Agenda
Planning Commission
Special Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
February 4, 2020

I. ROLL CALL

Michael LeVine, 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 6:09 p.m.

Commissioners present: Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Assistant Clerk; Ken Alper, Shannon Crossley, Josh Winchell

Commissioners absent: Dan Hickok, Weston Eiler

Staff present: Jill Maclean, CDD Director; Emily Wright, Law; Teri Camery, CDD Senior Planner

Assembly members: Greg Smith

Prior to continuing the meeting, Mr. Levine explained Mr. Eiler had incorrectly obtained information regarding the archipelago project. In accordance with advisement of the Department of Law, because he had communications and information not before the Commission, he must be removed from any further participation on the variance request.

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES- None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None

V. ITEMS FOR RECONSIDERATION- None

VI. CONSENT AGENDA- None

VII. UNFINISHED BUSINESS- None

VIII. REGULAR AGENDA

VAR2019 0005: A Variance Permit to reduce the parking requirement to zero
Applicant: Tiland-Schmidt Architects P.C.
Location: 365 S. Franklin St.

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested variance, VAR2019 0005. If the Board elects to amend the findings and approve the requested variance, the variance would allow a reduction of the off-street parking requirement to zero in association with USE2019 0021, a proposed two-story commercial mixed-use development

IX. BOARD OF ADJUSTMENT –

At 6:11 p.m., the Commission stood down and reconvened as Board of Adjustment to address VAR2019 0005.

Ms. Wright reminded the Commission of where they had ended the last meeting. Ms. Wright mentioned there were some members of the public who were unaware that public comment had closed and with a vote of six members, public testimony could be reopened if they chose to do so. She explained that although Mr. Eiler and Mr. Hickok were not in attendance, the required vote of six was unchanged.

Mr. Alper asked for clarification of the options available to the Board to confirm whether they are required to provide a strict yes or no vote or whether they can impose conditions for approval. Ms. Wright explained the Board has the option to approve, conditionally approve, modify, or deny the Variance request and explained the process they were to follow.

Ms. Camery briefly presented a recap of VAR2019-0005 to refresh Board members' memory.

MOTION: *by Ms. Crossley to open Public Testimony.*

Ms. Crossley spoke to her motion stating that there were people in attendance who might have something to add and she would like to hear from them. Mr. Dye objected stating that it would be unfair to the applicant to open public testimony as they may not be adequately prepared. Mr. Dye added the original meeting was properly noticed and testimony was taken then. Mr. Alper echoed Ms. Crossley's comment in support of public testimony. Mr. Voelckers agreed with Mr. Dye's objection.

Ms. Crossley withdrew her motion stating she had been unaware the applicant did not have representation at the current meeting.

Board and Staff Discussion

Mr. Voelckers asked for clarification on the references to financial hardship in the staff report. Ms. Camery referred to the staff report stating the criteria refers to unusual and special conditions associated with a property and does not directly refer to financial hardship. Ms. Maclean explained 'hardship' refers to features of the property that would make it significantly more expensive to develop the property as compared to adjacent properties and not to the personal finances of the applicant.

Mr. Arndt asked why the staff report talks about going from PD2 to PD1. Ms. Camery explained it was included because the applicant had used it in their application for the variance and it was a process that had been used in the past.

Ms. Crossley asked if any property has been granted a 100% parking variance in the downtown area. Ms. Camery and Ms. MacLean did not know of any. Ms. Maclean added they had focused on South Franklin and the waterfront and not the rest of the downtown mixed-use area.

Mr. Winchell wanted to know if the twelve Docks and Harbors parking lots were ceded as part of the conditions to bringing the plan to the commission? Ms. Camery did not know the answer.

Ms. Crossley spoke for property owners paying a fee in lieu of parking and questioned why there was only an all or nothing option without even a few spaces for staff. Mr. Levine commented that if the variance is not approved, it may come back at a later date with options for a number of parking spaces with or without a fee in lieu of meeting the full parking requirement. Mr. Winchell felt that it could set a bad precedent to go right to zero spaces when CBJ has the option of a fee in lieu.

Mr. Alper stated for the record that, in general, he supports reduced parking requirements downtown and he feels the current codes are too stringent. However, the option put forth by the applicant goes too far. In this case, he supports a reduction but not a reduction to zero.

There was some discussion regarding what could be discussed from the last meeting. Ms. Maclean told the Board that they cannot discuss the Conditional Use Permit as it is currently in the appeal period. Mr. Alper explained he was referring to it only as a way to illustrate his point. Ms. Wright explained the information in the packet could be discussed broadly but the Commission decision could not be discussed and Board members cannot discuss their personal positions on the Conditional Use Permit.

Mr. Levine asked hypothetically if they reduced the requirement from 80 spaces to 50, would that be allowable with a fee in lieu application. Mr. Dye added if the Board approved a reduction of spaces, would they be required to be onsite spaces or would the applicant have the discretion to locate the parking onsite, offsite, or pay a fee in lieu of parking? Ms. Maclean said the Board could specify that. Mr. Dye asked since this is in the downtown parking district would conditions need to be supported by findings explaining why required spaces were

allowed to be on site or off site and if they granted a variance, could the Planning Commission override the variance at a later date? Ms. Maclean explained that once the variance is issued, it runs with the land. Therefore, the Commission could not repeal it.

Mr. Levine reminded the Board that there is no fee in lieu application before the commission so that is not up for debate at the moment.

Ms. Crossley asked if a reduction to zero would be legal and in accordance with ADA requirements. Ms. Wright said that a reduction to zero would not meet ADA requirements. The minimum requirement is one to four accessible spaces.

Mr. Voelckers spoke in support of reducing the number of required spaces to PD1 standards but was unsure how to write the findings to reach that goal. Mr. Alper wondered if the Board could discuss what is the consensus outcome and then work to meet that. Mr. Levine said that while he agrees in theory with this goal, he does not think the Board can make it work with the criteria before them.

Following some discussion, Ms. Crossley suggested she was thinking about denying the variance and leaving it to the applicant and CDD to come up with a solution. Mr. Alper was not comfortable with simply denying the application but agreed that it may be the best decision in this circumstance and would leave the option for the applicant to propose a solution.

Ms. Crossley pointed out that if they were to vote NO, then the applicant could come before the Commission again and that would give the Commission the opportunity to clarify their questions directly with the applicant.

MOTION: *by Mr. Voelckers to adopt director's analysis and findings and DENY the requested variance VAR2019 0005.*

Mr. Dye and Mr. Alper spoke in favor of the motion.

MOTION: *by Mr. Levine to amend the motion on the floor to change the verbiage of Finding 2C to read, "Based on the preceding analysis, a grant of the variance for a zero parking requirement may be detrimental to the public health, safety, or welfare by pushing employees or customers of the development to park in surrounding neighborhoods. The CBJ has separate process for fee in lieu to address situations like this."*

Mr. Alper spoke in favor of the amendment to the motion. Mr. Arndt agreed but suggested deleting the fee in lieu portion as the application does not mention fee in lieu.

Mr. Levine withdrew his motion and suggested a new motion.

MOTION: *by Mr. Levine to amend the motion on the floor to change the verbiage of Finding 2C to read, "Based on the preceding analysis, a grant of the variance for a zero parking requirement may be detrimental to the public health, safety, or welfare by pushing employees or customers of the development to park in surrounding neighborhoods."*

The amendment passed without objection.

Mr. Levine asked for roll call vote on Mr. Voelckers' motion to accept staff findings to DENY VAR2019 0005 as amended. The motion passed unanimously.

At 6:59 p.m. the Board of Adjustment stood down and reconvened as the Planning Commission

X. OTHER BUSINESS

Mr. Levine announced the following committee assignments:

- Title 49 Committee – Mr. Dye, Chair; Mr. Arndt, Mr. Winchell, Mr. Eiler, Ms. Crossley
- Governance Committee – Mr. Voelckers, Chair; Mr. Hickok, Mr. Alper
- Subdivision Review Committee – Mr. Arndt, Chair; Mr. Dye, Mr. Voelckers
- Lands Committee Liaison – Mr. Hickok
- Public Works & Facilities Liaison – Mr. Voelckers
- Juneau Commission on Sustainability Liaison – Ms. Crossley
- Wetlands Review Board – Mr. Hickok, Mr. Alper
- Blueprint Downtown Liaison – Mr. Dye
- Auke Bay Steering Committee – Mr. Dye, Ms. Crossley, Mr. Voelckers, Mr. Hickok
- Douglas/West Juneau Planning Committee Liaison – Mr. Winchell
- Ad Hoc Committee – Mr. Arndt, Mr. Alper, Mr. Eiler

XI. STAFF REPORTS

Ms. Maclean reported the following upcoming meetings:

- Blueprint Committee – February 20, 6:00 p.m.
- Auke Bay Ad Hoc Committee – Thursday, February 6, 6:00 p.m., UAS Rec Center
- APA is next week
- CDD is presenting its Housing Forum – February 28, all day
- Public Works & Facilities Committee, March 2, Noon
- Lands Committee, March 2, 5:00 p.m.
- At the February 25 Planning Commission meeting, the Planning Commission will be appointing South Douglas/West Juneau Area Plan Steering Committee members. There are currently nine applicants.

Mr. Dye asked about the status of Title 49 draft ordinance and asked when the Commission could have a copy of the draft. Ms. Maclean said she would try to get them a copy by Wednesday.

Mr. Voelckers asked about the joint Planning Commission-Assembly meeting. Ms. Maclean said it could be as early as the second week of March.

XII. COMMITTEE REPORTS

- Mr. Dye reported Blueprint Committee met and has finished the transportation chapter and is starting another chapter. Economic development and business vitality will be the next chapter.

Mr. Arndt asked Ms. Maclean when she expected to see the Auke Bay Plan being finalized and going before the Committee of the Whole and the Planning Commission before going to Assembly. Ms. Maclean hopes that once the Ad Hoc committee meets, it will go from there to the Committee of the Whole.

- Mr. Voelckers reported he attended the Public Works Committee meeting and learned the City is exploring nontraditional bid methods. Additionally, DOT presented a study underway regarding the Fred Meyer intersection.

- Ms. Maclean added the Public Works and Lands Committees are meeting February 10 and there will be an Upstairs Downtown Presentation to the Lands Committee on March 2.

Mr. Dye invited Planning Commission members to attend the upcoming Auke Bay subcommittee meeting and see what the subcommittee has been up to.

XIII. LIAISON REPORTS

Greg Smith reported on recent Assembly activities since the last Planning Commission meeting.

- The Assembly has met recently with the Bartlett Hospital board and with the Docks & Harbors Board
- The owners of Gastineau Apartments have completed their financial obligations to CBJ. ($1.5 million plus interest)
- At the Regular Assembly meeting last night, they adopted the nuisance property ordinance, authorized a land sale for an assisted living facility, and approved a $2 million grant for that facility.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

- Dorene Lorenz – 8385 Marsha

Ms. Lorenz is a private citizen and a member on the Historic Preservation Committee and she asked that the commission reconsider their decision on the historic district.

Mr. Levine interrupted Ms. Lorenz and it was determined that because this meeting is a continuation of the last meeting, Ms. Lorenz cannot speak to this as it would constitute a conflict and she would be excluded from participating in further meetings. Ms. Lorenz stepped down.

Mr. Dye clarified with Ms. Maclean that Commission members cannot discuss any decision until the 20-day appeal period expires.

XV. **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

XVI. **EXECUTIVE SESSION** - None

XVII. **ADJOURNMENT** - 7:22 pm