

MINUTES

**Regular Planning Commission Meeting**  
City and Borough of Juneau  
**Mike Satre, Chairman**

July 22, 2014

**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 7:09 pm.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman; Karen Lawfer, Ben Haight, Nicole Grewe, Gordon Jackson, Dan Miller, Paul Voelckers

**Commissioners absent:** Bill Peters

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Beth McKibben, Senior Planner; Jonathan Lange, Planner I; Sarah Bronstein, Planner I; Chrissy McNally, Planner I; Rob Steedle, Deputy City Manager; Robert Palmer, Assistant City Attorney II; Charlie Ford, Building Official

**II. APPROVAL OF MINUTES**

June 24, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the minutes of the Planning Commission Regular Meeting of June 24, 2014, with any minor modifications by any Commission members or by staff.*

The motion by Mr. Miller was approved by unanimous consent.

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

**IV. PLANNING COMMISSION LIAISON REPORT - None**

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

**VI. CONSENT AGENDA**

USE2014 0010: Conditional Use permit for a child care of up to 12 children in a residence in the D5 zoning district.  
Applicant: Kim Hope  
Location: 2175 Cascade Street

**Staff Recommendation**

It is recommended 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 child care for up to 12 children in a residence in the D5 zoning district.

VAR2014 0011 Variance to reduce the front yard setback in an Industrial Zone for the construction of storage units.  
Applicant: North Pacific Erectors, Inc.  
Location: Mill Street

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2014 0011.

VAR2014 0012  
& VAR2014 0013: A Variance to reduce the rear yard setback from 20 feet to 15 feet for a two-story garage and apartment addition; and a Variance to reduce the street side yard setback from 13 feet to 11 feet for a two-story garage and apartment addition.  
Applicant: Michael & Sheryll Ewing  
Location: 1800 Davis Avenue

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variances, VAR2014 0012 and VAR2014 0013. The Variance permits would allow for a reduction to the rear yard setback from 20 feet to 15 feet, and a reduction to the street side yard setback from 13 feet to 11 feet for a two-story garage and apartment addition.

**MOTION:** *by Mr. Miller, to approve the Consent Agenda as read, with staff's findings, analysis, recommendations and conditions.*

The motion was approved by unanimous consent.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS – None**

**VIII. UNFINISHED BUSINESS**

STV2013 0001: Vacate a portion of Gastineau Ave to allow rebuilding of an 8-plex on existing foundation.  
Applicant: Owen Clark  
Location: 331 Gastineau Avenue

### **Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and deny the requested Street Vacation permit.

If the Planning Commission elects to amend the findings and approve the requested vacation, the following conditions are recommended:

1. The owner is required to construct a retention structure to protect the building from debris falling from the roadway.
2. A plat will need to be recorded for the vacation to be completed.
3. The recorded plat will show the AELP utility easement.

Ms. McKibben told the Commission the applicant seeks a street vacation permit in the Mixed Use Zoning District which has zero setbacks. The lot is 5000 feet, said Ms. McKibben. The lot is conforming, said Ms. McKibben, and it has city sewer and water. The building burned down in 2007, said Ms. McKibben. However, the building is in the right-of-way, and they cannot issue a permit since it is in the right-of-way, she said. Because of this, she said, it does not qualify for nonconforming status.

In March the Planning Commission heard public testimony on this issue, she said. More information on this issue was requested which is in the staff report, said Ms. McKibben. After the meeting in March, said Ms. McKibben, staff, which included representatives from the Engineering, Streets, and Community Development departments, met with the applicant Mr. Clark. It was agreed that Mr. Clark would obtain an engineering report. That report indicated that the foundation is in good repair, and that the road is not in bad repair, said Ms. McKibben. This information from the engineering report contradicts previous information that the road was in bad repair, said Ms. McKibben.

Ms. McKibben said they have been asked to add an additional finding which is to remind the Commission that they hold this land the public's best interest and they are to ask themselves if the vacation of the right-a-way is in the public's best interest.

The retaining wall is in good condition, said Ms. McKibben. In answer to another question which had been raised, she said there are no plans to widen the road in the near future. The Engineering Department still believes that if a vacation were approved that a retention structure would be required to deflect falling debris, said Ms. McKibben. The Streets Department has retracted the need for a retaining wall, since the road is not failing, said Ms. McKibben. However, it still does not support the request for a vacation, since it still would impede snow removal, said Ms. McKibben, as well as falling debris and the blockage of the

egress windows on the lower floor.

Ms. McKibben said that public comment raised during the public comment period last year focused on safety access, fire response and drainage.

#### COMMISSION COMMENTS

Mr. Voelckers asked if a shared CBJ easement with the applicant was implemented.

Ms. McKibben said she understood that the applicant chose not to participate in a shared easement with the CBJ, so that the road was reconstructed without his participation.

Mr. Miller asked if the new finding criteria had been added to the code.

Ms. McKibben responded that it has not yet been added to the code.

#### APPLICANT

The applicant, Owen Clark, said he wanted to rebuild his apartment complex where it was because the foundation existed and he was permitted to do so. The engineer has stated the foundation is structurally sound, said Mr. Clark.

#### COMMISSION COMMENTS

Ms. Lawfer asked Mr. Owen to address the snow removal and falling debris issue. She asked how he would address the egress for units number seven and number four.

Mr. Clark answered that all the units have windows with egress.

Mr. Watson asked if there have been problems with snow removal.

Mr. Clark answered that with the new plows there really have not been issues with snow removal.

Mr. Miller asked if there was a reason why the building could not simply be repaired.

Mr. Clark responded that is what he would like to do.

Ms. McKibben replied it does not qualify for nonconforming status, because it is not entirely on its own property. It requires an encroachment permit or a right-of-way vacation said Ms. McKibben.

Mr. Voelckers asked the applicant what changes he would make, if any, on the uphill side of the building to minimize impacts from the snow.

Mr. Clark did not mention any real changes that he felt he would need to make.

## PUBLIC COMMENT

Property developer in the area Steve Soenksen said he had concerns about the project because he felt it would restrict pedestrian access in the area. There is no vertical or horizontal access to the building, said Mr. Soenksen, as well as no parking area.

Mr. Haight asked if it would be possible for the walkway to continue on and fit into the 4.7 foot space between the edge of the street and the proposed property line.

Mr. Soenksen said he felt this was possible.

Mr. Miller asked if something of this nature was part of the vacation agreement, if Mr. Soenksen could then support the vacation agreement.

Mr. Soenksen said he felt it would be appropriate if the building could have better access to Gastineau Avenue.

Mr. Voelckers said it appeared from the drawing in the blue folder that there appeared to be plenty of width to add a sidewalk in the future.

Mr. Watson asked that if the vacation were approved, when construction would commence.

If he were awarded the vacation, Mr. Clark said he would commence with construction right away.

Mr. Miller asked what an encroachment permit was, and why it could not currently be used.

Ms. McKibben said that her understanding was that an encroachment permit was tied to the sale of a property.

Ms. Lawfer said she had two memos stating that the existing wall between the structure and the building were failing and yet she was told that was not the case.

Ms. McKibben told Ms. Lawfer those 2013 memos were written prior to the engineer's report performed on the property.

Mr. Ford told the Commission that according to the engineer who performed the study the building is in very good shape for something that has been through a fire. The engineer said it could be easily repaired. He said many of the walls are just affected on the surface and not structurally damaged.

***MOTION:*** by Mr. Miller, to approve STV2013 0001 with the conditions as listed in the staff report.

Mr. Watson asked if the applicant would have to get the retention structure approved by the

Engineering Department or if he could design his own retention structure.

Mr. Miller said he felt that at this point leaving the design of the retention structure vague and negotiable was the best way to handle it. He said he felt the purpose of this was to protect the egress windows from becoming blocked by snow.

Ms. Lawfer asked if a vacation is completed if that meant the City has given its rights to any action down the line. Ms. Lawfer said she would like to see access to the building from both Gastineau Avenue and the steps downstairs.

Chairman Satre said it may be best to phrase that as an advisory condition.

In answer to Ms. Lawfer's question, Ms. McKibben responded that once a vacation is recorded, that portion that has been vacated then belongs to the private property owner.

Mr. Miller accepted Ms. Lawfer's friendly amendment as an advisory condition: It is the intent of the Commission that pedestrian access be combined with protection from debris.

Mr. Voelckers said that he is sympathetic to future pedestrian improvements along the street, but that this particular instance troubles him. He noted the City would be giving up property rights along the street.

Ms. Grewe spoke against the motion, saying she did not think it was for the benefit of the public. She said this is a private property owner and the vacation is for an eight-plex and she said she did not feel there was enough benefit for the public in this instance to give up this 350 square feet of public property.

Ms. Lawfer said while she did agree with Ms. Grewe on every single one of her points, there is the fact that there is an existing foundation and now an engineer's report that says the foundation is in good shape.

Ms. Grewe asked what exactly "take into consideration" means as far as obtaining compliance goes.

Mr. Watson said that he liked the wording of Mr. Miller. He said he liked the idea of the City working with the applicant, and felt this would be successful, allowing both sides to work together.

Speaking in favor of the motion, Mr. Voelckers said he liked the advisory feel of the addition of number four. Mr. Voelckers said he felt there was evidence along Gastineau that the City has gone out of its way to accommodate nonconforming structures when necessary.

Mr. Miller said to help alleviate some concerns of Ms. Grewe that she and Ms. Lawfer shared on advisory condition number four, that instead of saying "consideration", that it could be

substituted by saying “whatever structure gets built would provide not only access to the building but also pedestrian access along Gastineau Avenue”. Mr. Miller said that the applicant would not have to provide pedestrian access along the full length of Gastineau Avenue, but along the portion of Gastineau Avenue upon which his building resided. Mr. Miller said it should provide both egress to the building and access along Gastineau Avenue.

Mr. Jackson commented that no matter how many conditions they placed, it was such a small area he had trouble imagining everything fitting into that space.

**FULL MOTION:** *by Mr. Miller, to approve STV2013 0001 with the conditions as listed in the staff report, with the addition of advisory condition number four: that any structure that is built in the right-of-way would provide not only access to the building but also pedestrian access along Gastineau Avenue.*

**Roll Call Vote:**

**Yeas:** Lawfer, Voelckers, Haight, Miller, Watson, Satre

**Nays:** Jackson, Grewe

MOTION PASSES

Chairman Satre said that a new finding needed to be adopted for number five.

Mr. Miller amended finding five to state the affirmative. Also he stated that the vacation of the right-of-way would not prohibit future installation of sidewalks in this area.

There were no objections by the Commission to this amendment.

**IX. REGULAR AGENDA**

CSP2014 0014:	Local consistency review of the Department of Transportation and Public Facilities (DOT&PF) project to construct a separated path from Engineers Cutoff to the Auke Lake Wayside, and construct a paved parking lot at Auke Lake Wayside.
Applicant:	State of Alaska
Location:	Engineers Cutoff to Auke Lake Wayside

**Staff Recommendation**

Staff recommends that the Planning Commission recommend that the Assembly find the proposed construction of the Auke Lake Wayside parking lot and multi-use path from Engineer’s Cutoff to UAS consistent with Title 49 and adopted plans and policies therein, with the following conditions:

- 1) The length of the project shall be signed with way finding signs where appropriate as part of the Cross Juneau Bikeway. The applicant must submit a signage and striping plan for review and approval by the Community Development Department for consistency with the Non-Motorized Transportation Plan. (Mandatory)

Local aviators will continue to be able to use Auke Lake for their float planes, said Ms. Bronstein. However, said Ms. Bronstein, the Wetlands Review Board has some fairly strong concerns about the project. The board did not support the fill-supported design for the path along Auke Lake, and questioned the DOT&PF determination that a pier-supported or floating path was not feasible. They had concerns about whether the habitat bench included in the fill along the lake shore would accommodate fluctuating water levels, and whether it served any particular species of fish.

Regarding the design for the fill-supported pathway, Ms. Bronstein noted that DOT&PF had supplied a memorandum, included in the Commissioners' packets, describing the various alternatives considered for the path's design. DOT&PF engineers had determined that the ground beneath the bridge was so wet as to be almost liquid, which provided no structural integrity for a pier-supported pathway. Any construction or cantilevers adjacent to the road might compromise Glacier Highway. Instead, project engineers selected a design that would help stabilize the roadway.

Ms. Bronstein stated that, according to the Department of Fish and Wildlife, the lake levels fluctuate no more than 1.5 feet when the lake is not frozen. The design of the habitat bench accommodates this by providing a mud bench 3 feet in height down from mean high water, which would allow for changing water levels for shore plants.

Ms. Bronstein said that fish tagging studies conducted by the Department of Fish and Wildlife have found that adult spawning Sockeye do not use the bank along the highway as a spawning area. The design of the habitat bench was not intended to create new Sockeye habitat. Instead, it was intended to replicate the existing embankment.

The Wetland Review Board recommended oil water separators in the design, said Ms. Bronstein. However the CBJ Engineering Department counseled against this recommendation. The Department's rationale for this was that they require immediate maintenance in the event of a spill, said Ms. Bronstein. Ms. Bronstein said that the design to replace the existing vegetative area in that portion of the lake provided by the DOT&PF is the design approved by the CBJ Engineering Department as the most practical and easy to maintain design.

Ms. Bronstein said that the Comprehensive Plan gives a directive both to protect wildlife and provide a trail network simultaneously, and she said she felt this project has the potential to provide both of these directives.

In addition, said Ms. Bronstein, there is also direct support for this project in the non-motorized transportation plan. Once this portion of the project is attached to Phase 1, it will allow



students who attend UAS to access, via their bicycles, shopping areas in Juneau which are not currently readily available to them from the UAS campus.

#### COMMISSION COMMENTS

Mr. Voelckers asked if the shoulder on the highway would still be available for cyclists once the bicycle lane was constructed.

Ms. Bronstein responded that those cyclists who still wish to use the shoulder on the highway with still have that option available.

Mr. Watson said the Wetlands Review Board studied the portion of Auke Lake located by the boat ramp very carefully when it was installed, and yet it claims it does not have sufficient information on that area. He said he does not understand how that could be.

Ms. Bronstein said she does not have sufficient knowledge about that situation.

#### APPLICANT

Keith Karpstein, with DOT &PF, told the Commission he was there to answer questions from the Commission.

Mr. Watson asked for a timeline on the project.

Mr. Karpstein said they anticipate construction beginning the spring of 2015.

Mr. Miller asked if there were juvenile Coho in Auke Lake.

Mr. Karpstein answered in the affirmative.

#### PUBLIC COMMENT

Area resident Dave Sandberg expressed concern that if one avenue of the Auke Lake trail parking was blocked that there would not be nearly enough parking for those that use the area. He said the parking lot is effectively set up with both an in and out entrance, which prevents traffic from going both ways, and that it would not work effectively with a turn-around system.

Jane Gendron, with DOT&PF, said that one access in the parking lot was considered more safe than two. She added that there will be a bus stop in this location as well, and that with a bike path through the parking lot and the access to the lake, it just did not all fit in this location. UAS will also be allowing parking in their parking lot above on busy days, said Ms. Gendron.

Mr. Karpstein said the bus stop will be constructed when the Fritz Cove Road to Seaview project is constructed.

Chairman Satre asked if once the Auke Lake project is complete, since there would no longer be a shoulder, if this would not move surplus traffic to park across the street in front of the

residences. He speculated this may create a potential hazard.

Mr. Karpstein stated that it is hard to know what people will do, but that the design currently provides a shoulder width of 8 feet.

**MOTION:** *by Mr. Watson, that the Planning Commission accept CSP2014 0014 with staff's findings and recommendations and ask for unanimous consent.*

Mr. Miller asked for a friendly amendment stating that staff's findings had taken into account the blue folder items of the Wetlands Review Board concerns in their entirety.

The motion with the friendly amendment was approved by unanimous consent.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT**

Mr. Hart said they have received a request from the airport neighborhood for a neighborhood planning opportunity. Mr. Hart said he feels this area would encompass everything on the airport side of Glacier Highway. There will be maps available of this area for the Commission as it goes into its strategic planning session in the near future, said Mr. Hart.

Juneau has passed the \$65 million mark in permitted investments, said Mr. Hart. This surpasses the recent past years, he said. Juneau has surpassed one hundred new housing units this year, said Mr. Hart, and there are more to be constructed for the year. The transportation cost for construction supplies is exceedingly high, said Mr. Hart, which puts our community at a disadvantage for construction costs. Institutional projects like the library and the ski school are moving forward, said Mr. Hart. Now it is up to smaller projects in the private sector to carry the economy forward, he said. Those projects have started coming in and they are beginning to add up, said Mr. Hart. At about \$32 million this year said Mr. Hart, remodels are very strong, he said, compared to \$11 million in 2011.

Mr. Haight asked for an update on the status of the Gastineau apartments.

Mr. Hart said several approaches to this problem are being taken. The legal department is working on this issue, and there are also local interested parties which would like to buy this property, said Mr. Hart. Another item to be addressed is the question of how to make investment in the downtown area more attractive to potential investors, such as tax abatement, said Mr. Hart.

Mr. Voelckers asked if housing was increasing, but not quite keeping up with demand.

Ms. McKibben answered that the 2012 needs assessment published by the Juneau Economic Development Council stated that there was an unmet need of over 500 units, combined with some increase in the population which has not occurred for several years.

### **XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES**

#### **PUBLIC WORKS AND FACILITIES COMMITTEE**

Mr. Watson reported that the Public Works And Facilities Committee met last Monday. The only way to get a permit for encroachment is to apply for one through the City Manager, said Mr. Watson. The encroachment expires once the loan is paid off, said Mr. Watson.

The concern was also addressed to keep the OHB Park on the CIP (Capital Improvement) list, said Mr. Watson. There is an effort to take all of that money and devote it to other areas, said Mr. Watson. Mr. Nankervis helped keep some funds designated for the OHB study, said Mr. Watson.

The Douglas Island Indian Association has been trying very hard to get a bus stop at the Crow Hill intersection, said Mr. Watson. They have had problems accomplishing this with DOT&PF. They are in the process of forging a memorandum of agreement, said Mr. Watson.

There is also a 2014 Southeast Alaska Transportation Plan update available, said Mr. Watson.

#### **WETLANDS REVIEW BOARD**

Mr. Miller said the Wetlands Review Board met last week and discussed the DOT&PF project which was before the Commission this evening. They also discussed an application for a rezone by Juneau Youth Services off the back loop road which will probably be coming before the Commission in the future.

### **XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Chairman Satre commented that he felt that Ms. Grewe made some excellent comments about the public benefit when discussing street vacations. Mr. Satre said this is an important conversation to have with Mr. Palmer, and it would be good to have him back to discuss this issue in greater depth and detail.

### **XV. ADJOURNMENT**

The meeting adjourned 9:34 p.m.