

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
January 22, 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 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Michael LeVine, Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok

Commissioners absent: Andrew Campbell, Travis Arndt (appointed but not yet sworn in)

Staff present: Jill Maclean, CDD Director, Beth McKibben, Senior Planner; Terri Camery, Senior Planner, Allison Eddins, Planner II; Jane Mores, Assistant Municipal Attorney; Daniel Bleidorn, Deputy Lands Manager; Gary Gillette, Port Engineer

Assembly members: Beth Weldon, CBJ Mayor; Wade Bryson, Assembly Liaison to Planning Commission; Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

The Commission approved moving the Assembly Liaison Report to Item V on the agenda.

The Commission approved placing the Board of Adjustment Consent Agenda ahead of the Regular Agenda.

III. APPROVAL OF MINUTES - None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

V. LIAISON REPORT

Mr. Bryson reported that on January 9, (2019) they were given a report by Carl Uchytel, Port Director, on the Archipelago project. JEDC passed a motion in support of the project. It will submit a letter of support for the project.

On January 10, the Human Resource Committee appointed Alicia Hughes Skandijs to the Assembly to replace Jessie Kiehl.

The Lands Committee approved four lots in the Lena Eagle Subdivision through sealed bid. They were also given a presentation by Lands Director Greg Chaney on quarry and gravel pits.

The Assembly Committee of the Whole met on January 14, with presentations from Blueprint Downtown. January 24 will be the last public meeting at Centennial Hall for Blueprint Downtown. The Archipelago project at that meeting was approved for passage to the Assembly.

Parks and Recreation held a retreat attended by Mr. Bryson. Parks and Recreation has land which they would like to dispose of. It would have to be decided where those funds would go, he said.

VI. ITEMS FOR RECONSIDERATION - None

VII. CONSENT AGENDA

Consent Agenda item CSP2018 0014 was pulled by Mr. Voelckers for discussion, and USE2018 0022 was pulled by Mr. Hickok for discussion.

MOTION: *by Mr. LeVine, to approve items CSP2018 0016 and CSP2018 0017 on the Consent Agenda.*

The motion passed with no objection.

CSP2018 0016: A City/State Project for CBJ lease and sale of easements to the Department of Transportation & Public Facilities for culvert rehabilitation located on Glacier Highway

Applicant: City & Borough of Juneau

Location: Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to lease access easements TAE-5 and TAE-2, lease construction easement TCE-12, dispose easements E-5, E5-A, E5-D, and E5-E to DOT&PF, all at market value.

CSP2018 0017: A City Project for CBJ land disposal to private purchase
Applicant: City & Borough of Juneau
Location: 9223 North Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission find CSP2018 0017 to be consistent with adopted local plans and policies, and forward to the Assembly a recommendation for approval to allow for the sale of 530 square feet of USS 3559, Lot 1 to the owners of USS 3544, Lot 182.

CSP2018 0014: A city project to lease land for a composting facility
Applicant: City & Borough of Juneau
Location: CBJ land adjacent to the South Lemon Creek Material Source (gravel pit)

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval with the following conditions:

1. The composting facility will be fenced. Fencing will include electric fencing that will be installed along the perimeter of the composting facility in accordance with the recommendations of the Alaska Department of Fish and Game.
2. Best management practices will be used to minimize runoff from the site.

Mr. Voelckers said he is highly supportive of this proposal and that he would like to hear of the negotiation process that is occurring with the applicant. He said he would also like to discuss some additional conditions. He said he would like to discuss a few additional positive conditions to make sure that if it is successful, that they do not run out of land, and that renewal provisions would be considered.

Mr. Bleidorn told the Commission that there would definitely be the renewal option to the agreement. That is pretty standard for city leases. They generally do a five-year term, with up to 35 years total of lease renewals. Regarding future expansion, Mr. Bleidorn said this is currently a preliminary lease agreement to make sure that it works with the site. They are also working with the Department of Engineering and Public Works and the recycling management because they are also looking at the wide composting options, and considering future expansion, said Mr. Bleidorn. This is currently a good site with options to expand on the site in the future.

Commission Comments and Questions

Mr. Dye asked why this site was compared to light manufacturing. He asked if composting definitions could be added to the Table of Permissible Uses (TPU).

Ms. McKibben said this could be considered. For now, they do not have a definition for

composting so it was placed under Light Manufacturing. If this site were to be an acre or larger it would require a Conditional Use Permit for any future growth on this lease and would need to come back before the Commission.

Mr. Bleidorn said this property is located just north of Costco in Lemon Creek.

Mr. Alper asked if the site would be located within the large rectangle of land marked on the map.

Mr. Bleidorn said this is correct. They want to make sure the exact location fits well with existing uses. The total area is about an acre and a half, he said.

MOTION: *by Mr. Voelckers, to approve CSP2018 0014 with the addition of two conditions: (3) Lease negotiations will include discussion of future lease renewal provisions, and (4) Site planning consider substantial growth potential.*

The motion passed with no objection.

USE2018 0022: An extension of USE2017 0008 for Statter Harbor development including a public restroom and shelter facilities, new moorage and loading floats, a kayak ramp, an additional fuel dispensary, and potential retail space

Applicant: City & Borough of Juneau Docks & Harbors

Location: 11520 Auke Bay Harbor Road

Chairman Haight recused himself because he is involved with this project.

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit extension. The permit would allow the development of new moorage and loading floats, uplands development, a kayak launch ramp, a restroom and covered shelter area with potential second floor commercial space, and removal and replacement of a section of the moorage facility. The approval is subject to the following condition:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

Mr. Hickok said he is a neighboring property owner, and that he would like to hear more about the work done within the Auke Bay Area Plan.

Ms. Camery said she has combined this item and the item before the Board of Adjustment as they are the same development with the same criteria. The extension criteria are not revisiting the project or the details of the project. It is just the extension criteria that are considered, she said. The requirements for extensions are very limited, said Ms. Camery. The application to extend must be submitted 30 days before expiration, and the burden of proof for the justification is with the applicant. On the application the applicant stated there were delays in obtaining the required state and federal permits, said Ms. Camery. A maximum of two, eighteen-month extensions are allowed, and this is the first extension request, said Ms. Camery. Notice of extension was mailed to adjacent property owners as required, she added, and notice was posted in the newspaper. Conditions in the permit cannot be changed, said Ms. Camery.

It was clarified in answer to a question of Mr. Hickok that no conditions in the permit can be changed; that this is just pertaining to a time extension.

Mr. LeVine said since this is strictly a renewal of the extension that he would move to strike everything after that since it would be redundant to repeat existing conditions, which would remain in place.

Mr. Dye said he thought there was a condition that had some aspect of public use for a second floor retail shop. He said he did not see that in the material before him.

Ms. Camery said she did not pull the minutes from the meeting when this was discussed.

Mr. Voelckers clarified that the issue before the Commission was simply a time extension on this permit request, and that any other conditions remain unchanged.

Ms. Mores repeated for the Commission that this is strictly a renewal of an existing permit with the identical conditions that were approved originally, and that they could not be changed or altered in any way. The condition in the staff report that does not pertain to a time extension should be stricken, she said, since this item before the Commission just pertains to the extension.

Mr. LeVine said it is his understanding that the only grounds under which they could deny this extension is if the applicant had failed in some procedural mechanism. Otherwise, the Commission could not deny or otherwise alter this permit.

Port Engineer Gary Gillette clarified that the "condition" that Mr. Dye brought up was attached to the CSP (City State Project) review and that it was a recommendation to the Assembly. It was not attached to the Conditional Use Permit, he said.

MOTION: *by Mr. Hickok that they approve USE2018 0022 and accept staff's findings, analysis and recommendations.*

Mr. LeVine offered an amendment to the main motion, that the conditions extraneous to this item be deleted from the report.

The Commission approved the amendment.

FINAL MOTION: *by Mr. Alper, with the amendment by Mr. LeVine, that they approve USE2018 0022 with extraneous conditions deleted from the report, and otherwise accept staff's findings, analysis and recommendations.*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS – None

IX. BOARD OF ADJUSTMENT - CONSENT

FZE2018 0002: An extension of FZE2017 0001 for Statter Harbor development including construction of a public restroom below the Base Flood Elevation

Applicant: City & Borough of Juneau Docks & Harbors

Location: 11520 Auke Bay Harbor Road

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Flood Zone Exception extension. The exception would allow construction of a public restroom below the Base Flood Elevation at Statter Harbor. The approval is subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.
2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

There were no comments from the public or the applicant on this item.

MOTION: *by Mr. LeVine, that they approve the Board of Adjustment Consent Agenda, and approve FZE2018 0002 accepting staff's findings, analysis and recommendations with the amendment that everything after "this approval is subject to the following conditions" is stricken.*

In support of his motion, Mr. LeVine said that the intention here is simply to extend the flood zone exception subject to the original conditions, with the recognition they are not permitted to condition the renewal or extension of any other part of the permit.

The motion passed with no objections.

X. REGULAR AGENDA

USE2018 0011: A Conditional Use Permit for the use of a single-family residence as a boarding house

Applicant: Kelli Grummett

Location: 9119 Wolfram Way

Mr. Dye said that he lived in this neighborhood many years ago, and that his parents sold a home from this area. He said he did not feel that he had a conflict, since he has no financial or personal ties to this neighborhood, but that he wanted to make this connection public.

The Commission and public voiced no objections.

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 the development of boarding house in a D5 zoning district.

The approval is subject to the following conditions:

1. As a condition of approval, the applicant should be required to schedule a final inspection for BLD2005-00765 within 10 business days of the date of the Notice of Decision for this Conditional Use Permit, regardless of whether the permit is approved or denied.
2. The boarding house's occupancy is limited to seven tenants, including the property manager.
3. A property manager or the property owner shall live on-site. The Community Development Department will be provided with accurate and up-to-date contact information for the property manager and property owner.
4. The boarding house shall not display signs or any advertisements of a boarding house visible from the right of way.
5. The applicant must submit a revised parking plan within 10 business days of this permit being approved that addresses guest parking.

6. Residents and guests shall park in the on-site parking spaces.
7. The applicant must provide one on-site guest parking space.
8. The boarding house must comply with *CBJ 42.20.095 – Disturbing the peace*. A copy of CBJ 42.20.095 shall be posted in the common area of the boarding house. A copy of the “House Rules” shall also be posted in the common area.
9. *House Rule II. Garbage* shall be revised to state that it is the responsibility of the property manager to take the garbage to the street on the appropriate pick-up morning and remove it that same evening. If any trash is in the yard, it is the responsibility of the property manager to remove it.

Advisory Condition:

10. The property manager should be responsible for maintaining safe access along the walkway from the front door to the driveway. *House Rule III. Safe Access* should be revised to say “The property manager is responsible for adding gravel or salt or any additional service to ensure the access is safe.”

Staff Report

Ms. Eddins told the Commission that this is a Conditional Use Permit (CUP) request for a boarding house in a single-family home within the D5 zoning district. CBJ Code 49.80 defines a boarding house as “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site.” It is permissible in a D5 zone with a Conditional Use Permit.

The lot size is over 11,000 square feet, said Ms. Eddins. The existing use is unpermitted as a boarding house, she said. The property, located in the Montana Creek area, is also adjacent or near D1 and D3 residential zones. In the Comprehensive Plan, the future land use designation is for Urban, Low Density Residential (ULDR).

The home is about 2,400 feet, with four bedrooms and an office, which qualifies as a bedroom, said Ms. Eddins. However, one bedroom that was added later still has an open building permit, and will need to have a final inspection scheduled within ten days whether the CUP permit is approved or denied, said Ms. Eddins. One bedroom is currently rented out on Airbnb, three bedrooms rented on a longer-term basis, and one bedroom is for the manager, said Ms. Eddins. There is a limit of seven residents including the property manager, she said. The kitchen and living room are the common areas for the residents, said Ms. Eddins.

In January, 2018, an enforcement case was opened when the applicant began posting rooms for rent on Facebook. An enforcement case was opened because this was being operated as a boarding house without a CUP. After a meeting with CDD staff, the applicant applied for a CUP

in August, 2018.

Ms. Eddins said the CDD held a neighborhood meeting at Mendenhall River Community School on October 11, 2018, with over 40 area residents in attendance. Residents expressed their frustrations with the applicant's property management, and they cited numerous calls to the Juneau Police Department for drug activity, loud parties and trespassing, she said. At the time the staff report was written the staff had received 26 emails from neighborhood residents, with 25 of those emails opposed to this application, said Ms. Eddins.

There are neighborhood covenants which restrict the use in the area to single family use with a mother-in-law apartment, but this is not CBJ code, said Ms. Eddins.

No back out parking from the residence is allowed. The parking area meets dimensional standards for five spaces, and another space must be provided for guest parking, said Ms. Eddins.

Neighbors complained about litter and on street parking, said Ms. Eddins. The Juneau Police Department has paid ten calls to the property; eight initiated by neighboring residences and two were follow-up calls, said Ms. Eddins. Wolfram Way is not currently marked against on street parking, but could be marked as such in the future if it was interfering with snow removal for example, said Ms. Eddins.

Capital City Fire and Rescue said the property meets its requirements for a smoke detector and an egress window, said Ms. Eddins. The Chief Housing Officer for the CBJ said this property meets a need in the CBJ for affordable housing, said Ms. Eddins. The community does have a need for short-term rental regulations, she added. There are currently no regulations for short term rentals, she said.

The Assessor's Office did cite some concerns with a boarding house in this location, said Ms. Eddins. The Assessor said they are usually located in denser populated areas with transit lines. This type of housing would not increase property values, said the Assessor.

The applicant must submit and maintain house rules for public safety in the neighboring area, said Ms. Eddins. This is the first application on record for a boarding house in a single-family residential area, said Ms. Eddins.

Commission Comments and Questions

Mr. Dye asked about the nature of the parking spaces.

Ms. Eddins said a 6.5 foot by 22-foot space is a parallel parking space. The staff is not satisfied with that parking plan, she said. They would like to see a parking plan from the applicant which shows structures that are on the lot. That is why the applicant is to submit a revised parking plan, she said.

Mr. Alper asked if there was anything in the approval which would commit the applicant to the rental plan, or if the applicant could rent three bedrooms on Airbnb, for example, instead of one.

Ms. Eddins said if the applicant decided to rent more rooms on Airbnb, that this would still meet the definition of a boarding house.

Mr. Alper asked if the applicant is paying sales tax on the money earned from the rented rooms in the home.

Ms. Eddins said the applicant can answer that question.

Ms. Crossley asked what constitutes on-site manager.

Ms. Eddins said that Title 49 does not define the role of a property manager. This property manager lives on site and is able to take care of frozen pipes or other house repairs, she said. He will also serve as a point of contact for the neighbors should have any concerns about the home which they need addressed, said Ms. Eddins.

Ms. Crossley said if the owner or property manager were not on site that their use permit would be revoked. She asked how many incidences would need to occur before the use permit was revoked.

Ms. Maclean said if it were proved that the owner or manager were not living on site, it would be an automatic revocation of the permit.

Ms. Crossley said the nature of the house rules makes it difficult for her to understand why anyone would want to live there, and that this situation seems like a predatory situation towards the people who are trying to find affordable housing.

Mr. LeVine asked how the staff has any confidence that there would be no further incidences stemming from this home, given the background.

Ms. Eddins said as the CDD staff she had to look at the land use code and at the use that is being requested. She said that Title 49 does not allow her to make recommendations based upon a particular behavior of an applicant.

Mr. Voelckers asked what the consequences would be if the permit was removed, and how the determination to remove the permit would be made.

Enforcement of this nature which would require the eviction of the tenants would need to be made upon a case-by-case basis, said Ms. Eddins. It would depend upon the nature of the violation, she said, to determine the consequences.

Ms. Maclean said if it were found that the owner or property manager were not living within the residence full-time, it would be an egregious violation which would be enforced immediately. If it was a smaller issue such as trash being a bear attractant, it would be up to the code officer to visit the site and either issue a violation or give them a certain amount of time to rectify the situation, said Ms. Maclean.

Mr. Voelckers asked what would be involved if there were evictions of tenants from the home.

If the use reverted to a single-family residence, the definition of a family would be difficult to ascertain, said Ms. Maclean.

Ms. Crossley asked for the history of the property manager either residing or not residing on site over the past five years the property has been run as a boarding house.

Ms. Eddins said the property had been rented by a family which in turn rented out a few rooms. A property meets the definition of a boarding house when two or more rooms are rented under individual lease.

Mr. LeVine asked if the property was rented to one person under one lease and it was sublet for four additional rooms to four different people, if this would provide no opportunity for oversight by the CBJ. He asked if the necessity of the CUP could be totally avoided by the applicants just by semantics. He asked if the only way the CBJ could have control over activities in the home would be through the issuance of a CUP.

Ms. Maclean said without a CUP there is no way to actually track whether the home is rented by an individual family or not.

Applicant (Kelli Grummett, listed as Kelli Dindinger on the application)

The applicant said she is excited to be running a boarding house. She said a single family had been renting her home, but due to circumstances, could no longer afford the rent. She said she suggested to her tenant that they rent out a few rooms to make the rent feasible. The renter then moved out, leaving the other tenants in the home.

Ms. Grummett said she was contacted by the CBJ and told that her property was a boarding house for which she had no permit. Now everyone who has lived in the home since August abides by clear house rules, said Ms. Grummett. They must sign and acknowledge the rules before they move in, she said, with the understanding that if in violation of the rules they will be fined. She added there was an open building permit by the prior owner which she has since completed.

The ten police calls sound worse than they actually were, said Ms. Grummett. There were no calls in 2016, but in 2017 and 2018 a few of the police calls were from a tenant she was trying to evict which was a civil matter having nothing to do with the neighbors, and that three calls had to do with an incident with bears and the garbage.

Ms. Grummett said she felt a boarding house was a far better way to manage the home and to have it fit into the neighborhood, as she has more control over the situation, as opposed to renting the home to one family. She said whether the home was rented out as a boarding house or to one family, that the revenue for her would be the same.

Commission Comments and Questions

Ms. Crossley commented that by looking at the rules it appeared that tenants were not very welcome in the common spaces, and she asked Ms. Grummett to elaborate on the rental costs per room.

In answer to a question by Ms. Crossley, Ms. Grummett said a property manager has been on site since January, 2018.

Mr. Voelckers asked about the role of the manager.

His role is to inform the owner if there are any problems, said Ms. Grummett.

Mr. Voelckers asked if the situation has been better since the manager has been in the home.

Ms. Grummett said there has not been one complaint since this manager took over in August.

Mr. LeVine asked what the terms of the leases are for the three rooms that are not rented as a B and B.

Ms. Grummett said the tenants can sign a year lease or rent from month to month.

Mr. Dye asked how the eviction of a tenant differed with a short-term lease compared to a long-term lease.

Ms. Grummett said the notice period is different depending on the length of a lease.

Mr. Alper asked what types of individuals would rent a room in the home as a B and B, since it was not in a neighborhood typically sought out by vacationers.

Ms. Grummett first answered the earlier question posed by Mr. Alper, by saying that yes, she does pay sales tax. As far as her B and B clients went, they rented a room for various reasons. Vacation rentals for the property started in early September. She said she had two people from out of town for a few days. Another individual was visiting a friend who lived in the general area. Some people rented a car, others used Uber, said Ms. Grummett.

Public Testimony

Twenty individuals spoke to the Commission during the public testimony portion of the meeting. All comments were against the granting of a Conditional Use Permit for the applicant. Comments that predominated had to do with safety for residents of the neighborhood and

their children, and lack of neighborhood harmony

Area resident Fred Parady told the Commission that this property has been leased and operated inappropriately. He said it made no sense to therefore lease the property, ignore the concerns of the neighborhood, and grant a permit to the applicant. The house has been in violation for fourteen years with an outstanding building occupancy inspection, he said. The Commission should not approve a CUP before there were regulations for boarding houses. The regulations should first be established, he said. He added that the home did not have a good appearance, especially if viewed from the side.

Commission Comments and Questions

Mr. LeVine asked for Mr. Parady's opinion on if this house was permitted that it would be under the purview of the CBJ, with a set of rules, which could be implemented. If the house were rented to one family, with seven other individuals residing there, there would be no regulation from the City, said Mr. LeVine.

Mr. Parady said he found the rules to be largely unenforceable. The testimony of the applicant was that the alternative was to rent the house to a single family. He said he would take a single family over a boarding house any day.

Ms. Crossley asked if the situation has gotten any better with the property being used as a boarding house than when it was rented as a single-family home.

Mr. Parady said he thinks it is the same. He added that he just tried to call the house manager while in this meeting and that there was no answer and no message was given on the machine.

Mr. Dye asked if Mr. Parady has noticed any changes for the better since the new property manager took over in August.

Mr. Parady said two of the complaints to the police have been made after the manager took over in August.

Mr. Alper asked Mr. Parady what he meant when saying the house did not look good in appearance.

Mr. Parady said he had noted when walking up to the house that there was garbage and cigarette butts at the side of the home. He added that the neighborhood's civil covenants should not be overlooked by the City, just because those covenants were not covered by City rules.

Casey Parady told the Commission that she did not feel safe in the neighborhood because the home brought a lot of people she did not know to the neighborhood.

Lisa Parady told the Commission that the neighborhood residents would gladly welcome a

single family in the home as opposed to a boarding house. She said the regulations for boarding houses should be in place before the City started granting permits for boarding houses. She said there have been multiple violations since this home has operated as a boarding house, and that granting a permit for the boarding house would be establishing a bad policy with a bad precedent. She told the Commission that even the City's own Assessor acknowledged in the staff report that home values could be decreased by the boarding house operation.

Ms. Crossley asked why the Commission was considering this permit when it was not allowed in the subdivision by neighborhood covenant.

Ms. Eddins said as a civil matter the Montana Creek Subdivision has a neighborhood covenant, but that it is not enforceable unless the rules have been adopted by the Assembly.

Ms. Mores said the covenants or restrictions the property owners have may be considered as a private contract. It is not the same as law, she said. There could be a private, civil suit by neighbors for violations of those covenants, but they are not enforceable by the City, she added.

Mr. Voelckers said it appeared that most of the alarming police reports seem to have occurred when the home was leased to the family group, when there was no control exerted by the owner.

Ms. Parady said that is not her understanding. She added she feels that common sense dictates that a single-family dwelling would fit better in the neighborhood than a boarding house. She said there have been two managers since January 2018, both unable to keep the police calls down.

Area resident Charla Brown told the Commission that when the home can have up to seven residents, and they all travel during the day, that it substantially increases the amount of traffic in the neighborhood. She said she was followed closely by a car one night when walking her dog, and became scared, and that the car eventually went to the home in question. She said she does not think this boarding house is a solution to affordable housing, and that a boarding house with a B and B is out of harmony for the balance of the neighborhood.

Neighborhood resident Jim Parise said the children run around the neighborhood and play with each other like the 1950's. He said they don't want the neighborhood to feel unsafe and have to arrange formal play dates for their children. There are ways around the rules, he said. Residents of the home don't park on Wolfram but go around the block and park on Ninnis instead.

Mr. Voelckers asked Mr. Parise how he feels the situation with the boarding house is now compared to a year ago.

Mr. Parise said he has talked to neighbors who have noted it is not any better.

Neighborhood resident Ricardo Worl said at the neighborhood meeting conducted by the CDD staff, that the applicant had every opportunity to address the concerns of the neighborhood to ensure the disruptions they discussed at the meeting did not occur in the future, and that he has not noticed any improvements. If the permit for this boarding house is granted, said Mr. Worl, it would have a negative effect on other neighborhoods facing the same disruption. He said it is unreasonable and unrealistic to expect boarding house tenants to care as much about the property they reside in as home owners.

Arthur Edwards said his property shares a back fence with the applicant's property. He said he has met with Ms. Grummet personally, and that he did not have a positive experience from their interaction. He said there are many occurrences that are not on the record. The applicant housed Alaska Travel Adventure employees, which resulted in loud noises late at night, fire pits and alcohol. He said it has been quieter in the past few months. He added that lack of compliance should not be rewarded by the issuance of a permit.

Mr. Voelckers asked Mr. Edwards if he would prefer the boarding house situation or the lease to a single family.

Mr. Edwards said he would much prefer a single family renting the house. He said if the CBJ provided adequate oversight and the rules were enforced, perhaps it could work. He added that the applicant is moving her business into their neighborhood, and that it is not welcome.

Mr. Dye asked Mr. Edwards if there were any other conditions that would make the residence more consistent with the neighborhood.

Mr. Edwards said he wished the applicant had numbers on her house so that Air B and B people did not have to drive around the neighborhood, searching for the residence.

Mr. Alper said it seemed odd to him that signs on the house were forbidden. He said how an Air B and B customer would identify the home. He asked how Air B and B customers locate the properties they would be using.

Ms. Eddins said the customer is given the address and the personal email of the property owner. They will either provide directions, or most people just type the address into their phone for the directions.

The harmony and value of the neighborhood do matter, said Mr. Edwards. Even the Assessor said it could negatively affect property values, said Mr. Edwards.

Area resident Jacleen Kookesh told the Commission that she values her neighborhood. There is only one entrance to the neighborhood, and it is a place where her three children can safely play, she said. A rental situation is much different than a boarding house, she said. She said she also disagrees that there are no public safety issues. She said the findings in the staff report are not enough. The facts and the history of the house need to be considered, she said. Ms.

Kookesh said that she is an attorney and that there would be a civil case on this, should the permit be granted.

Ms. Crossley asked what the ballpark value of the homes in the neighborhood is.

Ms. Kookesh said that her home is valued at over \$675,000, and that other homes in the neighborhood are all valued at \$400,000 and above.

Mr. LeVine asked Ms. Kookesh how she felt the neighborhood covenant would apply to the Commission's consideration of what the harmony with property in the neighboring area is.

Ms. Kookesh said while the CBJ may not have enforcement authority regarding the neighborhood covenant, that should be something that the Commission takes into consideration. The people in this room bought their homes based upon those covenants, said Ms. Kookesh.

Neighborhood resident Chad Brown told the Commission that he works in human resources, and what they have learned is that the best predictor of future behavior is to look at past behavior of applicants. The past behavior of this property owner has not been in harmony with this neighborhood, said Mr. Brown.

Mr. Alper asked if Mr. Brown had concerns about the boarding house in general, or if it was with this specific instance.

Mr. Brown said if the boarding house had a good track record, there would be a lot less people to give testimony against it before the Commission. He added he is also not in favor of any boarding house being in their neighborhood.

Area resident Ethan Billings said he has been a Juneau resident for 44 years. He said he is opposed to the CUP. He asked the Planning Commission if they would want to live next to a home with four different tenants, each with their own pet and vehicle. He asked what specific oversight the City would have over this boarding house. This property has had more police calls than any other home in the neighborhood, he said. Mr. Billings said that he is a realtor, and that there is over \$50 million worth of property values in that neighborhood. The boarding house would severely interfere with neighborhood harmony, said Mr. Billings.

Mr. Dye asked for Mr. Billings' opinion as a realtor, how the boarding house would negatively impact the property values of the neighborhood.

He said home owners would have to fully disclose the history of that house which could put people off from buying in the neighborhood.

Dave Conway, neighborhood resident, said that the boarding house designation would always be there, since that designation would follow the home, not the home owner. He added that he

is in 100 percent agreement with all of the previous testimony given on this issue.

Mr. Dye asked if they could limit the ability of the CUP to transfer with the land, if that would alleviate his concerns over the project.

That would not alleviate his concerns about this project, said Mr. Conway.

Mr. Voelckers asked what the covenant stated explicitly.

He was told it requires that the neighborhood be composed of single-family homes, with the ability to have a mother-in-law apartment.

Resident Chad Mountcastle said he bought a home in this neighborhood just so that this type of situation would not take place. He asked how a home manager with a full-time job could adequately monitor the tenants.

Neighborhood resident Lisa Arehart said that Title 49 states that residential districts are to be healthy, safe and pleasant environments protected from incompatible activities. This is why they purchased their homes in this neighborhood, she said. They do not feel that neighborhood harmony has been addressed at all by the CBJ.

Evelyn Maloney said she is the next-door neighbor of the boarding house, and that she has called the police several times. She said there are over 40 residents at this meeting, and that there would be a lot more neighbors there if announcements had been mailed to more residents in the area. Ms. Maloney said the primary concern for her is safety. Their truck had been badly scratched by a bear who was attracted to the garbage at the boarding house. She added that home owners take better care of their property than boarders or renters.

Resident Jon Torrella asked that the Conditional Uses Permit be denied. He said that the CBJ has not formulated or adopted proper regulations, and that it is not compatible with the neighborhood. He said the tenants have disrupted the harmony of the neighborhood, and that ongoing complaints have not been resolved, and that the neighborhood covenant is not being adhered to.

Resident John Schauwecker told the Commission that he did not think it was possible to put a boarding house in their neighborhood, and that he was surprised they had to be before the Commission for this reason. He read a letter against the boarding house permit from neighbor Frances Jones.

Resident Mark Smith said the neighborhood covenant was one of the main reasons he decided to buy a home in this neighborhood. He added that when you put a big parking lot in front of your house the appearance noticeably changes. The safety of the neighborhood is of great importance, said Mr. Smith. He said there are some families who rent in the neighborhood, and that they are good neighbors.

Neighborhood resident Erin Lupro said she has three children, and that her children had to be subjected to a man and woman fighting in front of the boarding house. She said this occurred after August, after the arrival of the new house manager. She said there are people going in and out of the house at all times during the day.

A resident read a letter from Robin Long, the owner of a real estate company and a resident of the area. The letter cited the cleanliness, the low crime and the safety of children to play in the neighborhood and the absence of multi-family dwellings as reasons people purchase homes in this neighborhood. The applicant has proven that they are unable to successfully manage the boarding house situation, stated the letter.

Applicant

Ms. Grummett said it was the prior owners of the home who had the outstanding building permit, and that she had not been aware of it. She said she has since dealt with that. Ms. Grummett said her impression is that the Assessor stated the boarding house would not negatively affect home values in the area. She said when Haven House was established, that it did not negatively affect property values. She said what sounds like a lot of police calls were primarily a few garbage incidents with bears which she has dealt with, one drug call and a follow-up to that, and two calls from a tenant complaining about their eviction notice. The drug-related call was made when the house was rented to tenants, she said.

As a boarding house she will have direct control over what occurs at the house, she said, unlike if she was renting the home to a family. Ms. Grummett said she has two tenants with a year-long lease, and that the main reason she wants to obtain the permit allowing her to have a boarding house is so she can address neighborhood concerns. She added that it is difficult to grow a population when there is no affordable housing available.

The Commission approved continuing the meeting until 11:00 p.m.

Commission Comments and Questions

Mr. Dye said it appears this has been an experiment running for over a year and it still is not successful. He said how long the neighborhood should wait until it is shown that it does not work. He asked Ms. Grummett how she plans to get this operation to a point where it is not a problem.

Ms. Grummett said there have been two incidents when the bear got into the garbage can. Ms. Grummett said she thinks the home situation has improved substantially. She said one neighbor actually admitted that there has been substantial improvement. If someone has a new concern, they can revise the rules to address that concern, she said. The quiet enjoyment of the neighborhood should be protected, she said. And if there is a concern, she will fix it, she added.

Mr. Dye asked how long this situation should be tried, before it is ascertained that it doesn't work.

Ms. Grummet said nothing has been happening but improvement. The situation has gotten better, not worse, she said.

Ms. Crossley asked the applicant if she was aware of the Montana Creek Subdivision covenant, and why it took getting cited by the City before she applied for the CUP.

Ms. Grummett said that Nate Watts had suggested that she apply for the Conditional Use Permit for a boarding house.

Chairman Haight asked how she proposed to address the neighborhood covenant.

Ms. Grummett said she did not have a plan for that at this time.

Commission Discussion

Mr. LeVine asked if the only concerns in criterion three were about notice, as it mentioned, or if there are other requirements which they should be considering.

Ms. Maclean said it is her understanding that when they look at this finding that it addresses notification specifically.

Mr. Dye asked if “neighboring” is the same as “neighborhood” in terms of how Title 49 defines the term.

Ms. Mores said she thought the two terms to be synonymous.

Mr. LeVine asked if they were to grant this permit that the applicant, who has a five-bedroom house, would have one bedroom for the property manager, and four bedrooms, which could be rented out on a nightly basis.

Ms. Eddins said that was true.

Mr. LeVine asked if the Commission could condition the room rentals, requiring longer necessary periods of a rental.

Ms. Eddins said she did not think there was anything in Title 49 which would preclude the Commission from doing that.

Ms. Mores said if the Commission tied it to conditions that it may do so, so that it is not an arbitrary action.

Ms. Crossley said there must be numerous boarding house situations in Juneau. She asked the staff if the City has received other complaints of this nature.

They have not permitted a boarding house previously, said Ms. Maclean, but that is not to say they do not exist. They also do not regulate Air B and B’s she said.

Mr. LeVine said they definitely need to formulate rules about Air B and B's and boarding houses. This is an area of the code that needs addressing, he said.

Mr. Voelckers asked if there are any other boarding houses in a D5 zone.

Ms. Eddins said she has not been able to find any over the past 20 years.

Mr. Alper said this is his second Planning Commission meeting. He said he felt personally that diversity adds value to a neighborhood. He said if this permit were to be approved, that he hoped the applicant would take to heart the conditions in the permit, and that the City staff would be active in its enforcement of the rules if necessary. He said that he believes in the need for all types of housing in the community, but that he would vote in support of the permit.

Mr. Hickok said he knows this developer, and that it was not developed to be affordable housing. He wanted single family homes in neighborhoods, and that is why he and his father wrote the covenant.

Ms. Crossley said she is very much in favor of affordable housing. She said she does not think this is the neighborhood to do this experiment in.

MOTION: *by Mr. Alper, to approve USE2018 0011 with the amended eighth condition that conditions 8, 9 and 10 be removed.*

Mr. Voelckers said he must reluctantly speak in opposition to the motion. He said he does agree with the sentiment voiced by Mr. Alper about the benefits of a diverse neighborhood, but that this is a striking example of how a proposal really is not in harmony with the neighborhood. There are no historic examples of this use, and it has been ongoing for a few years and still causes anxiety for the neighbors.

Mr. Dye also spoke against the motion. He said the boarding house has changed the patterns of the neighborhood, and is out of harmony with the neighborhood.

Mr. LeVine said he is in agreement with Mr. Alper, about the benefits of a diverse neighborhood. Neighborhoods should evolve over time, said Mr. LeVine. Mr. LeVine said he is swayed by the neighborhood covenant, which defines what neighborhood harmony is for this neighborhood. This is the first CUP he has seen in five years in which the City Assessor did have some concerns. He said he will reluctantly vote against the motion.

Ms. Crossley said she is in favor of diversity, but that accessory apartments are written into the covenant. She said she will be voting against the motion.

Chairman Haight said this has been a very difficult topic for the Commission. They do not like to decline Conditional Use Permits, and they do like to foster the growth of affordable housing in the community. He said he does agree with Mr. Alper and Mr. LeVine about the diversity of

neighborhoods, but that he also recognizes that harmony is a key element in their decisions. The covenant defines what the neighborhood is supposed to be, said Commissioner Haight. He said he would also vote against the permit.

Roll Call Vote:

Yeas: Alper

Nays: Crossley, Dye, Haight, Hickok, LeVine, Voelckers

The motion failed.

The Commission approved the extension of the meeting to 11:10 p.m.

~~**CSP2018 0015:** A review of the Juneau Airport Terminal Reconstruction Project,
Phase 2~~

~~**Applicant:** City & Borough of Juneau~~

~~**Location:** 1873 Shell Simmons Drive~~

****CSP2018 0015 postponed to February 19, 2019****

XI. REGULAR BOARD OF ADJUSTMENT - None

XII. OTHER BUSINESS - None

XIII. STAFF REPORTS

Ms. Maclean said the downtown zoning for the overlay districts has public meetings coming up on January 30, February 5, and February 7, at 5 p.m.

Blueprint Downtown will hold the last big public meeting for the visioning process on January 24, at 6:30 p.m.

Stub streets will be before the Assembly on January 28.

XIV. COMMITTEE REPORTS

A. Presiding Officer Report, APL2018 0004 Motion to Dismiss

Mr. Dye reported this was McFarland vs. CDD over a decision of a bungalow lot variance. The appellant missed the filing deadline, and CDD filed a motion to dismiss, and the next day the appellant filed a notice to drop the appeal.

MOTION: by Mr. LeVine, to dismiss APL2018 0004.

The motion passed with no objection.

Mr. LeVine said the Commission will meet in executive session on Monday to discuss an appeal.

Committee Assignments

Committee members will be assigned to the Comprehensive Plan Committee when the committee is formed

Commissioner	Rules	Auke Bay	Title 49	SRC	JCOS	Lands	Blue Print Downtown	Public Works	Wetlands
Voelckers	X	X Chair				X			
LeVine	X			X	X				
Dye	X	X	X Chair				X		
Hickok		X		X Chair					X
Crossley		X	X						
Campbell			X	X				X	
Alper	X		X						X
Arndt				X					

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

XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

XVII. **EXECUTIVE SESSION** - None

XVIII. **ADJOURNMENT**

The meeting was adjourned at 11:01 p.m.