

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
March 9, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:03p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell (joined 7:37 p.m.); Erik Pedersen

Commissioners absent:

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD Planner; Sherri Layne, LAW;

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - NONE

III. APPROVAL OF MINUTES

A. Draft Minutes – February 9, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting February 9, 2021 minutes with one change to correct “Mr.” to “Ms.” regarding Commissioner Cole.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chairman LeVine briefly explained the rules and procedures for conducting meetings and public participation via Zoom format.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - NONE

VI. ITEMS FOR RECONSIDERATION - NONE

VII. CONSENT AGENDA

Prior to hearing the Consent Agenda, Mr. Voelckers disclosed he is a member of the design team of the project. He did not participate in the consideration or vote on this item. Mr. Arndt also disclosed a potential conflict as the attorney for the applicant is the same one he uses. Mr. Arndt said he can remain fair and impartial and was allowed to remain.

USE2021 0001 was moved to the Regular Agenda by request of Commissioner Alper.

VIII. UNFINISHED BUSINESS - NONE

IX. REGULAR AGENDA

USE2021 0001: Modification of Conditional Use Permit USE2020 0007 access requirements from one ingress/egress to two: Ingress off of Main Street and Egress onto Front Street

Applicant: Sealaska Heritage Institute

Location: 1 Sealaska Plaza

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the modification of USE202027 access requirements from one ingress / egress on Front Street to two: ingress off of Main Street and egress on to Front Street.

The approval is subject to the following conditions:

Modified Condition of USE2020 0007 (underlined):

10. Access to the surface parking lot shall be limited to one (1) curb cut located on Front Street and one (1) curb cut on Main Street.

New Conditions:

11. Circulation (vehicular): Site Plan Required. Prior to the issuance of a **ADDITIONAL** building permits for the proposed project, a plan for appropriate parking lot vehicle control signs and pavement markings must be submitted for review to the CDD and be found to meet all applicable CBJ ordinances and CDD regulations. This plan will include:

- A sign indicating one-way traffic from Main Street into the parking lot.
- A sign prohibiting entry off of Front Street.
- Sign(s) for traffic exiting the parking lot, clarifying:
 - Front Street is one-way traffic.
 - Left turn only leaving the parking lot.
 - No exit onto Main Street.
- Painted arrow markings for one-way circulation.
- Dimensions from the travelled way to the edge of the driveway.
- Dimensions between driveways.
- Engineered plan for drainage and construction of the raised sidewalk. Include Seward Street width, parking space widths on Seward and Front Street for revised parking spaces, and sidewalk width and grades.

12. Circulation (vehicular): Signs Required. All vehicle control signs shown on the project site plan shall be applied to the parking and circulation area shown on the site plan in a medium designed for such purposes prior to the issuance of a Temporary Certificate of Occupancy.

STAFF PRESENTATION by Planner Irene Gallion

QUESTIONS FOR STAFF

Mr. Alper asked if there is an option for a left turn from Main Street into the parking lot. Ms. Gallion explained a proposed raised median will prevent that.

Mr. Alper asked if there are any material differences between what they are seeing now and the conditions stipulated before. Ms. Maclean answered based on the new traffic study, they have changed the recommendation from two way to one way.

Mr. Alper asked Law if the Commission was taking any risk by denying it originally. Ms. Layne said they were not.

Mr. Dye asked about Condition 11 regarding 'prior to issuance of the building permit' and noted construction has already begun. Mr. Dye asked if the building permit has already been issued and is shown here as a timing issue. Ms. Gallion answered a permit has been issued for grading and foundation work but there is not one for the construction.

Mr. LeVine noted the new permit number (**2021 0001** now and **2020 0007** before) asked if passing this would also pass the prior one or would they need to pass both. Ms. Maclean answered if the motion references the prior approval and accepts the analysis of the modifications, that would take care of both.

APPLICANT PRESENTATION

Russell King and Lee Kadinger spoke for the applicant.

Mr. King spoke to Mr. Alper's questions regarding the changes and explained that when it was a two-way option, the curb cut was to be wider. It will be narrower than that now that it is a one way.

Mr. Kadinger added there was originally some confusion as to the traffic direction into the parking lot and said it will be one-way.

QUESTIONS FOR APPLICANT

Mr. Alper asked if this is substantially the same as before. Mr. King answered it is substantially unchanged.

QUESTIONS FOR STAFF

Mr. Dye asked why they are keeping Condition #10. Ms. Gallion answered it was left in for clarity.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve **USE2021 0001** as a modification to **USE2020 0007** amending Condition 11 by changing "a building permit" to "additional building permits" and accepting strikes proposed by Staff concerning drainage.*

The motion passed with no objection.

Prior to hearing **CSP2020 0011** Mr. LeVine relinquished Chairmanship to Vice Chairman Dye and disclosed a potential conflict as he lives in the neighborhood and several of the interested parties are friends. He feels he can be impartial and was allowed to remain. Mr. Dye returned Chairmanship to Mr. LeVine.

Mr. Alper disclosed he is also a neighbor and his wife has testified on the topic and in her testimony, she mentioned him. Mr. Dye objected. Mr. LeVine asked Ms. Layne for clarity on how the Commission should proceed with the objection. Ms. Layne cited the Code at 145 008 states a member 'may not deliberate or vote in any manner in which he or she has a personal or financial interest' and added there is no violation of this code if the personal or financial interest is insignificant. Mr. Winchell asked if Mr. Alper has any financial interest in the project. Mr. Alper answered he does not. Mr. Arndt asked Mr. Alper has already made up his mind on how he would vote or would he have an open mind. Mr. Alper answered that he could be impartial and have an open mind.

Mr. Alper was allowed to remain

CSP2020 0011: Complete street and underground utility maintenance (and replacements as necessary) on Calhoun Avenue
Applicant: City and Borough of Juneau
Location: Calhoun Avenue

Staff Recommendation

Staff had originally recommended APPROVAL of the project. That recommendation may be revised after Engineering and Public Works provides their proposed revisions.

STAFF PRESENTATION by Planner Irene Gallion

QUESTIONS FOR STAFF

Ms. Cole asked if the city is unwilling to make changes that are considered 'experimental' without a study first and if the study was brought in because of the suggested bike lanes. Ms. Gallion explained the PC had indicated interest in having a study to consider alternatives. This opens an opportunity to pursue federal funds to look at downtown systemically and better connect Calhoun to the rest of downtown.

Ms. Cole asked if this is a 'good idea' or a necessity. Ms. Maclean answered this would be best answered by Director Koester.

Mr. Pederson inquired about the ASHTO waivers asking if they are no longer needed. Ms. Gallion answered that is the case. With the addition of the 18-inch gutters, it no longer needs the waiver.

Mr. LeVine asked for clarification of the standards. Ms. Maclean explained she can waive local requirements but not anything required by ASHTO. ASHTO waivers require PC approval. ASHTO standards are found at 49.35.240.

Mr. Winchell asked about the photo with the rock wall asking if the addition of the gutter would impinge on the road width. Ms. Gallion answered that is correct. Mr. LeVine clarified that at no place does the road narrow below ASHTO requirements.

Mr. Winchell asked if there is a way to prioritize bicycles in traffic in statute to declare bicycles have right-of-way. Ms. Gallion answered most roads are shared corridors for bikes and vehicles in most cases with exceptions like Egan where it is intended for high-speed vehicles. Mr. Winchell asked if signage would help. Ms. Gallion said signage would help but not without educating the public as well.

APPLICANT PRESENTATION

Katie Koester, Director, CBJ Engineering and Public Works, spoke to the safety issues of the narrow corridor and presented the project.

Lucas Chambers, Pro-HNS, presented the project details and changes since the last time it was before the PC.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked with the changes to the sidewalk, does this narrow the curb-to-curb width? If this design option is better, why is it not used throughout CBJ? Mr. Chambers answered the curb-to-curb width is not changing and added the proposed design works in this area because water does not collect here.

Mr. Hickok asked about using flashing yellow lights in lieu of signs. Mr. Chambers answered it would be possible to use signs and lights but it might create a visual impact to the historic area.

Ms. Cole asked why having advisory bike lanes are considered less safe than no bike lane at all. Mr. Chambers answered currently at the intersection of Calhoun and West 8th, the potential for head on collision is too high for the addition of a bike lane.

Ms. Cole asked about the possibility and desire of putting a three-way stop at the intersection of Calhoun and West 8th. Mr. Chambers answered the proposal moves the stop sign on West 8th Street forward which will improve visibility for vehicles turning onto Calhoun. A three-way stop is not considered necessary and stop signs are not recommended as traffic calming measures.

Mr. Winchell asked for Mr. Chambers' thoughts for reducing the speed in that area and what mitigations by signs or symbols on the ground could be used to identify it to users as a mixed use (bicycle, vehicle, pedestrian) area.

Mr. Chambers agreed that reducing the speed limit to 15 mph is a recommendation and additional signage and increased striping would also help.

Mr. Voelckers asked if the speed limit dropped to 15 mph, would it need to be combined with enforcement or would the sign be enough to slow traffic. Mr. Chambers agreed enforcement is helpful but felt adding the sign along with the proposed striping, and improvements in the sidewalks and roadways would work together to slow traffic.

Mr. Arndt asked Ms. Koester about the possibility to do an LID for the project to get the buried utilities. Ms. Koester said the Law Department would have to be consulted on this. Ms. Layne said City Attorney Palmer is aware of the question but has not issued any guidance yet.

Ms. Maclean asked Ms. Koester to explain if there was an increased liability to CBJ if they pursue methods not within industry standards. Ms. Koester said that CBJ could be at increased liability.

Mr. Dye asked Mr. Chambers about the potential decrease in safety from the thickened sidewalks and the narrowed lanes. Mr. Dye said that was a factor in proposing five-foot wide sidewalks.

Mr. LeVine noted there are a number of recommendations being made and asked Mr. Chambers if he was recommending the implementation of all of the recommendations together. Mr. Chambers answered in the affirmative.

Mr. Dye asked how important the right-of-way easement would be. Mr. Chambers said it would allow for the 5-foot sidewalks throughout the project. Mr. Dye asked how important the easement would be to the overall project. Mr. Chambers said it would not be considered highly required but would definitely be an added bonus. He added they could still significantly improve safety if they implemented all other aspects without it.

Mr. Voelckers asked Ms. Koester to explain what would be required to negotiate for that right of way. Ms. Koester explained CBJ would have to pay fair market value for the right of way.

Recess: 8:55 p.m.

Call to Order: 9:07 p.m.

PUBLIC COMMENT

Demian Schane, 836 Calhoun Ave, spoke saying he supports the study and dashed bike lanes but does not understand the CBJ not supporting bike lanes that ‘don’t connect anything’. He said he does not see any advantage to thickened edge sidewalk other than avoiding a waiver.

Emily Ferry, 836 Calhoun Ave, said she supports the dashed lane concept for bikes and pedestrians and thinks the area should be designed with bikes and pedestrians as a priority.

Mr. LeVine asked whether Ms. Ferry has a specific request for action of the Commission at this time. She would like more consideration of the dashed lane and stop sign and the dashed lane uphill and would request a continued conversation about process and a broader study.

Ms. Cole said she felt Mr. Chambers’ explanation about the dashed lanes and head on collision potential was a good one and asked Ms. Ferry’s feeling on that. Ms. Ferry answered that was compelling but she thought it justified a three-way stop sign which also isn’t being considered.

Mr. Winchell asked if the actions of the commission reduce any of her concerns. Ms. Ferry said it does.

Dana Owen, 949 Goldbelt, said he feels much better about the project now than he did two months ago. However, he does have concerns. Mr. Owen feels a need for a three-way stop, and he does not support the “no right turn” option at the Goldbelt intersection.

Marilyn Holmes, spoke against the 'no right turn' at the Goldbelt intersection. Ms. Holmes felt it would not be an improvement but a hindrance and said she liked Mr. Pedersen's suggestion of flashing lights.

Mary Alice McKeen, spoke to support the idea of a three-way stop and would have preferred to have the power lines buried in their area.

Mark Choate, 230 W 8th, spoke to the three-way stop saying the intersection is a dangerous one and putting in a three-way stop would be a needed safety measure. He also strongly supports burying the utilities.

Mr. Dye asked Mr. Choate if he would entertain the idea of sharing the right of way for the sidewalk. Mr. Choate answered that he would not be interested and explained his wall has been there since 1907 or before and to move it for the right of way would require moving buried propane tanks and would leave the property out of conformity with CBJ ordinances.

Mr. Winchell asked if he had any other ideas or suggestions for improving the area.

Mr. LeVine asked Mr. Choate if he would recommend the PC eliminate the five-foot wide sidewalks and instead only put in the three-way stop. Mr. Choate explained they are not one for the other. Both are needed to effectively slow the speeds in that corridor.

James McSweeney, Calhoun Ave., agreed with Mr. Chambers that this is not an appropriate location for a three-way stop.

Amy Dressel, Goldbelt Ave., spoke in opposition to the right turn restriction at the intersection saying turning left at that intersection is just as dangerous as turning right. She is supportive of the five-foot sidewalks.

Ms. Cole asked about the right turn issue citing Mr. Chambers' report that right turns are not advisable because a driver would have to cross into the oncoming lane in order to complete the turn. Ms. Dressel agreed that it is hard turning there.

Additional Applicant Comment

Ms. Koester thanked the PC for their work and thanked the public for their participation. Mr. Chambers further explained that three-way stops put in for the sole purpose of slowing traffic tend not to work.

Mr. Voelckers asked for explanation on the right turn issue from Goldbelt. Mr. Chambers said it is a safety issue due to sight distances and the tight turn causing entry into oncoming traffic.

Additional Commissioner Comments

Mr. Winchell commented that he feels satisfied with the way the project is going and he is pleased with the notion of mixed use in the area. Given the choice, Mr. Winchell would like to see consideration of buried lines but overall, he is happy with the direction things are heading.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and recommend approval of CSP2020 0011.*

Mr. Voelckers spoke to his motion stating there's been good progress on this however, he would like to see an increase in the right of way to achieve both the nine-foot lanes and five-foot sidewalk. He also noted the discussion about the three-way stop and said even if that isn't done now, it could be implemented in the future if it was deemed necessary.

MOTION: *by Ms. Cole to amend the Motion to strike recommendation #12 that eliminated right turns from Goldbelt Avenue onto Calhoun Avenue.*

Mr. Arndt spoke against the amendment saying that by striking the recommendation they would be intentionally putting traffic into the opposite lane.

Roll	Call	Vote:
YES: Cole, Pedersen, Hickok, Alper, Winchell, Voelckers		
NO: Arndt, Dye, LeVine		

The motion to amend passed 6-3 on roll call

MOTION: *by Mr. Winchell to add a requirement that the utilities be buried.*

Mr. Winchell spoke to his amendment saying they will be digging up the road anyway. This is the time to do it.

Mr. Dye spoke against the motion referencing the costs described by CBJ Staff. Mr. Voelckers also spoke against the motion due to the budget constraints.

Mr. Alper spoke in support of the amendment saying this is a uniquely important street with the Governor's mansion on it. If it adds a little bit of cost, that could be a cost of doing business.

Mr. Arndt asked Mr. Winchell if his amendment was a suggestion or a requirement for the lines to be buried. This motion is to require the lines to be buried.

Roll	Call	Vote:
YES: Winchell,		Alper,
NO: Hickok, Pedersen, Cole, Arndt, Dye, Voelckers, LeVine		

The motion to amend failed 2-7 on roll call

MOTION: *by Mr. Winchell to add a recommendation that the CBJ look for the means to work with the public to have utilities be buried.*

The motion to amend passed unanimously on Roll Call

AMENDED MOTION to be voted on: *to accept staff's findings, analysis and recommendations and recommend approval of CSP2020 0011 without recommendation 12 and adding a recommendation that CBJ work with the public to have the utilities buried.*

The amended motion passed with no objection.

X. BOARD OF ADJUSTMENT - NONE

XI. OTHER BUSINESS - NONE

XII. STAFF REPORTS

- The appeal hearing on Weldon vs CBJ was held last night. The hearing officer has 45 days to make a decision.
- Mr. Hudson will be speaking at the April 13 COW at 6:30 p.m.
- Title 49 will meet on April 1 at Noon
- March 15 PWFC meeting at noon
- March 15 at 5 p.m. Ms. Maclean and Scott Ciambor will present to the Lands Housing and Economic Development Committee to discuss updates on the housing action plan.
- Steering committee for South Douglas/West Juneau is meeting on March 16 at 5:00 p.m.
- Steering committee for Blueprint Downtown is meeting on March 18 at 6:00 p.m.

Mr. LeVine suggested a discussion of the rules from the Governance committee to the COW meeting.

Mr. LeVine recommended the PC listen in on future appeal hearings as he found this one very informative.

XIII. COMMITTEE REPORTS - None

XIV. LIAISON REPORTS

Mr. Jones had nothing to report

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine commended the PC on the discussion on Calhoun, including the issues of recusal and the debate on the merits and for their detailed attention.

XVII. **EXECUTIVE SESSION** - None

XVIII. **ADJOURNMENT** – 10:20 p.m.