

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Michael Satre, Chair

REGULAR MEETING
March 27, 2012

I. CALLED TO ORDER

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

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

Commissioners absent: Nicole Grewe, Marsha Bennett

A quorum was present.

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

II. APPROVAL OF MINUTES

March 13, 2012 – Regular Meeting

***MOTION:** By Mr. Miller, to approve the March 13, 2012 regular PC meeting minutes, with corrections.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Carlton Smith, Assembly Liaison to the PC, stated that he has no report this evening.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Satre announced that there are three items on the Consent Agenda, and inquired if there was public comment on them. No one from the public had comments, and Mr. Medina wished to remove USE20120001, which Chair Satre moved to the Regular Agenda.

MOTION: *By Mr. Miller, to approve the modified Consent Agenda with the two remaining cases as they were presented.*

Chair Satre announced that a correction was presented in the Blue Folder by staff for CSP20120006.

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

CSP20120006

A City Review of parking lot expansion and partial removal of vegetative buffer at the Juneau Hunter-Education Facility.

Applicant: Juneau Gun Club, Lessee
Location: 5670 Montana Creek Road

Staff recommendation: That the PC approve the removal of trees for the expansion of the Juneau Gun Club parking lot. Furthermore, staff recommends that a clearing limit be established at no closer than 20 feet from the property line adjacent to Montana Creek Road for future development. Clearing of trees within the forested buffer on any other property line will still require approval by the PC. Staff recommends the following condition:

1. Native spruce and/or hemlock be planted along the eastern edge of the expanded parking lot at 10 foot intervals. Over time these trees will grow and provide the needed buffer between the outdoor trap range and the residentially zoned property to the south and west.

CSP20120007

A City consistency permit for disposal of City land to the Juneau Housing Trust for future Bungalow dwellings.

Applicant: Heather Marlow, CBJ Lands & Resources
Location: 5871 Churchill Way

Staff recommendation: That the PC adopt the Director's analysis and findings and recommend the approval of disposal of City land to the Juneau Housing Trust.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS – Heard out of sequence

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE20120001

A Modification to an existing Conditional Use permit (CUP) for 16,300 square foot church in a D-1 residential zone. The modification is to allow access from Glacier Highway or Engineers Cutoff and adjust the location of the structure.

Applicant: McCool Carlson Green
Location: 10585 Glacier Highway

Staff report

Mr. Medina referred to page 2 of the report, and asked if there is a final result regarding negotiations between the Church of Jesus Christ of Latter-day Saints (LDS) and the private property owners for gaining access onto Engineers Cutoff. Ms. Jones said the neighboring property owners informed her last week that they have not yet come to a resolution, although she believes some of them are in attendance. Mr. Medina asked when they might expect a resolution. Ms. Jones said she believes it should be sooner rather than later.

Mr. Medina said he was unable to locate in the report what time of the year and for how long of a time period was the Traffic Impact Analysis (TIA) conducted. Ms. Jones said the TIA was completed in 2008. Mr. Medina said he realizes the TIA was dated September 2008, but he is not sure if that was when the study was conducted or finalized. [Staff later provided an answer under Public Testimony.]

He referred to the letter (attachment 9) to Robert Beadles of the State Department of Transportation (DOT), dated February 3, 2012, explaining that he did not find a response to DOT's concerns from the applicant. DOT was concerned that insufficient money was allocated in the budget for improvements to Glacier Highway for a left-turn lane. Also, a future trail project is planned along Glacier Highway that the project may impact. Further, a more comprehensive cost estimate for direct access needs to be prepared, along with a cost estimate for the Engineers Cutoff access.

He prefers that resolution between the property owners take place before this case moves forward. His preference is for Alternate #2 - Engineers Cutoff Access because he has traveled that road at least twice per day for the past four years, and Engineers Cutoff already has an existing intersection so he is concerned about adding another access onto Glacier Highway.

Ms. Jones stated that last year the PC originally reviewed this case when the applicant was requesting two access points off of Glacier Highway, which they reduced to one, including slightly re-adjusted the building, which now has a fire lane around it. She provided the site plan via a slide for Alternate #1-Glacier Highway Access to develop and dedicate a CBJ right-of-way through the adjacent properties (attachment 3) that would straddle the property line and be partly on the Wilkerson and Hyak Mining Company lots. She displayed a slide of the site plan for Alternate #2-Engineers Cutoff Access that would be a private driveway routed through the panhandle portion of Wilkerson's lot (attachment 4).

Public testimony

Naomi Hobbs, of DOWL HKM representing the applicant, said she has been somewhat involved in the negotiation process, although Daniel Park, Senior Architect for McCool Carlson Green, Inc. has been handling that. She knows that Eric Wilkerson was provided three options of different sections of the LDS property to trade for access, and at this point it is Mr. Wilkerson's decision on how he would like to proceed. Mr. Wilkerson was only provided those options a couple of days ago, but she does not know if Mr. Park placed a timeframe on this, although she intends to telephone him later tonight. Mr. Medina asked Ms. Hobbs if the negotiations are going to be resolved, or if they would possibly end up having to provide access onto Glacier Highway. Ms. Hobbs said it is highly likely that access onto Engineers Cutoff could be resolved and become a reality.

Ms. Jones interjected, stating that the TIA was conducted during the summer of 2005. Ms. McKibben added that per a case on file, two DOT traffic counts were conducted to July 8. Mr. Medina said that helps significantly because it means the TIA study was conducted during the summertime when more traffic tends to be on that roadway.

Ms. Hobbs continued, stating that she does not have a copy of DOT's letter to the applicant that Mr. Medina mentioned. Mr. Medina said the letter mentions that the applicant budgeted insufficient amount of funds in the amount of \$272,500 for the left-turn lane on Glacier Highway, so he asked if the applicant intends to spend whatever is necessary to complete those improvements. Ms. Hobbs said there is no specific budget, and she believes she took part in estimating those numbers, which consisted strictly of construction estimates for the amount of fill, paving, etc., but that did not include engineering costs because it was not the intent of the estimate. Mr. Medina said the letter mentions that DOT will need to enter into a Memorandum of Agreement (MOA) with the applicant for respective obligations, timeframes, and associated costs. Ms. Hobbs said the MOA process has not yet started because she does not want to spend a lot of the applicant's money until she knows what direction they would end up moving forward with, but they would be doing so with DOT only if they end up moving forward with the Glacier Highway access alternate. Mr. Medina asked if Ms. Hobbs has a particular access preference. Ms. Hobbs said it would be best if access was provided onto Engineers Cutoff from a buildability standpoint, as there would be many issues if it ends up being to Glacier Highway in relation to safety and construction, including the new path on the other side because every bit of the right-of-way would be used up. She as well drives Engineers Cutoff at least two times a day, which is not ideal. Mr. Medina asked how that trail might be impacted by the project. Ms. Hobbs said she has not spent the time to talk to DOT and to review the actual design, but several months ago when she communicated with DOT she understood that the highway was not changing based on that path. The path would be located on the other side of the road so what they are proposing should not impact the path because they are not planning to shift the highway at all; rather they intend to solely expand the turn lane towards the church. However, if it ends up that they have to go in the way of the path, they would work something out with DOT. Mr. Medina asked if that trail project is being proposed for the Hamilton Street side of Glacier Highway; Ms. Jones said it is.

Mr. Haight asked if it's economically more feasible to provide access onto Engineers Cutoff, rather than Glacier Highway. Ms. Hobbs said it is, but it's not the reason they prefer the Engineers Cutoff access; rather it was because DOT said they need to go that way otherwise they have to exhaust all other options before they would allow access onto Glacier Highway due to safety reasons. LDS is willing to spend how much ever it takes if they have to use the Glacier Highway alternate if need be, which is the applicant's preferred access, but they are willing to do the Engineers Cutoff alternate if that ends up being the case.

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 a church in a residential zone. The approval is subject to the following conditions if Alternate #1—Glacier Highway Access is developed:

1. The fire lane shall be constructed to withstand a 75,000-pound fire truck. The Fire Marshall shall approve the fire lane plan prior to issuance of a building permit.
2. The fire lane shall be signed with Fire Lane signs prior to Certificate of Occupancy (CO).
3. The applicant shall keep the Fire Lane maintained at all times and free of obstruction.
4. If an Alaska Department of Transportation and Public Facilities (DOT) permit or review process results in a modification of the project design, the applicant shall contact the CBJ CDD Director to determine if additional review by the CBJ PC will be necessary.
5. If a US Army Corps of Engineers (Corps) permit or review process results in a modification of the project design, the applicant shall contact the CBJ CDD Director to determine if additional review by the CBJ PC will be necessary.
6. A two-way left turn lane, as recommended in the project Traffic Impact Analysis dated September 2008 and as designed on the applicant's site plan, shall be installed prior to issuance of a CO or Temporary Certificate of Occupancy (TCO).

Advisory Condition:

1. The applicant shall keep the Fire Lane maintained at all times and free of obstruction.

The approval is subject to the following conditions if Alternate #2—Engineers Cutoff Access is developed:

1. If the applicant decides to access the site from Engineers Cutoff Road, prior to issuance of a CO (or TCO) the applicant shall:
 - a. Dedicate a new right-of-way from Engineers Cutoff Road to the church site utilizing the appropriate CBJ Platting process. Construction and dedication of a street that meets CBJ requirements must be completed and accepted by the CBJ.

OR

- b. Construct a private driveway that meets the minimum requirements for a fire access road, drainage improvements, and adequate sight distance at the intersection with Engineers Cutoff and record an access easement between the owner of 2840 Engineers Cutoff Road and the Church of Jesus Christ of Latter-day Saints.
2. The fire lane shall be constructed to withstand a 75,000-pound fire truck. The Fire Marshall shall approve the fire lane plan prior to issuance of a Building permit.
3. The fire lane shall be signed with Fire Lane signs prior to CO. The applicant shall keep the Fire Lane maintained at all times and free of obstruction.
4. If a (DOT) permit or review process results in a modification of the project design, the applicant shall contact the CBJ CDD Director to determine if additional review by the CBJ PC will be necessary.
5. If a Corps permit or review process results in a modification of the project design, the applicant shall contact the CBJ CDD Director to determine if additional review by the CBJ PC will be necessary.

Advisory Condition:

1. The applicant shall keep the Fire Lane maintained at all times and free of obstruction.

Commission action

Chair Satre stated that if any of the Commissioners feel that the information is not complete, they are able to make a motion to continue this case. Mr. Medina said his main concern is which access the applicant would end up with so he would like to have this case continued until that issue is resolved, but he's not against the project.

Mr. Watson said the PC should make a decision tonight on this case. The applicant has been working on this project for a long time so further delays might prevent them from beginning construction this year, which the PC should avoid. It is obvious DOT has encouraged the applicant to explore an alternate access, but they have not "shut the door" on the applicant either. He realizes DOT has become stricter in allowing access directly onto Glacier Highway, and another project was recently turned down by DOT further out Glacier Highway so the fact that they are considering it in this case as being a possible option makes him comfortable moving forward and approving this project as it has been presented.

Chair Satre explained that the PC has the option of approving this project with a specific alternative, but if they did so he asked if the applicant would be able to re-appear before the PC if they find that such an alternative is no longer feasible by proposing a change to the permit. Mr. Pernula said if the PC only accepted one alternative that would be their action, so if the applicant later wanted to amend such action they would have to re-appear before the PC to do so.

Mr. Chaney said the applicant really wants to start construction this spring. Therefore, if the applicant received approval for both alternatives, they could continue with negotiations while beginning to construct the building because the access could later be provided from either direction. In addition, staff was reluctant to require a property owner to buy an access through another property owner's lot. The applicant previously received approval for access off of Glacier Highway, and the CDD does not require a TIA for a project that has been downscaled from what they originally proposed. He explained that staff does not possess any information to show that access off of Glacier Highway would be unsafe; rather it might be better off of Engineers Cutoff, which is the reason staff presented the case in this manner. The applicant would prefer to receive an approval on this case by the PC tonight, but he is not stating that the Commissioners should rush to judgment. Chair Satre commented that it is somewhat unusual for the PC to be presented with a project that has alternatives in the approval process.

Mr. Miller said the applicant requested a modification to their existing CUP to allow access from either Glacier Highway or Engineers Cutoff. He speculates that should the PC turn down or request that this application be continued tonight, it might actually hamper negotiations to the possibility of not being able to use the Engineers Cutoff as an access option, so he would like to see this case moved forward.

Mr. Medina said he is willing to move forward and vote on this case, although he requests that the motion by the PC state that the preferred access is Engineers Cutoff, which would not restrict them from the possible Glacier Highway access, and if so, he would be willing to vote in favor of the project. Chair Satre asked if doing so would be as an advisory. Mr. Pernula said that would be okay because it would not be mandatory that they comply, but it would be an advisory to the applicant that this is what the PC foresees as the preferred alternative access.

MOTION: by Mr. Watson, that the PC adopts the Director's analysis and findings and grants the requested CUP, USE20120001. The permit allows the development of a church in a

residential zone. The approval is subject to the following conditions as presented and outlined by staff, including the new advisory as follows:

Advisory Condition:

1. The applicant consider Alternative #2-Engineers Cutoff Access as the preferred alternative.

There being no objection, it was so ordered and USE20120001 was approved per the conditions as outlined by staff, with the addition of an advisory.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS – Heard out of sequence

AME20120002

An Ordinance to increase residential density limits and amend the Table of Dimensional Standards (TDSs) to increase maximum building heights.

Applicant: CDD

Location: Boroughwide

Chair Satre announced that the Commissioners have worked through this issue as a PC/Committee of the Whole (COW), and now this is the public hearing for this Ordinance.

Staff report

Mr. Lyman reported that he has made revisions to the draft Ordinance, and he's glad to see folks in the audience this evening. The reason for increasing density limits is because Juneau has a lack of relatively flat, dry, and developable land near urban services, including experiencing a critical housing shortage. The close proximity of residential uses to destinations reduces both travel time and cost, and increases viable option for travel modes. Efficiencies of denser construction could reduce costs to residents and there is extensive support in the 2008 CBJ Comprehensive Plan (Comp Plan) for doing so. The opportunities are that they already have relatively concentrated development along transit corridors with urban services, transit exists along Glacier and Douglas Highways at a fairly high level of service, and there is a high demand for people who are in desperate need of housing. The obstacles are that they have a fairly low 35' building height limit standard in most zones, although there are a couple exceptions, which consists of about three stories. Also, the parking requirements work well for most uses, but some of the parking lots have empty space, which is evidence that they have required higher than necessary standards in the past for some uses. Few lenders and developers are experienced in mixed-use development. They have relatively low residential limits in most zones, with the exception of Mixed Use 2 (MU2) and Mixed Use (MU) in downtown zones, but the densest residential density they allow is 18 units per acre. For comparison, in Portland, Oregon multi-family housing starts at 20 units per acre and density increases from there, so Juneau has fairly low residential density limits. They discussed strategies that include instituting Transit-Oriented Corridors (TOCs) where they might increase building height and density limits, and reduce parking requirements within ¼ mile of transit while reviewing the Comp Plan.

Chair Satre interjected stating that he did not previously announce that case CSP20120004 on Shattuck Way was removed from the Agenda. Therefore, if any members of the public are in attendance to hear that item, he apologizes that he did not do so earlier.

Mr. Lyman continued by presenting a slide showing existing frequent transit service, which consists of express and local service with headways of visitation time of a ½ hour or less on routes. There is a ¼ mile radius shown around those routes, which generally is accepted to be the standard distance that most Americans are willing to walk between transit service and destinations.

He provided a slide of the General Commercial (GC) designated parcels in the Comp Plan of areas where such zoning is concentrated in the borough, and those GC zones are broken into GC and Light Commercial (LC) zoning districts per the GC and LC zoned parcel slide essentially in the same areas of town, with Auke Bay as well across the street from DeHarts where the bus barn is located. The Willoughby District is also zoned MU2 bounded by Willoughby Avenue and Gold Creek. He provided the existing density limits graph, showing the maximum density allowed in various zoning districts. The idea is to provide one zone serving as a buffer between adjacent zones that provide a fairly smooth curve on the graph. From the existing data points they top out at 18 units per acre, and jump up to 60 dwelling units per acre. In the MU they don't have a limit, so he arbitrarily chose 140 dwelling units per acre because in the MU zoning downtown is what they generally have at that density. The best fit is using an exponential equation with the idea that the closer they get to the target number of R^1 the better the fit of the actual density that ends up being provided per the model for progressive uses. He changed LC from 18 to 30 dwelling units per acre, the GC from 18 to 50, and the MU2 from 60 to 80, respectively, which is when they obtain a near-perfect fit. He spoke to developers and architects about this graph and asked them if this seems like it would work. The overall response was that right now residential development is not happening in the commercial zones with 18 dwelling units per acre because it does not work financially, but 30 dwelling units per acre would change that. He spoke to Craig Moore of the Tlingit and Haida Housing Authority who stated that they have never looked at GC and LC properties because they are in the residential business, but they have funding streams available to use for commercial projects as long as they are mixed with residential uses. Therefore, Tlingit and Haida is now looking at new land that they have not been doing so before for new projects. He also spoke to folks proposing projects for St. Vincent de Paul who stated the same, as 30 dwelling units per acre would allow them to build unsubsidized and affordable housing in Juneau. These revisions could help within the private, non-profit, and for-profit sectors as well. He provided a slide of existing residential development in LC and GC zoning districts, stating that even with the 18 dwelling units per acre the current density limit in LC is an overall 1.6 dwelling units per acre and in GC there is only .67. This is a testament that the current regulations are not allowing residential development, which is vastly underutilized. There is a three-story height limit in the LC zone and a 45' height limit in GC zone. They have discussed in the past whether LC and GC should be denser, and GC tends to be the heavily utilized zoning district, especially at denser development levels that could have quite an impact on its neighbors. Therefore, with the GC being set at 50 dwelling units per acre and LC at 30 dwelling units per acre, it would serve as being the buffer between the two. The photographs in the packet of existing dense development within buildings downtown was previously provided to the PC, which he cited, noting that he recently added the Patagonia Condos at 37 dwelling units per acre off of Willoughby Avenue, the Mead Apartments at 98 dwelling units per acre, and the Orpheum Building at 24 dwellings per acre that includes two one-story buildings with residences within a three-story building.

He referred to the draft Ordinance in the packet, citing minor changes shown in italics, and deletions as struck-through text. He noted that he previously provided the revisions to the TDSs under Table 49.25.400 at the last COW meeting to the Commissioners, with the addition of

Accessory from 25' to 35' in the LC zone. He referred to the chart for 49.25.500 - Density, which remains the same as was previously presented, with the exception that he added that the Waterfront Commercial (WC) zoning district would have 18 maximum dwelling units per acre. In the past, the PC discussed multifamily parking requirements, which was more of a project to try and grapple with than these other changes that are routine in nature. He hoped to have a fully formatted draft Ordinance from the Law Department by this afternoon, but he did not receive it, although they have not yet informed him that any changes are required from what the PC has in their packet. He would re-present this to the PC as soon as the Commissioners finish their review of the Comp Plan, which would also include a discussion in regards to bonus provisions.

Chair Satre referred to the duplex reference in the TDSs, and asked if staff completed a thorough check on this or whether they might be missing sections of the code that may have to fix later on as a housekeeping item. Mr. Lyman said he believes he included all of them, although the code is rife with cross-referencing so staff tends to discover things in unexpected locations.

They previously discussed a concern regarding providing public notice about this case and although staff and the Commissioners have spent a lot of time reviewing this draft Ordinance, the public may not know about it so staff reached out to the media and this topic ended up on KINY and *The Juneau Empire* ran an article as well.

Ms. Lawfer said in staff's recommendation it mentions LC, GC, and MU2 zoning district changes, but the Commissioners reviewed Table of Permissible Uses (TPUs) as well, so she wonders if staff should also address that in the recommendation. Mr. Lyman said the title of the proposal is "An Ordinance to Increase Residential Density Limits and Amend the Table of Dimensional Standards" so it is all encompassing. Therefore, a possible revision could state, "Staff recommends that the Planning Commission forward the proposed Draft Ordinance increasing residential density limits and height limits in the LC, GC, and MU2 zoning districts as well as making other changes to Title 49 to rectify other inconsistencies to the Assembly with a recommendation for adoption." Ms. Lawfer explained that the MU stands out as going from 5,000 to 4,000 under permissible uses in the TDSs table, and therefore she does not want this to be overlooked. Mr. Lyman said at this point he believes it is probably okay because the Law Department would make sure that the Ordinance title contains reference to everything that it needs to for it to be legal, but at this point he has not yet received any feedback from them on how this is progressing or what they are calling it.

Mr. Bishop referred to 49.25.220 - Mixed use districts (b), stating that the last sentence should be revised to read, "...densities up of 60 to 80 units per acre," to which the PC agreed.

Public testimony

Brian Holst, Director of the JEDC, said he is in favor of the suggested changes to the Comp Plan regarding density. He is not an expert on urban planning, but it is consistent with meeting the needs in this community for affordable house by increasing density. Downtown Juneau is a vibrant center to live, work, and play so he encourages the PC to adopt these changes.

Public testimony was closed.

Commission discussion

Mr. Haight said a public comment in the Blue Folder was provided in regards to the cost of insurance as it applies to construction of affordable housing, and asked if staff researched this. Mr. Lyman said that is beyond the purview of the CDD planning staff.

Mr. Watson thanked Mr. Lyman and other staff members who worked on this project, as this is probably one of the most progressive steps they have made in quite sometime.

Chair Satre stated that the PC and staff are tasked with many aspects to try and move forward with a variety of housing options for every member of this community, and not everything seems to take hold, but in this instance it should cause changes for development to be constructed. He explained that they would not see a lot of 45' buildings being constructed overnight throughout the borough, but there are going to be some creative options provided for developers within the right market so hopefully that would add to the housing stock. The PC appreciates the efforts of staff, and he hopes the Assembly would look favorably to these PC changes as well.

Staff recommendation: That the PC forward the proposed draft Ordinance increasing residential density and height limits in the LC, GC, and MU2 zoning districts to the Assembly with a recommendation for adoption.

Commission action

MOTION: *By Mr. Watson, that the PC forwards the proposed draft Ordinance per AME20120002 increasing residential density and height limits in the LC, GC, and MU2 zoning districts to the Assembly with a recommendation for adoption. This approval includes revising 49.25.220 - Mixed use districts (b) to be revised to read, "...densities up ~~of 60~~ to 80 units per acre."*

There being no objection, it was so ordered and AME20120002 was approved as revised by the PC.

Chair Satre announced that he revised the Agenda items to hear VAR20120003, then the two related cases CSP20120003 and VAR20120004 under the Board of Adjustment portion of the Agenda, and also CSP20120008 under the Regular Agenda, to which the PC agreed. He adjourned the PC, and convened the Board of Adjustment (BA).

X. BOARD OF ADJUSTMENT – Heard out of sequence

VAR20120003

A Variance request to reduce the street side yard setback from 13 feet to 7 feet for a new single-family dwelling on a vacant lot.

Applicant: Kent F. Crabtree

Location: 1st Street, Douglas

Staff report

Ms. Jones stated the property is a D-18 zoned parcel and substantially substandard in size. The current zoning requires a D-18 lot to be a minimum of 5,000 square feet, but this parcel is 2,607 square feet. The parcel is uniquely located on the edge of LC, D-18, WI zoning. She provided a slide of the proposed footprint of the building with the lot bordered by 1st and Bradley Streets, which further reduces the buildable area due to the front and street side setback requirements (attachment A). The applicant is requesting to encroach on the street side yard setback of

Bradley Street in the D-18 zoning district by 13'. This property qualifies for a front yard setback reduction administratively from 20' to 10' due to the neighboring properties average setbacks (attachment B). This property also qualifies for a rear yard setback reduction from 10' to 7.2' due to the lot depth not meeting current zoning requirements per the code for a substandard lot that she mentioned in the staff report, but in actuality she found it is instead from 10' to 7.5' because of its lot width. In this situation, because it is a vacant lot the applicant has the choice of which property is the front setback, and then the other would be the street side yard setback. In this case, because the front yard has been reduced in half the street side yard setback would be more than what the front yard would be, so the front yard would be 10' and the street side yard along Bradley Street would be 13'. The applicant has been challenged to find a design to meet his needs according to the requirements, and therefore requested this Variance to the street side yard setback. The proposal is for a three-story home, so she provided slides of photographs taken from different angles of the property to capture the essence of the neighborhood in relation to the subject property. One of the photographs has a circle around the fire hydrant to denote a concern from the CBJ Streets Division that the applicant should consider its location when developing plans to retain a 5' radius for emergency personnel access. At this point, it is unknown exactly where the fire hydrant is located in relation to the subject property line. Staff recommends that the applicant not be able to have all three stories within the street side yard setback because it would not be within neighborhood character. She explained that most of the homes in the area do not take up the majority of their lots or have a high height.

She later spoke to the applicant, and he suggested reducing the street side yard setback to 7' from Bradley Street for the construction of a new three-story home, but if the BA does not find the application favorable the applicant would be agreeable to an alternate (attachment D). Most of the structures in Downtown Douglas have encroachments, so staff is now proposing that the second and third story of the structure be set back to the same requirement of the front yard setback of 10'. The applicant was agreeable to this, although he still wants to push to have all three stories within the street side yard setback, and if so, the footprint of the home is proposed to be nearly 1,500 square feet, so with three stories the home would be over 4,000 square feet in size.

Staff recommends and details what the Alternate Scenario would be, including conditions requiring an As-Built Survey, and having the applicant show that the fire hydrant meets the setback from it.

Mr. Miller referred to the neighborhood photographs, stating that in the report staff made a fairly good case in regards to the character of the neighborhood of not having a three-story structure, but in one of staff's photographs it shows an adjacent three-story building. Ms. Jones agreed, and explained that there are two adjacent three-story buildings, but for the most part those meet the setback requirements.

Ms. Lawfer asked staff to describe the restrictions surrounding the fire hydrant. Ms. Jones said a 5' radius has to be provided so emergency personnel could gain access with their equipment at all times. Mr. Watson asked why staff was unable to determine whether the hydrant was on City property. Ms. Jones explained that there are no reconstruction drawings of Bradley Street on file, so that information was not easily obtainable. Mr. Watson stated that if it is later determined that the fire hydrant is on the subject property, he asked who would be required to pay the cost to have it moved onto City property. Ms. Jones explained that she spoke to Ron King, Chief

Regulatory Surveyor of CBJ Engineering, who informed her that occasionally this does happen, which is when the City has requested an easement from the property owner.

Mr. Medina referred to the Alternate Scenario, stating that he is not sure about the process, i.e., if they would make a motion on the first scenario, and then talk about the Alternate Scenario. Chair Satre said he prefers to hear from the applicant, and then the PC could take action afterwards. He asked if the Commissioners fully understand the two scenarios in the staff report, to which they nodded in the affirmative.

Public testimony

Kent F. Crabtree, 1316 3rd Street, Douglas, handed out a piece of paper containing six photographs of views of structures taken from the subject property. He referred to staff's findings, stating that criteria 1, 2, and 5 are not met on the basis that the scope of the project exceeds the character of the neighborhood. This was in relation to the bulk, scale, and height of what he is proposing to construct inside the setback areas of the parcel. With that in mind, he took six photographs of surrounding buildings while standing on the subject property. In the findings staff mentions several times that the character of this neighborhood consists of one- and two-story structures, but ½ of a block up the street and around the corner that might be the case, but his parcel is located in an area that borders a couple of different types of zonings. The surrounding zoning in his area contains a patchwork of the kind of development that has taken place in close vicinity. He noted that directly across the street is a three-story 10-unit condo complex, and the adjoining property to the rear has a three-story 5-plex building. Across Bradley Street, the side street setback in question is the third property over from his where the three-story Douglas Island Center building has the Alaska Department of Fish & Game and the State Department of Correction offices within it, which is probably the largest building on the island short of the nearby school. Looking kitty-corner from his lot is where the old Washeteria is with a three-story warehouse located directly behind it, and next to it is a three-story structure built on the old Fire Pump building. Therefore, in three out of four directions there are three-story buildings, so in this local area his proposal for a new three-story residence would not be out of character with the neighborhood in terms of its scope and bulk. Since the setback is along Bradley Street his proposed structure would have that street between the nearest building, so he does not think it would encroach very much on space or light or any qualities that the neighboring property owners value. This addresses the main concern about staff recommending denying the initial request. He came up with his second choice that he calls Alternate B (attachment D), which is similar to what staff presented, except he is requesting that only the third story setback be reduced to 10', so the first and second stories would still be reduced to 7'. This would allow the third story to encroach less into the setback, which seems to be the greatest concern. He explained that the initial request would be his first choice, with the second choice being his Alternate B.

Mr. Miller stated that Mr. Crabtree provided a Variance Approval Criteria document in the packet that addresses criteria 1 through 6, and staff could not find positive findings for 1, 2, and 5. Mr. Crabtree stated that each one of those criteria staff found not to be met related to the bulk and scope of the project being out of character with the neighborhood. Mr. Miller stated that he believes Mr. Crabtree provided great responses to criteria 1 and 2, although staff did a better job responding to criterion 5; hence they came up with Alternate A, which relaxed the character issue, and then staff was able to find criterion 5 as being met. That was where they were at before tonight, and now tonight Mr. Crabtree came up with an Alternate B, but the BA still has criterion 5 that they have to address to attempt to find it in the affirmative so he asked if what

Mr. Crabtree just stated is his response in finding that criterion 5 is met. Mr. Crabtree said yes, explaining that part of the reason staff finds that criterion 5(b) is not met where the report states, "The scale of construction that the applicant is suggesting is more intense than other developments in the area. The height of this structure within the setback exceeds the scale of development within the downtown Douglas neighborhood." He noted that he only has to meet one of the four sub-criteria of criterion 5, which is why he is arguing that the scale, height, and bulk in the setback is not out of character with the neighborhood per the photographs he supplied.

Mr. Medina said he read in the report that the proposal for the setback for the second and third stories is 10', but Mr. Crabtree indicated the first and second story would be 7'. Mr. Crabtree said the latter is per his Alternate B, which staff did not propose because it is another option he came up with today; Ms. Jones added that the applicant's Alternate B was provided as a Blue Folder item.

Mr. Bishop asked if Mr. Crabtree knows which of the three-structure buildings surrounding his property in his photographs are within the setbacks. Mr. Crabtree said he does not, but the Washeteria and three-story warehouse structures are basically street side, which are really old developments that he believes are right at their property lines. He does not know if the remaining three-story structures are encroaching on setbacks.

Public testimony was closed.

Board discussion - None

Staff recommendation: That the BA adopt the Director's analysis and findings and deny the requested Variance, VAR2012 0003. The Variance permit would allow for a new single-family dwelling to be constructed within the 13-foot street side yard setback. Specifically, the Variance request is for the structure to be up to 7 feet from the property line with eaves no more than 4 feet 8 inches from the property line.

CDD staff is not recommending in favor of this application, however, if additional information becomes available at the hearing and the BA makes positive findings for criteria 1, 2, and 5 for the case, staff recommends the following conditions:

1. Prior to CO an As-Built Survey shall be submitted showing the new single-family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches feet to the Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.
2. Prior to approval of the Foundation Setback Verification form, a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.

ALTERNATE RECOMMENDATION

Staff recommendation: That the BA adopt the Director's analysis and findings and approve the requested Alternate Scenario Variance, VAR2012 0003. The Variance permit would allow for a new single-family dwelling to be constructed within the 13-foot street side yard setback. Specifically, the Alternate Scenario would allow the ground level of the structure to be up to 7

feet from the Bradley Street property line with eaves no closer than 4 feet 8 inches from the Bradley Street property line and the second and third stories be up to 10 feet from the Bradley Street property line with eaves no closer than 6 feet 8 inches to the Bradley Street property line. The following conditions are recommended if the BA approves the Alternate Scenario:

1. Prior to CO an As-Built Survey shall be submitted showing the ground floor of the new single-family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches feet to the Bradley Street property line and the second and third floors of the new single-family dwelling no closer than 10 feet to the Bradley Street property line and eaves no closer than 6 feet 8 inches to the Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.
2. Prior to approval of the Foundation Setback Verification form, a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.

Board action

MOTION: By Mr. Miller, that the BA adopts the Director's analysis and findings for criteria 3, 4, and 6 and approves the requested Alternate B scenario for the requested Variance, VAR20120003, (provided as a Blue Folder Item by the applicant, dated March 27, 2010) per the Variance Approval Criteria document the applicant also provided in the application (part of the attachment C submittal) received by CDD on February 22, 2012 for criteria 1 and 2, and the BA finds that staff's sub-criterion for 5(B) on page 9 and 10 of the report as being met for the Alternative B scenario, subject to the following conditions:

1. *Prior to Certificate of Occupancy an As-Built Survey shall be submitted showing the ground and second floor of the new single-family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches feet to the Bradley Street property line and the third floor of the new single-family dwelling no closer than 10 feet to the Bradley Street property line and eaves no closer than 6 feet 8 inches to the Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.*
2. *Prior to approval of the Foundation Setback Verification form, a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.*

Mr. Medina spoke against the motion, stating that he likes staff's Alternate Scenario in the report, which he is calling Alternate A for discussion purposes, as he believes Ms. Jones did an excellent job detailing the information, which is a great compromise for the applicant and the CBJ.

Mr. Bishop echoes Mr. Medina's sentiments. In addition, he believes massing is truly the issue, and when they have a two-story structure with a vertical wall at the setback property line it is a lot different than a one-story, and therefore he would rather move staff's Alternate A forward.

Mr. Watson stated that when he initially reviewed this application he viewed it similarly in the way Mr. Medina and Mr. Bishop just described, although the applicant made excellent points per the photographs of the surrounding structures. He is very much in favor of Mr. Miller's motion. This is not a typical residential area, and the applicant has brought forward a proposal for a

higher quality structure to be built in this area, which might influence others in the neighborhood to do so as well.

Mr. Medina said a comment was provided earlier that staff and the PC does not know whether the setbacks of the surrounding buildings from the subject site meet the setback requirements. Even though the applicant feels that his proposal would be within the character of the neighborhood, the other existing structures might already be in compliance, and therefore he continues to speak against the motion.

Chair Satre said the BA appreciates applicants who show flexibility in a Variance request such as this where they are able to contemplate less of an encroachment. He explained that the BA was provided good support from staff on Alternate A for the Commissioner's discussion, so they appreciate staff's ability as well on their willingness to recommend to the BA a minimal encroachment alternative that they are able to work with.

Ms. Lawfer said she was initially set with Alternate A, but then the applicant presented Alternate B, which she is still mulling over.

Mr. Haight said he tends to lean more towards Alternative A, as he believes staff did a good job providing an option that he believes could work.

Chair Satre explained that if the BA denies Mr. Miller's motion, the Commissioners are still able to provide another motion for a different alternative, i.e., they would not be denying the entire application all together. Mr. Pernula said the Commissioners are able to provide a second motion that totally differs from Mr. Miller's first motion if it is denied, but if they do not make another motion afterwards then the application for this Variance request would fail.

Mr. Miller said he was initially for Alternative A when he arrived at the meeting tonight, as he could not see a method in which the BA might revise the findings to the variance application because staff did a good job responding to them in the report. He was unable to drive by the site to view the subject property as he does in most cases. However, the photographs the applicant submitted of the surrounding three-story buildings that were taken while he stood on the subject site surprised him. Therefore, he had a different vision of this case based upon the staff report before he viewed those photographs, which is even whether the surrounding three-story buildings might/might not be in or out of the setbacks. However, he thinks it is fairly clear that some of those buildings are on the street so that is definitely an argument, and by the applicant presenting a third Alternative B from what he really wants, which is staff's Alternative A, that provides a nice compromise and is why he supports the motion.

Ms. Lawfer referred to the vicinity map and photograph of the site shown in attachment A, and asked staff why there are small parcels shown along First Street to the northwest. Mr. Pernula said those tiny sections of parcels out front are the lots, and the rest of the parcel contain a tidewater additions that were added to those lots later.

Ms. Jones referred to the photographs provided by the applicant, noting that another CDD Planner provided the original front yard setback reduction on this case, but when that is done they used the average of three adjacent buildings so it is likely that those structures were the result of getting the front yard setback reduced on the subject site from 20' to 10'. Ms. Lawfer

asked which buildings Ms. Jones is referring to in the applicant's photographs. Ms. Jones explained that some buildings clearly are right on the front property line, i.e., the Washeteria.

Mr. Watson stated that a majority of buildings in the applicant's photographs are probably older than the code. This project reminds him of many Downtown Juneau construction projects that the BA previously reviewed, so this Variance request does not vary much from these. He explained that in a previous project on Calhoun Street is when the applicant provided pictures of where the sun was casting a shadow on the building, but the driveway looked as though it was in the street, although it was not. Similarly, this proposed project is not in a typical location, i.e., in Lemon Creek or the Mendenhall Valley, so the BA should offer the applicant an opportunity to build a quality home in an area that has a deteriorating set of circumstances. He continues to support Mr. Miller's motion.

Mr. Medina said he appreciates Mr. Watson's statements, but the Commissioners took an oath to uphold the code of the CBJ. Staff deals with these types of issues on a daily basis and are much more educated and experienced in that regard than he is, so he feels comfortable with their recommended Alternate A that provides a great compromise for the applicant and the CBJ. He continues to speak against the motion.

Chair Satre said he believes that the final decision comes down to the setbacks, and it's unfortunate that the Commissioners were not provided information as to whether or not many of the adjoining structures encroach. However, the BA is able to view some of the very old structures across the street from the subject site that do in fact encroach, but the question is whether the Commissioners want to allow another large structure to be built up to the setback as well. He was "on the fence" on this decision, but he believes there has been good allowances by staff and the applicant, although ultimately he is going to vote against Mr. Miller's motion.

Roll call vote

Ayes: Miller, Watson

Nays: Lawfer, Medina, Bishop, Haight, Satre

Motion fails: 2:5.

MOTION: By Mr. Bishop, that the BA adopts the Director's analysis and findings with Alternate A and approves the requested Variance, VAR2012 0003, per the Variance Approval Criteria document the applicant provided in the application (part of the attachment C submittal) received by CDD on February 22, 2012 for criteria 1 and 2, and the BA finds that staff's sub-criterion for 5(B) on page 9 and 10 of the report as being met for the Alternative A scenario. The Variance permit allows for a new single-family dwelling to be constructed within the 13-foot street side yard setback. Specifically, the Variance request is for the structure to be up to 7 feet from the property line with eaves no more than 4 feet 8 inches from the property line, subject to the following conditions:

1. Prior to CO an As-Built Survey shall be submitted showing the ground floor of the new single-family dwelling no closer than 7 feet to the Bradley Street property line and eaves no closer than 4 feet 8 inches to the Bradley Street property line and the second and third floors of the new single-family dwelling no closer than 10 feet to the Bradley Street property line and eaves no closer than 6 feet 8 inches to the

Bradley Street property line. The As-Built Survey shall show that all other setbacks are met as required.

- 2. Prior to approval of the Foundation Setback Verification form, a surveyor's statement of compliance shall include that the building's foundation is not closer than 5 feet to the fire hydrant in addition to all other setbacks being met.*

There being no object, it was so ordered and VAR20120003 was approved as revised by the BA per Alternate A (staff's recommended Alternate Scenario).

BREAK: 8:35 to 8:41 p.m.

Chair Satre announced that the BA will hear a staff report of the following two related cases, although they will take action on the VAR20120004 as a BA, and then adjourn and re-convene as a PC to take action on CSP20120003.

VAR20120004

A Variance request to encroach 25 feet into the 50-foot habitat setback of Bay Creek for the renovation of Auke Bay Elementary School parking lot.

Applicant: Catherine Wilkins, CBJ Engineering

Location: 11860 Glacier Highway

And;

CSP20120003

A City consistency permit for the renovation of Auke Bay Elementary School.

Applicant: Catherine Wilkins, CBJ Engineering

Location: 11860 Glacier Highway

Chair Satre disclosed that his wife is a teacher at Auke Bay Elementary School, and CBJ Attorney John Hartle recently informed him that this does entail a conflict of interest in regards to his participation in the review of this case, to which the Commissioners nodded their agreement.

Staff report

Mr. Chaney stated that he is presenting the staff report on behalf of Planner Eric Feldt. He was unable to attend the Wetland Review Board (WRB) meeting when this case was presented to them, which was discussed at great length. However, two Commissioners who are in attendance at this PC meeting attended that WRB meeting, including some CDD staff as well as the applicant. The proposal is to work on the project while school is in session in three phases, while providing portable buildings at the rear of the site to house students. Underground utilities would be located on the edge of the area where they are going to be reconfiguring the parking lot (attachment B) to install a teacher parking area, a school bus turn around, and general parking to alleviate traffic congestion. They would increase the height of the Auke Bay School to house extra equipment, and currently with the slope rise in the rear being taken into account it would still meet the height restriction of 35'. It's challenging for children to walk to this school due to the lack of pedestrian-friendly routes. Many parents drive their children to school and drop them off. The code requires two parking spaces per classroom that was modeled on walkable neighborhoods, not a school such as this where there is a lot of demand for parking. The other

improvements include renovating the entire building, installing a new sidewalk and covered entrance, a new geothermal well field to save on energy, and an expansion of the library. They would end up with the same number of classrooms. The project is consistent with adopted CBJ plans. He cited three conditions recommended by staff for the CSP20120003 listed on page 9 of the report.

The school has 45 employees with 62 existing parking spaces, which would probably drop to 55 because there has been discussion about exactly how many existing parking spaces are legal versus actually used, and the current requirement is 34 spaces. He showed where Bay Creek that is an anadromous stream is located on attachment B, which has a 50' streamside no development setback with a 25' no disturb zone. The proposed paved area and toe of the fill would encroach into the setback, and an existing lawn is located in that area that was installed before the current setback ordinance was adopted. A recommendation is to plant alders to provide an improved buffer to the stream. The planned new teacher parking area would encroach 25' into the 50' streamside setback. He cited staff's recommended conditions per VAR20120004 on page 11. It is unclear whether the underground utilities are closer than 25' from Bay Creek. A fire hydrant was planned to be placed within the 50' streamside setback area, although the applicant mentioned that they now intend to relocate it to a grassy island area.

He cited the WRB recommended conditions, stating that if the applicant complied with all of them they just about don't need the Variance. He explained that a stormceptor is an advanced type of oil/water/sediment separator. In terms of past projects regarding installing pervious pavement, staff has found that it tends not to hold up too well with Juneau's inclement weather, but he feels in this case they could probably take it into consideration.

Mr. Watson asked where the grassy islands would be installed in the parking lot. Mr. Chaney said he does not know the exact locations, but the applicant informed him that they would be amply sized in hopes that they could store snow on them.

Mr. Medina asked why the project was put out to bid prior to obtaining a variance; Mr. Chaney deferred to the applicant. Mr. Medina asked if it is correct that the Comp Plan states that the intent is to preserve ecological, recreational and scenic values along stream corridors, Mr. Chaney said it is. Mr. Medina asked if it is correct that the encroachment into the habitat setback of the driveway and parking lot does not preserve the intent of this title, Mr. Chaney said that is true.

Mr. Miller stated that during the summertime this parking lot is used quite a bit for boat and trailer storage. He is concerned about a particular turning radius in the parking lot in front of the school where many people probably would not be able to maneuver around it towing a boat and trailer, so they might end up driving over the curb into the 50' setback in order to do so. Chair Satre asked if this area is intended to be used for overflow parking for the Auke Bay Harbor facility in terms of this expansion request. Mr. Chaney said he has heard this type of concern, but this is a school project, not a harbor project, although they could certainly sign it to direct traffic. He explained that there are plans to enlarge the harbor parking lot, but he does not think they would ever be able to make that parking lot big enough.

Ms. Lawfer asked where the geothermal infrastructure would be installed, Mr. Chaney said it is outside the 50' setback, and deferred to the applicant for further particulars.

Public testimony

Catherine Wilkins, representing the applicant CBJ Engineering, said she agrees with the findings. There is a great need for more parking at the school, and many parents who drive their children to school park their vehicles, and then physically walk their children inside. Currently, they have to walk between buses to get to the school, so the parking situation is potentially dangerous, which was a driving factor and the flat area near the highway constrained the design. At the WRB meeting, they reviewed six prior sketches of potential designs that were rejected, so the latest design was taken under careful consideration to ensure the drop off area and buses are separate. She noted that the Facilities Planner for the Juneau School District is in attendance, as well as JoAnn Lott who is the head of the design team along with Deb Morris, and Rorie Watt the Director of CBJ Engineering.

Mr. Miller asked Ms. Wilkins to respond to his concern he previously mentioned about the turning radius in front of the school. Ms. Wilkins said trucks towing boats with trailers are not going to be able to be maneuvered around some of those corners. Mr. Miller asked if they are okay with moving the fire hydrant out of the 50' streamside setback. Ms. Wilkins said yes, explaining that she spoke to an architect at R&M Engineering who informed her that in the course of the design it was already relocated a couple of times, but she has concerns about it being relocated in a designated snow storage area. Mr. Miller explained that a retaining wall to make the fill slope steeper would minimize encroachment into the west of the driveway requested by the WRB, and he asked if they have taken that into consideration. Ms. Wilkins said that area was previously filled, and it was pointed out to her that by digging it up to install a retaining wall would further disturb the streamside setback area. She explained that it is possible to build that setback up by placing organics on top, and then planting alders since it is going to have to be torn up anyway to install a foundation for the retaining wall. Therefore, either way that streamside setback area is going to end up being disturbed, but they have not examined this in great detail at this point.

Chair Satre stated that significant changes would have to be made to the design if the Variance and City Consistency permit are approved per the conditions by this body and the WRB, so he asked if they would be able to successfully redesign the project around all those parameters and if they are in agreement with them; Ms. Wilkins said yes.

Mr. Medina asked how many times this project has been put out for bid; Ms. Wilkins said twice. Mr. Medina asked why the Variance request was not sought before the project was put out to bid; Ms. Wilkins said it was due to ignorance on her part, explaining that she was aware of the need for a consistency review, but she was unaware that the project was encroaching into the streamside setback. As the project manager, she believes that if she had been aware of that earlier in the process she would have initiated the Variance request at that time, but an internal miscommunication took place when she "dropped the ball."

Mr. Watson asked where the school buses would end up turning around; Ms. Wilkins pointed to attachment B in the area at the bottom of the diagram along the entire edge of the parking lot, and then the parents would use the same entrance, but would now veer off to the left through another route to drop off their children near the corner at the right in front of the school where that entrance would be covered. The buses would drop off children after they complete their turning radius in the lower area that also has a covered crosswalk nearby so the children would not have to maneuver through traffic. Mr. Watson said he does not foresee the proposed islands accommodating snow storage in relation to the degree that Juneau typically experiences, so he

would like assurance that snow would not be piled against the streamside of the parking lot, and therefore he requests that a snow removal plan be provided for this project like the BA has done for other similar cases.

Ms. Lawfer asked where the geothermal infrastructure is planned to be located; Ms. Wilkins said it would be under the staff parking lot. Chair Satre asked if onsite test wells have been conducted; Ms. Wilkins said they have one. Mr. Watson asked if the system would operate with vertical or horizontal loops. Ms. Wilkins said it would be similar to the geothermal well field at the Dimond Park Aquatic Center, which has horizontal manifolds with vertical pipes at a depth of 350' with loops, and about 20' between 42 wells.

Mr. Miller described the WRB - Recommended Impact Reduction Measures. He first cited 1), stating that it would be a minor infringement if the last parking space was reduced in size to accommodate a compact car or motorcycle, so they would not be losing a parking space. He cited 2), stating that it sounds as though the applicant is willing to do so. He cited 3), stating that the WRB was unsure whether this was doable, so he asked Ms. Wilkins if it is possible. Ms. Wilkins said the redesign has not yet taken place, but they alternatively discussed making the driveway a bit narrower, which would assist in slowing traffic down, although snow in the wintertime would build up along the sides of the driveway so there are disadvantages in doing so as well. Mr. Miller cited 4), stating that he previously said this would minimize the impact the most, and installing a retaining wall would cause impacts, but that it should be done carefully so it leads to less impact to the streamside setback; Ms. Wilkins said okay. Mr. Miller referred to the WRB - Recommended Conditions of Approval, stating that Ms. Wilkins said they were fine with 1); Ms. Wilkins agreed. Mr. Miller referred to 2), stating that Ms. Wilkins said the stormceptor was bid into the project. Ms. Wilkins said it is, and she recently viewed a recommendation in developing the maintenance plan for a stormceptor on the Internet and they stated that it should be checked after six months of use, and then again at 12 months to estimate how frequently the stormceptor needs to be emptied through a pattern of usage, and therefore they should develop a maintenance plan based on such data. They could develop a good and aggressive maintenance plan, and then adjust it as need be. The stormceptor would be cleaned via a CBJ vacuum truck, which takes about two hours. Mr. Miller asked who would be responsible for maintaining the stormceptor; Ms. Wilkins said the Juneau School District. Mr. Miller said oil/water separators work great as long as they are maintained, but most of them are not and when they get too full they tend to wash away. He stressed that in this case Bay Creek is right next to a school that has conducted scientific studies and projects in that stream while looking at fish and fry, and the ecological systems so the WRB strongly stressed that they need to aggressively maintain this particular stormceptor. He referred to 3), explaining that Andrew Campbell, whose is a member of the WRB, performed the drilling for the airport expansion project and encountered slurry so he thought this was a good condition to have. He referred to 5), stating that this relates to 4), and Mr. Chaney suggested that pervious pavement might/might not work so well in Juneau, so he asked staff what happens when a condition such as this states "The Board encourages..." and it is listed as a recommended condition; Chair Satre said it is actually an advisory; Mr. Miller said since that's the case it should be listed under its own category. Chair Satre said the final one is 6), which relates to verifying survival of alders planted; Ms. Wilkins nodded in agreement.

Mr. Bishop stated that he drops off and picks up his son at the Auke Bay School on a daily basis and has witnessed cars queuing up before the student drop off area all the way back to DeHarts. Therefore, if cars are intended to only be queuing up from the crosswalk area, they are going to

block school bus traffic. Ms. Wilkins said the parents could drop off children where the buses do, rather than at the other entrance drop off area. Mr. Bishop said one staff member currently monitors that area by directing the cars, but that does not work when they are queued all the way to DeHarts, so the point is that they need to redesign a queue line that isn't going to interfere with the bus line. Chair Satre said it might be that parking spaces have to be removed to make the traffic flow work, which is just the same as what any other developer would be required to do. Ms. Wilkins said she has had the sense that the parents are very cooperative, so they are not going to run over someone's child; Mr. Bishop said it is not about that. Chair Satre stressed that the reality is that the Commissioners are required to review cases in terms of whether applications adequately address traffic and safety. This is whether it is, e.g., for a supermarket or a school, so they view the traffic circulation patterns to ensure they are going to meet the needs of such facilities. Mr. Bishop explained that he brought this up as an advisory to Ms. Wilkins that the queuing of cars is an issue because many children are dropped off at this school within that particular district, including children from other school districts as well, so there are probably three times as many parents dropping students off at the Auke Bay Elementary School than any other school. Ms. Wilkins explained that one of the major changes they are making to the traffic pattern is that they are widening the driveway and it now consists of three lanes, including left- and right-turn lanes when exiting; Mr. Bishop said that would help.

Mr. Watson stated that since he has been on the PC he has felt that the CBJ and the Juneau School District have the responsibility to achieve the highest standards because they set the example for the community, but if this is not done then the Commissioners are unable to explain this to other applicants that come before this body. He weighs this very heavily when he makes decisions on cases, and it's unfortunate that the CBJ has presented cases similar to what others have who can't seem to get theirs approved, but the CBJ tends to expect their cases to be approved, which are situations that the Commissioners try to avoid. Mr. Medina said he was not a member of the WRB in December 2011, but the minutes state, "The Board was frustrated that the City is not held to a higher standard for avoiding these kinds of impacts," and it was also on page 2 of the report for this case where a WRB member expressed the same frustration. He is not criticizing Ms. Wilkins personally, but he hopes that in the future because of the expertise that the CBJ Engineering personnel possess that they do a better job in presenting these types of projects, including setting the best example for this community.

Mr. Chaney emphasized that the curved edge of the existing pavement at the southwest corner of the parking lot would be where they are opening it up, so having three access points should provide for better circulation than what was currently experienced; it may still be difficult, but he thinks it would be better. Chair Satre added that it is not an easy bottleneck area to deal with.

Mr. Watson commented that he travels down Riverside Drive every day when he views traffic and parking challenges at the Riverbend Elementary School area as well. He would like CBJ Engineering to look at that situation, and if it is an issue then they should address it so a similar situation is not created such as at the Auke Bay Elementary School.

Public testimony

JoAnn Lott, with Jensen Yorba Lott, Inc., said she holds their architect design team and work to a higher standard. As architects on any project, they are faced with conflicting needs and interests so they attempt to balance needs of users, the criteria of the buildings, and ordinances. She referred to attachment B, stating that the renovation project is of an existing building and site, so due to funding, building location, and size they had no flexibility, including with Bay Creek

already being there. Even so, they had to try to fit all the criteria into those limitations. She drives by the site every day and between 8:00 to 9:00 a.m. the cars are backed up on the street, which causes safety issues. One of the highest criteria is safety, so they separated the bus traffic completely and instituted three lanes, with one of them allowing for left-turn exit maneuverability, including a right-turn lane. They improved circulation to provide everybody with a place to go so they don't have to wait. Staff enters the site and uses a separate route to enter the teacher parking lot, which is before and separate from the parent drop off area in front of the school, including the bus route. There is parking for parents should they choose to use it in an area that has over 10 spaces, or if it is full then the parents could continue on and park in the visitor parking area so the children would safely cross. When parents or buses are dropping off the children they would not have to walk through any traffic. Balancing all that with the fact that they have Bay Creek with specific stipulations, but the Auke Bay Elementary School has existed since 1968. She noted that there is a row of trees between that creek and the site in the southwest area of the property, and she requested that the design team not disturb the trees or go beyond any area within it that hasn't already been developed. They chose to go into the flat grasslands, and the area above it is made up of sand, which has a chain-link fence. They believe they are doing what is in the best interest of Bay Creek, as well as the community of Juneau.

Mr. Bishop commends the design team for doing good work with the constraints they had to work with to minimize encroachment into the streamside setback. He knows the sledding hill goes into the teacher parking area, and therefore asked if the sledding hill is going to be preserved. Ms. Lott said if no cars are parked in that area people could sled there, but she believes cars would be parked on that lot most of the time.

Mr. Haight referred the WRB - Recommended Impact Reduction Measures 3), and asked if they concluded how to deal with the driveway. Ms. Lott said they are able to narrow the driveway and the slope of the hill would be seeded, including installing pervious pavers so it would not be a bare slope, but if they were to move the driveway to the east it would take away from the interior plantings that are beneficial to the site. She explained that it's not that they are unable to do so, rather it is just a tradeoff, but narrowing the driveway is her preference, i.e., two 10' lanes, which would slow down traffic, but they are probably going to foresee issues in terms of snow building up along its sides.

Chair Satre stated that since the design team was aware of the existing environment in the limited place they had to work with, he asked why this was not run through a variance process or at least brought to the PC so they could gain direction as to what might/might not occur. He stressed that the BA is now being placed under tremendous pressure with a project that has huge community support, but now they have to deal with this Variance request at the last minute. Ms. Lott said "hindsight is 20/20" on that issue, but most of the time when their design work is done it's typically close to bid time for projects, which is generally within one month.

Rorie Watt, the Director of CBJ Engineering, interjected stating that they clearly should have applied for a variance earlier, but it's not the Commission's issue. If they need more time then they should take it because whether or not they go out to bid is not related to when they build the project. They need a variance, or if it is denied prior to building the project they do not intend to build it this week or a month anyway. Chair Satre said he brought this up again because of the comments about what was looked at during the beginning of the design otherwise he might have left it alone. However, in general this body is provided with City projects that either in the timeliness or in the design approach seems to get into areas where this body has a lot of trouble

approving them as compared to other applicants. Generally, under the typical public process that this body is required to undergo through, e.g., approving funding mechanisms, getting projects listed on Capital Improvement Program (CIP) project list, working through bidding, and permit reviews, so it is discouraging to the Commissioners to view these types of projects at the last minute, which is the point they are trying to get across. Mr. Watt said he disagrees because he does not think City projects are held to a lower standard, and in fact, they are held to a higher standard. Chair Satre said he did not say that, but another Commissioner might have previously said something similar. Mr. Watt said the suggestion certainly has been made. Chair Satre said he is not saying that in any way, and he thinks CBJ Engineering does a fine job, but he is just trying to communicate what he feels the Commissioner's concerns are, not only amongst the Commissioners tonight, but these are issues that have been brought up in the past. Even so, the Commissioners would evaluate this case on its merits, and it is unfortunate in part of the description in the staff report that the applicant does not wish to revise their documents and cost and therefore they requested a variance, so these things are troublesome to the Commissioners. Mr. Watt said there are many goals of the project, but clearly one is to provide more parking and as Ms. Lott has shown there is not more site there, so the proposal stands on its merits. If more parking is not favored by the Commissioners over the streamside setback then that is an issue they have to deal with, but the site is what it is. Chair Satre stressed that the Commissioners would evaluate this application on its merits, and they appreciate the team being here tonight. He realizes the conversations back and forth might be somewhat pointed, but they are not making personal attacks, which is not allowed per their Rules of Order; rather they are voicing concerns about the process because they want to ensure they have all the facts in hand, and they appreciate the explanations they have been provided. Ms. Lott said she realizes they have "pushed some buttons" with the words "time" and "money," which was just a description of where they are in time-wise right now, and it really was not meant to be a description of the whole design process in terms of what they considered. She believes this has gotten somewhat misconstrued and she apologizes for using those terms; Chair Satre said he appreciates the clarification.

Ms. Lawfer asked if utility work in the southwest area of the parcel has been done, or would be done; Ms. Lott said that is part of this project and that would be done.

Public testimony was closed.

BA discussion

Mr. Miller is concerned about the realistic thought that this parking lot won't be used for parking boats with trailers, so to not take this into consideration in the design process does not make sense. Maybe it would work just fine, but he thinks the turning radius he mentioned earlier is going to be problematic. If someone attempts to maneuver a 24' trailer with a large pickup truck, they are going to jump the curb and drive through the 50' streamside setback area in order to get back on the road. In doing so, the grease on the wheel bearings of the trailers is going to end up in the streamside setback, which would be problematic. However, if it turns out that they are able to maneuver that turning radius then that's okay, but if not it would be better to further encroach into the streamside setback so at least when they make that turn they are not running greasy wheels over the grassy swale and contaminating it, so in theory the trailers would stay on the road and the grease would later get picked up by the oil/water separator. Chair Satre said the primary design for this project is for the school in regards to traffic circulation and safety of the children. This is a unique situation for a public facility that has a parking lot, which has been used for overflow parking for cars, trucks, and boats on trailers for many, many years in that area

and this is problematic at best. Mr. Chaney said he has not yet spoken to the design team about this, but an alternative would be to cut the corner off of that turning radius area so it wouldn't be quite as challenging to maneuver. Another option would be to install a fence to prevent trucks towing trailers from entering the streamside setback area, but if they were to do so they might end up with people getting stuck in that particular area of the parking lot.

Staff recommendation: That the BA adopt the Director's analysis and findings and approve the requested Variance, VAR20120004. The Variance permit would allow the proposed parking lot to encroach up to 25 feet into the habitat setback of Bay Creek. Staff's recommended conditions of approval:

1. Prior to issuance of a Building permit, the applicant shall submit a site plan showing the location of the trash dumpster outside of 50-foot habitat setback.
2. Prior to issuance of a Building permit, the applicant shall submit a site plan showing the location of the underground utilities are not closer than 25 feet from Bay Creek.

The Wetland Review Board recommends the impact reduction measures and conditions of approval listed below:

Recommended Impact Reduction Measures:

1. Eliminate the infringement in the southwest corner of the staff parking lot;
2. Relocate the fire hydrant and the access pad outside of the 50' setback;
3. Shift the two-way access driveway to the staff parking to the east by reducing the landscaped areas to the west; and
4. Use a retaining wall system to maximize the fill slope (i.e. make it steeper) and minimize the encroachment to the west of the driveway.

Recommended Conditions of Approval:

1. In the previously disturbed area between the 25' and 50' distances of the setback west of the driveway leading to the staff parking lot, the applicant should plant alders with 75% coverage with a 50% survival rate over two years. The site plan in Attachment E marks the planting area. The applicant shall submit documentation indicating where the alders will be planted prior to the issuance of a Building permit.
2. The applicant shall submit an approved maintenance plan for the stormceptor system prior to the issuance of a Building permit.
3. The applicant shall install a silt fence along the 50-foot habitat setback line prior to the geothermal drilling. Prior to the issuance of a Building permit, the applicant shall submit a site plan indicating where the geothermal drilling will take place and where the silt fence will be installed and other appropriate measures to keep fluids, chemicals, mud or water used for, and as a result of, drilling out of Bay Creek.
4. The applicant shall contact CDD staff to conduct an inspection when the silt fence and other measures have been installed prior to the drilling operation.
5. The Board encourages uses of pervious pavement if possible. Prior to issuance of a Building permit, the applicant shall submit to CDD staff documentation showing if pervious pavement is possible, and if so, drawings of material and location.
6. Prior to issuance of a final CO, CDD staff shall verify 50% survival of alders planted as specified in Condition 1. If survival is less than 50%, the applicant shall replaced dead alders prior to CO.

Board action

Mr. Miller referred to and cited item 3) of the WRB - Recommended Impact Reduction Measures, stating that it sounds as though the applicant intends to narrow the driveway access, so they might revise this to state, "Shift or narrow..." so they are provided with flexibility. He

referred to and cited item 4) of the WRB - Recommended Conditions of Approval, stating that this is important, but he would also like CDD staff to conduct a sight visit to inspect the silt fence during its installation and also after drilling operations get going. He explained that this is when the greatest impacts might happen, so staff could provide oversight with a clearer vision without production on their mind. He would like to revise this item and add to the end that states, “...after the first eight holes have been drilled.”

Mr. Bishop said there are three different sets of recommendations and conditions. Mr. Chaney apologized, stating if he were to do this over he would just provide Recommendations for Conditions together from top to bottom and renumber them accordingly, including adding a note that some were originated by the WRB because they are all conditions, except the one that they have noted as being advisory.

MOTION: By Mr. Bishop, that the BA adopts the Director’s analysis and findings and approves the requested Variance, VAR20120004, and the City Consistency permit, CSP20120003. The Variance permit allows the proposed parking lot to encroach up to 25 feet into the habitat setback of Bay Creek. The City Consistency permit allows the approval of the Auke Bay Elementary School renovation project with improvements, subject to staff’s outlined conditions, as revised to renumber the conditions from 1-12 of the Variance permit as suggest by Mr. Chaney, rather than breaking them up into separate measures and approvals (Staff’s Recommended Conditions of Approval 1 and 2 and continue on with Recommended Impact Reduction Measures 3-6 (without the label), and then Recommended Conditions of Approval 7-12 (without the label).

Mr. Pernula said this body is sitting as the BA so they should probably take action on the Variance permit first, and then adjourn as a BA and re-convene as the PC to take action on the related City Consistency permit.

MOTION REVISED: By Mr. Bishop, that the BA adopts the Director’s analysis and findings and approves the requested Variance, VAR20120004. The Variance permit allows the proposed parking lot to encroach up to 25 feet into the habitat setback of Bay Creek, subject to staff’s outlined conditions, as revised to renumber the conditions from 1-12 of the Variance permit as suggest by Mr. Chaney, rather than breaking them up into separate measures and approvals (Staff’s Recommended Conditions of Approval 1 and 2 and continue on with WRB - Recommended Impact Reduction Measures 3-6 (without the label), and then WRB - Recommended Conditions of Approval 7-12 (without the label), respectively. Further, the BA adopts Mr. Miller’s changes under WRB - Recommended Impact Reduction Measures in condition 3), which is the new 5; and under WRB - Recommended Conditions of Approval item 4), which is the new 10, and item 5) is to be an Advisory renumbered as 12, and item 6) renumbered to 11, accordingly.

Chair Satre stated that regardless of the applicant, he does not think anyone on this BA likes to see a new pressure from a financial basis as stated in the report to make the decision. This BA works very carefully in making decisions on merits of the proposal, including that they have to adhere to the requirements of the code and the Variance criteria, which are strict. Sometimes the Commissioners have worked very hard to change certain analysis in relation to Variance criteria in doing their duty to try to meet them, which is when they have had to get very creative at times. He has looked very hard at the criteria analysis in this report, and he thinks the BA would be “treading on water” that they don’t necessarily want to when they take into consideration the

previously disturbed areas within the streamside setback. This includes Mr. Miller's explanations of how the use of certain areas to allow multiple uses of the parking lot. When they consider safety overall, which they have to for a school with young children such as this, he agrees with the Variance criteria analysis as written.

Mr. Miller said when this case was presented to the WRB for review, they were somewhat shocked with the report where it stated that the reason for the Variance request was due to "time and cost restraints," but that wasn't the attitude of staff. What the BA was not provided, but the WRB was, is six versions of previous sketches of potential designs when the WRB tried to make the parking work, which would have been helpful to the BA. Even so, the WRB is a scientific board and they don't like to see any encroachment into 50' streamside setbacks, especially by the City because they hold private property owners to that standard, so the City ought to set the best example. However, he believes these are extenuating circumstances in terms of the previously disturbed streamside setback areas, and this project won't extend beyond those. He explained that the WRB thought that if they provide plantings in certain areas and follow the conditions then they could minimize impacts. The question as to whether or not Bay Creek would be better because of this project; he thinks it would be with the plantings and the oil/water separator required per the conditions.

Mr. Bishop stated that from his perspective it would definitely be better because the ditches are currently filled with sediment and are overflowing on both sides, and therefore installing curbs and stormwater interceptors would make a big difference so they would provide a net benefit from a habitat standpoint. From a public standpoint, he believes public projects in many ways deserve greater scrutiny, but they also typically have a greater need such as this project and the impacts have been minimized so the need certainly outweighs the impacts in this case. However, he asks the facilities coordinator to ensure that immediate repairs are instituted now because there is going to be an accident in that school area in the near future, including that there are major potholes on the road, so people are having to weave cars around them by going into the other lane of traffic in the area of the intersection, which is dangerous.

Chair Satre said this is an example of looking at site-specific conditions to come up with a way to make the project work. The Commissioners know they have the 50' streamside setback established to protect certain habitat resources in Juneau, but it causes problems. Therefore, when they are able to take the time to contemplate site-specific solutions such as this and come to an agreement, but this consists of many conditions for them to come to a solution that would work.

There being no objection, it was so ordered and VAR20120004 was approved as revised by the BA.

Chair Satre adjourned the BA, and re-convened as the PC.

IX. REGULAR AGENDA – (Continued) Heard out of sequence

CSP20120003

A City consistency permit for the renovation of Auke Bay Elementary School.

Applicant: Catherine Wilkins, CBJ Engineering

Location: 11860 Glacier Highway

Staff report/Public testimony/Commission discussion already heard.

Staff recommendation: That the PC adopt the Director's analysis and findings and recommend approval of the Auke Bay Elementary School renovation project with the following improvements:

1. The existing bicycle rack should continue to be used, or replaced, and located in a covered area,
2. Anti-Idling signs shall be placed along the driveway where students would be dropped off/ picked-up, and
3. Use ladder striping where the entrance driveway intersects Glacier Highway.

Advisory Condition

1. Associated variance (VAR20120004) must be approved or have the project be re-designed to comply with the 50-foot habitat setback.

Commission action

MOTION: *By Mr. Bishop, that the PC adopts the Director's analysis and findings and recommends approval of the Auke Bay Elementary School renovation project with the improvements per the staff recommendation, as presented, subject to the outlined conditions.*

There being no objection, it was so ordered and CSP20100003 was approved as presented by the PC.

CSP20120008

Review of CBJ Draft CIP for FY13 – FY14.

Applicant: CBJ Community Development

Location: Boroughwide

Ms. Lawfer stated that for the record she has a potential conflict of interest in regards to expenditures for Bartlett Regional Hospital, and in her position as a Certificate of Need Coordinator for the State of Alaska. This is in relation to her recommendation to the State Commissioner for the actual building of and scope of services for those two in her capacity, not necessarily the funding. Chair Satre stated that the PC's role in reviewing the draft CIP is to provide recommendations, which is not a final action of any sort. He appreciates Ms. Lawfer informing the Commissioners of her potential conflict of interest, but unless there are objections from other Commissioners he believes it is perfectly acceptable for Ms. Lawfer to continue on, to which the other Commissioners nodded their agreement.

Staff report

Ms. McKibben stated that Commissioner Marsha Bennett provided comments via email as a Blue Folder item to the PC, dated March 23, 2012. This is an annual review of the draft CIP. Last year, the PC recommended an addition and high prioritization of the Seawalk and OHV Park, which were incorporated into the list and remain as high priority projects on this year's list. She cited how the draft CIP is organized and rated from the report, and into what categories. Staff reviewed the CIP projects for consistency with the Comp Plan and there are several pages of policies listed in the report, along with Implementing actions, and Standard Operating Procedures for which they found the listed projects to be consistent.

Mr. Haight said the Juneau Commission on Sustainability was mentioned in regards to funding and/or taking action towards energy efficiency facilities, so he asked if the draft CIP addresses

this. Ms. McKibben said no project in the draft CIP specifically relates to a sustainability fund, but a number of projects relate to the Sustainability chapter of the Comp Plan. There are energy improvements to some of the facilities, including line items to enhance the recycling program and wood chipper, which are items that currently come to mind.

Mr. Medina referred to page 1 of the draft of the Resolution for the CIP and asked if the PRISM - Core Financial System Replacement Lease relates to financial software; Ms. McKibben said she thinks so; Mr. Medina said it looks awfully expensive.

Public testimony

Nancy Waterman, 227 Gastineau Avenue, said she appreciates the work that goes into reviewing the draft CIP list, especially with it being common with the goals of the Comp Plan. She is familiar with the fact that Alaska Housing Finance Corporation (AHFC) has conducted audits on at least 14 CBJ buildings and found opportunities in the near future to take advantage of loan programs through the state via the AHFC. She thinks that feeds into how they should look at opportunities when they put together a draft CIP list, i.e., Centennial Hall in FY13 is where it lists Roof Repairs, but this draft CIP list would also have to be reviewed again in FY14 where it lists Plumbing and Bathroom Repairs. If they were to continue on to review the remaining 6-year program, there are other repairs listed as well so she thinks that minimally they should change "Roof Repairs" to "Roof Repairs, Plumbing and Bathroom Upgrades" to call attention to the fact that there has been an energy audit conducted. Therefore, in terms of Centennial Hall, they should be looking at the whole opportunity of energy efficiency in order to improve that structure to the point that it practically becomes a new building having energy savings for 30 years, not just the roof, but all the ways that the building could more-efficiently function. In addition, Policy 6.12 Energy Efficient Buildings is the policy that is common in regards to this per the Comp Plan. Another project is the improvement to Capital Transit maintenance facilities. She doesn't have a description for all that would involve, but she can't imagine that it doesn't involve energy efficiencies. In addition to Policy 8.2 Alternative Transportation, they should include Policy 6.12 Energy Efficient Buildings of the Comp Plan in relation to this. The new Mendenhall Library building at Dimond Park is where they are contemplating this as well, and once again she doesn't have the details regarding that, but she can't imagine that they would move forward without compliance to Policy 6.12 Energy Efficient Buildings per the Comp Plan. She thanks staff for the effort they put into reviewing the draft CIP list, and then presenting it to the PC for compliance with the Comp Plan.

Chair Satre said he appreciates former Commissioner Ms. Waterman for bringing these items to the PC's attention. He explained that when he first viewed the draft CIP list he was looking for the items, e.g., the PRISM system that did not have a Comp Plan policy number provided, certainly deferred building maintenance could be a whole number of things, including numbers of items that were assigned as being N/A, so it may be appropriate for staff to include the policy in relation to energy efficiency draft CIP line items per the Comp Plan to those projects as well.

Ms. Waterman said she believes they have opportunities moving forward to review these building audits to ensure certain projects are on the draft CIP list, so any feedback they could provide to decision makers on that point is important.

Mr. Bishop said he has and continues to feel that in many ways the West Valley, e.g., Wren and Steelhead Streets that are chip sealed and not paved are rapidly deteriorating, including that his vehicle bottoms out on one of the streets when he drives to his sister's house, which are

underserved in street repairs relative to downtown and other areas of the borough. The PC should continue to place pressure on the City to complete reconstruction on some of those streets. Chair Satre said this underscores comments Commissioners have previously made about being involved earlier on in this draft CIP review process, which would take an effort on the PC's part to work with staff to ensure they are tying into what Mr. Watt is doing while he is constantly reviewing the draft CIP in terms of long-term schedules versus what the PC normally reviews. Therefore, getting street repair concerns or whatever projects the Commissioners foresee as potential priorities that fit within the goals and objectives of the PC per the Comp Plan should take place from now until a few years out; rather than reviewing a similar draft CIP on an annual basis like this just prior to final approval for the upcoming FY.

Mr. Watson stated that he is pleased to see that the Eagles Edge Subdivision project would be moving forward, and he assumes this is for water and sewer in FY13.

Mr. Watt explained that the Eagles Edge Subdivision relates to a water issue because the existing water main was build so it runs under the homes and is currently maintained by homeowners, but the sewer system was installed in the street and is maintained by the City. This would be a multi-year project, consisting of about \$2.5 million. Mr. Watson asked if the sludge incinerator has gone by the wayside. Mr. Watt said the incinerator is down, and they are attempting to find economical solutions that meet policy concerns, so the material continues to be shipped and landfilled. Mr. Watson said a new or replacement incinerator was not included in the draft CIP list. Mr. Watt said there is a funded project to study the issue, but they have not yet come to an immediate conclusion.

Mr. Miller asked if planning projects are being sought for development of the Pederson Hill area. Mr. Watt referred to page 4 of the FY13 Temporary 1% Sales Tax Priorities, stating that the City funded a variety of sewer extension and land development projects with those revenues by completing a sewer extension to North Douglas properties between the Juneau-Douglas Bridge and Bonnie Brae Subdivision, including running sewer up the hill on Glacier Highway. They recommended that leftover funds be used for three in-fill projects, with the first being the Pederson Hill land, which has a completed study report, cost estimate, and development possibilities conducted by DOWL Engineering. The second being the Switzer Creek area for lands between the DZ School and in the area at the end of Mountain Avenue, and that study is nearing completion by R&M Engineering. The third being a concept to connect West Juneau to North Douglas via a second Kowee Creek Crossing above the current route to provide high-pressure water to North Douglas and secondary access for the existing West Juneau and North Douglas neighborhoods, including to help encourage development in those areas by a concept being completed by US Gage. The question is going to be where and how the City should prioritize spending those funds, and the draft CIP shows \$1.8 million being allocated to the Switzer Area land, and \$1.8 million for the West Juneau-North Douglas Connection project also with additional funds that have already been appropriated as well. Some of these concepts are being managed between the CBJ Lands and Resources and Engineering, with the intention to bring them forward with as close to an "apple-to-apple comparison" as possible.

He offered to editorialize Ms. Bennett's comments presented as a Blue Folder item. He will not comment on the projects she was happy to see. She is questioning the funding for the snow storage facility, which he believes is referencing the Airport Snow Removal Equipment Facility that has long been in the planning process, which is a Federal Aviation Administration funded project. This consists of a large steel warehouse to keep the equipment under cover and out of

the elements to prolong its life and improve operations. She comments on whether the City should fund library construction at Dimond Park. There are a suite of project proposals the Assembly is considering for the upcoming Temporary 1% Sales Tax renewal, including many contending projects, with the library construction at Dimond Park being one of them, which would take a separate process than the six-year draft CIP. She mentions that there was an inadequate prioritization of recreation opportunities in the DZ neighborhood, which is an area that should be much higher on the priority list for new parks, trails, and maintenance. He believes there is some truth to this, but they recently completed the DZ covered play area next to the school so he does not think the neighborhood has been neglected. The other reason is that the DZ projects listed would essentially be new facilities for the neighborhood, and CBJ Parks and Recreation has prioritized maintenance for their existing facilities throughout the borough, and their list of maintenance needs is much greater than the amount of money being annually allocated to them. CBJ Parks and Recreation has also proposed a package for inclusion in the upcoming Temporary 1% Sales Tax renewal project list because they would like to do a series of area wide park projects so he believes some Lemon Creek projects are on that list as well. She mentions funding for waste programs, and he explained that there are ongoing negotiations between the City and Waste Management about expanding and improving the Recycling Center, which has been delayed by Arrow Refuse's proposal to conduct curb side recycling, and that has been a long and ongoing conversation. There are funds to complete improvements to that facility, including discussion about advancing the recycling program in a variety of ways, and the user fees from that program could fund these.

Mr. Chaney stressed that the PC is not limited to this moment in time to comment on draft CIP projects. Should the Commissioners contemplate any potential draft CIP projects in the future, he requests them to inform staff of those throughout the year. Mr. Watt explained that in accordance with the City Charter they are required to complete a six-year planning process, which includes goals and aspirations of the City departments for those ensuing years, and concurrent with this is that they fund the first year of projects. As Mr. Bishop commented when he mentioned that streets in a particular sections in the West Valley have been neglected, the PC certainly could comment, but the Mendenhall Loop Road neighborhood streets ought to have a paving project included somewhere in the list of CIP projects as being a priority so those are added into the draft CIP. That type of comment is completely appropriate, so if there are projects missing now would be a time to provide this type input or throughout the year. He collects all those comments, so when they are in the process of reviewing the new 6-year draft CIP is when he forwards them onto the City departments for their consideration and possible inclusion. Chair Satre thanked Mr. Chaney and Mr. Watt, explaining that quite often the Commissioners have commented that they have wished they had more input in the review of the draft CIP process, but he believes they tend to lose track of this throughout the remainder of the year. However, he intends to work with the CDD staff when Mr. Watt emails various City departments to start accumulating potential projects for inclusion into the annual draft CIP list for discussion by the PC on a regular basis.

Mr. Miller said from Long Run Drive through Riverside Drive to the river is where ditches are currently pooled with water, which have to be sloped in the direction of the river so this is a priority project to include in the draft CIP list.

Public testimony was closed.

Commission discussion/Staff recommendation/Commission action - Provided throughout public testimony

X. BOARD OF ADJUSTMENT – Heard out of sequence

XI. OTHER BUSINESS - None

XII. DIRECTOR’S REPORT

CDD Director’s resignation

Mr. Pernula announced that he resigned his position as the CDD Director, with his last day being April 25, 2012. Chair Satre interjected stating that he is sure he and Mr. Pernula would chat more, but he is sorry to hear this and appreciates Mr. Pernula’s service. When he first started serving on the PC, Mr. Pernula informed Commissioners that he had been here a couple of years, which was historically much longer than previous CDD Directors. Mr. Pernula said he has been working for the City for 10 years and four months, but he has now accepted a position in another state, although he would attend two upcoming PC meetings. Mr. Chaney said he spent time trying to talk Mr. Pernula out of resigning, and he encourages the Commissioners to do the same.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Chair Satre commented that the report was already provided regarding the last WRB meeting.

Mr. Watson said the next Public Works & Facilities Committee (PWFC) meeting would be held on April 2, 2012.

[The February 27, 2012 PWFC meeting minutes, and February 27, 2012 Assembly Lands Committee meeting minutes were provided by staff to the PC for their perusal.]

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Medina referred to the Consent Agenda item CSP20120006 in relation to the Juneau Hunter-Education Facility, and noted that the last sentence on page 2 of the report states, “...ADF&G has not planted the required trees along the western property line, adjacent to the D-3 zoned gravel operation,” and asked staff why this hasn’t been done. Ms. McKibben apologized, stating that it is actually on the “eastern” property line and the applicant for that case is the Juneau Gun Club, not the ADF&G. However, conditions were provided in the CUP, USE2001-00038, requiring that trees be planted, which would probably have to be follow-up on by the Enforcement Officer when the snow melts in order to verify this. Mr. Medina stressed that he wants staff to ensure that this is done. Chair Satre stated that should they ever do anything with that gravel pit, as they have seen some proposals in the past to do so, they have to continue to be very cognizant of these types of interactions in regards to development in that area. Mr. Chaney explained that he was the Planner on the initial case, and this is actually on a different lot than the one the Juneau Gun Club leases who are not involved with the area where the trees were planted, so there is no nexus to connect the two. Mr. Miller said he initially was going to request to have this case removed from the Consent Agenda, but Ms. McKibben was able to provide him with clarification beforehand. Even so, when that Juneau Hunter-Education Facility was constructed the trees were removed so the noise tripled from the Juneau Gun Club, which emanates to the nearby subdivisions to the east of that area that caused a huge impact. When he viewed the first drawing

in the report it looked as though even more trees were going to be cut down in a direct line, but he found out that was not the case; rather they doing so in a different direction. What Chair Satre just said is true, so planting the trees sooner rather than later would be best.

Mr. Watson referred to the minutes of the last WRB meeting, stating that they state, “the Board this” and “the Board did that,” so it disturbs him that specific names of members, e.g., speaking against or supporting motions was not provided. The method in which those minutes are written makes it almost look as though there was Board consensus, but he does not think that was the case. Mr. Miller said Sandra Firestack no longer prepares the WRB meeting minutes. Mr. Watson said another board of the City took the same approach, and the Assembly called them on ensuing minutes, so they might pass that on. Mr. Miller said there was a lot of discussion by the WRB at that meeting on the Auke Bay Elementary School renovation project because the applicant did not wish to revise their documents and cost so they requested a variance, but there is a tone to those minutes that is much different than what happened in person at the WRB meeting. Mr. Watson said it bothers him because he thinks it’s important for the PC to know when the WRB members are actually making comments. Chair Satre added that it’s important for the Commissioners to know, e.g., if Mr. Miller or Dr. Koski made specific comments because they might have very different points of view. Mr. Miller said he doesn’t know if it was due to budget constraints so Ms. Firestack is no longer providing the WRB minutes, but those previous minutes were definitely a lot clearer. Mr. Medina said a staff member took the minutes of the last WRB meeting, but he can understand Mr. Watson’s concern because he honestly does not have any problem putting his name out there, noting that he was probably the most negative and vocal person at the last WRB meeting to which he was serving as its newest member. Chair Satre requested staff to pass this on to the WRB.

He informed Mr. Pernula that he would not be available to sign any Notice of Decisions the rest of this week, so if Mr. Watson is available to do so in his absence that would be great.

XV. ADJOURNMENT

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

There being no objection, it was so ordered and the PC meeting adjourned at 10:45 p.m.