

MINUTES

**PLANNING COMMISSION  
COMMITTEE OF THE WHOLE  
CITY OF BOROUGH OF JUNEAU  
Michael Satre, Chair**

October 16, 2012

**I. ROLL CALL**

Chairman, Michael Satre, called the meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC)/Committee of the Whole (COW), held in the Assembly Chambers of the Municipal Building, to order at 5:23 p.m.

Commissioners present: Michael Satre, Nathan Bishop, Karen Lawfer, Marsha Bennett, Jerry Medina, Benjamin Haight, and Dennis Watson,

Commissioners absent: Dan Miller, Nicole Grewe.

A quorum was present.

Staff present: Hal Hart, Director; Greg Chaney, Planning Manager; Benjamin Lyman, CDD Planner

**II. NON AGENDA ITEMS - None.**

**III. REGULAR AGENDA**

AME2012 0006

Chapters 10 and 11 Comprehensive Plan

A text amendment of Title 49 and of the Comprehensive Plan for the 2012 Update.

Chair Satre gave an update that at the last Planning Commission Regular Meeting, they went through Chapter 10 of the Comprehensive Plan and Mr. Lyman gave an overview of some of the changes suggested. The two main things to discuss are the designation of Affordable Housing District Overlay as well as the transit-oriented corridors per the advice from the City Attorney.

Mr. Lyman stated that he did not recommend going into an extensive discussion regarding boundaries that are on any of the Land Use Maps in the Comprehensive Plan. He wanted to make sure that the commissioners understand the tools and the ramifications of those tools before applying them. Staff feels that in the future, a major update may be necessary.

He noted an e-mail correspondence between him and Heather Marlow, CBJ Lands and Resources Manager, regarding the existing Policy 10.14 with respect to public uses. The policy only currently speaks to the downtown area and Capital Complex in particular, but the implementing action speaks to overlay zones and doesn't really relate with any particularity to downtown. Heather's email pointed out that the City doesn't always get to use a lot of discussion in terms of what properties they acquire and so they may not want to say that all acquisitions have to be consistent with the Comprehensive Plan (like a property that is gifted to the City which cannot be anticipated in the plan). He suggested that they need to look at that language a little bit more.

He gave a brief overview of the overlay district maps stating that there is a description of transit-oriented development which is located in the Land Use Maps Chapter, but is not shown on the maps. An Affordable Housing Overlay District is defined in the glossary, described in the Affordable Housing Section, and there are a few implementing actions calling for it, but is not mentioned in the Land Use Maps Chapter.

He stated that is problematic because the Comprehensive Plan Maps enable the adoption of the zoning maps and the CBJ Law Department has provided guidance to the staff to have overlay zoning districts without first adopting enabling maps into the Comprehensive Plan.

He also clarified that citation 7.10 IA3 will not change with the renumbering; 8.5 IA5 is the currently adopted implementing action, but it is being renumbered as 8.3 IA3. He noted that the Critical Wildlife Habitat Overlay was missed in the 2008 update and needs to be looked into at a later date.

He mentioned two options to proceed with. First option would be to adopt individual maps for each of these new overlay districts that are called for in the Comprehensive Plan by priority; Affordable Housing Overlay District (AHOD), Transit Oriented Development (TOD), and the Noise Notification Overlay District.

Second option would be to adopt a single Bonus Eligible Area map wherein both AHOD and TOD Overlay Districts could be applied specifically through the zoning maps out of Land Use Code and they could use subsequent updates to address other overlay districts on a priority basis. We could also adopt separate AHOD and TOD Overlay District Maps.

Ms. Bennett asked what the timeframe would be on both options.

Mr. Lyman answered that first and foremost, the Comprehensive Plan needs to be reviewed and adopted.

Mr. Hart suggested putting all the implementing ideas into a pool of ideas and the Planning Commission can then tell staff which one of those they want to implement and in what order.

Ms. Lawfer asked if most of the Affordable Housing Overlay would be near the transit and felt that it might be confusing when put together.

Mr. Lyman responded that they will come back and sort how those intersect and how they want to deal with this.

They were looking at having two separate sets of bonus provisions in the code that already don't play well together. One that is for Planned Unit Developments and the other that uses bonus points with which one would buy certain development rights with, and they are not a good fit. That is one of the reasons why he started working on rewriting all of their bonus provisions, to try and figure out how they could start relating bonuses and to make sense of those relationships. The options are to do a single map that is sort of a bonus eligible area, or to do two separate maps; the assumption on all of this is that they will be dealing with Critical Wildlife Habitat and Noise Notification Overlays at some future date.

He started with the Urban Service Area Boundary saying that the outer limits are probably where the limits of bonuses for development should be. There may be something about preserving a critical view and being able to build a little bit taller so that the view plane is not obstructed. But they would not want to do parking reductions or density increases outside the Urban Service Area Boundary.

He then spoke about the draft three-tier Transit Overlay District with nodes, centers, and corridors, but felt that it might be too detailed for the Comprehensive Plan. He also felt that the draft Affordable Housing Overlay District (Urban Service Area Boundary) is probably too broad, especially because it covers areas without public sewer.

Overlay districts can be used to restrict or control development (e.g. in hazard areas). They can be used to provide a development bonus (e.g. in parking). They can also provide other unique opportunities (e.g. Convenience Store Overlay – having a convenience store in a zone where normally retail use of that nature cannot be placed). The fourth section of bonuses in the convenience store overlay section of code states that convenience stores are able to reduce their parking requirement if they put in bicycle facilities.

A question was raised if that bonus was applicable on a bus route to which Mr. Lyman replied that they can improve a transit stop and also reduce the parking requirement.

He defined concessions as things that developers provide the community, and bonuses as things that the community provides the developer (for the presentation).

He stated that unlike conditions on a permit, there is not a legal need to have an essential nexus between the project's impact and the concession or the bonus provided (e.g. a hardware store on a playground).

He also noted that a project's palatability to the public is important (e.g. a height bonus for preserving a view corridor from the ground level - the nexus is the view; a parking requirement reduction, or return for providing employee showers, bicycle racks, and transit improvements – the nexus is transportation).

He went on to state that they could give bonuses to developers such as reduction to minimum requirements of parking, vegetative cover or setbacks; increasing the maximum limit on density, height, and lot coverage. There can be financial support, tax increments, financing, business improvement district, and property tax deferrals; and permitting assistance such as expedited review or pre-permitting a project. Concessions that they could get from developers are building designs such as transparency at the ground floor, canopies over the sidewalks, façade treatments on the site design. How is the building oriented, does it sit behind the sidewalk, behind the parking lot, or is it up against the sidewalk? Parking layout and location, amenities such as public space; do they provide a public plaza or a public trail along a stream, do they make transit or other offsite improvements, do they preserve assets such as views, habitat, or public access to existing trails or shorelines. So, the relationship becomes interconnected.

He then brought up how the bonuses are related to the function, design, or intent of that overlay district. He gave examples of the bonus of a parking requirement being reduced, facilitating Transit Oriented Development and Affordable Housing and being appropriate for both. There is not necessarily a relationship between age and vehicle ownership or handicap or mobility impairment in vehicle ownership, but there is for financing and for economic demographics. The height limit being increased would presumably allow more units to be constructed, which would help for both Transit Oriented Development and Affordable Housing. Reducing or eliminating the setback may not have any effect on Affordable Housing, but it certainly has when dealing with a streetscape for Transit Oriented Development. He saw more similarities than differences and queried if both these overlays were required in the Comprehensive Plan.

Mr. Lyman recommended creating a single bonus eligible area map, using transit routes, looking at the Urban Service Area as the outer extent. They could then look at what are the critical corridors they want to include, what features such as vacant land within a high-density residential zone or a commercial zone, are there intersections or other opportunities for development etc.

Mr. Lyman explained the various designations using the map of the Affordable Housing Overlay District included in the packet.

Chair Satre asked with reference to areas without sewer service, if they are included in the map, if it would be a sufficient delimiter to add verbiage within the Comprehensive Plan that those (public service utilities) will be excluded until such time as provided.

Mr. Lyman replied that would be appropriate and added that just because these areas are eligible for eventual inclusion in the Comprehensive Plan doesn't mean, 1) that they are going to be in the maps that are adopted for regulatory purposes in the Land Use Code and 2) add a caveat that there is a threshold in the permitting requirements based on whether or not sewer is provided. In essence, for properties that are not connected to public water and sewer, no density bonus will be provided. Chair Satre followed by saying that it would then become part of the enabling ordinance.

Ms. Lawfer pointed out that would be fine for transit but it is important for Affordable Housing because you have to have water, sewer, and transportation.

Chair Satre stated that they need to define what affordable housing means because there can be complexes of high density, medium high rise, an accessory apartment, or a cottage development; all of which have different criteria that go along with them. The apartment building probably needs to be closer to the transit line. The accessory apartment does not necessarily need to be. In trying to put that together, they are basically entirely within the Urban Service Boundary with the exception of properties without sewer and water service. He asked if they were leaning towards medium density or higher density developments with the Affordable Housing Overlay.

Mr. Chaney commented that the purpose of this exercise was to establish where they could have density bonuses, which is disconnected from the idea of accessory apartments because accessory apartments are defined through another section of code. The idea of cluster development is what the focus is on, not all types of affordable housing, it is for density bonuses and that means water and sewer systems with transit and less parking, which he thought was one subset of affordable housing.

The commissioners discussed small basement apartments, medium and high density developments, the transit system, parking, bonuses, and how these factors affect the affordable housing overlay.

Mr. Bishop encouraged the commission to stick within a half mile or quarter mile range of the whole transit line as it exists currently for the Affordable Housing Overlay and then be more specific with the Transit Oriented Overlay, and modify it later.

Mr. Lyman stated that the definition in the Comprehensive Plan for the Affordable Housing Overlay District - "Land Use Zoning District which would be placed on a specific property as a zoning map amendment, supersede the development standard guidelines and requirements of the underlying zoning district designation for that property, such overlay district designations are used to encourage and facilitate the development of affordable housing on select commercial, multi-family residential, mixed use, and/or public properties, which meet the criteria established by the overlay district". He continued to say that was not intended to be something that was applied to single family, Duplex Residential Zoning Districts and family property owners in the way currently envisioned.

Mr. Lyman asked Commissioner Bishop if he had considered the 7 a.m. commuter and the three times a day when he meant the whole transit.

Mr. Bishop responded no and Mr. Lyman's clarification eliminated the whole front loop and the back loop because there are no commercial or multifamily properties on it. He suggested maybe what they needed to do is just pick all properties that are within those zoning districts that are within a half a mile of the transit systems.

Ms. Lawfer said she thought it could say both transit and affordable because they have been identified with transit oriented nodes as well as the oriented corridors.

Chair Satre asked Mr. Lyman what the distance was on the corridor.

Mr. Lyman answered one-quarter mile and then the nodes around are a quarter mile and a half mile. He went on to say that a quarter mile, as a general rule of thumb, is the distance most people feel comfortable walking to a non-work destination, work goes to about a half mile; but there is a huge variation based on the quality of the walking environment, the weather, sidewalk maintenance, whether or not you have to cross a major freeway along the way etc.

Mr. Lyman noted that in order to be eligible for this bonus, it has to be a half a mile on the ground by a legal walking route.

Mr. Lyman said that if they were to decide on a single bonus eligible map, all the references made regarding the Affordable Housing Overlay District and the Transit Oriented Overlay District will need to be included. He suggested that there has to be a clause that says these goals will be enacted under some other ordinance that would be adopted under these other maps because they didn't want to be referring in the Comprehensive Plan to maps they didn't have.

Mr. Haight stated that the nodes are an important part of the whole discussion and from a transit perspective, with respect to traffic and walking, the half mile is necessary. He asked if a quarter mile would be appropriate going away from the nodes.

Mr. Bishop mentioned that most people in the affordable housing area are going to have cars and keeping the climate of Juneau in mind, he suggested keeping it as wide as possible which in turn gives flexibility as well.

Chair Satre noted that some of the concerns might just get sorted through the natural filtering of the map as they progress forward.

Ms. Bennett questioned if there would be additional bonuses when building around a node at least initially because those are the areas that high rises would be more likely.

Mr. Lyman responded referring to two maps that the commissioners had in their packets (one with the two tiers and one with the three tiers). They correlate to text on page 198 in the staff report relating to transit corridors, transit-oriented corridors, and transit-oriented nodes which are each described and are hierarchical, where one has the most basic level of bonus provision and then each one gets more bonus, but will also more requirements/concessions from the developer for the public. He felt that this may be more detailed than what they really wanted to get into in the Comprehensive Plan. He echoed Commissioner Bishop's comments to rather than having a system of half mile wide nodes, quarter mile wide corridors of different tiers in the enabling document, to just have that same corridor with a half a mile wide area that is eligible. The Land Use Code could then adopt these with the levels of bonuses and requirements.

Ms. Lawfer, referring to the flexibility aspect, asked if there was an opportunity to expand the transit system in the future, if they would have to go through the whole Comprehensive Plan again. (e.g. Riverside Drive.)

Chair Satre replied that they would quickly come up with an amendment to adopt this in the Comprehensive Plan, present it to the Assembly and get the public process going.

Mr. Lyman mentioned from his previous experience, doing a quarter mile radius from Mendenhall Loop Road, a lot of Riverside Drive gets included. They could fix routes with may be some switch in transfer points.

Ms. Lawfer referenced the development behind the Mendenhall Post Office and queried on the parking requirement if a similar situation were to arise.

Mr. Lyman felt that it was fair to allow for a lower parking requirement in an affordable housing area, if it is adequately served by transit and non-motorized transportation infrastructure. He also noted the necessity for cars for some people and the importance of making allowances for them. He felt that they could get to affordable housing by some other way than just lowering the parking requirement.

Ms. Lawfer reiterated that transportation is a part of affordable housing.

Mr. Lyman used the maps to further explain the area that the half mile and quarter mile radii would cover.

There was some discussion about eliminating industrial and waterfront industrial properties from eligibility and not show them on the map.

Mr. Lyman pointed out that if they adopt a Comprehensive Plan Map that cuts out the industrial zones and it is not shown within that half mile, if an application for rezoning the property is brought up at a later time, then it won't be eligible. He suggested eliminating noxious uses and making it harder to change industrial land to commercial uses in the future.

Mr. Bishop felt that it sounded good but would not work. He noted an example where they have residential uses in the industrial zone or right next to the industrial zone at Lemon Creek, which is working fairly well. He would be more inclined to limit that to Zoning Maps rather than Comprehensive Maps.

Mr. Watson felt that it was important to protect the industrial lands as it is a limited resource now.

Ms. Bennett agreed that they shouldn't encroach on the industrial property under the assumption that building more housing will in effect cause industrial zone users to hire more people.

Chair Satre did not want to give up waterfront industrial as that is valuable territory and felt it should be put to its highest and best use. He questioned whether they would prevent encroachment on industrial in the Comprehensive Plan Maps or through the writing of bonus provisions later on allowing for some freedom on potential resources in the future.

Ms. Lawfer asked about Noise Overlay.

Mr. Lyman replied it is a Noise Notification Overlay, the Land Use Code controls where that use goes, the applicant has to get a Conditional Use Permit and notification goes out to the neighbors of that application through the land use permitting process. This is a notification that the City would require a realtor to tell the prospective buyer about it.

Chair Satre noted that it is already required by the State of Alaska through the Real Estate Commission, but felt that the message needs to be louder.

Mr. Lyman questioned if the commission wanted to truncate these bonus eligible areas at the industrial boundaries or on major features, rivers, and channels.

Mr. Chaney stated that the purpose of this is to create incentives for people to build where the City wants them to and labeling those potential areas over industrial zones is bound to send out a mixed message.

Mr. Bishop commented that cities come about because of industrial zones, they start as industrial zones generally and eventually pushing the industrial zones out. He felt that this was a normal progression that always happens and an appropriate way for a community to grow. He realizes that Juneau has a limited amount of industrial land, commercial land, waterfront land, and residential land. He suggested the commission look at development on the transit corridor to be suitable for a multitude of uses and probably a little bit less industrial than others. He was against trying to oversimplify development in the community.

Mr. Haight agreed with Mr. Bishop in that they have seen a natural progression in their own city with all of the industrial moving from the downtown area outwards as well as with new lands in West Douglas. He also recognized that that they are struggling with the impact that industry brings into residential areas with noise, odors, and traffic and trying to maintain industry right in the middle of these areas would become even more problematic. He advocated just maintaining that allowance to be addressed with the bonuses separate from the comprehensive.

Mr. Bishop acceded to just allow for the understanding that there is a potential for bonuses in the industrial zone.

Chair Satre was acceptable of truncating these zones on natural features, but felt that residential zones encroach on industries more often than not. He believed it imperative to do everything possible to preserve the industrial areas as long as possible. He suggested having the maps truncated on the features and tightening the language for future presentation to the public and to the Assembly truncated.



Ms. Lawfer asked staff whether it would make a difference if the commission were to first identify light industrial and heavy industrial because the new light industrial definition encourages mixed use to some extent.

Mr. Lyman clarified that light industrial is what is currently defined as industrial. The intent of heavy industrial (not marked on the maps) is creating an area for rock crushers, asphalt batch plants, landfills etc. Light industrial, currently designated as heavy commercial light industrial (e.g. big box stores, carpet stores), is to try and keep a location for industry that allows up to one dwelling unit per piece of property as an owner or caretaker occupied residence. He also noted that technically, industry, retail, and residential is a mixture of uses, but here, they are referring to a kind of vitality that is built into the neighborhood through the mixture of uses.

Ms. Bennett stated that the maps should reflect the purpose of the density bonuses which is primarily to provide more housing and if housing is not going to be allowed in the industrial areas, it should not be included in the maps.

Chair Satre agreed with Ms. Bennett's comment.

Mr. Lyman referring to the maps asked about using the Comprehensive Plan district boundaries, instead of the zoning district boundaries, for where those bonus provisions can or cannot be utilized and then put a half mile corridor around the transit line and carve off these areas that are designated as industrial. They could then update it on the zoning maps. He gave an example of adding heavy industrial, light industrial, waterfront industrial, institutional and public use with details of design amenities, pedestrian amenities, parking requirement reduction, and provision of transit service.

The members agreed with adding institutional and public views.

Mr. Medina queried if a decision was made on the bonus points in the industrial zone, residential.

Chair Satre replied that they are not going to include industrial, either the new heavy industrial or the light industrial or waterfront industrial in the bonus eligible overlay. He added that they are going to stick with the Comprehensive Plan boundaries, not zoning boundaries, so that any changes due to map changes and what is happening in the Borough start with Comprehensive Plan maps and then work up through the process.

The members discussed with the maps as reference where the Comprehensive boundary ends, using the river as a natural breakpoint, adding transit to the lands on the north to allow for more development, incorporating language in the Land Use Code for no development in hazard areas (to include avalanche hazard areas), keeping the transit routes as they exist today with slight modifications.

Mr. Lyman stated that he will bring back a revised text in two weeks with all the input given by the commissioners. They commissioners spoke about the change of boundaries on Map F, updating land use designations, adjusting appropriate density areas in relation to uses, looking into properties with multiple designations such as on Map O, what the next priorities are for subarea planning, and the next full update of the Comprehensive Plan to be in year 2030.

Mr. Lyman asked if everybody had reviewed the text in Chapter 11 and felt comfortable talking about it on a higher level.

Chair Satre mentioned that he wanted to bring up some of the changes in Chapter 11 regarding individual land designations. He acknowledged that a lot of work went into putting very detailed descriptions of what each land type meant, but questioned if that much detail was actually necessary. The commissioners agreed to get rid of it.

Chair Satre summarized by saying that they were left with potential changes to the text of Chapter 11, which was the verbiage to support the new bonus eligible district, the overlay maps, and getting rid of all the detailed descriptions of each of the map units.

Mr. Lyman agreed that that would cut the workload substantially, though on the idea of removing the lists of zones that are appropriate for different designations, he pointed out that there was a profound lack of understanding at the Assembly level as to the relationship between the Land Use Maps of the Comprehensive Plan and the Zoning Maps of the Land Use Code and how they relate. He felt that they were getting to the heart of that by renaming some of the districts, so that we there were not 2 General Commercials and 2 Mixed Uses.

He wondered if adding a tool that could be adopted as an appendix of the Comprehensive Plan would serve as a quick and easy reference guide for translating Land Use Designation Maps to the Land Use Code, so that Assembly members could easily understand the relationships.

Chair Satre said he thought something like a matrix that points out that relationship is one thing and could be very helpful for the Assembly and general public, but cautioned about the possibility of inadvertent admissions and unintended consequences.

Mr. Bishop stated that he was leery for that exact same reason but thought that a matrix would have the same problem unless it has specifics.

Chair Satre said he knew that Mr. Lyman has suggested incorporating the matrix as part of the Comprehensive Plan, but suggested that they put the matrix together with a link on the website as part of a presentation to the Assembly and a public tool, but not to be included in the document.

Ms. Lawfer brought up the example of the city-owned Parks and Recreation Department managed land and that no development shall be permitted other than structures, roads, or other things necessary, so that is the intent and the purpose. She said that because we know the intent

and the purpose, then we can talk about whether something that comes outside the norm is substantially compliant with that.

Mr. Lyman sought further guidance, giving examples of hazard areas, scenic corridor view sheds, stream corridors that really overlays and not meant to be an underlying Land Use Designation. He felt it should be made clearer in the text and say that it could be appropriate in any zoning district.

Mr. Bishop said that he was in support of what Mr. Lyman proposed and would encourage them to continue to incorporate those in the plan.

Mr. Watson concurred saying that he would certainly agree with Commissioner Bishop and thought that the danger was in going too far and inadvertently injecting their own opinions and open it up for misinterpretation.

Mr. Medina concurred with what had been said.

Mr. Bishop said that while he supported the idea of doing the changes on those overlay areas, he thought that they also included descriptions that can be removed as well.

Mr. Lyman agreed to revise, clean out, and make the major changes that were suggested and supported by the commission.

Ms. Lawfer interjected asking if staff had gone through the subareas that start on page 229 with regards to watersheds and resources.

Mr. Lyman replied that when they started doing this review in the fall of 2011, the planners were assigned a separate chapter and their own subareas to review but since then, a lot of the staff has left, with minimal notes on some of the areas. He had sent the entire chapter to the Chair of Parks and Recreation Advisory Committee and the Director of Parks and Recreation asking for an update as well. Mr. Lyman said he didn't know if any of them had really been thoroughly vetted.

Chair Satre said they were going to be looking at these subareas in detail especially the high priority ones such as Auke Bay, Pederson Hill, and Douglas.

Mr. Lyman mentioned he wanted to clarify that although he was talking about moving out the planning horizon he was not talking about not updating the plan until 2030. He felt that the plan still needed to be updated and as discussed, he referred to Chapter 18 which covers in detail how frequently minor or major updates should be done. They would probably need to come back with a new or at least substantially updated revised plan in three years. He mentioned they were still essentially running off of the skeleton of 1987 and thought it was probably time to start with a blank paper and do an entirely new plan from the ground up using this to inform our decisions.

Mr. Bishop raised a concern that the Parks and Recreation subareas do not always coincide with theirs.

Mr. Lyman responded that it was actually discussed in detail at the staff level during the 2008 Comprehensive Plan update because the Parks and Recreation Comprehensive Plan update was being done at the same time and it came down to the fact that they were looking at slightly different things. Parks and Recreation re-did the entire map set and therefore are multiple maps per subarea, which are different from the maps that the Planning Commission has. It may be necessary in the future to come back to the geographic areas that are adopted in our zoning map set and look at those individually.

Mr. Lyman read from the existing Comprehensive Plan Policy 18.2. "It is the policy of the CBJ for the Planning Commission to undertake a general review of the Comprehensive Plan once every two years and to make recommendations to the Assembly to amend it as necessary to reflect changing conditions and needs and to consider and enact amendments to the plan and Land Use Maps including amendments to the Urban Service Area boundary, at any time the Planning Commission and Assembly determine that amendments are needed." He noted that they have already suggested revisions for that in this update. He concluded that he thought he had a pretty good idea of what needs to happen going forward.

Chair Satre thanked Mr. Lyman and his staff for all their hard work.

**IV. OTHER BUSINESS** - None.

**V. ADJOURNMENT**

***MOTION:** By Mr. Bishop to adjourn the COW meeting.*

*There being no objection, it was so ordered and the COW meeting adjourned at 7:44 pm.*