



CANCELED - REGULAR PLANNING COMMISSION POSTPONED TO THE 8/22/2023 REGULAR PLANNING COMMISSION MEETING AGENDA

July 25, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/81774378069> or 1-253-215-8782 Webinar ID: 817 7437 8069

A. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

July 11, 2023- Regular Planning Commission Meeting- Postponed to the next meeting (8/8/2023)

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR CONSIDERATION

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

1. AME2023 0003: A code amendment to sections of Chapter 35 Public and Private Improvements

POSTPONED TO THE 8/22/2023 REGULAR PLANNING COMMISSION MEETING

The proposed language would amend sections of Chapter 35 Public and Private Improvements. These revisions include eliminating the requirement that lots located on an arterial must meet the D1 lot size standard (36,000 sq. ft.) regardless of the underlying zoning district to subdivide; provide the governing right-of-way agency the authority to approve additional access, if deemed safe; increase the number of lots that may use Private Shared Access to subdivide from four (4) to 13 lots; and setting a maximum acreage that may use Private Shared Access to subdivide. These revisions facilitate subdivision and support the development of housing in Juneau.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend approval of the ordinance to the CBJ Assembly.

2. AME2023 0004: A text amendment to Bungalow Lot Standards

POSTPONED TO THE 8/22/2023 REGULAR PLANNING COMMISSION MEETING

The proposed language would amend sections of Chapter 65 Bungalow Lots and Structures, and Chapter 25 Table of Permissible Uses. These revisions include reductions to yard setbacks. These revisions facilitate subdivision and support the development of housing in Juneau.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend approval of the ordinance to the CBJ Assembly.

K. OTHER BUSINESS

3. Rules of Order Revisions

June 15, 2023 Governance Committee Revisions

POSTPONED TO THE 8/22/2023 REGULAR PLANNING COMMISSION MEETING

L. STAFF REPORTS

M. COMMITTEE REPORTS

N. LIAISON REPORT

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. SUPPLEMENTAL MATERIALS

S. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org.



PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME20230003
HEARING DATE: JULY 25, 2023

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: July 10, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Jill Maclean, Director, AICP *Jill Maclean*

PROPOSAL: The proposed ordinance makes revisions to sections of Chapter 35 Public and Private Improvements.

STAFF RECOMMENDATION: Forward the proposed text amendment with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Eliminate the requirement that, in order to subdivide on arterials, the lots must meet the D1 lot size standard (36,000 sq. ft.) regardless of the underlying zoning district.
- Provide the governing ROW agency the authority to approve additional access, if deemed safe.
- Increase the number of lots that may use Private Shared Access to subdivide from four (4) to 13 lots.
- Discussed setting a maximum acreage that may use Private Shared Access to subdivide and did not propose a maximum acreage.

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(d)

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

GENERAL INFORMATION	
Applicant	Community Development Department
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.35.210	Street system
49.35.260 - 263	Private shared access

WORK SESSION DATES	
Title 49 Subcommittee	March 26, 2022
	July 21, 2022
	February 23, 2023
	May 18, 2023
LHEDC	December 19, 2022

DISCUSSION

Background –

Recognizing that the Land Use Code no longer meets the needs of the community in certain areas of Chapter 35 Public and Private Improvements, staff proposed minor revisions and changes of this Chapter to the Title 49 Subcommittee.

These items include addressing minimum lot size required to subdivide on arterials, increasing the number of lots that may be subdivided using Private Shared Access, the maximum acreage threshold to use Private Shared

Access code for subdivision, and other minor or grammatical revisions. The Title 49 Subcommittee discussed these items most recently at the May 18, 2023, meeting.

Discussion –

The proposed revisions are consistent with the Comprehensive Plan, and the Assembly's Goal of increasing housing opportunities in Juneau. Additionally, the Lands, Housing, and Economic Development Committee (LHEDC) discussed Private Shared Access on December 19, 2022 (Attachments A and B). This meeting occurred post the Blacktail Subdivision that used three Private Shared Access' to subdivide a ~90-acre tract of land into 12 single-family / duplex lots. The LHEDC expressed concern whether this was the best use of land, and if the ordinance should be revisited to set a maximum acreage that may use Private Shared Access to subdivide. At the May 18, 2023, Title 49 Subcommittee meeting, staff informed the members of the LHEDC discussion.

Proposed Revisions -

- Eliminate the requirement that in order to subdivide on arterials the lots must meet the D1 lot size standard (36,000 sq. ft.) regardless of the zoning district.
 - Currently, regardless of the underlying zoning, in order to subdivide property on an arterial (major or minor), all lots created must meet the D1 standard (36,000 sq. ft.)
 - For example, if the property is zoned D5 on an arterial, D5 minimum lot size is 7,000 sq. ft., a property cannot be subdivided unless the lots created are 36,000 sq. ft.—more than five times the required lot size.
- Provide the governing ROW agency the authority to approve additional access, if deemed safe.
- Increase the number of lots that may use Private Shared Access to subdivide from four (4) to 13 lots.
- Discussed setting a maximum acreage that may use Private Shared Access to subdivide and did not propose a maximum acreage.

- Given the LHEDC discussion on setting a maximum acreage that may use Private Shared Access to subdivide, and further discussion of this topic at the Title 49 Subcommittee meeting (at which a recommendation was not made on this item), staff recommends the Planning Commission review the Table of Dimensional Standards (CBJ 49.25.400), and by zoning district determine the maximum acreage allowed to use Private Shared Access.
 - For example, in a D1 zoning district > minimum lot size 36,000 sq. ft. > multiplied by the maximum number of lots proposed under this revision (14 lots), > for a total maximum acreage of 12 acres.
- Per the Table of Roadway Standards (49.35.240), Average Daily Trips (ADT) must also be considered as the Table sets thresholds for street improvements (paving, sidewalk(s); lighting may still be required). The maximum number of lots cannot exceed 211 ADT per the Table.
 - For example, using the situation in the bullet above, if 14 lots are permissible, the ADT would be 133 trips [# of lots created multiplied by the ADT for Single-Family Dwellings (9.52 ADT)].
 - Providing the ADTs do not go above 211 average trips per day, this code revision will be consistent with other parts of the code.

Sections Amended –

The ordinance would amend the Land Use Code Chapter 35 (CBJ 49.35) in the following sections:

- 49.35.210 *Street systems*
- 49.35.260 - 263 *Private shared access*

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(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.

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49 as recommended (Attachment C).

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
3 (Community Form)	19	Policy 3.1	<p>The proposed text amendment supports Policy 3.1 by eliminating the need for costly infrastructure for minor developments.</p> <p>POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.</p>
	20	Policy 3.3	<p>The proposed text amendment supports Policy 3.3 by encouraging minor residential development in rural areas.</p> <p>POLICY 3.3. OUTSIDE OF THE URBAN SERVICE AREA, PERMIT APPROPRIATE LOW-INTENSITY, LOW IMPACT DEVELOPMENT THAT PROVIDES AN OVERALL PUBLIC BENEFIT IN RURAL AREAS, WHILE ASSURING THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, WATERSHEDS, SCENIC CORRIDORS, PUBLIC ACCESS TO THE SHORELINE AND INLAND WATER BODIES, AND RECREATIONAL OPPORTUNITIES.</p>
4 (Housing)	36	Policy 4.1	<p>The proposed text amendment supports Policy 4.1 by incentivizing residential development that may provide less costly housing due to decrease in infrastructure required.</p> <p>POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.</p>
	37	Policy 4.2	<p>The proposed text amendment supports Policy 4.2 by facilitating subdivision of infill lots or other lands that do not front on a public right-of-way.</p> <p>POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.</p>

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
10 (Land Use)	129	Policy 10.1	<p>The proposed text amendment supports Policy 10.1 by providing opportunity to subdivide land that does not meet traditional subdivision requirements.</p> <p>POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.</p>
	130	Policy 10.2	<p>The proposed text amendment supports Policy 10.2 by facilitating creative solutions to subdivide land that otherwise could not be subdivided.</p> <p>POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED-USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.</p>
	131	Policy 10.3	<p>The proposed text amendment supports Policy 10.3 by providing more flexible standards to lots that have challenging site conditions, for example, long linear lots along arterials.</p> <p>POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.</p>

AGENCY REVIEW

An agency review period was not conducted.

PUBLIC COMMENTS

Public Notice was provided in the July 12, and July 19, 2023 Juneau Empire Your Municipality section. No public comments have been received to date.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed 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.

Finding: Yes. The proposed amendments comply with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code as recommended.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendments to CBJ Chapter 35 Public and Private Improvements.

STAFF REPORT ATTACHMENT

Item	Description
Attachment A	LHEDC Staff Memo
Attachment B	LHEDC December 19, 2022 Minutes
Attachment C	Proposed Draft Language



ASSEMBLY LANDS HOUSING AND ECONOMIC DEVELOPMENT AGENDA

December 19, 2022 at 5:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/94215342992> or 1-253-215-8782 Webinar ID: 942 1534 2992

A. CALL TO ORDER

B. LAND ACKNOWLEDGEMENT:

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES - November 28, 2022 Draft Minutes

1. November 28, 2022 Draft Minutes

F. AGENDA TOPICS

2. Goldbelt and CP Marine Application for a Land Trade

3. Ordinance 2023-03 An Ordinance Amending the Private Shared Access Requirements of the Land Use Code, Title 49, Related to Maximizing Residential Density.

4. Ordinance 2022-65 An Ordinance Authorizing the Eaglecrest Ski Area to Enter Into a Franchise Agreement with Mountain Lift, LLC, for Coffee and Baked Goods Service.

5. Harris Homes LLC Request to Purchase City Property

G. STAFF REPORTS

6. Mendenhall Valley Air Quality Program

H. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

I. STANDING COMMITTEE TOPICS

7. Telephone Hill Updates

J. NEXT MEETING DATE - January 23, 2023

K. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org.



(907) 586-0757
 Jill.Maclean@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

December 16, 2022

MEMO

To: Alicia Hughes-Skandijs, Chair and Members of the Lands Housing & Economic Development Committee

From: Jill Maclean, Director, AICP

RE: Ordinance 2023-03 vLHED1 An Ordinance Amending the Private Shared Access Requirements of the Land Use Code, Title 49, Related to Maximizing Residential Density

Purpose

The attached ordinance speaks to requests made by Assembly members post the Assembly retreat held on December 11, 2022. Several adjustments have been proposed to address maximizing density when using Private Shared Access.

The Purpose statement of the ordinance is amended to read:

Shared access serving four or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division. Shared access is intended to provide an alternative access standard for subdivisions in which public streets are not practical and to maximize residential density through infill development. Shared access is not intended to result in a large lot with multiple buildable residential sites. (Underlined is new verbiage)

Several other revisions suggested by assembly members have been incorporated (see attached ordinance). Further recommendations from CDD staff and the Title 49 Subcommittee are not included in this draft, such as increasing the number of lots permissible from four to five or seven, and relaxing the lot size for lots situated along arterials.

Under current code, if a landowner wants to subdivide their property, each resulting lot must meet the D1 standard lot size (36,000 sq. ft.) regardless of the underlying zoning district because it is located on an arterial. Glacier Highway, North Douglas Highway, and Mendenhall Loop Road are examples of arterials. Therefore, in order to subdivide a lot on North Douglas Highway, the proposed lots must be at least 36,000 sq. ft. in size exclusive of the private shared access, regardless of the lot being zoned D5 and having a minimum lot size of 5,000 sq. ft.

Recommendation

Staff recommends that the LHEDC continue to work with CDD to further improve this code section, and recommends that the LHEDC forward Ordinance 2023-03 vLHED1 to the full Assembly for adoption.

Presented by:
Presented:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-03 vLHED1

An Ordinance Amending the Private Shared Access Requirements of the Land Use Code, Title 49, Related to Maximizing Residential Density.

WHEREAS, the 2017 Housing Action Plan identified a noticeable lack of available housing, especially affordable and workforce housing for first-time home buyers;

WHEREAS, the community needs land use regulations that encourage infill development and efficient use of land to encourage development of affordable and workforce housing;

WHEREAS, land use regulations that allow or encourage low-density residential development, such as one house per five acres in the urban service area, harm the community;

WHEREAS, the private shared access requirements, CBJC 49.35.260-263, need to be amended to prohibit low density development when the land is reasonably developable for higher density housing; and

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 49.35.260 is amended to read:
49.35.260 Purpose.

Shared access serving four or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division. Shared access is intended

1
2 to provide an alternative access standard for subdivisions in which public streets are not
3 practical and to maximize residential density through infill development. Shared access is not
4 intended to result in a large lot with multiple buildable residential sites.
5

6 **Section 3. Amendment of Section.** CBJ 49.35.262 is amended to read:

7 **49.35.262 Standards.**
8

- 9 (a) *Agency review.* The director shall forward the complete application to the fire department
10 and to the engineering and public works department for review.
- 11 (b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that
12 has a shared access if all of the following criteria are met:
- 13 (1) The shared access will be located in a private easement completely on the lots served.
- 14 (2) The shared access serves four or fewer lots.
- 15 (i) If a subsequent common wall residential subdivision is intended to be served by
16 shared access, the common wall parent lot shall count as two lots.
- 17 (3) The shared access does not endanger public safety or welfare.
- 18 (4) The shared access complies or can be improved to comply with the emergency service
19 access requirements of CBJ 19.10.
- 20 (5) The use of each lot served by the shared access shall be limited to one single-family,
21 including a duplex residence if permissible, and an accessory apartment.
- 22 (6) The total average daily trips resulting from the subdivision shall not exceed 70.
- 23 (7) Shared access is only allowed in RR, ~~and~~ D-1, D-3, D-5, and D-10 SF zoning districts
24 defined by CBJ 49.25.210.
25

- 1
- 2 (8) Shared access is prohibited if the subdivision abuts a parcel that does not have
- 3 alternative and practical frontage on a publicly maintained right-of-way.
- 4 (9) The portion of the shared access in the right-of-way shall be paved or surfaced with
- 5 materials consistent with the adjacent public roadway. The length of the portion of the
- 6 shared access in the right-of-way shall consist of a minimum two-foot apron or as
- 7 required by the governing agency of the right-of-way.
- 8
- 9 (10) Lots must meet the minimum standards for the ~~zone~~ zoning district according to the
- 10 table of dimensional standards excluding the shared access easement. A buildable area
- 11 must exist without the need for a variance.
- 12 (11) Lots are the smallest reasonable size for development of a single family residence per lot
- 13 considering the zoning district, the dimensions of the parent parcel, access location,
- 14 topography, drainage, and other similar development factors.
- 15 (c) *Approval process.*
- 16 (1) Upon preliminary plat approval by the director, the applicant shall construct the shared
- 17 access pursuant to the corresponding standard in Table 49.35.240 for a roadway with
- 18 zero to 70 average daily trips. A financial guarantee cannot be used as a condition of
- 19 construction.
- 20
- 21 (2) The shared access easement shall be recorded.
- 22 (3) The following shall be noted on a plat or in a recorded decision that contains a shared
- 23 access:
- 24 (i) The private easement is for access, drainage, and if applicable utilities, and shall be
- 25 specifically identified.

- (ii) The owner(s) of the lots served by the private access easement acknowledge the City and Borough is not obligated and will not provide any maintenance or snow removal in the private easement.
- (iii) The owner(s) of the lots served by the private access easement shall be responsible and liable for all construction and maintenance of the shared access from the edge of the publicly maintained travel lane.
- (iv) Except a subsequent common wall subdivision depicted on this plat, the lots served by the private access easement are prohibited from subdividing unless the access is upgraded to a public street, dedicated to, and accepted by the City and Borough.
- (v) Owner of a lot served by the private access easement shall automatically abandon all rights to and usage of the private access easement except for utilities, if any, if a publicly maintained street serves that lot.
- (vi) A lot with frontage on a collector or arterial ~~public~~ street and on the shared access is prohibited from having vehicular access to the collector or arterial ~~the public~~ street except through the shared access. A lot with frontage on a street other than an arterial or collector, may have a separate and additional access if approved by the government entity that controls the right-of-way.

Section 4. Amendment of Section. CBJ 49.35.263 is amended to read

49.35.263 Other shared access requirements.

- (a) If a shared access is approved, the applicant must apply for and receive a right-of-way permit to construct the shared access.

- (b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.
- (c) The front yard setback shall be measured from the shared access easement. Except, the front yard setback for a lot with frontage on a public street shall be measured from the public right-of-way and not the shared access.
- (d) The width of the shared access easement may be reduced down to a width of 30 feet ~~up to 20 feet~~ if the director finds there is sufficient area for the provision of utilities, drainage, snow storage, and that it is unlikely for the shared access easement to expand in the future to a public street.
- (e) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.
- (f) The standards identified in this article do not apply to any preexisting shared access previously permitted by the department.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

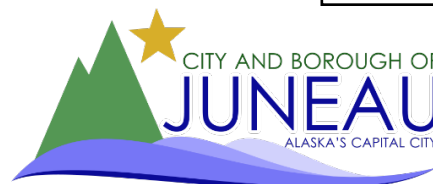
Attest:

Elizabeth J. McEwen, Municipal Clerk

ASSEMBLY LANDS HOUSING AND ECONOMIC DEVELOPMENT MINUTES

December 19, 2022 at 5:00 PM

Assembly Chambers/Zoom Webinar



<https://juneau.zoom.us/j/94215342992> or 1-253-215-8782 Webinar ID: 942 1534 2992

A. CALL TO ORDER - Chair Hughes-Skandijs called the meeting to order at 5:00 pm.

B. LAND ACKNOWLEDGEMENT

C. ROLL CALL

Members Present: Chair Alicia Hughes-Skandijs, Wade Bryson, Christine Woll

Members Absent: Wáahlaal Gíidaak

Liaisons Present: Mandy Cole, Planning Commission

Liaisons Absent: Lacey Derr, Docks and Harbors; Chris Mertl, Parks and Recreation

Staff Present: Dan Bleidorn, Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Jill Maclean, CDD Director; Carl Uchtyl, Port Director; Rorie Watt, City Manager; Dave Scanlan, Eaglecrest General Manager

D. APPROVAL OF AGENDA – approved as presented, no changes

E. APPROVAL OF MINUTES - November 28, 2022 Draft Minutes, approved as presented, no changes

F. AGENDA TOPICS

2. Goldbelt and CP Marine Application for a Land Trade

Mr. Bleidorn discussed this topic. Mr. Bryson commented that he has been on the assembly long enough that this is second time he has seen this. We did a similar land swap with the Archipelago lot, and we failed to take into consideration parking in the land trade. I was wondering if we could talk with Goldbelt to make sure that they have the right understanding. We did a trade, CBJ got the land they wanted, the other party got the land that they thought they wanted, and it ended up not working out, and we do not have a project built. I would like to ask Goldbelt a question or two, so that we can prevent that same scenario from happening, because it looks like we are doing almost identical type of land swap. Mr. Bleidorn replied that as this goes through the Planning Commission process, we would make sure that parking is considered and that negotiation would take place after we have the initial motion of support from the assembly to work on this. This is definitely noted, and something we want to keep in mind.

Mr. Bryson asked if there are any other zoning or waterfront issues that the Archipelago lot ran into when they that stopped their development because it was the design phase that they were stopped in. I want all that on the record to benefit Goldbelt so that we do not make the same errors again. Ms. Maclean replied that she did speak to Goldbelt and in those discussions; there is a lot of complexity to this site, their ability to use their building or reconstruct a rehab, because it is cited closely to the property lines, as one cannot cross those or come so close to them. That spurred this on for them on how to best use their land and the buildings that they have. We can look at those issues when the applicants come in for their pre-application conference. Other than that, I am not aware of any other challenges aside from how the lots are laid out and they cannot proceed as is.

Ms. Woll asked if we are losing any control of the waterfront, with CBJ owning the property where the gangway is from the dock-to-shore. Mr. Uchtyl replied that the applicant is proposing renovating the existing Seadrome building over the water, adjoining the seawalks. As far as having access to the Seadrome dock, it is on CBJ owned tidelands but Goldbelt owns the dock. Control of the Seadrome dock would remain with Goldbelt unless they elect to do something else with it.

PC Cole asked when the assembly approves moving forward by direct negotiation with a particular party, in this case Goldbelt, does that signal that no other parties can be considered until negotiations

are concluded in either the affirmative or the negative. Mr. Bleidorn replied that once we have that initial motion of support from the assembly, staff works specifically with them. It does not mean that somebody else cannot apply but then the assembly would have to reevaluate it as they have already given us direction, and to work with somebody else, or to look for other applicants would be a change of direction. We would need another motion and something from the full assembly to move that forward.

Chair Hughes-Skandijs noted that she shares Ms. Woll's sentiment and is a little wary about trading tidelands for uplands but sees the benefit in this, and approves of the motion of support at this time.

Ms. Woll moved that the Lands, Housing, and Economic Development Committee provide a motion of support to negotiate with Goldbelt and CP Marine on a land trade. Motion passed no objections.

3. Ordinance 2023-03 An Ordinance Amending the Private Shared Access Requirements of the Land Use Code, Title 49, Related to Maximizing Residential Density.

Ms. Maclean discussed this topic. Mr. Bryson asked how this ordinance helps with infill, putting a neighborhood next to a neighborhood that did not have one before, and some of the "you are coming into my backyard," situations. Ms. Maclean replied that she is not certain that we will ever have a great answer for "I have enjoyed this undeveloped property that is nice and treed for 30 years, and now they want to develop that." A planning board member from back East would say, "You should be happy that you got to enjoy that nature as long as you did, because you did not buy it, nor do you pay taxes on it either." I know that is difficult for people. First, I would urge homeowners, property owners, and buyers, to educate yourselves on what your area is zoned, what zoning it allows, and what the neighboring properties are zoned as they may not be the same, even though you are side by side. As far as this helping with shared access and infill development, this ordinance does not go quite as far as the Title 49 Committee was looking it, but it is a start on improving the ordinance, and one of the unintended consequences, which was a 90 acre property being developed into 12 lots, which was D3 or D5 zoning. I think this should alleviate that challenge given the language in the purpose statement as well as the other verbiage that the city attorney added. Those areas are underlined in your packet, with it limiting acreage. We did have some discussion back and forth, which was the best approach to that. It is difficult, because I am always concerned about in Juneau, specifically the lots that are left, they are not the same, and it is tricky to apply code that would be flexible enough for everyone. We were trying to obtain as much discretion as we can to address the individual situations. For instance, you will notice that some of it was left to the director to look at a particular site. That would go a long ways and overall this is moving in the right direction, and the direction that the title 49 Committee was also looking for.

PC Cole commented that she was surprised to see this, because the Title 49 Committee did look at this and made some suggestions, which are not in here, and some that are different intentions that are in here. I think Director Maclean is correct in that it is moving in that direction, but I would not say that what is before you would be what the Title 49 Committee would want to send to the full assembly for adoption. I feel confident in saying that because it does not contain some of the pieces that we felt would make the most impact. My hope is that this goes back to the PC before it goes to the full assembly. Chair Hughes-Skandijs asked if that is part of the process with the staff recommendations. Ms. Maclean replied and made a correction; that the bottom of the memo said that it was to go to the full assembly. It will go to the full assembly, but through the usual process of kicking it back to Title 49 through the Planning Commission and up to assembly for full adoption.

Mr. Bryson asked for elaboration on what was missing. Chair Hughes-Skandijs replied that we would let that work through the process given that the items remaining on tonight is agenda. I do not think we will go into a joint Title 49 – Lands meeting.

Ms. Woll commented that this conversation made her realize she does not have the full context on why this is in front of us now. Is it because there was a conversation at the retreat that highlighted it, or assembly members brought this forward, or is it a coincidence that it is coming to us. Ms. Maclean replied that her understanding is that an assembly member or multiple spoke with the city attorney after the retreat and was asked to work on this ordinance.

Mr. Bryson asked if there are any other ordinances or pieces to this that would help facilitate increasing density, such as being able to split a lot. I know that becomes an issue many times. What other components does maximizing residential density need to give us the results that we are looking for. Ms. Maclean replied that one larger item that we will have to tackle is how many lots is too little or too many, is four the right number, and do we want to encourage more. When this comes back through, we can give some of the history of how we arrived here today. The concern was that too many owners would result in complications for maintenance and agreeing to pay for maintenance over time. The number of lots was one other area to look at. I think this is moving in the right direction, and as Commissioner Cole, stated, not quite, as far as Title 49 was looking but it gets us about halfway there.

PC Cole commented that the number of lots that are permissible is a big factor and Title 49 was leaning toward more, which would potentially satisfy Mr. Bryson's comment. This would be a little in conflict and result in large lots with multiple, buildable, residential sites. I think there is some tweaking that may have to happen in order for it to make sense to the public if they were to get this document and read what is intended and what is prioritized. I am not sure that this says many residential lots is the priority.

Mr. Bryson commented that he knows exactly what we are doing. Beach Drive over on Douglas, they are running into the issues that we are trying to prevent with these ordinances right now. They cannot get the city to take it over; it has to be run by residents. Mr. Bryson would like to thank everybody for working on this because it sounds like we are sometimes being a pain or being difficult, we are preventing future problems because they do have a problem right now, so thank everybody.

Mr. Bryson moved that the LHED Committee continue to work with CDD on ordinance 2023-03 and introduce it to the full assembly through another visit of LHED after it works through CDD and the Planning Commission. Motion passed no objections.

4. Ordinance 2022-65 An Ordinance Authorizing the Eaglecrest Ski Area to Enter Into a Franchise Agreement with Mountain Lift, LLC, for Coffee and Baked Goods Service.

Mr. Scanlan discussed this topic. No comments or questions from the committee members.

Mr. Bryson moved that the LHED Committee schedule ordinance 2022-65 for public testimony at the next regular assembly meeting. Motion passed no objections.

5. Harris Homes LLC Request to Purchase City Property

Mr. Bleidorn discussed this topic. Mr. Bryson asked how long has the Pederson Hill properties been available for sale. Mr. Bleidorn replied that we had our first land sale in 2019 with 18 properties and since then we have been working on the next couple of phases or next couple of sections of phase one. This lot had not been advertised, we had not worked on selling it, but it was listed in the Land Management Plan as dispose in 2016.

Ms. Woll asked what the alternative to this would look like. The recommendation is deny, given that we have a request that we said to move forward with, if we were not to pass this what happens. Mr.

Bleidorn replied that there are probably many alternatives to the denial and this request. This committee could come up with any motion that they would want staff and the city manager to move forward. An alternative motion could be to evaluate this proposal simultaneously to the Moline one. It gets very complicated fast, because that Moline direction was work with them as the original proposal. It was not to work with multiple people or to solicit bids. I think we would have to discuss it with the attorney or the city manager if we wanted to try to move forward with anything besides what we have already have. Mr. Watt commented that to put oneself in Moline's shoes, they came to the assembly and said they would like to buy this property, are going through the process, and we made a motion to work with them. Then they went and invested some resources, filed an application to do rezoning, spent some money filling out an application for the tax credit program, and probably doing some other development work. If we made a motion to do anything different, I am sure Moline Investment would be thinking, "Should I be working on this, do they still want to sell the property to me?" I think they would be very confused as to what we think about them.

Mr. Bryson asked how many other city owned parcels that are even remotely close to this size, are either available for sale or marked as retain/dispose that would also be available to a second developer or any other developer that wanted to build something in the community. Mr. Bleidorn replied that this property currently exists as a very large lot and Moline is actively working to subdivide it into about 10 acres. There is probably a handful of large track properties that could go through the minor subdivision process. It takes a lot of staff energy, with a lot of engineering and CDD people involved in it. It is something that staff could look at if that is a goal of the assembly. Mr. Bryson followed up to ask if there are any properties that are further along to be put up for sale or something that is maybe just a step or two below the development of Pederson Hill. Mr. Bleidorn replied that we have two Renninger lots that are between 3 and 5 acres that are currently on the market and zoned D15 in Lemon Creek, right across from DZ middle school. Like all city property, they have their complications to develop. Those are available on the market, and somebody could come in and fill out an application to purchase them over the counter at any time.

Mr. Watt wanted to remind everyone of the city's GIS tool. You can use it to see privately owned property that is also undeveloped. While the city is a landowner, we are not the majority landowner; there is lots of private property out there. Chair Hughes-Skandijs commented that they got to see the new tool with the GIS map at the retreat and was wondering how much you can dial in with it, as she hasn't played with it yet. Do we know if this applicant is represented on that map with vacant, developable land, or do we just have it marked otherwise. Mr. Bleidorn replied that at this point, the GIS map has all private property as a single color. It does not get into ownership, but you could go through and select ownership on that or the assessor's database.

Chair Hughes-Skandijs asked if the applicant has any land right now that is substantially different from this piece of property. Mr. Harris replied that they have nothing of this size or similar to this and he did not realize this property was even available. Once we did hear about it, we just looked into it and it has been evolving as we go. He does not think anyone knew this property was available. It was the opportunity to buy a nice piece of developable property with water, sewer, and utilities right there ready to go. It seems like that should be put out to all developers in the community that have ability to a bit on it. Chair Hughes-Skandijs asked if they would consider multi-family versus single family. Mr. Harris replied that the D10 would actually be needed and worked well with the attached homes that they proposed, so attached homes or single family. He felt that was better connection to the neighborhood where the city had put it out as a single-family development type. We were trying to hit that same neighborhood. High-density multi-family, I do not know that the neighborhood really wants it there, but that was where we came up with that proposal.

Mr. Bryson moved that the LHED Committee provide a motion to deny the Harris application to purchase City property. Motion passed unanimous consent.

Ms. Woll objected for a comment. We gave direction and are already going down that path, which makes sense to deny this. Because the original proposal matched the direction that the assembly was trying to move with this property, I think it is the right move, but I do think that it warrants a conversation at some point about which properties we are directing towards direct negotiations and what are being opened up to the community for proposal. Sometimes I think it makes sense to work directly with a specific entity and other times it might not. Objection removed.

Mr. Bryson objected for a comment. He had a similar reason, and feels bad knowing that Harris Homes has developed many homes in the community. I think it would be a horrible business precedent for us to say to a business that we are going to do business with you, make a deal with, approve the deal and let them begin their work, and then say, sorry we changed our minds. I think that that would have long-term, negative consequences, as we need to do land trades with other entities in the community. I think that we need to stay in the direction that we said as a precedent to set. I would like to state that I do not think that we are going to have another piece of land that is available for sale that the entire community is not 100% aware of. In our desire to create more housing, we have obviously missed that step. I would like to have a conversation with Mr. Bleidorn to make sure that everyone has the list of what is available for sale, so that future home developers do not miss opportunities. Objection removed

G. STAFF REPORTS

6. Mendenhall Valley Air Quality Program

Mr. Bleidorn discussed this topic. Mr. Bryson asked for elaboration on why we do not wave the ban when the temperature goes down to below 10 degrees, and what a citizen could do if their furnace goes out during a burn ban but their wood burning stove is their secondary heat source. Mr. Bleidorn replied that first, if your furnace goes out, and there is an air emergency in effect, there is a phone number on our website that you can contact. You can contact the Land Office or the fire marshal at the fire department, and we will try to issue an allowance for a couple of days, or until you get to fix it. For the other question, regarding why we do not cease to call air emergencies when it is very cold outside, it is because when it is very cold outside that is when we get air inversions set up. The air quality is part of the Clean Air Act at the Federal Government level, and they set the parameters. Of all the parameters, particulate matter is the only one we have an issue with in Juneau, and in particular just in the Valley. That is why we are following the Federal mandates using data that is provided by the State Government, and then we do enforcement at the local level.

H. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS – none

I. STANDING COMMITTEE TOPICS

7. Telephone Hill Updates - Mr. Bleidorn gave a verbal update that site visits were taking place and staff was working on a RFP for a property manager.

J. NEXT MEETING DATE - January 23, 2023

K. ADJOURNMENT – meeting adjourned at 5:40 p.m.

ARTICLE II. STREETS¹

DIVISION 1. IN GENERAL

49.35.210 Street system.

- (a) *[In general.]* 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 unsubdivided 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 (arterials and major collectors), 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.
- (b) *Major and minor arterials.* Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:
- (1) The plat shall note that no lots shall access directly onto the arterial;
 - (2) Access shall be provided onto an interior access street or a separate frontage road.
 - (3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:
 - (A) All of the resulting lots must meet the minimum lot area standard for a single-family dwelling in the D-1 zoning underlying zoning district (36,000 square feet).
 - (B) All of the lots must share a common access point, unless the governing entity of the right-of-way approves an additional access and further subdivision of the newly created lots is not allowed.
 - (C) Common access to all lots is required and Back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.
 - (D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.
 - (E) The proposed subdivision must meet all other applicable subdivision standards and requirements.

¹Cross reference(s)—Public ways and property, CBJ Code tit. 62.

- (c) *Collector streets.* Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.
- (1) *Major collectors.* Except as provided in subsection (C) of this section, if a new subdivision involves frontage along a major collector street:
 - (A) The plat shall note that no lots shall access directly onto the major collector.
 - (B) Access shall be provided onto an interior access street or a separate frontage road.
 - (C) Exception a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.
 - (2) *Minor collectors.* Access for lots is allowed directly onto minor collector streets if no other restrictions apply.

(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 6, 1995; Serial No. 2002-20, § 4, 8-5-2002; Serial No. 2015-03(c)(am), § 24, 8-31-2015)

49.35.220 Street names. (NO CHANGES PROPOSED AT THIS TIME)

49.35.230 Roadway classification map. (NO CHANGES PROPOSED AT THIS TIME)

49.35.240 Improvement standards. (NO CHANGES PROPOSED AT THIS TIME)

49.35.250 Access.

- (a) *Principal access to the subdivision.* Except as provided below, the department shall designate one right-of-way as principal access to the entire subdivision. Such access, if not already accepted for public maintenance, shall be improved to the applicable standards for public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the cost of the right-of-way improvements.
 - (1) *Principal access to remote subdivisions.* The department shall designate the principal access to the remote subdivision. Such access may be by right-of-way.
- (b) *Publicly maintained access within a subdivision.* Unless otherwise provided in this section or in 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage. The minimum frontage requirement on a right-of-way is 30 feet or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:
 - (1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;
 - (2) Use of an existing publicly maintained street;
 - (3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or
 - (4) A combination of the above.
- (c) *Privately maintained access within a subdivision.* Lots shall front and have direct access to a publically maintained street except as:
 - (1) *Privately maintained public access.* A subdivision may create new lots served by a privately maintained access within a public right-of-way not maintained by an agency of government as provided by CBJ

49.35, article II, division 3. All lots must have either a minimum of 30 feet of frontage on a right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

- (2) *Private shared access.* A lot in a subdivision is exempt from having the minimum frontage on a public right-of-way when a shared access is approved pursuant to CBJ 49.35, article II, division 2. All lots served by a shared access shall have a minimum of 30 feet of frontage on the shared access.
- (d) *Remote subdivisions accessible by navigable waterbodies.* All lots in a remote subdivision solely accessible by navigable waterbodies must have a minimum of 30 feet of frontage on, and direct and practical access to, either the navigable water or a right-of-way. The right-of-way must have direct and practical access to the navigable water.
- (e) *Access within remote subdivisions accessible by pioneer paths.* All lots must either have direct and practical access with a minimum of 30 feet of frontage on the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.
- (Serial No. 2016-26(b) , § 9, 4-3-2017, eff. 5-3-2017)

DIVISION 2. PRIVATE SHARED ACCESS

49.35.260 Purpose.

Shared access serving ~~four~~ 13 or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division.

(Serial No. 2016-26(b) , § 10, 4-3-2017, eff. 5-3-2017)

49.35.261 Application.

An applicant must submit the following to request shared access:

- (1) A preliminary plan and profile of the proposed shared access; and
- (2) A proposed access easement, drainage and utility agreement.

(Serial No. 2016-26(b) , § 10, 4-3-2017, eff. 5-3-2017)

49.35.262 Standards.

- (a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.
- (b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that has a shared access if all of the following criteria are met:
- (1) The shared access will be located in a private easement completely on the lots served.
 - (2) The shared access serves ~~four~~ 13 or fewer lots.
 - (i) If a subsequent common wall residential subdivision is intended to be served by shared access, the common wall parent lot shall count as two lots.
 - (3) The shared access does not endanger public safety or welfare.

- (4) The shared access complies or can be improved to comply with the emergency service access requirements of CBJ 19.10.
- (5) The use of each lot served by the shared access shall be limited to one single-family residence and an accessory apartment.
- (6) The total average daily trips resulting from the subdivision shall not exceed 70.
- (7) Shared access is only allowed in RR and D-1, D-3, D-5, and D-10 SF zoning districts defined by CBJ 49.25.210.
- (8) Shared access is prohibited if the subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way.
- (9) The portion of the shared access in the right-of-way shall be paved or surfaced with materials consistent with the adjacent public roadway. The length of the portion of the shared access in the right-of-way shall consist of a minimum two-foot apron or as required by the governing agency of the right-of-way.
- (10) Lots must meet the minimum standards for the **zoneing** district according to the table of dimensional standards excluding the shared access easement. A buildable area must exist without the need for a variance.

(c) *Approval process.*

- (1) Upon preliminary plat approval by the director, the applicant shall construct the shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway with zero to 70 average daily trips. A financial guarantee cannot be used as a condition of construction.
- (2) The shared access easement shall be recorded.
- (3) The following shall be noted on a plat or in a recorded decision that contains a shared access:
 - (i) The private easement is for access, drainage, and if applicable utilities, and shall be specifically identified.
 - (ii) The owner(s) of the lots served by the private access easement acknowledge the City and Borough is not obligated and will not provide any maintenance or snow removal in the private easement.
 - (iii) The owner(s) of the lots served by the private access easement shall be responsible and liable for all construction and maintenance of the shared access from the edge of the publicly maintained travel lane.
 - (iv) Except a subsequent common wall subdivision depicted on this plat, the lots served by the private access easement are prohibited from subdividing unless the access is upgraded to a public street, dedicated to, and accepted by the City and Borough.
 - (v) Owner of a lot served by the private access easement shall automatically abandon all rights to and usage of the private access easement except for utilities, if any, if a publicly maintained street serves that lot.
 - (vi) A lot with frontage on a public street and on the shared access is prohibited from having vehicular access to the public street except through the shared access.

(Serial No. 2016-26(b) , § 10, 4-3-2017, eff. 5-3-2017; Serial No. 2020-11, § 2, 4-27-2020, eff. 5-28-2020)

49.35.263 Other shared access requirements.

- (a) If a shared access is approved, the applicant must apply for and receive a right-of-way permit to construct the shared access.
- (b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.
- (c) The front yard setback shall be measured from the shared access easement. The lot fronting on the public right-of-way, may have a separate and additional access if approved by the government entity that controls the right-of-way. The front yard setback shall be measured from the right-of-way and not the shared access.
- (d) The width of the shared access easement may be reduced by up to 20 feet if the director finds there is sufficient area for the provision of utilities, drainage, snow storage, and that it is unlikely for the shared access easement to expand in the future to a public street.
- (e) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.
- (f) The standards identified in this article do not apply to any preexisting shared access previously permitted by the department.

(Serial No. 2016-26(b) , § 10, 4-3-2017, eff. 5-3-2017)

DIVISION 3. PRIVATELY MAINTAINED ACCESS IN A RIGHT-OF-WAY

NO FURTHER CHANGES PROPOSED AT THIS TIME



PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME20230004
HEARING DATE: JULY 25, 2023

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: July 18, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Jill Maclean, Director, AICP *Jill Maclean*

PROPOSAL: The proposed language amends Chapter 65 Bungalow Lots and Structures, and Chapter 25 Table of Dimensional Standards.

STAFF RECOMMENDATION: Forward the proposed text amendment with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Reduce front yard setback to 17 ft. regardless of zoning district.
- Reduce side yard, street side yard, and rear yard setbacks by 50% regardless of zoning district.

GENERAL INFORMATION	
Applicant	Community Development Department
Initiated By	Community Development Department
Property Affected	Borough-wide*

LAND USE CODE AMENDED	
49.25.400 TPU	Bungalow Lot Dimensional Standards
49.65 Article VI**	Bungalow Lots and Structures

WORK SESSION DATES	
Title 49 Subcommittee	June 15, 2023
<p>*Bungalow lot subdivisions are permissible if the lot(s) are served by public water and sewer, and if located on a publicly maintained road.</p> <p>**Chapter 65 Specified Uses cannot be varied (see CBJ 49.20.200)</p>	

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(d)

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. *The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.*

DISCUSSION

Background –

Recognizing that the Land Use Code no longer meets the needs of the community in certain areas and that the Assembly has identified a housing crisis and made addressing Juneau’s housing supply a priority.

These items discussed include minimum yard setbacks, providing off-street parking, and other minor or grammatical revisions.

After receiving a letter from a builder regarding dimensional standards for bungalows, and a bungalow structure constructed within the rear setback, the Title 49 Subcommittee discussed these items at the June 15, 2023, meeting.

Discussion –

The proposed revisions are consistent with the Comprehensive Plan, and the Assembly’s Goal of increasing housing opportunities in Juneau. Increasing flexibility for the development of bungalow lots provides another approach to increase the housing supply. Given the lack of buildable land—and the historical development of land in Juneau—bungalow lots / structures offer more opportunities for infill development on land traditionally supporting single-family development.

Proposed Revisions -

- Bungalow lots regardless of zoning district would have a 17 ft. front yard setback.
- Bungalow lot dimensions other than front yard setback would be reduced by 50%.
- Remove references to mobile homes [49.65.630(c)].

Staff recommends the Commission further consider side and street side yard setbacks, and rear yard setbacks. The reduction of these setbacks by 50% may not meet the purpose of the code, which is intended to, *“encourage construction of small houses on property served by municipal water and sewer and publicly maintained roads. Bungalow style infill development is intended to allow property to be utilized to its maximum potential without adversely impacting established residential neighborhoods”*. (CBJ 49.65.600)

Sections Amended –

The ordinance would amend the Land Use Code Chapters 65 and 25 (CBJ 49.65 and 49.25) in the following sections:

- 49.25.400 Table of Dimensional Standards
- 49.65 Article VI Bungalow Lots and Structures

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (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.*

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49 as recommended (Attachments A and B).

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
4 (Housing)	37	Policy 4.2	The proposed text amendment supports Policy 4.2 by allowing for smaller lots for bungalow structures and providing housing choices. POLICY 4.2 To Facilitate the Provision of An Adequate Supply Of Various Housing Types And Sizes To Accommodate Present And Future Housing Needs For All Economic Groups.
10 (Land Use)	129	Policy 10.1	The proposed text amendment supports Policy 10.1 by providing opportunity to subdivide a smaller lot with a bungalow structure.

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
			POLICY 10.1. To Facilitate Availability of Sufficient Land with Adequate Public Facilities and Services for A Range Of Housing Types And Densities To Enable The Public And Private Sectors To Provide Affordable Housing Opportunities For All Juneau Residents.
	130	Policy 10.2	<p>The proposed text amendment supports Policy 10.2 by facilitating creative solutions to subdivide land that otherwise may not be subdivided.</p> <p>POLICY10.2. To Allow Flexibility and A Wide Range of Creative Solutions in Residential and Mixed-Use Land Development Within The Urban Service Area.</p>
	131	Policy 10.3	<p>The proposed text amendment supports Policy 10.3 by providing more flexible standards for bungalow lots that better utilize available land.</p> <p>POLICY 10.3. To Facilitate Residential Developments of Various Types and Densities That Are Appropriately Located in Relation to Site Conditions, Surrounding Land Uses, And Capacity Of Public Facilities And Transportation Systems.</p>

2016 Housing Action Plan The proposed text amendment complies with the 2016 Housing Action Plan.			
Chapter	Page No.	Item	Summary
Part 2, #7	47	Implementation	The proposed text amendment is in compliance with Part 2 #7 Zoning Changes – <i>Evaluate policies designed to encourage new development areas that already have infrastructure; streamline / fast-track infill housing permitting; Look at reducing set-backs and minimum lot sizes for duplex, ADUs, and bungalow infill units.</i>

AGENCY REVIEW

An agency review period was not conducted.

PUBLIC COMMENTS

Public Notice was provided in the July 12, and July 19, 2023, Juneau Empire Your Municipality section. No public comments have been received to date.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed 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.

Finding: Yes. The proposed amendments comply with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code as recommended.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings, and make a recommendation to the Assembly to APPROVE the proposed text amendments to CBJ Chapter 65 Bungalow Lots and Structures, and Chapter 25 Table of Dimensional Standards (bungalow lots).

STAFF REPORT ATTACHMENT

Item	Description
Attachment A	Title 49 Article VI Bungalow Lots and Structures Draft Language
Attachment B	Title 49 Table of Dimensional Standards
Attachment C	Letter from Mr. Dan Miller, Building Pros Inc.

ARTICLE VI. BUNGALOW LOTS AND STRUCTURES

49.65.600 Purpose.

The intent of this chapter is to encourage construction of small houses on property served by municipal water and sewer and publicly maintained roads. Bungalow style infill development is intended to allow property to be utilized to its maximum potential without adversely impacting established residential neighborhoods.

(Serial No. 2007-13, § 3, 4-2-2007)

49.65.610 Bungalow lot subdivisions.

(a) Subdivisions creating bungalow lots must meet the following requirements:

- (1) Lots must be served by municipal water and sewer and publicly maintained roads.
- (2) In zoning districts D1, D3, D5, D10-SF, and D10, subdivisions shall not exceed two bungalow lots for each standard lot.
- (3) In zoning districts D15 and D18, bungalow lots may be platted without creating standard lots.
- (4) A note shall be included on all plats which create bungalow lots, providing: "At the time of plat recording, structures on (lot and block number for all bungalow lots) were limited to one 1,000 square foot detached single-family residence per lot; other restrictions apply as well. See the City and Borough of Juneau Land Use Code for current regulations."
- (5) Lots created through the Planned Unit Development process shall not be further subdivided into bungalow lots.

(Serial No. 2007-13, § 3, 4-2-2007; Serial No. 2015-03(c)(am), § 41, 8-31-2015)

49.65.620 Review procedure.

(a) The review procedure for bungalow lot subdivisions shall be:

- (1) In zoning districts D1, D3, D5, D10-SF, and D10:
 - (A) A minor subdivision procedure may be used for subdivision of a parcel into not more than four lots, provided that no fewer than one standard lot for each bungalow lot shall be created through this process.
 - (B) Subdivisions containing one standard lot and two bungalow lots shall be processed as major subdivisions.
- (2) In zoning districts D15 and D18, bungalow lots may be platted through the subdivision process set forth in chapter 49.15, article IV.

(Serial No. 2007-13, § 3, 4-2-2007; Serial No. 2015-03(c)(am), § 42, 8-31-2015)

49.65.630 Construction standards.

- (a) Construction on bungalow lots shall be limited to the following:
- (1) One detached single-family dwelling with a net floor area not to exceed 1,000 square feet, and in addition, no more than 300 square feet, net floor area, of enclosed storage space such as garages, carports or sheds.
 - (2) Structures on bungalow lots shall not exceed 25 feet in height, as measured under section 49.25.420.
 - (3) Area calculations for staircases and elevators:
 - (A) Up to 100 square feet of the footprint of interior staircases and elevators shall not be counted toward the net floor area of the dwelling.
 - (B) The footprint of exterior staircases or elevators providing access to floors above the ground floor shall be counted toward the net floor area of the dwelling.
 - (4) Up to 100 square feet of a second story deck shall not be counted toward the net floor area.
 - (5) The primary entrance must be separate from the garage or carport, and where practicable, must be clearly visible from the street providing access. Where such visibility is not practicable, a pedestrian path must be provided from the street to the primary entrance.
- (b) The following dwelling types shall be prohibited on bungalow lots:
- (1) Accessory apartments
 - ~~(2) Mobile homes~~
 - (3) Recreational vehicles
 - (4) Bed and breakfast or boarding houses

(Serial No. 2007-13, § 3, 4-2-2007)

49.25.400 Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.65 and 49.70.

(Serial No. 87-49, § 2, 1987; Serial No. 89-32, § 2, 1989; Serial No. 98-09, § 5(Exh. B), 1998; Serial No. 98-20, § 2(Exh. A), 1998; Serial No. 2004-13, § 2, 9-27-2004; Serial No. 2006-13, § 2, 5-15-2006; Serial No. 2007-13, § 2, 4-2-2007; Serial No. 2012-24, § 3, 5-14-2012, eff. 6-14-2012 ; Serial No. 2021-28 , § 4, 8-23-2021, eff. 9-22-2021)

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	MU3	NC	LC	GC	WC	WI	I
Minimum Lot Size ¹																		
	Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	3,000	3,000	2,000	2,000	2,000	2,000	2,000
	Bungalow⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500									
	Duplex	54,000	54,000	18,000	10,500													
	Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500							
	Single-family detached, two dwellings per lot	72,000	72,000	24,000														
Minimum lot width		150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	40'	40'	20'	20'	20'	20'	20'
	Bungalow⁹		75'	50'	35'	25'	25'	25'	25'									
	Common wall dwelling				60'	40'	40'	30'	20'		20'							
Maximum lot coverage																		
	Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	75%	None	None	None	None	None	None
	Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%			None	None	None	None	None
Maximum height permissible uses		45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	35'	35'	45'	55'	35' ⁴	45' ⁴	None
	Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	25'	25'	35'	45'	35' ⁴	45' ⁴	None
	Bungalow⁹		25'	25'	25'	25'	25'	25'	25'									
Minimum front yard setback ³		25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	0'	0'	25'	10'	10'	10'	10'
Maximum front yard setback												20'	15'					
Minimum street side yard setback		17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	0'	0'	17'	10'	10'	10'	10'
Maximum street side yard setback												15'	10'					
Minimum rear yard setback ³		25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	5'	0' ¹¹	10'	10'	10'	10'	10'
Minimum side yard setback ³		15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	0'	0' ¹¹	10'	10'	10'	10'	0'
	Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷							

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(Supp. No. 152)

Notes:

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11.

Minimum lot size is existing lot or area shown on chart in square feet.

Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.

Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.

(Height Bonus) Reserved.

(Pedestrian Amenities Bonus) Reserved.

Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.

Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.

On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.

Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

For lots adjacent to an alley, the following reductions to the dimensional standards apply:

Minimal lot area includes 50% of adjacent alley (see graphic).

Reserved.

Minimum front yard setback of ten feet.

Additional setbacks apply when lot abuts a multi-family or single-family residential zoning district.

(Serial No. 2008-04, § 2, 2-25-2008, eff. 3-27-2008; Serial No. 2012-24, § 3, 5-14-2012, eff. 6-14-2012 ; Serial No. 2021-28 , § 4, 8-23-2021, eff. 9-22-2021; Serial No. 2021-35(am), § 4(Exh. B), 2-7-2022, eff. 3-10-2022)

5-10-23

To the members of the Title 49 committee as well as all of the current members of the Planning Commission,

First of all let me thank you for volunteering your time to be a Planning Commissioner for the City and Borough of Juneau. I know how much time it takes away from your families but I hope that the benefit your service brings to the community will bring you satisfaction in knowing your time on the Commission helped many Juneau residents.

Background;

My name is Dan Miller and I am the owner of Building PROS Inc., I moved to Juneau in 1995 and have literally built hundreds of new houses and done countless small jobs improving the homes of many residents of Juneau. While conducting business I did get to come in front of the planning commission a few times and because of these experiences I decided to apply to become a planning commissioner. I ended up spending 11 years on the commission and am proud of the work we did as a commission for the CBJ. I am still working full time and Building PROS is busier than ever. A couple of years ago I met a young man who was starting his own construction company, his name is Joony Munoz, he with his wife Yvonne, owns Munoz Construction. He and I share common work ethics and the desire to bring our clients the most quality and value for their projects. This resulted in working on some of our jobs together. Sometimes I'd work for him, sometimes he'd work for me. As a mentor, I helped Joony with a subdivision on a lot he lives on off of the Backloop. He had never gone through the process of subdividing before and I was glad to help. It took a year to get the subdivision done (we had to wait for code to change, I will come back to this point later) and the bungalow started, but in 2022 Joony was off and running. Per my recommendation Joony had construction stakes set by a licensed surveyor so that we could lay out the building on the lot, also per my recommendation, we set the building at least one foot extra away from the setback lines "just to be sure". I helped lay out the building initially for excavation. Joony laid out the building for the foundation and the CBJ Inspector checked the foundation placement for the foundation setback form. Let me just say that the staking was sufficiently believable that it fooled all of us. The bungalow house was built and it wasn't until the as-built was done that we discovered that the building is set too far back, being at 20.77 feet from the rear property line instead of the required 25 feet. I obviously did not do a thorough enough job of mentoring my friend, which is why I am presenting this issue to you on his behalf.

The Problem;

The bungalow house is built. It achieved the affordability goal that the Bungalow ordinance set out to achieve. The contractor, Munoz construction, has completed the home, he has a buyer for the home but because of the setback issue CBJ can not issue a Certificate of Occupancy. He is still paying construction loan interest on a home that is completely ready to occupy. The current construction loan interest rate is 9.5%, so saying that time is of the essence is an understatement. Juneau needs Munoz construction and can not afford to put him out of business. If you don't believe me, just try calling around for a contractor to install a window, door, or even tougher, a new kitchen or addition....

The Meeting with CBJ;

Joony and I met with Jill Mclean, Charlie Ford and Scott Cambior all of CBJ CDD to discuss this difficult situation. In a nut shell we were told that the only real way forward was to buy a strip of land from the neighbor. Joony asked the neighbors and they don't want to sell. He's not a government so its not like he can force them to sell with an imminent domain tool. The proverbial saying...between a rock and a hard place....that is this situation.

With my planning commission experience I asked about trying for a variance, Jill was upfront and let us know that it would be difficult if not impossible to meet the criteria. We haggled over this for awhile and I admit I regressed about why the variance ordinance had changed. So instead of being able to get a variance for just about anything, the current philosophy is to change code. For instance, on the subdivision of this bungalow lot (mentioned above), the original lot lines had been skewed at a bit of an angle and were plotted at 100 feet long. But if you make the lines perpendicular, the lot lines were only 98 feet long. So instead of being able to ask for a variance we had to wait for the code to change. And I have to admit, this code change will help many people now and in the future.

Grasping for a solution, knowing that a variance would be a long shot (according to Jill), I asked about possible code changes that might benefit us, but really be an improvement to Title 49 and be a benefit to others in the future as well. We did a bit of brainstorming and I believe there are 2 possible changes that could be made that were more or less received favorably by those in the meeting. This letter is meant to address these possible solutions. The first possible code change could be changing the setback requirements of a bungalow lot. The second could be a minor rewrite of the administrative variance. And the third possible solution is just applying for a non-administrative variance. (I believe I have findings that are real and relevant)

The 3 possible solutions;

- 1) *Change the setback requirements for Bungalow Lots.* Bungalow Lots were intentioned to be in-fill and to help boost density without the full impact of a normally size house. To accomplish this the code was written and in the Table of Dimensional Standards, a Bungalot lot is allowed to be one half of the lot size of the undlying zone and one half of the width. For example in a D-3 zone, a regular lot has to be 12000 sqft and 100 feet wide, whereas a bungalot lot can be half of those or 6000 sqft and 50' wide. Perhaps we can expand these one half rules to the setbacks. So I would propose that *one half of the setbacks can be reduced to one half of the setback requirement for that zone, but no less than 3 feet.* So as an example, in a D-3 zone, instead of a front setback of 25 feet, side setbacks of 10 feet and a rear set back of 25 feet, a person could choose to reduce one of the sides to 5' and either the front or the back to 12.5 feet. Some relaxing of these setbacks on Bungalow lots would surely allow more development of this affordable housing option and would provide the relief my friend and colleague Joony Munoz needs.
- 2) *Change the administrative variance language.* Per Title 49:

“an administrative variance may be granted to allow projections not to exceed 25 percent of the yard *setback* requirements of this title or two feet, whichever is less, upon the director determining the following:

- A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
- (B) The unusual or special conditions of the property are not caused by the person seeking the variance;
- (C) The grant of the variance is not detrimental to public health, safety, or welfare; and
- (D) The grant of the variance is narrowly tailored to relieve the hardship.”

If the first sentence of the above code was re-written to exclude the “or two feet, whichever is less”.

OR

instead of deleting the 2 feet or less, it could be changed to apply to for side yard setbacks. And for front or rear yard setback a 5 feet or less restriction could be added. Either way, these changes seem reasonable to me and I believe the director would be able to have findings in favor for this situation.

- 3) *Submit a Non Administrative variance application.* Interestingly enough, the same conditions for an administrative variance is required for an non administrative variance. I believe that B, C and D are pretty easy for the planning commission or the director to have suitable findings for. It is criteria A, that seems a little tougher so I will go into it more here. I believe that people tend to get hung up on unusual or special “conditions” of the property. I believe that people may tend to define the condition of the property as it’s physical characteristics, such as the land being very steep or being adjacent to an important anadromous stream and I too believe that those are examples of conditions. But conditions are also the specific processes of the property that occur during a project. Synonyms for conditions using “Microsoft Word” are “circumstances, situations, settings, environments and surroundings.” So certainly, the physical characteristics of a property are conditions or environments or surroundings but so too are all of the events and processes that occur on a property, these being the circumstances or the situations. In all the years I have been building with hundreds of opportunities to mess it up, I have had only one situation where a setback encroachment occurred, in that case it required a “diminimus variance” (basically similar to today’s administrative variance).

This Bungalow setback issue is an unprecedented request for me. I really believe that what we did to make sure of the house placement was the responsible thing to do. We did NOT just wing it. We purposefully hired a reputable professional surveyor and he provided us with staking to set the house by. We do not know if a stake ended up getting moved or removed or if it was in the wrong place. We don’t know if we misunderstood what exactly was staked, but as I’ve said above, what we believed to be accurate was sufficiently authentic that 3 professionals (me,

Joony Munoz and the CBJ inspector) all believed in its accuracy. This circumstance, or situation or condition of this property does NOT get any more unusual or unprecedented than this.

Therefore, the Findings could be as follows (please note that these findings could be the same for either an administrative variance decided by the director or for a non-administrative variance decided by the Planning Commission):

- A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;

The unfortunate events that led to incorrect placing of the bungalow building are completely unusual such that special consideration is necessary to alleviate the undue hardship. The situation that the builder and CBJ are in are due to circumstances that are unexplainable, completely inadvertent, and accidental. There is NO benefit the owner would gain by purposefully encroaching into the setback only hardship, uncertainty and financial duress. Therefore, the condition of this requirement is met.

- B) The unusual or special conditions of the property are not caused by the person seeking the variance;

In reality, I submitted the building permit and a professional surveyor did the staking, so it wasn't Joony Munoz who caused the special conditions of the property. (this distinction was pointed out by CDD director Jill Mclean during our solution finding meeting) There is NO benefit the owner would gain by purposefully encroaching into the setback only hardship, uncertainty and financial duress. This condition is met.

- C) The grant of the variance is not detrimental to public health, safety, or welfare;

Granting a rear setback of 20.77 feet instead of 25 feet is not detrimental to the public health, safety and welfare. This condition is met.

- D) And; The grant of the variance is narrowly tailored to relieve the hardship;

It doesn't get any narrower than one hundredth of a foot, granting the 20.77 feet setback is narrowly tailoring the variance to relieve the hardship. This condition is met.

Of the three possible solutions we just want whichever one is going to stop the financial hemorrhaging the soonest. As some of you know, at the end of the project is when you have all of that money out and you're just hanging on for the Certificate of Occupancy, so you can get out from under the construction loan. With today's rates it's a huge deal. At the meeting with CBJ, Scott and Jill spent a bit of time looking at schedules for upcoming meetings and it was thought that the bungalow setback change might be the fastest. Although deleting or changing a couple of words in the administrative variance code sounds quick too. That all said, I believe my variance findings are sound and I hope you do as well, in case this is the path we must take.

Thank you again for your service to our community and for your time in considering this issue,

Sincerely,

Dan Miller

Building Pros Inc



CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION RULES OF ORDER

The following rules and guidelines are hereby adopted by the Planning Commission of the City and Borough of Juneau.

Purpose.

These Rules of Order are intended to guide meetings and other operations of the City & Borough of Juneau (CBJ) Planning Commission in a manner that ensures consistency, fairness, and an equitable opportunity for members of the Commission and the public to participate in an open and orderly manner.

Rule 1. COMMISSION OFFICERS AND ROLES

- A. The officers of the Planning Commission (Commission) shall be Chair, Vice-Chair, Clerk, and Assistant Clerk.
- B. Officers shall be elected by a majority vote of the members of the Commission held annually at the start of the first regular meeting of the year.
- C. Officer Duties:
 - 1. The Chair shall preside over regular Commission meetings, establish committees, and coordinate with the Community Development Department Director (Director) on issues including meeting agendas.
 - 2. The Vice-Chair shall preside over Committee of the Whole meetings and fulfill the duties of the Chair when the Chair is absent or otherwise unable to fulfill those obligations.
 - 3. If neither the Chair nor Vice-Chair is available, another member of the Commission shall be identified to fulfill the designated duties.

Rule 2. MEETINGS

- A. Date and Time of Regular Meetings. The regular meetings of the Commission shall be at ~~7:00~~6:00 P.M. on the second and fourth Tuesdays of each month.
- B. Commission Attendance. Members of the Commission are expected to attend meetings and arrive on time. If a member of the Commission arrives, or joins remotely, after the Commission has begun proceedings on an item, that member will not be allowed to participate in the hearing

on that issue.

If a member of the Commission cannot attend a Commission or Committee meeting or will be late to a meeting, that member ~~is expected to~~will notify the ~~Director and~~ Chair with as much notice as possible. If a member is absent without providing notice, that absence will be considered unexcused. If any member reaches three unexcused absences from regular, special, and subcommittee meetings in one calendar year, the ~~Director~~ Chair will notify the Assembly Human Resources Committee (HRC).

- C. Place of Meetings. Commission meetings shall be held in the Assembly Chambers at the Municipal Building at **155 South Seward Street**, Juneau, Alaska, unless public notice is provided for a different location. Meetings will also be available by remote platform.
- D. All Meetings Public. All meetings of the Commission and any of its subcommittees shall be open to the public except for executive sessions.
- E. Special Meetings and Committee of the Whole Meetings. Special and Committee of the Whole meetings may be called at any time by the Chair and must be called if requested by at least three members of the Commission.
- F. Time of Adjournment. Meetings will adjourn no later than ~~11:00~~10:00 P.M. unless extensions are allowed by a majority of the members of the Commission present who are not recused from hearing the business under consideration at the time. Meetings may be extended past ~~11:30~~10:30 P.M. only in accordance with Rule 14 and with consent of the Chair. No new business will be considered after 10:30 P.M. unless agreed to by a majority of the members present who are not recused from hearing the new business.

Rule 3. PUBLIC NOTICE OF MEETINGS

Notice of all meetings of the Commission and its subcommittees shall be supplied to a newspaper of general circulation and posted on the City and Borough website and on the Municipal Bulletin Board.

Rule 4. STAFF ATTENDANCE

At least one Community Development Department (CDD) staff member will attend all meetings of the Commission and its subcommittees.

Rule 5. ORDER OF BUSINESS

The order of business for Commission meetings shall be:

- I. Land Acknowledgement
- II. Roll Call
- III. Request for Agenda Changes and Approval of Agenda
- IV. Approval of Minutes
- V. Brief Review of the Rules for Public Participation
- VI. Public Participation on Non-Agenda Items

- VII. Items for Reconsideration
- VIII. Consent Agenda
- IX. Unfinished Business
- X. Regular Agenda
- XI. Other Business
- XII. Staff Reports
- XIII. Committee Reports
- XIV. Liaison Reports
- XV. Continuation of Public Participation on Non-Agenda Items
- XVI. Planning Commission Comments and Questions
- XVII. Executive Session
- XVIII. Adjournment

Rule 6. COMMITTEES

- A. Appointment and Membership. The Chair shall (i) appoint members to the standing subcommittees and appoint the chairs of those subcommittees; and (ii) create subcommittees, as deemed necessary, and appoint members and chairs of those subcommittees. Standing committees shall consist of at least four members of the Commission. The Chair is an ex officio member of all subcommittees; the Chair can debate and vote and is not required for purposes of establishing the minimum quorum necessary for action. If present, the Chair counts toward establishing a quorum.
- B. Committee Chair. A subcommittee Chair or, in their absence, the most senior member of the subcommittee present, shall have full responsibility for conducting the affairs of the subcommittee and reporting the same to the Commission. Subcommittee Chairs shall act as spokespersons for their subcommittee at public meetings. Public testimony shall be allowed at subcommittee meetings only with permission from the Chair of that subcommittee.
- C. Standing Committees.
 - 1. Title 49 Committee. The purpose of this committee is to review the land use code and recommend changes to the land use code, as needed, to the Commission.
 - 2. Governance Committee. The purpose of this committee is to review and recommend updates to these rules and procedures as necessary, and to consider other actions as may be beneficial to facilitate Commission and subcommittee meetings and debate.
 - 3. CIP Committee. The purpose of this committee is to lead Commission participation in development of the annual CBJ CIP project list, including efforts to ensure the projects reflect CBJ planning priorities as enumerated in the Comprehensive Plan, Area Plans, and other plans adopted by the Assembly.

Rule 7. OTHER BOARDS, COMMISSIONS AND COMMITTEES

- A. Appointment of Liaisons. Commission liaisons serve as connections to establish and maintain communication between the Commission and other boards, commissions, or committees on issues, projects, and other matters of mutual concern and interest. A liaison is not a member of the other body, ~~does not or~~ counted to determine a quorum, has no voting power on the body, and is encouraged, but not required, to attend ~~all~~ meetings of the body. The Chair shall appoint one liaison to each of the following:

1. Assembly Lands, Housing, and Economic Development Committee.
2. Assembly Public Works and Facilities Committee.
3. Juneau Commission on Sustainability.

- ~~B. Appointments to seats on other Boards, Commissions, or Committees. The Chair shall appoint members to serve on other boards, commissions, and committees, in seats designated for the Commission, as follows:~~

- ~~1. Wetlands Review Board. Two members of the Commission shall be appointed to serve as full, voting members of the Wetlands Review Board.~~

Rule 8. PROTOCOLS FOR COMMISSIONER DEBATE AND DISCUSSIONS

- A. Speaking on the Question. In all questions and comments, members of the Commission shall ~~endeavor to~~ provide the Commission with relevant facts and arguments and shall ~~strive to~~ avoid redundancy. The Chair may disallow non-germane questions and comments. Members of the Commission, the Director, and CDD staff may speak more than once to the same question at the same stage of proceedings. In determining the order of speakers, the Chair shall give priority to members who have not spoken on the question.
- B. Asking Questions. After obtaining recognition from the Chair, a member may ask direct questions of another member of the Commission, the Director, CDD staff, or of a person appearing before the Commission. All questions shall be respectful and may not be argumentative.
- C. Decorum. Members of the Commission shall not question the motives, competency, or integrity of any person except as necessary to decide a matter in which such issues are relevant. The Chair shall admonish any member violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 9. PROTOCOL FOR MEETINGS

- A. Order and Procedure for Public Hearings on Action Items:
1. The Chair will open the hearing on an individual item for action and read the title of the matter at hand.

2. CDD staff will present a report and recommendation and will respond to initial Commission questions. CDD staff is encouraged to limit its presentation to no more than 10 minutes. Members of the Commission are encouraged to hold questions until the completion of the initial presentation.
 3. The applicant or the applicant's representative will have an opportunity to present information regarding the request and respond to initial Commission questions. This presentation is limited to no more than 10 minutes. The limit shall be extended as long as necessary to answer any questions addressed to the speaker by the members of the Commission. If the applicant wishes to use electronic slides (PowerPoint or the equivalent) during a presentation, the applicant must supply an electronic version of those slides to CDD staff in accordance with Rule 11. This deadline may be altered for meetings held other than at the regular meeting time.
 4. Public participation will be opened, and the public will be invited to comment. Public participation shall be carried out in accordance with Rule 10. Members of the Commission may pose questions through the Chair in accordance with Rule 8.
 5. Public participation will be closed.
 6. The applicant or the applicant's representative will have an opportunity to present additional information regarding the request and respond to questions from the Commission. This presentation shall be limited to no more than 5 minutes; this time limit shall be extended as long as necessary to answer any questions addressed to the speaker by members of the Commission.
 7. The Commission will deliberate and make its decision.
- B. The Chair will set forth the item or subject to be discussed and will rule non-germane or inappropriate comments out of order.
 - C. All speakers, members of the public, the Director, CDD staff, and members of the Commission will be recognized by the Chair by surname.
 - D. When recognized by the Chair, CDD staff may participate in the same manner as the members of the Commission except that staff cannot vote.
 - E. Once public participation is closed, it cannot be reopened except in accordance with Rule 14.
 - F. Except in accordance with Rule 17, remote participation by an applicant or member of the public is not permitted. A member of the public that wishes to participate at a meeting, but cannot attend the meeting, may submit comments in writing pursuant to these Rules or send a representative to present on his-or-her~~his-or-her~~their behalf. Applicants or members of the public that choose to participate remotely do so at their own risk. If remote connection is lost, the public

hearing may continue without the applicant's participation.

Rule 10. PUBLIC PARTICIPATION AT MEETINGS (ORAL)

A. Public Testimony. Public participation in the form of oral testimony during hearings on permit applications, ordinances, resolutions, matters other than appeals, and on non-agenda items, will be conducted according to the following rules:

1. Subject Matter. Members of the public present during a hearing shall be given one opportunity to be heard during the hearing. In addition, there shall be a time during all regular Commission meetings for members of the public to address the Commission concerning any matter relevant to the Commission's jurisdiction and not on the agenda for specific public hearing at that meeting. Questions posed to Commissioners or CDD staff will not be answered directly during the time allotted for public testimony.
2. Time Limits for Public Testimony. Unless otherwise specified by the Chair, public testimony on agenda items is limited to five minutes per speaker. The five-minute limit shall be extended as long as necessary to answer any questions addressed to the speaker by the Commission or -CBJ-the Director, or CDD staff. The Chair may set a different time limit if it appears necessary to gain maximum participation and conserve time and may, for the same reason, disallow questions from the Commission to members of the public. The time limit may also be changed by a majority of the Commission, which the Chair cannot overrule. Except as otherwise provided in these Rules, the time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. The time limit for public testimony on non-agenda items is limited to three minutes.
3. Public Representatives. Members of the public shall not have the right to transfer their unused time to another. However, an individual may speak on behalf of a group of other individuals provided that all individuals are present, either in person or remotely, during the meeting. If present in person, all individuals must have signed in on the sign-in sheet provided, and have indicated on the sign-in sheet that the representative individual will present on their behalf. If participating remotely, all individuals must have provided an email to the Director and Chair by 12:00 PM the day of the meeting stating that the representative individual will present on their behalf. Under these circumstances, the time limit for the oral testimony presented by the representative individual shall be extended by one minute for each individual represented up to a maximum of five additional minutes. Individuals that are represented in this manner shall not also have the right to present oral testimony for themselves. The Chair has discretion over the order in which public testimony will be taken from members of public participating in person and members of the public participating remotely.
4. Identification. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Chair, their place of residence. The public will write this information on the sign-in sheet provided.

- B. Decorum. The Chair is responsible for ensuring that members of the public have a reasonable opportunity to address the Commission during public participation periods and for maintaining proper order and decorum throughout each meeting. Audible communication from or in the audience, including communication directed to the Commission, CBJ staff, or applicant during meetings is not allowed. The Chair shall ~~also~~ ensure that during oral testimony, members of the public direct their comments and questions to the Chair and not to the applicant, CBJ staff or other members of the public. Questions shall be respectful and may not be argumentative. The Chair shall admonish any member of the public violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

RULE 11. WRITTEN and/or ILLUSTRATIVE MATERIALS

Members of the public are encouraged to submit written comments, reports, and exhibits. Such material, especially maps, graphics, photographs, and responses to specific code sections, generally aids the Commission in making its decision. However, material submitted close to the hearing date, especially voluminous written material offered at a public hearing, can result in inequities. The Commission adopts this written and/or illustrative material policy to give CDD staff and the applicant a reasonable opportunity to analyze public comments, to give the public a reasonable opportunity to submit material before and after publication of the staff report, to give the members of the Commission a reasonable opportunity to review the meeting packets, and to give the Commission the ability to balance the relevance and prejudice of any late material. Members of the public should assume that the members of the Commission have read all materials submitted in advance of the hearing.

- A. Publication of Staff Report. The original staff report should be published by close of business ~~eight~~ seven (7) days before the hearing (~~Monday~~ Tuesday). If justice so requires, the Director may extend the publishing deadline to close of business six days before the hearing (Wednesday).
- B. Timely Material for Packet.
1. Material—including public comments, applicant comments, and supplemental staff reports—submitted to CDD before 12:00 PM four days before the hearing (Friday at noon) is considered timely submitted and will be included in a packet for that meeting. Material submitted ~~less than four days before a meeting~~ after the Friday 12:00 PM deadline is subject to the late submittal policy below. If justice so requires and with consultation with the Chair, the Director may extend the timely material deadline to ~~noon~~ 12:00 PM the day before the hearing (Monday).
 2. If a member of the public wishes to use electronic slides (PowerPoint or the equivalent) during public testimony, an electronic version of those slides must be provided to the Community Development CDD staff by the same deadline for timely written material.
- C. Late Material. Maps, graphics, photographs, and no more than the equivalent of two single-sided printed pages of written information are allowed to be submitted at the hearing when a person

presents. Specifically, if the applicant, CDD staff, or member of the public wishes to submit material after the timely material deadline (~~Friday 12 PM~~Rule 11 B), that person or a representative for that person must ~~(1) attend the meeting,~~ provide 15 copies of the written and/or illustrative material, and present the material to the Commission during the opportunity for public comment, ~~and (2) if appearing in person, provide fifteen copies of the written and/or illustrative material; if appearing remotely, email the material to the Community Development Department no later than 8 AM the day of the hearing.~~

- D. Written Comments. Written comments, with the exception of e-mail transmissions, must be signed, and the source of illustrative materials must be identified. E-mail transmissions must show the author's name. Anonymous submissions will not be accepted.

Rule 12. MOTIONS

- A. Seconds. Seconds to motions are not required.
- B. Priority of Privileged Motions. Privileged motions shall have the following priority:
1. Fix time to adjourn
 2. Give notice of reconsideration
 3. Adjourn
 4. Recess
 5. Question of privilege of the Commission
 6. Question of personal privilege

Rule 13. CLERICAL ERRORS

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or spelling, may be corrected by the City Attorney without Commission approval upon discovery of the error.

Rule 14. VOTE REQUIRED

The affirmative vote of five members of the Commission shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates.
- B. Suspension of the rules.
- C. Setting of or postponement of special orders.
- D. Objection to consideration of question.
- E. Motion for immediate vote (previous question).
- F. Rescind.
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken.
- H. Reopen public participation.

I. Extend a meeting past 11:30 PM

Charter 3.16 (e) allows the prevailing vote to be reduced by one vote for every two members of the Commission who are present, but who do not vote because they have a conflict of interest or have been excused from voting by a vote of ~~all~~ the remaining members of the Commission who may vote on the question. However, the prevailing vote may not be reduced to less than one-third of the membership of the Commission. A quorum of the Commission shall consist of a majority of the full membership.

Rule 15. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM

No person except a member of the Commission, the Director, the City Attorney, the planner assigned to the agenda item, and other CBJ staff, may participate in Commission proceedings other than through opportunities provided for applicant presentations and public participation. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda other than items before the Commission for information purposes.

Unless specifically authorized at the meeting by a majority of the Commission or by the Chair, public participation shall not be permitted at the Committee of the Whole meetings, subcommittee meetings, and meetings advertised as work sessions only.

Rule 16. RECONSIDERATION

- A. What May Be Reconsidered. Main motions, amendments to main motions, privileged motions involving substantive questions, and appeals are subject to reconsideration. Procedural motions may not be reconsidered.
- B. Who May Reconsider. Any member of the Commission, whether or not that member voted on the prevailing side, may give notice of or move for reconsideration.
- C. Effect of Notice. The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.
- D. Time in Which Notice Must Be Taken Up. A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.
- E. Successive Reconsideration. There may be only one reconsideration even if the action of the Commission after reconsideration is opposite from the action of the Commission before reconsideration.
- F. Precedence. A motion for reconsideration has precedence over every main motion and may be taken up at any time during the meeting when there is no other motion on the floor.

- G. Effect. A successful motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken. The motion for reconsideration is debatable to the same extent as the underlying motion.

Rule 17. REMOTE PARTICIPATION AT MEETINGS [Note: Includes In-person and Hybrid (in-person/remote) Meetings]

- A. Members of the public, CDD staff, and the Commission may participate remotely in regular or special Commission meetings, Committees of the Whole, or subcommittee meetings.
- B. Members of the public participating remotely shall comply with the protocols and requirements of Rule 10 and Rule 11.
- C. Members of the Commission, for in person or hybrid meetings, shall endeavor to notify the Director and the presiding officer by 8:00 AM the day of the meeting which the member proposes to attend remotely. Commissioners are encouraged to appear in person to the fullest extent practicable.
- D. A member of the Commission participating remotely shall be counted as present for purposes of quorum, discussion, voting, and attendance.
- E. A member of the Commission participating remotely shall make every effort to participate in the entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.
- F. The member of the Commission participating remotely may ask to be recognized by the presiding officer to the same extent as any other member.
- G. If the Chair participates remotely at any meeting, the Vice-Chair or otherwise identified member of the Commission shall preside.
- H. To the extent reasonably practicable, the Director shall provide meeting materials to the member of the Commission participating remotely.
- I. If the remote connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled. ~~The Secretary~~ CDD staff shall attempt to establish or restore the connection. If the member of the Commission participating remotely is necessary to achieve a quorum and the connection is lost, the meeting shall take an at-ease, recess, or adjourn as necessary until the remote connection is established or restored.
- J. Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member of the Commission participating remotely.
- K. Remote communication shall be audible to all members of the Commission, CDD staff, and the public in attendance at the meeting.

- L. Except as provided in Rule 18, remote participation by members of the Commission is prohibited for appeal hearings. In-person attendance is required.
- M. As used in these Rules, “remote” means any system for synchronous two-way voice communication (e.g. telephone) or video conferencing technology. If a member of the Commission participates remotely, video conferencing is preferred.

Rule 18. REMOTE MEETINGS [Note: Does not include Hybrid (in-person/remote) Meetings]

- A. Special considerations, such as health advisories, may require the suspension of in-person Commission meetings. In those situations, alternative protocols for remote meetings will be utilized.
- B. For remote meetings:
 - 1. Rules 9(F), 10(A)(3), ~~10(B)(2)(a), 10(B)(3),~~ and 17(B) will be suspended;
 - 2. Any materials that the applicant wishes to use as part of a presentation during the hearing must be submitted electronically to CDD no later than the Thursday before the meeting. If it is not possible to submit materials electronically, the applicant should call CDD to arrange delivery of materials.
- C. Additional protocols may be developed by the Chair and the Director for review and adoption by the full Commission. Such alternate meeting protocols will follow the general rules and procedures for the Commission as closely as practical, with the broadest public access and participation, consistent with the available system technical capabilities.

Rule 19. ADOPTION OF ROBERT’S RULES OF ORDER

Meetings shall be conducted according to Robert’s Rules of Order, ~~11th~~ 12th Edition.

REPEAL AND EFFECTIVE DATE.

The existing Planning Commission Rules of Order are repealed, and these Rules of Order shall be effective upon filing with the City Clerk.

_____ Michael LeVine, Chair Planning Commission	_____ Date
_____	_____

Filed with the City Clerk

Date