

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Maria Gladziszewski, Chair

REGULAR MEETING
April 12, 2011

I. CALLED TO ORDER

Chair Gladziszewski 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.

Commissioners present: Nathan Bishop, Dennis Watson, Dan Miller, Michael Satre, Maria Gladziszewski

Commissioners absent: Marsha Bennett, Nicole Grewe, Benjamin Haight, Frank Rue

A quorum was present.

Staff present: Dale Pernula, CDD Director; Nicole Jones, Eric Feldt, Beth McKibben, CDD Planners

II. APPROVAL OF MINUTES

February 22, 2011 – Regular Meeting

March 8, 2011 – Regular Meeting

***MOTION:** by Mr. Satre, to approve the February 22, and March 8, 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

Mr. Doll said the Assembly is in the process of approving the budget, and the only contentious issue relates to allocating a portion of the passenger fees to cruise ship dock projects. He said the Assembly provided two redistricting plans to the CBJ Redistricting Board, noting that this might entail re-drafting precincts within CBJ due to shifts in population. He noted that a newly appointed member of Assembly would be sworn in at the May 23, 2011 meeting. He said the CBJ Public Works and Facilities Committee (PWFC) was presented with a City Project to construct a cul-de-sac and access ramp at the end of First Street in Douglas. He said the PWFC requested CBJ Engineering to review the potential for doing the project at the north end of Lawson Creek, including providing any difficulties and costs associated with doing so.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Gladziszewski announced that there were two items on the Consent Agenda, and inquired if there was public comment on them. No one from the public had comments, and no one from the Commission had questions.

MOTION: *by Mr. Satre, to approve the Consent Agenda, as presented.*

There being no objection, it was so ordered and the two cases below were approved, as presented by the PC.

VAR2011 0002

A Variance Request to reduce the rear yard setback from 12' to 6' for an addition.

Applicant: Don Larsen

Location: Dixon St

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR20110002. The Variance permit would allow for the property owner to build an addition 6 feet from the rear yard setback with eaves 4 feet from the property line, subject to the following conditions:

1. Prior to issuance of a building permit, the developer shall submit to the CBJ Engineering Department a detailed drainage plan which includes provisions for managing stormwater run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department.
2. An as-built survey shall be submitted before Certificate of Occupancy is issued.

VAR2011 0004

A variance request to eliminate the 10-foot side yard setback requirement for the placement of temporary, seasonal businesses near the Downtown Library Parking Garage.

Applicant: Tracy Labarge

Location: Franklin St.

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2011-0004. The Variance permit would eliminate the northern side yard setback only for seasonal, structures to be placed adjacent to the alley that borders the Downtown Library Parking Garage.

A person from the public requested to speak regarding VAR2011 0002.

MOTION FOR RECONSIDERATION: *by Mr. Satre, for reconsideration of VAR2011 0002 to allow a person from the public to provide public testimony.*

There being no objection, it was so ordered.

Public testimony

Alfred McKinley, Sr., 816 Dixon St., apologized explaining that he is hard-of-hearing, and he is a veteran. He said he has resided at his residence since 1971, and is the oldest person living in this area (80 years old), as all the other elders have died. He said the newspaper stated that the applicant is proposing to reduce the rear yard setback, and he has no problem with them doing so as long as this does not encroach into his parking area.

Ms. Jones said VAR2011 0002 would not pose any impacts on parking.

MOTION: *by Mr. Satre, to approve VAR2011 0002, as presented.*

There being no objection, it was so ordered.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2011 0001

A City Project for the reconfiguration of a cruise ship terminal staging and parking area.

Applicant: CBJ

Location: South Franklin St.

Staff report

Mr. Feldt stated staff reviewed the proposed project in terms of its conformity with adopted CBJ plans. He noted that this review process by staff and the PC of this City Project case is different than for a typical permit.

He said CBJ Docks & Harbors is proposing to reconfigure the parking lot by the Cruise Ship Terminal and other adjacent public parking areas. He provided a slide (attachment D) of a 2006 aerial photograph of the subject site, which consists of 3 parking lots. He referred to a slide of the existing site, stating that it shows a public parking lot; a staging area for large tour buses; on-street parking; another parking lot for smaller tour buses; a Docks & Harbor parking area; the Taku Smokerie's private parking lot; South Franklin Street with a sidewalk on both sides; and the Seawalk along the waterfront area. He said the proposed changes consist of a few aspects that have already been approved, such as the Visitors Center and the Ports/Customs Office, which are currently under construction, and these are in addition to the construction of a nearby portion of the Seawalk. He noted that a parking lot would be relocated and tied into another existing parking lot to provide one-way circulation, which was deemed acceptable by the State Department of Transportation (DOT). He said this means that tour buses would require additional room to back out, which is provided by removing the sidewalk and on-street parking spaces and converting this area into a vegetated island. He said there is a total of 42 existing parking spaces, with 38 proposed, and the loss of 4 is due to the removal of the on-street spaces. Even so, he said a large increase in on-site public parking spaces would be from 17 to 38 by converting the Docks & Harbors parking spaces into public parking.

He referred to a photograph showing the location of the transformer boxes, which are located very close to the parking lot, so they would drastically impact drivers' line of sight and create a hazard. He showed a slide with red arrows depicting the existing general pedestrian movement,

including another slide of the proposed movement. He noted that the applicant prepared a document (that he passed out prior to the PC meeting), which touches on the points of how this idea would work. He noted that some of those points are that the pinch-point will be enlarged to allow pedestrians traversing in the area to use the crosswalk that would continue to be flagged, and to also introduce the construction of covered awning areas to attract pedestrians to walk in a general direction. He noted that many tourist existing cruise ships in the area to the south by the Rock Dump walk down South Franklin Street to access this area, and in the past they have continued to walk along the existing sidewalk. He explained that with the proposed plan they would see that there is no sidewalk, and may feel more comfortable crossing in the designated crosswalk areas. He said the gangway would be removed, and the Seawalk will be continuous to provide another main pedestrian pathway. Even so, he stated that pedestrians would move wherever they are attracted to, i.e., they generally walk primarily in a straight line to their destination, so maintaining sidewalks in downtown are crucial. He said sidewalks provide safe access routes and facilitate pedestrian movement.

He said staff reviewed the City Project for conformance with adopted CBJ plans, Title 49, and the Land Use Code. He said a sidewalk is required along the street during new subdivisions, but this is not a subdivision proposal. He said the Land Use Code does not speak directly to the project requiring preservation of this sidewalk. He explained that this sidewalk is a very valuable feature in downtown for pedestrian movement, and the 2008 Comprehensive Plan (Comp Plan) states, "...to respond to the special transportation needs of each subarea of the CBJ and to integrate them into a CBJ-wide comprehensive transportation plan...and safe motorized and non-motorized travelways." Furthermore, he said the Comp Plan states that the best use of downtown shall have physical improvements, including maintaining sidewalks and pedestrian ways. He noted that the 2009 Non-Motorized Transportation Plan does not directly state that South Franklin Street requires sidewalks because it already has them, so it speaks to maintaining these features along this corridor. He said the 2004 Long Range Waterfront Plan indicates that the parcel along the waterside of South Franklin Street should be encouraged to have design standards for sidewalks. He said this acknowledges the fact that this area experiences a lot of pedestrian movement, so they have to maintain pedestrian facilities, noting that the 2001 Area Wide Transportation Plan speaks to the same recommendation, i.e., maintenance of the pedestrian rights-of-way. He said the 2009 Non-Motorized Transportation Plan recommends wide sidewalks and commercial strips, with corridors that have a lot of volume or high-speed traffic. He said the plan also encourages a vegetative buffer to separate traffic from pedestrians to provide a safer feel for them while they are walking along this designated route. He said the 2003 Downtown Tourism Transportation Study heavily focuses on South Franklin Street, explaining that everyone knows this is where the cruise ship docks are located, so this is the area where thousands of tourists access it. He said this study encourages redundancy in pedestrian routes, which means that they are not to rely on a single pedestrian route, and instead, multiple routes because pedestrians will choose multiple areas where they feel comfortable and safe to use in order to gain access to a destination. He explained that with the review of the adopted CBJ plans, staff concludes that removing the sidewalk is not consistent with the recommendations and actions of what the adopted plans call for. He stated that staff is providing a recommendation of denial to the PC, but it would not be right for the PC to deny this City Project at this time, so staff prepared an alternative because the project largely does comply with adopted plans, except for the removal of the sidewalk. He said the method in which staff recommends for the PC to make this project consistent with the adopted plans is to convert the vegetative island into a sidewalk, including relocating the transformer boxes. He said relocating the transformer boxes would be a very expensive project for AEL&P, although there is an alternate area where these

boxes could be relocated where they would not compromise pedestrian movement, or obstruct the line-of-sight of drivers. He stated that if the PC finds that the applicant's proposal meets the intent of the adopted CBJ plans, staff advises that the PC review the placement of the transformer boxes because they could pose a hazard.

Mr. Watson asked when the continuation of the Seawalk connection would be complete. Mr. Feldt said this would be done prior to the parking lot reconfiguration project, and he deferred to the applicant to address the proposed dates of construction. He noted that an existing gangway separates two sections of this area, but the gangway will be removed in a few years, as it will become unnecessary with future berths in this area. Chair Gladziszewski stated that until the gangway is removed, tourists would not be able to gain access to the full Seawalk, and instead, they would be required to access the parking lot, and then walk back down to the Seawalk area; Mr. Feldt said yes.

Mr. Bishop said it appears as though the majority of pedestrian traffic would enter from the Princess Dock to the south of this area along the Seawalk, so that should provide for a safer route, not on the South Franklin Street sidewalk. Mr. Feldt clarified that both routes would be continued to be used, which will serve to disperse some of the pedestrian volume. Chair Gladziszewski stated that when the Seawalk connection is done after the gangway is removed, she asked if the Seawalk would also be connected to the Franklin Dock area. Mr. Feldt clarified that the Seawalk would instead connect to the Miners Cove area. Chair Gladziszewski asked if pedestrians would be able to walk from the Franklin Dock to the gangway area this summer without accessing the street. Mr. Feldt said he does not know if such a connection would exist, and he deferred to the applicant.

Public testimony

Gary Gillette, Port Engineer representing the applicant CBJ Docks & Harbors, referred to attachment D, stating that the Seawalk from the Franklin Dock to the Ports/Customs Office is essentially complete, which will be open this year because it is expected to be finished within the next week or two. He said the gangway would be replaced along with the reconfiguration of the parking lot, so this is also when the Seawalk connection will be installed, and this is Phase I that would begin in October 2012. He said Phase II would consist of constructing the new berth dock, and Phase III would be to install another new berth dock in front of the Alaska Steam Ship Dock.

Chair Gladziszewski asked how long the configuration of attachment D would exist. Mr. Gillette apologized and explained that the configuration of attachment D was recently changed when they were contemplating how much construction could take place in one season. He noted that originally they intended to complete a parking area, including another area of the first berth dock, although those types of construction projects are somewhat different, so they revised Phase I, which will be completed in May of 2013. Chair Gladziszewski confirmed that in the summer of 2013, the project site would be completed as it is shown in attachment D. Mr. Gillette clarified that it instead will be different because the gangway would have been removed and the Seawalk connected by that time because they revised Phase I. Chair Gladziszewski confirmed that the proposed project would never appear as it does in attachment D, i.e., in relation to the parking lot and the gangway at the same time; Mr. Gillette agreed, stating that this is due to the recent revision of Phase I instituted by the applicant.

Mr. Watson confirmed that the angled parking spaces near where the sidewalk is being removed is strictly for tour buses to park, not cars, so the 4' height of the transformer boxes should not block the visibility of bus drivers. Mr. Gillette said the proposal was provided to the DOT, and they requested that the applicant move the transformer boxes north of the project site, as they did not want them in the landscaped area. He said DOT provided the applicant with the criteria regarding the line of sight of drivers, so the applicant intends to relocate the transformer boxes. He said another suggestion was to move them near the area of the Mt. Roberts Tram Terminal, although that area is a key location for pedestrians. He noted that they had transportation engineers with Kittelson & Associates watch videos of pedestrian activity in this area, and they found that this is the most used crosswalk in the entire downtown system, so to place the transformer boxes in that area would be a deterrent, which the applicant does not recommend.

He said the primary objection to the plan by staff is the removal of the sidewalk, noting that he provided a response to staff's objections, dated April 12, 2011, which was passed onto the PC by Mr. Feldt earlier tonight. He explained that the main reason for removing the sidewalk is because there are too many entry/exit points to/from the adjacent parking lot. He said this has caused a major vehicular/pedestrian conflict all along this parcel. He noted that many tourists attempt to gain access to the Mt. Roberts Tram Terminal, or to the parking area where the tour buses transport them to the AJ Dock. He noted that the reconnaissance videos show that pedestrians tend to enter in the People's Wharf area and cut through the parking lot near where the existing sidewalk is located to gain access to the Mt. Roberts Tram Terminal, or the tour bus staging area. He said in order to address this congestion, they intend to remove the four on-street parking spaces and the sidewalk, and then install a vegetated barrier. He said doing so would open the area up so it is safer and direct pedestrians to the flagged crosswalk areas, and provide them a view of the Visitors Center and the Mt. Roberts Tram Terminal. He said he believes they have provided many areas to bring people into the site, noting that there would be a covered waiting/loading area near the tour bus parking lot. He said they have done a lot to enhance the pedestrian experience to make this area safer, which is the primary reason they are proposing to remove the sidewalk and 4 on-street parking spaces.

Mr. Pernula said there is an existing extreme pinch-point near a corner of the People's Wharf Building on the east sidewalk off of South Franklin Street where he has observed many people walking on the street because that area of the sidewalk is only 4.5' to 5' wide. He said if the applicant intends for additional pedestrians traffic, then he is concerned about further congestion in this particular area. Chair Gladziszewski stated that there is another area on the sidewalk in front of the former Armadillo restaurant that has some type of a pole in the middle of it, which also consists of a narrow sidewalk area. Mr. Gillette said those areas are outside of this project proposal. He stated that retaining the existing sidewalks across South Franklin Street would encourage pedestrians to use them, versus going anywhere they want to go as they do now, including being deterred by the vegetated barrier to use a different route, and visual queues for places to go in a safer manner. He noted that the 2004 Long Range Waterfront Plan mentions providing sidewalks in front of businesses along the street, but there are no businesses along the street on this parcel, and instead, they are located along the waterfront, so they have attempted to bring pedestrians into this site and to the facilities in a safer manner.

Chair Gladziszewski asked if a pedestrian study was completed to develop this plan. Mr. Gillette said yes, stating that this was with the assistance of PND Engineering, Inc. and Kittelson & Associates who created a report. He said they viewed videos of the previous two busiest days in the project area, and then they held many public meetings that many people attended who are in

the related industries. He said the goal is to increase capacity, but they all recognize that this is a very tight site with many activities taking place, including some existing activities in areas that they would not have control over. He explained that this was a real effort to pull all the specific aspects together to make the project work. Chair Gladziszewski asked if the main purpose is to gain more tour bus parking, noting that the staff report states, "...the goal of the project is to provide a safer and more convenient pedestrian circulation throughout the area. Second, by reconfiguring the parking lot arrangement of the cruise ship lot, more large buses (+ 15 persons) will be accommodated." She said this appears to be backwards, as it seems like the applicant is attempting to provide for more tour buses, and then try to make it safe as possible for pedestrians after that happens. Mr. Gillette clarified that if the tourists enter the site from the south they would be directed either into the site, or under the covered walkway to cross the street to the sidewalk across South Franklin Street. He stated that after the Seawalk is connected once the gangway is removed, there will be less pedestrians on the street because it will not be nearly as attractive as the Seawalk.

Mr. Bishop asked what is planned to funnel pedestrians from the Franklin Dock onto the Seawalk, versus the sidewalk along South Franklin Street. Mr. Gillette said CBJ Engineering has been working with Miners Cove in an attempt to create improved access for pedestrians in that area, although he does not know exactly what the intention is. He explained that he spoke to the Project Manager who stated that he has held discussions with the property owners regarding possible easements to encourage people to take a specific route, which he believes would include way-finding signage. Mr. Bishop said these aspects are key in order to make this project succeed. Chair Gladziszewski said this area currently appears as though it is private, not a public Seawalk. Mr. Watson commented that the area by Miners Cove was previously discussed by the PC several months ago, and a lot of effort, time, and money have been provided to ensure that the Seawalk would be inviting and easily accessible from the Alaska Cruise Ship Dock, which the Docks & Harbors Board has mentioned as well.

Mr. Gillette said he is not saying that every pedestrian would use the paths once the project is complete, as they have current examples in the area near the Red Dog Saloon where pedestrians walk in the roundabout area. In the subject area, he stated that fortunately the industry provides guides for tourists to gain access to tour buses, including assisting drivers while backing the buses out of parking spaces at very low speeds, so they are very cognizant that pedestrians are present, and they are fortunate that they have not had any incidents. Even so, he said it is common knowledge that people would cross wherever they want to, including at times 10' away from a protected crosswalk, although most would choose the areas where it is marked and safe, which is their intention.

John McConnochie, 3172 Pioneer Ave., said he has spent a lot of time in the subject area, and has driven around it, noting that he owns Cycle Alaska, which is a bicycle retail and repair shop. He said he has discussed his concerns with Mr. Gillette about the crosswalks and sidewalks in this area. He explained that right now to enter/exit the parking lot area is fairly dangerous due to numerous pedestrians that access it as well. He referred to attachment D, stating that he believes this configuration would be safer for pedestrians who would use the Seawalk, cross the road, or to enter the plaza area.

Donna Powell, 4422 Teal Court, the Director of Sales/Marketing for Alaska Coach Tours, said she has worked in the Alaska tourism industry for over 15 years. She has been with Alaska Coach Tours since they started in Juneau and she has managed operations, and is now in sales

and marketing, including that she also drives a 40' tour bus. She said the pedestrians walk right off the sidewalk in front of the tour bus, and she notices a particular problematic area along where the 4 on-street parking spaces are located. She explained that pedestrians generally do not pay attention and literally run between the cars to rush across the street. She believes by removing the sidewalk and on-street parking spaces and installing a barrier would provide a hindrance to pedestrians to enter the tour bus parking lot. She said this would eliminate the problem when drivers of tour buses enter/exit the adjacent parking lot. She explained that the tour buses tend to get backed up, noting that part of the CBJ Tourism Best Management Practices includes attempting to be conscious not cause too much traffic congestion. She noted that a lot of pressure is placed upon the drivers entering/exiting this area to meet schedules, so a barrier will assist them in not having to wait for pedestrians. She said this is currently one of the most hazardous areas in Juneau for pedestrians because many do not pay attention. She explained that when the tour buses are parked at the Marine Park, the Franklin Dock, or the Princess Dock, they have workers who assist in providing signals to drivers when pedestrians are nearby for safety purposes. She said the layout in attachment D is great, and it has wide-open spaces that would draw people into the Visitor Center area where it would be a better fit for a pedestrian walkway.

Eric Shultz, 4422 Teal Court, the Director of Tour Operations for Temsco Helicopters, and a previous Manager for NCL for eight years. He said he has used this particular area of dock to dispatch tours off of the cruise ships. He said that placing a barrier in the area would make it safer for pedestrians, especially with the tour buses exiting the area, which should assist in alleviating some of the downtown traffic congestion, except in the areas of the two crosswalks. He noted that once the new docks are constructed along the waterfront, the gangway would be removed, so they would not have all the tourists exiting from the ships into the parking area, and instead, they would be dispersed along the Seawalk and to other facilities. He said a good portion of the tourists would arrive from the Franklin and Princess Docks who would use the Seawalk to gain access to this area as well.

Mr. Gillette offered to answer questions of the PC. Mr. Bishop referred to the Parking Capacity chart found on attachment D, stating that CBJ Docks & Harbors have 21 existing parking spaces proposed to be reduced to 0, and he asked if these spaces would be converted to public parking. Mr. Gillette explained that the "public spaces" might be a misnomer, explaining that it is not for the "general public," and instead, for the people using specific buildings in the area, including the immediate requirement at the vessel float for 6 spaces, and 2 nearby buildings for 13 spaces, but they only need 4 spaces right now. He said these 4 spaces will be marked for the Ports/Customs Office and the Visitor Center, and the rest will be managed for other uses, which might be general parking. He anticipates that a parking fee might be instituted, noting that Mr. Lyman of the CBJ Community Development Department (CDD) has encouraged him to charge for them. He explained that with these parking requirements, they do not have to use the parking spaces for these specific uses, although they have to provide them per code. He said the parking spaces would be managed on an as-needed basis. He noted that the exact number of spaces that will be available to the general public would be part of the management of the 38 public parking spaces on-site, which would be decided by the CBJ Docks and Harbors Board. Currently, he stated that he believes there are 17 parking spaces, plus about 7 to 8 in the other lots, with only 24 or 25 open to the general public, and the others are used by cruise ship and custom agents. Mr. Bishop said it is difficult for him to determine how many spaces are actually going to remain for general public use, as parking has always been an issue downtown. He said he does not want all the focus regarding on-site parking to be dedicated towards the tourism industry when the

general public uses this area as well. Chair Gladziszewski referred to the Parking Capacity chart shown on attachment D, asking if the applicant prepared it; Mr. Gillette said yes. Chair Gladziszewski noted that Mr. Gillette just provided different numbers than what is listed on this chart regarding the parking spaces. She said the public parking existing on-site consists of 17 spaces, and 21 that would be used by Docks & Harbors, which Mr. Gillette said would not be used as public spaces. Mr. Gillette clarified that 21 of the parking spaces listed as Docks & Harbors include about 7 or 8 spaces designated for general public use, and the remainder are for the Intermediate Vessel Float required by the Conditional Use permit, and other spaces are required for the Visitors Center and Ports/Customs Office, which are already provided for. Chair Gladziszewski said Mr. Gillette has stated that there are 17, and then another 7 or 8 spaces, so this consists of 24 or 25 spaces that are public parking on-site. Mr. Gillette clarified that it is instead 17 less 7 or 8, so 7 or 8 would be designated for the general public use on the lot next to the People's Wharf, and some of the 21 Docks & Harbors parking spaces would be designated for general public use as well. Chair Gladziszewski stressed that she said 17 plus 7 or 8 equals 24 or 25 general public parking spaces would be designated, including the 4 existing on-street parking, which totals 29 parking spaces right now. Mr. Gillette said the 4 on-street parking spaces would be removed. Chair Gladziszewski said she realizes this, although she is attempting to determine how many total public parking spaces there are now, but the Parking Capacity chart states that "Public Parking On-Site" would be 38, whereby she asked if this would truly be the case that this number is really the total amount of public parking spaces once the gangway is removed. Mr. Gillette said there would be 28 total public parking spaces. Chair Gladziszewski confirmed that 1 public space would be lost after this reconfiguration is completed, and asked if this is subject to how many Docks & Harbors might require later on, or if they could possibly reduce the number down, e.g., to 21, or if it is a commitment for 28 general public parking spaces. Mr. Gillette said the applicant provided this management scheme recommendation to the Docks & Harbors Board, as it is their parking lot. Chair Gladziszewski confirmed that this particular lot could consist of anything that the Docks & Harbors Board decides, depending upon the needs they foresee onsite; to which Mr. Gillette agreed. Mr. Watson stated that at a previous PC meeting additional staff parking for Docks & Harbors was presented, and they said there would be no additional parking required by them, and instead, it would be used to accommodate the Ports/Customs Office, so he does not believe this has changed. Mr. Gillette said it has not, and they have held discussions regarding possibly purchasing parking permits in the Marine Park Parking Garage for 12 staff who are currently not provided on-site parking.

Mr. Miller said Mr. Gillette indicated that the new project includes the removal of the gangway, and then a connection of the Seawalk, so he asked if the applicant has actual drawings that reflect this. Mr. Gillette said not at this point, explaining that attachment D is a conceptual drawing. He noted that at the time attachment D was competed, they thought that the gangway would be part of the berthing docks phase, although it ended up not making sense, so the intention is to create a final drawing for this area, which would include the removal of the gangway and the reconnection of the Seawalk in Phase I. Chair Gladziszewski confirmed that a new drawing reflecting this change would be provided to the Assembly, versus attachment D; to which Mr. Gillette agreed.

Public testimony was closed.

Commission discussion

Mr. Pernula stated that from his office he is able to view behavior of cruise ship passengers every weekday, and he has noticed that some of them walk on the sidewalk, although many walk

directly behind tour buses. He assumes without the sidewalk proposed to be replaced with a vegetated barrier that many pedestrians might still walk behind tour buses if they do not provide for guides, which would not be a good situation, or they might walk on the street, although it is hard to predict how many would do so. He believes not having the existing gangway once the Seawalk is connected would help out the situation quite a bit, as he walked on the Seawalk today and it is nearly finished in the area to the south.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings under the 'Alternative' scenario of this memorandum with this modification and recommends the approval of the CSP to the Assembly.

Commission action

Mr. Pernula commented that this is a City Project, not a permit, so the PC would be making a recommendation on this case to the Assembly.

Mr. Satre stated that after hearing the presentation and discussing the pedestrian access, including how they would be directed to use the covered walkways, not exiting off of the gangway that would be removed with the Seawalk being connected, so pedestrians would be directed away from the tour bus parking lot to use the crosswalks to sidewalks across South Franklin Street. He said he is now more comfortable than he originally was with the lack of a sidewalk, which he initially thought was not the right way to go. He said he appreciates staff's recommendation after reviewing the compliance of this project with various adopted CBJ plans, which are fairly strict in terms of the guidelines that they provide for sidewalks. However, he believes the proposed project would create a larger street by placing the sidewalk to the west side of this area. He said it would be nice to be able to have 3D drawings of what the project would actually look like from the street level, but he thinks as the project site is constructed that attention would be provided to detail in directing pedestrians to the correct flow in a safer manner. He believes the PC could reach the point where they realize that the removal of the sidewalk would allow pedestrian traffic flow to shift to the larger plaza area, which would meet the intent of the requirement for sidewalks within the various adopted CBJ plans.

Mr. Watson said tourists are guests who visit once in a lifetime, or at times more often, so a bit of guidance goes a long way. He said the plan shown on attachment D provides for this, although he prefers to have the Taku Smokeries parking lot fenced off in certain areas, which he has viewed in other cities. He explained that this would prevent tourist accessing those areas, and instead, doing so would provide a natural curve to direct them around the corner. He noted that he formerly managed a local business when his workers had to traverse that area during the tourist season, and it is one of the most dangerous locations in the parking lot next to Taku Smokeries, so he would not let anyone but his most experience drivers do so. He said anything the PC could do to get major pedestrian traffic out of this area would be a major improvement, noting that he thinks Princes Cruise Lines does an excellent job because they provide guides in both of their parking lots to direct tour bus drivers when they have to park at an angle. He said it is also difficult when tourists get on the wrong bus because they become confused. Even so, he said the reconfiguration would provide a better flow of tour bus traffic, as they will be effectively able to get in/out more efficiently as they load, rather than having tourist milling around trying to figure out what tour bus to get on, or trying to walk through the parking lot to gain access to them as well.

Mr. Miller requested that the applicant finalize the site plan prior to providing it to the Assembly, as opposed to attachment D.

MOTION: *by Mr. Satre, that the PC finds that the project is in conformance with adopted CBJ plans. The PC realizes that removal of a sidewalk in the subject area would provide for a larger pedestrian plaza to the west that would replace all functions of that sidewalk and is in conformance with adopted CBJ plans. The PC recommends approval of CSP2011-0001 to the Assembly.*

Mr. Satre stated that the transformer boxes would be taken care of, noting that Mr. Gillette previously stated that they were going to be moved.

FRIENDLY AMENDMENT: *by Mr. Bishop, that the PC recommends to the Assembly that CSP2011-0001 be adopted under the provision that an equal amount of public parking continue to be provided that exists today, and that the portion of the Seawalk further to the south near the Franklin Dock direct pedestrians onto the Seawalk and off of Franklin Street.*

Mr. Bishop stated that this addresses key features, which were lacking in this proposal. Chair Gladziszewski stated that she agrees, explaining that if the pedestrians are not directed onto the Seawalk in the area to the south, then she is concerned that this project might fail. She is also in support of removing the gangway, so she is in favor of Mr. Bishop's friendly amendment. Mr. Satre accepted Mr. Bishop's friendly amendment.

Chair Gladziszewski asked if Mr. Satre intends to include Mr. Miller's request for a revised site plan to be provided to the Assembly in the motion. Mr. Satre confirmed with the applicant that they would do so; to which Mr. Gillette indicated that he would.

There being no objection, it was so ordered.

Chair Gladziszewski adjourned the PC, and convened the Board of Adjustment

X. BOARD OF ADJUSTMENT

VAR2011-0001

A Variance request to reduce the side yard setback from 10' to 5' for a boat garage.

Applicant: Iris Beach

Location: Blackerby St.

Staff report

Ms. Jones said the property is near Twin Lakes and it is zoned D-5, and the applicant is requesting to reduce the side yard setback from 10' to 5'. She noted that generally in D-5 zoning the side yard setback is 5', although in this case it is a common wall subdivision (attachment A). She explained that because of the lost side yard setback between the two structures, it is re-allocated to the opposite side yard, which increased this side yard setback from 5' to 10'. She said the applicant is requesting a variance to reduce the side yard setback to 5' to construct a 640 square foot boat garage.

She referred to a slide of the site plan, stating that the home is closer to the front of the property, with an existing building in the rear, and the applicant intends to construct the boat garage on the

west of the property near the side yard setback. She said the site plan shows that the boat garage would be in front of the proposed structure with a storage area in the rear, noting that it is one building. She said the majority of the property is relatively flat, with a slope from the driveway to the roadway. She said the temporary boat storage is currently provided on-site, and temporary structures are only authorized to remain part of the year. She explained that the applicant is proposing to construct the boat garage in the rear of the property, so they can maneuver a truck and trailer in front of the residence. She said it is about 90' from the front property line from where the applicant is proposing the boat garage. She explained that the parcel is rather large for a D-5 lot, and the minimum dimensional standards is 7,000 square feet, and this lot is 12,296 square feet.

She stated that public comments were received in support of the proposal from Sandy Warner, dated April 9, 2011, who resides on the other side of the common wall, and a couple from Richard and Candace Behrends (attachment C). She said the Behrends are concerned with the height of the proposed structure, the potential loss of vegetation at the adjoining property line, including workers potentially crossing the property line during construction and maintenance of the boat garage, and they feel there is ample area on the property for the structure to meet the setback requirements. She said the boat garage does not exceed the maximum height. She noted that the applicant has stated that they do not intend to remove any vegetation, and if the variance is approved it does not authorize any workers to cross the property line. She said as she previously mentioned the parcel is rather large, so there might be alternate locations to site the boat garage to meet the setback requirements.

She said staff recommends denial to the Board of Adjustment, as criteria 1 and 5 are not met, however, if additional information becomes available to the Board of Adjustment and they are able to make positive finds regarding criteria 1 and 5 and approve the variance, staff recommends that it be subject to a condition that an as-built survey be required to verify the 5' setback and that the eaves are 40" from the property line, submitted prior to the issuance of the Certificate of Occupancy.

Public testimony

Iris Beach, 4113 Blackerby St., the applicant, stated that Ms. Jones indicated that the parcel is large, although the slope in the front yard runs about 20' to 30' along that area of the property, which is subtracted from the 90' length that she mentioned. She noted that a truck and trailer is approximately 40' long, and the house is 35' long, so if she were move the boat garage 5' forward it would not allow sufficient room to maneuver the truck and trailer, which would render her front yard as unusable space. She said no other vehicular traffic would be able to access the yard, i.e., the oil, propane, or mail delivery services, including the ability to unload groceries at her back door. She explained that the reason she is requesting to build the boat garage as far back as possible is to provide maximum use of space on the parcel, and still have a truck and trailer parked in the front yard.

She said a concern was provided about drainage, and she intends to meet whatever criteria CBJ Engineering recommends when the boat garage is built. She said there is an existing drainpipe coming out of the front bank, which is followed by a ditch around the rest of the yard. She said another drainpipe is located along the 5' setback that directs the flow away from the property. She explained that the existing building has gutters diverting the flow to a ditch, and the new boat garage would as well.

In terms of disturbing vegetation, she said she spoke with a contractor yesterday and asked him if it would be tight quarters working on installing siding, etc. within a 5' side yard setback, and he informed her that it could be done without disturbing any vegetation. She said the contractor explained that while digging the foundation, the dirt could be placed in the center of the construction zone, as opposed to the outer perimeter.

Chair Gladziszewski asked what is unique about the property that Ms. Beach is not able to construct the boat garage out 5' so it meets the side yard setback, noting that the Board of Adjustment has very specific criteria they must review in relation to this case. Ms. Beach said if she were to move the structure 5' inward then it would hit an existing building, which would prevent maximum use of the property. She explained that by bringing the structure 5' forward, due to the angle of the driveway it would block access of the truck and trailer, including access to the front yard for any other purpose because the parcel is tight on space.

She noted that the existing temporary structure housing the boat now is only allowed to be up from last fall until this spring, so being allowed to build the boat garage would create a permanent structure, which would be safe and she would not have to worry about it collapsing or blowing away. She believes a permanent structure would be more aesthetically pleasing over time, as opposed to the temporary structure.

Richard and Candace Behrends, 4115 Blackerby St. Mr. Behrends stated that having worked in the construction business, he has noticed that most people do not pay attention to property lines, so statistically adjacent property owners tend to disturb vegetation along the adjacent property line. He said they have attempted to maintain vegetation in this area over the years, and it has taken a long time for the trees to grow, which provides for a nice visual plane. He said he likes the idea of a boat garage because it will block the view of the Beach's backyard, especially when their lights are on at night, which is distracting. He does not understand why the structure is unable to be moved to retain the 10' setback. He explained that during the summer he has witnessed Ms. Beach's brother, who visits to fish, etc., and basically where the truck is shown on her property is where her brother parks the boat and trailer in the summertime, so he backs the truck and trailer onto the property in that same space right now.

Mrs. Behrends stated that their greatest concern is that the vegetation is going to be impacted along the adjoining property line, noting that it was previously disturbed when they were constructing their house, so it is going to be difficult for the applicant to do so within a narrow 5' strip. Chair Gladziszewski confirmed that Mrs. Behrends agrees that the structure should be moved out of the 10' side yard setback. Mrs. Behrends clarified that she stated in her initial email that they did not have an objection to having it within the 5' setback, but they are unable to contemplate how the structure could be built without impacting the existing vegetation.

Mr. Behrends stated that over the years the branches of the trees are going to have to be trimmed from time to time, noting that right now they provide a nice hedge between the properties. He said they have attempted to maintain the alders in this fashion so they provide a vegetative barrier during the summer, although not necessarily through the winter.

Ms. Beach said she agrees that the vegetation should remain between the properties and not be disturbed. She explained that some of the branches were previously touching the temporary boat storage, which had to be trimmed. She noted that she previously stated that a contractor

informed her that it is possible to construct the boat storage without disturbing the vegetation between the properties, and she understands that this will not be an easy task.

Mr. Watson confirmed that the proposed boat storage structure would be placed in the same location as the existing temporary boat storage area in the photograph; Ms. Beach said yes. Mr. Watson confirmed that the property slopes at an angle towards the neighboring property as shown in the photograph, so he asked if Ms. Beach would have to ensure that the foundation is made level before construction. Ms. Beach clarified that the photograph is somewhat deceiving, as the ground is fairly level where the structure would be built, and instead, the property only slightly slopes in the front yard near the street.

Public testimony was closed.

Board discussion

Mr. Miller commented that according to the site plan the proposed structure is 16'x30', and the next one is 22'x30', so if they move the 16'x30' over 5' so it is 21' away, then it would be really close to the existing building in the backyard.

BREAK: 8:32 to 8:35 p.m.

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR20110001. The Variance permit if approved would allow for a boat garage to be constructed 5 feet from the property line with eaves 40 inches from the property line.

CDD staff is not recommending in favor of this application, however, if additional information becomes available at the hearing and the Board of Adjustment makes positive findings criteria 1 and 5 for the case, staff recommends the following condition:

1. As-built survey, verifying 5' setback for the structure and 40" for eaves shall be submitted before Certificate of Occupancy is issued.

Board action

Mr. Miller said the driveway is curved on the property in front of where the applicant is proposing to construct the boat storage, so if it were 10' away from the side yard setback then they would need to have a more direct access. He noted that there is a slope off of Blackerby Street onto the property, including an "S Curve" that they would have to maneuver to access the boat storage area. He said he understands these issues, which allows him to provide a positive findings regarding criterion 5(C). He noted that he is still having a tough time doing so in terms of criterion 1.

Mr. Satre said this parcel is a very large lot in a D-5 zoning district, which is relatively flat, so he is unable to get to positive findings regarding criterion 1, and the only method in which the Board of Adjustment might be able to do so is to place the burden on the applicant to provide a site plan showing what the boat storage structure would actually look like. He said such a site plan would have to include the turning radius, and what is truly being proposed. He explained that possibly out of this work there might be some other option provided that would not require a variance.

Chair Gladziszewski stated that criteria 1 and 5 are both difficult to find in the affirmative, as testimony has been provided that the applicant previously parked the truck and trailer in this area in the past, so she prefers that the applicant attempt to encroach less than 5' into the 10' side yard setback.

Mr. Satre said the Board of Adjustment has in the past reviewed boat condominium types of variances on properties where it was difficult to meet the criteria. He said that was when the Board of Adjustment required those applicants to go back to minimize the encroachment into the setback as much as possible, as opposed to simply taking the full 5' as in this case. Therefore, perhaps the Board of Adjustment might request that this applicant re-look at the site plan, and reconfigure the boat storage placement on-site to minimize its encroachment into the side yard setback.

Mr. Bishop said he echoes Mr. Satre's comments, stating that he believes a margin of space might be available to move the structure out of the side yard setback, as it is too difficult to try to find that criteria 1 and 5 could be met. He said more work has to be provided by the applicant on this case to provide a better project, and then the applicant is able to re-present this to the Board of Adjustment, if need be.

Chair Gladziszewski stated that any presentation of additional information should include how criterion 1 and 5 could be met.

MOTION TO CONTINUE: *by Mr. Satre, that the Board of Adjustment continues VAR2011 0001 to a subsequent PC meeting.*

Mr. Satre explained that they have requested that the applicant and staff to work together to try to find ways to minimize encroachment into the side yard setback. He said if doing so still requires a variance, then it might enable to Board of Adjustment to find that criteria 1 and 5 could be met, versus outright denying this variance request tonight.

Chair Gladziszewski commented that staff already provided their findings that criteria 1 and 5 are not met, so the applicant would have to work on them to show how criterion 1 and one sub-criterion of 5 is able to be met, as opposed to simply stating that they do not want to miss using some of their property.

Mr. Watson asked staff what the schedule consists of over the next couple of PC meetings in terms of possible re-reviewing this case. Mr. Pernula stated that in two weeks the PC has a very busy Agenda, noting that staff removed a couple of items because of a major rezone and other large cases. However, if things get worked out, and staff and the applicant are able to derive positive recommendations on a site plan of less than a 5' encroachment of the boat garage into the side yard setback, then perhaps that type of review might move fairly fast. He believes the first PC meeting in May 2011 might be best time to contemplate including a re-review of this case.

There being no objection, it was so ordered and VAR2011 0001 was continued by the Board of Adjustment.

Chair Gladziszewski adjourned the Board of Adjustment, and reconvened the PC.

XI. OTHER BUSINESS

AME2011 0001

Rezone of land in the Pederson Hill area; Wildmeadow Lane.

Applicant: CBJ

Location: Glacier Hwy.

Staff report

Ms. McKibben said staff initiated a rezone in the Pederson Hill area, which was separated into two areas. She said the first area staff reviewed was the Wildmeadow Lane section currently zoned D-1(T)D-5, which is meant to transition from D-1 to D-5 zoning after water and sewer was installed, which took place in the fall of 2010, so staff initiated this rezoning process. She said as staff starting doing so, this particular area ended up being far more complex than they anticipated. She referred to the 8 publically owned parcels in the Wildmeadow Park Subdivision, which are subject to covenants that restricts the use of open space on undeveloped park lands. She said 2 of the larger lots were purchases with a federal grant with the intent of leasing the land to the Juneau Raptor Center for development (attachment E). She noted that the raptor center is a conditional use in the D-1 zoning district, but it is not permitted in D-5 zoning. She said the largest privately owned parcel immediately west of the Wildmeadow Park Subdivision consists of 15.46 acres and is vacant. She said the 1997 Juneau Wetlands Management Plan categorizes this as a Category B wetland, with small tributaries of an unnamed anadromous fish stream, including containing emergent vegetation. She said the 9 lots range in size from .9 to 1.5 acres. She noted that the D-5 zoning district would allow lots of 7,000 square feet, although it would be challenging to subdivide most of these lots and meet the subdivision requirements to have lots that are developable while preserving the existing development. She noted that only 1 of these lots would truly benefit from the D-5 zoning district.

She said the privately owned parcels in the area are shown in the Comp Plan as RDR(T)MDR, which is consistent with D-1(T)D-5, as they are all rural to medium density. She said MDR is 5 to 28 units per acre. She explained that 7 of the CBJ owned lots are subject to covenants restricting the use to public recreation, open space, and preservation, which are currently undeveloped.

She said staff held a neighborhood meeting with the property owners within the D-1(T)D-5 area. She explained that the primary purpose was to inform them that staff was working on transitioning the area from D-1 to D-5. She said the description of D-1 zoning in Title 49 states that it is meant to be low density transitioning to higher density after water and sewer are installed. At the meeting, she said 3 owners attended, including representatives of the Affordable Housing Commission (AHC). She said all the owners expressed a desire not to have the area rezoned, and 1 other private property owner contacted staff via telephone who supports the rezone because it would allow her to subdivide a vacant parcel and sell several lots, noting that the maximum number of new lots created would be 4.

She stated that given that this is not as clear-cut as the proposed rezone appeared in the beginning, staff is seeking direction from the PC on how to proceed. She said there are several options, which she cited that are listed below under staff's conclusion. Mr. Pernula added that as the City has been extending sewer to these areas, the Assembly has stated that once an area is served with sewer, they would like it rezoned to higher density of at least D-5 because this is the only way they could have a density to provide enough revenue to pay for the sewer line.

Commission discussion - None

Staff's conclusion:

As discussed above, this is not a simple transition situation, particularly in that if the area is zoned D-5 it would conflict with the maps of the comprehensive plan.

Staff is requesting direction from the Commission on how to proceed with this rezone. Based on all the above information there are several options available:

- Continue with the rezone to D-5 as shown in attachment A.
- Rezone the area to D-1, eliminating the “transition to D-5”.
- Take no action at this time, leaving the area as a transition zone.
- Rezone the area following the 2008 Comprehensive Plan map, separating the area and rezoning a portion D-1 and a portion D-5 (attachment G).
- ?

Commission action

Chair Gladyszewski stated that retaining D-1 zoning as shown in attachment G would have no affect at all. Ms. McKibben clarified that the large parcel zoned D-1 to the right is not part of this rezone.

Mr. Bishop said Ms. McKibben indicated that the covenants restrict the use of certain parcels, although attachment D does not seem to restrict them, and instead, it states that they could be used for public recreation, open space, park and preservation purposes, but it does not have a restriction for residential. Ms. McKibben said she interpreted this section of attachment D opposite from how Mr. Bishop is doing so, and this was also the same understanding when she spoke to Lands & Resources. She said she also understands that this is the reason that the parcels were allowed to become under City ownership.

Mr. Watson referred to the isosceles triangle to the north of Wildmeadow Lane, and asked if the covenants pertain to that parcel as well. Ms. McKibben said the isosceles triangle is the raptor center parcel. Mr. Watson stated that if a rezone were provided for any of the parcels to D-5, he asked if there might be a requirement to provide additional access to Glacier Highway, as D-1 might not. Mr. Pernula said the parcels accessed by Wildmeadow Lane have plenty of access already, and the triangular piece of property to the west contains quite a few acres, which has an existing access, but it is not truly functioning because no development has taken place. Ms. McKibben said this consists of a 15.46-acre parcel, and some fill was permitted in that area in the early 1990s, and it contains small tributaries of an unnamed anadromous fish stream and Class B wetlands, but it contains rough access to the highway. She said at some point there probably would be access provided through the rapture center site for future development. Mr. Watson said the purpose he brought this up is if the PC chooses to move forth with a rezone recommendation to D-5, they could potentially make it difficult for developers to provide additional access to Glacier Highway when this area is fully built out. Mr. Pernula stated that no matter what the person does with the triangular piece property, they are going to be required to build access to/from it. He said given that there is an anadromous fish stream and most of it contains Class B wetlands then perhaps rezoning it to D-5 zoning is appropriate, but they should try to get that property owner to cluster their lots in the uplands to protect as much of the Class B wetlands and the anadromous stream corridor as much as possible.

Mr. Bishop said this is one of the prettiest view corridors in the valley, and it is a very common area for tour buses, so this area is considered to be a scenic corridor. He believes the PC should preserve this attribute, including at least maintaining the existing zoning in particular areas. Furthermore, he said it would be in the best interest of the City to place the large triangular lot on an acquisition tract to protect it, but that does not really have a whole lot to do with zoning, although if the PC does go down that path then they would want this to be a natural park area. He said he wishes to preserve the entire area as is, not to have higher density developed.

Mr. Satre said he agrees for the most part with Mr. Bishop, although he would leave everything as D-1, including the already developed areas of attachment G where it has D-5 going into the areas already build out, except for one undeveloped lot. He explained that the entire area east of the line that runs vertically up through attachment G as D-1, and retain only the triangle as D-5, i.e., cut the area in half.

Mr. Bishop said he likes the idea of clustering development so higher density makes sense, but in lieu of that he believes the City ought to pursue that property and put it on acquisition, as there are vehicles pulled over in this area all summer long where people view wildlife. He said if they are contemplating constructing a raptor center on the lot behind it, then it further suggests that this area should be a natural area, which would be a major resource for the community. He said this is the head of the parking area for the Mendenhall River Trail, which is heavily used, and it is a corridor for wildlife as well. He noted that if this area ends up being rezoned, it would place further pressure to develop the lots, noting that the Statutory Warranty Deed on attachment D under covenants 5 states, "The use of the tracts of this subdivision shall be restricted to residential use and those uses incidental to residential use, except that Tracts 1, 2, 3, 8, 9, 10 and 11 may be used for public recreation, open space, park and preservation purposes..." He said it does not state that they cannot be used for residential development, so with this condition being as weak as it is, he thinks it should be followed through for further protection of that particular property, which was the intent when it was deeded to the City. Ms. McKibben stated that Title 49 states that rezonings have to be consistent with the Comp Plan, so she asked how Mr. Bishop might consider addressing this since he wishes to retain all of the parcels as D-1 zoning, as this is not consistent with transitioning to MDR, which the plan shows for some of that area; Mr. Bishop said he has not given this any thought.

Mr. Pernula stated that whatever is considered for D-5 zoning, he asked that the PC keep in mind that it would go real fast because it is a transition zone, and the PC solely takes action, not the Assembly. He said the PC could inform staff what they want them to do, so for the time being if this just entails the triangular piece to D-5 then they could do such a rezone hearing during a subsequent PC meeting.

Mr. Miller said attachment G is actually fairly good because it follows the Comp Plan, and retains D-5 where it has already occurred, and where it will occur in a higher density fashion. He said the triangular section to the west is where there is no chance that it could later be filled in and developed as individual D-5 lots because it contains Category B wetlands and an anadromous stream. Therefore, the only chance this parcel would have to be developed is via clustered development in the uplands, and with D-5 zoning it might be possible for developers to pull that off and make it pay. He said this might be the "best of both worlds" by maintaining the view corridor, including increasing density for sewer patrons to provide resources for the sewer line.

Mr. Watson said he agrees with Mr. Satre and Mr. Miller, explaining that the PC has worked long and hard to update the Comp Plan regarding this area. He said he attended a meeting today when the discussion was in regards to the lack of buildable land, so the PC has to take this into account regarding what is important for this community. He said he believes offering property that could be built upon, versus being looked at, is more important to the community right now. In addition, he thinks that Juneau has provided more than adequate public recreation space in this particular area for generations to come without having to consider D-1 zoning or designating it as a no-build area.

Chair Gladziszewski stated that she prefers what has been recommended on attachment G, and she could actually go with what Mr. Satre suggested as well, but she loves the little building in this area and she does not want to see it removed.

Mr. Satre stated that his suggestion does ignore being consistent with the Comp Plan that staff has suggested, so attachment G for now is the way to go.

Mr. Bishop said he does not have much problem with attachment G, stating that he believes the large lots might or might not be split at a later date, which will not be a big issue. However, to follow up on the other lots, he believes it is important to ensure that those will not be subdivided in the future.

Mr. Pernula commented that staff would move forward with the rezone in accordance to attachment G per the will of the Commission in terms of scheduling a PC hearing.

XII. DIRECTOR'S REPORT

New staff member

Mr. Pernula introduced Kelly Keenan in the audience as the new CDD Planner who is originally from Helena, Montana. He explained that for the last several years Mr. Keenan has lived in Spokane, Washington where he attended Gonzaga University, and he obtained his planning degree at the Eastern Washington University. The PC welcomed Mr. Keenan, whereby Mr. Keenan thanked them.

Proposed temporary parking at the downtown fire station & a 1-year conditional sublease for a Tower Easement at the West Juneau Reservoir

Mr. Pernula said 2 temporary transfer lease inquires were provided by Lands & Resources, and by code it requires the PC to review and approve them. He explained that the first transaction involves reconstruction that would take place at the Goldbelt Office Building, and Goldbelt is requesting to lease 5 parking spaces from the nearby fire department who has extra spaces. He said he sees no problem with doing so, as it would provide more efficient use of that property, including easing the parking demand in that neighborhood. He said the second transaction is for a 1-year conditional sublease of a cellular antenna on an existing tower in West Juneau. He suggests that the PC approve them. Chair Gladziszewski asked if there is any objection to approving the temporary parking at the fire station or a sublease for the antenna on an existing tower; to which there was none.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Satre said the PWFC met and reviewed recent recommendations of the PC on City projects, which caused a bit of consternation at the Assembly level. He said he attempted to explain the fact that when the PC does not necessarily approve of a project, they generally try to flag it from a PC perspective that there is something amiss per their recommendation to the Assembly. He said such a flag might be in regards to the Comp Plan, or numerous comments provided on a case, which the PC elevates to the Assembly level, as opposed to “rubber stamping” cases. He said there was confusion about whether the PC denied a project in terms of a recommendation based the evaluation by the PC after their review of various adopted CBJ plans. He noted that Mr. Pernula was in attendance at this meeting as well. Chair Gladziszewski asked if this was in relation to City Project cases that the PC reviewed. Mr. Satre said yes, and in particular one recent case was regarding First Street, and the PC has also provided comments on the 12th Street project. He noted that there was some confusion because several people did not understand that these were City Project cases the PC reviewed, not permits. He said the PC provides recommendations on City Project cases by flagging certain issues, and then the Assembly makes the final policy call on them. Mr. Bishop stated that at the last meeting, the PC brought up this point to the First Street neighbors in attendance, so it is important that the PC accentuates this fact that City Project cases are different than permits during reviews in the future, including to the Assembly as well.

He said the Lands Committee has met twice since the last PC meeting, and they reviewed proposals for developing parcels of City land. He said there was discussion regarding the PC’s letter to the Assembly regarding which parcels should be developed through guidance from Ms. Marlow. In that PC letter, he noted that Mr. Satre recommended that the PC wishes to see the extension of the Lemon Creek neighborhood development on Mountain Avenue, and working in the Under Thunder area. He said Ms. Marlow provided this to the Lands Committee with a recommendation to develop Pederson Hill, versus the two areas the PC recommended. He said they also allocated \$950,000 in the current Capital Improvement Program for development of the Pederson Hill land, rather than developing the two areas that the PC felt were more readily developable. He stated the PC’s objection to the Lands Committee for clarity purposes, but he believes they are instead moving forward to develop Pederson Hill as Ms. Marlow recommended.

Mr. Satre said a similar event took place at the PWFC, explaining that the AHC has been pushing a different priority than the PC as well.

Chair Gladziszewski asked if these events took place due to a lack of communication, or were those groups provided more information, or if they simply did not agree with the PC’s recommendation, including whether the PC should do something about this.

Mr. Bishop said he does not believe the PC made a strong endorsement one way or the other, as the PC did not follow up with specific points stating why they were recommending certain areas for development, versus others.

Mr. Watson said the PC requested Ms. Marlow to re-appear before the PC, noting that he sent Mr. Pernula an email regarding this, and he believes her response was that she would do so in May 2011. He noted that when the PC reviewed the land disposal and development options, it was fairly late in the evening, about 10:30 or 11:00 p.m., which was when Ms. Marlow provided a hasty presentation to the PC.

Chair Gladziszewski stated that she was not in attendance at that PC meeting, so she asked if there might be another opportunity, if this is something that the PC cares enough about to take action on, or not.

Mr. Satre said he chaired that particular PC meeting, and the intent of the PC was to look at areas that were the most easily developable. He said the Under Thunder area appeared to be the easiest area to develop, the Mountain Avenue area would have a lot of work that would have to be done beforehand, and the Pederson Hill area would present the most issues prior to development. He noted that the PC wanted to move forward in the areas that were easiest, and it was the AHC who wanted to begin development in the Mountain Avenue area, which was a much longer-term solution. He noted that the recent sewer expansion is forcing the Pederson Hill efforts. He said there are conflicting efforts within the City, and he believes the PC felt that their recommendations were going to be acted upon. Mr. Pernula said he believes Under Thunder was not as favored by the AHC because it is a long walk to bus stops and schools, which is the primary reason they did not choose this area, as compared to the Lemon Creek area. Mr. Satre said the problem with this is that the AHC did not take the true aspect into account regarding public transit routes when they contemplated those potential development areas, which got some people fired up.

Mr. Watson said the PC did not have a chance to get through everything at that PC meeting, which could have triggered this action by the other groups to take place, so the PC should be provided the opportunity to meet with Ms. Marlow regarding this in order to review the developable areas in a more futuristic manner.

Chair Gladziszewski commented that she wonders why people appear before the PC requesting recommendations from this body, and then not take them into consideration.

Mr. Miller stated that during the four years he has served on the PC, they have frequently discussed affordable housing and buildable lands issues. He said the AHC might not be privy to as much information as the PC, or it could be that they might have more information, so the PC should schedule a Committee of the Whole (COW) meeting with the AHC. He said he knows Allen Wilson, who is the Chair of the AHC, and he has a lot of energy and likes to get things done, and he hopes they succeed, but they all have to work together toward the same goals. Chair Gladziszewski commented that most of the decisions the PC has made over the years have been with these aspects in mind.

Mr. Pernula stated that if the PC wishes to schedule a COW meeting with the AHC, it should probably be with Ms. Marlow completing the presentation that she started at the previous PC meeting. He said it appeared as though Ms. Marlow's previous presentation was going to take a while because she got about half way through it, and then rushed the rest of it, so he is not sure that the PC was provided all the information at that time. Chair Gladziszewski stated that if decisions are impacted by the budget in regards to this, she is wondering if such decisions are possibly being made without all the information being provided. Mr. Pernula said obviously the PC has not been provided all the information, which they would not know until they talk to Ms. Marlow and the other groups. Mr. Bishop asked what information does Mr. Pernula believe that the others have that the PC has not yet been presented with. Mr. Pernula said he believes the analysis of each of the areas was cut short at the previous PC meeting, which Ms. Marlow presented. On the other hand, he said maybe the AHC and Ms. Marlow does not have adequate information from the PC.

Mr. Watson said there is a great amount of pressure on the AHC, noting that at the recent Assembly meeting they were discussing how much money they were going to allocate for salaries, but there has been quite a bit of pressure to move forward with development. Chair Gladziszewski commented that the PC clearly has many of the same goals as the AHC.

Mr. Bishop stressed that this warrants follow-up because the PC was largely ignored, as the Assembly went directly opposite in terms of the recommendations made by this body. He said the PC recommended developing the Mountain Avenue area, then Under Thunder, but they chose the area that the PC had the least amount of interest in. He said this ended up being the Pederson Hill area, which has the largest sum of \$950,000, versus the \$250,000 allocated for the Mountain Avenue area. He said he believes the PC was not provided sufficient information, including that the Assembly made a bad judgment. He said the discussion in the Lands Committee meeting was relatively short as well, and he believes a lot is happening with the administration that the PC does not know about. He said he spoke to Ms. Marlow following these meetings, and it came to light that the recommendation for the \$950,000 allocation was done by the CBJ Engineer Rorie Watt, and then followed through by Ms. Marlow, so he does not know what actually transpired for that to take place, but a lot of guidance was provided by Mr. Watt to push it forward over the PC's recommendation. He said there has to be more communication provided to the PC if Mr. Watt is going to be the one forcing the discussion their way. Chair Gladziszewski stressed that Ms. Marlow at a minimum owes the PC an explanation regarding why they did not follow the PC's recommendation, noting Mr. Bishop's argument did not prevail. Mr. Bishop agreed that it did not, but he did his hardest to push through the PC's recommendation. He noted that he was surprised that the PC reviewed a rezone of the land in the Pederson Hill area tonight given that this is the entry way to the upland developable area, so he could not help wondering whether there was some type of connection taking place as well. Mr. Pernula said a study was conducted a few months ago regarding potential access to City property above this rezone area, which he should probably provide to the PC. He noted that the land along the flank of the Pederson Hill was reviewed for development in the near term, and in the long term is after one of the potential access roads gets built up to the plateau area, noting that they have to cross a cliff before they could provide access to the top of Pederson Hill. He said Wildmeadow Lane is one of the potential roads, but the rezone review had nothing to do with the direction from the Assembly that once the sewer line was installed they wanted it rezoned. Even so, he said Pederson Hill is one of the major locations for potential short-term development down below, and long-term development up above.

Mr. Miller commented that the other groups are going after the largest developable area, which will cost more money and take the longest. He explained that the Mountain Avenue area is much smaller, so it would be easier and faster to develop, which is the same for the Under Thunder scenario.

Mr. Pernula said staff has already informed Ms. Marlow that the PC has requested her to provide more detail regarding the developable areas in the future, and staff could request that the AHC attend as well.

Mr. Watson referred to the First Street issue, explaining that when CBJ Engineering appeared before the PC the second time, their plan was basically the same as was presented to the PC the first time. He said CBJ Engineering simply stated that was what they wanted and what they needed, so he believes this is what provoked the neighbors. He does not believe CBJ

Engineering prepared much information for the second PC meeting because they presented nearly an identical plan, and the PC ended up recommending that they consider moving the project to the Lawson Creek area.

[The April 4, 2011 Lands committee minutes, and the February 28, 2011 Public Works & Facilities Committee minutes were provided by staff to the PC for their perusal.]

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

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 9:45 p.m.