

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

June 7, 2021, 5:00 P.M.

Zoom Webinar Meeting

I. CALL TO ORDER

II. ROLL CALL

Chair Gladziszewski called the meeting to order at 5:00pm.

Members Present: Chair Maria Gladziszewski, Wade Bryson, Alicia Hughes-Skandijs, Greg Smith

Members Absent: none

Liaisons Present: Chris Mertl, Parks and Recreation, Dan Hickok Planning Commission

Liaisons Absent: Lacey Derr, Docks and Harbors

Other Assembly Members Present: Loren Jones

Some Members of the Public Present: Helen Clough, Lucas Chambers

Staff Present: Roxie Duckworth, Lands & Resources Specialist; Alec Venechuk, Engineering; George Schaaf, Parks and Recreation Director; Rorie Watt, City Manager; Robert Palmer, City Attorney; Jill Maclean, CDD Director; Scott Ciambor, Chief Housing Officer;

III. APPROVAL OF AGENDA

Agenda was approved as presented.

IV. APPROVAL OF MINUTES

May 10, 2021 Draft Minutes were approved as presented.

V. PUBLIC PARTICIPATION

Those participating via telephone can press *9 or those that are participating on Zoom can use the "raise their hand" function to participate. No public participation.

VI. AGENDA TOPICS

A. Valley Transit Center Utility Easement Request

Mr. Venechuk discussed this request. Tract M-3A within the Mendenhall Mall Subdivision was purchased by CBJ in February 2020 for constructing a transfer station for public transit operations. The original subdivision plat included several utility and access easements that were necessary for the intended purpose of CBJ-owned property. Now that the transfer station design is finalized and the construction project is out to bid, it has become apparent that additional public utility easement area is required. The additional easement area will support electrical and communications utility pedestals that will feed the CBJ facility as well as the privately owned Tract M-3C, where the Asiana Gardens restaurant is located. The existing utilities are overhead and pole mounted, and the new construction project will re-route these utilities underground to the desired pedestal location within this proposed easement. CBJ is responsible for the easement and the construction costs, as this is necessary for the new transit project.

Mr. Bryson asked about Asiana Gardens, if the project manager been in contact with them, how does this impact their operations, and will this be an advantage for them. Mr. Venechuk replied that he has and that the only impacts will be short delays when the power will be shut off to connect from the existing to new power supply, which will be done at night when the restaurant is closed. As far as costs, there will be no costs to Asiana Gardens, as they are leasing the space from the Mendenhall Mall owners and this is a CBJ project, which is federally grant funded.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for approval of a utility easement serving Tract M-3C by resolution. Motion passed.

B. Cope Park Easement

Mr. Schaaf discussed this request. In the fall of 2019, a mass wasting event initiated from private property above Cope Park. Since that event, the landowner of 101 and 747 Goldbelt Ave has been working with the City Risk Manager, Law, Parks, and Engineering Departments on a design concept to repair the drainage and stabilize the slope. The outcome of this process is an easement application and a draft MOA. The proposed work includes connection of a storm drainpipe originating from the private property to the storm drainage system in Cope Park as well as an engineered rock slope to stabilize the hillside. As part of this easement request, the applicant will enter into a Memorandum of Agreement (MOA) to ensure the proposed work is completed in the correct manner. At the June 1, 2021 meeting, the Parks and Recreation Advisory Committee passed a motion of support recommending approval to the Assembly of the Cope Park Slope Stabilization Easement and MOA. If a motion of support is provided by the LHED Committee, an easement resolution will be brought to the Assembly for public hearing.

Staff request that the Lands, Housing and Economic Development Committee pass a motion of support to the Assembly for granting a drainage easement to the owners of 101 and 747 Goldbelt Ave. Motion passed.

C. Lot Depth

Ms. Maclean discussed this item. There are a number of challenges with the City's Land Use code when it comes to development across the Borough. When the code was adopted in 1987, it worked "well enough" but it seems to have been taken from down South, which has flat, wide-open spaces. Our topography and hazard zones are different from what is typical down South. The Land Use Code worked ok when developing the Valley, which is flat and conforming, easy to develop. As time has progressed, what is left are hard to build lots with the current code not working very well for development.

On May 11th, against staff recommendation, the Planning Commission granted a Variance to allow development of a lot with insufficient lot depth. Variances are to be granted only in extreme and rare cases. In this instance, and in consultation with the Municipal Attorney, staff believes that the Commission has erred, and this has since been appealed. However, at a policy level there is a correct path that appears to be also a global benefit to the Land Use Code. The subject case entails a proposed development of a property that is approximately 78' in depth, in this zoning district, a minimum lot of depth of 80' is required. Because there are numerous development options for the property, the granting of a Variance is inappropriate. The Land Use Code requires numerous dimensional requirements including frontage, lot width, lot size; and front, side and rear yard setbacks. Because we have so many other dimensional requirements, lot depth appears to be unnecessary criteria to achieve rational development. Staff is looking at repealing the requirement to have lot depth. The table of dimensional standards in the Land Use Code has a minimum lot size that is required in each zoning district, frontage that is required (30' or 20' for industrial), lot width, and lot depth; which all add up to a lot of challenges with the remaining land to develop in the borough. One way forward that staff is proposing is to remove the requirement of lot depth and keeping the minimum requirements for lot width and

size, which provide minimal property dimensions to work with. This could potentially give more flexibility with the remaining lots for development.

Mr. Watt understood why the Planning Commission came to their decision and supporting the request but feels that technically it was not the right way to go about it. Ten years ago more variances were granted on the advice of a previous City Attorney, but the new City Attorney has approached this with this not being the right practice, in which staff agrees. We are on a long path back trying to add flexibility back into the code. The right course would be to send it back to the Planning Commission to look at Title 49 and reduce the lot depth in the appeal.

Mr. Bryson was asking about whether lot depth was being removed or reduced from the code. Ms. Maclean replied that staff is proposing to repeal lot depth entirely from the code, knowing that minimum lot size and width will provide some sort of depth for lots. Trying to figure out a reduction would lead to issues, so rather to try to come up with another number for lots we would rely on minimum lot size and width.

Mr. Smith asked about practical impacts and how it would change the look and feel of neighborhoods and how many permits or proposals have been denied because of lot depth issues. Ms. Maclean replied that there was a variance denied back in November 2020 being 1 foot short, and didn't have numbers ready as to how many have been denied but there may have been some proposals that had to redesign and may have not been able to get as many lots in a proposal as originally planned. Most people are concerned with overall minimum lot size that fits with the zoning. The challenge is to balance development and building flexibility into the code that is not present at this time. Mr. Watt commented that this issue might come back to something else as it progresses through public comment.

Mr. Mertl asked what the purpose of 80 feet was, or was that something transferred from an older guideline. Ms. Maclean replied she was not certain the rationale behind that, as if you multiple lot depth times width it does not always get to lot area, so it is uncertain what the rationale was back in the 1980s.

Chair Gladyszewski commented that the Title 49 Committee should be reviewing this but we are proposing this change due to an issue that happened recently. How do we know that the lot depth needs to be changed or what is the rational thing for Juneau. Ms. Maclean replied she agrees that this is not the entire fix and if we had our druthers then we would completely rewrite the Land Use Code and not just piecemeal, but that takes funding and time, at least three years' worth of work. If that is not possible then we have to continue to chip away at these little fixes and beg forgiveness and patience with the property owners and developers. A lot of the frustration and angst in the development community stems from over a period of time the code from 1987 was good enough and we were getting by because we had more easy and buildable land to work with. Most of that land has now been developed and is not available anymore and the code does not work with that flexibility. The lot depth issue will not fix everything but will help some property owners. If we do not have the funding, capacity, and support to fix the Code completely then we need the patience and support of the Assembly to do it piecemeal with these little fixes.

Mr. Bryson asked what it would take to rewrite the Land Use Code. Mr. Watt replied that the Land Use Code is about telling people what they cannot do with their property and it would be difficult to make everyone entirely happy. Land development is about the rights and

responsibilities of the developer and the rights of the existing development or vacant property nearby. Getting all of the developers happy with the Land Use Code is a long quest with developing neighborhood values on the side. One of the areas in the Land Use Code is to require developers to put in roads and utilities, which is expensive and the allocation of who is responsible for building this infrastructure, which is public infrastructure. The City does not have the capacity at the Assembly and community level for a complete rewrite, which would entail starting with philosophical underpinnings to pull everyone together and then march on a multiyear process with every year possibly electing new people to the Assembly. By the time you finished one process, you would be inclined to start over. In theory, it would be a great idea but in practice, not sure it would be possible. Chair Gladziszewski replied to Mr. Watt that on this Committee, we have two standing topics to discuss, which includes status of Title 49 updates for a reason. We have been talking about this for a long time and it has not happened fast enough for anyone. One of the Assembly's priorities has been housing and what would it take to make progress, not necessarily a complete rewrite of Title 49. If that cannot be done, then why and what would you need to do this. Mr. Watt agreed that progress has not been very fast. With the Attorney, they have a long list of codes that are competing with the Land Use Code for revisions. When we meet annually with the Planning Commission, we layout priorities and a work plan, but not all of those are housing related. In regards to housing, it should not be lost that the Assembly has done a lot. We will have a senior housing project before too long that the Assembly worked on. Having the Assembly focus on policy direction will also help. The planning department has been short staffed, and it comes down to staffing in the planning and law departments, as well as focusing attention on the Assembly and the Planning Commission.

Chair Gladziszewski commented that she couldn't make a motion but suggest that we delete lot depth and examine all lot dimensions, with an analysis of what is holding up development. Ms. Hughes-Skandijs commented that she is not opposed to broadening that but maybe a hybrid motion, as they have just dealt with lot depth and maybe have more discussion with other items. Mr. Bryson is in favor of moving this forward and agrees that we need to analyze lot sizes.

1st Motion that the LHED direct the Manager to send a Title 49 Code change to delete lot depth as a governing criteria to the Planning Commission for review. Motion passed.

2nd Motion that at the next LHED meeting that there will be a presentation from Community Development that explains the determination that looks into the standards that looks into the other dimensions of lot sizes, whether side yards, set-backs, and all of the dimensions of a lot size to let the LHED committee know that would facilitate development. Motion passed.

Ms. Maclean asked Mr. Bryson if he meant how lot sized are determined today or back from 1987, which CDD does not have answers for that timeframe, as there is not a whole lot of documentation and backup from that time period on how they reached their determination. Chair Gladziszewski replied that she thought that was different from what she thought Mr. Bryson had said in regards to the second motion, which she thought he was asking about what amendments could be made to dimensional standards for lots to facilitate development. Mr. Bryson replied that the other component was for this committee to receive information on how the lot depth impacts the entire lot size.

Mr. Smith asked if CDD believes that it is just dimensional standards that is holding up development or if there are other things in Title 49 that are more of a problem. Are there other models or concepts that would be useful for this committee to hear about, and to bring that

information back to the committee for discussion. Chair Gladziszewski asked Ms. Maclean to discuss this with her for a future LHED meeting to move this forward.

Mr. Mertl was concerned that Pandora's Box may be opened with this issue. It's not just about four or five dimensions on four or five properties, but it is a huge interwoven complex set of criteria and requirements and unless CDD has already gone through this analysis, and has a good idea of how to move this forward, he is hesitant on moving this forward with a lot of potential ramifications and perhaps should be hesitant in moving this forward to quickly. Chair Gladziszewski commented this is a difficult situation but the LHED is willing to give it a try. Mr. Bryson appreciated Mr. Mertl's comments and is confident that Ms. Maclean has already addressed key components and recognizes the complicated development in Juneau and this could let us know what some of the problems are. Mr. Mertl replied that a lot of this discussion is about what are the barriers in housing development but equally important are the qualities of the neighborhoods and this isn't something that can be solved quickly.

VII. STANDING COMMITTEE TOPICS

A. Status of Title 49 Updates (verbal)

Ms. Maclean gave an update on other ordinances that are moving along right now. One that replaces the Board of Adjustment with the Planning Commission for more efficiency in the meetings. This will go to the Planning Commission on June 22nd. An Auke Bay ordinance that could impact housing and development will also be going to the Planning Commission on June 22nd, which was postponed due to an appeal hearing. This includes four ordinances, a proposed new neighborhood commercial zoning district, a new mixed-use three zoning district, fixing landscape and vegetation, and an overlay district. Also on June 22 will be the final draft for assessor apartments. Coastal zone management will also be discussed. On June 13 the Planning Commission will hear about the alternative development overlay for downtown Juneau. The Title 49 Committee will hear Lot depth and parking this Thursday, June 10th.

B. Status of Housing Initiatives (verbal)

Mr. Ciambor gave an update. He has been continuing to work on the downtown rehabilitation loan program, as well as the discussion and working with the Juneau Housing Trust and the Tlingit and Haida Regional Housing Authority on what it would take to get lots into a permanent affordability status for the Pederson Hill subdivision. There has also been work on the Affordable Housing Fund timeline for potential rollout for a competition, and the Riverview Senior Living Housing received its conditional use permit through the Planning Commission and have scheduled an informational Zoom meeting for June 29th at 5:00pm.

VIII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

No comments or questions.

IX. ADJOURNMENT

Chair Gladziszewski adjourned the meeting at 5:48 PM. Next meeting Monday, July 19, 2021.