

Agenda

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

November 10, 2016
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- A. October 25, 2016 Draft Minutes - Committee of the Whole
- B. October 25, 2016 Draft Minutes - Regular Planning Commission

III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Comments Received Post Deadline

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. PLANNING COMMISSION LIAISON REPORT

VI. RECONSIDERATION OF THE FOLLOWING ITEMS

VII. CONSENT AGENDA

- A. AAP2016 0022 A Conditional Use Permit for an accessory apartment on an undersized lot

VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- A. AME2016 0015 Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements

XI. BOARD OF ADJUSTMENT

XII. OTHER BUSINESS

XIII. DIRECTOR'S REPORT

- A. Removal of Marine Park Lightering Float

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
October 25, 2016

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 5:26 p.m.

Commissioners present: Ben Haight, Chairman, Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Nathaniel Dye, Matthew Bell, Kirsten Shelton-Walker, Carl Greene

Commissioners absent: Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jonathan Lange, Planner II; Tim Felstead, Planner II

Assembly members: Loren Jones, Debbie White

II. REGULAR AGENDA

A. CSP2016 0010: Planning Commission Review for Proposals to go on the FY2018 CIP

Mr. Lange told the Commission that this is a discussion of the CIP (Capital Improvement Projects) which will be before the Commission at its next regular meeting in November (November 10, 2016).

Mr. Lange explained that each year the City and Borough of Juneau prepares a revised six-year Capital Improvements Program plan. The CIP guides the investment of public funds for maintenance, repair, construction and acquisition of public infrastructure, facilities and equipment, said Mr. Lange.

This is presented to the Assembly in February, and the Commission will have a chance to respond to those proposals at that time, said Mr. Lange.

This plan focuses on how the community wants to utilize its funds in the future, said Mr. Lange. The criteria for projects on the CIP includes:

- Does it have community support
- Is it consistent with CBJ plans and policies
- Does it improve the health and safety of the community
- Does it maintain or repair existing property
- Is it a local match for a federal or state grant
- Is there a maintenance impact
- Does it stimulate the economic development of the community
- Is there a need or anticipated need for the project
- Is it a recreational need or use for the community
- Other funding alternatives for the project

The Engineering and Public Works Department solicits projects from different CBJ agencies and departments which are due back to the department on November 14, said Mr. Lange. The Planning Department has received comments from the Commission on Sustainability, said Mr. Lange. The Engineering and Public Works Department will then compile the CIP list, said Mr. Lange, and it will attach funding amounts to the projects list. The City Manager will then take that list to the Public Works and Facilities Committee in January, said Mr. Lange. The Assembly Finance Committee will review that list in the February through April time frame, said Mr. Lange. The budget becomes effective July 1, said Mr. Lange.

Sidewalk and street repairs have made it to the 2017 CIP list, said Mr. Lange, which was on the previous list of Planning Commission priorities. The sub-area plans for Lemon Creek are now in the process of being developed, said Mr. Lange. That was listed as a priority by the Planning Commission, he noted. On its previous list the Commission had expressed continued support for North Douglas Road expansion and for a second crossing, he said.

On last year's list the Planning Commission stated that it wanted to continue with the existing list which it had submitted and it also added a few items to that list, said Mr. Lange. Four of those items are on the list under the Manager's office list for the 2017 CIP list, he noted. Each of those projects are listed for future funding so there is no date attached to that list. On that list was the Willoughby parking structure, a new study for a landslide and avalanche mass wasting area, a composting feasibility study and the way-finding and gateway signage in Auke Bay was listed for future funding, said Mr. Lange.

The Planning Commission also recommended some items to implement the Auke Bay Area Plan including a pedestrian crossing on the Back Loop Road near the UAS campus, and by the harbor in Auke Bay, with pedestrian-friendly lighting for the sidewalks through the Auke Bay center, said Mr. Lange.

The Juneau Commission on Sustainability wants to continue with full funding for a compost feasibility study, and also energy efficiency improvements for Juneau's wastewater, said Mr. Lange. The Juneau Commission on Sustainability has additional projects it would like to see included on the CIP which include:

- Adding LED replacements for area wide street lighting
- Implement a Juneau waste water conservation and efficiency program to reduce CBJ energy costs,
- a feasibility analysis and engineering alternatives for the cost benefit of shore power at public and private cruise ship berths
- Initiate the transition to electric vehicles for a CBJ vehicle fleet
- Transition to electric CBJ buses,
- Energy resource tracking software to save CBJ energy costs ,
- Install electric vehicle charging stations to be included with Street maintenance projects

The projects proposed by the Juneau Commission on Sustainability all have the singular goal to promote energy efficiency and sustainability in all projects, said Mr. Lange.

Commission Comments and Questions

Mr. LeVine asked where the list for future funding was located. He added that the only list in their packet was for 2017 which they have no ability to comment upon at this time.

Mr. Voelckers said the Planning Commission is to help lead the City's charge on issues under its jurisdiction. In the past the list has been presented to the Commission too late for it to offer meaningful input, said Mr. Voelckers. Mr. Voelckers said in his opinion the Commission role is still not clearly defined. He said it is difficult for the Commission to step in on a short time frame with meaningful input for the CIP. Mr. Voelckers said he does not think the Commission has yet worked out a way to be effective on its task of providing knowledgeable input on City projects.

Mr. Voelckers said it was his opinion that the Commission needs an ad hoc committee to meet several times to review the list and come up with informed input for the CIP. Mr. Voelckers added it may be helpful to invite some of the key department heads within the City to participate in these meetings. For example, said Mr. Voelckers, there was \$15 million in the CIP to develop a Willoughby parking garage which has been reduced to zero. Without the Commission being informed as to how these projects are manifested it is difficult for it to offer meaningful input, said Mr. Voelckers.

Concurring with Mr. Voelckers, Mr. LeVine acknowledged that this is a very difficult process to participate in without being fully informed. This actually provides the Commission with the opportunity to proactively influence the development of projects, said Mr. LeVine. He said a short term committee seemed like a good idea to him.

Mr. Steedle acknowledged that it is difficult. Using the parking garage as an example, Mr. Steedle noted that it seemed to be imminent a couple of years ago. With study money available from the state, the CBJ hired a consultant to review the options available for the project. It has now been moved to a back burner and on the six year plan it does not even exist, said Mr. Steedle. Mr. Steedle said he honestly did not know how the Commission's deliberations are going to influence that process. While acknowledging that it is important for the Commission to provide its input, Mr. Steedle said in the final analysis it is the projects that are closest to implementation that are going to nudge the other projects aside. Willoughby parking will continue to develop in importance, said Mr. Steedle, as the Willoughby area continues to grow. It is possible that parking may be provided without a structure such as working out an agreement with the state for the use of its parking garages, he added.

Mr. Voelckers said they are currently operating with small parcels of information and expected to weigh in on the CIP.

In order to revitalize downtown the funds will be required, said Mr. Steedle. They are considering disposing of the North Franklin parking lot, he noted, which he said is somewhat controversial. Steps for community development are being taken, said Mr. Steedle. He asked Mr. Voelckers if his vision was something beyond that.

Mr. Voelckers said his point is that there are not steps being made, but that the Planning Commission is not, for the most part, part of that conversation. The role of the Planning Commission has been reacting to projects once they have emerged, said Mr. Voelckers. However the role of the Planning Commission in helping to come up and formulate projects has been limited, he said.

Mr. LeVine said he agreed with Mr. Voelckers. The Planning Commission is going to be asked to make its recommendations on the CIP, said Mr. LeVine. If the Planning Commission does not understand how this list was formulated, it makes it very difficult to do that, he said. If it really is true that the Planning Commission has no input into the CIP process then the rules should be changed so the CIP never comes before the Commission, said Mr. LeVine.

Mr. Steedle said at the last Committee of the Whole in September that Mr. Healy suggested that the Planning Commission think about programs rather than individual projects. Using the enhancement of the core downtown area as an example, Mr. Steedle said using this approach the enhancement of downtown is the program.

Chairman Haight said that would create a different list. The list they have been presented with in the past for review are projects.

Mr. Voelckers asked if it would be possible to set up a two meeting schedule for an ad hoc committee from the Planning Commission to meet with department heads to discuss the CIP.

Mr. Voelckers said he agreed with Mr. Steedle that they could approach this addressing the programs rather than the specific projects. He said he felt it may assist the Planning Commission in giving more meaningful feedback on the CIP list.

Mr. Steedle said he would see if he could arrange those meetings.

Chairman Haight said he was aware they were operating under a tight timeline.

Mr. Voelckers asked if these small committee meetings would need to be publicly noticed.

Mr. Steedle said they would have enough time to provide the proper notice for the committee meetings but that he would have to ascertain if department heads would be available to participate in those meetings as well.

Chairman Haight appointed Mr. Voelckers, Mr. Peters, Mr. LeVine, Mr. Bell and Ms. Shelton-Walker to the committee. He said they would like to meet with department heads from the Department of Public Works and Engineering, the Lands Committee, and the Parks and Recreation Department, to name a few. They were not that focused on meeting with departments with clear cut budgets, such as the hospital and the airport, he said.

Mr. Lange said the Department of Public Works and Engineering had requested that the CIP list come back to them with Commission input by November 14.

Mr. Steedle said he would contact the five committee members once he had communicated with the department heads about their availability.

The Commission on Sustainability will also attend those ad hoc committee meetings.

B. Presentation of the Draft Energy Plan by the Juneau Commission on Sustainability (JCOS)

Mr. Felstead said that he is the staff liaison for the Commission on Sustainability, which has been developing a community energy plan. They also had funding from the Manager's office to hire a consultant to assist during this process, said Mr. Felstead.

Stephen Behnke (Chair of JCOS) said the energy plan was one of the recommendations in the 2011 Juneau Climate Action Plan. The specific focus for the energy plan was to look at opportunities for energy efficiency and renewable energy in the community, said Mr. Behnke.

Mr. Felstead said they have been meeting with a number of groups within the community. They've also been involved with the Juneau Economic Development Council's (JEDC) renewable energy cluster, said Mr. Felstead. They have also been running a series of energy information

events. They call them sustainability sessions, said Mr. Felstead, and they talk about some of the topics that they discuss in the energy plan.

The big question from the public is why Juneau needs to respond to energy needs at this moment, said Mr. Felstead. There are greenhouse gas issues, said Mr. Felstead, in particular recent announcements that global GHG levels have exceeded all desirable levels. As a community we import a very large amount of fuel, he said. The consultant estimates that Juneau imports approximately \$140 million of fuel each year, said Mr. Felstead. The community can hopefully save some money and make itself more sustainable and viable as a community into the future, he said.

The energy plan is based around four key questions which are:

- Where are we now
- Where are we going
- Where do we want to go over the next 20 to 35 years
- How can we get there

They worked with a consultant to put together a new baseline, said Mr. Felstead. They have some energy baselines and some greenhouse gas baselines from 2007 and 2010. They wanted to establish a baseline for 2013, said Mr. Felstead, but they found that a lot of the fuel providers in town did not want to provide that information. They were provided with that information in 2007 and in 2010, he said.

Mr. Felstead said that gasoline and diesel are a huge component of Juneau's energy source. Twenty percent of our energy use is for electricity, he said. If Juneau wants to reduce the greenhouse gas effect from its energy sources then it is going to have a big job ahead of it, said Mr. Felstead.

The document tries to provide a lot of background information on where our energy comes from currently, said Mr. Felstead, and where it could come from, and what the implications of shifting energy sources might be. The community is currently dependent upon fossil fuels, said Mr. Felstead, thus deeply affected by fuel prices. The cost of electricity over time is reasonably stable compared to the fluctuation of fuel prices, said Mr. Felstead.

One scenario is that Juneau continues its current energy use practices. Another scenario works towards the Climate Action Plan goal for a 25% reduction of greenhouse gases by 2032, said Mr. Felstead. The Climate Action Plan lists a huge amount of actions that could be taken by the City to reduce community greenhouse gas emissions, said Mr. Felstead. The consultant said that a number of the actions that they would normally recommend in a community energy plan are already within the Climate Action Plan document, said Mr. Felstead.

The priority actions garnered from the Climate Action Plan were placed into eight priority strategies, said Mr. Felstead.

Mr. Behnke said under each of these eight strategies there is a large amount of additional information within the Climate Action Plan. In the five years since the Climate Action Plan was adopted there have been changing views in terms of what there is to accomplish to reduce greenhouse gas emissions, said Mr. Behnke. They now have more aggressive and ambitious goals for greenhouse gas reductions, he said.

They proposed a scenario in which these more aggressive goals were enacted, said Mr. Behnke. This would include reducing greenhouse gas emissions by 80 percent, for example, and focusing on renewable energy, he said. Juneau is currently highly reliant upon fossil fuels, said Mr. Behnke. That means that Juneau is highly dependent upon the fluctuating fuel prices, he said.

The scenario includes recommendations such as transitioning to electric-based transportation, for example, said Mr. Behnke, and hydro based heating, he added. Juneau does have the advantage that all of its electricity comes from hydropower, said Mr. Behnke.

The plan is still out for public comment, said Mr. Behnke. They will incorporate public comment back into the plan, he said. They will be presenting some form of recommendation to the Assembly within a month or two, he said.

The next step they anticipate taking is to encourage the CBJ to examine this list of priority strategies, said Mr. Felstead. They have had an interesting discussion with the School District which had implemented a model where they had a staff person dedicated to saving energy costs within the School District, he said. They have experienced pretty significant reductions in their energy use, he noted. They were experiencing about \$500,000 of savings a year, said Mr. Felstead.

The Juneau Economic Development Council (JEDC) renewable energy cluster has actually accomplished goals such as the installation of charging stations for electric vehicles, said Mr. Behnke. He said he views this as being one model for how these goals can be accomplished, he said. They will be looking for opportunities to encourage these types of changes, he said. They also want to make recommendations to the CBJ itself on how it could accomplish some renewable energy goals, said Mr. Behnke. There is currently no easily available data on just how much energy Juneau expends, he said. They would like to find a way to identify how much each CIP project costs the CBJ in terms of energy use, he said.

They would like to obtain the fuel sales data in the emissions information, said Mr. Felstead. They would like to explore future goals for greenhouse gas and how energy targets are tied together with greenhouse gas reduction.

They would like to incorporate the public comments into the document hopefully before Christmas, said Mr. Felstead.

The energy chapter within the Comprehensive Plan contains many of the goals that have been incorporated into the Climate Action Plan, said Mr. Behnke.

Commission Comments and Questions

Mr. Voelckers asked how it would be possible to track Juneau's energy consumption with three quarters of it being the fuel oil for which there are no recent statistics. He said that he would expect to see fuel consumption trending down with the energy specifications accompanying buildings now.

Mr. Felstead said not having that data is a huge issue.

Mr. Voelckers said looking at the available data from 2007 and 2010 the trend for fuel consumption at that time was downward.

Another goal was to update the building code for commercial buildings and for residential buildings as well, said Mr. Felstead.

Ms. Shelton-Walker asked where the information came from for the 'waste' item and why there would be no current data on that. She said she would also like to hear a little bit more about energy from waste.

Mr. Felstead said that the waste figure probably would be available for 2013 but they decided not to calculate that based upon the small amount it was actually contributing to the energy profile.

Mr. Behnke said there have been discussions about the possibility of utilizing waste energy conversion.

Mr. LeVine said he felt that reducing energy consumption and/or transitioning to renewable resources makes good economic sense. He said he would be interested in seeing how money could be saved by using different energy sources. He said he would like to encourage the City to be a leader in this. He would like to hear what kinds of things the Planning Commission could do to help implement what should be money-saving options for the community.

Chairman Haight said he knows this group has put forth a lot of very quality research and that a lot of hard work has been put into this document. The Commission will assess in the future how this relates to the Comprehensive Plan.

Ms. McKibben said the energy plan and the Climate Action Plan create greater specificity in the evaluation of sustainability and energy use than the Comprehensive Plan.

Mr. Voelckers asked if there is any economic advantage to utilizing other renewable energy sources such as tide and wind generation.

Mr. Behnke said they did not have the resources to explore these questions too much but that they had identified them as avenues for exploration.

Mr. Peters said he appreciated the fact that a lot of work has gone into this study. He said he served on the School Board when the district hired the energy position. He encouraged them to look at that data to ascertain if there truly is long term savings. Mr. Peters said he recalled from his time on the School Board that the initial impact of that change did not necessarily result in savings. He said he recalled scenarios where the heat was turned down so much that employees were then bringing in individual space heaters and that the colder rooms created additional moisture and mold. It was also creating an unwelcome environment for the staff to work in because it was just too cold all of the time, said Mr. Peters.

They had discussed this topic with representatives from the School District, said Mr. Behnke. It is a complicated analysis, he said. They were given the impression that over the longer term the program did appear to result in savings to the School District, he said. Mr. Behnke said it makes the point that at this time it is not known if these measures would result in savings or not.

III. **OTHER BUSINESS** - None

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

V. **ADJOURNMENT**

The meeting was adjourned at 6:40 p.m.

MINUTES
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
October 25, 2016

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 7:02 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Bill Peters, Michael LeVine, Nathaniel Dye, Matthew Bell, Kirsten Shelton-Walker, Carl Greene

Commissioners absent: Percy Frisby

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Assistant Municipal Attorney; Roger Healy, Director of Engineering and Public Works

Assembly members: Debbie White, Loren Jones, Jerry Nankervis

II. APPROVAL OF MINUTES

- A. September 13, 2016 Regular Planning Commission Meeting
- B. September 13, 2016 Committee of the Whole Meeting

MOTION: *by Mr. Peters, to approve the minutes of the September 13, 2016, regular Planning Commission meeting and the September 13, 2016, Committee of the Whole meeting with any minor corrections by staff or Commission members.*

Ms. Shelton-Walker requested that she be noted as "absent" for the September 13, 2016 meetings and not both "absent and present".

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Juneau resident Jay Scott said there are permitting problems connected with his daughter's home on Fritz Cove Road. He said that his daughter's property, outside of the 20 foot utility easement, has been used for the installation of utilities. This has resulted in the flooding of her garage and driveway, said Mr. Scott. There have been other problems with the contractor who did this, said Mr. Scott.

Chairman Haight thanked Mr. Scott and said the Commission has no information on this matter at this time.

Mr. Steedle said that this is not a matter for the Planning Commission to address at this time.

IV. PLANNING COMMISSION LIAISON REPORT

Liaison to the Planning Commission Debbie White said they now have new Assembly members Beth Weldon and Norton Gregory. Jerry Nankervis is now Deputy Mayor, and Ms. White said that she is now Chairman of the Lands Committee.

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

C. AME2015 0012: Text amendment of Title 49 concerning shared private access
Applicant: City and Borough of Juneau
Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and staff's suggested amendments and forward a recommendation for approval to the Assembly.

Laura Boyce told the Commission that at the public hearing on private shared access the Assembly had directed the staff to codify access between certain properties which would be moved from Chapter 15 to Chapter 35 so they would not require a variance.

Ms. Boyce stated that if approved, the proposed ordinance would amend Title 49, the Land Use Code, to allow development flexibility for small subdivisions. This would allow the

Director of the Community Development Department to approve the construction of a private access road in a private easement for subdivisions of no more than four lots in the single-family zoned districts. The paved, 20 foot wide access would be in a 50 foot wide easement, with the lots allowed to have frontage on the easement rather than the public road.

This would apply only to single family zoned lots, said Ms. Boyce, which includes land zoned Rural Reserve (RR), D-1, D-3, D-5 and D-10 single family zones.

The proposal is for four shared lots, each allowed a home and an accessory apartment with the ADT (Average Daily Trips) not to exceed 70 per day for the four lots. If the above conditions were met, then a private, shared access would be allowed outright, said Ms. Boyce.

Ms. Boyce said the staff also recommends that the recommendation from Roger Healy, Director of Public Works and Engineering, be accepted. This is the recommendation that the 10 foot measurement interval within the definition of "Grade" be deleted from the Ordinance.

Mr. Healy stated in his memo that defining and codifying a measurement interval is not common in engineering practice and would lead to inconsistencies and other problems.

Commission Comments and Questions

Mr. Voelckers asked if there is background information providing the logic as to why this type of access would be approved for only property with single family zoning. He asked why it could not extend to all of the residential zones.

Ms. Boyce replied that the process becomes more involved when zones for multiple dwellings are considered. She said especially since this was based upon the trips generated, that it would be best to confine this to single family zoned areas. This was recommended by the Subdivision Review Committee, she said.

Mr. LeVine asked if there was any reason to think that an agreement specifying the maintenance of the private access they share should be required for the four lots that would be subdivided with private access. He added that when they had considered private access for RR land that an agreement was required where the home owners agreed to conditions for maintenance of the private access. He asked if there was a similar obligation under these circumstances.

Ms. Boyce said this could be required. She said that verbiage is not in the draft.

Mr. LeVine said it made sense to him to be consistent in the requirements.

Mr. Dye asked for clarification on the requirement that lots have 30 feet of frontage on the privately maintained access road. He asked if there were four lots and a 50 easement only went the length of the first lot how this would affect the access.

Ms. Boyce said fire regulations would determine the nature of the easement and whether it would require a turnaround.

Mr. Dye asked if the easement did stop the length of the first lot where its front setback would be. He asked how that would affect the future with a publicly maintained road resulting from that access if it ever happened. Mr. Dye expressed concern that the easement could theoretically stop at the first lot.

Ms. Boyce said that would be similar to how Panhandle subdivisions are handled.

Mr. Voelckers said part of the issue in creating the privately maintained access drive is to allow for the future growth into a legitimate right-of-way or street. As a consequence, if the easement stops at the edge of the final lot served, it would reduce the flexibility to allow a future extension for the additional lots.

Mr. LeVine said he shared the concern expressed by Mr. Dye and Mr. Voelckers. He said he had a related question. The requirement is 30 feet of frontage on the private access. He asked if that was sufficient frontage for all of the zoning districts.

Ms. Boyce said the 30 foot requirement of frontage did meet the requirements for all of the zoning districts.

Roger Healy, Director of Public Works and Engineering, said in their review of this ordinance they find that they would like to remove the 10 foot interval out of the definition because they feel it offers a level of prescriptiveness which would harm both the City and developers. He said the guideline use of the Fire Code. They are always having to accommodate specific topography issues or they may be trying to match existing lots in these private developments, he said. They need the flexibility within the general definition of grade, he said.

Mr. Voelckers said he assumed their concern would not be for this specific application but within all situations with a definition of 10 percent grade.

Mr. Healy said that is correct. He said he felt it provided a level of detail that was not helpful for the developer.

Mr. Voelckers clarified that Mr. Healy wanted this applied to all grade circumstances within all development situations.

Mr. Healy said that is correct.

Mr. LeVine asked Mr. Healy for his suggestions as to how to amend the draft ordinance. He asked if they should entirely delete the definition of grade or simply the portion reading, "measured every ten feet".

Mr. Healy said he felt that the defining criteria for their department is the Fire Code.

And that reads 10 percent or as approved by the Fire Marshal, said Mr. Healy.

Ms. McKibben pointed out that on page 7 within the current draft ordinance at 49.3 5.261 that a proposed access agreement for drainage and utility is required from the applicants for a shared access easement.

Mr. LeVine asked if this is intended to be the same agreement as is required in 49.35.272.

He asked if the access easement and the access agreement were intended to correlate.

Ms. Boyce answered that they are different agreements. This is not the agreement already spelled out in code, said Ms. Boyce.

Mr. Voelckers said this agreement would involve slightly different mechanics. He added that he understood the point of Mr. LeVine about trying to avoid an inconsistency of terms.

Public Comment

Murray Walsh said he wanted to express his appreciation that the Commission is addressing this matter. He thanked them for allowing his input at previous meetings. Mr. Walsh said he has a client who owns a particular piece of property on Douglas Highway that could most efficiently be built in single family houses if this ordinance passes. He said the only thing he would request that the Commission review is the same subject that Mr. Voelckers brought up which is on page 8 of the ordinance. He said he agreed with the staff that this ordinance should only be for single-family development. Mr. Walsh added he would like to see items seven on page 8 of the draft ordinance changed to read. "Shared Access is only allowed for single-family residential development in residential zoning districts."

This would address the issues that Mr. Voelckers raised and it would mean that his client's property which is presently zoned D-18 could be developed in this way, said Mr. Walsh. Their other alternative would be to rezone the property, he said. He said it takes six months to complete a rezone and that it costs a lot of money.

Ms. Boyce said in the code under Chapter 25 zones under residential are for both single-family and multifamily zones.

Mr. Walsh said he did not feel it was necessary to limit the development to single-family zones. This ordinance would apply only to residential zoning districts, he said.

Commission Comments and Questions

Mr. Dye asked if it would be doing a service to the zoning districts currently zoned for multi-family housing to enable the placement of single-family homes upon them. He said he felt that it would encourage development of less housing density which would not encourage the full use of the land for housing.

Mr. Walsh said he saw the point that Mr. Dye was making but that the land that he represents currently has no housing on it whatsoever. He said the gold standard in housing is still a free standing, single family mortgage able home. Mr. Walsh said the site that he is working on is located about 1 mile from the bridge on the North Douglas Highway. He said it is ideal for people who want commute to town via bicycle or bus.

Ms. Boyce said she was following up on the agreement issue raised by Mr. LeVine earlier. She said the agreements spelled out for the privately maintained access roads on a public right-of-way are spelled out in code and they are very involved, she said. This is because the City has to protect itself when it undergoes these agreements. The access road agreements among private landholders is not as detailed as the agreements spelled out with the City because it is not a party to those agreements, said Ms. Boyce.

Mr. Voelckers said they have made the bold step of eliminating any frontage on a right-of-way. Therefore there will be interior lots whose only access is via a private easement. He said he felt the agreements between lot owners should be strong to protect the landlocked parcels.

Mr. LeVine said he felt a strong agreement among affected lot owners would help reduce the number of unsatisfied applicants coming before the Commission.

Referring to item six in the draft ordinance under "Standards" on page 8, Mr. Voelckers said that the verbiage; "The use of each lot served by the shared access shall be limited to one single family residence and an accessory apartment" was perhaps placing this portion of the ordinance into a "regulatory cul-de-sac". He said perhaps the City could protect its interests by referring to the Table of Permissible Uses for the zoning district and specify that the aggregate ADT shall be limited to 70 or less.

Mr. Voelckers said he felt there may be an unintended consequence by making item 6 overly specific. He said this would negate the very small home office as for someone who had a small CPA practice for example.

Mr. Dye asked what would happen in the scenario where the first two lots along the easement used up the majority of the 70 ADT's leaving little or no room for additional traffic caused by the development of the remaining lots. He said he felt the ADT's should be equally distributed among the four lots so that this did not occur.

Mr. Voelckers asked if a single family home with an accessory apartment had an at-home daycare if that would be inconsistent with the specification of a single family home with an accessory apartment.

Ms. Boyce said the uses described in the draft ordinance are for only a single family home with an accessory apartment.

Mr. Voelckers said it appeared that it would not be beneficial to the community for the Commission to create a track of zoning which would have to be monitored by the staff in the future as to its uses. He said the language as it stands in the draft is actually creating a special category separate from other uses defined for single-family homes.

Mr. Voelckers said perhaps day care would be disallowed but that perhaps there were other, more benign uses that would not take up a disproportionate amount of ADT's, such as the small CPA office located within the home.

Ms. McKibben said this is the imperfection of using the ADT as a management tool. She said there is the potential that a certain type of accessory apartment could generate an equal number of trips or more than the primary residence.

It doesn't always have to be four lots, said Mr. LeVine. Potentially there could be a two or three lot subdivision that had a day care on it and this would not place the subdivision over the 70 ADT.

There could be future skirmishes among neighbors if one lot generates a disproportionate number of ADT's, said Ms. Boyce. The language in the draft ordinance has been drafted to attempt to maintain a balance among the parties, she said.

Mr. Green asked if there was a potential problem with one lot being much larger than the other lots.

Mr. LeVine asked why the language was changed for item (b) (hardship requirements) under 49.35.260 which is on page 7 of the draft ordinance.

Ms. Boyce said at the last Committee of the Whole meeting held by the Planning Commission the references to hardship being necessary for a private shared access were deleted.

Mr. LeVine asked if other hardship requirements were removed from the draft ordinance. He said he did not take note of them if there were other hardship requirements within the ordinance.

Mr. Voelckers said he felt that item 10 on page 8 of the draft ordinance which currently states, "The portion of land sharing access in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater" is no longer applicable since the entire length of the access is to be paved.

Ms. Boyce agreed that this item is no longer needed in the draft ordinance.

Mr. Voelckers noted that on page 10 of the draft ordinance that item (e) addresses the Director's discretion. He said it should also be up to the Director to decide if the private access would work should it become a public road in the future. He said he felt the potential for growth should be addressed in this portion of the draft ordinance.

Also on page 10 of the draft ordinance item "f" should begin with the word "developed", said Mr. Voelckers, so that it would be referring to "developed parcels". Mr. Voelckers said at the end of line 19 on this same page that he felt the words "with a" should be added prior to "permit" at the end of that sentence.

Regarding item (f), said Ms. Boyce, the staff suggests replacing lines 16 through 20 on page 10 with the suggested language that, "shared access approved prior to the adoption of this ordinance are exempt from these requirements."

MOTION: *by Mr. Voelckers to move AME2015 0012 as drafted with two substantive changes on page eight of 17: to change item (6), number 11, to the use of each lot served by the shared access shall be consistent with the TPU and the aggregate ADT shall be limited to 70 or less." Also that the draft ordinance on item (7) page eight be amended to: "Shared access is only allowed in RR, and residential zoning districts."*

Mr. Dye clarified that the 70 ADT would be used to monitor shared access instead of a single family home with an accessory apartment.

Mr. Voelckers concurred with Mr. Dye. He said he needed to change the verbiage he had suggested for item (6) to: "The use of each lot served by the shared access shall be consistent with the TPU and the aggregate daily trips should be limited to 70 or less." "Limited to one single family residence and an accessory apartment" would be deleted from item (6), said Mr. Voelckers.

Mr. Dye said he still had the concern that the situation would be "first come, first served," and that later lot owners would not have the necessary ADT's to accompany them. He said he

would rather define the use of the shared access by one single family residence and an accessory apartment, rather than the 70 ADT.

Mr. Voelckers said he did not think the 70 ADT was perfect, but that the danger was they would limit all of the other potentially otherwise approvable uses. He added he was also concerned that there would be a certain category of lots that they would have to track differently than the others within the borough. Mr. LeVine said perhaps this provision could state that, "The total ADT resulting from this subdivision shall not exceed 70 ADT and no use of any subdivided parcel shall prevent construction of a single family home with an accessory apartment on any other parcel." The intent would be to assure that anyone else who built upon an adjacent lot in the subdivision would have enough ADT for a single family home and an accessory apartment, said Mr. LeVine.

Mr. LeVine said he would offer this as a friendly amendment to the main motion.

Mr. Voelckers said he would accept this as a friendly amendment.

Mr. Dye said he still had trouble with including in this draft ordinance language for zones which could accommodate multiple housing units. He said he did not think this was encouraging the highest and best use of the land.

Mr. Voelckers said for him it was the case that lots of times there is blanket zoning where D-18 zoning is extremely prevalent. However, said Mr. Voelckers, on these lots there are many cases as specialized development that do not look anything like a fully developed D-18 parcel. They are not precluding someone to develop less than they could on a multi-family zone parcel but they are at least making it possible for developments as the current Atwater Estates on North Douglas.

Mr. LeVine said he would like to amend the motion to strike the definition of a "grade" on page 16 of 17 per Mr. Healy's suggestion.

Mr. Voelckers accepted this as a friendly amendment.

Mr. Peters asked if they were accepting the staff's language change suggested for item "f" on page 10 of 17 of the draft ordinance. The motion would then read "To strike the current verbiage for (f) and replace with the language offered by the staff as stated on lines 21 - 22.

Mr. Voelckers said he accepted this as a friendly amendment from Mr. Peters.

Mr. Peters said they had discussion with regard to lines 11 and 12 on page 10 of 17 of the draft ordinance.

Mr. Voelckers said he felt they should eliminate those lines and add an awareness on line 12 that the Director shall also consider the likelihood of the road extension before reducing the width. He said they can allow staff to craft the particular words.

Mr. LeVine said he would like to amend the motion to put back the first two sentences that had been struck from item (b) and to reinsert the hardship requirement.

Mr. Voelckers said he could not accept this suggestion as a friendly amendment to his motion.

In support of his motion, Mr. LeVine said that he is in general support of the idea that these types of developments be allowed. He said he thought it was a good thing. He said he did struggle with the idea that if there are going to be developments like this all over the Borough, then why have frontage requirements at all. He said this is one of those piecemeal solutions which bothered him.

In opposition to the amendment, Mr. Voelckers said he did understand Mr. LeVine's point, but that the real-world examples which the Commission has before it frequently which involved two to four lots would help alleviate the onerous process of development in certain areas.

Mr. Dye concurred with Mr. LeVine, and said if there are no hardship requirements for the private access, then what would the purpose of a right-of-way be within the borough.

Ms. Boyce said the draft ordinance before the Commission essentially does keep a frontage requirement. It shifts the frontage to the privately maintained road rather than a public road, she said.

Chairman Haight said he felt that a positive aspect of removing the hazard issue from the ordinance is that it allows more creativity to development. It allows more use of certain areas that could not be developed with public right-of-ways or public roads, said Chairman Haight.

Mr. Voelckers said there is already a long succession of variances and various agreements which the Commission is now essentially trying to codify and clean up.

MOTION: *on the amendment proposed by Mr. LeVine, that the first two sentences that had been struck from item (b) under 49.35.260 be reinstated to reinsert the hardship requirement.*

Roll Call Vote:**Yeas:** LeVine, Dye**Nays:** Voelckers, Greene, Shelton-Walker, Bell, Peters, Haight***The motion fails.***

Mr. Peters said he wanted to make sure that the staff noted the changes made to number (10) on page eight of 17 in terms of the paving requirements.

Mr. Steedle said that number (10) will be struck from the draft ordinance.

Roll Call Vote: *(on the motion by Mr. Voelckers incorporating the friendly amendments accepted from Commission members to move AME2015 0012 as drafted with two substantive changes on page eight of 17: to change item (6), number 11 to: "The use of each lot served by the shared access shall be consistent with the TPU and the total ADT resulting from this subdivision shall not exceed 70 ADT and no use of any subdivided parcel shall prevent construction of a single family home with an accessory apartment on any other parcel." Also that the draft ordinance on item (7) page eight be amended to: "Shared access is only allowed in RR, and residential zoning districts." Lines 11 and 12 on page 10 of 17 of the draft ordinance should be removed with an awareness on line 12 that the Director shall also consider the likelihood of the road extension before reducing the width. In addition they will strike the current verbiage for (f) and replace it with the language offered by the staff as stated on lines 21 – 22 on page 10 of 17 of the draft ordinance. In addition, the definition of "grade" on page 16 of 17 of the draft ordinance be struck.)*

Yeas: Greene, Dye, Bell, Peters, Voelckers, Shelton-Walker, LeVine, Haight**Nays:*****The motion passed by unanimous vote.*****X. BOARD OF ADJUSTMENT****XI. OTHER BUSINESS**

Regular Planning Commission meeting dates for November will be changed to November 10, instead of November 8, since that is Election Day, and from November 22 to November 30, since Commission members will be out of town due to the Thanksgiving holiday.

XII. DIRECTOR'S REPORT

D. AME2016 0013: Text amendment to Title 49 regarding CBJ parking

Applicant: City and Borough of Juneau

Location: Borough-wide

Mr. Steedle told the Commission that in its packet is a text amendment for parking which will be in front of the Commission shortly. They are conducting two public meetings to have waivers for parking due to concerns of the Assembly about parking in downtown Douglas, said Mr. Steedle. This item will come before the Commission after the public meetings are held, he added.

Ms. McKibben said Mr. Voelckers had asked about the accessory apartment incentive grant. She said the grant funds have all been paid out and they have one party on a waiting list.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

The meeting was adjourned at 8:44 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: November 10, 2016

1. AAP2016 0022:
 - a. Memorandum from staff regarding an email from a neighbor concerned about parking.



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

November 8, 2016

MEMO

From: Tim Felstead, Planner 
To: Planning Commission
Legal Description: Casey Shattuck Block 204 Lot2
Parcel No.: 1-C03-0-C04-002-1
Case Number: AAP2016 0022

RE: Email from concerned neighbor regarding parking.

The attached email was received from a resident who had concerns about the parking proposed accessory apartment.

Staff responded to the resident and explained to them that the applicant will be providing three on-site parking spaces as required by the land use code. This satisfied the resident's concerns regarding the proposal.

From: [erik_norberg](#)
To: [Tim Felstead](#)
Cc: [Erik Norberg](#)
Subject: Notice of Public Hearing No. AAP2016 0022
Date: Tuesday, November 01, 2016 8:04:40 AM

Good morning Tim,

Thank you for the opportunity to comment on the Notice of Public Hearing No. AAP2016 0022 for an accessory apartment on an undersized lot. I will not be in town to attend the November 10th meeting, and therefore am submitting my comments in writing.

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

Parking has emerged as a major concern for the downtown Federal Building Flats neighborhood area. This neighborhood bears the brunt of the overflow parking to Federal workers, State workers, and even a current resident that is allowed to park private commercial construction equipment on the street, during off hours. This extra load of vehicles has allowed the streets to boil over with 100% capacity for on-street parking, both day and night. In just a small section of the Flats, the corner of A Street and 10th Street, there are six homes with no off-street parking and for each of these working family homes are two cars per household, which adds up to twelve cars needing off-street parking. Within this area there are only sixteen off-street parking spots.

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

Sincerely,
[Erik Norberg](#)
[957-2808](#)



(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

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

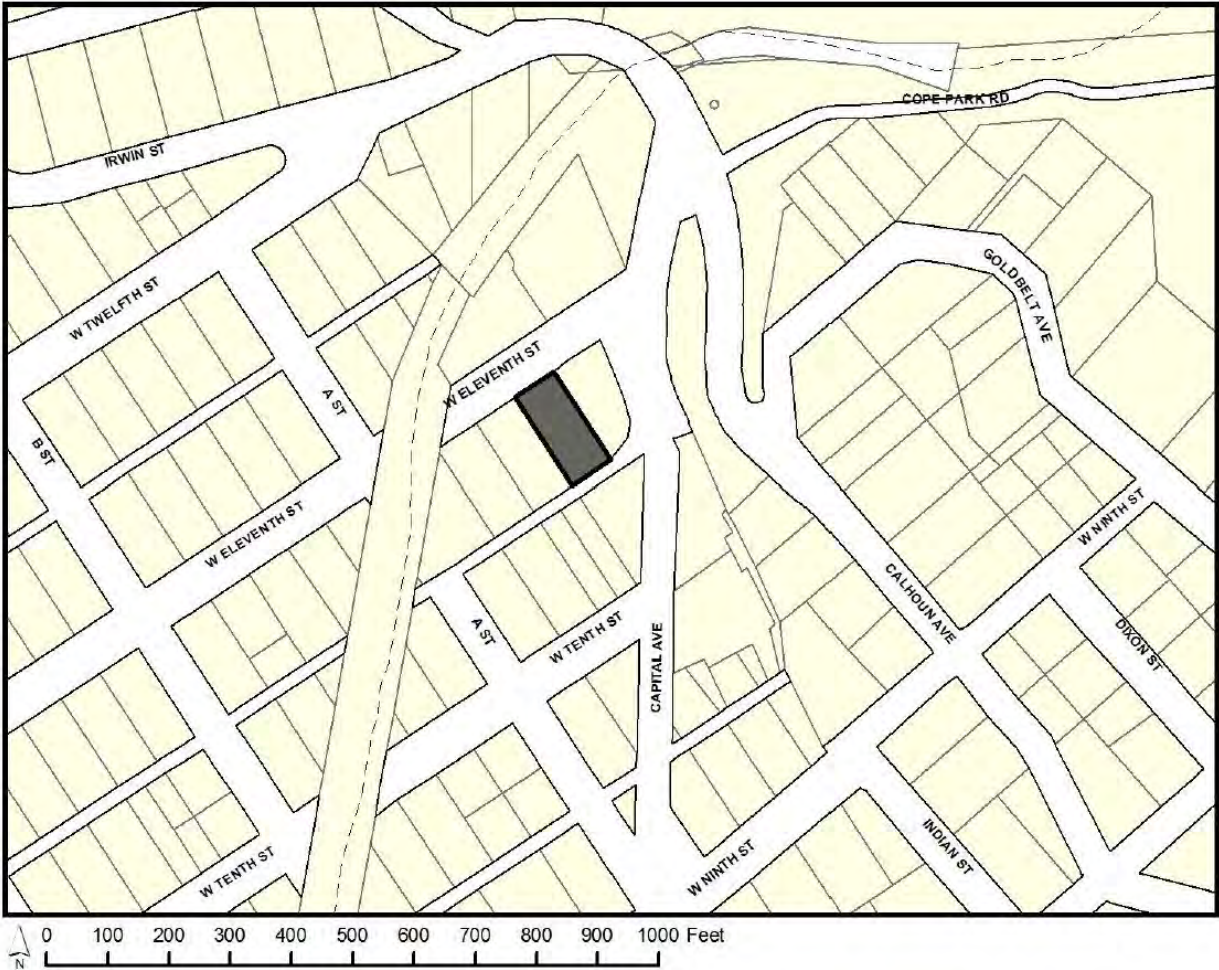
Existing Land Use: Single Family Residence (under construction)

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)

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Vicinity Map



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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

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- 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.

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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.

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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.

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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	Work Phone: 465 5829
	Mailing Address PO Box 20273 99802	Home Phone: 321 1972	Fax Number:
	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 [Signature] Landowner/Lessee Signature 9/27/16 Date X [Signature] Landowner/Lessee Signature 9/27/16 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: Work Phone: Mailing Address Home Phone: Fax Number: E-mail Address Other Contact Phone Number(s):			
X [Signature] Applicant's Signature 9/27/16 Date of Application			

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	**SIGN	Date Received
		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>		UTILITIES AVAILABLE	
MINIMUM LOT SIZE (\$49.25.400) <u>7000 sqft</u>		WATER: ☒ Public ☒ On Site	
ACTUAL LOT SIZE**** <u>3600 sqft</u>		SEWER: ☒ Public ☒ On Site****	
****Applicants please note that if the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.			
Permitting Process: ☐ Departmental Review ☒ Planning Commission			
Fees (Departmental Approval)			
Application Fees	<u>See Building Permit</u>	Check No.	Receipt No.
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>Visa</u>	<u>8643</u>
<u>9/29/14</u>			
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.			
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Attachment A

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.

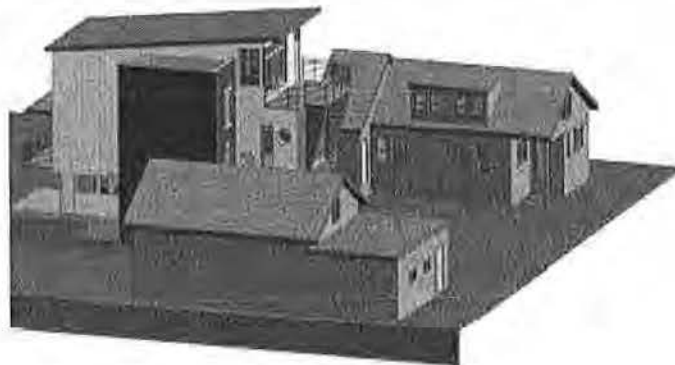
The harm that could result from the apartment not being approved is that it would be devastating to our plans going forward. Unfortunately the entire project, including the construction loan, hinges on us being able to expect the income from an apartment. We

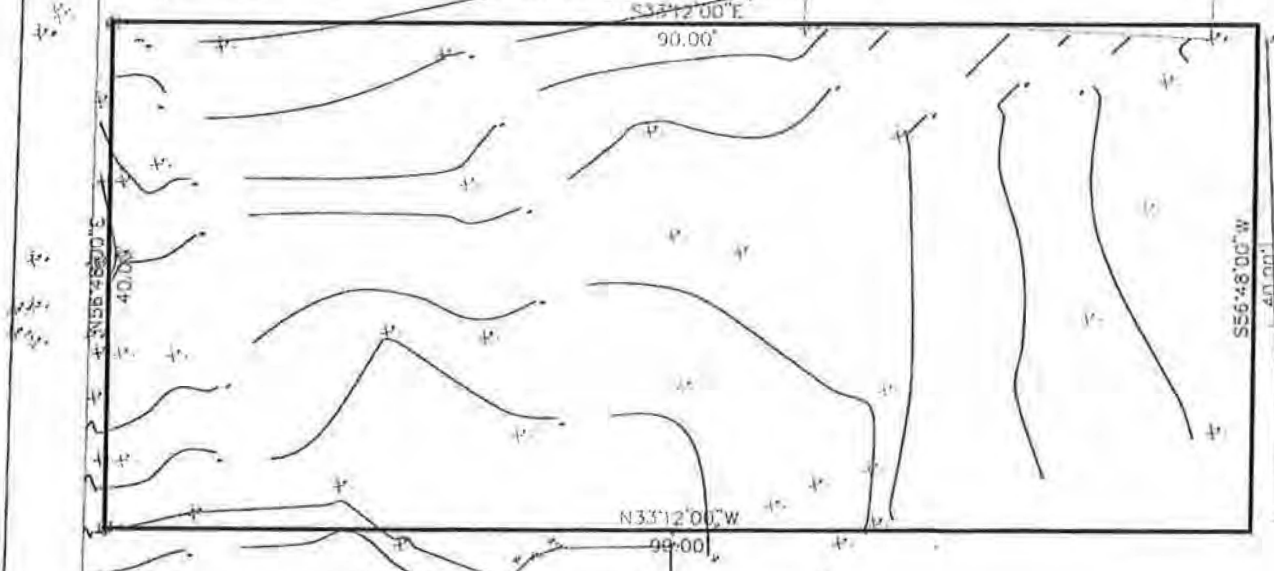
Pagan Hill ~ 907-321-1972 ~ hillpagan@gmail.com ~ P.O. Box 20273 ~ Juneau, AK 99802

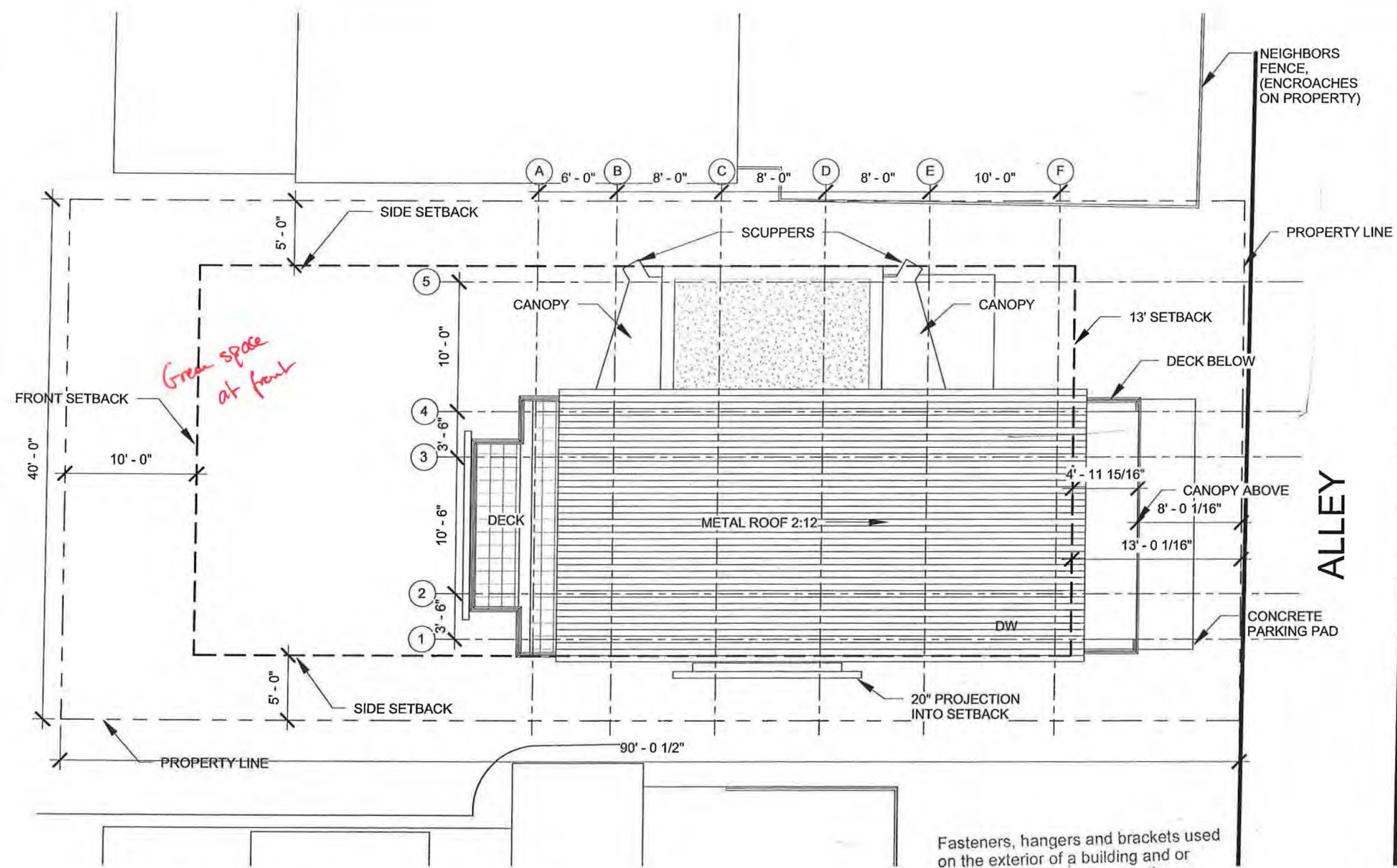
Rob Roys ~ 907-321-3356 ~ robroys@gmail.com ~ P.O. Box 20273 ~ Juneau, AK 99802

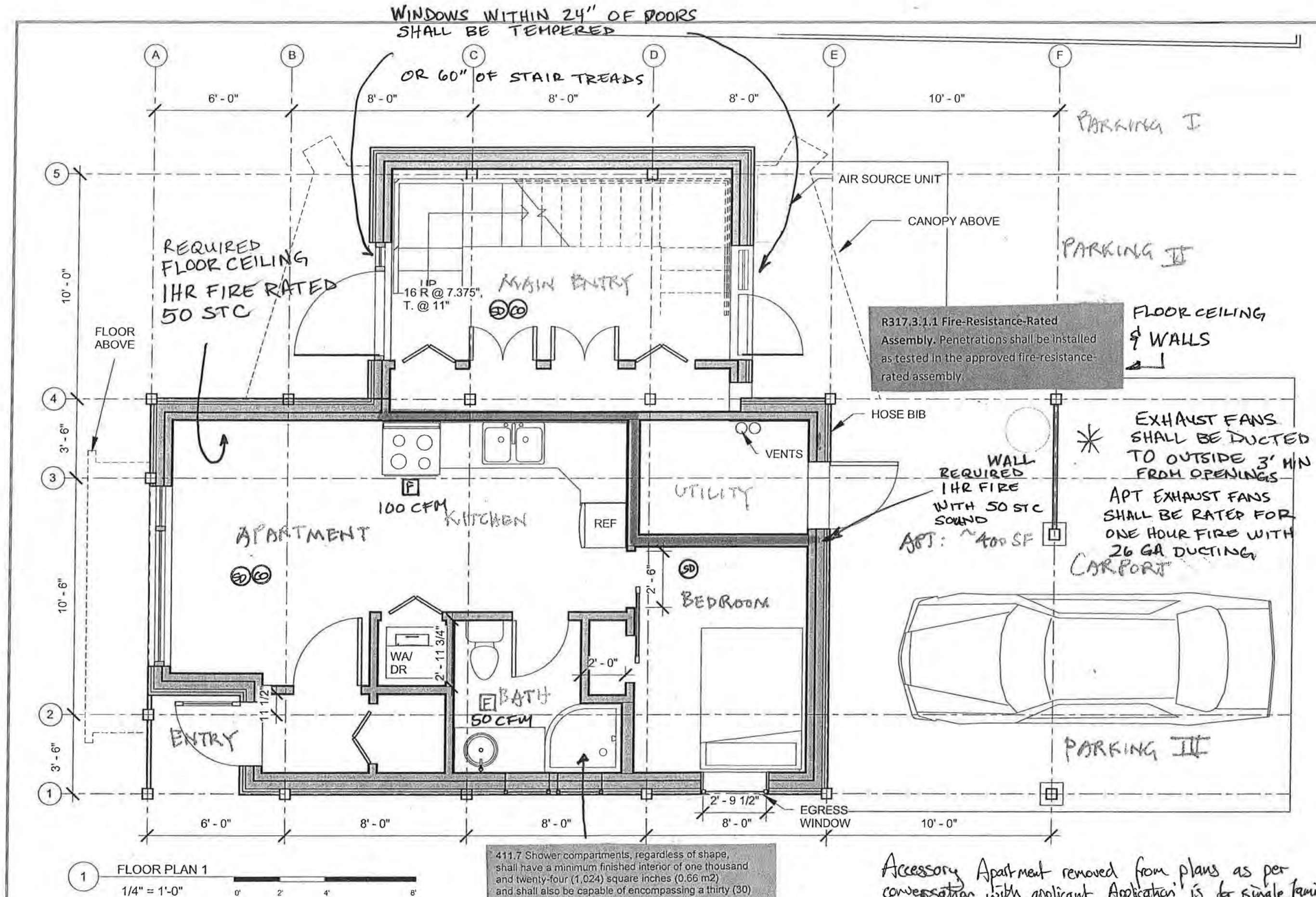
know it is ultimately our responsibility, but we did bring the plans into the CBJ planning department over a year ago to discuss the parking requirements vis a vis the apartment, and no one mentioned that we were not zoned for one, despite multiple planners viewing the project. Neither the architects, 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 robroys@gmail.com	ZONING 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. 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, CON'T 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 RELECTED CEILING PLAN INTAKE REVIEW Gen Eng. POC IOC Tech. atelier corbeau - art & architecture 411 coleman street juneau, ak 99801
ARCHITECT atelier corbeau - art & architecture 41 Coleman Street Juneau, AK 99801 907-957-2369 Principal: J.Travis Miller E-MAIL: jtravism.art.arch@gmail.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 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, <u>2014 NEC</u> Code as modified by CBJ Title 19 All Plumbing work must comply with the requirements of the, <u>2012 UPC</u> Code as modified by CBJ Title 19.  REVIEWED FOR CODE COMPLIANCE Inspections will not be performed without CBJ approved plans on site. Attachment AS 9/28/16	
MECHANICAL ENGINEER Murray & Associates P.O. Box 20180 Juneau, AK 99801 907-780-6151 Principal: Doug Murray E-MAIL: dougm@murraypc.com		STRUCTURAL M 1 CRAWL SPACE PLAN M 2 FLOOR PLAN M 3 SCHEDULES, DIAGRAMS & SPECIFICATIONS S1 ROOF PLAN S2 ROOF FRAMING S3 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 PERMIT CENTER/CDD SEP 13 2016 RECEIVED BLD 20160568
CONTRACTOR Corban Custom Construction 8800 Glacier Hwy # 113, Juneau, AK 99801 907-723-9049 Superintendant: Jeff Boman jeff@corbancc.com		CONSTRUCTION DOCUMENTS HILL ROYS for Pagan Hill & Rob Roys 1403 SHEET TITLE GENERAL INFO, ZONING & SHEET INDEX DATE: 5/16/2016 DRAWN: SvW CHECKED: jTm SHEET NUMBER A 001





411.7 Shower compartments, regardless of shape, shall have a minimum finished interior of one thousand and twenty-four (1,024) square inches (0.66 m²) and shall also be capable of encompassing a thirty (30) inch (762 mm) circle.
Exception No. 2: The minimum required area and dimension shall not apply for a shower receptor having overall dimensions of not less than thirty (30) inches (762 mm) in width and sixty (60) inches (1524 mm) in depth.

Accessory Apartment removed from plans as per conversation with applicant. Application is for single family dwelling only.
9/27/16 TJP

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

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

LEVEL 1

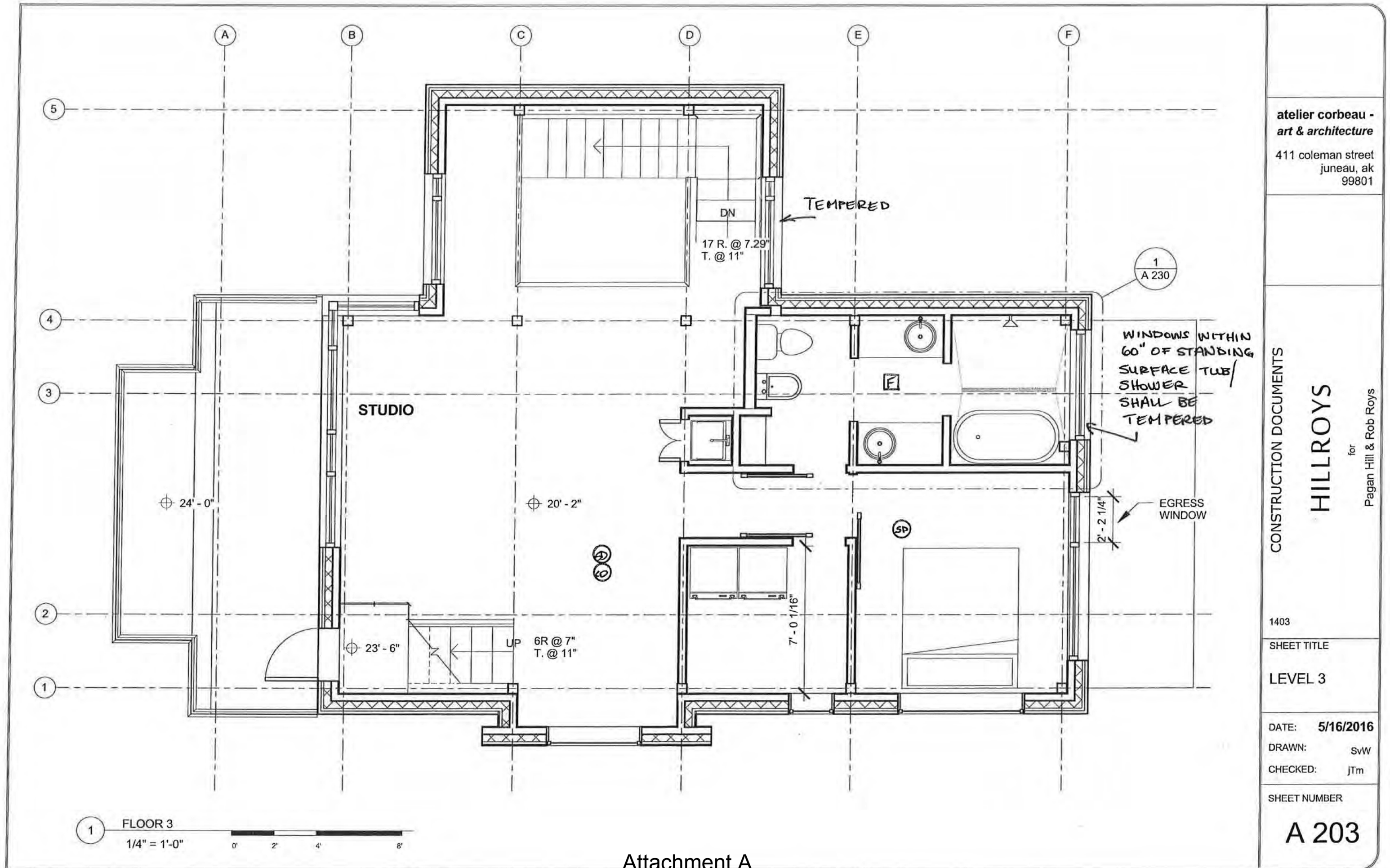
DATE: 5/16/2016

DRAWN: SWW

CHECKED: jTm

SHEET NUMBER

A 201



Attachment A

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

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

LEVEL 3

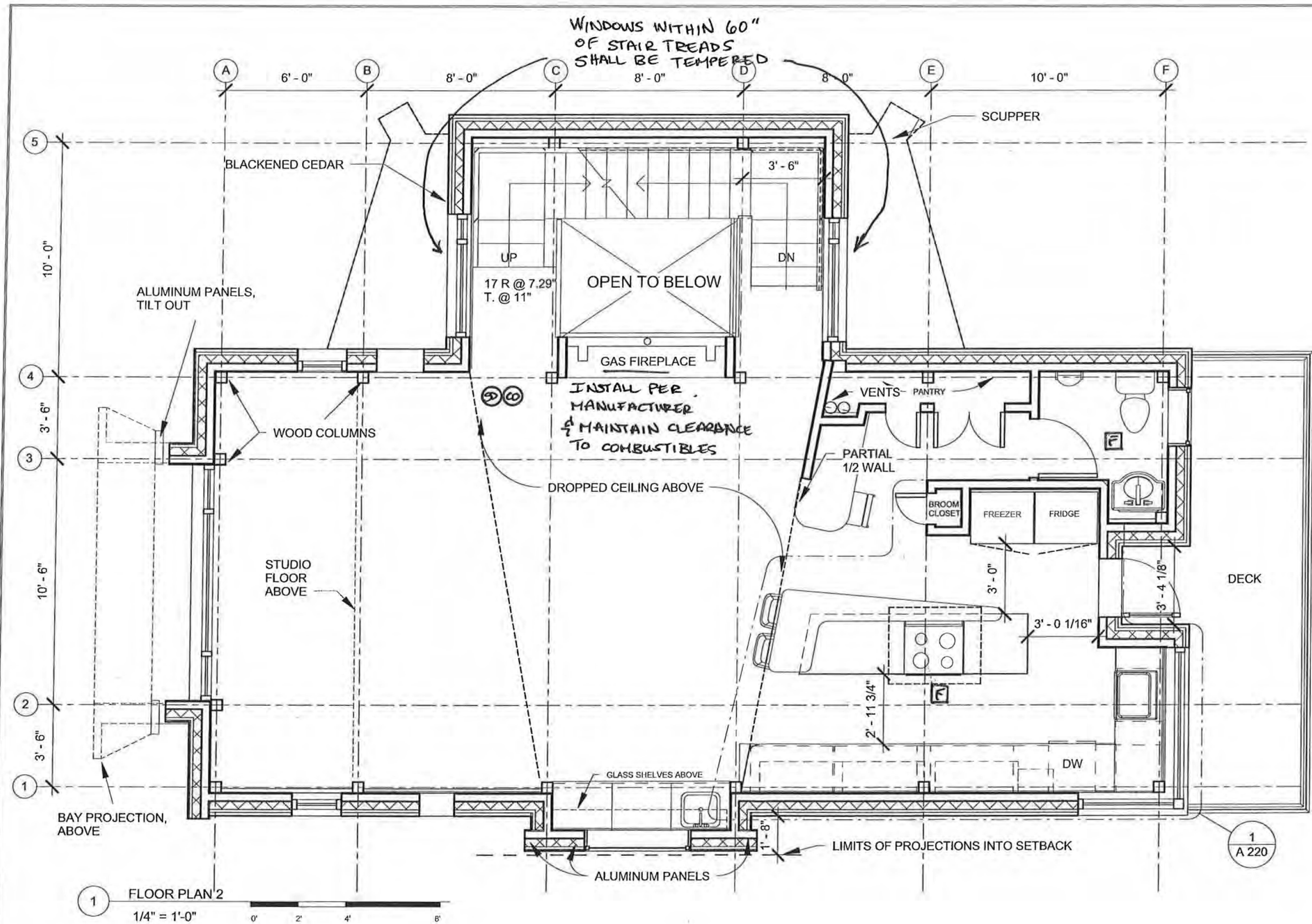
DATE: 5/16/2016

DRAWN: SvW

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

LEVEL 2

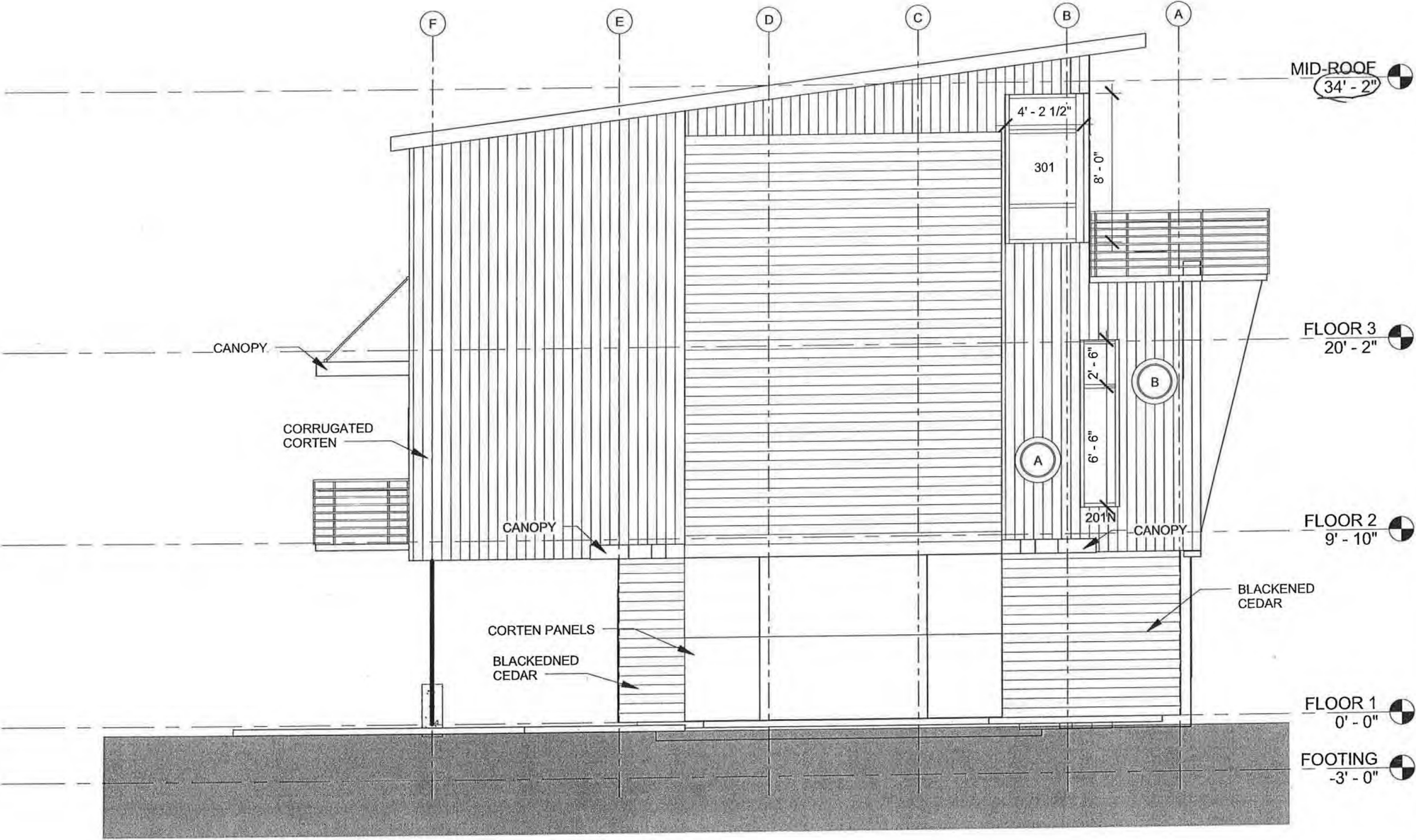
DATE: 5/16/2016

DRAWN: SvW

CHECKED: jTm

SHEET NUMBER

A 202



1 NORTH ELEVATION
3/16" = 1'-0" 0' 2' 4' 8'

Attachment A

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

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
NORTH

DATE: 5/16/2016

DRAWN: SwW

CHECKED: jTm

SHEET NUMBER

A 400

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

CONSTRUCTION DOCUMENTS
HILLROYS
for
Pagan Hill & Rob Roys

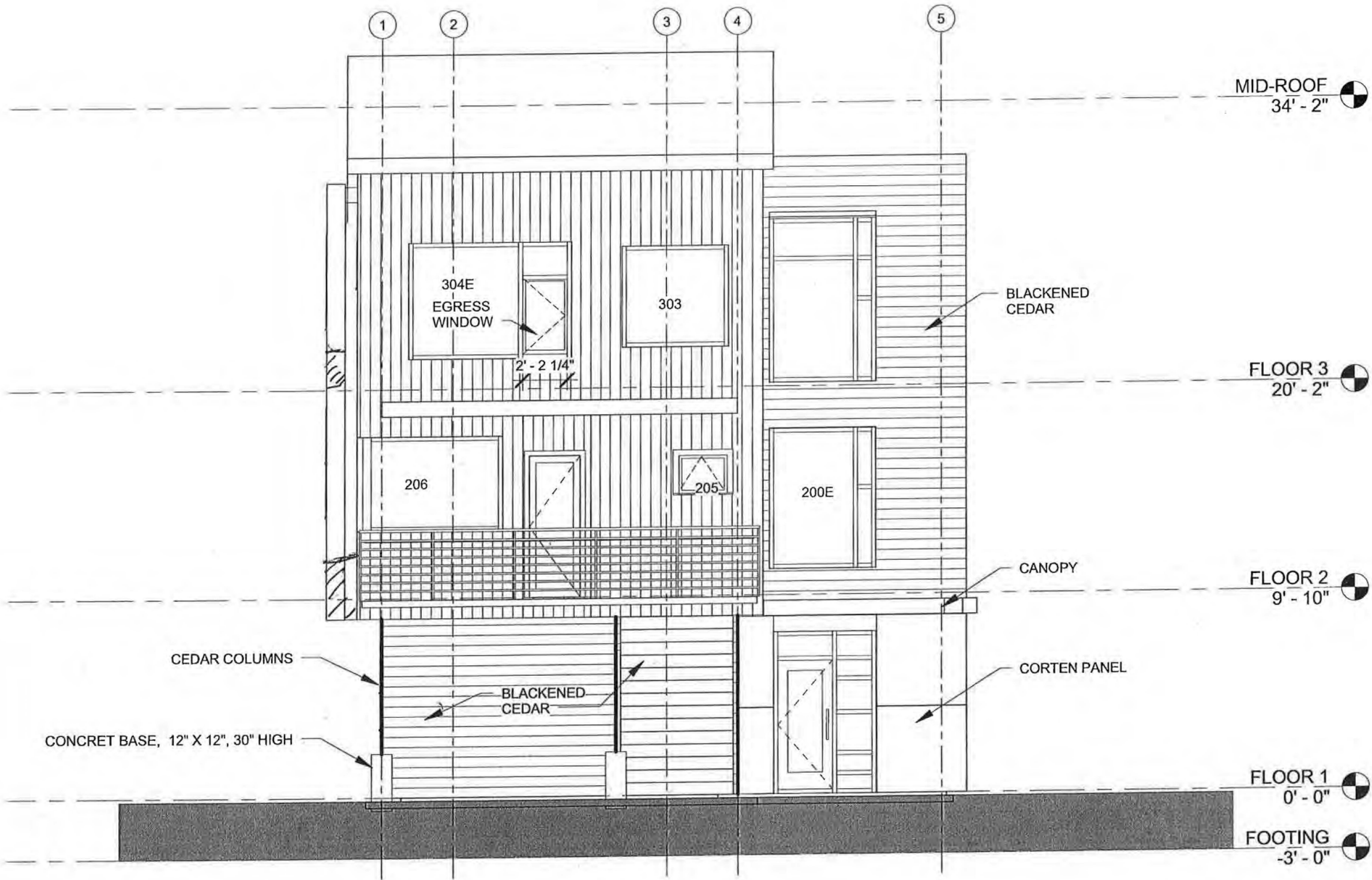
1403

SHEET TITLE
**ELEVATION -
EAST**

DATE: **5/16/2016**
DRAWN: SvW
CHECKED: jTm

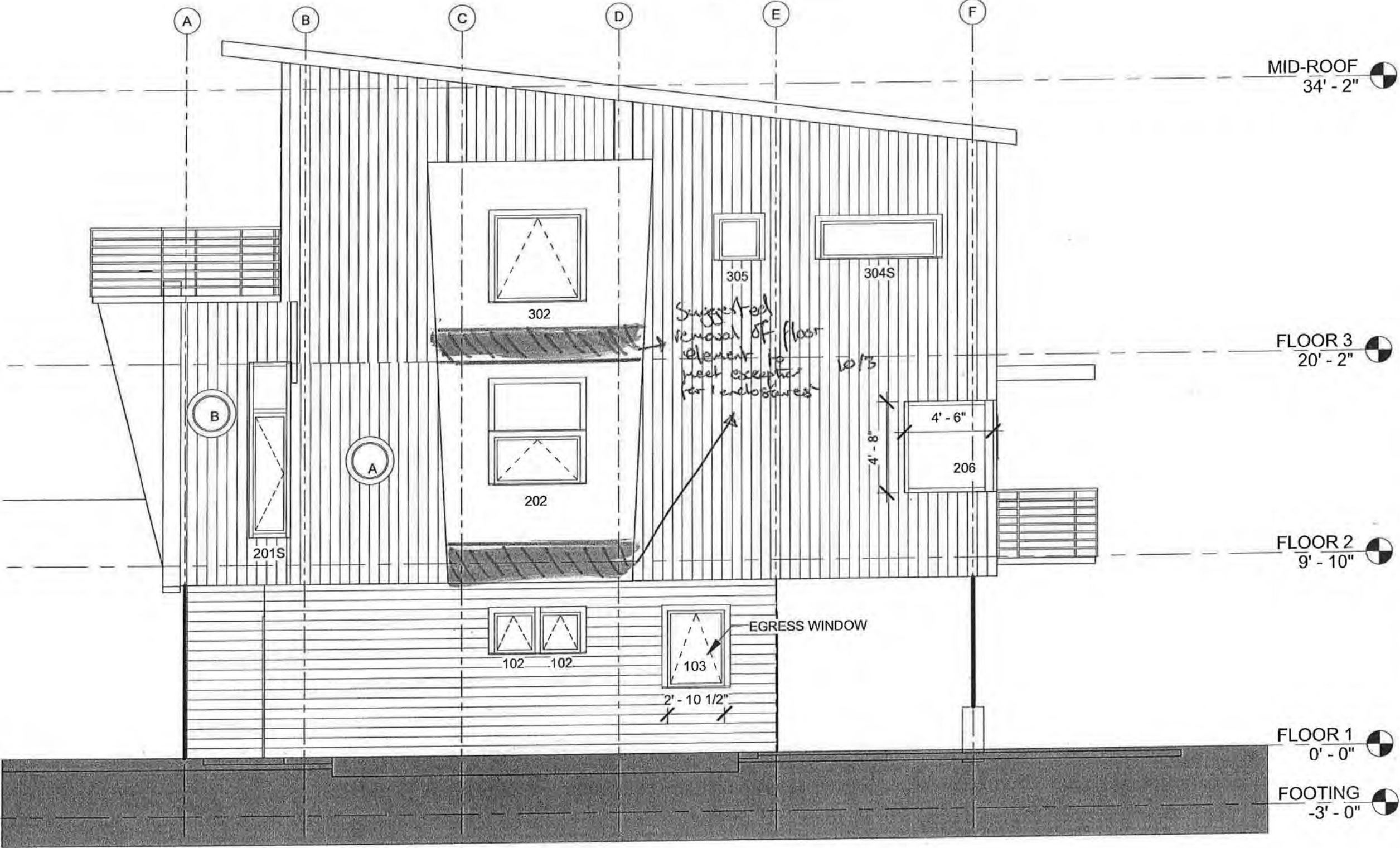
SHEET NUMBER

A 401



1 EAST ELEVATION
3/16" = 1'-0" 0' 2' 4' 8'

Plans not approved
with enclosure as shown TOR
10/13



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

atelier corbeau -
art & architecture

411 coleman street
juneau, ak
99801

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
SOUTH

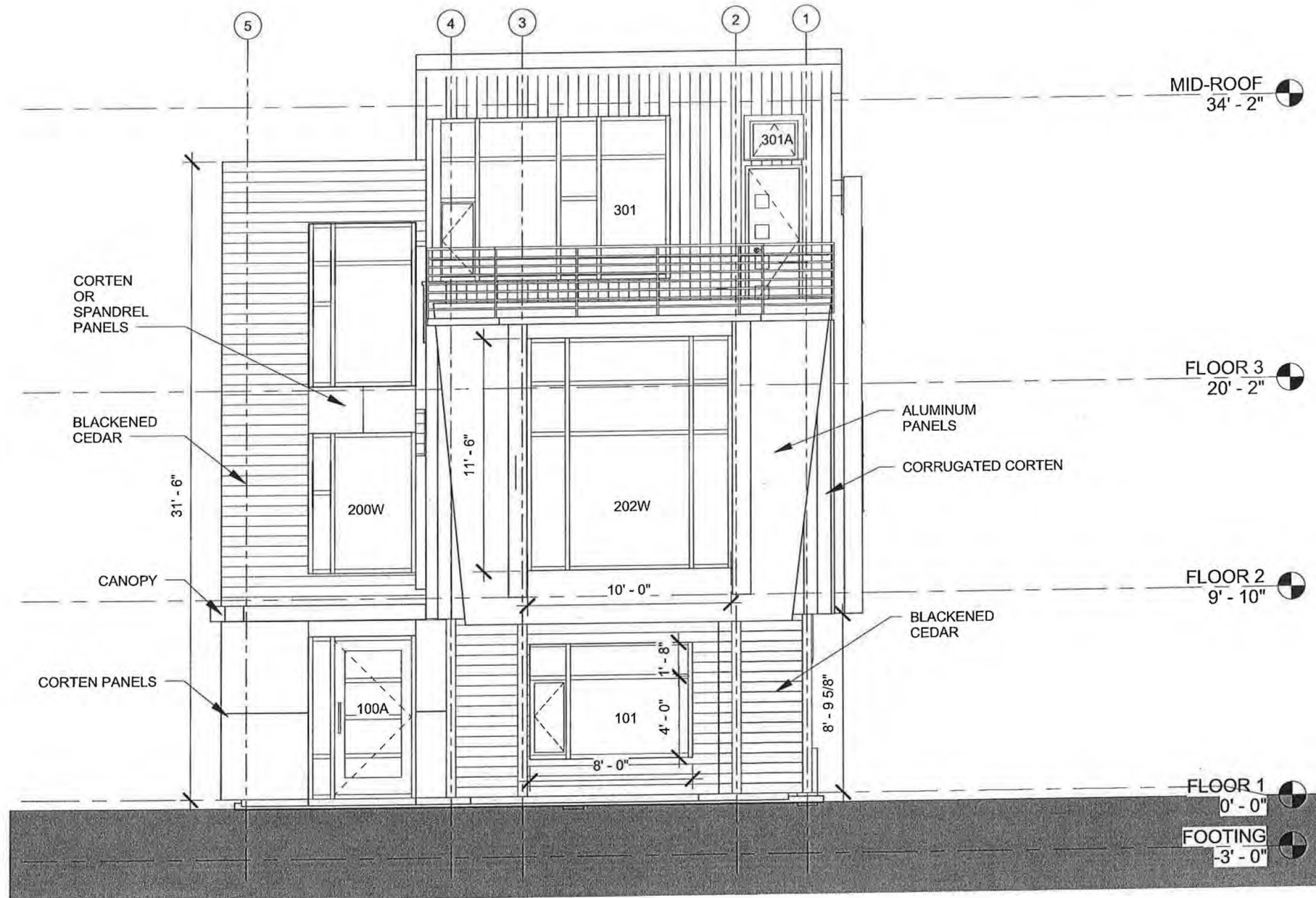
DATE: 5/16/2016

DRAWN: SvW

CHECKED: jTm

SHEET NUMBER

A 402



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

Attachment A

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

CONSTRUCTION DOCUMENTS

HILLROYS

for
Pagan Hill & Rob Roys

1403

SHEET TITLE

ELEVATION -
WEST

DATE: 5/16/2016

DRAWN: SvW

CHECKED: jTm

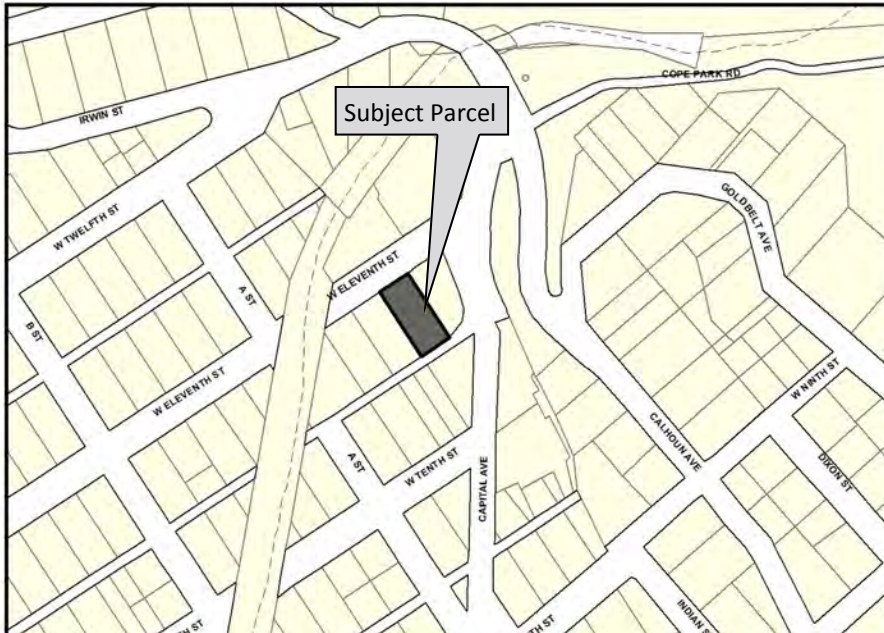
SHEET NUMBER

A 403



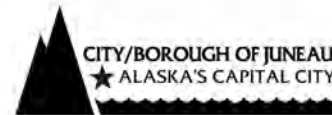
NOTICE OF PUBLIC HEARING

Packet Page 48 of 67



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	Zoned:	D5
	Municipal Building	Site Address:	315 W. Eleventh Street
	155 South Seward Street	Accessed Via:	W. Eleventh Street / Alley
	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.

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

Date notice was printed: October 10, 2016

From: [Jake Lapenter](#)
To: [Tim Felstead](#)
Subject: Rob and Pagan Hill

Date: Wednesday, October 05, 2016 11:06:27 AM

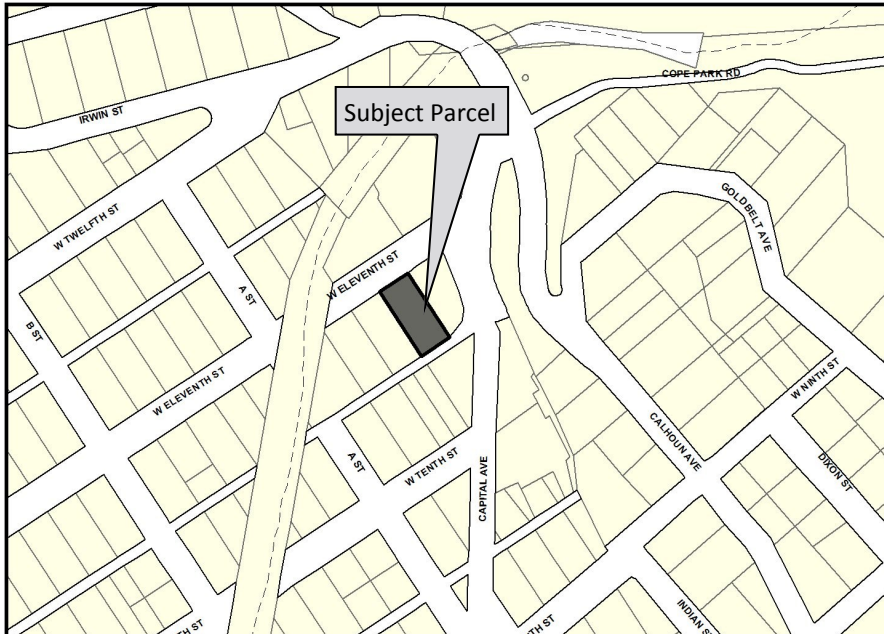
Tim,
On behalf of Bridget and myself I am writing you to express our support and approval of the accessory apartment that Rob and Pagan are requesting. We have looked at the plans and hope that it gets approved!
Thank you, and good day.
Jake Lapenter

Attachment C – Letter of support from adjacent neighbors at 318 W. Eleventh St.



NOTICE OF PUBLIC HEARING

Packet Page 50 of 67



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:

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Planning Commission Agendas, Staff Reports and Meeting Results can be viewed
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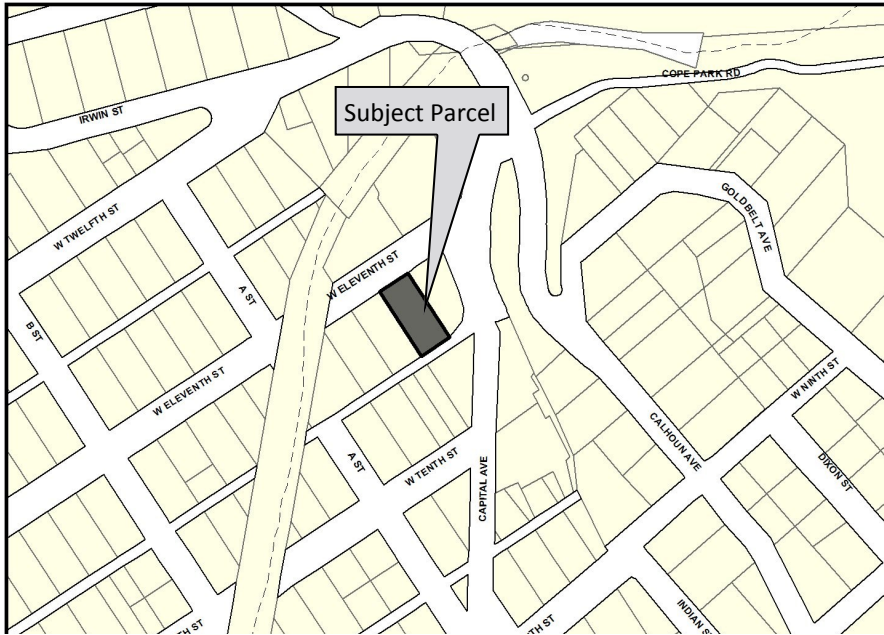


Date notice was printed: October 10, 2016



NOTICE OF PUBLIC HEARING

Packet Page 51 of 67



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 10, 2016	Owner:	Pagan Hill
Hearing Time:	7:00 PM	Lot Size:	3,600 square feet
Place:	Assembly Chambers	Zoned:	D5
	Municipal Building	Site Address:	315 W. Eleventh Street
	155 South Seward Street	Accessed Via:	W. Eleventh Street / Alley
	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.

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>



Date notice was printed: October 27, 2016



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: November 14, 2016
 File No.: AAP2016 0022

Pagan Hill & Rob Roys
 PO Box 20273
 Juneau, AK 99802

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

Property Address: 315 West Eleventh Street

Legal Description: Lot 2 Block 204 Casey Shattuck

Parcel Code No.: 1-C03-0-C04-002-1

Hearing Date: November 10, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 27, 2016, and **APPROVED** the development of an accessory apartment on an undersized lot in a D-5 zoning district to be conducted as described in the project description and project drawings submitted with the application.

Attachments: October 27, 2016 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding AAP2016 0022.

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

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Pagan Hill & Rob Roys
 File No.: AAP2016 0022
 November 14, 2016
 Page 2 of 2

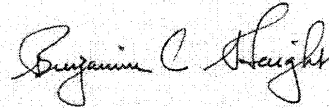
Effective Date: The permit is effective upon approval by the Commission, November 10, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or May 10, 2018, 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:



Tim Felstead, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission



Filed With City Clerk

11/21/16

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

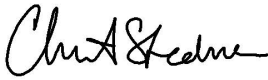


(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/cdd

155 S. Seward Street • Juneau, AK 99801

DATE: October 27, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner II 

Community Development Department

FILE NO.: AME2016 0015

PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

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

ATTACHMENTS

Attachment A – Draft Ordinance

BACKGROUND

The Community Development Department was contacted by Bartlett Regional Hospital which operates the sobering center Rainforest Recovery, to inquire about relocating that facility. The facility has historically operated as part of the hospital. On its own the sobering center would not fit the definition of a hospital. In an effort to determine in which zoning districts such a facility could operate CDD staff found existing definitions inadequate and recommend a new line be added to CBJ 49.25.300 *Table of Permissible Uses* (TPU) to add sobering facility.

DISCUSSION

Staff initially discussed creating a broad category for emergency shelters which would include sobering centers. However, staff recommends that emergency shelters in general be allowed in residential zoning districts since a variety of situations can necessitate emergency shelter such as relief from a natural disaster or domestic violence.

Emergency shelters are not intended for reoccurring or long term use, but a short term stay before moving to transitional housing and finally permanent housing. A sobering facility is for

Planning Commission
 File No.: AME2016 0015
 October 27, 2016
 Page 2 of 3

the specific purpose of sleeping off the effects of alcohol where one does not necessarily need medical care. The same individuals may regularly use a sobering center which is often the case in Juneau. The proposed amendment would create a new category in the TPU for sobering centers under section 7.000 *Institutional, Day or Residential Care, Health Care Facilities, Correctional Facilities* which would be permitted in the Light Commercial, General Commercial, Mixed Use and Mixed Use 2 zoning districts.

In order to clarify any ambiguity between emergency shelters and sobering centers staff recommends adding emergency shelters to the definition of assisted living. There is currently no use category or definition for emergency shelter. Assisted living is allowed in all residential zoning districts with an approved Conditional Use Permit. If the use is a minor development then it is allowed outright in the Light Commercial, General Commercial, Mixed Use, and Mixed Use 2. If the use is a major development in those zoning districts an approved Conditional Use Permit is required. Staff recommends that emergency shelters be added to the definition of assisted living as these would be the same zoning districts recommended for emergency shelters.

The proposed amendment would provide a definition for sobering centers and amend the definition of assisted living to include emergency shelters as follows.

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelters. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

In addition staff recommends amending 49.40.210, Minimum space and dimensional standards for parking and off street loading, to provide for a parking standard for sobering centers of one space per six beds plus one visitor parking space. This standard is based on staff review of similar uses in other jurisdictions.

The attached draft ordinance (Attachment A) would amend CBJ 49.25.300 Table of Permissible Uses, CBJ 49.45.210 Table of Minimum Parking Standards and the land use definitions found in CBJ 49.80.120.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed amendments to Title 49 comply with the Comprehensive Plan Chapter 13 Community Services Policies:

- Policy 13.3: To promote quality medical and social services in the CBJ to ensure the safety, health, well-being, and self-sufficiency of its residents

Planning Commission
File No.: AME2016 0015
October 27, 2016
Page 3 of 3

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. The proposed amendment will complete necessary changes to the residential uses allowed within the Code.

The proposed change is consistent with Title 49.

FINDINGS

Based on the above analysis, staff finds that the proposed text amendments to Title 49 are consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within adopted Plans of Codes.

STAFF RECOMMENDATION

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-43 (PC v.1)

An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters

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 Table. Category 7.000 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	Use Description	RR	D1	D3	D4	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
7.00	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
...																
<u>7.600</u>	<u>Sobering centers</u>									3	3	3	3			
...																

Section 3. Amendment of Table. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read as follows:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

(a) Table of minimum parking standards. The minimum number of off-street parking

spaces required shall be set forth in the following table. The number of spaces shall be calculated to the nearest whole number.

Use	Spaces Required
...	
Assisted living facility	0.4 parking spaces per maximum number of residents
<u>Sobering Centers</u>	<u>1 parking space per 6 beds, plus 1 visitor parking space</u>
Theaters	1 for each four seats
...	

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

...

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

...

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definition to be incorporated in alphabetical order:

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Attest: _____
Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk



NOTICE OF PUBLIC HEARING

City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

Text amendment to Title 49

SHIP TO:



PROPOSAL: Text amendment to Title 49 to define emergency shelter and related parking requirement.

File No:	AME2016 0015	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	N/A
Hearing Date:	September 27, 2016	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	N/A
Place:	Assembly Chambers	Zoned:	N/A
	Municipal Building	Site Address:	N/A
	155 South Seward Street	Accessed Via:	N/A
	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.

If you have questions, please contact Chrissy Steadman at Christine.Steadman@juneau.org or 586.0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>



Date notice was printed: September 7, 2016



NOTICE OF PUBLIC HEARING

Packet Page 61 of 67

City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

Text amendment to Title 49

SHIP TO:



PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

File No:	AME2016 0015	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	N/A
Hearing Date:	November 8, 2016	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	N/A
Place:	Assembly Chambers	Zoned:	N/A
	Municipal Building	Site Address:	N/A
	155 South Seward Street	Accessed Via:	N/A
	Juneau, Alaska 99801		

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Date notice was printed: October 3, 2016



NOTICE OF PUBLIC HEARING

Packet Page 62 of 67

City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

Text amendment to Title 49

SHIP TO:



PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

File No:	AME2016 0015	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	N/A
Hearing Date:	November 10, 2016	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	N/A
Place:	Assembly Chambers	Zoned:	N/A
	Municipal Building	Site Address:	N/A
	155 South Seward Street	Accessed Via:	N/A
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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Date notice was printed: October 27, 2016



Port of Juneau

City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Carl J. Uchytel, P.E. Digitally signed by Carl J. Uchytel, P.E.
DN: cn=Carl J. Uchytel, P.E., o=CBJ Docks & Harbors, ou=Port
Director, email=Carl.Uchytel@juneau.org, c=US
Date: 2016.11.02 14:30:02 -08'00'

From: Carl Uchytel, P.E.
Port Director

To: Planning Commission

Thru: Director, Community Development Department

Date: November 2nd, 2016

Re: REMOVAL – MARINE PARK LIGHTERING FLOAT

1. CBJ Docks & Harbors was petitioned by Wings Airways to remove the Marine Park Lightering Float as a risk mitigation to the final phase of the new cruise ship dock project. The seaplane pilots who regularly use the Wings float plane dock, have testified that the new cruise ship dock configuration will make landing unacceptably unsafe.
2. Docks & Harbors staff has met with Wings Airways and discussed options which would minimize the risk to the pilots and passengers. In the end, the only acceptable solution is to remove the Lightering Float.
3. Docks & Harbors Board members were briefed on the situation at its September 21st and September 22nd Committee and Board meetings as information items. The October 19th meeting of the Docks & Harbors Operations-Planning Committee properly noticed the item as an action item and recommended removal of the Lightering Float. The October 27th regular Board meeting, properly noticed the agenda and recommended removal of the Lightering Float. The Juneau Empire ran a story on October 10th stating the potential removal of the Lightering Float (<http://juneauempire.com/local/2016-10-10/panamax-problems-wings-airways-worries-about-where-land>). The Port Director articulated the Board was considering removal of the Lightering Float while on KINY Action Line on October 6th and October 26th. The October Docks & Harbors newsletter THE TIDELAND (<http://www.juneau.org/harbors/pdfs/20161004043641.pdf>) placed noticed that the Lightering Float may be removed.
4. As soon as the request for removal was received, the Port Director met with Mr. Steve Webber (M/V ADVENTURE BOUND & M/V CAPT COOK) who operates the Tracy Arm tours. The Port Director also contacted the Mr. Webber to testify telephonically at the October 27th Docks & Harbors Board Meeting. Mr. Webber objects to the removal and recommends that Wings Airlines try to make

the situation work in 2017 prior to its removal. The Port Director has indicated that new facilities constructed near the Port-Customs Building (Port Field Office Float) would be able to accommodate cruise ship lightering and embarkation for local excursions after the removal of the Marine Park Lightering Float. The only other opposition received to the removal was from a downtown business owner who indicated his business will suffer without lightering being conducted at the north end of the Port.

5. This document is provided to the Planning Commission as an information item. The removal of the Marine Park Lightering Float was an element of USE2011-30, which was approved by the Planning Commission at its June 26th, 2012 meeting.

#

Encl: (1) Wings Airways Letter of September 16th, 2016
(2) Map



September 16th, 2016

Dear Carl Uchytel and the Docks & Harbors Board:

Wings Airways would like to share our grave operational safety concerns once 16B is in place if the Marine Park lightering dock were to remain. It was our misunderstanding that the float would be removed with the construction of 16B, but now recognize that is slated to remain intact.

Float plane docking at the Juneau Seadrome requires maneuvering aircraft in response to seas, currents, and winds. The new configuration with the ship berth being moved seaward results in an unsafe and unworkable site due to adverse approach angle and insufficient space to safely maneuver the aircraft should adverse conditions develop on final approach to the dock. Given our operating parameters, almost all dockings require turning the planes to the west (toward Douglas Island) on final approach to the dock. The position of the lightering dock combined with a ship berthed at the Alaska Steam Dock currently make this a tight, but safely doable movement for our pilots and aircraft. The controlling factor is the approach angle which is currently made at close to 90 degrees to our dock face. This allows the pilot to safely abort the approach to the dock should adverse conditions develop. However, when the new berth is completed the approach angle to our docks will be such to require over a 180 degree turn to the dock on final approach. This movement cannot be safely attempted except under the most perfect conditions (sea, currents, and wind).

In order to safely operate our aircraft for our pilots, our guests, and the adjacent public we need adequate maneuvering space. Once we realized our error in understanding we studied the variables through mockups and actual aircraft maneuvering drills and feel confident the current situation would have dire consequences for our aircraft.

Wings Airways is the current user of the Juneau Seadrome, which has been an active float plane base since the 1920's. We have made considerable investment in both shore facilities and aircraft to become a more professional and community friendly float plane operator on the Juneau waterfront (Wings Airways even used low interest financing from the CBJ to help upgrade our fleet to modern turbine engines). We are proud to be a part of this community and want to do our part to enhance the downtown experience. Please note we are willing to work with special events such as the Maritime Festival and Celebration to allow temporary use of our dock facilities.

- 2 -

In the interest of continuing the 100 year tradition of safe and efficient seaplane commerce on the Juneau waterfront we request the removal of the Marine Park lightering dock.

Thank you in advance for your consideration and support,

Holly Johnson & the Wings Airways/Taku Lodge Ownership Team

President
Wings Airways Inc.

2 Marine Way, Suite 175
Juneau, AK 99801
Holly@wingsairways.com
907-586-6275

