

# ***DRAFT MINUTES***

Agenda

**Planning Commission**

***Regular Meeting***

CITY AND BOROUGH OF JUNEAU

*Travis Arndt, Chair*

November 14, 2023

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

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**

Travis Arndt, Clerk, 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 – Travis Arndt, Clerk; Erik Pedersen, Assistant Clerk; Paul Voelckers; Matthew Bell; Adam Brown; David Epstein

Commissioners present via video conferencing – Mandy Cole, Vice Chair; Nina Keller

**Commissioners absent:** Michael LeVine, Chair

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

Staff present via video conferencing: Lily Hagerup, CDD Administrative Assistant;

**Assembly members:** Paul Kelly

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

## **IV. APPROVAL OF MINUTES**

**A.** October 24, 2023 Draft Minutes, Regular Planning Commission

**MOTION:** *by Mr. Epstein to approve the October 24, 2023 Planning Commission Regular Meeting minutes.*

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

**V.      BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – by Mr. Arndt

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

**VII.    ITEMS FOR RECONSIDERATION** - None

**VIII.   CONSENT AGENDA** - None

**IX.     UNFINISHED BUSINESS** - None

**X.      REGULAR AGENDA** -Items on the regular agenda were presented and considered together.

**USE2023 0013:**            Conditional use permit for up to 4,000 square feet for a culture and learning center, focusing on language and traditional food with up to 1,000 square feet covered outdoor area.

**Applicant:**                Douglas Indian Association (DIA)

**Location:**                St. Ann's Avenue

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve with conditions USE2023 0013.

**Director's Report**

The applicant requests up to 4,000 square feet for a culture and learning center, focusing on language and traditional food with up to 1,000 square feet covered outdoor area.

Staff recommends the Commission consider VAR2023 0002 and PWP2023 0003 before deciding on this case. Both cases impact parking, which may influence approval of this conditional use permit.

The learning center is proposed on St. Ann's Avenue, overlooking the site where T'aaku Kwáan homes were burned in 1962. The facility will include a teaching kitchen, computer lab, and offices and studios for visiting educators and artists.

**VAR2023 0002:**            Variance requests a Non-Administrative Variance to allow nine (9) off-street back-out parking spaces for a learning facility.

**Applicant:**                Douglas Indian Association (DIA)

**Location:**                St. Ann's Avenue

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and deny VAR2023 0002. If the Commission approves the variance, they must submit amended findings, and clarify the number of spaces approved, in addition to other conditions they may see fit.

#### **Director's Report**

Applicant requests a Non-Administrative Variance to allow nine off-street back-out parking spaces for a learning facility.

This variance would allow parking spaces that back-out onto St. Ann's Avenue. The Applicant has proposed that nine spaces be built on their lot, and has offered to construct two additional spaces on CBJ property if CBJ approves. Six spaces are required for the project proposed under USE2023 0013.

<b>PWP2023 0003:</b>	Parking waiver requests a parking waiver to reduce required off-street parking from six (6) spaces to (5) five.
<b>Applicant:</b>	Douglas Indian Association (DIA)
<b>Location:</b>	St. Ann's Avenue

#### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and deny PWP2023 0003. If the Commission approves the waiver, they must submit amended findings and conditions they may see fit.

#### **Director's Report**

Applicant requests a parking waiver to reduce required off-street parking from six off-street spaces to five off-street spaces.

As described by the applicant's narrative, the request to reduce off-street parking from six off-street spaces to five off-street spaces is mainly driven by the high development cost and limited usable space. A CBJ parking study, attached to the staff report, indicates limited on-street parking in the project area. Public comments also indicate concerns about limited parking.

**STAFF PRESENTATION** – Director Maclean presented **USE2023-0013**, **VAR2023-0002**, and **PWP2023-0003**

#### **QUESTIONS FOR STAFF**

Mr. Voelckers referenced Parks & Rec concerns regarding downslope erosion and asked why this was not referenced or conditioned in the Staff report. Ms. Maclean answered the concerns are mitigated by standard process with engineering and grading permits.

Ms. Cole asked why backout parking is an issue in CBJ. Ms. Maclean did not know the background of why it is often disallowed in code. Ms. Maclean added backout parking is often viewed as a traffic calming measure and has an effect of slowing traffic and if it were allowed in code, it could solve traffic issues currently faced by the applicant.

Mr. Voelckers noted a condition states St. Ann's Street cannot be used for pick up or drop off and asked why that was the case when school buses routinely stop in the road along Douglas Highway. Ms. Maclean felt most school buses pull over into a pull off area or bike lane and that is not an option in the proposed location on St. Ann's.

APPLICANT PRESENTATION – Sean Boily, Northwind Architects, spoke for the applicant. The proposed project would be a learning facility focusing on traditional language and food preparation. Mr. Boily felt the limitations on parking and student drop-offs were restrictive and not necessarily in line with other areas. He noted school buses stop in traffic for student pick up and drop offs, backout parking is common along the street nearby the proposed facility location. Additionally, given that this is at the end of a cul-de-sac road, traffic speed and congestion is already reduced. He expressed surprise at recent negative comments and hoped to resolve them.

QUESTIONS FOR APPLICANT –

Mr. Voelckers asked for clarification of planned hours of operation for the facility and the possible shared use of parking.

The facility will be used intermittently with possible evening or weekend use for food preservation instruction. If they are required to provide six off street spaces, then the facility likely will not be able to share the spaces with the public. However, if the nine backout spaces are approved, those could possibly be open for public use outside of posted business hours.

Mr. Voelckers asked if there was concern of conflict with the public regarding parking during evening classes. Mr. Boily said the applicant could use cones to restrict parking for after hour events. He added that if they are allowed to pave a small additional patch, that could create two more spaces that would actually be partially on Douglas Indian Association (DIA) land and partially on CBJ land. Those spaces would be available to the public and could not be restricted by DIA.

Mr. Epstein noted that the applicant stated in the packet that demand for parking would be light and asked why they would be asking for the variance to increase the number of allowed backout spaces to nine. Mr. Boily explained 'light' is a relative term. They do not foresee ever needing twenty spaces but they could envision using nine spaces from time to time.

Mr. Voelckers asked for a description of the proposed DIA Tribal Transportation program. Mr. Boily said it is a van used by DIA to transport children and elders to and from events and around the community. This facility could be used to justify procurement of a second vehicle.

Mr. Voelckers asked about the project timeline. Mr. Boily said they have the ability to start with a contractor as soon as next week depending on the outcome of this meeting. Preliminary grading could be done right away with construction starting in the spring and completion in the year of 2025.

Mr. Bell noted the project would require landscaping and removal of soil. He asked where the good soil that was being removed would go. Mr. Boily said the applicant owns another property and the soil would go to good use there.

Mr. Pedersen asked whether this would be a museum with artifacts that would be open to the public. Mr. Boily explained it would be an educational facility and not a museum open to public. It would be open to tribal community members.

#### PUBLIC COMMENT

Mark Halsted, 400 St. Ann's – Spoke against the proposed educational center saying it was a misinterpretation of Section 5.110 and 5.130. Mr. Halsted said this is a trade, vocational or commercial school. This is not an allowable use within D18 zoning.

Ms. Cole asked Mr. Halsted to explain how this is a trade curriculum and not a cultural curriculum. Mr. Halsted felt the focus on only traditional foods and language was not enough to be considered a rounded education to be expected from a school.

Mr. Epstein asked Mr. Halsted if he agrees that the project is covered by 5.300 which is for a cultural center and education facility. Mr. Halsted said it would possibly be covered but he felt the narrow focus still makes it a trade school.

Rich Pratt, 205 5<sup>th</sup> Street – Mr. Pratt expressed concerns regarding the possible impacts of increased traffic and noise if this project is approved.

Dionne Cadiente-Laiti, DIA Acting Education Director [via Zoom] – Spoke in support on behalf of the applicant. Ms. Cadiente-Laiti envisions the center as a hub for education in the community. They plan to have a minimal impact on the neighborhood.

Mr. Voelckers asked for some information regarding hours of operation. Ms. Cadiente-Laiti said evening activities normally do not go beyond 8:00 p.m. Weekend activities are up to four hours on Saturdays and would often involve outdoor education at Sandy Beach and other community locations. Language archive activities would occur during weekday school hours.

Mr. Bell asked if she anticipated noise being an issue. Ms. Cadiente-Laiti did not anticipate any problems and explained they may have song and dance activities but they do not last more than an hour and are not daily.

Mr. Arndt asked if the song and dance activities would be in or outside of the building. Ms. Cadiente-Laiti said they are primarily held inside.

Erica Simpson, 113 5<sup>th</sup> Street – Spoke against the center citing safety concerns saying this would add traffic and congestion. She felt the project would be better suited if located closer to Savikko Park.

Jameel Qureshi, 113 5<sup>th</sup> Street – Said he was not opposed to the project but was opposed to locating it on St. Ann’s. The area is quite steep and parking is already an issue. The area is highly trafficked by children and people using the trails. Adding construction vehicles will be dangerous.

Rachael Juzeler, 105 St. Ann’s [via Zoom] – Spoke in support of the center saying this is a fantastic opportunity for DIA.

Mr. Voelckers asked Ms. Juzeler if she shared the traffic and parking concerns expressed by others. Ms. Juzeler said adding the nine parking spaces proposed would improve the traffic flow. Currently, people park in the area illegally. Adding parking spaces would help alleviate that. She has seen traffic and usage increase because people are using the Disc Golf course and the Treadwell Office Building that has been refurbished to an event venue. She added the center would be an asset to the neighborhood.

Glenn Wuyts, 226 St. Ann’s – Spoke in support of the Cultural Learning Center but not the location and suggested relocating it to the Savikko Park area.

Paulette Simpson 402 Alaska Belle Court [via Zoom] – Spoke against the project saying it is not suited to the geography of the area. She disagrees with the Department’s designation of the area as a low traffic area. She asked “Why does this have to be in this exact location? Will this really improve the livability of the residential neighborhood?” She suggested the center would get more use if located in another place like Sandy Beach.

Doug Eckland 215 5<sup>th</sup> Street – Asked how many wheelchair accessible parking spaces would be included. He also asked, if this is a commercial property, would a gas station or some other commercial use be allowed there?

ADDITIONAL APPLICANT COMMENTS – Mr. Boily addressed public concerns stating protecting property owners is a purpose of the Land Use Code and reminded them the applicant is also a landowner with rights. Regarding alternative sites, this project would not be allowed on the other sites owned by the applicant. The idea of a land swap with CBJ would be a good idea but it would have to happen quickly and it cannot happen quickly enough to meet the timeline of the grant funding the project.

Mr. Voelckers noted the two parking options, the parking waiver for five spaces allows for snow storage but he did not see that mentioned in the variance for the nine spaces and asked how that would be addressed. Mr. Boily agreed that it is a tight area. In high snow periods, they could store snow in the endmost parking space. Since that is not a code-required space, the applicant did not feel that would present a problem.

Mr. Voelckers asked if it would help if there were ten or eleven parking spots. Mr. Boily did not know and stated he is not sure of the code or regulations that would prohibit that use.

#### QUESTIONS FOR STAFF

Mr. Epstein referenced item number six on page 329 of the packet which describes where backout parking is allowed. He does not see how this applies and asked Attorney Layne if they can even consider it. Ms. Layne said the PC could grant a variance if they believe it meets the criteria for a variance.

Ms. Cole asked for staff to explain the theory that the burning of the village created a hardship limiting DIA intended use of the land. Ms. Maclean explained the DIA lost the ability to use the land as the neighboring properties have been able to and this caused the hardship.

Mr. Pedersen noted public comment asking what in the TPU allows this use in a D18 zone. He asked if it was 5.3 Libraries, Museums and Art Galleries. Ms. Maclean agreed.

**MOTION:** *by Mr. Voelckers to approve **VAR2023 0002** with additional findings and condition as follows:*

- a) Yes. The site is very steep, with extremely expensive development cost to repair past damage similar to extra cost due to a stream or a cliff or something similar to a site. This particular site is of historic significance. It is critical to ensure a working level of parking at this site with the physical difficulties of the site.*
- b) (unchanged)*
- c) Yes. Backout parking will not pose impediment or create any kind of health, safety, or welfare difficulty.*
- d) The variance is narrowly tailored to relieve the hardship.*
- e) There is a public good that is generated by this.*

*Condition: Applicant will post business hours and allow public use of the spaces when not necessary for program operations.*

Ms. Cole spoke in support of the motion.

Mr. Brown, Mr. Pedersen, Mr. Arndt, and Mr. Epstein spoke against the motion. .

**ROLL CALL VOTE**

**AYE:** Voelckers, Bell, Keller, Cole

**NO:** Brown, Epstein, Pedersen, Arndt

Motion **FAILED** 4-4

**MOTION:** *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve **PWP2023 0003**.*

Ms. Cole spoke against the motion saying the applicant said themselves that this was not necessary.

**ROLL CALL VOTE**

**AYE:**

**NO:** Cole, Keller, Epstein, Pedersen, Brown, Voelckers, Bell, Arndt

Motion **FAILED** 0-8

**MOTION:** *by Mr. Voelckers to accept staff's findings, analysis, and recommendations, and approve USE2023 0013 striking conditions #1 "No student or visitor loading or unloading in the street in front of the facility" and #7 "The applicant shall include in any contract agreement with construction contractors and their subcontractors the prohibition for any construction-related vehicles, including employee vehicles, to park at the parking area at St. Ann's Avenue turnabout without prior written permission from CBJ Parks and Recreation Department. A copy of the applicable portion of each contract and the signature page(s) shall be provided to the CDD prior to issuance of a building permit for this project to show that this condition has been met."*

Ms. Cole spoke in support of the motion saying this is one of the only projects in Douglas that speaks to the history of this particular piece of land.

Mr. Pedersen and Mr. Brown spoke in support of the project but expressed concerns with the parking and safety.

Mr. Epstein quoted the code saying this proposal is an allowable use but he did not feel it was compatible with the neighborhood setting where it is proposed.

Mr. Bell spoke in support of the motion saying this is DIA land where their village was burned.

Mr. Voelckers spoke in support and said this adds to the historic experience of the area. Mr. Arndt and Ms. Keller also spoke in support.

ROLL CALL VOTE

AYE: Voelckers, Cole, Keller, Bell, Arndt

NO: Brown, Epstein, Pedersen

Motion **PASSED** 5-3

**\*\*AT EASE 9:09 p.m. – 9:20 p.m.\*\***

**XI. OTHER BUSINESS**

CONTINUED - Draft FY25 Legislative Capital Priorities –

- The commissioners each stated their preferred items for the priority list. (Shown in table)

Priority	Commissioners in Support
Telephone Hill	Cole
Lemon Creek Multi-Modal Path	Voelckers, Pedersen, Keller, Brown, Epstein, Bell
Pedersen Hill	Keller
Second Crossing	Brown, Epstein
Wastewater Treatment Compliance	Epstein
Deferred Maintenance backlog	Arndt, Pedersen, Bell



## **XII. STAFF REPORTS**

Director Maclean reported:

- the Avalanche and Landslide Ordinance came before the Assembly last night
- next Regular meeting is December 12 – agenda includes the continuance of Gastineau Lodges
- Title 49 meeting on Thursday

Mr. Pedersen asked what happens with the Avalanche and Landslide Ordinance now. Ms. Maclean explained the Ordinance has been through committees and has received public input and will be open for public comment at the next meeting.

## **XIII. COMMITTEE REPORTS**

Lands, Housing, Economic Development – Ms. Cole reported they met on November 6. FAA Lease renewal passed. Proposals for funding were heard. Chilkat Vistas and Coogan Alaska/Island Hills were the high scoring items on the list.

Title 49 – Mr. Arndt reported they are meeting on Thursday via Zoom and will discuss accessory dwellings.

## **XIV. LIAISON REPORTS – Mr. Kelly reported the Assembly approved the cold weather emergency shelter on East Alaway.**

Mr. Arndt asked why the Assembly used a 5-year exemption rather than the permitting process that has been used. Mr. Kelly said he thought this was because the temperatures had already dropped and there was urgent need to get it going and making it good for 5 years alleviates the need to come back year after year as they have been recently.

Mr. Arndt asked when the applications are due for new commissioner candidates. Mr. Kelly will get back to him with that information.

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

## **XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS –**

Mr. Epstein asked why Deferred Maintenance is not already included in the priority list.

## **XVII. EXECUTIVE SESSION - None**

## **XVIII. ADJOURNMENT – 9:48 p.m.**

Next Regular Meeting December 12, 2023 7:00 p.m.

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