

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

Thursday, December 17, 2020
Community Development Department
Virtual & Telephonic Meeting

Members Present: Nathaniel Dye, Erik Pedersen, Travis Arndt, Weston Eiler

Members Absent: Joshua Winchell

Commissioners Present: Paul Voelckers

Staff Present: Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Irene Gallion (CDD Senior Planner), Laurel Christian (CDD Planner), Joseph Meyers (CDD Planner)

I. Call to Order

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

II. Approval of Agenda

MOTION: *by Mr. Pedersen to approve the agenda.*

The motion passed with no objection

III. Approval of Minutes

A. Draft Minutes October 29, 2020 Title 49 Committee Meeting

MOTION: *by Mr. Pedersen to approve the November 24, 2020 minutes with minor edits made by staff.*

The motion passed with no objection.

IV. Agenda Topics

A. Parking

Ms. Gallion stated the Committee would be discussing boundaries; the proposed name of the new parking district: town center parking district; historical properties and parking; and waivers. These items were outlined in the memo provided to the Committee.

Ms. Gallion added that the geographic boundary would combine the existing PD1 and PD2 districts. She asked the Committee if staff should extend the boundary to the flats Light Commercial (LC) area on Glacier Avenue.

Mr. Dye asked if there were any southern additions to the boundary along the waterfront.

Ms. Gallion replied that the current proposal is the PD1, PD2, and Fee-in-lieu (FIL) boundaries combined. Further extension could be discussed.

Mr. Arndt added that the waterside by the old dock should be included.

Mr. Voelckers agreed that staff should work with the maximum perimeter and include the FIL boundary. He agreed with including Glacier Avenue and disclosed that he is a property owner in that area, but the area is similar to Willoughby, so it makes sense to consider.

Ms. Gallion wondered if the boundary should be extended up to the bridge on the waterside.

Mr. Dye asked if the historic residential neighborhoods, such as Starr Hill, were intentionally being removed.

Ms. Maclean asked if the parking district boundary or the FIL boundary was being discussed. She noted that people in the flats or Starr Hill area can still get a parking waiver.

Mr. Dye suggested coming back to the boundaries after the intent of the new parking district was determined.

Ms. Gallion stated that the ordinance is drafted to call the new parking district the town center parking district. This is because these parking practices might apply to other areas with a traditional town center Land Use Designation from the Comprehensive Plan, as recommended by Commissioner Dye.

Mr. Dye said the intent of the name was to utilize the new parking district in other parts of the Borough. The tool could easily be implemented later with zoning changes; downtown Douglas comes to mind.

Mr. Voelckers added that it creates a higher burden to ensure the new parking district right is done right. He added that the new regulations were aimed to commercial zoning districts. He thought the MU, MU2, GC, LC zoning districts, and downtown should be included within the boundary, but not the residential zoning districts.

Mr. Pedersen supported the idea of the name and agreed that the new parking district may be utilized in other areas of the Borough.

Mr. Dye added that the traditional town center Land Use Designation from the Comprehensive Plan inspired the name.

Ms. Gallion discussed Commissioners' comments provided before the meeting. There was concern about how historic properties are addressed when reviewing parking waivers and the new parking district. The language was initially included to ensure there was a thorough review by the Historic Resources Advisory Committee (HRAC) to ensure no impacts on historic properties. However, historic properties within the historic district are automatically reviewed by HRAC, so it is redundant. There was also concern for historic properties not in the historic district. The consensus was to eliminate the language from the parking section and only properties within the historic district will get HRAC review.

Mr. Arndt added that parking issues don't change the historic character of the building typically, so the HRAC review should be removed from the parking section. HRAC should review things that change the historical character of buildings, such as additions or renovations.

Mr. Voelckers agreed and added that in this section of code, parking doesn't relate to the age of the building, but how many spaces apply to the uses inside. Removing the historic review would be appropriate.

There was no objection to removing historic property review from the parking waiver and FIL.

Ms. Gallion moved to the proposed parking waiver language and questioned if it should have tight standards that tell people exactly what they need to do to get a waiver or should the Commission have some discretion in what they will accept in order to grant a waiver. She noted that the way the ordinance is written, it has all items listed that could be considered. She added that the current ordinance gives the Commission more discretion.

Mr. Voelckers added that development incentives are written into other sections of code and that language could be used as an example for parking waivers. He added that there should be a very early discussion with staff and the applicant and that each project is different, so there must be some subjectivity in order to be

effective. Mr. Voelckers thought there should be a pre-application conference that allowed the project developer to share their approach, and then staff could add feedback early on.

Mr. Dye stated that having a long list is not friendly for small developers, because it seems like a lot of items for one person to do. He stated that it is not clear what must be done, and asked if a developer needed to meet all criteria or one. He was not sure if the list creates enough flexibility. He also added that he liked the idea of having a pre-application conference.

Ms. Gallion asked if the Committee wanted to eliminate the list in the parking waiver section.

Mr. Pedersen said he would be in favor of wordsmithing the title rather than removing the list – he suggested adding, “The Commission can consider any of the following items”.

Ms. Maclean said that the nonconforming code has a list of items that we may be able to model the language off. She added that a list can be beneficial to give examples for developers, small or large.

Mr. Dye suggested that one must get criteria (B)(1). He doesn’t want to force people into an engineering study, if they can document the parking needed in another way. Items (B)2-14 could serve as documentation to demonstrate the need for a waiver. Items 2-14 could be and other things that are added as an incentive to grant the waiver.

Ms. Pierce read the nonconforming language as an example. She added that staff can provide examples in code without saying “will” and “should”.

Mr. Voelckers liked having some softer language and subjectivity. He thought that criteria (B)(2) should be omitted and items (B)7-11 are not relevant. He said that criteria (B)(1) is key and applicants need to “document proposed development use and the needed parking for that use”. He felt that that is most critical.

Ms. Gallion clarified that the direction from the Committee would be to have a parking study or parking documentation no matter what and get rid of some of the items on the list.

Mr. Eiler asked if a parking study or some metric would be required, and if the longer list is other things they could consider.

Mr. Dye clarified that he liked having the loose language about data documented by the applicant and not necessarily requiring an engineering study. There is relevant information outside of an engineered parking study. “Documented use” is supposed to be broader. The secondary list asks for things that the Commission would like to have in the community, such as electric charging stations, but the code isn’t stipulating that they must be built, but it allows people to think about adding those things as an incentive for granting the parking waiver.

Mr. Eiler added that the Committee should consider the historic character of downtown as well.

Mr. Dye clarified that the waiver will be Borough-wide and not just for downtown.

Mr. Voelckers thought item (B)(6) should stay, and clarified his comment from earlier.

Mr. Dye said the list should be narrowed to parking related items.

Ms. Gallion stated that a town center parking district that currently includes PD1, PD2 and FIL boundaries is being created. She added that there would be a 60 percent reduction for all properties in the area and parking requirements won’t apply to existing buildings, only expansions of existing buildings or new construction.

Mr. Dye added that he wanted to strike the allowance for a reduction to loading zones.

Mr. Pedersen agreed with how the town center parking district section reads. He wondered if the term expansion includes change in use and if change in use triggers new parking requirements.

Mr. Dye also asked if item (B) in the town center parking district should be kept.

Ms. Gallion replied that parking requirements would only apply to expansion of an existing footprint. Change in use does not add a parking requirement if there is no change in building footprint; this is currently how the parking district section of code is written. She added that she did not have a strong opinion on removing item (B).

Mr. Dye added that existing buildings don't provide parking, and in terms of equity, why shouldn't existing buildings provide parking?

Mr. Arndt added that he thought item (A) would cover it and he thought parking requirements should not apply to existing buildings. He clarified that parking requirements should only apply if you are expanding a building or building something new; this is currently how the parking district section is written.

Mr. Voelckers questioned change in use. He said there could be a significant increase in parking need if a building is changed from a storage use to apartments or condominiums.

Ms. Maclean added that she agreed with Mr. Arndt. She also added that CBJ does not require change in use permits if no building permit is required. She added that it would be easier to track developments if we did. She thought that the Committee could make a recommendation to look at change of use permits, but that could be separate.

Mr. Arndt said he didn't think a change in use permit was needed, and he liked it as it is. He said if someone were to take an old building with little or no parking and change it to apartments, it could encourage development of existing buildings, because there is no additional burden to look at parking again.

Mr. Dye clarified that a change of use permit is required if you need a building permit. So, parking is looked at with a building permit. He said there is a narrow range of projects that wouldn't need a building permit.

Mr. Arndt replied that there was an existing bank building downtown converted to residential. He noted that with that conversion, there was no expansion to the footprint, so no parking was required. He asked if that was correct.

Mr. Dye wondered if there was another mechanism that the Committee wasn't looking at. He asked if the new use would need new parking.

Ms. Maclean replied that Commissioner Arndt is correct, no expansion of the building footprint means no new parking required. On the other hand, she added that there was a retail use that expanded the footprint and had to pay FIL for that expansion. No new parking is required if you are not expanding the existing building.

Mr. Dye asked where in code that existed, as that was not his understanding.

Ms. Maclean pointed to 49.40.200(1).

Mr. Voelckers suggested leaving 4.90.200 as it is and to think through how that looks in the new parking district.

Mr. Dye added that the Committee might want to look at the joint use parking section also and possibly re-order the parking section of code.

Ms. Maclean supported reordering things and said that joint use could also use some updates to make it more useful throughout the Borough.

Mr. Arndt replied that 49.40.210(D)(1) leaves the intent of not requiring new parking for change in use within the parking district.

Mr. Dye wanted to leave 49.40.210(D)(1)(a) as is.

Mr. Voelckers added that the new waiver process should be added before the FIL process, because the waiver sets the number of spaces and FIL should be an option afterward.

Mr. Dye thought that FIL shouldn't be its own section, but should be part of the town center parking district.

Ms. Gallion asked if waivers would be moved above the new parking district and FIL.

Mr. Dye responded yes; joint use, then waiver, then parking district, and FIL.

Mr. Arndt said he liked removing the word "waiver" from the FIL section.

Mr. Dye suggested changing the FIL for residential development to match the commercial fee. There was no objection.

Ms. Maclean asked Ms. Gallion to research if a specific amount needed to be listed, or if the consumer price index could just be listed.

Mr. Dye agreed with removing the dollar value if possible.

Mr. Arndt agreed, but thought there should be an easy way to find the number.

Mr. Dye asked if the Committee could set the number.

Ms. Maclean said staff would discuss the fee with law and finance.

Mr. Arndt replied that he liked making it a single number.

Mr. Voelckers agreed with making it an easy number in code that could be revisited and not point it to the consumer price index; it's an arbitrary number.

Ms. Gallion added that the FIL price was originally intended to be a quarter of the cost to construct a space; it was a thoughtfully created number. It was intended to be updated every year, that way it was inflation proof.

Mr. Dye suggested making a recommendation to look at fees every five years within Title 49.

Mr. Arndt added that the FIL price might be more important if the money was going towards parking, but it just goes to the general fund, so the number doesn't really matter.

Mr. Dye replied that the Committee should make a recommendation to look at where the money goes and ensure it gets allocated to parking.

Ms. Pierce used an example of trail maintenance; the budget item is approximately the fees collected from trail users. While it may not be legal to say these parking fees go only to parking, there is a way to make it transferrable within the budget.

Mr. Voelckers added on parking waivers that the waiver process should be expanded to include a pre-application conference.

Mr. Dye asked for pre-application language to be included.

Ms. Gallion stated that parking is always discussed at pre-application meetings. She thought adding a requirement to code would create a regulatory burden for something that's happening anyways.

Mr. Arndt replied that it was good to have it in there, but he also calls the department regularly to discuss ideas. He said he didn't think staff needed to require a pre-application meeting. He said the pre-application meeting won't give you an exact number of spaces, because the decision is ultimately up to the Planning Commission.

Mr. Dye wondered if applications should come to the Commission preliminarily.

Mr. Voelckers agreed that there should be a conversation very early on between applicants and the Commission. It may not be guaranteed by staff, because it needs to be reviewed by the Commission. Parking will inform the development plans.

Ms. Maclean added that if staff can get involved early on, the result may be better for developers in the end. She said that staff could beef up a pre-application meeting template to review for parking. She said applicants could also apply and have a hearing and then have a second hearing, so a decision may not be made in one night. She questioned how far an application should go with staff before the Commission reviews it. She wondered if applicants could apply for Conditional Use Permits earlier on, so the Commission has the ability to buy-in to the design when there are questions in regards to parking requirements and waivers.

Mr. Arndt replied that two Commission meetings may be appropriate, but the scheduling could be a hesitation. Staff time and workload can create longer times from application to hearings. He wondered if the two meetings could be considered one, as in they are scheduled in succession.

Mr. Dye asked for draft language on a pre-application conference requirement with the applicant. The language should be loose and require little submittal work to ensure the Commission has the ability to buy in early on.

Ms. Maclean agreed that the meetings should be quick, and ideally back-to-back. She said that the Commission would set the next date; it could be continued from the first hearing. She also replied that for major subdivisions there is some concern that the Commission doesn't have enough information at the preliminary plat hearing. She added that the Commission would have to understand that the preliminary hearing would only require preliminary plans.

Mr. Dye said that Conditional Use Permit applications can often be incomplete and that's where the Commission struggles. He said that the Commission doesn't want to stop developments, but want to inform applicants early on as to what the requirements would be. He thought that parking was a specific situation.

Mr. Voelckers agreed and wondered if preliminary hearings could be required over a certain scale if asking for a parking waiver.

Mr. Dye added that he liked it being a choice. He didn't want to force people into an early application, if that's not what they want to do.

Mr. Pedersen commented on parking waivers 6A(3)2 – the finding may be hard to reach. In the Variance language, there is a high burden of proof. He didn't like the narrowly tailored language. He recommended inserting "significant" to read "granting the waiver will not result in significant adverse impacts to property". If a waiver is granted, there will be some impact, but it may not be significant.

Mr. Arndt agreed to that point and wondered if item (3) was needed at all. He said there was a requirement for more benefits than detriments, and asked if that is enough.

Ms. Maclean added that item (1) is a community as a whole and the next is specific to neighboring area. She added that it would be easy for a neighboring property owner to respond to item (3).

Mr. Dye wondered if staff could use Conditional Use Permit item (5), regarding neighborhood harmony and property values. He added that item (4) takes care of most of (3).

Mr. Voelckers liked keeping it consistent with the Conditional Use Permit language, but thought that parking was slightly different, because there can be aggravation to the situation that may not affect property values. He agreed with Mr. Pedersen in adding "significant".

Mr. Dye said he didn't want to define "significant" and it might be easier to remove the whole finding.

Mr. Pedersen said he was tempted to use Conditional Use Permit language, but didn't like the property values criteria in relation to parking.

Mr. Arndt added that staff and the Committee could work the words “neighboring area” into item (1) and make it one finding.

Mr. Dye wondered if just the Conditional Use Permit findings should be used.

Mr. Voelckers liked Mr. Arndt’s wording in item (1). He wanted to consider the community as a whole and neighboring property.

Ms. Gallion clarified that staff would make the changes to item (1) and get rid of item (3).

Mr. Dye asked if “other adopted plans” language could be added to the findings.

Ms. Maclean added that it wasn’t necessary, because plans are adopted into the Comprehensive Plan, so the language is redundant.

Mr. Dye asked if there was a difference between plans adopted by resolutions and plans adopted by ordinance.

Ms. Maclean added that plans adopted by resolution don’t apply to private development typically.

Mr. Dye wanted to bring the ordinance back to the Committee cleaned up and to talk about joint use.

In regards to the boundary, Mr. Eiler said he would be interested in expanding the parking district boundary. He liked going to the bridge along the waterfront. He said that the waterfront area will be utilized in the long term, so it should be expand now for future development.

Mr. Pedersen generally supports the expansion over to Harborview Elementary to encompass the LC zone on Glacier Avenue. He didn’t want to include some of the residential areas like the Park Shore condos, though.

Mr. Dye added that the Committee may expand the boundary and allow a lesser percent reduction. Waivers are allowed, so there are other mechanisms to reduce parking and the Committee might not need a 60 percent automatic reduction.

Mr. Arndt added that he liked expanding the boundary and agreed it shouldn’t be expanded to residential areas. He didn’t like the idea of reducing the percent reduction to 30 percent because there is certainty at 60 percent and you may not need to apply for the other tools. In the parking district, if you automatically get a 60 percent reduction, you may not need a parking waiver.

Mr. Voelckers agreed with Mr. Arndt. He didn’t want to reduce the baseline reduction. He said 60 percent doesn’t work for a lot of developments, so 30 percent won’t work either.

Mr. Dye summarized that the intention was to include as many commercial areas as possible and not change the percent reduction.

V. Committee Member Comments and Questions

No meeting was set for the New Year, due to Commissioner appointments and possible reorganization of the committees at the beginning of the year.

Ms. Maclean added that the Committee could refresh themselves on the Alternative Development Overlay District because that would be coming to the full Commission soon.

VI. Adjournment

The meeting adjourned at 1:32 P.M.