Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
July 9, 2019

I. ROLL CALL

Ben Haight, 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 7:02 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Shannon Crossley, Dan Hickok, Travis Arndt

Commissioners absent: Ken Alper

Staff present: Jill Maclean, CDD Director; Jane Mores, Municipal Attorney; Allison Eddins, Planner II

Assembly members: Wade Bryson

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. Dye requested that agenda *V. Items for Reconsideration* be moved to follow the regular agenda so as to include Mr. Levine, who was scheduled to arrive a little late to the meeting.

There was no objection; the agenda was approved with the requested change.

III. APPROVAL OF MINUTES

Mr. Voelckers noted a correction to Page 22 of the June 11 regular meeting minutes. A vote regarding the oyster farm case showed Mr. Levine voting both yes and no to the amendment. The actual vote on the motion needed confirmation in the public record, he said.

A. June 11, 2019 Draft Minutes – Committee of the Whole Meeting

MOTION: *by Mr. Dye to approve the Planning Commission June 11, 2019, Committee of the Whole meeting minutes.*

The motion passed with no objection.

B. June 11, 2019 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. Dye to approve the Planning Commission June 11, 2019, regular meeting minutes with the correction as noted by Mr. Voelckers*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – none

V. CONSENT AGENDA

VI. UNFINISHED BUSINESS

VII. REGULAR AGENDA

USE2019 0017:	A Conditional Use Permit for St. Vincent de Paul to lease space at 8617 Teal Street to the CBJ to create the St. Vincent Sobering Center (Dan Austin Transitional Support Services Center) within its facility for Capital City Fire & Rescue's operation of their Community Service Patrol and Sleep-Off Services.
Applicant:	St. Vincent de Paul Society
Location:	8617 Teal Street

Mr. Haight stepped down due to a conflict. Mr. Voelckers took over as Vice-Chair.

Staff Presentation
Ms. Maclean noted that her presentation would encompass both the USE and PWP cases associated with the sleep-off project but that each case's findings and recommendation would be reviewed and voted on separately.

Ms. Maclean said that in the absence of both Mr. Haight and Mr. Levine, the Commission would need to be unanimous in the approval of these cases. She asked how to proceed in the absence of Mr. Levine. Ms. Mores recommended a brief recess to wait for Mr. Levine's arrival, whereupon Mr. Levine joined the meeting via the telephone.

Ms. Maclean's presentation included:

- Background information, which indicated that the proposed use is permissible according to the Title 49 Table of Permissible Uses
- Vicinity map and street view
- Zoning map indicating that the site was well within a General Commercial area boarded by an Industrial zoned area
- Existing uses in the area include Nugget Mall, Mendenhall Auto, senior housing also run by St. Vincent de Paul, Cameron Plumbing, a storage facility, a heavy equipment rental

company, and much mixed use of an Industrial and General Commercial nature. Ms. Maclean noted that Jordan Creek and its greenbelt is also in the area but is not impacted by the proposed use or the site.

- Project description – Ms. Maclean noted that questions concerning the details of the operation and management of the facility would be better directed to Chief Etheridge or Mr. Perkins, who were in attendance.
- Parking – The applicant seeks a waiver of the required 6 additional spaces due to the use not expected to increase or impact parking. Clients will arrive in a Capital City Fire & Rescue (CCFR) vehicle and will either take the bus or be pickup by someone else upon departure.
- Agency and public comment – Ms. Maclean noted that a letter from Mendenhall Auto was received after the production of the Commissioners' meeting packet. She summarized the concerns that were stated in the letter, and she deferred to Mr. Perkins and Chief Etheridge to address the management concerns indicated in the letter. Ms. Maclean said she could not speak to why the bus stop was still at the rear of the Nugget Mall, given that the rear entrance to the mall was no longer in place other than to say that it remains part of the Capital Transit route system.
- Conformity with adopted plans – Staff found that the project conforms with adopted plans.
- USE2019 0017 Findings – Ms. Maclean said that the use met all seven findings and approval was recommended with two conditions.
- PWP2019 0001 Findings – Ms. Maclean said that the requested parking waiver met all requirements for issuance and recommended approval with one condition.

Questions from Commissioners

Mr. Arndt asked if the Conditional Use Permit was for the lease or for the use of the facility. Ms. Maclean clarified that the Planning Commission was reviewing the use of the sobering center at St. Vincent de Paul. The lease is not reviewed by the Planning Commission.

Mr. Arndt stated that the only sidewalk was on Crest Street and noted that would put pedestrians on the side of road due to the fact that most users would not have a vehicle for arrival and departure. He wondered if there was a safe walking path on the roads. Ms. Maclean said that people walk in the area to access the bus stop including people staying at the extended stay hotels and working at the mall. Likely the streets met standards when they were constructed but have not been reconstructed and, therefore, the applicant would not be required to install a sidewalk.

Mr. Voelckers asked for clarification about who the applicant was. Ms. Maclean said that St. Vincent de Paul is the applicant but the application was submitted in conjunction with CCFR who will operate this particular space within the St. Vincent de Paul facility. Mr. Voelckers asked if another operator were to take over the role from the city, the use would be able to continue. Ms. Maclean said that approval of sleep-off services in this location would remain regardless of the management of those services.

Applicant Presentation

Bradley Perkins is the General Manager of St. Vincent de Paul. He said that the president of the board sent regrets but another member was present who could speak to the board's support of the sobering center. St. Vincent de Paul staff also present included the manager of housing, Roy Anderson and a Community Navigator, Jackie Bright. The navigators are housed at the Dan Austin Transitional Support Center and the sleep-off center will be housed there as well. Ms. Bright was the manager of the cold weather emergency shelter for the last few years, run in conjunction with the Glory Hall and AWARE. Mr. Perkins said that these staff members would be happy to answer any questions about any of these programs. He said that the community navigators will work in conjunction with CCFR to connect with people coming out of the sobering center if they wish to avail themselves of other services offered in the community. He pointed out that the staff of the St. Vincent de Paul programs already know all the clients being served at the sobering center because they are already being served in other ways. St. Vincent de Paul's mission is to help those in need, and they do this in a number of ways including through their low-income housing and the Community Navigator program.

Mr. Perkins said that when the St. Vincent de Paul thrift store was moved to a new location, he was tasked by the board to find other things to go into the vacated space to help pay for the facility. When CCFR approached him looking for a place to house the sobering center, it seemed to be a natural fit. However there have been some concerns about the residents of Smith Hall who are senior citizens and the families living there. There could be a potential conflict of use, said Mr. Perkins. He said he worked with Chief Etheridge and Joe Mischler who will be operating the sobering center in order to minimize the concerns. In the lease, which is soon to be signed once the Conditional Use Permit is granted, there is a term requesting that clients leaving the center will be taken to the bus stop and not released into the St. Vincent facility. However, he said, there are clients coming every day to the Dan Austin Transitional Support Service Center to take advantage of the services offered and the addition of the sleep-off clients will not significantly alter the numbers of people coming into the center. He said he held a dinner for all current residents of the shelter and for Smith Hall to discuss the addition of the sobering center, and there were complaints and concerns. He said he was not able to address all of their concerns but explained the details of the project, described how it met the St. Vincent de Paul mission, and how he was trying to protect the current residents.

Mr. Voelckers asked if questions regarding the specific plan should be directed to Mr. Perkins or to Chief Etheridge. Mr. Perkins said that St. Vincent de Paul was providing the facility. In the sleep-off center located at Bartlett the hospital provided the facility, laundry, office support, cleaning, and so forth so St. Vincent de Paul will fill that role. He will provide the infrastructure, but the operation of taking care of clients will be done by CCFR staff. The two organizations will work closely together but St. Vincent will only connect with the clients directly if when they leave the sobering center they want to see a navigator.

Mr. Voelckers asked who will do the improvements to the building. Mr. Perkins said they are making the improvements. It is his intent to improve the space formerly occupied by the thrift

store to include a laundry facility, showers, and a locker room for day use of clients. He had hoped to receive Community Development Block Grant money to do so, but St. Vincent was not awarded that grant. Therefore, money coming from the lease for the sleep-off center will help St. Vincent to develop what they need for both day use and the sobering center. There will be a three month period in order to get the needed work done, so a temporary set up is being put in place to allow the sobering center to be operational while the new one is being constructed.

Mr. Voelckers asked about the space and the square footage. Mr. Perkins said the whole area vacated by the store is 7,000 square feet. He is looking for things to put in that area to help pay the rent, but the sobering center will occupy only a portion of the space.

Ms. Crossley asked if there was a phasing plan to create more space for the sleep off center. Mr. Perkins said no, the center will be smaller than the current one at Rainforest Recovery which could handle up to 8 people. Now many of the clients that used to end up on the streets can be taken to Forget-Me-Not Manor, the Housing First project. Numbers show that there is less need than there once was, and a space that can handle only 4 or 5 is sufficient. After Phase 2 of Forget-Me-Not Manor, it may be that there is even less need for beds in a sleep-off center.

Ms. Crossley wondered if prospective clients of the sobering center would be already attuned to the St. Vincent de Paul facility. Mr. Perkins said they would not be attuned to the area slated for the sleep-off because it was the thrift store and has been closed for the past year. However, when they leave the facility they will recognize the larger area due to the other services they may have used such as the food pantry. Ms. Crossley said she was hoping someone would not wake up unaware of where they are. She said she felt the concerns of the neighbors were well founded in that respect. She asked if the facility would be secure. Mr. Perkins said that there would be no guards but anyone waking up would be greeted and taken to the bus stop or taken to a navigator who all have vehicles to help clients get where they need to go. Clients will not just be released into the parking lot. Also, there is no reason for people to stay around the area; there is not much of anything in the area to attract people to loiter.

Chief Etheridge of CCFR gave a summary of the operation of the sleep-off center. It will occupy a 500-600 square foot room that can house up to four people on a regular basis. The facility in its current location is occupied only about 50% of the month, averaging about 3 people per night. He said that people hearing about a sleep-off center fear worse-case scenarios, but the EMTs report that people are very grateful for the facility and are polite. The facility helps them in living their day-to-day lives. It is a place to take a shower and wash clothes. If people are violent or create problems, they cannot come into the facility. He said it is very low impact on the surrounding neighborhood. Bartlett Hospital has run the sleep-off center for over 25 years and has reported no vandalism or difficulty. People want to leave and catch the bus to get back to where their daily lives are occurring. He said that he understood Capital Transit is looking at moving a bus stop to the Teal Street location which may be helpful. Typically the facility is operated from 8 pm to 8 am. It would be staffed with two EMTs who have a van for transport. There would be no sirens to disturb the neighborhood; it is discreet. If someone is in the facility,

they would be monitored by sight by at least one EMT. If another call were to come in, the second EMT would go out into the field to collect that individual in need with the assistance of JPD or the fire department. Video surveillance cameras will be installed. If there is a medical emergency, staff can start providing care and the Glacier Fire Station is only .2 miles away. He said that as of now there are about 12 regular users of this service. He said that the second phase of the Housing First project may likely further reduce the number of regular users.

State law says that EMTs' first priority when they encounter a person in need in the field is to get them to a safe location which may not always mean the sleep-off center. It could be Housing First, a friend or family member's house or any sober adult who can take responsibility for the person. Failing that, the EMT would bring the person to a sleep-off facility to sober up and no longer be a threat to themselves. If there is a concern about a medical situation, the EMT would take the person to the emergency room for evaluation. If someone is rambunctious and may not fit into the sleep-off model, physicians have the ability to put the person into a 12-hour hold and the person would be transferred to the Lemon Creek Correctional Center for that time period. The initial plan would be to escort the individual to the navigators to get connected to more services. The goal of the program is to resolve issues that cause reliance on emergency services. Chief Etheridge said that it will help to have a close relationship with the Community Navigator Program. It would also be a good location because the landlord is excited to host the program and to help make it a success. Finally, he noted that they purchase bus tokens to distribute to people in need.

Mr. Hickok said that he thought this was a great service but wondered why CCFR would want to take on this project given budget and staffing concerns for the department. Chief Etheridge said that CCFR is an agency of last resort. Many of the people who are in need of the sleep-off center are in that condition; there is nobody left to call. The hospital is transitioning into tackling the larger problem of the rehabilitation and getting people off of medications and alcohol and need a larger space to do that work. CCFR is already in the business of connecting with people in need in the community, doing a medical evaluation, and making decisions that impact their lives. EMTs do an evaluation and determine if there are any medical issues along with inebriation. Also, he said, this work will fit with the department's mission. Taking on this role may help to lessen the impact on other emergency services. They are already responding to people who use the service on a regular basis. This role will give CCFR more control over the emergency response system and will allow them to work on finding resolutions for some of the small problems.

Mr. Hickok asked if there are any concerns regarding having enough staff to do the work. Chief Etheridge said they have set a base and will see how this goes over the first year. If they need to adjust staffing levels, they may need to go to the Assembly.

Mr. Voelckers asked if the Chief could elaborate on the protocol for releasing clients. Chief Etheridge said they do not yet have a protocol. If there is only one EMT supervising while the other is out in the field, it may be complicated. However they should be able to escort clients

off the St. Vincent de Paul property. They also may be able to work with the navigator program to help in this way. Mr. Voelckers asked for clarification regarding putting a person in contact with a navigator. Chief Etheridge said that the navigators are available during daytime hours and will be across the hall from the sleep-off center. Mr. Voelckers asked if the intent is that a navigator could help assess the situation and possibly provide additional staff support or companionship to get an individual to the bus stop. Chief Etheridge said that CCFR is looking to the navigators to help interview people and find what some root causes are and discover if there are things that can be done to help them out. When a person is in crisis, he said, they cannot always see what options might be available to them.

Mr. Dye asked for comparison of the level of use of the sleep-off center before and after the opening of the Housing First facility. Chief Etheridge said he did not have an exact number but it was a drastic reduction of at least 50% drop in need. Mr. Dye asked if CCFR anticipates a similar drop when Phase 2 is in place. Chief Etheridge said yes, Housing First is a safe location and the expansion of that facility will create more opportunity to take a person to that safe place.

Mr. Hickok asked if the use of the sleep-off will be restricted to alcohol-related inebriation or will include persons in need due to other controlled substances. Chief Etheridge said that it is hard to say what substances people have ingested. Alcohol is the predominant one for the clientele they are assisting, but it is difficult to determine the cause for inebriation without doing blood work. Mr. Hickok asked if some of the clients might then be taken to the hospital instead. Chief Etheridge said that if there are concerns about a person's safety or health, they would be taken to the emergency room until a doctor has done an evaluation to make sure the sleep-off center would be a safe location for them.

Public Comment

Joe Mischler is the staff member who will operate the CARES program for CCFR. He said that he had worked in emergency medical services for 36 years, but this role is a new one for him. He wanted to make a few points regarding what he had observed so far. CCFR will not allow an individual to come into the center if they are not cooperative. If they become disruptive during the night, CCFR staff will call JPD. In the morning, people are anxious to get back downtown or wherever they feel they need to be. They do not linger. Mr. Mischler wanted to address the concerns about the sidewalk. He said at the current location at Bartlett, people need to walk through the parking lot and along the busy traffic road down to the bus stop at the bottom of the hill. He pointed out that they will be using the staff they have been using at Bartlett and so it will not be much different. So far the clientele has been people who want a place to sleep, shower, and get out in the morning.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow St. Vincent de Paul to lease space at 8617 Teal Street to CBJ to create the St. Vincent Sobering Center (Dan Austin Transitional Support Services Center) within its facility for Capital City Fire & Rescue's operation

of their Community Service Patrol and Sleep-Off Services (see associated parking waiver permit PWP2019 0001).

The approval is subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a site plan showing a minimum of 4,000 sq. ft. of vegetated cover. The vegetated cover plan shall be reviewed and approved by CDD staff prior to issuance of a building permit. The vegetative cover areas shown on the approved plans shall be maintained with live vegetative cover as shown and approved.

2. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize off-site glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2019 0017 noting the two conditions.*

Mr. Dye spoke in favor of the motion. He said that he felt reassured that this would be a good location and how the users of the facility will interact with the surrounding properties seemed compatible to him and similar to the current location at Bartlett. He also noted that the potential for decrease of the use is imminent, which should further reduce the impact to the area.

Mr. Levine said that he echoed Mr. Dye's comments and gave thanks to the people who have been working on developing this center. He said he is grateful that the community offers this service.

Mr. Arndt spoke in favor of the motion. He said that he brought some concerns and questions to the meeting initially, but the comments and information provided by Chief Etheridge in his presentation answered most of his questions and lessened his concern.

The motion passed with no objection.

PWP2019 0001:	A Parking Reduction Waiver for St. Vincent de Paul to lease space at 8617 Teal Street to the CBJ to create the St. Vincent Sobering Center (Dan Austin Transitional Support Services Center) within its facility for Capital City Fire & Rescue's operation of their Community Service Patrol and Sleep-Off Services.
Applicant:	St. Vincent de Paul Society
Location:	8617 Teal Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested the Parking Reduction Waiver for a reduction of six (6) non-residential parking spaces. The following condition applies:

1. Prior to issuance of a building permit, the applicant shall submit a parking plan demonstrating that the 55 spaces are provided, including three (3) ADA parking spaces, one (1) of which must be van accessible.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve PWP2019 0001 noting the one condition.*

Mr. Dye spoke in favor of the motion. He said that the use of vehicles would not be increased by this type of use, and so he saw no problem with granting the waiver.

The motion passed with no objection.

Mr. Voelckers yielded the chair back to Mr. Haight.

SMF2019 0003:	A review of a final plat for Pederson Hill Subdivision Phase 1A resulting in 17 residential lots and 1 public use lot for habitat preservation
Applicant:	City & Borough of Juneau
Location:	Glacier Highway

Staff Presentation
Ms. Eddins' presentation included:

- Property information – Ms. Eddins said that the preliminary plat was reviewed twice by the Planning Commission and there is background information about those reviews in the staff report. It was found to be in compliance with the Comprehensive Plan. Ms. Eddins noted that D10 is a multi-family zoning district, but the SF distinction means that only single-family is allowed and also some very limited, small-scale commercial uses.

  Ms. Eddins noted that Karl Reishus Boulevard is a CBJ right-of-way that has been completed. It is 60-feet wide with 5 foot sidewalks on both sides and a 12.5 foot wide travel lane. This new road will become the primary access for all of the lots except for Lot 1, which will access via an easement currently used the neighboring church.

- Proposal – Ms. Eddins said that the proposed 17 residential lots will be put on the market.

- Map of lots - Lot 9 is the proposed public use lot for habitat protection, and a plat note will be required to say as much. Also a deed restriction will be required to be recorded.

Ms. Eddins pointed out the easement access for Lot 1 which is currently the driveway for the church, but the Department of Transportation (DOT) is requiring that the driveway be decommissioned for everyday use. It is too close to the new right-of-way to meet their requirements for distance between driveways. The city will install bollards to prevent vehicles from being able to access the drive but can be removed in the event of an emergency. This will also provide second access to the subdivision, she said.

Mr. Voelckers asked how church will be accessed. Ms. Eddins said that the church traffic will also use Karl Reishus Boulevard.

- Phases 1A, 1B, 1C – Ms. Eddins noted that the previous reviews by the Planning Commissions approved a preliminary plat for all 86 of the lots, but the final plat under review was just for Phase 1A.

- Background

- Conditions from SMP16-02 and their status – Ms. Eddins said that all conditions from the preliminary plat have been met. She pointed out that Condition 6A indicated that the lots will share a driveway per each pair of lots 2 through 7. Those curb cuts have already been constructed, she said. Condition 9 is applicable to a later phase of the development, but she said she wanted to include that because it was originally approved by the Planning Commission.

- Agency review – There were no further comments from the agencies listed in the presentation.

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Final Plat with the following condition. The permit would allow Final Plat Approval for Pederson Hill Subdivision Phase 1A.

1. Prior to plat recording, all public improvements must be accepted for maintenance by CBJ.

Questions from Commissioners
Ms. Maclean clarified that the shared driveways will have easements between each other so that the maintenance will be on the owners of the lots. Ms. Eddins said currently there are no access or maintenance easements proposed at this time.

Mr. Dye said that he thought the secondary access was going to be via the equestrian trail. Ms. Eddins said that the minutes from the last meetings indicate a relocation of the equestrian trail.

Applicant discussion
Greg Chaney is the Manager of CBJ Lands and Resources. He said that is was exciting to see the improvements installed on Pederson Hill as a result of a very long process. He said that easements for driveways are often handled at the building permit stage when the driveways are actually being constructed. At that time, a maintenance agreement will be required. It could be part of the plat, he said, but when there is no proposal for the driveway location it is difficult to have that on a plat. The curb cuts are in place but the location of the building and the driveway to the building is not yet known. This is the reason why it is done with the grading permit.

Mr. Chaney said that regarding the question about the equestrian trail, there was an original proposal to connect Swampy Acres to the Mendenhall River trail system via an equestrian trail. Before the preliminary plat approval, Swampy Acres decided they did not want to be connected to the trail directly. Instead there is a shoulder along the side of the sidewalk following Karl Reishus Boulevard down to Glacier Highway allowing people to ride horses out of Swampy Acres to access the equestrian trail in that manner. It is a more circuitous route but was preferred by the neighbors.

Mr. Dye asked about his recollection that the secondary access would be via Wild Meadow. Mr. Chaney said that was considered but turned out to be less practical. The access via the church property will be more direct and practical. Routing emergency vehicles via a horse trail had more issues due to the surface.

Mr. Dye asked about the curb cuts having been constructed without knowing the use of the driveway. Mr. Chaney clarified that the curb cuts will be the originating locations for the shared driveways but where the driveways will be placed on the lot in relationship to the houses is unknown. Where to build the houses on the lots will be up to the developers.

Mr. Voelckers asked if there is a strategy in place for sale of the lots. Mr. Chaney said that the Assembly has not approved the sale yet, but it has been discussed at a Committee of the Whole. There was unanimous support but have not taken public testimony yet. There will be a combination of sealed competitive bid sale for 1/3rd of the lots and a block sale for 1/3rd of the lots where a contractor will purchase a unit for development. The block sale will be for the lots with the shared driveways. They will try something new for the remainder which is a fair market value lottery that people can enter for the opportunity to buy lots for the appraised price. This can help keep the values from getting bid up. Therefore, there will be a mix of sales for different types of buyers, he said.

Mr. Hickok said it was his understanding that the intent was to develop Pederson Hill for affordable housing and that was the reason for smaller lots. He asked how the project is proceeding financially and wondered if the lots will be affordable. Mr. Chaney said that the city is required to sell at fair market value so the subdivision was designed with smaller lots to try to keep the prices down. However the city has no control over the market. The lots will be appraised and sold for fair market value. He said that the lottery idea is an attempt to try to

hold the lots to fair market value. The experience with the Lena subdivision was that the average result of the sealed competitive bid process was an average lot price going about 30% higher than the appraised value. He said it is a tricky thing because the city cannot manipulate land prices. Mr. Hickok said he recalled there was public concern about the subdivision being subsidized by the city. Mr. Chaney said that the goal is to break even. He said the preliminary estimated value from the city assessor indicated that when the entire project is finished, it will break even or do better than the cost of the project. This first phase is about building primary infrastructure for the development of a new neighborhood. The cost of this particular phase will not be recouped by the sale of 17 lots, but the access road that has been developed will eventually serve 86 lots.

Mr. Voelckers asked if there is an estimated timeline for the other phases. Mr. Chaney said that it will depend on how well the lots sell initially and will be up to the Assembly as to when they want to release more lots for sale. The determination of this will have to do with cash flow. If the lots sell quickly, that money can be used to build the next phase. Ideally, he said, the second phase will begin in about a year but there are many variables that could mean the timeline gets extended.

Mr. Voelckers asked about the finish surface of the equestrian trail. Mr. Chaney said that it is compacted gravel. Horses do not like pavement. The surface is also nice for biking, he said. He said he felt it was one of the best features of the development.

MOTION: *by Mr. Levine to accept staff's findings, analysis and recommendations and approve SMF2019 0003.*

The motion passed with no objection.

VIII. ITEMS FOR RECONSIDERATION

CSP2019 0005:	A review of a State project to install two flashing beacon signs at the intersection of Back Loop Road and Mendenhall Loop Road
Applicant:	State of Alaska DOT&PF
Location:	Intersection of Back Loop Road and Mendenhall Loop Road

Ms. Maclean made a point of order and asked Mr. Haight to attest that he read the minutes of the last meeting, seeing as he was absent. Mr. Haight said that he had done so.

MOTION: *by Mr. Dye for reconsideration of CSP2019 0005.*

Mr. Dye spoke in favor of the motion. He said that more discussion is warranted from the Commission before recording a final decision. This motion allows, if passed, will allow for discussion and reevaluation of what was learned at the June 25th meeting.

Mr. Levine spoke in favor of the motion. He clarified that the motion is to reconsider the decision from the previous Planning Commission meeting on CSP2019 0005. He said that he believed that additional discussion will advance the Commission's decision making on the issue. It was his belief that reconsideration of the previous decision is warranted.

Roll Call:
Yay: Mr. Dye, Mr. Levine, Mr. Voelckers, Mr. Haight, Mr. Arndt
Nay: Ms. Crossley, Mr. Hickok

The motion passed.

Mr. Haight stated that there is again a motion on the floor regarding CSP2019 0005.

Mr. Levine asked for clarification of the process at this point.

Ms. Mores said that the effect of the motion that just passed is stated in the Planning Commission rules. The passage of the motion completely cancels the prior vote as though it had never been taken. Public testimony has been closed, she said, but it could be reopened with a super majority vote. However, the case was noticed in the agenda so it would be appropriate to make a motion to reopen testimony if the Commission wanted to hear from the applicant or the public. Otherwise the body is in the deliberative mode right before the prior action was taken. The Commission can decide how to proceed, she said.

Mr. Voelckers clarified his understanding that the applicant is in same category as the public at large in terms of testimony. Ms. Mores said that is the way the Law Department has interpreted the language. In fairness to the public, if the applicant is brought back the public should be invited back as well. She said that it could be all done at the current meeting since the case is on the agenda. Mr. Voelckers asked what constitutes a super majority. Ms. Mores said 6 members.

Mr. Dye commented that the procedures for this reconsideration were similar to the motion for reconsideration of the Jetty project. There was a super majority vote on that case, public testimony was reopened, and the meeting for the reconsideration was pushed out by four weeks because it was not noticed in the agenda.

Ms. Maclean added some information for the Commissioners to consider. She said that the Commission reviews applications per Title 49 which gives the Commission authority. Therefore, for a City and State Project Review, the purview is to find if a project is consistent with Title 49 and the Comprehensive Plan and its adopted plans. If the Commission does not take staff's analysis and recommendation when reviewing an application, the Commission should state findings as to why not, if the Commission votes otherwise.

Ms. Crossley said that it would have been helpful to know this information before tonight. She said she is still new at this role and thanked Ms. Maclean for her reminder. Ms. Maclean stated for the record that training has been provided twice for the current sitting Commission.

Mr. Levine said that he believed the Commission decided erroneously at the last meeting, and there is no basis to find against the construction of the two beacons. He said he understood there is additional work needed to be done at the intersection, but the applicant was clear that the beacons do not prevent that addition work being done at a later date. The motion made by the Commission specifically supported the funding for that additional work. Therefore, he intended to make the same motion he made at the last meeting and felt it was warranted.

Mr. Hickok asked for clarification. If he were to vote no, was it correct to say he would have to justify his reason for doing so. Mr. Haight said that was correct. As a body if the Commission denies a motion or do not accept a motion, the Commission has to state a finding as to why it cannot as per Title 49.

Mr. Levine said that he understood Ms. Maclean to say that if the body makes a decision that relies on different findings than staff's findings, the body has to explain why that is. He wondered what the Commission should do in a situation where a motion does not carry. Is it incumbent on the minority opinion to espouse reasons, he asked? Ms. Mores said the body could do two motions. A motion could be made in the affirmative and, if it fails, another motion could be made in the negative which would then require the findings as to why. The Title 49 section in the staff report is the standard, and it is important to follow that standard. If the body is not approving the motion, it needs to identify the noncompliance with Title 49 or the Comprehensive Plan.

Ms. Mores said that if the first motion fails to pass, she recommended making a second motion. She also pointed out that the code is set up differently for state project reviews because state law gives the Commission authority to approve. If nothing happens in 90 days, it is deemed approved. City code provides that the Commission can approve a CSP through a Notice of Decision which becomes final after 90 days. If there is a vote to not approve, the result takes the form of a Notice of Recommendation to the Assembly. This has to be accompanied with a resolution to the Assembly within 90 days. If tonight the vote was against the project, she recommended that there are findings and a Notice of Recommendation to disapprove the project along with a resolution to the Assembly that would need to be on the July 22nd meeting. The 90 days runs from when the application is submitted.

Mr. Levine said there was an issue regarding a gravel plant for the Rock Dump where the Commission could not pass an affirmative motion but also could not pass a negative motion with 5 votes. The case was then continued for several meetings until something changed that allowed a motion to be passed with 5 votes. Is it correct, he asked, that for that previous case the Commission could have made a motion in the negative which would have failed and then

continue the discussion because the body would not have had a motion that passed? He said it did not seem that there was a need to have findings for a failed motion. Ms. Mores said that if it fails it will take the form of a Notice of Recommendation to disapprove and then it will go to the Assembly with a resolution. Findings are needed for the rights of appeal. If a case gets appealed up the chain, the appellant agency looking at it understands why the decision was made. Mr. Levine said that the findings for the motion made on June 25th would be those made by Ms. Crossly and Mr. Hickok and four Commissioners stating they did not agree with the findings. There was no finding from the Planning Commission because it was split.

Ms. Maclean said that with law's guidance another motion would have followed made by those dissenting with findings in the negative. Mr. Levine said that would have failed as well.

Ms. Mores said that given that the discussion had become theoretical, she would recommend that the discussion not continue in that vein. However, she said that findings should be applying the standards of the review. If something does not pass, it should be because it does not meet the standards under which it is being reviewed. Not liking something personally is not an appropriate finding, she said.

Mr. Dye pointed out that when a motion is coming forward, it is important for a Commissioner to speak to the why of their vote in terms of the staff report, Title 49, neighborhood harmony, or other criterion being applied. His second point was that the current conversation might be more appropriate to visit through the Rules Committee or the Committee of the Whole. Ms. Mores said that she appreciated Mr. Dye's point because someone reason for voting against a motion does not constitute a finding of the body.

Mr. Hickok asked if a Commissioner had the option to recuse themselves from the process. Ms. Mores said that unless a conflict is being declared, a Commissioner cannot be recused.

Mr. Arndt asked if enough notice was provided to allow public testimony to be reopened at this meeting. Ms. Mores said that there was sufficient notice by putting it on the agenda.

MOTION: *by Mr. Arndt to open CSP2019 0005 for public comment.*

Ms. Mores reminded the Commission that the motion would require a super majority.

Mr. Dye spoke against the motion. He said that abutters' notices were not resent and so in equity to the public, he would not feel comfortable receiving new information from the applicant without offering the public more time to comment. Furthermore, he said that he felt sufficient information was presented at the last meeting to allow deliberation on the topic, and, therefore, he felt comfortable proceeding without reopening public testimony.

Mr. Levine spoke against motion because the public testimony already received in regards to the project did not oppose the project. He said they supported it but also supported additional work at the intersection. He said he did not see any reason not to approve the project, and he believed that additional public testimony would be in the same vein.

Roll call:
Yay: Ms. Crossley, Mr. Arndt, Mr. Hickok
Nay: Mr. Dye, Mr. Levine, Mr. Voelckers, Mr. Haight

The motion failed.

MOTION: *by Mr. Levine to accept staff's findings, analysis, and recommendations, and approve CSP2019 0005, and that the Commission note support for funding for a study of the intersection at issue.*

Mr. Voelckers spoke in favor of motion. He said that while there was frustration concerning the scope of the project, the beacons address one of a number of issues at the intersection. He said the project is a start in the right direction, but he would like to encourage more DOT involvement in studying the intersection and looking at the more profound issues that are of concern to the neighborhood.

Mr. Dye spoke in favor of motion. He said that the applicant made it clear that moving the project forward does not jeopardize funding sources or delay further study. He said he saw this as a short-term solution for a longer-term problem.

Ms. Crossley asked for clarification about whether the motion contained a condition or a recommendation for further study of the intersection. Mr. Levine said that the Commission cannot condition approval on the applicant receiving funding in the future. All the Commission can do is note support for state funding. He said he concurred with Mr. Voelckers and Mr. Dye that this is an incremental step and more work is needed, but he could not see a reason to prevent the incremental step.

Ms. Crossley said that while the public who testified at the last meeting were in favor of further study, public safety concerns were overwhelming heard at last meeting.

Mr. Haight spoke in favor of the motion. He said that anything that can be done to enhance public safety is in the best interest of the community. He said he also thought the note of recommendation to continue to study and pursue safer means at the intersection is appropriate.

Ms. Crossley said that if the Commission shows in favor of this project, she thought it would show DOT that the body desired more study to be done. However, she asked, is the

Commission afraid that if it does not approve the project, DOT will not deed further study and work necessary? Mr. Levine said that there is no reasonable justification to vote against the project. It meets all the standards and, therefore, the Commission has to approve it. He said he did not know what message would be sent if they voted to not approve.

Mr. Hickok said that originally he was not in favor of the motion. He spoke to a history of DOT redoing projects over and over again, and he was not in favor of short-sighted spending of money that did not produce long-term solutions. However, he acknowledged that was his personal opinion, not a finding.

Ms. Maclean made a point of information on behalf of DOT. Mr. Epstein could not attend the meeting due to a conflict with another meeting, but a DOT representative was in the audience who will be able to relay the discussion back to Mr. Epstein.

Role Call:
Yay: Mr. Voelckers, Mr. Hickok, Mr. Dye, Ms. Crossley, Mr. Arndt, Mr. Haight, Mr. Levine
Nay: none

The motion passed.

IX. BOARD OF ADJUSTMENT – none

X. OTHER BUSINESS

A. Public Works & Facilities Committee (PWFC) Liaison Assignment

Mr. Haight said with the departure of Mr. Campbell a new liaison was needed for the PWFC, but he suggested waiting to fill the spot until a new commissioner would be assigned. Ms. Maclean said she heard from Assembly Member Edwardson, the chair of the Human Resources Committee, that applicants from the previous pool were being reviewed but that the position might be reposted. Mr. Haight asked for any objection to waiting on filling the slot. Hearing none, he said he would attend the next PWFC meeting.

B. Title 49 Member Assignment

Mr. Voelckers asked what was on the Title 49 Committee's docket and sought the director's opinion on waiting to fill this assignment. He also asked what strength would be needed on that committee. Ms. Maclean said that the committee had been reviewing more complex changes of late regarding the downtown zoning project. She said she thought it was going well, but Commissioner Alper has had difficulty attending the meetings, which has left only three members able to participate in the work. She thought it would be good to have as robust of a conversation possible at the upcoming meetings.

Mr. Dye speaking as chair of the Title 49 Committee said that they have had a relatively light workload recently and there is a good make up of experience and professional knowledge already in place. In his opinion, any one would be a welcome addition to the committee.

Ms. Maclean said that the next meeting of the Human Resources Committee is July 22, but it was not confirmed if the Planning Commission appointment was on the agenda.

Mr. Haight asked Mr. Voelckers to sit in on the Title 49 Committee meeting on July 10, if possible.

C. Subdivision Review Committee Assignment

Mr. Haight said he was not concerned with this replacement since the committee had not been meeting. Mr. Hickok asked if this committee will disappear. Ms. Maclean said that this has been suggested by the Rules Committee but no action had yet been taken. Mr. Dye said that this committee is spelled out in Title 49, and so the Title 49 Committee will have to make a recommendation to amend the code and it will be a more cumbersome process to have it approved. Mr. Levine asked if the number of members is stated in Title 49 and, if Mr. Campbell's seat was left vacant, if the Planning Commission would be out of compliance. Ms. Mores said that Title 49 states that membership consists of 4 members. Ms. Maclean said that if the Planning Commission chair as ex-officio is counted, then the committee has the four needed.

XI. STAFF REPORTS

Ms. Maclean gave an appreciation of commissioners' attendance, especially as of late when it has been difficult to seat the full commission.

Ms. Maclean confirmed there will be a Committee of the Whole on July 23 to bring forth the common wall ordinances and shared access. The regular meeting that night has only one case to hear. There was some discussion about setting a different time for the meeting but there were constraints regarding public noticing that would make this difficult.

Upcoming meetings include the Title 49 Committee on July 10 at noon and the Auke Bay Ad Hoc Committee on July 11 at the UAS Rec Center at noon.

XII. COMMITTEE REPORTS

Mr. Dye said July 18 is the next Blueprint Downtown Steering Committee meeting, in Assembly Chambers. He said the committee work is going well. They are struggling with similar things as

the Title 49 Committee in terms of neighborhoods and zoning districts. He said he encouraged committee members to look to label areas more along the lines of form-based code -- uses rather than historically named neighborhoods.

Mr. Voelckers asked if there was a parallel structure between the Title 49 Committee work and Blueprint Downtown in terms of looking at zoning structure. Mr. Dye said not intentionally. The steering committee is struggling with understanding the difference between a zone change and the Comprehensive Plan. Also, he said, there are local identities that do not want to give up their neighborhood names which adds to the complexity. He has found that what he has learned about downtown zoning in the Title 49 Committee has helped him articulate how inconsistent zoning may have been historically. The concept of the Comprehensive Plan being a blurry line versus zoning lines which are hard lines is a lot to take in, conceptually. The steering committee is still getting their feet wet and will be able to engage in more dialogue as the meetings progress. He said he expected good results.

Ms. Maclean added that as far as the zoning, she envisioned that the plan will be complete and adopted into the Comprehensive Plan and zoning recommendations similar to the Lemon Creek Plan will come as action items out of that adoption. She said she anticipated a Request for Proposals (RFP) to go out soon for downtown Douglas visioning which would coincide with new zoning for the Douglas Alternative Development Overlay District (ADOD). Later in the fall there will be an RFP put out for the Comprehensive Plan rewrite.

Mr. Dye asked Ms. Maclean if she was concerned about the timeline she presented, staff workload, the hard date for rezoning for the downtown ADOD, and not having a hard finish date for Blueprint Downtown. He wondered if it would be too soon for the public to digest a project of similar scope without having the other run its course so the public sees its conclusion.

Ms. Maclean said she felt time could be well managed. The areas covered by the ADOD are residential areas and while part of the Blueprint area, she did not see an issue with the projects running concurrently. She said she was hopeful that the Auke Bay zoning project would be nearing completion and would soon come before the Commission and the Assembly, which will decrease staff time on that project. Ms. Eddins is also finishing the Historic Preservation Plan, she said, and a new senior planner will start work on Monday. She said along with some organizational changes in the department, she felt confident that staff time would be available to manage the upcoming projects.

Mr. Dye said he had a similar concern about public burnout. He said that the public perception is that Auke Bay had a neighborhood plan completed in 2015 but no changes are in place yet. Lemon Creek also has a completed plan but there has been no further information or movement to implement the plan, except for a trail that was built. He asked if the public is ready for the start of another plan before they see how a plan pans through and understand the best way to give input in order to get the best results.

Ms. Maclean said that much had been learned from Auke Bay. It is her intention, she said, for Blueprint Downtown to roll right into the actions. Momentum was lost following the Auke Bay Plan adoption due to not picking up on action right away, which was a mistake. Ms. Maclean said that an Assembly priority is to look at industrial zoning, which is Lemon Creek. Therefore the first thing is to adopt the non-conforming ordinance, because that would impact the uses if the goal is to take back the industrial lands that have been lost in the Lemon Creek area. Staff is being deliberate about which changes happen first so there is no negative impact to property owners and businesses in that area.

Mr. Dye said he felt it important to vocalize his concerns for the benefit of the Assembly liaison so that he could pass them on to the Assembly. He said he looked forward to the workload, as a Commissioner, but was concerned that CBJ and Community Development, through the Planning Commission will be able to demonstrate that when a plan is adopted it means something to the community. He said he believed that the Assembly secured funding or allocated funding for a Comprehensive Plan rewrite, and he wants this all to go well and be supported by the community. Ms. Maclean said that the funding will allow consultants to be hired to help with that.

Mr. Voelckers said that the Auke Bay Implementation Committee met for the first time after the series of public meetings, and it was a good meeting. The got through 2/3rds of the draft language and have another meeting scheduled soon. Issues of time and momentum have led to scheduling the two meetings in July to try and get the language in place.

XIII. LIAISON REPORTS

Mr. Bryson reported:

- The Public Works and Facilities Committee met in a special meeting and a regular meeting, all surrounding the topic of the new Juneau Arts & Culture Center (JACC) and Centennial Hall. The Committee approved 1% for art and saw a presentation on the wayfinders, which will be interactive signage.
- The Assembly Committee of the Whole came up with a plan to allocate 4.5 million dollars and put it on the ballot for voters to approve a transfer of the money to the JACC project. It is planned to also ask the voters to approve between 10-14 million dollars for the Centennial Hall remodel. There is a need for more meetings to figure out what, exactly, will go on the ballot.
- There is a Human Resources Committee meeting on July 22. The Committee did not know about Mr. Campbell's departure so will likely the appointment of a new Commissioner will take place at a Committee of the Whole. However, he said this will need to be scheduled so it may take a month or more to accomplish.
- The Assembly potentially put forth the issue of on-site marijuana consumption. The discussion is to only allow on-site consumption to be located outdoors. That would avoid messing with the clean air act or impacting existing rules. The issue made it

through the Committee of the Whole and will be introduced at the next Assembly meeting.

Mr. Levine asked about on-site consumption and if smoking could take place on a porch, if one existed at a business. Mr. Bryson said that there would be many regulations regarding allowing the porch as the site including being enclosed with a fence with no visibility from outside the fence.

Mr. Dye pointed out that the regulations are State regulations on outdoor marijuana use. He asked if there was any desire from the Assembly to restart a more elaborate public process to look at the land use code in relation to marijuana retail or consumption. Mr. Bryson said he was instructed by the mayor and some other Assembly members not to go down the route of zoning. That is not the sticking point; the main issue that the Assembly is running into is competing with the existing clean-air act laws. Allowing marijuana smoking inside reopens the topic of smoking tobacco. Instead the Assembly went with an outdoors option.

Mr. Voelckers returned to the Human Resources Committee and asked if the Planning Commission is in need of one or two members? Ms. Maclean said there was one vacancy from a resignation and Mr. Alpers was aware that if he were to miss the second July meeting he will automatically be removed. Mr. Voelckers asked if it is practical to have an analysis in July. Ms. Maclean said Mr. Edwardson is aware of the situation and technically Mr. Alpers' 90 days runs out on August 12. Mr. Levine stated for the benefit of Mr. Bryson that it was much harder to do the Commission's work without 9 members, and he encouraged the Assembly to provide a full committee as soon as possible. Mr. Bryson said that the Human Resource Committee was developing a survey to get information from commission and board members about what worked or didn't work well for them. As they interview for the commission seats, they want to strive to appoint people who can make meetings and do the work.

Mr. Dye returned to the marijuana topic. He said once the Assembly answered the question about allowing smoking outside, he wanted to encourage them to allow adequate time for the community to readdress it through the land use code regarding where they want to see it happening. It is a bifurcated question – first to allow the use and secondly to determine where to allow it. Mr. Bryson said some of that conversation had come up already. The on-site consumption had to be attached to an existing operation already permitted.

Mr. Levine asked if all the places that are allowed to sell the same places that the community would want to allow consuming. He said he is supportive of allowing the consumption but after the process to determine whether or not to allow consumption, he agreed with Mr. Dye that there should be a secondary process to determine whether consumption can happen in all the same places where retail is allowed. Mr. Dye said that when it was decided where to allow retail in the community, there was not discussion about on-site consumption so he felt it would not be fair to the public to add that on without a public process. His concern was that otherwise

it might appear to be a backdoor entry. He wanted to make sure that citizens of Juneau are given the opportunity to evaluate and weigh in regarding on-site consumption in all aspects, not just because of the conflict with the smoking ban. Mr. Bryson said the Assembly is aware of some public opposition and there will be purposeful opportunity for public testimony at the regular Assembly meeting. A details he said he wanted the Commissioners to know – there is only one location in Juneau at present that has the proper characteristics for on-site consumption.

Mr. Arndt returned to the staffing question and asked if there will just be a review of previously submitted applications or will there be a recruitment period for new applicants that will extend the time frame for an appointment. Ms. Maclean said that Mr. Edwardson was reviewing the previous applications, however some applicants also applied to other boards and may not be available any longer.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - none

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

MOTION: *by Mr. Levine to exit the public session and go into executive session to discuss APL2019 0003: Status and Strategy Issue.*

There was no objection to the motion.

All staff and public exited the room at 9:18 pm except for Commissioners, Ms. Maclean, and Ms. Mores.

XVI. EXECUTIVE SESSION

The Planning Commission came out of executive session at 9:37 pm.

Mr. Levine stated for the record that the Commission provided direction to their attorney in the matter under consideration during executive session.

XVII. ADJOURNMENT

Meeting adjourned at 9:38 pm.