



**PLANNING COMMISSION STAFF REPORT  
TEXT AMENDMENT AME2018 0004  
HEARING DATE: FEBRUARY 22, 2022**

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155 S. Seward Street • Juneau, AK 99801

**DATE:** February 15, 2022  
**TO:** Michael LeVine, Chair, Planning Commission  
**BY:** Irene Gallion, Senior Planner   
**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** The proposed ordinance would revise the Alternative Development Overlay District.

**STAFF RECOMMENDATION:** Provide feedback to staff on:

- Lot size.
- Setbacks and sight distances.
- Exemptions.

**KEY CONSIDERATIONS FOR REVIEW:**

- Lot size and subdivision – after Department of Law review, staff proposes eliminating lot size from Alternative Development Overlay District standards.
- Setbacks for corner lots – CBJ’s Engineering and Public Works Department have expressed concerns with the setbacks proposed. Additionally, under the current proposal a structure has less restrictive setbacks than vegetation.
- Exception categories:
  - Defining a “parking deck” and revising code to accommodate the new definition.
  - Defining “sight-obscuring trees” to simplify code.

**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:
  - 49.10.170(d)
  - 49.25.430(I) and (L)
  - 49.70. Article XII (replace)
  - 49.80 definitions
  - 49.85.100(10)(C) - delete

**The Commission shall hear and decide the case per 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.**

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	City and Borough of Juneau (CBJ)
<b>Initiated By</b>	CBJ (expiration in code)
<b>Property Affected</b>	Downtown Juneau

<b>LAND USE CODE AMENDED</b>	
<b>49.70.1200</b>	Revision to standards for Downtown Juneau, removal of Downtown Douglas.
<b>DEFINITIONS</b>	Parking Deck Sight-Obscuring Trees
<b>OTHER CODE IMPACTED</b>	CBJ 49.25.430(4)(I), Parking Deck CBJ 49.25.430(4)(L), Fences and Vegetation

<b>WORK SESSION DATES</b>	
<b>Title 49 Committee</b>	August 7, 2019; September 4, 2019; October 2, 2019; November 1, 2019
<b>Committee of the Whole</b>	June 9, 2020
<b>Public Meeting</b>	February 2019, December 2019
<b>Regular Planning Commission Meeting</b>	July 27, 2021

**DISCUSSION**

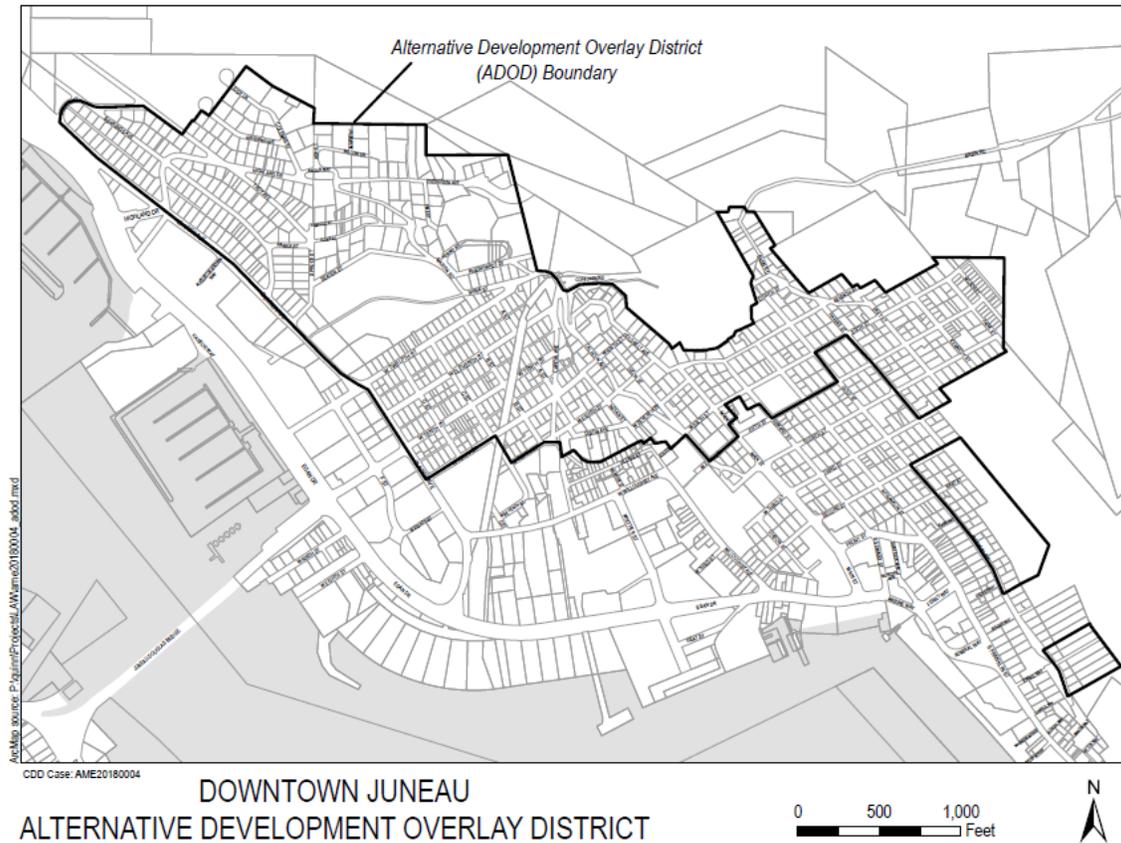
This staff report summarizes the Alternative Development Overlay District (ADOD) standards proposed through iterative development, and asks for clarification on:

- Lot size and subdivision.
- Setbacks, in light of feedback from Engineering and Public Works Department (E&PW).
- Set back exemptions including:
  - Parking decks.
  - Trees in sight lines.

The latest version of the ordinance, with “track changes” and notes on proposed changes, is in **Attachment A**. A “clean” version is in **Attachment B**.

**Background** – Since the Commission last saw this ordinance, it has been reviewed by the CBJ Law Department and E&PW. Both reviews generated proposed changes.

**Property Affected** – The ADOD ordinance includes a map of the impacted area.



**Section Amended** – Standards established in the proposed ordinance include [Draft 49.70.1430]:

- Minimum lot width of 25 feet [section (b)].
- Minimum vegetative cover of 15 percent [section (c)]. Note that considered revisions to the definition of vegetative cover would include drainage and inundation features such as permeable pavement.
- Structure height of 35 feet for primary uses and 25 feet for accessory uses, the same as current D5 standards [section (d)].
- Setback sum of 20 feet, with the minimum setback of three feet from each lot line [section (e)].

**Lot Size and Subdivision** – CBJ staff requests the Planning Commission consider revising their approach on lot size and subdivision. Staff proposes no minimum lot size. Any lot participating in any element of the ADOD will be unable to subdivide. Subdivision must meet the lot size of the underlying zoning, and cannot participate in ADOD standards reductions.

At their last meeting, the Commission had proposed no minimum lot size under ADOD, but that subdivisions after January 2022 meet lot size requirements. Creating special standards for subdivision in the ADOD could be considered arbitrary and not satisfy “rational basis.” Rational basis is a legal concept that disallows drawing distinctions between persons in a way that may violate the equal protection clause.

**Setbacks** – As proposed, structures could have less restrictive setbacks than fences and vegetation, depending on the distance of the travelled way from the lot line. For corner lots, this could permit structures close to intersections, impacting sight distances.

Juneau’s E&PW expressed two concerns with the reduced setbacks:

- Intersection sight distances are reduced below those outlined by the American Association of State Highway and Transportation Officials (AASHTO).
- Street maintenance could impact, or be impacted by, structures close to the right-of-way.

Sight Distances at Intersections:

Engineering recommends the Planning Commission consider a Traffic Engineer review of how setbacks impact sight distances. There is no uniform answer, as right-of-way width and travelled lane width vary. The analysis provided here lacks nuanced strategies that a Traffic Engineer might be able to provide.

The speed limit in a residential district is 25 miles per hour [CBJ 72.02.275(b)(3)]. This is in keeping with the statewide code [13 AAC 02.275].

The images below assume a 90 degree intersection with two 12-foot lanes, with the driver set back from the intersection 17.8 feet (per AASHTO).

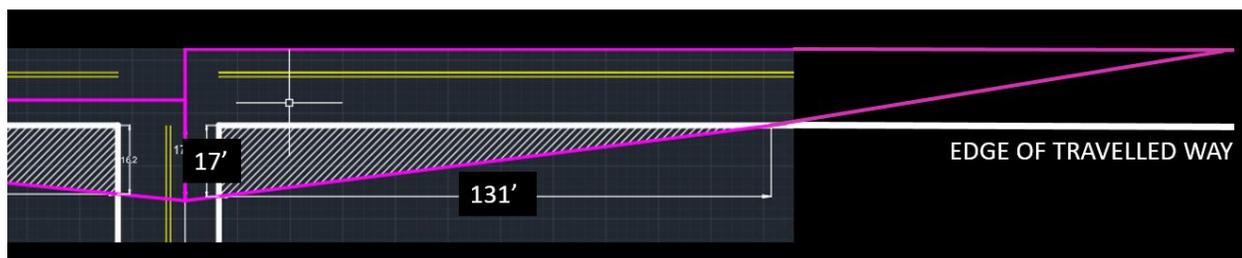
References to AASHTO below are from “A Policy on Geometric Design of Highways and Streets,” 2018, 7<sup>th</sup> Edition.

Left Turn:

AASHTO recommends sight distance of 280 feet for a vehicle making a left turn (Table 9-7). To maintain this sight distance, a 17-foot setback is required from the intersection. This setback decreases down the length of the road for 131 feet.

In the image below, the:

- White line represents the edge of the travelled way.
- Magenta line represents the sight triangle for the driver.
- Yellow double line represents the middle of the travelled way.

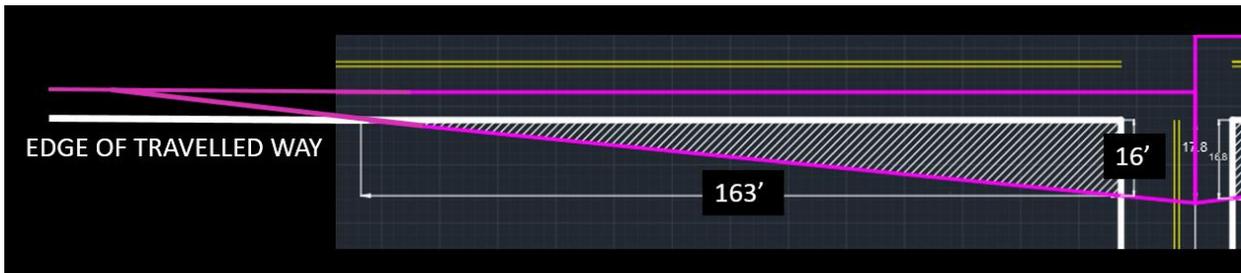


Assuming a five-foot sidewalk, a three-foot structure setback would place the structure eight feet from the intersection. In the image below, the green box represents a setback of eight feet. Sight distance (represented by the red line) is reduced to 59 feet.

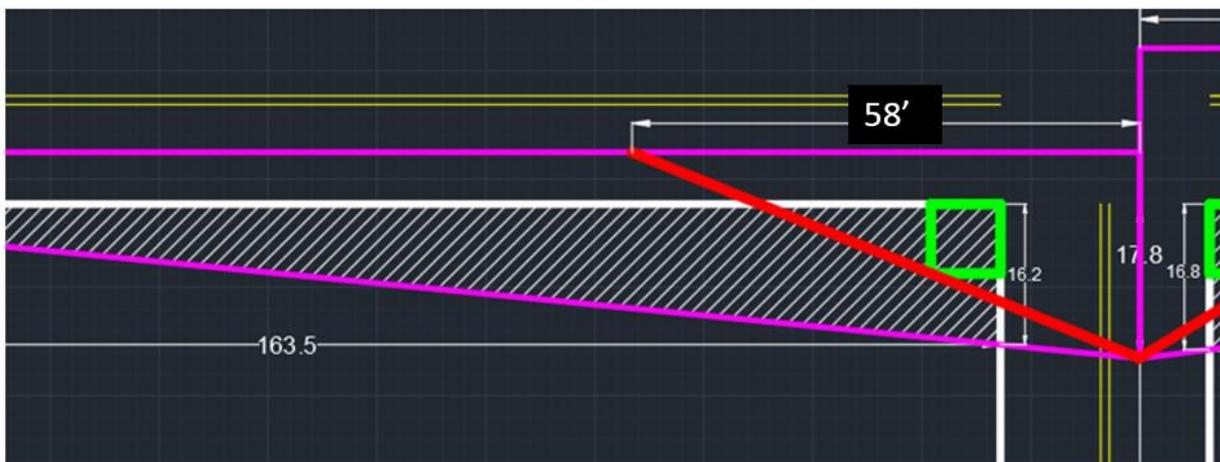


Right Turn:

AASHTO recommends a sight distance of 240 feet for a right turn (Table 9-9). To maintain this sight distance, a 16-foot setback is required from the intersection. This setback decreases down the length of the road for 163 feet.



With the eight-foot setbacks discussed above, the sight distances are reduced to 58 feet.



Other considerations for sight distances:

Reducing the speed to 15 miles per hour:

- Does not reduce sight distances enough, requiring 170 feet for a left turn and 145 feet for a right turn.
- Would require posting signs where applicable to meet sight distances.
- Would not be consistent with state code.

The Commission may consider eliminating on-street parking spaces a certain distance from intersections.

In the future, the Commission may be required to approve a roadway construction standards waiver for roads within the ADOD area that cannot meet AASHTO standards.

Street Maintenance:

The Streets Superintendent expressed concerns with the proximity of structures to the right-of-way, especially during road construction projects where large equipment may be constrained. E&PW suggested a damage waiver for owners participating in the ADOD. This has not been discussed with CBJ Risk Management at this time.

**Exception categories** – The exceptions outlined in proposed code already exist, and are restated to clarify that they apply to the ADOD. This ordinance may be an opportunity to clarify language associated with parking decks and trees.

Parking decks:

Exception language in current code states [CBJ 49.25.430(I)]:

*Parking decks. A parking deck, no part of which exceeds one foot above the level of the adjoining roadway, and which does not include other uses, is exempt from the setback requirements of this chapter; provided a non-sight-obscuring safety rail not more than 42 inches in height is allowed.*

The current code includes the definition of a parking deck in the regulation rather than in the “Definitions” section of code [CBJ 49.80]. With the new ADOD, this parking deck exemption will occur in two places – CBJ 49.25.430(4)(I) (exemptions to setbacks), and the proposed ADOD code .

Staff proposes revised exception language:

*A parking deck as defined in 49.80 is exempt from the setback requirements of this chapter.*

Staff proposes defining “parking deck.”

*Parking deck is an unenclosed structure on which motor vehicles may be parked. The access to the deck must be at street grade. The deck may have a non-sight-obscuring safety rail not more than 42 inches in height.*

Trees proximate to traveled ways:

Current language states:

*Trees are allowed within 20 feet of the edge of the travel way provided they do not obscure view from a height of four feet to a height of eight feet above ground.*

For a corner lot, height is limited to three feet. Staff is proposing to simplify the language:

*Within 20 feet of the edge of the travelled way, sight-obscuring fences and vegetation are limited to four feet. Sight-obstructing trees are not allowed.*

CBJ 49.80 includes a definition of “fence, sight-obscuring.” Staff proposes the addition of a definition for sight-obscuring trees:

*Sight-obscuring trees have branches or vegetation between the height limit of the regulated area and eight feet, or have a diameter over 14 inches.*

If the Commission finds this approach is an improvement, they may want to consider updating the non-ADOD code 49.25.430(4)(L).

### **COMPLIANCE WITH TITLE 49**

**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.

If the proposed ADOD code is adopted, code that may require updates include:

<b>Code Reference</b>	<b>Item</b>	<b>Summary</b>
CBJ 49.80	Definitions	Add definition: <i>Parking deck is an unenclosed structure on which motor vehicles may be parked. The access to the deck must be at street grade. The deck may have a non-sight-obscuring safety rail not more than 42 inches in height.</i>
CBJ 49.25.430(1)	Exceptions: Parking Decks	If the definition of “parking decks” is adopted, replace the current code with: <i>A parking deck as defined in 49.80 is exempt from the setback requirements of this chapter.</i>

CBJ 49.80	Definitions	Add definition: <i>Sight-obscuring trees have branches or vegetation between the height limit of the regulated area and eight feet, or have a diameter over 14 inches.</i>
49.25.430(4)(L)	Fences and Vegetation	If the definition of “sight-obscuring trees” is adopted, replace current code with: A) <i>Within 20 feet of the edge of the travelled way, sight-obscuring fences and vegetation are limited to four feet. Sight-obstructing trees are not allowed (See figure XX).</i> B) <i>Within 20 feet of a street intersection, sight-obscuring fences and vegetation are limited to three feet. Sight-obscuring trees are not allowed (See figure, XX). The area in which sight-obscuring fences and vegetation is restricted shall be determined by extending the edge of the travel ways to a point of intersection, then measuring back 20 feet, then connecting the three points.</i>

**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.*

<b>2013 COMPREHENSIVE PLAN –</b> The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
Chapter	Page No.	Item	Summary
5	45	5.2-IA4	Encourage downtown accommodations for legislators.
5	48	Downtown	Preserve historic structures and neighborhoods with designs that protect height, scale, and orientation, while creating housing downtown.
5	49	5.5-DG1	<i>“When reviewing applications for new downtown Juneau development, consider the visual impacts on downtown building form, urban design and view corridors, as well as impacts to the livability of downtown with regard to circulation, housing accommodations, air quality, noise and hazard abatement and provision of goods and services, to ensure downtown provides a clean, safe, attractive, dynamic, interesting, enjoyable, walkable, culturally diverse and affordable neighborhood within which to live, work and play.”</i>
10	184	Subarea 6, Guideline 1	Preserve the scale and densities of the older single-family neighborhoods in the downtown area, including the Casey-Shattuck “flats” and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.
10	184	Subarea 6, Guideline 2	<i>“Encourage the retention of existing dwelling units in or near the older residential neighborhoods to avoid exacerbating traffic and parking congestion and to preserve the privacy and quiet of those neighborhoods.”</i>

<b>2016 HOUSING ACTION PLAN</b> – The proposed text amendment complies with the 2016 Housing Action Plan.			
Chapter	Page No.	Item	Summary
9	49	Downtown Strategy	Infill and redevelopment are important.
9	50	Implementation	Create a development district with incentives for development.

**AGENCY REVIEW**

Agency Review has been ongoing during this project. Input from CBJ’s Law Department and E&PW is discussed in detail above.

**PUBLIC COMMENTS**

The table below lists the opportunities for public interaction.

Informational and neighborhood meetings included abutters notices in addition to the newspaper advertising and press releases associated with the Title 49 Committee and Planning Commission. Materials and minutes from these meetings can be found at: <https://juneau.org/community-development/short-term-projects>

Date	Meeting
6/12/2017	ASSM Committee of the Whole – Ordinance for ADOD forwarded to full Assembly
1/30/2019	Downtown Informational Meeting
2/5/2019	Downtown Informational Meeting
2/7/2019	Downtown Informational Meeting
4/11/2019	Title 49: ADOD proposal
4/18/2019	Title 49: ADOD proposal, additional info
6/24/2019	Assembly, ADOD ordinance introduced, extending date to August 2020
7/10/2019	Title 49: Modify setbacks, new boundary, min lot size, sliding setbacks
8/7/2019	Title 49: Continued discussion
9/4/2019	Title 49: Continued discussion
10/2/2019	Title 49: Continued discussion
11/1/2019	Title 49: Summary and continued discussion
12/5/2019	Neighborhood Meeting
12/7/2019	Neighborhood Meeting
12/12/2019	Title 49: Debrief on public meeting
3/5/2020	Title 49: Comments and proposed ordinance
6/9/2020	Planning Commission Committee of the Whole
7/27/2021	Planning Commission: Revive ADOD

CDD conducted a public comment period for this meeting between January 27, 2022 and February 1, 2022 (**Attachment C**). Public notice was mailed to property owners within 500 feet of the proposed amendment. Public comments submitted at time of writing this staff report can be found in **Attachment D**.

Name	Summary
Judy Crondahl	Requesting information – post card not readable.
Ellen Carrlee	Concerns with public outreach methods.
Greg Chaney	Support. Concerned if buildings could be built within five feet of intersections.
Jon Tillinghast	Opposition to proposed 3,000 square foot lot size.

**FINDINGS**

Staff is not recommending an action that would result in a Notice of Decision. Findings have not been provided at this time due to modifications that may be pending.

**RECOMMENDATION**

Staff recommends the Planning Commission provide feedback on the following issues:

- How would the Commission like to proceed on lot size:
  - Eliminate lot size requirement for the ADOD, and require that subdivision meet the lot size requirements of underlying code.
  - Continue with reduced lot size.
    - Any modifications to the current proposal?
  
- How would the Commission like to proceed on the issue of sight distances:
  - Traffic Engineer review?
  - Proposal developed at this meeting?
  - Other?
  - Should staff investigate the possibility of damage waivers for road reconstruction and/or other maintenance, such as snow removal?
  
- How would the Commission like to proceed regarding modifications to setback exemptions, in existing code and in the proposed ADOD code:
  - Simplify the exemption for parking decks, and provide a definition.
  - Simplify and clarify restrictions on sight-obscuring trees, and provide a definition.

**STAFF REPORT ATTACHMENTS**

Item	Description
Attachment A	Proposed Ordinance – Track Changes.
Attachment B	Proposed Ordinance – Changes Incorporated.
Attachment C	Abutters Notice
Attachment D	Public Comments

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

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2021-36**

**An Ordinance Amending the Land Use Code Relating to the Downtown  
Juneau Alternative Development Overlay District.**

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.** CBJC 49.70.1210 is repealed.

~~**49.70.1210 Overlay districts.**~~

~~(a) *Downtown Juneau overlay district.* This article applies to property within the alternative development overlay district for Downtown Juneau as shown on the map dated May 25, 2017.~~

~~The Downtown Juneau overlay district shall cease to exist and the provisions of this article shall not apply to property within the Downtown Juneau overlay district after August 1, 2022.~~

~~(b) *Downtown Douglas overlay district.* This article applies to property within the alternative development overlay district for Downtown Douglas as shown on the map dated May 25, 2017.~~

~~The Downtown Douglas overlay district shall cease to exist and the provisions of this article shall not apply to property within the Downtown Douglas overlay district after December 31, 2021.~~

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**Section 3. Amendment of Chapter.** Chapter 70 is amended by adding a new Article XIV to read:

**ARTICLE XIV.**

**DOWNTOWN JUNEAU ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT**

**49.70.1400 Purpose.**

The purpose of this chapter is to establish optional alternative dimensional standards that are consistent with the built environment in established neighborhoods, reduce the number of nonconforming situations, and support public health, safety and welfare.

**49.70.1410 Applicability.**

- (a) This ordinance applies to property within the Downtown Juneau Alternative Development Overlay District (ADOD) boundary as shown on the map dated August 30, 2019.
- (b) Participation in the Downtown Juneau ADOD to facilitate conforming development is optional.
- (c) This section specifically modifies certain dimensional standards. Unless noted in this section, all remaining requirements of the underlying zoning district apply.
- (d) This ordinance does not modify permissible uses or the processes outlined in 49.15 Article II.
- (e) When a landowner chooses to develop according to Downtown Juneau ADOD standards, the development must conform to all the standards outlined in 49.70.1430 and 49.70.1440.
- (f) Downtown Juneau ADOD standards may be applied to a new subdivision within the ADOD boundary.

**Commented [RP1]:** Current code (49.70.1210.a) uses a map dated May 25, 2017. Is there a new map?

**Commented [RP2R1]:** Jill checking

**Commented [IG3R1]:** Provided (Attachment 02). Gaps compared to last map (03) are areas where the underlying zoning does not benefit from an ADOD (04). Note that the northern boundary has been shortened somewhat.

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(g) Existing nonconforming lots and structures may be further developed following Downtown Juneau ADOD standards. Expansion of nonconforming structures must either meet the Downtown Juneau ADOD standards or the underlying zoning standards. The two standards cannot be combined.

**49.70.1420 Downtown Juneau Alternative Development Overlay District procedure.**

(a) An applicant affirms their participation in the Downtown Juneau Alternative Development Overlay District by submitting an alternative development permit application with their development permit application, and any other applications that may be required.

(b) The processes will be governed by corresponding permit type in accordance with Chapter 49.15.

**49.70.1430 Downtown Juneau Alternative Development Overlay District Standards.**

The following dimensional standards apply to lots within the Downtown Juneau ADOD boundary that existed on January 1, 2022, regardless of their underlying zoning district designation.

(a) Lot size.

- (1) There is no minimum lot size.
- (2) A lot benefiting from this article may not be further subdivided.

(b) Lot width.

- (1) Minimum lot width is 25 feet.

(c) Minimum vegetative cover is 15 percent.

**Commented [RP4]:** The alternative language was likely arbitrary and not satisfy rational basis.  
 Lots that existed as of January 1, 2022:  
 (i) There is not minimum lot size.  
 (2) . Lots created by subdivision after January 1, 2022:  
 (i) Minimum lot size is 3,000 square feet.  
 (ii) Minimum lot size for a duplex is 4,500 square feet.  
 (iii) Minimum lot size for a common wall structure is 3,000 square feet.

Add notes to staff report that describes a lot consolidation is not a subdivision for the purposes of this provision.

**Commented [IG5R4]:** Discussed and understood. I think.

**Commented [IG6]:** What is an article? I think it is any item within the 1400 series. So, anyone, doing any improvement under ADOD, would not be able to subdivide? So, if someone used ADOD to install a fireplace chase on one side of this lot would not be able to subdivide if he had a lot that met underlying zoning standards? I feel like that was not the intent? Maybe:  
 "A lot benefiting from this article must meet minimum lot size in underlying zoning in order to subdivide."

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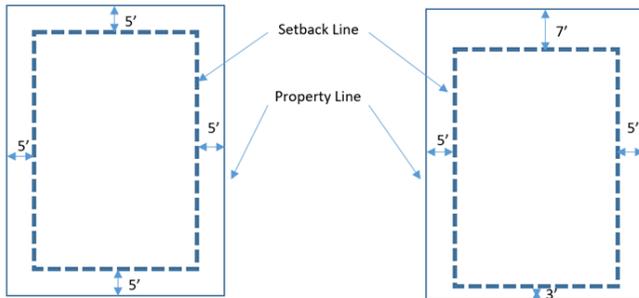
(d) Structure height.

- (1) Maximum height for ~~primary-permissible~~ uses is 35 feet.
- (2) Maximum height for accessory uses is 25 feet.

(e) Setbacks.

- (1) Setbacks will be measured from the structure closest to the lot line.
- (2) The minimum setback for any lot line is three feet.
- (3) Cumulative setback amount:
  - (A) The sum of all setbacks must equal at least 20 feet.
  - (B) The required setback sum may be reduced proportionally. In no case shall the required setback sum for the lot be less than 12 feet and in no case shall any setback be less than three feet.

Examples



§1430 Fig. 1

§1430 Fig. 2

(C) A new or expanded structure built on a corner lot must meet setback requirements under 49.70.1440.

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**49.70.1440 Yard Setback Exceptions.**

(a) Purpose. This section clarifies the exceptions that apply in the Downtown Juneau Alternative Development Overlay District. Exempted structures do not count toward the setback total.

(b) Exception categories.

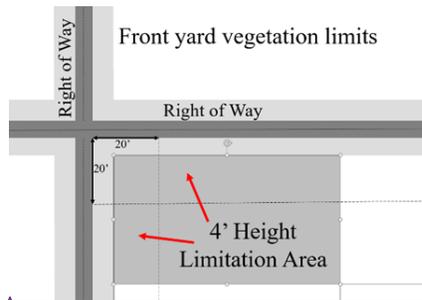
(1) Architectural features and roof eaves may project into a required yard, but not closer than two feet from the side or rear lot lines.

(2) Access structures, such as stairways, ramps, and landings with or without roofs, may extend to the lot line abutting a public right-of-way provided the structure does not exceed five feet in internal width exclusive of support structure.

(3) A parking deck as defined in 49.80 is exempt from the setback requirements of this chapter, provided a non sight obscuring safety rail not more than 42 inches in height is allowed.

(4) Fences and vegetation.

(A) ~~The maximum height of a sight obscuring fence or vegetation shall not exceed four feet within 20 feet of the edge of the travel way. Trees are allowed within 20 feet of the edge of the travel way provided they do not obscure view from a height of four feet to a height of eight feet above ground.~~



**Commented [RP7]:** Add definition

**Commented [RP8]:** Is this the correct standard? Is reference to a regulation or standard better?

**Commented [IG9R8]:** I am providing a definition that incudes the sight-obscuring rail, if that is helpful (Attachment 05) This is the standard we currently have in code.

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**Commented [RP10]:** Consider rearranging this sentence to address trees.

**Commented [IG11R10]:** See opening position

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**Commented [RP12]:** Revise figure:  
1. Change figure to say Travel way instead of ROW.  
2. Add 3 foot height limitation in the figure for the corner.

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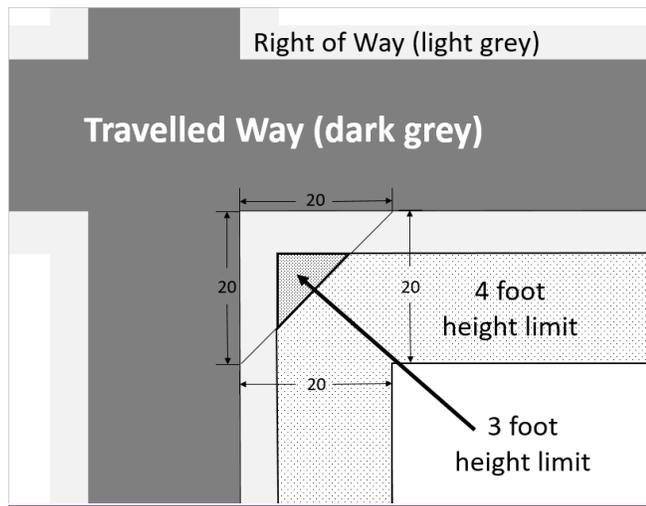
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~~(B) — On corner lots the maximum height of a sight-obscuring fence or vegetation located within 20 feet of a street intersection shall not exceed three feet. The area in which sight-obscuring fences and vegetation is restricted shall be determined by extending the edge of the travel ways to a point of intersection, then measuring back 20 feet, then connecting the three points. In this area, vegetation shall be maintained to a maximum height of three feet. Trees are allowed in this area provided the trees do not obscure view from a height of three to eight feet above the ground.~~

A) Within 20 feet of the edge of the travelled way, sight-obscuring fences and vegetation are limited to four feet. Sight-obstructing trees are not allowed (See figure XX).

B) Within 20 feet of a street intersection, sight-obscuring fences and vegetation are limited to three feet. Sight-obscuring trees are not allowed (See figure, XX). The area in which sight-obscuring fences and vegetation is restricted shall be determined by extending the edge of the travel ways to a point of intersection, then measuring back 20 feet, then connecting the three points.



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**49.80120 Definitions**

*Parking deck is an unenclosed structure on which motor vehicles may be parked. The access to the deck must be at street grade. The deck may have a non-sight-obscuring safety rail not more than 42 inches in height.*

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*Sight-obscuring trees have branches or vegetation between the height limit of the regulated area and eight feet, or have a diameter over 14 inches.*

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**49.85.100 Fees for Land Use Actions, Generally**

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~~(C) Alternative development permit, \$400.00~~

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**Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Beth A. Weldon, Mayor

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Attest:

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Elizabeth J. McEwen, Municipal Clerk

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

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2021-36**

**An Ordinance Amending the Land Use Code Relating to the Downtown  
Juneau Alternative Development Overlay District.**

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.** CBJC 49.70.1210 is repealed.

**Section 3. Amendment of Chapter.** Chapter 70 is amended by adding a new Article XIV to read:

**ARTICLE XIV.**

**DOWNTOWN JUNEAU ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT**

**49.70.1400 Purpose.**

The purpose of this chapter is to establish optional alternative dimensional standards that are consistent with the built environment in established neighborhoods, reduce the number of nonconforming situations, and support public health, safety and welfare.

**49.70.1410 Applicability.**

(a) This ordinance applies to property within the Downtown Juneau Alternative Development Overlay District (ADOD) boundary as shown on the map dated **DATE**.

1  
2 (b) Participation in the Downtown Juneau ADOD to facilitate conforming development is  
3 optional.

4 (c) This section specifically modifies certain dimensional standards. Unless noted in this  
5 section, all remaining requirements of the underlying zoning district apply.

6 (d) This ordinance does not modify permissible uses or the processes outlined in 49.15 Article  
7 II.

8  
9 (e) When a landowner chooses to develop according to Downtown Juneau ADOD standards,  
10 the development must conform to all the standards outlined in 49.70.1430 and 49.70.1440.

11 (f) Downtown Juneau ADOD standards may be applied to a new subdivision within the  
12 ADOD boundary.

13 (g) Existing nonconforming lots and structures may be further developed following Downtown  
14 Juneau ADOD standards. Expansion of nonconforming structures must either meet the  
15 Downtown Juneau ADOD standards or the underlying zoning standards. The two standards  
16 cannot be combined.

17  
18 **49.70.1420 Downtown Juneau Alternative Development Overlay District procedure.**

19  
20 (a) An applicant affirms their participation in the Downtown Juneau Alternative Development  
21 Overlay District by submitting an alternative development permit application with their  
22 development permit application, and any other applications that may be required.

23 (b) The processes will be governed by corresponding permit type in accordance with Chapter  
24 49.15.

1  
2 **49.70.1430 Downtown Juneau Alternative Development Overlay District Standards.**

3 The following dimensional standards apply to lots within the Downtown Juneau ADOD  
4 boundary that existed on January 1, 2022, regardless of their underlying zoning district  
5 designation.

6 (a) Lot size.

7 (1) There is no minimum lot size.

8 (2) A lot benefiting from this article may not be further subdivided.

9  
10 (b) Lot width.

11 (1) Minimum lot width is 25 feet.

12 (c) Minimum vegetative cover is 15 percent.

13 (d) Structure height.

14 (1) Maximum height for permissible uses is 35 feet.

15 (2) Maximum height for accessory uses is 25 feet.

16 (e) Setbacks.

17 (1) Setbacks will be measured from the structure closest to the lot line.

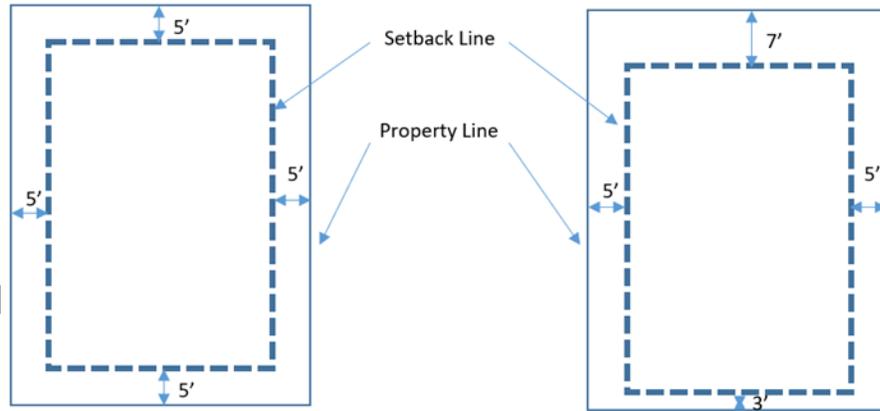
18 (2) The minimum setback for any lot line is three feet.

19 (3) Cumulative setback amount:

20 (A) The sum of all setbacks must equal at least 20 feet.

21 (B) The required setback sum may be reduced proportionally. In no case shall  
22 the required setback sum for the lot be less than 12 feet and in no case shall any  
23 setback be less than three feet.

24 Examples  
25



§1430 Fig. 1

§1430 Fig. 2

(C) A new or expanded structure built on a corner lot must meet setback requirements under 49.70.1440.

**49.70.1440 Yard Setback Exceptions.**

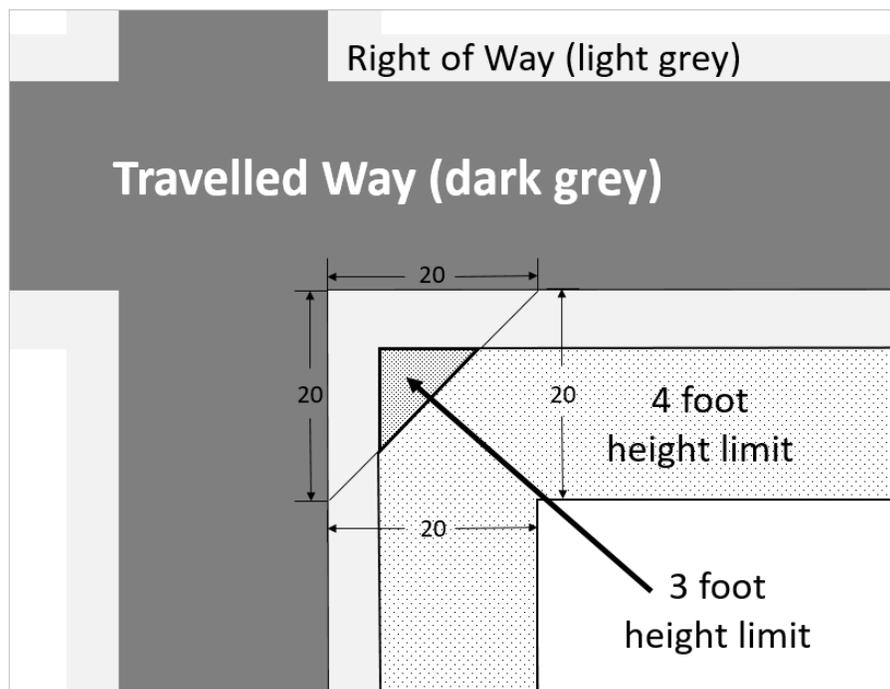
(a) Purpose. This section clarifies the exceptions that apply in the Downtown Juneau Alternative Development Overlay District. Exempted structures do not count toward the setback total.

(b) Exception categories.

- (1) Architectural features and roof eaves may project into a required yard, but not closer than two feet from the side or rear lot lines.
- (2) Access structures, such as stairways, ramps, and landings with or without roofs, may extend to the lot line abutting a public right-of-way provided the structure does not exceed five feet in internal width exclusive of support structure.
- (3) A parking deck as defined in 49.80 is exempt from the setback requirements of this chapter.
- (4) Fences and vegetation.

1  
2 A) Within 20 feet of the edge of the travelled way, sight-obscuring fences and  
3 vegetation are limited to four feet. Sight-obstructing trees are not allowed (See  
4 figure XX).

5 B) Within 20 feet of a street intersection, sight-obscuring fences and vegetation  
6 are limited to three feet. Sight-obscuring trees are not allowed (See figure XX). The  
7 area in which sight-obscuring fences and vegetation is restricted shall be determined  
8 by extending the edge of the travel ways to a point of intersection, then measuring  
9 back 20 feet, then connecting the three points.



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23 **49.80120 Definitions**

24 *Parking deck* is an unenclosed structure on which motor vehicles may be parked. The  
25 access to the deck must be at street grade. The deck may have a non-sight-obscuring safety  
rail not more than 42 inches in height.

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*Sight-obscuring trees* have branches or vegetation between the height limit of the regulated area and eight feet, or have a diameter over 14 inches.

**49.85.100 Fees for Land Use Actions, Generally**

~~(C) Alternative development permit, \$400.00~~

**Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

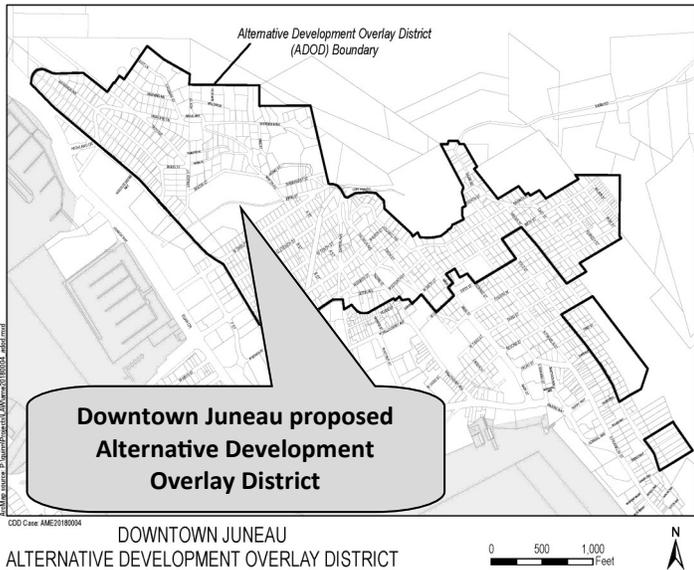
\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



**Invitation to Comment**  
*Your Community, Your Voice*

PRESORTED  
FIRST CLASS MAIL  
U.S. POSTAGE PAID  
PERMIT NO. 61  
JUNEAU, ALASKA

AME2018 0004  
ATTACHMENT C, Page 1



**To:**

An application has been submitted for consideration and public hearing by the Planning Commission for **Revision to the Alternative Development Overlay District** located in **Downtown Juneau**.

\*Information on the project can be found at [www.juneau.org/community-development/special-projects/downtown-zoning](http://www.juneau.org/community-development/special-projects/downtown-zoning). Information is in the process of being updated.

\*Staff Report expected to be posted **Monday, February 14, 2022**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas> Find hearing results, meeting minutes and more here as well.



**TIMELINE**

**Now through Jan. 31**

Comments received during this period will be sent to the Planner, **Irene Gallion**, to be included as an attachment in the staff report.

**Feb. 1 — noon, Feb. 18**

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

**HEARING DATE & TIME: 7:00 pm, Feb. 22, 2022**

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/84594683197> . The Webinar ID is: 845 9468 3197 . To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

**Feb. 23**

The results of the hearing will be posted online.

Phone: (907)586-0753 Ext. 4130 ♦ Email: [pc\\_comments@juneau.org](mailto:pc_comments@juneau.org)  
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Case No.: AME2018 0004  
Parcel No.: N/A  
CBJ Parcel Viewer: <http://epv.juneau.org>

**From:** Judy Crondahl <crondahl@gmail.com>  
**Sent:** Saturday, January 29, 2022 8:14 AM  
**To:** PC\_Comments  
**Cc:** Jill Maclean  
**Subject:** Alternative Development Overlay District

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Please help. I just received a post card on this topic. I could not read the map on the card (too small and faintly printed) nor could I find any info on what the revision is. I could not even find a web address on this card where I could find the information. Someone really should have checked this card before it was printed to make sure it included basic (and readable) information.

Can you direct me to a web page where I can find what this is about? Thanks.

Judy Crondahl

**From:** Ellen Carrlee <juneauellen@gmail.com>  
**Sent:** Saturday, January 29, 2022 10:12 AM  
**To:** PC\_Comments  
**Subject:** Postcard on Alt Dev Overlay District

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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Hi Irene Gallion and other planning sorts of folks...

I received an orange postcard in the mail, indicating that something will be happening that impacts my property at 422 Calhoun, where I've lived for 20 years. What that might be, and how to comment before January 31 to be included as sent to you and included in an attachment to the staff report, is OPAQUE. Today is Saturday, January 29 and right now is the ideal time for me to enjoy a coffee and review this information in order to give feedback. But when I go to the link on the website, I can find nothing. The postcard, with its typical illegible map and no useful info on the postcard itself, says "information is in the process of being updated." Since it is the weekend, I anticipate it is unlikely to be updated before Monday the 31st, which is the deadline for comments to reach the first listed recipients.

Again I feel moved to send you feedback that this process reflects very poorly on the folks responsible for city planning. It has the veneer of informing the public, seeking feedback, and a proper civic process but it is not. It seems incompetent at best and deceptive at worst. For years, whenever I see these colorful postcards I laugh to myself and say "Here's the cover-your-ass postcard that pretends to inform me and seek my input but in fact has no intention of doing so."

Generally I have few complaints about the CBJ and few things rile me up. I almost never contact the CBJ about anything. But this postcard has now driven me to write to you a second time. Please fix this process.

Sincerely,  
Ellen Carrlee  
422 Calhoun Avenue  
(907) 209-8260

**From:** Irene Gallion  
**Sent:** Monday, January 31, 2022 7:54 AM  
**To:** PC\_Comments  
**Subject:** FW: Support for Alternative Development Overlay District

---

**From:** Gregory Chaney <greg.chaney.glacier.l.and.s@gmail.com>  
**Sent:** Saturday, January 29, 2022 1:09 PM  
**To:** Irene Gallion <Irene.Gallion@juneau.org>  
**Subject:** Support for Alternative Development Overlay District

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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January 29, 2022

Irene Gallion  
Project Manager  
Downtown Zoning Project

I am writing to express my strong support for the proposed Development Overlay District as outlined in the staff report titled "*Alternative Development Overlay District - Review of Proposed Standards*" dated December 5<sup>th</sup> and 7<sup>th</sup>, 2019. To my knowledge, this document describes the current proposal.

Existing development in the historic part of downtown Juneau is largely out of conformance with current zoning dimensional standards. This is particularly true in the Starr Hill neighborhood where I live. The proposed overlay district would be a significant step toward allowing new construction to be similar in nature to the existing character of the neighborhood.

My only cautionary note is that after reading the proposal, it was unclear to me if new structures would be allowed to be built on corner lots within 5 feet of intersections. Vegetation is restricted in such locations as shown in the diagrams at the end of the staff report. Based on my interpretation of the diagrams, the proposed overlay district would allow construction of buildings within the area where vegetation over 4 feet (or 3 feet adjacent to an intersection) is currently restricted. Since the two standards don't appear to be compatible, some additional review of this issue would be appropriate. Sight distance at intersections in the downtown area is often extremely limited, so it would be helpful if the new overlay district allowed development at intersections without causing unsafe reductions in visibility.

Thank you for this opportunity to comment on this welcome modification to Title 49.

Sincerely,

Greg Chaney  
715 Sixth Street, Starr Hill Neighborhood

**From:** Jon K. Tillinghast <jon@stsl.com>  
**Sent:** Monday, January 31, 2022 3:58 PM  
**To:** PC\_Comments  
**Cc:** Gordon Harrison; Sarah Isto; Lisa Rickey; Betsy Brenneman; sherrib.ak@gmail.com; eschroederjnu@gmail.com  
**Subject:** Proposed Downtown Juneau Overlay District (comments due by 2/18)  
(www/juneau.org/community-development/special projects/downtown-zoning)

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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Dear Planning Commission and Staff...

We are strongly opposed to the current proposal to reduce the minimum lot size on the upper Highlands (homes uphill of Troy Ave.) to 3,000 feet from the current 7,000 sq. feet. We appreciate that, in other downtown neighborhoods, a reduction in lot size may be valuable to bring those lots into zoning conformity. However, a map included in the staff presentation on this proposal demonstrates that virtually all upper Highlands lots are at least 6,000 square feet, and many substantially above that. Shrinking the lot size in this neighborhood will do nothing but promote a diminution in property values and a loss of the enjoyment that these residents experience in their property. And, while we acknowledge that many upper Highlands properties may be restricted by geologic hazard rules, that is no excuse for an overinclusive, meat ax zoning change.

In your final version of this proposal, we urge the Planning Commission to be a bit more surgical than has been the case to date, and exclude the upper Highlands from your proposed "overlay" downzoning.

Sincerely,

Jon and Debbie Tillinghast

Jon K. Tillinghast  
Simpson, Tillinghast, Sheehan & Araujo, P.C.  
One Sealaska Plaza, Suite 300  
Juneau, Alaska 99801  
(907) 321-3405 (cell)  
(907) 586-3065 (fax)  
Email: [jon@stsl.com](mailto:jon@stsl.com)

Minutes  
**Planning Commission**  
**Regular Meeting**  
CITY AND BOROUGH OF JUNEAU  
*Michael LeVine, Chairman*  
February 22, 2022

I. **LAND ACKNOWLEDGEMENT** read by Chair LeVine

II. **ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:02 P.M.

**Commissioners present:** All Commissioners present via video conferencing – Michael LeVine, Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

**Commissioners absent:** Nathaniel Dye, Vice Chairman

**Staff present:** Jill Maclean, CDD Director; Irene Gallion, CDD Planner; Sherri Layne, Law

**Assembly members:** Alicia Hughes-Skandijs

III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** –  
Ms. Cole added CSP2021 0007 to items for reconsideration

IV. **APPROVAL OF MINUTES**

A. Draft Minutes January 25, 2022, Planning Commission Regular Meeting

**MOTION:** *by Mr. Voelckers to approve the January 25, 2022 Planning Commission Regular Meeting minutes.*

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION**

VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VII. **ITEMS FOR RECONSIDERATION** –  
**CSP2021 0007** as added by Ms. Cole. Mr. Alper did not participate as he was not in attendance at the February 8 meeting when this was originally discussed and he has not watched the meeting to be fully informed.

**MOTION:** *by Ms. Cole to reconsider **CSP2021 0007**.*

Mr. Voelckers asked if CBJ could reapply for the AASHTO waiver if it fails. It was clarified that it can.

**ROLL CALL VOTE**

**Yea:** Cole; Arndt; Pedersen; Hickok; Winchell; LeVine

**No:** Voelckers

**Motion Passed 6 Yea to 1 No**

**MOTION:** *by Ms. Cole to reopen public testimony and Commissioner discussion and make an informed decision on the AASHTO waiver in **CSP2021 0007**.*

Mr. Winchell voiced support saying it is important to get input from the public.

**ROLL CALL VOTE**

**Yea:** Cole; Pedersen; Hickok; Winchell; Arndt; Voelckers; LeVine

**No:**

**Motion Passed 7 Yea to 0 No**

**MOTION:** *by Ms. Cole to continue **CSP2021 0007** to the March 8 meeting.*

**\*\*Recording started 7:18 p.m. \*\***

***The motion passed with no objection.***

Mr. Alper asked if he would be able to participate when it is brought up at the March 8 meeting. Mr. LeVine confirmed that so long as he reads the packets and is up to date on the subject, he can take part in the reconsideration. Mr. LeVine also encouraged Mr. Alper to listen to the prior meeting discussion to be fully informed.

**VIII. CONSENT AGENDA – None**

**IX. UNFINISHED BUSINESS – None**

**X. REGULAR AGENDA**

**AME2018 0004:** Revision to the Alternative Development Overlay District  
**Applicant:** City & Borough of Juneau  
**Location:** Downtown Juneau

**Staff Recommendation**

Staff recommends the Planning Commission provide feedback on the following issues:

- How would the Commission like to proceed on lot size:
  - Eliminate lot size requirement for the ADOD, and require that subdivision meet the

- lot size requirements of underlying code.
- Continue with reduced lot size.
  - Any modifications to the current proposal?
- How would the Commission like to proceed on the issue of sight distances:
  - Traffic Engineer review?
  - Proposal developed at this meeting?
  - Other?
  - Should staff investigate the possibility of damage waivers for road reconstruction and/or other maintenance, such as snow removal?
- How would the Commission like to proceed regarding modifications to setback exemptions, in existing code and in the proposed ADOD code:
  - Simplify the exemption for parking decks, and provide a definition.
  - Simplify and clarify restrictions on sight-obscuring trees, and provide a definition.

STAFF PRESENTATION by Planner Gallion

QUESTIONS FOR STAFF

Mr. Alper asked if the 25 miles per hour suggestion was based in Code or an arbitrary number. Ms. Gallion explained that the speed limit in residential areas is 25 miles per hour unless otherwise posted.

Mr. Arndt asked whether the section addressing fences and vegetation was based on comments from engineering and public works. Ms. Gallion said it was based on a comment from the Law Department.

Mr. Voelckers asked how the setbacks apply to the nearby MU zones where it seems setbacks are not required and buildings are allowed to come right to the corner. Ms. Gallion said if they were to have structures with no or very limited setback, then they would need to consider setting lower speed limits in those areas. She added the AASHTO standards reduce risk and they are considered a goal to aim for but are not requirements.

Mr. Alper asked what the average or typical setback is in the nearby areas. He said it seems the surrounding neighborhood is already largely nonconforming. Ms. Gallion said it was something that had included in earlier presentations on this ADOD but it was not something she had looked at this time and she did not have updated information on that. If the commission needed that information, she could get that for them.

Mr. LeVine referred to slide number 9 with the AASHTO sight requirements diagram on the neighborhood lots and asked if the corner lots would have to be constrained in both directions to be in compliance. Ms. Gallion confirmed the corner lots could have larger setback requirements according to AASHTO standards.

Mr. LeVine asked if the AASHTO restrictions would apply to alleyways as well as driveways opening into the streets. They do not apply.

Mr. LeVine asked if the reason for allowing a three-foot hedge or fence to the edge of the property line is because it is assumed that a driver in a car would be able to see over that height. Ms. Gallion confirmed that is the case.

#### PUBLIC COMMENT

Greg Chaney – 715 6<sup>th</sup> Street – spoke in support of advancing this ADOD revision saying it has been in process for a number of years. He would like to see it passed and then if it needed to be adjusted later, that could be addressed. He suggested keeping the lot size requirement at 3,000 to 4,000 square feet with ten-foot front setback.

Ms. Cole asked for clarification of Mr. Chaney’s concerns regarding the three-foot setbacks. Mr. Chaney said it was in reference to the Engineering and Public Works comments that a three-foot setback would cause the need for construction waivers and issues with sight distances. He did not think it made sense for the PC to be in a position of going against the Engineering and Public Works department. He added that while there are already several houses built that way, this would be for new construction.

Mr. Voelckers commented that the setbacks seemed to be an issue at the corners and asked Mr. Chaney if he had the same or lesser concerns away from the corners. Mr. Chaney said it is less of a concern but added that a three-foot setback is very close to the road and would be a challenge to road crews and snowplowing.

Mr. LeVine asked if homeowners should not be allowed to put fences or hedges within ten feet of the right of way. Mr. Chaney explained he was trying to match the vegetation setback limitation already in code.

#### ADDITIONAL QUESTIONS FOR STAFF

Mr. Pedersen asked when the original Land Use code was adopted for this part of town. Ms. Gallion said that was 1957 and most of the homes in the area were built prior to that.

Mr. Voelckers asked if lot size had to be dealt with right now or could the commission leave it alone for now. Ms. Gallion said it could be looked at separately. She added when Title 49 determined the 3000 square foot verbiage, it was to create opportunities for infill in the downtown area. Ms. Maclean added the lot size at 3000 square feet makes a number of the lots conforming for lot size.

During the presentation, it was pointed out the Law Department had an issue with adding an effective date clause to the ADOD. Mr. Arndt said his understanding of including a date was to make all the lots existing today conforming to allow the owners to subdivide. Otherwise, they will need to subdivide first under the existing rules of subdivision and THEN they can apply ADOD to the parcel. Mr. LeVine added his understanding of the question of lot size was solely for subdivision saying for existing lots there is no

minimum lot size but the Commission needs to decide if they want to allow subdivision for parcels using the relaxed ADOD requirements. His understanding now, without the date included, it is a one or the other choice for landowners. (Either their lot is allowed to be conforming OR they can subdivide).

Mr. Arndt asked how many parcels would be left out if the size limits were left in place. Ms. Gallion estimated about 250 would be out.

#### COMMISSIONER DISCUSSION

Mr. Alper stated he has no desire to give deference to AASHTO standards for sight distances saying their purpose behind creating the ADOD standards in the downtown area was to acknowledge the fact that the built area is already largely nonconforming and predates automobile traffic. Considering what is already there it does not make sense to impose modern engineering standards.

Ms. Cole said she is unwilling to give up subdivision. If she has to choose one or the other, she will fall on the side of subdivision.

Mr. Pedersen spoke in support of Mr. Alper's statement regarding sight distances and asked if there is any advantage to keeping the lot sizes.

The discussion moved to address the specific questions presented by Staff:

- How would the Commission like to proceed on the issue of sight distances:

Mr. Arndt asked if they could say for all lots except corner lots, you can use the ADOD and leave the corner lots in the existing underlying zoning district. Ms. Gallion said the setbacks for in the underlying district is up to 25 feet, depending on the zoning. Ms. Cole pointed out that there are a number of corner lots that would be affected. Mr. Voelckers suggested setting a setback limit for corner lots within the ADOD. Ms. Maclean asked if this would also be considered arbitrary similar to the date issue. Ms. Layne said it could be unless the PC could articulate a discrete reason for it. Mr. LeVine asked if conformance with AASHTO standards could be reason enough. Ms. Layne thought that would work. Mr. Pedersen supported leaving sight distance out of the discussion saying on-street parking is causing more of a sight issue than anything built or grown on the lot.

- *How would the Commission like to proceed on lot size:*

Mr. Arndt said he would rather give the opportunity to subdivide with a nonconforming certificate than to not allow it at all. Mr. LeVine asked why 3000 square feet was chosen as the minimum lot size saying he thought it was selected as a way to make the majority of the lots conforming. Mr. Arndt said 3000 square feet was selected because 73% of the lots in the area already meet that and those lots are proof that 3000 square feet is a lot size that can work.

Mr. Voelckers agreed with Mr. Arndt that 3000 is a defensible number but he was unclear about the issue brought up by Law. Ms. Layne said the date issue was arbitrary. Mr. Arndt suggested deleting the lines that read, "... the lots that existed prior to or as of January 1 2022...there is no minimum lot size."

Mr. LeVine said he does not support this suggestion. As he understands it, the ADOD is not about creating more substandard lots but about allowing those with substandard lots to utilize them.

- How would the Commission like to proceed regarding modifications to setback exemptions, in existing code and in the proposed ADOD code:

Mr. LeVine addressed the issue of changing “primary” to “permissible” under the height limitations. He said he does not support this change and said it undermines the meaning of the provision. For example, the height limitation is thirty-five feet for a primary use and twenty-five feet for auxiliary or secondary use, both of which are permissible uses.

Mr. Arndt spoke to the vegetation section and said he would lean toward leaving it ‘as is’ for now. Mr. Voelckers said any items affecting safe sight lines should be considered together.

**MOTION:** *by Mr. Winchell to accept staff’s findings, analysis and recommend forwarding AME2018 0004 subject to the assembly following conditions:*

- *Delete two lines of Section A regarding minimum lot size and the date*
- *Minimum lot size be established as 3000 square feet*
- *Removal of sight distance requirements*

**MOTION to Amend:** *by Mr. Alper to change the word ‘permissible’ back to ‘primary’.*

***The motion to amend passed with no objection.***

Mr. LeVine spoke in opposition to the amended motion saying it is not ready for assembly review.

**ROLL CALL VOTE ON AMENDED MOTION**

**Yea:** Winchell; Hickok; Alper; Pedersen

**No:** Cole; Arndt; Voelckers; Levine

**Amended Motion Failed 4 Yea to 4 No**

**MOTION:** *by Mr. Voelckers to remand AME2018 0004 back to Title 49 for final wordsmithing*

**MOTION to Amend:** *by Mr. Alper to have Title 49 discuss this and bring it back to the PC as quickly as reasonably possible*

Mr. Arndt asked Director Maclean how soon that could happen. Ms. Maclean said it would be several weeks and suggested March 24<sup>th</sup> would be a likely date.

***The motion to amend passed with no objection***

***The amended motion passed with no objection***

AT EASE 8:54 P.M. – 9:00 P.M.

## **XI. OTHER BUSINESS**

### **A. New City Hall Update**

CBJ Engineering and Public Works Director Katie Koester presented on the new City Hall site selection process. The PWFC is recommending building atop the DTC parking garage or 450 Whittier location.

Mr. Voelckers asked for elaboration as to which location would best serve the public. Ms. Koester said public services most utilized were CDD, public meetings, paying bills and voting. She said wherever it is located, having all of the departments in a common location would be convenient for the public.

Mr. Winchell asked if the cost of building atop the DTC be covered by the amount of expected rent savings. Ms. Koester said the costs are around \$30,000,000 for the recommended locations. CBJ is currently spending \$750,000 per year on rental space. That amount would pay for a \$12,000,000 bond over 30 years.

Mr. Winchell suggested one upside of building atop the transit center is that it might encourage employees to use public transportation.

Mr. Hickok asked if the City Hall was moved out of the downtown core, how many parking spaces would that free up. Ms. Koester said that number would be easy to determine since CBJ issues parking passes to employees.

Mr. Arndt said that when he added together survey responses supporting the old Walmart building and those supporting Lemon Creek in general, the survey seemed to show a majority of respondents support relocating City Hall to Lemon Creek locations. Based on that, he asked if there is any other CBJ owned land that could be considered. Ms. Koester explained that the survey allowed people to select more than one location. Therefore, one could reasonably assume that if someone selected Walmart, they might also select Lemon Creek in general. She said they had considered other sites in Lemon Creek but they were either industrial or residential sites or otherwise not as viable as Walmart.

Mr. Alper asked to clarify if the City Hall was built atop the DTC, would the top tier parking be kept as parking with the new construction above that. Ms. Koester explained that top tier of parking would become part of the city hall and no longer be parking.

Mr. LeVine asked what would happen to the current city hall building if it is not kept as city hall. Would it become just an empty building? Ms. Koester explained there is currently not a use decided for that but the CBJ could opt to sell the land and building as it is a prime waterfront parcel or somehow otherwise develop it.

Mr. LeVine expressed concerns that Lemon Creek should be developed and felt members of the PC share his concerns. Ms. Koester said she would communicate their concerns with the Assembly.

Mr. Arndt said he feels the 450 Whittier location is best considering the amount of work they have done regarding parking. If building atop the parking garage removes spaces, then he does not support the DTC location.

Mr. Voelckers spoke in support of building in Lemon Creek and in the Walmart location in particular. He felt the best solution is to adapt and transform an existing building when possible rather than creating new construction.

Mr. Winchell referenced Ms. Koester's slide regarding the 50-year lease of the Walmart building and asked if they had considered a longer term (75- or 99-year leases, for example). Ms. Koester said they have not been able to contact the land owner but the building owner has recently reaffirmed the 50-year lease and there has not been flexibility on that so far. Mr. Winchell asked about building atop the police station. Ms. Koester answered police stations have restrictions and security issues limiting who can enter the building and she added the land in that area includes much non-buildable soil.

Mr. Alper felt strongly that city hall should be located in downtown saying, "... otherwise, what is the purpose of downtown?" He also said he prefers the parking garage option and it looks as though the new construction would be adding two new levels above the current parking levels.

Mr. LeVine recapped the position of the PC includes a strong desire for investment in Lemon Creek and they would like a clear explanation for why this would not be an opportunity for that development. Secondly, whichever location is selected, parking needs to be a consideration so parking is not negatively impacted. Third, they need to understand the underlying financial costs and benefits of the location selections. He added he also personally would like to see the existing City Hall building made into a centerpiece in downtown.

Mr. LeVine said commissioners should send their comments to the email provided by Ms. Koester. ([newcityhall@lists.ci.juneau.ak.us](mailto:newcityhall@lists.ci.juneau.ak.us)) and asked that they CC: him on those emails. Ms. Maclean voiced a concern that those comments would be considered public comments and not necessarily reflect the will of the commission. Her concern was that the commission would be submitting public comments after the public comment period was closed. Mr. LeVine clarified with Ms. Koester that the public was still able to contact the department and make their comments. With that, it was determined that it would be appropriate for commissioners to add their comments.

## **XII. STAFF REPORTS**

Director Maclean reported:

- The Alaska State Planning Conference is March 22-24. Typically, the department sends three commissioners to attend in person. It will be held virtually this year and they may be able to send more to that. Ms. Wallace will send an email with the dates and times and commissioners need to respond to let her know if they would like to attend.
- The March 22 meeting will be cancelled due to lack of quorum.
- The April 12 meeting will be in Chambers. There will be a Committee of the Whole at 6:30 p.m. before the Regular 7 o'clock meeting.

Commissioner Hickok asked to be added to the email list for the Title 49 Committee.

**XIII. COMMITTEE REPORTS**

Ms. Cole reported the Lands Housing and Urban Development forwarded the Franklin Foods sale to the Assembly and they voted to enlarge the no parking area to include 2<sup>nd</sup> street.

Ms. Maclean added the parking ordinance will be before the Assembly on February 28 and it has been expanded to the archipelago as well.

**XIV. LIAISON REPORTS**

Assembly Member Hughes-Skandijs reported the Committee of the Whole met on February 14 and discussed the landslides maps, dock electrification, the gondolas at Eaglecrest and Assembly Rules of Procedure.

Mr. Voelckers asked if there had been any consideration of the consultant expanding scope regarding the landslide and mass wasting study. Ms. Hughes-Skandijs said it had not come up but she would mention it. Ms. Maclean said there was a meeting coming up with the City Manager where this would be discussed and then brought to the Assembly.

**XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None**

**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Ms. Maclean reminded Commissioners to regularly check email and respond timely to the Department.

**XVII. EXECUTIVE SESSION – None**

**XVIII. ADJOURNMENT – 10:01 P.M.**

Next Regular meeting scheduled March 8, 2022 7:00 P.M.