density, which they decided to leave out of the temporary overlay district. They felt that needed further analysis and public input, said Ms. Maclean. She said she did not think requiring 15 percent vegetative lot coverage would be too burdensome in most cases.

Greg Chaney, speaking as a resident within the historical district, said he feels this is a good start and that the current zoning does not fit the development pattern of the area. He said he calculated that the density on Kennedy Street is over 30 units per acre, and it is zoned single family residential. If the setbacks were averaged from certain homes within his residential area it would be about 40 feet, said Mr. Chaney. Therefore, he said, he was a little concerned that if they try to do the math they may come up with some unsatisfactory answers.

Mr. Chaney said he felt the portion of the existing code which dealt with substandard setbacks within the neighborhood may be the best avenue to follow. Mr. Chaney said he felt the Alternative Development Overlay District was an interesting concept. The area could definitely use a rezoning, he said. It does not fit the D-5 zone, he said.

Mr. LeVine clarified with Mr. Chaney that when averaging setbacks that anything more than the minimum would count as the minimum setback.

Mr. Chaney concurred with the feedback from Mr. LeVine.

Mr. LeVine asked if they could add the provision just brought up by Mr. Chaney.

LOCATION IN TITLE 49

The Commission concurred that the text amendment be located in the specified use area of Title 49.70.

MAXIMUM LOT COVERAGE

Mr. Dye said he was fine going with the lower number of 60 percent instead of 75 percent since the pre-existing dwelling clause is already within the language.

Mr. Voelckers said he is leaning towards the 60 percent lot coverage as well. He said it is no one's intent to create a McMansion syndrome.

The Commission concurred that the text amendment for lot coverage be set at 60 percent.

MINIMUM VEGETATIVE COVERAGE

The Commission concurred that the minimum vegetative coverage be set at 15 percent.

INCLUSION OF ACCESSORY STRUCTURES SUCH AS GARAGES, CARPORTS, GREENHOUSES AND SHEDS

Mr. Voelckers clarified that every one of the accessory structures would factor into the total lot coverage of 60 percent.

The staff concurred.

Mr. LeVine said that he felt the accessory structures should be included considering the character of the neighborhood.

Mr. Voelckers asked how a deck is defined in terms of lot coverage. He asked if it needed to be a certain amount above grade to be included in the lot coverage.

Ms. Maclean said decks are not included.

The Commission concurred that accessory structures are included in the total lot coverage.

FEE FOR AN ALTERNATE DEVELOPMENT PERMIT

The Commission concurred that the fee for an alternative development permit be set at \$400.

SETBACKS

Mr. LeVine said as he mentioned earlier, he has concerns that the existing language is not clear regarding the computation of setbacks.

Ms. Maclean suggested that it read: "...the average corresponding setback of residential buildings within a 150-foot radius..."

Mr. LeVine said he felt that was clear language.

Mr. LeVine said he did think it made sense to create minimum and maximum setbacks as they are averaging the setbacks. He said it made sense to him to average anything that was above the minimum to count as the minimum and to ascertain that anything that is encroaching count as a zero.

The Commission concurred that line (i) of 4 A read; “the average corresponding setback of residential buildings within a 150-foot radius as determined by the director, or...”

The Commission concurred that setbacks be averaged so that anything that was above the minimum counts as the minimum, and to ascertain that anything that is encroaching count as a zero.

TELEPHONE HILL AND SMALL RESIDENTIAL AREA LOCATED BEHIND THE ANDREW HOPE BUILDING
Mr. Voelckers said that he would recommend that they add Telephone Hill to the alternate development overlay district and he also recommended that they add the strip of residential area located behind the Andrew Hope Building with the thought that it is better to be inclusive rather than exclusive. It does provide that recourse should a property in that area have need of it, he said.

The Commission concurred that Telephone Hill be added to the Alternative Development Overlay District as well as the small residential area located behind the Andrew Hope Building.

Mr. Voelckers asked the staff to look again at certain small lots which were excluded from the Douglas overlay district.

Ms. Maclean said that she would reevaluate those lots for inclusion.

Mr. Voelckers asked why certain of the larger lots in the new development past Savikko Park were included since they were not historical.

Ms. Maclean said she believed they were included because there are some historical structures on those lots.

LANGUAGE ADJUSTMENTS

Mr. LeVine had several non-substantive edits. He said they could change the last sentence very slightly to read that, “This article is intended to provide for the development of housing, preserve the character of the neighborhoods, and promote the restoration of blighted buildings.”

The Commission concurred with the above language.

Mr. LeVine said he had a language adjustment for Section 2., Relationship to Existing Zoning. He suggested the second sentence read; “This article provides an alternative development process that exists in addition to the underlying zoning regulations.” He said this is to clarify that there are two separate processes.

MOTION: *by Mr. Miller, that the meeting be continued until 10:30 p.m.*

The motion was approved with no objection.

The Commission concurred with the language adjustment for the second sentence in section 2 as stated by Mr. LeVine.

Mr. LeVine rectified a typo in the first sentence under 3D, as did Mr. Voelckers.

The Commission voiced no objection to the language being corrected.

Mr. Voelckers said the word “lots” in 4F (4B) should be changed to “construction” and that the word “district” be added after “overlay”.

The Commission concurred with no objection.

MOTION: *by Mr. Voelckers, to move the approval of AME2017 0008 with the staff’s findings, analysis and recommendations with the changes approved by the Commission.*

The motion passed with no objection.

MOTION: *by Mr. Miller, to move the approval of AME2017 0009 with the staff’s findings, analysis and recommendations with the changes approved by the Commission.*

The motion passed with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

Chairman Haight asked if the item brought up earlier in the evening regarding small wireless companies could be placed on the agenda for review.

Mr. Steedle said he would plan on filling in the Commission on this at the next Planning Commission meeting during the Director’s report.

XII. **DIRECTOR’S REPORT**

Mr. Steedle said he wanted to commend the Commission and the ad hoc committee for their work on these text amendments. He said it was very impressive. Mr. Steedle said he wanted to single out Mr. Dye for his effort.

Mr. Steedle said he also wanted to thank Ms. Maclean for her innovative approach on this project.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lemon Creek Steering Committee

Mr. Voelckers reported that the Lemon Creek Plan is making excellent progress and that it should be before the Commission in late July or August. He said a final draft of the plan will be presented to the Lemon Creek Steering Committee on June 19, (2017).

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said he wanted to thank the staff and Ms. Maclean. He said he felt the staff report was particularly good. He felt the good work on this these amendments will help their passage through the Assembly.

Mr. Miller said he felt what was accomplished tonight was amazing. He said the Wetlands Review Board is currently working on an ordinance change that will limit the need for variances. In the meantime, said Mr. Miller, what is the public to use to accomplish its goals. The code still remains the same, said Mr. Miller. If the variance needs to be different then it needs to be changed, said Mr. Miller. Mr. Miller said he has grave concerns that the issue has not yet been fully addressed.

Chairman Haight said that he agreed. He said variances do not go away. They still have to maintain and use the code, he said. It needs to be streamlined, said Chairman Haight. Mr. Voelckers said there have been at least three meetings held by the Title 49 Committee to clarify the language.

Mr. Steedle requested that they hold a COW (Committee of the Whole) on June 13, (2017). He said there are new members on the Title 49 Committee and that it would benefit the Commission as a whole to discuss where they are with variances. At that time the whole body can decide if it is ready to go to the Commission, back to Title 49, or make some other decision. Variances are taking longer than anyone in this room would like, said Mr. Steedle, and it is important that it be right. He said he does not think they are far off from this.

Ms. McKibben said they would also like to bring an overview of where the streamside buffer process is to the COW. It is going back to the Wetlands Review Board for one more view, she said. They would also like to discuss changes to the eagle nesting buffer, she said, bringing it to the Commission rather than remanding it back to the Title 49 Committee.

Mr. Steedle pointed out that both of those changes are related directly to variances.

Mr. Voelckers said per previous discussions with the Assembly, that it may be a good idea to have one or two Commission members present at Assembly meetings to provide background when complicated items are coming to the Assembly from the Commission.

Mr. LeVine said the Commission received hundreds of pages of comments at 4:00 the night of the meeting. It puts the Commission in an awkward position. He said he would like to see some rules crafted related to public comment and deadlines of when written materials need to be submitted to become part of the record for that meeting.

Mr. Voelckers said they did have a rules committee a year and a half ago. As a result of those meetings there were written suggestions regarding meeting deadlines for the submission of material.

Mr. Steedle said he will bring the existing information on proposed deadline rules before the Commission at the next meeting, at which time they can decide which direction they would like to pursue.

XV. ADJOURNMENT

The meeting was adjourned at 10:42 p.m.

PUBLIC COMMENTS

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

From: Cindy Smith [<mailto:2cindysmith@gmail.com>]

Sent: Monday, September 18, 2017 10:16 AM

To: PC_Comments

Subject: Variance in 11th Street

Hope this is the correct email address. Received notice of a variance request for a new home under construction on 11th Street, and wanted to say that I went over to look and it seems like an appropriate variance to make. I do not know the owners, but they've done a good job!

Cindy Smith
314 Irwin
Juneau AK. 99801

Sent from my iPad

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

From: Tom Locher [<mailto:tom.locher.piano@gmail.com>]

Sent: Monday, September 18, 2017 12:13 AM

To: PC_Comments

Subject: 315 W Eleventh

I support Rob Roys and Pagan Hill being able to complete their housebuild@ 315 West Eleventh. please let them have the 9" of space they need to finish!

Tom Locher
933 C St
Juneau AK 99801
907-463-3523

From: Bill Glude [<mailto:snownerd@me.com>]

Sent: Sunday, September 17, 2017 11:04 AM

To: PC_Comments

Subject: Case ADP2017 0001, Parcel 1C030C040021

Hello,

I am writing in support of granting the Alternative Development Permit for this parcel; Case ADP2017 0001, Parcel 1C030C040021. Our neighborhood had always had small lots and minimal setbacks; this is in keeping with the best use of the land and allowing our traditional use to continue.

thanks!

Bill Glude
Home and Home Office:
PO Box 22316
Juneau, AK 99802 USA
206-617-7703 US cell
090-2478-3969 Japan cell
Japan Office:
Evergreen Backcountry Guides, Kokusai Lodge, 4377 Hokujo
Hakuba-mura, Kita Azumi-gun, Nagano-ken 399-9301, Japan

From: Doug Murray [<mailto:dmurr907@outlook.com>]
Sent: Monday, September 11, 2017 2:43 PM
To: PC_Comments
Subject: Case No ADP2017 0001 Parcel 1C030C040021 Application for Alt Dev Permit

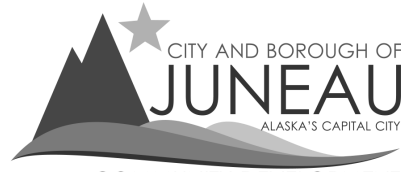
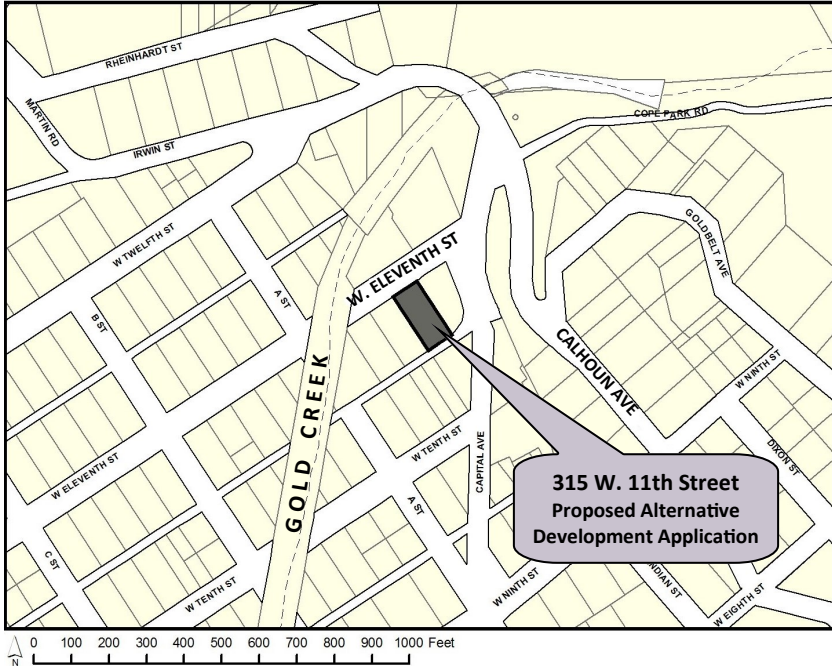
To Whom It May Concern; I have no problem with the applicant's request for a reduced side yard setback for the purpose of extending their second/third floor. My understanding of the issue is the bldg extension would be less than 12 inches into the 5 foot setback. When you look at the rest of the buildings in the area many of them already exceed this setback requirement. Frankly given the minor significance of this issue it should have been decided at the Planning Commission level and not wasted the time/money it took to apply/testify/publish.

[Doug Murray, Property Owner @ 907 Capitol Ave.](#)

[Sent from Outlook](#)

Invitation to Comment

PLEASE NOTE: You are receiving a 2nd notice of this hearing so that we can correct a small text error in the case description. This does **NOT** change the applicant's project in any way.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

**315 W. 11th Street
Proposed Alternative
Development Application**

An application has been submitted for consideration and public hearing by the Planning Commission for an **Alternative Development Permit** for a **reduced side yard setback to accommodate additional living space** at the 2nd and 3rd story levels at **315 W. 11th Street**, located in the **downtown Juneau Alternative Development Overlay District**.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through Sept. 14, 2017

Your comments to the Planner, Jill Maclean, will be included in the staff report.

Sept. 15 through 3 pm, September 26

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

**HEARING DATE & TIME
7:00 pm, September 26, 2017**

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

September 27

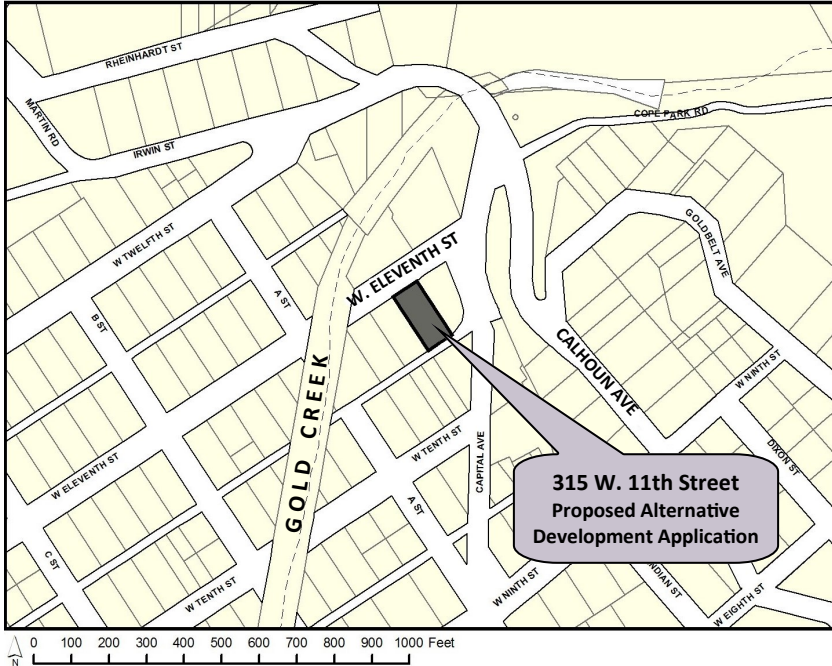
The results of the hearing will be posted online.

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

Case No.: ADP2017 0001
Parcel No.: 1C030C040021
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: September 12, 2017

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for an **Alternative Development Permit** for a **reduced side yard setback to accommodate an architectural feature at the 2nd and 3rd story levels at 315 W. 11th Street**, located in the **downtown Juneau Alternative Development Overlay District**.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at <http://www.juneau.org/assembly/novus.php>

Now through Sept. 14, 2017

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

Case No.: ADP2017 0001
Parcel No.: 1C030C040021
CBJ Parcel Viewer: <http://epv.juneau.org>
Date notice was printed: September 7, 2017

ADP2017 0001

Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels.

Board of Adjustment Hearing

September 26, 2017



Property Info

Applicant / Property Owner:
Pagan Hill and Rob Roys

Existing Land Use:
Single-family dwelling w/an accessory apartment

Property Address:
315 W. Eleventh Street

Surrounding Land Use:
North – (D18) Single-family and multifamily dwellings

Site Size: 3,600 sq. ft.

South – (D5) Single-family Dwelling

**Comprehensive Plan
Land Use Designation:**
MDR (medium density residential)

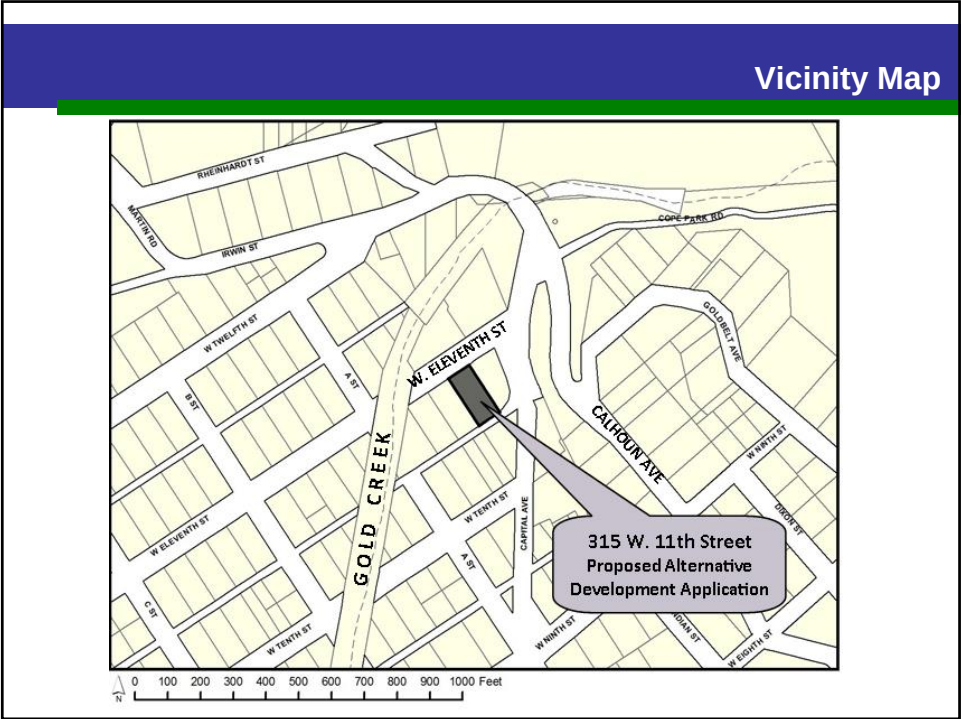
East – (D5) Single-family Dwelling

Zoning: D5 Single-family / Duplex

West – (D5) Single-family Dwellings

Utilities: City Water / Sewer

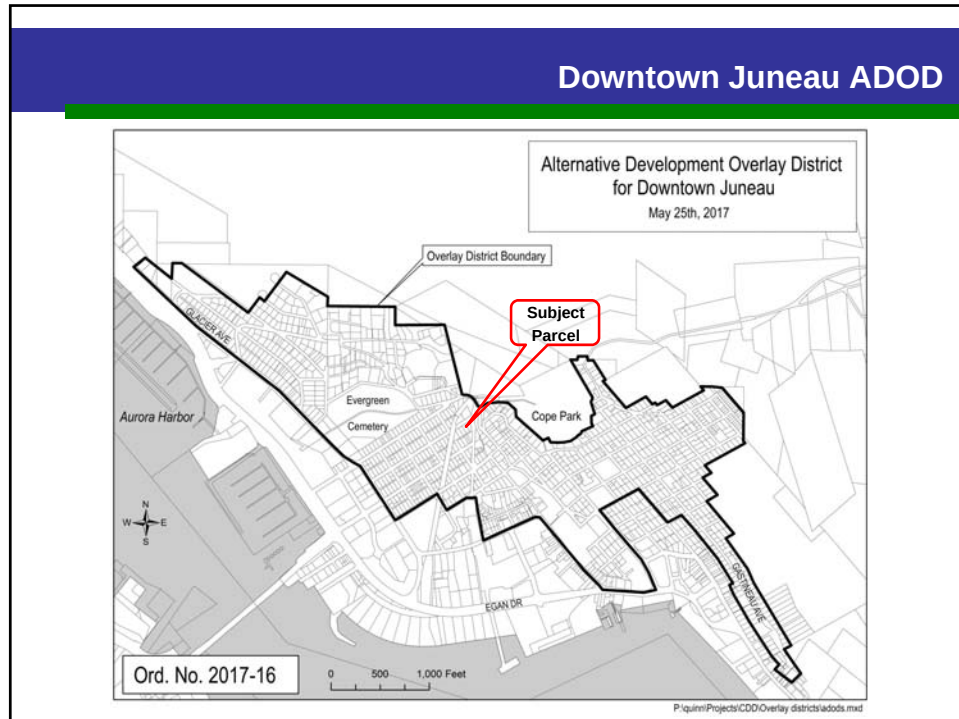
Access: W. Eleventh Street / alley



Project Description

Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels.

Bump-out



Title 49 Exceptions

- CBJ 49.25.430(4)(B) addresses bay windows, garden windows, chimney and ventilation shafts, and other similar enclosed structures that **do not increase the building's floor area**.
 - This section of code allows for these types of enclosures to encroach up to 4 feet into a required setback (but no closer than 3 feet from a property line).
 - These types of enclosures must not increase the building's floor area and the proposed "bump out" increases the building's floor area.
- CBJ 49.25.430 Yard Setbacks (4)(J), Substandard lots, an existing lot may: *If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.*
 - The owners of the subject parcel are seeking a reduction to the side yard setback that is greater than five feet.

Timeline of Events

- October 11, 2016 the current property owners received a building permit for a new single-family residence with two conditions:
 - A Conditional Use Permit was required for the accessory apartment
 - The 2nd and 3rd-story “bump out” enclosure was **not approved** (according to emails, the property owner and architect were informed of this on September 28, 2016. The notes indicate that that any design of the “bump out” had to raise the base of the window above floor height)
- The permit was approved for zoning compliance on September 28, 2016, subject to the conditions stated above.
- The zoning compliance assured that the proposed location and height met zoning requirements.
- The required foundation setback verification form was issued on September 28, 2016, to allow the foundation to be poured.
- The setback verification form enabled the location of the foundation to be verified by a surveyor. To minimize permit costs to the applicant, a separate foundation permit was not required by CBJ.

Timeline of Events

- On November 10, 2016, the current property owners received a Conditional Use Permit for an Accessory Apartment on an Undersized Lot (see Attachment D AAP2016-0022).
- On November 14, 2016, in a follow-up email regarding the approval of the Accessory Apartment Permit, CDD reminded the architect and applicant of the need to submit revised plans for the “bump out”.
- On December 12, 2016, the architect emailed a proposal for plans showing a revised “bump out” which had an exterior face that extended the full height of the 2nd and 3rd stories.
 - This **significantly differed** from the guidance previously provided regarding bay windows. The architect explained that significant construction had already occurred on the **unpermitted** “bump out” and revising the exterior face would require costly structural revisions.

Timeline of Events

- On December 14, 2016, the Community Development Department (CDD) agreed to the proposed revision of the plans **if there was a condition on the building permit that the bay windows are never able to provide useable space, and also if someone were motivated to use that space in the future, then they would be in violation of the approved building permit.**
- The agreed upon plan removed the cabinets for the wet bar and studio desk from the “bump out” area. Furthermore, it was decided that an agreement would be signed saying that if the desk or wet bar were removed and the “bump out” was accessible, a window seat would be added to ensure the space in the “bump out” did not become useable floor space. This compromise allowed for approval of the permit without costly structural revisions. It was made clear that the agreed upon plans still needed to be formally submitted to CDD for the permit to be modified and a fee needed to be paid.

Timeline of Events

- Subsequently, an additional modification to the agreed upon plans was requested.
 - The proposed modification would allow a refrigerated “piece of equipment” (kegerator) to use the floor space in the “bump out” which previously was agreed to not be useable floor space.
 - The storage of kegerator would increase this space and eliminate the void. **This negates the previously agreed to modifications, which allowed the “bump out” to remain in the setback.**

Timeline of Events

- The owners were informed that information would be made available to them should they wish to seek a variance and that CDD would keep them apprised of the progress of the new Alternative Development Permit, which at the time had not been drafted nor adopted.

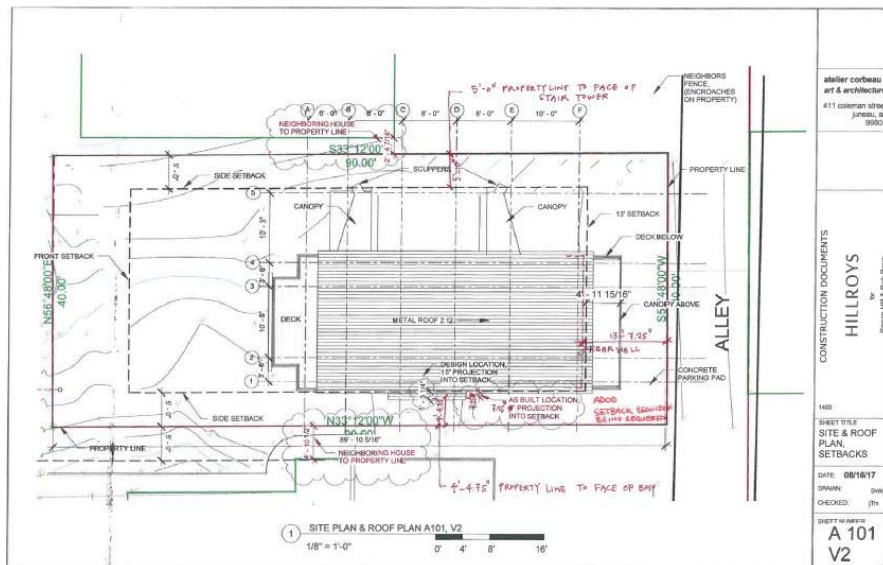
- The application does not meet the requirements for a de minimis variance. Per CBJ 49.20.250 Grounds for Variances (a) De minimis variance (1), a de minimis variance may be granted, *Where a minor setback infraction could be corrected only at the unreasonable expense or inconvenience the director may, after taking into account the views of the owners of adjoining property, and upon finding that the infraction was not the result of a deliberate effort to evade the dimensional requirement, grant a de minimis variance in harmony with the general purposes of this title.*

Questions on Background / Timeline of Events

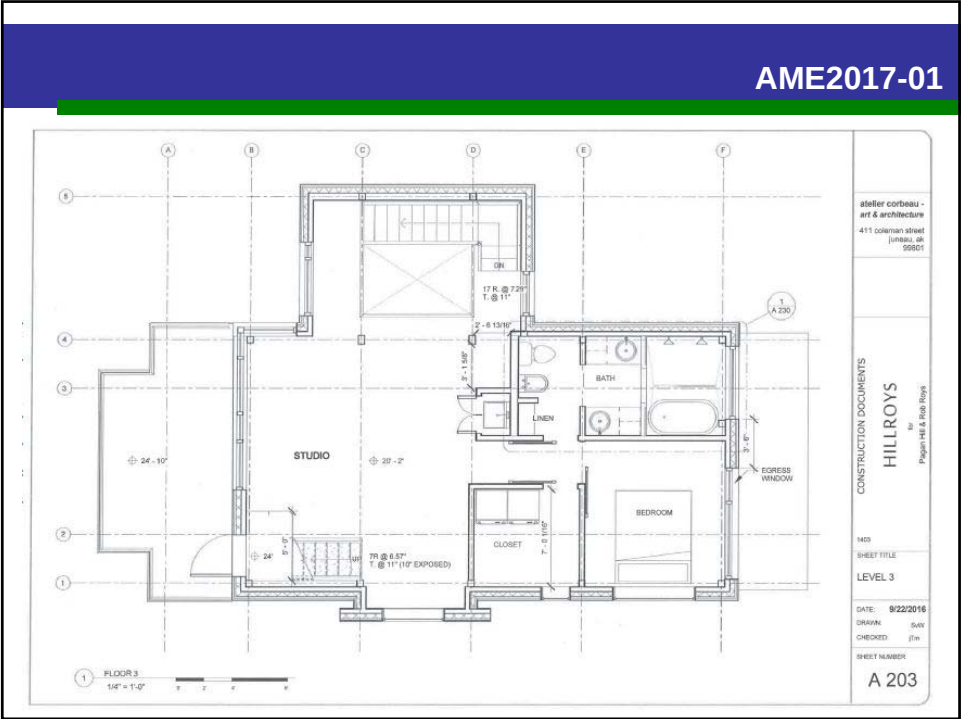
AME2017-01

- The Board of Adjustment has the authority to reduce the side yard setback by averaging corresponding side yard setbacks of residential buildings within a 150 foot radius as determined by the director.
- In this instance, the applicant is seeking a reduction to the side yard setback of **5 feet to 4.475 feet**. Based upon the averaging of the properties within a 150 foot radius, a side yard setback of **3.8 feet** may be granted through an Alternative Development Permit, if the Board of Adjustment finds that the residential development meets the requirements of the ADOD.

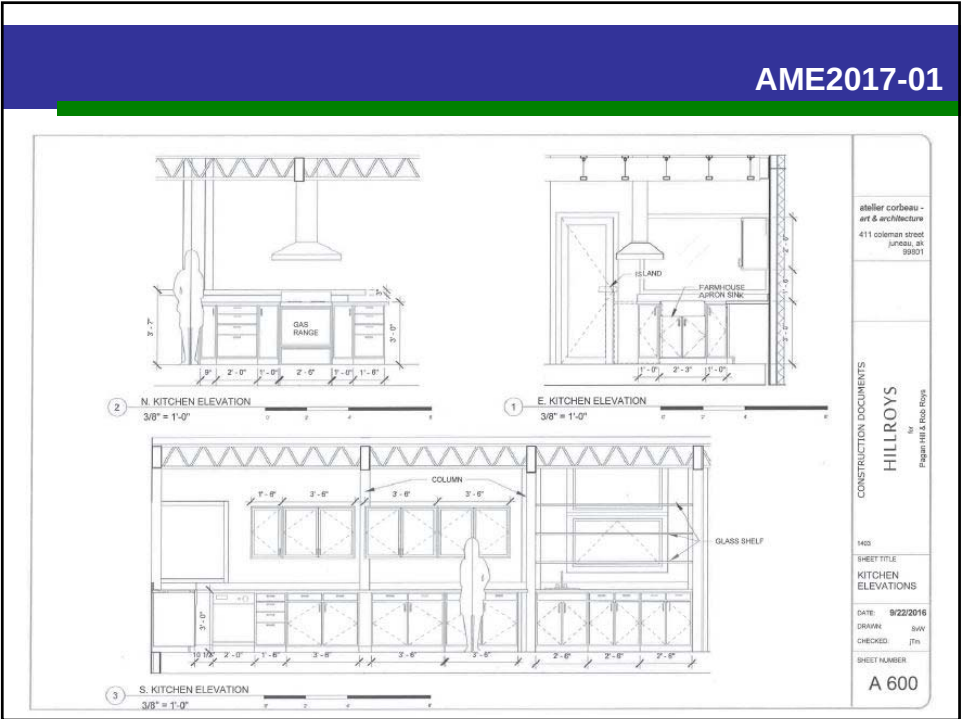
AME2017-01



AME2017-01



AME2017-01



Purpose of the ADOD

Provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, **preserve the character of neighborhood** and promote the restoration of blighted buildings.

Per the Commission's deliberations, the knowledge gained thru ADP applications is intended to guide new zoning standards for the downtown neighborhoods.

ADOD Overview

- The ADOD (Ordinance 2017-16 - Attachment B) was discussed and recommended for approval by the Planning Commission at the May 23, 2017, public hearing.
- During that hearing, the Commission heard testimony from the public, including concern that the overlay would allow property owners to construct "McMansions" that would be out of character to the Casey-Shattuck Flats neighborhood and would be constructed higher than the existing structures, and that this would change the flavor of the neighborhood.
- The Commission agreed that preserving the character of the historic neighborhoods was important and was the reason for considering an overlay district, because the existing zoning standards did not reflect the built environment and did not allow for the construction or restoration of these buildings.

Site Photos

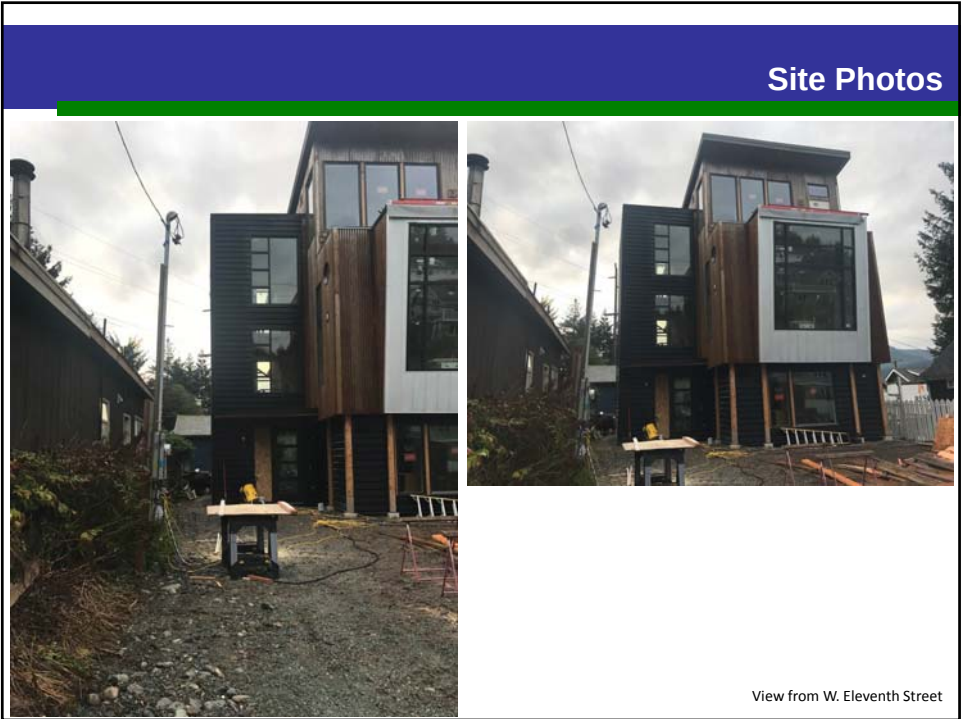


View from W. Eleventh Street

Site Photos



View from Capital Ave





Site Photos



View of alley and neighboring properties

Site Photos



View of alley and neighboring properties

Site Photos

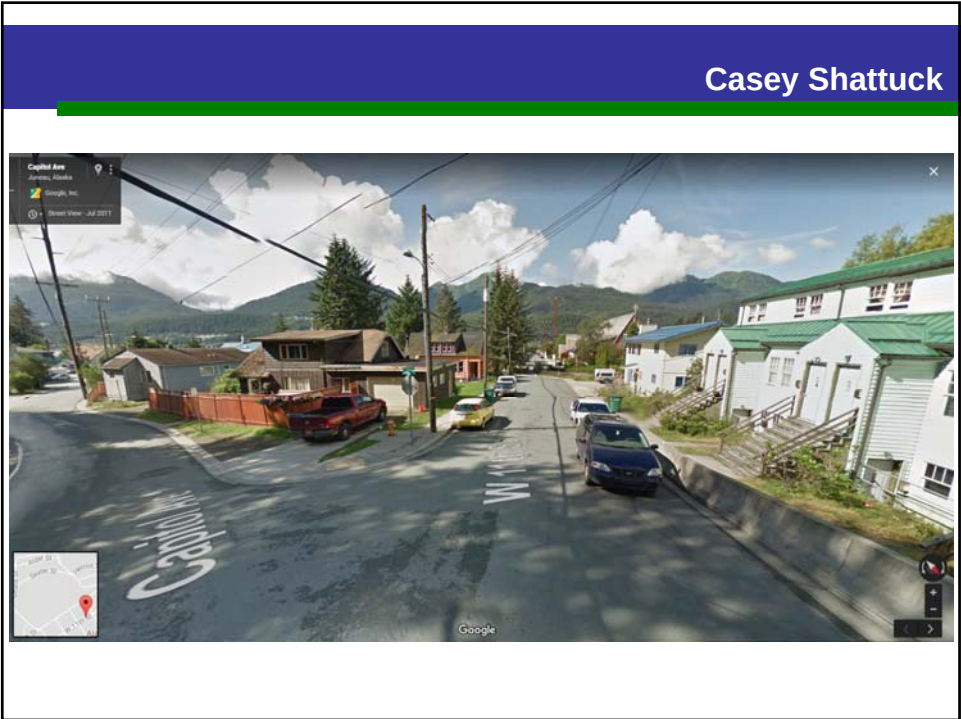
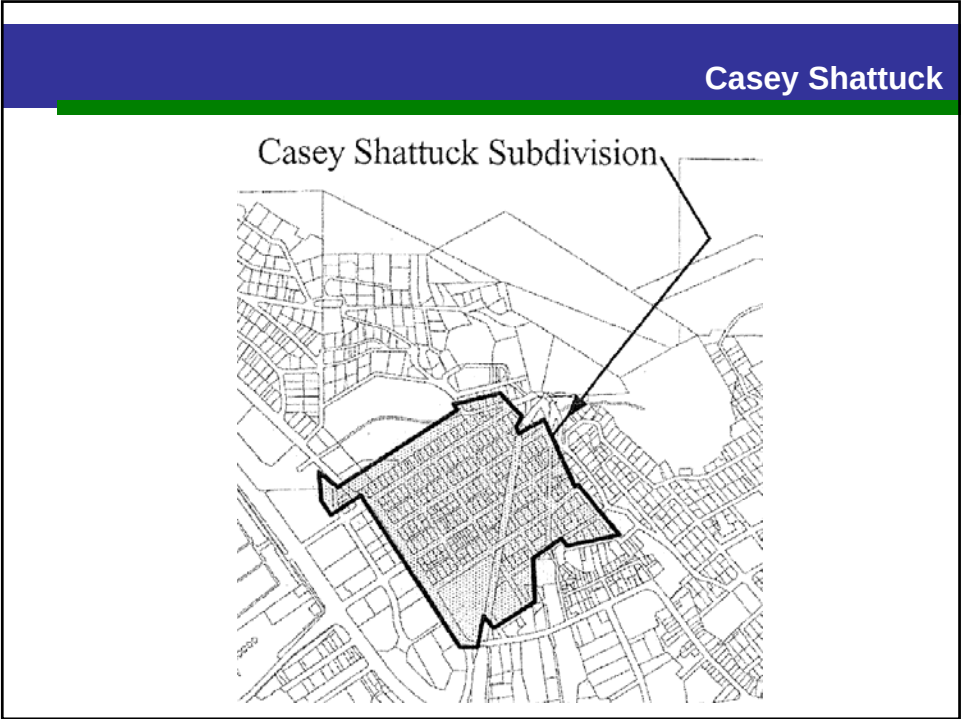


View of W. Eleventh Street and neighboring properties



AME2017-01

- The subject parcel is located within the historic Casey Shattuck neighborhood
- This neighborhood was surveyed and documented in *THE REPORT OF THE CASEY-SHATTUCK NEIGHBORHOOD HISTORIC BUILDING SURVEY* completed in 2004. The Casey-Shattuck Subdivision was platted in 1913. The subdivision targeted working class miners and fishermen of the region, and the dwellings are predominantly one- and two-stories in height.
- Based on the above information, the requested second- and third-story encroachments are not in character with the neighborhood.



Casey Shattuck



Casey Shattuck



Agency & Public Comments

- CBJ Assessor: No opinion regarding whether this construction has an impact on the neighborhood at this time.
- CBJ Building: No issues with the project.
- Four public comments were received in favor of the residential development (Attachment H of the Staff Report), including:
 - Existing reduced setbacks in the neighborhood
 - Existing small lots with minimal setbacks
 - Allows for “traditional use” of land

ADOD Questions

This application is for a residential development that has been constructed without the necessary approvals.

- Should Alternative Development Permit (ADP) applications be accepted for after-the-fact construction?

Per the discussions that spurred the adoption of the ADODs, ADP applications are intended to guide and direct new zoning for the downtown(s) neighborhoods while maintaining the existing character.

- Existing residential zoning districts have a height maximum of 35 feet. Does this height represent the built environment of the Flats neighborhood that we are seeking to preserve?

Findings

1. Is the application for the requested Alternative Development Permit complete?

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.70.1200.

2. Is the proposed use appropriate according to the Alternative Development Overlay District?

Yes. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.110 for the D5 zoning district.

Findings

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the September 15, 2017, and September 25, 2017, issues of the Juneau Empire's "Your Municipality" section. A Notice of Public Hearing was mailed twice to all property owners within 500 feet of the subject parcel. (The second mailing was sent in order to correct a scrivener's error in the project description). Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way. Furthermore, the proposed development complies with the height, parking and vegetative cover requirements of the D5 zoning district.

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

No. As discussed in the above analysis, the proposal is located in a D5 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed development will materially endanger public health or safety.

Findings

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

Yes. As discussed above, the development is not in harmony with the neighboring properties. The development chose to benefit from the existing (D5) zoning standards for maximum height (35 feet), which is a full story higher than neighboring properties, and seeks to benefit from reduced side yard setbacks for the second and third stories of the building, thus creating a development (single-family dwelling) that is not in character with the surrounding built environment of the historic Casey-Shattuck Flats neighborhood.

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

No. As discussed above, the development is in general conformity with Title 49, but the requested encroachment does not conform to the 2013 Comprehensive Plan.

Recommendation

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Alternative Development Permit for a reduction to the side yard setback.

ADP2017 0001

Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels.

QUESTIONS?



Project Site

	D5	Subject Parcel	ADOD
Lot Size			
Lot Width	70	40	-
Lot Depth			
Height	35	34.6	-
Lot Coverage (maximum)			
Vegetative Coverage (minimum)	20%	20%+	Not applicable to this request
Front Setback	20	20+	Not applicable to this request
Street Side Yard Setback (alley)	13	10	Not applicable to this request (permissible under CBJ 49.25.430 Setbacks(4)(K) Existing substandard setbacks)
Side Yard Setback (east)	5	5	Not applicable to this request
Side Yard Setback (west)	5	4.475	3.8 (see Attachment A p. 13 for analysis)*

*Setbacks permissible thru an Alternative Development Permit under the ADOD for the Subject Parcel if approved by the Board of Adjustment

150' Radius Average Side Yard Setbacks			
Address	Required Side Yard Setback	Actual Side Yard Setback	Source
300 W. Eleventh St.	5	16*	Old Site Plan
316 W. Eleventh St.	5	7.2*	Old Site Plan
1038 Capital Ave.	5	2.4	Site Plan for variance
1018 Capital Ave.	5	4.2	Asbuilt Survey
338 W. Tenth St.	5	2.5	GIS
319 W. Eleventh St.	5	4.9	Site Plan for variance
327 W. Eleventh St.	5	1.5	Asbuilt Survey
1011 Capital Ave.	5	44.5*	Building Location w/ROW Vacation Plat
328 W. Tenth St.	5	7.6*	GIS
1029 A St.	5	5.3*	Asbuilt Survey
USS 4521 Irwin Addition	5	87*	Old Site Plan
Casey Shattuck BL 204 LT 3	5	5.57*	Site Plan for Variance
Casey Shattuck BL 204 LT 4	5	13.2*	Asbuilt
MCKELVEY LT B	5	2	Building Location w/ROW Vacation Plat
Casey Shattuck BL 204 LTS 7	5	0**	GIS
Total	--	3.8	
* indicates larger than required side yard setback, therefore the minimum required setback of 5' is used to calculate the average			
** indicates that the structure encroaches onto adjacent property, therefore zero is used to calculate the average			

PROJECT BACKGROUND:

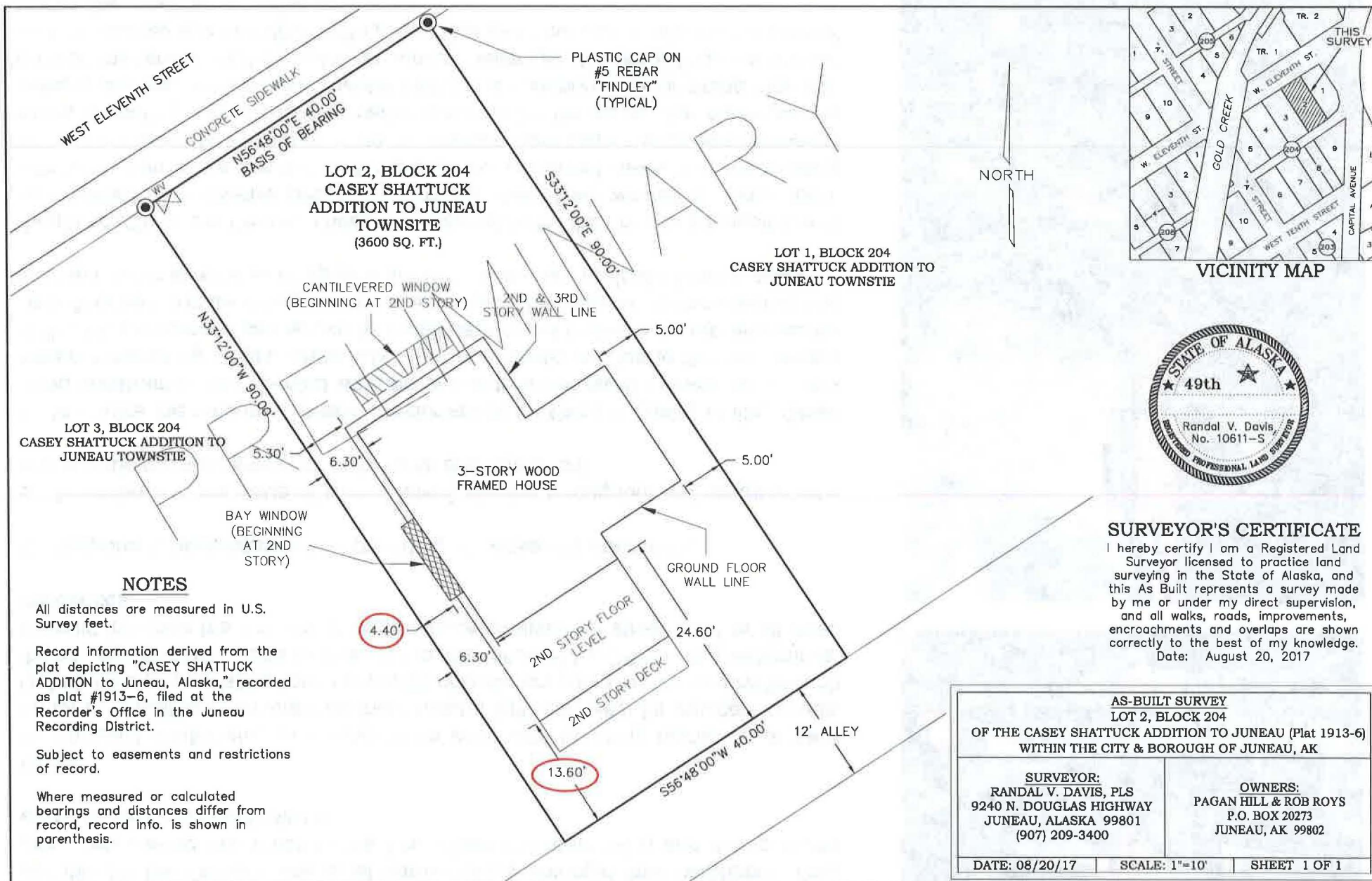
-Site is a small infill lot, 40' x 90', on the NE of West 11th Street. The narrowness of the lot created multiple design opportunities. In response, the most important variable for the Owners was to sit harmoniously amongst their neighbors. They previously owned the house to the SW, where the main living and dining rooms windows face the small infill lot.

Goals:

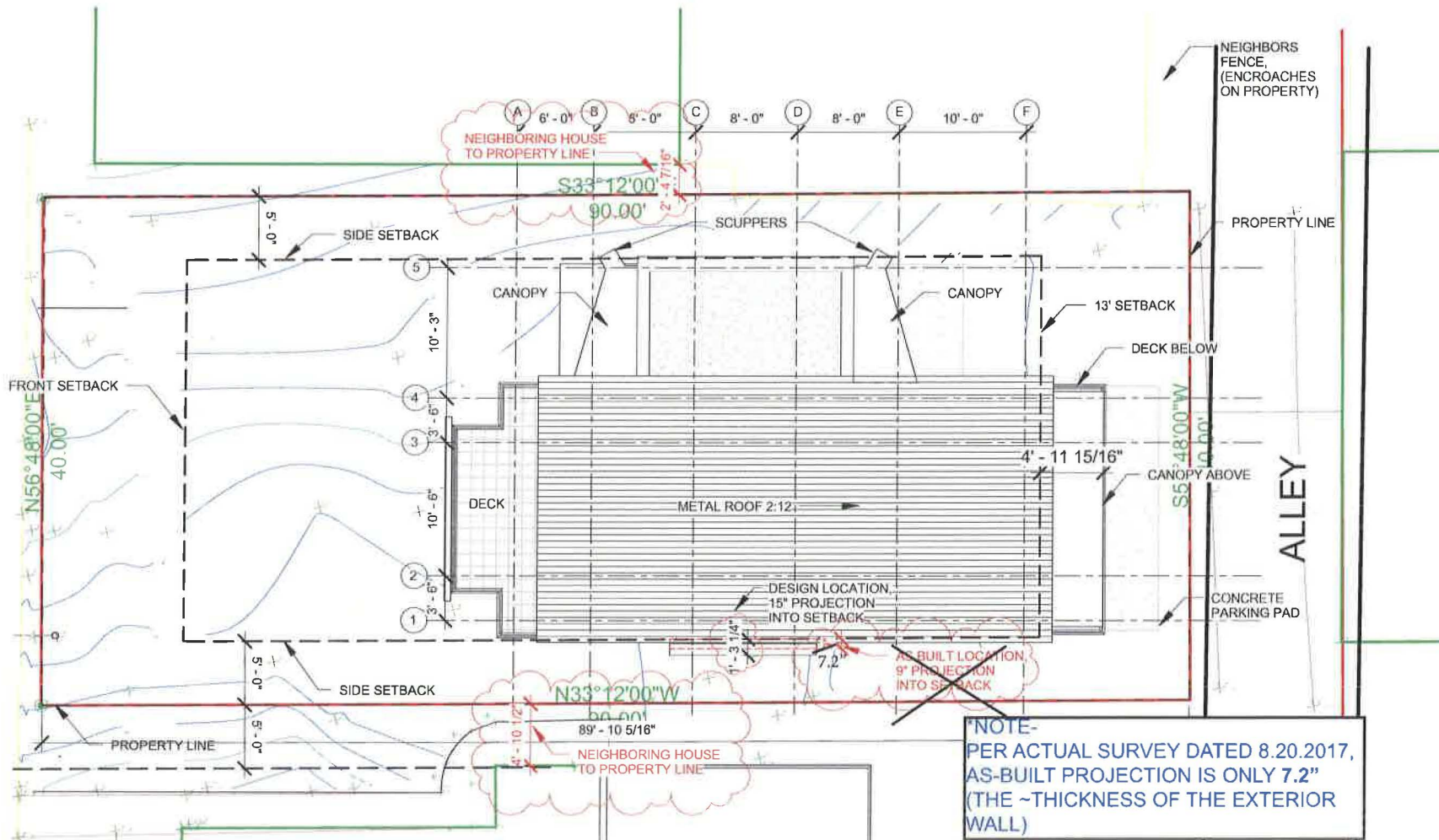
1. Respect relationship to neighbors on each side by siting home as far back on lot as possible to ensure maximum natural light and view for adjacent homes. Unfortunately the existing house to the SE was always going to lose its view through the lot. By siting the house as close to the alley allowed by, CBJ zoning restrictions, it would increase the amount of green space available at street level to all three residences.
2. Respond to housing deficit by providing an accessory apartment.
3. Acknowledge the issue of limited street parking throughout the neighborhood and provide on-site parking for both home and apartment.
4. Maximize the amount of livable interior space for Owners quality of life. Given siting constraints, and coupled with the desire to maximize the green space, this meant maximizing height, within CBJ zoning restrictions. Due to the narrowness of the lot, providing a bay alcove to install permanent built-in furniture allowed for clear floor space in the dining room and art studio. The Owners wanted creative and flexible interior spaces so all spaces are interconnected vertically & horizontally.

Aesthetics/Style: the Owners chose a modern style for their house because it best represented their creative philosophy and life style. They wanted a unique form, with open plan and a solution that captured the wonderful views over the existing houses to the S/SE, W, and N. Materials chosen were Corten steel and aluminum siding & roofing with a pilotis of cedar columns for the base. The materials are durable and low maintenance. Metal siding is a common exterior siding material, both on modern as well as historical Juneau buildings. Corten siding was chosen as it will oxidize to a beautiful matte patina that was intended to reference historical corrugated weathered mining structures.





SITE SURVEY 8.20.2017



1 SITE PLAN & ROOF PLAN A101, V2
1/8" = 1'-0" 0' 4' 8' 16'

atelier corbeau -
art & architecture
411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE
SITE & ROOF
PLAN,
SETBACKS

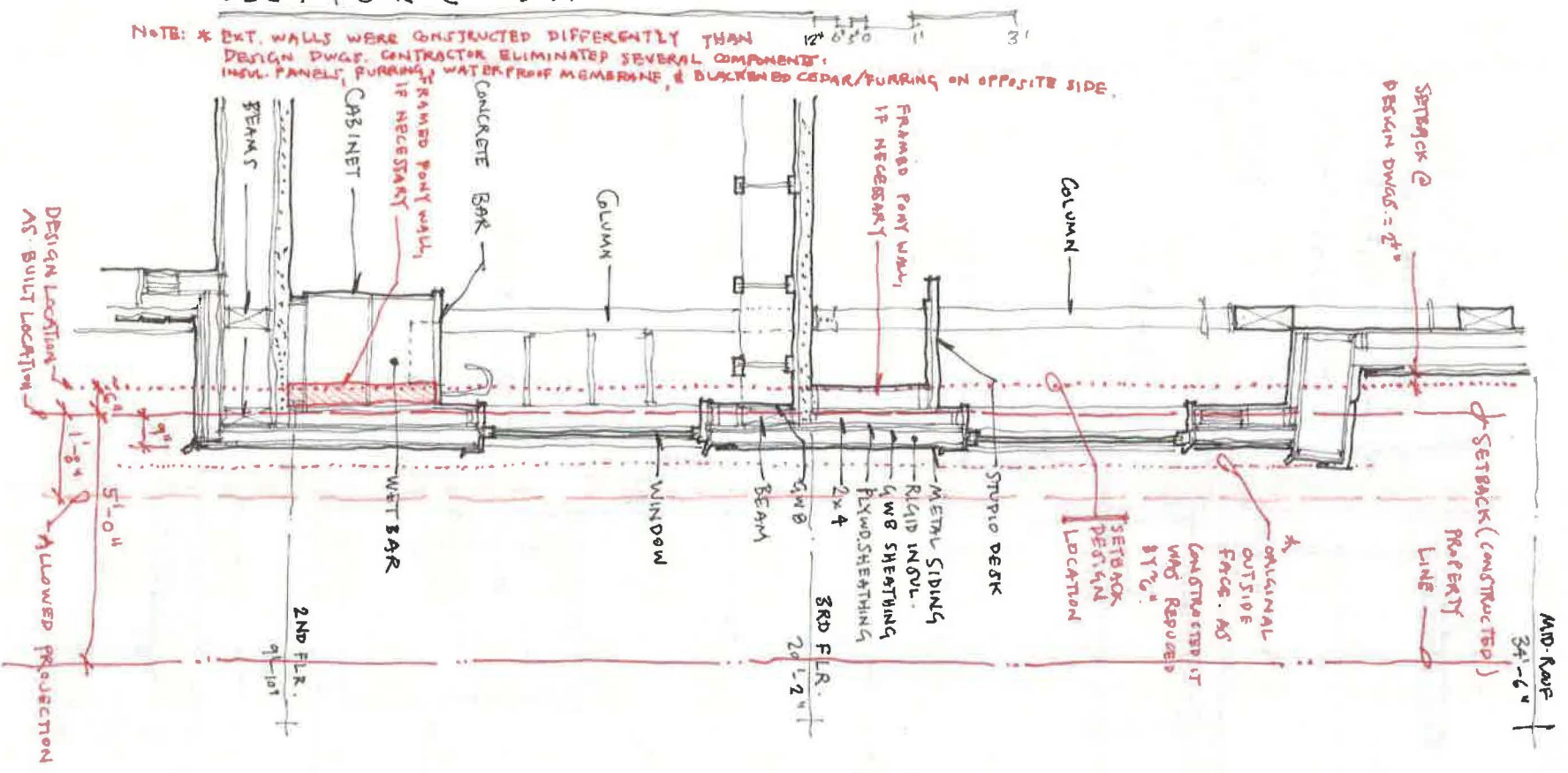
DATE: 08/16/17
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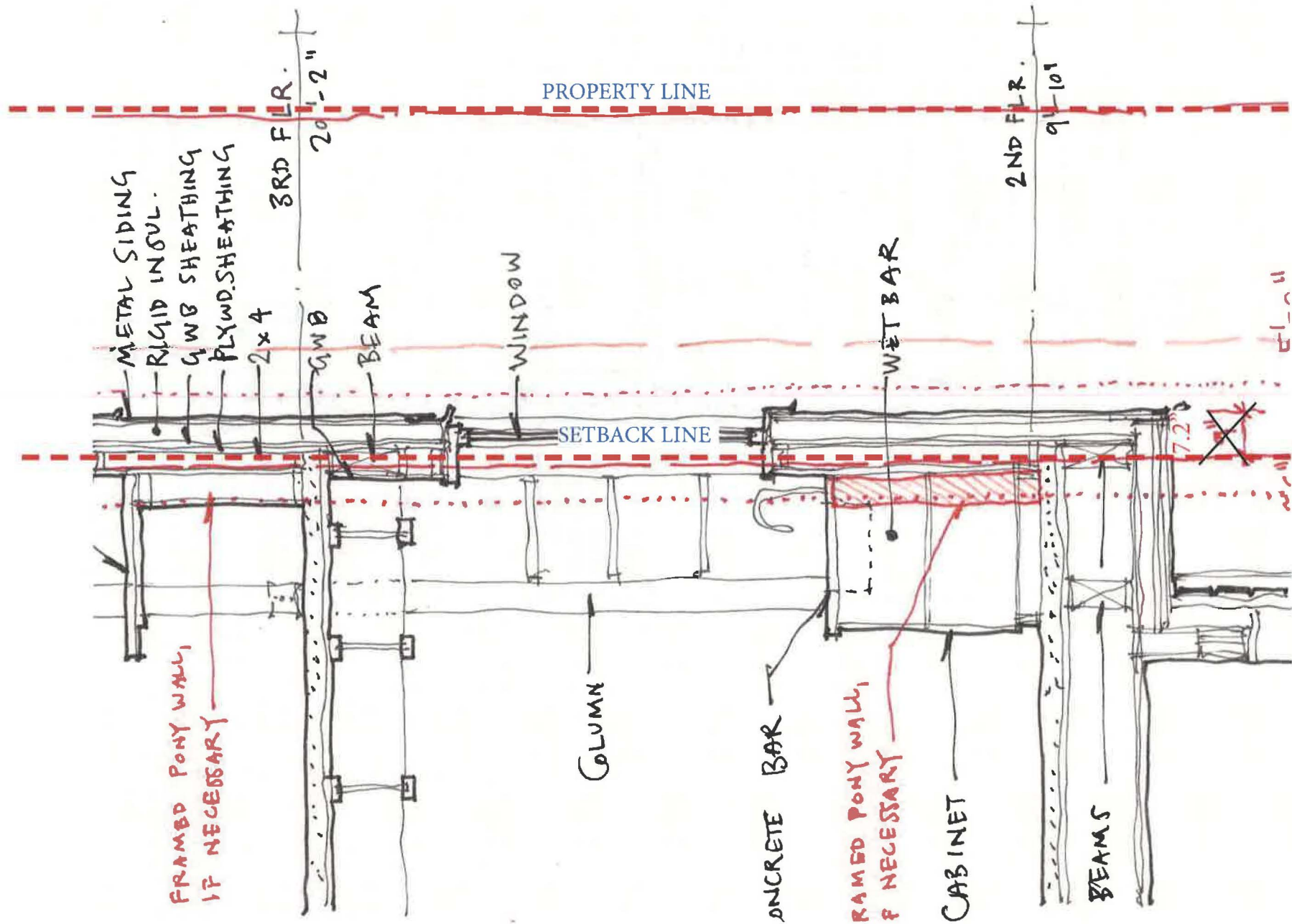
SHEET NUMBER
A 101
V2

PRELIMINARY SITE SURVEY- NEIGHBORING RELATIONSHIPS TO PROPERTY LINES

SECTION @ BAY WINDOW V.2

NOTE: * EXT. WALLS WERE CONSTRUCTED DIFFERENTLY THAN DESIGN DWGS. CONTRACTOR ELIMINATED SEVERAL COMPONENTS: INSV. PANELS, FURRING, WATERPROOF MEMBRANE, & DUCKWOOD CEDAR/FURRING ON OPPOSITE SIDE.





Local Precedents



Bay Windows



Internet Example: Permanent Built-In Bay Seating



Project Reference: Permanent Built-In Casework

Note- The owners have no intention, EVER, of pulling out their expensive custom casework.

Continued on Page 151

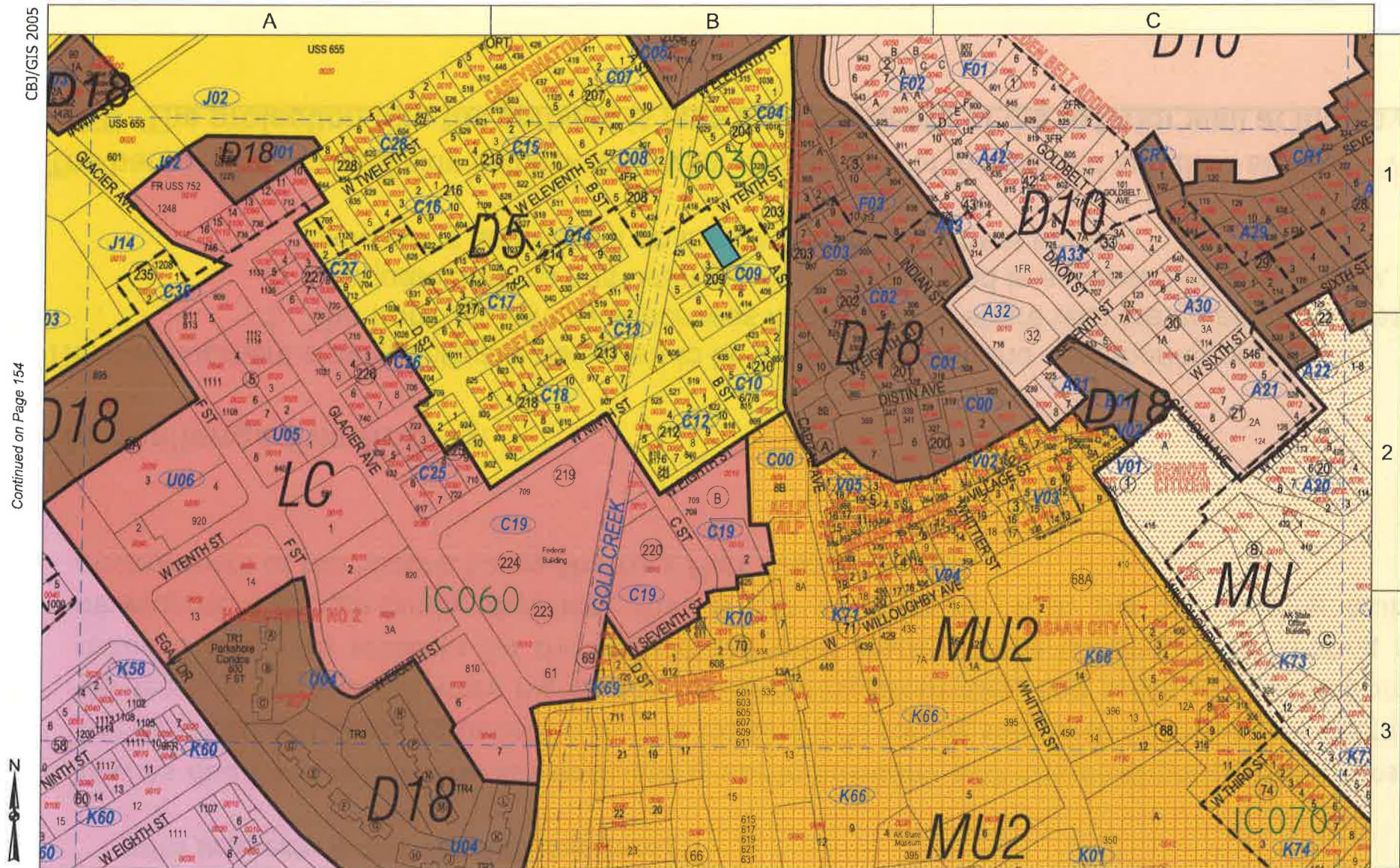
1C060/1C030

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CBJ/GIS 2005

Continued on Page 154

Continued on Page 156



200 0 200 Feet

Continued on Page 157

Assessor Tax Code

160090	102	0030
Parcel Code Prefix	Block Number	Lot Number

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

Yes. As discussed above, the development is not in harmony with the neighboring properties. The development chose to benefit from the existing (D5) zoning standards for maximum height (35 feet), which is a full story higher than neighboring properties, and seeks to benefit from reduced side yard setbacks for the second and third stories of the building, thus creating a development (single-family dwelling) that is not in character with the surrounding built environment of the historic Casey-Shattuck Flats neighborhood.

We challenge this finding:

The development **was** specifically designed to be in harmony with the neighboring properties:

1. The front yard/green space was maximized to share with the adjacent houses.
2. Adequate parking has been provided on-site and is accessed by a rear alley, eliminating any impact on the current limited street parking.

The benefit of a reduced side setback is only for a small part of the second and third stories: 8'W x 7.2"D. **The projection into the setback is less than the depth of the exterior wall at the bay.**

Height of Neighboring Buildings & Diminished Property Value Reference

There is an implied negative judgment with the comment “the development chose to benefit from the existing (D5) zoning standards for maximum height and seeks to benefit from a reduced side yard setback”. In design and preliminary presentations to the planning department, the designers believed they were in compliance with ALL zoning standards. In design, it was believed that the 2nd and 3rd level bay window projection was in compliance with the zoning standards for (enclosures) bay windows (CBJ 49.25.430). There was **never** an intent to ‘deliberately evade the dimensional requirements’, illustrated by the meetings that occurred with CBJ planners before submission of the construction drawings for a building permit.

Second, the statement regarding height of neighboring properties is inaccurate. There is a 3 story house 2 blocks to the south off the HillRoys. Additionally, it does not meet front yard setbacks or parking.

Lastly, there are no specific design standards in place for the Casey-Shattuck neighborhood.

...response continued

Character of Neighborhood?

There are no design standards for this neighborhood.

Clearly, every neighborhood has history.

However....

Unlike Juneau Downtown Historic District,
Casey-Shattuck Neighborhood
is not a designated Historic District

There are no design standards for this neighborhood









Neighboring single-family residence: 3 story







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

DATE: May 11, 2017

TO: Planning Commission

FROM: Jill Maclean, AICP Senior Planner
Community Development Department

FILE NO.: AME2017 0008 and 0009

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau and Douglas neighborhoods.

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.

The Alternative Development Overlay Districts provide the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries.

Provide Choices

People want variety in housing styles and size (emphasis added) and want conveniently accessible shopping, recreation, entertainment, transportation and employment. A variety of pedestrian-friendly uses creates dynamic

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

No. As discussed above, the development is in general conformity with Title 49, but the requested encroachment does not conform to the 2013 Comprehensive Plan.

We challenge this finding:

We believe the project conforms with Title 49 as well as the 2013 Comprehensive Plan.

Specific to the Comprehensive Plan:

1. The project utilizes sustainable principles in siting & density, providing an additional accessory apartment with all on-site parking.
2. It utilizes in-fill land.
3. It is energy efficient.
4. It is a compact design.
5. The foot print is small to maximize green space benefiting both the Owners and the adjacent neighbors.

We could not find any reference to bay windows or character of neighborhoods in the 2013 Comprehensive Plan.

2013 Comprehensive Plan

Further, the applicant does not meet the requirements for a de minimis variance. Per CBJ 49.20.250 Grounds for Variances (a) De minimis variance (1), a de minimis variance may be granted, *Where a minor setback infraction could be corrected only at the unreasonable expense or inconvenience the director may, after taking into account the views of the owners of adjoining property, and upon finding that the infraction **was not the result of a deliberate effort to evade the dimensional requirement**, grant a de minimis variance in harmony with the general purposes of this title* (emphasis added).

pg 6 of 13, P4(Staff Report)

We challenge this finding:

The encroachment into the setback is a minor infraction:

1. **It is only 7.2"**, less than the width of the exterior wall of the bay.
(The original encroachment was ~1'-3", however, the Contractor modified the exterior bay. The changes resulted in reducing the thickness of the exterior walls.)
2. Note that the encroachment is at the bay, only, of second & third floor.
3. The 3 adjacent houses encroach at the ground level ~5', 2'-7.5" and 1.5".
4. Correction would be an unreasonable expense.

The design of the bay windows were **never** a deliberate effort to evade the dimensional standards. It has been noted numerous times to CBJ Planning that 2 planners reviewed the documents before submission and never raised a concern. To imply that we deliberately intended to evade dimensional standards is fallacious.

Owners meet the de minimis variance

Page 4 of 13:

Project Description: encroaches 7.2" not 9". (Confirmed w/ the recent as-built survey) This is less than the depth of the exterior wall.
Background: The narrative is missing the early start permit. Foundation and structure were approved and concrete was poured in Sept 2016

Background: The narrative is missing the Pre-app meeting with CBJ Planner on 8.24.16. Bay window was presented as an **architectural feature**, projecting into the setback 1'-6" and no concerns were raised.

Background: The narrative is missing the application meeting with another CBJ planner on 9.14.16. Once again, the bay window was presented as an **architectural feature**, projecting into the setback 1'-6" and no concerns were raised.

Page 5 of 13:

Paragraph 2: The bay was presented as an "architectural feature" to 2 CBJ planners and no concerns were raised until Tim Felstead's review. Not until Tim correctly noted that bays are part of Enclosures did the discussion turn to usable floor area.

Paragraph 3: It was always our interpretation that the built-in cabinet and desk were not part of the usable floor area.

Paragraph 6 Dec 12: It appears the planners did not interpret the drawings correctly. The 2 story bay window was a part of the original drawings submitted and we assumed from Tim's comments that we only had to correct what was occurring in the usable floor area. Portions of the structural frame were already in place by October. This was noted to Tim Felstead in the emails. No one from CBJ ever stopped by to view what had already occurred on site.

Paragraph 7 Dec 14: The idea that the Owner would pull out built-in cabinets was always seen as an odd argument. Why would they put money into custom built-in cabinets and then pull them out? The most important part of this exchange eluded CBJ. Architect was attempting to establish a possible solution with CBJ to present to the Owners. Once the Owners saw the solution they rejected it. The discussed solution pushed the cabinets into their already tight usable floor and was unacceptable to them.

Page 6 of 13:

Paragraph 1: Because the owner rejected the solution of moving the cabinets forward into the usable floor area, the concrete in the bays were discussed as another possible solution.

Paragraph 2: This is wrong, the equipment was always part of the cabinet. The information was only added as a clarification to show that the Owners would never pull out the cabinet, which holds a wet bar as well as the stated equipment.

Paragraph 4: The projection into the setback **is** a minor infraction. It is **only 7.2"**, **basically the width of the exterior wall of the bay**. The original projection was 1'-6", however, the Contractor chose to modify the exterior envelope of the house. The changes resulted in reducing the thickness of the walls.

Paragraph 4: The design of the bay windows were **never** a deliberate effort to evade the dimensional standards. It has been noted numerous times to CBJ Planning that 2 planners reviewed the documents before submission and never raised a concern.

Paragraph 6: To imply that the HillRoys modern house design is a McMansion illustrates how little CBJ Planning comprehends of the design of the HillRoys house. The house is ~1700 sf and the apartment is ~430 sf. Some may not like it's modern sensibility, but the Owner loves it. They are the only people the architect intended to please. If CBJ Planning wants to control subjective aesthetics they will need to institute a design standard. However, a simple walk through the complete neighborhood illustrates the wide variety of aesthetic choices made.

ISSUE & ERRORS IN STAFF REPORT

If CBJ Planning wants to control height then they need to modify their own dimensional standards. **To capriciously hold this single owner accountable for something that doesn't even exist is simply wrong.**

Page 7 of 13:

Paragraph 4: Not **all** dwellings and buildings in the neighborhood meet the one and two stories height. The height limit in this zoning area is 35'.

Paragraph 5: The "character" of siting on the lots within the neighborhood is one of numerous encroachments into setbacks and even property lines.

Page 8 of 13:

Street Side Yard Setback (alley) is **13.6'** not 10'

Side Yard Setback (west) is **4.4'** not 4.475'

The owner is seeking a reduction to the setback that is **less** than 5', reduction is **0.6'**

Page 9 of 13:

Paragraph 6: street side yard setback is **13.6'** not 10'

Paragraph 6: westerly side yard setback is **4.4'** not 4.475'

Page 10 of 13:

Paragraph 4: To state that the house is not in harmony with the neighborhood because of the encroachment of **7.2"** is either ignorant of the numerous encroachments surrounding the house or a shallow attempt to deny Alternative Development Permit. CBJ Planner Tim Felstead found that the houses within 500' of the Hill Roys encroached an average of 1'-4" into the side yard setbacks. This is more than double the **7.2"** of the bay windows.

Paragraph 6: References COMPACT URBAN DEVELOPMENT. Please note that the compact footprint of the Hill Roys was to maximize the green space in the front yard to share with the adjacent houses and to add 2 living units into downtown Juneau. Additionally, all required parking has been provided on site reducing any parking impact into the already full on-street parking.

Paragraph 7: There are no design standards in place. Who decides what is the overall character of the neighborhood?

Page 13 of 13:

Item 5: The development was designed to be in harmony with the adjacent houses. The front yard/green space was maximized to share with the adjacent houses. Adequate parking has been provided on-site, eliminating any impact on the current parking situation.

Item 5: the benefit is for only a small part of the second and third stories: 8'W x 0.6'D. **The projection into the setback is the depth of the exterior wall at the bay only.**

Item 6: Asks if the development is general conformity. The answer says No, but then goes on to state the development **is** in general conformity.

Item 6: Where in the Comprehensive Plan do they reference with a straight face encroachments in areas that have numerous encroachments?

ISSUES & ERRORS IN STAFF REPORT



Planning Commission

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

BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: September 28, 2017
File No.: ADP2017 0001

Pagan Hill and Rob Roys
PO Box 20273
Juneau, AK 99802

Proposal: Alternative Development Permit for a reduced side yard setback to accommodate additional living space at the second- and third-story levels. This property is located within the downtown Juneau ADOD.

Property Address: 315 W. Eleventh Street, Juneau

Legal Description: Lot 2, Block 204, Casey Shattuck

Parcel Code No.: 1C030C040021

Hearing Date: September 26, 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings 1, 2, 3, and 4 listed in the attached memorandum dated September 21, 2017, and amended findings 5 and 6 (see below) to approve the Alternative Development Permit for a reduced side yard setback to accommodate additional living space previously constructed at the second- and third-story levels of the dwelling located at 315 W. Eleventh Street, to be constructed as described in the project description and project drawings submitted with the application.

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

No. The development will not substantially decrease the value of or be out of harmony with the property in the neighboring area.

Pagan Hill and Rob Roys
File No.: ADP2017 0001
September 28, 2017
Page 2 of 2

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

Yes. The development is in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

Attachments: September 21, 2017, memorandum from Jill Maclean, AICP, Senior Planner, Community Development, to the CBJ Board of Adjustment regarding ADP2017 0001.

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

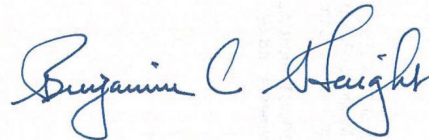
Effective Date: The permit is effective upon approval by the Board on September 26, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or March 26, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Jill Maclean, AICP, Senior Planner
Community Development Department



Benjamin Haight, Chair
Board of Adjustment



Filed With City Clerk

October 3, 2017

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.