

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
February 13, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 8:18 p.m.

A. Swearing in of new Planning Commission Members

New Planning Commission member Andrew Campbell was sworn in as the new Planning Commission member. He replaces Planning Commission member Kristen Shelton whose term limit was complete.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Dan Hickok, Andrew Campbell, Carl Greene (telephonically)

Commissioners absent: Percy Frisby, Dan Miller

Staff present: Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Robert Palmer, Assistant Municipal Attorney; Roger Healy, Director, CBJ Public Works Department

Assembly members: Beth Weldon

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Item AME2018 0001 was pulled from the agenda and postponed to a later meeting.

~~**AME2018-0001:**~~ A text amendment to Title 49, Land Use Code 49.25.510(k) regarding accessory apartments

~~**Applicant:**~~ City & Borough of Juneau

~~**Location:**~~ Borough-Wide

III. APPROVAL OF MINUTES

November 28, 2017 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the minutes from the November 28, 2017, regular Planning Commission meeting, with any minor changes by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. UNFINISHED BUSINESS - None

VII. REGULAR AGENDA

- A. **AME2018 0003:** A text amendment to Title 49, Land Use Code 49.35.240(i) street waivers

Applicant: City & Borough of Juneau

Location: Borough-Wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Ms. McKibben told the Commission that the proposed ordinance would amend Title 49 with respect to street waivers.

Background

In 1995, the Assembly adopted resolution 1757 which established a formal policy, and criteria, for street reconstruction to *not* be required to meet the construction and improvement standards in certain situations, said Ms. McKibben. Many City streets were constructed prior to current construction requirements, said Ms. McKibben. Many of them are undeveloped and some of them do not meet modern dimensional and other current standards, she noted.

With the adoption of ordinance 1503, public improvements were substantially revised. That resolution negated resolution 1757, she said. The situations of underdeveloped, substandard, and nonconforming rights-of-way still exist, added Ms. McKibben.

Proposed Ordinance

The proposed ordinance would create a process to identify and classify these types of situations, and creates criteria that must be met before the street improvement requirements can be waived, said Ms. McKibben.

Roadway construction and improvement standards could be waived in the following cases, she noted:

- ✓ Any Street reconstruction project that does not include routine maintenance
- ✓ New street construction in a right-of-way platted before 1987

The above waivers would be granted if the following conditions exist:

- ✓ The existing roadway does not comply with the construction standards and CBJ 49.35.240
- ✓ There are unique circumstances that make compliance with the requirements unreasonable
- ✓ The proposed project will not aggravate the intent of the requirements

AASHTO (American Association of State Highway and Transportation Official) guidelines state that travel lane widths of 12 feet are desirable, yet there are circumstances when narrower lanes should be used, said Ms. McKibben. Some of these circumstances could be in urban areas where crosswalks, intersections and other development create controls, when a traveling width of 11 feet is acceptable, said Ms. McKibben. Ten-foot-wide travel lanes are acceptable for low-speed streets, and nine-foot travel lanes are appropriate in rural and residential areas, said Ms. McKibben. AASHTO further states that in some instances, multi-lane streets with narrower travel lanes may be appropriate, she said.

The proposed process would align well with the current CSP review process in Title 49, said Ms. McKibben. Generally, when a project costs less than \$500,000 there is likely no Title 49 review and it is reviewed by the Director, said Ms. McKibben, if it conforms with AASHTO. If the project proposes to deviate from AASHTO, then Planning Commission review would be necessary. Projects greater than \$500,000 would likely be reviewed by the Planning Commission, added Ms. McKibben.

The Comprehensive Plan supports the inclusion of sidewalks and road construction projects, said Ms. McKibben. The plan demands improvements to transportation alternatives, such as walking; and encourages improvements to enhance pedestrian and traffic circulation.

Policy 8.5 promotes a balanced, well integrated, local multi-modal surface transportation system that provides safe, convenient and energy efficient access and transport for people and commodities.

Policy 8.6 is to promote and facilitate transportation alternatives for private vehicles as a means of reducing traffic congestion, air pollution and the consumption of fossil fuels, and to provide a safe and healthy means of transportation to all people, said Ms. McKibben.

Policy 8.8 calls for the response to the special transportation needs of each sub-area of the CBJ, and to integrate them into a borough-wide comprehensive transportation plan.

From Chapter 12 in Title 49, Policy 12.9 requires improvements to rights-of-way to meet minimum standards for public safety and maintenance, and to ensure that existing rights-of-way are maintained and protected from encroachment to facilitate their use in providing access as well as the provision of urban services, noted Ms. McKibben.

The Juneau Nonmotorized Transportation Plan has a series of guiding principles for this proposal, said Ms. McKibben. They are listed in the staff report, she noted.

Chapter 3 addresses pedestrian-friendly design. It states that the pedestrian experience varies greatly depending on the surroundings, said Ms. McKibben. When constructing a new street or rebuilding an existing one, walking can be encouraged by considering the walker's experience, she noted.

Chapter 8 of this plan addresses the process for Planning Commission review of CBJ projects to allow timely comment on non-motorized infrastructure and routes, said Ms. McKibben.

The Area-wide Transportation Plan has 13 guiding principles, noted Ms. McKibben. Some that are particularly relevant to this proposed ordinance are:

- ✓ Public safety is of paramount concern
- ✓ Our community can offer an excellent quality of life to its residents
- ✓ The community's transportation system must provide people with multiple transportation choices
- ✓ Improvement of the transportation system can be costly

Title 49 also states that the general purpose of subdivision street systems "shall be designed for the most advantageous development of an entire neighborhood area", said Ms. McKibben. It should meet the following criteria, she said:

- ✓ The street system shall provide for connecting streets into adjoining and subdivided lands
- ✓ Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays and major streets...

- ✓ Traffic calming should be taken into account in street layout and design

On Whittier Street for example, noted Ms. McKibben, the sidewalks were widened and the lanes narrowed resulting in reduced traffic speeds and a heightened pedestrian experience. In some of the residential neighborhoods travel lanes have also been reduced in size with a sidewalk added to one side, noted Ms. McKibben.

This proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Nonmotorized Transportation Plan, the Area-wide Transportation Plan, and Title 49. This change would not create any internal inconsistencies with any plans or codes, noted Ms. McKibben.

Commission Comments and Questions

Mr. Voelckers asked if the AASHTO guidelines are merely guidelines, or if they are requirements. He asked if the AASHTO guidelines just cover lane widths, or if other features such as sidewalks and curbs are addressed within those guidelines.

Mr. Healy responded that AASHTO has published a number of volumes and guides for construction and reconstruction of highways and associated facilities. It also includes guidelines for design and extremely low volume roads. There is also a road-side design guide which addresses mitigation of roadside hazards in association with their proximity to the travel-way, said Mr. Healy. It has a variety of applications, added Mr. Healy. AASHTO provides flexibility in its recommendations for items such as roadway width, said Mr. Healy. It depends on what best fits the needs of that particular roadway, said Mr. Healy. It addresses factors such as speed and existing right-of-way, he said, and the type of area such as if it is urban or rural, he added.

Mr. Voelckers said it appeared from the way this is written that an issue of this type would only come before the Planning Commission if the proposal deviated from AASHTO.

Mr. Healy said Juneau was established as a mining community prior to the advent of automobiles. Thus the community was initially established with very narrow right-of-ways. Those narrow right-of-ways would not meet an AASHTO requirement, said Mr. Healy. He said a good example of this is Gastineau Avenue, which he termed is a “two-way, one-way” road with parking.

Mr. LeVine asked if there is a generally accepted definition of the word “reconstruction”. He also asked about the meaning of the word “unreasonable”. He said he thought maybe the term “unreasonable” was too high of a standard compared with the term “infeasible”.

Mr. Palmer said he felt this is the most contentious issue in this ordinance amendment. He said the term unreasonable was used based upon the Planning Commission’s past work on

variances. He said if the Planning Commission wishes to use a different term other than “unreasonable”, that there is plenty of room in which the Commission can maneuver.

On the one hand this ordinance amendment has minimum standards as defined in Title 49 and on the other hand there is a tension in the amendment which addresses very narrow streets such as Gastineau Avenue which will probably never be able to meet defined street standards or the AASHTO guidelines. The staff is trying to provide some ordinance language which defines a standard and a process to review. The term “unreasonable” does have some legal baggage associated with it, but it also carries with it a certain amount of discretion, said Mr. Palmer.

Ms. McKibben said there is no definition of “reconstruction” in Title 49. She said in reviewing the staff report what they tried to outline is that whatever was not considered “routine maintenance” was considered “reconstruction”.

Mr. Dye asked if the table within the amendment was altered to better conform with AASHTO, if the concerns with the term “unreasonable” would be nullified. He said the center column of the table conforms to AASHTO but indicates deviations from the table.

Ms. McKibben said the Street Standards Table could be amended, but that it was something that could not be done quickly.

Mr. Dye asked what Title 49 currently addresses about street standards, travel lanes and right-of-ways.

Mr. Healy responded that when a street is being reconstructed they go through a design process which includes meeting with the neighborhood and with the relative departments within the City. They develop a design which may not fit into the table. When they are designing the street, when they look at Chapter 35 within Title 49 as a general guideline, it fits, explained Mr. Healy. If they are looking at it as a prescriptive document then it does not fit, he added.

Mr. Dye said that his understanding, therefore, is that the Street Standards Table is often too prescriptive in some cases in terms of what is required to construct a road.

Mr. Healy said it may not fit the needs of the neighborhood at all times. If looking at a project with anything over 500 ADT (Average Daily Trips) which applies to many of the downtown streets and some of the Valley streets, it would not be applicable.

Mr. Voelckers said it sounds like there were pretty specific differences between the older mining streets of Juneau and the newer developments. He said it appears that perhaps the Street Standards Table does not work as well for the older, narrower, Juneau streets.

Mr. Healy said this is correct.

Mr. Dye asked for a rough estimate of how many streets in the Valley were constructed prior to 1987. He also asked what the standard was prior to 1987, when the Street Standard Table was adopted.

Mr. Healy said he did not know what the specific street standards were prior to 1987. He said often there would be a reference to streets being 24 feet wide.

Ms. McKibben said she did not think the right-of-way width requirements changed substantially with the advent of the 1987 code. She said she believed that is why the 1987 code was used as the waiver for the width of streets.

Mr. Campbell said he read through Title 49, and that it appears to have been written for developers. He asked if there is a definition of the word “developer” within Title 49. He said when the CBJ is constructing roadways it is doing so as a developer. He said his understanding of the definition of a developer was an entity that was building something new.

Mr. Healy said the definition of a developer in Title 49 is; “The person or persons who own or control property used for a development”.

Mr. Campbell asked for the definition of a development. He asked if “reconstruction” was within that definition.

Mr. Healy read the definition of “development” within Title 49 which included reconstruction.

Mr. Palmer said that “structure” is also defined as anything that is constructed or erected and located on or under the ground... including streets and roads. The City meets the definition of “developer” and construction or reconstruction of roads meet the definition of “development”, he added.

Mr. Voelckers said it appeared to him that the ordinance amendment before the Commission tonight is basically giving streets their version of a variance procedure. It acknowledges physical impracticality so the City is not too hindered by the strictures within the table, he added. Mr. Voelckers said he feels this is a useful vehicle to have. He said his only real concern with the ordinance amendment before them this evening was with the term “unreasonable” within the ordinance amendment.

Using the example of Gastineau Avenue, Mr. LeVine said if it was being extended 50 feet if the 50-foot extension would have to meet the Street Standard Table, or if the road could be continued according to its current dimensions.

Mr. Palmer said that Mr. Voelckers was correct in his supposition that this ordinance amendment is the equivalent of a variance for streets. There is also nothing within this ordinance amendment which limits it to only City projects. The intent of this ordinance amendment is to only have this apply to that section of the right-of-way which is essentially nonconforming. This would not apply to the new section of street, he said. At that juncture of the old street meeting the new construction is consistent with the old section.

Ms. McKibben said the language in the staff report addresses rights-of-way that are platted but not necessarily constructed and also not being held to the same standard as an existing road. She said this does conflict with the previous statement of Mr. Palmer and that she would appreciate some clarification.

Mr. Voelckers said his reading of the language and lines 7 and 19 of page 2 of the draft ordinance state that; "the proposed project will not aggravate the intent of the requirements of this chapter..." He said to him this means that this is only to be used as a remedy for an area which could not meet the intent of the chapter.

Mr. LeVine said it states in the ordinance amendment that this applies to reconstruction, and new construction in right-of-ways of platted prior to 1987.

Ms. McKibben said this is her understanding as well.

Mr. LeVine said it may be helpful for the amendment to be edited prior to going to the Assembly with a sentence or two in the staff report that states the purpose of this amendment is to provide the equivalent of a variance for the street reconstruction projects and is intended to apply to situations in which the existing, previously constructed road does not comport with standards, or there is a new construction that is taking place in a nonconforming right-of-way platted prior to 1987. He said that is not too clear to him from the current staff report.

MOTION: *by Mr. Dye, to move AME20018 0003 and send it to the Assembly for adoption.*

Speaking in favor of the motion, Mr. Dye said that he is very encouraged that this may change within 30 days. He said it is great to see Title 49 changing so quickly. He said he hoped that in the future they could also review the Street Standard Table for possible changes.

Mr. Campbell said he is extremely concerned about the process which is taking place. He said he is worried that this process is going to make it more difficult for the Engineering Department to hold their current priorities for reconstruction, and that it could potentially make it costlier. He said he has questions about specific language within the staff report. He said his understanding of the amendment is that it would prohibit certain streets from being reconstructed if they did not meet the standards. He said he felt Gastineau Avenue was a good example. Standards could be waived if any Street reconstruction project does not include

routine maintenance and routine maintenance is described as utility repair. Therefore, any street that is to be reconstructed and utilities be upgraded, would not qualify for a waiver, said Mr. Campbell. He said he wants to allow the Engineering Department to pursue the priorities that have already put in place.

Mr. Dye said that language is not in the draft ordinance. He said he thought it was an error in the staff report. Line 23 on page 1 of the draft ordinance states that this applies to any “street reconstruction project, not including routine maintenance...”

Mr. LeVine said he understands this draft amendment to specifically allow for things that there was no mechanism to make allowances for before. The purpose of this draft ordinance is to enable the City to construct things that were not allowed within the table before. This will enable the Planning Commission to approve projects which they could not approve before, he added.

Mr. Campbell said he still interprets the draft ordinance to mean that any project that has routine maintenance within it would not qualify for a waiver.

Mr. Palmer explained for the benefit of Mr. Campbell that the nuance here is that there are three levels of projects. Routine maintenance would cover activities such as restriping a road, said Mr. Palmer. Those items would never have to be reviewed, he said. A Street reconstruction project would fall under this ordinance, said Mr. Palmer. This would give any developer the opportunity to ask for a waiver to undertake a project such as the repaving of Gastineau Avenue, for example, he said. Projects with the most extensive review would be a new street constructed in an existing right-of-way platted before 1987. This could occur without having to bump out the right-of-way if it was appropriate, said Mr. Palmer.

Chairman Haight said it appears that this is addressing reconstruction which is beyond filling in potholes, for example.

Roll Call Vote:

The Commission approved Mr. Greene’s abstention from the vote as he could not follow the conversation adequately telephonically.

Yeas: Hickok, Dye, LeVine, Voelckers, Haight

Nays: Campbell

The motion passed.

VIII. BOARD OF ADJUSTMENT - None

IX. OTHER BUSINESS

A. Election of Officers and Planning Commission Committee Assignments

The Commission approved the election of the following officers:

Chairman: Chairman Haight
Vice Chairman: Mr. Voelckers
Clerk: Mr. LeVine
Vice Clerk: Mr. Dye

Standing Committees:

- ✓ One liaison to the **Public Works Committee**
- ✓ Two liaisons to the **Wetlands Review Committee**
- ✓ One liaison to the **Lands Committee**
- ✓ One liaison to the Commission on **Sustainability**

Commission Committees:

- ✓ Title 49 Committee
- ✓ Subdivision Review Committee
- ✓ Auke Bay Implementation Committee
- ✓ Rules Committee
- ✓ Comprehensive Plan Committee (five members newly formed)

Mr. Voelckers said he has enjoyed his work on the Lands Committee, and for purposes of continuity he would like to remain on that committee as a member.

Chairman Haight invited Commission members to submit to him their request for committee assignments by Monday, February 19, (2018), and that he will make those assignments at a later date.

Mr. Dye said he thought it would be helpful to add two liaisons from the Assembly to the Comprehensive Plan Committee.

Chairman Haight said they would invite attendance to the Comprehensive Plan Committee by one or two Assembly members.

Mr. LeVine added that it would be helpful if the City Manager could also participate on the Comprehensive Plan Committee.

Mr. Voelckers said he thought it was a great idea to invite Assembly members to participate on the Comprehensive Plan Committee. He said this is an important topic for the Assembly and that their participation would be helpful in the process.

The Comprehensive Plan Committee:

- ✓ Mr. LeVine
- ✓ Mr. Miller
- ✓ Mr. Campbell
- ✓ Mr. Dye
- ✓ Mr. Hickok

The newly formed Comprehensive Plan Committee will meet at 5:30 on February 27, (2018), prior to the regular Planning Commission meeting.

B. Adoption of 2018 Planning Commission Calendar

The Planning Commission approved the adoption of the 2018 Planning Commission calendar.

X. STAFF REPORTS

Ms. McKibben stated that the Planning Commission training will be held at a Committee of Whole (COW) meeting prior to its first regular meeting on March 13, (2018).

The Title 49 Committee meeting for next Wednesday, February 21, (2018) is tentative and they will wait until new committee members have been appointed before scheduling the time and date of the meeting, said Ms. McKibben.

XI. COMMITTEE REPORTS

Auke Bay Implementation Meeting

Mr. Voelckers reported that the committee met a little over a week ago and that they began by reviewing the process. There was a lot of conversation about what a Traditional Town Center means, he said. There is also conversation about what zones are in place for other traditional town centers and whether they would like to use an existing zone or if they would like to craft zoning specific to the Auke Bay traditional town center area. Mr. Voelckers said he has been working on a sketch initially formulated by Mr. Miller, of what the traditional town center of Auke Bay could look like. Mr. Voelckers said they are incorporating newer developments in the area such as the new condominium project, the roundabout, and the widening of the road into Auke Bay from town.

Ms. McKibben said the next meeting of the Auke Bay Implementation Committee is scheduled for Thursday, February 22, (2018) at 1:30 p.m. in the Community Development Department conference room.

Mining Subcommittee

Mr. Voelckers reported that the ordinance language has been cleaned up and they have set a two-week time period for public comment on this ordinance. They will meet again to start looking at the details after the public comment has been received, he said.

XII. LIAISON REPORTS

Lands Committee

Assembly Liaison to the Planning Commission Beth Weldon reported that on the Lands Committee they are considering five proposals for the Cornerstone building located on Hurlock. The Glory Hole has pulled their application for that location, she said. They are taking public comment on this on February 26, (2018), at 4:30 p.m. during the Lands Committee Meeting, she said.

Essential Public Facilities

They are reviewing the Essential Public Facilities proposed ordinance. There were a lot of questions and concerns about this, and it has been sent back to the staff for further work, she said.

Meander Way

They are still discussing the Meander Way situation regarding the river banks, and a new situation has arisen which is the FEMA Flood Hazard mapping, she said.

Hydro One

They are currently working on the Hydro One acquisition. They are choosing to undergo negotiations with AEL&P, and also to hire an intervener, said Ms. Weldon.

The next regular Assembly meeting is Monday, March 5, at 7:00 p.m., said Ms. Weldon.

Ms. Weldon said she would be delighted to accept the Commission invitation to participate on the Comprehensive Plan Committee as an Assembly liaison.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye asked for an ADOD update.

Ms. McKibben said they have created a working team and are creating a work schedule.

Mr. Dye asked if they are still looking at setbacks for exterior insulation for new construction.

Ms. McKibben said she did not recall that request being put before the staff. She said there is now the verbiage in the draft ordinance which will address the same issue.

Mr. Voelckers said if there is any ambiguity, that it would be appropriate to find a way to allow that extra insulation without interpreting it as a violation of a setback.

XV. EXECUTIVE SESSION - None

XVI. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.