

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
April 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 7:00 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, (telephonically); Nathaniel Dye, Ken Alper, Andrew Campbell, Travis Arndt

Commissioners absent: Shannon Crossley, Dan Hickok

Staff present: Jill Maclean, CDD Director, Alex Pierce, Planning Manager; Allison Eddins, Planner II, Jane Mores, Assistant City Attorney; Greg Chaney, Lands and Resources Manager

Assembly members: Wade Bryson, Assembly Liaison to the Planning Commission

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

III. APPROVAL OF MINUTES

A. March 12, 2019, DRAFT Minutes – Planning Commission Regular Meeting and COW meeting

MOTION: *by Mr. Dye, to approve the Planning Commission March 12, 2019, regular Planning Commission meeting minutes, and the March 12, 2019, Committee of the Whole Planning Commission meeting minutes with any minor changes by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

USE2019 0006: A Conditional Use Permit for a mobile home caretaker's unit/office
Applicant: Ken Williamson
Location: 5446 Commercial Boulevard

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a caretaker unit/office space in a mobile home in an industrial zoning district.

The approval is subject to the following conditions:

1. The applicant must receive an after-the-fact building permit to verify the placement of the mobile home on the subject lot.
2. An allowed primary use must remain active on the subject lot. Without an active allowed use, the caretaker unit is not permissible.

CSP2019 0002: Review of Lease and Use Permit (Title 53) for Docks & Harbors to allow the use of CBJ property located at People's Wharf for an addition and siting of propane tanks for Tracy's Crab Shack
Applicant: CBJ Docks & Harbors
Location: 470 S. Franklin Street

Staff Recommendation

The Director recommends that the Planning Commission adopt these findings and analysis and recommends the Assembly adopt Ordinance 2019-18 and that a Title 53 Temporary Use Permit is issued per CBJ 53.09.310 with the following conditions:

1. Propane tanks must be enclosed and disguised from view and must meet Fire Code standards.
2. Any signs planned shall receive a sign permit prior to installation.

MOTION: *by Mr. Dye, to approve USE2019 0006 and CSP2019 0002 accepting staff's findings, analysis and recommendations.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA - None

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS

A. Ordinance 2019-12: An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium

Ms. Maclean said the Assembly has requested that the Planning Commission render its opinion on a one-year moratorium on dockless vehicles. (These are typically scooters and bicycles which can be picked up and left without having to use traditional bike or scooter racks. They are typically located by an application on the user's phone and left at a location convenient to the user). These vehicles may be either used manually or with electric power, said Ms. Maclean. Once the user has identified a vehicle, it is paid for and then the vehicle is unlocked for use., said Ms. Maclean, similar to paying for an Uber.

The idea behind this ordinance, said Ms. Maclean, is to give the City the opportunity to judge the impacts this use is having on other communities, and to have time to study the issue before approving its implementation in Juneau, said Ms. Maclean.

Commission Comments and Questions

Mr. Alper asked if Ms. Maclean could repeat the purpose of this ordinance.

Ms. Maclean said the City may want to have particular guidelines or regulations pertaining to this vehicle use and wants to take the time to study this new vehicle use before allowing its implementation in the community.

Mr. Dye asked how the use of dockless vehicles would comport with the zones forbidding the use of skateboards, for example.

This has not yet been decided. Ms. Mores said she has not yet had the opportunity to research the issue.

Mr. Voelckers asked exactly what action the Assembly was asking of the Commission on this ordinance.

This item is on the agenda to inform the Commission of its content, and to garner any comments the Commission may have, said Ms. Maclean. There is no direct action needed from the Commission on this topic, she added.

Mr. Alper asked if there are any current restrictions in Juneau concerning dockless vehicles, and if not, will there be any in the future.

Ms. Pierce said there are not currently any restrictions.

Mr. LeVine asked if there are currently locations within the City for docked vehicles.

Ms. Maclean said there are currently options for vendors to obtain a permit through CDD for locations that can be identified in larger parking lots and some sidewalk locations. A bike could be picked up and returned at a specified location, she said. This ordinance under consideration is specifically for the dockless vehicles, she added.

Mr. Campbell asked if this could have any impact on the peddle cab business or any other currently operating transport business.

Ms. Maclean said there would not be a conflict. The intent of this ordinance is just for dockless vehicles, she said. Users leave the vehicles wherever it is convenient for them, said Ms. Maclean. Some users are courteous, and leave the vehicles out of the way of the public, and others are not, she added, perhaps leaving the vehicles in the middle of the sidewalk, where they can be obstacles for people using wheelchairs and the general public, she said.

Ms. Mores said she did not see this ordinance in conflict with the ordinance for skateboards. It stands on its own, she said.

Mr. Dye clarified that his question was if these dockless vehicles were enabled, how they may interface with the section of code which addresses skateboards, for example.

Chairman Haight said he could understand the concern that the vehicles may be left in inconvenient locations for the public.

B. Early entry to the sites to be leased by Deckhand Dave's and Juneau Composts for utility and grading purposes

Mr. Campbell recused himself from the above item due to a conflict.

Both Deckhand Dave's and Juneau Compost have been approved by the Assembly for their sites in Pocket Park. They are waiting for that to come into effect, she said. Both businesses are asking for early entry to the site so they may get utility work or grading work accomplished, said Ms. Maclean. They are not allowed to start operations or erect any structures, she said. This is preparatory work for the season, she explained.

The Assembly is seeking any comments the Commission may have on these requests, said Ms. Maclean.

Ms. Mores said there is authority in the code when there is a lease to use this mechanism.

Ms. Maclean said that the Assembly did approve these uses for this site, and they also made the exception to allow alcohol use for Deckhand Dave's.

Mr. Voelckers clarified that if something did happen to forestall the businesses at this site, this preparatory work would be at the applicant's risk.

Ms. Maclean said it would be at the applicant's risk.

Mr. Voelckers said he thought it made perfect sense for the applicants to do preparatory work prior to installing their structures.

Mr. LeVine said he concurred with Mr. Voelckers.

Mr. Chaney said the use permit does not specify that the buildings would not be installed until the ordinance came into effect. He said he does not see this as a huge issue, but that he did not want it to be on the record, incorrectly.

Ms. Maclean said it was her understanding that this is for the utilities and grading, only.

Mr. Voelckers said he would have some concerns if construction was actually to commence before the ordinance came into effect.

Mr. Dye clarified that prior to installation, the structures would require building permits. He asked for the date when actual installation of the structures could begin.

Mr. Chaney said that date is May 1, 2019.

Mr. Dye said he saw no problems if construction actually began a bit early as long as the building permits were in place.

Mr. LeVine said in this particular context, since the structures were mobile, he did not foresee any problems. He added since there is a waiting period that he felt they should maintain that period, rather than set a precedent that the waiting period is meaningless.

Mr. Arndt said normally with the lease process they would not be able to do any of this action. He said the early entry permit stipulates what they are allowed to do. Subsequent permits for other projects would be evaluated on their own merit, he said. He said he did not see this as setting a precedent.

Mr. Chaney apologized for the oversight in the ordinance, necessitating this item coming before the Commission tonight. It could have all been incorporated in the ordinance, he said.

XI. STAFF REPORTS

Ms. Maclean said the Auke Bay neighborhood meeting is scheduled for Wednesday, April 10, 2019, at 6:30 p.m. at UAS.

On April 11, the Title 49 Committee meets at noon at the CDD.

The next Blueprint Steering committee meeting is April 25, 2019, at 6:00 p.m. at the Fire Station.

The Assembly has decided to hear the Mountainside Estates appeal.

Mr. Alper asked about how long the appeal process takes.

Ms. Maclean said it typically takes from six to nine months. The next step is to set the dates, she said.

Mr. Alper asked if everything is on hold for the developer until the appeal is heard.

Ms. Mores said any action the developer takes on the project would be at their own risk pending the outcome of the appeal.

Ms. Mores said on April 23, 2019, they will set all of the deadlines for the appeal process.

XII. COMMITTEE REPORTS

Rules Committee

Mr. LeVine said the Rules committee met, and took up operating rules. When complete, they will bring a draft back for a Committee of the Whole review.

Lands Committee

Mr. Voelckers said the Lands committee met April 8, 2019, and that the City is considering purchasing land near Vintage Park, and donating it for an assisted living home. They asked Scott Ciambor to address tax abatements specific for assisted living, said Mr. Voelckers.

Public Works and Facilities Committee

Mr. Campbell said he attended a Public Works and Facilities committee meeting several weeks ago, at which they discussed special funding for the JACC (Juneau Arts and Cultural Center).

Juneau Commission on Sustainability

Mr. LeVine said at this meeting they heard remarks from a former employee of a shipping company on air emissions and they spent time discussing the LEAD (Licensee Education on Alcohol and Drugs) certification for the airport. They also heard some interesting comments about cruise ships and expect to take that up at some future date, he said.

XIII. LIAISON REPORTS

Mr. Bryson reported that on March 27, 2019, there was a special meeting of the Public Works and Facilities committee. On Friday, March 29, he had a meeting with Pete Comstock of Juneau

Hydro on how close they are to bring this \$200 million project to Juneau. On April 1, 2019, the Human Resource Committee appointed Ryan Bear to the Wetlands Review Board. At the regular Assembly meeting on April 1, 2019, they approved the land sale for the Daughtry family on North Douglas, and they also approved the four lots for sale on Lena. Deckhand Dave's and Juneau Compost including alcohol for Deckhand Dave's were approved for the pocket park. They also approved the Bartlett Detox rebuild. They also received the information for the Mountainside Estate appeal. On April 2, 2019, Juneau Parks and Recreation informed the Assembly on the different trail repairs which are taking place. On April 3, 2019, there was the meeting of the Juneau Economic Development Council (JEDC). This will be the first quarter of the Amazon sales tax which is due. They will find out later this month how much sales tax was collected through Amazon.

At the Lands committee meeting on April 3, 2019, it was projected that the mill rate is to go down .1 mill.

*It may be expressed as a per **mil** (amount of **tax** per thousand currency units of property value), which is also known as a **millage rate** or **mill** (one-thousandth of a currency unit). To calculate the **property tax**, the authority multiplies the assessed value by the **mill rate** and then divides by 1,000.*

At the Public Works and Facilities meeting on April 8, 2019, they had a presentation on the airport, which includes runway improvements and the terminal rebuild. They also requested a more thorough renovation list for Centennial Hall. At the Committee of the Whole meeting on April 8, 2019, they discussed the sleep-off center being removed from Bartlett Hospital to the Fire Department. After Housing First opened, they only had a total of 288 uses last year. This meant there were some nights with two to three people, and many nights with no people. This was an \$800,000 project for 288 sleep-offs. They also had a presentation on drought conditions. They also reviewed onsite marijuana consumption. That was sent back to the City legal staff for further study. The Assembly considered a moratorium on dockless vehicles. Other communities have related how dockless vehicles left in inappropriate places have caused problems.

Mr. Voelckers asked if the reduction in the mill rate is due to bonded debt being paid.

Mr. Bryson said that \$2.8 million dollars in City sales tax has been freed that will not need to be allocated for 2019.

Mr. Dye asked about the use of marijuana indoors.

Mr. Bryson said that is currently with the City attorney.

Mr. Alper asked how close the hydro project is from implementation.

Mr. Bryson said with the proper authorization they are ready to start construction.

Mr. Alper asked if there is an estimate about how much the City will receive in Amazon sales tax this quarter.

Mr. Bryson said they do not have an estimate at this time. He added there are no rules in the State of Alaska for collecting online sales tax.

Mr. Campbell asked about the work being performed at the Archipelago lot.

Mr. Voelckers said it is a blend of land ownership in that area.

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 7:45 p.m.