

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

Monday, July 16, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Dan Miller, Michael Levine

Members Absent:

Carl Greene

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Director), Rob Palmer (CBJ Attorney), Scott Ciambor (CBJ Housing Officer), Beth McKibben (CDD Planning Manager), Laurel Bruggeman (CDD Planner), Marjorie Hamburger (CDD Admin)

Public Present:

Richard Harris

I) Call to Order

Meeting called to order at 12:08 pm.

II) Agenda Topics

a) Unit Lot Subdivisions

Ms. Maclean said that since the last Title 49 meeting she, along with Mr. Palmer, drafted the purpose of what is now being called Alternative Residential Subdivisions, leading to a potential ordinance. (See memo from Ms. Maclean to Mr. Palmer dated July 12, 2018 in meeting packet materials.)

Ms. Maclean explained what the decision process could look like. The concept resembles a Planned Unit Development (PUD) but not as currently stands in CBJ code. For four lots or less the approval would be a director's decision; more than four would require Planning Commission approval. They could be permitted in most zoning districts except MU, WC, WI and I, which is consistent with the common wall ordinance. Homes would be single family use only with no accessory dwelling unit. A home occupation could be permissible but not a childcare. The parent lot would have to meet the underlying zoning requirements.

Ms. Maclean's memo further addressed lot spacing, access, parking, utilities, lot size, and common open space.

Mr. Voelckers asked if this would be specific and iron clad in relation to providing housing and not turning into a office/business? Ms. Maclean said that there could be a single family home with a home office/occupation but not with employees or customers such as at a childcare. The thinking is that a home occupation that would not impact neighbors could be permissible.

Mr. Levine asked why this is being done and why is it such a priority now? PUDs have been in place for a long time, he said, but the problems with them have not been addressed. Ms. Maclean replied that one reason is to

provide the community with housing options and a fix to the PUD code has been needed for a while. There are only a few PUDs in Juneau because they are not popular. Some requested rezones have failed recently because of the difficulty in developing challengingly shaped lots. Often a developer can't meet the requirements for a PUD on challenging lots. The thought is to use this new concept which could be the new PUD and could tackle these issues. Mr. Levine pointed out Ms. Maclean's response did not reflect the reasons listed in the provided memo. Ms. Maclean said she only realized this link with PUDs yesterday.

Mr. Levine asked how this concept is unique and different from a fee simple ownership of property. Ms. Maclean said there could be a fee simple option or not as long as that was made clear in the PUD. Mr. Levine said it seemed to him that basically this was a fix to the PUD problem with the option to turn little lots into condos or small lots. Why make one choice over another, he asked?

Mr. Ciambor said the key is the opportunity for fast tracking processes as is talked about in the Housing Action Plan. Obtaining financing quickly is a piece that is addressed here too. In the last several years loans are being offered for these types of development which are more attractive. There is a gap in ways to make housing work; Juneau Housing Trust's bungalows development is another creative way that provides flexibility to developers and fast tracks processes.

Mr. Voelckers said other obvious thing is that there is a real project in hand that dovetails with this ordinance proposal. A local developer has found some financing options that can work. Mr. Miller has said there is something not correct with PUD code as currently stands; it doesn't meet the intent to create more flexibility for developers. CBJ hasn't made it work yet. However, he said, he is concerned that a collective light just went off yesterday. He advocated for caution and diligence and is not sure if staff has had the time to vet this carefully. Does it work with the private sector project now, he asked?

Mr. Palmer said the Alternative Residential Subdivision (ARS) can be added as an additional tool or could be used to revise the PUD. Maybe PUDs are the more appropriate way to go when the lot size meets minimum requirements or there could be uses of a PUD that do not work as a residential-only tool. He said he will try to bring more information as to how to proceed to the next Committee of the Whole or a Planning Commission meeting.

Mr. Levine said it would be useful to him to be able to look at the weeds of this concept to understand how much space is needed and see what they look like and understand how to add or change existing code.

Mr. Miller said fixing the PUD has been on his priority list for quite a few years. Problems include the percentage of common space being ridiculously high, the perimeter buffer is inflexible, and developers not being allowed to use public improvements such as bike trails and sidewalks as part of common space which seems wrong to him. He thinks the fact that only three PUDs have been done in Juneau points to these problems. And the PUD in Douglas required several variances to make it work, he added.

Mr. Voelckers said buffers have hurt the PUD so melding with this to give some relaxation and offer the ability to densify the units is potentially attractive but it would be useful to game it out a bit. He said that Mr. Palmer makes the point that there may be other financing strategies that would be part of an ADS. This is an interesting conversation to have, he said.

Mr. Dye asked if there were other points staff wants the committee to discuss. Ms. Maclean asked if the committee wanted the materials to go to the Committee of the Whole now. Mr. Voelckers and Mr. Levine said

they felt it was too early. Mr. Voelckers said if the committee wants to compare PUD with ADS they need to see some models.

Mr. Voelckers asked if parts of the subdivision can be a true common wall so is there discretion of setbacks? Ms. Maclean said she threw this in for consideration. Some places allow this for townhouses. Common walls are popular in Juneau, she said. Mr. Voelckers said so this is a maybe? Ms. Maclean replied yes.

Mr. Miller said concerning the no-daycare thing, we relaxed the rules so that there could be more kids in a childcare home with less permitting regulations, but he knows childcare is a great need in Juneau. If, for example, grandparents want to take care of some kids he would like to figure out how to include that option. Perhaps there could be a ratio established between number of kids and square footage of dwelling. He, for one, would hate to see this type of neighborhood not allowing any childcare at all.

Mr. Voelckers said he has raised this issue in the context of Vintage Park, traffic and other impacts of home childcare. It seems easier to him to relax the permitting requirements in this setting if the activity does not negatively impact the optional housing and not become a camel's nose for other uses.

Mr. Dye said he had a parking question; what is reason for the visitor parking if each lot meets its own parking requirement? Ms. Maclean said an ADS could include a mix of residential uses – multifamily alongside single family. Ms. Boyce said the Anchorage code model is that parking could be met on the unit lot as well as the parent lot or just on the parent lot.

Ms. McKibben said accessory apartments come with their own parking. If parking is calculated on the base number of units this would not have to be redone. Ms. Boyce said regarding accessory apartments if they are located in a multifamily zone district there can be one accessory per parent parcel. For an ADS concept, accessory apartments could get messy.

Mr. Voelckers said it feels like if we are bending over backwards to have a sub category, it is too complex. His read is this may be an area where accessory apartments are not appropriate. Mr. Miller said in a subdivision it is likely with irregular lots one part might have room for apartment. He figures that can be addressed by accessory apartment code. If it meets a certain lot size, it is eligible. If not, not.

Mr. Levine said some PUDs would work for additional uses while others of townhouse-size dwellings might not.

Mr. Voelckers said the driving force comes down to small lots that otherwise might not be large enough to put stuff on.

Mr. Dye asked staff, what are the major differences of an ADS from a PUD?

Ms. Maclean said the 25% foot buffer but suggests this may put the burden of proof on the applicant. There is a requirement of open space at 40% in a PUD but she would not want to see that across the board. A PUD allows other uses but an ADS may or may not be only single family units. In an ADS the utilities and access would be privately maintained and owned while PUDs can be built for CBJ maintenance of these things.

Ms. McKibben said one challenge is that PUD code has been used for both cluster subdivisions and master planned sites.

Ms. Maclean said both look at the site in its entirety. Ms. McKibben said in a cluster subdivision density may be “clustered” on smaller lots than the underlying zoning with larger areas of open space and public streets and utilities, while a master planned site typically has private streets and a master meter.

Mr. Voelckers asked for a recap of the thoughts on private access and home owners associations (HOA). Is there any chance of us not being thoughtful enough about that, he asked?

Ms. Maclean said if CBJ wants to take on more roads, this is a concern. Another thing to think about is that CBJ road standards are greater than maybe would have to be met for a private road which only needs to meet fire code. Mr. Voelckers said it seems there is a chance that private access with an HOA might exceed what is required and is that ok?

Mr. Palmer said this was a good point and there are examples to look at. Overall the concept is a vision of a common interest community. All units would be built at the same time where as subdivision code sets up a development to be less unified. Expectations are different and property rights different. Mr. Voelckers asked would it be set up to be parallel then. Yes, said Mr. Palmer.

Ms. Boyce said if accessory apartments were an option, each time one was approved the condo plat would need to be updated.

Mr. Miller said a developer would state there could be apartments in the original declaration. When creating a PUD, they would have it as one of the options.

Mr. Dye said he is still stuck on how this is different. He said he would want to try and track these at same time.

Mr. Levine recommended that staff figure out if the ADS is additive or parallel. He said he is inclined to think that these be done together but prefers staff to tell commissioners what is best.

b) Title 49 Priorities and Status Update

Ms. Boyce reviewed the handout on legislative priorities.

Mr. Levine asked about the Alternative Development Overlay Districts (ADOD). These have been in place for a year now and will soon sunset? Yes, said Ms. Boyce, this is back on the to-do list now.

Mr. Dye asked about the items already underway. Should these be expected to come before the committee soon? Ms. Boyce said the status has been revised and should all show as complete on page 2.

Ms. Boyce pointed out that text cases showing on the other side are all in the hopper. The other spread sheet handout, Planning Division Major Priorities Timeline, was put together by Ms. Maclean who said the rest of this calendar year the priorities include:

- Alternative Residential Subdivisions
- Common Walls - might be calendared for the August 15 meeting
- Mixed Use - needs to have a planner assigned
- Nonconforming Ordinance - being worked on and will be addressed at the July 24 COW

Mr. Voelckers said he did not see a draft of nonconforming use. Ms. Maclean said it was her recollection that the committee said to move it to the COW. Ms. McKibben pointed out that it can be recommended back to committee at the COW.

Ms. McKibben said the streamside buffer ordinance is on the drafting board. The language is done but legal services are still needed. This ordinance deals with a variety of development in the 50 foot buffer zone. The concept is to fix things like the application of a mitigation of a parking lot.

Mr. Miller wanted to discuss streamside setbacks. He said the way it used to be was a 25 foot no-disturbance zone with a 25-50 foot no-build zone. This is how he thought how it was understood over the past several years. Recently, however, he was up for final inspection on a project and had some grading that entered the 50 foot distance a tiny bit. Mr. Felstead told him that even grading was not allowed within the 25-50 feet zone, grading was considered development. In effect, then, Mr. Miller felt that really means a 0-50 no-disturbance zone and this is of concern to him.

Other items on the priority list include:

- Junk Ordinance - needs new planner
- Stub streets – some things have bumped this back in the timeline
- Sign code – CDD is looking at making the code up to date with case law. It might be a two-step process, deal with the legal issues with case law and later look at other items, especially as per the historic district.
- Urban agriculture – hope to look at this in August
- Bigger things – housekeeping and major rewrites on:
 - Auke Bay Rezoning
 - Wetland Management Plan - to be wrapped up this year
 - Hazard Mapping Plan - next year.
 - Preservation Plan - finished fall of 2018; the Commission will get an update soon
- Blueprint Downtown Juneau – Ms. Boyce will be lead with Mr. Felstead supporting
- Juneau ADOD – Ms. Boyce with goal of bringing to Title 49 Committee by May 2019 because it expires in August 2019
- Douglas ADOD - needs planner assigned and a schedule drafted
- Comp Plan Ad Hoc Committee recommended a full rewrite; staff is waiting direction on that.

Ms. Maclean said thinking ahead the Assembly and the Planning Commission have been given a lot on their priority lists but she prefers a smaller amount with the years delineated. Five items per year seems doable, for example, but keeping a longer look ahead so as to be able to find funding for a consultant. For next year, wrapping up Blueprint, Downtown Zoning and ADOD is already three big things.

Mr. Voelckers said he had some mile high questions. The mayor has interest in a second channel crossing and the North Douglas bypass road. Maybe these should be added to the long-range list? He said he does not know if these projects are viewed as viable, but the mayor has proposed looking into them.

Mr. Levine asked how staff wanted the committee to provide feedback on priorities. Furthermore, will the committee hear feedback? Ms. Maclean said if at the staff level this is looked at in September it will be brought to a COW before the full PC. Then it will move to the Assembly to get direction.

Mr. Levine voiced strong support for the junk ordinance and dealing with abandoned property.

Mr. Voelckers echoed support for the junk ordinance and said it is also a Lemon Creek Plan priority. The streamside buffer seems close to completion so he hopes this gets dragged across the finish line. He said he is less worried about urban agriculture and is not sure it rises to same level of community concern.

Mr. Dye said only the junk ordinance addresses an implementing action from the Lemon Creek Plan. Are there others that should be included on the priority list? Ms. McKibben said during the annual review of Capital Improvement Projects (CIP) Lemon Creek Projects will be considered for inclusion.

Mr. Voelckers asked how Lemon Creek recreational projects can be made a priority with the Assembly in CIP list. Ms. Maclean said planners can be assigned to shepherd things.

Mr. Miller said if the PUD can be fixed by melding the ARS concepts and become a one-size-fits-all, maybe this fixes cottage housing and tiny houses as well. Maybe kill five birds with one stone. He is interested in seeing how this is going to work for all of those things. He is concerned that another Wetland Review Board meeting was canceled for this month and the board has been slated to look at streamside setbacks for months now. He thinks accessory apartments is low hanging fruit that can get done very soon, maybe today.

Mr. Levine said in his estimation the timeline for downtown zoning is optimistic. He feels it likely the ADOD will need to be kept alive longer.

Mr. Voelckers said he thinks accessory apartments should be number one priority.

c) Accessory Apartments

Ms. McKibben said she was not prepared with new material for the committee but could bring an analysis and suggestions to the next meeting. If there are new questions, please send them to her.

Mr. Miller felt there was conflicting information in the proposed code changes in regards to a lot that is twice the minimum size.

Ms. McKibben admitted it is a challenge to make the information clear and this is why she wanted table included because that reflects the code which is challenging to read. We have to make a decision tree for this, she said. She recalls policy fell down on lots more than 200% the minimum size, you have to have twice the minimum lot size, enough for two single family homes, and each one can have an apartment of 600 feet with departmental approval. On a lot 250% of minimum size, you can have a 1,000 foot apartment or two each being 600 square feet.

Mr. Miller said he thinks there is a problem with the language on page 3 making good sense but not on page 4. Two 1,000 square foot apartments seem to make sense to him.

Mr. Voelckers suggested Mr. Miller work with Ms. McKibben to make the language and ratios consistent.

Mr. Levine said in theory it makes total sense so he wonders why it was done the other way. He wants this to be checked. Ms. McKibben said she can double check. If this is all that is needed, said Ms. McKibben, she can work with Mr. Palmer and bring it back to the committee.

Mr. Miller said he thinks duplexes ought to be allowed and this fits in with the math. Ms. McKibben said it would require a change in the definition and the committee might want to give more thought to that idea. For policy

discussion about accessory units, the math works out but it is not so simple with the framework of Title 49. Mr. Voelckers said there was stuff on the left page that was not consistent with simple math. Everyone in room nodded that the lack of clarity was about the ratio of sizes. If this is made clear, the case can be calendared for the next PC meeting.

Ms. McKibben asked if that includes duplexes. Yes, said Mr. Voelckers.

d) Committee Logistics

- Meetings will occur on either a Monday or a Wednesday at noon, determined by availability of committee members.
- The deadline for posting meeting materials in advance of a meeting is Thursday for Monday meetings and Friday for Wednesday meetings.

e) Common Walls – ran out of time

III) Next Meetings

- Tuesday, July 24, 2018, 5:30 pm, prior to the COW meeting, Assembly Chambers
- Monday, August 13 at 12 noon, CDD conference room

VI) Adjournment

The meeting adjourned at 1:29 pm.