

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Thursday, June 10, 2021
Community Development Department
Virtual & Telephonic Meeting, 12:00 P.M.

Members Present: Nathaniel Dye, Travis Arndt, Mandy Cole, Erik Pedersen

Members Absent: Joshua Winchell

Commissioners Present: None

Staff Present: Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Irene Gallion (CDD Senior Planner), Allison Eddins (CDD Planner), Laurel Christian (CDD Planner), Sherri Layne (CBJ Law)

I. Call to Order

The meeting was called to order at 12:04 P.M.

II. Approval of Agenda

MOTION: *by Ms. Cole to approve the agenda as written.*

The motion passed with no objections.

III. Approval of Minutes – None

IV. Agenda Topics

A. Parking

Ms. Gallion explained that staff is still working on the ADA parking issues. She said an issue paper was posted on line and included in the packet and summarized that the Law Department is working on the current interpretation and that the current interrelation is the number of ADA spaces required must be before reductions.

Ms. Gallion added that this creates systemic challenges in the downtown core. She said there was a gap between providing none and some. If any parking is provided, ADA must be provided. If no parking were provided on site, ADA would not be required. There doesn't seem to be any gray areas in the federal guidelines. She further described "readily achievable" and read the definition from the memo. She noted that we might be able to say all properties in the parking district cannot readily achieve ADA due to their constraints. This may be a way to not require ADA parking downtown. Ms. Gallion also described the research on Anchorage's requirements. There is no requirement for parking

downtown; ADA is based on the number in the parking lot and off-site ADA spaces were not allowed. Ms. Gallion also noted Mr. Voelckers comments in the packet.

Mr. Dye asked for clarification on the Anchorage requirements.

Ms. Gallion clarified that ADA parking spaces cannot be shared off-site, according to Anchorage's code.

Mr. Arndt asked about loading zones, and wondered if the Committee would be working on loading zones. Mr. Arndt said that it was his understanding that loading zones would not be reduced and asked if staff was okay with that.

Ms. Gallion said Mr. Voelckers was interested in reducing loading zones in the downtown area so it was still up for discussion.

Ms. Cole asked about the Anchorage requirements, and if there are any parking requirements in the downtown core.

Ms. Gallion said there are no parking requirements in the downtown core and that if a parking lot were constructed, then ADA would be provided.

Ms. Pierce added that the discretion of how many parking spaces to build was placed on the owner.

Mr. Dye asked if this is the direction staff wanted to go.

Ms. Gallion replied that it is not really a solution for Juneau at this time.

Ms. Maclean added that when staff started the discussion last year, they looked at a no-parking requirement downtown and it was decided that would not work for Juneau.

Mr. Dye asked if staff could create a separate use and requirement table for downtown. If there were a separate table, it would be a standard and not a 60% reduction.

Mr. Arndt asked what that solves.

Mr. Dye replied that ADA is required before the reductions. So, if staff started at the reduction, the ADA would begin at that number. It wouldn't be a reduction; it would be a different requirement within the Parking District.

Ms. Gallion replied staff would review that as a possible strategy.

Ms. Layne replied that she liked that line of thinking. The ADA requirement is based on the total number of what is required. The ADA doesn't say what the requirement needs to be for a use, but if

there were a separate requirement for downtown, the ADA would be based on that requirement. She agreed with the route.

Mr. Dye said the ADA would then be capped at the requirement. He said staff can't waive ADA. He wondered how it would be to get to the 60 percent reduction, and if that was achievable.

Ms. Gallion replied that staff could review it.

Ms. Cole asked if staff were reducing the table to 60 percent and making everyone go through the waiver process, or if the table could be reduced borough-wide.

Mr. Dye replied that originally, staff and the Committee did not want to talk about the table borough-wide, but that could be a side product. He thought it may need to be addressed at this point also and that someone could get a waiver on top of it.

Mr. Arndt said that it was a creative solution to get around ADA downtown, but he thought the table would look odd.

Mr. Pedersen replied that in the example in the memo, if the reduction was in the table, could staff waive all but the ADA? Staff could waive everything on top of the reduction and always provide ADA.

Ms. Pierce said if there was no parking requirement, there was no ADA requirement.

Mr. Dye asked for clarification.

Ms. Layne replied that the guides say "where parking is available" you must provide ADA. There is no guidance on how you get to zero. However, if you construct parking, you must provide ADA. As long as it is readily achievable, there may be wiggle room there.

Ms. Cole added that the Commission should not determine readily achievable for every individual project. It would be better to reduce the requirement rather than make a subjective determination on what readily achievable means.

Ms. Pierce agreed. She added that there were some situations where it's obvious. Topography does not lend to allowing ADA or if there was not an ADA accessible route from the parking lot to the business. A hybrid model may be needed.

Ms. Gallion added that staff may come up with code language that defines readily achievable.

Mr. Arndt said he did not want to get sidetracked because of the ADA issue. He thought reducing the requirement would be speedy. He asked what could be done to move this forward and maybe come back to ADA later and stick with the status quo.

Ms. Pierce understood Mr. Arndt's point, but thought staff could spend a bit of time researching the ADA issue so there is a clear path forward. If they get stuck, they may move forward without the ADA being addressed.

Mr. Dye replied that parking reductions were the quick way; the parking table is a larger issue. He said even if there was a second table, there is still a borough-wide issue if parking is waived for a property elsewhere. He thought the entire table needed to be dealt with, so the ADA issue was addressed borough-wide.

Mr. Arndt agreed staff and the Committee should work on the existing table. He replied that the original idea was not to waive ADA so they don't create an issue.

Ms. Pierce said this is not how everything is currently operating and staff weren't aware this was an issue until recently, so it is a new issue.

Mr. Arndt replied that the draft was pretty explicit to say ADA spaces cannot be reduced because that's how it was currently being applied in code.

Mr. Dye asked what the next step was.

Ms. Gallion replied that she would provide an update at the next meeting. Ms. Gallion asked about loading spaces and what the direction was.

Mr. Pedersen asked why federal requirement for ADA had to be followed.

Ms. Layne replied that the ADA is a civil rights law that all must follow. CBJ could open themselves up to lawsuits for civil rights violations if it is ignored.

Mr. Dye replied that loading zones should not be reduced. He added that there could be a separate loading zone table for downtown and it needs to tailor to loading zones downtown where space is limited.

Ms. Maclean added that the table could use updating, but it comes to a matter of staff capacity and priorities.

Mr. Dye replied that they have tried to take a quick route for a Band-Aid, but it doesn't seem that the ADA allows options to go this way.

Ms. Pierce replied that staff needed a bit more time to look at the ADA requirements, then they could make a plan of action. She thought it needed to be done right once.

B. Lot Depth

Ms. Eddins summarized the memo from staff on wanting to remove the lot depth requirements for all new lots. She added that in 1987, the zoning code was majorly rewritten and we adopted a code from down south. This worked when there was a boom of development. Around that time, Variances were easier to get if you couldn't meet a dimensional standard.

Ms. Eddins added that currently, staff are trying to achieve more infill development. The Variance criteria have changed to be more difficult. The developable lands that are left have development challenges. A solution is to remove the lot depth requirement. Lot width and lot size would be maintained. Minimum setback requirements would remain to preserve light, air, and space.

Ms. Cole asked if lot width would become an issue in the future.

Ms. Maclean replied that the Lands Committee also asked this question. Staff think there is more improvement that could be made to dimensions. She added that Ms. Eddins would look at the minimum rectangle, which would allow you to prove you have a buildable area and the other dimensions could be waived. The access must be through the frontage under current code, so if that remains we can allow some more flexibility. Ms. Maclean wanted to move along lot depth now, because it is a need and people can use it.

Ms. Pierce added that the idea would be to move lot depth as an immediate fix and we could do more research on other dimensions.

Mr. Dye said that minimum lot depth multiplied by minimum lot width is less than minimum lot size. He asked if there is ramification in code that needs to be addressed and if there were any unintended consequences.

Ms. Maclean replied that staff will need to make sure applicants are aware that even without a lot depth requirement, the minimum lot size and lot width will need to be met.

Mr. Pedersen looked at the table; MU is the only zoning district where lot width times lot depth equals square footage. He supports the amendment and it would allow for a lot more flexibility in platting lots. He has seen lot depth requirements preclude a lot from being used to its fullest extent.

Mr. Dye asked if too many lots could be subdivided.

Ms. Eddins replied that staff doesn't have the perspective that it would be a consequence. She added that housing is a goal of the assembly, and this creates more opportunities for development. Increased traffic could be a consequence, but this is an issue borough-wide. The City invests a lot of money in infrastructure and the lots cannot meet lot depth, so they cannot create infill where they have significant investments in infrastructure.

Mr. Pedersen asked about setback reductions on Page 7, Line 18 of the ordinance. He proposed “side, street-side, or rear”.

Mr. Arndt asked how this would be calculated for the rear.

Mr. Pedersen replied that if the lot width is less, the side or rear could be reduced.

Mr. Arndt replied that for a full width lot, the ability to reduce the rear for substandard lot depth is lost.

Mr. Pedersen said it should only be for substandard lots.

Ms. Eddins said that as the code is currently written the reduction would only be for lot width if lot depth was repealed. The proposed ordinance would no longer allow the setbacks to be reduced for the rear, because there is no requirement. Ms. Eddins asked if the Committee still wanted an avenue for rear yard setbacks to be reduced.

Mr. Pedersen said that front and rear setbacks drive lot depth. He replied that an applicant would need to at least create a buildable area within the setbacks.

Ms. Eddins replied that staff would need to look at setbacks and buildable area. She wondered if the Committee wanted to provide flexibility in reducing the rear yard setbacks.

Mr. Arndt said topography plays a large part and wanted a reduction for that.

Ms. Maclean replied that the section of code only applies to existing substandard lots. New subdivisions could not use this exception. She added that staff may need to see how many substandard lots exist outside of downtown and ADOD areas.

Mr. Dye asked if staff could come up with a different setback exception, using a ratio from lot width.

Mr. Arndt asked about preserving the neighboring properties and using an average.

Ms. Eddins replied that could be an option. There is an existing exception for that already in certain areas, and this could be expanded.

Mr. Pedersen said the proposed change to Line 18 should include street side.

Mr. Dye agreed with the change.

Ms. Maclean said she wanted to explore the minimum rectangle and move this forward as proposed.

Mr. Arndt replied that the minimum rectangle was an arbitrary size and structures weren't being constructed to reflect the rectangle.

Mr. Dye also added that many lots are oddballs and not straight lines, so it can get complicated.

Mr. Dye said on Page 3 of the ordinance, panhandle dimensions, he didn't agree with the number using half of a foot and requested rounding to a whole number.

Mr. Arndt said longer would be more generous.

Ms. Eddins said that number comes from lot depth in current code.

Ms. Maclean asked to round to 128.

Mr. Arndt asked why staff cared about the length of the panhandle.

Ms. Maclean replied that it is tied to fire access and how long a private driveway should be for public safety.

Mr. Dye asked if 300 is okay here, why is it not okay for all?

Ms. Maclean said she wasn't sure why this is the standard.

Mr. Arndt asked for 300 for all.

Ms. Eddins replied that it is tied to emergency access and she could ask CCFR if they have a preference.

Ms. Maclean said increasing it could encourage larger lots in denser areas, which is not ideal in the multifamily and higher density areas. Ms. Maclean also said she wanted to come back to shared access regarding this issue. The driveway in multi-family shouldn't be allowed to be that long, because it discourages density.

Mr. Arndt said he wasn't sure about the density implications; in multi-family zoning districts density is by acre, so that won't change.

Mr. Dye agreed with Ms. Maclean, but noted that it was not limiting density, but providing more of an example for what staff and the Committee wanted the subdivision to look like. He added common wall development in General Commercial and Light Commercial were allowed to have one unit on a lot. He said it could expand the ability to use land differently. He added the CBJ doesn't really like to acquire Right-of-Way, so this may not necessarily be a bad thing.

Ms. Maclean noted that Ms. Eddins needed to check on Industrial zoning districts to see if they needed to be included.

Mr. Dye said minimum lot width is 20 feet in Industrial zones, so panhandle isn't necessary.

Motion: By Ms. Cole to take AME20210007 to the full planning commission for approval noting comments from today's meeting.

V. Committee Member Comments and Questions

Mr. Pedersen asked what items would be on the next meeting.

Ms. Pierce said streams and parking would come back. The next meeting was set for June 24, 2021 at 12 noon to discuss parking.

Mr. Dye said he received an email from Ms. Gladyszewski and they wanted to have a joint meeting with the Title 49 Committee and the Assembly Lands Committee on July 19, 2021 or August 9, 2021.

The next meeting to discuss streams was set for July 1, 2021 to talk about streams.

VI. Adjournment

The meeting adjourned at 1:21 P.M.