

MINUTES

**REGULAR PLANNING COMMISSION MEETING**

City and Borough of Juneau

**Mike Satre, Chairman**

October 28, 2014

**I. ROLL CALL**

Mike Satre, 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 7:00 pm.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman; Karen Lawfer, Bill Peters, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers

**Commissioners absent:** Dan Miller

**Staff present:** Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Eric Feldt, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I; Rob Steedle, Deputy City Manager; Rorie Watt, Director of Engineering; Kirk Duncan, Director of Public Works

**II. APPROVAL OF MINUTES - None**

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Juneau resident Israa Ghering said she was before the Commission once again to speak about the use of day care codes. She said in three more days there will be another day care shutting down resulting in approximately 45 more children needing day care. In a D3 zone her day care business could only have 12 children, she said. They want to open a day care facility in a D3 zone, said Ms. Gehring.

**IV. PLANNING COMMISSION LIAISON REPORT**

New Borough Liaison Mr. Loren Jones reported that the meeting prior to the last Assembly meeting had before it the ordinance changing the zoning on 43 parcels on North Douglas. The Assembly by a five to four vote has remanded that back to the Planning Commission, said Mr. Jones. The discussion mostly revolved around the public notice aspect, he explained, from the person on North Douglas who had raised the issue.

There will be an Assembly retreat this year on the 24<sup>th</sup> (November) from noon until 5 p.m., said Mr. Jones. The Assembly meeting that day will be canceled and only the retreat will be held, he said. The Assembly will not be formally setting goals until January, said Mr. Jones.

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

**VI. CONSENT AGENDA**

CSP2014 0017: Local consistency review of DOT&PF project to remove and replace the Jordan Creek Bike Path Bridge on the southerly side of Egan Drive near the Nugget intersection; repave and lower four cross culverts on the multi-use path on the northerly side of Egan Drive between the Nugget intersection and Fred Meyer.

Applicant: State of Alaska

Location: Egan Drive

**Staff Recommendation**

Staff recommends that the Planning Commission find the proposed project, remove and replace the Jordan Creek Bike Path Bridge on the southerly side of Egan Drive near the Nugget intersection; repave and lower four cross culverts on the multi-use path on the northerly side of Egan Drive between the Nugget intersection and Fred Meyer, consistent with CBJ 49 and the plans adopted therein, with the following condition:

1. The length of the project shall be signed with way finding signs where appropriate as part of the Cross Juneau Bikeway. The applicant must submit a signage and striping plan for review and approval by the Community Development Department for consistency with the Non-Motorized Transportation Plan.

Staff further recommends that two advisory conditions be placed on the finding of consistency in order to provide all possible notice to the applicant and the project contractor that a construction noise permit will be required for heavy equipment work during night-time hours as provided at CBJ 42.20.095(b), and that notice must be provided to JPD and to CCF/R prior to any street closures.

**Advisory Condition:**

1. CBJ 42.20.095(b) Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.
- 2.

3. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshall and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work, and is punishable by fine as an unlawful street closure under CBJ 72.17.010.

**MOTION:** *by Mr. Watson, to approve CSP2014 0017, with staff's findings, analyses, recommendations and conditions, and asked for unanimous consent.*

The motion was approved by unanimous consent.

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

**VIII. UNFINISHED BUSINESS**

AME2014 0006: Revisions to Accessory Apartment requirements of CBJ 49, Land Use Code.  
Applicant: City and Borough of Juneau  
Location: Borough wide

**Staff Recommendation**

Staff requests the Planning Commission discuss the points in the May 13<sup>th</sup> staff report, the draft white paper, and the draft ordinance. Staff requests continued guidance on the questions asked in that report:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes?  
And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

These are the key questions which were asked in May, said Ms. McKibben, and she stated she does not believe they have changed with the draft ordinance.

Mr. Voelckers stated that he thought the ordinance was well drafted, so if there were any strategic ambiguities he would like to see them pointed out at this juncture.

Ms. McKibben said when associating accessory apartments with duplexes, at what point would it then become a triplex. As the discussion moves towards increasing the size of an accessory

apartment or adding it to a duplex, would it remain an accessory use or would it then become multi-family, stated Mr. McKibben.

Mr. Watson stated that in all of his years on the Planning Commission, an accessory apartment means accessory to a single family home, not an accessory habitation for duplexes and not for multi-family dwellings.

Chairman Satre stated that his preference would be to move the ordinance forward for further discussion instead of trying to hash out further questions and have it again cycled back to a committee.

**MOTION:** *by Mr. Peters, to approve AME2014 0006 as amended by the motion, with the staff recommendation to limit it to single family dwellings to restrict duplexes and multi-family homes, and to accept the two-tiered approach as presented.*

Ms. Grewe expressed concern that the motion be approved and moved to the Assembly without further opportunity for public comment.

Mr. Peters stated that the Commission has taken ample public testimony and that the issue has been adequately discussed at the Affordable Housing Commission and by the committees that came together to discuss the housing need in Juneau. He stated that he felt the ordinance is ready to move forward.

Ms. Grewe said it is of some concern to her that ordinances that revolve around the land use code do not run through Title 49 anymore. She said it felt faster than the pace the Commission usually works at.

Ms. McKibben wanted to make sure that the Commission was comfortable with the language as a policy direction in the two-tiered approach. The larger size for a single family detached accessory apartment net floor area equal to 50% of the primary dwelling unit is not to exceed 1,000 square feet. Ms. McKibben stated she wanted to make sure the Commission was comfortable with this language before it moved on.

Ms. Lawfer said that she felt comfortable with the size and that it is based upon affordability.

Mr. Haight stated that he has trouble dictating the size. He said the economics should be the driver. If one bedroom is the necessity than economics should push it in that direction, he said.

Mr. Voelckers said there is a natural flexibility in the construction of the number of units and that the only variable is that additional parking is required as the number of units rises.

Mr. Voelckers spoke in favor of the motion, saying that he did not want this ordinance to languish too much longer.

Chairman Satre noted that while there may still be some work to do on duplexes and multi-family units and other districts, that this ordinance at least provides opportunities for single-family homes to get something done.

The motion passed with no objection.

**IX. REGULAR AGENDA**

CSP2014 0019: City Project Review for relocating Capital Transit’s Valley transfer station from the back of the Nugget Mall on Mallard Street to Pipeline Skate Park located at 2400 Mendenhall Loop Road.  
Applicant: City and Borough of Juneau  
Location: Mendenhall Loop Road

**Staff Recommendation**

Staff recommends that the Planning Commission recommend to the Assembly the relocation of the Mendenhall Valley transfer station from the Nugget Mall to the Pipeline Skate Park.

Staff further recommends an advisory condition regarding lighting when funds are available to make improvements to the site.

Advisory Conditions:

1. Sufficient exterior lighting must be provided along the bus staging area to permit safe pedestrian access.

This proposal was brought forward said Ms. McNally because the timings of the new schedule were not working and a transfer site was needed further North in the Valley. Two inbound and outbound buses can be on the site simultaneously without any improvements, said Ms. McNally. The buses will not impede the existing parking area for the skate park, she said.

Mr. Watson said that lighting should be required immediately and not when funds are available should the new location at the skate park be approved. He said he was disappointed at this late date after all the money that was spent on the study that it was suddenly discovered that the site needed to be moved after all of the public comment that had been gathered.

Mr. Haight asked for a comparison and contrast of the routes to the existing transfer station at Nugget Mall and the proposed new transfer station.

Mr. Duncan said that the same transfers that exist at the Nugget Mall will be moved to the new location. The bus will travel on Glacier Avenue to the skate park rather than travel behind the Nugget Mall, said Mr. Duncan. The express bus would turn at the Fred Meyer intersection, go on Yandukin to the airport, then continue on Shell Simmons to the skate park, said Mr. Duncan. He explained that the inbound express would come into the skate park, then continue to Shell Simmons, then to Yandukin.

Ms. Lawfer asked where a St. Vincent De Paul resident would board the bus.

Mr. Duncan said it would be at the Wells Fargo bus stop by Shell Simmons.

Mr. Jackson asked how many buses would be going in and out of the skate park per day.

Mr. Duncan said the buses would be going in and out of the skate park approximately every half hour.

Mr. Jackson expressed concern about the impacts of the buses on the children that use the skate park. He said that lots of children use the skate park.

Mr. Duncan said from his anecdotal experience that most of the children who use the skate park are dropped off at the skate park. He said when present at the skate park the buses will be there for approximately 2 minutes.

Mr. Jackson said in the summer the children skate or walk into the skate park. He said he agreed with Mr. Watson and that lighting should be provided at the time that the buses began using the park.

Mr. Voelckers asked if there will be provisions for cover and how long the transfer time would be for buses.

It is the intent to provide one or two covered areas, said Mr. Duncan. Unlike the Nugget Mall, they do not believe that this will be the beginning of a transport, said Mr. Duncan. They would be getting off of one bus and onto another bus, said Mr. Duncan.

Mr. Voelckers asked if there would always be another bus waiting for the transfer.

Mr. Duncan answered in the affirmative.

Mr. Watson commented that the Nugget Mall stop does have lighting from two car dealerships across the street that have lights on 24 hours a day seven days a week, and that the mall has security lights on in back where the bus stop is currently located. The need for lighting at the skate park is created with large buses coming in and out of that parking lot, said Mr. Watson.

#### *Public Comment*

Owner of the business adjacent to the skate park Grandma's Featherbed Mel Perkins said that he agreed that there were some real safety considerations about the proposed location of the skate park for bus transfers. He said it would need to be lit and it is used by a lot of children. He added that the parking lot surface is not asphalt but rather chip seal, which is not prepared for heavy bus traffic.

Mr. Voelckers asked if there were specific proposals for shelters to be provided at the skate park at this time.

Mr. Duncan replied that they are considering relocating the shelters from the Nugget Mall bus stop. He said they recognize the need for a shelter at the skate park location.

Mr. Watson asked if improving the surface at the skate park parking lot was part of the plan for that parking lot.

Mr. Duncan replied that it was part of the plan.

Mr. Jackson noted that absent any proper shelter that people waiting for the bus would use the actual skate park facility for shelter.

**MOTION:** *by Mr. Peters, to approve CSP2014 0019 with staff's findings, conclusions and recommendations with the amendment that lighting for the area be mandatory, not an advisory, and also to add a condition that the existing structures at the Nugget Mall or a comparable shelter area be provided before changing the routes.*

Chairman Satre asked Mr. Goddard since this is a recommendation to the Assembly if all conditions in the motion are still to remain advisory conditions.

Mr. Goddard affirmed this statement.

Mr. Watson spoke in favor of the motion, and reminded the Commission that while density in the area was being increased, bus service in that area was being decreased.

Ms. Lawfer concurred with Mr. Watson, stating that this was also her biggest concern.

Chairman Satre joined Mr. Watson and Ms. Lawfer stating that bus service was being reduced from a high density area making it that much more difficult to access a bus to make it to town to a job, for example.

The motion passed by unanimous consent.

CSP2014 0020; Planning Commission CIP Project Nomination, was moved down the agenda, with the two items under the Board of Adjustment moved up on the agenda.

The Planning Commission convened as the Board of Adjustment.

## **X. BOARD OF ADJUSTMENT**

Commissioners Haight and Voelckers recused themselves for the following two variances due to conflict of interest.

Chairman Satre said they would hear both variances as one item but that they would need to make separate motions for each item.

VAR2014 0022: A variance to reduce one side yard setback from 10' to 0' and another side yard setback from 10' to 5' for a new office building  
Applicant: MRV Architects  
Location: 1050 Harbor Way

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2014 0022.

If the Planning Commission makes new findings which meet Criteria 2, 5 and 6, staff recommends the following conditions:

- 1) Prior to issuance of a Building permit, the applicant shall describe in a narrative and show on a site plan how snow and water run-off will be sufficiently managed on the site with the new encroachments allowed under this variance.

VAR2014 0024: A variance to increase the maximum height from 35' to 45' for a rooftop elevator/stairwell enclosure of a new office building  
Applicant: MRV Architects  
Location: 1050 Harbor Way

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2014 0024.

If the Planning Commission were to receive comments from the JIA manager and from local flight industries showing the request is not an aviation hazard, as well as make a new finding for criterion 6, staff does not recommend any conditions of approval.

As noted under Option 3, staff requests a discussion be held at a future Commission meeting from the Commission about roof-top access enclosures and height limitations.

Mr. Feldt said the public notice was to reduce the side yard setbacks on the ground floor from 10 feet to 0 feet, and on the second and third floors from 10 feet to 5 feet. The project is for a three floor office building with office space on the second and third floors and a rooftop area that has been designed for the owner to use for operations of the facility, said Mr. Feldt.

This building is for the new site of Marine Exchange of Alaska, said Mr. Feldt. The proposal does not meet criteria two and six, said Mr. Feldt. The applicant depends upon the open space along the CBJ Harbor for the movement of light and air, said Mr. Feldt. The roof will be designed to capture rain, water and snow melt, said Mr. Feldt.

The applicant's analysis indicates that the neighborhood would benefit by development on the lot which would greatly improve visual aspects of the immediate area and would strengthen the



waterfront district, said Mr. Feldt. The staff's analysis indicates that reducing the setbacks would benefit only the property owners need for the project and developing the site does not automatically result in more benefits than detriments to a neighborhood, said Mr. Feldt. Because of those unmet criteria the staff recommends against approval of the variance, said Mr. Feldt.

On VAR2014 0024 said Mr. Feldt, after the public notice had been sent out the applicant had revised the roof height from 47 to 45 feet. The purpose of building height limits, explained Mr. Feldt, is that it lessens the creation of a wind tunnel effect, and the overshadowing adjacent tall buildings. It preserves the movement of light and air and reduces hazards to aviation, said Mr. Feldt.

Enclosed pedestrian access to reach the rooftop and for maintenance of the roof is a very common element for buildings in downtown areas, said Mr. Feldt, which may be an element to be explored in future variances, he said. At this time this is not properly addressed in the land use code, he said.

Staff recommends against the above variance being approved due to criteria number six not being met, said Mr. Feldt.

#### *Commission Comments and Questions*

Mr. Watson asked for a description of the parameters of the neighborhood that would be impacted by the project.

Mr. Feldt described a marine business next door to the proposed site, a gas station with a car repair across the highway, the Juneau Douglas bridge close to the project, with an office building, hotel and boat harbor in the area as well.

#### *Applicant*

Mr. Brett Farrell, Assistant Director of Marine Exchange of Alaska, said he believed that taking an empty lot and putting up a building of this quality would provide increased revenue to the community and taking what is now essentially an eyesore would provide a benefit to the downtown community.

Mr. Watson asked for confirmation that the adjacent Forest Service building was essentially a warehouse.

Mr. Farrell confirmed that it was essentially a warehouse building.

Mr. Zane Jones, with MRV Architects, ran the Commission through the architectural plans of the building.

Ms. Lawfer asked if the zero side yard setback on the ground floor was so that the parking requirements could be met for the building.

Mr. Jones said that was correct.

Mr. Watson asked how steep Mr. Jones estimated the slope to be on the waterside of the lot.

Mr. Jones said he did not know, but that it was a very dramatic drop and that the building would be on pilings.

Ms. Israa Gehring asked about potential structural difficulties with the height of the building and the wind in town.

Mr. Jones replied that they do have a structural engineering design team and that the building will meet all building codes.

First addressing VAR2014 0022, Mr. Watson stated that he did not see that there were any problems with criterion number two being met, especially considering that the adjacent building was a warehouse.

Mr. Watson stated that he saw no problem with criterion number six being met. He said the property is currently an unattractive lot and the proposed structure would definitely be an improvement to the neighborhood and to the community.

**MOTION:** *by Mr. Watson, that VAR2014 0022 be approved and that the criteria are met, including criteria number two and six, that they accept staff's findings and recommendations and that prior to issuance of a building permit, the applicant shall describe in a narrative and show on a site plan how snow and water run-off will be sufficiently managed on the site with the new encroachments allowed under this variance, and asked for unanimous consent.*

Ms. Lawfer said she felt it was a benefit to the neighborhood to have ample parking for the building and that they were dealing with all of the requirements for the parking.

Ms. Grewe also spoke in favor of the motion stating in this instance the building would create a vibrant entrance into the downtown neighborhood.

The motion passed by unanimous consent.

**MOTION:** *by Mr. Watson, that VAR2014 0024 be approved and that all criteria have been met, including criterion number 6, that they accept staff's findings and recommendations including the comments from the airport manager, and that prior to issuance of a building permit, the applicant shall describe in a narrative and show on a site plan how snow and water run-off will be sufficiently managed on the site with the new encroachments allowed under this variance, and asked for unanimous consent.*

The motion passed by unanimous consent.

The Board of Adjustment reconvened as the Planning Commission.

CSP2014 0020:	Planning Commission CIP project nomination.
Applicant:	City and Borough of Juneau
Location:	Borough wide

The staff is approaching the Commission to solicit its submission of project proposals for inclusion in the Capital Improvement Project (CIP) list, said Ms. McKibben. A six-year Capital Improvement Plan is revised every year, explained Ms. McKibben. It guides the investment of public funds for maintenance, repair, construction and acquisition of public infrastructure facilities and equipment. It is presented to the assembly in April with the draft fiscal year budget, said Ms. McKibben. It is included with the city manager-recommended project priorities for the fiscal year.

This will come up again in the spring, said Ms. McKibben, with the draft CIP, after the Public Works and Facilities Committee is done, and they have also taken input from the department heads and the other agencies, and it will be reviewed for consistency with the Comprehensive Plan and the other adopted plans.

Mr. Watt stated that the CIP is both the funding plan for this year and it is also the six-year planning document.

Ms. Lawfer asked if projects on the CIP list approved for 2015 sales tax were affected by the CBJ budget cuts.

They were all funded, said Mr. Watt, or in various states of progress.

Mr. Voelckers asked for more explanation of the CIP process.

Title 49 states that the Planning Commission has to review the CIP for consistency, said Ms. McKibben.

Mr. Voelckers asked if this is more of an advisory role on other's projects or if it actually creates new proposals.

Chairman Satre said the Commission has the ability to advise the Engineering Department and the Assembly what they think would support their priorities. Sometimes it may involve the addition of an item such as new lights for shelters for the new transport station for example, he pointed out. The official role is verifying that the Comprehensive Plan supports the items listed in the CIP, said Chairman Satre.

The Planning Commission will further discuss the CIP at its meeting December 9, 2014.

**XI. OTHER BUSINESS - None**

**XII. DIRECTOR'S REPORT**

Mr. Goddard introduced Tim Felstead as the new planner on the planning staff.

He said that Mr. Hart is in Auke Bay and they are wrapping up the Auke Bay Plan for presentation to the Planning Commission.

Some of the staff of the Planning Department is participating in facilitation of the Economic Development Council small group meetings, said Mr. Goddard.

The draft from the Subdivision Review Committee has been edited by the staff, and it should be in the hands of the Commission the week before it is due to be presented at the meeting on November 13, said Mr. Goddard.

Mr. Voelckers asked what the next step would be with the Subdivision Ordinance.

Mr. Goddard said if the staff received the draft back from the Commission at the December 9, (2014) meeting, it would then go to the Law Department for review prior to going on the agenda for the Assembly by the end of December or early January.

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

The Public Works and Facilities Committee met on Monday, (October 27, 2014) said Mr. Watson. Heating for the Zach Gordon Youth Center was discussed, he said. There was also discussion on artificial turf fields and their toxicity, said Mr. Watson. However it has not been deemed to be a problem in Juneau, he said.

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

Ms. Grewe asked for an update on Haven House.

There has been no appeal of the Conditional Use permit granted Haven House at this juncture, said Ms. McKibben. They have 20 days to appeal the decision which was made on October 16, (2014) said Ms. McKibben.

Mr. Watson said that he was assuming that with the Auke Bay Steering Committee coming to a close that the staff would have their time freed up from that area to devote to other issues.

Mr. Goddard stated that with the Subdivision Ordinance and the Auke Bay Steering Committee coming to a that close staff time should be freed up in those areas. He added that the Wireless Telecommunication Facility may be coming back before the Commission due to some changes in FCC (Federal Communication Commission) rules.

Chairman Satre stated that he chatted briefly with Ms. Gehring who has come to two meetings so far concerning the child care issue. He requested that the staff write up a very brief report comparing Juneau code to Anchorage code for example, and the number of children that it allows as a point of reference for discussion.

Mr. Voelckers asked if it was possible to do a courtesy walk through the Sobeloff building at perhaps the December 9, (2014) meeting as it was nearing completion.

### **XV. ADJOURNMENT**

The meeting was adjourned at 9:27 p.m.