

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Maria Gladziszewski, Chair

REGULAR MEETING
July 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, Benjamin Haight, Frank Rue, Dan Miller, Michael Satre, Maria Gladziszewski

Commissioners absent: Nicole Grewe, Marsha Bennett

A quorum was present.

Staff present: Dale Pernula, Community Development Department (CDD) Director; Eric Feldt, Nicole Jones, CDD Planners

II. APPROVAL OF MINUTES

June 14, 2011 – Regular Meeting

June 21, 2011 – Committee of the Whole (COW) Meeting

***MOTION:** By Mr. Satre, to approve the June 14 regular PC minutes, and the June 21, 2011 COW 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

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 Commission had questions. A person from the public requested CSP2011 0004 and USE2011 0013 to be removed, and Chair Gladziszewski moved them to the Regular Agenda.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP2011 0004

A lease on city land for a proposed telecommunications tower associated with Conditional Use permit (CUP) USE2011 0013.

Applicant: CBJ

Location: Fish Creek Road

And;

USE2011 0013

A CUP for a proposed 175' telecommunications tower associated with City permit CSP2011 0004.

Applicant: Atlas Towers, LLC (Atlas Towers)

Location: Fish Creek Road

Staff report

Mr. Feldt said he will report on both related cases in a single presentation. The applicant, Atlas Towers, requests to construct a 175' telecommunication tower near Fish Creek Road to service the North Douglas and Juneau International Airport (JIA) areas with new cell phone and data coverage. These service areas are currently underutilized and customers experience either dropped or spotty cell phone coverage. The subject site is along the side of a dirt and secured roadway off of Fish Creek Road, and contains low-lying vegetation. The disturbed area at the end of the roadway is an old city quarry. The subject site is less than one mile from the intersection of North Douglas Highway.

The site is approximately 900' away from Fish Creek Road, and the 2008 Comprehensive Plan (Comp Plan) indicates a ¼-mile wide scenic corridor on both sides of Fish Creek Road be retained as a no development setback. The Comp Plan exempts utilities in this scenic corridor. This type of proposal is a form of utility and is exempt per the scenic corridor guidelines, but this is still a concern due the height of the proposed tower. The Land Use Code stipulates the applicant is required to obtain an approved CUP for a tower over 50' in height in the Rural Reserved Zoning district. They also have to obtain a Building permit and meet or exceed the Building Code requirements, and then they may commence construction. Staff found this City permit to be in compliance these adopted CBJ plans. Therefore, if CSP2011 0004 is recommended in favor to the Assembly by the PC, staff will forward the case to the Lands Committee, and then the Lands & Resources Director will formulate the lease and forward it to the Assembly for final approval.

He referred to attachment C, stating that the upper photograph shows the view from Fish Creek road looking down the dirt roadway. The arrow indicates that entrance to the site, and the photograph below shows the area of construction with stakes at the perimeter of black boundary lines surrounded by trees. The stakes represent the 50' by 50' lease site, and is approximately 900' from Fish Creek Road. A 6' chain link fence will be installed at the perimeter for security. All development will be within the lease area, which would house the tower, accessory electrical

equipment inside a cabinet, and an antenna array. Staff recommends a condition that the lease be limited to this area to minimize disturbance to existing trees or other substantial growth.

He referred to sheet A-3 that shows the full build-out scenario of the tower elevation with many antennas, and only one is proposed at this time. As another condition, since these types of infrastructure emit electromagnetic radiation and are capped by the Federal Communication Commission (FCC), staff recommends the applicant submit proof by a Professional Engineer (PE) indicating that the antenna will not release radiation limits beyond the maximum levels set by the FCC.

He referred to attachment D of a photograph stating that this is a simulation of the proposed 175' tower in the background viewed from Fish Creek Road.

Mr. Rue asked staff to describe the method in which electricity will be supplied to the proposed tower. Mr. Feldt said power lines were previously installed along Fish Creek Road that will be extended to the subject site.

Mr. Watson said the application states that the lease area is 2,000 square feet, which equates to a 40' by 50' site, but Mr. Feldt stated in the report that the site will be 50' by 50', so he asked if this has changed; Mr. Feldt said this is now proposed as being a 50' by 50' lease site.

Mr. Miller asked what distance the subject site is from the nearest residential property; Mr. Feldt said approximately one-half mile.

Public testimony

Mike Powers, 283 Columbine St., #33, Denver, CO 80206, representing the applicant Atlas Towers, LLC, said Atlas Towers is not a telecommunications carrier company. Atlas Towers is unique in that they build towers, and then lease space on the tower to individual carriers, and because of that Atlas Towers is highly motivated to co-locate equipment. Therefore, typically if a carrier builds a tower, they are going to do so to their specific needs. He explained that if they PC takes into consideration how they want Juneau to look in 15 to 20 years, having more towers capable of co-locating multiple uses of carriers and expanding over time would be best, as oppose individual carriers installing many of their own towers. Atlas Towers provides a distinct advantage that coalesces with the needs and the desires of the CBJ codes that staff mentioned, and new regulations the PC is attempting to create for Juneau in terms of consolidating, including being very specific and strategic where telecommunication infrastructure will be allowed to be placed in the future.

Mr. Watson asked if the tower Atlas Towers intends to construct at the Anchorage airport area is at the same 175' height as this proposed tower in Juneau; Mr. Powers said it is not. The reason is because most of the vegetation in Anchorage is drastically different than in Juneau, and the proposed height for the Anchorage tower is about 100'. In Anchorage, the proposed site is located at the north end of the north/south runway at the Anchorage Ted Stevens International Airport. Juneau has large evergreen trees and is fairly mountainous, which is a driving factor in local tower height considerations.

Mr. Haight asked if Atlas Towers has the capability to understand and deal with different carriers in regards to various frequency or power level conflicts among carriers on towers, and if so, how they accommodate for that. Mr. Powers said Atlas Towers is an infrastructure company, not

Radio Frequency Engineers (RFEs). He explained that when Atlas Towers allows a carrier to co-locate onto a tower, they would have already reviewed the coverage needs of the carrier to research co-location possibilities beforehand. The carrier would then build equipment in a manner within the lease confines of Atlas Towers standards. Generally, this involves providing the carrier with the bottom and top height equipment co-location specifications, and a highest available Center Line on a particular tower and/or ground space (RAD Center) if it is available. In this particular case, they informed the carrier that their equipment could not be installed below 120' or above 132'. He explained that some separation is required due to the industry standard for most equipment that exists today, which consists of as little 4' to as many as 5' to 8'. This depends on how the RFEs design the equipment, so the propagation patterns do not interfere with each other. The key issues are highly technical, and generally can be addressed. As far as Atlas Towers fitting into that mix, they mostly police the tower sites, but they do not design or perform technical work. He explained that in terms of policing it, all leases Atlas Towers executes with carriers contain several interference provisions. This generally states that carrier '1' would have to comply with FCC communication rules, be within the existing frequency bandwidth of an initial carrier, and cannot interfere with existing or future uses. When carrier '2' is added they are not allowed to interfere with the initial uses including '1', and then so on as additional carriers are added to the tower. A mitigation procedure is provided that if a user causes interference for more than a 48-hour period, certain ramifications will be instituted, including for more than a 72-hour period when the user would be required to shut down operations. However, this is typically not a big issue because the RFEs that designed the equipment are experts, and they have done so for hundreds of tower installations.

Mr. Haight said the city is recommending that a PE provide the CDD indicating the structure will comply with radiation emission level criteria by the FCC, and asked if Atlas Towers has the ability to provide this. Mr. Powers said Atlas Towers could hire a PE to do so, and he remembers on one rare occasion when Atlas Towers did, but he does not recall the specifics. He has seen what that type of study contains, which involves a PE viewing the equipment post installation, or evaluating specifications off the shelf of equipment planning to be installed, and then the PE would provide ratings per that information. One of the ratings might be maximum exposure Radiation Frequency (RF) over a 24-hour period, a moment, or a second, and then the PE typically breaks those down because RF exposure is calculated as a long logarithmic decline over distance. Therefore, the PE might provide such calculations over a distance of 0', 50', 100', or 1,000'. He has never reviewed a PE report that was not in compliance because the equipment the carriers initially purchase has already been designed to comply with the requirements of the FCC. There are concerns about health issues that many people legitimately have about potential RF exposure in relation to cancer. He believes after reading studies about telecommunication towers versus the actual cell phone three-watt device people place over their ear, in truth that ear device might pose greater health concerns for people in the future. Particularly, this might be true for the next generation because most of them will spend almost all their lives using mobile devices. It is the device being held to the head of a person that poses the greater concern, not tower structures. By way of an analogy, he explained that television analog broadcast has been provided to people for a very long time, and nobody has linked that type of transmission signal to cancer. This type of technology is very similar to that type of technology in the method that it is essentially driven by physics, such as the way that frequency and energy moves through space. However, the cell phone is unique because people are now able to place the device very close to their head, and he has no idea what the future holds in regards to that issue.

Mr. Pernula asked why Atlas Towers selected this particular site. Mr. Powers said they did so in conjunction with GCI who has specific coverage needs for the North Douglas and JIA areas. Atlas Towers viewed a number of options, including other sites that might have potentially been approved along the North Douglas Highway, but they were much closer to residential areas. He explained that Atlas Towers recognized that doing so would be more difficult to gain approval, and possibly pose a less desirable outcome for the community. In driving through the community, he found that this site appears to be the obvious choice. The site is located on a huge parcel, and the nearest residential location is quite a distance away. Atlas Towers could have easily have gone north, south, east, or west from the subject site, but this location has already been graded and contains low vegetation, which presents the possibility to provide infrastructure without disturbing the local environment. Atlas Towers has been talking with people in Juneau about this particular site, and it seems that it is worth considering.

Chair Gladziszewski asked if coverage from the proposed tower would encompass the Eaglecrest area. Mr. Powers said he is not sure due to the mountainous topography in the area, but he believes some coverage might be provided to Eaglecrest.

Mr. Rue asked staff to report on the status of the telecommunication tower ordinance the PC recommended to the Assembly, and he recalls a main aspect the PC was pursuing is the opportunity for co-location. Mr. Pernula said the current priority is the draft noise, and once that is done staff will re-present the telecommunication tower ordinance to the PC.

Public testimony

Ruth Danner, 1028 Arctic Circle, said she serves as a member of the Assembly, but she is testifying as an individual. In general, she is pleased with the proposal in terms of comparison to USE2008-00026, which she and others appealed before the Assembly in 2009. She agrees 100% with Mr. Powers regarding co-location, which is exactly what they had hoped for in regards to the appeal before the Assembly. A number of things they talked about during that appeal have been incorporated into the draft ordinance for towers. The draft ordinance has been before the Assembly as the Committee of the Whole, but no action was taken or requested. Basically, the Assembly provided comments to Mr. Pernula, and the Assembly is now waiting to receive recommendations from the PC. Chair Gladziszewski confirmed that the ordinance will be re-presented to the PC; Mrs. Danner said yes. She said it is good that this proposed lease will be on city land, and the remote location is wonderful in comparison the previous location of the tower that was appealed. She is kind of surprised regarding the 175' monopole, as she recalls the tower scheduled to be installed on the road to Skaters Cabin was 175', but that was a lattice tower, and it was particularly offensive because it had a WWII appearance. On this proposal, one of the pictures shows that the proposed monopole will be galvanized. She pointed to the photograph mural of Mt. McGinnis in the Assembly Chambers that is dark and has trees growing on it, and she requests that the proposed monopole be dark in color because it will blend in, which is in a similar setting. When people in the future view this monopole from the channel, or from the hill by the neighborhood, or driving along Douglas Highway, she believes the structure will almost be invisible. She described the first time she noticed another tower from the road to the Mendenhall Glacier that extends above the trees, which is dark in color, so it is nearly impossible to see unless a person is looking for it. She referred to the galvanized tower near the University of Alaska Southeast, stating that galvanized is fine when towers are new, and the thought is that if gray clouds are behind them then they will be semi-camouflaged. Maybe it is personal taste, but in truth when towers become 10 to 20 years old the galvanization becomes worn and they start to rust. This is apparent on towers located near the Juneau-Douglas Bridge, which are in

need of maintenance. She is just a citizen and does not know about engineering associated with these types of tower sites so any recommendations she makes; instead, a professional would be much better to do so. In reviewing the 50' by 50' lease area, as compared to the lease area for the tower site they appealed near the Glacier Valley Baptist Church, that one was only about a 12' by 12' site. That other site was to have antennas, appurtenances, and room for up to three co-locations. Granted that other site did not have trees nearby, but it still needed room for the appurtenances at the bottom, and therefore this proposed site is confusing her. Even so, she wonders if Mr. Powers might comment on the possibility of installing two towers at the proposed site. This might be done by placing one off to the side to make room for another tower in the future, as opposed to just placing one monopole in the middle. She is concerned because Heather Marlow, CBJ Lands and Resources Manager, reported to the Lands Committee that two new telecommunication companies are coming to town, and they will need 12 towers each. GCI and ACS also need additional towers, as evidenced by Mr. Power's testimony. However, this sounds as though they are only planning for one tower, but 12 towers each for two companies means that whatever standards the PC sets now will be the standard in the future. Right now, the proposed tower will be installed in a remote area, which is great, but the next tower might not be. She urges the PC to once again consider what she and others asked for in 2009, and that was to create a standard plan. That is all she and the others ever wanted who appealed the previous tower case, so future applicants of towers will know exactly what works here. She would like to see monopoles, dark finishes, co-location, and encourage development of towers on CBJ land as the standard.

In Mr. Feldt's presentation, she said he spoke about utilities in the corridor. The CBJ has to re-define what utilities are in the code because it states, "...all structures involved in the generation, transmission or distribution of electricity, gas, steam, water or sewage." This is specific, and the code does not state telecommunication towers, but it should. This language was provided in the code way before this was how they delivered communications, and it would be appropriate for the code language to include this.

She said a condition is recommended to require proof that the structure will be in compliance with FCC's radiation frequency exposure testing. When they appealed a previous case, some of the neighbors were concerned about the unknown health impacts of radiation frequency exposure. The important aspect is to realize that people are worried about this, so whatever the PC is able to do to make them not worry would be good. She likes the idea that Atlas Towers will be required to perform this testing, and it should also be conducted on the ground from the suggested perimeter of 100' to 1,000' away from the monopole. However, when the monopole is new that is one thing, but when the CBJ Lands & Resources staff provide the terms of the lease the PC should encourage them to also include periodic re-testing every 1, 3, or 5 years, which would show the public that the PC provided such consideration of their concerns to reassure them that this is being done.

She referred to sheet A-3, stating that the trees appear to be drawn at an elevation of 100' relative to the 175' tower, and if this is accurate, it is good because trees grow. She said sheet A-3 was prepared for Atlas Towers, and hopefully this reasonably represents the height of the actual trees. She explained that, for example, if the trees were only 50' with the 125' monopole rising above the treetops, it would not have been quite as acceptable.

She referred to sheet G-1 listing the General Notes that identifies the owner as Atlas Towers, and then she said it goes on at great length about the responsibilities of the contractor, but the notes

do not define who the contractor is. While reading this, she is sure that the contractor is the person hired to assemble the monopole infrastructure. The General Notes state that the contractor is responsible for using the right materials, and to properly assemble the infrastructure. The contractor is also responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the work. It specifically states, "All materials and workmanship shall be warranted for one year from acceptance date." She thinks that all of these provisions are designed to protect the owner, Atlas Towers, for the workmanship of the monopole under a one-year warrantee, which seems appropriate. She does not know whether it would be the PC or the CBJ Lands & Resources with regards to the lease, but it seems like the PC should recommend that the lease include some provisions of warranty for the city. This warranty stipulation could include that the facility must be maintained over time. The concern she and others had about the tower near Glacier Valley Baptist Church was certain aspects falling off of it, but she does not think that is as big of a concern in this case because the structure will be in a wooded area. However, what happens with this case sets the standard for future towers that will be installed, and she wants the PC to create a good template.

She referred to sheet A-1 of the site plan, stating that the area is located at the end of Fish Creek Road, but other site plan (three pages ahead) shows the site where it is bare and on the side of the road, not at the end of the road, which is inconsistent with the photograph shown on attachment A. In addition, the narrative states that the subject site is at the end of the road. She is concerned regarding these details because the two site plans are in conflict. Furthermore, she referred to sheet A-2, stating that the diagram of the enlarged compound shows a gate opening outward on a 40' by 50' space, so maybe that is why the proposal was enlarge to encompass a 50' by 50' lease, but she does not think they will be leasing the middle of the road as is shown. If the subject site is on the roadside as indicated on one of the site plans, then gates opening outward as shown on sheet A-2 means that it would open 6' into roadway, but she does not think that this is actually the intent of the applicant.

She appreciates the opportunity to share her observations with the PC. She knows more than she did two years ago about how much work the Commissioners perform to serve the community, and she appreciates this.

Mr. Satre said the latter site plan Mrs. Danner mentioned is a "Not-to-detail Sketch of a Basis of Survey," and it is just a different document. The first site plan listed as sheet A-1 is correct, except for the issue Mr. Watson previously mentioned regarding the site being changed from 40' by 50' to 50' by 50'. Ms. Danner referred to sheet A-1, and asked if the roadway shown in the middle off of Fish Creek Road goes to the quarry. Mr. Satre said it does not, and instead Fish Creek Road goes to the quarry, but the roadway leading to the proposed site goes to Eaglecrest. Mr. Feldt commented that the lower photograph shown on attachment C with the stakes represent the lease area.

Mr. Watson said AT&T is pioneering a new telecommunication technology called 3G Microcell, which is a wireless network extender that acts like a mini cellular tower, but it entails using a small piece of equipment about the size of a desktop calculator. That new technology will extend wireless networks in homes and businesses and handle up to 10 cell phones. He said the new technology will ultimately reduce the number of cell towers required in the future. In terms of maintenance of tower Mrs. Danner mentioned, at one time long-term maintenance of towers was listed in the draft ordinance for telecommunication towers, and the PC removed that aspect,

so Mrs. Danner might want review that when the draft ordinance is re-presented to the Assembly.

Mrs. Danner said one of the reasons why she and others were concerned in 2009 with the tower under appeal was that it was for a WiMax facility, which is why the applicant stated that the tower had to be 175' tall because the extra height was required for the signal to transmit above trees. However, two years later WiMax technology was withdrawn from the market, which was their initial concern that telecommunication companies were building single towers for a specific purpose, and then technology would soon be replaced. Right now for WiMax there are small repeaters located at the turnout near the wetland area for the police cameras along Egan Drive, so there are other technologies besides this, yet there still are towers so they have to deal with them.

Mr. Powers said in response to possibly having a smaller compound, it will not promote co-location over time. For instance, Verizon is coming to Juneau, Anchorage, Cordova, Petersburg, and Wasilla and they have very specific requirements. If this particular site does not fit new telecommunication company requirements, they will co-locate elsewhere. One of the requirements of Verizon is to install pre-built sheds that house heating and cooling equipment with environmental controls. If this lease area were downsized from 50' by 50', it would exclude certain carriers requesting to co-locate at this site. The 50' by 50' sites are fairly reasonably sized lease areas. Atlas Towers has many other sites in Alaska, Utah, Colorado, etc., which are 3,000 square feet areas. They also have several sites that are quite small because some are located in parking lots in dense urban areas. He encourages the PC to retain the 50' by 50' lease area as requested in the proposal because it will assist with co-location to this site.

In response to the engineering, maintenance, and responsibilities of the contractor in regards to the infrastructure, engineers of tower manufacturing companies specialize in building the towers. Atlas Towers uses different vendors, but all comply with applicable building codes for towers. The engineers construct towers guaranteed to last 30 to 50 years without requiring maintenance. The towers are constructed the same as buildings because they are meant remain for a long time. The likelihood of a tower falling over is almost zero in comparison to nearby trees falling over, so to worry about falling structures is a non-issue. The specifications and contractor responsibilities listed in the report are standard boilerplate language provided for all tower plans, but it does not negate many other checks. Some of those checks include engineering of towers, which require the manufacturer warranting them as being structurally sound by providing proof of compliance during construction. This includes oversight by the local city Building Official to ensure towers are constructed properly. In terms of whether the PC should require Atlas Towers to conduct regular maintenance on the proposed tower, he explained that common practice now is that Atlas Towers basically on average provides one visit over a long period of time, such as every five years doing one visit every three months, and therefore the towers are very safe.

In regards to the gate doors of the fence opening onto the roadway, the assumption on all of the sites by Atlas Towers is that they provide a certain amount of buffer between the road and construction typically via a standard easement. The easement area is normally where the gate doors open into, but Atlas Towers would never allow them swing open into a public roadway. Even so, if the PC feels this is an issue, Atlas Towers can adjust the design or width to ensure this concern is addressed.

Mr. Rue asked if Atlas Towers is able to install a dark monopole. Mr. Powers said Atlas Towers can request the tower manufacture to treat the tower material in a certain method because

different galvanizing products available, so it is possible for them to age the material to a darker hue. He said the color of towers vary widely, as that tends to be a factor of personal preference. He is amazed how strongly people feel about specific designs, but he appreciates the fact that people are thinking about that. For instance, Atlas Towers attempted to install a dark monopole near the entrance to a national park, but the National Park Service stated that they like lattice towers instead because people can see through the structure and it would be less obtrusive of the beautiful view. Mr. Miller stated that galvanizing tower structures is the best method, without paint. He asked if different colors are achievable through the galvanization process. Mr. Powers said during the process, different types of oil can be used. The standard galvanization process involves immersing different types of aluminum alloy in a huge vat, and the finished pigment depends on how long the material is left in the solution, including how long they cool it. The material might also be sprayed with oil while it is hot. A variety of galvanization options are available. He said Atlas Towers might not mind painting over the galvanized monopole, but it is inevitable that the paint will peel over time, so galvanization alone holds up much better. However, Atlas Towers wants to make the community happy, so if it is the consensus of the PC to paint the monopole then they can do so. Mr. Rue said if the PC determines that the tower should be painted sage green, for instance, he asked what happens if the Federal Aviation Administration (FAA) ends up not allowing that. Mr. Powers stated that if the FAA does not specify a certain color then they don't care, but the only colors they generally specify are red and white paint every 50' on the upper portion of taller towers, as they previously discussed. The FAA no longer does so as often as they have in the past, and he is not sure why.

Mr. Haight asked what the FAA requirement is for painting towers, since the monopole will be in the aviation traffic pattern. Mr. Powers said Atlas Towers is required to file an FAA form called the TCNS-620 before they start these types of tower projects. Per those forms Atlas Towers was required to provide the FAA with GPS coordinates, how tall and what style the tower is proposed to be. The FAA has a group that conducts reviews and approvals of the TCNS-620 forms, and Atlas Towers received an approval from the FAA for this proposed tower. Not specific to this tower, but after a certain height about 200' to 250' or so the FAA requires the upper portion of towers to be painted in a specific red and white fashion for safety purposes, which is not required for this tower. Mr. Pernula asked if the FAA will require a light to be installed atop this tower. Mr. Powers said he does not believe so.

Chair Gladziszewski referred to sheet A-3, and asked if this diagram is accurate regarding the specifications listed of the height of the trees in relation to the tower extending above them. Mr. Powers said he assumes so because professionals created the diagrams provided in the application, and they were produced in tandem with surveying companies that used specialized measuring techniques.

Mrs. Danner requested to provide additional comments; Chair Gladziszewski allowed Mrs. Danner do so. Mrs. Danner commented that sheet G-1 states that the tower structures must be constructed to withstand a 90 mph wind speed gusts, and Juneau's top wind speed is 120 mph, so she does not know if that pertains to sustained winds as well. Even so, she is sure that the Atlas Towers standards probably exceed that, but perhaps this should be provided in writing.

Public testimony was closed.

Commission discussion

Mr. Watson asked what the +600 acres of surrounding land from the subject site are zoned as, and whether wetlands are present. Mr. Feldt said that area is in the Rural Reserve zoning district, and he is sure an extensive amount of wetlands are present. Mr. Pernula added that just to the north of the subject site is a huge area of dense muskeg wetlands, but not on the subject site. Mr. Watson commented that the reason he asked this question of staff is because public comment was provided stating that the balance of that surrounding land could be developed, which is not the case.

CSP2011 0004:

Staff recommendation: That the PC adopt the Director's analysis and findings and recommend approval of this City Consistency Review permit to the Assembly.

And;

USE2011 0013

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP. The permit would allow the development of a 175' tall telecommunication tower and accessory electrical equipment, subject to the following conditions:

1. Prior to the issuance of a Building permit, the applicant shall submit a letter to the CDD from a PE indicating the structure will comply with the FCC's radiation emission level.
2. Prior to the issuance of a Building permit, the applicant shall stake the limits of the disturbance area, and minimize removal of any substantial vegetation, as verified by the CDD.

Commission action

MOTION: *By Rue, that the PC adopts the Director's analysis and findings and recommends approval of the City Consistency Review permit, CSP2011 0004, and related CUP, USE2011 0013, to the Assembly to allow the development of a 175' tall telecommunication tower and accessory electrical equipment, subject to the conditions outlined by staff, with a new condition to USE2011 0013, as follows:*

3. *The monopole shall be galvanized dark in color.*

Mr. Rue said as he views towers around town, he has found that dark monopoles blend in very well with evergreen trees and the landscape.

Mr. Miller said a dark tower is located off of Waydelich Creek, and it is amazing how that tower blends in when viewed from a low position. He believes this monopole will be barely visible from a lower position as well, and maybe if the upper portion of the monopole was gray in color then it might blend in better, but he does not know for sure so he is fine with the monopole being dark in color.

Mr. Bishop said he lives near a galvanized tower located in Auke Bay, and that tower does not blend in as well as the tower near the Valley Baptist Church. The color of towers that blend in tend to be darker, which are camouflaged more so than any other color. He would not specify a sage green, and prefers dark brown instead. Chair Gladziszewski clarified that the motion is that the monopole just be dark, not a specific color. She explained that the PC previously discussed color issues in terms of other facilities, such as on fuel tanks, but it comes down to personal preference, so retaining verbiage in the motion that this monopole must be dark in color in this instance is fine.

Mr. Haight said the blending in of towers is fine, except for aviators so he would like to see the upper portion painted white to offset the lower dark color. He explained that during the daytime when aviators are flying overhead during low visibility conditions while approaching the runway to land, the pilots would be able to view the tower if it had a light atop as they are generally flying fairly low in this particular area, and he would appreciate the PC adding this as a condition of the CUP. Mr. Satre said such wording would have to be contingent upon FAA permissible standards. Chair Gladziszewski said the PC should follow whatever the FAA has recommended because they already know how close the proposed monopole is in relation to the flight path. She does not want to substitute the judgment of the PC for the FAA, and if they require the installation of a light atop the monopole then okay, but if they don't then the PC should do the same. Mr. Watson said he recalls at other PC meetings when reviewing tower cases when potential lights atop of towers were a concern of neighbors. Therefore, this particular case is not unique and there are going to be other tower applications presented to the PC, so whatever this body determines tonight will be the basis for future decisions as was mentioned in public testimony. Mr. Satre said he respectfully disagrees, explaining that right now the city does not have an ordinance regulating telecommunication tower standards. The PC, at this time, has to address each case regarding towers on their own merit, and this body is not setting standards while doing so because they are evaluating them as individual developments, just as if they were houses, stores, or some other development requiring a permit. Therefore, what the PC might require for one tower permit, there is no certainty that this body would do so for another. He believes the PC has addressed aspects of tower cases on their merits as permits have been presented to this body in lack of an ordinance stipulating specific standards, which the Assembly and the PC are working on. He supports the motion. The standards these bodies are working on encourage towers to be located on city land, so they will receive lease revenue. The proposed monopole will be in a rural setting with co-location possibilities, including other aspects the PC tends to be in favor of, so he believes this will be a good project.

Mr. Rue stated that before the PC takes action on the motion, he requests staff to contact the FAA to determine if a dark galvanized color will have any bearing on the FAA's decision to not require a light atop the proposed monopole, and if so, the FAA "will have the final call" on this color issue.

MOTION REVISED: *By Rue, that the PC adopts the Director's analysis and findings and recommends approval of the City Consistency Review permit, CSP2011 0004, and related CUP, USE2011 0013, to the Assembly to allow the development of a 175' tall telecommunication tower and accessory electrical equipment, subject to the conditions outlined by staff, with a new condition to USE2011 0013, as follows:*

3. *The monopole shall be galvanized dark in color, unless the FAA states otherwise.*

There being no objection, it was so ordered, as revised by the PC.

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

X. BOARD OF ADJUSTMENT

VAR2011 0015

A Variance Request to reduce the side yard setback from 3'4" to 0' and to reduce the front yard setback from 10' to 3'6" for the construction of a garage.

Applicant: Northwind Architects
Location: 230 West Eighth Street

Staff report

Ms. Jones said the Board of Adjustment previously reviewed a variance for the same front and side yard setback in April 2011, VAR2011 0008. The applicant is now requesting a further encroachment into the front and side yard setback. The original Variance Request was to reduce the side yard setback from 5' to 3' 4" and the front yard setback from 10' to 5' 10". During that review, staff recommended an alternate scenario where the front yard setback was not reduced. There were findings suggesting that if the garage was constructed flush with the house into the front yard setback, it would reduce sight visibility for drivers of cars exiting that garage. The Board of Adjustment approved that variance alternate scenario with the side yard setback being reduced from 5' to 3' 4", which is shown as the blue line on the slide of the site plan, and there was no reduction of the front yard setback. The new Variance Request is shown as the green line on the slide of the site plan to reduce the side yard setback to the property line and the front yard flush with the house. There is conflicting information as to how far the house is to the property line, and a previous as-built survey was conducted in 2004 where it appears as though the house is 5.2' from the property line, but this is not completely clear because that as-built survey does not have specific lines showing this. The contractor located the house at 3' 6" from the property line, and that is what the current request states in the application. A newer as-built survey that was provided as a Blue Folder shows the house at 2.64' from the property line. The applicant is requesting that the garage be flush with the house, which is what they originally requested in the April 2011 Variance Request and in the current application. There are two surveys that have different measurements on them so the applicant might want question the surveyor about this property line discrepancy issue, as the latest survey was conducted over this past weekend. The conflict is if the front yard setback is to be reduced, the question then becomes what they would be reducing it to, such as 2.64' or 3' 6". The applicant is requesting that the front yard setback be flush with the house, but the exact measurement from the property line to the house is not clear. The as-built surveys appear to be different, but the applicant has already started demolition for constructing the new foundation per the previously approved April 2011 variance, and the existing carport was removed as well.

The concerns presented with both variances are when drivers are backing cars out of the garage area in the front yard where they will have limited sight visibility if a wall is constructed near the front corner of the house. The distance between the edge of the garage and the start of the pavement is about 10'. She said Indian Street is not well traveled, and the lower portion contains a fairly sharp turn from West 9th onto Indian Street, and one would think people would be driving slower. She provided a photograph of a view down Indian Street.

Currently, the structure has a separate one-car garage being remodeled into a storage room, so it will no longer be used as such. The primary purpose for further extending the main garage into the side yard setback will allow ample space to park two cars. The concern is that the distance approved by the previous variance would barely allow two cars to be parked in that space. Mr. Watson said if the drivers were to back in they would have better visibility, but not if they pull in front first, but the assumption is always that they are going to pull in. Ms. Jones said she believes the Board of Adjustment should review both options.

In regards to the side yard setback, she said there may be a reason to encroach to the property line, as the applicant at the start of this meeting provided additional information. The property

owner adjacent to the subject site has been using the carport retaining wall as the support structure for their staircase. Therefore, having the garage approved up to the property line may assist in the continued support of the adjacent staircase, including providing more space for drivers of cars to safely park within it. As it was previously approved, technically there is room to park two cars in that space, and encroaching into the front yard setback would reduce site visibility for drivers pulling cars in front first, and then backing out into the right-of-way.

The only public comment received is in support of the current variance from a property owner on Dixon Avenue.

Staff recommends denial of the of the current variance request.

Mr. Rue cited Ed Foster, CBJ Streets Superintendent, comment that states, "As long as the garage doesn't extend out past the front of the existing house, it should be okay." He said Mr. Foster states that extending the garage will not be safe, so he is curious as to why. Ms. Jones explained that she conducted a site visit and viewed the temporary retaining wall under construction, and she envisioned while backing her car out of the garage when it seemed to illustrate that sight visibility will be limited. When staff looked at this case previously, they had the same finding that encroaching that far would further hinder sight visibility because the house is situated less than 3' from the property line, which limits the line-of-sight of drivers as well. They also have a garage further up on the property line that the owners have not been using because it is unsafe. Chair Gladziszewski commented that Mr. Foster was probably referencing snow removal, not sight distance issues, so maybe he does not care as long as the encroachment into the front property line does not hinder snowplowing operations.

Mr. Watson asked if the subject property is included in the draft Willoughby District Land Use Plan (WDLUP) because the goal is to eliminate setbacks to provide incentives for property owners to rebuild in that area; Mr. Pernula said the subject site is not.

Public testimony

Dave Hurley, 126 Seward St., Northwind Architects representing the applicant, said he previously provided the Board of Adjustment a handout of a site plan and four photographs of the subject site. He re-presented the application of the initial variance when he specifically asked for the minimum amount of area required to accommodate two cars in the spirit of trying to move the process forward. Chair Gladziszewski referred to staff's site plan, and asked which colored line Mr. Hurley is referring to. Mr. Hurley said the blue line, but it is not entirely accurate. For example, they considered building the garage flush with the existing house, and it was suggested by staff that if doing so was not entirely necessary then they might want to re-consider an alternative option to accommodate the minimum area required for two cars. He said they chose to move forward with the alternative option of pulling the structure back from the face. However, once excavation started, serious concerns were raised by the owners, which were not fully appreciated in the initial variance, and that is why they submitted this new Variance Request. The initial variance provided for an interior space in the garage of about a 19' 6" wide by 23' deep area, which is the minimum space to accommodate two average cars. Should this current variance be granted, they would have a garage that will be 23' wide and 28' deep, which will accommodate two regular cars, and storage for trash and recycling. One of the benefits of either variance is to provide relief to the on-street parking pressure the neighborhood currently suffers from because one less car will be parked on the street. Chair Gladziszewski confirmed that currently the owners are parking two cars on the street; Mr. Hurley said yes.

He referred to the photograph titled Side Yard Setback 1, stating that the adjacent structure shown is non-conforming and non-fire rated. If they built the structure according to the initial variance they would be required to retain about a 3' 4" wide space between the two structures, which would be very difficult to maintain and become a dangerous in the northwest corner area. He said the property owners have experienced nuisance issues in the past by people, and they are very concerned that those problems would persist and become exacerbated if they were required to move forward with that method. In addition, the structure was appended to the subject property owner's retaining wall, which is already to the zero lot line. There is an advantage that the concrete assembly is a two-hour rated wall, and if they were allowed to move beyond the face of the existing structure it would improve the fire safety factor between those two buildings by separating the non-rated assemblies on either side of that wall, which will provide a benefit. The proposed garage wall at the lot line will become an extension of the owner's existing retaining wall and be in line with one another.

He referred to the photograph titled Side Yard Setback 2, stating that the framed wall is a temporary support for scaffolding, and is located almost in the exact position, within a couple of inches, of the proposed garage wall where the end of the framing is flush with the existing house facing Indian Street.

He referred to the photograph titled Front Yard Setback 2, stating that this is in regards to concerns about line-of-sight. Again, the framed wall here is shown from a different angle that terminates flush with the face of the existing house, which is per the sought-after variance regarding the front yard setback. He parked his 10' truck in the area of the proposed garage to provide the Board of Adjustment a visual comparison to smaller cars. He said they should be able to envision if they were backing out of the garage from the driver's side window, and while backing out once he clears the jam of the garage door it will be before the tailgate of the truck encroaches into the right-of-way. He said 10' seems adequate to maintain safe sight lines, noting that he was standing in the middle of Indian Street while taking the photograph. The front corner of the house is where he drew a red line that governs where the existing structure will be adjacent to the garage, and the drivers would have to clear that red line area before they could see up Indian Street while exiting, so there is no impact on sight visibility.

He referred to the photograph titled Front Yard Setback 2, stating that the other garage was very old that had a previous extension of the house built over it when they also extended the garage to accommodate for a larger car. The red line he drew on the ground represents the original position of the old garage that was removed because it was in dangerous condition, and was not used by the owners because visibility was impaired while backing out to the pavement. By eliminating that other garage, they will be improving the safety conditions at that end of the property. Due to the issues with on-street parking in the neighborhood, people tend to park on the property owner's driveway regardless of how well those cars fit. This takes place despite signage, complaints, and threats of towing, which has persisted over the years. The owners are concerned that by providing any sort of park-able driveway space in front of the newly proposed garage would continue to invite more of that type of behavior, which has been a nuisance for the owners. Regardless, whether they are allowed to build to the initial or current variance, there will not be enough space for others to park in that garage area. If drivers of other vehicles still do so, they will be encroaching out into Indian Street posing safety hazards, which is why the owners want to make the available parking space as small as possible to prevent such activity from happening in the future.

Randal Davis, 9240 North Douglas, represents Pollard Construction, said he is the surveyor on this project. He referred to attachment 2 of the as-built survey, stating that this was submitted on rather short notice so it is probably somewhat of a surprise to the Commissioners. He offered to answer questions of the Board of Adjustment in regards the structures and survey boundaries as he mapped them. Mr. Pernula said the survey shows 2.64' from the face of the building to the right-of-way. Roughly at that location, he asked what the distance is between the face of the building and the edge of the pavement. Mr. Davis said he did not map the pavement area. Mr. Miller asked if the 2.64' measurement was taken from the cantilevered portion of the face of the structure. Mr. Davis clarified that the measurement was taken from the non-cantilevered portion. He explained that the line around the corner on the as-built survey is the cantilevered portion, which he labeled as such from the white siding stucco of the main structure. Mr. Miller asked if the new garage will be built flush with the main building, or 2.64' parallel with the property line. Mr. Davis stated that assuming if the garage was parallel with the house leaving 2.64' of space between them, it would gradually become wider to the west with space between the garage and the property line, but he is not sure of the design aspects of the project, and deferred to the architect.

He said an as-built survey conducted by R&M Engineering several years ago was provided in the packet, and the information varies between their survey data because they are not the same surveyors, including that the surveys were conducted at different times, but they both used the same bearing basis. He, as a surveyor, has a professional obligation to define his own control regarding the properties he surveys. In this case, he had a copy of a portion of other survey, but not all of it so he took it upon himself as a professional obligation to define his own bearing basis and control of the property to establish the boundary as best he could given all the surveying he conducted, which is why the two as-built surveys are different. He explained that if the property owners were to hire additional surveyors, the new as-built surveys would probably produce different outcomes as well.

Chair Gladziszewski referred to the photograph provided by Mr. Hurley labeled Front Yard Setback 1, stating that Mr. Hurley provided the caption "Limit of view up Indian Street, regardless of position of proposed face of garage," but staff disagrees with this. Ms. Jones explained that the house already exists where the red line is drawn at the front corner adjacent to the garage that blocks sight distance, and this will not change in the future. If the variance is approved to build the garage on the opposite side where it provides for a clear view now, that will change after the new garage is built out because it will have a wall closing it off that will obstruct sight distance.

Mr. Hurley said the intention is to construct the garage parallel with the house, and the area between it and the garage will taper so it will be wider further away from the far side of the garage. Mr. Miller referred to Mr. Hurley's photograph labeled Front Yard Setback 1, stating that this provides a good perspective. He explained that when the Board of Adjustment started viewing this case, he did not see how any evidence could overturn staff's findings in terms of the sight distance issue while drivers exit the garage area, but the Front Yard Setback 1 photograph shows that sight distance will be provided after construction. Mr. Hurley pointed to the break in the driveway of the existing concrete pad where it rises near the right-of-way to the higher level of the garage floor, which is the landmark area showing the garage floor that will go from being flat to where the short driveway slopes in alignment with the face of the house. Mr. Rue said this is a key point because this photograph shows that the garage wall will be about 5' from the end

of the driveway, and smaller cars will actually be parked further in than the 10' pickup shown in the photograph.

Public testimony was closed.

Board discussion

Mr. Miller said the staff report states that an existing portion of the retaining wall will remain, so the issue of moving the garage over to the side yard setback area might be more beneficial than it was before. Ms. Jones said the neighboring property owner's stairway is supported by the retaining wall, and it would provide them a benefit if the retaining wall were to remain.

Chair Gladziszewski referred to staff's site plan showing the green line alternative that involves part of the sight distance issue. She stated that if they were to continue drawing the vertical blue line scenario straight up to intersect with the upper vertical green line, it will provide another alternative.

Mr. Miller stated that staff found that the variance criteria were met, with the exception of criteria 2, and 6. Ms. Jones explained that criterion 6 was found as being met in the initial variance because of the alternate scenario. Mr. Miller stated that if the Board of Adjustment were to find that criterion 2 is met, 6 would be as well. As he stated earlier, he did not think that there was going to be any testimony that could change staff's findings, but Mr. Hurley's photograph labeled Front Yard Setback 1 shows that sight distance will be provided for drivers of cars exiting the proposed garage area, and therefore criteria 2 and 6 are met. Mr. Rue said he is of the same mind because this photograph shows that drivers of cars will be able to pull out of the garage far enough not to be in traffic, particularly since the traffic nearest the cars will be traveling down Indian Street, and drivers will have a good view of the lower corner of the roadway as well without being in the right-of-way. A regular car would have another 1', versus the 10' pickup parked in the garage area, and this photograph convinces him that the line-of-sight of drivers exiting the garage will be okay because it is a lightly traveled street, and people will not be driving on it that fast. Chair Gladziszewski said she used to live in that neighborhood and Indian Street is not lightly traveled, and people do not drive on it very slow, especially on the steep incline at the corner where drivers tend to want to gain acceleration during snowy and icy roadway conditions in the wintertime.

Ms. Jones stated that if future street improvements were made to Indian Street, there will only 2.64' from the edge of the garage to the right-of-way at the subject property if the variance is approved. She does not believe the city has any plans to install a sidewalk on this section of Indian Street, but if the city provided such improvement it would further obstruct sight visibility.

Mr. Bishop referred to the staff's site plan showing the different colored lines, asking what the difference is between the vertical green and blue lines. Mr. Pernula said the distance between them is 7.4'. Mr. Bishop stated that in Mr. Hurley's photograph labeled Front Yard Setback 1, it appears enough sight distance will be provided for drivers exiting the garage, but it is marginal, although maybe this is an "all or nothing" situation. He does not see an issue with the side yard setback, as it will provide benefits to both property owners from the standpoint of not having an alley between their homes. However, the question is how much variance the Commissioners should provide on the front yard setback, such as encroaching to the 2.64' line, or splitting the difference. He tends to believe that visibility of drivers will be marginal, but if a couple more feet was provided further back from the 2.64' line, it might be better to go to the 5' line instead.

Mr. Watson said he tends to disagree, explaining that when he views this photograph the shadows under the pickup truck parked in the garage area fall parallel from the house. The shadow under the pickup truck shows there is still room between that shadow and the edge of the driveway before reaching the right-of-way and the truck is not at the edge of the street, so he does not agree with splitting the difference between the 2.64' and 5' lines. Mr. Haight said if a driver backs up the required distance and looks to the right they would also have good visibility to the left, which he envisions while looking at this particular photograph. He initially thought this was impossible as well, but the photograph shows otherwise. Mr. Rue said this is a good point because oncoming traffic from the right traveling downhill could potentially pose more of an issue to the drivers of the cars backing out of the garage, versus traffic traveling uphill on the opposite side of the street, and the drivers will have more distance to maneuver. He is not sure much would be gained by splitting the difference between the 2.64' and the 5' lines in this area in terms of safety either.

Chair Gladziszewski stated that the Board of Adjustment denied the initial Variance Request, but now the applicants re-presented the same request. Ms. Jones said the first variance, VAR2011 0008, was on the Consent Agenda and was approved with a side yard setback of 1' 8" flush with the house. Chair Gladziszewski confirmed that the red line on the site plan was what was initially proposed, but the blue line was what was granted at that time. Ms. Jones said yes, and the blue line is what is being proposed per the new VAR2011 0015 by staff, but the applicant presented an alternative shown as the green line. Chair Gladziszewski stated that, procedurally speaking, the Board of Adjustment did not allow what is being requested tonight during the review of the initial variance, but they are now in the midst of contemplating allowing essentially the same alternative. Mr. Pernula said this is true on the front yard setback issue, but he understands the property owners, and applicant that applied on behalf of them, had a difference of opinion with staff. He explained that he and the property owners thought they had this all worked out, which is why staff placed the initial Variance Request, VAR2011 0008, on the Consent Agenda at the April 2011 PC meeting. Chair Gladziszewski confirmed that the applicant is requesting the vertical green line and horizontal blue line alternative; Ms. Jones said yes.

Staff recommendation: That the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2011 0015. The Variance permit would allow for a garage to be built up to the side property line and up to 3' 6" from the front 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 for criteria 2 and 6, staff recommends the following condition:

1. Prior to Certificate of Occupancy an as-built survey be submitted showing the garage at 0' for the north side yard and 3' 6" for the west front property line.

Board action

MOTION: *By Mr. Rue, that the Board of Adjustment grants the requested VAR2011 0015 per the applicant's alternative, subject to the revised condition, and positive findings for criteria 2 and 6, as follows:*

Condition:

1. *Prior to Certificate of Occupancy an as-built survey be submitted showing the garage is not closer than 2.64' for the north side yard and 3' 6" for the west front property line.*

Findings:

2. *The key point leading staff to find that criterion 2 was not met relates to a portion of the third paragraph that states, "The public health will not be preserved as the garage will be located in such a way that will impact sight visibility." However, based on evidence the Board of Adjustment viewed with the photograph provided of the Front Yard Setback 1 by the applicant, the position of the proposed face of the new garage will be aligned with the front of the existing house and will not significantly impact sight visibility of drivers exiting the new garage area. Adequate sight visibility will be provided in both directions to allow for safe entry onto Indian Street while backing into the right-of-way. There is also the possibility that people will back cars into the garage, which will further improve sight visibility. The safety issue has been demonstrated by the applicant to be not as significant of an issue as some of the Commissioners initially thought.*

Yes. Criterion 2 is met.

6. *The retaining wall in relation to the property line will provide benefits to the property owners and adjacent neighbor. With a fully usable two-car garage, the owners will have the ability to consistently park their cars in the garage, which will ease on-street parking congestion in the neighborhood. For that reason, and given that this will not pose a safety issue, this Variance Request will provide more benefits than detriments, including addressing potential hazards regarding garbage pickup and other on-street services.*

Yes. Criterion 6 is met.

There being no objection, it was so ordered.

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

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula stated that Malcolm Menzies is the new Assembly Liaison to the PC, and he met with him yesterday to review issues the PC is working on. He said Mr. Menzies will be gone over the next couple of weeks, but he plans on attending future PC meetings for the remainder of his term.

2008 CBJ Comp Plan review

He said the PC previously requested staff to provide an analysis of the Comp Plan review process, and he assigned various elements of the plan to certain Planners. Staff finished conducting their analysis, and they have provided him reports, which he distributed via a draft copy to the PC. The Comp Plan was adopted less than three years ago, and staff did not find any major revisions, but minor edits will have to be made.

Draft WDLUP review

He stated that he previously provided the PC a rough draft of the WDLUP. More changes will be forthcoming from the Lands Committee, and Sheinberg and Associates who is the contractor that wrote the plan. A couple of maps and the Chapter 5 are being considered to be adopted as

part of the Comp Plan similar to the method in which they did for the West Douglas Development Plan. Staff will provide the draft WDLUP to the PC fairly soon, and then they will provide recommendations to the Assembly for adoption. Many policies in the Comp Plan pertain to the Willoughby area, and most of the draft WDLUP is fairly consistent with the Comp Plan, but it contains much more detail.

Mr. Watson said Ms. Marlow, CBJ Lands and Resources Manager, provided an hour-long presentation to the Public Works & Facilities Committee. Therefore, when Ms. Marlow presents this plan to the PC they can expect it to last that same amount of time or longer, with no comment period, so staff should plan accordingly when scheduling that review for the PC at a subsequent meeting.

Alaska Coastal Management Program (ACMP) closure briefing

Mr. Rue requested Mr. Pernula to prepare a briefing to the PC on local impacts of the ACMP closure by the state in regards to staffing, coastal wetlands mapping, city policies, and future federal decision; Mr. Pernula offered to do so.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson said the Subdivision Review Committee (SRC) met prior to the PC meeting this evening, and they reviewed city street names in regards to the process the CDD staff will be using. The SRC has also been reviewing a proposal for a remote subdivision, and they are about 2/3rds through their review process, which will be presented to the PC in the near future.

[The June 26, 2011 Assembly Lands Committee minutes were provided by staff to the PC for their perusal.]

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson said he previously mentioned that the assumption is always made that people are going to pull into garages, rather than back in, but no law requires people to do so. When the Commissioners are contemplating this in terms of whether there might be possible sight visibility issues, and he questions what the Commissioners might do if a person appears before the PC stating that they never intend to pull into their garage and will only back in, so they will never have sight visibility issues. Chair Gladziszewski clarified that the PC and staff stated that most people do so. Mr. Watson said he suspects that one day this issue might be brought before the PC, which he believes might be indefensible.

Mr. Rue said he read the minutes of the last review of the draft noise ordinance, and requested staff to provide the PC in the future the analysis regarding the previous Helicopter Noise Study that was previously conducted. He said that data is the best that the city has in terms of current noise situations, which would be good for the PC to have while reviewing the draft noise ordinance. Chair Gladziszewski asked staff to report on the status of the draft noise ordinance review process. Mr. Pernula said he believes the PC has finished their review, and staff will incorporate a few changes the Commissioners requested at the last meeting. The one issue that remains outstanding is the federal pre-emption noise issue that mainly pertains to operations by Alaska Marine Lines (AML), which states that the city is unable to regulate barge activities. The outstanding question is whether the city is able to regulate forklifts traveling up and down ramps and when workers are moving equipment around in the middle of the night, which creates quite a

bit of noise at times. He will re-present the draft noise ordinance to the PC after staff receives an answer regarding this from the CBJ Law Department. Mr. Bishop asked if the Auke Bay Commercial Loading Facility is being considered as being a federal pre-emption; Mr. Pernula said he is not sure at this time. Mr. Bishop said this should be taken into consideration by the CBJ Law Department during their review, as knows that the Docks & Harbor Board posed many questions and concerns regarding this, and they plan to present comments. Mr. Watson said the decision in regards to fishing will basically be whether that is considered interstate commerce, which he believes it is. However, if it is not, then that aspect will probably have to be regulated through the noise ordinance. Mr. Pernula said the latter would be whether the PC wishes to include fishing operation activities in the draft noise ordinance, and if so, they might choose to allow certain levels of noise to take place at specified times.

Chair Gladziszewski requested staff to provide a briefing to the PC on the parking meters recently installed downtown. Mr. Pernula said some Planners have been monitoring the availability of on-street parking at various times during the day to view any impacts. They have found that generally plenty of on-street parking is available because of the new Parking Garage, except during the lunch hour, but all the spaces do not fill up so it appears to be working. Chair Gladziszewski asked if staff compared surveys taken prior to the parking meters being installed, versus now. Mr. Pernula said a graph was generated by staff that shows this information at various times of the day, and the downtown parking situation has improved because city, state, and private business people are no longer moving their vehicles on-the-hour around town. The meters provide two-hour free parking, and then parkers are charged after that, which is more expensive on-street than in the Parking Garage. The monitoring data captured by staff will probably not be complete until they are able to capture a full year of statistics. This is due to the fact that during the summer more people are working downtown, and in the winter more people are at the Dimond Court House, and so on. One aspect staff is looking into further is whether people are now parking near residential areas in the periphery of downtown, but many of those spaces were previously occupied anyway.

Mr. Rue asked staff to provide the PC an update on the Transit Center. Mr. Pernula said, by his own use, he believes it is working fairly well, and the vendor and police in the substation appear to watch ongoing activities. He spoke to John Kern, CBJ Public Works Transit Superintendent, who stated that he would like to relocate the express buses to the Transit Center instead of parking them at Willoughby. The problem with doing so however is because the Transit Center was designed in a way so they are unable to park four regular buses there at a time, which would be required before they are able to park the express buses onsite as well. Therefore, he said Mr. Kern wants to create two bus lanes at the Transit Center area to allow the regular buses to park behind one another, versus the current configuration. This might mean that a middle island will have to be installed for riders to gain access to the second bus in order to accommodate for express buses to also park there.

Chair Gladziszewski said she noticed that many people are walking on the new Seawalk extension. She recalls that some of the Commissioners previously voiced concern about removing a portion of the Seawalk, although it appears to have worked, which is really nice to see. Mr. Pernula said he wishes even more people were doing so because some are not noticing or accessing the small stairway in that area. Chair Gladziszewski said a sign used to be posted in the area that said, "Seawalk," but it was removed, which she assumes was to replace it with a larger one. Mr. Pernula said a sign is currently posted going out to the Seawalk, but he does not recall if one is posted coming back. Chair Gladziszewski clarified that there is a sign posted

coming back, and asked if the sign going out is large enough for people to easily view it. Mr. Pernula said he was able to view the existing sign yesterday quite well. Chair Gladziszewski said the signage is not sufficient because the general area appears as though it is a private porch. Mr. Watson said the sign was placed on a pole where people have to look up to see it, but it should be relocated to the Seawalk side where tourists exit cruise ships. Chair Gladziszewski stated that Docks & Harbors has to be informed that the signage must be improved at the request of the PC. Mr. Pernula offered to do so, noting that quite a bit of that area is on private property. Chair Gladziszewski stressed that proper signage in this area of the Seawalk is crucial in terms of the Seawalk extension plans that the PC already approved, and the Commissioners have a vested interest in having people use the Seawalk by getting them off of the street.

XV. ADJOURNMENT

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

There being no objection, it was so ordered and the PC meeting adjourned at 9:30 p.m.