

# ***DRAFT MINUTES***

Agenda

**Planning Commission**

***Regular Meeting***

CITY AND BOROUGH OF JUNEAU

*Michael LeVine, Chair*

October 24, 2023

## **I. LAND ACKNOWLEDGEMENT – Read by Commissioner Pedersen.**

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; Matthew Bell; Adam Brown

Commissioners present via video conferencing – Nina Keller

**Commissioners absent:** Paul Voelckers; David Epstein

**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

Staff present via video conferencing - Ilsa Lund, CDD Administrative Assistant

**Assembly members:** Paul Kelly

## **III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None**

## **IV. APPROVAL OF MINUTES**

**A. October 10, 2023 Draft Minutes, Regular Planning Commission**

**MOTION:** *by Mr. Pedersen to approve the October 10, 2023 Planning Commission Regular Meeting minutes.*

***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**

**USE2023 0014:** Conditional Use Permit to construct a new 10,500 square foot financial center with three (3) drive-through lanes, on a 1.2-acre lot in the General Commercial zoning district.

**Location:** 7860 Honsinger Drive

**Applicant:** MRV Architects

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2023 0014 with requested conditions.

**Director's Report**

The Applicant requests a Conditional Use Permit for a new facility in the Honsinger Drive subdivision. The proposal includes extra parking, heated sidewalks, and landscaping that doubles the vegetative cover requirement. At the time of this report, the Applicant has not provided a Traffic Impact Analysis or data indicating one is not needed. Average Annual Daily Traffic over 500 also requires a Commission waiver of roadway standards outlined in CBJ 49.35.240.

**MOTION:** *by Mr. Pedersen to accept staff's findings, analysis, and recommendations, including suggested changes included in the additional memo materials provided to the Commission on October 20, 2023 and approve USE2023 0014.*

***The motion passed with no objection.***

**IX. UNFINISHED BUSINESS** - None

**X. REGULAR AGENDA**

Prior to hearing USE2023 0008, Mr. Arndt declared a conflict and recused himself as he has a business relationship with portions of the applicant's parties.

**USE2023 0008:** Conditional Use Permit request for a new six (6) story, 72-Unit Multi-Family Housing Development  
**Applicant:** Steve Soenksen  
**Location:** Bulger Way

### **Staff Recommendation**

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

### **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 PRESENTATION- By Director Maclean

### **QUESTIONS FOR STAFF**

Ms. Cole asked for background information regarding hillside endorsements. Ms. Maclean explained a hillside endorsement applies to slopes of 18% or greater. There is a requirement for geophysical analysis by a licensed engineer outlining vegetation and sloping to care for the property. In particular, CBJ 49.70.210(b) lists conditions that would require PC approval, and those approved at the Director level.

APPLICANT PRESENTATION - None

**\*\*7:16 – 7:17 AT EASE\*\***

### **PUBLIC COMMENT**

James Bibb, Northwind Architects – Mr. Bibb is on the project design team. Spoke in support.

Nancy Waterman, 226 Gastineau – Spoke against the permit saying she supports developing housing in the downtown area but not at this density on this narrow street.

Page Bridges, 334 Carol Way [via Zoom] – Spoke against the permit citing the lack of required parking and the risk that construction can pose to other properties on the hillside.

Dani Evenson, 226 Gastineau – Spoke against the permit citing concerns with the size of the project and safety.

Rhonda Gardinier, 125 Gastineau – Spoke against the permit citing concerns with safety, traffic increases, and parking.

Jenna Guenther, 242 Decker Way – Spoke against the permit saying she agrees with the stability and accessibility issues already mentioned. She said there are already about 90-100 housing units on Gastineau. Adding 72 more units without considering parking, traffic, and accessibility will overload the neighborhood's ability to handle that many people. "It's just not designed for a project this big."

Ms. Cole expressed trouble reconciling that people want more housing downtown but not wanting it near them. Noting the public concerns with the size of the project, she asked if there is a number that would be acceptable. Ms. Guenther felt they should consider how much current infrastructure can support and how much more traffic can be supported.

Mr. LeVine asked if it would change her opinion if Gastineau continued and was not a dead-end street. Ms. Guenther said having a second access would help.

Mary Alice McKeen, Downtown – Spoke in support of the project saying she wants to see a healthy downtown, she supports the location and thinks this will help provide affordable housing.

Mr. Levine asked Ms. McKeen how she would address the safety concerns cited by the fire department regarding the narrow, dead-end street. Ms. McKeen did not have direct knowledge on that. Mr. LeVine asked her opinion on how to balance 'what is legal' versus the neighborhood concerns with regard to parking. Ms. McKeen felt that, since this area is zoned as no parking required, there didn't need to be anything more. She did add that maybe the applicant could choose to make some affordable accommodations but that would be up to them.

APPLICANT COMMENTS – Steve Soenksen, Gastineau Lodge Apartments manager, presented saying they are trying to provide housing in the downtown area. In order to make it 'pencil out' they found they needed 72 units in order to break even. Even then, it will take 12 years to break even.

Addressing the recommendation to deny, Mr. Soenksen explained they have taken measures to mitigate the risks. They have drilled and found bedrock within 4 feet of the soil surface. He disagrees with the hazard classification and said they were only able to choose between severe and moderate hazard zone. If other options had been available, he does not think the area would have been considered to be moderate risk.

Ms. Cole appreciated the attempt to add so many units but she also saw there is a capacity issue with Gastineau Avenue and asked for Mr. Soenksen's ideas to mitigate the impacts of constructing in the area. Mr. Soenksen said it would be worth looking into a second access point.

Mr. Pedersen asked for details on retaining walls that would be built to stabilize the hillside. Mr. Soenksen explained they have a drainage strategy which would help prevent slides.

Ms. Cole referenced the CBJ report finding stating the project does not comply with Title 49 regarding exterior lighting and snow storage and asked how they would respond to that. Mr. Soenksen said the issue could be solved with conversation with staff to show the lighting plan. As for snow storage, it could be stored in the parking area until it was loaded up and hauled away.

Mr. LeVine asked about the bullet points in the staff report that highlight staff rationale for recommending denial of the hillside endorsement. Two of the points relate to the amount of vegetation that would be left on the lots and the third pertains to minimizing excavation on slopes over 30% and asked if there was a way to accomplish further minimization of construction on the slopes and still develop the parcel. Mr. Soenksen explained they used 3D modeling to determine the best placement of buildings in the property and would be able to anchor it into bedrock for stability. The retaining wall will serve for site elevation. If they accept HUD funding, they will need to include a playground area and this would be a good place for that.

#### QUESTIONS FOR STAFF

Ms. Cole asked, given the property is in a moderate landslide/avalanche hazard area, and this is a permissible use, how does this support a finding for denial? Ms. Maclean said the determination was based on the entirety of the staff report. She added code says development in all landslide/avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches. The code continues to state all measures that could be included also include the reduction of the proposed density. The hillside endorsement section of code and the comments from emergency response were concerning. Bulger Way staircase is not yet constructed. The encroachments into Gastineau Avenue have not been approved by CBJ engineering. There should also be a traffic impact study and snow storage plan.

Mr. LeVine asked for information on the encroachment issue. Ms. Maclean referenced packet page 246 under vehicle parking and circulation. He clarified there is not an encroachment issue, rather there is a need for a permit as there will be an additional access point onto Gastineau Avenue.

Mr. LeVine asked if the problems identified by staff related to the hillside endorsement reflect a lack of information and inability to conclude that endorsement criteria had been met and not that could not be granted if more information were provided. Ms. Maclean felt it had not been sufficiently addressed. She added code contains language against clear cutting and completely removing vegetation.

#### COMMISSIONER DISCUSSION

Mr. Bell asked what happens to the \$700,000 loan the applicant has already entered into if this is not approved. Ms. Maclean said the award was for a 'predevelopment loan' to perform the engineering analysis and study for viability of the project. To date, \$125,000 of the funds have been released to the applicant.

**\*\*AT EASE 8:18 – 8:30\*\***

Ms. Cole said the PC needs more information from staff regarding:

- Mitigation measures related to the hillside endorsements;
- Lighting and snow removal plans; and
- Extended Gastineau access options, and traffic and access concerns.

Mr. Pedersen suggested adding information regarding a foot access to South Franklin from Bulger Way. Including construction of the stairway in the project would alleviate much of his concerns.

Mr. LeVine added that he would like to add an 'other' item to include information needed for the hillside endorsement.

Citing public concerns about the parking, Commissioner Keller said that she would like to hear from the applicant to see if there is possibility to add more parking than what is already in the plans.

**MOTION:** *by Ms. Cole to continue the hearing for **USE2023 0008** to the regular planning commission meeting on December 12 in order to allow for additional information including mitigation measures for construction; catch-all information; other standards for the hillside endorsement; lighting plan; snow removal and storage; the potential extension of Gastineau Avenue access through Thane; foot access or pedestrian access from Bulger Way; and additional parking added to the project.*

Mr. LeVine spoke in support saying he would like to try to figure out how to create additional housing.

***The motion passed with no objection.***

**MOTION:** *by Ms. Cole to reopen public participation on **USE2023 0008** acknowledging the need for a super majority to do so.*

***The motion passed with no objection.***

Mr. Arndt rejoined the meeting.

**\*\*AT EASE 8:40 – 8:41\*\***

**XI. OTHER BUSINESS**

Draft FY25 Legislative Capital Priorities – presented by Denise Koch, Director, Engineering and Public Works.

Mr. Arndt asked for the timeline for providing input and approving the priorities. Mr. LeVine clarified the PC needs to finalize their input at one of the November meetings in order to get it to Engineering by the December 1 deadline.

Ms. Keller noted discrepancies in the amounts listed for the Juneau/North Douglas Crossing between the table and the project description page. Ms. Koch confirmed the amount on Page 9 is correct and the table will be updated to match that.

Ms. Keller asked about the amounts for the Pederson Hill Housing Development as well. Ms. Koch said the table needed to be updated for that item as well.

Ms. Koch told the commissioners the amounts on the description pages are to be considered correct and any discrepancies between that and the table would be updated.

Mr. LeVine noted several projects seem to be on the priority list year after year. Some have been repetitively high on Planning Commission's list and not been funded. He asked if it is helpful for them to continue to identify those items. Ms. Koch said it is useful to know what the priorities are. She reminded the PC that this is a list of request priorities and not a funding list but they use this to determine what funding to pursue.

Ms. Cole suggested Telephone Hill redevelopment planning be added to the list in place of the multimodal path. Mr. Pedersen felt other boards or commissions would be better suited to support Telephone Hill and the Planning Commission should focus on the other, long term planning issues. Mr. Arndt agreed that the Juneau/North Douglas Crossing and the Multimodal path should remain priorities.

Mr. LeVine asked why the request amount for the Juneau/North Douglas Crossing is \$2M instead of the full amount that would be needed. Ms. Koch explained it represents incremental project funding.

Ms. Keller suggested the Pederson Hill Housing Development project should be considered. It is 26 acres and would be available for low-income housing.

It was decided the commissioners would send their priorities to Mr. Arndt and Mr. LeVine for compilation before the November 14 meeting.

**XII. STAFF REPORTS** – Ms. Maclean reported:

- November 14 meeting will have one development encompassing three case types.
- November 16 – For the upcoming Title 49 meeting, she suggested they address the accessory dwelling unit (ADU) ordinance. She suggested moving it forward as is and not including industrial zones at this time.
- November 28 meeting may be cancelled.
- December 26 meeting is cancelled.
- The Assembly retreat will be held Saturday, December 2.
- The Senior Planner and Planner I/II positions have been posted.
- A contract for permit software is nearly finalized. Tyler Technologies was awarded the contract. This software will be utilized by several CBJ departments. The CBJ has hired a new Project Manager for the transition.

**XIII. COMMITTEE REPORTS** - None

**XIV. LIAISON REPORTS** – Paul Kelly was sworn into the Assembly last night. He has nothing to report.

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

**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. LeVine said if the meeting on November 28 is cancelled, this may be his last in person meeting on the Commission.

**XVII. EXECUTIVE SESSION** - None

**XVIII. ADJOURNMENT** – 9:25 p.m.

Next Regular Meeting November 14, 2023 7:00 p.m.

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