

APPROVED MINUTES

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Mandy Cole, Chair
August 27, 2024

I. LAND ACKNOWLEDGEMENT – Read by Chair Cole.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Mandy Cole, Chair, 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 7:00 p.m.

Commissioners present: Commissioners present in Chambers – None (virtual only).

Commissioners present via video conferencing – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Travis Arndt, Clerk; Matthew Bell, Assistant Clerk; Nina Keller; David Epstein, Jessalynn Rintala, Lacey Derr

Commissioners absent: Adam Brown

Staff present: Staff present via video conferencing – Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Jason Larson, Planner II; Daniele Gaucher, CDD Administrative Officer; Sherri Layne, Attorney III, Kevin Allen, Meeting Clerk

Assembly members: Paul Kelly

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – A note was made that the agenda was changed from the original publication from consent to regular agenda. No other comments or changes.

IV. APPROVAL OF MINUTES

A. July 23, 2024, Draft Minutes, Regular Planning Commission

Mr. Epstein requested a change to the minutes in regards to something he stated. Director Lawhorne confirmed she would go back and check that.

MOTION: *by Mr. Arndt to approve the July 23, 2024 Planning Commission Regular Meeting minutes as amended.*

The motion passed with no objection.

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION – None.

VIII. CONSENT AGENDA

The case scheduled for the Consent Agenda was moved to the Regular Agenda.

IX. UNFINISHED BUSINESS – None.

X. REGULAR AGENDA

USE2024 0012: Conditional Use Permit (CUP) to convert first floor of an existing common wall dwelling into an accessory dwelling unit (ADU) located within a D18 zoning district.

Applicant: Eva Melancon

Location: John Street

Director's Report

The applicant requests a Conditional Use Permit (CUP) to convert the first floor of an existing common wall dwelling into an accessory dwelling unit (ADU) located within a D18 zoning district. According to CBJ 49.25.510(k)(2)(G)(ii), efficiency or one-bedroom accessory apartments under 600 sq. ft. are allowed in a multi-family zoning district if the primary use of the lot is a single-family dwelling, with a Conditional Use Permit.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2024 0012 with the requested modifications.

Commissioner Questions

Ms. Cole asked when the nonconforming application was submitted and if the nonconforming application is based on the setback.

Director Lawhorne responded the nonconforming was based on the lot width being less than required and the front setback.

Mr. Epstein noted that there are repeated references made related to the recommended conditions, but he did not see any of those recommended conditions in the packet.

Director Lawhorne answered the nonconforming certificate was applied for in April with a condition based on parking, but that was addressed when they were working through the staff report. The parking has now been addressed on site and they do not need a waiver.

Presentation by the Applicant

Eva Melancon, applicant, explained she has an entire floor of her home unoccupied, so she decided to create an accessory apartment and started the grant process. She explained all the changes they plan to do and stated they would use their existing parking.

Ms. Keller inquired about a comment from a neighbor in an attached home about some concerns on the conditional use permit.

Ms. Melancon responded they have not been able to get in contact with each other.

There was no public testimony.

Ms. Melancon asked if they know what the neighbor's concerns are.

Director Lawhorne explained the neighbor spoke to the planner and withdrew the complaint.

MOTION: *by Mr. Epstein moved the approval of USE2024 0012 to accept staff's findings, analysis, and recommendations, and approve the conditional use permit with no conditions and accepting the findings that are modified to strike conditions.*

The motion passed with no objection.

XI. OTHER BUSINESS

ARF2024 0001 – Procedure Memo

Director Lawhorne gave an overview of the procedure memo, explaining some modifications make sense to come to the Planning Commission, but some changes exceed what the Commission requires. The question is if the Commission wants to see every modification or if they are confident in staff reviewing some of the modifications. Director Lawhorne noted that general guidance from the Law Department in the past is that any modifications that change the intent must go back to the Commission. She added

that one modification can take around three months to get through the Commission but would be less than a month if only going through staff approval.

Mr. Arndt asked if the memo is supposed to be what they are wanting to change and give staff latitude for just the Ridgeview Project or with any ARS.

Director Lawhorne responded that staff intends for it to apply to any ARS's.

Mr. Arndt inquired if Ridgeview is asking for the ideas for changes or if they are just examples.

Director Lawhorne answered a little of both.

Ms. Derr stated she is fine with things like changes to number of bedrooms but would want to see occupancy changes come before the Commission.

Director Lawhorne explained that occupancy is used more in situations like a university dormitory or single room occupancies with private shared facilities. Others are just considered density, such as a multifamily unit or single-family home.

Ms. Derr agreed that is what she meant.

Ms. Keller shared that she likes the idea overall, but some things should still come back to the Commission and give the public an opportunity to comment on them. She further added that if they are not moving away from their overall plan, that should be fine, if it is not something that could affect the neighborhood or the outside.

Mr. Pedersen wondered what the mechanism for Planning Commission is for deciding on this.

Chair Cole said that was also her question, if they are trying to interpret something gray or trying to change something that was previously thought to be clear.

Director Lawhorne explained that in her mind it is more of an interpretation of a legal opinion they have been working with for many years. There have been many changes to code that streamlined authority to the director, so they are asking it is time to reconsider what it really means to uphold the Commission's conditions and their intent.

Attorney Layne added that when code is not used frequently, it is common for planners and the director to work through it. She agreed now is a good time to revisit things with law and figure out what works for the Commission and CDD.

Chair Cole stated there are a wide range of defensible positions and they need to look at where they are falling most comfortably.

Mr. Arndt agreed with Commissioner Derr on density and stated instead of looking at it as multifamily versus single family, they could view it more as a density dwelling unit change. He added that some of these things could also be tied together with parking. He

stated that if buildings are being moved and not encroaching on the buffer Commission gave to them, they can move it around. He asked if ARS must come in on a phase-by-phase basis for approval like a subdivision, or if they ask for all phases up front.

Director Lawhorne said if they preliminary plats are already approved, they would not have to come back to the Commission.

Mr. Arndt shared that if they do not need to come back, he does not care what order they build it in.

Chair Cole recalled that they would have to come back at certain milestones in the process to be reviewed by the Commission. She added that when they approved the plan, they knew there were likely to be changes, and remembered discussing coming back for certain changes.

Director Lawhorne commented that they cannot build more than approved, and if they wanted to increase density that would have to come back to the Commission. She explained the alternative residential plan is first approved, the phases are approved with the plan, but the order of the phases could be changed.

Mr. Epstein said it sounds like they are being asked to come up with a mutual understanding of what the director can take on without bringing it to the Commission for future ARS's. He noted he understands and is looking for an approach for considering these issues.

Ms. Keller asked if they need to approve phase changes to check off a box like they do in her line of work, even if there are no changes.

Chair Cole answered that depending on the kind of project, yes, they would have to come back and approve each phase. However, their understanding when it comes to ARS is that once they approve the plan, they do not have to come back between phases.

Director Lawhorne provided a citation that speaks to some of the changes, 49. 15.-970.

Chair Cole stated a lot of their Title 49 work was to streamline the code so more decisions could be made by the department for quickness, easiness, and affordability. She said the ARS process is fairly new and not used often, so they are uncertain on where all the decision making potentially lies. She noted they are seeing more ARS's, so they have to decide on sticking with streamlining and making things easier.

Mr. Pederson stated he can see the pros and cons and does not have strong input on it.

Ms. Keller suggested having a list of items that would be exempt from coming back to the Planning Commission for ARS's that they can develop during the Title 49 rewrite. She noted that would give public process a chance to see those items. She warned to be careful to not set precedent since there will be more coming.

Ms. Rintala said that as a new commissioner, she does not have strong opinions on what is routine enough to be in the director's jurisdiction but suggested having any changes approved by the director be reported to them and have those decisions made available to the public.

Mr. Epstein agreed with Commissioner Keller in regard to the Title 49 rewrite exemptions for the Commission.

Chair Cole noted there is some confusion in the memo on whether the list of modifications is particularly for Ridgeview or all ARS's for the future.

Director Lawhorne believed it is just the timing of it that makes it seem confusing. She said what she is hearing from the Commission is to have this worked on through the Title 49 rewrite process but track minor modifications she would approve in the meantime and notify the Commission as they happen.

Mr. Arndt said he would like to tell people what the Commission feels is important, and what needs to come back, instead of the other way around. He suggested the Commission looking at the higher-level things and what is important and reviewing the substance of changes that the people are going to see.

Chair Cole said they feel comfortable with CDD handling most of the elements brought up in the memo in house, and density, setbacks. Things feeling harmful to neighbors in terms of proximity or location would need to come back to the Commission.

XII. STAFF REPORTS

Ms. Lawhorne wanted to check in on the Governance Committee and asked for a time for them to get together to update the rules of order. She also gave a heads up that the Commission has an evening full of rezones coming on October 22nd, and there are several meetings the planners are conducting through September. Six out of the eight of those rezones are CBJ applicants and two from private owners. She noted the next couple of meetings will be on Zoom due to the flood in Chambers. They also filled the planner position.

Ms. Keller asked if the long meeting in October will be started early.

Chair Cole suggested starting at 6 p.m. There were no objections.

XIII. COMMITTEE REPORTS – No Reports

XIV. LIAISON REPORTS

Paul Kelly stated they authorized the manager to execute a lease of the Mayflower building for the pre-K and Montessori private school, appointed Emily Wright as the new city attorney, issued an emergency appropriation of \$1,055,000 to cover recovery efforts

and sheltering, and will be supporting a new mitigation group at the August 19, 2024, meeting.

Mr. Epstein asked Mr. Kelly if he ever checked on the check valve performance during the flood.

Mr. Kelly confirmed he did check on that with Manager Koester, who said she was unaware of the storm drains overflowing but would look into that, and one of the valves were washed away by the force of the Jökulhlaup. He added he would check back in with her on that.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVII. EXECUTIVE SESSION - None

XVIII. SUPPLEMENTAL MATERIALS

Additional Materials

XIX. ADJOURNMENT

The August 27, 2024 Planning Commission Meeting was adjourned at 8:26 p.m.