

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Michael LeVine, Chairman

October 25, 2022

I. LAND ACKNOWLEDGEMENT – Read by Ms. Cole.

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, Chairman, 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, Chairman; Dan Hickok, Deputy Clerk; Travis Arndt, Clerk; Mandy Cole; Erik Pedersen; Matthew Bell

Commissioners present via video conferencing – Paul Voelckers, Vice Chair

Commissioners absent: Joshua Winchell

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

Assembly members: Waahlaal Giidaak/Barbara Blake; Greg Smith; Beth Weldon, Mayor

III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – Mr. LeVine moved Liaison report to immediately follow approval of minutes.

IV. **APPROVAL OF MINUTES**

A. September 27, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Arndt to approve the September 27, 2022 Planning Commission Regular Meeting minutes.*

V. **LIAISON REPORTS** – Assembly member Waahlaal Giidaak introduced herself and noted the Assembly passed Ordinance 2022-42 allowing for property tax abatement to incentivize higher density housing development at their last meeting.

VI. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Mr. Levine explained the rules for participating via in-person or zoom formats

VII. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VIII. **ITEMS FOR RECONSIDERATION** – None

IX. **CONSENT AGENDA** – None

X. **UNFINISHED BUSINESS** – None

XI. **REGULAR AGENDA**

USE2022 0013: A Conditional Use Permit to create seven (7) apartments
Applicant: Juneau Housing First Collaborative dba The Glory Hall
Location: 241, 243, & 247 S. Franklin Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY the requested Conditional Use Permit. The permit would allow the development of a multi-family apartment building with seven dwelling units in a Mapped Landslide and Avalanche Hazard Area.

STAFF PRESENTATION by Director Maclean

Prior to discussion, Commissioner Cole recused herself for the same reasons that she has recused herself each time this has come before the PC.

APPLICANT PRESENTATION

Robin Gillcrest, 6095 Thane Road, Glory Hall Board Member, presented and explained the plan is to provide housing in the downtown historic district. They propose to convert the interior of the building from an emergency shelter to seven studio and one-bedroom apartments. The exterior of the building will be unchanged with the exception of the addition of an egress window.

Mary Alice McKeen, 212 w 9th St, Attorney representing the Glory Hall, explained this process began about a year ago. She said the property is not in a severe avalanche area, it is in a moderate avalanche area according to the CBJ maps. She added it does not increase density. Rather, this project decreases the number of people staying there from nearly 50 to no more than 14. Ms. McKeen cited CBJ 49.15.330, saying 'The Planning Commission may attach to the permit those conditions necessary to mitigate external adverse impacts,' and added the record shows no evidence of external adverse impact from converting the interior of a building.

QUESTIONS FOR APPLICANT

Mr. Voelckers referred to the 1990 R&M Engineering report and asked whether the site stabilization exterior improvement requirements have been made or if other modifications were completed over the years to mitigate those. Ms. McKeen said it is irrational and unprecedented to require an applicant in 2022 to prove they met conditions in 1991. She added CDD issued a certificate of occupancy in 1991 and on that basis, issued a conditional use permit stating applicable conditions were met.

PUBLIC COMMENT

Monica Wafford, 415 Willoughby Street, testified in support saying that she is formerly homeless and affordable housing is needed.

Susan Phipps, 5800 Montana Creek Road, is formerly homeless and said there is not enough affordable housing. She supports the project wholeheartedly.

Tim Quigley Peterson, (via Zoom), is a physician and has worked with homeless patients. He feels this is not an increase in density and he supports the conversion to housing.

Betsy Longenbaugh, 1527 Beach Drive, has worked in affordable housing and asked the PC to approve the permit.

Dr. Jodie Totten, (via Zoom), Bartlett ER physician, spoke in support of the permit. She said being homeless is dangerous for people's health and this is an opportunity to provide stable housing.

Ed Schoenfeld, 1527 Beach Drive, has volunteered with the Glory Hall and said it fills a need in CBJ. He supports the permit stating a need for affordable housing.

Wayne Carnes, (via Zoom), 5.5-mile North Douglas Highway, spoke in support of the project saying this is not an increase in density.

Beth Rivest, 4306 Manor Avenue, spoke in support of the project saying affordable housing is scarce. Ms. Rivest testified that some people are unable to obtain housing even though they are employed.

Alice Smoker, (via Zoom) 20007 Cohen Drive, said she hoped the Commission will approve the permit. She has worked with people transitioning out of homelessness and said there is a need for available affordable rentals.

Pat Race, 1220 Glacier Avenue, is a small business owner in downtown. He said he understands the CDD concerns but he does not think there is an immediate danger. He emphasized the need for affordable housing.

Martin Stepetin Sr. (via Zoom), 3333 Newell Avenue, spoke in favor of the Glory Hall conversion citing Juneau has a serious need for housing.

Fred Triem, 324 4th Avenue, spoke saying allowing the permit is common sense. He said it is beyond dispute that we need housing.

Jeannette Cook, 10909 Glacier Hwy, (via Zoom), spoke in favor of the permit. When she came to Juneau, housing was an issue for her and she would like to see more projects like this.

Joshua Adams, 329 5th Street, is a homeowner and owns rental units. Mr. Adams spoke in support of approving the permit.

Pastor Karen Perkins, 4124 Dogwood Lane, pastor at Resurrection Lutheran Church. The church runs the cold weather shelter in their facility. She supports the permit and said people being sheltered is a health and safety issue and housing helps all of us.

Luke Vroman, 212 N Franklin Street, Deputy Director Glory Hall, spoke in support saying Juneau is in a housing crisis. Mr. Vroman shared a statement from a formerly homeless person describing how his life improved when he was housed.

Mr. Hickok asked if it is more beneficial to put in seven apartments or to have a second Glory Hall shelter. Mr. Vroman said another shelter is not the answer. Housing is what people need.

Paul Roy Kelly, (via zoom), Hillcrest Avenue, spoke in support of approving the permit. Mr. Kelly recently bought a home in Juneau and said the lack of housing is a barrier to people staying here.

Laughlin Barker, spoke in support saying the decrease in residents from 50 to 14 is not an increase in density.

Katherine Carlson, (via Zoom) 2435 O'Day Drive, has worked as a Shelter ED and spoke in support saying affordable housing is needed.

Merry Ellefson, Glory Hall/Housing First Board Member, spoke saying the decision to move the Glory Hall to the valley was for the health of their clients. The decision to create housing in the downtown location is for the health of the community. She asked for support of the permit.

Phil Moser, (via Zoom), spoke in support of the permit saying real, dignified housing is needed instead of the shelter concept.

Dan Cannon, 1420 Glacier Avenue Apt 201, said this is a 'slam dunk project' and asked the commission to approve it.

Dave Ringle, (via Zoom), 2215 Meadow Lane, Executive Director St. Vincent de Paul, testified in support of the permit saying we need to provide as much affordable housing as we can.

Grady Wright, 10649 Porter Lane, works as Glory Hall Community Support Specialist at the Teal Street location. Mr. Wright said the Glory Hall can offer many things to their clients but only housing provides dignity.

Ann Stepetin, (via Zoom), 3333 Nowell Avenue, spoke in support of the permit and the housing it will provide.

Sydney Holst, Glory Hall Community Support Specialist spoke in support saying the Glory Hall is over capacity and turning people away. People need their own space. Sleeping inside is safer than sleeping on the street.

Tracy Morrison, (via Zoom) spoke in support of the permit.

ADDITIONAL APPLICANT COMMENTS

Ms. McKeen reiterated the project is in a Moderate avalanche area. She said it is true that the conversion goes from forty-plus people sharing one bathroom to seven to fourteen people having their own bathrooms but that is not an increase in density. She disagreed with the determination that this project is a danger to public health or safety. According to the R&M Engineering report, the property is below 'potentially unstable' and the potential for damage for mass wasting is minimal.

COMMISSIONER QUESTIONS

Mr. Hickok asked what criteria would be used to determine who can live in the apartments. Ms. McKeen said the criteria would be for people who fall within 50-80% of the standard median income for Juneau.

Mr. LeVine asked for Ms. McKeen's understanding of the definition of dwelling unit. She said she understands a dwelling unit is defined as a residential use having separate restroom, cooking, and sleeping facilities. She said this is an increase in dwelling units but she does not agree that this is an increase in density.

COMMISSIONER QUESTIONS FOR STAFF

Mr. Pedersen asked if, under the current conditional use permit, the facility could be used as a hostel. Ms. Maclean did not know as they do not have that listed as a specific use. She would have to refer to the table of permissible uses and find the closest comparable use to it.

Mr. LeVine asked Attorney Layne if the interpretation of density was the only interpretation that

the commission could use. Ms. Layne said the commission is welcome to adopt their own interpretation so long as their interpretation is reasonable based on the facts in the Code.

MOTION: *by Mr. Arndt to approve USE2022 0013.*

Mr. Arndt expressed disagreement with findings in the staff report.

Referencing finding #3, he said that he believes that it does comply with the other parts of the chapter. You know we look at density in, you know, we're talking dwelling units, and as you know, as the CDD pointed out here pretty specifically there is, it is living, sleeping, eating, cooking, and sanitation in one place. In order, if they were just to take the stoves out and put a congregate stove for everybody to use that would get rid of the 'and' and this would be perfectly fine. This, it's sort of, the definition doesn't, with the intent as I read it, and maybe others of the Commission read it, with that density that it is talking about increasing density, like bringing more people, bringing additional people to the site when actually we're stepping back from the number of people that are actually there. The duration of time is approximately the same, the services provided at the site are approximately the same. The difference is, there's a wall between the stoves instead of all the stoves in one room. So I think it does comply with the other parts of the chapter.

He disagreed with finding #4 and said it's a net increase in public health and safety as we're going to be, the intention will be reducing the number of people located at that site.

Regarding finding #6, he said this project does conform with the conformity of the land use plan through our plan and other adopted plans. We're working with the Assembly all the time to get more housing downtown. This is exactly what that does. We're reducing the number of people that were in it, and in harm's way, by just moving some walls. We're not changing the outside. We're not changing the site. We're not changing the neighborhood. I think this conforms, and I'm definitely in support of it.

Mr. Voelckers spoke in support of the motion and said the R&M report established there was not a substantial risk of mass wasting.

Mr. Bell thanked the staff and community for their work and testimony on the permit. He is in support.

Mr. Pedersen said this code was written and implemented with the best of intentions and this case is an unintended consequence of that code.

Mr. LeVine also spoke in support. He said he does not believe this is an increase in density.

The motion passed with no objection on Roll Call Vote.

****AT EASE 8:50 – 9:02 p.m.****

PAD2022 0003: A CBJ Property Disposal next to 12005 Glacier Highway
Applicant: City & Borough of Juneau and James Parise
Location: Next to 12005 Glacier Highway

Staff Recommendation

Staff Recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of DENIAL to the CBJ Assembly for the land disposal.

STAFF PRESENTATION by Ms. Maclean

Mr. Pedersen disclosed he is an employee of Alaska Dept of Transportation but has no involvement with this permit and can remain impartial. He was allowed to remain.

APPLICANT PRESENTATION

Jim Parise explained there is a retaining wall that blocks the view from their driveway and if they could use the proposed parcel, they could improve the safety of their driveway. He added it was never their intention to purchase the land, his preference would be to obtain a permanent easement. The CBJ, State and a neighbor all have easements on the parcel. It is, therefore, worthless as a buildable parcel. His interest in it is to make his driveway safer.

QUESTIONS FOR APPLICANT

Ms. Cole asked Mr. Parise if he is currently using the parcel. He said he has a temporary easement currently.

Mr. Voelckers asked Mr. Parise what the Assembly had told him. Mr. Parise told him that the assembly had said the city should go ahead with easement or purchase processes.

Mr. Arndt asked if Mr. Parise is looking for a second easement. Mr. Parise said they are looking for a single access. Mr. LeVine asked what is the reason that they would need to close off one of the accesses. Mr. Parise explained the Alaska Department of Transportation does not allow more than one highway access per property.

Ms. Cole asked Mr. Parise, why not just fix the garage. Mr. Parise said it would be cost prohibitive.

PUBLIC COMMENT

John Geary, 2260 Fritz Cove Rd, spoke representing the owner of the neighboring property at 12035 Glacier Highway. Mr. Geary said the owner would like to purchase the property as they currently have an easement of access. He said it was his understanding that the State of Alaska has paid the neighboring property to remove the garage.

Mr. Voelckers asked Mr. Geary if he is using the easement or another access. Mr. Geary said if he purchased it, they would not have two points of access.

ADDITIONAL APPLICANT COMMENTS

Mr. Parise said when Alaska Department of Transportation built the retaining wall, the state offered to rebuild the garage but the owner at the time refused it. The next owner accepted a payment to improve the ramp access. That owner accepted the money but did not make any substantial improvement.

COMMISSIONER QUESTIONS

Mr. Hickok asked if the applicant would pursue a permanent easement if the permit is denied. Mr. Parise affirmed they would pursue the easement.

Mr. Hickok asked if he knew the fair market value of the property. Mr. Parise said they have not reached that point of the process yet.

Mr. Pedersen asked if the applicant was not able to secure a permanent easement would there be a way feasible to access the property. Mr. Parise said yes.

Mr. Voelckers referred to prior assembly committee meeting and asked for Mr. Parise's input on potential future access if the CBJ made improvements on that space. Mr. Parise explained this would give 20 to 25 feet with a ramp to make a path so the public would have access to the beach.

Ms. Maclean made a point saying the direct and practical access section and the nonconforming section of code both come in to play on this issue. If this is approved, then it becomes a nonconforming situation and the CDD is not authorized to create a nonconforming situation.

Mr. Hickok asked the applicant what he wants as the result tonight. Mr. Parise said his desire is to pursue a permanent easement.

COMMISSIONER QUESTIONS FOR STAFF

Mr. Pedersen asked if the access came through the parcel, would it then satisfy code. Ms. Maclean said she believes that it would. However, by selling it to the applicant, she is unsure what would happen with the neighbor who also has easement use.

Mr. Voelckers noted there are other properties with shared drives or easements and asked why this would not be allowed. Ms. Maclean explained that under current code, those would not be allowed. She said that each pathway they use in trying to get to yes seems to lead to another no, under current code.

Mr. LeVine asked if the issue with two access points is because DOT does not allow it. Ms. Maclean confirmed that is correct. Mr. LeVine asked if that would be challengeable or appealable. Ms. Maclean said it is a DOT regulation and she did not think they could appeal it.

MOTION: *by Ms. Cole to recommend approval of **PAD2002 0003** to the CBJ Assembly for the land disposal.*

Ms. Cole spoke against her motion saying the parcel is designated as RETAIN so they have to retain it.

Mr. Arndt and Mr. Levine spoke in agreement with Ms. Cole while Mr. Pedersen spoke in support of the motion.

ROLL CALL VOTE

Yea: Pedersen, Hickok

No: Cole, Arndt, Voelckers, Bell, LeVine

The motion failed 2-5 on Roll Call vote.

XII. OTHER BUSINESS

1. 2023 Legislative Priorities

Ms. Maclean explained the Commissioners can review the list and make comments. The Director of Engineering would like comments in time for her to have answers for the November 8 Planning Commission meeting.

Commissioners are invited to review the list on their own and forward questions and comments directly to the Director of Engineering. The plan is for them to get answers back prior to the November 8 Planning Commission meeting. At that meeting, they will review the list and compose a memo for the Director listing PC priorities.

2. 2023 Proposed Meeting Dates

Ms. Maclean explained the list is proposed meetings in 2023 taking into consideration holidays. Mr. Voelckers asked how the list comports with the recent commission decision to reduce meetings to one per month. Ms. Maclean explained there is an ordinance regarding this but it has not yet gone before the assembly. Therefore, they are continuing as normal until or unless that passes.

XIII. STAFF REPORTS

Ms. Maclean reported the Alternative Residential Subdivision (ARS) Ordinance revision revising the definition of 'Unit Lot' was introduced at the Assembly meeting last night. The second hearing will be November 7 and it will be before the PC the following evening. If passed, it would become effective immediately.

XIV. COMMITTEE REPORTS

Mr. Arndt reported Title 49 met Thursday and they were unsure of the status going forward.

Ms. Maclean said CDD sent an email today listing the current status of ordinances.

Mr. Voelckers reported JCOS met and discussed the legislative list but JCOS is a little unsure as to their role in the process.

Mr. Pedersen reported Douglas/West Juneau Steering Committee met and has set goal statements and are working to identify how they will meet those goals.

Ms. Cole reported Lands will meet November 7.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers asked for the status of the CIP list and the role of the Planning Commission. Mr. LeVine said given the limits of staffing, resources, and time, the Commission will not address it this year.

Mr. Arndt asked if Title 49 should schedule a November meeting. Ms. Maclean said with current staffing shortages, there is just not the personnel available to staff other boards or committees at this time.

Mr. LeVine congratulated Ms. Hagerup on successfully running her first PC meeting.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 9:55 p.m.

Next regular meeting November 8, 7:00 p.m.