Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
September 25, 2018

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7: 00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Nathaniel Dye, Dan Miller, Dan Hickok, Andrew Campbell, Carl Greene

Commissioners absent: Michael Levine, Percy Frisby, Chairman Haight

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Teri Camery, Senior Planner; Laurel Bruggeman, Planner I; Robert Palmer, Municipal Attorney; Scott Ciambor, Chief Housing Officer

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Vice Chairman Voelckers, with no objection from the Commission, reversed the order of the regular agenda so that AME2018 00012 was heard by the Commission first.

III. APPROVAL OF MINUTES

A. August 28, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. Dye, to approve the Planning Commission August 28, 2018, regular meeting minutes with any minor edits by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

Mr. Voelckers declared a conflict on items B and C on the Consent Agenda.

USE2018 0012:	A Conditional Use Permit
Applicant:	Alberta Laktonen
Location:	1018 Capital Avenue

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 524 square foot basement accessory apartment on an undersized lot in the D5 zoning district.

The approval is subject to the following conditions:

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

Advisory Condition:

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

USE2018 0012 was approved with no objection.

Mr. Dye said a possible conflict for him would be that his employer was a board member of Housing First (USE2018 0018), and that his employer owned land managed by Mr. Dye near that facility.

The Commission voiced no objection to Mr. Dye remaining on the panel for this item.

USE2018 0018:	A Conditional Use Permit to modify Juneau Housing First to add units to Phase 2 and add Phase 3 for a total of up to 77 units
Applicant:	Housing First
Location:	1944 Allen Court

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow modification of USE2015 0001, to allow for up to 77 single room occupancy units in Phases 2 and 3. Phase 2 would be further modified to reduce first floor office space, by eliminating the 6,800 square feet of non-profit agency space, and replacing with approximately 1,350 square feet of office space and 7 additional units.

The approval is subject to the following conditions:

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

PWP2018 0002:	A Parking Waiver to reduce parking from 112 to 37 spaces
Applicant:	Housing First
Location:	1944 Allen Court

Staff Recommendation

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

MOTION: *By Mr. Miller, to approve items USE2018 0018 and PW2018 0002 with any minor edits by staff or Commission member.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

AME2018 0012:	A text amendment to revise Title 49 to create an Alternative Residential Subdivision (ARS) ordinance
Applicant:	City & Borough of Juneau
Location:	Borough-wide

Staff Recommendation

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

Ms. Maclean told the Commission this ordinance has been discussed by the Title 49 Committee and the Planning Commission Committee of the Whole. It is designed to create standards for the creation of smaller lots for subdivisions within the borough, she said. Currently, the only way to accomplish this is through a Planned Unit Development (PUD) or cottage housing, she said.

This Alternative Residential Subdivision (ARS), is based upon unit lot subdivisions in Anchorage as well as from other communities down South, said Ms. Maclean. The staff was careful to make sure that this ARS fit Juneau's profile, she said, including its unique housing, topography and weather.

This ordinance is intended to provide a housing option which would allow dwellings on small lots to be conveyed by long-term leases, fee simple ownership and less simple fee ownership, including condominiums and other common interest communities, she said.

Alternative Residential Subdivisions are permissible borough wide in the RR, D1, D3, D5, D10 SF, D10, D15, D18 and LC zoning districts, said Ms. Maclean. The ARS is for residential use only with the exception that the remainder of the parent lot could include a recreational center, a community facility or a child care center, she said. The individual unit lots could have in-home daycare as well as any other home occupations provided through the Table of Permissible Uses, (TPU) explained Ms. Maclean. If the ARS creates a lot that complies with the table of dimensional standards for the underlying zoning district, the accessory dwelling unit prohibition of this sub section does not apply, explained Ms. Maclean. The minimum lot size of the underlying zoning district has to be met, she explained.

They altered the open space requirements for the planned unit development, said Ms. Maclean:

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

These are the multi-family zoning districts which already provide for higher density and therefore the chance of it fitting in with neighboring properties is probably greater, so the need for the open space could be less, said Ms. Maclean.

Buffers should be required which create a neutral space between different types of land uses, buildings, or development, with an interest in minimizing conflicts between potentially incompatible land uses, said Ms. Maclean. The minimum buffer cannot be less than the minimum setbacks required for the underlying zoning district, she explained. The minimum lot size for an Alternative Residential Subdivision is 150 percent of the minimum lot size in that zoning district, said Ms. Maclean.

For example, in D1 the minimum lot size for an ARS is 54,000 square feet, said Ms. Maclean. A density bonus is maxed at 50 percent for RR through D10 SF and 25 percent for D10 through LC, she explained. For RR through D10 SF there could be three units total, said Ms. Maclean. With those zones with the 25 percent increase there would be four units with only three units in LC, she said.

This ordinance complies with the Comprehensive Plan, said Ms. Maclean. It also complies with Title 49 and is consistent with the goals and policies in the Juneau Economic Development Plan, she noted. This ordinance also complies with the Housing Action Plan and meets several of its initiatives, which are to develop housing choices to accommodate Juneau's workforce needs, and update the CBJ zoning and regulations with a focus on housing, and to encourage an efficient use of land and encourage increased density on existing utility services, said Ms. Maclean.

The main initiative is to provide housing with affordability and livability, explained Ms. Maclean. The plan would not create any internal inconsistencies with any existing plans or codes, she said.

Commission Comments and Questions

Mr. Dye had questions about how the setbacks are determined for the front, rear and sides of the lot. If it was a corner lot, said Mr. Dye, located on two streets, how would the front, rear and side setbacks be determined. He said he thought it may be cleaner to have the same setback all around the property instead of different setbacks determined by its location, he said.

Mr. Ciambor told the Commission that the Housing Action Plan talks about building flexibility into the code and giving developers flexibility to build more housing in the community. By allowing different types of mixed units developers are able to work with various loan and finance programs that change over time, he said. The USDA has loosened some of its mortgage financing, he said, which may be able to help developers fit another unit or two on a parcel

which may not have allowed that in the past, he said. The USDA is also redefining "rural" which results in more opportunity within Juneau, said Mr. Ciambor.

Ms. McKibben provided the dimensional standards for lot setbacks. If the lot is on a corner with each side facing a street, the property owner gets to choose which side of the lot they would like to be the front of the lot, she explained, if that lot was adjacent to a vacant lot. If the lot is already built upon, then the front yard is the one which most closely meets the front yard setback, said Ms. McKibben.

Mr. Dye had a question on page 2 of the ordinance; *"Land and water bodies used in calculating allowable density shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations."* He asked if there was a 40-acre lot with a 20-acre pond, if the 20 acres of water could be used in calculating density for the lot.

Ms. Maclean said that including the water body when calculating allowable density has been a practice, so that density can be increased on the lot. The units could be clustered, she said.

Mr. Voelckers said rather than imply this through the existing language in the ordinance, that perhaps it should be stated more explicitly.

Mr. Palmer said if the Commission wished to add more explicit language concerning water bodies that it could do so. He said it may be redundant since the previous paragraph states that the number of dwelling units permitted in the development shall be calculated multiplying the maximum number of dwelling units per gross acre… Of which a water body would be part.

Mr. Voelckers asked if "allowable density" was synonymous with "dwelling units permitted".
Mr. Palmer said his understanding is that the two phrases are synonymous, so that if the Commission wished it could use the same words for both items.

Mr. Palmer said they could use "dwelling units permitted" for both sections.

Mr. Voelckers said he felt that was more precise.

Ms. Maclean pointed out that water bodies used in calculating allowable density need to be delineated on the final plan if they are going to be used as part of the allowable density.
Mr. Dye asked if a water body could be counted as vegetative cover if it had vegetative matter upon it.

Mr. Miller said he was on the Commission when the PUD ordinance was written. He said the whole idea was that water bodies could be counted as density and they had to be delineated on the plat, so they could not be filled in over time. He said one of the functions of vegetative

cover is to feed the water bodies, so that he felt that a water body left in its natural state would be fulfilling that vegetative cover function.

Mr. Dye said if the intent is to use water bodies in the density calculation, then it would be more important that vegetative cover minimums be honored.

Mr. Miller said he felt that on attachment B that the bonus percentages for D10 and D10 SF recommended by Title 49 had been reversed. He said it would need to be changed on page three of the draft ordinance as well.

Mr. Voelckers said he agreed with Mr. Miller. He said on page three of the ordinance, line 3, that D10 SF be changed to D10 and that on line four that D10 be changed to D10 SF.

Ms. Maclean agreed with Mr. Miller and Mr. Voelckers that those changes need to be made. She said she recalled from a former conversation that in Title 49 it states that when you move from one zoning district up to the next there is an incremental jump in the number of units.

Agreeing with Ms. Maclean, Mr. Dye said he recalled this was to assure that developers could not easily jump from one zone to the next.

Referring to line 8 on page 3 of the ordinance ("*five percent for each ten percent increment of open space in excess of that required to a maximum bonus of five percent for open space in excess of that required;"* Mr. Miller said for example a 15 percent bonus would only provide one extra unit. A five percent bonus would really not be meaningful, he said. Thirty percent of open space would have to be sacrificed in order to obtain a 15 percent bonus, he noted. He said a five percent bonus for each 10 percent increment made sense, but that perhaps the maximum should be a 10 or 15 percent maximum instead of just five percent.

Mr. Voelckers said he agreed with Mr. Miller. He said that sentence did not appear to be constructed correctly.

Mr. Dye said he agreed that 10 percent or even 15 percent would be better than the five percent currently residing within the ordinance.

Other Commission members said they were also in favor of raising the five percent increment to 10 or 15 percent.

Mr. Miller said for example a D1; one-acre lot has a 25 percent open space requirement. Ten more percent would make it 35 percent, he said, of that acre.

Mr. Voelckers said they will make a series of "soft amendments", bolstering them later on in the meeting. He said they would currently hold at 15 percent (replacing the five percent).

Mr. Dye said he wanted to emphasize that he may want to introduce a larger figure later on in the meeting.

Two Methods for Determining Number of Dwelling Units
Referring to the spreadsheet created by staff as "Attachment B", Mr. Miller referred the Commission to the text at the very bottom of the page:

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

The example that phrase gives is only relevant to multi-family residential areas, said Mr. Miller. He said he felt that it should instead read: *"ARS density is determined in multi-family D10, D15, D18 and LC permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number."* Mr. Miller said he felt a second sentence should be added which states that: "*In single family districts the acreage is divided by the subdivision by the minimum lot size allowed in the zoning district."*

For example, if there is a 15-acre D15 lot, said Mr. Miller, 15 units per acre would be allowed, he said. Three acres would yield 45 units, he said. A D3 zone with 60,000 square feet, dividing that by the minimum lot size, which is 12,000 square feet, would yield five units, he said. One is units allowed per zone and the other is by the minimum lot size, said Mr. Miller.

Mr. Voelckers asked the staff if the analysis by Mr. Miller was correct. He said his understanding was that either district could be interpreted either way. It could be determined by units per acre or by lot size.

Using D3 as an example, said Mr. Miller, the minimum lot size is 12,000 square feet. But if you divide an acre by three the minimum lot size should be 14,520 square feet, he said. That is not what is required, he said. What is required is 12,000 square feet, he added. There is a fundamental difference in single family and multi-family zones, he said.

Mr. Voelckers stated that there are two different methods to arrive at density.

To better suit the bonus categories which follow, Mr. Voelckers suggested that line 6 on page three of the ordinance read; "… number and shall be the sum of individual density bonuses ***as follows:".***

Related to this is D on page three of the draft ordinance, which should read "***Up to*** ten percent…" said Mr. Voelckers. Item F on the same page should also be started with "***Up to***", said Mr. Voelckers.

This is because it is a qualitative sliding scale, explained Mr. Voelckers. He added that "H" on the next page should also begin with "***Up to***".

Ms. Maclean explained one of the reasons they moved to the existing language in the draft ordinance on these items is that the current bonus section can appear quite arbitrary. If the range suggested by Mr. Voelckers is added, it becomes very difficult to not appear arbitrary, said Ms. Maclean. One person's opinion about good design for example, could differ from someone else's opinion, she said.

Mr. Dye said he remembered that the Title 49 Committee discussed this at length and selected this language because it appeared to be the cleanest way to award bonuses. He said he felt it was better not to have a sliding-scale on those items.

Mr. Campbell said it may be nice to have that discretion with the more ambiguous language for bonuses.

Mr. Greene said he thought they were going to eliminate "excellence in design" as a bonus feature since it was very subjective.

Mr. Voelckers said he recalled there were previously additional terms in the draft ordinance which the committee decided were too difficult to rate. He said he recalled that is why they left it as "excellence in design", so that some discretion was allowed.

Mr. Miller said he liked the 10 percent bonus for excellence in design. He said he did not feel that it was needed on item F on page three of the draft ordinance, or on item H on page four of the draft ordinance. He said it was definitely relevant for item D on page three of the draft ordinance. On the rest of the bonus items he said it can't hurt to eliminate ambiguity whenever possible.

Mr. Voelckers said the whole bonus section is objective to some extent. He said staff will make its determination's, but at the end of the day, these items would be coming before the Commission on a case by case basis.

With the subjective nature lying within the bonus section of the ordinance, Mr. Greene asked how the Commission would come up with a number.

Mr. Voelckers said when a proposal comes before the Commission, it will either accept the developer's expectation of bonus points or come up with a different number.

Mr. Dye said he tended to agree with Mr. Miller, and that the only bonus item with a sliding-scale would be D: *"Ten percent for excellence in design, or provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, the creation or preservation of view corridors;"*

Mr. Voelckers said he liked the sliding scale for F on page three of the draft ordinance because there may be a very large pathway to facilitate pedestrian and bicycle movement within the development, or there may be a very small pathway, and the bonus points could reflect that.

Mr. Dye said the staff and the Commission can determine if a developer is just trying to do minimal work for that bonus, or if the project is truly deserving of a bonus with the pathways provided for pedestrians and bicycles.

Mr. Miller said he was in favor of a sliding scale for item D on page three, and the other bonus sections being specific.

Mr. Voelckers said he was comfortable with the current language for item F on page three.

Mr. Miller said item G on page four should read as a "five star ***plus***" energy efficient rating. He said the next sentence calls six plus energy efficiency rating. He said he did not think a "six plus" exists. He said it should be either a five star plus or a six star energy rating.

At the request of Ms. Maclean, Mr. Ciambor explained that item C on page three of the draft ordinance should not use 30 percent of the median income, as that figure is far too low. He said only a handful of applicants could qualify for that. The Affordable Housing Commission has discussed using workforce housing which is defined as 120 percent of median income.

Mr. Palmer pointed out that the language in item C being addressed by Mr. Ciambor is speaking to a monthly mortgage payment at or less than 30 percent of the median income wage.

Mr. Ciambor said the explanation of Mr. Palmer addressed his concerns.

Changes on page three noted by Mr. Palmer:

- ✓ Line three delete SF on D10
- ✓ Line 4 add SF to D10
- ✓ Line6/7 delete "up to" and add "as follows"
- ✓ Line 8/9 delete 5 and swap up to 15 percent
- ✓ D line 19/20 add "up to 10 percent"
- ✓ No change to f line 25

On page four, Mr. Voelckers said “Up to” should be added at the beginning of the sentence because simply using any alternate heating method may not qualify for the bonus.

Mr. Palmer said he was not quite sure what the term “alternative” meant for item H page four of the draft ordinance. He said perhaps the term “high-efficiency” would be more explanatory.

Mr. Dye said he liked the term “alternative” for item H. He said perhaps they should deal in what was *not* considered an alternative heat source. *For heating methods other than fossil fuel in all dwelling structures.* He suggested that item H remain starting with the words “Ten percent”. He said he did not want to be in the business of determining which alternative heat sources were better or more efficient than others were.

Mr. Miller said he liked the term “Up to” preceding the sentence in item H. He added that you really can’t make hot water any cheaper than a propane on-demand hot water heater. He said he did not think language should be eliminated stating that fossil fuel be named as a method which could not be used for a bonus. He said heat pumps are great nine or 10 months out of the year, but for the other months they do not heat adequately.

Mr. Greene asked if it was true that to obtain a five-star rating two alternate heating systems must be in place.

Mr. Voelckers said that was not necessary to obtain that rating.

Mr. Dye said he actually wanted to exclude hot water heaters so that perhaps the language could be changed to read “*primary alternative heat source*”.

Mr. Hickok said he did not feel the term “fossil fuels” should be eliminated as a possible primary heat source. He said they do not know what could be developed tomorrow that could be highly efficient using a fossil fuel.

Mr. Campbell said he supports the “high-efficiency” language suggested by Mr. Palmer.

Item H on page four of the draft ordinance now reads, “Up to 10 percent for using high efficiency primary heating methods in all dwelling structures.”

Mr. Dye asked if another explanatory line should be added to item 4 on page four of the draft ordinance. Mr. Palmer said the Commission will have adequate discretion when this particular item comes before them, and that no additional language was needed.

On item F, page four of the draft ordinance, Mr. Voelckers asked if they could use more descriptive language other than simply quoting the title (49.35). What does the exemption eliminate, asked Mr. Voelckers?

The public street requirements are eliminated inside the development, explained Mr. Palmer. Currently the general rule is that a larger development must have all of the lots front on a public road, and if these six criteria have been met, then the development could be exempt from that requirement, he explained.

Mr. Miller suggested that item 6 on page five of the draft ordinance give the developer the option to build a public right-of-way if it abuts a land locked parcel, and they could obtain a bonus at the same time, he added.

Ms. Maclean said she thought that line 20 on page four of the draft ordinance states that access within the development *may* be exempted from 49.35. It does not state that ARS cannot be used if it is next to unsubdivided land, it just states that an exemption would not be available, she explained.

In answer to a question of Mr. Dye's about this item, Mr. Palmer said there is room for discretion about determining which side streets would need to comply with 49.35 and which could be exempt. And there needs to be discretion there, he added.

Mr. Voelckers suggested that the word "developable" be added prior to the word "parcel" on item 6, page five, of the draft ordinance.

Mr. Dye asked if it was the intent that each side of the parcel has possibly different buffers or if they could come up with the same figure for each side.

Mr. Miller said it states that the Commission shall determine the width and type of buffer.

Various zones have various setbacks, said Mr. Voelckers, so it may make sense to predetermine the buffer.

For certain parcels it gets very difficult to determine which actually is the front and the side and back of the parcel, said Mr. Miller. He has constructed Planned Unit Developments (PUD's), and a set width of 25 feet around each side was just plain stupid, he added.

There also may be low density areas where a large buffer would be way more important than in a D15 zone for example, said Mr. Voelckers.

Mr. Voelckers mentioned that on line 17 page five of the draft ordinance, that "by the Commission" be added after the word "expanded".

Ms. Maclean said she felt it was good for the setback to reflect the setbacks of the underlying zoning district because at least for the parent lot there would be an automatic appearance of

conformity for the neighborhood. If there are two different zoning districts then the setback is used from the zoning district which has the greater setback, she added. She said she does not think the 25-foot buffer on the PUD works very well.

Mr. Dye said he felt utilizing the street side setback of the lot for the entire parameter may work favorably.

Mr. Voelckers said that seemed reasonable to him.

The Commission and Municipal Attorney agreed.

Referring to item K on page six of the draft ordinance, Mr. Voelckers said he felt there is a parent lot and a residual parent lot. He suggested the word "residual" be added prior to "parent" in that item. He said that is the remaining piece of land after the lot has been constructed with the units.

Mr. Voelckers said he saw the same issue on line 15, page six, of the draft ordinance, where the word "residual" should be inserted before the word "parent".

Mr. Palmer said he could not envision a fact pattern which did not involve a parent lot for the ARS.

Referring to line 18 on page one of the draft ordinance, Mr. Voelckers said it is implied that some of the lots may not have any residual land after they are developed.

Mr. Dye said he did not foresee a circumstance where all of the land is consumed by unit lots.

In line 7 on page two of the draft ordinance, Mr. Palmer said perhaps that sentence should be expanded to add, "and some portion of the parent lot remains unsubdivided". He said he thought there was the assumption of the staff that there needs to be some part of the parent lot remaining in the unit lot subdivision.

Mr. Voelckers agreed with Mr. Palmer. He added that there needs to be a term for that portion of the lot which remains after the rest of the property is used for unit development.

Mr. Palmer said he felt that he could draft language for line 7 on page two to address the residual lot definition. "The provisions of this article apply only when there are unit lot subdivisions and a remainder of the parent lot". This would prevent someone from using this ordinance to create a subdivision that only has small lots without any available parent lot, said Mr. Palmer.

Mr. Dye said he felt it to be implicit in the ordinance that there has to be some residual land after the units were constructed.

Mr. Voelckers said he was not sure if the definition of parent lot was satisfactory. He said he found it to be unclear.

Mr. Voelckers asked if on line 16, page two of the draft ordinance, if buffers should also be added to the other dimensional standards mentioned.

Ms. Maclean said rather than adding "buffer" to page two that it be added to line 24 on page five. It would read: "No parking areas or dwelling units or the unit lot may be located within the perimeter buffer."

Mr. Voelckers said that made sense to him. He said they will not change page two, but line 24 on page five.

Mr. Dye said he felt the term "setback" should be removed, since now the street side setback will be used which includes the minimum buffer, he said.

Mr. Voelckers said the buffer and the setback are functionally the same thing.

Mr. Dye said he felt it was important that the setbacks of the parent lot are now ignored, to avoid confusion.

Ms. Maclean said her concern with the buffer being the exact same measurement all the way around that it could be very tricky with the variable terrain in Juneau to always have the exact same measurement all the way around. Clustering units may be needed, she said, when large bodies of water are involved, for example. That is why she felt that using the setbacks of the underlying zoning district made sense, said Ms. Maclean.

Mr. Campbell said to require a set buffer around all sides of the lot may limit development possibilities.

Mr. Voelckers said line 17 on page five of the draft ordinance could read,"…to be expanded or reduced by the Commission to ensure neighborhood harmony…"

Mr. Miller said he agreed with the statements of both Mr. Campbell and Mr. Voelckers.

Answering a question of Mr. Dye referring to line 25 on page six of the draft ordinance, Ms. Maclean said the beginning of the second sentence on that line should have the word "director" after "The". She said she is not sure if that director would be herself or the director of public works and that they would find that out.

Mr. Palmer said it would be the director of the Community Development Department.

Mr. Voelckers recommended that on the first sentence on page 12 that after the word “for” that “the upkeep and maintenance of” be added prior to “open space”.

Public Comment
Mr. Travis Arndt told the Commission that he liked the direction the Commission was heading with this ordinance. He said A on page number three is very important: is it ten percent of the lot or ten percent of what is required. D15, D18 and LC all require zero. Therefore, one of those two options needs to be selected, he said.

Mr. Miller said he felt that with the multi-unit developments that it would be very difficult to reach those levels of density anyway. It just does not apply for those multi-family developments, he said.

Ms. Maclean said she thought the language states that if the requirement is zero, then you only need to provide 10 percent of the parent lot to obtain the bonus.

Mr. Arndt asked if the meaning of item B on page three was that the continuous setback be greater than 50 feet on both sides of the stream for a bonus.

Mr. Voelckers said that was his understanding.

Mr. Arndt asked if stream restoration would be considered as disturbing the open space along natural water bodies. He said he did not think someone should be penalized for disturbing the area if they were trying to restore it.

Mr. Arndt said he felt that item C on page three of the draft ordinance was confusing. He said people have different interest rates so that the 30 percent of the median income for the mortgage payment would be a different number for various individuals. He said he felt this section needed a different definition.

Mr. Arndt said he also had issues with the buffers section of the draft ordinance. He said he liked the consistent figure around the lot, but that the 25 feet delineated in the PUD is a disaster. The street side number is a good compromise, he said. He said he also liked the variability mentioned later which could be helpful. He said he has problems with the word “expanded”. People spend many thousands of dollars on their plans, and to go before the Commission and then have the buffer expanded could cause horrible problems for the developer, he said. He suggested that the ordinance list a maximum number to which it could be expanded.

Mr. Arndt said it states that the buffer needs to be vegetated. He said grass is vegetation. He said this is currently open to interpretation within the draft ordinance.

Mr. Arndt said that currently a street sign is required where the lot connects with a city right-of-way. Would all of the little roads need a street sign or would it just be at the end of the road, exiting the parent lot, he said. It also seemed odd to him to have the Director in charge of deciding where the mailboxes are located, said Mr. Arndt.

Mr. Dye verified that under A on page three, that it is to be 10 percent of the total lot that is required for a maximum bonus.

Mr. Palmer suggested that the staff come back to the Commission with examples of what is meant here. He said the requirement is just as the director described. If the requirement is zero, then it is five percent for each additional 10 percent.

Mr. Dye verified that it is then 10 percent of the underlying lot size.

Mr. Voelckers said he liked the interpretation and suggested that the language be clarified to reflect that interpretation.

Mr. Dye said they never settled on a maximum number for the bonus points.

Mr. Voelckers said he thought the Commission was leaning towards 15 percent.

Mr. Miller asked for the basic meaning of item B on page three of the draft ordinance.
"Five percent for a continuous setback of greater than 50 feet or 10 percent for a continuous setback greater than 50 feet on both sides of the stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;".

Mr. Dye said he was comfortable with how item B is phrased. He said it is to help developers who may have water on their property and to give them a bonus for protecting that water.

Ms. Maclean agreed with Mr. Dye. She added that if someone built 51 feet from the stream then they would get that full bonus and that the Committee had felt that was fair.

When asked about his opinion on item C, page three of the draft ordinance, Mr. Ciambor said that typically it is easier to understand when based upon an income level rather than the percentage of the mortgage payment.

Mr. Voelckers said perhaps they could leave it up to the staff to decide which language is most clear when compared with most of the grants and loans available.

Mr. Miller said Mr. Arndt made a very valid point. He said 30 percent of a mortgage payment is really based upon how much money the buyer is bringing to the transaction. People of lower incomes are not going to be placing a lot of cash down on their mortgage, said Mr. Miller. It should not be based upon what the loan payment is, said Mr. Miller. He said he felt it was a lot cleaner if it was based upon the income level of the buyer.

Mr. Dye said there should be a maximum limit set. He suggested that they use up to 150 percent of the street side setback on all sides as the maximum.

Mr. Campbell said he supported the suggestion of Mr. Dye.

For two abutting properties, it would be the higher setback of the abutting property which would be used, said Mr. Voelckers.

Ms. Maclean said she thought they should make the maximum 25 feet.

The Commission agreed with this suggestion.

For street signage on page six of the draft ordinance, Mr. Miller commented that the fire department is going to have its own requirements for street signs. Before a Certificate of Occupancy is issued, the fire department will require street signs on intersections, said Mr. Miller.

Mr. Palmer said he felt the existing language for street signs gives the Planning Commission adequate discretion.

MOTION: *by Mr. Miller, to move AME2018 0012 to the Assembly for approval with staff's findings, analysis and recommendations, and with the changes suggested by the Planning Commission this evening.*

Speaking in favor of his motion, Mr. Miller said they had addressed all of his concerns this evening over the ordinance, and that they have had good input from the public and from the staff.

Mr. Dye also spoke in favor of the motion, and said he felt the Municipal Attorney and the CDD Director both had a solid grasp of this ordinance. He said he looked forward to this new housing option being offered in Juneau to make housing more affordable.

Mr. Campbell asked if they were still using setbacks or if they were just using buffers.

Mr. Palmer said his understanding is that there should be no setbacks applied to the unit lot. There shall be no setbacks applied to the parent lot, but that the parent lot shall have buffers that correlate with the traditional setbacks unless the developer can prove that those setbacks do not work in their particular circumstance. The maximum that the Commission can impose for a buffer is 25 feet, all the way around, said Mr. Palmer.

Mr. Campbell said he just wanted to make sure that these developments did not negatively affect neighboring lots with inadequate setbacks. He said he feels this language addresses that concern.

The motion passed with no objection.

APL2018 0004:	First Hearing of an appeal of the Director's decision to reject a request for a variance hearing
Appellants:	Dale & Florence McFarlin
Location:	4637 River Road

Mr. Voelckers withdrew from this item due to a conflict.

Mr. Palmer explained that Title 49 outlines that an appeal should be heard unless certain circumstances exist. He said it is safest and most fair to the appellant to accept the appeal with the issues debated with the appellant as they arise.

MOTION: *by Mr. Miller, to accept the appeal.*

The appeal was accepted with no objection.

MOTION: *by Mr. Miller, to accept the entire appeal.*

The Commission accepted the entire appeal with no objection.

Mr. Palmer explained that the traditional approach is to hear the appeal on the record. The Commission would review all materials reviewed by the Director to make its decision. If the Commission wishes it could hear the appeal de novo, which essentially erases the Director's decision, and the Commission would hear both sides of draft pretrial briefs and hold a trial in which both sides make opening arguments, present evidence, and make closing arguments.

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

The Commission will hear the appeal on the record, with no objection.

Presiding Officer:

Mr. Miller offered up Mr. Dye as presiding officer.

Mr. Dye will be the presiding officer, with Mr. Hickok as an alternate.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

September 26, at 6 p.m. at the Senate building, there will be a public meeting for the Preservation Plan, said Ms. Maclean.

There is a Title 49 meeting October 1, at noon. They will be discussing stream buffers, said Ms. Maclean.

The Committee of the Whole meeting originally scheduled for October 9 will be changed to a Title 49 meeting, at 5 p.m., to discuss nonconforming draft language, said Ms. Maclean.

On October 15, there is another Title 49 meeting at which common walls will be discussed, said Ms. Maclean. They may also be discussing urban agriculture at that meeting, she said.

XII. COMMITTEE REPORTS

Mr. Dye reported that they discussed stub streets at their last Title 49 Committee meeting.

Mr. Campbell reported they had a meeting of the Wetlands Review Board last week which included a presentation from SEAL Trust and the Southeast Alaska Watershed Coalition.

XIII. LIAISON REPORTS - None

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 9:56 p.m.