

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Nathaniel Dye, Acting Chairman
July 27, 2021

I. ROLL CALL

Nathaniel Dye, Acting 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 –; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Dan Hickok; Mandy Cole; Erik Pedersen

Commissioners absent: Michael LeVine, Chairman; Josh Winchell; Ken Alper

Staff present: Jill Maclean, CDD Director; Alix Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Sherri Layne, Law

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – At CDD’s request, **PWP2021 0003** postponed to August 24, 2021.

III. APPROVAL OF MINUTES

A. Draft Minutes May 11, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Arndt to approve the Planning Commission Regular Meeting May 11, 2021 minutes with a correction to item **XVI: Planning Commission Comments and Questions** to note the comments by Mr. Arndt and Mr. Voelckers were referring to the issue of Variances.*

B. Draft Minutes June 22, 2021 Planning Commission Special Meeting

MOTION: *by Mr. Arndt to approve the Planning Commission Special Meeting June 22, 2021 minutes.*

C. Draft Minutes June 22, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Arndt to approve the Planning Commission Regular Meeting June 22, 2021 minutes.*

- IV. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Acting Chairman Dye briefly explained the rules for participating via Zoom format
- V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None
- VI. **ITEMS FOR RECONSIDERATION**- None
- VII. **CONSENT AGENDA** – None
- VIII. **UNFINISHED BUSINESS** – None
- IX. **REGULAR AGENDA**

PWP2021 0003: ~~A reduction from 14 required off street parking spaces to 9 to serve a daycare expansion~~

Applicant: ~~Kayla Svinicki~~

Location: ~~4341 Windfall Avenue~~

Staff Recommendation

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Parking Waiver. The permit would provide a parking reduction from 14 required off street parking spaces to nine to serve a child care expansion at 4341 Windfall Avenue in a D3 Zone.~~

~~**MOTION:** *by Mr./Ms. ... to accept staff's findings, analysis and recommendations and approve PWP2021 0003.*~~

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

AME2018 0001: A text amendment to revise and update Title 49 Section 49.25.510(k) Accessory Apartments and other related sections of the Land Use Code

Applicant: Larry Johansen

Location: 275 Irwin Street

Staff Recommendation

Staff recommends the Planning Commission ADOPT the Director's analysis and findings and make

a recommendation to the Assembly to APPROVE the proposed text amendment to amend CBJ 49.25.300, Table of Permissible Uses (TPU); CBJ 49.25.400, Table of Dimensional Standards; CBJ 49.25.510(k) Special Density considerations – Accessory Apartments; and CBJ 49.80.120, Definitions in regard to accessory apartments.

STAFF PRESENTATION – Ms. Pierce presented **AME2018 0001** Text amendment to revise and update Title 49 Section 49.25.510(k)

COMMISSIONER QUESTIONS -

Mr. Voelckers asked if Planning Commission would be involved on any accessory apartment permits or if it would be at the department level. Ms. Pierce said it would be at the department level.

Mr. Arndt noted Ms. Pierce's presentation showed an accessory apartment with a parking waiver would still have to come before the PC. He asked if it would be the parking waiver alone or both the accessory apartment and parking waiver permits that would be before them at that point. Ms. Pierce explained it would be just the parking waiver but if the parking waiver was not approved then the accessory apartment would not meet its parking requirement and the Director would not approve the accessory apartment either.

Mr. Arndt expressed concern that an accessory apartment creating an additional dwelling unit would then make the building a common wall dwelling on what could be a very small lot. Ms. Pierce clarified the accessory apartment would make it a multi-unit development rather than a common wall dwelling. Ms. Pierce explained that currently accessory apartments on undersized lots often come before the PC as Conditional Use Permits (CUP). CDD is looking to add language to the Ordinance to allow Director approval in these situations.

Mr. Hickok asked if a duplex with an accessory apartment would then be a triplex. Ms. Pierce said it would be a duplex with an accessory apartment.

Mr. Pedersen asked if staff had considered how adding an accessory apartment would affect financing options for banks and property owners. Ms. Pierce said the purpose and intent of the ordinance is to make it easier to add accessory apartments but she is not sure how lenders treat a unit that is clearly subordinate to a larger unit but she thought it would be treated as an accessory apartment for lending purposes.

Mr. Voelckers noted that he had understood the PC could give CDD and LAW direction but the proposed motion is to send it directly to the assembly. He asked if the PC suggestions would be added before reaching the Assembly or if CDD would need more time to finalize it. Ms. Pierce said with the intent that clarification would be provided in ordinance language, they could vote to forward it to the Assembly and the language could be drafted in the meantime. She added it is common for LAW to make small changes to ordinance language between the Commission and

the Assembly.

Mr. Dye understands the current process allows for an accessory apartment in a single-family dwelling in a multi-family zone district through a CUP. He asked if the proposal before them maintains that CUP process for accessory apartments or if that is what they are trying to codify. Ms. Pierce said the intent is to make accessory apartment approval at the department level and remove the need for a CUP.

Mr. Arndt suggested adding verbiage to the proposal to clarify the process for adding an accessory apartment to a single-family dwelling unit on a lot not large enough to accommodate a second dwelling unit. Mr. Dye agreed with Mr. Arndt's suggestion and asked if accessory apartments are included in the TPU. Ms. Pierce confirmed it is part of the TPU.

Mr. Voelckers agreed with Mr. Arndt and Mr. Dye and suggested changing the working to something like, "An accessory apartment is allowed in D10, D15, D18, etc., on those lots too small to otherwise provide a second dwelling unit," and establishing a minimum lot size to keep it practical and not deleterious to the neighborhood.

Mr. Dye asked if this is needed since it is covered in the TPU already. Ms. Layne said that would be up to the PC and CDD. Ms. Pierce explained that Staff intent was to clarify in the ordinance that an accessory apartment is allowed in a single-family home in a multi-family district because if it is not clear to the planner working on the ordinance then it may not be clear to others reading the Code.

MOTION: *by Mr. Voelckers to ADOPT the Director's analysis and findings and make a recommendation to the Assembly to APPROVE AME2018 0001 proposed text amendment to amend CBJ 49.25.300, Table of Permissible Uses (TPU); CBJ 49.25.400, Table of Dimensional Standards; CBJ 49.25.510(k) Special Density considerations – Accessory Apartments; and CBJ 49.80.120, Definitions in regard to accessory apartments with an amendment to Staff findings and analysis to include a sentence that clarifies an accessory apartment is permissible in D10, D15, D18 MU, MU2, LC, GC, and WC when the lot is not large enough to accommodate a second dwelling unit per standard density requirements above a lot size of 3000 square feet.*

Mr. Arndt noted according to the Staff report, an accessory apartment would be counted as regular density if the lot was large enough and on an undersized lot. It would only apply if the use were a single-family home and not a multi-family dwelling. He asked if Mr. Voelckers' amendment meant to combine the two so it would not matter whether there is a multi-family or single-family use on an undersized lot.

To clarify, Mr. Dye asked if Mr. Arndt's intent was to ask is it okay when there are two units currently on a smaller lot and an accessory apartment is squeezed in to make three versus if there is already one dwelling unit and an accessory is added to the one.

Mr. Voelckers responded saying it was not his intent to increase nonconformance. He intended to increase density. He thought LAW might have to work on that wording.

The motion passed with no objection.

AME2018 0004: Proposed revisions to the Alternative Development Overlay District, which affects setbacks, minimum lot area, and other issues related to development. The Overlay covers both downtown Juneau and downtown Douglas, but revisions only concern Juneau at this time.

Applicant: City & Borough of Juneau

Location: Downtown Juneau

STAFF PRESENTATION – Ms. Gallion presented **AME2018 0004** Proposed revisions to the Alternative Development Overlay District (ADOD)

COMMISSIONER QUESTIONS -

Mr. Arndt asked what happens when the current ADOD expires in a few days noting it will likely take months to get this finalized and enacted. Will this be a problem in the interim? Ms. Gallion said it will take some time to get this finished but staff is very close and it is worth it to finish the process rather than just extending the ADOD again.

Mr. Voelckers asked about how this would affect existing structures that may not meet the proposed minimum required setbacks. The owners are concerned that with the proposed new ADOD they might not be able to rebuild if there was an earthquake or some other event that destroyed their building. Ms. Gallion explained that is covered in the nonconforming code. If they have a nonconforming certification, they can rebuild. If they do not have a nonconforming certification and the cost to replace the structure (not including foundation) is less than 75% of the assessed value of the building, then it can be rebuilt. If it is more than 75%, they lose the nonconforming rights.

COMMISSIONER COMMENTS-

Mr. Voelckers suggested going through the ordinance line by line saying they could agree on changes along the way and make a combined motion at the end.

Ms. Gallion displayed a copy of the ordinance with Mr. Voelckers' suggested edits.

Page 1

- Lines 18-20

Mr. Voelckers proposed:

49.70.1400 Purpose: Edit to read: *The purpose of this chapter is to establish **optional alternative** dimensional standards that suit the built environment in ~~historic~~ **established** neighborhoods and reduce the number of non-conforming properties. ~~Improving conformance reduces the need for variances or conditional use permits, lessening the burden to property owners.~~*

Page 2

- Lines 3-4

Mr. Voelckers proposed:

(b) Edit to read: *Participation in the Downtown Juneau ADOD is optional, unless required ~~to make non-conforming development more conforming~~ **to establish conforming development**.*

Mr. Arndt asked if participation in ADOD were optional, when would the ‘unless required’ apply. Ms. Gallion said if it was the will of the PC to make it truly an opt-in option, they could modify it to remove that ‘unless required’.

Ms. Cole asked if the CDD would ever deny a nonconforming situation because of ADOD. Ms. Gallion answered property owners should be allowed to choose to participate or not in the ADOD. Ms. Gallion would prefer not to deny anybody the ability to opt out of ADOD.

Mr. Dye asked if it would make sense to strike item (b). Mr. Arndt suggested keeping the first portion and deleting ‘unless required.’ Mr. Voelckers explained his intent with the phrasing he had suggested was to facilitate or allow permission for a property owner to make a modification that might otherwise not be conforming.

- Line 13

Mr. Voelckers proposed:

(h) Existing non-conforming lots ~~can participate in other~~ **can be developed following** ADOD standards.

- Line 21

Mr. Voelckers proposed:

(1) Minimum lot size is 3,000 square feet **for new construction**.

Mr. Dye cited Title 49 discussions and said it would be for existing as well as new construction and said he thought it was meant to read:

(1) Minimum lot size **for single-family use** is 3,000 square feet.

Mr. Arndt added his recollection of the Title 49 discussions were clear about the minimum lot size and anything less than the minimum would be non-conforming.

Mr. Voelckers asked how item (4) ties with the rest of the section as he had thought it was to allow renovations on lots smaller than 3,000 square feet.

Ms. Gallion explained her recollection was the minimum lot sizes were for new lots. Lots that are smaller than 3,000 square feet can still participate in other dimensional standards of ADOD.

- Line 24

Mr. Arndt suggested:

(4) **Existing** lots that do not ~~have~~ **meet** minimum lot size ...

Mr. Voelckers suggested:

(4) ... may ~~participate in~~ **be modified or renovated using** the other dimensional modifications of this ~~part~~ **article**.

Mr. Arndt suggested

(4) ... may ~~participate in the other dimensional modifications of this part~~ **be allowed to opt in**.

Ms. Gallion agreed and pointed out this is saying the same thing as (h) and could be combined and left either in item (h) or in item (4) depending on what makes most sense for developers. Mr. Voelckers thought it made sense to leave it in both places.

Ms. Gallion recapped to confirm (h) will now read: *Existing non-conforming lots can be developed following ADOD standards* and (4) will read: *Existing lots that do not meet minimum lot size can be developed following the other dimensional standards of this article*.

Page 3

- Line 2

Mr. Voelckers proposed:

~~(2) Minimum lot depth is 25 feet.~~

Mr. Arndt asked if there is no minimum lot depth, would it then default to the underlying zoning district. He suggested if the Assembly does not pass lot depth when it comes up next week, then he would propose:

(2) **There is no** Minimum lot depth ~~is 25 feet~~.

- Line 13

Mr. Voelckers proposed:

12 feet and in no case shall any ~~side~~ setback be less than three feet.

- Line 12

Mr. Voelckers proposed:

(B) If lot size is less than required in this section, the required setback sum **for additions or alterations** may be

Mr. Dye suggested that change would be better if added earlier on the page at line 7 or 8.

- Line 25

Mr. Voelckers proposed:

(b) ~~Methodology~~ **Exception Categories**

Page 4

- Line 9

Mr. Dye proposed:

(4) Energy efficiency improvements that do not increase interior square footage, such as exterior insulation, may **reduce** ~~project up to eight inches into a required yard~~ **setbacks by (number of) inches.**

Mr. Arndt agreed pointing out this dimension verbiage is consistent with Title 49.25.430.

Mr. Pedersen proposed:

(4) ... such as exterior insulation **and associated siding materials,** ...

Mr. Arndt proposed:

(4) Energy efficiency improvements that do not increase interior square footage, ~~such as exterior insulation,~~ may project up to eight inches into a required ~~yard~~ **setback.**

MOTION: by Mr. Voelckers to move **AME2018 0004** ADOD language to the Assembly for consideration and adoption subject to the working amendments to the text that were developed tonight

The motion passed with no objection.

MOTION: by Mr. Arndt to recommend to the Assembly to extend and continue existing ADOD regulations as currently written as quickly as possible to extend it to August 1, 2022.

Ms. Gallion reminded the PC that last time this came before the Assembly, the Assembly said they did not want to see another extension. She suggested adding some language to help the Assembly understand why this extension is being requested. Mr. Dye said the assembly has full access to the record and assembly liaison Jones is aware of this discussion and can inform the assembly.

The motion passed with no objection.

At ease 8:45 p.m.-8:50 p.m.

X. **BOARD OF ADJUSTMENT** – None

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Pierce reported Lot Depth, Board of Adjustment repeal and the proposed North Douglas rezone are on the Assembly Agenda Monday

XIII. COMMITTEE REPORTS

Mr. Dye reported Blue Print met but could not maintain quorum and had to schedule another meeting.

Mr. Voelckers reported Public Works & Facilities met last Monday. Topics discussed centered around waste reduction, landfill, organic and compost waste, and junk vehicles.

Mr. Hickok reported Lands Committee met last Monday and approved to send the assembly a request by Norwegian Cruise Line to lease tidelands.

Mr. Pedersen reported Douglas/West Juneau steering committee is on hiatus until Mid-August.

Mr. Dye reported Title 49 work continues on many topics.

XIV. LIAISON REPORTS

Mr. Jones reported on recent Assembly activities

- Joint PC/Assembly meeting is scheduled for August 30.
- Assembly has meetings August 2, August 23 and one meeting in September and then no meetings until October 25
- Committee of the Whole also only has 3 meetings between now and November
- Systemic racism committee will begin reviewing legislation on September 13

Ms. Cole asked if there is any role for the PC during the Assembly meeting regarding PC proposals for Douglas. Mr. Jones answered that the PC would not have direct involvement but members are welcome to testify under public testimony.

Mr. Voelckers asked if the joint meeting on Aug 30 would be an in person/virtual hybrid and does he see a problem logistically with that. Mr. Jones said it would likely be a hybrid.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye said members are allowed to consult Ms. Layne regarding specific questions about how to engage with the Assembly and reminded them they are always allowed to attend as a member of the public.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 9:06 P.M.