

Agenda

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

February 13, 2018
Assembly Chambers
8:00 PM

I. ROLL CALL

A. Swearing in of new Planning Commission members

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. November 28, 2017 Draft Minutes - Regular Planning Commission Meeting

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. ITEMS FOR RECONSIDERATION

VI. CONSENT AGENDA

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

A. AME2018 0001: A text amendment to Title 49, Land Use Code 49.25.510(k) regarding accessory apartments

B. AME2018 0003: A text amendment to Title 49, Land Use Code 49.35.240(i) Street Waivers

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

A. Election of Officers and Planning Commission Committee Assignments

B. Adoption of 2018 Planning Commission Calendar

XI. STAFF REPORTS

XII. COMMITTEE REPORTS

XIII. LIAISON REPORTS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
November 28, 2017

I. ROLL CALL

Ben Haight, Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:02 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Percy Frisby, Dan Miller, Kirsten Shelton, (telephonically), Carl Greene

Commissioners absent: Dan Hickok, Nathaniel Dye

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Jill Maclean, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Robert Palmer, Assistant Municipal Attorney

Assembly members: Beth Weldon

II. APPROVAL OF MINUTES

October 10, 2017 Draft Minutes - Regular Planning Commission Meeting
October 24, 2017 Draft Minutes – Committee of the Whole
October 24, 2017 Draft Minutes - Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the October 10, 2017 regular Planning Commission meeting minutes, the October 24, 2017 Planning Commission Committee of the Whole meeting minutes, and the October 24, 2017 regular Planning Commission meeting minutes, with any minor changes by staff or Commission member.*

The motion passed with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Beth Weldon reported that the Assembly will be holding its annual retreat on Saturday morning, December 2, 2017. They will identify new goals and objectives for the coming year. At its meeting on November 27, (2017), the Assembly appointed Planning Commission Chairman Ben Haight and Planning Commission Vice Chairman Paul Voelckers, along with two other community members, to the Mining Subcommittee. The Assembly pulled from its agenda last night conveyance of a fraction of Lot 3, located across from Egan Drive to the Department of Transportation (DOT). DOT and the Lands Division are developing a different course of action. The Finance Department has confirmed that the City cannot loan its credit rating to the Riverview Assisted Senior Living project located in Vintage Park. The Committee of the Whole is reviewing the Lemon Creek Area Plan. The Meander Way Mendenhall riverbank erosion project has been turned back to the staff to assess some of the potential risks and liabilities of the City should it assist with funding the LID (Local Improvement District). The neighborhood's proposal was rejected so the City is currently trying to develop a different proposal. Coogan Construction was awarded the bid for the Pederson Hill Subdivision, Phase I, for a little over \$2.5 million.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Mr. Voelckers requested that USE2017 0026 be pulled from the Consent Agenda and placed under the Regular Agenda for purposes of discussion.

USE2017 0020: A Conditional Use permit for a mobile home as a second dwelling on a lot.

Applicant: Robert Barker

Location: 23500 Glacier Highway

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use permit. The permit would allow the use of a mobile home as a second dwelling unit on a D1 zoned lot.

USE2017 0023: A Conditional Use Permit to allow a second story dormer to be constructed on a legally non-conforming residential structure.

Applicant: Nancy Cooperrider

Location: 1117 A Street

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit. The permit would allow the development of a

second story addition above an existing nonconforming single-family home, 4.47 feet from the side yard lot line and 5.29 feet from the street side lot line along an un-named alley.

The approval is subject to the following condition:

1. Prior to the issuance of a Temporary Certificate of Occupancy for the associated building permit, an as-built survey of the completed addition is provided to the Community Development Department.

USE2017 0024: A Conditional Use Permit to allow a second story dormer to be constructed on a legally non-conforming residential structure.

Applicant: Nancy Cooperrider

Location: 1117 A Street

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the requested Conditional Use Permit. The permit would allow the development of a second story addition above an existing nonconforming single-family home, 4.47 feet from the side yard lot line and 5.29 feet from the street side lot line along an un-named alley.

The approval is subject to the following condition:

Prior to the issuance of a Temporary Certificate of Occupancy for the associated building permit, an as-built survey of the completed addition is provided to the Community Development Department.

MOTION: *by Mr. LeVine, to approve the Consent Agenda as read with the exclusion of USE2017 0026.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2017 0026: A Conditional Use Permit for a seasonal (April - October) vehicle rental business.

Applicant: Taylor Brown

Location: South Franklin Street

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a seasonal vehicle rental business, with the following conditions:

1. Rental maximum of 15 vehicles;
2. Operate April through October with hours of operation dependent on the cruise ship schedule;
3. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
4. On site car washing is not allowed;
5. Provide 22 off-street parking spaces in the upper lot;
6. Valet parking spaces may not be used as permanent off-street parking spaces and may not block access to the private road;
7. Employees must park their vehicles in the upper lot designated for parking unless using an ADA parking space;
8. Security must be on site each night that vehicles are stored on the site in order to address public safety concerns;
9. Signage associated with the business must obtain proper permits.

Mr. Voelckers asked if it was possible to review this item with a full hearing without the applicant present.

Ms. Maclean responded the applicant is available to call in if needed.

Mr. LeVine asked Mr. Palmer if the Commission can take action on this item without the applicant present.

After consultation with the staff, Mr. Palmer determined that it was permissible for the Commission to proceed with this item since there was a representative present to answer questions.

Mr. Voelckers said he had a few specific concerns that relate to the Fire Department and Police Department reviews of this Conditional Use Permit request. He said this request has the potential for problems. He wanted to ascertain if first there actually are problems, and if so, how they should best be addressed.

Ms. Maclean said this is a seasonal operation to transpire yearly from April through October in a Mixed Use (MU) zoning district. The applicant plans on renting out a maximum of 15 Jeeps. The Jeeps would have a tablet inside, providing the opportunity to the customers to tour the city and participate in activities as presented in the tablet.

The business would be located across from Taku Smokeries on South Franklin Street, said Ms. Maclean. The plan is to park a maximum of two vehicles at the bottom of the hill where a hut available only during the months of operation would be situated. The plan is for guests to depart a cruise ship and walk across the street to the location of the public interface in the form of the hut. Customers would rent a vehicle and a valet would drive a Jeep down to Franklin for the customer from the upper parking lot.

The business would lease space from AEL&P (Alaska Electric Power and Light) for the uphill, seasonal storage of the Jeeps. There would be no more than two Jeeps awaiting customers at the Franklin Street hut location, and they would only be present for vehicle departing and return, explained Ms. Maclean.

When the Fire Department reviewed this Conditional Use Permit request, it initially thought there was the need for extended review, said Ms. Maclean. Upon consideration, however, it determined that since the road up the hill to the temporary parking lot is not open to the public, and since there are no structures planned to be built, and since there would be an individual to watch over the vehicles, that the Fire Code requirements for apparatus accessibility do not need to be met, said Ms. Maclean.

The Fire Department does still have some concerns about the parking lot access however, said Ms. Maclean. For example, the staff could experience a medical emergency requiring ambulance access to the top of the hill, said Ms. Maclean. The second concern is that vehicles left out of sight could potentially be a target for vandalism, including arson. It would be very difficult for the apparatus to extinguish fires at the top of that hill, said Ms. Maclean.

Therefore, in spite of its concerns, the Fire Department said that apparatus accessibility was not necessary for the uphill parking lot, said Ms. Maclean. The Fire Department suggested that the operation be reviewed at the conclusion of its summer season, and that when or if issues arose during the season that they be addressed as they arose with the applicant, said Ms. Maclean.

The Juneau Police Department also expressed concerns about the same accessibility issues to the uphill parking lot as the Fire Department, said Ms. Maclean. Since the Police Department vehicles are smaller and more agile than the Fire Department trucks and the ambulances, their access to the uphill parking lot would not be as problematic as access for the Fire Department, said Ms. Maclean. The Juneau Police Department stated that it does have some concerns, but they are not to the extent that the project be denied, said Ms. Maclean.

Commission Comments and Questions

Mr. Voelckers stated that upon viewing the diagram it appears that the second parking spot at Franklin Street appears to be blocking the drive.

Ms. Maclean indicated the location of the hut on the diagram which would be located on Franklin Street. Since this is Mixed Use zoning there is a zero foot setback, she said. Although it has an easement in this area, the DOT expressed no issues with the hut location. She said the parking spot is a location to be used temporarily by the vehicles; just for drop-off and pick-up of the Jeeps, she said. At most, said Ms. Maclean, there would be two vehicles in those locations simultaneously for minutes at a time. They are not permanent parking spaces, she clarified, and they are not permitted to block the access road for any length of time, she added.

Mr. LeVine said he was concerned over the concept that the Commission would grant a Conditional Use Permit for an activity that it knows has the possibility of endangering someone should they succumb to some medical emergency and could not be reached by an emergency vehicle. Stating that he liked this idea and that he would like to see the project to move forward, Mr. LeVine said he did have these concerns. He said he wondered if there was a liability issue for the City if they awarded a permit and subsequent injuries occurred and could not be treated in a timely manner.

Ms. Maclean said she relied on the opinion rendered by the Fire Marshal, who stated he felt it was safe to proceed with the granting of the permit.

Mr. LeVine said he had similar concerns about the opinion rendered by the Police Chief, which in effect amounted to the fact that he did have concerns but that he did not want to halt the permit.

Mr. LeVine asked if perhaps there should be additional conditions placed upon this permit by the Commission for it to be approved, or if perhaps the applicant should sign waivers of liability. He said he would like to ensure that the Commission did not place the City in a circumstance of potential liability.

Mr. Palmer said the City would not be placed in a position of potential liability by granting the permit. There is an Alaska statute which explicitly provides immunity for the City from liability for granting a permit, said Mr. Palmer. However, he said, the more substantive and difficult question is what are the specific safety concerns if the permit is granted. Those are definitely issues which the Commission should address, he said. If the Commission is concerned about employees and the upper parking lot, Mr. Palmer said he was not quite sure if a waiver of liability would work. If the Commission had concerns about members of the public or patrons of the business being harmed, there may be ways to limit that possibility, he said. They could limit access to the upper area to just employees and not patrons, said Mr. Palmer.

Mr. LeVine asked if it was within the purview of the Commission to condition its approval based upon the prohibition of access to the upper lot by the public.

Mr. Palmer responded that could be an option.

Ms. Maclean said the application specifies that only employees are allowed on the upper lot.

Mr. Frisby asked how it would be monitored that only two vehicles be at the Franklin Street hut at any one time. He said he foresaw a potential traffic congestion problem.

Ms. Maclean said the plan is that no more than two vehicles would be at the bottom of the hill at any one time, with employees bringing vehicles down and also taking them back up to the parking lot so that no more than two vehicles were at the base of the drive on Franklin Street at one time.

Ms. Maclean reminded the Commission that they received a late modification to the proposed permit regarding an accessible parking space on the Conditional Uses Permit request.

Applicant

Ms. Debbie White, speaking for the applicant, said she understood there would be one person monitoring the hut at Franklin Street at all times, ascertaining that there were no traffic problems from the vehicles or congestion from the customers occurring at that site. Several other employees would be running the vehicles back and forth, she said. This type of operation has been successfully implemented in other locations, said Ms. White. She said that she herself at a vacation venue located elsewhere had actually used a similar service and that it was a very successful experience. She added that if the Commission had concerns about medical emergencies, that it could specify that the applicant come up with a plan should medical emergencies occur as a condition for the permit.

Mr. Voelckers asked if the hut used during the tourist season would be completely removed at the conclusion of the season.

Ms. White said that at the conclusion of the tourist season, the hut would be stored off-site. In answer to a question posed by Mr. Voelckers, Ms. White said she did not think the applicant would be averse to this being specified as a condition.

MOTION: *by Mr. Voelckers, to approve USE2017 0026 with the addition of Condition 11; that the seasonal hut be removed at the cessation of business in the fall, and that Condition 12 be added stipulating that CBJ Fire and Police departments would review operations after one season of use and reserve the right to recommend additional conditions to the Planning Commission for adoption.*

Speaking in favor of his motion, Mr. Voelckers said he felt it would be better to have a means for both the Fire and Police departments to provide specific recommendations to the Planning

Commission after the conclusion of one season rather than having some nebulous way of addressing any issues which may arise over the first season.

Speaking in favor of the motion, Mr. Miller said he liked both of those conditions proposed by Mr. Voelckers. He said he wondered if a thirteenth condition should also be mandated that an emergency evacuation plan be provided by the applicant. He said a lot of times the Fire Department could actually drive its vehicle up a road to see if it could respond at a particular location during an emergency. He said he did not think it was too arduous of a condition to impose upon the applicant.

Mr. LeVine said he liked all three conditions suggested by Mr. Voelckers and Mr. Miller. He added that he was concerned about the notion that an additional condition could be added a year later should it be needed. He said he was not sure if this is something that the Commission could do. He suggested that the conditions suggested by Mr. Voelckers and Mr. Miller be merged to require the applicant to develop an emergency evacuation plan in conjunction with the CBJ Fire and Police departments, and that it be reviewed annually subject to new conditions as deemed necessary. He said this way it would be incumbent upon the applicant and not be up to the Commission to add new conditions annually.

Mr. Voelckers said he accepted the proposal of Mr. LeVine as a friendly amendment.

Rephrasing his amendment, Mr. LeVine said they would add a Condition 12, that the applicant is required in conjunction with the CBJ Fire Department to develop an emergency evacuation and safety plan that is to be reviewed and approved each year by the applicant and CBJ fire and safety.

FINAL MOTION: *by Mr. Voelckers, with amendments by Mr. Miller and Mr. LeVine: that USE2017 0026 be approved with staff's findings, analysis and recommendations, with the addition of Condition 10, incorporating staff's additional recommendation on an accessible parking location modification, and with Condition 11, that the seasonal hut be removed at the cessation of business in the fall, and with Condition 12, that the applicant is required in conjunction with the CBJ Fire Department to develop an emergency evacuation and safety plan that is to be reviewed and approved each year by the applicant and CBJ Fire and Safety.*

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. DIRECTOR'S REPORT

A. Planning Division 2017 Work Plan

Mr. Steedle said he and Ms. McKibben collaborated on developing this work plan for 2018.

Ms. McKibben said she felt it would be helpful to review the staff recommendations for the “Near-Term Code Amendments Priorities”:

- ✓ *CSP (Capital Improvement Project) Rewrite* – The criteria for requiring Planning Commission review of City and State projects should be reexamined to ensure that meaningful review continues, while eliminating the need for maintenance projects. The staff would like input from the Commission on this topic.
- ✓ *Tiny Houses* - “Tiny houses” have not been discussed with the Commission in the past. There has been a great deal of interest in the community for “tiny houses”. Title 49 does not define what a tiny house is and in what zoning districts they will be allowed, and under what circumstances.
- ✓ *Canopies* - Was close to being simply a house-keeping item, but not quite.
- ✓ *Process for Amending the Comprehensive Plan* – They have discussed with the Commission in the past the process for amending the Comprehensive Plan and the Comprehensive Plan maps.
- ✓ *Auke Bay Zoning Incentives* - The implementation of the Auke Bay Plan requires the creation of at least one new zoning district type.

Downtown Residential Zoning - the zoning for downtown residential districts needs to be redefined before the Alternative Development Overlay District (ADOD) sunsets in 2019.

Commission Comments and Questions

Mr. Voelckers observed there are three categories: “Code Amendments Currently Underway”, “Staff Recommendations for Near-Term Code Amendment Priorities”, and “Staff Recommendations for Mid-Term Code Amendment Priorities”. For the projects under the “currently underway” category, the “nonconformity” and “urban agriculture” delineations both seem that they could take quite some time before they would be polished into language suitable for an ordinance, said Mr. Voelckers. He said that he found these items less of a priority than items such as the Auke Bay Plan and downtown residential zoning. He said he felt the latter items should be given more of a priority.

Chairman Haight asked Mr. Steedle and Ms. McKibben if they could provide some guidance as to how they envisioned the projects would be correlated.

Mr. Steedle said that *nonconformities* have received extensive review from the Title 49 Committee in the form of conceptual language. Ms. McKibben will shortly be turning that review into language for submission to the Law Department for compilation into a draft ordinance for submission to the Commission for its review, he said. This work is being driven by lending issues property owners have experienced with banks, said Mr. Steedle.

Urban agriculture is a priority for the Commission on Sustainability, said Mr. Steedle. Extensive public input has already been received on this item, he said. This should be a pretty straight forward topic to deal with, he said.

It is very important to come up with the zoning to help implement the *Auke Bay Plan*, said Mr. Steedle. It is very important that they come up with a zoning district that defines what the traditional town center as envisioned by the plan looks like, he added.

Ms. McKibben said she felt the reason that *nonconformities* and *urban agriculture* were allocated to the near-term category is because there is already a significant amount of work which has been accomplished on these items, and they are fairly close to completion; potentially within the next three months. The other items are not as completely developed, she said. They will not happen as quickly and require more work to be done, she said. It is difficult to prioritize these projects because they are all important, said Ms. McKibben. Work on the Auke Bay Area Plan has lost its momentum, said Ms. McKibben, and it needs to come back into focus and be placed at the top of the list of priorities.

Mr. LeVine expressed concern that *urban agriculture* could be a topic expending the energy and time of the staff and Commission. He asked if the staff has given thought to the approach the Commission should take when addressing the items on this list.

Ms. McKibben said that the topic of *nonconformities*, for example, has been discussed several times by the Title 49 Committee. They have identified good concepts on this topic which need to be forwarded to the Law Department to be placed into ordinance format, she said. The draft ordinance could then go back to the Title 49 Committee for review or be presented to the Commission via a Committee of the Whole meeting, she said.

A lot of work has already been done on the subject of *urban agriculture*, said Ms. McKibben. There is already a sound framework forming the foundation of what needs to be accomplished on this item, she said. When the 2010 amendment to the Table of Permissible Uses passed, the Table of Permissible Uses was amended by significant work of the Title 49 Committee, said Ms. McKibben. At the Assembly meeting on this topic, due to input from the public, said Ms. McKibben, there was a new line added for personal use agriculture for six hens. As a result of this, there were two categories created for agriculture. Subsequently, anything that was not a hen is now considered commercial agriculture, she explained. This is not appropriate and it has been challenging to deal with anything that is not a hen as a result of this, she said. For example, she said, there are members of the community who would like to have roosters, which are not allowed without a Conditional Use Permit. The general concept is good, with livestock categorized into sizes of small, medium and large, with lot sizes and with setback buffers to match the various categories of animals, she said. At this point, said Ms. McKibben, she cannot say how long it will take to get from the point it is at now through the Law Department and to the Planning Commission.

Mr. LeVine said from listening to experienced past Commission members and from his own experience, the topic of *urban agriculture* could be a black hole into which significant staff and Commission energy is expended at the expense of other perhaps more exigent priorities. This may be an issue in which a detailed process should be identified as they move forward, he said.

Ms. McKibben said that she did not disagree on the subject of *urban agriculture*. She added that she did not think the topic of *nonconformities* would take a significant more amount of time to accomplish once placed into ordinance format.

There are conversations the staff and Commission need to have about where they are and how they plan to proceed with zoning and the *Auke Bay Area Plan*, said Ms. McKibben. They need to determine if they want to keep going in the direction which has been set or if they need to determine a different path to take, she said. Once this decision is made, it should not take too long to put the language together, said Ms. McKibben. There will also be the need for a public process before this issue comes back to the Planning Commission, she said.

Mr. Voelckers said he shared the opinion of Mr. LeVine regarding the potential of becoming enmeshed in the issue of *urban agriculture*. He said that he would like to focus on the process of accomplishing variances and to have that in place within the system. He said it was his impression this was to have been accomplished by the end of November, and that an update on its status would be appropriate. Mr. Voelckers added that updating the rules for meeting procedure should not take long to accomplish, and that he did not see this on the list. He said he believed this issue as well was residing between the staff and the Law Department.

Mr. Steedle said he hoped that *variances* would be before the Planning Commission at its December meeting. Mr. Palmer has just received the staff report on *variances* and has not yet had time to review it, he added. At the last Rules Committee meeting, a number of issues were identified for revision, said Mr. Steedle. They have identified the deficiencies within the current rules procedure, and Mr. Palmer will review this as soon as time allows, said Mr. Steedle. This language will come back to the Rules Committee for review after Mr. Palmer has formulated the language, said Mr. Steedle.

Mr. Frisby asked for a more detailed update on the status of the zoning and the *Auke Bay Area Plan*.

Ms. McKibben said they had a staff person working on the ordinance to implement *The Auke Bay Area Plan*. That staff person has left this position, she said. They are still short a staff person. A significant amount of work has already been accomplished, she said. The issue of whether they want to continue in the way they have been proceeding with the *Auke Bay Area Plan* or if they want to define a new course of action needs to come either before the Title 49 Committee or the Commission for input, said Ms. McKibben.

Mr. Frisby said he thought they were close to completing action on the *Auke Bay Area Plan*.

They were initially under the impression that they were close to wrapping up this plan, said Ms. McKibben. But looking at it again with new perspective there are questions they need to address, she said.

Mr. Miller said on the topics of *Planned Unit Development (PUD)*, *cottage housing* and *tiny houses*, that it may be logical to place the topics of *cottage housing* and *tiny houses* under the over-arching topic of PUD's. At the last Title 49 Committee meeting they discussed how 40 percent of the area for a *Planned Unit Development* needed to be set aside for a common area. Depending on whether the area is more a high density area or a lower density area, that percentage of common area could change, he noted. The area of *tiny houses* as a subcategory of PUD's would open up a whole new category of common areas and common space, said Mr. Miller. He suggested that perhaps all three of these housing types could be addressed under one heading.

Mr. Frisby asked how *tiny houses* were defined.

Ms. McKibben said the staff has identified *tiny houses* as a priority for a number of reasons. There is a lot of interest in the community in tiny homes, she said. They do not at this point have a working definition of what a tiny home is, she said. Some *tiny houses* are on a chassis on wheels, she noted. Other *tiny houses* are constructed upon a foundation in which case they are a single family home, said Ms. McKibben.

If a *tiny house* is on a chassis, it meets the definition of a mobile home within Title 49, said Ms. McKibben. However, she said, when the community discusses *tiny houses*, they are not necessarily thinking of a mobile home located within a mobile home park. The definition of a mobile home has not changed since the 1970's, she said. They need to define what a tiny home is, and should those *tiny houses* on a chassis be treated differently than those upon a foundation. There are people within the community who want to bring in prefabricated tiny homes manufactured outside of Alaska, said Ms. McKibben. Could those dwellings meet wind loads or snow loads, she said. They now have people within the community who want to manufacture *tiny houses*, some on chassis and some on foundations, said Ms. McKibben. They could then address the issues of wind and snow loads locally, she added. The code is outdated and does not address this issue at all, she said. They do have examples gleaned from other communities who have already addressed this issue, she said.

Another item he felt should be added to the *Midterm Code Amendment Priorities* would be incentive zoning and public/private partnerships, said Mr. Voelckers. In the CIP letter to be addressed next on the agenda, this is listed as something the Commission suggests the Assembly consider, he said. Mr. Voelckers said he felt that the CDD (Community Development Department) and Planning Commission are the logical entities to be considering models for incentive zoning and public/private partnerships. He said he believed there has been a placeholder in Title 49 for the past two decades to study possibilities for incentives such as for density or height bonuses. In other communities there are favorable loans or cash inducements

to encourage certain types of development, said Mr. Voelckers. This would be an important topic, especially applied to downtown properties which are underutilized, for example, he said.

This is a substantial list, noted Mr. Steedle. He said he would love to see some of the items in the mid-term category moved to “near-term”. However, he said, one has to be realistic. It takes a long time to develop this legislation. It would be useful if members of the Commission specified which items it would like the staff to pursue now and which items it thought could be placed later down the list, he said.

Chairman Haight said it seemed to him that they will need to meet and discuss this list periodically throughout the year to review the status of the projects and to redefine the direction of others, if necessary.

Mr. Steedle said he concurred with the remarks of Chairman Haight. This list will also be adjusted to the Assembly’s evolving priorities, he noted. The unscheduled but future meeting between the Planning Commission and the Assembly will be a good time to discuss what the common priorities are, he said.

Mr. LeVine said he remembered a very long, comprehensive list presented by Ms. Boyce about a year ago at a Title 49 meeting composed of all current and potential projects and their relative importance in terms of time to be accomplished. Mr. LeVine said for him this was a very useful tool to identify the entire range of projects. He said it may be helpful to revisit that list and these priorities on a regular basis throughout the year.

Mr. Steedle said the input from the Commission has been very helpful for the staff. He said they have just recently cleaned up that list mentioned by Mr. LeVine. They can bring it forward for review by the Commission, he said.

Ms. McKibben added that this is an ongoing list, so that as items arise that need to be addressed they are added to that list, which was integrated into this memorandum before the Commission this evening, she said.

Mr. Voelckers said there was a member from the public attending the meeting this evening who may have helpful observations to share with the Commission on this general topic.

Ms. Irene Gallion said she is a partner in an engineering firm in Juneau. She said she is also on the Wetlands Review Board. She added her concerns expressed this evening are her personal views and do not reflect either her business or volunteer commitments. She said recently in her capacity of doing business planning with legislators, that she had become aware of excess Juneau access funds. She said there appears to be about \$44 million in these funds. The current intent appears to be taking half those funds and setting them aside for revisiting the issue of Juneau access. The remaining \$22 million, which had originally been intended for Northern Lynn Canal, is now apparently unencumbered, except for one \$2 million project in Barrow, said Ms. Gallion. There is still about \$20 million remaining, she said. Her understanding is that it is

still the Governor's intent for those funds to go to Northern Lynn Canal. If that is the case, she said, it could be an opportunity for some of those funds to be used in Juneau. Ms. Gallion said her idea was to perhaps update the West Douglas plan and identify the priorities for that plan should some of those funds become available.

Mr. Voelckers asked Ms. Gallion how she envisioned that process of applying for those funds occurring.

She suggested that Juneau propose a project, as Haines and Skagway have already done. She said she did not know what the exact vehicle of applying for those funds would be. She suggested that Juneau consult its legislators.

Mr. Frisby asked if Juneau had been made aware of those funds.

Ms. Gallion said she did not know if the City has been made aware of those funds.

Mr. Voelckers said he felt this was certainly an avenue worth pursuing. He said the West Douglas plan is 20 years old. Mr. Voelckers said that the plan could certainly use an update and also the identification of specific priorities.

Chairman Haight said it seemed to him that either the transportation or infrastructure aspects of the West Juneau study would marry well with those funds.

Ms. McKibben said there are still several items on the Planning Division 2017 Work Plan which she would appreciate input on from the Commission.

Mr. Voelckers asked how often the Comprehensive Plan is required to be updated.

Ms. McKibben said the plan is to be reviewed every two years. The language in the Comprehensive Plan addresses a more thorough review of the plan with a longer timeframe.

Mr. LeVine said these two ideas on the Comprehensive Plan update overflow into each other, and that neither of them are explained very well. He said he felt it would be good for the Commission to identify more specifically the process for both the micro and the macro revisions of the Comprehensive Plan, and while undertaking this process to identify specifically what items within the Comprehensive Plan need addressing.

Ms. McKibben said that she agreed with Mr. LeVine, and that she would also like to suggest that the sub area plans and the other elements of the Comprehensive Plan be addressed as they relate to these updates.

Ms. McKibben said the review was began in 2006, and that the plan was adopted in 2008. They also did a minor two-year review which resulted in the 2013 update to the plan.

Chairman Haight suggested that this would be a good item to carry into thorough discussion in the new year. He suggested this may be a good topic for a Committee of the Whole meeting of the Commission.

Mr. Voelckers asked the staff if they had a sense if the plan taken as a whole was functioning well for the staff and community, or if there were troubling aspects which they felt need to be specifically addressed. He asked the staff if they had a sense that the plan was working well or if it was in need of a serious overhaul.

Ms. McKibben responded that she thinks the Comprehensive Plan works for those within the Community Development Department, but that it was not as easily interpreted by those departments outside of the CDD. More recently they have integrated more implementation tables into their plans, said Ms. McKibben. She said she felt the Comprehensive Plan needed one as well because they would make it much easier for the plan to be used. It is a very large document bloated with verbiage, she said. It could be a better tool for other departments if it was different, she said.

Mr. Steedle said that he agreed with Ms. McKibben's analysis of the plan and its functionality. He said when he first read the plan that he was appalled. It is so discursive, he said. It is difficult to find the bones in that document, he said. As a result it is not all that accessible to people who are not working within the community development field, said Mr. Steedle. The Comprehensive Plan is difficult for other departments to navigate, said Mr. Steedle, but more importantly, it is not an accessible document for the public to use. He said he would love to see the Comprehensive Plan completely overhauled in his lifetime. That would be a huge undertaking, said Mr. Steedle. It is working well enough, and there are many more pressing priorities which need to be addressed, he said, including the downtown plan.

Chairman Haight noted there has been discussion about moving forward with the downtown plan.

Ms. McKibben said there are numerous plans which touch the downtown area in numerous ways. The staff is moving in the direction of linking these plans with the downtown plan, she said.

Chairman Haight said this was an important plan to be addressed soon by the Commission and staff. He said they are beginning to receive more and more feedback on issues and topics connected with the downtown area, such as affordable housing or the establishment of more housing within the downtown area. He said he just had a conversation with a store owner today who stated that if they had more people living in the downtown area that it would lead to better survival of the downtown businesses. It is an economic issue as well as anything else, he said. Homelessness needs to be addressed along with the downtown area as well, he said.

Mr. Frisby said the Comprehensive Plan is a living document which is constantly evolving. He said the more it is used the faster it grows.

Chairman Haight inquired about the status of the Wetlands Plan.

Ms. McKibben said the *Wetlands Plan* has been put on hold due to more pressing topics taking precedence. She said it will be a matter of time to begin working on it again to completion.

Chairman Haight said there is a lot of work to be done.

Mr. Frisby asked if the Planning Department is in the process of hiring another planner.

Mr. Steedle said they are currently recruiting for the one remaining vacant position with the department. Funding for one position was eliminated in the City budget for this fiscal year, he said, due to budgetary cuts.

Ms. McKibben pointed out that “for better or for worse” they have not had that many permits to process this year, providing more staff time to devote to other areas. One of the reasons it has been slower is that changes made to the code have enabled the process to move more smoothly which frees the planning department to do work in other areas.

B. Planning Commission CIP Recommendations, 2018-2024

Ms. McKibben said the memo from the Planning Commission regarding Capital Improvement Project recommendations was provided to the Assembly Committee of the Whole meeting on November 20, (2017). She said this memo will also be provided to the Public Works and Facilities Committee for reference as it prioritizes its CIP projects for 2018 – 2024. That list will come back to the Planning Commission this spring, she said.

Mr. LeVine thanked Mr. Voelckers for drafting the CIP memorandum from the Commission.

Egan State Reconstruction Project

Mr. Steedle said when the Commission was informed about this project it was told that DOT was applying for easements mostly along the seaward side of Egan Drive in town so that it could perform reconstruction of the road in this area. DOT has subsequently changed its approach and now wants to purchase the property formerly identified for easements, said Mr. Steedle.

Chairman Haight said this has been a project needed for a long time. He asked how this change would affect the time schedule for the project.

Mr. Steedle said he did not know how far along this land disposal work has progressed.

Mr. Palmer said in a meeting over a week ago with DOT on a separate project, that during that meeting they had been told that regarding the Egan road reconstruction that they would be applying the new DOT policy of purchasing the property instead of obtaining easements. They

would be seeking the title, which means they would be going through the subdivision process, said Mr. Palmer. If the threshold meets the requirement for a major subdivision they would be once again before the Planning Commission, but if it meets the threshold for a minor subdivision then it would not be required to come before the Commission, said Mr. Palmer. Mr. Palmer said he believed there were also additional private properties which they needed to obtain from private property owners as well. He said it should not slow down the project.

Mr. Voelckers asked Mr. Palmer if he had heard anything about the Mental Health Trust land; essentially its difficulty in successfully transacting property sales. He said it seemed to him that this could add the possibility of a significant delay to the Egan reconstruction project.

Mr. Palmer said he believed this is one of the properties which DOT is struggling with.

Mr. Steedle noted that the Trust has been going through a great deal of leadership transition. It is difficult to conduct major transactions within that climate, he added.

Mr. Voelckers noted that as a practical matter it probably means there will be some degree of delay with the DOT Egan reconstruction project.

Mr. Palmer said Mr. Voelcker's observation is correct. He said DOT did not seem concerned that a subdivision platting process would slow down any of their projects.

Ms. McKibben said since the last Planning Commission meeting that several staff and commission members attended the Alaska American Planner's Association conference in Anchorage. Ms. Boyce and Ms. Maclean gave a presentation on the ADOD's, said Ms. McKibben. It was a good conference, said Ms. McKibben. Interestingly enough, she noted, one of the sessions was on urban agriculture. She said she learned several interesting things at the conference and that she would be interested in comments from Commissioners Greene, Hickok and Frisby, who attended the conference.

XII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Alaska American Planner's Association Conference

Mr. Green said he felt the session on urban agriculture was beneficial, as well as the presentation from DOT representatives from Washington state on the migration of suburban dwellers back to cities. He said it would be a good idea to circulate the written version of that presentation for the benefit of other Commission members. He said he appreciated the opportunity to attend the conference and that he would obtain several of those written presentations for the benefit of the other Commission members.

Mr. Frisby said he felt the specific training for Commissioners was very helpful. He added that he enjoyed attending the various break-out sessions. He said he discussed with Ms. McKibben the possibility of offering a similar Commissioner-specific training for the Juneau members. Mr. Frisby said he recalled when he first joined the Commission the huge learning curve that he was presented with.

Auke Bay Area Plan Ad Hoc Committee

Mr. Voelckers said he felt it would be beneficial to have visual representations of what is envisioned for Auke Bay. He suggested that perhaps Chairman Haight and Mr. Steedle could confabulate about the possibility of forming a small ad hoc committee to address further work on the implementation of the Auke Bay Area Plan.

Chairman Haight asked Mr. Steedle and Ms. McKibben if this could be an item on the agenda at the next regular meeting.

CSP Review for Auke Bay DOT Project

Mr. Miller said when the Commission receives a packet on a project, especially a very large project such as the DOT road project in Auke Bay, that very large technical blueprints are reduced to a very small size so they can fit in the packets. Those technical blueprints contain very large amounts of information that when reduced to a small size become very difficult to scrutinize, he said. Therefore, said Mr. Miller, he did not notice at the time the Commission reviewed this project that the project called for a very large, stark, concrete retaining wall. Conversely, he said, the overpass at Sunny Point was decorated with attractive art which made it a pleasant and welcome addition to the community. The large concrete wall in Auke Bay could have been a valuable visual addition to the community instead of the eye sore which currently exists, said Mr. Miller. Mr. Miller said he was on the Commission at the time that project was reviewed, and he realizes now that he missed a part of the project which he should have reviewed and provided input on.

Chairman Haight said he understood the difficulty of reading very large documents which have been reduced to a small size. Maybe in some of these projects the Commission should be able to obtain a PDF of these large documents so that they could be enlarged for accurate viewing, said Chairman Haight.

Mr. Voelckers asked if there was anything in statute that stipulates when these projects need to be reviewed. He added that process perhaps they could not be reduced to such a small level.

Mr. Steedle said he was not aware of anything under statute which stipulated at what stage of design a state project needed to come before the local community for review.

Mr. Voelckers said an earlier review time would maximize the Commission's chances of providing meaningful feedback on the project.

Mr. LeVine said beautification is a valid item which needs to be addressed. He said it is an item which is part of the Auke Bay Area plan.

XIV. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

DRAFT



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

DATE: February 1, 2018

TO: Planning Commission

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

CASE NO.: AME2018 0001

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

A handwritten signature in black ink, appearing to be 'BMc', is located to the right of the 'TO:' and 'FROM:' fields.

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

ATTACHMENTS:

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

BACKGROUND/DISCUSSION

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

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

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

Director Approval

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

Planning Commission Approval

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

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

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

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

- ~~(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or~~
- ~~(b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.~~

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

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

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

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

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

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

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COMPLIANCE WITH THE COMPREHENSIVE PLAN

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

COMPLIANCE WITH CBJ LAND USE CODE

The amendment is housekeeping, and provides needed clarification.

FINDINGS

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

STAFF RECOMMENDATION

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-03

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

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

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

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

49.25.510 Special density considerations.

...

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

...

(2) *Approval standards.*

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

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

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

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

(i) The development meets all setback requirements;

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

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

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

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

(E) Single-family detached accessory apartment approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

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

Adopted this _____ day of _____, 2018.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk

Invitation to Comment

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

Planning Commission Hearing Regarding :

Text Amendment to Title 49,
Land Use Code 49.25.510(k)
Accessory Apartments



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

The Planning Commission will consider and take comments on a **proposed text amendment regarding accessory apartments**. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Now through January 26, 2018

Your comments to the Planner, **Beth McKibben**, will be included in the staff report.

January 27 through 3 pm, February 13

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

HEARING DATE & TIME
7:00 pm, February 13, 2018

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

After the PC Hearing

Results will be posted online and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Date notice was printed: January 19, 2018

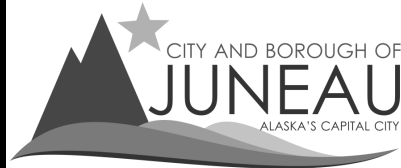
Case No.: AME2018 0001
City Code: https://library.municode.com/ak/juneau/codes/code_of_ordinances

Invitation to Comment

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

NOTE: Notice of the Planning Commission hearing regarding AME2018 0001 is being sent a second time due to a time change for the start of the meeting. It will begin at 8 pm on 2/13, instead of 7 pm as previously announced.

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Note new start time of 8 pm for the hearing: The Planning Commission will consider and take comments on a proposed text amendment regarding accessory apartments. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Follow the case (staff report, hearing results, meeting minutes) at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

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HEARING DATE & TIME
8:00 pm, February 13, 2018

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

After the PC Hearing

Results will be posted online and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Date notice was printed: January 25, 2018

Case No.: AME2018 0001
City Code: https://library.municode.com/ak/juneau/codes/code_of_ordinances



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

DATE: February 5, 2018

TO: Planning Commission

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

A handwritten signature in black ink, appearing to be 'BMc', is written over the 'FROM' field.

CASE NO.: AME2018 0003

PROPOSAL: A text amendment to Title 49, Land Use Code 49.35.240(i) Street Waivers

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.

Applicant: City and Borough of Juneau

ATTACHMENTS

Attachment A – Draft Ordinance – Amending CBJ 49.35.240(i) Street Waivers

Attachment B – Ordinance Serial No. 1757

BACKGROUND/DISCUSSION

The proposed ordinance would amend Title 49 with respect to street waivers. The revisions will create a waiver process that will allow the Director of Community Development to waive some, or all, improvement requirements when certain conditions exist and findings can be made. Additionally, the Planning Commission may waive street improvement requirements when certain conditions exist and findings can be made.

In 1995 the Assembly adopted resolution 1757. This resolution established a formal policy, and criteria, for street reconstruction to not be required to meet the construction and improvement standards in certain situations. This policy was created because it was recognized that some city and borough rights-of-way were established prior to street construction requirements and are undeveloped and that some of these rights-of-way have unmaintained roadways that do not meet modern dimensional and other standards. Additionally, some of these streets are improved or reconstructed to more closely meet new street standards but still do not meet the

Planning Commission
Case No.: AME2018 0003
February 5, 2018
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current standards for new streets. In many cases it may not be feasible or practical to construct or improve these streets to standards designed for streets in newly dedicated rights-of-way. With the adoption of Ordinance 2015-03 CBJ 49.35, *Public Improvements* was substantially revised. Those revisions negated Resolution 1757. However, the situations of undeveloped, substandard, and nonconforming rights-of-way still exist. The proposed ordinance seeks to identify and classify these types of situations and creates criteria that must be met before the street improvement requirements can be waived.

Roadway construction and improvement standards could be waived in the following cases:

- Any street reconstruction project that does not include routine maintenance; and
- New street construction in a right-of-way platted before 1987.

These waivers could be granted if the following conditions exist:

- The existing roadway does not comply with the construction standards in CBJ 49.35.240; and
- There are unique circumstances that make compliance with the requirements unreasonable; and
- The proposed project will not aggravate the intent of the requirements.

Routine maintenance would generally include the following activities: restriping, patching, signage repair/replacement, ditch clearing/maintenance, utility repair, and brush clearing.

The Director would be able to grant the waiver when the proposed project would comply with the American Association of State Highway and Transportation Official (AASHTO) guidelines. The Planning Commission would be able to grant the waiver when unique circumstances make compliance with AASHTO guidelines unreasonable and sufficient safeguards are required to protect the public health, safety and welfare.

AASHTO states that travel lane widths of 12 feet are desirable, yet there are circumstances when narrower lanes should be used. In urban areas where crosswalks, intersections and other development create “controls,” a travel lane width of 11 feet is acceptable. Additionally, ten foot wide travel lanes are acceptable for low speed streets, and nine foot travel lanes are appropriate in rural and residential areas. AASHTO further states that in some instances, multi-lane streets with narrower travel lanes may also be appropriate.

Adopted CBJ plans envision multi-modal roadways, where vehicles, pedestrians and bicyclists safely share the streets. The Juneau Non-Motorized Transportation Plan, adopted with

Planning Commission
Case No.: AME2018 0003
February 5, 2018
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Ordinance 2009-15, discusses “Context Sensitive Solutions” and “Complete Streets”. The goal is to develop transportation facilities that fit the physical setting and consider the physical, scenic, neighborhood, and resource attributes while maintaining safety and mobility for all modes of transportation.

Many of Juneau’s roads were platted prior to the current construction standards and have right-of-way widths that are narrower than presently required. Many of these rights-of-ways remain undeveloped, and others were developed to a standard much less than what current code now requires. Creating a waiver process will allow these unconstructed and non-conforming rights-of-way to be improved so as to become more compliant, which is better for the community.

One example is the reconstruction of Whittier Street. The right-of-way is 10 to 13 feet narrower than current street standards require. The reconstruction project included wider sidewalks, pedestrian lighting, a curb and gutter, replacement of water lines, and new asphalt. By providing wider sidewalks and curb and gutter in this narrow right-of-way, the travel lanes for vehicles are narrower than the current street standards require. They are, however, consistent with AASHTO, as well as the Willoughby District Plan, the Comprehensive Plan, the Non-Motorized Plan, and the Area Wide Transportation Plan. Obtaining additional right-of-way to facilitate compliance with current roadway standards would have been cost prohibitive, as well as unpopular and complicated. Doing so may have created negative impacts to adjacent property and business owners. By providing a waiver process the public health, safety, and welfare are preserved, and the flexibility needed for unique situations.

Finally, this amendment would dovetail with the current city-state project review, CBJ 49.15.580. Pursuant to that section, the Planning Commission reviews all state capital projects and those city capital projects that exceed \$500,000. If a city street reconstruction project costs less than \$500,000 but was proposed to deviate from AASHTO guidelines, then the Planning Commission would review it. The following chart summarizes how this amendment would coordinate with 49.15.580:

	Conforms to 49.35.240 Table	Proposes to deviate from 49.35.240 Table but conforms to AASHTO	Proposes to deviate from AASHTO
City street reconstruction, <\$500,000	Likely no Title 49 review	Director reviews, 49.35.240(i)(4)	PC reviews, 49.35.240(i)(4)
City street reconstruction, >\$500,000	PC reviews, 49.15.580(a)	PC reviews, 49.15.580(a)	PC reviews, 49.35.240(i)(4) and 49.15.580(a)

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COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 2013 Comprehensive Plan strongly supports the inclusion of sidewalks in road construction projects. As indicated below, the Plan demands improvements to transportation alternatives, i.e. walking; and encourages improvements to enhance pedestrian and traffic circulation.

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

POLICY 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE CONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.

Development Guideline:

8.6 - DG1 Require sidewalks and bicycle paths or lanes along newly constructed arterial and collector streets where appropriate, and provide or work with ADOT&PF to provide such amenities along existing roads to provide safe and efficient access and recreation and to reduce pedestrian/automobile conflicts.

Implementing Action:

8.6 - IA3 Implement the pedestrian and non-motorized improvements called for in the Area Wide Transportation Plan as funding becomes available. Where there is a public need for those improvements in the immediate future, actively pursue the funding needed to complete those improvements.

POLICY 8.8. TO RESPOND TO THE SPECIAL TRANSPORTATION NEEDS OF EACH SUBAREA OF THE CBJ AND TO INTEGRATE THEM INTO A BOROUGH-WIDE COMPREHENSIVE TRANSPORTATION PLAN. THIS SYSTEM SHOULD SEEK TO REDUCE THE CONSUMPTION OF FOSSIL FUELS BY FACILITATING EFFICIENT ROUTES OF TRAVEL, CONVENIENT AND RAPID TRANSIT, AND SAFE MOTORIZED- AND NON-MOTORIZED TRAVELWAYS.

From CHAPTER 12 – PUBLIC AND PRIVATE UTILITIES AND FACILITIES:

POLICY 12.9. TO REQUIRE IMPROVEMENTS TO RIGHTS-OF-WAY TO MEET MINIMUM STANDARDS FOR PUBLIC SAFETY AND MAINTENANCE, AND TO ENSURE THAT EXISTING RIGHTS-OF-WAY ARE MAINTAINED AND PROTECTED FROM ENCROACHMENT SO AS TO FACILITATE THEIR USE IN PROVIDING ACCESS AND THE PROVISION OF URBAN SERVICES.

Juneau Non-Motorized Transportation Plan

The Non-Motorized Transportation Plan advocates for and makes recommendations to ensure pedestrian safety. Several of the stated purposes of this plan are relevant to the proposed ordinance:

1. Use new approaches to street design that focus on working together early in project design to plan and build transportation projects that address the needs of all users: pedestrians, cyclists, public transit riders and motorists.
2. Encourage an increase in bicycling, walking and other active forms of transportation by providing safe, efficient and easy-to-use facilities that connect activity centers.
3. Improve Juneau's non-motorized transportation network and decrease the number of bicycle and pedestrian related accidents by identifying unsafe conditions, network gaps and deficiencies and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections and crosswalks.

Chapter 3 – UNDERSTANDING NON-MOTORIZED TRANSPORTATION, Section 3.1 Pedestrians, Pedestrian Friendly Design, states that: *The pedestrian experience varies greatly depending on the surroundings. When constructing a new street or rebuilding an existing one, walking can be encouraged by considering the walker's experience. Features such as ample sidewalks, street furniture, crosswalks, curb cuts, pedestrian scale lighting and vegetated buffers between the sidewalk and street make walking safer and more enjoyable.*

Chapter 8, Policy 3 – *Improve the process for Planning Commission review of CBJ project to allow timely comment on non-motorized infrastructure and routes. Project managers will use a context sensitive approach to the design of City projects to achieve a complete streets network.*

Juneau Area Wide Transportation Plan

The Area-Wide Transportation Plan has thirteen guiding principles. A few of those that are particularly relevant to the proposed ordinance are:

- Public safety is of paramount concern.
- Our community can offer an excellent quality of life to its residents.
- The community's transportation system must provide people with multiple transportation choices.
- Improving the transportation system can be costly.

Discussion

Providing a waiver process to improve existing undeveloped, substandard, and nonconforming rights-of-way to a standard less than the standard for newly created rights-of-way when unique

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circumstances prevent compliance and the public health safety and welfare can be preserved is in compliance with the 2013 Comprehensive Plan, the Non-Motorized Transportation Plan, and the Juneau Area-Wide Transportation Plan. The waiver option will offer the ability for the undeveloped, substandard, and non-conforming rights-of-ways to become safer, open undeveloped areas of the borough for development, and increased opportunities for in-fill development.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

1. To achieve the goals and objectives and implement the policies of the Juneau comprehensive plan and coastal management program;
2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents;
3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
5. To provide adequate open space for light and air; and
6. To recognize the economic value of land and encourage its proper and beneficial use.

This amendment has been drafted keeping in mind these intent statements. If it is approved, then it will be found to be consistent with the above purposes, especially 2, 3, 4, and 6.

CBJ 49.35.210 states that the general purpose of subdivision street systems “shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

- (1) The street system shall provide for connecting streets into adjoining un-subdivided lands.
- (2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets ..., to minimize bypass and through trips on residential streets, and to

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increase the number of local street connections facilitating safer bicycle and pedestrian travel.

(3) Traffic calming should be taken into account in street layout and design.”

Discussion

Title 49 requires a connecting street system within the CBJ. Street connectivity requirements would not be hindered with the amendment as proposed. Additionally, providing this flexibility for undeveloped, substandard, and nonconforming rights-of-way may create opportunities for traffic calming, safer bicycle and pedestrian connections, minimize bypass and through trips on residential streets, and maximize the number of connecting streets.

As discussed above, the proposed waiver process amendment does not create any internal inconsistencies within Title 49.

Findings

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Non-Motorized Transportation Plan, the Area-Wide Transportation, and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

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

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-xx

An Ordinance Amending the Land Use Code Related to Roadway Construction Standards.

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 Sction. CBJ 49.35.240, Improvement standards, is amended to read as follows:

...

(i) *Street waivers.* ~~The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:~~

...

(4) Roadway construction standards waivers. Roadway construction standards identified in Table 49.35.240 may be waived in accordance with this subsection for (i) any street reconstruction project, not including routine maintenance; or (ii) a new street construction project located in a right-of-way platted before 1987. Roadway construction standards waivers shall be in writing.

(A) Roadway construction standards may be waived by the director if:

(i) The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;

(ii) There are unique circumstances that make compliance with the requirements of the table unreasonable;

(iii) The proposed project will not aggravate the intent of the requirements of this chapter.

(iv) The proposed project complies with the American Association of State Highway and Transportation Official (AASHTO) guidelines.

(B) Roadway construction standards may be waived by the commission if:

(i) The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;

(ii) There are unique circumstances that make compliance with the requirements of the table unreasonable;

(iii) The proposed project will not aggravate the intent of the requirements of this chapter; and

(iv) Unique circumstances make compliance with the AASHTO guidelines unreasonable, and the commission requires sufficient safeguards to protect public health, safety, and welfare under the circumstances.

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

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 04/03/95
Drafted by: A.T.B./J.R.C.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1757

A RESOLUTION ESTABLISHING A POLICY FOR STREET CONSTRUCTION
WITHIN THE CITY AND BOROUGH OF JUNEAU.

WHEREAS, several city and borough rights-of-way were established prior to street construction requirements and remain undeveloped, and

WHEREAS, some of these rights-of-way have unmaintained roadways not meeting modern dimensional and other standards, and

WHEREAS, some of these streets are periodically improved or reconstructed to dimensions which are improved, but still not meeting the current standards for new streets, and

WHEREAS, it may not be feasible or practical to construct or improve these streets to standards designed for streets in newly dedicated rights-of-way, and

WHEREAS, the Assembly Public Works and Facilities Committee at its meeting of February 1, 1995, reviewed the following policy and recommended that it be forwarded to the Assembly for action;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

* Section 1. Street Construction Requirements.

The following shall be city and borough policy for street construction:

(a) RECONSTRUCTION OR IMPROVEMENTS TO EXISTING MAINTAINED STREETS. The Assembly finds that existing improvements, driveways, utilities, rights-of-way and topography usually do not allow existing maintained streets to be reconstructed to the standards adopted for new street construction. It is the policy of the city and borough that existing streets, which are publicly maintained, will not be decreased in width or increased

in grade when the streets are improved or reconstructed. Maintained streets are those which are listed by the Department of Public Works for routine maintenance.

(b) CONSTRUCTION OF STREETS WITHIN UNDEVELOPED SUBDIVISIONS. Undeveloped subdivisions platted prior to the current requirements for public improvements, including the right-of-way, shall be constructed to street construction standards applicable to new subdivisions. The manager may grant exceptions to the standards as necessary when application of the standards would prevent development of abutting property.

(c) CONSTRUCTION OF STREETS WITHIN SUBDIVISIONS WHICH HAVE DEVELOPED LOTS WITH SUBSTANDARD AND UNMAINTAINED STREETS. Subdivisions platted prior to construction requirements having at least some developed lots and privately constructed roadways which are not publicly maintained, may have the streets constructed to comply with as much of the current standards as practical as determined by a preliminary engineered design. In no case shall the proposed standards be less than that required by the American Association of State Highway and Transportation Officials (AASHTO).

* Section 2. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 3rd day of April, 1995.



Mayor

Attest:



Clerk

AME2018 0003

**A text amendment to Title 49, Land Use Code
49.35.240(i) Street Waivers**

- **1995 Assembly adopted resolution 1757**
- **Established formal policy, and criteria, for street reconstruction to not be required to meet the construction and improvement standards in certain situations**
- **Some city and borough rights-of-way**
 - established prior to street construction requirements
 - are undeveloped
 - some have unmaintained roadways that do not meet modern dimensional and other standards

- Some city and borough rights-of-way
 - established prior to street construction requirements
 - are undeveloped
 - some have unmaintained roadways that do not meet modern dimensional and other standards
 - Some are improved or reconstructed to more closely meet new street standards but still do not meet the current standards for new streets.
 - May not be feasible or practical to construct or improve these ROWs/streets to standards designed for newly dedicated ROWs

With the adoption of Ordinance 2015-03 CBJ 49.35, Public Improvements was substantially revised.

Those revisions negated Resolution 1757.

However, the situations of undeveloped, substandard, and nonconforming rights-of-way still exist.

Roadway construction and improvement standards could be waived in the following cases:

- Any street reconstruction project that does not include routine maintenance; and
- New street construction in a right-of-way platted before 1987.

These waivers could be granted if the following conditions exist:

- The existing roadway does not comply with the construction standards in CBJ 49.35.240; and
- There are unique circumstances that make compliance with the requirements unreasonable; and
- The proposed project will not aggravate the intent of the requirements.

Director would be able to grant the waiver when the proposed project would comply with the American Association of State Highway and Transportation Official (AASHTO) guidelines.

Planning Commission would be able to grant the waiver when unique circumstances make compliance with AASHTO guidelines unreasonable and sufficient safeguards are required to protect the public health, safety and welfare.

- AASHTO
 - travel lane widths of 12 feet are desirable,
 - yet there are circumstances when narrower lanes should be used such as:
 - where crosswalks, intersections and other development create “controls,” a travel lane width of 11 feet is acceptable.
 - ten foot wide travel lanes are acceptable for low speed streets,
 - nine foot travel lanes are appropriate in rural and residential areas.
 - in some instances, multi-lane streets with narrower travel lanes may also be appropriate.

Adopted CBJ plans envision multi-modal roadways, where vehicles, pedestrians and bicyclists safely share the streets.

AME2018 0003

	Conforms to 49.35.240 Table	Proposes to deviate from 49.35.240 Table but conforms to AASHTO	Proposes to deviate from AASHTO
City street reconstruction, <\$500,000	Likely no Title 49 review	Director reviews, 49.35.240(i)(4)	PC reviews, 49.35.240(i)(4)
City street reconstruction, >\$500,000	PC reviews, 49.15.580(a)	PC reviews, 49.15.580(a)	PC reviews, 49.35.240(i)(4) and 49.15.580(a)

Comprehensive Plan

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

POLICY 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE CONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.

Development Guideline:

8.6 - DG1 Require sidewalks and bicycle paths or lanes along newly constructed arterial and collector streets where appropriate, and provide or work with ADOT&PF to provide such amenities along existing roads to provide safe and efficient access and recreation and to reduce pedestrian/automobile conflicts.

Implementing Action:

8.6 - IA3 Implement the pedestrian and non-motorized improvements called for in the Area Wide Transportation Plan as funding becomes available. Where there is a public need for those improvements in the immediate future, actively pursue the funding needed to complete those improvements.

POLICY 8.8. TO RESPOND TO THE SPECIAL TRANSPORTATION NEEDS OF EACH SUBAREA OF THE CBJ AND TO INTEGRATE THEM INTO A BOROUGH-WIDE COMPREHENSIVE TRANSPORTATION PLAN. THIS SYSTEM SHOULD SEEK TO REDUCE THE CONSUMPTION OF FOSSIL FUELS BY FACILITATING EFFICIENT ROUTES OF TRAVEL, CONVENIENT AND RAPID TRANSIT, AND SAFE MOTORIZED- AND NON-MOTORIZED TRAVELWAYS.

POLICY 12.9. TO REQUIRE IMPROVEMENTS TO RIGHTS-OF-WAY TO MEET MINIMUM STANDARDS FOR PUBLIC SAFETY AND MAINTENANCE, AND TO ENSURE THAT EXISTING RIGHTS-OF-WAY ARE MAINTAINED AND PROTECTED FROM ENCROACHMENT SO AS TO FACILITATE THEIR USE IN PROVIDING ACCESS AND THE PROVISION OF URBAN SERVICES.

Juneau Non-Motorized Transportation Plan

1. Use new approaches to street design that focus on working together early in project design to plan and build transportation projects that address the needs of all users: pedestrians, cyclists, public transit riders and motorists.

2. Encourage an increase in bicycling, walking and other active forms of transportation by providing safe, efficient and easy-to-use facilities that connect activity centers.

3. Improve Juneau's non-motorized transportation network and decrease the number of bicycle and pedestrian related accidents by identifying unsafe conditions, network gaps and deficiencies and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections and crosswalks.

Chapter 3 – UNDERSTANDING NON-MOTORIZED TRANSPORTATION, Section 3.1 Pedestrians, Pedestrian Friendly Design, states that: The pedestrian experience varies greatly depending on the surroundings. When constructing a new street or rebuilding an existing one, walking can be encouraged by considering the walker's experience. Features such as ample sidewalks, street furniture, crosswalks, curb cuts, pedestrian scale lighting and vegetated buffers between the sidewalk and street make walking safer and more enjoyable.

Chapter 8, Policy 3 – Improve the process for Planning Commission review of CBJ project to allow timely comment on non-motorized infrastructure and routes. Project managers will use a context sensitive approach to the design of City projects to achieve a complete streets network.

Juneau Area Wide Transportation Plan

- The Area-Wide Transportation Plan has thirteen guiding principles. A few of those that are particularly relevant to the proposed ordinance are:
- Public safety is of paramount concern.
- Our community can offer an excellent quality of life to its residents.
- The community's transportation system must provide people with multiple transportation choices.
- Improving the transportation system can be costly.

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

1. To achieve the goals and objectives, and implement the policies of the Juneau comprehensive plan, and coastal management program;
2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents;
3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
5. To provide adequate open space for light and air; and
6. To recognize the economic value of land and encourage its proper and beneficial use.

The panhandle subdivision amendment was drafted with the purpose and intent of Title 49 taken into account. **If approved as drafted, it will be consistent with the above purposes, especially numbers 2, 3, 4, and 6.**

CBJ 49.35.210 states that the general purpose of subdivision street systems “shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

- (1) The street system shall provide for connecting streets into adjoining un-subdivided lands.
- (2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets ..., to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.
- (3) Traffic calming should be taken into account in street layout and design.”

- Proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Non-Motorized Transportation Plan, the Area-Wide Transportation Plan
- Title 49.
- Additionally, this change would not create any internal inconsistencies within any plans or codes.

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



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: March 1, 2018

File No.: AME2018 0003

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to Title 49, Land Use Code 49.35.240(i) Street Waivers.

Hearing Date: February 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 5, 2018 and recommended that the City and Borough Assembly adopt staff's recommendation for amendment to Title 49, Land Use Code 49.35.240(i) Street Waivers.

Attachments: February 5, 2018 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2018 0003.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Project Planner:

Beth McKibben, AICP, Planning Manager
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With City Clerk

March 2, 2018

Date

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

Presented by: The Manager
 Introduced: 02/12/2018
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-08

An Ordinance Amending the Land Use Code Related to Roadway Construction Standards.

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

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

Section 2. Amendment of Section. CBJ 49.35.240 Improvement standards, is amended to read as follows:

49.35.240 Improvement standards.

...

- (i) *Street waivers.*

...

(4) *Roadway construction standards waivers.* Roadway construction standards identified in Table 49.35.240 may be waived in accordance with this subsection for any street reconstruction project, not including routine maintenance; or any new street construction project located in a right-of-way platted before 1987. Waivers shall be in writing.

(A) Roadway construction standards may be waived by the director if:

- (i) The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;
- (ii) There are unique circumstances that make compliance with the requirements of the table unreasonable;
- (iii) The proposed project will not aggravate the intent of the requirements of this chapter; and

(iv) The proposed project complies with the American Association of State Highway and Transportation Officials' guidelines.

(B) Roadway construction standards may be waived by the commission if:

(i) The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;

(ii) There are unique circumstances that make compliance with the requirements of the table unreasonable;

(iii) The proposed project will not aggravate the intent of the requirements of this chapter; and

(iv) Unique circumstances make compliance with the American Association of State Highway and Transportation Officials' guidelines unreasonable, and the commission requires sufficient safeguards to protect public health, safety, and welfare under the circumstances.

...

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

Adopted this 5th day of March, 2018.


Kendell D. Koelsch, Mayor

Attest:


Laurie J. Sica, Municipal Clerk *Clerk*

Planning Commission Meetings - 2018

January 23

February 13

February 27

March 13

March 27

April 10

April 24

May 8

May 22

June 12

June 26

July 10

July 24

August 14

August 28

September 11

September 25

October 9

October 23

November 13

November 27

December 11

*****December 25 - Christmas***

January 8, 2019