

# ***APPROVED MINUTES***

Agenda

**Planning Commission**

***Regular Meeting***

CITY AND BOROUGH OF JUNEAU

*Mandy Cole, Chair*

December 10, 2024

## **I. LAND ACKNOWLEDGEMENT – Read by Mr. Arndt**

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 7 p.m.

**Commissioners present:** Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Travis Arndt, Clerk; Matthew Bell, Assistant Clerk; Adam Brown; Nina Keller; David Epstein, Lacey Derr.

**Commissioners absent:** Jessalynn Rintala

**Staff present:** Irene Gallion, Senior Planner; Daniele Gaucher, CDD Administrative Officer; Madeline Carse, CDD Administrative Assistant; Jason Larson, Planner II; Jolene Murphy, Planner

**Assembly members:** Christine Woll

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

## **IV. APPROVAL OF MINUTES**

**A.** October 22, 2024 Draft Minutes, Regular Planning Commission

**MOTION:** *by Mr. Brown ... to approve the October 22, 2024 Planning Commission Regular Meeting minutes.*

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

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

**VII. ITEMS FOR RECONSIDERATION**

**VIII. CONSENT AGENDA**

**USE2024 0018:** The applicant is proposing to open a 463 sq. ft. marijuana retail store at 5690 Glacier Hwy Unit 19.

**Applicant:** The Mason Jar

**Location:** 5690 Glacier Highway

**Director's Report**

The applicant requests approval for a Conditional Use Permit to convert the small retail space of a large commercial building into a Marijuana Retail Store of approximately 493 sq ft. It will be in Unit 19, in the front portion of R&S Rental's storage unit building, which was originally designed and operated as a "Subway" sandwich store in 2009. It is located at 5690 Glacier Hwy which is a General Commercial zone district.

The permit would allow for marijuana sales between the hours of 8:00 am and 11:00 pm and would operate under state and local requirements, respectively.

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2024 0018.

**MOTION:** *by Mr. Arndt to accept staff's findings, analysis, and recommendations, and approve USE2024 0018.*

**USE2024 0019:** Applicant requests a Conditional Use Permit to remodel an existing garage into a 219 square foot accessory apartment in a D1 zoning district.

**Applicant:** Galen Lamphere-Englund

**Location:** 20136 Cohen Drive

**Director's Report**

The applicant requests a Conditional Use Permit for an existing 219 square foot detached garage to be converted into an accessory apartment. This property is certified nonconforming for lot size and the addition of the accessory apartment will not aggravate the nonconforming situation.

**Staff Recommendation**

Staff recommends the Planning Commission adopt the Directors analysis and findings and APPROVE Conditional Use Permit USE2024 0019.

**MOTION:** *by Mr. Arndt to accept staff's findings, analysis, and recommendations, and approve USE2024 0019.*

**IX. UNFINISHED BUSINESS**

**X. REGULAR AGENDA**

**XI. OTHER BUSINESS**

***2025 Proposed PC Meeting Dates***

**MOTION:** *by Mr. Arndt to approve the 2025 Proposed Planning Commission Meetings Dates as listed.*

***Draft Rules of Order for Discussion***

The Planning Commission discussed changing the meeting time to 6 p.m.

Mr. Brown was a proponent of the later start time, especially in the summer season to take advantage of the season that they get. He suggested a seasonal time change, where in the summer they start at 7, but in the winter stay at 6.

Chair Cole and Mr. Pedersen had no preference.

Ms. Derr, Ms. Keller, and Mr. Epstein were in favor of an earlier start time.

Chair Cole asked what everyone thought about the seasonal time change.

Mr. Epstein asked what would be considered seasonal.

Chair Cole responded probably May to September. She added that she does have some hesitation moving it to 6, as some people agreed to serve at 7 due to work schedules.

Ms. Keller suggested that if they know they have a full agenda, they could start the meeting earlier.

Chair Cole expressed that is difficult because of the notice they have to give. She said the only drawback about the seasonal is making sure the public knows, but they could publish that.

Ms. Keller asked suggested a compromise of 6:30.

Mr. Bell supported the idea of doing seasonal start times as long as they give proper notice to the public.

Mr. Pedersen wondered if it would be prudent to just say the regular meetings shall start between 6 and 7 p.m., so they can change the start date without having to revise the rules of the order.

Ms. Gallion expressed that she does not have a position on this and staff can work with whatever they decide.

Mr. Arndt suggested striking it, as it does not matter what the rules say about the time and does not really need to be in the rules.

Chair Cole responded that she understood that, but thought they probably should have some framework within the Governance Rules. She said from what she has heard so far, it feels like the best compromise is to amend the meeting rules that the regular meetings shall begin between 6 and 7 p.m., the second and fourth Tuesdays of each month and that it would be publicized which part of the year we are in.

The Commission agreed on that.

The next strikeout pertains to, "If any member reaches three unexcused absences from regular, special, or committee meetings in one calendar year, the director will notify the Assembly Human Resources Committee."

The next edit was where they struck the word "follows" and say, "as necessary" and got rid of the specific Wetlands Review Board.

She moved to Rule 9 (3), where it states, "The applicant or applicant's representative will have an opportunity to present information regarding a request and respond to initial Commission's questions. Applicant must notify the CDD administrative staff if they wish to participate remotely and must provide their username." Chair Cole stated she believed the old rules noted that applicants must be here in person, and they

changed it to allow the applicant to present remotely if they gave staff a heads up first. She asked if that was correct.

Mr. Arndt stated that he did not remember them not being able to testify remotely, but there was always confusion of if they were not in the room.

Mr. Pedersen added that he remembered that sometimes they did not know if the applicant was present, and decided it would be more helpful if Staff knew if the applicant was participating remotely so they could bring them on when it is time.

Chair Cole asked if everyone was okay with letting people know that if they have not notified CDD staff that they cannot participate remotely, even if they are on Zoom to participate.

Mr. Epstein asked if there was a deadline by which they have to notify staff.

Chair Cole stated it does not appear there is one, and there probably should be.

Mr. Arndt shared that he did not know if a deadline mattered and suggested just doing it up until the start of the meeting.

Chair Cole asked Ms. Gallion if staff had any feelings about that.

Ms. Gallion responded that for the most part, they make sure the applicant knows how to participate and ask them how they are going to participate, so she is not sure what the impetus was for this.

Chair Cole voiced that if they leave it as written, the interpretation will be that the applicant can notify CDD anytime up until the beginning of the meeting.

The Commission agreed on that.

The next strikeout is on Rule 9 (f), "Except in accordance with Rule 17, remote participation by an applicant or member of the public is not permitted." She explained that they struck that, as they would treat these are truly hybrid meetings and anyone can choose to be online and still present.

The next edit is to Rule 11, the written and illustrative materials. She said the main idea behind this rule is that they all have to be looking at the same thing to make a decision. She expressed amendments were made to change that the original staff report should be published by close of business from 8 days to 6 days before the hearing and the director may extend the publishing deadline to close of business six days before the hearing. The next edit was that the director in consultation with the Chair can extend the timely material deadline to noon the day before the hearing if necessary. She said they were just trying to give the public enough time to submit materials if they did not know the item was on the agenda. The last edit on the page, stated, "Must provide 15 copies of the written material and email the material to the Chair no later than 8 a.m. the day of the hearing for distribution to the Commission."

Mr. Arndt commented that bringing in 15 copies is more difficult than it sounds, especially if CDD makes a change right at the end. He said that makes it difficult for people online and he does not know a solution for that. He pointed out that it used to say email CDD, but now it says the Chair.

Chair Cole believed the idea was that CDD staff felt that they did not know if they would be able to email to all of the commissioners who would be remote, so they were thinking that if they can send something to the Chair prior to the meeting, the Chair could send materials to everyone.

Mr. Arndt voiced it is also an Open Meetings issue.

Chair Cole agreed that was a good point and they need to ask Ms. Layne (ph) about that.

Mr. Brown asked if CDD could take a picture and make it a screenshot to display.

Chair Cole said that would depend on how long the materials are.

Mr. Pedersen added he was not sure how to bypass the Open Meetings issue.

Chair Cole stated that the main question is if they want people to be able to submit materials at the meeting, and if they do, they have to have an electronic copy so they can make a decision with everyone having the same information.

Mr. Arndt pointed out the limit on pages is two single cited pages. He suggested screenshotting two pictures and share it on the screen during the hearing.

Chair Cole asked if the onus should be on the person bringing the material or staff to do the sharing.

Mr. Arndt added that is what this is for, is accommodating the public.

Mr. Brown suggested that if they want to have a deadline, it could be at the start of the meeting so they would have a few minutes to get that set up while they are doing other parts of the meeting.

Chair Cole said then they would not have to have the email material to the Chair, but could say any written material will be shared via Zoom with all commissioners.

Mr. Arndt suggested just saying it will be shared instead of listing the way it is going to be shared.

Mr. Pedersen agreed that as long as they provide the 15 paper copies and bring an electronic version of materials for the presentation to the members that would suffice.

Chair Cole asked if they need an electronic version if the idea is for the Chair or staff to take a picture and share it with CDD staff to put up.

Mr. Pedersen stated that the person providing the material could take a picture of the document and provide it to staff before the meeting if needed.

Ms. Gallion noted that one thing to keep in mind is what the materials are that are being looked at. She said that if they are posting two typed written pages, the value of having that on Zoom may be dubious opposed to a PowerPoint. They also need to consider that there will be some inertia associated with it, depending on what programs they are able to use.

Chair Cole voiced that they were trying to keep it as low tech as possible.

Ms. Gallion added that if they can have it by 8, they can post it on the internet and people can go to the webpage to see the document.

Ms. Keller asked about putting a scanner into the room and make a PDF of it to put on the screen.

Ms. Gallion expressed there is a process and it is not CDD's decision, but the Commission would have to express interest in something like that.

Ms. Derr commented that she would feel more comfortable leaving it with an 8 a.m. deadline to give them the ability to distribute it the way it should be.

Mr. Brown stated this is a two-part problem, which is CDD sometimes makes changes last minute and they need additional time for that, so if they make the deadline 8 a.m., they also have to have a deadline to get information to the applicant.

Chair Cole said it felt like there was a compelling reason to allow the public some grace in bringing in materials if needed.

Mr. Arndt asked about directing one of the cameras to shine down on extra documents to show it.

Ms. Keller expressed that it is very easy to make a document into an electronic format so they should be able to pull that off.

Chair Cole voiced that they should say "and email the material to the Chair prior to the hearing". She said ultimately if they have it available she thinks they can get it out.

Mr. Arndt asked specifically what wording changes would be made. He asked if they are striking out the no later than 8 a.m. the day of the hearing.

Chair Cole answered yes.

Mr. Epstein asked if there was a limit on the amount.

Chair Cole responded that it says no more than two single sided printed pages of information are allowed to be submitted at the hearing.



Ms. Keller asked what happens if they do not have a deadline and the Chair gets it 15 minutes before the meeting.

Chair Cole said she would be able to check it on her laptop or phone.

Mr. Epstein asked if the applicant does not provide the 15 copies, but emails the Chair, would it be inadmissible.

Chair Cole responded yes.

Ms. Keller commented that she is struggling on why this has to go through the Chair when there is technical support here.

Chair Cole responded that the discussion was that staff's capacity is limited, so they wanted to accommodate staff's request to not put more technical change it later.

Mr. Epstein said that for him, if an applicant comes in 10 minutes before the meeting with 15 copies, it will be difficult to instantaneously digest that material. He asked if the Chair would give the Commission a certain amount of time to review if that happens.

Chair Cole stated that any member of the Commission can request an at ease in order to digest the material, but often times it is pictures.

Mr. Arndt voiced that if it stays with the email, they need to post that whoever is running the meeting to be sent the information instead of the Chair, because sometimes the Chair is out.

Chair Cole asked if there was any objection to change the line to "15 copies of written and illustrative material and provide an electronic copy of that material to the Chair of that specific meeting to be shared electronically with the remote Commission".

There was no objection.

The next strikeout on Page 10 (c), is changing, "shall endeavor to" to "will". She explained that this means that if someone will be remote for the meeting, they need to tell them by the day before or morning of.

There was no objection to that.

Chair Cole stated that on (M) is states, “as used in these rules, remote means any system for synchronous to a voice communication or video conferencing technology. Members of the Commission participate remotely with video and sound technology. If the member of the Commission cannot participate with both video and sound technology, the member may not participate as a voting member.” She said the theory behind this is that they don’t like blank squares. There have also been plenty of times where people have spotty internet service and have to turn the camera off to preserve bandwidth. She asked the Commission if they wanted to keep it as written, where it states that if a commissioner cannot be seen by video, they cannot vote.

Ms. Keller commented they should be able to vote, even if they have to turn on video just for the vote.

Chair Cole said they have tried all of those things. She expressed that as the Chair, she does not want to preside over a meeting where a commissioner is just telephone the entire time. She added that the public is allowed to be telephonic only, but they specified in the rule that the Commission has to participate with video and sound.

Mr. Brown commented that it says, “two-way voice communication, e.g. telephone or video conferencing.”

Mr. Bell said there have been a couple times recently where he had a problem with his internet and staff said his vote would not count if they could not see him in person, and that is difficult to do when they are the emergency room with someone. He added that it is very well defined in the rule on two-way voice communication.

Chair Cole noted they have to determine whether they all feel comfortable participating in a meeting where a commissioner participates telephonically without video. She added that they do allow the public to participate that way, but they have not intended to allow commissioners to attend only telephonically. She added that when they went over this prior when Mr. Levine was the Chair, the understanding was that if you are going to participate as a voting member, you had to have video and sound.

Ms. Derr said a few months ago she got a new laptop and got onto Zoom and the camera would not connect, but she could still use the raise hand function and be an

active member. She expressed it would have been a bummer to not be able to participate. She understood the preference to have video and audio, but did not agree to remove a member's ability to vote if they can't have video. She added that she hopes they could be as flexible with the panel members as they are with the public.

Mr. Epstein stated that in his experience with other Boards or at work, he has not noticed them requiring everyone to turn a camera on. He did not think it was a hinderance to the operation of the Commission to participate by voice only.

Chair Cole commented that her preference is strong for a camera, because they are charged with making decisions in front of the public about public matters and it does help to understand that someone is putting their full attention to what is in front of them, and that is hard to tell without being able to see them. However, she does understand there are sometimes technical difficulties.

Mr. Arndt stated that he can see why they want video instead of just telephonically, but does not recall it being detrimental before. He noted that it may increase absences. He said that if a Commissioner is somewhere with spotty service, they may decide not to participate in the meeting if they cannot vote.

Chair Cole voiced she can be comfortable with a strong preference as long as technology allows, and trusts everyone moving forward with their best intentions. She changed it to "Members of the Commission shall endeavor to participate remotely with both video and sound technology."

**MOTION:** *by Mr. Brown to accept changes to the current Governance Rules for the Planning Commission, including the changes in the draft here and the amendments made.*

***Appointment of two members to the Douglas West Juneau Steering Committee***

Ms. Gallion gave an overview of the process of appointment members to the Steering Committee for the Downtown Douglas West Juneau Area Plan.

Mr. Arndt noted one of the applicants mentioned only being able to do it the meetings are on Zoom. He asked if they meet in person or Zoom.

Mr. Pedersen stated that this particular steering committee met on Zoom for a long time with COVID, but now the meetings are generally in person without the ability for Zoom.

Ms. Gallion confirmed with staff earlier that they will have Zoom capability at all steering committee meetings from here on out.

Ms. Derr stated that she respects needing to go hybrid occasionally for conflict issues, but when she applied for a public board, she planned to be there in person to represent to the public, and that is important.

Mr. Brown agreed with Mr. Pedersen and Ms. Derr.

Chair Cole expressed that she appreciated all the candidates and their willingness. She added that there are so many opportunities to be involved in these projects with this Board and CBJ, and encouraged people to apply for those positions if interested.

**MOTION:** *by Mr. Pedersen to appoint Brian Lieb and Darron Snyder to the Douglas West Juneau Steering Committee.*

Ms. Gallion stated that staff is asking for confirmation on who the commission liaison is for Downtown Douglas West Juneau Steering Commission.

Chair Cole answered that it is Mr. Pedersen, but his term is up at this end of the month, so that may be changing in the new year.

## **XII. STAFF REPORTS**

Ms. Gallion introduced new staff. She pointed out two pieces of correspondence that were in the packet, including the Alaska Department of Transportation and Public Facilities providing training on design for pedestrian safety, and correspondence from Ms. Tonja Moser (ph) expressing concerns with current code on subdivision. She stated they had fraudulent emails that went to the applicants today saying they have to pay \$15,000 in fees today or their case will not be heard tonight.

## **XIII. COMMITTEE REPORTS**

## **XIV. LIAISON REPORTS**

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

## **XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Epstein wished everyone a Merry Christmas, Happy New Year, and Happy Hanukkah.

Chair Cole noted that this is Mr. Arndt's last meeting, as his term is up. She thanked him and said they are losing some longevity, experience, and wisdom with his leaving.

Mr. Arndt stated that it has been fun, he has learned a lot, and has worked with a lot of great commissioners and staff.

Chair Cole stated that they did read Ms. Moser's comment and she brought up good points, and there is a vehicle to make changes as Title 49 is being rewritten. She encouraged her to send those comments to Mr. Dumouchel (ph) at CBJ.

**XVII. EXECUTIVE SESSION**

**XVIII. ADJOURNMENT**

The December 10, 2024 Planning Commission Meeting was adjourned at 8:20 p.m.