

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: June 21, 2012

TO: Planning Commission

FROM: Beth McKibben, Planner *BMc*
Community Development Department

FILE NO.: USE20110030
CSP20110010

PROPOSAL: A Conditional Use Permit and City Project Review for construction of two offshore berths and moorage float located at the existing downtown cruise ship docks.

GENERAL INFORMATION

Applicant: Gary Gillette, CBJ Docks & Harbors

Property Owner: City and Borough of Juneau

Property Address: South Franklin Street

Legal Description: ATS 3 [Cruise Ship Berths D & E]

Parcel Code Number: 1-C07-0-K83-009-0

Site Size: 0

Zoning: Waterfront Commercial (WC)

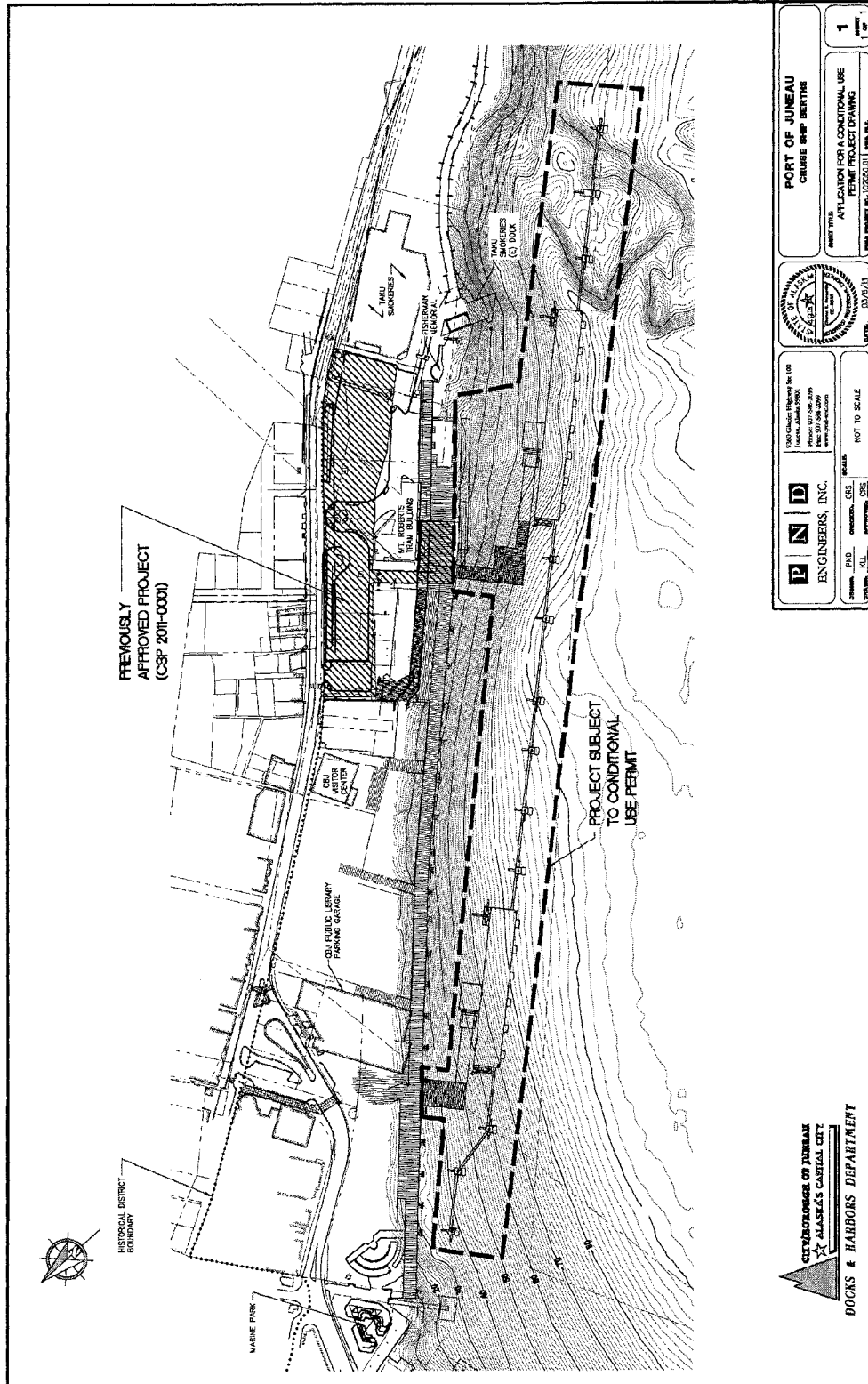
Utilities: CBJ water and sewer

Access: Marine Way (North Berth) and South Franklin (South Berth)

Existing Land Use: Cruise Ship Docks

Surrounding Land Use: North – Waterfront Commercial; Peoples' Wharf (retail & residential); Downtown Library/Parking Garage S. Franklin Street
South – Waterfront Commercial; Taku Smokeries/Twisted Fish (fish processing & restaurant); S. Franklin Street
East – Mixed Use; Alaskan T-Shirt Co. (retail); S. Franklin St.
Red Dog Saloon, Marine View mixed use building
West – Gastineau Channel

Vicinity Map



1900 Clifton Highway Ste. 103
 Juneau, Alaska 99801
 Phone: (907) 586-3939
 Fax: (907) 586-3939
 www.pnd.com

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 LICENSE: 1918 FULL PROFESSIONAL 25% SCALE: NOT TO SCALE



PORT OF JUNEAU
 CHARLES E. BENTLEY

SHEET TITLE: APPLICATION FOR A CONDITIONAL USE PERMIT PROJECT DRAWING
 SHEET NO.: 1
 TOTAL SHEETS: 1 OF 1

ATTACHMENTS

Attachment A – January 10, 2012 Planning Commission minutes
Attachment B – January 6, 2012 Staff report and attachments USE2011 0030 & CSP2011 0010
Attachment C – June 15, 2012 Supplemental Project Narrative
Attachment D – January 26, 2012 Docks & Harbors Board minutes
Attachment E – Original Project Site Plan
Attachment F – Reconfiguration – Option B – revised project site plan
Attachment G – Aerial Photo showing both original and revised site plans
Attachment H – Track 1 of fishing vessel Good Partner
Attachment I – Track 2 of fishing vessel Good Partner
Attachment J – Letter from Alaska Marine Exchange
Attachment K – Letter to Alaska Commercial Fisherman’s Memorial
Attachment L – Letter from Alaska Commercial Fisherman’s Memorial
Attachment M – Letter from Icy Strait Seafoods Inc.
Attachment N – Email from Gary Gillette, Docks and Harbors Engineer
Attachment O – Page 56 Long Range Waterfront Plan

BACKGROUND

This staff report is supplemental to the January 6, 2012 staff report regarding USE2011 0030 and CSP2011 0010: A Conditional Use Permit and City Project Review for construction of two offshore berths and moorage float located at the existing downtown cruise ship docks. The January 6th staff report is found as attachment B.

The Planning Commission considered this project at the January 10, 2012 regular meeting and subsequently continued the item with a request for additional information. Minutes are included in attachment A. The Commission requested information about the number of fish being delivered and the number of fishing boats using the Taku Fisheries Dock, about how fishing boats will access the Taku Fisheries Dock, and the impacts to the Alaska Fisherman’s Memorial and the Blessing of the Fleet.

Gary Gillette, Port Engineer, provides the requested additional information in the Supplemental Project Narrative found as attachment C.

DISCUSSION

As requested by the Planning Commission, page 2 of the supplemental narrative provides information about the amount of fish being delivered to the Taku Fisheries Dock and the use of the dock by the fishing fleet. In 2011 about 7.8 million pounds of product was delivered to this dock. Salmon made up the majority of product, with July and August being the peak season. The narrative states that most salmon are delivered to tenders, which are then scheduled for delivery at the dock,

thus avoiding congestion at the dock.

Docks and Harbors staff worked with a number of entities to ensure that the proposed cruise ship docking berths would provide adequate and safe access to the Taku Fisheries Dock. Design modifications were made. Buoys were placed delineating the proposed modifications. A 58-foot fishing vessel made a number of maneuvers approaching the Taku dock. The captain reported it “felt tight.” Taku Fisheries representatives were concerned that larger vessels and those with less sophisticated steering systems would not be able to successfully navigate within this proposed configuration.

As a result, additional modifications were made to the design. This modification is shown in attachment F. This is the project design which Docks and Harbors is asking the Planning Commission to review. The modifications to the original design include:

- Rotating the berth alignment, resulting in the south berth being moved seaward 50 feet.
- Switching berth locations, moving the 400 foot long float to the north and the 300 foot float to the south.
- Moving the float connection structure from the sides of the floats to the ends.
- Replacing the shallow-angled batter piles with steep angled batter piles for the south berth mooring dolphins.
- Altering the Taku Fisheries Dock to provide a wider fairway and re-orienting the dock face.

Buoys were placed to simulate this new design and an 84-foot vessel completed maneuvers approaching Taku Fisheries Dock. These maneuvers were video recorded and plotted on the project plans (attachments H & I). The simulation showed that this larger vessel was able to safely maneuver and approach Taku Dock.

The supplemental narrative addresses concerns that were raised by Taku Fisheries. Attachment M is a letter from representatives of Taku Fisheries. In general they have found Option B acceptable, and believe that it could proceed without major adverse impacts to Taku’s operations. However, this letter also identifies a number of items which Taku Fisheries would like included in the Planning Commission approval of the requested permits. These items, as understood by staff, are:

- Incorporation/retention of the mooring camel.
- Thruster attenuator to be retrofitted if needed.
- Note the specific modifications to the Taku Fisheries Dock in the use permit; 1. Realigning the dock face to be more closely parallel to the shore and the docking structure; 2. Significantly extend the dock face to 100 feet.
- Taku Fisheries Dock modifications costs to be borne by the City.
- Vessels waiting to access Taku Fisheries Dock may tie up to the mooring camel, upon instruction by Taku Fisheries, provided they do not obstruct other traffic and nobody may

exit the vessel on to any part of the dock other than the camel, and then only to tie or untie their vessel. No rafting permitted.

- Yellow marked 75 foot loading zone at the base of the ramp will be strictly enforced.
- The drive down boarding platoon will be made available to fishing industry vessels for loading and off loading when not in use for cruise ship mooring.
- Lightering activities to be relocated to another site so as to not impact fishing vessel navigation.
- Taku Fisheries Dock realignment to take place before, or in conjunction with, the installation of the cruise ship docking berths.

The concerns raised by Taku Fisheries are addressed by Docks and Harbor's staff on pages 3 and 4 of the Supplemental Project Narrative, attachment C.

The Long Range Waterfront Plan (attachment O, page 56) speaks to the reconstruction of the Cruise Ship Terminal Dock and the preservation of "important artifacts" such as the Fisherman's Memorial. It also identifies Taku Fisheries as an important tenant along Juneau's Downtown waterfront area. Further, the plan suggests consideration of the expansion of the interactive and educational nature of Taku Fisheries as a way of communicating the importance of commercial fishing in Southeast Alaska.

Planning staff does not feel qualified to recommend for or against the requests made by Taku Fisheries. The Planning Commission may accept the requests of Taku Fisheries, modify them, or reject them.

The Docks and Harbors Board heard additional testimony from members of the public about the impact of this proposed project on the Fisherman's Memorial and the Blessing of the Fleet (attachment D). The Supplemental Narrative addresses the questions raised by the Planning Commission at the January 10, 2012 meeting about the Fisherman's Memorial. Docks and Harbors have shared the proposed modifications to the cruise ship docking berths with the Fisherman's Memorial Board (attachment K). Attachment L is the response of the Fisherman's Memorial Board. Their response was not received by Docks and Harbors staff in time to be addressed in their supplemental project narrative. Mr. Gillette's response is found in attachment N. Mr. Gillette reiterates that the Assembly approved the project and decided not to relocate the Fisherman's Memorial. The Fisherman's Memorial Board indicates they see two options: 1) Not to construct the south half of the project; or, 2) Relocate the Fisherman's Memorial.

The analysis and findings of the January 6, 2012 staff report to the Planning Commission, as supplemented by staff report, remain the recommendation of staff. However, finding 3 is expanded to include the dates of the second round of public notices.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice

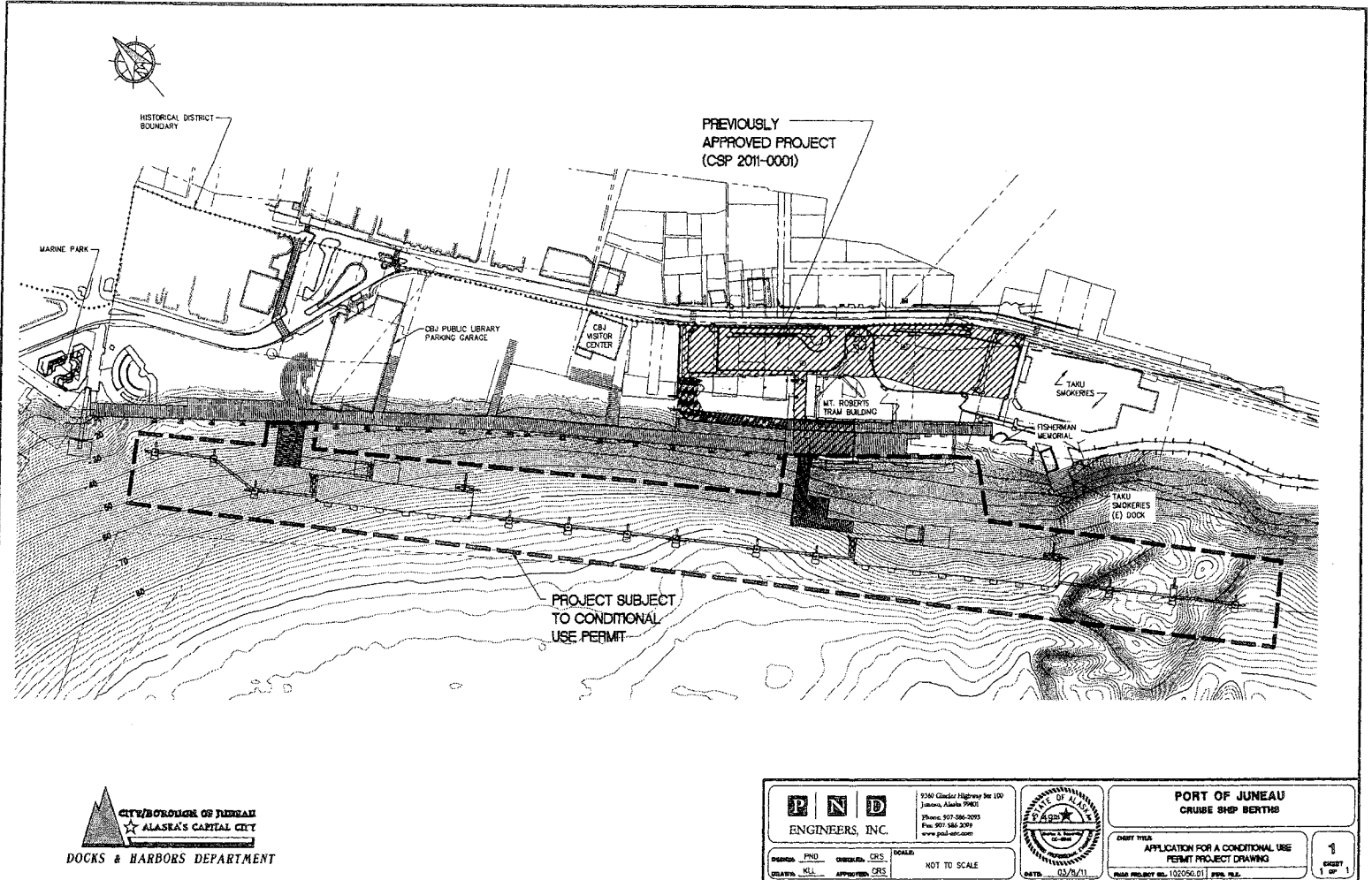
of this project was provided in the December 30, 2011, January 9, 2012, June 15, 2012, and June 25, 2012 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of two offshore berths and moorage floats located at the existing downtown cruise ship docks. The approval is subject to the following conditions:

1. All exterior lighting fixtures shall be of a "full cutoff" design.
2. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department.

NOTICE OF PUBLIC HEARING



	9340 Glacier Highway Ste 120 Juneau, Alaska 99801 Phone: 907-586-2073 Fax: 907-588-2039 www.pnd-inc.com			PORT OF JUNEAU CRUISE SHIP BERTHS
	DESIGN: PND DRAWN: KLL	CHECKED: CHS APPROVED: ERS		

PROPOSAL: A City project & Conditional Use permit to construct two offshore berths and moorage float located at the existing downtown cruise ship docks.

FILE NO.:	CSP20110010 USE20110030	APPLICANT:	Gary Gillette CBJ Docks & Harbors
TO:	All Adjacent Property Owners	PROPERTY OWNERS:	City & Borough of Juneau
HEARING DATE:	June 26, 2012	PROPERTY ADDRESS:	Cruise Ship Berths D & E
HEARING TIME:	7:00 PM	ACCESS:	S. Franklin Street
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward Street Juneau, Alaska 99801	PARCEL NO.:	1-C07-0-K83-009-0
		ZONE:	Waterfront Commercial

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Beth McKibben at 586-0465, or e-mail: beth_mckibben@ci.juneau.ak.us

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Chair Satre, Chair

REGULAR MEETING
January 10, 2012

I. CALLED TO ORDER

Acting Chair Satre called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Swear in new PC member: Karen Lawfer

Chair Satre performed the swearing in ceremony for Ms. Lawfer, and stated that the PC appreciates her volunteering for public service; Ms. Lawfer thanked her fellow Commissioners.

Commissioners present: Karen Lawfer, Jerry Medina, Benjamin Haight, Nathan Bishop, Marsha Bennett, Nicole Grewe, Dan Miller, Dennis Watson, Michael Satre

A quorum was present.

Staff present: Dale Pernula, CBJ Community Development Department (CDD) Director; Greg Chaney, Beth McKibben, CDD Planners

Election of Officers:

Chair Satre announced that traditionally the Election of Officers of the PC are assigned based on seniority, and if they approve doing so tonight the positions would be assigned as follows:

Chair – Michael Satre

Vice Chair – Dennis Watson (Acting Chair)

Clerk – Dan Miller

Vice Clerk – Marsha Bennett or Nicole Grewe who begin serving at the same time (Acting Clerk)

MOTION: By Mr. Miller, that the PC approves the Election of Officers of the Commission to be assigned based on seniority as stated by Chair Satre.

Mr. Miller said this provides that the Commissioners with the most experience will help lead the newest members, which has worked well in the past. He recommends continuing that tradition. It was decided between Ms. Grewe and Ms. Bennett that Ms. Grewe would serve in the position of Vice Clerk.

Chair Satre confirmed that per Mr. Miller's motion, the following officers are:

Chair – Michael Satre

Vice Chair – Dennis Watson (Acting Chair)

Clerk – Dan Miller

Vice Clerk – Nicole Grewe (Acting Clerk)

There being no objection, it was so ordered.

II. APPROVAL OF MINUTES

November 22, 2011 – Regular Meeting

MOTION: *By Mr. Miller, to approve the November 22, 2011 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA - None

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP20110010

A City Project Review (CSP) for construction of two offshore berths and moorage float located at the existing downtown cruise ship docks.

Applicant: Gary Gillette, CBJ Docks & Harbors (D&H)

Location: S. Franklin Street

And;

USE20110030

A Conditional Use permit (CUP) to construct two offshore berths and moorage float located at the existing downtown cruise ship docks.

Applicant: Gary Gillette, CBJ D&H

Location: S. Franklin Street

Chair Satre announced that staff will provide one staff report on these two related cases.

Staff report

Ms. McKibben stated that several Blue Folder items were presented in relation to these two related cases. She received a telephone call earlier this evening from Donna McCormick who requested to be on the record that she is against the cruise ship dock berths because it would obstruct the marine view of the Fishermen's Memorial (Memorial).

She provided a slide of the site (attachment A), stating that the proposed floating berths are to be located seaward of the existing Alaska Steamship Dock and the Cruise Ship Terminal in an area zoned Waterfront Commercial. City water and sewer are available. She provided aerial photographs of the site showing cruise ships in different locations. She displayed photographs provided in the application materials taken from the waterside of the project site. The project will include removal of the existing lightering float at Marine Park and replaced with a new float adjacent to the existing dock at the South Berth. The new lightering float will accommodate uses similar to the current floats at Marine Park and the Intermediate Vessel Float (IVF). The IVF will remain but will no longer be used for lightering (attachment D). The US Coast Guard (USGS) will not allow two ships at anchor so currently the docks can only handle three ships of 1,000' and one at 800', including no size limit for ships anchoring in the channel. With the installation of the new docks, the harbor will be able to handle five ships at 1000', one of which may be larger if anchored. The proposed facilities will include floating moorage berths, drive down transfer bridges, dolphins, and other infrastructure needed to accommodate cruise ships. The project will allow for the removal of the existing security fencing when ships are in port, which makes it difficult for pedestrians to walk along the Seawalk. This includes eliminating the associated need for forklifts, stairs, and gangways currently used on the dock, which will provide for a much cleaner and safer flow of pedestrian traffic.

The first phase is for the installation of the South Berth, consisting of a 50' by 300' concrete floating structure and a small vessel moorage float. The second phase will include the installation of the North Berth of the same size. Both berths will have pedestrian and emergency/service vehicle transfer bridges, mooring and breasting dolphins, pile supported decks and access docks, gangways, and catwalks.

Improvements were made to the staging area between Marine Park and the library in 2003, and it should adequately continue to meet the needs of the larger ships. Improvements to the bus staging area at the Cruise Ship Terminal (South Berth) were approved (USE2009-0034) and work will begin in October 2012, which will be finished in time to accommodate ships.

The project is consistent with the 2008 CBJ Comprehensive Plan (Comp Plan) and the 2004 CBJ Long Range Waterfront Plan (LRWP), which was adopted as part of the Comp Plan. The proposed project is located primarily in Area D of the LRWP, which envisions expansion of the dock facilities to accommodate larger ships, and is listed as a near-term project in an appendix. Staff recommends approval, subject to the outlined conditions.

Mr. Watson asked if accommodating for the USCG Cutter Storis is part of this application. Ms. McKibben said that material was included for informational purposes.

Ms. Grewe said the staff report states that the proposed project could theoretically increase cruise ship passengers by a daily average of 10%, and she asked if this is when five Panamax ships are in port. Ms. McKibben explained that the numbers were calculated based on the potential of all five ships being at a maximum capacity with passengers at about 9%, with four Panamax and one smaller ship in port. Ms. Grewe said with the theoretical maximum of increased cruise passengers of 10% is going to cause an increase on public services by this community. Therefore, the public economic benefit to the community is that they will gain access back to the docks without security barricades, and she asked if there are other benefits for the average person who resides downtown that staff can list as well. Ms. McKibben said the staff report mentions that the ships are currently docked very close to shore, and the benefit is that the ships will be

further away so potentially there might be some reduction in noise for those who live upland from the facility. Mr. Pernula explained that when the LRWP was being developed they considered alternative locations for a larger cruise ship dock in the proposed area, or locating it by the Subport and Gold Creek. However, they conducted a follow-up survey, and many people were opposed the latter location and favored this proposed project location instead. That was mainly due to congestion reasons, but he also believes many existing business people in the Downtown Juneau Historic District wanted to retain the project in the proposed location.

Ms. Grewe asked what are the plans for the current lightering facility. Ms. McKibben said there are two lightering facilities. The existing lightering float at Marine Park will be removed and replaced with a new float adjacent to the dock at the South Berth. The existing IVF will remain but will no longer be used for lightering. Ms. Grewe asked how the project is being funded, i.e., strictly with borough funds, or through Cruise Ship Passenger Fees; Ms. McKibben deferred to the applicant.

Ms. Lawfer stated that since lightering is proposed to be moved so it is closer to Taku Smokeries, she asked if doing might impact how fishermen dock their boats to unload their catch; Ms. McKibben deferred to the applicant.

Chair Satre said the Assembly/Committee of the Whole (COW) met on August 29, 2011 and one of the items was to discuss the Memorial, and the excerpt of those minutes are in the packet. He requested Ms. McKibben to expound on that Assembly/COW meeting. Ms. McKibben deferred to the applicant, adding that D&H underwent a public process to gather input as to whether the Memorial should remain in its current location or be moved as a result of the proposed project. She understands that the D&H Board was unable to come to a decision, which resulted in the Assembly/COW making the decision via motion to approve retaining the Memorial in its current location. Mr. Miller said he recalls a previous request by the PC for D&H to work closely with the Memorial folks to try to come to a compromise. He asked whether staff has any evidence if that took place, or whether a workable solution ended up being reached, or if it turned out that the Memorial folks were simply told by the City that this is what is going to take place; Ms. McKibben deferred to the applicant, adding that it is her understanding that D&H conducted quite a bit of outreach, and many discussions were held, but she does not know if any compromise positions were proposed through that process.

Public testimony

Gary Gillette, Port Engineer representing the applicant CBJ D&H, said they designed provisions in the project in the event that the USS Storis was determined to be located within the project, which they accommodated for. However, given the uncertainty about the USS Storis at this point in time, it is no longer part of the project.

The funding of the project is primarily from state Passenger Cruise Ship Fees and Port Development funds, both of which are collected as a result of ships coming to Juneau.

In terms of the Memorial, the Assembly requested D&H to work with the Memorial Board to investigate alternative sites, including whether it might be necessary to move the Memorial. D&H held an extensive public process, which began last May in 2011. D&H held a public meeting at Centennial Hall, which was well attended when D&H laid out the project, including its various options. D&H offered four different sites, and the Memorial Board rejected two of them, and added Marine Park as another option. In the end, the areas D&H and the Memorial

Board concentrated on were Marine Park, to leave it where it is, or at Norway Point. The Memorial Board tended to favor Marine Park because it is not under the management of D&H. D&H held another special public meeting with the Parks and Recreation Advisory Committee (PRAC), and their conclusion was to recommended that the Memorial not be located at Marine Park until they had time to complete their planning efforts for the Seawalk and Marine Park expansion, which has been ongoing. After that, the D&H Board received more public testimony and lengthy discussions, but at their last meeting they did not have a quorum to support a final recommendation when this item was already introduced to the Assembly/COW. The Assembly/COW decided to take the matter up, and they ended up approving to retain the Memorial in its current location.

Ms. Bennett asked how they intend to accommodate the commercial fishing fleet arriving at the Taku Smokeries dock to unload their catch. Mr. Gillette referred to attachment F showing where there would be 150' between the new float and the Taku Smokeries dock. He explained that D&H worked with Taku Smokeries who viewed the drawings of the proposed project. Taku Smokeries stated that they believe the fishing boats would be able to unload and have sufficient room to turn around, and they support the project. He noted that the triangular section at the end of the Taku Smokeries dock shown on attachment F denotes a planned expansion. Chair Satre asked if the navigation study completed by the Marine Exchange of Alaska includes the fishing fleet movements into the Taku Smokeries dock, or just for maneuvering cruise ships. Mr. Gillette said that study was just for the larger ships in the greater harbor of the channel. Ms. Bennett asked if there is an estimate of how many fishing boats arrive at the Taku Smokeries dock in a given fishing season; Mr. Gillette said he does not have that information.

Mr. Watson stated that if locating the USS Storis within the project area does not come to fruition, it might allow for additional space for public use at a later date. Mr. Gillette said they planned for a section of the transfer bridge over the South Berth to be designed so it can be removed in the event that the USS Storis is successfully brought to Juneau. However, during a meeting with the CDD staff, they had other thoughts for potentially taller and larger ships other than the USS Storis, which they can accommodate for as well. In addition, a small research ship or other vessel could pay the fee to lift the transfer bridge to remain in port during the wintertime. They might also elect to tie up in the North Berth area, as those two new floats will be used in the summer, but will offer other opportunities during the wintertime. The plan right now is that during the off-season the two floats would be open to the public, except when a ship might be tied up to the North Berth area when they have to secure it.

Ms. Lawfer asked if the utilities are transferred through buried pipes. Mr. Gillette said there are two separate levels. The first is that the lighting along the bridges are typically transferred via electric conduits. The second electrical element is that the Assembly requested that the design take into account that at some point AEL&P is going to provide excess power to the ships (like they currently do at Franklin Dock), so they should be ready to accommodate them when this takes place in the future. The uplands project will begin in October 2012 to install conduit across the road and through the site, which AEL&P might not provide power through for five to 10 years. If the USS Storis comes in at a later date or it is determined that removing the section of the transfer bridge is useful, they would install that conduit under the water and back up the other side. However, if they find that after five years or so that AEL&P has no use for that, it would be more cost-effective to just run the conduit underneath the deck of the transfer bridge. The sewage is tapped out on one end of the site and the piping will run along the gangways that connect to the dock, which will be integrated as part of the structure of the facility.

Ms. Grewe asked Mr. Gillette to describe security in the project area. Mr. Gillette said right now the security line runs through half of the dock. Once they install the floats they will only have to secure the point where passengers embark/disembark, so those two areas will be by the Marine Park and the Cruise Ship Terminal. Ms. Grewe asked if documentation was provided in writing by Homeland Security suggesting that they might extend security in the area later on. Mr. Gillette said they consulted with the Marine Exchange of Alaska who drafts the security plans for the D&H Board to review, which has to be approved by the USCG and those have already been met. Those entities do not believe that they are required to install security gates, but the two security areas he mentioned will have to be staffed to control access when ships are in port. He explained that they will likely have gates in those locations because at times they may have to close those areas off for other reasons, i.e., people do not respect the float areas, or if a research ship is tied up for the winter when they might not want open public access, etc.

Mr. Miller asked if Mr. Gillette is familiar with the Blessing of the Fleet and the route that the fishing boats maneuver. Mr. Gillette said the fishing boats typically enter the South Berth area and travel past the Taku Smokeries dock where they are able to come within 70' to 80' of the Memorial. However, once the new facilities are installed some of the fishing boats would be able to make a "U" turn to exit the area, but it is going to be very tight depending on the types and sizes of boats. Therefore, D&H informed the Memorial Board that there is an existing ramp that could hold 1,000 people where they could stage the Blessing of the Fleet ceremony, and then the fishing boats could travel directly by that ramp. He realizes this is not the preferred method, but it is an alternate way that the Blessing of the Fleet could occur. Mr. Miller asked if consideration was provided to spreading the Memorial area out to allow the fishing boats to travel underneath the transfer bridge to provide for a more of traditional route. If this was considered, he asked if it was shared with the commercial fishing community. Mr. Gillette said they did look at doing so, and it is complicated in that they have electric conduits that run between the other permanent bridge located between the two new floats, so it would be very difficult and expensive to redesign that structure so they could do so on an annual basis. The utility connections are quite large in that area, i.e., 24, 6" diameter conduits that run to the dock and 12 to the other side. The removable transfer bridge closest to the dock will be able to be lifted with a 100-ton crane, but they are not going to do so very often because it costs money. They looked at installing a drawbridge, but that would have cost millions of dollars, which was considered to be too expensive.

Mr. Bishop asked why the old lightering berth is being removed because he sees it being used a lot during the summer by individuals. Mr. Gillette said attachment F does not show it, but CBJ Engineering is working on a Seawalk section where they are going to expand Marine Park and extend the ramp down to the floatplane area, which would just be accessed by the public. In the long scheme of things, public access will be improved. At this time, CBJ Engineering is on schedule with D&H to have all these aspects completed by 2015. Mr. Bishop asked when they plan to remove the old lightering dock. Mr. Gillett said it depends, and if the PC wants that lightering dock left there D&H could probably do so, as they actually planned to re-use that ramp as part of the project because it is a \$250,000 to \$300,000 ramp, which is fairly new.

Ms. Grewe said she is confused when Mr. Gillette mentioned that the Blessing of the Fleet could be done from the ramp. Mr. Gillette clarified that the area under both the transfer bridge and the other bridge between the two new floats will be open, and they could perform the Blessing of the Fleet ceremony from the new "float," not a "ramp" as he misstated earlier. He realizes that the

fishermen feel it separates them from the ceremony that they have traditionally performed from the Memorial site, but they offered to work with them in trying to develop a scenario where they could take advantage of the float so the boats are able to get closer to the people as a part of their ceremony. The other option is for the fishing boats to enter and make a tight turn to exit the area in front of the Taku Smokeries dock, but there was concern by some of the boat owners as to whether their vessels could make such a tight turn.

Ms. Lawfer asked if cruise ships would be anchored further offshore than they are now. Mr. Gillette said they are generally anchored in same location, as the USCG informs them where that area is. Those anchored ships lighter to two separate points now, and when the new facility is complete they will all lighter to one area, including that they will never have more than one ship at anchor at a time.

Public testimony

Linnea Osborne, 6430 N. Douglas Highway, said she is representing her family and their 58' F/V Mongoose business operations. She is a founding member of the Alaska Commercial Fishermen's Memorial. The Osborne family has resided and conducted business in Juneau since 1928, not just their family but also her husband's parents and their parents before them. Currently, they own and operate the F/V Mongoose. They are a long-liner and crab fishing owner-operated business. Her husband delivers most of his catch to Taku Smokeries. They have participated from their boat for the annual Blessing of the Fleet even before the Wall of the Memorial was installed, or from the land when their boat was not available during the fishing season. She has also participated on and off for years in the LRWP process, since the Memorial started in the late 1980s and early 1990s, and as a former D&H Board member effective in 1994 for a year or two, and then again more recently. Her family is concerned both as property owners and how this project will impact their business. She requests the PC to take these consideration in mind and vote against this CUP for the following reasons:

1. It competes with two privately owned docks, and it is not the business of the CBJ to compete or hinder private businesses.
2. The project does not decrease congestion, as the buses and traffic would continue to travel through downtown.
3. The project creates a marine safety hazard for small vessels that also use the harbor to conduct business.

In her husband's opinion, and he has 46 years experience using that waterfront since delivering to the Juneau Cold Storage when it existed, and currently to Taku Smokeries. There is a strong current, in her husband's opinion, which runs across that waterfront area. There have been no impact studies provided as to the safety for small vessels. He is concerned that with the proposed project design (attachment F) that it would intensify the current that runs across that area, which will create safety issues.

There is no way that they can participate in the Blessing of the Fleet on the inside of the new float area. They question the use of the dock in the off-season, as it will sit 8' above the surface of the water, so the only method in which they could access it is from the upper deck of their boat. They harbor their boat at the docks downtown, and are on every mailing list so they have been following this project and most of the focus has been on large cruise ships, but there has been no mention of small vessels owned by local residents who use this waterfront. They feel there will be negative impacts to local residents and constituents who enjoy the waterfront.

As property owners and residents, they are disturbed that CBJ resources have been allocated to this project that was not proposed by the industry. This project will only be used about five months out of the year, but it will require maintenance and care year round. They question whether the cruise ship receipts should be directed toward other projects that could better enhance visits by cruise ship passengers, while decreasing the negative impact that an additional million people will bring to a town of 30,000 residents. For example, they could use those funds to purchase a new incinerator because the garbage situation in this town is greatly impacted. They feel that they are apart of the cruise ship industry and they support it, and she is on record of doing so when she sat on the D&H Board. Their seafood product is served on many cruise ships, including where the passengers tour so they want to continue to have a positive impact on their customers. Her family does not believe this project site is going to do this, and it is not in the best interest of this community.

This project is going to destroy the annual Blessing of the Fleet as it is currently held, which is a unique event designed by Juneau residents for fishermen who have lost loved ones at sea, which later evolved for other residents of the State of Alaska. They changed the name years ago from the Juneau Commercial Fishermen's Memorial to the Alaska Commercial Fishermen's Memorial because of the statewide interest. Juneau is the State Capital, and they have had several distinguished speakers attend and speak at the annual Blessing of the Fleet. This voluntary group researched at no cost to others all the various ceremonies in harbors on the east coast, not just in the State of Alaska, so it was with dismay about 1.5 years ago when a City paid consultant shared with them what was done all around the country. She apologized for being upset, but they have family members listed on the Wall of the Memorial. Her husband would not attend this meeting because he feels there has been a detachment, and their voices might not be important. They recognize and hope for growth in this community, but they want reasonable development with positive impacts for Juneau businesses and families alike. They believe other options have not been fully explored, i.e., refurbishing the existing dock, looking at a single floating berth, and so on. At the Assembly/COW meeting just before the motion was made a member stated, "No one is going to remember this in 20 years anyway." They believe that member of the Assembly is wrong, as all the fishermen will remember because this Memorial has a lot of history behind it with people listed on the Wall that represent families and faces that lived in this community, and their loved ones enjoy walking down the waterfront to place flowers at the Memorial in remembrance of them. There are other members of the Memorial who are not present at these meetings because it was too painful for them to attend. She encourages the PC to vote against this CUP so the D&H Board and the Assembly can continue to meet with the members of the Memorial to work out their differences. There are many differing opinions regarding the Memorial, and they recognize that this development is needed. However, when she served on the D&H Board, they took into consideration and assurances were made by that body and the Assembly to support the Memorial. During that time, the D&H Board provided a considerable amount of careful thought and processes in selecting the existing location for the Memorial, but once the proposed project is complete the people will not be able to view the fishing fleet from the Memorial site. The Blessing of the Fleet ceremony used to include the land being the Wall of the memorial with the fishing fleet traveling past directly in front of it in the sea.

Mr. Bishop stated that if Ms. Osborne had her druthers for an alternative Memorial site, he asked which location might she choose. Ms. Osborne said the fishermen do not want to move the Memorial, but the ground at the existing site is sinking so something has to be done. When the Memorial was first installed, there were many volunteers and donations to do so. They used

community business resources as well for driving the pilings at the site, which later held up that waterfront area at one point when the Mt. Roberts Tram was being installed because they ran into some issues with that project. Her first choice is to shore up that area, as the Memorial has already been damaged due to previous movement. If they have to move the Memorial her second choice is to the marine waterfront where Engineers are working on a design so the ships could still maneuver past there, but some members consider that as being similar to moving a cemetery. She feels somewhat different although she understands the passion of others because it is not her Wall, it is the people of Juneau's Wall. She said they could possibly re-examine refurbishing the existing dock near the USCG, including installing a berth that would benefit that entity and lessen the congestion downtown. They shared some of these opinions at earlier meetings with D&H and the Assembly/COW, but were told that those were not options. The other options were to possibly move the Memorial under the Juneau-Douglas Bridge or by the Yacht Club, but the fishermen said there were too many marine issues regarding currents and tides for the fishing fleet to access those locations.

Dixie Hood, 9350 View Drive, said it is problematic that the whole project has been called the Dock Project 16b, which is sort of under the public radar in terms of anyone being able to understand what is actually going on. She participated in the development of the LRWP, and the idea was that development of the waterfront should have low-level buildings and be as usable as possible for residents of Juneau and its visitors. After the LRWP was developed, Maria Gladziszewski conducted a Voter's Survey, and 60% responded stating that they did not want further downtown congestion or new docks. The only type of development they found to be acceptable was an extension of the existing CBJ Dock, but the Assembly found fault with that. Because of the makeup of the Assembly, including the influence of the Downtown Business Association and Chamber of Commerce, they decided to conduct a scientific survey. Ms. Gladziszewski stated that to have the size of response that they did with the Voter's Survey she conducted was like having a town hall meeting of 7,000 people, which was significant. However, the Assembly contracted the McDowell Group to conduct a scientific survey, and the outcome was exactly the same for no increased downtown congestion or new docks. She attended a special meeting when Nancy Waterman was serving on the PC, and Ms. Waterman's idea was to have an outside consultant prepare an architectural design for the waterfront, which is when many designs were prepared. Greg Chaney handed designs that were prepared for the floating docks. She asked how that had gone so far ahead in terms of creating a design plan, and Mr. Chaney said it was a surprise to the CDD as well because staff just received it that day. One of the problems is that D&H is an enterprise Board who has independent funding sources so many projects tend to get underway without public or Assembly involvement. Early on the Northwest Cruise Ship Association objected to the floating docks because they said it would interfere with navigation in the channel. In an effort to mitigate any such damage, there was insurance that was going to be available to cover any harm done to the ships because of the tightness of the docks. There are three major projects and public interests that are being interfered with, which will have negative impacts to them in terms of the project. The first would be the USS Storis as a maritime museum with the efforts for that to be an accessible attraction off of the waterfront. The second is Skip Wallen's whale sculpture that was initially proposed for Marine Park, which people would come from all over to see. The third is the Memorial, and her son in law Mark Livingston's name is on it so she has attended the Blessing of the Fleet for many years. At the Assembly/COW meeting Mayor Botelho commented that this project was going to cost \$85 million and would tie up Cruise Ship Passenger Fees for about 35 years, but as an enterprise D&H Board they can access funds for both upland and waterfront development. It is an extraordinarily expensive project that will have many negative impacts on

this community, especially downtown. She thinks the project is accommodating commercial interests to the detriment of the public. If this project moves ahead, people in Juneau are going to be dumbfounded at the size of the ships and the number of passengers, and they won't be able to view Douglas Island all summer long. When she visits the library the ships already interfere with the view, but the public tends to be used to that in their face, although the entire waterfront would be blocked with larger Panamax and Post Panamax ships. She hopes that the PC opposes this project.

Mr. Bishop said Ms. Hood spoke to the desire to see the USS Storis in Juneau, and asked where such a location might be. Ms. Hood said she spoke with Joe Geldhof and he said the waterfront is where the USS Storis should be harbored. There were proposals by D&H to put it up on land and that sort of thing, but because of future maintenance needs and so forth that was not acceptable. Mr. Bishop said the proposed project provides a slot for the USS Storis that would otherwise be unavailable. Ms. Hood said it is a creative proposal, but she doesn't know if that is an acceptable spot.

Teresa Becker, 2201 Raven Road, Douglas, said she is representing her family, the Memorial, and their commercial fishing business. She and her husband utilize Taku Smokeries dock to unload their fish from their 56' F/V Carlin. They have several family members and friends on the Wall of the Memorial. People come from all over the state to participate in the Blessing of the Fleet from Dutch Harbor to Ketchikan. Access to the Wall of the Memorial and the Blessing of the Fleet will be blocked by the proposed project, which was not well researched. Some examples of impacts include the small boat topic that was brought up, waste, weather, and currents. When Mr. Gillette was speaking about the wind, she believes he did not address that it usually blows from the southeast. The Memorial Board tried to work with D&H Board and the Assembly/COW, but there has been a serious lack of transparency in this process. She agrees with Ms. Osborne that they need to probably move the Memorial to an honored location because it is not being honored where it currently is. The metaphor of people feeling that moving the Memorial would be similar to relocating a cemetery is because a star next to a fisherman's name means they were lost at sea, so they do not have a grave. Therefore, the time for their family to provide remembrance of them is to visit the Memorial site, and every year all the fishermen's names are read during the Blessing of the Fleet. She suggests that the PC vote against the CUP and request a transparent process for members of the Memorial to further work with the D&H Board and the Assembly.

Ms. Lawfer said Ms. Becker agrees with Ms. Osborne to move the Memorial, and asked where her preferred location might be. Ms. Becker said to the Marine Park area, which is an honored location that would be utilized by the public in a respectful way. She does not feel that the method in which they are doing so in the current location is respectful, and she does not agree with the option of having the Blessing of the Fleet moved to the dock, which is disrespectful and hurtful that such an option is even being suggested.

Grace Elliott, 9369 Northland Street, said she hopes the PC strongly considers the points made the public tonight. The granting of this permit is not an emergency. This PC is charged with careful consideration of the plans for Juneau's future. She has been a citizen of Juneau for over three decades, and is an active volunteer in this community because she loves this town, culture, and its diversity, but Juneau has gradually been pushing away the commercial fishermen. She watched for years as the harbors have become less and less hospitable, so fishing families have moved from Juneau to other communities such as Sitka, Hoonah, or elsewhere. She requested a

show of hands of the PC for those that have attended the Blessing of the Fleet, to which there were many. She said those Commissioners know that this is a large communal celebration by the people when the fishing boats circle in front of the Memorial and they are all together from the land to the sea. It might seem logical to split this ceremony up by visiting the wall, and then having people go down to the new float for the Blessing of the Fleet, but the whole idea is that the land and sea remain connected to each other. She believes the Blessing of the Fleet is not just by whatever clergy person is there providing a prayer, rather it is for all the people because when the fishing boats circle in front of them they all hold their hands up onshore saying that they are with and connected to the fishermen, which is part of the character of Juneau. Many cruise ships already come to Juneau, and she is not thrilled about having another gargantuan dock running the length of downtown. She is here with her friend Laurie whose husband's name is on the Wall of the Memorial, but understandably she does not feel inclined to speak because it is too difficult for her. She urges the PC to not dismiss what has been said by the testifiers tonight simply because it creates emotion when they talk about people they love that were lost. A very valid concern is about proper planning for Juneau while respecting the local culture that others come here to see. The Memorial is for the people connecting with the fishermen, friends, and family who leave for months at a time during the fishing season that are part of Juneau.

Mr. Watson said Ms. Elliott mentioned the lack of effort by D&H towards the fishing industry, but they have spent a lot of time, money and effort to rebuild the fishing infrastructure in Juneau over the past several years. Many folks are not always aware of this unless they attend those meetings. He realizes some of the fishermen and their families have left Juneau to a degree, but D&H has been working hard to bring them back; Ms. Elliott said that's heartening to hear.

Mr. Gillette said there is a sense that this project came out of nowhere without a process that brought it to this point. However, maps are provided in the packet of three different concepts that were considered and investigated, and attachment F is the current proposed project that they have been discussing tonight. Another concept was for a pier that would extend into the channel allowing ships to dock on either side, which was proposed by forming a joint venture between Goldbelt and Merchants Wharf. The third concept was down by Gold Creek, but that area was not supported by the LRWP, including that the public did not want to see this industry move to that area due to upland facilities. When the navigation studies were conducted based on where the cruise ships go now, the Marine Exchange of Alaska operates what is called Automatic Information System to track the vessels (attachment B). The drawings show exactly where those ships tracked, and they determined that the pier concept probably would have the most impact on navigability in the harbor because the proposal was to build a pier and use the City staging area to support it. With such a pier, the City Dock would not be usable for cruise ships at all because they could not navigate that area. The problem with the Gold Creek site was because of the southeast winds blowing up the channel, and the Marine Exchange of Alaska determined that during a 25-knot sustained wind the ships would be unable to pull away from the dock without tug assistance. He explained that they already experience such problems at the AJ Dock. They also attending a cruise ship simulation in Seattle and invited captains of the cruise ship industry who have set the perimeters of Gastineau Channel in comparison to the sizes of their ships they maneuver, and it was determined that attachment F was the best configuration for this harbor and the types of winds it experiences. The Princess Corporation has a policy if that there are 20 knot sustained winds they won't let the ships pull away from the dock, as they pose safety issues. Therefore, the historic approach the ships have been making to the Franklin Dock is safe, and extensive studies have been done in making that determination.

There was testimony provided stating that D&H has independent funding and can complete projects without Assembly approval. D&H does not have independent funding, and the Assembly approves every project costing \$100,000 or more, and for perspective the CBJ Engineering threshold is for projects costing \$1 million or more before Assembly approval is required.

He explained that the private enterprise that has no funding is overseeing the USS Storis who asked D&H if they would consider a location for it when they started developing the proposed project, which D&H has done. However, Congress has not approved the USS Storis for transfer, and the existing bill presented for consideration has no funding attached to it. Therefore, the private entity that wants to bring that ship to Juneau has to come up with funding. A little over two years ago the D&H Board said that private entity needed to develop a sustainable financial plan for operating the USS Storis beforehand, which has not yet been provided. He has since talked with the private entity that are reconsidering the location D&H proposed because a floating ship would be too costly, as they would be required to place in dry dock to have it repainted every five to 10 years. Therefore, the private entity is considering possibly placing the USS Storis on land somewhere, e.g., under the Juneau-Douglas Bridge, or along the waterfront near the Taku Oil facility.

The proposal was to place the whale sculpture in an area of Marine Park commonly referred to as the wedding cake. However, he has found out that plan calls for a larger area, as it will have a reflecting pond where people would be able stand far enough away to effectively capture photographs. He heard Parks and Rec are considering numerous locations, but they have not yet narrowed one down.

It was mentioned that this project has not undergone a transparent process in addressing the Memorial. The Assembly in approving this project placed a caveat on it that the D&H Board work with the Memorial Board to solve some of the issues. Following that directive, he immediately met with Memorial Board representatives and showed them how other communities perform ceremonies in hopes that this project configuration could work, but they did not like that idea. D&H moved onto the next step by holding a public meeting to take comment. The Memorial Board considered those public comments, and provided a first recommendation that the project not be built, and the second was to place it at Marine Park if they could obtain guaranteed access to the sea, but D&H does not own that property so that would have had to be negotiated with a private landowner. D&H does not manage the Marine Park area either, so D&H went to Parks & Rec to inform them that what was being proposed by the Memorial Board. Parks & Rec held a special meeting and took public testimony, and made their recommendation. Following this, D&H held another public meeting on this issue and took public testimony, but failed to come to an agreement on a recommendation. The Assembly took all this information under consideration after taking public testimony, and then voted to leave the Memorial in its current location, so D&H feels they have complied with the direction of the Assembly. All these City agencies met numerous times with two representatives of the Memorial who are Bruce Weyhrauch and Bob Mallard. In addition, they also met at other times with CBJ Engineering staff during public meetings when they were planning their project to extend the Seawalk in front of the Merchants Wharf area, and therefore he believes nothing whatsoever was hidden in this public process.

There was discussion about future access to Taku Smokeries dock by fishing boats, and D&H recognizes that tidal currents run through that area. Taku Smokeries intends to extend the dock

(attachment F) after they worked with D&H designers to align it so the dock is more parallel with the current to make it easier for fishermen to dock. The City owns that dock, which they lease to Taku Smokeries. The City spent money on the conceptual design to extend that dock within this project, but Taku Smokeries for economical reasons decided to hold off doing so at this time.

A comment was provided that obtaining this permit is not an emergency, and maybe it is not but it fits within the timeline for D&H because it is for a very large project. They split the project up to install the first float so access continues to be provided to the smaller boats, and then the following year they will install the second float. All the materials for the project will have to be manufactured ahead of time and shipped to Juneau by October 1, 2014 so when the cruise ships leave the contractor can start construction. Since the area has to be open during the summer season, the contractor will begin construction October 1 and end May 1, with a provision that no pile driving takes place between March and June. The intent is to bid this project in August 2013.

A comment was made that funds for this project could instead be spent on an incinerator, which is not true because the Cruise Ship Passenger Fees paying for this project are taxes collected from passengers who enter the port of Juneau. Further, federal law states that those fees have to be spent on facilities directly related to the safety and experience of passengers.

Mr. Bishop requested Mr. Gillette to speak to the needs of the project. Mr. Gillette said technical people in the industry worked with D&H throughout the process to ensure the project accommodates their ships. The need is because the cruise ships have become larger and are eventually coming to Juneau, so this City has to be ready for them or they have to turn them away. The Assembly decided that Juneau has to do so because the cruise ship industry is good for this community. A benefit is that the project will open up the waterfront as a Seawalk when they remove the yellow security fences.

They would probably lose the Taku Smokeries dock and IVF if they tried to extend the project along the existing dock, which would have a much greater impact to the harbor area, including that the cruise ships would be in the face of the Memorial site. One of the options was to renovate the existing dock, but it did not seem prudent to spend \$30 million to do so because it could not accommodate larger cruise ships that are eminent. The area has new Visitor Center and Port Custom buildings that could be used for other events at times, so over time more activities will start to happen, and last winter a couple of shops in this area remained open. It has cost over \$4 million to renovate and consolidate the parking area, which has assisted to address congestion and pedestrian safety because the crosswalk on South Franklin Street experiences the most traffic in the entire downtown area. Mr. Bishop asked if Mr. Gillette could state that without this project they would lose one Panamax per day during season, or he asked what the potential losses might be without an extra 1,000' berth. Mr. Gillette said the USCG said they would never be able to have more than one ship at anchor at a time because the channel is too small. Mr. Bishop asked if this is a new development that has not been true in the past. Mr. Gillette said in the past there might have been two ships at anchor at the same time, but not over the past five or so years. He explained that there has been a downturn in the industry over the past couple of years, but it is recovering to the point that the Assembly sees the need for five berths. Panamax is limited to 780' and Post Panamax is 965'. Therefore, there will be a 1,000' berth; two 1,000' concrete floats to handle two Post Panamax ships; the existing dock will handle one ship; and another at anchor. Mr. Bishop asked if an analysis was conducted regarding the

long-term viability of the industry for this community. Mr. Gillette said one additional ship will be coming to Juneau in 2012, and the projection for 2013 is that they will be back to the last high-ship count of 2008.

Mr. Haight said the application mentions that the existing dock undersides are overloaded and failing, and asked what their expected lifespan might be. Mr. Gillette clarified that the comment was actually in relation to the load on the dolphins, which are showing stress as larger ships are tied to them, as they were not designed to accommodate them. He explained that a study was conducted of the underside of the docks where they found that some protection has dislodged, so they will have to perform an upgrade to that system, but the docks are not to the point of being in dangerous or eminent failure.

Mr. Haight asked if additional pedestrian safety would be provided for on South Franklin Street by routing foot traffic along the dockside. Mr. Gillette said the latest Seawalk extension was designed to do just that, especially in the area of Taku Smokers to the seaward side. CBJ Engineering anticipates extending another portion of the Seawalk from Marine Park along the front of Merchants Wharf as well.

Mr. Haight said there is need to shore up the Memorial site, and asked if any effort is being made to do so with this proposed project. Mr. Gillette said the actual Memorial was installed on piles at the site, which are secure, but the area on the backside is where the site is experiencing movement. During the last Seawalk extension project, CBJ Engineering extended some decking to those pilings underneath that area so it is now fairly stable. The idea is that if that same area continues to sink it will be easier to pull up and re-grade, so some consideration was provided to that site.

Ms. Bennett asked if there is a method to respectfully relocate the Memorial because it is being considered by some to be the same as moving a cemetery. Mr. Gillette said the Memorial has a concrete base and the granite Wall was placed on top of it. They believe the Wall can be safely pulled up, but doing so will break up the foundation, which would have to be replaced. Relocating the Memorial to Marine Park would involve Parks & Rec who manages it. When D&H spoke to the PRAC, they said the park has areas where people hide and conduct unacceptable activities so they are in the process of opening it up to provide for visual penetration by removing the wedding cake portion. However, they would have the same impacts if they were to move the Memorial to Marine Park because people could hide behind the Wall. A number of people have stated that they see this as being akin to moving a cemetery so they do not want it moved, but there may be alternatives to the Blessing of the Fleet that might be acceptable, although the Assembly's directive is to retain the Memorial in its current location and D&H has to abide by that.

Mr. Miller asked what the cost estimate is to relocate the Memorial within this project. Mr. Gillette said it would be about \$2 to \$2.5 million, but doing so is not included in the proposed project any longer because the Assembly's directive is to retain it in its current location. Mr. Miller said if the Memorial were to be moved, Mr. Gillette said they could perform the Blessing of the Fleet at Marine Park. However, some of the proponents of the fishing fleet want to move it to that area, and if so, he asked if fishermen could effectively maneuver their boats in front of the Marine Park area. Mr. Gillette said an alternative they showed the members of the Memorial included a path for the fishing boats to maneuver when no ships are docked behind the first float, including while effectively making an arch for the boats to exit. Mr. Miller stated that 150' does

not appear to be sufficient area for fishing boats to maneuver, especially on busy delivery days no matter what the weather conditions are. Therefore, he asked if consideration was provided during the design process to swing the cement float further seaward to provide additional space between it and the Taku Smokeries dock. Mr. Gillette explained that the navigation study shows the tracking diagram of how the ships have approached that area, so the first float was placed as seaward as possible where they felt comfortable that it would provide sufficient clearance for Post Panamax ships to approach. Ms. Grewe said they are not necessarily proposing an arch in area where a 58' fishing boat would have to maneuver to unload their catch at the Taku Smokeries dock, rather it's a tight "U" turn almost turning back upon itself. Therefore, when the current is running in that tight space, it might pose limitations on the size of fishing boats that are theoretically able to do so. Mr. Gillette said they used a 58' vessel that effectively maneuvered that area, but when they presented this information at the public meeting there were comments from the fishing industry that it might be a tight maneuver for older wooden boats with different rudder systems. It is not ideal because many types of wind or current conditions could impact fishermen from docking their boats, so it is probably not feasible for fishing boats to enter and make tight turns in that area for the Blessing of the Fleet either. Ms. Grewe stressed that it probably will not be feasible for the majority of fishing boats to maneuver. She does not think that she would want to maneuver her 28' cabin cruiser in that area because she would be hoping her reverse works on that particular day, including praying that she does not hit borough property. She asked how many Panamax and Post Panamax ships they are able to currently accommodate. Mr. Gillette said one 965' Post Panamax, and one 780' Panamax.

Ms. Bennett commented that the PC has been reviewing the Willoughby District Land Use Plan (WDLUP). This area also includes upcoming development of the museum property, including in the plaza between the museum and Centennial Hall, which are in a location where some of the problems associated with Marine Park might be mitigated for later on. By that time, the configuration downtown might have changed enough when Marine Park might become more respectful of an area for the Memorial to be relocated in the future, so deferring the decision to relocate it now might be a smart decision.

Mr. Watson asked if the Assembly made their decision to retain the Memorial in its current location after they reviewed Dock Project 16b; Mr. Gillette said yes. Mr. Watson said most of the owners of fishing boats in Juneau prefer to dock at Auke Bay unless they are able to secure a slip at a downtown harbor, but he does see any slips for commercial fishing boats to tie up to, except maybe at the IVF. Mr. Gillette said the IVF dock is not necessarily for fishing boats, rather it is for larger vessels such as the NOAA ship when the NOAA dock is full, other research ships, etc.

BREAK: 8:57 to 9:09 p.m.

Public testimony was closed.

Commission discussion - None

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP. The permit would allow the development of two offshore berths and moorage float located at the existing downtown cruise ship docks. The approval is subject to the following conditions:

1. All exterior lighting fixtures shall be of a "full cutoff" design.

2. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the CDD, according to the requirements at CBJ §49.40.230(d).

Commission action

Mr. Miller cited criterion 4, on page 8, stating that he believes staff's analysis might not be thorough enough because it does not address the Blessing of the Fleet, the control of traffic, or for fishermen docking commercial boats to unload their catch during the summer season. It is never just one 58' fishing boat delivering their catch because when fisheries closures happen many fishing boats arrive at the same time to unload their catch during all types of weather conditions. It appears as though they have pinched off the traffic area that fishing boats access, and he does not see that there has been an analysis conducted to cover the eventualities of that happening. He also finds fault with criterion 6, on page 8, which states that the project is consistent with the Comp Plan, but staff quotes Policy 5.4, which states, "...while protecting Juneau's natural cultural and economic attractions for local residents and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industrial concerns." The Alaska Fishermen's Memorial is not just for Juneau, and Juneau is the Capital of the State of Alaska. The Memorial has huge emotional ties to Alaska communities, and to not have this issue addressed in the project is a disservice to the fishermen and their loved ones, regardless of what the Assembly stated at their last COW meeting because this issue remains unresolved. Therefore, all the necessary City agencies should spend more time working with the Memorial Board to find a solution, and if so, then it is possible that criterion 6 could be met.

Mr. Bishop said Mr. Miller vocalized his same concerns, including his reluctance to move forward with this case. He thinks for the most part this is a good project, but in relation to criterion 5, on page 8, the proposed project would be out of harmony with the Memorial and the Blessing of the Fleet. This issue needs to be resolved, and the PC would be remiss to move forward with the project until they come to reconciliation on these issues for the community.

Ms. Grewe said the irony is that the visitor industry brings people to this community to view the culture of its people, but this is happening less and less because of the way this district has been built in recent decades. Public officials have allowed this to happen with their decision-making. She agrees with Mr. Miller regarding criteria 4 and 6. She believes it is easy to look at the Land Use Code as it applies to this permit and state that it generally meets these criteria, but at the same time she questions if it meets the intent of the Comp Plan to support the industry while also protecting Juneau's cultural and community amenities. Until these significant elements of the Juneau community are accommodated, she believes more effort has to be provided even if one cruise season is missed. Therefore, she asked what the dollar value would be if they were to do so, rather than alienating the commercial fishing fleet and those that aren't satisfied with the way that area looks today. She believes they are doing a lot of work to bring the public back to that space, but they are only having to do so because they pushed them away from that area through past actions. Such actions have also taken place by the private sector that the PC is unable to control very well, so there is a history and correcting it is going to be difficult.

Mr. Watson said he respectfully disagrees with his fellow Commissioners. He referred to criterion 4, stating that moving the mooring further seaward allows better flow of cruise ship

passengers, which will provide a vast improvement in terms of pedestrian safety. In the past, he ran a business when he only allowed experienced truck drivers to maneuver through downtown because of traffic congestion. However, now when the passengers disembark from ships, they will view the Seawalk first, not walk past it. He referred to criterion 6, which he believes is in general conformity with the Land Use Plan, and Thoroughfare Plan, which nobody has mentioned. The cruise ship industry will increase by about 9%, so that means another 90,000 passengers will be visiting this community over the five-month summer season. If they do not start working towards a safer method in which to handle those cruise ship passengers, something sad is going to happen, which would send out a very bad message to the industry.

Mr. Medina said there are very high emotions that he certainly appreciates, so he commends the public for having the courage to testify at this PC meeting. That said, he concurs with Mr. Watson, and as Commissioners of the PC they have to make the best decision, which is not always the most popular. The City has competent and professional staff, and he finds no fault with their findings and concurs with their recommendations.

Chair Satre stated that as a matter of process a couple Commissioners requested additional information, others believe the project is very close but not ready to move forward, and the remaining appear to want to move forward with the project now. If they were to force the motion for an up or down vote, and if it were to fail this project would be denied minus reconsideration. However, should the majority of the Commissioners feel that they could move this project forward with more information, then a motion to continue might be appropriate.

MOTION TO CONTINUE: *By Mr. Bishop, that the PC continues USE20110030 and CSP20110010 until further information is provided on the resolution of the Alaska Fishermen's Memorial and the Blessing of the Fleet to resolve issues between this project and the need for relocation.*

FRIENDLY AMENDMENT: *By Mr. Miller, that the PC be provided input from Alaska commercial fishing boat captains about access between the Taku Smokeries dock and new cement float in the South Berth area per the proposed project in terms of safety.*

Mr. Miller said he does not know how difficult it will be for captains of fishing boats to access the Taku Smokeries dock, so he would like expert testimony provided to the PC based on what those captains believe will truly happen should this project move forward as is.

Mr. Bishop accepted Mr. Miller's friendly amendment.

Mr. Pernula said he would like clarification on the resolution of the Memorial and the Blessing of the Fleet activities. He explained that the Assembly already looked at this in detail and made a decision to keep the Memorial where it is, so he questions what the PC is asking the applicant or staff to do. Chair Satre said the PC will get back to addressing this, as he would like hear Ms. Bennett's comment beforehand.

Ms. Bennett requested staff to compile statistics on how many fishermen actually use the Taku Smokeries facility so the PC can make a decision based upon accurate fishing industry data, not just cruise ship industry information. Chair Satre commented that if the PC were to approve the motion to continue, staff will obtain fish landings and the vessel counts.

He said he would like to entertain a discussion by the PC on Mr. Pernula's point. He asked specifically what might the PC be seeking per Mr. Bishop's motion to continue, which is outside of the discussion by the Assembly on this matter. Mr. Bishop said that is difficult to answer, and he requested to keep this topic open for general discussion to allow him more time to think about that.

Ms. Lawfer said she has been following this Memorial topic for quite a while before she was sworn in as a Commissioner tonight, and this is the first time she heard about the land around it being unstable. While she heard discussions by the Assembly, she does not recall this being brought up by that body either. At the time the Assembly voted in favor to retain the Memorial in its existing location, there was no mention of having to perform major maintenance to it. Therefore, she requests staff to determine the useful life of the Memorial site, including what it will take to maintain it over the long term. The questions are whether this is going to have to be dealt with in the next couple of years, if it will have to be shored up, relocated, or whatever else.

Mr. Watson said it is his understanding that the Memorial Board controls the Memorial and are financing it through the City, so he asked if it is the responsibility of the Memorial Board or the City to maintain the Memorial and its site. He believes it is the responsibility Memorial Board, and if the City does not own it he wonders how the PC is able to do anything at all about the Memorial. Further, he does not know if the Memorial Board leases the land from the City, so there are unanswered questions in this regard that have to be resolved. In terms of the fishing boat count using the Taku Smokeries facility, he understands that the fishermen contact the facility to make an appointment before delivering their catch, which is the protocol also used at the Glacier Seafoods facility out the road. Therefore, he knows that those facilities maintain records of boats making deliveries, and he has witnessed boats in the harbor countless times waiting for their turn to deliver, although the Memorial is only utilized one day out of the year. He grants that there are emotional issues involved with the Memorial, but in the long term what is used more consistently on a day-to-day basis is the Taku Smokeries dock so additional information should be based upon that. He explained that the fishing fleets use of the Taku Smokeries dock is far more of a safety issue because the boats arrive at all times during high and low tides, 25 knot winds, or when the water is flat calm.

Mr. Bishop said he would like to see how the fishing fleet is going to circulate in the area while accessing the Taku Smokeries dock in a safe manner. He explained that he is not able to require that the differences between the Assembly and Memorial Board be reconciled, although he requests staff to look into this in terms of determining whether anything further can be done.

Mr. Miller said the PC appears to have come to a consensus in regards to the Taku Smokeries facility access issue, and have requested staff to obtain further information in that regard. On the Memorial and the Blessing of the Fleet issue, he recalls when the Memorial folks appeared before this body several years ago when the PC strongly encouraged D&H to work with the Memorial folks, and this was a directive of the Assembly as well. He believes D&H has done so, although this issue has not yet been resolved. Therefore, D&H should probably continue to try to resolve this issue with the Memorial folks, as it is a key component to this proposal that detracts from how good of a project it can be. He explained that some of the Commissioners mentioned several positive aspects of this project, which includes safety for pedestrians that will be improved along waterfront areas, and the sustainability of new floats for larger cruise ships because that's the direction the industry is going. He believes these are all really good points, so it would be unfortunate to miss out on making this project as good as it can be.

Ms. Grewe said the Assembly/COW approved Dock Project 16b (attachment F), then decided to retain the Memorial in its existing location, including voting over and over again to support the visitor industry. At the same time she is perplexed because the Assembly/COW had a 6:3 vote as she read the minutes of that meeting, but no discussion was provided that over half of the fishing fleet would be unable to use the Memorial as its existing location. Therefore, she questions what the Assembly might want to do about that, and the Assembly Liaison to the PC is not present at this PC meeting to inform the Commission the intent of the Assembly/COW beyond those minutes. This would be so the PC could look at the fishermen and cruise ship industry sectors of this community to decide which options are best for the economy, including conformance with the code and other City approved plans.

Mr. Medina said he appreciates the comments provided by his fellow Commissioners, but as far as he is concerned the Assembly/COW made the decision to retain the Memorial in its current location so it is a moot point.

Mr. Watson said he attended that Assembly/COW meeting and witnessed a tremendous amount of discussion about the concerns and issues over the Memorial, and ultimately they made the best decision they could for this community. The Assembly Liaison to the PC was not elected at the time that when that discussion took place, so he would probably have no further knowledge to provide to the PC on that topic.

Chair Satre said he does not want in any way to discount the very emotional discussions that people in the room brought forth in regards to the Memorial. His vote on this motion to continue is about the concern for safety of ongoing commercial fishing vessels approaching the Taku Smokeries facility. This is a vital part of Juneau's economy, and fishing is an important and growing part of what people do here in Juneau. He ultimately believes that the decisions about the Memorial, its future location, and maintenance will be out of the hands of the PC to some extent because that will probably end up being an Assembly decision.

Roll call vote

Ayes: Lawfer, Bishop, Grewe, Bennett, Miller, Watson

Nays: Medina, Haight, Satre

Motion passes: 6:3; and the USE20110030 and CSP20110010 were continued by the PC.

Mr. Pernula stated that of the six Commissioners who voted in favor of the motion, there seemed to be quite a variety of opinions as to the type of information they would like with regards to the Memorial. Those comments ranged from Mr. Bishop who would like to take a look at how a safe approach to the Memorial might be, including other Commissioners who want to resolve the Memorial issue. He does not believe they are going to be able to resolve the Memorial issue to the satisfaction of anyone when it is the Assembly who has that authority, and staff believes the Assembly already solved that issue. Therefore, staff might not be able to provide the PC all the information they are seeking unless D&H and the Memorial folks can work something out in the meantime.

Mr. Watson asked when the PC might review this case again, as time is of the essence. Mr. Pernula said it will depend on how available the information is, particularly on the fishing boats accessing the Taku Smokeries facility. On the Memorial issue, he does not know if staff would

be able to satisfy those Commissioners who voted in favor of that motion, but he doubts if staff is able to do so within two weeks, as the next two PC meetings have full agendas.

Chair Satre stated that regardless of the votes on the motion, he believes every Commissioner wants to see this case moved along as quickly as possible. This is given the long lead time that would be required to order the materials for the project if it were to be ultimately approved. Therefore, he wants to get this done at the third PC meeting from now, and he offered to work with Mr. Pernula to do so. Mr. Pernula said they could schedule a special meeting of the PC, if need be. Chair Satre said doing so is not out of the question, and quite frankly it might allow the PC to invite members of the Assembly to that future meeting to provide public testimony.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

PC Committee Assignments

Chair Satre said a list of the basic committees was provided in the packet, including the top picks by the Commissioners, with the exception of Mr. Haight. Mr. Haight said he provided his top picks to staff, although they are not reflected on the list. Chair Satre said he has not had a chance to work through the list. He explained that the Subdivision Review Committee (SRC) met earlier this evening and it is their desire to retain continuity of membership until the end of January 2012. This allows the SRC to finalize items they are currently working on with the same members. He will work through the top pick requests, as there are a couple of duplicates listed, so he will attempt to provide a final list of PC committee assignments at the next PC meeting, which will be effective February 2012. Ms. Lawfer said she offered to fill a vacancy on the Wetland Review Board (WRB) and wondered if she should attend that meeting if it is held before the next PC meeting; Mr. Miller said the January 2012 WRB meeting was canceled. Chair Satre said if there are any changes to the list, he requests that those Commissioners contact Mr. Pernula who in turn will contact him. If he has any questions, he will work with Mr. Pernula to avoid violating the Open Meetings Act.

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula stated that a PC training session will be scheduled fairly soon with the City Attorney in relation to legal matters, i.e., Open Meetings Act, ex parte communications, conflicts of interest, etc. Chair Satre said he would like that meeting scheduled as soon as possible, and he informed the Commissioners, especially the new ones to avoid ex parte communication. He explained that if someone approaches or telephones them about a permit or project that will potentially end up being heard by the PC, they are to state that they are unable to talk about those issues because it would be considered ex parte contact, as they never want to have an appearance of a tainted process. In regards to the Open Meetings Act, he requested that the Commissioners not hit the "Reply All" button when responding to emails, rather they are to send all replies through Mr. Pernula. Three or more is considered a quorum of the PC, so he requested that the Commissioners keep this in mind while attending various community events. In regards to declaring potential conflicts of interest, if any Commissioners ever think that they might have a conflict in terms of reviewing a case, they are to contact Attorney Hartle at #321-ATTY for him to make such a determination.

Mr. Pernula stated that on January 10, 2012 the PC Agenda will include the State, Library, Archive, and Museum building project, improvements to Statter Harbor, and an eagle nest ordinance. Mr. Watson said he thought the Assembly approved the eagle nest ordinance last night. Mr. Pernula said that was only an introduction of the ordinance to the Assembly, and the PC will hold a hearing on it in two weeks, then the PC will make a recommendation on it to the Assembly who will hear it after that.

On January 31, 2012, the PC will meet as a COW at 5:00 p.m. in the Assembly Chambers to discuss Title 52 revisions, and the Land Management Plan. Heather Marlow and Cynthia Johnson of the CBJ Lands & Resources Department will be in attendance to discuss those issues with the Commissioners. Chair Satre asked if the Lands Committee is going to be present at that COW meeting, Mr. Pernula said they will not.

On February 14, 2012, the PC will review the cell tower project on the Mendenhall Back Loop Road that was continued a couple meetings ago, including the WDLUP.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson said the SRC met earlier tonight and are nearly finished with their review of the Subdivision Ordinance. Chair Satre added a lot of work has been conducted by the SRC during this review process, which should minimize time spent by the PC to review that ordinance in the near future.

Ms. Grewe said the Title 49 Committee met a couple times to review the WDLUP, and the committee will recommend a few changes to the PC on that plan, but they are not overly substantive.

[The November 21, 2011 Public Works & Facilities Committee (PWFC) minutes were provided by staff to the PC for their perusal.]

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Bishop asked for a status update on the PC list of goals and priorities. Mr. Pernula said he has been working on other projects, and he does not yet have the minutes of the last COW meeting yet, but when he does he will get back to the PC possibly at the next meeting.

Mr. Watson stated that CBJ Engineering will be working downtown on the next phase of a project on Main Street, and it is his understanding that they have not held any discussions with the state. This was told to him by a reasonably reliable source about a month ago. Mr. Pernula said that case will be presented to the PC during the January 24, 2012 meeting, and staff intends to contact other agencies. He explained that this is the first he has heard that the state has not been involved regarding that project, although he knows that a turning lane will be added onto 4th Street in the location of the Capitol Building. Chair Satre commented that some of the options for that project were presented to the PWFC in either October or November 2011.

He said he and his fellow Commissioners welcome Ms. Lawfer to the PC; Ms. Lawfer thanked them.

XV. ADJOURNMENT

MOTION: *By Mr. Watson, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 10:15 p.m.