

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Michael Satre, Chair

REGULAR MEETING
July 24, 2012

I. ROLL CALL

Chairman, Michael Satre, 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: Michael Satre, Jerry Medina, Karen Lawfer, Dennis Watson, Nathan Bishop, and Marsha Bennett

Commissioners absent: Nicole Grewe, Benjamin Haight, Dan Miller

A quorum was present.

Staff present: Greg Chaney, CBJ Community Development Department (CDD) Acting Director; Nicole Jones, CDD Planner; Benjamin Lyman, CDD Planner

II. APPROVAL OF MINUTES

- June 26, 2012—Regular PC meeting.
- July 10, 2012— Regular PC meeting.

MOTION: *By Mr. Watson to approve the June 26th and July 10th PC minutes, with changes.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None

IV. PLANNING COMMISSION LIAISON REPORT

Assemblyman, Smith, said that the CBJ Lands Committee forwarded rezoning language to the full CBJ Assembly. They are hopeful that it will be a success, and there were some word changes. He asked if Mr. Bishop contacted Mr. Hartle from the CBJ Law Department and Mr. Bishop said no. Mr. Smith said he would contact Mr. Hartle very soon regarding the ordinance. An update was given to the Assembly regarding the CBJ Comp Plan update. There was a lot of interest in Chapter 5 and the Assembly is also interested in developing an Economic Development Plan. He encouraged the PC to consider the right method of forwarding recommendations and information to the Assembly. With the departure of the Mayor and other

members of the Assembly, there may be some new members in public office who have not been aware of the projects underway.

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

Chairman, Satre, adjourned the PC and reconvened as the Board of Adjustment. He announced that there was one Variance on the Consent Agenda and inquired if there was public comment on the item. Ms. Lawfer requested that it be pulled from the Consent Agenda.

VAR2012 0013 Variance request to allow a DOT/PF road rehabilitation project along Glacier Highway between McDonalds and the Skate Park within the 330-foot setback of an eagle nest.

Applicant: State of Alaska DOT&PF
Location: Glacier Highway between McDonalds and the Skate Park

Staff recommendation: that the Board of Adjustment adopts the Director’s analysis and findings and approve the requested Variance, VAR2012 0013. The Variance permit would allow for the rehabilitation of Glacier Highway within 330 feet of an eagle nest.

Ms. Lawfer had concerns with the plans, as she was unsure of the eagle nest in question. Nicole Jone, CDD Planner, clarified that the eagle nest #115 is the nest in question and not eagle nest #126.

Public testimony: Jane Gendron, Regional Environmental Manager with AK DOT/PF, said she was available for questions from the PC or the public.

Mr. Medina asked when the project would start. Ms. Jones said it would begin next summer.

Public testimony was closed.

MOTION: *by Mr. Watson that the Board of Adjustment approves VAR2012 00013, as presented.*

There being no objection, it was so ordered and VAR2012-0013 was approved as presented.

Chairman Satre adjourned the Board of Adjustment and reconvened as the PC.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

AME2012 0006 A Text Amendment of Title 49 and of the Comprehensive Plan (Comp Plan) for the 2012 Update.

- Chapter 10, Land Use
- Chapter 11, Land Use Maps

Senior Planner, Ben Lyman, presented his staff report for the PC. He noted that the PC should consider how the recommendations are to be forwarded to the Assembly. Language will be considered by the Law Department before going to the Assembly. In the wake of the Atlin Street re-zoning legal decision, that caused staff to look at the provisions in Title 49 regarding restrictions of rezoning and consistency with the Comp Plan. There were a couple of different ways that staff posed to deal with that. One way was to have less detailed Comp Plan land use designation maps. Rather than having 12-17 land use designation, there could be 4 or 5. This way the PC would be able to consider neighborhood character during a rezoning request. In the meantime, staff is working on putting in supplemental language under each land use designation that discusses which zones would be appropriate in those land use designations. Mr. Lyman said they should look at chapter 10, land use.

Mr. Satre noted Mr. Lyman's memorandum regarding revision of the land use maps. It may not be worthwhile to review the land use maps prior to passage of the ordinance. He does not think that details of changes to the land use definitions should be made until resolution of the ordinance; they should focus on minor changes at this time. Members of the PC agreed. Mr. Lyman said that there have been developments since the lands committee meeting yesterday. They should move forward but not have to re-do things. They should look at the maps in a general manner, but not finalizing edits. They should go through chapter 11 to become familiar with land use designations, which should be used only for reference. Changes could be made later on. Mr. Watson said that the narratives and staff report could be shortened to accommodate the Assembly, which could contain new members to the body. The more that is put in the Comp Plan, the greater the opportunity there is to make a mistake.

Mr. Satre would like to address chapter 10 first. Mr. Lyman said that the land use has to do with all the different uses of land within the borough. It focuses on residential uses, which do not have a lot of changes in the update. There is a single Implementing Action (IA) on page 150 that would be deleted. Some formatting changes will take place on page 152. Page 159 has a split Development Guideline (DG). Page 160 Standard Operating Procedure (SOP)-1 was changed by Mr. Lyman to go in the economic development section. There are minimal changes to the chapter.

Mr. Watson noted on page 155, IA1, he asked if it was in compliance with the revisions made by the subdivision review committee (SRC). Mr. Lyman said he would need to ask CDD Planner, Laura Boyce, regarding the SRC items.

Regarding 10.2 and 10.13, Ms. Lawfer she said that they seem identical with some slight word changes. Mr. Lyman said that part of it has to do with the jargon used. He noted that some various building options could be used with 10.2. A mixture of uses could mean that there could be a neighborhood store or a home business. 10.13 refers more to a multi-store building in a mixed use developmental area, where uses are intentionally mixed; the differences in those policies are distinct. Ms. Lawfer said she will come up with more defined language, as she does not want more mixing in residential areas. Mr. Lyman said chapter 11 discusses those rules more clearly.

Ms. Lawfer said that the 10.1 policy talks about affordable housing opportunities, and she wondered if the PC should consider using “adequate” housing opportunities since adequate includes affordable. She also noted 10.1-SOP4, and would like to remove “low and moderate” and replace it with “affordable.” Mr. Lyman said that the intent of this section was to be specified to affordability and not adequacy. Ms. Lawfer said we should use like-terms throughout the Comp Plan.

Regarding page 153, Ms. Bennett had a new IA for 10.4. It would read as, “Encourage mixed use waterfront housing that minimizes view obstruction of existing commercial and residential properties and/or important view sheds.” She felt that there was too much emphasis on commercial and waterfront industrial uses and not enough on housing. Waterfront condos are so easy and she is surprised that they have not encouraged them more.

She also said on page 158 regarding the section that addresses the full-time, year-round employment for local residents does not mitigate the steady loss of businesses in the downtown area due to visitor industry customers not able to afford rent expenses. Mr. Watson agreed with Ms. Bennett, but said that the topic of rent costs should be avoided, as there may be a lot of reasons why rent is so expensive. Mr. Satre noted another inaccuracy regarding year-round employment and said that he has several friends who work year-round in downtown Juneau. There are strong feelings as to how businesses operate downtown and he is uncomfortable putting anything about that in the Comp Plan. Mr. Lyman suggested word changes as, “...this sector does not provide consistent numbers of full-time year-round jobs for local residents.” Ms. Bennett agreed with that language. Ms. Lawfer said that the section seems negative and she thought that it could be reworded to be more positive, such that Juneau offers many services. She does not like the word “Disneyland-esque.” Revisions could be made to promote local downtown businesses.

Ms. Bennett suggested a new SOP, which would read, “Encourage regular bus service to and from the ferry terminal to coincide with the ferry schedule.” Mr. Lyman suggested it be an IA since we currently do not do that. Ms. Bennett agreed.

Ms. Bennett referred to page 159, 10.9 and suggested IA4, “cooperate with local and state museums, cultural venues, the JACC, the JCVB, and the convention center to publicize and promote authentic Juneau and Alaska experiences and opportunities for visitors.” These venues have been omitted so far and she would like them mentioned in the Comp Plan.

Ms. Bennett noted page 161 under Waterfront Commercial, and said that the newly inserted paragraph should be introduced or put into context a little bit more. Mr. Lyman said that the paragraph was once a development guideline (DG) and he put it in the beginning in order to put the DG in better context. It functions to introduce the DG better. He would write a more transitional sentence.

Ms. Bennett referred to page 162, 10.12 and suggested IA2, “work with other southeast communities to support their economic development goals and minimize duplication of waterfront services where possible.” Mr. Chaney noted commissioner Miller’s opposite opinion at a previous meeting. Mr. Satre said it could be in the Comp Plan but may not have much of a

purpose in the future. Ms. Bennett said that if Juneau is more cooperative with other communities in southeast, those communities will most likely do more business with Juneau. Mr. Medina said that when he worked in Hoonah, the grant that they received for the 200-ton lift was due to the fact that there was not one available anywhere else in southeast. Ms. Bennett said if we are more cooperative with other communities in southeast, their residents will come to Juneau more often for shopping. Mr. Medina said he would hate to see Juneau impede on Hoonah's major economic development. Mr. Watson respectfully disagreed with commissioners Bennett and Medina, and said we should be careful when considering how other communities cooperate together. Private industries have the right to develop when the market allows, regardless of what other communities already have available. Mr. Medina clarified that communities should not be restricted in development, Juneau should just be aware of other communities' developments. He is suggesting that Juneau should be a good neighbor and we should expand on what the communities are currently not providing. Mr. Satre asked if there was language in the Comp Plan regarding Juneau's status as a regional hub. Mr. Lyman said yes. Ms. Lawfer said that the land use chapter should not discuss Juneau as the regional hub, as it is in the economic development chapter. She supports the public uses on page 164.

Ms. Bennett referred to page 163 and said that there already are several state buildings that are not in the capital area. She stated that Juneau is in a state of denial by expecting that all of the capital functions be taken care of in the downtown area. She suggested as a part of SOP1 or a new SOP altogether, "map state offices outside the capital complexes as well."

Ms. Bennett also suggested a new IA-1a, "cooperate with state and federal administrators to provide for the expansion of government offices and services, when needed, within the urban service area." A lot of government offices are not downtown anymore due to lack of available space. Mr. Satre noted the capital complex which comprises of the legislative branch of government and their support staff, the heads of administration, the Governor's office, and said that it becomes a true capital complex versus other state jobs that could be located anywhere in Alaska. The capital has major functions and it is critical to keep heads of state downtown. Ms. Lawfer agreed with Mr. Satre and said that it might need to be defined a little better in the Comp Plan. Mr. Satre said that perhaps a SOP could be put in to address it to also help encourage jobs in Juneau. Ms. Bennett said the federal and city government offices take up a lot of space downtown and it impacts the state. The state offices have moved into various buildings not previously used for state offices. Mr. Watson said that the reason why state offices outside of the downtown complex is not due to the state's preference; he said that state offices are designated by the legislature.

Mr. Lyman noted Map M on page 190. The Willoughby district has much of the capital complex. This capital complex issue is not about where the state workers will go, it is more about discussion on future items on local consistency. When DOT/PF needs to find local consistency with their project, the city can agree that it is appropriate for that area. The PC would like to see the language remain from the previous Comp Plan update.

Ms. Lawfer asked if something about recreational land uses should be included in the land use section. Mr. Lyman said it seems reasonable. It is alluded to in Neighborhood Facilities, but it seems appropriate to make some reference to it.

Mr. Medina referred to page 151, 10.2-IA1 housing types and asked if the PC really wanted to mention float homes. Mr. Lyman said it has been mentioned in the Comp Plan for a while and it helps to illustrate what the mixture of housing types might be. Mr. Lyman offered to mention the various types of housing may not be permitted anywhere within the borough.

Mr. Satre said that he is cautious about taking on chapter 11 right now. He would rather have a brief overview and wait for a resolution on the ordinance before moving forward. The PC agreed. He will then open up the past discussion for public testimony.

Public Comments: Ralph Kibby, 1980 Hughes Way, asked if there has been a lot of public participation on the Comp Plan update. Mr. Satre said some members have been here to listen in, public notice on these meetings have met code requirements, but no public comments have been given other than by those who have been invited. Mr. Kibby suggested reaching out to the neighborhood associations for this update. As this is a huge change in the community, the PC should ask what the public thinks about the changes made.

Mr. Kibby reminded the PC of a development last year in which he was involved, and he noted the amount that he has learned in that process. The Comp Plan is helpful but it was difficult to understand the transition from the Comp Plan to the zoning maps, to the land use code. In 2010, the PC provided the Assembly an ordinance to change the Table of Permissible Uses (TPU) that changed density within rural areas that are in the urban service boundary. He is concerned about the discussion on transitional zoning designation out of the Comp Plan. He recently bought a piece of property and he knew what could be done to his lot and the surrounding area. The change to the TPU completely changed the density of the neighborhood. The transitional zoning designation allows the public to understand what is possible on their property. The plans are in conflict with one another and he wants to understand it better.

Mr. Kibby also suggested that the Committee of the Whole consider ex parte. He believes that we lose the human element when all you can look at is what staff provides and what the applicant is doing. Since this is a regulatory body, they should consider discussing ex parte communication further. He also asked if many PC members have gone to legal training. Mr. Satre said that the legal team regularly consults with the PC, and many incoming commissioners have gone to annual American Planning Association conferences down south. Mr. Kibby asked if they think that they have received the support needed, outside of staff for training. Mr. Satre said that would be a question for each individual member to answer, but members are on the PC because they feel that they are qualified to sit on the board.

Mr. Bishop thanked Mr. Kibby for coming to provide comments and asked what he feels is the change that is not being addressed by the public. Mr. Kibby said that he was surprised that such a big change in the community results in only one person to speak about the Comp Plan update. He believes a big part of change to public policy is public comment. Mr. Bishop said that this is a Comp Plan review. Structural changes to the community validate reviews with small changes to the Comp Plan. Mr. Satre said that the review that PC is doing right now is not the 3-year process done recently. That was a long and involved process that had a component that included neighborhood association input. The intent for this is minor edits.

Mr. Satre said the intent of the PC is not to make quick changes while nobody from the public notices, rather he wants there to be a small update with some minor edits. Mr. Lyman said that the process has gotten much longer than anticipated. Each staff member looked at a chapter and it started off very simple. Certain text was changed to update new laws that were recommended for change. Some chapters have been completely rewritten, and all along, the plan had been that once the PC had gone through each chapter, one draft Comp Plan would be distributed to the community. Perhaps they should have had more public outreach, but now that the scope of the changes is known, there will be more public outreach. The proposal is not to do away with transitional zoning at all. Transitional zoning is very useful for future planning. Zoning will change with the installation of the sewer lines, which affects the type of develop that is allowed. He regrets that Mr. Kibby was not around for the previous change to the Comp Plan,

Public comment was closed.

Mr. Lyman said that the maps were prepared prior to the Lands committee meeting as a hypothetical way of consolidating; they are there for the PC to look at only. The PC could do with fewer land use designations.

After all chapters have been reviewed on a preliminary basis, a Draft Comp Plan will be published for review, after which the PC will begin a second round of review of the entire document.

Mr. Satre closed discussion about chapter 10 and said that chapter 11 will be discussed at a later date. Mr. Lyman said that chapter 10 and/or 11 is on the schedule for a later meeting, but they will be running out of items in the Comp Plan to talk about. They will take chapter 11 off of the agenda for the 8/14 PC meeting until they know what the Assembly does with the ordinance before them.

BREAK: 8:40-8:50

VIII. UNFINISHED BUSINESS- None

IX. REGULAR AGENDA- None

X. BOARD OF ADJUSTMENT- None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Mr. Chaney said that they are still working with FEMA to adjust the flood zone maps. They will bring the maps back to the PC in the future. They have a contract with R&M Engineering to do some line and flood zone adjustments. The focus is on the area between the Jordan Creek Mall and the Mendenhall Mall.

Mr. Chaney said that they are trying to set up an Auke Bay plan and they are trying to figure out how much involvement they will be allowed with DOT.

The CDD has three appeals currently in progress. The Dr. Ceder appeal on density, the 16B cruise ship berth appeal from the woman who spoke on the fisherman's behalf, and the Coogan construction appeal. There may be a solution to settle when they talk to the appellants.

The CDD Permit Center permitting value and volume is up by 7 & 9%, respectively. They have been busy considering they are lower staffed.

He commented that there have been a lot of changes to the code that many people are not aware of. He believes that the density increase in the General Commercial zone is completely unknown to the community. He advocated that there be some outreach on what has been changed, as the development community is not aware of the changes made and they are not applying for development permits. Mr. Kibby's comments were helpful. There is a delay with development when code changes are made.

Mr. Watson said that it is important that Mr. Chaney continue to represent issues to the Assembly. He thinks it is important for the new CDD director to keep the Assembly abreast of PC updates.

Mr. Medina noted the LDS church project and asked what the status was on that. Mr. Chaney said they have to add a turn lane and he is not sure what the status is of that project right now.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson said that the Public Works Committee met and the only topic that came up was the ATV park. They have tentatively identified an acre of land by Mob Island out the road. Money has been set aside to look at topography and the PC will hear more about it later.

Mr. Bishop said the Lands Committee met and they discussed the recent changes to the Comp Plan and asked how to address Comp Plan changes. There was concern about substantial conformance being interpreted as meeting the intent of the Comp Plan maps. There was unanimous decision forwarded to the Assembly referencing as such.

There will be one ordinance for the tower lease item regarding the DCS Tower Sub item that Ms. Marlow referenced at the Lands committee meeting, as the Community Development Department will be the lead.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Medina thanks Assemblyman Smith as he represents the PC well and follows through with their concerns.

XV. ADJOURNMENT

MOTION: *by Mr. Watson to adjourn the meeting.*

With no objection, the meeting adjourned at 9:05 p.m.