

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
October 13, 2020

I. ROLL CALL

Michael LeVine, 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 7:04 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Travis Arndt, Assistant Clerk; Ken Alper; Dan Hickok; Weston Eiler; Josh Winchell; Erik Pedersen

Commissioners absent: Paul Voelckers, Clerk

Staff present: Jill Maclean, CDD Director; Irene Gallion, Planner; Emily Wright, LAW; Alex Pierce, Planner;

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. LeVine added the draft Letter of Commission priorities to the Assembly as an OTHER BUSINESS item.

III. APPROVAL OF MINUTES

A. September 8, 2020 Draft Minutes –Planning Commission Regular Meeting

MOTION: *by Mr. Dye to approve the Committee of the Whole Planning Commission September 8, 2020 minutes.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Mr. LeVine explained briefly guidelines for public participation via Zoom meetings

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA** – None

VIII. **UNFINISHED BUSINESS** – None

IX. **REGULAR AGENDA**

Prior to Staff Presentation

Mr. Hickok declared a potential conflict as he is co-employed with a co-applicant (Gary Schoenberger) on the property and the co-applicant is also the listing agent realtor on his business that is currently for sale. Mr. Hickok has read the packet and feels he can be impartial.

Mr. Arndt disclosed he has worked with the owner of the property, Alaska Legacy Partners in the past but has no involvement with this project and feels he can be impartial.

Both remained on the Commission without objection.

USE2020 0020: Conditional Use Permit for a youth emergency housing shelter and rapid rehousing

Applicant: Tlingit & Haida Regional Housing Authority

Location: 9290 Hurlock Avenue

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit with conditions. The permit would allow the development of youth emergency housing shelter and rapid rehousing.

The approval is subject to the following conditions:

1. Demolish the trail abeam the east corner of the single-family accessory structure to the lot line (approximately 25 feet).
2. A sight-obscuring fence at least six feet tall shall be installed along the east property line, and 20 feet from the east property line along the south property line. Note: Fences over six feet tall require a building permit prior to construction. No sight obscuring fence more than four feet tall may be constructed closer than 20' from the edge of a traveled way; on corner lots, sight obscuring fences are limited to three feet in height within 20' of intersecting traveled ways [CBJ §49.25.430(4)(L)].

3. Prior to the issuance of a building permit 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.
4. Prior to the issuance of a Temporary Certificate of Occupancy, wheel stops or striping shall be placed in the parking lot to define the location of parking spaces.
5. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for the accessible parking space.
6. Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area as shown on the site plan in a medium designed for such purposes.
7. Prior to the issuance of a Temporary Certificate of Occupancy, one or more covered bicycle racks providing spaces for at least four bicycles shall be provided. The rack(s) shall be permanently affixed to the ground, building, or other permanent fixture, and shall be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area. Covered bicycle racks shall, at a minimum, be designed in accordance with the standards listed in the Juneau Non-Motorized Transportation Plan. Improvements can be bonded if weather precludes marking.
8. 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 and located to minimize offsite glare. All new exterior lighting fixtures shall be of a "full cutoff" design. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).
9. Prior to issuance of a building permit, the developer shall submit to the CBJ Engineering and Public Works Department a detailed drainage plan that includes provisions for managing storm water run-off during construction and details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering and Public Works Department.
10. Prior to the issuance of a building permit, the applicant shall submit a revised site plan showing snow storage location(s).

STAFF PRESENTATION – Ms. Gallion presented USE2020 0020

QUESTIONS FOR STAFF – Mr. Dye asked why they need a new Conditional Use Permit (CUP) if this location was already used for the same purpose. Ms. Gallion explained that use had stopped and there was another use permit in its place 2017-2020 for a senior services facility. To return to the prior USE, they need a new one. Mr. LeVine clarified the interceding CUP invalidated the earlier one. Mr. Arndt asked where it is in code that a new permit would invalidate an already existing permit as it was his understanding that permits run with the property. He asked if they couldn't have two permits on the property. Ms. Maclean explained her interpretation of the code is that the original CUP for the youth shelter is superseded by the

permit for the senior facility. To go back to a youth shelter, they would need a new permit. Ms. Wright agreed with the Director.

Mr. LeVine asked for clarification on the number of beds. Ms. Gallion said her recommendation would be to approve the application as is. However, she anticipates there may be public comment concerns that perhaps could be addressed by proportioning or limiting the number of beds.

Mr. Dye asked for more background on the fence noting it only goes down one side and part of another side but not contiguously all the way around the property. Ms. Gallion explained neighbors had concerns with trespass especially because there is a path along the back side that leads to another private property. The sight obscuring fence was considered a good way to delineate the property line and provide privacy for both sides.

Mr. Pederson asked about the youth services that had previously been provided at this location and were moved to a facility in the Montana Creek/Back Loop area. Ms. Gallion explained that the Back Loop location ceased providing the runaway youth sheltering services in 2019.

APPLICANT PRESENTATION– Jacqueline Pata, President and CEO of Tlingit Haida Regional Housing Authority (THRHA), explained the services THRHA provides throughout Juneau. THRHA will be the property manager and provide the property management services.

Maximus Wheat, Southeast Representative for the Youth Advisory Board, explained youth are homeless due to diverse reasons, parents, drugs, etc. They need someplace safe, especially in time of pandemic.

Jorden Nigro spoke on behalf of Zach Gordon Youth Center (ZGYC). Since June 1st, they have worked with 25 youth under the age of 20 whereas last year at the same time, that number was 4. The sharp increase is contributable to COVID-19 and the loss of summer tourism job opportunities. Most homeless teens survive by couch surfing, now with COVID, that is not as safe and fewer homes are willing to allow them in anyway.

They are proposing a six-bed shelter facility with two beds for overflow for youth aged ten to eighteen and a four-bedroom apartment for rapid rehousing for youth ages eighteen to twenty. One big difference between this and the previous youth shelter is this will be for runaway and homeless youth but will not be a placement facility for children in the custody of OCS or Department of Juvenile Justice.

QUESTIONS FOR APPLICANT – Mr. Eiler asked if there was anything in the Staff recommendations, findings or conditions that they have issue with? Ms. Pata said they are in agreement with Staff and have no objections to them.

Mr. Arndt, asked about the two-week limit on stays. He asked what happens after the two-weeks are up. Ms. Nigro answered this is considered best practices and is the requirement for federal basic center grants. The facility is to be for emergency placement and the plan is to provide support to help find safe alternatives for housing.

Mr. Dye asked about the age limit. Ms. Nigro explained that ZGYC and THRHA have worked together on a rapid rehousing grant for youths ages eighteen to twenty-four years old. The proposed facility would house eighteen to twenty-year-old youths on location and housing for those twenty to twenty-four years old will be housed in other private locations in cooperation with landlords.

Mr. Arndt asked about the plan to address drug issues. Ms. Nigro answered that drug abuse is not actually as huge an issue as people might think but the availability of drugs among adults is one of the reasons this is so important. The shelter would provide some protection from at-risk adults.

PUBLIC TESTIMONY –

Kevin Ritchie - 3184 Pioneer Ave – Chair, Friends of ZGYC, testified in support saying the public benefit from this project is HUGE. It literally can save lives and will save money by getting kids on the right track in a short amount of time.

Eileen Hosey – Juneau, spoke in support of the project saying she lives in the neighborhood and feels it is very important we provide these services.

President Richard Peterson – Valley - President, Tlingit Haida Central Council spoke in support of the project saying it fills a vital need for our community.

Gus Marx, 4470 Columbia Blvd, Co-Chair of Juneau Coalition on Housing and Homelessness, spoke to say that piece of property was given to CBJ by the Civil Air Patrol for use to provide services to kids and spoke in support of the project saying this is the right location and a perfect building for this project. He added that they have secured a grant and are pursuing more but if they don't move quickly then the grant money could be lost.

Laura Hosey, spoke in support saying this is an appropriate use of the site and added being homeless is not a crime. She lived in the area nearby growing up and said there were no problems arising from the shelter. Everyone deserves a home and everyone deserves a neighborhood.

Kristin Garot – Valley – Principal, Yaakoosge Daakahidi High School, spoke in support saying many of her students qualify as students in transition who meet the federal guideline for homelessness and in the last year there has been no emergency shelter for teens on their own.

Elizabeth Leban - North Douglas, spoke in support. She coordinates the Juneau Teen Health Centers and is familiar with teens in need of safe housing options. This is a critical need.

Aaron Surma - North Douglas - Executive Director, NAMI Juneau, spoke in support saying youth use the shelter because their alternatives are worse. Providing a safe place for young people keeps them from living in a situation where they would be potential victims of violence.

Hazel LeCount - Co-Chair Juneau Homeless Coalition, spoke in support saying there is currently no option for homeless or runaway youth, they have been sheltering in adult shelters and need more options.

Meryl Chew - downtown Juneau - Prevention Manager, AWARE, spoke in support saying an emergency youth shelter has an immediate and important impact on the youth who need it. It is also a preventative measure for the community by giving the youth a shot at a future where they are safe and well.

Mandy Cole - Valley, spoke in support saying, as a mother of teenagers, there are times that all families struggle.

Christina Love - Downtown, Vice President of Haven House, Senior Specialist Alaska Network on Domestic Violence and Sexual Assault, spoke in support saying having this in the community is absolutely necessary.

Justine Bishop - Juneau resident, spoke in opposition to the project saying she lives nearby the property and does not feel this is good for the neighborhood.

Mr. Dye asked what conditions might be added to make it harmonious with the neighborhood. Ms. Bishop said fencing and assurance that there would not be negative activity would help. She had the understanding it would be a senior facility on the property when she bought in to the neighborhood and feels blindsided by the change.

Mr. Winchell asked if she saw a market increase in the property values when the Legacy Project Senior center was approved and was there a decrease in values when it was changed to the proposed youth facility. Ms. Bishop answered that she felt this project is out of harmony with a residential neighborhood.

Gretchen Kriegmont – Valley, spoke in support of the project saying she lives in the area and finds that neighborhoods are much safer when all of the properties are occupied. Having an empty building encourages transients and squatting.

Mariya Lovishchuk – Douglas - Glory Hall Executive Director, spoke in support saying this is a badly needed service.

Mr. Winchell asked if Ms. Lovishchuk sees an increase in the potential of youth sex trafficking without this project. Ms. Lovishchuk answered this is not a 'potential' it is a reality already.

Natalie Watson - Valley, spoke in support saying what is more important than protecting our vulnerable youth. She sees an urgent need for safe housing in Juneau. If we fail to provide these services now, we will pay for it in the future when they grow up

Dave Ringle - 2215 Meadow Lane – General Manager of St. Vincent DePaul, spoke in support saying he is a former youth counselor with Juneau Youth Services. A youth shelter is needed to break the poverty.

Kristi West, former ZGYC manager, spoke in support saying not having a safe place to sleep when needed forces youth into unsafe situations.

APPLICANT CLOSING STATEMENT – Ms. Pata, thanked the public for their testimony. Ms. Pata briefly described the funding for the project stating the current grants are available through June 2021 and there are other grant applications in process that will be used for necessary repairs and maintenance on the building.

Ms. Nigro clarified the ages that will be served by the facility and said the grounds will be kept up and will look much improved with trimmed grass, flowers, etc. Ms. Nigro said they have been awarded \$690,000 so far and another \$100,000 should be approved soon. This will fund the first 3 years.

Ms. Pata reiterated that they are in agreement with the conditions on the permit.

COMMISSION QUESTIONS FOR APPLICANT – Mr. Arndt asked if there is a plan or rules in place regarding the use of drugs or alcohol or crime committed on the property and asked if they foresee safety issues for the youth in the neighborhood due to this shelter opening. Ms. Pata stated the use of drugs or alcohol would not be permitted and she does not foresee an increase in crime or decrease in area safety due to this project.

At Ease 9:00p.m. – 9:12p.m.

ADDITIONAL QUESTIONS FOR STAFF – Mr. Dye asked for more information on why there was a need for a new permit if there was a permit for this use in the past. It has been his understanding that CUPs run with the land and there can be multiple CUPs on the same lot. Ms. Maclean answered that she is not aware of any properties with multiple CUPs running concurrently and having two in place at the same time could be incompatible as one permit could conflict with the other. She added there have been several changes to the land use code since the passage of the original CUP on this property in 1966. Mr. Dye asked for code citation

showing that if you apply for a new CUP your old CUP is gone. Ms. Maclean said she did not know of a particular code where this is described.

Mr. LeVine asked Ms. Wright for clarification on the terminology regarding what happens to the old CUP. Does the old CUP 'lapse', 'expire', 'go away', 'become void'? Ms. Wright said she would use the term 'abandoned' and explained the concept is one CUP ends because of the actions or inaction of the owner of a property. The original CUP is no longer valid due to the original owners closing and selling the land and the subsequent owners (Alaska Legacy Partners) applying for and obtaining a new CUP for a different activity in that location. That subsequent CUP expired due to inaction on the part of Alaska Legacy.

Mr. Pedersen asked does the Code language specifying that the senior assisted living CUP became void after the eighteen months play into any decision making as to whether or not the senior assisted living facility CUP replaced the youth housing CUP? Ms. Maclean clarified Alaska Legacy Partners allowed their permit to lapse and that took the place of the prior USE permit meaning there is currently no permit on that property for any use.

Mr. Arndt noted 'abandonment' is part of 49.30 (Nonconforming situations) but he does not see it in the section in question.

Ms. Maclean explained that a word can be used in one section of code and still apply in another section. In her interpretation of the USE permit,

a conditional use is a use that may or may not be appropriate in a particular zoning district according to the character or intensity or size of that or surrounding uses. The procedure is intended to afford the Commission the flexibility necessary to make determinations appropriate to individual sites.

Ms. Maclean continued to explain the site from 1966 has changed and no longer exists. The property has been vacated and sold and a new USE permit was applied for and that permit has lapsed. In her opinion and interpretation of the Conditional Use Permit and Land Use Code there is no existing USE permit for this property today.

Mr. Winchell asked Ms. Wright for her decision as counsel what allows them to make this decision. Ms. Wright said her argument in court if their decision was questioned would be 1966 permit was abandoned when the facility was closed and the property sold to Alaska Legacy Partners.

Mr. Arndt referenced Ms. Bishop's public testimony in which she said they received the Staff report only 24 hours prior to the meeting and asked if that was what had happened. Ms. Maclean answered that abutter notifications and the staff report were posted in accordance with CDD rules. The Staff report was posted to the CBJ website at least 2 weeks prior to the meeting this evening. Ms. Gallion said the Staff report was posted on Novus on October 2.

Staff recommends the Planning Commission appoint Matt Catterson to the vacant Steering Committee seat.

MOTION: *by Mr. Dye to appoint Matt Catterson to the vacant Steering Committee seat.*

The motion passed with no objection.

B. Letter to the Assembly describing Commission priorities

Mr. LeVine asked for members to review the letter and provide feedback directly to him. If he doesn't hear from them within the week, then he will send it to the Assembly. If there are significant questions or concerns, then they will bring it back to the Commission for discussion before sending it on.

XII. STAFF REPORTS

Ms. Maclean reported:

- Title 49 met last week and will meet again October 29, at noon, via Zoom
- CDD has a new Planner I. Ms. Maclean introduced Joseph Myers to the Commission.

XIII. COMMITTEE REPORTS

- Mr. Dye reported Title 49 met and discussion included parking as well as vegetative cover and landscape
- Mr. Pedersen reported at the last JCOS meeting there was discussion about making recommendations on the CIP budget.
- Mr. LeVine added Mr. Eiler to the CIP Committee

XIV. LIAISON REPORTS – None

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS –

Mr. Levine thanked the commission and staff for yet another long meeting.

XVII. EXECUTIVE SESSION - None

XVIII. ADJOURNMENT – 10:07 pm