

Minutes  
**Planning Commission**  
**Regular Meeting**  
CITY AND BOROUGH OF JUNEAU  
*Michael LeVine, Chairman*  
February 8, 2022

I. **LAND ACKNOWLEDGEMENT** by Chair LeVine

II. **ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:05 P.M.

**Commissioners present:** All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

**Commissioners absent:** Ken Alper

**Staff present:** Jill Maclean, CDD Director; Irene Gallion, CDD Planner; Joseph Meyers; Sherry Layne, Law

**Assembly members:** Alicia Hughes-Skandijs

III. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – None

IV. **APPROVAL OF MINUTES**

A. Draft Minutes January 11, 2022, Planning Commission Regular Meeting

**MOTION:** *by Mr. Voelckers to approve the January 11, 2022 Planning Commission Regular Meeting minutes with the following correction to the motion on CSP2021 0006 so it will read:*

*MOTION: by Mr. Dye to accept staff's findings, analysis and recommendations and approve CSP2021 0006 striking the condition **requiring amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area.***

V. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** Chair LeVine explained the rules and procedures for participating via Zoom format.

**VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None**

**VII. ITEMS FOR RECONSIDERATION – None**

**VIII. CONSENT AGENDA**

*Mr. Dye pulled CSP2021 0007 from the Consent Agenda to the Regular Agenda*

**SMP2021 0006:** A proposed subdivision of one (1) lot into three (3) lots with one standard lot and two bungalow lots

**Applicant:** Southeast Endeavors, LLC

**Location:** 8284 Garnet Street

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested preliminary plat for Lots 1A, 1B, and 1C, a subdivision of Lot 1, Block G of the Golden Nugget Subdivision within US Survey 1530. This permit would allow the applicant to submit for the final plat application.

This approval is subject to the following conditions:

1. Prior to final plat approval, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
2. Prior to final plat approval, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the Director of Engineering & Public Works for compliance with CBJ 49.35.140.
3. Prior to final plat approval, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.
4. Prior to final plat approval, the applicant shall submit to a joint use and maintenance agreement for the access and utility easement to be recorded with the plat.
5. Prior to final plat approval, the applicant shall submit a parking plan showing two (2) off-street parking spaces for each lot.
6. Prior to final plat approval, the existing shed and manufactured structure will need to be removed.

7. Prior to final plat approval, the following corrections to the plat shall be made:
  - a. Correct the file number in the Title Block to read "SMP2021 0006".
  - b. Change all dates on the plat to read 2022.
  - c. Correct the Basis of Bearing statement to read, "...the northeast **corner** of Lot 1, Golden Nugget Subdivision".

**MOTION:** *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve SMP2021 0006.*

***The motion passed with no objection.***

Prior to MSM2021 0001 Chair LeVine disclosed a conflict and recused himself for this item.

**MSM2021 0001:** Kensington Mine plan of operation amendment  
**Applicant:** Coeur Alaska  
**Location:** Kensington Mine

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and ratify the requested Summary Approval. The ratification would allow the development of a Summary Approval plan of operations amendment for the Kensington Mine.

**MOTION:** *by Mr. Pedersen to accept staff's findings, analysis and recommendations and approve MSM2021 0001.*

***The motion passed with no objection.***

~~**CSP2021 0007:** Reconstruction of Harris Street starting at Harris and Fourth Street to the Gold and Seventh Street Intersection  
**Applicant:** City & Borough of Juneau  
**Location:** Harris Street~~

~~**Staff Recommendation**~~

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the reconstruction of Harris Street starting at Harris and Fourth to the Gold and Seventh Street intersection.~~

**IX. UNFINISHED BUSINESS – None**

**X. REGULAR AGENDA**

**CSP2021 0007:** Reconstruction of Harris Street starting at Harris and Fourth Street to the Gold and Seventh Street Intersection  
**Applicant:** City & Borough of Juneau  
**Location:** Harris Street

### Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the reconstruction of Harris Street starting at Harris and Fourth to the Gold and Seventh Street intersection.

STAFF PRESENTATION by Planner Meyers

### QUESTIONS FOR STAFF

Before opening questions for staff, Mr. LeVine clarified with Planner Meyers the role of PC in this project is to make a recommendation to the Assembly regarding the CSP and to make a decision whether to approve or deny the waiver request.

Mr. Voelckers asked for a description of the timeline for the project. Mr. Meyers deferred to the applicant.

Mr. Dye cited **CBJ 49.35.240(i)(4)(B)(iv)** *Unique circumstances make compliance with the American Association of State Highway and Transportation Officials' guidelines unreasonable, and the commission requires sufficient safeguards to protect public health, safety, and welfare under the circumstances* and asked how public health, safety and welfare is being addressed to allow the waiver. Ms. Maclean suggested the applicant address this.

### APPLICANT PRESENTATION

Michael Eich, CBJ Engineering Project Manager, addressed the commissioner questions saying the timeline is for them to start this construction season. They have consulted with AELP regarding the cost of burying utilities and found the costs would be significant and would not happen unless the residents themselves proposed to pay for it.

Mr. Eich spoke to Mr. Dye's question regarding public health, safety, and welfare saying they are maintaining the status quo regarding parking limitations, retaining walls and traffic.

### QUESTIONS FOR APPLICANT

Mr. Arndt noticed that in the plans, the sidewalks are labeled as varying in width and asked if that was planned to change. Mr. Eich said they will be very similar to what is currently in place.

Mr. Voelckers noticed in the plans there were steps integrated into the sidewalks in areas and they were below grade in areas and asked if those would be brought into ADA compliance. Mr. Eich said they would do so where practicable.

Mr. Dye asked if this became a one-way road, would the waiver become achievable. Mr. Eich was unsure. Mr. Dye asked if it had been decided that the AASHTO waiver was unachievable and therefore was not addressed. Mr. Eich said the AASHTO was not a goal of the project. The focus was to improve utilities and replace everything else in kind.

Mr. Arndt asked if there is a possibility to add signage such as “yield to oncoming” traffic in the narrowest parts of the road. The applicant said it is not something currently in the plans but it could be something they would consider.

Mr. LeVine asked if eliminating parking in the area was considered as a way to improve safety. Mr. Eich said it was not considered but in order to get the road to two-lane width would require eliminating nearly all parking in the area.

#### PUBLIC COMMENT

*Obren Davis* – spoke in support saying he is not fully support burying the utilities, EV charging stations, and one way traffic as those were not the goals of the project and are expensive.

There was another member of the public that had signaled, by raised hand feature in Zoom, a desire to testify. However, after several attempts and suggestions by staff and commissioners, they were unable to access the meeting to speak.

#### **AT EASE 7:40 P.M. – 7:45 P.M.**

#### ADDITIONAL APPLICANT COMMENTS

Mr. Eich explained that with the way they are approaching the project, there is nothing they are doing that would prevent changing traffic patterns in the future.

#### COMMISSIONER QUESTIONS FOR STAFF

Mr. Voelckers asked to clarify that the PC is tasked with ensuring sufficient safeguards are in place to allow granting of the AASHTO waiver. To that end, the CBJ position is they are not changing what is already in place. Is that enough to say it is safe now? Ms. Layne answered the PC needs to carefully analyze the safety aspect and just relying on saying that is the way it is always been is not enough.

## COMMISSIONER DISCUSSION

Ms. Cole asked Mr. Dye if he envisioned the waiver as being needed because the plan for reconstruction requires a waiver or if he considered them as separate items meaning the commission could recommend the plan without approving the waiver. Mr. Dye felt they should move the CSP first and the waiver second. In that way, then the Assembly would be able to start the public process whether or not the waiver is approved.

**MOTION:** *by Mr. Dye to recommend to the Assembly to accept staff's findings, analysis and recommendations and approve CSP2021 0007 with the exception of the AASHTO waiver* **CBJ 49.35.240(i)(4)(B)**

Ms. Cole asked for clarification that they are moving to approve the CSP without the waiver even though it could be decided in the next motion that the waiver is necessary. Mr. Dye explained if in a subsequent motion, the waiver is not passed, the process of appropriation could still move forward and the assembly could explore other paths to obtain a waiver at a later date.

Mr. Arndt said he supports the motion but is concerned that this motion could pass and then the waiver fail and what would have to happen then.

### **ROLL CALL VOTE**

**YEA:** Dye; Cole; Pedersen; Hickok; Winchell; Voelckers; LeVine

**NO:** Arndt

**Motion Passed 7 Yea – 1 No**

**MOTION:** *by Mr. Dye to recommend granting of the waiver for AASHTO standards for CSP2021 0007.*

Mr. Dye recommended denial of the motion on the basis of **CBJ 49.35.240(i)(4)(B)(iv)** saying the project did not take safety into account in the plan and alternatives were not investigated.

Mr. Pedersen and Mr. Voelckers and Mr. LeVine also opposed the waiver.

Ms. Maclean reminded the Commission that they can add conditions as they see fit. In her opinion, keeping the parking spaces is safer as it has been proven to slow traffic. She added they could require other measures or safeguards, such as speed limits or signage, to meet safety guidelines. She said that bringing a century old neighborhood to current standards is not feasible without demolishing the neighborhood. Mr. Arndt spoke to Ms. Maclean's suggestion saying he had thought of that but felt the PC should not dictate what is the best options for the area and should leave it to the experts. Ms. Cole said she could support the motion if an analysis had been done to determine the safety of the mitigations already in place.

Ms. Maclean suggested tabling the issue to the next meeting. Mr. Dye felt tabling to the next meeting would not be enough time.

**ROLL CALL VOTE**

**YEA:** Hickok;

**NO:** Dye, Winchell, Arndt; Pedersen, Cole; Arndt; Voelckers; LeVine

**Motion Failed 1 Yea – 7 No**

**MOTION:** *by Mr. Winchell to continue the issue of the waiver again at the next meeting.*

Mr. Winchell rescinded his motion and gave notice of reconsideration. This will become the first item on the agenda at the next meeting.

**AT EASE 8:17 P.M. – 8:25 P.M.**

**SMP2021 0004:** Chilkat Subdivision Phase II: Proposing subdivision of one (1) tract into fifteen (15) lots and three (3) tracts of land

**Applicant:** William & Michael Heumann

**Location:** Hillcrest Avenue

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested preliminary plat for the Chilkat Subdivision Phase II: Proposing subdivision of one tract into fifteen (15) lots and three (3) tracts of land at Hillcrest Avenue in a D15 zone. This permit would allow the applicant to submit for the final plat application.

This approval is subject to the following conditions:

1. Provide a wetlands fill permit from the United States Army Corps of Engineers.
2. Prior to approval of the final plat, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
3. Prior to approval of a final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the director of Engineering & Public Works for compliance with CBJ 49.35.140.
4. Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.
5. Prior to approval of the final plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.

## STAFF PRESENTATION by Planner Gallion

### QUESTIONS FOR STAFF

Mr. Dye asked for clarification if Hooter Lane might not be developed. Ms. Gallion said that the intent is to build it but the conflict between the State DOT and CBJ might impede that. Mr. Dye asked if the preliminary plat would have to be modified if they do not address Hooter Lane. Ms. Gallion said that could be the case. However, she did not think it would be a difficult modification to make.

Mr. Pedersen disclosed he has a potential conflict as he is employed by DOT in the Right of Way section. He has had discussions regarding indemnification language in permits but has not had any conversation regarding this case. He has no direct interest and will not gain financially either way the issue is decided. He was allowed to remain.

Mr. Arndt asked why developing Hooter Lane would not be necessary to this phase of the project but would be needed for phases three and on. Ms. Gallion explained the current drainage can accommodate the lots proposed in phase two. The land development for phase three and others will depend heavily on drainage improvements.

### APPLICANT PRESENTATION

Michael Heumann, explained this project has been in process for over a year and they have worked closely with the planning department, army corps of engineers, DOT and other agencies in getting the permitting. He feels the plan has support and it has been thoroughly studied and it is ready for the next phase to get started.

### QUESTIONS FOR APPLICANT

Mr. Voelckers asked if Mr. Heumann has had ongoing conversations with the neighborhood association and, if so, what have been their concerns. He said he has not heard of specific concerns from the neighbors based on the plat as proposed.

### PUBLIC COMMENT

Rick Janik – 4473 Hillcrest – spoke in opposition to the plat change saying he has concerns with the access to Hooter Lane. He would like to see it revert back to the original plan and keep the green belt zone.

Mr. Arndt asked Mr. Janik to describe the green belt Mr. Janik had mentioned. Mr. Janik explained that the development so far has resulted in a nearly unobstructed view of the city dump from his property.

Dave Hanna – Spoke in favor of the proposal. He said he is pleased to see sidewalks on one side and the limited use of street lighting saying these are part of an environmentally friendly approach.

#### ADDITIONAL APPLICANT COMMENTS

Mr. Heumann responded to public comments saying the lots referred will be developed with regard to maintaining green belt and view.

Mr. Voelckers asked about the traffic study and asked Mr. Heumann to elaborate on the parameters of the study. Mr. Heumann explained they worked for months with engineering and DOT and that study was completed prior to the second preliminary plan. It determined no mitigation actions would be required. He added, though, that the full development could take a decade and by then the traffic study will be stale and will need to be redone.

Mr. Dye asked if there was a reason the green zone had not been platted. Mr. Heumann said the green belt buffer should be required in the final plat.

#### **AT EASE 9:00-9:01 p.m.**

Mr. Dye clarified with Mr. Heumann whether adding green belt buffer would be acceptable if it is not there currently. Mr. Heumann was agreeable to that.

#### COMMISSIONER DISCUSSION

Ms. Maclean explained to the commission that their scope this evening is merely to confirm they meet the standards for subdivision (lot sizes, streets, cul de sacs) but green belt is not under their purview.

**MOTION:** *by Mr. Voelckers to accept staff's findings, analysis and recommendations and approve SMP2021 0004.*

***The motion passed with no objection on Roll Call Vote.***

#### **XI. OTHER BUSINESS – None**

#### **XII. STAFF REPORTS**

- Ms. Maclean asked the Commission to email her with suggestions on packet improvements. (i.e., Table of Contents, dividers, page numbering)
- They are expecting to be back in chambers in March. There is no meeting scheduled for March 8<sup>th</sup> but March 22 is scheduled.
- Title 49 committee will be working on coastal management, stream ordinances, accessory apartments.

- Downtown Parking and repeal of the five-year renewal requirement for Marijuana licenses were before the assembly on the consent agenda and have been moved to committee.
- Ms. Maclean said a joint Assembly/PC meeting is in the works and should be scheduled soon.

**XIII. COMMITTEE REPORTS**

- Title 49 – Mr. Arndt reported Title 49 hopes to meet soon and asked other Title 49 members to send him their priorities going forward.
- JCOS – Mr. Voelckers reported JCOS is working on electrification of the docks.

**XIV. LIAISON REPORTS** – Assembly member Hughes-Skandijs reported the Assembly passed the Douglas rezone. The Assembly amended the table of permissible use permits to allow marijuana retail with a conditional use permit within neighborhood commercial zoning district.

Mr. Voelckers asked if there has been any movement on mass waste hazard zones. Ms. Hughes-Skandijs said it is on their mind and she expects it to come before them soon.

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

**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. LeVine encouraged the commissioners to be in contact with CDD regarding the packets and reminded members to review and observe Robert's Rules and the Commission Rules of Order.

**XVII. EXECUTIVE SESSION** – None

**XVIII. ADJOURNMENT** – 9:24 P.M.