

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
August 11, 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 7:01p.m.

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

Commissioners absent: Ken Alper

Staff present: Jill Maclean, CDD Director; Irene Gallion, Planner; Emily Wright, LAW; Laurel Christian, Planner

Assembly members: Greg Smith

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

MOTION: *by Mr. DYE to continue USE2020 0016 to Sept 8 regular meeting.*

The motion passed with no objection.

III. APPROVAL OF MINUTES

A. July 14, 2020 Draft Minutes – Planning Commission Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission July 14, 2020, Planning Commission Committee of the Whole Meeting minutes.*

The motion passed with no objection.

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

Mr. LeVine explained the rules for public participation and stated public testimony would be limited to three (3) minutes each in order to accommodate the large number of expected public comments. Mr. LeVine also reminded public members to be respectful and explained that those not doing so would be removed from the meeting involuntarily.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS NONE

VI. ITEMS FOR RECONSIDERATION NONE

VII. CONSENT AGENDA NONE

VIII. UNFINISHED BUSINESS NONE

IX. REGULAR AGENDA

USE2020 0017: A Conditional Use Permit for Transitional Housing
Applicant: Northwind Architects LLC
Location: 6205 Alaway Avenue

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Conditional Use Permit. The permit would allow the development of Transitional Housing located at 6205 Alaway Avenue in a General Commercial Zoning District.

The approval is subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a revised parking plan meeting parking & circulation standards in CBJ 49.40.
2. Prior to 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, and all necessary ADA striping and signage will be installed.
3. 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 shown on the site plan in a medium designed for such purposes
4. Prior to the issuance of a temporary certificate of occupancy, one or more covered bicycle racks providing spaces for at least four (4) 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.

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 and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).

Staff Presentation

Ms. Christian presented **USE2020 0017**.

Questions from Commissioners

Mr. Winchell expressed a concern related to the lot being located close to a highway and whether there was a need for a fence or other barrier on the premise.

Ms. Christian stated the building was set back far from Glacier highway and generally speeds are lower in this section due to the school zone and crosswalks in the area. The Planning Commission could require fencing if deemed necessary.

Applicant Testimony

Talia Eames, Reentry and Recovery Department Manager, and Natasha McLanahan, Housing and Reentry Coordinator presented on behalf of Tlingit and Haida. From Northwind Architects, James Bibb, Shannon Crossley, and Armando De Asis presented for the architectural and design team.

Questions from Commissioners

Mr. Dye had questions how the 6-month minimum residency would be enforced. Ms. Eames explained it would be a competitive process for people to come in and the hope is they would be committed when they moved in.

Mr. Winchell asked how sobriety would be ensured. Ms. Eames explained it would be through the use of breathalyzers and testing in addition to the supportive environment as deterrents to substance abuse.

Mr. Voelckers asked about how the resident activities would be monitored and rules enforced in order to mitigate neighbor concerns. Ms. Eames explained there will be a curfew, visitor logs, and other controls in place.

Mr. Winchell asked about what safety measures were in place to protect visiting children from accessing the highway through the trees on the property. Mr. Bibb answered they hadn't finalized the plans for the vegetation that would make up that barrier and gave some examples of possibilities.

Mr. Arndt asked if the residents to be accepted to the program and if it would be limited to only non-violent offenders, for example. Ms. Eames explained that sex offenders would be barred from participating in this program but other inmates would be considered based on a number of factors including their crime as well as their conduct during incarceration.

Mr. Arndt understood the complex will be constructed using the CARES Act funding but asked how would on-going expenses be covered. Ms. Eames explained they have been awarded a \$750,000 grant from the Bureau of Justice which will pay for the on-site manager and cultural programming. Additional on-going funding will come from the profits from Tlingit and Haida businesses, such as Sacred Grounds, and from the rent paid by the residents of the facility.

Mr. Hickok asked if the program is limited to Alaskan Natives only. Ms. Eames explained that it does have Alaska Native preference but will be open to all inmates. Mr. Hickok asked if the residents will remain on probation for the entire time they live on-site. Ms. Eames said that is up to the Correctional system but probation and parole commonly is longer than two years.

Mr. Voelckers asked if the entry would be monitored 24 hours per day. Ms. Eames said that the monitoring would include cameras, check-in/check-out systems, a single point of entry/exit, and a manager living on-site.

Mr. Winchell asked how will the public be made aware if the rule excluding sex offenders were to change in the future. Ms. Eames said they do not anticipate changing that rule stating that the intent is for families to be reunited and having sex offenders on-site would endanger that part of the program.

Public Testimony

Christina Love, Downtown, Vice President, Haven House Juneau, spoke in support of the project stating it will increase safety in the area and told of the successes of the Haven House project.

Mr. Voelckers asked Ms. Love if there had been any incidents or issues with Haven House in a neighborhood setting. Ms. Love answered there have been zero problems and the neighbors are now supportive of the Haven House program.

Jorden Nigro, Downtown, Glory Hall board member, spoke in support of the project stating this has been critically needed for a long time and this will help make the community a safer place by helping people to transition back into society and by keeping families united.

Kara Nelson, former Director of Haven House Juneau, spoke in support of the project stating that as a former inmate and addict in recovery she knows first-hand the success of projects like this.

George Partlow, Douglas, spoke in support of the project and felt it is really needed in this community. Mr. Partlow told about the successes of Haven House for women and said this project is needed as a similar program for men.

Yulonda Candelario, Department of Justice Law Enforcement Reentry and Community Outreach Coordinator, gave an overview on Project Safe Neighborhood and its successes.

Jeni Brown, Lemon Creek, as a former inmate and addict who has been through the program at Haven House, she spoke to the successes of the program. She has 42 months sobriety and is now a productive member in society.

Tammy Jablonski, Valley, Case Management Specialist, Tlingit and Haida Reentry and Recovery Program, she will be the case manager on-site at the complex. She told of her experience in the field and spoke in support of the project stating "This stuff works!"

Phillip Moser, spoke in support of the project. Mr. Moser spoke of the City's recent efforts to address systemic racism and pointed out that those opposed to the project seemed to be concerned mostly with protecting property values and not with restorative justice.

Ryan Bradshaw, Lemon Creek, Support Specialist at JAMHI, is a former inmate and said he was able to reenter society successfully with the help of the halfway house and he supports the project.

Mariya Lovishchuk, Douglas, Glory Hall Executive Director and Project Coordinator for Juneau Housing First Collaborative, said Housing is a human right and this project is necessary as people exiting from prison must have a safe and appropriate place in order to succeed.

Keri Weldon, stated the neighbors were not notified until July and she has reservations regarding the safety in the neighborhood if this project goes forward.

Roald Helgesen, Tlingit and Haida Chief Operating Officer, spoke in support of the program and described his experiences working with reentry programs.

Wendy Hughes, Lemon Creek, spoke of concerns that the project was moved so quickly and would like to see it slowed or the permit denied until alternatives can be considered. Ms. Hughes said there is just not enough information yet for the neighborhood to be comfortable with the project.

Mr. Dye asked if there is something in particular in the policies that she would like to see that would make her more comfortable with it. Ms. Hughes liked the curfew but felt it should not be located in a residential area.

Mr. Winchell asked if there is any particular crime or class of crimes that she would want to see excluded. Ms. Hughes answered she is happy to see the sex offender exclusion and would also like to see those charged with violent crimes or theft to also be excluded.

Ric Iannolino, spoke in support of this project saying he has seen these programs be successful in other locations as far back as the 1970's. Addressing the concerns of the neighbors, he said to give the people a chance.

Shawn Wille, Lemon Creek, stated the problem is not with the plan but with the location. Mr. Wille has concerns with bringing that many felons into the neighborhood with all the children, the school, playgrounds, and bus stops. He feels this won't fit into the neighborhood.

Dave Ringle, Meadow Lane, General Manager of St. Vincent DePaul, spoke in support of the project and told about a former inmate he had taken into his home upon release and had provided support to help him get on his feet. As a result, that former inmate has been out of prison for over five years and has not reoffended.

Mary Alice McKeen, Haven House Board President, spoke in support of the project and spoke to the opposing testimony stating the successes of Haven House and its integration into the neighborhood.

Mr. Voelckers said some people felt there was a difference between a recovery house for eight women compared to one for sixteen men and asked Ms. McKeen what she thought of that. Ms. McKeen answered the statistics are similar for men and for women and while Haven House had one on-site counselor for eight residents, this project will have two for the sixteen men so it appears appropriate.

Cecelia Westman, Victims of Crimes Coordinator T&H Central Counselor, spoke in support of the program and wanted to remind people these individuals are humans.

Ms. Maclean read emails into the record:

Kirsa Hughes-Skandijs, wrote in support of the transitional housing project and in support of the parking waiver later in the agenda.

Sheila Dyer, wrote in support saying as the projects will benefit the community.

AT EASE 9:34 p.m. – 9:45 p.m.

Additional Applicant Comments

President Peterson said he heard concerns regarding the short timeline saying he recognizes the timeline is swift but the grant has a deadline of December 31 to spend the funds. He has lived in this area in the past and he understands the concerns of the neighbors and he believe the onus is on Tlingit and Haida to address those concerns and to keep the area safe. Regarding neighbor concerns for the children in the area, he reminded people that the residents' own children will be coming to the facility to visit their fathers. Regarding other neighborhood concerns, he said they plan to set up a neighborhood advisory committee.

Mr. Dye asked if adding the Advisory Committee as a condition of approval would be acceptable. President Petersen answered that it would.

Questions for Staff

Mr. Winchell referred to written testimony from the homeowners' association stating there is no other project like this in a residential area of CBJ and asked if this is correct. Ms. Christian answered that statement is not accurate. Transitional housing is allowed in all residential zoning districts.

Commissioner Discussion

Mr. Arndt stated it is important to remember that the inmates are choosing to live there and earn their position in the transitional housing and without this program, they could still live in the neighborhood but with this project, they have a better chance to succeed.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve USE2020 0017 adding a 6th condition creating an Advisory Committee to include neighborhood associations in the area and affected agencies to periodically review management policies.*

Mr. Voelckers had been in support of the Haven House and sees this project also as a positive outcome project.

Mr. Eiler and Mr. LeVine had concerns whether the additional condition was appropriate as a condition and whether it would be enforceable.

Ms. Wright is not aware of any condition for an Advisory Commission being passed before.

Mr. Hickok spoke in favor of the motion saying he has worked with Juvenile Justice for a number of years.

AT EASE 10:06 p.m. – 10:07 p.m.

Mr. Dye spoke saying he supports the intent of the proposed additional condition saying he did not think it would be onerous to the applicant and felt it can be justified in code but he had concerns whether it would be enforceable.

MOTION TO AMEND: *by Mr. Winchell to add a condition excluding Sex Offenders in the program or on the Property.*

Ms. Wright stated the amendment would be outside of the Planning Commission's purview and not allowed under Title 49.

Mr. Winchell rescinded his motion and spoke in support of the original Motion on the floor.

Ms. Maclean asked if "*neighborhood associations*" was defined as those associations recognized by CBJ. Mr. Voelckers agreed that would be a good clarification.

Mr. Arndt spoke in support of the motion but had questions regarding enforcement of the additional condition and wondered if it was something they should add when considering the types of conditions the Commission has been striking from other applications in recent meetings. Mr. Dye agreed with Mr. Arndt and thought since the applicant has already said on the record that they would be setting up such a committee that maybe it would be appropriate to strike the added condition.

Mr. Voelckers felt the condition sends a good message to the neighbors.

Ms. Maclean said she is unsure how the Department could enforce the condition. She also spoke to remind the commission that when the commission approves a conditional use permit and the applicant wants to come back with modifications, if the modifications change any of the conditions, the Department would not be able to approve it and the applicant would then be required to reapply for a new Conditional Use Permit and go through the whole process again.

Mr. Hickok said he was in favor of the motion but felt the condition was beyond what they should be doing and felt the commission should not micromanage the program.

Mr. Winchell said that he is confident the applicants are professional and concerned with the community but it would be sad if a program did develop where sex offenders could be close to playgrounds and children and something terrible happened. He felt having community involvement would go a long way toward addressing the neighborhood concerns.

MOTION TO AMEND: *by Mr. Dye to remove the added Condition.*

ROLL CALL VOTE:

Yes: Mr. Dye, Mr. Hickok, Mr. Pedersen, Mr. Eiler, Mr. Arndt, Mr. LeVine

No: Mr. Voelckers, Mr. Winchell

The motion to amend passed 6 to 2.

The amended original motion passed with no objection.

USE2020 0018: A Conditional Use Permit for Transitional Housing
Applicant: Northwind Architects LLC
Location: 1921 Allen Court

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested Conditional Use Permit. The permit would allow the development of transitional housing at 1921 Allen Court.

The approval is subject to the following conditions:

1. Prior to 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, and all necessary ADA striping and signage will be installed.
2. 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 shown on the site plan in a medium designed for such purposes.
3. Prior to issuance of a building permit, the applicant must submit documentation to demonstrate that all applicable parking code requirements have been met, in conformity with CBJ 49.40.200.
4. Prior to the issuance of a temporary certificate of occupancy, one or more covered bicycle racks providing spaces for at least four (4) 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.
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 and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).

PWP2020 0003: A Parking Waiver to reduce the number of required spaces from 13 to 4
Applicant: Northwind Architects LLC
Location: 1921 Allen Court

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested parking waiver. The permit would reduce parking requirements from 13 off-street parking spaces to four for transitional housing.

Staff Presentation

Ms. Gallion presented **USE2020 0018** and **PWP2020 0003** simultaneously.

Questions from Commissioners

Mr. Arndt had questions about the reduction of spaces due to the applicant not allowing residents to have vehicles but what would happen if the applicant began allowing residents to have vehicles and then there were not enough spaces to be parked on the property.

Mr. Hickok asked if it mattered that the structures are not permanent. Ms. Gallion said they are expected to be permanent as they will be plumbed and established. Mr. Pedersen asked if the units are considered mobile homes. Ms. Maclean explained the units would not be allowed to be on wheels and must be affixed to the ground to be considered dwelling units. Discussion regarding whether these are permanent structures or not. Mr. Hickok questioned if it matters that there are not permanent structures. Ms. Gallion said they are to be plumbed and will be substantially permanent.

MOTION: *by Mr. Dye at 10:54 p.m. to continue the meeting until 11:30 p.m.*

The motion passed without objection

Applicant Testimony

Talia Eames and Natasha McLanahan presented for Tlingit & Haida and James Bibb made himself available for commissioner questions but did note that the modular are to be permanent structures.

Commissioner Questions for Applicant

Mr. Dye asked if the spaces between the buildings would be fenced or would people be able to come and go between buildings. Ms. Eames said it is not fenced but there will be only one point of entry/exit from the campus.

Mr. Arndt asked if this facility would be a dry and sober facility like the other facility discussed tonight. Ms. Eames said sobriety would be a requirement for residents.

Mr. Voelckers had concerns regarding accessing the property. Ms. Eames explained the one entry/exit point would be monitored. Mr. Voelckers said it looked like there was no covered route from some of the rooms to the restrooms. Mr. Bibb confirmed that while the roof had been extended in points, there were some areas that were not covered.

Mr. Voelckers noted the presentation showed a single unit that is a commons/kitchen and asked "Is there any kind of commercial meal prep or is it just kind of an open galley and people use it privately/personally and then they clean up their cereal bowl? Or how does that work?" Ms. Eames explained the kitchen will be available for all residents to use. They will have planned group meals together but just like the Alaway property, people will be allowed to prepare their own foods. It is part of accountability and learning to live on your own and be responsible to wash your own cereal bowl and those kind of things.

Mr. Dye said he does not see in the application where it says the residents will not be allowed to own a vehicle. Ms. Eames clarified that they would not limit residents from owning vehicles, but if they did own a vehicle, they would not be allowed to park it on the property.

Public Testimony

Christina Love, reiterated her testimony from earlier and added that regarding sex offenders, this is an area where we cannot afford to have recidivism. Alaska Native persons are over represented in the prison population. This is not because they commit more crimes but because they do not have access services that the dominant population does.

Kara Nelson, reiterated her testimony from earlier and added that housing for people with sex assault charges is crucial for the safety and wellness of the community.

Roald Helgesen, reiterated his testimony from earlier.

Yulonda Candelario, reiterated her testimony from earlier.

Mariya Lovishchuk, reiterated her testimony from earlier and believes this program will add to a healing atmosphere in the area.

Tammy Jablonski, reiterated her testimony from earlier and added that they work well with the Forget-Me-Not program and any issues that may arise between the programs will be remedied because they work so well together.

Ryan Bradshaw, reiterated his testimony from earlier.

Mary Alice McKeen, reiterated her testimony from earlier adding how creative the project is by using the modular units for housing.

Ms. Maclean reiterated the emails read earlier from Kirsa Hughes-Skandijs and Sheila Dyer.

MOTION: *by Mr. Dye to continue the meeting until 11:35 p.m.*

The motion passed without objection

Additional Applicant Comment

Ms. Eames stated this is very similar to the previous **USE2020 0017** but this project will provide low barrier housing to inmates such as those with sex offenses.

Ms. Maclean asked for clarification whether residents would be allowed to own vehicles. Ms. Eames confirmed that residents would not be barred from owning vehicles but would not be able to park them on-site.

Mr. LeVine asked if the applicant would be amenable to a Condition prohibiting residents from parking on-site. Ms. Eames confirmed that would be acceptable to them.

Mr. Dye asked staff if there was any way to condition vehicle ownership or where residents could park vehicles.

Ms. Maclean stated that she did not understand before that residents would be allowed to own vehicles and had she known that she would have made a different recommendation.

MOTION: *by Mr. Dye to continue the meeting until 11:40 p.m.*

The motion passed without objection

USE2020 0016: ~~A modification to a Conditional Use Permit (USE2016 0006) to include on-site consumption of edible marijuana products~~

Applicant: ~~Rainforest Farms LLC~~

Location: ~~201 Seward St.~~

Staff Recommendation

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the modification of a Use Permit (USE2016 0006) to include on-site consumption of Marijuana products with the following condition:~~

- ~~1. Prior to commencement of the proposed use, the applicant must make the doors to the patio emergency only exits and post emergency exit signage.~~
- ~~2. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.~~

~~The approval is also subject to conditions listed in the Notice of Decision for USE2016-0006 (Attachment D).~~

- X. **BOARD OF ADJUSTMENT** (none- out of time)
- XI. **OTHER BUSINESS** (none- out of time)
- XII. **STAFF REPORTS** (none- out of time)
- XIII. **COMMITTEE REPORTS** (none- out of time)
- XIV. **LIAISON REPORTS** (none- out of time)
- XV. **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** (none- out of time)
- XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** (none- out of time)
- XVII. **EXECUTIVE SESSION** (none- out of time)
- XVIII. **ADJOURNMENT** - At 11:40 p.m., Mr. LeVine stated they had run out of time and would continue the rest of the meeting to the next regular meeting on August 25 at 7:00 p.m.