

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Maria Gladziszewski, Chair

REGULAR MEETING
August 9, 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, Marsha Bennett, Dennis Watson, Nicole Grewe, Benjamin Haight, Michael Satre, Maria Gladziszewski

Commissioners absent: Dan Miller, Frank Rue

A quorum was present.

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

II. APPROVAL OF MINUTES

July 12, 2011 – Regular Meeting

July 26, 2011 – Regular Meeting

MOTION: *By Mr. Satre, to approve the July 12, and July 26, 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. Menzies said he is the new Assembly Liaison to the PC. He reported that the Assembly met last night and approved the Atlin rezone change request to LC, which the PC recently recommended denial on. Chair Gladziszewski said she understands that a member of the Assembly later moved for Notice of Reconsideration on that case; Mr. Menzies said Mr. Freer provided that motion.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Gladziszewski stated that staff intended to move USE2011 0014 to the Consent Agenda from the Regular Agenda. She asked if anyone from the public or the PC wished to provide comments on USE2011 0014. A person from the public said he wished to provide comments on USE2011 0014; no one from the Commission had questions. Chair Gladziszewski retained USE2011 0014 on the Regular Agenda.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2011 0014

A Conditional Use permit (CUP) for 5 mini-storage buildings totalling 64,800 square feet.

Applicant: Coogan General, LCC

Location: 5600 Montana Creek Rd.

Staff report

Ms. McKibben said this CUP application is for 5 mini-storage buildings totaling 64,800 square feet. The property is located on Montana Creek Road adjacent to the Juneau Gun Club. The site is 5.7 acres. The parcel was historically part of a gravel extraction site that started operation in the 1950s. The site plan (attachment A) shows 5 various mini-storage building sizes. The vegetative cover requirement (attachment B) shows it to be about 2,800 square feet short of the 20% requirement. She provided a PowerPoint slide of the Assessor's photograph of the site. The existing shop building will remain onsite.

Public testimony

Lloyd Coogan, the applicant, said he defers providing public testimony until others testify.

James Sidney, 10400 Glacier Highway, said he is part owner of the property adjacent to subject site. He asked if the requested use to construct mini-storage units is allowable on the used gravel pit site because it was filled in years ago after the gravel was extracted. In addition, he did not see the intensity of the use addressed, and he is concerned that many users of the storage units would probably wander in/out of the site. Chair Gladziszewski asked if Mr. Sidney is suggesting that a fence be installed; Mr. Sidney said yes.

Mr. Satre said the proposed mini-storage buildings would be sited on an old gravel pit that has been filled in and this CUP is for a land use, and the PC is not necessarily interested in what used to be underneath the subject site. He said that aspect would more likely be addressed through the Building permit process.

Lloyd Coogan said he is the owner of the property. He anticipates installing berms and planting vegetation. He explained that people will enter/exit the mini-storage area to access individual units, and then leave, so they would not remain onsite at all times. He does not believe that this activity warrants a fence being installed.

Mr. Watson asked if the intention is to have an onsite manager; Mr. Coogan said only during business hours. He explained that berms are already present on two or three sides of the parcel,

with part of a berm located along side of the adjacent area next to Mr. Sidney's property, which he intends to complete and vegetate.

Chair Gladyszewski asked if any questions were previously posed to staff regarding the need for a fence. Ms. McKibben said in looking at some of the other mini-storage permits, she found that installing fencing is typical, although this applicant has not proposed to do so, and there is not a condition to install a fence. She explained that generally renters of storage units are the ones concerned about security, so it seems that this might be up to the applicant to decide whether there is a need to install fencing for security reasons. Mr. Watson commented that he recalls the PC requiring a fence to be constructed on the backside of the storage complex off of Jordan Avenue to protect adjacent neighbors from noise.

Public testimony was closed.

Commission discussion - None

Staff recommendation: That the PC adopt the Director's analysis and findings and grant the requested CUP. The permit would allow the development of five mini-storage buildings totaling 64,800 sq ft. The approval is subject to the following conditions:

1. In addition to the vegetated areas shown on the site plan submitted with the project application, an additional 2,800 square feet of vegetative cover (at a minimum) shall be installed or the installation shall be bonded for, and shown on a site plan reviewed and approved by CDD staff prior to issuance of a building permit for the proposed structure.
2. Prior to issuance of a building permit for the proposed structure, the applicant must submit a revised site plan showing 65 parking spaces, 3 accessible vehicle spaces, 2 loading zones, and circulation aisles that comply with the requirements of CBJ§49.40.
3. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the CDD, according to the requirements of CBJ§49.40.230(d).

Commission action

MOTION: *By Mr. Satre, that the PC adopts the Director's analysis and findings and grants the requested CUP, USE2011 0014. The permit allows the development of 5 mini-storage buildings totaling 64,800 square feet, subject to the conditions outlined by staff.*

There being no objection, it was so ordered and USE2011 0014 was approved as presented by the PC.

USE2011 0017

A CUP to renew the 10-year permit for Stablers Point Rock Quarry.

Applicant: CBJ Engineering Department

Location: 13010 Glacier Hwy.

Staff report

Mr. Feldt said this CUP request is to renew the existing 10-year quarry permit at the Stablers Point Rock Quarry that is scheduled to expire on August 14, 2011 (USE2001-00022 - attachment F). Mining rock in the quarry started in the southern face area of the hillside, which is easily

viewed from Glacier Highway and was very noisy when it was being mined back then. In 2001, USE2001-00022 was approved with several conditions that are still warranted. A couple of main intents during that time was to create a new right-of-way to allow drivers of trucks to maneuver in a straighter fashion from Glacier Highway to the quarry and bypass a dangerous curved area. The other intent was to create benches in the quarry. He explained that the quarry now has additional area to extract material. He provided a slide showing what the quarry would look like 10 years from now. He said a point of concern is that the cliff face has very steep slopes, so a geological study was required to be conducted in order for recommendations to be provided on how to safely and securely remove it. He referred to the contour lines of the quarry diagram that represents a 330' setback distance from eagles nests required in the Land Use Code. Because the quarry would not be mined any closer to the eagle's nests than what was previously approved, a new variance is not needed. If a future plan were to mine further south, an additional variance would be necessary. The goal is to create a new right-of-way, which will be later be conveyed to the State Department of Transportation/Public Facilities (DOT/PF).

Between 2001 and 2008, there were large public construction projects requiring quite a bit of material to be mined when the PC expanded weekday and weekend hours of operation, specifically hauling on Saturdays. Several years ago, the Auke Bay Launching Facility started being developed in close proximity to the quarry, which increased noise being generated in the area. That noise was carried across Auke Bay. At that time, a permit was applied for to slightly expand the quarry mining limits, which is when the PC heard warranted noise complaints that seemed to be directly affiliated with the quarry. The Commission then reduced the previously extended quarry hours of operation back to the original time limits to Monday through Friday from 8:00 a.m. to 4:30 p.m., removing Saturday hauling operations. This had an impact on mining and hauling operations at the quarry, and reduced noise for the neighborhood across Auke Bay along Fritz Cove Road. A noise study was later completed, and methods to attenuate noise were provided as conditions of the previous permit. The 2011 noise study measurement sites were based on where the noise was recorded in the previous noise study. He said the Noise Mitigation Measures provides a conclusion, which states, "Because the operational noise levels from the Stabler Quarry are all predicted to remain within the City and Borough of Juneau regulations for this land use, no noise mitigation measures are being recommended. The operational hours, limits on blasting, and general design of the facility along with its location are all sufficient design measures to reduce noise levels to within the City and Borough of Juneau regulations." He said these conditions are found in attachment F and would continue with the subject permit. In addition, a new noise study was completed for the subject permit (attachment G). The applicant held a neighborhood meeting in May 2011 to discuss many aspects being mentioned at this PC meeting, including the possibility of re-instituting Saturday hauling operations. Currently, the reinstatement of Saturday hauling operations is not an aspect of the subject permit, and the applicant stated that if operators in the quarry later felt that they might highly benefit from doing so, they would have to re-appear before the PC. Therefore, the conditions of the subject permit are Monday through Friday only, and the blasting hours are the same as the 2001 permit from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m.

With the conditions recommended, staff finds that the subject permit is consistent with the 2008 CBJ Comprehensive Plan (Comp Plan) and compliant with the Land Use Code. Staff recommends approval of this CUP to continue quarry operations for the next 10 years.

Mr. Satre said the applicant is essentially requesting a 10-year extension, none of the conditions have changed, and the hours of operation are the same that the quarry has previously been

operating under, including the hours allowed for blasting. Mr. Feldt clarified that some of the conditions have been slightly modified; others removed because they were completed and are no longer necessary; and a few new conditions were added. Mr. Satre requested staff to review the new conditions that were added. Mr. Feldt said DOT/PF requested that dust, rock, and crushing material being tracked onto Glacier Highway be removed as soon as possible. Currently, this is primarily being done on a complaint-driven basis, or someone picks the rocks up when they view them on Glacier Highway. DOT/PF finds that this should be done more frequently, which is provided for per Conditions 12 and 14. Condition 12 is not new and is a continuation of the 2001 CUP, and Condition 14 contains new language that the roadway be “cleaned daily.” All the hours of operation are carried over from the 2001 CUP, which was the main concern the public had. During the May 2011 meeting, members of the neighborhood expressed deep concerns about extending the hours of operation. The neighbors felt there was not enough demand to do so, or they wanted the weekends and weekday evening hours to be non-operational, which is why the applicant is not proposing operating on Saturdays at this time. He said Condition 26 is new, which is an Advisory Condition per the request of DOT/PF for a pull out area adjacent to the quarry entrance near Glacier Highway. DOT/PF felt restrictions had to be placed on how that pull out area is being used by quarry individuals in the future. He explained that placing this as an Advisory Condition provides further enforcement that DOT/PF already requires.

Public testimony

Alan Steffert, representing the applicant, CBJ Engineering, offered to answer questions of the PC. Mr. Bishop said there have been many rocks on Glacier Highway, an issue which has not been adequately taken care of and some of the rocks are fairly large that pose safety hazards. He asked how the applicant intends to implement daily cleaning of spilled materials per Condition 14. Mr. Steffert said he differentiates between what he terms “spilled material” versus “tracked material.” In general, tracked material builds up along side Glacier Highway from debris falling off of truck tires that could be dealt with on a weekly basis, as opposed to every day. The tracked material could be swept off the side of the roadway. The larger rocks spilled from the truck beds pose potential safety hazards, which happens due to poor loading practices by operators stacking rocks too high in truck beds, or truck drivers not noticing this. When this happens, rocks spill out of truck beds, or loose rocks that did not make it into the bed might fall off onto the roadway from the side of the truck. In addition, rocks might get stuck between the dual wheels on the back of the trucks, so when drivers speed up, the rocks tend to fly out. Truck drivers or any motorist are required to secure loads before transporting them, and if any material spills onto the roadway they have to remove it. Mr. Bishop said he does not see how cleaning rocks from the roadway could be done without instituting a daily program for a portion of Glacier Highway. Since the rocks are so large the drivers of vehicles either hit them or swerve to miss them, causing hazardous situations, which has been an ongoing conflict for years. Mr. Steffert said they do not stop quarry operations to manage this issue. Instead, there is a measure of trust that the contractors have hired competent operators to load trucks in the quarry. Some truck drivers stop to kick rocks off of the roadway, or place a radio call to the quarry stating that spilled rocks have to be cleaned off the roadway; others do not. He does not visit the quarry every day, but at times he has stopped to kick rocks off of the roadway.

Chair Gladziszewski stated that if this CUP is approved a condition would require the applicant to figure out a method in which to ensure Glacier Highway is cleaned daily. Mr. Steffert requested Chair Gladziszewski to read the last two sentences of Condition 14. Chair Gladziszewski said that portion states, “The applicant shall (or cause to) remove all spilled

materials immediately from public roadway and ensure that mud and debris tracked onto roads be cleaned daily with the City having the ability to allow less frequency on a case by case basis as warranted. DOT/PF reserves the right to request sweeping at any time it sees a problem or complaint.” Mr. Steffert said he intends to do his best with the tools he has to work with to keep the public roadway as clean as possible. He likes that flexibility has been included in Condition 14 because weeks could go by when nobody is exiting the quarry, but that depends on what local projects are taking place at given times. He does not want to incur the expense of spending \$200 per day to clean a section of roadway, especially during the winter months when no trucks have been driving on it. Furthermore, there is variability to the frequency, size, and amount of material being spilled onto the roadway, but if it comes down to having to conduct daily or weekly cleaning of the roadway, he would have to contract out those services. Mr. Bishop asked if the entrance gate to the quarry is locked on a daily basis; Mr. Steffert said yes, by the Security Guard. Mr. Bishop said it seems reasonable that that person could be responsible to also peruse the road to ensure it is clear of rocks at closing time. This is so rocks do not obstruct the roadway through an evening or over a day or two, but there has to be a plan instituted to ensure this consistently takes place in the future. Chair Gladziszewski requested that Mr. Steffert continue to think about what might be workable because the PC would be recommending a condition in regards to this by the end of the meeting. Mr. Steffert stressed that he is happy with Condition 14 as is.

Mr. Watson said the rock cleanup responsibility should be by the contractors hauling rocks out of the quarry, not by CBJ Engineering. He said the PC reviewed a previous application for hauling rock out of the Lemon Creek Rock Quarry when the CBJ Lands and Resources Manager, Heather Marlow, had concerns about constant buildup of debris on the roadway in the Costco area. The PC required those contractors to address that problem. He said there is probably no such thing as perfect cleanup, but in this case it has been an ongoing issue over the years, which has to be addressed. Mr. Steffert said they have it set up as being monetarily compelling, which states that the CBJ could withhold money from contractors if the truck drivers spill rocks on the roadway without cleaning them off, but it is still difficult to ensure whether contractors are doing so.

Vivian Hegg, 2950 Fritz Cove Road, said she is speaking for herself and on behalf of her husband Karl Hegg. They are not opposed to the operation of the quarry or to the extension of the permit as it is currently being operated. Their primary concern relates to the operational noise that carries over the water, and on calm days their front yard sounds like a construction zone. They know rock is needed for borough construction projects. They are pleased that the current hours of operation has allowed them to entertain and enjoy their yard on weekends and evenings. During the life of the quarry borough staff, major contractors, and the PC have all been approachable and cooperative about working with them to minimize quarry impacts to the neighborhood. During the first year of operation staff had contractors visit their yard to assess noise levels, which is when they adjusted blasting techniques to minimize the disturbance, and staff continues to be receptive to their questions and comments. They are particularly appreciative of the informational meetings, the blasting notices, and the PC’s efforts to craft guidelines for quarry operations while keeping neighborhood concerns in mind.

She referred to (attachment B), specifically III Extraction Permit Requirements, D. Quarry Hours and Days of Operation, which generally states that it might be demonstrated later on that quarry management would support Saturday hauling operations with little impact to the neighborhood. She explained that the loading of rock is one of the noisiest and, most disturbing operations

within the quarry because the first couple of loads when the rocks hit the truck bed are very loud, intermittent, and unpredictable. Therefore, they do not agree that Saturday loading and hauling would have limited impact on the neighborhood. On the other hand, they understand there are situations, such as the completion of the recent high school where a temporary extension of hours of operations to provide rock material for specific projects might make sense. They personally would not object if the city provided notice of such occurrences if they are clearly posted in advance in the neighborhoods being affected. They appreciate that notice was previously provided regarding this PC hearing for this case, which has been difficult to keep track of due to many other projects taking place in the borough. She hopes that when changes or blasting are being proposed for the quarry that notices will continue to be posted in the same area in affected neighborhoods in a timely manner. They hope that the number and size of crushers or other equipment that might significantly increase the noise levels at quarry not be added during the next 10-year permit cycle without warning and opportunity for the neighborhoods to comment beforehand. Chair Gladziszewski said the permit extension is not allowing any operations on Saturdays. However, if it is later determined that Saturday operations are warranted, the applicant would have to re-appear before the PC requesting to do so and public notice would be required as before.

James Sidney, 10400 Glacier Highway, said he is a truck driver, and when rocks spill onto roadway from his truck he attempts to pick them up. He said truck drivers notify fellow drivers when they find rocks on the roadway as well, so most times somebody stops to pick them up. He has a safety concern regarding trucks exiting the quarry and entering Glacier Highway, which has not been addressed in the DOT/PF regulations. He recommends that pre-warning lights be installed that flash on both sides of the quarry drive entrance near the highway, which would provide a warning to drivers of vehicles when trucks are entering the highway when traveling either north or south. He said the truck drivers could trigger flashing lights via a radio control, or some type of sensor might be tripped when trucks exit the quarry. This area of Glacier Highway has a 45 mph zone, and the trucks enter the highway at about 10 to 15 mph for hundreds of yards before drivers are able to get them up to speed. He has had several "close calls" in the past because typical drivers of vehicles traveling around the nearby corners in either direction tend to be driving at a high rate of speed and are not expecting trucks to be exiting the quarry. This continually takes place during quarry operations from 8:30 a.m. to 4:30 p.m. on weekdays. He explained that there have been many "close calls" for other truck drivers as well as drivers of vehicles who have to slam on their brakes while driving through this area. During slippery road conditions, it tends to pose even more hazardous situations. He recommends that traffic controls such as this be instituted or else these hazardous traffic situations would continue if the PC approves this 10-year permit extension.

John d'Armand, 3611 Spartan Street, said he lives in the Auke Cove area adjacent to the quarry. He has picked up rocks along Glacier Highway that have spilled from the hauling trucks, and some of them are 4" to 5" in diameter. He does not see that many, but when he happens upon them on the highway he has to traverse the entire roadway, which is when it is possible that he might hit an oncoming vehicle while swerving around trying to miss large rocks. If he were driving one of those trucks, he seriously doubts that he would be able to see rocks falling off of it. He believes the general policy should be to have the following truck driver pick up any falling rocks they happen upon.

He is concerned with the noise emanating from quarry operations. He will be 76 years of age in a couple of months, and his bedroom of his residence is located on the side of his house which is

very close to quarry operations. During blasting operations, his entire house shakes. He described a similar situation where blasting was performed to loosen nails in logs in the Okanogan Valley, which he believes is happening to his house. The rock crushing is extremely loud, as well as blasting which seldom happens. Loading rocks is immensely loud, especially the first couple of buckets when they are dropped into truck beds. An aspect that has not been considered is the noise the hauling trucks make while traveling up the drive to the quarry site, especially during early morning hours. Therefore, he sincerely hopes the 8:00 a.m. starting time would be retained, but no earlier. Other noise in the area stems from helicopters and planes flying overhead, and boats because the harbors in Auke Bay, which are fairly close. The advantage is that those are steady noises. Although the disadvantage from the quarry is that it produce sudden and startling noises. He likes the suggestion of installing a flashing light to warn drivers of vehicles on the highway of oncoming hauling trucks because there are fairly sharp curves in Glacier Highway, both from the north and south of the quarry entrance. He hopes a convex mirror could be placed on Glacier Highway opposite the entrance to Oxford Street to allow neighbors to see around the curve towards town, as his vehicle has already slid onto Glacier Highway during the wintertime several times, which was scary. When he moved into his neighborhood about 10 years ago there was no quarry operations at that time, so these operations have been quite a shock.

Mr. Steffert said in reference to the request to install a convex mirror, he already informed Mr. d'Armand's neighbor Sheila Pitt about this request, but it is basically up to DOT/PF to institute doing so. This holds true for the installation of flashing lights at the entrance of the quarry as well. He explained that if DOT/PF informs the CBJ that they wish to do so, he would do his best to comply, but DOT/PF has total control over the highway. Mr. Watson asked if Mr. Steffert would inform DOT/PF of these requests, and state that they are due to safety concerns. Mr. Steffert said he often speaks to DOT/PF personnel, and he will bring up these topics, but there is no guarantee that DOT/PF will end up instituting them in the future.

Mr. Watson asked if signs are posted along side the highway informing the public of blasting operations. Mr. Steffert said blasting signs are posted 24 hours in advance on Fritz Cove Road, and another is posted at the entrance of the quarry. He said the CBJ has a DOT/PF-approved Traffic Control Plan, which allows them to stall traffic on the highway while they conduct blasting operations in the quarry. If an individual blasting contractor chooses to use that pre-approved plan they could do so if they comply with all the conditions, but if they want to do something different they would be required to meet with DOT/PF to obtain their own separate plan.

Mr. Watson said the upcoming Statter Harbor project is going to include a significant amount of material from the quarry, so operations would increase. This would include many short hauls by the trucks and they would never get up to speed on that short stretch of highway. Mr. Steffert agreed, stating that they would experience a similar scenario while constructing the roundabout near DeHarts. Mr. Watson said it might make sense to be proactive and notify the affected citizens of these types of expected traffic impacts beforehand.

Public testimony was closed.

Commission discussion

Mr. Satre stated that when the PC reviewed the past quarry permit, they received quite a bit of public testimony on the hours of operation. He realizes that the CDD and CBJ Engineering staff

was receptive of the concerns from the public regarding this, including noise issues as well. In the past, the PC has worked very hard to try to balance the needs of the quarry versus residents throughout the Auke Bay area. He said no changes are being proposed in terms of the hours of operation and blasting with this permit extension request, and the conditions are indicative of the fact that the PC is still trying to address neighborhood concerns for this industrial use adjacent to them.

Ms. Bennett said there are instances where people have installed cameras to view potential wrongdoings of others, so they might contemplate incorporating the same to determine which truck drivers are spilling rocks onto Glacier Highway and not picking them up. Doing so would allow those truck drivers to be contacted, and then potentially have funds withheld from the contractor, or penalized in some other method for their bad behavior.

Chair Gladziszewski said the PC previously required trucks to be cleaned exiting the Lemon Creek Quarry, although Condition 14 recommends flexibility to be provided with this permit extension request. Mr. Pernula said in the Lemon Creek Quarry case, he believes there was a requirement ensuring that truckloads were covered. Mr. Watson said truck cleaning was required to get rid of the debris on tires while exiting the Lemon Creek Quarry to prevent heavy buildup of material on Anka Street. Mr. Pernula said he recalls years ago when the CBJ paved the road to the Lemon Creek Rock quarry, which reduced material being tracked onto other streets. Therefore, paving the road might be a solution at the Stablers Point Rock Quarry, as that site is causing similar problems. Mr. Satre said in this case the highway has tricky corners, so they do not want to have rock and other materials sitting on the this stretch of Glacier Highway for long periods of time that could potentially cause vehicular accidents. He stressed that this is a safety hazard concern, which has been ongoing overtime. He believes Condition 14 could move forward by adding, "...cleaned daily while loading and hauling operations are ongoing." He said this revised condition could possibly be worked into the overall management of the CBJ quarry contracts. Chair Gladziszewski commented that this certainly does not mean that Glacier Highway must be cleaned daily when the quarry is non-operational.

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 10-year extraction permit, subject to the following conditions:

1. All vehicle loads shall be contained. Vehicles hauling from the site shall be operated with tailgates, covers or other similarly effective methods.
2. Public notification warning signs shall be erected a minimum of 24 hrs prior to blasting. Written notification shall be given to Juneau Flight Services, Juneau Police Department and Capital City Fire / Rescue a minimum of 24 hrs prior to blasting.
3. The hours, days and dates of operation shall be 8am – 4:30pm, Monday through Friday, all year except State holidays.
4. Blasting operation shall be scheduled to occur between 10am-12pm and 1pm-3pm, Monday through Friday.
5. This quarry permit shall expire 10 years after the date of approval.
6. Each quarry operator shall submit an individual mining plan that is in conformance with this CUP and is approved by the quarry manager prior to performing any work in the quarry. Each mining plan shall be prepared by a civil engineer or other authorized professional.
7. The operator is required to comply with the requirements of CBJ Standard Specifications 02090 Blasting Controls. A quarry operator shall submit a blast plan, reviewed by an

independent blast consultant, to the CBJ Engineering Department/Quarry Manager for approval prior to each blast.

8. Quarry operators shall comply with the existing DOT/PF approved Stablers Traffic Control Plan(s) for blasting operations, quarry access, and work within the DOT/PF ROW.
9. Explosives shall not be stored onsite, except for that which is immediately necessary for the next blast.
10. The applicant shall comply with DEC regulations governing stormwater discharges from the quarry site, with particular attention paid to protecting Auke Nu Creek
11. The applicant shall (or shall cause to) reclaim the quarry site with finished faces and established benches, and remove loose rock during the period between projects, even if the entire quantity of rock has not been removed.
12. The applicant shall (or cause to) control dust caused by excavation, truck hauling, rock crushing, or other aspects of the operation.
13. The applicant shall (or cause to) repair any damage to Glacier Highway as a result of the quarry operation. If there is visible damage to the roadway due to hauling or mining operations, the roadway shall be repaired in cooperation with DOT/PF.
14. The applicant shall require the posting of a bond (or equivalent if project based) from all quarry operators to ensure spilled or tracked material are removed from public roads. The applicant shall (or cause to) remove all spilled materials immediately from public roadway and ensure that mud and debris tracked onto roads be cleaned daily with the City having the ability to allow less frequency on a case by case basis as warranted. DOT/PF reserves the right to request sweeping at any time it sees a problem or complaint.
15. The applicant shall ensure that lighting (if any) does not glare onto adjacent roadways.
16. The applicant shall (or cause to) operate the quarry according to the application proposal, including attachments and drawings, except that all conditions contained herein shall take precedence.
17. The applicant shall ensure that the rock extraction is consistent with the recommendations of the US Fish & Wildlife Service for the protection of nesting eagles according to the past-approved variances (VAR96-52, VAR2000-37, VAR2001-17, & VAR2008-6).
18. The applicant shall maintain a lockable security gate at the quarry entrance.
19. The applicant shall (or cause to) retain a natural buffer at the western end of the quarry similar to that at the eastern end for a visual and noise barrier. This buffer may be pierced to create the new western entrance roadway (Attachment C). Additionally, and when feasible, the buffer shall be retained during all quarry operations throughout the site for noise and visual buffering.
20. Prior to extracting the southwestern cliff face of the quarry, a qualified expert in geophysical hazard shall evaluate the site and recommend guidelines for its development. Further, these guidelines shall be made part of any approved mining plans for these areas and written notification given to all operators.
21. The recommended noise levels (excluding blasting) as measured at the nearest property lines shall not exceed 65 dBA.
22. Rock crushers shall be operated on the lower quarry levels. Stockpiles shall be located in a way to provide additional noise screening barriers whenever possible.
23. The applicant shall have all operators of the quarry conduct their activities in accordance with all requirements of the noise management plan, blasting and noise controls, temporary environmental controls.

24. The site clearing shall be consistent with needs to retain sound and visual barriers for the quarry operation. Prior to removal of substantial vegetation, the clearing limits shall be flagged and reviewed for approval by the CDD.
25. Individual blasts shall be limited to a maximum of 6,000 cubic yards.

Advisory Conditions

26. The pull out area adjacent to the quarry entrance drive near Glacier Highway is to be used for equipment transfer only. There shall not be temporary or long-term parking on the pull out area. Transfer operations shall occur outside of the roadway clear zone. Access into the pull out area shall be limited to right in and right out turns.
27. A strip of land at the existing topographic level not less than 15 feet in width shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
28. If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Commission action

MOTION: By Mr. Satre, that the PC adopts the Director's analysis and findings and grants the requested CUP, USE2011 0017. The permit allows the development of a 10-year Stablers Point Rock Quarry extraction permit, subject to the conditions outlined by staff, except for the revised condition, as follows:

14. *The applicant shall require the posting of a bond (or equivalent if project based) from all quarry operators to ensure spilled or tracked material are removed from public roads. The applicant shall (or cause to) remove all spilled materials immediately from public roadway and ensure that mud and debris tracked onto roads be cleaned daily while loading and hauling operations are ongoingwith the City having the ability to allow less frequency on a case by case basis as warranted **onto roads within a 200-yard distance limit on either side of the quarry entrance.** DOT/PF reserves the right to request sweeping at any time it sees a problem or complaint.*

Mr. Chaney suggested that the PC might want to insert verbiage into revised Condition 14 regarding a specific distance limit from the quarry where cleaning of debris should take place.

FRIENDLY AMENDMENT: By Mr. Watson, that the PC adds the verbiage in [**bold**] to the revised condition, as follows:

14. *The applicant shall require the posting of a bond (or equivalent if project based) from all quarry operators to ensure spilled or tracked material are removed from public roads. The applicant shall (or cause to) remove all spilled materials immediately from public roadway and ensure that mud and debris tracked onto roads be cleaned daily while loading and hauling operations are ongoingwith the City having the ability to allow less frequency on a case by case basis as warranted **onto roads within a 200-yard distance***

limit on either side of the quarry entrance. DOT/PF reserves the right to request sweeping at any time it sees a problem or complaint.

Mr. Satre accepted Mr. Watson's friendly amendment, and this language was incorporated into the initial motion.

BREAK: 8:04 to 8:10 p.m.

FRIENDLY AMENDMENT: By Ms. Bennett, that the PC adds a new Advisory Condition to USE2011 0017, as follows:

Advisory Condition

29. The applicant shall contact the DOT/PF concerning the provision of a signal at the quarry entrance or other safety options.

Mr. Satre accepted Ms. Bennett's friendly amendment.

There being no objection, it was so ordered and USE2011 0017 was revised and approved by the PC.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Willoughby District Land Use Plan (WDLUP) presentation

Ms. Marlow said the short version of a presentation introduces the primary concept in the packet tonight, and the larger version lists more specificity that was provided to them earlier. Chair Gladziszewski said the PC prefers to hear the short presentation.

She said Sheinberg Associates and North Wind Architects prepared the WDLUP. This is a diverse group that came from Oregon and elsewhere who have experience planning capital and university complexes, as well as other institutional facilities.

She referred to the slide labeled Figure 1 of the Willoughby District Boundary bounded by Gold Creek, Egan Drive, Willoughby Avenue, and Village Street. They deliberately excluded the Subport area because it is addressed in the Juneau Downtown Waterfront Plan (JDWP), and the Federal Building is on federal property where local zoning ordinances do not apply. The other areas of the district were planned per topographical features, such as in the hillside area along the base of Telephone Hill to Gold Creek.

She referred to the next slide of the Willoughby District Land Status that shows the land ownership pattern. The yellow areas are private, blue is state, green is CBJ, orange is federal, yellow-hatched is private (long-term lease), and peach is the Alaska Mental Health Trust Authority (AMHTA) properties. While there are quite a number of property owners in this area, one of the significant benefits is that there are large assemblages of land. This makes it possible to perform land use planning and to accomplish some of the goals more easily because there are 6 large consolidated ownerships. There are a few smaller individual ownerships as well. They have met with just about every landowner in the planning boundary at least once, and more with of them to hold targeted sit-down interviews. They met with the Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA) on several occasions regarding their goals and

interests in the area. They have also been meeting with various landowners through lunches, sit-down meetings, and public venues. This has been a very good planning process and they have established lines of communication, and shared plans, interests and goals between one another.

She referred to the slide labeled Willoughby District Assets. This includes the Juneau's Arts, Cultural and Civic Campus with popular shops and services in the area, and indoor recreation facilities. She said 1,600 people currently work in the district during the week, with about one million tourists nearby along the waterfront each summer. There is a rich history to the area, including its origins as an Auk Tlingit Fishing Camp, and the history of Juneau in its evolution. The district is close to the waterfront with a better connection being planned via the Seawalk feature for enhanced intersections to create those connections. There are commanding views, particularly from Telephone Hill. The new Transportation Center is at the intersection of Main/Egan. Through the planning process, the topic was brought up that the Willoughby District would be an excellent location for a Heat District and/or Energy Project, which they are currently pursuing. A meeting has been scheduled for August 30, 2011 with the General Services Administration (GSA) personnel in the Federal Building, with the Facilities Manager of the State of Alaska, as well as the CBJ. These public entities would meet to discuss commissioning a feasibility study for a biomass plant to possibly to serve the district. There are more details regarding this in the larger presentation.

She referred to the slide labeled Willoughby District Challenges. One of aspects they viewed in the planning area is a concept called 'super-blocks'. She said the Foodland/Museum block is 13 acres in size. The neighboring block bounded by Willoughby/Whittier is 8 acres in size. This development pattern goes back to the origination of the area that used to be occupied by the War Department, and then it was filled in overtime. Later on, the land was sold, but it was not developed with a master plan prior to purchasing; it was turned over to the city and various owners without a conceptual plan. Other areas downtown that were more deliberately thought out for development are the Juneau Downtown Historic District and the Casey-Shattuck areas, which have grid pattern for streets, with blocks ranging from $\frac{3}{4}$'s of an acre to 1 acre in size. This allows for improved connections and circulation of vehicles, and it has made those blocks more developable because the parcel sizes are in scale with typical development patterns, rather than the Foodland, museum, and CBJ properties within the district, which are all very large. When properties are of smaller scale, this allows for better business plans, acquisitions, and development. She explained that the Foodland property is currently listed for sale with an asking price of \$16 to \$17 million, which is more expensive than what they typically see for inside CBJ acquisitions. That has to do with the size of the lot, not municipal acquisitions. The 'super-block' concept is a challenge to development. This makes it difficult to get from one place to another for drivers and pedestrians, creates hard and empty places at night, and takes up space that could otherwise be used for (Mixed Use) MU buildings, housing, and other activities. An on-line survey was conducted and about 300 participants responded. One of the top concerns provided was that people felt scared or threatened by unwanted behavior while walking through those dark empty places. The specifics are included in the larger plan. An inventory was conducted on building ages and conditions. There are a number of publicly and privately owned buildings in the district that are run down. They looked at the buildings, comparing the value of buildings to the value of land in the district, and found in most cases that land is worth more than the buildings. This is an indicator of under-investment in a district. More residential units are needed, both affordable and market-rate. MU zoning supports 60 dwelling units per acre. In the Willoughby District they found that there are currently 3.4 dwelling units per acre, so there is a significant opportunity to increase density and achieve MU goals. The walking routes to and

through the area are not well defined. Egan Drive is a pedestrian barrier that disconnects the district from the waterfront. On Egan Drive there are limited stops through this section of the planning area where traffic travels at a higher rate of speed, and people tend to dodge vehicles to cross that section of highway. They conducted several pedestrian counts this year, including over the lunch hour during January 2011 when the Taku Winds were happening and there were over 200 people who used that corridor. In the summertime, the count increased to over 400 people, with the majority jaywalking through the area. This is a high documented use where people are not using the area as it was designed, so this is an indicator that the design has to be changed to become more context-sensitive to future development uses and densities. The district has very few friendly public open spaces, with the primary land use being surface parking. Gold Creek and the spillway for the power plant flows through concrete or culverts in the district, which provides an opportunity to enhance those features in order to make them more enjoyable for the community and visitors in the future.

She referred to the slide labeled Figure 4 - Existing Parking and Pedestrian Routes. She said this figure shows surface parking (with the number of spaces noted on each) as the predominant land use in the district with MU zoning. Surface parking dominates the district and does not promote or enhance many of the concepts and themes of MU. The district includes 1 parking garage containing 143 spaces on the north side of the State Office Building. The red-dashed lines are typical pedestrian routes with some following rights-of-way, but most zigzag through parking lots, which is rather dangerous for pedestrians and drivers of vehicles. It is difficult for tourists and other visitors to the city to figure out clear and safe travel patterns to gain access from one edge of the district to the other, which takes about a total of 5 minutes. There are heavily used facilities attracting those types of trips, including employment and recreation centers, the museum, and a grocery store.

She said the next slide provides a visual of a typical street through the district. One of the concepts is how to make the Willoughby District feel more urban and accessible for the public. The slide also shows a snapshot of the larger Title 49 code changes that would be proposed as a result if the plan were adopted. One change includes a "built-to line" on each side of the right-of-way, which is further described in the larger plan. Basically, buildings would be required to be constructed up to the right-of-way build-to line, rather than the pattern currently in the Willoughby District where buildings are set back from the right-of-way with vehicles parked in between rights-of-way and buildings. The concept is to have vehicles parked below buildings, such as at the Prospector, the Willoughby Building, and Fireweed Place; or behind buildings, or in structured parking. This includes incorporating the canopy concept and 13' wide sidewalks on each side of the rights-of-way, which are features not found in the Willoughby District now. On-street parking would be provided to facilitate vehicle orientation where people park close to the front doors in appropriate places, not between pedestrians and buildings. Slower vehicular speed limits would be instituted, so bicycles would be able to integrate with vehicular traffic. They looked at the as-built surveys for when Willoughby Avenue was reconstructed by DOT/PF before they turned it over to CBJ, and found there is sufficient space between buildings to be able to accomplish the cross-section rights-of-way shown on this slide. When they go through with code changes to Title 49, they would be able to create incentives to either donate property to the city with redevelopment, acquire property and obtain bonus points for height or parking reduction, and so on. Therefore, the cross-sections shown on the slide are doable in the district as it becomes redeveloped.

She referred to Figure 6, Themes - Willoughby District. The blue balloon shown on the slide is of the Juneau's Civic, Arts & Cultural Campus where they would be seeking enhanced building design and expanded civic, arts, and cultural uses that support the State Capital. They want to showcase Juneau not only to visitors, but to other Alaskans as well. Centennial Hall has always been envisioned to be larger than it is, and the concept is to construct a second story, or expand the base footprint. The Assembly identified the current Juneau Arts & Cultural Center (JACC) location for a future performing arts center complex, which is reserved in this plan. The teen center is proposed to remain in this area, yet there are provisions for how and where to relocate if it is not compatible. The State Library Archives and Museum (SLAM) project would be presented to the PC fairly soon, which is an ambitious plan that would also serve to anchor the district. They reserved Telephone Hill for the future Capital Complex. In regards to the retail uses in the Willoughby Avenue area, they are planning for strong pedestrian-oriented retail stores that front sidewalks. Overtime, the Foodland property would be redeveloped with the grocery storefront brought up to Willoughby Avenue, which is a different concept from how that property is developed now. They also plan to continue retail redevelopment along Willoughby Avenue. More housing is planned due to significantly increase housing needs with a mix of affordable and market-rate condominiums, apartment, lofts, and townhouses. They spoke to CCTHITA who has access to funds and programs, and they are interested in increasing and improving housing in the village. The Foodland property has great potential to achieve a bit of housing goals as well. Across the street is where the Channel Bowl and the old Salvation Army buildings are approaching their design life, so overtime they foresee the opportunity to construct housing to 2nd, 3rd, and 4th stories. They intend to provide more public spaces, restoring creeks and streams, and creating pedestrian connections between public spaces and civic buildings. The concept is to create a civic plaza in the current parking lot area located between the Centennial Hall and the Zach Gordon Youth Center buildings. Currently, the city leases that space to the state for employee parking. The state is considering several different projects in the same area that would replace the existing parking use. In regards to the SLAM project, they are looking to reorganize employees within that division. Currently, this dispersed division consists of the 8th Floor of the State Office Building housing the Library and Archive employees, in the Archive Building next to the State Office Building, including other folks in the current museum. Therefore, the state is planning on condensing all these employees into the new SLAM, and their parking needs would be addressed onsite. The state is also conducting a site analysis now for the location of a new State Office Building, and the north-parking garage is 1 of 2 candidate sites. Furthermore, the state is contemplating removing the existing parking garage, and then creating a larger garage by blasting away some of the hillside to create a larger parking garage footprint and construct more stories. As that happens, the city would turn that parking lot area into a civic space that would connect from the front of the State Office Building past the SLAM project area, and then through the Foodland property and tie into connections to the waterfront. In addition, a grid of human-scaled streets, wide sidewalks, and on-street parking would create a more walkable area and benefit businesses.

She referred to the slide labeled Figure 5 - Building Heights (Possible with Bonus Points) and Viewsheds. She explained that this concept has generated the most public anxiety. Overall, the plan has been supported and well received for all sectors that she has presented it to. She said they are proposing to amend the current height bonus provisions in Title 49. The height bonus would depend on building design, facade, roof form, modulation, and location on lots. A condition on those features is that they would be able to increase the height up to 50' in the block between Willoughby Avenue and Whittier Street, and up to 65' between Whittier Street and Gold Creek, but by no means would this change the current height standard of 35'. However,

developers of projects would have the ability to demonstrate to the PC why building heights in excess of 35' would be reasonable and justifiable to support. It would be up to the PC's whether to provide height bonuses. When she informed people of this, the concept has been difficult for them to understand. She explained that although the existing 35' height limit is not changing, they want to change the bonus provision without blocking or inhibiting views from the State Capital, the future Capital Campus, the 8th Floor of the State Office Building, or the area surrounding Calhoun Avenue.

She referred to Figure 7 - Future Development (Build-Out Scenario for Technical Analysis). She explained that this analysis is not "cast in stone," but it shows that all of these themes and goals could come together and fit within the district.

She referred to Figure 8 - Public Improvements and Parking (Build-Out Scenario for Technical Analysis). She said this slide shows a new street through the Foodland property. More signalized intersections to Egan Drive where the lights would be coordinated, so traffic would not take any longer to travel through the area. On this slide, Phase II of the parking garage is called out, which would expand and interface to where the Archive Building is currently located.

She thanked the PC for recently making a recommendation to the Assembly for PD-1 in the Willoughby District. She said the WDLUP supports PD-1, but there is parking in excess of what the PD-1 would otherwise allow, which is with the understanding that the state and other public employees are going to continue to have parking needs that exceed the PD-1. She has held conversations with the Mayor, City Manager, and department heads from the Federal Building regarding the WDLUP. She anticipates they would be pursuing a garage for the Federal Building personnel, which currently only provides 246 parking spaces for 650 employees. As they move parking management into the Willoughby District, they plan to have the next phase take place in the Casey-Shattuck area, and the city would start charging for on-street parking.

Mr. Watson said one of the comments Ms. Marlow made at a previous presentation on the WDLUP is that she foresees the traffic pattern changing on Willoughby Avenue. Ms. Marlow stated that currently on Willoughby Avenue during evenings peak hours the existing street network fails, and the intersections are congested and do not allow for turn movements onto Egan Drive, with another bottleneck area at the Juneau-Douglas Bridge intersection. The traffic also tends to become congested past the Foodland entrances, which prohibits additional loading/exiting from the Federal Building and the Foodland properties due to another area of backed up traffic on Willoughby Avenue. If they are successful with the WDLUP and have more investment, density, and offices, they would have to improve traffic flow in order to be able to accommodate increased traffic use and volume. Therefore, providing more street connections to Egan Drive from the district provides the ability for people to exit Willoughby Avenue onto Egan Drive, rather than having backed up traffic on the local street network. This would be key to the success of the district, otherwise the existing street network is going to continue to fail even worse in the future during evening peak hours.

Chair Gladziszewski asked what the overall implementation plan is in regards to the WDLUP. Ms. Marlow said a public meeting was held in November 2010 to introduce the WDLUP concept, the planning area, and some of the draft goals to about 45 people who attended. This is also when a survey was conducted, which they integrated into developing the plan. In addition, about 12 or so one-on-one meetings were held with individual landowners overtime. She held another public meeting in June 2011 when very few people attended as it was an 80-degree

evening and people wanted to be outside. After the plan was written and posted online, she provided it to the Parks & Recreation Advisory Board and received a motion of endorsement. She also provided the plan to the Juneau Commission on Sustainability and the Affordable Housing Commission and received a letters of support from those groups. Most recently, she gave a larger presentation to the Public Works & Facilities Committee, and provided them a bit more detail. She previously provided a memorandum to Mr. Pernula regarding the WDLUP design concepts, and he requested her to provide this presentation in an informational setting to the PC and to field questions. The method in which the plan is structured is that it is anticipated that Chapter 5 of the WDLUP would be adopted as an element of the Comp Plan. It is also anticipated that Chapter 5 would be set for a public hearing by the PC who would possibly provide a recommendation to the Assembly to adopt it for incorporation into the Comp Plan. She anticipates this taking place early this summer or fall. If the Assembly adopts Chapter 5 into the Comp Plan, staff would start working on amending Title 49 to support the WDLUP design concepts laid out in Chapter 5.

Mr. Pernula said quite a bit of infrastructure would be involved in the design concepts, particularly on all the proposed streets, and asked how those aspects are proposed to be financed. Ms. Marlow said this is a long-term plan, which she envisions being implemented over a 20- to 30-year planning horizon. Some of the street infrastructure would be developer or city financed. She explained that with the bonus system proposed along Willoughby Avenue, she is hoping to create a fairly low threshold for landowners to receive bonuses for certain building features. They would also provide a fairly low threshold for land donations along Willoughby Avenue. In conversations with CBJ Engineering personnel regarding when the SLAM project is funded and construction moves forward, Whittier Street would be one of the first streets in the district to be reconstructed. This would bring the main-street concept to Whittier Street through a Capital Improvement Project (CIP). As projects such as this move forward overtime, they would implement the plan concepts when and where they are able. After the plan gets developed, there will be discussions with the Foodland ownership about developing first rights of acquisition for the rights-of way, which would be funded when a developer comes through. There is an implementation section found in Chapter 6 in the larger plan, which includes project estimates and ideas for funding possibilities. For instance, this is an area where passenger fees could be implemented in the future due to planned pedestrian connections through the district, and incorporating a possible bus circulator concept with an enhanced transit being funding through that mechanism. State projects would be taking place, so some type of traffic mitigation would soon be happening for those supported intersections. This is when the city would have the ability to negotiate with DOT/PF for signalized crosswalks and improved connections for pedestrians through the area.

Mr. Chaney said he finds it surprising that successful businesses, such as the owner of Bullwinkles, would be willing to be bought out in order to turn certain property into a park area. Ms. Marlow said they spoke with individual landowners who are able to see the benefit to the overall district by moving forward with certain concepts of the plan. They held such conversations with the landowners so as not to be presumptive as to what the city would be planning on doing with other people's land. The thought is that individual business contributions would collectively add up to something greater overtime in the district.

Ms. Bennett said providing additional housing downtown is appealing about this plan. She noticed a recent editorial in the *Juneau Empire* about a week ago regarding forming some type of housing development authority. Ms. Marlow said when they met with the CCTHITA they stated

that they do not want the city to use eminent domain to accomplish goals of the plan, but to work with landowners to achieve them. On the other hand, different landowners in the district want the city to complete large land acquisitions to show leadership by developing goals of the plan. Something similar to a development authority has been put forth by the local newspaper editorial, including others that have attended past neighborhood meetings. She supports and appreciates the planning concepts, but it is such a large departure from what the city has done in past practices that it would have to be thoroughly vetted with the Assembly in order to promote this plan. To her surprise, the Assembly has not shied away from this idea, and they see the benefit in accomplishing city goals by doing large projects that would show leadership in the district.

Mr. Watson said he previously worked for the City of Salem, which was the second largest entity in the downtown area, and the state worked with landowners to move development forward in 1989, which turned out to be very successful. The major retailers the state worked with were JC Penny, Meyer Frank, and Nordstrom, including a plethora of smaller businesses, which is similar to the WDLUP concepts. This has kept the downtown area of the Salem Capital viable, which has turned into tax revenue, so this an aspect the CBJ Assembly should consider as well.

Mr. Pernula said this plan is fairly compatible with the Comp Plan, but the conceptual ideas are provided at a much higher level of specificity. He asked that the PC keep in mind during their review of this particular presentation of Chapter 5 that it is proposed to be adopted as part of the Comp Plan. Therefore, future development in the district requiring any type of permit would be weighed against whatever ends up being in the final WDLUP. There are also code amendments being proposed, so he requests the PC to be careful during their review process in terms of weighing potential projects in the district for compliance with the Comp Plan, and the final version of the plan would be presented during the first PC meeting in September 2011.

Mr. Watson asked Ms. Marlow what she believes the obstacles are in terms of moving the conceptual plan forward. Ms. Marlow said the height bonus concept in the district has to be discussed further due to the anxiety that was brought up. The roles of the PC in the development review process and the bonus system application have to be clearly presented to the public. In addition, some people seem to think that this plan might never be implemented because there might be too many changes to accomplish. She has been telling people that many are unable to envision future development because there has not been a lot of redevelopment in this district lately. She believes that “people’s eyes might open” once they start talking about the scale of the projects and investment that would be taking place in the district. She explained that the SLAM project is expected to cost \$100 million, and the newly proposed State Office Building would be another \$100 million. The 16B and the Seawalk concepts are already underway in areas near this district, which collectively would be another \$100 million project. The city has designs for an Under Bridge Park along with the Seawalk connection extending to Gold Creek, which would be about a \$10 million project. All of these proposed projects total over \$300 million that would be invested within the next 5 years or less. Furthermore, in viewing the Foodland property that is currently up for sale, she believes that it would probably end up being sold to someone outside the community. This community needs to have a strong vision as to what they want to accomplish on that Foodland property in the future. This is not only to enhance the marketability of the property, but also when a developer presents a design to the city they have to know what the community would support. She hopes that this might “open the door” for people so they realize that changes are forthcoming in this district, and it would be advantageous for the community to have a vetted and supported plan. In talking with the village landowners they

seem to have quite a bit of access to funding for housing, and they might benefit from leadership and cohesiveness. The projects she just mentioned would be put into motion within a couple of years, and she has not yet talked about the Subport property, which is in the immediately vicinity of the Willoughby District. As soon as the economy changes, the PC would probably be presented with a development proposal for that Subport property. She said the Public Safety Building would be replaced with the new State Office Building.

Mr. Pernula stated that when the new Salvation Army Building was being proposed a few years ago, the CDD staff tried their best to site the building to the build-to property line of Willoughby Avenue, but the Salvation Army provided strong resistance in doing so. Therefore, he foresees landowners having this same resistance as well, but he would truly like to see future structures being built to the build-to line in this district similar to the central area of downtown. In addition, there might be resistance to having a building height requirement of at least 2 stories in the district. There are also other aspects that are going to take time to work through in terms of this conceptual plan on the proposed regulations. Currently, in the works are the noise, subdivision, and telecommunication tower ordinances, so it is going to take time before the PC is able to work on this conceptual aspect of the WDLUP. Ms. Grewe said the new Salvation Army building was sited so parking is in front of that building, along with the installation of a chain-link fence. Mr. Pernula said the Salvation Army landowners wanted to provide parking in front of the facility, and the installation of the fence provides them security so people are unable to drop off items in front of the facility or take them when they are closed. Mr. Watson said he chaired the old Salvation Army Board when those discussions were taking place, and he is sure in hindsight they would have been just as happy with siting the building to the build-out line and having the parking lot situated on the rear of the property. The reason the Salvation Army installed a chain-link fence is because with the old building it cost them thousands of dollars per year to haul randomly dropped off items to the landfill. The local Salvation Army Board had to submit a final plan to the national headquarters office under specific financing specifications for the new building. Mr. Pernula said building to the no-build line might be a cultural paradigm shift that would have to occur before landowners agree to build multi-story structures. However, the parking requirement has recently been reduced in the Willoughby District to PD-1 for these very reasons, and to provide incentives to build to the built-to the lines, create taller buildings, and so on. He said the layout of the conceptual plan of the district is fine, but getting it accomplished would be challenging.

Chair Gladziszewski and her fellow Commissioners thanked Ms. Marlow for providing this presentation to the PC.

XII. DIRECTOR'S REPORT

Alaska Coastal Management Program (ACMP) Sunset

Mr. Pernula said Mr. Rue previously requested a status update on the ACMP demise, although unfortunately he is not present. He explained that the first Juneau Coastal Management Program (JCMP) came into existence in 1986. Regarding financial impacts, direct financing from that program funded a couple CDD positions ranging from \$38,000 to \$43,000. The CDD recently received a grant of \$1.6 million that was distributed among coastal communities. The CDD has already received their share of those grant funds. The city habitat policies remain intact within Title 49. However, what has changed is permit coordination, as several state and federal agencies used to participate in the ACMP as a "one-stop permit center." Now developers will have to meet with each of those agencies; this is probably the largest loss. In addition, the loss of

technical assistance when issues arise is of concern because they used to be able to network with many agencies in the coastal zones.

Feedback on tasks performed by CDD staff

He stated that at the last PC meeting he requested the PC to provide feedback to CDD on the tasks they perform in terms of what they like about what staff is doing, and what they could potentially improve upon. This is in regards to staff reports, presentations, long-range versus current planning, establishment of goals and priorities, and strengths and weaknesses. Chair Gladziszewski requested staff to schedule this topic for an upcoming meeting of the PC or as the Committee of the Whole (COW). Mr. Pernula offered to do so, stating that he would create a format for such a meeting, and then contact Chair Gladziszewski. This would probably take place within the next month. Ms. Bennett said she believes a COW meeting would be a better venue to discuss this topic, including reviewing the PC's performance, and options for the future of Downtown Juneau. Chair Gladziszewski requested the Commissioners to email any thoughts regarding this topic to her in the meantime.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson said the Subdivision Review Committee (SRC) met prior to the PC meeting tonight. The SRC has about 4 or 5 more meetings until they are able to forward recommendations on the subdivision ordinance to the PC for review.

Mr. Bishop said the Lands Committee met last week to discuss the rezone change request on Atlin Drive, which the PC recently reviewed and recommended denial on to the Assembly. He did what he could to convince the committee members that the PC did not desire to move forward with a rezone to Light Commercial (LC), but he was unsuccessful. He said he intends to continue this discussion under Planning Commission Comments and Question portion of the Agenda.

Mr. Watson said he attended the Assembly meeting last night, and the members discussed potential revenue opportunities in regards to telecommunication towers. A member of the Assembly referenced comments attributed to Mr. Pernula, and then he later reviewed the PC minutes and he found no such comments whatsoever, so perhaps that member of the Assembly was confused. This triggered his ongoing concern that the draft telecommunication tower ordinance is not moving forward. He explained that many more towers are being planning to be installed in the borough. However, he does not think it is under the preview of the PC to deal with city revenue issues; this might be a task of the Lands Committee. He stressed that he would like to see the draft telecommunication ordinance expedited. Chair Gladziszewski said Mr. Pernula previously mentioned that there were other outstanding draft ordinances in the works. Mr. Pernula said the PC already adopted roughly half of the draft subdivision ordinance, and the committee is nearly finished reviewing the remainder of it, and that review has been ongoing for several years. He said the Department of Law is reviewing the draft noise ordinance, which is the highest priority of the Assembly. The main issue is in regards to the federal pre-emption regulation on marine shipping. He explained that it is clear the city is unable to regulate the marine shipping aspect, but it is unclear whether they are able to regulate unloading and movement of goods onsite at AML, which are very noisy activities. Chair Gladziszewski requested staff to inquire about the draft noise ordinance status with Department of Law. Mr. Pernula said he and Mr. Lyman have been doing so on a regular basis. Mr. Satre stated that once the Department of Law provides a final determination on the draft noise ordinance, he requests

Mr. Pernula to ensure that the City Attorney attends that future PC meeting, so they are available to answer questions of the Commissioners.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Bishop said he wishes to continue the discussion regarding the Atlin Drive rezone request recently reviewed by the Lands Committee who forwarded the case to the Assembly. He explained that he is very uncomfortable with the legality of the review by the Assembly last evening. He believes their action contradicts Title 49; the Atlin Drive rezone request is required to conform, but it does not. That was the reason the PC recommended denial to the Assembly. He previously asked this question during the Lands Committee review, although he never received an answer, so he intends to pursue this. Mr. Pernula said staff provided a recommendation to the PC on that case stating it was not in conformance with the Comp Plan. He said the subject property is not designated commercial, but the Assembly felt there was enough flexibility allowed in the language of what Medium Density Residential (MDR) meant to vote in favor of a rezone to LC. Mr. Bishop said the Department of Law should have provided the Assembly with proper advice on the legal aspects of that case. he asked what option the PC has when they are posed with rezone change applications that they do not feel should be before this body. He asked if the PC has the alternative to return them to staff rather than pass them onto the Assembly. Mr. Pernula said the PC very clearly recommended denial on the Atlin Drive rezone change request to the Assembly because that case did not conform with the Land Use Maps that case included a citation of the Land Use Code in Title 49 that basically states that rezone changes must conform to those regulations and the PC did heed that. He explained that lines drawn in the Comp Plan Maps are not considered to be hard zoning boundaries, so there could be some flexibility provided in terms of rezoning adjoining properties. However, in the Atlin Drive rezone change request case, he felt that having the Mendenhall Loop Road pathways on both sides provided for a fairly hard boundary between those residential and commercial zoning areas.

Chair Gladyszewski said the question seems to be whether the Assembly was clearly advised by the Department of Law regarding the legal definition of MDR. Mr. Pernula said there was a description of MDR and what uses are permitted in the staff report, and the last sentence states that there could be some commercial uses compatible with residential neighborhoods. He does not know how many members of the Assembly thought about that, but he knows one of them pointed out that language to justify the rezone change to LC. Mr. Chaney stated that if the PC is unsure regarding taking action on cases before them, he suggests that they continue such cases and request staff to obtain legal opinions from the Department of Law. Chair Gladyszewski stated that regarding the Atlin Drive rezone change request, a member of the Assembly provided Notice of Reconsideration, which is exactly the action that should take place when there is confusion regarding a case, so hopefully those issues would be figured out between now and the next Assembly meeting.

Chair Grewe said she was surprised with the action taken by Assembly on that case, and she was unable to attend the Assembly meeting. At times when the PC has reviewed cases, she has wondered why they were presented some of them and thought the CDD staff should have simply stated they were not valid. In those instances, staff should have had the applicant resubmit a new plan, but such cases are presented to the PC anyway. When this takes place, the PC has to weigh such cases against the code and try to work out some type of compromise. She believes the culture of leadership by the PC and the Assembly should be if they are not informed enough to

make decisions on cases, they should not shy away from obtaining legal opinions, requesting more time, or continuing cases. She is wondering in terms of the Atlin Drive rezone change request case, whether there were uninformed decisions made by the Assembly, or whether staff did not inform that body well enough, or if there was a lack of legal advice provided.

Mr. Watson said he attended the Assembly meeting, and some of the members of the Assembly voted for the rezone to LC even though Mr. Pernula worked very hard trying to explain what the other rezoning options were.

Mr. Satre said with that case, he feels that the PC did exactly what they were tasked to do within the processes outlined in the code because the PC recommended that the Assembly deny the Atlin Drive rezone request. As much as the Commissioners wonder why certain applications are presented to the PC on occasion, he never wants to take away the ability for landowners to stand up for what they believe is their proper right to use their land. He is not stating a staff member would do so, but he does not want someone behind a desk to “have the keys to the kingdom” and provide final decisions cases. Instead, the PC provides for a public process, and this is the case even when very difficult applications are presented to the PC.

Ms. Grewe said if the Atlin Drive rezone change request case is not reconsidered by the Assembly and the rezone to LC stands, she thinks that residents of the neighborhood might have a good case for an appeal. She said the PC does not often talk about the appeal process, but she often wonders if the public testifying on cases know what the next steps are after the PC reviews and takes action on rezone cases, or makes recommendations on them to the Assembly. She does not believe this type of outreach has been provided to the public, so she is able to understand where conflicts might have happened. Mr. Pernula said the neighborhood would probably have a very strong case if it went to court, but it is the Assembly who adopted the Comp Plan, and they could change it as well. Mr. Chaney stated that when the PC denies an application, staff always acknowledges to the applicant that they have the right to appeal that PC decision, but this is not always brought forward during PC meetings. Mr. Satre said when the PC finished their review of the Atlin Drive rezone change request, he announced to the public attending that the case would be presented to the Assembly for a final decision. He said people are owed an explanation on rezone cases such as this, which all the Commissioners and staff need to provide on a continual basis.

Mr. Watson stated that as hard as the PC works on reviewing applications while trying to meet the needs of the community, the Atlin Drive rezone change request ended up being a 9:0 vote to deny it. Mr. Pernula clarified that the PC vote was actually 7:2 to recommend denial of that rezone case to the Assembly.

Ms. Bennett said it appeared that the members of the Assembly did seem to connect with what the public was saying, and seemed to only be listening to the developer. The general public comments provided were for more housing, and the developer stated that he did not know what type of development he would be pursuing.

Chair Gladziszewski said she wonders whether a Commissioner should be in attendance at Assembly meetings to explain why the PC made their determinations, even though Mr. Pernula attends them. Mr. Pernula said he believes at times this might be beneficial, although Mr. Watson attends some of the Assembly meetings as well. Chair Gladziszewski stated that Mr. Watson does not testify on cases to the Assembly on behalf of the PC when he attends Assembly

meetings. Even so, she requested that this topic be placed on an Agenda to be discussed further at the subsequent COW meeting.

Mr. Bishop said he does not want to circumvent the process for applicants regarding having cases reviewed, and he instead wants to provide them every possible opportunity. However, it is the responsibility of the PC that when any rezone case moves forward to the Assembly that they are required to meet the requirements of Title 49 beforehand. He thinks that clearly the Atlin Drive rezone change request does not meet requirements. In those instances when cases do not, it is the responsibility of the PC to send it back to staff if this is procedurally possible.

Chair Gladziszewski stated that given the discussion regarding the Atlin Drive rezone change request case by the PC tonight, Mr. Pernula should to contact the Department of Law to determine if further advice has to be provided to the Assembly regarding whether that case meets the minimum threshold of the code. She said this was not necessarily flagged when that case was presented to the Assembly; Mr. Pernula offered to do so.

XV. ADJOURNMENT

MOTION: *By Ms. Bennett, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 10:01 p.m.