

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chair
August 8, 2023

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Arndt

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 7:00 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 present via video conferencing – None

Commissioners absent: None

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

Assembly members: ‘Wáahlaal Gíidaak (Barbara) Blake

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

IV. APPROVAL OF MINUTES

A. July 11, 2023, Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Epstein to approve the July 11, 2023, Planning Commission Regular Meeting minutes with changes.*

The motion passed with no objection.

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – by Chair LeVine

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA – None

IX. UNFINISHED BUSINESS – None

X. REGULAR AGENDA

VAR2023 0001: Variance to lot coverage limitations to allow an additional 1,440 square foot garage.
Applicant: RESPEC
Location: 3050 Fritz Cove Road

Staff Recommendation

Staff recommends the Planning Commission adopt the Director’s analysis and findings and deny VAR2023 0001.

STAFF PRESENTATION – by Director Maclean

APPLICANT PRESENTATION

Mark Pusich, RESPEC, presented on behalf of the property owner. The variance request is to exceed the ten percent allowable lot coverage area on the existing D1 parcel to build an additional, larger garage to accommodate ADA accessibility issues for the owner’s disabled spouse.

Mrs. Lindegaard, property owner, explained she is a polio survivor, there is currently an ADA garage on the property which helps to make the home accessible. Mr. Lindegaard needs a structure on the property with a lift so he can work on and maintain her accessibility equipment.

QUESTIONS FOR APPLICANT

Mr. Voelckers: There is an existing garage with ADA access doors. Is it not big enough for equipment maintenance? Mr. Pusich: Correct. The current garage is not adequate to maintain the equipment, including the lift, the chair and vehicles.

Ms. Cole: Tell us about the previous requested variance to build a garage which was permitted at 600 sq. ft. but was built to 837 sq. ft. Mrs. Lindegaard: We were not married at the time the garage was built so I do not know why he built it that way.

Mr. LeVine: Why not just knock down other structures on the property to allow the construction of the requested building? Mrs. Lindegaard: That would be very expensive to demolish existing buildings. The house itself was built smaller than permitted and the land has expanded so she feels this should be allowed.

Mr. Epstein: What is the reason for full restroom accommodations in the building? Mr. Pusich: One purpose for the shower is in case chemicals need to be washed off.

Mr. Arndt: Is there a feature of the lot creating a hardship? Mrs. Lindegaard said she will answer with her husband after public testimony.

PUBLIC COMMENT

Wayne Coogan, Fritz Cove - Spoke in support of the requested permit saying the new garage will be much easier for Mrs. Lindegaard to access than the one currently on the property.

Brandee Gerke, (daughter to Mrs. Lindegaard) – Spoke in support of the requested permit saying it has been incredible to see how Mr. Lindegaard has worked to accommodate her mother’s circumstance.

Dave Hanna – Spoke in support of the requested permit.

COMMISSIONER QUESTIONS –

Mr. Arndt: Is there a feature of the lot creating a hardship that necessitates the garage, combined with the other structures on the lot, to cover more than ten percent of the lot? Mr. Lindegaard: Explained his wife cannot access the existing garage, especially in the winter. The new one will be easier for her. He needs the lift so he can work on the equipment without getting onto the floor, considering his age.

Mr. Voelckers: Can Mr. Pusich elaborate on the 1993 variance? Mr. Pusich: In 1993, a variance was granted to allow more than ten percent lot coverage. Since then, the owner has purchased additional land and consolidated the two into a new lot. Now they are told that the current request is not allowed.

Ms. Cole: What size of garage would be allowed without a variance? Mr. Pusich: Approximately 400 sq. ft.

Mr. Epstein: Do you still own the two antique vehicles cited in the 1993 variance request as the reason for building that garage? Where are they stored? Mr. Lindegaard: He does still own them. They are kept in a boat condo not on their property.

Ms. Keller: What is the existing garage used for? Mr. Lindegaard uses it for working on vehicles and wheelchair equipment. It is too small to accommodate the lift he would like to have.

Mr. Pedersen: Is it correct that handicapped vehicles need extra width for loading and unloading? Mr. Pusich: Yes.

Mr. LeVine: Is it your understanding that the percentage is determined using the total current parcel? Mr. Pusich: Yes. The variance request is for a total of 1.8% in excess of the 10% allowed.

COMMISSIONER QUESTIONS FOR STAFF

Mr. Arndt: This is D1 transitioning to D3 with private septic. The permissible lot coverage in a D3 zone is 35 percent. The transition would require switching to city water/sewer. There is not city sewer there yet. Is it the intention to take sewer out to there? Ms. Maclean said she does not know of current plans to run city sewer out Fritz Cove Road but does not rule it out either.

Mr. Voelckers: Why was the land reset? Ms. Maclean explained when the owners consolidated the two lots, it became a new lot and the old variances no longer applied.

MOTION: *by Mr. Arndt to approve VAR2023 0001 variance to lot coverage limitations to allow an additional 1,440 square foot garage.*

Mr. Arndt spoke against his motion and recommended DENIAL. While he felt for the petitioners, the commissioners' hands are tied. There is not a unique feature of the property creating a hardship. Mr. Voelckers and Mr. Bell spoke against the motion.

Mr. Voelckers spoke for the record to say the commission needs to work to find a process whereby they can find a logical way for people to make stay at home accommodations for situations like this.

Mr. LeVine spoke to say the rules do not allow approval of the garage, but he feels the applicants should be able to build it. There should be a way to amend the rules to allow compassion.

Mr. Brown asked if the thirty-foot shift in elevation could create a hardship. Mr. LeVine explained incline is not a unique feature limiting lot coverage. Unfortunately, expense and individual needs of the property owner are not issues they are permitted to consider. Ms. Maclean added staff considers how the property is used in comparison to other properties in the zone or neighborhood.

Mr. Epstein noted on pages 16 and 17, there are 4 findings. Percentage of lot coverage is not mentioned in the findings and asked how it is relevant. Mr. LeVine explained the variance sought is for lot coverage. The findings are not specific to lot coverage. Rather, they are specific to use.

ROLL CALL VOTE:

YEA: Bell, Pedersen

NO: Arndt, Cole, Epstein, Keller, Brown, Voelckers, LeVine

The motion failed 2-7.

*****AT EASE 8:00 p.m. – 8:13 p.m.*****

Prior to hearing USE2023 0010, Mr. Voelckers declared a conflict and recused himself.

Prior to hearing USE2023 0010, Mr. Arndt declared a potential conflict as the applicant and he have the same attorney. He has no financial interest in the case before the Commission and can be impartial. He was allowed to remain.

Mr. LeVine disclosed the CUP decision from the previous meeting on July 11, 2023, is being appealed and cautioned participants and commissioners not to discuss it or consider it with the item before them now. The CUP was for the dock portion only.

USE2023 0010: A Conditional Use Permit for mixed use development: Up to 50,000 square feet of retail and related uses, underground bus staging and vehicle parking, and a park.
Applicant: Huna Totem Corporation
Location: 0 Egan Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director’s analysis and findings and approve Conditional Use Permit 2023 0010.

STAFF PRESENTATION - Director Maclean presented the case and explained that this project was previously proposed under USE 2023 0003. Differences from then to this application include:

- The dock is not included in this application as it was approved and is now under appeal.
- There is no phasing.
- The site will include a cultural and science center.

QUESTIONS FOR STAFF

Mr. LeVine asked if there had been a preapplication conference. Ms. Maclean said there was a preapplication conference held in 2022. She added that a new conference was not required, and it is not uncommon for time to pass between preapplication conference, and an application being submitted.

Ms. Keller asked whether the US Coast Guard (USCG) parking and access concerns had been addressed. Ms. Maclean said there were some expressed concerns, but they have been addressed and cleared.

APPLICANT PRESENTATION – Mr. Parady, Huna Totem Corporation (HTC), Executive VP, stated this application is complete, complies with CBJ 49.15.330, meets elements of the Visitor Industry Task Force (VITF), and has been subject to community engagement. It is privately funded on private land, and it requires no tax abatement or variances.

This project will not increase the number of ships in port. It will move tourists from the downtown area and decrease congestion on South Franklin.

Mickey Richardson, HTC VP of Creative Development, spoke to address PC concerns from the prior meeting. Mr. Richardson presented the informational handouts distributed to commissioners. This development will accommodate the largest cruise ships which carry 4,000+ passengers. The facility will be open year-round to the community. Addressing the housing issue that came up at the last meeting, he stated that adding a living space to this structure is not feasible. Any housing on this location would be a multimillion-dollar property and would not add to needed affordable housing. Additionally, the USCG houses live ammunition on its property which causes a hazard for housing.

QUESTIONS FOR APPLICANT

Ms. Keller asked if the facility would be available only to cruise passengers or if the local public community would also be able to use it. Mr. Richardson explained this will be a year-round facility for the community.

Ms. Cole asked if any other Huna Totem projects support year-round use. Mr. Richardson explained Hoonah, where HTC's Icy Straight Point is located, is a community of 760 people and year-round use would not be as feasible. The facility in Whittier, opening in 2024, is planned to be open year-round. Mr. Parady added that the brewery in Hoonah has been purchased by HTC and it will be open part time year-round.

Mr. Arndt asked if the Science Center will be used for school educational projects and activities during the school year. Mr. Parady confirmed that is the plan.

PUBLIC COMMENT

Dawn Dulebohn – Spoke against the permit. She suggested opening the parking to the community and using a portion of the building as a warming/cooling shelter for locals, tourists, and homeless.

Ms. Cole – Did hearing the applicant say it will be used year-round sway your comments? Ms. Dulebohn said what is originally planned can change over the course of a project and she wanted to remind the applicant that the original project was to be a benefit to the community.

Mr. LeVine – Is there a reason you were not at the last meeting? Ms. Dulebohn answered that she had only heard about it this week.

Susan Bell – Spoke in favor of the permit. She has background in tourism, marketing, and community planning and felt the project is consistent with the long-range waterfront plan and will benefit the visitor experience and provide opportunity for small businesses. Based on the HTC development at Icy Strait Point, she believes this will be a quality project. From a pedestrian and vehicular standpoint, this will enhance public safety.

Kirsa Hughes-Skandijs – (via Zoom) – Spoke to say her absence at the last meeting is because she was not aware of it at the time. She appreciates the focus on indigenous culture and science and is happy to hear they will require year-round business in the space. However, she is leery of expansion of the tourist industry. Overall, she appreciates the idea but has concerns.

Mr. Arndt - Is there anything in particular with this project that you do or do not support? Ms. Hughes-Skandijs answered there is a lot to like in the proposal as presented. She applauds the year-round design.

Mr. Epstein - Please explain your concerns with the traffic. Ms. Hughes-Skandijs answered when she said 'traffic', she meant the increase in pedestrian traffic on the streets.

Carla Casulucan – is a shareholder of HTC. She spoke in support saying Norwegian Cruise Lines made a good move by donating the land back to the Native people. She sees this project as an opportunity for economic empowerment and sustainable development for Juneau residents as well as the indigenous community. She has been following the project since Huna Totem gained ownership of the property in 2022.

Steve Krall, Basin Road resident – Spoke to say there is too much tourism in Juneau already and it has not been properly managed. He believes this will increase traffic in town and he will need to alter his route when driving to and from work. He is pleased the land was returned to the Native community but felt this may have been done to create opposition. He stated he was not at the last meeting because he was not aware of it.

Robert Venables, Juneau resident – (via Zoom) – Spoke in support. He said this may be the only intersection with two turning lanes where tour buses can make a left turn. This is an advantage over the current situation with buses on narrow, single lane roads that hold up traffic waiting for an opportunity to turn. He also said he was not at the last meeting, but he hopes there will be support for this and he supports it.

Kim Metcalfe, 730 Gold Street – Spoke against the permit saying she did not participate at the last meeting as she was not aware of it at the time. She felt there was a lack of public process and noted it was heard in early July, which is a busy time for her family. She is concerned traffic will be impacted. Ms. Metcalfe noted the comments in memos from the USCG, Docks & Harbors, and other CBJ personnel and felt they had not been fully addressed. She has additional concerns that the 5-ship limit will be exceeded.

Ms. Cole - The comments from USCG and CBJ Docks/Harbors appear to have been asked and answered. Do you still have concerns? Ms. Metcalfe said there needs to be a navigability study and they need to address the impacts on fuel in the channel, access to floatplane docks, dock electrification, tidal flushing among other issues.

Kerry Crocker, 925 Calhoun, President of Longshore and Warehouse Union – Spoke in support of the permit saying this project would provide good paying, benefitted union jobs for longshoremen. Moving up to 150,000 passengers to the new subport development and out of the downtown core will do a lot to ease congestion.

Kay McCarthy (via Zoom) – Said she has concerns with the project. She did not participate in previous meetings. She felt there was not sufficient notification and added July is a busy time for Juneau residents. She expressed concerns saying she does not believe everything is going to be as great as is being described. This is going to be a commercial money-making project while it is being promoted as an educational and science project that will build relationships. She is opposed to the project saying there is only one road out of town.

Sierra Gadaire, Douglas resident – Ms. Gadaire said she is at the meeting as a direct result of the KTOO article reflecting the lack of public comment at the July meeting. Overall, she is in support of the support development as a means of managing tourism in accordance with the VITF. She said with the right approach, this project can be a success.

Johan Dybdahl, Juneau resident (former Planning Commission member) – Spoke in support saying the project meets MU2 zoning and code. It is a private development on private property. He supports Staff findings and analysis, and he believes this will be done in the right way.

Ms. Cole said there is a problem with businesses downtown that are not open year-round, and this is one of the reasons this zoning district was changed to mixed use from waterfront commercial. Calling on his expertise as a former commissioner, she asked Mr. Dybdahl for a suggestion on how he would suggest the PC move forward with this project. Mr. Dybdahl said during his time on the PC and the Assembly they dealt with housing issues. There is no easy answer except more housing.

Mr. LeVine asked Mr. Dybdahl if he can help explain how this proposal satisfies MU2 when the code specifies it is intended to place a greater emphasis on housing. Mr. Dybdahl did not have a solution considering the size and cost of the parcel. He did not think there would be a housing solution on this project.

Richard Farnell, 800 F St – Spoke against the project saying findings for the permit are in error. Specifically, the findings for ‘effect on health, safety and welfare’ and ‘effect on property values.’

Dave Hanna, Back Loop Road – Spoke in support of the project saying Staff did a very thorough job in their analysis and report and he hoped the PC would rule in favor of the project. He said everything HTC has proposed follows code and addresses the ordinances.

Ms. Cole asked if this feels like a waterfront commercial project more than a mixed-use project. Mr. Hanna agreed it did.

Roger Calloway, Auke Lake – Spoke in support of the project saying it will help reduce downtown congestion and bring money to the community.

Dr. Emily Kane – Spoke to say she loves the idea of the project but said she would be concerned if there were to be any health impacts to seniors from the project.

Steven Sahlender, Goldbelt Alaska Group VP – Spoke in support saying this will provide a cultural experience for passengers, will be the only one of its kind in the Southeast, will provide safety to downtown by reducing traffic congestion, and will improve the waterfront community.

Lee Kadinger, COO Southeast Heritage Institute (SHI) – Spoke on behalf of SHI, saying they support the project. Specifically, they support the indigenous knowledge, science, and cultural center proposal. They

are confident the development will benefit visitors and the community. The project will become a community asset and is appropriate for that space.

Ms. Cole asked if SHI is committed to supporting Huna Totem in the year-round operations. She has concerns that they may operate at a deficit for portions of the year. Mr. Kadinger said SHI is already committed to being open year-round even though the winter months are not all profitable. SHI sees it as a commitment to the betterment of the community that provides continuity in employment for the employees. Huna Totem has said they will be open year-round. He said, "believe them".

Wayne Coogan – Spoke in support saying the proposal is a multiuse project. It is retail, it is educational, it is a transit terminal, it is a park, and a cultural center. This project represents hope to revitalizing and supporting the local economy. With the success of this project, housing will follow.

Tracy LaBarge, West Juneau – Spoke in support saying there has been good thought put into the project and it is something the town needs. She has seen exciting projects come and go and said it is frustrating to see good ideas 'walk away.' She felt this will divert traffic. She has been to most of the meetings since 2019 and she disagreed that there was a lack of public notice.

John Blasco, Backloop and Hoonah – Spoke in support of the project and said he disagrees that the hearings related to the Subport development was not well noticed. He added that it is not the fault of HTC that the July 11 meeting fell during a busy time of the summer. If HTC followed all the signage and notification rules, that should not be in question. Referencing the HTC development in Hoonah, he said it provides growth and jobs that would not otherwise exist in that community.

James Simard, 503 5th St – Said the world is in early stages of climate crisis and asked if the engineering of this project had taken into account rising sea levels.

*****AT EASE 10:02 p.m. – 10:13 p.m.*****

ADDITIONAL APPLICANT COMMENTS

Mr. Parady said it is their intention to have locally owned shops. He reiterated housing is not economically viable to this site and requiring housing is not conducive to this project. The carbon footprint of a cruise ship passenger is less than that of an airline passenger.

Mr. Richardson said there has been continuous public outreach since 2019. Mr. Richardson said SHI is in support of the 5-ship limit. HTC owns Alaska Coach Company. They are offering tours that do not include the Mendenhall Glacier but go to Eaglecrest instead to reduce tourism congestion.

QUESTIONS FOR APPLICANT

Mr. Arndt – Will the parking within the structure be open parking or will it be limited to permit parking or customer only parking?

Mr. Parady answered there will be 100 car spaces available in addition to bus spaces in the summer. In the off season, bus spaces will be converted to nearly double the number of car spaces. They plan to include charging stations for electric vehicles and a future downtown circulator bus.

Ms. Cole – Please describe your vision for pedestrians traffic coming from the area.

The parking entrance and pedestrian walk will be at different places ensuring pedestrians will not cross bus traffic. Pedestrians will have the ability to exit directly to the seawalk.

Mr. LeVine – Asked what analysis was done on the possibility for housing in that space, and what factor(s) lead to the determination that it was not a good option, leading HTC to reach the conclusion to go with the cultural/educational center plan when at last meeting there were several options on the table.

Mr. Parady said they did not do a spreadsheet regarding housing. Housing is a discretionary item in MU2 and not a requirement. There is no evidence that this project will contribute to the housing crisis and requiring it is not appropriate.

COMMISSIONER DISCUSSION

Mr. Epstein said he has experience serving as traffic engineer for the State DOT south coast region for twelve years and, looking at the analysis, he feels the concerns regarding traffic impact have been addressed.

Ms. Cole was not convinced that housing doesn't fit in this project and said she is not convinced that housing and security are incompatible in that area. While housing may not be mandatory, she believes the MU2 zone requires new thinking and not the same old thinking that 'it doesn't pencil so we won't do it.' However, she does appreciate the project in the application as presented.

Mr. Arndt paraphrased code saying it was established to accommodate a mix of appropriate commercial and residential uses. The owners of the property feel housing is not appropriate on this parcel. Mr. Bell agreed with Mr. Arndt that housing is an option but not a requirement in MU2 zones.

Ms. Maclean added to Mr. Arndt's comment saying MU2 is *intended* to put an emphasis on housing but does not require it. She cautioned the commissioners that their decisions can set precedent.

Mr. LeVine said in his interpretation of MU2, without clear justification for why housing is not appropriate, it should be required. There is a clear preference for it in the code. If not required, then there needs to be substantiation as to why it was not appropriate.

MOTION: *by Ms. Cole that the Planning Commission adopt the Director’s analysis and findings and approve the requested conditional use permit for the development of up to 50,000 square feet of retail and related uses, underground bus staging, vehicle parking, and a park.*

Ms. Cole spoke to her motion saying she had reservations regarding the housing. However, she agrees that housing is not required. Based on land use, she supports the permit.

Mr. Pedersen, Mr. Arndt, Mr. Epstein, Mr. Brown, and Mr. Bell spoke in support of the motion.

Ms. Cole said, for the record, they are relying on the applicant statement that this facility will be open year-round.

Mr. LeVine said he supports the project but believes this does not satisfy the MU2 definition and will have to vote no.

ROLL CALL VOTE:

YEA: Cole, Pedersen, Epstein, Keller, Brown, Bell, Arndt

NO: LeVine

The motion passed 7-1.

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

- Title 49 meeting next week, August 17, 2023.
- Telephone Hill open house was a success with 70+ attending.
- Due to the recent flooding, 8 structures (21 units) have been condemned. In response, they are streamlining the permit process to help people make their property safe.

XIII. COMMITTEE REPORTS

- Arndt - Title 49 meeting next week

XIV. LIAISON REPORTS - None

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS – Mr. LeVine thanked fellow commissioners, staff, and members of the public for their participation and for braving the uncomfortable heat in Assembly Chambers to take part in the process of the meeting.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT - 10:51 p.m.

Next Regular Meeting August 22, 2023, 7:00 p.m.

Respectfully submitted by *Kathleen Jorgensen Business Assists (907)723-6134* 🍷