MINUTES

Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

July 14, 2015

I. ROLL CALL

Mike Satre, 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 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Michael LeVine, Ben Haight, Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent: Nicole Grewe, Bill Peters

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner, Rob Steedle, Deputy City Manager; Robert Palmer, Assistant City Attorney

II. APPROVAL OF MINUTES

- May 26, 2015 – Regular Planning Commission Meeting Minutes
- June 9, 2015 – Regular Planning Commission Meeting Minutes

MOTION: *by Mr. Miller, to approve the minutes for the May 26, 2015 Regular Planning Commission meeting and the June 9, 2015 Regular Planning Commission meeting with any minor modifications by staff or Commission members.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Margo Waring told the Commission she would like addresses listed when items for North Douglas Highway come up on the agenda for Planning Commission meetings, so that the public is informed of the actual location of the items under consideration.

On another topic, Ms. Waring said that while she supported the increase in density for portions

of North Douglas, that she hoped the Commission would keep in mind the building of the bench road in the future, when considering density on North Douglas.

Commission Comments and Questions
Chairman Satre commented that addresses are no longer listed on the agendas, which he found problematic.

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chairman Satre announced that cases SMF2015 0004 (a combined Preliminary and Final plat for three two-unit common wall buildings resulting in six lots) and VAR2015 0009 (Variance to allow subdivision with frontage along a minor arterial that does not meet D-1 lot size requirements) have been pulled from the Consent Agenda and will be rescheduled for a later date.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

AME2015 0008:	Title 49 amendments about Transitional Housing.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendation
Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Providing background for the amendment, Ms. McKibben said this is partially the result from the Use Not Listed case for Haven House which found transitional housing for people coming out of prison to be similar to other Miscellaneous Rooms for Rent, which is a category in the Table of Permissible Uses (TPU). This finding necessitates an amendment to the TPU to reflect the Planning Commission decision which was upheld by the Assembly, said Ms. McKibben.

The process also brought to light issues regarding the definitions in the TPU for the uses "halfway house" and "correctional facilities", said Ms. McKibben.

The proposed language was presented to the Title 49 Committee on June 12, (2015) The Committee agreed to forward this text amendment to the Planning Commission for

consideration, said Ms. McKibben.

The categories “Group Homes” and “Halfway Houses” have been struck from the TPU, said Ms. McKibben, with “transitional housing” added to the “Miscellaneous Rooms for Rent” category (1.610).

The decision made by the Planning Commission on the Use Not Listed was specific to the D-5 zoning district, said Ms. McKibben. This proposal specifies that it be applied to all zoning districts, she said.

“Nursing Care” and “Sheltered Care” have been eliminated from 7.200 in the TPU, said Ms. McKibben.

A definition has been created for “Transitional Housing”. This definition was crafted from information based upon discussion of the Planning Commission which found it similar to other uses, and other Miscellaneous Rooms for Rent, explained Ms. McKibben.

The staff proposes amending 49.80.120 to include the following definition for Transitional Housing: “transitional housing means a residential use for people released from a correctional facility or similar facility. Residents may be on probation and parole. An owner or manager must live on site.”

A new definition for “Correctional Facility” has been proposed, said Ms. McKibben. Staff proposes that TPU 7.500 define a correctional facility as “… a facility providing for the imprisonment or physical confinement of persons under guard or 24-hours physical supervision such as a prison, jail, detention center, halfway house, and similar facilities.” This definition reflects the changes in the TPU to remove the verbiage for a halfway house, and it also eliminates the conflict in the TPU regarding halfway houses that housing more than nine individuals is regulated as a correctional facility, said Ms. McKibben. Halfway houses are under the purview of the Department of Corrections, she added.

It is also proposed to delete the definition of “Halfway House” because it is clarified and included in the definition for a correctional facility, said Ms. McKibben. It is also proposed to amend the definition of “family” to: “…one or more persons living as a single housekeeping unit.” People occupying a group home are a protected class of persons under the Fair Housing Act, said Ms. McKibben, which is why this phrase should be deleted from the definition.

It is proposed that the definition for ”Group Home” be eliminated from the TPU, said Ms. McKibben. They found that the definition for “Group Home” is redundant because people with federally recognized disabilities cannot be treated differently than those without disabilities. The Group Home term is redundant because people with federally recognized disabilities could live in a variety of residential and institutional uses, like single-family dwellings, multifamily

dwellings, and assisted living facilities.

The staff has proposed the addition of a definition for "Assisted Living", said Ms. McKibben. "Assisted Living" existed as a category within the TPU, but it was not previously accompanied by a definition. The definition for "Assisted Living" states that it is: "a facility providing housing and institutional care for people unable to live independently or without assistance. 'Assisted Living' includes facilities that provide nursing care services that are not located in a single family dwelling."

The staff also proposes the deletion of the definitions for "handicapped" or "infirmed institution" or "home" as well as "intermediate care home", and "intermediate care institution", said Ms. McKibben. This is because they fall within the proposed definition of "Assisted Living", she explained.

"Sheltered Care" exists as an item within the TPU; however it does not have a definition, said Ms. McKibben. Staff has concluded that this is an outdated term that is already encompassed by definitions within the other uses previously mentioned and the use should be deleted from the TPU.

Commission Comments and Questions
Referring to the definition for "Assisted Living", Mr. Miller clarified that an "Assisted Living Facility" could be located within a single family dwelling or a dwelling that was not for single families. Since this was the case, he asked if the last sentence of the definition for "Assisted Living" was really needed.

Ms. McKibben responded that it was just pointed out to her by the Assistant City Attorney that the definition as written in the document before the Commission was incorrect. Ms. McKibben said that definition should read: " Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.
Mr. Miller said that the definition now made sense to him.

The proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan as well as Title 49, said Ms. McKibben. This change would not create any internal inconsistencies within any plans or codes. Additionally, in Chapter 4, the Housing Element states that Juneau is suffering from a housing crisis. Ms. McKibben said that Policy 4.1 is: "To facilitate the provision and maintenance of safe, sanitary and affordable housing for CBJ residents. "

Ms. McKibben noted that Implementation Action 4.1 IA7 states that it is to: "Facilitate the

provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities and supportive services." She added that the Juneau Economic Plan also speaks to the need for housing in Juneau. This plan identifies a specific need for the homeless, low income and special needs population.

Reading from the report, Ms. McKibben stated that additionally this plan states that the number of Juneau residents over the age of 65 will double in 10 years, and that to support the ability to age in Juneau a mix of housing is needed, including assisted living and long-term care facilities.

Commission Comments and Questions
Referring to the staff analysis on the definition of a correctional facility, Mr. Miller said he felt that the verbiage stating that: "For clarity, a person released from a correctional facility but on probation or parole could live in many types of housing, including transitional housing" is also an important explanation for transitional housing.

Missing from the definition for Transitional Housing is the important point that a resident is not required to live in such a facility, said Mr. Miller. He said he felt perhaps that should be listed in the definition for Transitional Housing since it is in his opinion a critical distinguishing feature.

MOTION: *by Mr. Miller, incorporating a friendly amendment offered by Mr. LeVine, to approve AME2015 0008 with staff's findings and recommendations, with the insertion of one sentence before the last sentence of the definition for Transitional Housing stating that: "Residents live in Transitional Housing by choice and may be on probation or parole."*

Mr. Voelckers asked the Assistant City Attorney if he felt the motion as stated would be acceptable.

Mr. Palmer suggested that the additional sentence to the definition of Transitional Housing read: "People on probation or parole are not required to live in Transitional Housing."

In support of his amendment, Mr. LeVine stated he felt the important point was that residents have a choice to live in this housing and are not required to do so.

Speaking in support of Mr. LeVine's amendment, Mr. Voelckers commented that there may also be people in Transitional Housing who are not on probation or parole.

Mr. Palmer said the amendment may need to be edited a little bit to fit within legal constraints. Chairman Satre said the Planning Commission is making its recommendation to the Assembly and that it is up to the Assembly to either accept or reject the Planning Commission recommendation or add its own language. He added that the Law Department would have its

chance to adjust the language in the future should it be required.

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Ribbon Cutting Ceremony
Mr. Hart informed the Commission that on Wednesday, July 15, (2015) at 10:00 a.m. there would be a ribbon cutting ceremony for the remodeled IGA grocery store, formerly known as Foodland. The owner of IGA has recently purchased the Super Bear grocery store, said Mr. Hart.

Auke Bay Charrette
There will be an Auke Bay charrette this week on Thursday, July 16, (2015) at 5:30, said Mr. Hart. The focus of the charrette will be on creating an urban core village in Auke Bay, said Mr. Hart. A 43 unit townhouse development will be built in Auke Bay, said Mr. Hart. Parking will be one of the issues addressed at the charrette, he added.

The management of views and making them available to the public will also be discussed, said Mr. Hart. Establishing connections within the community will add to the village appeal of Auke Bay, said Mr. Hart, by establishing trails that lead to the school for example. It would be nice to construct a pocket park in the area where people can gather which would help develop a sense of community, said Mr. Hart.

Representatives from the Department of Transportation and Public Facilities, the Coast Guard, UAS and the Douglas Indian Association will be attending these meetings, said Mr. Hart.

Two more charrettes will be held; one on July 30, (2015) and one on August 20, (2015). Mr. Hart said he plans on having the recommendations from the Auke Bay Steering Committee presented to the Commission by the end of September.

Commission member Mr. Matthew Bell will act as the new Planning Commission liaison to the Auke Bay Steering Committee.

Commission Comments and Questions
Mr. Watson asked when work on the Lemon Creek area plan would begin.

Ms. McKibben responded that they had begun preliminary research on the boundaries and historical boundaries of the Lemon Creek area. When the new senior planner arrives in the fall, she will be taking the lead on this project, said Ms. McKibben.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Subdivision Review Committee
Mr. Voelckers reported that the Committee had a small discussion related to why the two items were removed from the Consent Agenda this evening, which was some ambiguity over interpretation of legitimate access from frontage.

Marijuana Committee
The Marijuana Committee met several weeks ago, reported Chairman Satre, and it will be meeting on the same dates that the Planning Commission has meetings scheduled which is the second and fourth Tuesday of each month. At the last meeting the Fire Department attended to answer questions about fire code compliance.

- May 4, 2015 Lands Committee Meeting Minutes
- May 6, 2015 Title 49 Committee Work Session Minutes
- May 4, 2015 Public Works and Facilities Committee Meeting Minutes
- May 26, 2015 Title 49 Committee Work Session Minutes
- May 21, 2015 Marijuana Committee Meeting Minutes
- June 6, 2015 Marijuana Committee Meeting Minutes

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.