**MINUTES**

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

April 28, 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; Ben Haight, Nicole Grewe, Paul Voelckers
*(Gordon Jackson resigned from the Planning Commission)*

**Commissioners absent:** Dan Miller, Michael LeVine, Bill Peters

**Staff present:** Hal Hart, Planning Director; Eric Feldt, Planner II; Allison Eddins, Planner I; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I

## II. APPROVAL OF MINUTES - None

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

## IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison Loren Jones reported that the Assembly held a public hearing on the CIP (Capital Improvement Project) budget and the mill rate which was referred back to the Finance Committee. Interviews to fill former Planning Commissioner Gordon Jackson's vacancy will be held on June 15, (2015) by the Assembly. Mr. Jones said he thought those applications were due June 1, (2015). At the last Planning Commission meeting there were two zoning issues before the Commission which were denied. Both of those denials have been protested by the applicants. Mr. Jones said the CDD (Community Development Department) has 30 days to produce a record and bring forth an ordinance to the Assembly that would be per the applicant's zoning request. The Assembly then has the right to approve, modify, or deny the proposed ordinance.

## V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

## VI. CONSENT AGENDA

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| AAP2015 0007: | Conditional Use permit for an accessory apartment on a substandard lot. |
| Applicant: | Clyde Baldwin |
| Location: | 9491 Moraine Way |

**Staff Recommendation**

Based upon the proposed plans, 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 an accessory apartment on an undersized lot in a D-1 zoning district.

The approval is subject to the following conditions:

1. An inspection by CBJ Building Division is undertaken to ensure the living area is achieves current building code standards for an accessory apartment.
2. Sight obscuring vegetation is cleared between a height of 3 feet and 8 feet in an area 20 feet back from the edge of the travelled way.
3. The driveway in front of the garage be narrowed at the entrance by 3 feet on the side nearest View Drive.
4. No parking allowed in the right of way in front of the subject lot.

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| AAP2015 0005: | Conditional Use permit for an accessory apartment on a substandard lot. |
| Applicant: | Douglas and Susanne Badilla |
| Location: | 1067 Arctic Circle |

Based upon the proposed plans, 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 an accessory apartment on an undersized lot in a D-5 zoning district.

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| SMP2015 0003 & SMF2015 0003: | Major Subdivision consolidating 6 lots into 1 for St. Vincent de Paul. |
| Applicant: | St. Vincent de Paul Society Diocesan Council of SE Alaska Inc. and GMD Development. |
| Location: | Teal Street and Alpine Boulevard |

**Staff Recommendation**
Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat permits (SMP2015 0003 and SMF2015 0003) respectively. The permit would allow the consolidation of six lots into one.

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| USE2015 0003: | Conditional Use Permit for a residential mobile home on an individual lot. |
| Applicant: | Craig Bergquist |
| Location: | North Douglas Highway |

**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 for the development of a residential mobile home on an individual lot.

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| VAR2015 0008: | Variance to allow work within 250 feet of an eagle nest. |
| Applicant: | Robert and Kristin Wright |
| Location: | 16125 Point Lena Way |

**Staff Recommendation**
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** on the requested Variance, VAR2015 0008. The Variance permit would allow for the construction of a single-family home within the 330 foot required setback for an eagle's nest.

**MOTION:** *by Mr. Watson, to approve the Consent Agenda as read with staff's findings, analysis and recommendations.*

***The motion was approved with no objection.***

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

**VIII. UNFINISHED BUSINESS**

The Commission adjourned as the Planning Commission and reconvened as the Board of Adjustment to deal with VAR2015 0006 and VAR2015 0007.

**IX. REGULAR AGENDA** - None

**X. BOARD OF ADJUSTMENT**

The report given by Ms. McNally addressed both variance requests.

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| VAR2015 0006: | Variance request to reduce the street side yard setback from 13 feet to 4 feet. |
| Applicant: | NorthWind Architects |
| Location: | 635 Alder Street |

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0006. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.
3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
4. During construction the driveway shall be realigned with the new garage four feet to the south.

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|---|---|
| VAR2015 0007: | Variance request to reduce the rear side yard setback from 20 feet to 6 feet. |
| Applicant: | NorthWind Architects |
| Location: | 635 Alder Street |

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0007. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until all requirements of the building inspection are complete.
2. Without a lot consolidation, no Certificate of Occupancy shall be issued until the deck receives a Variance to the required setbacks.
3. During construction the driveway shall be realigned with the new garage four feet to the south.

The staff report explains that the applicant proposes to remove an existing 24' x 24' one story garage and replace it with a two-story structure consisting of a first floor garage and storage space and second-story residence. The current structure is 0 feet from the Alder Street right-of-way and two feet from the rear property line. The property consists of two legal lots, one with the residence and one containing the garage, Ms. McNally explained.

Ms. McNally explained that the applicant is seeking approval to construct 5'11" from the Alder Street right-of-way. She said the request for 5'11" is considered a 4' request by CDD based on discrepancies in the various documents that determine the property lines. The concurrent variance application is for a reduction to the rear yard setback of 20 feet to 6 feet.

The front and rear yard setbacks for a D5 zoning district is 20 feet, said Ms. McNally. . The Street side yard setback for the D5 zoning district is 13 feet, said Ms. McNally. The street side yard setback request for Variance 0006 is for 4 feetThe property in question where the current garage is located is on the corner of Alder Street and Spruce Street, said Ms. McNally. There is a deck which crosses the property line connecting the garage to the residence. The main residence is permitted as a bed and breakfast. The parking for the bed-and-breakfast residence is located on both lots, she explained. There is parking for four cars adjacent to the garage, said Ms. McNally, for a total of six parking spaces.

The City and Borough Streets Department has always had problems with the eave on the existing garage due to snow removal, said Ms. McNally. The Streets Department does not object to the variance , said Ms. McNally. The Department received one letter in support of the variance requests and five letters in opposition, said Ms. McNally. The letters in opposition primarily were concerned with the closeness of the structure and the driveway to Alder Street, said Ms. McNally.

All criteria must be met in order to obtain approval for the variance, said Ms. McNally, and these criteria are not all met for Variance 0006 for the street side yard setback. Criterion number One was not met: that the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

Criterion number Four was not met, said Ms. McNally: that the variance does not authorize uses not allowed in the district involved. These criteria were not met largely due to the deck, which was unpermitted, which crosses the property line, explained Ms. McNally.

The sub-criteria in Section 5 that compliance meet with the existing standards were not met, said Ms. McNally.

Criterion One, Two, Four and Five were not met for variance request 0007, said Ms. McNally. Criterion Two is primarily not met due to the site distance issue along Alder Street, which is a very narrow two-way street, said Ms. McNally. Criterion four and five were not met because of the deck which crosses the property line, said Ms. McNally.

*Commission Comments and Questions*
Mr. Voelckers asked for clarification regarding the current parking conditions.

The bed-and-breakfast requires two parking spaces and one parking space for the caretaker, said Ms. McNally.

Mr. Voelckers asked if it was a usual practice to have a required parking space on another lot.

It does occur to have a parking spaces off-site, said Ms. McNally. She added that for this application she did not address the fact that the parking spaces were located on two separate lots of record. If the lot were to be sold there would have to be some agreement regarding parking, she said.

Mr. Watson noted that he saw a bigger site visibility problem on the opposite side of the street.

Mr. Haight asked for a definition of the right-a-way easement and the owners involved.

The easement is for the Alder Street right-of-way which the owners could not have built on because it is paved right-of-way, said Ms. McNally.

Mr. Haight asked if it is true that the applicant could build upon that site if the foundation were left in place for the rebuilding of the garage.

Ms. McNally answered that if the cost of repairing the building were more than 75% of replacing the total building it could be constructed on the same footprint.

Ms. Grewe asked what it was about this lot which made development within the confines of Title 49 impossible.

Ms. McNally said in her estimation there was nothing extraordinary that made it unreasonable to develop within the setbacks.

*Applicant*
Applicant Renda Heimbigner said their variance request began two years ago which was initially a plan to replace the garage roof. She said they thought this was the perfect opportunity to turn the garage loft into an apartment. The project was initially to be on its existing footprint in its current location, she explained. With their allocation of an easement to the City, it placed the street less than two feet from their garage, she said.

During the application process there were concerns expressed by neighbors she said, so they decided to pull their application in order to attempt to address these concerns, said Ms. Heimbigner. They came up with the second application which they felt addressed the neighbor's concerns which involved sliding the location of the garage four feet in two directions, she explained. The second application attempt received an even larger number of concerns, said Ms. Heimbigner.

Due to this experience they now realize their project best suits the neighborhood where it is currently located, said Ms. Heimbigner. The structure is legal in its present location, said Ms. Heimbigner, which is where they now want to build.

*Commission Comments and Questions*
Mr. Voelckers said it appeared that merging the two lots seems to have some merit. He asked if this was a proposal that could be supported by the applicant.

They did consider merging the lots said Ms. Heimbigner, but it would eliminate their ability to put an additional single family dwelling on lot 7A.

The deck which traverses both lots is a temporary structure, said Ms. Heimbigner.

*Public Comment*
Property owner David Heimbigner said they would like their request to grant variances to improve their structure without moving it to be approved. The structure is currently lawful under Title 49 and repurposing the structure is allowed under current code. This would allow their six parking spaces to be preserved, said Mr. Heimbigner. Approval would protect the adjoining property and their improvements without disruption, said Mr. Heimbigner.

Mr. Voelckers asked if the applicant was modifying the application currently before the Commission.

Mr. Heimbigner said they are now asking to build on the current existing footprint with the apartment on top of the garage.

Gale Vandorn spoke in favor of the variance requests. She said she has visited this home for many years and that even driving her three-quarter ton GMC Sierra double crew cab truck, that she can traverse the area without problem. She did not experience problems with the view of Alder Street, where the property in question is located, but she said that she did have troubles maneuvering the adjacent street.

Juneau has many street layouts which cannot be changed, said Ms. Vandorn. The garage on Alder Street has been in place for 73 years, she said.

Resident John Thurston said that he lived on the street immediately downhill from the lots in question. While he had no objections to the erection of a structure on lot 7A, Mr. Thurston said he did object to the assertion that doing so required variances to establish setbacks. He said there is space enough on the lot to build within established setbacks.

Neighbor Susan Woods said that she was representing her father. She said setbacks are required for everyone else. Setbacks provide safety, she said, and they need those setbacks.

*Applicant*
Applicant Renda Heimbigner said she felt that Mr. Thurston should be in favor of the application since it addressed the water runoff issue which he experienced as well, being located down the hill. Addressing the comments from the neighbors and reviewing their

applications, they have come full circle and now do not want to move the location of the garage, said Ms. Heimbigner.

*Commission Comments and Questions*
Mr. Voelckers asked if it was the position of the Chairman that they act upon the variance requests before them and not the modified request by the applicant put before the Commission this evening.

Chairman Satre said he felt it was appropriate that the Commission act upon the applications before it, because they had no staff analysis on any changes proposed this evening by the applicant.

Commenting that essentially the applicant has changed what was initially before the Commission, Ms. Grewe said if the Commission votes on what is before it and turns down the variance requests, the applicant can still build its garage as they had explained. However, said Ms. Grewe, if the Commission denies those variance requests it precludes the applicant coming back before the Commission.

Mr. Watson said exceptions have been made in the past regarding rebuilding on an existing nonconforming footprint.

**MOTION:** *By Mr. Watson, to approve VAR2015 0006, with the conditions regarding approval suggested by staff.*

In support of his motion Mr. Watson stated that on Condition One the applicant is addressing the biggest concern which is the City and Borough of Juneau, which voices no opposition to the proposed setback.

The proposed building is allowed within the D5 district, said Mr. Watson. The proposed apartment for the upper level of the garage would provide additional housing for the community, he said.

Without the variance the project would require much more extensive site work, said Mr. Watson. He added he did feel that Condition 5C was met because the requirements were burdensome.

Speaking against the motion, Mr. Voelckers stated that although he saw merit in Mr. Watson's analysis, that he did not find the work that was proposed and the physical circumstances of the lot were burdensome for the applicant. He said while he did find the proposals from the applicant an improvement he did not find a compelling reason to relax the setback requirements in the neighborhood.

**Roll call vote:**

**Yeas:** Haight, Watson

**Nays:** Voelckers, Grewe, Satre

***Motion failed.***

Chairman Satre asked the staff if the Commission needed to take specific action to deny the variance, or if that could be left open.

Mr. Hart replied that it would be cleaner to deny the variance.

Chairman Satre responded that with a minimum vote of five required, that this may not be possible, and that it would leave avenues open for the applicant to come back before the Commission.

**MOTION:** *by Mr. Watson, to approve VAR2015 0007 with the conditions regarding approval suggested by staff.*

In support of his motion Mr. Watson said he felt the visibility allowed in the right-of-way was adequate, and that it did meet Criterion Three.

Mr. Voelckers objected to the motion, citing his reasons given previously on VAR2015 0006. He added that none of the criteria under Number Five were met.

**Roll Call Vote:**

**Yeas:** Haight, Watson

**Nays:** Voelckers, Grewe, Satre

***The motion failed.***

The Commission adjourned as the Board of Adjustment and reconvened as the Planning Commission.

**XI. OTHER BUSINESS** - None

**XII. DIRECTOR'S REPORT**

*Senior Housing Presentation by Jim Scholl*
Jim Scholl, who serves on the Senior Citizens Support Services Board, and has been an active member of the Assisted Living Task Force, gave a presentation to the Commission on the current and future prospects of senior housing in Juneau. The Assisted Living Task Force is

working on providing an assisted living facility in Juneau. There is currently a proven demand for 56 additional units, said Mr. Scholl. By 2017, they forecast the need for 80 beds, he added, and by 2022 they forecast the need for 117 beds.

Mr. Scholl defined independent living for senior citizens as individuals living as they are, independently.

Assisted living is defined as a residential facility where at least one staff person is available 24 hours a day to help individuals with the activities of daily living, said Mr. Scholl. Different levels of assisted living are available, he said.

Skilled nursing facilities are designed to care for very frail people who are not able to care for themselves, said Mr. Scholl. Nursing homes are staffed 24 hours a day by trained medical professionals.

Independent living is the cheapest alternative, said Mr. Scholl. They are attempting to deliver an assisted living facility that will cost an individual approximately $6,000 a month, he said. A skilled nursing facility costs $16,000 to $15,000 a month, said Mr. Scholl.

The Pioneer Home in Juneau is the only primary assisted living facility available in Juneau, said Mr. Scholl, except for one other residence with very limited beds.

Mr. Voelckers asked as a basis for this study, what the underlying assumptions were about the population of Juneau.

Mr. Scholl said it was detailed in the report, but that the population of Juneau was forecast as very slow but steady growth.

The downtown Gastineau apartment facility is under consideration as the location of an assisted living facility, said Mr. Scholl. The group would like the City to purchase the property and donate it for the purpose of an assisted living facility, said Mr. Scholl.

*Planning Director*

Mr. Hart reported that he met with the Kischan Development Group and they said they are continuing their work on restoring the Westmark Hotel in town. They are very interested in work force housing, said Mr. Hart.

He also met with Weidner Apartment Homes, said Mr. Hart, which is a large conglomerate which owns the Mendenhall Tower, he added. They are very interested in work force housing for Juneau, said Mr. Hart. Several other entities came forward during the past week indicating their interest in work force housing as well, he noted.

Mr. Voelckers asked for an update on what is happening with the narrow street on Blueberry Hill.

Mr. Hart said that was an issue for the Assembly.

Assembly Liaison Loren Jones said this issue was brought to the Public Works Committee, and that the Committee told the Engineering and Public Works Department to retain the trees and to keep the road as it is.

## XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

*Committee on Sustainability*
Mr. Haight reported that the Juneau Committee on Sustainability at its last meeting heard a presentation of the biosolids waste system study. The recommendation had been for a thermal drying system, said Mr. Haight. They have since discovered that the one plant in the United States which has that system has problems, he said. They are now exploring alternative systems, said Mr. Haight.

*Title 49 Committee*
Ms. Grewe reported that the committee met in April and tabled all other issues so they could deal with child care facilities. They ran out of time since it was a lunch meeting, and no action on any items was taken, she said.

*Subdivision Review Committee*
Mr. Voelckers said the Subdivision Review Committee met last Thursday and is focusing on the remote subdivision portion of the ordinance.

Chairman Satre said has been told the ordinance will be delayed a bit, coming before the Commission on May 26, (2015).

## XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson said addresses are still not being inserted on the agendas.

Chairman Satre added that even on tonight's agenda it is difficult to distinguish among the items without an address.

## XV. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.