Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
February 22, 2022

I. **LAND ACKNOWLEDGEMENT** read by Chair LeVine

II. **ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:02 P.M.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent: Nathaniel Dye, Vice Chairman

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD Planner; Sherri Layne, Law

Assembly members: Alicia Hughes-Skandijs

III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** –
Ms. Cole added CSP2021 0007 to items for reconsideration

IV. **APPROVAL OF MINUTES**

A. Draft Minutes January 25, 2022, Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the January 25, 2022 Planning Commission Regular Meeting minutes.*

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION**

VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VII. **ITEMS FOR RECONSIDERATION** –
CSP2021 0007 as added by Ms. Cole. Mr. Alper did not participate as he was not in attendance at the February 8 meeting when this was originally discussed and he has not watched the meeting to be fully informed.

MOTION: *by Ms. Cole to reconsider **CSP2021 0007**.*

Mr. Voelckers asked if CBJ could reapply for the AASHTO waiver if it fails. It was clarified that it can.

ROLL CALL VOTE
Yea: Cole; Arndt; Pedersen; Hickok; Winchell; LeVine
No: Voelckers
Motion Passed 6 Yea to 1 No

MOTION: *by Ms. Cole to reopen public testimony and Commissioner discussion and make an informed decision on the AASHTO waiver in **CSP2021 0007**.*

Mr. Winchell voiced support saying it is important to get input from the public.

ROLL CALL VOTE
Yea: Cole; Pedersen; Hickok; Winchell; Arndt; Voelckers; LeVine
No:
Motion Passed 7 Yea to 0 No

MOTION: *by Ms. Cole to continue **CSP2021 0007** to the March 8 meeting.*

Recording started 7:18 p.m.

The motion passed with no objection.

Mr. Alper asked if he would be able to participate when it is brought up at the March 8 meeting. Mr. LeVine confirmed that so long as he reads the packets and is up to date on the subject, he can take part in the reconsideration. Mr. LeVine also encouraged Mr. Alper to listen to the prior meeting discussion to be fully informed.

VIII. CONSENT AGENDA – None

IX. UNFINISHED BUSINESS – None

X. REGULAR AGENDA

AME2018 0004:	Revision to the Alternative Development Overlay District
Applicant:	City & Borough of Juneau
Location:	Downtown Juneau

Staff Recommendation

Staff recommends the Planning Commission provide feedback on the following issues:

- How would the Commission like to proceed on lot size:
    - Eliminate lot size requirement for the ADOD, and require that subdivision meet the

lot size requirements of underlying code.

    - Continue with reduced lot size.
        - Any modifications to the current proposal?

- How would the Commission like to proceed on the issue of sight distances:
    - Traffic Engineer review?
    - Proposal developed at this meeting?
    - Other?
    - Should staff investigate the possibility of damage waivers for road reconstruction and/or other maintenance, such as snow removal?

- How would the Commission like to proceed regarding modifications to setback exemptions, in existing code and in the proposed ADOD code:
    - Simplify the exemption for parking decks, and provide a definition.
    - Simplify and clarify restrictions on sight-obscuring trees, and provide a definition.

<u>STAFF PRESENTATION</u> by Planner Gallion

<u>QUESTIONS FOR STAFF</u>

Mr. Alper asked if the 25 miles per hour suggestion was based in Code or an arbitrary number. Ms. Gallion explained that the speed limit in residential areas is 25 miles per hour unless otherwise posted.

Mr. Arndt asked whether the section addressing fences and vegetation was based on comments from engineering and public works. Ms. Gallion said it was based on a comment from the Law Department.

Mr. Voelckers asked how the setbacks apply to the nearby MU zones where it seems setbacks are not required and buildings are allowed to come right to the corner. Ms. Gallion said if they were to have structures with no or very limited setback, then they would need to consider setting lower speed limits in those areas. She added the AASHTO standards reduce risk and they are considered a goal to aim for but are not requirements.

Mr. Alper asked what the average or typical setback is in the nearby areas. He said it seems the surrounding neighborhood is already largely nonconforming. Ms. Gallion said it was something that had included in earlier presentations on this ADOD but it was not something she had looked at this time and she did not have updated information on that. If the commission needed that information, she could get that for them.

Mr. LeVine referred to slide number 9 with the AASHTO sight requirements diagram on the neighborhood lots and asked if the corner lots would have to be constrained in both directions to be in compliance. Ms. Gallion confirmed the corner lots could have larger setback requirements according to AASHTO standards.

Mr. LeVine asked if the AASHTO restrictions would apply to alleyways as well as driveways opening into the streets. They do not apply.

Mr. LeVine asked if the reason for allowing a three-foot hedge or fence to the edge of the property line is because it is assumed that a driver in a car would be able to see over that height. Ms. Gallion confirmed that is the case.

PUBLIC COMMENT

Greg Chaney – 715 6th Street – spoke in support of advancing this ADOD revision saying it has been in process for a number of years. He would like to see it passed and then if it needed to be adjusted later, that could be addressed. He suggested keeping the lot size requirement at 3,000 to 4,000 square feet with ten-foot front setback.

Ms. Cole asked for clarification of Mr. Chaney's concerns regarding the three-foot setbacks. Mr. Chaney said it was in reference to the Engineering and Public Works comments that a three-foot setback would cause the need for construction waivers and issues with sight distances. He did not think it made sense for the PC to be in a position of going against the Engineering and Public Works department. He added that while there are already several houses built that way, this would be for new construction.

Mr. Voelckers commented that the setbacks seemed to be an issue at the corners and asked Mr. Chaney if he had the same or lesser concerns away from the corners. Mr. Chaney said it is less of a concern but added that a three-foot setback is very close to the road and would be a challenge to road crews and snowplowing.

Mr. LeVine asked if homeowners should not be allowed to put fences or hedges within ten feet of the right of way. Mr. Chaney explained he was trying to match the vegetation setback limitation already in code.

ADDITIONAL QUESTIONS FOR STAFF

Mr. Pedersen asked when the original Land Use code was adopted for this part of town. Ms. Gallion said that was 1957 and most of the homes in the area were built prior to that.

Mr. Voelckers asked if lot size had to be dealt with right now or could the commission leave it alone for now. Ms. Gallion said it could be looked at separately. She added when Title 49 determined the 3000 square foot verbiage, it was to create opportunities for infill in the downtown area. Ms. Maclean added the lot size at 3000 square feet makes a number of the lots conforming for lot size.

During the presentation, it was pointed out the Law Department had an issue with adding an effective date clause to the ADOD. Mr. Arndt said his understanding of including a date was to make all the lots existing today conforming to allow the owners to subdivide. Otherwise, they will need to subdivide first under the existing rules of subdivision and THEN they can apply ADOD to the parcel. Mr. LeVine added his understanding of the question of lot size was solely for subdivision saying for existing lots there is no minimum lot size but the Commission needs to decide if they want to allow subdivision for parcels using the relaxed ADOD requirements. His understanding now, without the date included, it is a one or the other choice for landowners. (Either their lot is allowed to be conforming OR they can subdivide).

Mr. Arndt asked how many parcels would be left out if the size limits were left in place. Ms. Gallion estimated about 250 would be out.

COMMISSIONER DISCUSSION

Mr. Alper stated he has no desire to give deference to AASHTO standards for sight distances saying their purpose behind creating the ADOD standards in the downtown area was to acknowledge the fact that the built area is already largely nonconforming and predates automobile traffic. Considering what is already there it does not make sense to impose modern engineering standards.

Ms. Cole said she is unwilling to give up subdivision. If she has to choose one or the other, she will fall on the side of subdivision.

Mr. Pedersen spoke in support of Mr. Alper's statement regarding sight distances and asked if there is any advantage to keeping the lot sizes.

The discussion moved to address the specific questions presented by Staff:

- How would the Commission like to proceed on the issue of sight distances:

Mr. Arndt asked if they could say for all lots except corner lots, you can use the ADOD and leave the corner lots in the existing underlying zoning district. Ms. Gallion said the setbacks for in the underlying district is up to 25 feet, depending on the zoning. Ms. Cole pointed out that there are a number of corner lots that would be affected. Mr. Voelckers suggested setting a setback limit for corner lots within the ADOD. Ms. Maclean asked if this would also be considered arbitrary similar to the date issue. Ms. Layne said it could be unless the PC could articulate a discrete reason for it. Mr. LeVine asked if conformance with AASHTO standards could be reason enough. Ms. Layne thought that would work. Mr. Pedersen supported leaving sight distance out of the discussion saying on-street parking is causing more of a sight issue than anything built or grown on the lot.

- *How would the Commission like to proceed on lot size:*

Mr. Arndt said he would rather give the opportunity to subdivide with a nonconforming certificate than to not allow it at all. Mr. LeVine asked why 3000 square feet was chosen as the minimum lot size saying he thought it was selected as a way to make the majority of the lots conforming. Mr. Arndt said 3000 square feet was selected because 73% of the lots in the area already meet that and those lots are proof that 3000 square feet is a lot size that can work.

Mr. Voelckers agreed with Mr. Arndt that 3000 is a defensible number but he was unclear about the issue brought up by Law. Ms. Layne said the date issue was arbitrary. Mr. Arndt suggested deleting the lines that read, "… the lots that existed prior to or as of January 1 2022…there is no minimum lot size."

Mr. LeVine said he does not support this suggestion. As he understands it, the ADOD is not about creating more substandard lots but about allowing those with substandard lots to utilize them.

- How would the Commission like to proceed regarding modifications to setback exemptions, in existing code and in the proposed ADOD code:

Mr. LeVine addressed the issue of changing “primary” to “permissible” under the height limitations. He said he does not support this change and said it undermines the meaning of the provision. For example, the height limitation is thirty-five feet for a primary use and twenty-five feet for auxiliary or secondary use, both of which are permissible uses.

Mr. Arndt spoke to the vegetation section and said he would lean toward leaving it ‘as is’ for now. Mr. Voelckers said any items affecting safe sight lines should be considered together.

MOTION: *by Mr. Winchell to accept staff’s findings, analysis and recommend forwarding AME2018 0004 subject to the assembly following conditions:*

- *Delete two lines of Section A regarding minimum lot size and the date*
- *Minimum lot size be established as 3000 square feet*
- *Removal of sight distance requirements*

MOTION to Amend: *by Mr. Alper to change the word ‘permissible’ back to ‘primary’.*

The motion to amend passed with no objection.

Mr. LeVine spoke in opposition to the amended motion saying it is not ready for assembly review.

ROLL CALL VOTE ON AMENDED MOTION
Yea: Winchell; Hickok; Alper; Pedersen
No: Cole; Arndt; Voelckers; Levine
Amended Motion Failed 4 Yea to 4 No

MOTION: *by Mr. Voelckers to remand AME2018 0004 back to Title 49 for final wordsmithing*

MOTION to Amend: *by Mr. Alper to have Title 49 discuss this and bring it back to the PC as quickly as reasonably possible*

Mr. Arndt asked Director Maclean how soon that could happen. Ms. Maclean said it would be several weeks and suggested March 24th would be a likely date.

The motion to amend passed with no objection

The amended motion passed with no objection

AT EASE 8:54 P.M. – 9:00 P.M.

XI. OTHER BUSINESS

A. New City Hall Update

CBJ Engineering and Public Works Director Katie Koester presented on the new City Hall site selection process. The PWFC is recommending building atop the DTC parking garage or 450 Whittier location.

Mr. Voelckers asked for elaboration as to which location would best serve the public. Ms. Koester said public services most utilized were CDD, public meetings, paying bills and voting. She said wherever it is located, having all of the departments in a common location would be convenient for the public.

Mr. Winchell asked if the cost of building atop the DTC be covered by the amount of expected rent savings. Ms. Koester said the costs are around $30,000,000 for the recommended locations. CBJ is currently spending $750,000 per year on rental space. That amount would pay for a $12,000,000 bond over 30 years.

Mr. Winchell suggested one upside of building atop the transit center is that it might encourage employees to use public transportation.

Mr. Hickok asked if the City Hall was moved out of the downtown core, how many parking spaces would that free up. Ms. Koester said that number would be easy to determine since CBJ issues parking passes to employees.

Mr. Arndt said that when he added together survey responses supporting the old Walmart building and those supporting Lemon Creek in general, the survey seemed to show a majority of respondents support relocating City Hall to Lemon Creek locations. Based on that, he asked if there is any other CBJ owned land that could be considered. Ms. Koester explained that the survey allowed people to select more than one location. Therefore, one could reasonably assume that if someone selected Walmart, they might also select Lemon Creek in general. She said they had considered other sites in Lemon Creek but they were either industrial or residential sites or otherwise not as viable as Walmart.

Mr. Alper asked to clarify if the City Hall was built atop the DTC, would the top tier parking be kept as parking with the new construction above that. Ms. Koester explained that top tier of parking would become part of the city hall and no longer be parking.

Mr. LeVine asked what would happen to the current city hall building if it is not kept as city hall. Would it become just an empty building? Ms. Koester explained there is currently not a use decided for that but the CBJ could opt to sell the land and building as it is a prime waterfront parcel or somehow otherwise develop it.

Mr. LeVine expressed concerns that Lemon Creek should be developed and felt members of the PC share his concerns. Ms. Koester said she would communicate their concerns with the Assembly.

Mr. Arndt said he feels the 450 Whittier location is best considering the amount of work they have done regarding parking. If building atop the parking garage removes spaces, then he does not support the DTC location.

Mr. Voelckers spoke in support of building in Lemon Creek and in the Walmart location in particular. He felt the best solution is to adapt and transform an existing building when possible rather than creating new construction.

Mr. Winchell referenced Ms. Koester's slide regarding the 50-year lease of the Walmart building and asked if they had considered a longer term (75- or 99-year leases, for example). Ms. Koester said they have not been able to contact the land owner but the building owner has recently reaffirmed the 50-year lease and there has not been flexibility on that so far. Mr. Winchell asked about building atop the police station. Ms. Koester answered police stations have restrictions and security issues limiting who can enter the building and she added the land in that area includes much non-buildable soil.

Mr. Alper felt strongly that city hall should be located in downtown saying, "... otherwise, what is the purpose of downtown?" He also said he prefers the parking garage option and it looks as though the new construction would be adding two new levels above the current parking levels.

Mr. LeVine recapped the position of the PC includes a strong desire for investment in Lemon Creek and they would like a clear explanation for why this would not be an opportunity for that development. Secondly, whichever location is selected, parking needs to be a consideration so parking is not negatively impacted. Third, they need to understand the underlying financial costs and benefits of the location selections. He added he also personally would like to see the existing City Hall building made into a centerpiece in downtown.

Mr. LeVine said commissioners should send their comments to the email provided by Ms. Koester. (newcityhall@lists.ci.juneau.ak.us) and asked that they CC: him on those emails. Ms. Maclean voiced a concern that those comments would be considered public comments and not necessarily reflect the will of the commission. Her concern was that the commission would be submitting public comments after the public comment period was closed. Mr. LeVine clarified with Ms. Koester that the public was still able to contact the department and make their comments. With that, it was determined that it would be appropriate for commissioners to add their comments.

XII. <u>STAFF REPORTS</u>

Director Maclean reported:

- The Alaska State Planning Conference is March 22-24. Typically, the department sends three commissioners to attend in person. It will be held virtually this year and they may be able to send more to that. Ms. Wallace will send an email with the dates and times and commissioners need to respond to let her know if they would like to attend.
- The March 22 meeting will be cancelled due to lack of quorum.
- The April 12 meeting will be in Chambers. There will be a Committee of the Whole at 6:30 p.m. before the Regular 7 o'clock meeting.

Commissioner Hickok asked to be added to the email list for the Title 49 Committee.

XIII. COMMITTEE REPORTS

Ms. Cole reported the Lands Housing and Urban Development forwarded the Franklin Foods sale to the Assembly and they voted to enlarge the no parking area to include 2nd street.

Ms. Maclean added the parking ordinance will be before the Assembly on February 28 and it has been expanded to the archipelago as well.

XIV. LIAISON REPORTS

Assembly Member Hughes-Skandijs reported the Committee of the Whole met on February 14 and discussed the landslides maps, dock electrification, the gondolas at Eaglecrest and Assembly Rules of Procedure.

Mr. Voelckers asked if there had been any consideration of the consultant expanding scope regarding the landslide and mass wasting study. Ms. Hughes-Skandijs said it had not come up but she would mention it. Ms. Maclean said there was a meeting coming up with the City Manager where this would be discussed and then brought to the Assembly.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Maclean reminded Commissioners to regularly check email and respond timely to the Department.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 10:01 P.M.

Next Regular meeting scheduled March 8, 2022 7:00 P.M.