

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

REGULAR MEETING
October 22, 2013

I. ROLL CALL

Mike Satre, Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Mike Satre, Chairman, Dennis Watson, Vice Chairman; Nathan Bishop, Jerry Medina, Karen Lawfer, Nicole Grewe, Ben Haight, Marsha Bennett (telephonically), Dan Miller

Commissioners absent: None

A quorum was present

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Travis Goddard, Planning Manager; Teri Camery, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner I

II. APPROVAL OF MINUTES

- October 8, 2013 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the regular meeting minutes of the October 8, 2013 regular Planning Commission meeting with any minor corrections or modifications provided by any Commission members or by staff.*

There being no objection, the minutes from the above meeting were approved.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Jerry Nankervis, the new, still unofficially appointed liaison from the CBJ Assembly,

presented his report to the Commission. October 30, is the Assembly's retreat, which is the Assembly's opportunity to go over its goals and objectives for the coming year. Monday night, October 28, during the Assembly Committee of the Whole meeting, the Assembly will be having its biannual meeting with the Planning Commission at 6:00 p.m. in the Assembly Chambers.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

AAP2013 0018: A Conditional Use permit for an accessory apartment on a lot not served by public sewer.

Applicant: Edwin Haney & Catalina Haney

Location: 8438 N. Douglas Highway

Staff Recommendation

Based upon the proposed plan (identified as Attachments B, C, and D), and the findings and conclusions stated above, the Community Development Department Director **RECOMMENDS** the Planning Commission **APPROVE** the request.

USE2013 0016: An after-the-fact Conditional Use Permit for a greenhouse constructed over a garage that encroaches 3 inches into the 10-foot front yard setback and 3 inches into the 5-foot side yard setback.

Applicant: Vance Putman & Kimberly Homme

Location: 114 Sixth Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a greenhouse on top of an existing garage which would encroach three inches into the front and side yard setbacks.

VAR2013 0015: An after-the-fact Variance to reduce the 5-foot side-yard and 10-foot rear-yard setbacks to zero for construction of a sauna.

Applicant: Vance Putman & Kimberly Homme

Location: 114 Sixth Street

Staff Recommendation

Based upon the proposed plan (identified in Attachments 1-7) and the findings and conclusions stated above, the Community Development Department Director recommends that the Board of Adjustment approve the request.

VAR2013 0017: A Variance request to reduce the 20 foot front-yard setback to 1 foot for construction of a duplex.
Applicant: Bern Savikko & Wendy Marriott
Location: Capital View Court

Staff Recommendation

Based on the proposed plan (identified in Attachments 1-8), and the findings and conclusions stated above, the Community Development Department Director recommends that the Board of Adjustment approve the Variance request.

VAR2013 0020: A Variance to reduce the minimum ROW frontage width from 30 feet to 10 feet for a future subdivision creating two lots.
Applicant: Mitch Falk
Location: 16455 Point Lena Loop Road

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and approve the requested Variance, VAR2013 0020 with the condition stated below. The Variance permit would allow the applicant to file a Minor Subdivision permit.

Condition:

1. With the recording of the proposed subdivision, the applicant shall record a Maintenance & Access Agreement document ensuring the owners of Proposed Lots 9A & 9B maintain, and provide access to, the existing common driveway within the limits of the subject property.

MOTION: *by Mr. Miller, to approve the consent agenda as read with staff’s findings, analyses and conditions.*

The motion was approved.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2013 0032
& USE2013 0033: Conditional Use permit for a 40 unit multifamily housing development;
Conditional Use permit for a 35 unit multifamily housing development.
Applicant: DOWL HKM
Location: Vista Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and

grant the requested Conditional Use permit and Hillside Endorsement. The permit would allow the development of a 40 unit multi-family development and a 1,800 sq. ft. community building. The approval is subject to the following conditions:

1. Prior to issuance of a grading or building permit, the applicant shall submit a complete grading and drainage plan, including information on sediment and erosion control.
2. Prior to commencement of excavation, the applicant shall submit a guarantee bond to assure sediment control and removal and to repair any damage or reconstruction required as a result of this project. The bond shall be in the amount to be determined by the Community Development Director.
3. Additional area in the hammerhead will be cleared and graveled to provide room for snow storage and to facilitate efficient snow plowing within the hammerhead. Snow storage in this area should be limited to snow cleared from the hammerhead only.
4. Prior to issuance of a building permit for the proposed structures; the applicant must submit a revised site plan showing the accessible vehicle spaces that comply with the requirements of CBJ 49.40.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
6. The project shall incorporate the BMPs from the Manual of Storm Water Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.

USE2013 0033

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit and Hillside Endorsement. The permit would allow the development of a 35 unit multi-family development. The approval is subject to the following conditions:

1. A vegetative buffer will be planted in the side yard setback on the eastern property line between buildings 5 and 8 as well as the parking area to provide screening between the development and Forests Edge Condominiums.
2. Prior to issuance of a grading or building permit, the applicant shall submit a complete grading and drainage plan, including information on sediment and erosion control.
3. Prior to commencement of excavation, the applicant shall submit a guarantee bond to assure sediment control and removal and to repair any damage or reconstruction required as a result of this project. The bond shall be in the amount to be determined by the Community Development Director.
4. Prior to issuance of a building permit for the proposed structures; the applicant must submit a revised site plan showing the accessible vehicle spaces that comply with the requirements of CBJ 49.40.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan

illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

6. The project shall incorporate the BMPs from the Manual of Storm Water Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.

BACKGROUND

Ms. McKibben informed the Commission that while the project touches Douglas Highway, that access is reached via Vista Drive. The property owner is JLC Properties. The total site size for the project is 6.57 acres. The Comprehensive Plan Use designation is Medium Density Residential, and it is zoned D-18, which is roughly 18 units per acre. The project would have City water and sewer.

Ms. McKibben explained that one of the reasons that both projects were submitted at the same time was so that the Hillside Endorsement could be completed and evaluated, since it was for the complete site. She said it led to a better development and a more holistic approach for the project.

Conditional Use 2013 0032 would include 40 dwelling units comprised of one to three bedroom units in four buildings, plus an eighteen hundred square foot community building and a playground. This project has received grant funding, and pending approval, the applicants intend to begin construction in the spring of 2014. Fifteen of the units would be market-rate, with 25 of the units income-based rentals, with eight of the units available for individuals with disabilities.

USE2013 0033 would be comprised of 35 units of one to three bedrooms with three units available for individuals with disabilities. This project does not have funding at this point. They are applying for the permits for this project, partly so the Hillside Endorsement can be evaluated for the entire site, said Ms. McKibben

The community building, onsite management and resident manager would be shared between both developments, once both were constructed.

If the proposal as presented is approved by the Commission, the property owner would submit a minor subdivision to adjust USE2013 0032 along one parcel and USE2013 0033 along the other parcel. This would leave Vista Drive on the same lot as USE2013 0032. In order for the applicants to build the road, it has to be on the same lot as the buildings.

While extending Vista Drive, it would initially be constructed as a private drive while meeting City standards, with the intention that once it was completed, a right-of-way would be established, and it would subsequently be conveyed to the CBJ for maintenance. The reason

for constructing the road initially as a private drive has to do with the funding structure of the project.

Ms. McKibben noted that while the Streets Department had recommended a cul-de-sac be constructed at the end of the road for snow removal, that the Fire Department thought a hammerhead would be sufficient. Ms. McKibben said there were concerns about the cuts in the slope which would be required for creating a cul-de-sac. She said it was recommended by the CBJ Engineer that additional areas around the paved hammerhead be cleared and graveled for snow storage, or for storage of snow clearing equipment, so that snow clearing equipment could maneuver.

The developers conducted a meeting with the Crest Condominium Association in June, said Ms. McKibben. The developers conducted the meeting because they had heard there were concerns on the part of the Crest Condominium owners when an article about the project had appeared in the Juneau Empire.

On September 30, the Community Development Department hosted an informational meeting concerning the project at Gastineau Elementary School. Ms. McKibben presented the Conditional Use process and answered questions. The applicants also provided a presentation about their project and answered questions.

TRAFFIC

With its application, the applicant submitted a Traffic Impact Assessment, supplementing its application with a Traffic Impact Analysis. The Traffic Impact Analysis was done in conformance with the requirements of Title 49, as well as with the Alaska Department of Transportation (DOT) Traffic Impact Analysis requirements.

The findings of the Traffic Impact Analysis are that the levels of service at the intersection of Vista Drive and Douglas Highway are currently at Level of Service A. Levels of service range from level A – D, A being the best with the least amount of wait, with D (or F) designated as the longest wait. Title 49 allows for traffic impacts up to Level of Service D before mitigation is required. Level of Service A is the current standard for the area. With the 40 units, (USE 32), they have forecasted the Level of Service at Douglas Highway with the a.m. and p.m. peak hours at Level of Service B, and with the addition of 35 units for a total of 75 units they have shown Level of Service A on Douglas Highway, and Level of Service B at Vista Drive.

Forecasted through 2036 with no construction, Level of Service A at Douglas Highway and Level of Service B at Vista Drive is forecasted, and at full build-out the Level of Service projected for all 75 units is projected at Level of Service A and Level of Service B. So according to Title 49, traffic will not be impacted enough to require mitigation.

OTHER RECOMMENDATIONS

Staff has recommended that a revised parking plan be added showing that van accessible spaces be included.

Staff does not anticipate noise to be any more or less than any other project of a similar D-18 zoning district.

Title 49 does require that 30 percent of the site has vegetative cover. In the staff report, but not in the numbered list of conditions for the applicant, is the requirement that 30 percent of the lot must be planted with vegetation or the installation of vegetation be bonded for and that the vegetative area shown in the plans be maintained with live vegetative cover, said Ms. McKibben.

Because the project is located on such a steep slope, a Hillside Endorsement was required. This is to ensure erosion drainage control to protect adjoining parcels, protect waterways from sedimentation and pollution, minimize injury or damage to people or property from natural or artificial hazards in hillside development, and minimize adverse aesthetic impacts. The applicant will need to submit extensive building and grading permits to the City to comply with these requirements.

The applicant will also need to submit a storm water prevention pollution plan, which is administered by the Alaska Department of Environmental Conservation, which is another way of addressing public health and safety. They have also received an Army Corps of Engineers Permit for fill.

Other concerns raised by residents in the area focused on the safety of students attending Gastineau Elementary School. Ms. McKibben verified there is a bus stop at the base of Vista drive where it meets Douglas Highway, ensuring the students would not need to cross the highway to catch the bus.

Ms. McKibben noted that the Alaska Department of Fish and Game has attested there is no impact to anadromous fish streams.

Neighborhood harmony and property values also have to be assessed. The City Assessor is of the opinion that there will not be a negative impact on property values as a result of the project. Also, neighborhood harmony should not be negatively impacted, according to the City Assessor. This is a D-18 multi-family zoning district, and this use is of a similar type to those within the area.

The staff finds that the application is complete and appropriate to the permissible uses, and that it complies with the public notice requirements, in addition to the extra community outreach provided which was not required by Title 49. The project does not materially endanger public health or safety, and that with conditions it does not substantially decrease value or be out of harmony with the neighboring area. It is in general conformity with the Land Use Plan. The Comprehensive Plan notes there is a great need for more affordable housing in Juneau, said Ms. McKibben

The staff recommends that the Conditional Use Permit and Hillside Endorsement be granted with the six conditions listed above, as well as prior to the certificate of occupancy or temporary certificate of occupancy, that 30 percent of the lot be planted with vegetation, or the installation of vegetation bonded for, and that the vegetation shown in the plan be maintained with live vegetative cover as shown in the approved plans.

Ms. McKibben said the staff also recommends approval of USE2013 0033, with a vegetative buffer to be planted in the side yard setback on the eastern property line between buildings 5 and 8, as well as the parking area to provide screening between the development and Forest Edge Condominiums.

QUESTIONS FOR STAFF

Mr. Bishop asked for assistance in locating the grade of the Vista Road extension.

Ms. McKibben replied that she knows the information exists because she saw it, but she recommended that Mr. Bishop consult with the CBJ Engineer.

Mr. Bishop asked what the City policy was concerning the acceptance of right-of-ways: when the differentiation occurred between a public right-of-way and a public drive.

Ms. McKibben said the road would initially be constructed as a private driveway, but constructed to City street standards with the intention that the street be dedicated as a right-of-way, becoming a city street.

Mr. Bishop asked who determined whether the street became dedicated or not.

Ms. McKibben said the City would have to accept it. It would be platted as a minor subdivision.

Mr. Bishop asked under what conditions did the City accept the road as a public right-of way. How did the City determine if it wanted to have a road as a public right-of way, he clarified. He said for the City to accept the liability and maintenance responsibilities of a public purpose was one thing, but to accept these responsibilities for a private service was another thing altogether. Mr. Bishop pointed out the road did not lead to any public land.

Ms. McKibben said there had been a lot of discussions throughout the reapplication conferences about the best way to handle the road. Initially it had been planned to build it as a city street. But because of the funding structure of the project, the developers could not build the street if it was in a right-of-way. Ms. McKibben said there has been a lot of discussion between the applicant and the City, and it has not been a problem as long as the road is constructed to City standards. Ms. McKibben mentioned there has also been talk about the property owner of land behind the project wanting to develop his land at some point in the future. At some point he may want Vista Drive and David Street to connect.

Mr. Bishop asked if Title 49 still had the landscaping requirements.

Ms. McKibben replied she believes there still were some landscaping requirements but that she did not recall if they applied to this type of development.

APPLICANT PRESENTATION

Elaine Dahlgren, CEO at Volunteers of America of Alaska, told the Commission that their organization was a national nonprofit faith-based organization that provides a range of human service programs. Their organization serves over 2 million people in over 400 communities each year in the United States. She said they are the nation's largest provider of affordable housing in the nonprofit field. She said they provide homes for seniors and homeless and veterans and families.

They provide service-enriched housing for people in need. She said that means they provide a service coordinator or a case manager on site who works with residents to assure that any needed services are provided for the residents. This means that they work closely with all of the agencies in the community.

Volunteers of Alaska began in 1981 to provide substance abuse treatment for teenagers. It currently owns 125 units of housing in Anchorage, with another 25 units under construction. For the first 66 units that opened in Anchorage, they had over 700 applicants.

Glen Gellert, one of the Alaska-based developers of Volunteers of America, said that he has built about 700 similar types of housing around the state. He said he has worked closely with Ron Bateman of Lumen Design, who is also a general contractor. He said the biggest challenge on this project has been the civil engineering work. They are using the local engineering firm Dowl Engineering, he said.

Mr. Gellert showed the Commission and the audience slides of past projects they had successfully constructed. Mr. Gellert said they get asked a lot why they picked this particular site. He said they first needed to look for particular zoning. They also needed a particular size that would allow for the construction of the number of units they wanted to build. That limited the number of lots that were available, he said. The utilities were in place, it was well located, and close to schools. It was not terribly dense. They wanted to keep a lot of natural vegetation.

Gary Jenkins was the next member of the applicant team to speak; a civil engineer with Dowl HKM, a firm which has been doing design work in Juneau for sixty years under the name Toner, Nordling and Associates. He said the firm is very familiar with designing in Juneau, and the conditions of the site. He said that he began working at this particular location in 1996 on the first phase of the project.

Mr. Jenkins said the street will have a five foot sidewalk on one side which is a wider sidewalk than the existing four foot wide sidewalk on Vista Drive. The profile is at about 11.8 percent, under the CBJ standard of 12 percent. At the curve at the bottom of the hill where the existing cu-de-sac is, they are building a rotated crown, so that vehicles coming down the hill will be assisted in the turn with the steep grade during inclement weather conditions.

The applicant took extra steps to situate the buildings so they would not be situated on fill, explained Mr. Jenkins. All of the buildings in Phase I are situated on existing ground. In Phase II, not quite all of the buildings could be directly on the ground, but they worked hard to do that as much as possible.

With the Hillside Endorsement, the developers have worked hard to keep all of the excavated soil on site. To accomplish this they are filling the ravine which is located directly to the north of Phase I. They have designed a stabilized embankment with engineered fill.

The offsite runoff will be collected and routed through the site with the underground storm drainage system to an energy dissipation pad below and put back into the same drainage it is in. This will be accomplished using the shortest route possible.

All design has been accomplished meeting the requirements of the CBJ code. The contractor will be required to have a Storm Water Pollution Prevention Plan for submission to the Department of Environmental Conservation, and do their construction in accordance with Best Management Practices.

Mr. Medina asked if the test pits that R &M Engineering did in 1995 have been updated or if they were still considered valid.

Mr. Jenkins said they were still considered valid. He added that R &M did do additional investigations to the site in other areas to supplement the 1995 report.

Ms. Grewe asked what type if any of vegetation was in front of Building One. Mr. Jenkins replied that it was alders, and that they should remain undisturbed, as the construction began behind the alders.

Mr. Watson asked if the engineering portion of the presentation was made at the public meeting.

Mr. Jenkins replied that the current presentation was a slightly condensed version of the one provided at the public meeting.

Mr. Haight asked for a more detailed description of the hammerhead.

The hammerhead allows a fire truck and other apparatus vehicles to get up to a site, turn around and get out, explained Mr. Jenkins.

Mr. Haight asked for an explanation about the snow storage area that was mentioned.

The snow storage area would be an extension from the upper end of the hammerhead to create a flat area for snow storage, explained Mr. Jenkins.

Mr. Haight asked where the drainage from the snow storage would go.

Since it was a new condition, Mr. Jenkins said he had not yet evaluated it. He said he would have to review it with engineering to see if they could discharge it to the Lawson Creek side with the appropriate discharge run-off control, or if they would have to use another method to divert it down the hill.

Mr. Watson asked where the ground source heat equipment would be placed on the site.

Mr. Jenkins said it would be placed within the layers of the large embankment as it was constructed.

The architect for the project, Ron Batemen, was the next member of the team to speak. He said he had worked in Alaska all of his adult life in numerous locations around the state. He said he believed in designing as much open space as possible for the projects. They attempted to design a project which was the most stable, with the least impact that they could design.

They try to eliminate as many partitions as possible in the living space, so that it feels as large as possible. Every house should have a private entrance. He said they do not like corridors or elevators. Those are dangerous places, he said. He said they like to make sure that everybody has a front door that is covered and private. They use the best soundproofing that they can, and they use large windows, both for natural light and to “encourage people to behave”.

He said they have never built a project that did not have at least a five star plus rating. He said the units are energy efficient; as high of a rating as you can get in Alaska that is officially recognized. A geothermal system will be used to supplement the heating. The bottom line, said Mr. Batemen, is that they never want to build a project that they would not want to live in.

Another member of the project team, John McGrew, informed the group that fifteen units would be available at fair market rates. Eight units would be available for individuals with disabilities. He explained that those units would be fully accessible, as well as for hearing and visually impaired individuals. Those units will remain vacant until they are filled with individuals with disabilities. The remainder of the units will be available for people making less than \$50,000 a year.

Regarding the impact on the schools, Mr. McGrew said last year there were 330 students at Gastineau School. He noted this year there are 270 students. They anticipate about twenty elementary students with the first phase of construction. They confirmed that there will be a school bus that will stop at Vista Drive for the students.

They anticipate no negative impact on the property values in the neighborhood. Mr. McGrew said they have noticed that property management can have an impact on property values. He said that they have a very strong management team, with national oversight, audited by Alaska Housing every year, as well as penalties they would undergo with investors if the development fell into disrepair. There is a strong reserve of \$400,000 set aside for the project. There is also very strong tenant screening, with only one out of ten applicants meeting the standards set by the organization. The project is very well covered by insurance, said Mr. McGrew.

Ms. Grewe noted there were a lot of comments with concerns about changes to the neighborhood. She asked Mr. McGrew to comment further about the process for tenant screening, asking him to give the criteria and comment on how competitive it was.

The applicants have to have their income verified, undergo credit analysis, have a criminal record check, and have past rental references checked, responded Mr. McGrew. He said the quality of tenants picked for the last project was phenomenal. He said he owns a 16-plex across the street from the development in Anchorage, and he thinks the project has improved the neighborhood. He said this tax credit project is a different type of project than the public housing people think of.

Mr. Medina asked if it was true that applicants were not allowed who had a felony conviction.

Mr. McGrew said that was correct.

Mr. Medina commented that applicants also had to have a decent credit rating.

Mr. McGrew answered in the affirmative.

Mr. Medina asked if Mr. McGrew had noticed increased crime in neighborhoods around the state as a result of their housing developments in those neighborhoods.

Mr. McGrew answered that they had not.

Mr. Bishop asked about the structure of the affordability of the units.

The property is restricted for 30 years for rental to people of various income levels, answered Mr. McGrew. The lowest income level that units are set aside for is 30 percent of the median income.

Mr. Gellert expanded by stating that for the first fifteen years there is a J.P. Morgan interest in the title, but that the income level restrictions must stay in place for another fifteen years. However, he said, in nonprofit projects such as this, it is common for the income level affordability to be maintained throughout the life of the project.

Mr. Watson said that he noticed the top rent for one of the applicant's units was \$1,599 and that the Crest rented a three bedroom unit for \$1,999. He wanted to know if the applicant viewed themselves as competition to the Crest.

Mr. McGrew said that their focus was affordable housing and what they termed "work force housing". He said the \$1,599 rent would be a few that would be charged to someone with no income restriction. He said they come up with those particular rent figures based upon whatever the average rent is in the community.

Mr. Bishop asked if these units could be marketed as condominiums at some point in the future.

He was told that theoretically they could be turned into condominiums, but that was not the intention of the developers.

PUBLIC TESTIMONY

Rebecca Watts asked the Commission to consider the potential impact that 75 additional housing units would have on Gastineau School. Ms. Watts is both a teacher at the school, and the parent of a child who attends the school. She said that while it is true the school is not at full capacity this year that class sizes are high. She said she has 30 students this year, and had 32 students last year. She said with the new housing on Cordova Street, there are already 24 new housing units scheduled to be completed with the possibility of 32 more units to be added to that development in the future. She said if even half of those units had families, then the school's limits would be pushed. Ms. Watts said the integrated preschool and the Tlingit and Haida Head Start program would be forced out of the building.

Mr. Haight asked if it had been explored to shift students from North Douglas to Harborview School.

Ms. Watts said she could not answer for the school district, but that Gastineau School is a very close knit community, and that if a child had been a part of that school community since kindergarten, she believed there would be families who would be upset with that.

Mr. Watson asked if the roughly 100 pre-K and kindergarten students came from the Douglas area or from other parts of the community.

Ms. Watts said a large population of students come from North Douglas and surrounding Douglas area.

Ms. Lawfer asked how many teachers and support staff were defunded from Gastineau School this year.

Ms. Watts said they lost one intermediate teacher because the projected enrollment numbers were low.

Mandy Cole, who manages a 32 bed shelter at AWARE, said one of the major problems facing women and children in Juneau, who are trying to start over, especially single mothers, is safe, affordable, decent housing. She urged the Commission to approve the affordable housing project.

Margaret O'Neal, a member of the Affordable Housing Commission, is also employed by the Juneau Economic Development Council. She worked on the Housing Needs Assessment of 2012. She said this is the first project of any size that has come to Juneau that will actually make a dent in the housing problem. There are almost 400 families in Juneau that are eligible for vouchers based on their income beyond the number of vouchers that are available. She said that meant about ten percent of those applicants could be housed in this project. She said the Affordable Housing Commission strongly encourages the Commission to support this project.

Maxine Thompson owns a condominium at the Crest. She told the Commission that one of her biggest concerns is the fast track that the project is taking. She felt there were major traffic problems during peak times during the day. She said there were conflicting reports on Lawson Creek regarding the fish that spawn there. She said she was also concerned about the safety issue of the road.

Ms. Lawfer asked Ms. Thompson if she had reviewed the packet with the report in it by Jackie Timothy from the Department of Fish and Game.

Ms. Thompson said she believed that someone from Fish and Game had responded to her letter of concern but that she had neglected to scan it and email it back to them.

Ms. Lawfer referred Ms. Thompson to a memo written by Jackie Timothy written on October 8, 2013, regarding the project, stating that it would not have an impact on the anadromous fish or fish habitat in Lawson Creek.

Ms. Thompson said if they pushed snow over towards that area there would be some leaching down the hill.

Laurie Fuglvog has lived at the Crest Condominiums since 2002. She said she still has problems with Building One being built on a ridge which would be bulldozed to a level of the dumpster pad that is currently there, which is the same level as the street. She was wondering why the

first three buildings have parking underneath the buildings while the fourth building does not. She was wondering why the buildings could not be moved further up, so the lowest building could be moved further away from the ridge, so it would not have to be cut into the ridge. She said the existing alder trees currently act as a nice buffer. Ms. Fuglvog added that with 30 foot cuts into the bedrock, that blasts may affect the nearby condominiums. She said that tests should be conducted prior to blasting, to make sure that the buildings could withstand the blast.

Mr. Watson asked Ms. Fuglvog what she meant about the rest going to 40 percent rental.

She responded that she meant that with the Crest now at about 100 percent owner occupied, with the new project being all rentals, that it would be changed to about 60 percent rental units on Vista Drive and 40 percent owner occupied.

Sandra Benzel next spoke to the Commission, asking that the Conditional Use the permit be delayed until the concerns expressed by the residents were all addressed. She said the developer had only two years to complete the project or it would lose its funding. She said that any time there was a rush to complete something, that problems occurred. She said she was worried about the safety of hillside stability, and the lowering of property values. She said that while the items in the packet say that property values will not go down, they talk about Ketchikan and Anchorage, they do not address Juneau. She said there really is no buffer zone between the proposed development and any of the adjacent privately owned condominiums.

Ms. Benzel said the CBJ Police Department acknowledged there would be an increase in crime in the neighborhood with this type of housing, but were unable to say how much. Ms. Benzel suggested that the applicants build from David Street instead of Vista Drive, eliminating safety issues, runoff issues and erosion issues.

Scott Ciambor, whose son goes to Gastineau Elementary School, told the Commission he was there to ask the Commission to approve the Conditional Use Permit for the project with the amendments made by the staff. He said based upon the experience he has had working on affordable housing and homeless issues in Juneau for the past five years, this project is on the forefront on how affordable housing gets accomplished across the country. There is housing with rental income to help subsidize the units such as this project with its mixed income units. Mr. Ciamor said there is a huge and desperate need for this type of project in Juneau, and the community should all be trying to help the applicants and celebrate the project.

Marcelo Quinto said he has been in Juneau all of his life, and that he lives at the Crest. He told the Commission that his primary concern was the safety condition of Vista Drive. He said in his twelve years of living at the Crest, that two people have fallen and hurt themselves very seriously just walking up the road to empty garbage. He also expressed his concern about children using the steep hill to sled upon in the winter.

Mr. Watson asked Mr. Quinto if snow removal was satisfactory.

Mr. Quinto replied that the condo association plows the area twice a day, but that the City does not plow on a regular basis.

Jorden Nigro, Assistant Director at Southeast Alaska Independent Living, advocated for the project, and for more affordable housing in Juneau. She told the Commission that every day people come into the office who have jobs, work for a living, and can't afford to live here. She said that although she hears concerns that the project is happening too quickly, she said it is not happening too quickly.

Judy Cavanaugh, President of the Forest Edge Condominium Association, said that many of the Association's concerns have been addressed between the September 30, public meeting and the current meeting. She said a big concern is the stability of the hillside. She said in the past ten years their association has spent over a quarter of a million dollars on stabilizing their structures that have shifted over time.

She said with some of the buildings in Phase II possibly being built on fill, there could be the possibility of more shifting occurring on the hillside. She repeated the concern of traffic, saying that it was a domino effect, with the other streets which feed onto Douglas Highway, not just Vista Drive. She also repeated the concern that the trees remain in place over time, and not be cut over the years. She also wanted the width of the buffer defined between the Phase II development and Forest Edge Condominiums.

Ms. Lawfer asked what work the condominium association performed towards hillside stabilization.

Ms. Cavanaugh said that the condominiums up the hillside had to have piers put in to prevent further sliding, and the 20 units grouped at the top of the hill had some slippage, which needed stabilization. She said this year alone the association spent \$174,000.

Ms. Lawfer asked if the condominiums were built on fill.

Ms. Cavanaugh said she did not know for sure, but that she believed some of the lower condominiums were built on fill and some on hard surface. The group above she said she believed were built on hard surface, but that building experienced a five inch shift over time.

Matthew Thompson, a resident of Forest Edge Condominiums, said that one of the reasons they chose Forest Edge was to have a safe environment to raise their son. He said if a big project linked up with David Street it would undermine the safety of the area for children.

Ellen Canapary expressed her concerns about the involvement and long term funding for the proposed site and building. Ms. Canapary said that \$400,000 in reserves is a minimal amount of

funds without any incoming funds such as those which come from a condo association. She said that amount of reserves would not be enough money to take care of possible building issues years down the line such as building stabilization or roof repair due to snow damage. She said each owner had to spend \$12,000 out of their own pocket to deal with the building issues in their condominium association.

Norton Gregory, a member of the Juneau Affordable Housing Commission, and the Program Manager for Tlingit Haida Regional Housing Authority, said that Tlingit and Haida Regional Housing Authority currently has 64 tax credit units in the Valley off of Valley Boulevard. There are currently over 100 families on the waiting list to get into housing. The beauty of the project that has been proposed is that it is overseen by the Alaska Housing Finance Corporation. It ascertains that there are adequate reserves, and performs a thorough inspection annually. Alaska Housing Finance Corporation will assure that these units are managed properly, and held to high standards.

The beauty of the tax credit program and the income limits is that it helps people of different income levels get into affordable housing. Some of the people that live in the rental units on Valley Boulevard are people that work at Alaska Airlines, there is a police officer, as well as other people that work in our community that you might know, said Mr. Gregory. They are people in the community that need somewhere they can afford to live. Once an individual is income-qualified to get into a unit, even as their income rises, they are always qualified to remain in the unit.

Dave Hanna, the current owner of the property under discussion, said when a developer comes forward and shares their long term goals for a project, it results in good planning, and makes it easier for planners to assist in helping to build it into a good project for the community. However, the down side is that it provides more opportunity to bring in more negative comments, making it harder to bring the project to completion, said Mr. Hanna. So what often happens, said Mr. Hanna, is that small projects are often piece-mealed in, so that they don't have to go through the public process. Mr. Hanna said he found it ironic that neighboring condominium owners were worried about encroachment, when recent surveys have revealed a 20 to 30 foot encroachment by Forest Edge condominiums onto the Hanna property. The concern about tree cutting is a bit ironic when they cut the trees for him, said Mr. Hanna.

Ms. Lawfer asked why the Crest Condominium Phase II project did not come to fruition.

Mr. Hanna said the project was originally conceived for the previous owner. It wasn't economically feasible at the time, he explained. There has always been an intention to fully develop that site, said Mr. Hanna.

QUESTIONS FOR THE APPLICANTS

Mr. Jenkins said the geotechnical report came back with no concerns about site stability issues,

especially where they would be excavating to existing grade. They gave recommendations for places where they would need to put in fill.

Mr. Bishop said there was concern over blasting. He asked if there was an expectation that blasting would be performed on site.

Mr. Jenkins responded that they did not know. He said it is a possibility.

Mr. Bishop asked if blasting were to occur, what the feasibility was of it interfering with the neighboring condominiums

Mr. Jenkins said he did not think it would interfere with the neighboring condominiums. He said they could do monitoring of the structures nearby if it was deemed necessary.

Mr. Bishop asked if monitoring would be controlled by the CBJ engineering department or by another entity or if it would be self-monitored.

Mr. Jenkins said he was not sure but he thought it was through the CBJ.

Mr. Miller asked about the feasibility of the ground moving behind where the existing soil is cut into, especially above the topmost building.

Mr. Jenkins responded that engineered surfacing would be applied to keep the surface stable to prevent erosion.

Mr. Miller asked for a further explanation of the underground drainage applied during construction.

Mr. Jenkins explained that during construction to keep the water off the construction site the drainage is run through the underground storm water system once the embankment is stabilized.

Mr. Miller asked Mr. Jenkins to elaborate on the techniques that would be used when building on fill was necessary so that a layperson could understand, particularly defining terms such as "engineered backfill". Mr. Miller said he wanted to understand how the one building that was going to be constructed on fill was going to be supported.

Large shot rock will be placed at the toe of the slope that will be keyed into the existing ground, then placing layers of geo fabric grid which allows the moisture to pass through, layering this with soil building the base as a unit, explained Mr. Jenkins.

Mr. Miller asked what is typically required by the CBJ of snow storage so that it does not just run off melting and flowing into the creek.

Mr. Jenkins said the BMP (Best Management Practices) in the CBJ manual for storm water management is to have filtration strips which is a grassy area or some sort of a pond to retain the runoff if that was a choice, are very common methods. The manual has many different methods for runoff in general which includes snow melt, said Mr. Jenkins.

Mr. Miller clarified that the BMP's would be required during the permitting process, and Mr. Jenkins affirmed this. He said it is a very thorough, permanent storm water control plan that has to be submitted as part of the grading permit.

Ms. Lawfer asked how long Mr. Jenkins had been working in Juneau.

Mr. Jenkins said he had been working in Juneau since 1996, and here for about twelve years, and working on projects in Juneau off and on since then.

Ms. Lawfer asked Mr. Jenkins based upon his knowledge of Juneau, if he knew how many dwellings on Pioneer and above, and what was coming in on Simpson, which were constructed on the ground or on fill.

Mr. Jenkins said he did not know.

Ms. Lawfer asked how much of the site would need to be clear-cut for construction and then be re-vegetated.

Mr. Jenkins replied that for both phases everything except for the lower quadrant would need to be cleared.

Mr. Medina said the CBJ Engineer, Mr. King, has recommended that the design be modified by eliminating the curb and gutter drainage structures on the south side of the new road and replacing those with bio swells, cross culverts, dissipation devices, that naturally treat runoff before entering the Lawson Creek drainage. Mr. Medina asked if Mr. Jenkins agreed with that assessment.

Mr. Jenkins said they currently had nothing proposed to discharge into Lawson Creek. Mr. Jenkins said in his opinion it didn't need to discharge into Lawson Creek. It could discharge into the underground storm drainage system. He did feel that would be an improvement. There would be less maintenance with curbs getting smacked with snowplows. He thought it was a good suggestion.

Mr. Haight said that Mr. Quinto brought up a point about the street extension along Lawson Creek. He asked for Mr. Jenkins' thoughts about safety for vehicles and people along the creek.

Mr. Jenkins said they have been thinking about placing a guardrail around the curve along the road at the top of the hill. There will be a curb around the curve of the road which is typically

regarded as a barrier for vehicles in this type of situation, he said. He said from an engineering standpoint he did not really get involved in placing fences on hillsides to prevent children from entering, so he did not feel qualified to comment on that aspect.

Mr. Bishop asked if there was enough road on the south side of the road to have a bio swell.

Mr. Jenkins said there was, although at the top it got a little tight, so they would either have to shift the road and push the building slightly, or have the drainage come down on the curb and gutter system for the first 100 feet or so and then go into the bio swell.

Mr. Bishop said since that would be a city street there would not be adequate room for snow storage.

Mr. Jenkins said there would be adequate room on site for snow storage.

Mr. Miller said having lived all over Alaska, Juneau gets more glare ice than anywhere he has lived in Alaska. He said it will not be Juneau's priority to keep the road maintained, and he wondered what the thoughts were regarding snow maintenance.

Volunteers of America is very well funded, and there is a lot of money set aside for snow removal, maintenance and sanding, Mr. Miller was told. The initial expectation was that this was going to be a private road, and this has been budgeted accordingly, said Mr. McGrew. The hope is that with 75 additional units the City will come to sand the road more often, but if necessary they would sand the road to Douglas Highway to assure safe passage, he said.

Mr. Medina asked if a portion of the rent would be added to the \$400,000 reserve account so that it would build up over time, or would the \$400,000 just accrue interest.

There would be \$350 per unit per year set aside and added to the reserve, explained Mr. McGrew. Since the project will be new, they anticipate the funds building up over a number of years before they need to use them. He added that the slippage issue at Forest Edge sounded more like an insurance issue. Volunteers of America has a very impressive insurance plan, and condominiums are notorious for getting insurance, he said.

ADDITIONAL QUESTIONS FOR STAFF

Ms. Grewe asked staff if they had any further conversations with the assessor regarding impact to neighboring property values. Ms. Grewe said the memo was not as strong as she would have hoped. They had been in similar situations before with stronger opinions, and it cited what assessors have said about other municipalities. Ms. Grewe said for her it was not relevant.

Ms. McKibben said she had no further insight to offer from the assessor.

Ms. Lawfer asked staff if they knew when Lawson Creek Road became a City road.

Ms. McKibben said she did not know.

Ms. Lawfer asked about the width of the buffer between Forest Edge and Phase II of the development. Ms. Lawfer asked what if trees had been cut on the property of Phase II and it is not the property of Forest Edge Condominiums.

Ms. McKibben said since they are independent projects, she prefers to refer to them by their names rather than distinguish the projects as phases. She said this project is USE2013 0033, and this is the project where the staff has recommended the condition that vegetative buffer be retained along the shared property line with Forest Edge Condominiums. Since there is only a ten foot separation between the buildings and the property line, which is greater than the required setback, it doesn't leave enough room to leave all of the existing vegetation. Some of the land will need to be re-vegetated. If trees have been removed on the other side of the property line, said Ms. McKibben, this property owner has no ability through this permit to require them to be replanted.

MOTION: *by Mr. Bishop, to approve USE2013 0032 and USE2013 0033 and accept staff's findings, analyses and conditions as proposed in the staff report this evening.*

Mr. Bishop said that he would like to speak in favor of this motion. He said before them they had some of the best experience in handling civil engineering in Juneau. They have a lot of experience dealing with slope stability and erosion control, with a lot of regulatory review. There are storm water prevention plans which were not required in past years. There is an architect on the project with many years doing multi-family work in Alaska. There is a nonprofit organization putting up its own funds as well as public funds in its attempt to create a benefit to the community. Mr. Bishop said he sees little holding this project up and a lot pushing it forward.

Mr. Medina spoke in favor of the motion. He said it meets all of the requirements for height and setbacks, and will meet all of the building codes required for fire safety. He said it is also in conformance with adopted plans, and with several of the policies in the Comprehensive Plan.

Mr. Miller spoke in favor of the motion. He added a friendly amendment to staff condition number seven adding the requirement of 30 percent vegetative cover, and the vegetative cover maintenance pointed out earlier by staff, and adding another requirement that if blasting were to occur that proper notices be posted. Mr. Miller suggested that condition number one be removed from USE2013 0033 which referred to the vegetative buffer. Mr. Miller said there is only ten feet there, and one of the problems with building in a maritime climate like this is that close vegetation to a building prevents air getting next to the structure to dry it, leading to problems such as mold and rot.

Mr. Bishop accepted the first two of Mr. Miller's friendly amendments, and asked for discussion on the third friendly amendment.

Mr. Watson wanted to add a condition with construction hours to the motion of not starting before 7:00 a.m. nor after 7:00 p.m. Monday through Friday; 8:00 a.m. – 5:00 p.m. on Saturday and 9:00 a.m. – 5:00 p.m. on Sunday.

Ms. Lawfer said she could speak in support of removing the buffer.

Mr. Bishop said he accepted Mr. Miller's friendly amendments regarding the removal of condition one from USE2013 0033 using vegetation as a buffer, and the addition of a condition to both USE2013 0032 and USE2013 0033 adding the requirement that proper notices be posted should blasting be required.

Mr. Miller asked if there were standard work hours which were part of Code.

Mr. Watson said from what he could recall, construction could take place up until 10:00 p.m. at night. He said he wanted to make sure the hours that the contractor worked on the project, if it was approved, were not left to chance.

Mr. Medina said that he would support Mr. Watson's amendment to the main motion.

Ms. Bennett said she was impressed by the quality of the project and the report. She said this would be good for the community, which could now provide a decent job for someone, and be able to provide housing to go along with it. She said she thought this was a wonderful project, and she was very much in support of it.

Ms. Grewe spoke in favor of the motion including the amendments. Ms. Grewe said the development was appropriate to the D-18 zone, it is in conformance with Title 49 and the Comprehensive Plan, the Hillside Endorsement is supported in the staff report, as well as a professional project team with good investors, with a nonprofit organizing the effort with a track record of success. Ms. Grewe said it is a good project at the right time for this town. Ms. Grewe said she was most impressed with the long term management plans and the screening of tenants and the income considerations and how all of this will be executed. Ms. Grewe said she thinks the long term management plan will be the best factor in preserving the neighborhood character.

Mr. Haight voiced his support for the motion. He said he would like to see the project move forward.

Mr. Watson said he was in support of the motion. He said he appreciated the professionalism shown by both the applicant and the public. He wanted to add that in CBJ Safe Routes to School document parents of children who attend Gastineau School had indicated an important concern was adding a sidewalk on Douglas Highway from Lawson Creek to Vista to Gastineau School. Mr. Watson said the School District has the ability to expand staffing based upon the

students. Mr. Watson said that he did not think the project was going to stretch the capacity of the school.

Ms. Lawfer spoke in support of the motion and the amendments.

Mr. Satre said he appreciated everyone who has been involved in the process since it has been initiated. He said there have been changes in the project over the past few months that have made it better. Mr. Satre said ultimately this is a much more complicated construction project than people may realize. The engineering challenges on the hill are significant and the Hillside Endorsement and the involvement of city engineering is really the insurance policy that the citizens of Juneau and the adjacent neighbors have to ensure the project is done correctly.

Ultimately this meets the Comprehensive Plan to a "T", said Mr. Satre

(MOTION: *by Mr. Bishop, to approve USE2013 0032 and USE2013 0033 and accept staff's findings, analyses and conditions as proposed in the staff report this evening. Adding condition number seven to both USE2013 0032 and USE2013 0033 adding the requirement of 30 percent vegetative cover, and the vegetative cover maintenance pointed out earlier by staff, and adding another requirement that if blasting were to occur that proper notices be posted. Condition Number One is to be removed from the staff recommendation from USE2013 0033 which recommended a vegetative buffer between USE2013 0033 and Forest Edge condominium complexes. Construction hours are not to start before 7:00 a.m. nor continue after 7:00 p.m. Monday through Friday; 8:00 a.m. – 5:00 p.m. on Saturday, and 9:00 a.m. – 5:00 p.m. on Sunday.)*

The Motion was approved with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

There is the need to schedule a special meeting regarding the Twelker hearing for APL2013 0003 on November 12, 2013. The time was set for 5:00 p.m. All the documents will be available to the Commission by November 1st.

The documents will be made available to Mr. Medina by email, who will be out of town in early November.

XII. DIRECTOR'S REPORT

AUKE BAY COMMUNITY MEETINGS

There was a very successful Auke Bay meeting. Ben Lyman led off three presentations on Tuesday, one every hour on the hour. The best attended meeting was the first meeting held Tuesday evening.

Mr. Watson asked if a filter was placed on the computer so that the same person could not participate more than once in the survey. Mr. Hart said that was correct.

Mr. Watson said he thought the question about speed limit was a bit leading. He said he was surprised the 45 mile per hour proposed DOT speed limit was not mentioned in the survey.

Mr. Hart said he would take a closer look at that portion of the survey and get back with Mr. Watson.

HOUSING STATISTICS

It has been a very robust third quarter in housing. At least two land owners have contacted the planning department about projects in the Auke Bay area. At this point that would be about 80 units.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Miller verified that the Commission will be meeting with the Assembly Monday night at 6:00 pm.

Mr. Hart reminded the Commission that one of the key issues will be transit.

Mr. Medina wanted to publicly acknowledge the CDD staff, particularly Mr. Feldt and Ms. Camery. He said he took Mr. Watson's advice, and sent an email to the staff regarding a few questions he had on the Consent Agenda, and he received his answers immediately.

XV. ADJOURNMENT

The meeting was adjourned at 10:33 p.m.