

APPROVED MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Michael LeVine, Chair

December 12, 2023

I. LAND ACKNOWLEDGEMENT – Read by Paul Voelckers.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Michael LeVine, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:01 p.m.

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chair; Mandy Cole, Vice Chair; Travis Arndt, Clerk; Erik Pedersen, Assistant Clerk; Paul Voelckers; Matthew Bell; Adam Brown; Nina Keller; David Epstein

Commissioners absent: None.

Staff present: Jill Maclean, CDD Director; Irene Gallion, Senior Planner; Jennifer Shields, Planner II; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Law Assistant Municipal Attorney

Assembly members: Paul Kelly

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

MOTION: *by Mr. Arndt to amend the agenda, moving item “P. Planning Commission Comments and Questions” to the “G” position.*

The motion passed with no objection.

IV. APPROVAL OF MINUTES

A. November 14, 2023 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Arndt to approve the November 14, 2023, Planning Commission Regular Meeting minutes.*

The motion passed with no objection.

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None.

VII. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Arndt took this opportunity to thank Mr. LeVine and Mr. Voelckers for their 9+ years of service on the Planning Commission. Each Commissioner in turn seized the moment to elaborate on how much they appreciated the knowledge passed on to them by Mr. LeVine and Mr. Voelckers and lauded their service to the community.

Mr. Voelckers thanked the fellow Commissioners and went on to say that doing what is fair for the community at large is a delicate balancing act which is challenging and rewarding. He encouraged more members of the community to serve.

Mr. LeVine said that he had been reflecting on his time on the PC and how much he learned from veteran members when he started. Over the years he gained an appreciation for the amount of time it takes for staff and the Commission to find the right answer in the [land use] code, or change the code to ensure that important projects are able to move forward. He offered to remain a resource for any Commissioners remaining on the PC.

VIII. ITEMS FOR RECONSIDERATION

IX. CONSENT AGENDA

USE2023 0012:	Conditional Use Permit for the construction of a new single-family dwelling with an accessory apartment on a substandard lot in a D5 zoning district.
Applicant:	Douglas and Cherry Eckland
Location:	5 th Street

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit for the construction of a new single-family dwelling with an accessory apartment on a substandard lot in a D5 zoning district. The accessory apartment will be approximately 544 square feet and located on the first floor.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE Conditional Use Permit USE2023 0012.

MOTION: *by Mr. Arndt to accept staff's findings, analysis, and recommendations, and approve USE2023 0012 after a correction is made to the Staff Report regarding setbacks. The structure meets the five (5) foot side yard setback for the zoning district, and it is a retaining wall that is within the setback.*

The motion passed with no objection.

USE2023 0017: Conditional Use Permit approval to construct a new 8,940 square foot Food Securities building on a 5.4-acre lot in an Industrial zoning district.
Applicant: The Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA)
Location: Anka Street

DIRECTOR'S REPORT

The Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA) is requesting Conditional Use Permit approval to construct a new 8,940 square foot Food Securities building on a 5.4-acre lot in an Industrial zoning district. The building will include a commercial kitchen for food processing, cooking, and preparation in support of CCTHITA's catering business.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE with conditions the requested Conditional Use Permit.

MOTION: *by Mr. Arndt to accept staff's findings, analysis, and recommendations, and approve USE2023 0017.*

The motion passed with no objection.

X. UNFINISHED BUSINESS

XI. REGULAR AGENDA

USE2023 0008: Conditional Use Permit request for a new six (6) story, 72-Unit Multi-Family Housing Development. **CONTINUED FROM 10/24 PC.**
Applicant: Steve Soenksen
Location: Gastineau Avenue

Mr. Arndt declared a conflict and recused himself.

Mr. LeVine asked Mr. Voelckers if he was up to speed on this agenda item since he was not present at the meeting from which this item was continued. Mr. Voelckers confirmed that he was.

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit to create a six (6) story, 72-unit multi-family structure in a Mapped Moderate Landslide and Avalanche Hazard Area. A Hillside Endorsement from the Planning Commission is also required. The project site consists of three (3) vacant lots in a mixed-use zoning district. In support of this application, the applicant is in the process of consolidating the three (3) lots into one (1) lot, to eliminate the proposed structure crossing internal side lot lines. The Lot Consolidation may be approved at the Director level. In October 2022, the CBJ Assembly approved the appropriation of \$700,000 from the Juneau Affordable Housing Fund for the project.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY Conditional Use Permit USE2023 0008.

Director Maclean brought attention to the memo from Chief Etheridge, Capital Fire and Rescue (CCFR).

Ms. Cole asked Ms. Maclean to identify the owners of the land that a haul road runs through that could potentially become a second access point to the proposed building site, connecting Gastineau Avenue to Thane Road. Ms. Maclean responded that the land is not owned by CBJ and is in hazard zones.

Mr. Voelckers elaborated that at the last meeting, Ms. Maclean explained that installing a road in a hazard zone would create liability for CBJ and wondered where the distinction is between the liability that already exists to CBJ by maintaining Gastineau Ave., and where the road might possibly extend to. Ms. Maclean explained that situations and knowledge change over time and what may have been acceptable in the past would not be acceptable under current standards. She went on to say that, while extending the road is in the Capital Improvement Projects plan, it is not scheduled to be looked at until FY28 and would likely not remain a high priority for CBJ.

Steve Soenksen, the applicant, presented to the PC. He started by addressing the unanswered questions from the Commission during the last meeting. Public safety concerns will be addressed through site building and project design. For pedestrian access, the Bulger Way staircase could be extended. This would provide second egress for normal and emergency use from S. Franklin St. The applicant would construct the staircase to current standards with the understanding that CBJ would take over maintenance of the staircase for public use once constructed.

Mr. Soenksen said he was in contact with a company that uses the land that extends past the end of Gastineau Ave., and they would be amenable to allowing second access to the proposed project site during construction and for emergency purposes. The use agreement would be contingent on restricted access, maintenance, drainage, snow removal, etc.

The lighting plan has been amended to address previous Commission concerns. A detailed snow removal plan was submitted. A few on-site parking spaces will be provided, but the Marine Parking Garage (MPG) is located within several hundred feet and will likely be utilized by the tenants.

Further information was provided to illustrate stability mitigation measures. James Bibb, project engineer, was available to answer any engineering or design questions. The site will be stabilized in two phases before construction begins on the building. Most of the material excavated from the site will be used as back-fill for the walls. The building will cover about 90% of the site and drainage will be designed so as not to compromise the stability of the structure.

Commissioners asked questions about traffic circulation and congestion, parking, and snow removal.

Mr. Soenksen responded that this development is intended as mostly seasonal workforce housing. It is not expected that every tenant will own a vehicle and drop off/ pick up traffic circulation was accounted for in the design planning. Additionally, all units will be furnished and move-in ready, so moving trucks blocking traffic circulation is not an anticipated nuisance. There will be a seasonal area used for covered outdoor recreation area and bicycle parking in the summer, and snow storage in the winter.

Mr. LeVine asked questions related to the Hillside Endorsement. Mr. Soenksen responded stating, while not required for this zoning district, setback will be implemented for drainage and maintenance purposes, replacing as much vegetative cover as possible.

Ms. Maclean asked the applicant if he had reached out to CBJ Parks and Recreation to confirm whether a lease agreement would be available for parking at MPG. Mr. Soenksen responded that he had not reached out to that department directly but had become familiar with the facility policies and thinks parking would be available for tenants.

PUBLIC COMMENT-

Jenna Guenther- She sees a lot of clarification within the additional materials submitted by the applicant, but not a lot of the concerns that were brought up at the last meeting have been addressed, especially regarding the concerns brought up by the abutting property owners as to hillside slippage, property damage, and access issues. She noted that MPG is frequently sold to capacity for the entire summer season and doesn't believe parking there would be a reasonable option for tenants.

Richard Etheridge, Fire Chief for CCFR- Development of this project would exacerbate issues that CCFR already deals with. Many times, it is not possible to get a fire engine all the way down Gastineau Ave. due to large vehicles being parked along the road, or snow removal berms causing cars to be parked further out in the roadway in the wintertime. There have been instances where the fire engine has had to park at the Baranof Hotel and fire crews riding up in an ambulance, or fire crews and medics having to ride to the site of an emergency in a pickup truck. There is no turnaround at the end of Gastineau Ave. The space next to the fire hydrant that CCFR has been using is experiencing bank sloughing, which decreases the size of the available turnaround area. There are frequently abandoned or illegally parked vehicles in the area, which compounds the problem. Once a fire engine makes the turn to proceed up Gastineau Ave., it takes no less than 20 minutes to travel to the end of the road, turn around, and make it out of the area to proceed to any subsequent emergency calls because of difficulties with turning and how narrow the street is. Bulger Way was mentioned by the applicant as a potential for secondary emergency access. This is not considered acceptable fire access or as egress for getting people out of the building in an emergency. There would not be enough room to maneuver a fire apparatus to conduct emergency operations in the area. A 20-foot clear road is required by fire code, which many parts of Gastineau Ave. do not meet already. CCFR frequently responds to medical calls on Gastineau Ave. in addition to broken sprinkler systems and landslides.

Mr. Epstein asked if construction of the haul road thoroughway would resolve the safety concerns of Chief Etheridge. Maintaining permanent, year-round access would resolve the safety concerns. There would have to be assurances in any agreement that access would not be revoked.

Ms. Cole and Mr. Pedersen pointed out that, if the plans for the building do not meet code, then the project would not be cleared for a permit and construction could not commence. Mr. Etheridge confirmed that, if this project were submitted as presented, it would not be able to obtain approval because of the access issues.

Mr. Brown asked why CCFR does not own a fire engine suitable for use in the downtown district and if there was alternative equipment that would be better suited to address the situation. Mr. Etheridge explained that mini pump trucks do not have the same water capacity as a standard size truck. CCFR has two engines on order that are nine inches narrower than the existing equipment. There are the smallest trucks available in the U.S.

Ke Mell- She is familiar with the project because she has discussed the project informally with the applicant and believes that this project would be a huge asset to the downtown district in terms of housing. She wants to see the project move forward. She acknowledged the significant technical challenges of the project but does not believe they are insurmountable.

ADDITIONAL TESTIMONY FROM THE APPLICANT

Mr. Soenksen stated that the safety concerns are being addressed as a design challenge. Elements will be added that will assist the fire department by fighting fires within the building. The building will be fully sprinkled and the building will be constructed of noncombustible material.

MOTION: *by Ms. Cole to approve USE2023 0008, Conditional Use Permit for the development of a 72-unit, six-story multi-family structure in downtown Juneau with the following conditions:*

MOTION: *amendment by Mr. LeVine to add a condition "12. Prior to issuance of a building permit, an agreement shall be reached with CCFR to satisfy emergency equipment access requirements."*

Mr. LeVine justified the amendment by saying that the PC should be on record as being concerned about this particular issue and there should be a path forward for CCFR and the applicant to work together towards a resolution to this issue. Mr. Pedersen stated that he does not support the amendment because design features like hose connections within the structure and sprinklers could negate the need for a second access point.

No- Cole, Pedersen, Brown, Bell

Yes- Epstein, Keller, Voelckers, LeVine

Motion to amend fails 4-4.

Ms. Cole said that she could have supported the amendment if the word "access" was removed because it implied road access. She would support a more broadly worded motion.

MOTION: *amendment by Mr. Pedersen to add condition "12. Prior to issuance of a Building Permit, an agreement shall be reached with Capital City Fire and Rescue (CCFR) to satisfy emergency response requirements."*

The motion passed with no objection.

1. Prior to issuance of a Temporary Certificate of Occupancy, an exterior, bear-resistant trash receptacle shall be provided.
2. Prior to the issuance of a grading permit or building permit, the applicant shall obtain a right-of-way permit from Engineering and Public Works for improvements within Gastineau Avenue.
3. Prior to the issuance of a Temporary Certificate of Occupancy, wheel stops shall be installed to define parking spaces.
4. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for the accessible parking space.
5. Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area.
6. Prior to the issuance of a Temporary Certificate of Occupancy, covered bicycle racks providing spaces for at least twenty-six (26) bicycles shall be provided. The rack(s) shall be permanently affixed to the ground, building, or other permanent fixture, and shall be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area. Covered bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the JNMTP.
7. Prior to the issuance of a grading permit or building permit, the applicant shall obtain a right-of-way permit from Engineering and Public Works for improvements within Bulger Way. A bond or other financial warranty shall be provided by the applicant according to the provisions of CBJ 49.55.010 prior to construction. The bond shall be administered by Engineering and Public Works.
8. Prior to the issuance of a Temporary Certificate of Occupancy, pedestrian stairway access shall be installed to the project site within the Bulger Way right-of-way and accepted by Engineering and Public Works.
9. Prior to the issuance of a Temporary Certificate of Occupancy, sufficient exterior lighting must be provided along the extension of the Bulger Way stairway to permit safe pedestrian access.
10. All exterior light fixtures shall be of a "full cutoff" design and located to minimize offsite glare.
11. All construction activities which impede or limit reasonable emergency response vehicle access shall be coordinated in advance with Capital City Fire and Rescue (CCFR) for an acceptable plan and timeline.
12. Prior to issuance of a Building Permit, an agreement shall be reached with Capital City Fire and Rescue (CCFR) to satisfy emergency response requirements.

Further, the Commission adopted the Director's Findings 1, 2, and 5 from the staff report dated October 17, 2023, and revised Findings 3, 4, and 6, as stated below:

Finding 3: Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development will comply with Title 49 regarding traffic, parking, non-motorized transportation, exterior lighting, snow storage, and hillside development. The design of the structure is appropriate for the existing topography, including the difficult slope. The engineering principles applied

will provide a safe hillside development. This is an unusual case for a hillside endorsement because the site is zoned MU (Mixed Use), which is the densest zoning in the Borough with 0-foot setbacks, which means there will be relatively little soil remaining on the site. The applicant has met both the intent and the legal requirements of the Hillside Endorsement code. Based upon the new, additional information and discussion during the hearing, the hillside endorsement requirements for vegetative cover and replanting are intended to be met.

Finding 4: Will the proposed development materially endanger the public health, safety, or welfare?

No. Per existing and newly adopted hazard code, this development is appropriate for this site. The code does not require specific additional mitigation for this site, which is not in a severe or moderate avalanche area. Any necessary mitigation would have been addressed through the planning that satisfies the hillside endorsement. There are no additional, specific mitigating measures required to maintain health and safety. In addition, as conditioned, the development may not occur until all Capital City Fire and Rescue requirements for emergency response are addressed.

Finding 6: Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. CDD's finding of 'No' was predicated on the idea that the 2013 Comprehensive Plan recommends limiting development in landslide and avalanche hazard areas. As explained above, the existing and newly adopted hazard code allows for this development at this site, and emergency response requirements must be addressed. The proposal would increase affordable housing, which is one of the primary city- wide goals as expressed in adopted plans.

Mr. Voelckers spoke in support of the motion and findings. He feels that the applicant has done the research regarding the engineering analysis required for the hillside endorsement. Mr. LeVine also spoke to the fact that the requirements for vegetative cover and replanting intend to be met by the applicant. It has been a priority of myriad CBJ groups to find a way to increase housing, especially downtown, and this has historically been a site for successful housing.

Ms. Keller spoke against the motion. Ultimately, the proposed site of this development is in a hazard zone regarding mass wasting. Mr. LeVine responded that the Assembly passed an ordinance to deregulate landslide hazard areas, so there will be no prohibitions in code preventing the development. Ms. Cole also reminded the Commission that if the project does not meet code, then a building permit would not be issued for the project to commence.

Ms. Cole stated that she supports the ingenuity and perseverance that went into designing this project. She does not refute the problems on Gastineau Ave. require a solution that goes beyond what one project can provide. The ultimate goal is to change the way downtown is used to increase the way residents live downtown, decrease the amount of driving downtown, and make sure that the PC is working to meet the goals established by Blueprint Downtown and some of the other CBJ plans.

Mr. Epstein spoke in support of the findings and said that a lot of the concerns have been ameliorated through the design of the project.

Mr. Pederson and Mr. LeVine spoke in support of the motion.

Yes- Cole, Epstein, Brown, Bell, Voelckers, Pedersen, LeVine

No- Keller

The motion passes 7-1.

XII. OTHER BUSINESS

Mr. Pedersen recused himself.

APL2023 0005: An appeal of Director's determination regarding SLC2023 0002 – consideration whether to accept the appeal per CBJ 49.20.110.

Applicant: Howard Andrew Graves

MOTION: *by Ms. Cole to accept APL2023 0005 for a hearing on-the-record.*

The motion passed with no objection. The appeal is accepted.

Ms. Keller was appointed as the presiding officer by Chair LeVine. Ms. Layne cautioned PC members from discussing the appeal amongst themselves.

XIII. STAFF REPORTS

Ms. Maclean will have drafted code language regarding Accessory Dwelling Units out to the PC this week in preparation for the Title 49 Committee Meeting next week. Hazard maps were adopted by the Assembly at the previous evening's meeting and will become effective in 30 days. She requested feedback from the PC regarding when to provide new member/ refresher training during one of the scheduled January meetings. Minta Montalbo has been promoted from Administrative Officer to Senior Planner to focus on the Comprehensive Plan and Long-Term Planning. Ilsa Lund has been promoted from Administrative Assistant to Planner I to join the Short-Term Planning team. Before work on the Comprehensive Plan begins, Blueprint Downtown and the South Douglas/ West Juneau plans will be completed. The engineering team in charge of the Telephone Hill redevelopment project has a survey out now trying to reach a broader audience for input. At the Assembly Retreat, the Assembly focused on housing, city-lead development, and the land use code. A full rewrite of Title 49 is a priority for the Assembly. Contractors will be utilized in specific fields of expertise to support staff with the rewrite. The projected timeline for the rewrite is 3-5 years.

XIV. COMMITTEE REPORTS

Mr. Arndt stated that the Title 49 Committee will hold a regularly scheduled meeting to discuss changes to the Accessory Dwelling Unit code.

XV. LIAISON REPORTS

Mr. Kelly thanked Ms. Maclean for going over the Assembly Retreat and the changes to the hazard maps. The Assembly is getting ready to take action on affordable housing. At the November 6, 2023 Assembly Lands, Housing, and Economic Development Committee meeting, members decided to recommend the

top two projects to the full Assembly, which put the fund \$1.6 million over budget. An ordinance was recommended to increase the available funding for that project. New appointments will be made to vacant board and commission seats later in the week.

XVI. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None.

XVII. EXECUTIVE SESSION N/A

XVIII. SUPPLEMENTAL MATERIALS

6. Additional Materials Packet

XIX. ADJOURNMENT- 9:41 p.m.