

MINUTES

**PLANNING COMMISSION**  
CITY AND BOROUGH OF JUNEAU  
Maria Gladziszewski, Chair

REGULAR MEETING  
July 26, 2011

**I. CALLED TO ORDER**

Chair Gladziszewski 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 7:00 p.m.

Commissioners present: Nathan Bishop, Marsha Bennett, Dennis Watson, Nicole Grewe, Frank Rue, Michael Satre, Maria Gladziszewski

Commissioners absent: Benjamin Haight, Dan Miller

A quorum was present.

Staff present: Dale Pernula, CBJ Community Development Department (CDD) Director; Greg Chaney, Laura Boyce, CDD Planners

**II. APPROVAL OF MINUTES**

June 28, 2011 – Regular Meeting

**MOTION:** *By Mr. Satre, to approve the June 28, 2011 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

**IV. PLANNING COMMISSION LIAISON REPORT - None**

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

**VI. CONSENT AGENDA**

Chair Gladziszewski announced that there is one item on the Consent Agenda, and inquired if there is public comment on it. No one from the public had comments, and no one from the Commission had questions.

**MOTION:** *By Mr. Rue, to approve the Consent Agenda, as presented.*

There being no objection, it was so ordered and the PC approved the one case below, as presented.

**USE2011 0016**

A Conditional Use permit (CUP) to build a 540 square foot addition to a commercial building (Red Dog Saloon) in a mapped moderate hazard zone.

Applicant: Eric Forst

Location: 276 S. Franklin Street

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP. The permit would allow the development of a 540 square foot addition to the Red Dog Saloon in a mapped moderate hazard zone. The approval is subject to the following condition:

1. Any future modification of the building along South Franklin Street providing protection from mass wasting events will be required to be constructed to CBJ Engineering requirements to withstand predicted forces.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

**VIII. UNFINISHED BUSINESS** - None

**IX. REGULAR AGENDA**

Chair Gladziszewski re-ordered the Regular Agenda items by moving USE2011 0010 to be heard prior to AME2011 0004.

**USE2011 0010**

A CUP to establish two accessory apartments in two detached single-family dwellings.

Applicant: Keikkala Living Trust

Location: 1970 Hughes Way

Staff report – None

Public testimony - None

Commission discussion

Chair Gladziszewski commented that she and Mr. Pernula spoke to the City Attorney regarding USE2011 0010. Mr. Pernula explained that the PC received a letter from Simpson Tillinghast & Sorensen, P.C., dated July 21, 2011, representing opposition by several neighbors regarding USE2011 0010. The City Attorney is reviewing topics listed in the letter to determine if they are valid. One of the questions is regarding the use of a private easement. The private easement does not limit the use of it, i.e., it does not state if there are limitations or not, but it is unclear whether such an easement allows for the proposed development. In addition, the CBJ Engineering and CDD staff, and property owners along Hughes Way have been working for 8 years trying to find a method in which to dedicate Hughes Way by installing a cul-de-sac at the end to extend that particular roadway. This is not only for emergency vehicles, but to resolve maneuvering snowplow issues as well. He explained that many of those issues might be resolved, as the applicant has proposed. This includes whether staff is able to obtain the subdivision plat reviewed by the PC a couple of years ago to provide improvements for the betterment of the entire neighborhood. Chair Gladziszewski confirmed that Mr. Pernula is suggesting that the PC continue USE2011 0010. Mr. Pernula said yes, and the PC might wish to

take testimony from the applicant regarding doing so. Mr. Bishop said he is not comfortable moving forward in a circumstance where the City Attorney has provided the PC an uncertain call on whether it is legal for easement access beyond residential use. Therefore, he recommends the PC continue USE2011 0010 until such time that the CBJ Department of Law provides a formal opinion on that case. Chair Gladziszewski clarified that the CBJ Department of Law has not had sufficient time to review that case, so they have not yet stated whether the opposition letter is valid. Mr. Rue said his tendency is to continue USE2011 0010, but he prefers to ask the applicant to determine whether they have a strong feeling one way or another; Chair Gladziszewski said to do so would be in violation of the Rules of Order of the PC.

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP, USE2011 0010. The permit would allow the applicant to establish two accessory apartments in two detached single-family dwellings. Staff recommends the following conditions of approval:

1. The applicant shall modify BLD2005-00655 to include development of a second single-family dwelling as well as an accessory apartment in each of the two dwellings on the site. The applicant shall submit all required plans and shall pay appropriate fees associated with the Building permit modification.
2. Prior to issuance of any occupancy permits, the applicant shall install all required water meters, subject to CBJ approval.
3. Prior to issuance of any occupancy permits, a final inspection shall be completed by the CDD to ensure that the walls proposed in Accessory Apartment 2 are in place and that maximum net floor area is not exceeded.

Commission action

**MOTION TO CONTINUE:** *By Mr. Watson, that the PC continues USE2011 0010 to be heard at the August 23, 2011 PC meeting to provide time for the CBJ Department of Law to review the letter of opposition provided by an attorney on behalf of the neighborhood.*

There being no objection, it was so ordered and USE2011 00010 was continued by the PC to be heard at the August 23, 2011 PC meeting.

**AME2011 0004**

Expansion of the Parking District 1 (PD-1) overlay boundary.

Applicant: CBJ

Location: Willoughby & Whittier Street Neighborhood

Staff report

Mr. Chaney said this is a continuation of a review by the PC concerning extending the PD-1 overlay boundary in the downtown area. If approved, the PD-1 would significantly reduce the normal parking requirement and provide incentives for new development, with the most important elements being that the parking district requirements would not apply when changing the use of a structure. For example, a warehouse having a parking requirement of 1 per 1,000 square foot could be changed to a restaurant use having a parking requirement of 1 per 200 square feet, which is one relief scenario. In addition, if a developer were to construct a new building or an addition to a new building the parking requirement would be reduced by 60%, but parking for new structures would still be required. The PD-1 expansion to the MU2 district in general might extend from the Federal Building to the proposed Capital Complex near the State Office Building. At this time, the PD-1 shown on the map attachment is highlighted in yellow,

and the PD-2 in orange. The proposal by staff is for Scenario 3 in the original report, dated June 17, 2011. Scenario 3 calls for roughly doubling the size of the current PD-1 area, which extends from Capitol to the Federal Building, and Foodland shopping area currently labeled MU in the 2008 CBJ Comprehensive Plan (Comp Plan) as current zoning. The MU2 district is very similar to the MU, but has a lower building height requirement and other minor differences. The basic idea is to maintain an MU environment, as reducing the parking requirement tends to promote MU because people live, work, walk, and shop all in one area without the use of vehicles. The draft Willoughby District Land Use Plan (WDLUP) roughly corresponds with this extension of the PD-1 overlay boundary, but the WDLUP has a slightly different outline in the general vicinity.

The PD-2 scenario is less significant by reducing the parking requirement by 30%, versus 60% in PD-1. If a use were changed in the PD-2, the property owners would have to provide new parking to accommodate for that use. The reason he is bringing up PD-2 is because all along the waterfront to the area across the street to Willoughby Avenue is designated as PD-2. The MU district currently extends to this PD-2 area, but if the PC decides to recommend to the Assembly to change the Subport area to PD-1 that would be a departure from what has historically taken place thus far. He said this might be a good discussion to have, although that is outside the scope of the PC review tonight, but this explains why staff left part of the MU2 out of this proposal. For comparison, in a standard parking district for retail it is 1 parking space per 300 square feet, and if they adopt the PD-1 it would require 1 parking space per 750 square feet, which would provide for quite a bit of relaxation.

Staff recommends approval to the Assembly by the PC to extend the existing PD-1 as outlined in Scenario 3 per attachment C in the June 17, 2011 report.

Mr. Rue confirmed that the WDLUP recommends the PD-1 expansion outlined by staff, and then the PC is contemplating allowing more concentrated parking in garages rather than surface parking currently spread out in this area. Mr. Chaney said it is consistent with the WDLUP, although certain aspects in the pipeline might change the nature of the district. This might include the State Library Archive Museum (SLAM) project for constructing a new museum and archives building in this area. The SLAM project would provide additional parking, including the new addition to the State Office Building. Right now, there is actually an excess amount of parking in this area. For instance, the statistics he recently reviewed of a city parking lot near the Foodland shopping center across the street from the Salvation Army is rarely more than 1/3 full.

Chair Gladziszewski said she pointed out to staff during a previous review that the proposed boundary scenarios did not match the land use designation maps. Mr. Chaney said the boundary on attachment 2 in the upper left corner was revised, so it now matches the maps.

Public testimony - None

#### Commission discussion

Mr. Watson asked if staff had the opportunity to hear the CBJ Lands & Resources Manager's presentation on the WDLUP; Mr. Pernula and Mr. Chaney said yes. Mr. Pernula said staff has been contemplating extending the PD-1 overlay boundary for quite some time. In addition, both the Willoughby district and SLAM projects precipitated staff to move ahead on extending the PD-1 overlay boundary, which is consistent with the WDLUP for this area.

Staff recommendation: That the PC adopt the Director's analysis and findings and recommend approval of AME2011 0004 to the CBJ Assembly to extend the existing PD-1 parking district as shown under Scenario 3 (attachment C). If Scenarios 2 or 3 are preferred, as stated under 'Findings', staff will reschedule this proposal to a later meeting to expand the public noticing to additional property owners.

Commission action

**MOTION:** *By Mr. Rue, that the PC adopts the Director's analysis and findings and recommends approval of AME2011 0004 to the CBJ Assembly to extend the existing PD-1 parking district as shown under Scenario 3 (attachment C).*

There being no objection, it was so ordered and AME2011 0010 was recommended for approval to the Assembly by the PC, as presented.

Chair Gladziszewski adjourned the PC, and convened the Board of Adjustment.

**X. BOARD OF ADJUSTMENT**

**VAR2011 0016**

A Variance Request to eliminate the 5% vegetative cover requirement for the Red Dog Saloon in the Mixed Use (MU) zone district.

Applicant: Eric Forst

Location: 276 S Franklin Street

Staff report

Ms. Boyce said the Variance Request is to reduce the 5% vegetative cover requirement for the proposed project by the owners of the Red Dog Saloon in the MU zone district. Three conditions are proposed by staff should the Board of Adjustment approve the proposal.

The Red Dog Saloon was built in 1988 on a 6,159 square foot parcel. The MU district requires 5% vegetative cover, which equates to 300 square feet of area for this particular parcel, and 160 square feet is now provided at 2.6%. Staff received a telephone call today, which alerted them to additional history that was not quite clear in the record. In 1987, the owners applied for a variance to parking and were required to have 15 spaces, and only requested 9, but they were approved for 10. Part of the justification for the previous parking reduction was because the owners provided a pedestrian plaza area. With this Variance Request for an addition to the Red Dog Saloon Building, it would be constructed into that pedestrian plaza area. The parking standard in place in 1987 was higher than what is provided in the code now, which range from 25% to 33% of parking, versus in 1987. The owners were approved for 10 spaces, which equates to a 33% reduction, so this is "a wash" because it is the same as what is required today.

The Red Dog Saloon is located on South Franklin and Admiral Way. The applicant supplied the site plan in the report. The existing Red Dog Saloon Building is shown in orange, and the 540 square foot proposed addition is the purple area, with the Warner Building shown on the left. She provided a photograph of the existing plaza of the Red Dog Saloon with vegetation in the bottom-left corner. She showed another photograph of the plaza where the existing vegetated area is currently located, with an adjacent business owner's door to the left where the vegetation encroaches. Staff received a telephone call from that person who would like the use of their door. She explained that when the vegetation on the Red Dog Saloon plaza is watered,

apparently the water runs through their door. She provided a separate photograph showing the adjacent door area through the trees, and another of how the two buildings work together and the door in question between them. The applicant is proposing placing potted hanging plants along the newly proposed canopy area, as well as an old west style design on the new facade portion of the Red Dog Saloon Building. This assists in addressing the aesthetic public amenity vegetation requirement, as this is not clearly stipulated in the code.

She provided a diagram showing the elevation of the proposed building. She then provided an aerial photograph of the Juneau Downtown Historic District shown as the dotted boundary lines, and the MU district boundary as a solid line. In viewing the aerial photograph, she noticed that many adjacent properties were not provided the 5% vegetative cover requirement because that was not previously required in the historic district. Only a portion of the Red Dog Saloon property is within the historic district as shown on the aerial map, which consists of the South Franklin facade. Where the owners are proposing to construct the addition, that portion would not be in the historic district. Notably, similar nearby properties were not provided the vegetative cover requirement, but many currently have hanging baskets.

Staff recommends the Board of Adjustment approve the Variance Request, subject to the conditions outlined.

#### Public testimony

Rich Conneen, 7081 N. Douglas Hwy., Rich Conneen Architects LLC representing the applicant, stated that he believes the issue regarding the door of the adjacent Warner Building should be a separate discussion. Chair Gladziszewski requested Mr. Conneen to specifically address the Variance Request. Mr. Conneen said the owners of the Red Dog Saloon intend to construct a three-dimensional old west style facade addition, which would be viewed from the front and side of the property. The addition of hanging baskets would improve the appearance during the summertime. The owners are contemplating installing a few 18" diameter potted plants near the side of a second entryway area. The existing plaza does not have a historic quality, so the proposed improvements would provide an upgrade to the area. The existing planter in the plaza is disheveled, which was installed per the previous permit vegetation requirement. However, the planter is now a tripping hazard, which is a safety issue. Currently, the plaza area provides ample space for people to mill about, and with this proposal they will be decreasing this aspect, while increasing density with the newly proposed doorway.

An interesting quandary is that construction is allowed to take place to the property line in the MU district where the setback is zero, but doing so would eliminate space for planting. Therefore, a 5% vegetation requirement has been viewed as being somewhat of a penalty in terms of designing an addition to the Red Dog Saloon Building. In hindsight, he believes the CDD Planners this decade have looked back regarding past development on S. Franklin and are wishing that previous planners should have been more open to interesting design approaches. Due to this, many facades of buildings on S. Franklin are now very similar and blend in with each other. The Red Dog Saloon facade is not in the historic district, but the CDD staff is making a great effort for him to design the addition so it is quaintly historic and appealing. The method in which they are requesting to install vegetation is a safer and more appealing approach.

Mr. Rue confirmed that Mr. Conneen believes the applicant would be in favor of Condition 2 to install hanging plants, as this will be a permanent requirement of the permit; Mr. Conneen said he believes so.

Larry Lynd, 210 Admiral Way, said he has a long-term lease of the Warner Building located adjacent to the Red Dog Saloon. He agrees with the proposed improvements to the Red Dog Saloon for a smaller open plaza area. Right now, he is unable to maintain the front door of the Warner Building due their existing vegetative planter, and he has had to perform repairs because water seeps under his doorway. He wants to be able to draw more attention towards the Warner Building doorway area, and he has plans to improve the structure in the future. Chair Gladyszewski asked Mr. Lynd if the applicant's proposal would continue to block doorway access to the Warner Building in the future. Mr. Lynd said he does not believe so because he understands a 4' easement will have to be maintained.

Mr. Conneen said he and the owners of the Red Dog Saloon received a telephone call yesterday from Mr. Lynd stating that water is seeping under his doorway from the planter in the plaza area, and once the planter is removed Mr. Lynd wants to be able to open that door. However, as he stated earlier, he believes this is a separate issue from this Variance Request review. Even so, the current owners of the Red Dog Saloon discussed possibly pulling the dirt in the planter area away from the Warner Building and assisting Mr. Lynd to caulk his door as an immediate solution. In addition, if the Board of Adjustment approves the Variance Request, the planter will be permanently removed after the tourist season in about 6 weeks. Another issue mentioned by Mr. Lynd relates to a new adjacent door opening into the new public area. He suggests that Mr. Lynd contact the owners of the Red Dog Saloon to discuss that, including the possible requirement of a 4' easement should Mr. Lynd wish to install an additional door in the area. He believes the owners of the Red Dog Saloon are nice people who might be amendable to doing so.

Public testimony was closed.

Board discussion - None

Staff recommendation: That the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2011 0012. The Variance permit would allow for elimination of the vegetative cover requirement for the proposed Red Dog Saloon. Staff recommends approval of this Variance Request with the following conditions:

1. Prior to issuance of a Certificate of Occupancy or temporary Certificate of Occupancy, CDD staff shall verify that the development substantially conforms with the plans and narrative submitted with the application.
2. In lieu of vegetative cover, it shall be the obligation of the owner to establish and maintain no less than six vegetated hanging baskets along the canopies on the exterior of the building between the months of May through September.
3. All roof down drains are to be directed into appropriate CBJ storm drains as required by the CBJ Engineering Department.

Board action

**MOTION**: *By Mr. Rue, that the Board of Adjustment adopts the Director's analysis and findings and approves the requested Variance, VAR2011 0012. The Variance permit allows for elimination of the vegetative cover requirement for the proposed Red Dog Saloon as presented, subject to the conditions outlined by staff.*

Mr. Watson commented that he appreciates the recommendation by Mr. Conneen to have Mr. Lynd contact the applicant to work out his issues.

Mr. Bishop said it seems appropriate for the Board of Adjustment to agree with staff's recommendation to reduce the vegetative requirement per the Variance Request. He believes the vegetative requirement in the MU district is not necessarily appropriate, which the Commissioners should probably look at reducing or eliminating, rather than continuing to do so through the Variance Request process.

There being no objection, it was so ordered and VAR2011 016 was approved by the Board of Adjustment, as presented.

Chair Gladziszewski adjourned the Board of Adjustment, and reconvened the PC.

**XI. OTHER BUSINESS - None**

**XII. DIRECTOR'S REPORT**

Alaska Coastal Management Program (ACMP) closure update

Mr. Pernula said Mr. Rue requested at the last PC meeting for staff to prepare a report on the impacts of losing the ACMP. He said Planner Teri Camery prepared an initial draft to be presented at the next PC meeting, which staff would provide to the Commissioners beforehand by email. Mr. Rue requested Ms. Camery to also obtain a legal analysis regarding the nexus of federal law, versus city ordinance or state law, including who now has supremacy. Mr. Watson commented that he heard from a reliable source that the ACMP is going to be a very "hot issue" with the legislature when they convene in January 2012, and he hopes the PC does not require staff to spend a great amount of time analyzing the ACMP closure status, as he believes strong changes may be forthcoming by the legislature.

Subdivision Review Committee (SRC) update

Mr. Pernula said a SRC meeting was not held prior to the PC meeting this evening, but an upcoming SRC meeting has been scheduled to be held prior to the next PC meeting.

PC feedback on tasks by CDD staff

He would like feedback provided from the PC in the future regarding what CDD tasks they would like staff to work on that they are not already performing. This might involve possibly a different format for staff reports and presentations, or possibly to provide more focus on long-range planning, etc. Chair Gladziszewski requested staff to place this topic on a subsequent PC Agenda for discussion. Mr. Pernula said they could do so, or possibly schedule a Committee of the Whole (COW) meeting without a public hearing atmosphere. He requested the Commissioners to provide him feedback by the next PC meeting via email.

MU district vegetative requirement

Mr. Rue said he agrees with Mr. Bishop that the PC should review the necessity of the vegetative requirement in the MU district.

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES**

Mr. Rue said the Wetland Review Board (WRB) met on July 21, 2011 with State Department of Transportation (DOT) and CBJ Streets Division representatives to discuss local ditch maintenance practices. He explained that the PC generally requires developers to install ditch



drainage areas, and then vegetate them to prevent sediment from flowing into sensitive waterbodies and wetlands. The past practices have been to dig the ditches down to raw dirt every few years, which is counter to what the PC has required of developers. The WRB is attempting to proactively engage with DOT and CBJ representatives to provide improved maintenance ditch practices, and the representatives have been very willing to discuss this with the WRB. The WRB is going to select a few sensitive ditch areas near salmon streams to engage with those representatives to determine which ditch maintenance practices would work best while still allowing water to flow through them.

Ms. Grewe said the Juneau Commission on Sustainability (JCOS) is attempting to continue to work on sustainability indicators, but the membership is experiencing “volunteer burnout,” so it is difficult getting work completed, as momentum is being lost by those who are dedicated. If the Commissioners know of anyone who might wish to volunteer to serve on the JCOS, she would appreciate them informing her, and the JCOS tends to meet every other week. Chair Gladziszewski said several CBJ committees experience that same issue. The JCOS grew from having 9 members by some misunderstanding to 11. Ms. Grewe stated that in the beginning the JCOS focused on climate change sustainability issues, and now the mission was broadened to coincide with the resolution the Assembly adopted to include economics, physical, environmental, and sustainability aspects. Chair Gladziszewski said the topics the JCOS works on should consist of aspects the volunteers are passionate about, otherwise that committee would continue to experience membership issues. The legislation the Assembly enabled for the JCOS is fairly broad, so the members are able to select any of them. Ms. Grewe said the JCOS has a couple 3-member standing subcommittees as well, but the Food Security Subcommittee has “gone on the wayside.”

#### **XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Watson said a significant change would be forthcoming regarding the Assembly membership this fall. Therefore, he suggests staff to schedule a COW meeting in a timely manner while Mr. Pernula presents the annual “state of the economy” type of report to the Assembly, as that would be beneficial for new members. That report should provide information on what the PC has accomplished over the past year. He explained that when he reviewed the packet Mr. Pernula recently provided to the PC regarding the upcoming review of the Comp Plan; he was amazed at how many tasks have already been accomplished.

He requested staff to prepare a status update to the PC on the local landfill capacity issue. Chair Gladziszewski said she does not know what the PC’s nexus might be in regards to the landfill capacity issue, but she is concerned about this as well. Mr. Watson agreed, but he wants to bring this landfill capacity topic to the surface before it becomes a very negative in the future.

Ms. Bennett asked which Assembly member was appointed as the new liaison to the PC; Mr. Pernula said Malcolm Menzies.

#### **XV. ADJOURNMENT**

**MOTION:** *By Mr. Rue, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 8:00 p.m.