

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

Thursday, December 12, 2019
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Ken Alper, Shannon Crossley

Members Absent:

Travis Arndt

Staff Present:

Jill Maclean (CDD Director), Irene Gallion (CDD Senior Planner), Amy Liu (CDD Planner), Chelsea Wallace (CDD Admin)

I. Call to Order

The meeting was called to order at 12:06 P.M.

II. Approval of Agenda

MOTION: *by Ms. Gallion to add "Update of public outreach meetings" as an item to the agenda.*

The motion passed with no objection.

III. Approval of Minutes

A. Draft Minutes October 2, 2019 Title 49 Committee Meeting

MOTION: *by Mr. Alper to approve the October 2, 2019 minutes.*

The motion passed with no objection.

IV. Agenda Topics

Ms. Gallion gave an initial debrief of the public meetings held to introduce the Alternative Development Overlay District (ADOD) to the public. She stated that about 45 members of the public attended the meetings. A PowerPoint presentation was given at the meeting, showing the different aspects of the ADOD, along with a handout that people could take home with them and refer to later on. They also gave the option for on-the-spot feedback with comment cards people could fill out. These comments were taken, other comments came in after the meeting as well, and draft responses have been drafted for these comments. Ms. Gallion presented a memo summarizing all of the work from Staff and the comments that had been received. She also presented a draft ordinance for the ADOD for the Committee to review and give feedback on. The draft ordinance was used to capture the opening position of what the Committee has intended with the regulations set forth.

Referring to the graphics on page 4 of the draft ordinance, Mr. Alper asked where these images had come from and if the Committee had seen these before.

Ms. Gallion stated that those images were taken from the existing Code on setbacks.

Mr. Dye asked if Ms. Gallion had anything specific in the draft ordinance or on the public meetings that she wished to discuss at this time.

Ms. Gallion thought it would be good to look at some of the on-the-spot comment cards from the public meetings. In the memo, she had summarized the comments and ordered them by feelings of approval and disapproval. While it is not statistically significant, it was seen that most people were in favor of what the Committee is proposing.

Referring to the column of "Dislikes Strongly" in the comment summary, Ms. Maclean asked if these comments were from one person, or if three separate individuals had given these comments.

Ms. Gallion stated that each person evaluated each topic, but Staff did not track which person commented on each topic. So, it could have been one person who strongly disliked those topics, or it could have been three separate individuals.

Mr. Dye noted that there were about eight people who commented.

Ms. Gallion stated that Staff received seven comments, and one person had commented twice.

Mr. Dye asked Staff's big takeaway from the public meetings and the overall themes of the comments.

Ms. Gallion stated that the more complex issues are related to nonconformance; how what the Committee is proposing works with nonconformance ordinance that is before the CBJ Assembly now; and if a property is nonconforming to ADOD, can they still participate in the ADOD. There was a lot of discussion about lot size, what it means, and why we care. Staff noticed that the two meetings had very different tones, with the first meeting being very tense.

Ms. Liu agreed with Ms. Gallion and noted that people generally seem to like the direction the Committee is taking. However, some people were not completely comfortable with how small some of the numbers are, such as vegetative cover and lot size. Overall, though, most people are generally happy with the regulations.

Mr. Alper, who was present at the public meetings, stated that he felt a sense of misunderstanding when it came to lot size and most people didn't seem to realize how small some of the lots downtown are. Some people had a perception that these proposals could open up the option to build large apartment buildings in their backyards, but that is not the case.

Ms. Maclean also noted that there were a number of people at the second meeting who acknowledged that they have larger lots, but don't want their neighbors to have the same opportunity. They recognize that they need to be more objective, though. Staff could alleviate some of these concerns by stressing that current zoning won't allow more large apartment buildings to be developed downtown anymore. There were some struggles in communicating that 18 units per acre does not mean someone could build 18 units on their 5,000 square-foot lot. Ms. Maclean believed that more time with the public to discuss these things would help alleviate more concerns.

Ms. Liu noted that Ms. Gallion did a great job of explaining to the public what the ADOD is, but due to the public's limited understanding of how zoning works, there were questions about what it is and what it is not. Communicating what the ADOD is not could help address some of the concerns, as well.

Mr. Dye asked if the name was being changed from ADOD.

Ms. Gallion stated that at the moment Staff was referring to it as the Downtown Juneau ADOD, because that is what is currently in Code. There is some confusion about existing ADOD vs. the new ADOD, though, so the name could be changed.

Mr. Dye thought that giving it a new name may be more helpful for the public.

Ms. Maclean pointed out that, unfortunately, changing the name now would create extra work for Staff, because the permits had been filed with the current name, so a lot would need to be updated.

Mr. Dye suggested informing the public that this is an update to the ADOD, and not a rezone or a new overlay, to help clarify matters and make it easier to understand.

Mr. Alper spoke in favor of continuing with the current name, while communicating that it is an update and not something entirely new. He thought this would be helpful to the public and make things easier for CDD Staff, as well.

Ms. Maclean stated that Staff would also need to check with Law and make sure this doesn't get confused with the work being done for Douglas.

Mr. Dye asked if there was a reason to set the ordinance up in a way that help separate this ADOD update from the Douglas and future updates.

Ms. Maclean stated that some adjustments may be needed, but those would come forth in time. She noted that there are other Overlay Districts currently, as well.

Mr. Dye asked if they are all within 49.70.

Ms. Liu stated that the parking overlays are not in 49.70.

Ms. Gallion asked if the process could be opened up again when the Douglas overlay goes through, if someone strongly disliked the work being done here.

Mr. Dye believed this wouldn't be possible. He asked if there any other overlay districts that are specifically similar to items in the ADOD.

Ms. Liu replied that there is a convenience store overlay that is similar. It is quite small, but it is similar.

He asked what feedback is needed from the Committee at this time.

Ms. Gallion stated that the points at the beginning of the memo highlighted what Staff needed from the Committee. She noted that the public has until the end of January to submit comments, as well.

Ms. Maclean recalled that subdivisions came up as a topic of discussion at the second public meeting, and concerns were expressed. She thought it would be important to give a clear explanation of what lots could and could not be subdivided, especially regarding the mass wasting areas.

Mr. Dye asked if there was a consensus to allow subdivisions through the ADOD.

Ms. Maclean stated that there was a consensus to allow them, but Staff could inquire with the Law department to be sure if they could be allowed through the ADOD process.

Mr. Dye noted that property owners wouldn't be subdividing through the ADOD minimum lot size, but through the current code requirements.

Ms. Maclean pointed out that if a property owner could legally subdivide under current Code, then they could subdivide and then use the ADOD regulations. Law would have to weigh in on if they are allowed to have the reduced lot size for the existing properties, though.

Mr. agreed. He asked what was heard as the biggest concern from the public.

Ms. Liu recalled that the public were very concerned with the small numbers for setback regulations. There were also concerns expressed in the lack of vegetative cover requirements.

Ms. Maclean asked if the Committee thought a walking tour might help the public better understand what current situations look like and compare these to what is being proposed.

Mr. Dye asked if Staff had presented the same slides to the public that had been shown to the Committee.

Ms. Liu stated that Ms. Gallion had given a very informative presentation clearly showing accurate representations of what development could look like.

Mr. Alper recalled his personal experience with an ADOD property. He asked if it was possible to create a metric showing how many lots currently have an average setback of more than three feet.

Ms. Liu stated she had already done this.

Mr. Alper thought this information would be helpful in visualizing development.

Mr. Dye expressed concern with the margin error, since the data was mostly gathered using aerial photos and GIS overlays. The Committee does not want to push information that could be skewed.

Ms. Gallion expressed concerns with a walking tour. She thought this might bring about some adverse feelings between neighbors and one neighbor wanting to make an example of another neighbor. There are some sensitivities in this area. She noted that the slide on lot size showing the map was not shown at the public meetings, but it could be presented at future public meetings, if they occur. She did show an example of what seven feet between neighboring houses looks like, though. She also expressed concerns with the data gathered using GIS overlays.

Mr. Dye felt the big overall pictures paint a pretty good picture, but what is shown on the big map helps a lot, too. Hazard zone mapping could be shown, but those will be changing, so it may not be better to show those now. He suggests pursuing investigation of what can be done to prevent subdivisions. If people can subdivide under current zoning, then they should be able to, and then go into the ADOD, but using the ADOD to rezone could become problematic. He thought the graphic used to portray the sliding scale was beneficial and could be helpful in

clarifying regulations to the public. However, he was surprised that the public didn't like the vegetative cover regulations.

Ms. Gallion suggested waiting to see what kind of comments come in from the public on this to see what the real concerns are, because some people were also okay with it. She then summarized the items the Committee had discussed, and what Staff should plan to work on.

Mr. Dye noted that Staff should be very careful with the language regarding mass wasting when presenting to the public. If the Law department says that subdividing isn't allowed, then the whole topic should not be discussed, so there isn't any confusion.

Ms. Crossley stated that she was surprised about the comments on lot coverage. She noted that what she has seen from the private side is that people are very interested in adding accessory apartments.

Mr. Alper noted that accessory apartments will have a roof and that will work into lot coverage.

Ms. Crossley agreed, but pointed out that it still increases the footprint of the building.

Mr. Alper stated that that is encouraged.

Ms. Crossley asked about the community members that were unhappy, and asked if they were unhappy because something was built in their neighborhood that they didn't necessarily like and don't want that to keep happening.

Ms. Gallion stated that it seemed the concerns were more about future development.

Ms. Crossley asked if Staff had pointed out that these aren't design standards and these regulations don't speak to what a house can actually look like.

Ms. Gallion stated that that could be reiterated more at future public meetings, but Staff had done well in explaining that this isn't about what you can build, but is about where you can build on your lot. They did have a question on how this would interact with the Historic District standards, though. One person expressed that they did not want to see design review boards come into fruition, as well.

Mr. Dye spoke in favor of not having design standards or design review boards. He asked what direction Ms. Crossley was looking to go with that information.

Ms. Crossley stated that she was just curious to see how people feel about new development and how it fits with their neighborhood character.

Ms. Crossley asked how many ADOD permits exist currently.

Ms. Liu stated that there are only a handful of ADOD permits.

Ms. Crossley asked if there were any neighbors who spoke in favor of the changes.

Ms. Gallion stated that there were a number of people who were appreciative of the changes and were happy with what the Committee is proposing.

Ms. Maclean felt that the people who have gone through the Variance process in the past see these changes as an easier way forward with development. Her general impression is that people were concerned with the unknown of the future developments and change, but nothing completely specific.

Ms. Crossley asked if there was any interest heard from the public for future meetings, so they could get their neighbors to come.

Ms. Gallion stated that Staff had not heard requests for more meetings, but they had let people know that they had the option to come in and meet with the planners to ask more specific questions and get more information.

Mr. Dye asked if there were intentions to host more public meetings.

Ms. Gallion stated that more public meetings could be held, but that wasn't necessarily the intention. She also noted that public meetings will be held for the changes coming to Douglas, so there would be more opportunity for outreach then.

Mr. Dye asked if Staff felt they should host more public meetings.

Ms. Gallion replied that the comments received from the public should help Staff decide if more meetings are necessary. However, she had given an overview at the meetings that the public would have another chance to give input when the topics come to the Planning Commission.

Ms. Maclean noted that if Law says subdivision can be excluded, then that would be another reason to host more public meetings.

Ms. Liu asked for the Committee's perspective on the value of reducing lot area in the ADOD and possibly bringing more lots into conformity for lot area, if subdivisions are not allowed.

Mr. Dye stated it would reduce the need for nonconforming status reviews, from that point of view. It would be another avenue of not being labeled nonconforming, which has potential interest of the public and it might feel less daunting for them to develop.

Ms. Maclean asked if the Committee was interested in decreasing the minimum lot size, if subdivisions are not allowed, to help gain more conformity.

Ms. Liu stated that it would also help with regulatory hurdles that are triggered by undersized lots. If a property is no longer an undersized lot, then the owner may no longer have to go through this regulatory hurdle. This would be one way to isolate this effect downtown, and not have necessarily change it for the rest of the Borough.

Mr. Alper asked why the Committee would not want to allow subdivisions within the ADOD.

Ms. Maclean stated that the vast majority of lots large enough to subdivide are in areas that preclude subdividing. If the public's main concern going forward is allowing subdivisions, it may make more sense not to allow them, in order to keep everything moving forward. It would only affect a few lots, as is.

Ms. Liu noted that one potential benefit to becoming conforming is more potential for financial help for the property owner in getting loans or other financial assistance.

Mr. Dye noted that some areas where the ADOD really comes into play is during expansion outside a structure for lot coverage. The ADOD picks up the slack for accessory apartments in the Overlay District, where nonconforming won't. If subdivisions are removed, then you could increase the ability, or ease, of people getting accessory apartment permits on those smaller lots. With this in mind, he wondered if a minimum lot size would need to be written in Code if subdivisions aren't allowed.

Ms. Maclean stated that the accessory apartment ordinance, as drafted, removes the need for a Conditional Use Permit on undersized lots, if you can meet the parking requirement. As to removing the minimum lot size requirement completely, she asked how lot sizes in other zoning districts could be justified if this area didn't need one.

A. Development Application Materials

Ms. Maclean stated Staff was looking for direction on what would need to be presented to the Planning Commission to determine what development application materials should look like. She noted that when someone applies for a Conditional Use Permit, there aren't specific requirements for drawings, as-builts, photos of the site, and other items, but these items would help Staff in their review process and also make it easier for the Planning Commission and the public to see what is being proposed. She gave an example of a situation where a Conditional Use Permit was applied for, but the information given was not sufficient enough to give an appropriate review. Staff has also heard complaints that permits aren't turned around fast enough, but having all of the needed information up front could help with this.

Mr. Dye asked if Ms. Maclean is looking to make an amendment to Title 49 that lists requirements for specific permits, or if this was just for the first page of the development permit.

Ms. Maclean thought it would be best to start with Conditional Use Permits and move forward from there. She believed a Code change would be necessary, because she anticipates push back if it is just a department policy.

Ms. Crossley stated that measured drawings are key in proposed developments. There are options for people to get free, sketched drawings, so there isn't much concern for a hardship. If someone is trying to use architectural drawings for an application, those should be stamped, so it is known that they are professional drawings permissible for proposed development applications. She suggests that site plans and floor plans should be required for permit application.

Mr. Alper stated that he has concerns with making something so stringent to an individual who is trying to make a small improvement to their house or something similar. He thinks that materials should be required on a case-by-case basis.

Mr. Dye spoke in favor of just starting with specific requirements to the Conditional Use Permits, as those would be the most likely to need more information. He felt that Staff could start with that and determine a streamlined process, then come back to the Committee or the Planning Commission and let them know where else they would like to make improvements.

Ms. Maclean stated that Staff has found difficulties in telling applicants that more materials are required. Since the application process has been this way for so long, people have become used doing things in a certain way and then give major push back when more information is asked for. In most cases for Conditional Use Permits, this work is already required, we're just asking for it to be done earlier, so a better review can be given and the permit can be processed sooner.

Mr. Dye felt it is important to pursue these Code changes, because the extra information is truly needed for proper review. He also noted that the information would be very helpful if an applicant came back and wanted a modification to the permit, interpretation of language, and determining what their permit allows for.

Ms. Maclean pointed out that the purpose behind a Conditional Use Permit is to make it very difficult to deny a permit. By saying that it is a Conditional Use, Code is saying that 90% of the time, the use should be able to be conditioned in such a way that it fits the neighborhood. Very rarely should a Conditional Use Permit be denied. The better the plans are upfront will also give a better understanding on how the proposed development will affect the neighborhood.

Mr. Dye agreed with Ms. Maclean and spoke in favor of making these the Code changes.

Ms. Maclean asked if this item should stay at the Title 49 Committee with the intent that Staff would be recommending revision to the 49.15 requirements, or if Staff should prepare something to go to the Committee of the Whole.

Mr. Dye recommended keeping this with the Title 49 Committee until an ordinance is drafted and signed off on, then it could go to the Committee of the Whole. He noted that it would be very important to be careful when publicly noticing this, as well.

Ms. Maclean agreed and stated that Staff would also look into what other communities in Alaska require for comparison.

Ms. Crossley suggested looking at other communities that are about the same size as Juneau as well, such as Bellingham, Washington. She asked what the current requirements for Conditional Use Permit application materials are.

Ms. Maclean stated that applicants didn't have to submit professional drawings, but currently could submit drawings on graph paper. This isn't always a problem, but in most situations more in depth drawings would be more helpful. Code change is needed, because trying to explain how the current Code reads now results in push back from applicants.

Mr. Dye felt starting with changes to just the Conditional Use Permit could help with some of the concerns, as well.

Ms. Crossley felt that Staff has some big things and small things to work on day-to-day, so anything that can be done to help streamline their processes will be beneficial.

Mr. Dye clarified that what Staff is looking for in a Conditional Use Permit application is a site plan, as-built, measured/scaled drawings, and lighting.

Ms. Maclean stated this was correct. Staff would also like to have the heights of developments specifically noted, especially with hillside developments. Staff could accumulate this information along with a summary of what other communities do.

Mr. Dye asked if Staff had anything else for the Committee to discuss.

Ms. Maclean stated that the next meeting date needed to be determined.

After some deliberation, the Committee and Staff agreed that the next meeting date would be determined at a later time.

Ms. Maclean noted for the record that a South Douglas/West Juneau liaison needed to be assigned by the Planning Commission.

V. Committee Member Comments and Questions

VI. Adjournment

The meeting adjourned at 1:24 P.M.