

Planning Commission
Auke Bay Implementation Ad Hoc Committee

Tuesday, October 2, 2018, 12:00 PM
Marine View Building, 4th Floor

Call to order 12:04 pm.

I. Roll Call

Planning Commission:

Dan Miller (Chair)
Paul Voelckers
Dan Hickok
Nathaniel Dye

Staff:

Jill Maclean, Director, CDD
Beth McKibben, Planning Manager, CDD
Allison Eddins, Planner II, CDD
Marjorie Hamburger, Administrative Assistant, CDD

II. Approval of Agenda

Hearing no objection the agenda was approved.

III. Approval of Minutes

A. September 11, 2018 Draft Minutes

MOTION: by Mr. Dye to approve the minutes with no edits.

The motion passed with no objection.

IV. Agenda Topics

I. Zoning Regulations, Overlay Regulations, and Incentives

Ms. Eddins said she felt the committee was making progress. It is important to understand that when making connections between what the city wants a developer to do and what the city can give in exchange, there needs to be a clear understanding of the public benefit to make sure it relates in some way to the bonus received. Ms. McKibben said she spoke with the Law Department whose opinion is that although a bonus does not need to be directly connected to a public benefit, they support that it does. Ms. Eddins said she does not think that double dipping, getting many bonuses for one thing, is the way to go. She wants to insure that there is public benefit. Also, linking bonuses to benefits seems the simplest method for example; if a developer puts parking in the rear of the building s/he can have a parking reduction, not a height increase. She said she is hoping to have this conversation with the committee to clarify

what is wanted in terms of development and how to prioritize the bonuses. There is only so much we can give to a developer, she said.

Mr. Miller said he is not so sure he agreed. Mr. Dye said a reduction in parking is more necessary when there is an increase in density. He said he thought the intent was to facilitate the likelihood of bonuses being used. Mr. Voelckers said he felt this to be an important question that needs slowing down to game out. He said he was on the fence but did not think it best to lock into a system of doing one thing to get one thing. More likely there will need to be a blend that needs some massaging, he said. The interaction between things has not yet been worked out. Mr. Hickok suggested listing bonuses and giving points for each that allow the developer to choose what works best for them. Ms. McKibben said what she was hearing was the committee wanted something simple, but she thought this was not so complicated and not all that different from what was done in the Alternative Residential Subdivision (ARS) and Planned Unit Development (PUD) ordinances. Ms. McKibben said her initial concern was that there might be legal precedent regarding the nexus of what is given and what is gotten. It seems there is not, however she cautioned that there should be a thought-through, rational link between the two.

Mr. Miller said that Mr. Hickok hit the nail on head. If parking is located behind a building and the developer received 6 points, but he seeks 12 points to get other things he wants, he would need to decide what else to do to get those additional points. Ms. Maclean said she thought it wise to step back and think about the Auke Bay area plan and what the community wanted to achieve in terms of a walkable, mixed use, etc. neighborhood. This would require situations that are currently unusual to Juneau like parking in the rear and the creation of new roads. In order to achieve the design, she said she is not concerned with how many bonuses are received as long as it is possible to create the community that was desired in the plan. What is the problem if the outcome is achieved, she asked? Mr. Voelckers agreed and said that getting a street grid and frontages are the main priorities. Parking behind buildings may be part of achieving these goals as well as mixed use of buildings, canopies, and pedestrian walkways. These are his four top priorities, he said. Ms. Eddins asked if these priorities include locating buildings close to the street. Mr. Voelckers said it was nuanced – the goal is to have continuity between buildings so the walkways work.

Mr. Dye asked if staff wanted each committee member's list of priorities from 1 to 10. Ms. Eddins said knowing the top 5 or 10 could work.

Mr. Dye said he found it hard to prioritize because so much is interconnected with the end result. How to push the density, for example? Items not tied to density might not fit so well.

Mr. Voelckers pointed out that the committee is walking a tricky path with public goals on the one hand and private developer success on the other. He would like to offer success to developers if they achieve the aim of the public goals. This would be a win-win, carrot cake with frosting so to speak, he said.

Mr. Miller asked what others think about a point system to get to the bonuses. Ms. McKibben thought some point system like for the ARS would be the way to go. Some of these things are

interrelated, she said, and perhaps earning points for excellence in design and implementing the Auke Bay vision could be grouped together so as to figure out “X” number of points. Ms. Eddins said the system could be like building design standards – a list of everything you can do to get 10 points. She said she was hesitant to create a system completely based on points, however, but she could be persuaded otherwise.

Mr. Dye said he always struggles with bonuses and who makes that call. He said he appreciated Mr. Hickok’s point about not all things being created equal and developers going for low hanging fruit. He wondered how situations might play out, for example in a situation with two buildings with canopies and one in between without, how to tie in systems so that developer will put in a canopy. Continuity has to be achieved to make these things work, he said.

Mr. Hickok pointed out that the city will not just be dealing with one developer. One property owner makes a grid system but the neighboring owner does not. Mr. Miller said there ought to be some points for someone who develops a larger tract of land by subdividing and creating the grid and setting up covenants. There should be points that go with the land in such a case. Someone who buys one of these lots would then be required by covenant to put parking in back, a canopy in front, etc. and that buyer could get some more bonuses. Mr. Dye said there was something like that for Vintage Park but the covenants in that case have not functioned as best as they could in that subdivision. Now, 30 years later, much of that land remains undeveloped. He said he liked the idea but does not want to bring on unintended problems. Mr. Voelckers said he liked incentivizing a developer to subdivide and create a grid and get iron clad legal allowances about parking etc. Right now the focus has been on design, things like bike racks, etc., but he said he saw the need to create a category for site development. Mr. Miller is on the right track, said Mr. Voelckers.

Mr. Hickok asked how covenants come about. Mr. Miller said for a minor subdivision, it happens at the staff level but in order to incentivize the developers there would need to be bonuses. Ms. Eddins said that bonuses would require obtaining a CUP, this has been said before. Ms. Maclean said she did not think a subdivision would be the trigger, but a CUP. Ms. McKibben said she was now hearing interest in a two tiered approach – earn bonuses through subdivision covenants, which is a new model she had not yet seen. Mr. Voelckers asked if large subdivisions that are meaningful would come to the Planning Commission. Yes, was the answer, if there are more than 13 lots.

Mr. Hickok asked if a developer would have to come before the Planning Commission to set covenants. Mr. Dye said he thought they should so staff would not have to carry that responsibility. Staff would work with that applicant and the case would come to the Planning Commission. Ms. McKibben pointed out a potential flaw - if a developer has to bring the project before the Planning Commission, they might be likely to design in such a way as to avoid doing that. Mr. Miller said he thought if it is attractive enough, they would want to. Ms. Maclean asked if it would be easier to encourage people to go for a Conditional Use Permit and then turn around and subdivide. Ms. McKibben said it could be similar to the steps in a PUD review. There is a need to be thoughtful not make the process too complicated, she said. Ms. Maclean said she thought the efforts of obtaining a permit and subdividing could run concurrently. Mr.

Voelckers said he liked having an overall consistency for a subdivision instead of starting with 0 at every property. Mr. Miller said he liked this about canopies, having this is the covenants of a subdivision. The developer selling the land could get a benefit if the bonuses would travel with the land being sold.

Mr. Voelckers asked if it was appropriate to use the CUP process for just land platting and not doing a development project. Mr. Dye recalled from the Bill Yankee appeal that CDD can't enforce plat notes, is that correct? Ms. McKibben said she would need to find out how far CBJ could go with this concept, but she thought the PUD model might fit. She wondered how to implement it on an individual lot. Ms. Maclean said that the ARS is the same as the PUD and it can be just a couple of lots – a Use Permit with a subdivision can be run concurrently. If a developer with a large tract did this type of subdivision process and put restrictions on the lots, could the buyer of an individual lot get more bonuses? Absolutely, said Mr. Miller.

Vintage Park was permitted in the 80's through a special process, said Ms. McKibben, so she wondered what might happen if this process was executed but later someone wanted to deviate from what was approved to do something that would be beneficial to the public, what would happen then? Mr. Voelckers said that mostly there would be allowances for doing what any good developer would do. Ms. McKibben asked if any subdivision in Auke Bay would be required. Only if the owner wanted to do that with a property, said Mr. Miller. Ms. McKibben pointed out that in that case a marketing effort would be required. Mr. Miller said that most developers could figure this out themselves if they were made aware of the potential. This is good material for a neighborhood meeting, he said. Mr. Voelckers suggested a "My Turn" column in the newspaper written by the Mayor would catch people's attention. Mr. Dye said that when looking at buying property, people look at what is possible to develop to get the best return on their investment. Marketing happens naturally, he said, it is inherent to the business. Mr. Voelckers said a bigger concern is that lots of people interpret change as bad so there is some value in discussing a PR strategy to get to a win-win mentality in the community.

Ms. Eddins thought this was a good segue into bonuses and asked where the best increase in the value of the property might be found, for example is the biggest carrot density or perhaps parking? Mr. Voelckers said a developer can't do one without the other. Ms. Eddins said that when platting a right-of-way is encouraged by offering an increase in lot coverage this has not gone so well but offering double the density might be more interesting. Mr. Voelckers suggested talked to developers and inviting them to come and be part of the solution because he felt that a small group of property owners will be key to enacting this change. Mr. Dye said he still couldn't see separating the bonuses. Ms. McKibben said she was hearing that the committee preferred offering a suite of bonuses to pick from, once the developer has given something to the community. Mr. Dye said there needs to be flexibility in order to be useful. Ms. Maclean suggested maybe there be a maximum total for each category but leave it up to the developer to pick. Site by site what is most desired and valued will vary based on the topography, etc., she said. Mr. Miller said that some combination of bonuses will be required to get to the end goals. Mr. Dye said it will be important to encourage the developer to stick with it because bonuses might move as the project moves.

Mr. Voelckers said he thought points would be the way to go. He also suggested it might make sense for one of committee members to sit for hour with Ms. Eddins and game this through. Otherwise Ms. Eddins throws something up and we respond, he said, but Mr. Miller lives this stuff. Mr. Miller said he could do that. Ms. McKibben suggested going “code shopping” to see examples from other communities, but she did not want to lose sight of the Traditional Town Center concept in the Comprehensive plan by moving things into the Auke Bay overlay district – parking behind buildings, mixed use, and higher density. Aside from a subdivision, individual bonuses could be written into base zoning, she said. Mr. Voelckers said regarding this point, we have not really done too much of backing out what lives in a Community Mixed Use (CMU) zone. We don’t care about setbacks as long as we get alignment, he said. Ms. McKibben suggested that part of CMU zoning include flexibility in development. Buildings are closer to the street in Auke Bay and a Traditional Town Center, thought could be given as to how to create that balance between CMU and the Auke Bay Overlay. Mr. Dye said that at the last meeting there was talk about the first developer setting the tone; this should be part of standard zoning. But, he said, looking at the carrot approach he felt more hesitant about placing bonuses in zoning rather than in the overlay. Mr. Voelckers said he felt it should not be phrased as a bonus, should not be a competing element.

Mr. Dye returned to Ms. McKibben’s marketing conversation and said he would not want developers to start with a bad taste in their mouth because the city required them to do something. Ms. Maclean said she did not think it would fly. Ms. Eddins said it seemed the way forward is tied to lot coverage. Mr. Voelckers said he thought that was the right way to handle it. Mr. Dye asked if this meant in the underlying zoning district. Yes was the answer. Ms. Eddins wondered if all the bonuses were taken out of zoning district, how could it be said that the purpose of the overlay is to create streetscapes. Mr. Voelckers said this was worth more thinking. The only specific reference is variable front setbacks.

Mr. Miller said he thought that what was missing off the public benefit list is viewscapes. He said he was not sure how to bonus that. It is not just what is in front of the house; desirable views can be from other sides, so how can these be protected? A developer who steps a building to the side or in some way accommodates some viewscapes, but this does not work for everybody’s viewscapes, would s/he not get the bonus? Mr. Hickok asked if the first rezoning would obstruct views, would the building behind be allowed to be 4 stories tall? No one wants to live in Auke Bay if they don’t have view. He said he is concerned about height. Mr. Voelckers suggested there could be one flexible bonus system but there also might have to be a center core with Zone A and Zone B and different amounts of allowable stories so that the first building constructed does not max out height for those built behind. Mr. Dye said earlier in the conversation about viewsheds it was stated that there needs to be flexibility in interpretation for the Planning Commission to receive public comments. How can it be written in code that some viewsheds might be more valuable than others, he asked? Mr. Voelckers thought this could be added as another incentivizing bonus to a builder who masses in a way that preserves viewsheds. The concept would be subjective but could encourage developers to be creative.

V. Committee Member Comments and Questions

Ms. Maclean suggested changing the date of the next meeting so staff had more time to prepare a draft ordinance and still have a public meeting in November. Mr. Dye asked why not bring Law in at this time to be sure the draft is on the right track? Ms. Maclean said she is okay running it by them, but she is concerned about their lack of time right now and slowing down the process. She thought it would be more efficient to get staff and committee ideas identified, then talk about the concepts with the public, then have the draft reviewed by law.

Mr. Voelckers asked if it was legal to incentivize height and density with points. He felt this was a question in need of an answer fairly soon.

Mr. Dye said he felt that there needs to be a public meeting attended by all committee members so everyone can hear the public's response. The committee members discussed the format of this meeting but did not finalize any plans.

Mr. Miller said he felt the ordinance was getting close but there was still the need to define the concentric bonus rings and figure out height bonuses.

Mr. Miller will get together with Ms. McKibben and Ms. Eddins to game some things out before the next meeting, to take place on November 6.

The tentative plan is for a public meeting on November 28 or 29, hopefully at Auke Bay School.

Mr. Voelckers suggested that some points could be on a sliding scale depending on quality or whatever. Mr. Dye said he would want to quantify that some.

VI. Adjournment

The meeting was adjourned at 1:10 pm.