

# ***APPROVED MINUTES***

Agenda

**Planning Commission**

***Regular Meeting***

CITY AND BOROUGH OF JUNEAU

*Mandy Cole, Chair*

March 11, 2025

## **I. LAND ACKNOWLEDGEMENT – Read by Ms. Derr**

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 in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 6 p.m.

**Commissioners present:** Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Matthew Bell, Assistant Clerk; David Epstein, Jessalynn Rintala, Lacey Derr, Douglas Salik

Commissioners present via video conferencing – Nina Keller

**Commissioners absent:** Adam Brown

**Staff present:** Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Jolene Murphy, Planner I; Nicolette Chappell, CDD Administrative Coordinator; Sherri Layne, Attorney III

Staff present via video conferencing – David Peterson, Planner II

**Assembly members:** Christine Woll

## **III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA**

## **IV. APPROVAL OF MINUTES**

- A. January 23, 2024, Draft Minutes, Regular Planning Commission
- B. February 25, 2025, Draft Minutes, Regular Planning Commission

**MOTION:** *by Mr. Pedersen to approve the January 23, 2024, and February 25, 2025 Planning Commission Regular Meeting minutes. The motion passed.*

**V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION**

**VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**VII. ITEMS FOR RECONSIDERATION**

**VIII. CONSENT AGENDA**

USE2025 0002 was pulled and moved to the regular agenda.

**IX. UNFINISHED BUSINESS**

**X. REGULAR AGENDA**

**USE2025 0002:** A Conditional Use Permit to use existing church facilities for a preschool, Family Promise’s rotational shelter program and as a Red Cross Emergency Shelter Facility  
**Applicant:** St. Brendan’s Episcopal Church  
**Location:** 4207 Mendenhall Loop Rd.

**Director’s Report**

The applicant requests a Conditional Use Permit to establish a half or full day preschool. Additionally, in the evenings the existing classrooms may be used to house up to 3 families for Family Promise’s temporary shelter services. In the event of a disaster, applicant also requests that the rooms be designated a Red Cross’s Emergency Shelter.

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director’s analysis and findings and approve the Conditional Use Permit USE2025 0002 with the requested conditions.

Mr. Salek noted that it looked like there are restrooms but no shower, and that can be challenging for three families to just have a wash basin and a toilet.

Mr. Epstein voiced that in the recommendation it says existing parking spaces must be “stripped” or demarcated, but he believes they meant striped.

Director Lawhorne confirmed that was a typo and it should be “striped”.

Dan Hall, Office Building Manager at St. Brendan's Episcopal Church, expressed that they do have a single person shower there. He added that the idea of families staying for three days is a part of Family Promise, and they are there from 5-6 p.m. to 7 a.m... The Day Center for Family Promise also have showers, so rarely are their showers even used by the families. He expressed that they also house visiting basketball teams or other groups that come into the town sometimes.

Chair Cole opened public testimony.

No public testimony was given.

Chair Cole closed public testimony.

**MOTION:** *by Mr. Epstein to accept staff's findings, analysis, and recommendations, and approve USE2025 0002. The motion passed.*

<b>USE2025 0001:</b>	A Conditional Use Permit for a site plan revision of a fire turnaround relocation.
<b>Applicant:</b>	Chilkat Vistas
<b>Location:</b>	Hillcrest Ave

### **Director's Report**

The applicant requests a modification to Conditional Use Permit USE2024 0006 to relocate the fire turnaround relocation. USE2024 0006 approved 48-single-room occupancies on Hooter Lane. The relocated fire turnaround modification meets CBJ standards. Snow removal surface area has been increased, and new snow storage needs are accommodated. The original permit had three conditions: That Hooter Lane must be accepted for ownership and maintenance by CBJ, that a new plat reduce lot size to qualify for tax abatement, and that a lighting plan be required before a building permit was issued. The three conditions have been met. No temporary certificates of occupancy have yet been issued. No new conditions are proposed as part of this modification.

### **Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2025 0001 with the requested modifications.

Michael Heumann, with Chilkat Vistas LLC, expressed they were trying to clean things up and it really came down to constructability and maintaining the integrity of berm that they have, as it blocks noise to the neighbors uphill from them. As they got in there and started constructing things, they decided this would make things easier and more functional for everyone.

**MOTION:** *by Ms. Derr to accept staff's findings, analysis, and recommendations, and approve USE2025 0001. The motion passed.*

**ARP2024 0001:** Preliminary Plan approval for the Ravenwood/Brow Tine Subdivision  
**Applicant:** R & S Construction LLC  
**Location:** 4670 Glacier Hwy

### **Director's Report**

The applicant requests Preliminary Plan approval for the Ravenwood/Brow Tine Subdivision, an Alternative Residential Subdivision creating 42 Unit Lots with common wall dwellings and one (1) parent-lot.

### **Staff Recommendation**

Staff recommends the Planning Commission adopt the director's analysis and findings and approve the Preliminary Plan with conditions.

Ms. Rintala voiced that on Page 117, it says under common wall subdivision regulations, framing inspections must be completed before final plat approval. She said it makes sense that the alternative residential subdivisions give developers a lot more flexibility. She asked that Staff discuss the fact that all 42 units would have to be framed before the subdivision is completed under common wall subdivision regulations, as that seems onerous.

Director Lawhorne responded that is how the code is written, but it is clunky and unrealistic unless there is a lot of money to burn. She noted that a person cannot legally sell a lot until the final plat is recorded, so they cannot even pre-sell. She explained the reason for this code, from her understanding, is they had a surveyor who made mistakes, and they decided to fix the code instead of addressing the single surveyor. She noted this is why they do not see many common wall developments being built now, and code needs to be addressed and fixed. She recommended that common wall subdivisions should be treated as a traditional subdivision.

Scott Jenkins, applicant representative, stated the engineering is already 95% done, so they are just following the guidelines they were told to and are there to answer any questions.

Alec Venechuk, with Last Frontier Surveying & Engineering, expressed he is the surveyor of record that was hired by the applicant.

Chair Cole asked Mr. Jenkins to speak about the outline of the project and what the vision is.

Mr. Jenkins responded that they purchased the subdivision with a plan already in place of 21 zero lots, engineering was done, a lot of design was done, and they wanted to stick with the same format, but then found out there were issues with having to build all lots at the same time and get the final plat recorded. He said they worked with CBJ and were presented with the new style of subdivision as an alternate, which gives them the flexibility to do what they want to do and stick with the original engineering and design and can now create 42 lots instead of 21.

Mr. Epstein asked for clarification that it is 42 units and 21 common wall buildings.

Mr. Jenkins answered that the style of the subdivision allows them to do 42 units. He noted that they have the ability to have separate units or have the common wall construction.

Mr. Venechuk added that the advantage of an ARS to the developer is having flexibility. There have only been two ARS's that have gone through. This development is targeting smaller overall footprint buildings at denser unit lots.

Mr. Epstein inquired if one of these budlings could be a single-family home or duplex.

Mr. Jenkins answered yes.

Chair Cole clarified that zero-lot line or common wall is different from a duplex. She then asked what the plan is for construction, assuming they continue around the route of 21 common walls.

Mr. Jenkins responded that for the site work, it would all be done in one shot, but moving into construction, their goal is to provide both lots to be built on, and construct units they can sell themselves. He said, at this point, they would go as fast as they can to provide units to sell, but they do not have an exact timeline. They anticipate site work to be completed by fall, and they will move forward with construction as soon as possible.

Mr. Bell said they have a pretty ambitious task ahead of them, and he supports the building of homes and development of subdivisions. He stated that they have a good definition of how it is going to go this year should they reach a certain milestone, but he asked for more specifics on how many units they are looking to build and their definition.

Mr. Jenkins expressed there are many lots, and they are going to have to look at where interest rates are, competition, and how fast they can move. He said they can build as many as they can and get foundation in before winter or sell lots to other developers to develop on their own. He added they need to get the infrastructure done and then go as fast as the market allows.

Chair Cole inquired about ARS sidewalks.

Mr. Jenkins answered there is a sidewalk on one side where they are required to connect with crosswalks on the street.

Mr. Epstein asked for more information on the affordability feature of their homes.

Mr. Jenkins responded that at this point, this alternative subdivision allows them to get a higher density of lots in as compared to a normal subdivision, so their goal is to be much less than what they see in comparison available right now, in the \$125,000 to \$150,000 range, for a lot that is prepared for a contractor to come in and dig foundation, as opposed to a more expensive lot that has all the site work that still needs to be done. However, they do not have a set sale price yet.

Mr. Pedersen asked for clarification on the references to phases one and two in the documents.

Mr. Jenkins answered that it is a carryover from the original owner they purchased this from, but since they are hiring a contractor, it would cost more money to do it in two phases, so they are not planning to do that.

Chair Cole opened public testimony.

There was no public testimony.

Chair Cole closed public testimony.

Chair Cole asked for questions for the director or city staff.

Mr. Pedersen noticed that on some of the materials, it indicates streets being a separate lot. He asked if it is public infrastructure that gets turned over to the city or something that changes the way the street infrastructure is maintained in an alternative residential subdivision.

Director Lawhorne answered that it can be either a city street or a private street, but in this case, it is intended to be a private street, and the maintenance of it will be part of the homeowner's HOA and they will be responsible for maintaining the parent lot, the private, parking, or any other common elements.

Chair Cole asked Director Lawhorne if she had discussions with the applicant about managing an HOA of that size.

Director Lawhorne responded no, but they have the code, and it sounds like they are familiar with another ARS with many more owners involved.

Chair Cole said they understand there is a process for ARS, and it happens over time, but asked if they would come back if the 41 common wall dwellings are not built and there is another mix the developer decides on.

Director Lawhorne voiced that she hopes before the final plan comes before the Commission, that the applicant would know that. If not, it would likely take a modification of the plan, but she was unsure about the plan.

Chair Cole asked how confident the Commission will feel approving this given how many times they can potentially come back and how many options are out there. She also asked how much flexibility there will be if they say yes to the 41 common wall lots right now.

Director Lawhorne answered that if the Commission says tonight, they have 21 common wall lots, they would essentially be approving the common walls.

Chair Cole asked if they could give more flexibility and still accept the findings and conditions, or if it would be 42 lots and without mention of the common wall. She added that she believes the common wall is cared for in the findings and conditions, so she is not sure how they can allow more flexibility but thinks the project should be as flexible as possible.

Director Lawhorne responded that for the most flexibility going forward, it would be best to leave it at 42 unit lots and not specify common wall at this time to allow the applicant to proceed and do either single family detached, common walls, or a mix.

Mr. Epstein suggested saying an alternative residential subdivision creating up to 42 unit lots with up to 42 common wall units, which will allow them to mix and match any way they want.

Director Lawhorne said she was confused, as if it is up to 42 common walls, she would interpret that as if they are building all 42 common walls and not a mix of single family or common walls.

Chair Cole asked if they could approve 42 lots with any greater density than one dwelling unit whether it's a single-family home or common wall.

Director Lawhorne responded that makes sense, but if they wanted to change the lots to increase it, it would require re-platting and trigger a Commission review.

Mr. Pedersen expressed that unit lots is not a term he is very familiar with, opposed to a subdivision creating 42 lots with up to 42 units.

Director Lawhorne agreed they do not use unit lots very often, as it is only in the alternative residential subdivisions, but they are different in that they do not have a minimum lot size.

**MOTION:** *by Mr. Epstein to accept staff's findings, analysis, and recommendations, and approve ARP2024 0001, an alternative residential subdivision creating up to 42 unit lots with up to 42 common wall units and one parent lot subject to the conditions set forth in the meeting packet.*

Mr. Epstein explained the insertion of the words "up to" provides the developer the ultimate flexibility to mix and match as he sees fit.

Mr. Pedersen stated that in the framework of the ARS, they do need to specify that they are allowing common walls and detached, so it would need to read 42 units with up to 42 common wall or detached single family units.

Mr. Epstein withdrew the motion and replaced it.

**MOTION:** *by Mr. Epstein to accept staff's findings, analysis, and recommendations, and approve ARP2024 0001, an alternative residential subdivision creating 42 unit lots with up to 42 attached or detached single family units and one parent lot subject to the conditions specified in the meeting packet.* The motion passed.

**AME2025 0001:** Proposed amendments to Title 49  
**Applicant:** City and Borough of Juneau  
**Location:** Borough-wide

### **Director's Report**

The proposed ordinance amends the Title 49 Land Use Code Relating to Rules of Construction, Permits, Equivalent Use Determinations, Determination of Minor Versus Major Developments, Accessory Dwelling Units, Caretaker Units, and Transition Zones. Revisions are being considered under the accelerated program. Rather than approving code changes, the Assembly has asked the Commission to provide feedback by March 28, 2025. The Assembly will decide on approval.

### **Staff Recommendation**

Staff recommends that the Commission provide a recommendation to approve the code changes.

Chair Cole explained that this original hearing was February 25th and was continued to today.

Mr. Dumouchel explained the last portion removes confusing and outdated language and confirms that you can put minor uses together without creating a major use, but the big item they intend to talk about is removing a specific dwelling unit limit for multifamily developments that meet all other standards. He explained that means if there is a multifamily project and it meets all items in code, it can be approved by-right. He noted this is an aggressive move, but development of housing is top priority for the assembly.

Chair Cole inquired why this language was so conservatively designed in the beginning if it is aggressive.

Director Lawhorne guessed that it was written conservatively, like much of the code, and any sort of new development was taken with a lot of care and/or fear of what would be developed with knowing that we need the development. She believes the code is part of the reason we have a housing shortage.

Mr. Dumouchel agreed that they go a little too tight and then release overtime, and he thinks that is the phase they are in.

Ms. Keller asked what the process looks like if a permit for a major development is not needed.

Director Lawhorne responded that she looks at this similar to minor subdivisions. She said that right now they still notice the abutters so they know what development is happening and they can submit comments if they wish. She could not remember getting any life safety concerns, but if they did, they take note of that. She stated they take agency input on cases the Commission hears, and she has authority over most of the permits. They would know the development is happening but would not necessarily have input on it.

Mr. Dumouchel agreed this is using existing zoning code to approve things by-right and not go through the additional process.

Ms. Keller asked if, hypothetically, there could be a 500-unit development without any public process other than letting neighbors know.

Chair Cole answered yes.



Ms. Keller expressed that looking back, they have had a lot of discussions on developments that were larger and met the code that often had other concerns.

Director Lawhorne voiced that they get a lot of comments from certain areas of town at times, but not everyone has the luxury of showing up to public meetings, but it is the responsibility of staff and the boards to care for the people that cannot afford to show up. She explained that just because they are not showing up, does not mean they don't care. And in other subdivisions where a lot of other people show up, it does not mean they care. She added that the reality is that on a platting case, they have very little authority outside of what is required by the code.

Mr. Pedersen reminded that during the minor review process, it is still going to go through comments of Public Works, DOT, and Fire, and that should address life and safety concerns.

Mr. Epstein expressed that if people cannot show up, they can always write in or submit a comment. Chair Cole added that is true as long as there is a conditional use hearing.

Ms. Derr commented that this gives a lot of power to the CDD director, but they cannot be in that position forever. She asked what can be done to make sure things do not fall through the cracks in the future.

Director Lawhorne responded there is no guarantee, but she has made an effort in hiring, so she has a strong team coming up behind her and they agree with the community's policies and CBJ's policies. She added that the Commission likely has to stay involved. She added that a new comprehensive plan would also help direct future directors and staff across the city and working with Mr. Dumouchel as he rewrites Title 49 on where concerns may lie and how the code can mitigate for that.

Mr. Dumouchel stated the director will not have the ability to go beyond what is existing in code, so if there is a project that needs a variance or wants to go above and beyond, that needs to come back to the Commission, but if it's been in the box that has been approved, they are trying to set up the ability to move forward within the box.

Chair Cole asked if they considered moving the cap or line upward when this aggressive move was considered rather than removing it altogether. And if so, why did they reject that.

Mr. Dumouchel responded that he considered different ways to go about it, but it came down to the level of need and what he had been hearing from the community and from others that providing maximum flexibility is a good way to help speed up development of housing. He is not opposed to a cap discussion but recommends that it is much higher than 8 or 12 units. He said this is an aggressive move, but not illogical and if they find it is too much, they can rein it back in.

Chair Cole shared a couple scenarios where this may not work and asked if he considered those.

Mr. Dumouchel agreed that she brought up good points, but they are either very unlikely or would fall into the alternatives subdivision standards that they have.

Chair Cole expressed that they have very few tools to deal with underdevelopment, but one tool they have is public pressure.

Mr. Dumouchel said he had similar concerns about underdevelopment and wants to see that strongly reflected in the comprehensive plan to back up the zoning code enforcement of setting a baseline they must exceed.

Chair Cole opened public testimony.

Michael Heumann offered his perspective as a professional full-time developer. He stated that he loves all the laws, rules, and regulations, and always finds a way to get what he needs done and does not have a problem with the current code. However, as a citizen, he expressed that every rule, requirement, or condition they have is driving up the cost to deliver new housing. He added that if we really care about the beauty of the city, they need to get as many people into a small area as possible and let nature do its thing for the rest of the city.

Mr. Epstein asked Mr. Heumann how he felt about the multifamily unit cap removal proposal.

Mr. Heumann answered that scheduling planning commission hearings can sometimes cause delays and that is unfortunate, but having to write reports sucks up a lot of planner's time and he would love if our city planners could spend time focused on planning and not writing reports all day, so hopefully this will cut down on that. He was in favor of it.

Chair Cole closed public testimony.

Chair Cole asked for any final questions or recommendations for staff.

Ms. Keller suggested that the points made by the Commission tonight be given to the Assembly to discuss and state how they feel about it.

Chair Cole stated they are looking at a clear opportunity to make public comments about projects with this.

Ms. Derr recommended voicing the importance of the comp plan coming and conjoining this to the Assembly.

Chair Cole commented there are a lot of things that come out in the public hearings, and it gives them an opportunity to talk about the real priorities for the city when they do approve projects with concerns on the public record. She shared that she cannot totally let go of that as an important community building step but did not know if that was enough to prevent her from supporting this, because she believes it will help development happen if there is less waiting time and still supports no cap at all even though this is very aggressive. She noted it was a worthwhile point to offer the Assembly as they are making decisions.

Ms. Rintala voiced that as a body they are pretty enthusiastic of most of these proposals, and she appreciated the notes and concerns they have talked through and that have been raised. She wants to be sure that enthusiasm is captured while also raising points for consideration.

Ms. Keller expressed they owe a certain level of transparency to the community they are serving, and she is concerned about taking that away even if it helps developments happen faster.

Mr. Salik asked to re-visit the ADU conversation. He said they briefly discussed how an ADU could change the flavor of the neighborhood and could be challenging for some, and that is why he brought up the concern about people using RVs or mobile homes as ADUs. He felt that the Assembly should know they discussed that.

Director Lawhorne clarified that if you own an RV, you could park your RV but cannot use it for rental purposes or an ADU purpose. She said the mobile home is trickier to answer, as technically if someone has a lot that can have a single family home, we cannot say that it could be a mobile home or has to be stick built, partly due to the Fair Housing Act, but it cannot be mobile and has to be skirted.

Mr. Pedersen suggested putting in a section saying the Planning Commission needs to have the ability to interpret code under the rules for construction.

Chair Cole stated they will include a notice of recommendation with the summaries, as they are hoping to give the Assembly an overview of concerns that stood out to them that were asked, answered, or explained.

#### **XI. OTHER BUSINESS**

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

Director Lawhorne announced they have a new planner that will start in April. The comp plan is underway at a staff level, and the public engagement will be kicking off in April. She noted there are two times and dates, one in the daytime and one in the evening. She said they will be coming to the Planning Commission soon with a recommendation for the Comprehensive Plan Advisory Committee Members of about 16 members. She voiced that round 5 of the Juneau Affordable Housing Fund will be underway this year and CBJ hired a new emergency manager, and they are working closely with him in getting more emergency training. They are still expecting a GLOF this summer and are making sure everything is cared for.

Chair Cole asked for clarification that the Commission will not have a standing seat on the Comp Plan Advisory Committee.

Director Lawhorne answered that is her understanding, but in the past, the Commission has designated a liaison to attend those.

Mr. Pedersen asked how those members will be selected or how they can apply.

Director Lawhorne responded that they put it out to all neighborhood groups on record with the city clerk, reached out many ways to the tribes, and reached out through CDD and the managers to different entities and individuals. She said her goal was to get past the people they usually hear from and get a solid representation of the entire community. They received 27 applications.

**XIII. COMMITTEE REPORTS**

Mr. Pedersen said he missed the last Douglas West Juneau Steering Committee's Meeting, but he will attend the one tomorrow and looks forward to seeing what progress has been made and hopes to get it wrapped up quickly.

**XIV. LIAISON REPORTS**

Christine Woll stated the second Crossing PEL Study, that took longer than expected, will be wrapping up soon, and DOT and their contractors have been working on evaluating locations for a potential second crossing against criteria and recently released their final rankings of those locations. She said their goal was to narrow the list of options that may be considered as part of NEPA and have narrowed it down to five options. She voiced that Huna Totem Dock should move to a decision place in the next month, and the Assembly budget process will also kick off in about a month. She expressed that it has been great to get to listen to the Planning Commission's recommendations on the Title 49 changes, and she knows the Assembly will also enjoy hearing them.

**XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Epstein noted he will not be at the next meeting on March 25, 2025.

**XVII. EXECUTIVE SESSION**

**XVIII. SUPPLEMENTAL MATERIALS**

**XIX. ADJOURNMENT**

The March 11, 2025, Planning Commission Meeting was adjourned at 7:55 p.m.