

Agenda
Planning Commission
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 28, 2017

A. 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; Michael LeVine, Nathaniel Dye, Percy Frisby, Dan Hickok, Dan Miller

Commissioners absent: Paul Voelckers, Vice Chairman; Kirsten Shelton-Walker, Carl Greene

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Chrissy Steadman, Planner II, Allison Eddins, Planner I; Roger Healy, Director, Engineering and Public Works

Assembly members: Debbie White

B. APPROVAL OF MINUTES

- a. February 28, 2017 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the minutes from the February 28, 2017, Planning Commission regular meeting with any minor alterations by staff or Commission member.*

The motion passed with no objection.

C. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

D. PLANNING COMMISSION LIASON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that on March 20, (2017), The Assembly held a Committee of the Whole (COW) meeting during which they met with the Hospital board. The City Manager introduced what he referred to as a wellness strategy. There was a presentation by Recycle Works and of interest to the Planning Commission was a

discussion of essential public facilities, said Ms. White. This would allow the City (Assembly) to override zoning and put uses in particular districts under certain circumstances, explained Ms. White. An example would be the winter-time campground which would go up behind the tram. They could not put a winter-time campground in that location because it was not zoned for that use, said Ms. White. That item will be coming before the Commission for its review, she said. On April 5, (2017) the budget will be introduced going initially to the Finance Committee. On April 10, (2017) there will be a Lands and Committee of the Whole meeting. Agendas are not currently available for those meetings, said Ms. White. The Finance Committee will also be meeting on April 12, and April 19, added Ms. White.

E. RECONSIDERATION OF THE FOLLOWING ITEMS – None

F. CONSENT AGENDA

- A. **CSP2017 0001:** Review of City project to replace the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.

Applicant: City & Borough of Juneau

Location: Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission find CSP2017 0001 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the replacement of the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.

- B. **USE2017 0002:** A Conditional Use permit for a Marijuana Cultivation facility in an Industrial zone

Applicant: Green Elephant LLC

Location: 8420 Airport Blvd

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 6,000 square foot marijuana cultivation facility in the Industrial zoning district.

The approval is subject to the following conditions:

1. All waste material containing marijuana products shall be stored in a secured enclosure until transport to the CBJ landfill.

- C. **USE2017 0003:** A Conditional Use Permit to operate a food truck in the Industrial zoning district.

Applicant: Peterson's Pretzels LLC

Location: 5321 Commercial Blvd

Staff Recommendation

Staff recommends 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 food trailer at 5321 Commercial Boulevard, located in the Industrial zone.

MOTION: *by Mr. LeVine, to approve the Consent Agenda as read.*

The motion passed with no objection.

G. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

H. **UNFINISHED BUSINESS** - None

I. **REGULAR AGENDA**

- A. **CSP2017 003:** Planning Commission Review of Fiscal year 2018 Capital Improvement Program.

Applicant: City & Borough of Juneau

Location: Borough Wide

Staff Recommendation

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2018 conform to the policies of the Juneau Comprehensive Plan.

Ms. McKibben explained to the Commission that the only projects in the FY 2018 to FY 2023 Capital Improvement Projects (CIP) are those that are recommended for funding in the FY 2018 budget. The CIP guides investments with public funds and is presented to the Assembly in February. Title 49 requires the Planning Commission to review the CIP for consistency with the Comprehensive Plan, said Ms. McKibben. The purpose of the CIP is to allocate the expenditure of public funds on capital improvement projects, to provide additional public services and to plan for future capital projects, noted Ms. McKibben.

This fall in its review of the capital improvement projects the Planning Commission conducted a work session, met with the Borough Manager and ultimately submitted a memorandum regarding its review to the Public Works and Facilities Committee, said Ms. McKibben. The memorandum addressed:

- ✓ Housing
- ✓ Community Vitality
- ✓ Transportation
- ✓ Sustainability

Ms. McKibben said she matched each of the CIP projects with one of the above categories using her best estimation. The categories could certainly be adjusted, she noted. Ultimately the Comprehensive Plan is the guiding document, said Ms. McKibben, with each of the projects ideally implementing the Plan, she said.

The majority of the CIP is allocated towards maintenance, said Ms. McKibben, such as reconstruction of the infrastructure and water and sewer maintenance. It does not include a lot of new projects, she noted.

The Manager's projects are submitted to the Public Works and Facilities Committee in January, said Ms. McKibben. The Assembly Finance Committee review takes place between February and April, she said. At this stage the CIP is before the Commission for its assertion that the Plan is in conformance with the Comprehensive Plan, she said. The Borough Manager must submit the CIP to the Assembly by April 5, she added. This will be used when the Assembly adopts its budget by July 1, she noted.

The Planning Commission's recommendations for the CIP are:

Housing

- ✓ Initiate a new mass wasting study across the downtown area
- ✓ Develop specific incentive programs to promote housing development
- ✓ Identify priority projects and propose public/private partnerships to develop new housing inventory

Community Vitality

- ✓ Focus on a solution for the Willoughby District parking deficit
- ✓ Identify parcels for CBJ acquisition through the Land Management Plan, and prioritize parcels relative to CBJ needs, including housing and recreation
- ✓ Emphasize general public improvements in the Lemon Creek area

Transportation

- ✓ Facilitate a study of marine shipping in and out of Juneau
- ✓ Develop and implement a seasonal downtown circulator, with simple on and off transit nodes that link primary pedestrian areas

Sustainability

- ✓ Prioritize implementation of recommendations and provisions from the Climate Action and Implementation Plan and the Juneau Commission on Sustainability annual report
- ✓ Prioritize landfill diversion strategies

Commission Comments and Questions

Regarding Pederson Hill on the CIP list for FY 19, Mr. Miller said he recalled a meeting where the Commission recommended approval of the Pederson Hill Subdivision with Mr. Chaney stating they felt that lots would be available in 2018. He asked if there are funds to complete the design and construction of the subdivision beginning in the fall of this year or early spring of 2018, said Mr. Miller.

Mr. Healy said he is aware that the design contract is moving forward on Pederson Hill. He said he believed there was currently about \$4.6 million allocated for the project, with the majority of those funds being used for construction. Mr. Healy added there is an additional infusion of \$450,000 for FY 19.

Mr. Frisby asked if all of the projects for FY 18 were fully funded.

Ms. McKibben explained the projects are proposed for funding, but that they are not funded until the Assembly adopts the budget.

Mr. LeVine asked from the City's perspective, how exactly were the comments from the Planning Commission considered. He asked if there was continued value in having the Planning Commission continue its process of review of the CIP.

Mr. Healy said the CIP provides an outline of the expenditure of capital funds. He said the hospital and airport also have what is called unscheduled funding. There is value in the Planning Commission's review of the CIP, said Mr. Healy. He said he thought there was a priority in the Manager's office to address the mass wasting study in future years which may get moved up the schedule. He said each item on the Planning Commission's list was addressed in the CIP either directly or indirectly.

To help address the Commission's recommendation to develop specific incentive programs to promote housing development, there is now a housing manager whose full-time job is to assist with housing development in Juneau. Pederson Hill is underway to match the Commission's priority of identifying priority projects with public and private partnerships, said Mr. Healy. They are actively working on reducing the Willoughby District parking deficit, he said, with the assistance of a state grant for about \$1.5 million. Those funds will be used to begin to move that item forward, he said. In addition, said Mr. Healy, the Lemon Creek plan is currently underway. Public improvements will be identified for that area, he said.

A study of marine shipping in and out of Juneau is not identified in the CIP, said Mr. Healy, because that falls under the purview of the private sector.

Mr. LeVine said his broader point is that the Commission has a review and recommendation authority. He said it has never been explained to the Commission how it's choices are considered for the list. If the Commission is going to continue to spend a lot of time thinking about priorities and projects and deciding if the CIP comports with the Comprehensive Plan, then there should be back and forth communication between the Planning Commission and the City.

In answer to a question posed by Mr. Haight, Mr. Steedle said he did not recall seeing the study of marine shipping in and out of Juneau on the CIP plan before, but that he did know it was a recommendation within the Juneau Economic and Development plan. He said Mayor Sanford then presented this item to the Chamber of Commerce as an item that it could focus on. This is actually private enterprise, said Mr. Steedle, adding that the City was not in a position to regulate that. He said he did not see how this fell under the purview of the Planning Commission, except that the Commission cares about the overall economic well-being of the community.

Mr. Haight noted that transportation is addressed in the Comprehensive Plan. He said he was not sure how the Commission was to interpret its role regarding that aspect. Mr. Healy said the Commission's role would come into play if for example certain public land was to be identified for a terminal, for example, but that the actual business of transport was within the realm of the private sector.

Regarding the Commission's recommendation of a seasonal downtown circulator, the City does not want to compete with a private enterprise, said Mr. Healy. Mr. Healy said it is his understanding that a private business will be running a downtown circulator this summer.

Mr. Healy said there are a lot of recommendations in the Juneau Commission on Sustainability annual report. The primary emphasis of the CIP is the long term or deferred maintenance and capital improvement of failing infrastructure, whether that might be roads, water, or sewer, for example, said Mr. Healy.

The prioritization of landfill diversion strategies is an ongoing process within the City, said Mr. Healy. He said Michelle Elfers is working on the presentation of long-term strategies for landfill diversion.

Mr. Hickok asked what the role of the Planning Commission was in this process.

Ms. McKibben explained that the role of the Planning Commission is mandated through Title 49 and it is to review the CIP for consistency with the Comprehensive Plan.

In the fall, said Ms. McKibben, the Planning Commission had the opportunity to offer projects to be included in the CIP. But at this step in the process the role of the Planning Commission is to approve the CIP, ascertaining that it is in conformance with the Comprehensive Plan.

Mr. Healy commented and clarified that the City does appreciate the comments and the memorandum from the Planning Commission on the CIP. He added that money comes from different sources for the CIP such as the enterprise fund for water, sewer, the airport and docks and harbors where money is generated from the enterprise itself and spent accordingly. He added that within the 3% sales tax initiative 1% called the street sales tax is allocated for the majority of the street projects. There is \$1 million of general sales tax allocated every year for a variety of projects such as software updates for City administration, Eaglecrest deferred maintenance and also various Parks and Recreation maintenance projects, explained Mr. Healy.

Mr. Steedle pointed out that Ms. McKibben has identified how each CIP project is supported by the Comprehensive Plan. It would be a rare year in which a proposed project does not comport with the Comprehensive Plan, he added.

Chairman Haight said in its review of the CIP this fall the Commission reviewed last year's CIP which outlines how the plan fits within the six-year process.

Mr. LeVine clarified that the sole authority of the Planning Commission in this process is its recommendation to the Assembly.

The staff confirmed this.

MOTION: *by Mr. LeVine, that the Planning Commission recommend to the Assembly that the FY 18 Capital Improvement Program is consistent with the Comprehensive Plan and that this plan follows the staff's findings in the report.*

The motion passed with no objection.

J. BOARD OF ADJUSTMENT

WITHDRAWN FROM THE AGENDA

- A. ~~VAR2016-0011:~~** Variance request to reduce the side yard setback requirement from 15 feet to 5 feet for the construction of additional living space and storage

~~Applicant:~~ Fred Hiltner

~~Location:~~ 9601 N. Douglas Hwy

Staff Recommendation

The requested variance does not meet the variance criteria; therefore, staff recommends the Board of Adjustment adopt the Director's analysis and findings and DENY the requested variance permit, VAR2016 0011.

If approved, the variance would allow the 15-foot side yard setback to be reduced to 5 feet for the construction of a detached guestroom with a covered deck for storage.

K. **OTHER BUSINESS** - None

L. **DIRECTOR'S REPORT**

Bergman Hotel Update

Mr. Steedle explained to the Planning Commission that the CBJ has unfortunately had a long, ongoing history with that facility. The most recent chain of events began in October, 2016, said Mr. Steedle. Upon inspection of the facility, the Fire Marshall found that there were a number of disturbing deficiencies within the hotel. The Fire Marshall gave the hotel owners until November 18, 2016, to comply. Included in these deficiencies was a broken skylight which is located at the top of a central staircase. There are numerous other deficiencies such as missing smoke and carbon monoxide detectors, inoperable egress windows, and emergency doors which would not fully open or close.

These are serious violations, said Mr. Steedle, and in the past the City's goal for the facility was to keep it open as it housed many individuals who had nowhere else to live. Therefore they have attempted to work with the owners over the years to keep the facility open and habitable, said Mr. Steedle. The owners were given until mid-November to comply with the necessary repairs to the facility. They corrected some problems but stated that they needed more time to complete the repairs, said Mr. Steedle. They were then given until the end of January to complete the repairs. Subsequent visits by the Fire Marshall noted that work was not progressing.

In early March a scheduled inspection revealed that the boilers were not functioning properly, said Mr. Steedle. Residents were complaining of no heat and no hot water, he added. The boiler was cycling and dumping water on the floor since it was not operating at its designed pressure, said Mr. Steedle. Subsequently, the occupants were running electric space heaters to keep warm which added to the danger inherent within the challenged facility, said Mr. Steedle. The open stairwell with the broken skylight at the top created essentially a chimney endangering the residents should a fire be ignited, he said.

On March 8, (2017) the Fire Marshall discovered that one of the sprinkler pipes was broken, likely due to freezing, said Mr. Steedle. At that point the City administration made the decision that the deficiencies had to be corrected immediately, said Mr. Steedle, or the residents would have to vacate the premises. They had 24 hours to correct the deficiencies, said Mr. Steedle.

On the subsequent visit on March 9, (2017) by the Fire Marshall and the building official they discovered that none of the work been accomplished. Social service agencies had been alerted that 24 people would be displaced from that building, said Mr. Steedle. Individuals lost their lives in a fire in Oakland in the fall due to a similar situation, said Mr. Steedle. They were acting to prevent a similar occurrence in Juneau, he said.

The property owner has control of the hotel and they state that they are working to get the building into compliance, said Mr. Steedle. Meanwhile, the City is monitoring the situation, he said.

Commission Comments and Questions

Mr. Frisby asked how long it would take the hotel management to bring the hotel into compliance.

There is no target date, said Mr. Steedle. The owners say they are working on it, he added. Hotel residents were placed within various short-term housing options within the community, said Mr. Steedle. One family had children, said Mr. Steedle.

Mr. Hickok commented that this building has been around for a long time, and he wondered why it was just this past fall that the City noticed the hotel was out of compliance.

This is not an isolated incident, replied Mr. Steedle. This is merely the latest chapter in the ongoing transgressions by the owners of the hotel, he said, which has resulted in its closing. Mr. Steedle commented that inspections have been taking place over the years and that compliance has been cyclic.

Chairman Haight commented that the location of the hotel would make any form of rescue by the Fire Department very difficult. Frozen hoses create a very ugly scenario, he added.

Lemon Creek Steering Committee

The lemon Creek Steering Committee meets on Thursday night, (March 30, 2017) at Gruening Park at 6:00 p.m., said Mr. Steedle.

M. REPORT OF REGULAR AND SPECIAL COMMITTEES

A. Wetland Review Board 2016 Annual Report

B. Title 49 Committee Minutes, 3/8/2017

Mr. Miller commented that there was a Title 49 committee meeting and that the minutes were in the packet for the Commission.

Commission on Sustainability

Mr. Levine said he attended a meeting of the Juneau Commission on Sustainability and that Michelle Elfers presented her recycle works and energy plan.

Mr. LeVine said he thinks the Commission has done a lot of good work to participate and contribute in the CIP process and that he would like to encourage the City to find a process so that it can be further improved by next year, so the Commission can have fruitful dialogue with the City.

N. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine noted the planning Department is down two planners. He asked if the City was going to replace those two positions and if this was having an effect on the progress of the work within the Planning Department.

Mr. Steedle said this will cause a slow-down on work within the department but that they will not be filling those positions immediately. He said they will see what the budget looks like before hiring employees to replace those two vacant positions.

Mr. Miller asked if in light of the department being down two planners if they would still be processing applications in a timely manner.

Mr. Steedle said they attend to current planning as quickly as they can. He said they do not want to hold up people with money and projects to contribute to the community. He said it will be more the long range planning which will be delayed.

Chairman Haight asked how they will approach the essential public facilities.

Mr. Steedle responded that they would be working on a draft notice which had been introduced to the Assembly and that it would then make its rounds through the committee's beginning with the Title 49 committee. He said he felt there would be enough interest in the ordinance to hold a Planning Commission COW meeting.

Mr. Hickok asked about the progress on the shared easement ordinance.

The Assembly will be taking that up at their next regular meeting, said Mr. Steedle.

O. ADJOURNMENT

The meeting was adjourned at 8:02 p.m.