

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

February 25, 2025

I. LAND ACKNOWLEDGEMENT – Read by Mr. Salik.

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; Daniele Gaucher, CDD Administrative Officer; Nicolette Chappell, CDD Administrative Coordinator; Madeline Carse, CDD Administrative Assistant; Sherri Layne, Attorney III

Assembly members: Christine Woll

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- A. January 14, 2025 Draft Minutes, Regular Planning Commission
- B. January 28, 2025 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Bell to approve the January 14, 2025 and January 28, 2025 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 0021: Use of the building formerly known as Floyd Dryden Middle School as an education center offering Head Start, Tlingit language immersion, and after-school programs.
Applicant: Stephanie Banua C/O CCTHITA
Location: 3200 Mendenhall Loop Rd

Director's Report

The applicant proposes to use the building formerly known as Floyd Dryden Middle School as an educational center offering Head Start, Tlingit Language immersion, and after-school programs. The Juneau School District vacated the building in July of 2024. At the direction of the Assembly, CBJ Staff have been working with the applicant on lease terms for use of the facility.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2024 0021 with the condition.

MOTION: *by Mr. Pedersen to accept staff's findings, analysis, and recommendations, and approve USE2024 0021.*

IX. **UNFINISHED BUSINESS**

X. **REGULAR AGENDA**

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.

Rob Dumouchel, Special Projects Planning Manager, presented on the Title 49 Rewrite Project Phase 1 Wave 1 Amendments. He reminded the Commission of the Title 49 Project vision and goal, which is to streamline Title 49 and make it easy to understand. Phase 1 Wave 1 is focused on housing, discretion, interpretation and some permit streamlining. He stated that they are trying to reduce uncertainty and unnecessary barriers and speed up the permitting process. He went over the history of the Title 49 Project, rules of construction, and adjustments to approved permits. He discussed changes and upgrades that are being proposed, including allowing the CDD Director to initiate and approve eligible zone upgrades for Transition Zones that meet transition criteria and approve equivalent use determinations without a public hearing, changing the base ADU size to 1,000 square feet or greater for ADUs that are attached to large principal structures, removing use permit triggers for ADUs, waiving a parking space for ADUs if someone is within a mile of transit, a 10-foot rear setback for ADUs, defining and having basic regulatory structure for caretaker units and capping the size to 2,000 square feet, and clarifying confusing language for determination of use regarding major versus minor and having no specific dwelling unit limit for multifamily developments.

Mr. Pedersen asked when transitioning the no limit on multifamily out the of Major Development Planning Commission public process, what ways could the public weigh in on a project like that. Director Lawhorne answered it is very similar to the current minor subdivision process, where they notify abutters within a certain radius and they can provide comment to the department to take into consideration; however, but most people just want to be aware of what is happening.

Mr. Dumouchel confirmed that it would not be a public hearing, but is still best practice to make friends with neighbors when developing a large project.

Ms. Keller inquired if they had a 500 unit development, could it be permitted and developed with only letting potential neighbors know about it. Mr. Dumouchel responded yes, as long as they are meeting all other applicable existing standards like height, setback, lot coverage or any public/private improvements that may be triggered.

Director Lawhorne explained that even on minor permits, most go for the typical agency review so they would still be going to any applicable agencies for review.

Chair Cole opened testimony from the public.

Michelle Hale, Valley resident, testified on the portion of the ADU ordinance. She expressed that she sent a letter describing her lot and other lots in the Valley, where the houses are in the middle of the lot. She added that in the letter, she asked the Commission to recommend a 3-foot setback to the Assembly, but after talking with people and thinking about it more, she thought about maybe doing a floating setback. She suggested forwarding this to the Assembly with pictures from the parcel viewer with 600 square feet sketches in the pictures to show how awkward it is. She also asked that if a floating setback is done, to make it temporary until the Comprehensive Plan is revised. Ms. Hale expressed that she is on a duplex lot where ADUs are not allowed, but she has wanted to put one in her backyard for years for her sister to live in. She gave appreciation to the Commission for all the work they have done to make things easier, but the overlying issue is that Juneau desperately needs housing and the restrictive ADU laws are preventing it.

Chair Cole commented that the floating setback idea is something many of them have been attracted to for a long time, but it has a lot of implications across the code. She asked if Ms. Hale was suggesting floating setbacks just for the ADU portion or for a larger part of the code.

Ms. Hale clarified that she is suggesting floating setbacks just for the ADU portion and for it to term out when the Comprehensive Plan is revised, as they could look at the setback again then and could maybe reinstate it.

Chair Cole pointed out that if floating setbacks were implemented, a person could also build their ADU in front of their existing house and that could potentially change the look of a neighborhood.

Ms. Hale stated she was not familiar with how it would work in the front of a house, and if that was a concern, that could be addressed, but at a certain point, if they want to increase housing, they may have to accept the fact that it may change the look of neighborhoods.

Chair Cole closed public testimony.

Mr. Dumouchel displayed a D-5 neighborhood, and explained that the interest to develop is there, but the rules they have now do not allow them to build the way they want. He said ADUs are a popular way for people to get more economic benefit, create more housing, and a more gentler sort of growth. He expressed that there is a bigger Comp Plan discussion about density and future of the character of neighborhoods, but the current rule regarding the ADO proposal is a way to take advantage of what they have and let people use their property how they want.

Director Lawhorne explained that on a duplex lot, it is one lot, one owner, and you have either up and down or side by side units that are attached, and in theory, the other half is your rental unit so they are not allowed ADU, but if there is a common wall in the same zoning district, the common wall is the zero lot line and they share a property down the middle of the structure, where one person has one side of the structure and lot and another person owns the other side and lot, with the idea that if there is a common wall structure, they can each have an ADU.

Mr. Pedersen said that reading through this, he interpreted where it says one ADU per principally permitted residence is allowed and up to ADUs per parcel, as one lot with a duplex on it, so that is two principally permitted residences and there could be two ADUs on that parcel. He asked if there were any situations where there could be more than ADUs. Mr. Dumouchel voiced that the way he expects it to work out is if someone has multiple principal units, they can add two for that parcel, but depends on having the space to do it in the first place.

Director Lawhorne added that under today's code, they have that ability in certain zoning districts to have two single family dwelling units and each have an accessory unit.

Chair Cole asked Director Lawhorne to give a quick overview of what a floating setback is.

Mr. Dumouchel did not recommend any changes to the front setback for this, but said they clarify the relation between a primary residence and ADU and it has to meet the existing setback.

Chair Cole noted that in the ADU language that was proposed, there was a potential reduction in the rear setback, but did not mention side setbacks. Mr. Dumouchel responded that in many instances, setbacks are only about 5 feet, but he is open to reduce setbacks if they have the appropriate life health safety things in place.

Chair Cole asked if 5 feet was typical in valley neighborhoods. Director Lawhorne answered that generally speaking, yes, for the valley.

Mr. Epstein voiced that he was empathetic to Ms. Hale's desire for a 3-foot side setback and agreed that having neighborhood harmony is good. He said when looking at the current code, one of the responsibilities they have is to ensure that future growth and development in the city and borough is in accord with the value of its residence, so ideas like Ms. Hale's need to be considered. He suggested that they need to make sure the public is engaged in the process.

Chair Cole commented that Ms. Hale's suggestion and Mr. Dumouchel's structure both swing upon the Comp Plan, which is where the public has a chance to think about many of these things. She said the question is if side rear setbacks in ADUs is something they need to change now or wait until the Comp Plan.

Mr. Pedersen expressed that he had reservations in reducing the setbacks from 5 feet to 3 for the whole valley, as eaves are allowed to protrude into the setback. He suggested moving toward a proportionate reduction. Director Lawhorne responded that she has been doing this a long time and they have tried to fix this code for many years and have done a lot of public outreach and planning, and over and over they hear the need for ADUs and livable units that people want to live in, so it gives her pause when speaking about shrinking the ADU size and not increasing it. She agreed with the community and public engagement, as there are things that the public must weigh in on. She shared that these are gentle increases being proposed that most of the community will support, as they need workforce housing and this is the way to get there.

Mr. Epstein voiced concern that the ADU relaxation could be exploited to aggravate the VRBO situation and asked how would they manage that. Chair Cole expressed that she also wrote that down, but hesitated to ask about it because there is a taskforce currently underway with CBJ, and whatever they are weighing when it comes to permit restriction conditions, will apply across the board.

Mr. Pedersen, who is on the taskforce, said they are not to a point where they know what type of regulations will be implemented, and the general consensus is that they will probably look at regulating operators that operate multiple units that they are not living at, but he is not sure if it will go that way.

Ms. Derr stated that regarding the purpose and intent of the Land Use Code and identifying and securing for present and future residents and the beneficial impacts of growth while minimizing the negative impacts, when it comes to off-street parking, she understands that it is not the same in the valley as they see downtown. She said they have heard overwhelming public comment speaking against not having a parking space on site when adding accessory units downtown. She asked how having no parking available for one to two accessory dwelling units added to a lot would impact neighborhoods. Mr. Dumouchel responded that when living in a dense, urban area, there tends to be parking challenges, but the trend here is to prioritize housing units over parking, as parking is expensive, takes up a lot of space, and a lot of people have lifestyles that do not necessarily need it.

[Council took a 5-minute at ease]

Mr. Salik noted that there were other city borough regulations in the packet that he thought were good, like no short term rentals, no RVs, and no mobile homes, but they were not captured anywhere else. He asked if that would come up in future. Mr. Dumouchel responded that he did not include those intentionally, as he sees a lot of them as potential barriers to development.

Chair Cole asked if the 2,000 square foot size limitations for caretaker units came from something specific. Mr. Dumouchel answered that he just picked a number that he thought made since. He added that is twice as big as an ADU is allowed. Director Lawhorne added that many of those already exist at this large of a size or bigger, and she agreed with the 2,000 square feet.

Mr. Pedersen said it seems like there was a fundamental barrier in that past regarding caretaker units. He expressed it needs to be easier to make caretaker units in industrial zones. Director Lawhorne responded that while they do not have any restrictions on size, they do have a restriction in the industrial areas that each lot is allowed one caretaker unit.

Mr. Dumouchel stated that he included a brief part in the memo discussing the idea of single room occupancies or things a little more intense, as they Comp Plan right now only supports the caretaker unit.

Chair Cole said they have talked a lot in prior commission business about the caretaker idea, and there is a lot to be said for allowing a project owner or manager to be on site for the safety of the site and for the sites around them, and a dwelling of this size implies multiple people living in it.

Mr. Epstein voiced that he liked the way this is written and it falls into the same league as the concerns he had about allowing residential units in avalanche and landslide zones. He added that they do not need to turn their back on this, but there are valid concerns.

Mr. Pedersen expressed that as it is written, it provides clarity to code, and it seems like more of a housekeeping type clarification of code rather than a major expansion.

Director Lawhorne threw out a friendly challenge to the commissioners to do some site visits around zoned industrial areas before the next meeting to discuss this.

Ms. Derr appreciated how this is written and is more comfortable with it, but asked if anyone, commission or staff, could think of any industrial areas where if something were to happen that the caretaker units would be in peril. Chair Cole shared that she thinks of the fire testing site, asphalt, crematorium. She said there have been plenty of instances of nuisances like sound and smells even around marijuana sites. Director Lawhorne responded that is a great concern to raise, and one way to care for that is for it to be something they flag for the fire marshal be aware of it. She added they do not have chemical plants but do research things that have chemicals.

Ms. Keller voiced that she had no concerns with smells or activities, and people that choose to live in the industrial zone are aware of that. She commented that while she has no concerns with ADUs and the industrial zoning around them, she finds that having housing in potential landslide zones is a much greater risk that they see in town.

Chair Cole agreed that often people know the risks of living in an industrial zone, but that also heightens her concern since housing is so difficult to find right now, that people may be willing to trade an element of health or safety for a place to live.

Chair Cole expressed that amendments to approved permits have come before the Commission before as a suggestion and they were all generally in agreement, but there was a question of if they are sacrificing some public process when developers have to make changes to their conditional use plan as approved. She asked for an example of a case that is close to the line. Director Lawhorne responded that Ridgeview comes to mind. She explained on that Building B, the Commission approved it in a certain location, but they wanted to move it 18 feet away from the neighbors and that had to come back to the Commission. She said there were a couple of others that were with an old planned unit development, where they wanted to adjust a lot line, and it had to go all the way back through the planning process.

Mr. Epstein brought up that the proposal contains the word “insignificant”. Director Lawhorne responded that Planner Gallion also flagged that word for a definition, but there is not a great fit for it. She said that she and the Commission are in sync 90% of the time, and a lot of it comes down to trust in staff, trust in consistency and trust in consistent application of the code.

Chair Cole asked if an applicant would have to come back to the Planning Commission if Director Lawhorne decided someone could not do something. Director Lawhorne answered yes, that her decisions are appealable to the Planning Commission when it comes to land use, so they would have a chance to defend it.

Mr. Pedersen stated that an appeal process for a Planning Commission decision seems onerous with the time it takes and all the different steps. He said he is not familiar what happens if the property or applicant appeals the director's decision on something. Director Lawhorne responded that an appeal is a legal process, and is the same at each level, and is not an easy process. She noted that a lot of people here do not use attorneys, which makes it a longer process. She added that the work Mr. Dumouchel is doing is addressing a lot of areas that they run into issues with that lead to appeals.

Chair Cole commented that it is unlikely that it would be decided that a change was insignificant enough to not come to the Planning Commission, and if that were to happen, people would have to go through this long process when before they could just come directly to the Planning Commission. She asked if there was a way for the applicant to come to the Planning Commission rather than go through the appeals process. Director Lawhorne pointed out that they had been down this path before and had a legal opinion from several years ago, so she is not sure if anything has changed, but the opinion was that authority in the code is either the director's authority or the Commission's authority, but cannot be both, and if someone does not like one, it would need to be appealed to the next higher level. Ms. Layne voiced that is why the appeal structure is the way it is, and there is always going to be a next higher step in the process.

Mr. Salik inquired if there is a point where the Planning Commission is notified of a change or adjustments and the public is able to speak to it. Ms. Layne explained they could, but the Commission still cannot do anything with it.

Chair Cole stated it is an imperfect system, because they want to give more authority to the director to make the decisions, but they know some people are going to be unhappy with those decisions and would rather have it come to the Planning Commission, but there is no other way to do it than an appeal.

Ms. Rintala was impressed how all of these points work together to create a cohesive way of addressing Juneau's housing crisis by way of the Land Use Code and is in line with what they want to see for Juneau as a community.

Chair Cole agreed this is beneficial to builders and developers because there would not be a delay of waiting to get a change before the Commission, and it will save money, time and headache.

Mr. Epstein asked if the context of this amendment would have applied to Ridgeview if it was in place. Director Lawhorne answered yes.

Mr. Pedersen stated that he did not hear any thoughts on any proposed changes on this, and it seems reasonable and he likes it.

Mr. Dumouchel expressed that a lot of the rules of construction are implied, but they wanted to make it super clear what it is, and the most important thing here is if there is a conflict between a heading or picture what takes precedence.

Mr. Pedersen suggested bringing the lines in the packet that state “The Director has the authority to determine the interpretation for usage of terms used in the title subject to appeal” together with “The Planning Commission is authorized to interpret the zoning map into harmony or modify it to say the director and Planning Commission has the authority to determine interpretation” that is stated in a different section. He added that he believes the Planning Commission should be able to interpret code. Mr. Dumouchel responded he wanted to talk to legal about that.

Chair Cole commented that in regard to if there were any measurement issues at the Title 49 Advisory Committee, the ordinary high water mark has been difficult to nail down in some places. Mr. Dumouchel responded the wildcard when it comes to the Planning Commission is how interdependent it is, as it is spread all throughout the code, and he is trying to decide if he needs to pull it all together into one thing.

Transition Zoning

Chair Cole stated that when it comes to transition zoning, what happens when there are several triggers and not every single one has been checked. She asked if there is still a provision for the rezone to happen without them or would it have to come to them. Mr. Dumouchel responded his interpretation is that if the code cannot be met, then it is a regular rezone.

Mr. Epstein said this amendment is dependent upon the public water and sewer. He asked if there was any consideration in changing “and” to “and/or”. Mr. Dumouchel voiced that his concern with that is people trying to get out of providing an important public service.

Director Lawhorne stated that typically rezones can only be conditioned for public health or safety reasons, and providing water or sewer are usually the two that they see, and occasionally traffic. She said they cannot be conditioned on a certain development to happen and cannot be conditioned to not allow certain development to happen.

Mr. Pedersen commented that it seems there are two different action items where they had thoughts, which were the setbacks for ADUs and the code interpretation language. He asked if there were any other matters to request additional input from staff before their next meeting.

Chair Cole stated that she envisioned that they would forward to the Assembly not a simple recommendation of acceptance or denial, but a summary of the discussion of each piece. Mr. Dumouchel responded that he wants the feedback to go to the Assembly so they know it and can suggest changes, but if there are obvious changes that come through that he should make, he will do that and provide an amendment or substitute to give the Assembly choice on how to move forward.

MOTION: *by Mr. Pedersen to continue this discussion on this item to the next Planning Commission Meeting on March 11, 2025.*

XI. OTHER BUSINESS

Director Lawhorne said she would check to see if the January 23, 2024 Draft Minutes is the right date and minutes that should be on the agenda.

XII. STAFF REPORTS

Director Hawthorne stated the Comprehensive Plan Advisory Committee applications are live and will close on Monday, and the Commission will be provided the applicants at the March 25th meeting. She said the new Permit Center looks great and urged the Commission to stop in and see it. She added that she will have a better update on the Comprehensive Plan at the next meeting and the project manager will also be there. She noted that the permit software system migration is going well and they are still on track to go live in September or October. She voiced that there are several permitting cases coming, mostly on consent, and she announced they have a leadership retreat this Friday.

XIII. COMMITTEE REPORTS

Mr. Epstein attended the Public Works and Facilities Committee Meeting, and highlights from the meeting were that they are going to recommend that the Assembly approve a \$7.8 million loan from ADC for the Valley Flood Mitigation, and 50% of that loan is forgivable. He said the airport sought approval for many projects, including working on the completion of the approach lighting system on the east end of the airport. He announced that all seven electric buses are now in the possession of the City and Borough.

Mr. Pedersen attended the Douglas West Juneau Area Plan Meeting and is moving forward, and have another meeting tomorrow. He added that in regards to the Short Term Rental Taskforce, they had a wonderful opportunity to have someone from the Mat-Su Borough come to the meeting and describe what they have been going through and their implementation of short term rental regulations.

XIV. LIAISON REPORTS

Christine Woll said the Assembly is looking forward to seeing the comments on Title 49 updates and continue moving on that priority. She said at the City, they are continuing to try to stay on top of things happening at the federal level, and noted that at the Mendenhall Visitor Center, 28 of the 30 staff were either laid off or fired, which leaves a lot of questions about the 700,000 visitors planning on being there this summer. She said the Assembly has not talked about the flood in a few weeks because they approved moving forward with installing barriers along most of the river, and they want to try to

get those installed before the 2025 flood. She expressed that the Assembly had a really long committee the whole meeting last night, and they talked about the Huna Totem Dock Project and discussed what to do with Marie Drake and Floyd Dryden.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. ADJOURNMENT

The February 56, 2025 Planning Commission Meeting was adjourned at 8:40 p.m.