

MINUTES

**PLANNING COMMISSION**  
CITY AND BOROUGH OF JUNEAU  
Michael Satre, Chair

REGULAR MEETING  
April 24, 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, Marsha Bennett, Nicole Grewe, Dan Miller, Dennis Watson, Michael Satre

Commissioners absent: Benjamin Haight

A quorum was present.

Staff present: Dale Pernula, CBJ Community Development Department (CDD) Director; Greg Chaney, Laura Boyce, Benjamin Lyman, CDD Planners

**II. APPROVAL OF MINUTES**

March 27, 2012 – Regular Meeting

**MOTION:** *By Mr. Miller, to approve the March 27, 2012 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**

[Nicole Grewe and Marsha Bennett arrived at the PC Meeting at 7:02 p.m.]

**IV. PLANNING COMMISSION LIAISON REPORT**

Carlton Smith, Assembly Liaison to the PC, stated that the Assembly continues to work on the budget, and they now have scheduled weekly meetings. As a result of the Montana Creek decision [SGE20110003 for a gravel extraction on Glacier Lands Lot 1], he is of the opinion that heightened interest and focus have been placed on elements of the PC's decision, which is very positive, but focus is also being given to the process, although most of all for an appreciation for the PC's expertise.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

## **VI. CONSENT AGENDA**

Chair Satre announced that one item is on the Consent Agenda, and inquired if there is public comment on it. No one from the public had comments, and no one from the Commission had questions.

**MOTION:** *By Mr. Watson, to approve the Consent Agenda, as presented.*

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

### **USE20120004**

A Conditional Use permit (CUP) to install a 150-foot tall monopole.

Applicant: WesTower Communications

Location: 12364 Mendenhall Loop Road

**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 150-foot tall monopole with accessory structures, subject to the following conditions:

1. Prior to issuance of a Building permit, the applicant shall submit to the CDD's planning staff for approval, dark green or brown powder coat color samples to be used for the monopole and all accessory structures.
2. Prior the issuance of a Building permit, the applicant shall submit a letter to the CDD from a radio frequency expert indicating the structures comply with electromagnetic radio emission levels set by the Federal Communications Committee (FCC).
3. Prior to issuance of a Building permit, the applicant shall submit an approval from the Federal Aviation Administration for the 150-foot tall communications monopole.
4. Prior to receiving an Occupancy permit, the applicant shall submit a letter to the CDD from a radio frequency expert indicating the structures as constructed and at optimal emission levels comply with electromagnetic radio emission levels set by the FCC.

Chair Satre revised the Agenda to hear Considerations of Ordinances and Resolutions following the Regular Agenda; to which the PC agreed.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - Heard following the Regular Agenda

**VIII. UNFINISHED BUSINESS** - None

## **IX. REGULAR AGENDA**

### **CSP20120004**

A City project to convert a portion of Shattuck Way, located between Municipal Way and Front Street, to a pedestrian way, thereby eliminating parking and through traffic.

Applicant: City & Borough of Juneau

Location: Shattuck Way

Staff report

Laura Boyce stated that the request is on behalf of the Miner's Mercantile building owner, RH Rentals, to close a portion of Shattuck Way between Municipal Way and Front Street to vehicles to create a pedestrian way. They would also like to be able to use the doors along Shattuck Way of the Miner's Mercantile building, including protecting that structure from further damage by vehicles and snowplowing during the winter. The seven on-street parking spaces would be eliminated. Two new parking spaces could be created elsewhere, which she'll discuss later. The owner would like to build steps at every other doorway area along the Shattuck Way building facade. Removable bollards or some other type of barrier device would be installed at each end of north Shattuck Way to allow for intermittent access by delivery trucks and emergency vehicles. The owner spoke to the CBJ Public Works and Facilities Committee (PWFC) who stated that they are generally in support of the proposal, and they requested staff to review it, which is why staff presented this case to the PC.

She displayed a slide of north Shattuck Way. She displayed a sketch the applicant submitted of how Shattuck Way could be improved, noting that the orange areas are where parking spaces could be created, purple areas denote where stairways from the doorways of the Miner's Mercantile building facade could be constructed, and the green areas are where planters could be placed. She displayed a photograph of Shattuck Way facing north towards Front Street, which shows the narrow width of Shattuck Way with parallel parking on the left as well as one-way traffic on the right. She displayed a photograph of a view facing towards Front Street further down Shattuck Way. She displayed a photograph of a view of the intersection of Front Street and Shattuck Way, which has a blind corner where vehicles have to pull up at the end of Shattuck Way before drivers are able to view pedestrians. There is a traffic mirror posted to aid in viewing vehicles/pedestrians, but it is still an unsafe corner as the CBJ Public Works Director noted in the report. She displayed a photograph of the wooden bumper along the facade of the Miner's Mercantile building, which the owner installed to help protect it from vehicles. She displayed a photograph taken from south Shattuck Way that shows the Emporium Mall on the right, City Hall on the left, the City Annex building straight ahead, and noted that 13 parking spaces are along this portion of roadway. The applicant supplied photographs in the report, which she displayed on the screen showing damage to the building due to snowplowing efforts during the winter. In the winter when the City plows snow it is pushed up against the building, which results in damage to the wooden bumpers. She provided the Tide Lines Addition Plat, which shows that Shattuck Way is approximately 19'.2" in width. She provided an illustration of traffic within this area of downtown, and the arrows show which way traffic flows. If this portion of Shattuck Way was closed to traffic it could only flow onto Municipal Way, and then onto Marine Way. She provided a 45-second sped-up video of traffic along Shattuck Way taken last Friday between 4:20 to 5:05 p.m., which shows a majority of vehicles turning left onto Municipal Way, and the few vehicles that continued on through to north Shattuck Way were doing so to access parking in that area.

Staff conducted parking counts along Shattuck Way in response to this proposal. For two months staff collected 53 parking counts along the southern portion of Shattuck Way, including Municipal Way, Front Street, and the northern portion of Shattuck Way (pages 5-10). She cited portions of page 7 of the average occupancy rate of parking spaces for counts along Shattuck Way by time of day since mid-February 2012. As part of the Parking Management Program, the CDD staff collected parking counts since April 2010, and she displayed a map illustrating the segments of roadway. The south Seward Street and Front Street segments were added to the survey area in March 2011, and in May 2011 the parking meter system went live. By studying these areas, staff was able to determine how parking behavior has changed as part of the parking

management system. Since they have two years of data, they looked at the three segments closest to the south Shattuck Way proposal, and she cited that portion of the average occupancy rate shown per the tables in the report. She explained that this data shows that if spaces are eliminated along north Shattuck Way, there is availability in the area to absorb lost parking spaces.

She provided a sketch of the north Shattuck Way Market from the CBJ 1983 Downtown Street Improvements Design Study. Those plans have been discussed since the early 1980s. The previous owner of the Miner's Mercantile redesigned the building to construct the doors along the north Shattuck Way facade, which was in anticipation that some day the City would move forward with those plans to close off north Shattuck Way because this has been talked about for many, many years.

CBJ staff is generally supportive of the proposal. The Streets Superintendent, Ed Foster, commented that maintenance is problematic along Shattuck Way due to its narrow width. Fire Marshall Dan Jager had no concerns, although if there were issues the emergency vehicles could go against traffic on Front Street. The Public Works is hesitant to lose parking. AEL&P has utilities in the street so they would like to continue to have access to the roadway, and if removable bollards are in place they would.

Staff finds that the proposed project generally complies with the CBJ Land Use Code and applicable plans. The closing of north Shattuck Way would create a safer situation for pedestrians at the intersection with Front Street, as well as to further limit damage to the Miner's Mercantile building. By placing some kind of removable barrier at either end of the street, then intermittent access for deliveries, maintenance, etc. could be achieved. Closing off this portion of the roadway would create a pedestrian way that was visualized for the area, which has been discussed since the early 1980s. While the loss of parking on north Shattuck Way isn't ideal, at least two additional spaces could be created at the closed off segments; realizing a loss of five spaces overall. The parking study data shows other nearby options for parking with availability. Staff recommended seven conditions, which she cited (page 16 and 17).

Mr. Bishop stated that when the City came up with the sketch of the Shattuck Way Market from the 1983 Downtown Street Improvements Design Study, he asked if the extension was to be provided all the way through Shattuck Way or just the northern portion. Mr. Chaney said the plans show that the covered area is basically along the Miner's Mercantile facade and does not continue on, i.e. to City Hall or any other buildings. Mr. Bishop asked if Sealaska has any interest in this proposal in relation to their future development. Ms. Boyce deferred to Sealaska Heritage Institute Chief Operating Officer (CEO), Lee Kadinger. She explained that Sealaska's current design plan doesn't take into account the closure of north Shattuck Way. They intend to begin construction in March of 2013, which is when they still would need to close a portion of north Shattuck Way.

Mr. Watson asked staff to describe the evaluation criteria of the project at the end of the three-year time period. Ms. Boyce said staff would review the project and present it to the PC again as a CSP for a recommendation to be presented to the Assembly. Mr. Watson asked how staff intends to establish such review criteria to determine whether it is/is not working after the three-year timeframe. Mr. Chaney said staff did not want to provide a rigid set of criteria at this time and potentially miss something, but staff and the PC would review the project in three years to determine if there have been any problems that need to be solved, or possibly reverse the whole

idea, which would provide them quite a bit of latitude. Mr. Pernula said he anticipates staff and the PC will be reviewing the project holistically to determine what positive benefits might stem from it, and what negative attributes might have occurred as well. It is possible that the parking percentages of spaces occupied might be higher than they are now, so those vacated parking spaces might be needed later on. On the other hand, this area could become very popular so pedestrians might want to keep it open, which is part of the reason for requiring an evaluation.

Ms. Grewe said she sees a lot of positive rationale for making north Shattuck Way a pedestrian-only roadway, but they would be limiting public access for vehicles. The staff report states that Richard Harris who is the owner of Miner's Mercantile requested this proposal. While she thinks stairwells and planters are definitely needed, she would like to see the full vision realized. Therefore, she requests staff to explain that if this area becomes covered in the future if that would be the borough's responsibility and expense, as she hopes in the long term they are able to achieve more than just stairwells and planters. Ms. Boyce said that's the temporary vision of the road while they figure out whether this proposal would work. The Fire Department is not in support of any type of covering due to emergency equipment access. The PWFC said they did not anticipate the City spending any funds on this project.

Mr. Miller said the Downtown Business Association (DBA) provided a letter saying that they generally are not in favor of the proposal, but the last sentence states, "that Commercial Signs and Printing be contacted to assure that truck deliveries can be accommodated." He asked staff if this was done. Ms. Boyce said she spoke with the owner, Daryl Miller, who stated that it would be tight but the trucks could make it by turning into Municipal Way and then backing up into his parking area. The trucks tend to be in that parking area for about 15 minutes to unload, and then leave so he did not anticipate this posing a big problem with north Shattuck Way being closed, and he is rather supportive of the proposal. Mr. Miller referred to the south Shattuck Way photograph, pointing out the area where staff said only one parking space could be created on Municipal Way. In the first parking space it measures 19.2' wide, so he thinks they could make two parking spaces by possibly moving the handicap space over to the other side similar to the way the other spaces are laid out. Ms. Boyce said staff could look into this, noting that the existing parking spaces in that area are angled so they would have to assure sufficient back-out area is provided for the end parking space. She deferred to Mr. Harris regarding his plans in this area of his building that might impact parking spaces being created there. Mr. Chaney commented that if parking spaces were installed along that side of Municipal Way, it would be difficult for pedestrians to gain access to north Shattuck Way.

Ms. Bennett commended staff on the report, which is very thorough. As a businessperson, she understands some of the concerns of business owners in the downtown area. Additionally, from her planner's side, when she views streetscapes and city plans across the country, what appeals most to her about this proposal is that it would be pedestrian-friendly and most of the downtown area at this time isn't, except in the South Franklin Street portion. If they have a lot of tourists entering greater downtown from the South Franklin Street area they would access the Seawalk on one side, and then on the other side provide a pedestrian walk-through in other parts of town so it's more friendly for people on bicycles and those who are walking, which seems to be a plus for the project. She is unsure whether the issue of Sealaska's construction is very clear because the recommendation states, "If construction occurs on Sealaska's vacant lot located along Shattuck Way, a pedestrian path must remain open and be maintained on Shattuck Way for safe pedestrian travel for the duration of the project." She explained that this is not an aspect that would be required by the applicant because pedestrian access would be on the opposite side of

the subject roadway, so that statement should pertain to Sealaska instead. Mr. Chaney said the proponent is the owner of the Miner's Mercantile building, but this is a City right-of-way (ROW) so this is a recommendation to the Assembly for how they intend to manage that ROW. There is obviously more than one party involved, and Sealaska is a major property in the area that would be impacted by the proposal. The recommendations are for how to maintain the ROW, which is somewhat awkward because they do have the owner of the Miner's Mercantile, Mr. Harris, bringing this proposal forward, but it's for everyone, which is why it was worded the way it was.

Mr. Watson referred to page 4 of the report, stating that it refers to City plans and discussions in 1996-1997, which appear to be a vision from quite a while ago so he wonders under what premise the developer went ahead and placed doorways of the Miner's Mercantile building in the facade facing Shattuck Way, which was probably that he was expecting the City to give up that ROW. Mr. Chaney said he was with the CDD when those earlier discussions took place, and the building owner took a gamble because it looked as though such plans were going to move forward, but there was no binding agreement provided in writing that he is aware of.

Mr. Medina asked if the Miner's Mercantile property line ends right at their building along north Shattuck Way; Ms. Boyce said that is correct. Mr. Medina asked if insurance claims have been submitted for snowplowing damages to the Miner's Mercantile building; Ms. Boyce said she does not have that information. Mr. Medina said he understands the concern for the potential loss of parking spaces, but north Shattuck Way is a very narrow street. Every time he drives his short-bed truck through that area he is sorry that he did, but then he was already committed so he was forced to continue on, although he does not know how larger trucks with longer beds maneuver around the tight corner off of Shattuck Way onto Front Street.

Chair Satre said Mr. Chaney brought up a good point, explaining that normally the PC would have the applicant provide public testimony first, and then they would hear from others who wish to testify, and the applicant could rebut. However, this is a City ROW and project, so he asked if a member of the CBJ is present to act as the applicant and provide public testimony. Ms. Boyce said the Miner's Mercantile building owner, Mr. Harris, is present in the audience. Chair Satre said Mr. Harris is an adjoining private property owner, not the applicant because he does not own the ROW. Ms. Boyce agreed, and staff is acting on the City's behalf. Chair Satre said it's very odd that the PC has a situation such as this, and asked if the Commissioners prefer treat Mr. Harris as an applicant or simply as an affected party because the applicant has the right at the end of public testimony to rebut so this is a slightly different scenario. Mr. Watson said it would be appropriate for Mr. Harris to participate as an interested party just as the normal public might, but it would be his choice whether he wishes to provide public testimony either first or last. Mr. Miller requested a brief at-ease.

**BREAK:** 7:36 - 7:39 p.m.

Chair Satre apologized to those in attendance for this procedural issue. In this case, this is a City project review, and the PC is not making a final decision tonight. Mr. Harris has been the proponent of this action with the City, and the PC will treat him as an applicant to provide opening public testimony, the PC would hear from the public, and then Mr. Harris will have a chance to rebut at the end of public testimony on this case.

#### Public testimony

Richard Harris, PO Box 32403, Juneau, said he is the owner of the Miner's Mercantile building.

Chair Satre interjected, stating that it was just brought up by a fellow Commissioner that in order to treat Mr. Harris truly as an applicant the PC would have to suspend the rules, which requires a motion that would have to be approved by over six members. Alternatively, they could start off public testimony by Mr. Harris who would have one chance to explain his proposal, the PC could ask detailed questions of him, and then move on with public testimony. Ms. Lawfer said Mr. Harris is an adjacent landowner to this decision, so the question is whether he would be able to work with the recommendations that the PC ends up providing to the Assembly. Mr. Harris interjected, stating that if it simplifies matters he could provide testimony at the end of the public testimony process. Chair Satre said he entertains a motion to suspend the rules in which the Commissioners could explain how they are going to treat this hearing on this case, or they could simply note that the applicant, the CBJ, is not here and move onto public testimony; no motion to suspend the rules was provided. Chair Satre said the PC will move on to public testimony seeing that they do not have the applicant in attendance. He apologized once again for this procedural issue, and requested Mr. Harris to take a seat in the audience for the time being. He explained that the applicant being the CBJ, the owner of the ROW, is not here so they will open it up to public testimony, which is on a first-come, first served basis.

Daniel Glidmann, PO Box 240713, Douglas, provided a letter just prior to the PC meeting for Mr. Chaney to hand out to the PC and staff. He is representing the Goldstein Improvement Company and Merchants Wharf. He is in opposition of the proposed closure of the north Shattuck Way project. Before he reads his letter into the record he would like to state that the parking count Ms. Boyce described was taken over a two-year timeframe, but there are many times that those parking spaces were 100% occupied in the video, and therefore staff provided a skewed system using averages. He has continuously worked in downtown Juneau for 37 years, and that real-time experience counts for a bit more than two years of averaged parking counts. He manages well over 100,000 square feet of office and retail space that would be adversely affected by this proposed closure. Eliminating these spaces for the benefit of one property owner is patently unfair. Merchants Wharf and the Goldstein Improvement Company have spent millions of dollars improving downtown Juneau. On-street parking is critically important to all their tenants. For those Commissioners not familiar with the Goldstein Improvement Company, the Goldstein family owns the entire city block surrounded by Front, Main, Second, and Seward Streets, including the property from Heritage Coffee on Second Street to the Subway establishment and Digital Photograph shop. If any of the Commissioners have frequented downtown Juneau in the past couple of years, they should have noticed that they have spent a lot of time, money, and energy making dramatic improvements. They take credit for almost single-handedly improving Seward Street by increasing rent revenues and traffic is up, which has been no small task and is a credit to the Goldstein family. He has managed the Merchant's Wharf building for 26 years, and he knows that parking is critical. The parking plan for downtown is now working very well, and he was a proponent of the Downtown Parking Garage and rents three annual spaces. Last year he spent nearly \$3,000 for those parking spaces because of the projects they have, which included building their own parking lot on the corner of Front and Main Street. A stated directive of the Downtown Transportation Center (DTC) parking plan was to free up on-street parking, not eliminate it. He is opposed to any loss of on-street parking spaces. These spaces are the "money seats" like the seats at a bar where people come to spend money. The parking spaces in the parking garage are great, which were designed to free up on-street parking, and he received a fair amount of negative feedback at the loss of Main Street parking. He believes the dollar value due to the convenience of these spaces has not been accurately quantified. There are only 14 parking spaces on Seward Street from 3<sup>rd</sup> to Front

Street; approximately seven on each block. The reaction he would get if he requested to eliminate one entire block of parking is that he would be laughed out of the CDD Permit Center. This proposed closure is approximately 60 paces from Seward Street so they should also be considered an adjacent property owner to this proposal. It is premature to approve this closure prior to the completion and approval of Sealaska's plans. It's also premature to allow any construction within north Shattuck Way prior to completion of Sealaska's project. Shattuck way is a valuable and viable alternative for parking in the busy summer months. He drives a dually pickup truck and uses this alternate route regularly when circling Front, Main, Second, Seward, Marine and Shattuck Streets in search of valuable short-term and on-street parking. The seven parking spaces are even more valuable during the Legislative Session when the first three floors of the Parking Garage are fully occupied. When those three floors are fully occupied, there is no place to park on the street much of the time during the day. The Miner's Mercantile remodel, when it was converted from Lyles Hardware, was ill conceived. Consideration of snow removal should have been a priority when that previous remodel was designed. Downtown merchants, shoppers, residents, and office staff should not be asked to pay the price of poor planning by the loss of valuable short-term parking. The damage that Merchants Wharf endures every winter from the State of Alaska snowplowers on Egan Drive is the cost of doing business in Downtown Juneau so they deal with it. The City is bringing in over a million tourists to downtown now so those revenues should help with some of the repairs. He requests the PC to not minimize the importance of this issue or take it casually because those parking spaces are extraordinarily valuable to everyone downtown. He thanked the PC for their careful consideration.

Paul Thomas, 9040 Ninnis Drive, said he owns the Alaska Cache Liquor in downtown, and is a member of the DBA. Chair Satre requested Mr. Thomas to clarify when he is speaking on behalf of the DBA, versus as an individual. Mr. Thomas stated that DBA submitted comments to the Downtown Historic District Review Committee. The DBA also held a meeting and they are not in favor of this proposal because of the loss of parking, as CBJ has been working for years to increase the parking in downtown. The City recently installed new meters and the Parking Garage, so to take away seven parking spaces seems ridiculous since they have been fighting so hard for more parking for many years. Lighting is also an issue that was mentioned by the DBA, but the subject area is already a pedestrian way because people walk through there all the time. Security was another concern of the DBA, so if this is moves forward then security has to be provided by the applicant of the Miner's Mercantile building. The City has been removing 'idealistic' covered walkways for years. They started with the covered structure on Front Street that housed the bus stop, and then removed the other one on the corner of Front and Franklin Street. The City just removed structures in Marine Park as well because they are trying to curtail security issues, which are what these types of structures become, and therefore this proposal would add to those security problems. The DBA discussed the Miner's Mercantile building owner compensating the City for lost land value because this proposal would provide a direct bonus to him. He personally resents the fact that this is being presented as City project, but it's not because the building owner presented it. The design discussions for this area started back in the early 1980s by the City, but that proposal was not brought forth as a City project. In regards to new stairways and benches, the DBA is not in favor of those types of items being added in regards to this proposal due to potential security issues as well.

As downtown landowner, he believes parking is a huge issue. He has served on many parking committees and they have lost and gained parking, but they are now in fairly good shape with new parking meters moving the long-term on street parking to the Parking Garage, but they still have issues with patrons that want to gain closer access to businesses who can't find parking



spaces, and therefore eliminating seven more spaces doesn't make sense. The video staff provided tonight showed that the subject area was close to 100% occupied with parking, and only one car at a time was driving out of the area a couple of times so this area does not have disposable parking spaces. He is not permitted to place a bench on the sidewalk in front of his establishment per the code, but with this proposal the PC would be giving this building owner almost unlimited access, which would be a huge financial benefit. He thinks the current proposal by Sealaska to construct a three-story building would block this area from being a nice and sunny pedestrian way, which would end up being a dark alley. Therefore, this area would probably still be great for parking, but they have to wait to see what the outcome of the new Sealaska building would actually be before closing this area and turning it into a pedestrian way that might not be used at all. Right now that area is already being used as a pedestrian way, so they don't need to take away parking now to continue to provide that type of access.

Ms. Bennett said Mr. Glidmann suggested that those are "money seats" when he referred to the seven lost parking spaces, so she asked if the people that tend to park there frequent Mr. Thomas' establishment as well. Mr. Thomas said yes, which is even though his business is further around the corner because people tend to circle around the block continuously seeking parking spaces to get closer to the businesses they intend to visit. The further those people are pushed away the less business they get so it is a "money seat" not just to the adjacent buildings to the subject site, but this also includes the businesses all the way around the corner to South Franklin.

*Lee Kadinger*, One Sealaska Plaza, Ste. 301, CEO of Sealaska Heritage Institute, said they want to be a good neighbor, which was the original reason for filling in their lot to beautify it in the short time period even while knowing they would have to dig it up in the near future. They understand the adjacent landowner's rationale to draw in business by proposing temporary closure of north Shattuck Way. They are concerned with the language in the report being conditional upon providing continued pedestrian access on Shattuck Way during any construction activity, so they oppose the three-year conditional closure of this section of Shattuck Way. They potentially could support temporary closures for weekends or for short durations this summer, but if this takes place into their construction season they are not in favor of doing so. Constructing a large building in Downtown Juneau is going to be very difficult and expensive on its very small footprint. Much of the building material would have to be brought in from other areas, so they would have to store them offsite. They only have a few sites with ample room to do so, and this would involve closing sections of this roadway during the construction period. They do not want to inhibit their future potential plans. Should this proposal be recommended by the PC to the Assembly for approval, they request that if Sealaska is required to continue to provide pedestrian access during the construction period that any additional costs incurred for doing so, whether it is for a construction cost or for building complex walkways, etc., the adjacent landowners should also contribute to those costs. They feel this proposal is a risk to the local public and tourists from a construction standpoint, as they would have heavy machinery maneuvering huge concrete panels to hoist them overhead of the pedestrian way, and so on. They understand the premise behind the request to close this section of Shattuck Way so they want to provide support in some way, but they have many concerns as well.

Ms. Lawfer asked if Sealaska intends to use the parking spaces along north Shattuck Way for short durations for heavy equipment use; Mr. Kadinger said yes. Ms. Lawfer stated that if this roadway was not available, she asked if they would be requesting to do the same on Front and/or Seward Streets. Mr. Kadinger said he is unsure as to exactly where they might request to do so,

but they do not want to limit their options or cause undue incurred costs, which might continue to escalate the overall cost of the facility, as it is roughly at \$20 million already. Ms. Lawfer thanked Sealaska for beautifying their lot, although she noticed a ditched area between the existing City Annex and Sealaska's park area where the buildings would abut each other. Mr. Kadinger said Sealaska does not own that ditch area where about a 6' gap is between the two buildings.

Mr. Bishop asked if Sealaska considered a plaza complex within their design. Mr. Kadinger said the current design of the facility is to provide a larger presence because they are also looking to renovate the adjacent Sealaska parking lot area as well, or a portion thereof, to provide a friendlier park type atmosphere between the two sites.

Ms. Grewe asked if construction of the Sealaska facility was designed as though Shattuck Way would remain accessible to vehicles; Mr. Kadinger said this is correct. Ms. Grewe stated that since this is the case, it is essentially too late for them to reconsider Shattuck Way as being converted into temporary pedestrian-only use. She asked how firm Mr. Kadinger's leadership is, e.g., since they already have plans. She asked if there's no going back. Mr. Kadinger said they already spent \$1.5 million on architectural expense, and as he mentioned earlier they are about 95% complete with the plans, which includes deliveries of biomass pellets through north Shattuck Way and providing for utility installations.

Mr. Chaney said he does not want the new Sealaska construction project to overshadow the proposal. That construction project would be temporary, but they have not yet worked out which portion of Shattuck Way might be turned over in regards to that future project, if any, so that is somewhat of a separate issue from this long-term decision in terms of this case. Chair Satre added that with this being a pedestrian way, and if they were able to provide Sealaska a large section of it where the existing parking spaces are located, and then direct pedestrians along the other side might actually be easier than blocking off portions, but these are aspects that could be discussed later on in more detail.

Ms. Lawfer asked Mr. Kadinger when he anticipates construction of the new facility to be finished; Mr. Kadinger said roughly in 18 to 24 months.

Mr. Harris said the proposal originally is due to damage of the Miner's Mercantile building facade. When he evaluated this he realized snow was being piled against the facade of the building along north Shattuck Way, which would not change if they retained vehicular access. Damage to his building is fairly extensive, and he believes the City realizes they might have a potential liability. The window and door trims have also been broken off due to vehicles with mirrors hitting them when they pass by. He noted that Mr. Glidmann stated that he has driven his dually truck many times through this area. He has witnessed other large trucks doing so as well, including that he has driven one through the area and they only have a few inches of clearance so there's a high potential for causing damage. He is not going to repair the facade of his building just to have it damaged again, so it makes no sense to retain vehicular access on north Shattuck Way. He would like to make use of the doors installed on the facade of this building, which could only take place if they convert north Shattuck Way to a temporary pedestrian-only access route. The issue at the end of the north Shattuck Way where it meets Front Street is an area where drivers are unable to view pedestrians or oncoming vehicles, which is very hazardous. In terms of the snow problem, he is unable to do anything about that because it is within a City ROW, so as the snow builds up in this area he does not have the right to

remove it without obtaining City permits beforehand, which is the main reason for this proposal request. He does not feel he would be gaining a huge financial benefit over other members of the community by providing access to the facade of his building because doing so would protect the building and release liability for the City. He understands parking is valuable, but they would not be losing seven spaces; only five. He believes Sealaska is proposing to install removable bollards to gain access when they need to, or when deliveries have to be made. It makes sense to install a fence down the middle of north Shattuck Way during construction of the new facility, including retaining pedestrian access on the east side, which has already taken place during other past downtown construction projects.

Ms. Bennett said the report states that the lights on the facade of the Miner's Mercantile building facing north Shattuck Way belong to the City who installed them for security reasons. She asked what Mr. Harris' thinking was when he installed doors on the facade in the same area, which might subject his establishment to vandalism if access is in that area. She explained that this is not the best lighted area in downtown, which is in an alley, but there has already been quite a bit of vandalism along Seward Street. Mr. Harris said he does not think it would be any different than it is now because they currently have people lingering, including walking back and forth in this area or hanging out behind his building. There is lighting installed surrounding the building, and then the City installed additional lighting that Ms. Bennett mentioned, although the City has not repaired those lights. He explained that one of those City lights blew off this building last season and it fell down and crashed through one of his windows, but he is still trying to deal with this lighting issue with the City. There are also several other lights without bulbs in them because the City has not yet taken care of that either. He said the lighting issue could be dealt with, including increasing the amount of them. In addition, the City mentioned that they might replace their existing lighting with improved fixtures because the Risk Management Department thinks they might be too big as they tend to catch the wind, and therefore they are not designed very well for where they were installed. Ms. Bennett confirmed that Mr. Harris does not think vandalism would increase even without movement of vehicles through that area in the evenings when people are walking back and forth. Mr. Harris said he is unable to state exactly what would happen, but he thinks installing surveillance cameras might be an option, but the activities that happen downtown are going to continue to happen either way because right now there are many areas that have dark alleys. Even so, installing additional lighting and having more foot traffic in the area might be more beneficial.

Mr. Miller referred back to the parking area he mentioned along Marine Way and asked Mr. Harris if he believes that only four parking spaces might be lost rather than five, as it appears that two additional spaces could be added to this particular area fairly easily, especially if one of them was sized for compact vehicles. Mr. Harris said he believes one space could be added, although the foot traffic would have to be relocated because a handicap space is in that area now adjacent to a 7' wide pedestrian sidewalk, so if they moved that sidewalk over then there might be sufficient room for another parking space in that vicinity. Mr. Miller said they might consider moving the handicap space to the right, which might act as a second parking space; Mr. Harris said he thinks that might work.

Mr. Medina asked if Mr. Harris submitted claims to the CBJ for damage to his building due to snowplowing. Mr. Harris said he held conversations with the Risk Management Department in relation to the light fixtures, but that is as far as it has gone.

Mr. Pernula said he has witnessed much more snow in the area than was shown in the photograph where it is packed against the Miner's Mercantile building facade. He thinks the City's snowplowing practices could be improved in the future, so he spoke to Mr. Foster about this. Mr. Foster said the City workers could plow in the opposite direction and store snow where vehicles are currently parked along north Shattuck Way. Therefore, during the snowy winter months those parking spaces would either be out of service or the snow would eventually have to be hauled out of the area, which would solve the problem with damage to the adjacent building.

Mr. Watson asked if the doorways along the facade exit from the interior hallway area that runs along the front to the back of the building, or whether offices and retail uses are in between; Mr. Harris said the doorways would directly access the interior hallway.

Ms. Lawfer asked if damage to the building only occurs when snow is piled up against its facade. She explained that she previously parked in this area when her vehicle was side swiped, and she has no idea who did it, but drivers of vehicles side swipe parked vehicles in that area all the time because they are trying to avoid hitting the Miner's Mercantile building. Mr. Harris said a photograph was provided in the packet that shows damage to trim on the doors and windows from mirrors of vehicles going by, which happens during any time of the day or week. Initially he tried to repair some of the damage when he hadn't provided much thought as to how it was happening, but once he discovered what was actually taking place he decided that it was "a losing battle." He also previously tried to drive a dual-wheeled panel GCI truck through the area, but he was unable to and ended up having to back up to exit that area. It is a problem area so it makes no sense to keep the northern portion of Shattuck Way open to vehicular traffic, as he's lived in Juneau all his life and this area has been problematic all that time.

Mr. Bishop stated that if this proposal was approved, he asked if Mr. Harris' intent would be to see a covered pedestrian vision in the 1983 City sketches developed for north Shattuck Way, and if so, if he would work towards that end. Mr. Harris said he would be all in favor of doing so, although many aspects still need to be worked out to see if it could be done and who is going to pay for it, including who would be responsible for liability issues that might take place during the encroachment permitting process. Another question is to whether that ROW might be turned over to the adjacent building owners, but this too is unanswered at this point. Even so, right now he is unable to tell the PC that he would pay to have such improvements installed, but he would like to see something of that nature in the future, which would be great for business.

Public testimony was closed.

#### Commission discussion

Ms. Bennett said the construction of the new adjacent building is her greatest concern because the end result would be substantially different than the beautified park space that exists now, but before that it was a huge hole that everyone disliked. However, it's rather clear that Sealaska has already spent a lot of money on the design of the new adjacent building, which would be constructed over an 18- to 24-month period, so this proposal doesn't seem have the right timing for closing north Shattuck Way to vehicular traffic.

Mr. Medina said it is difficult hearing public testimony because he understands the concerns from the DBA about losing parking spaces. However, in reviewing the proposal from a CBJ standpoint, page 10 of the staff report states where the Historic Resources Advisory Board unanimously voted to close north Shattuck Way to create a pedestrian way. Mr. Foster

commented that this stretch of roadway is problematic, as it's too narrow for on-street parking and vehicular traffic. The previous Public Works Director, Joe Buck, states, "Closing this alley to vehicle traffic is a great idea. The Front Street intersection has always been unsafe and plowing in the alley is very problematic." Therefore, based on what he perceives as being potential liabilities to the CBJ, he is in favor of closing north Shattuck Way to vehicular traffic as well.

Mr. Watson stated that after he reviewed this case and heard public testimony he was inclined to vote against the proposal, and he might still do so. It is frustrating when he hears the City talk about all the inconveniences they have while plowing snow. He requests the City to be far more responsible with their snow removal than they have been. The entire downtown area is an inconvenience for the City, not just this street, but they manage to be more responsible in other areas. His concern with not closing north Shattuck Way to vehicular traffic is because if they did not do so it would continue to be a hazard. However, he believes it is somewhat premature to move forward with this proposal at this time, so he respectfully disagrees with Mr. Pernula because he thinks the PC should wait until they are able to view the finished product that Sealaska would be constructing before the PC makes a decision. He is concerned when they are contemplating developing a large footprint in the downtown area such as Sealaska is proposing, then north Shattuck Way should be closed to through traffic. In addition, he would like parking prohibited on that street now; rather than temporarily closing it until after Sealaska has built their facility. He has been a businessman and merchant for a good portion of his working life so he is very well aware of the value of parking, but at the same time he believes the PC has to look at what is going to improve the community overall, and closing north Shattuck Street is in the best interest of this community.

Mr. Miller said good points have been made in regards to both sides of this case. The term that the DBA used is "generally not in favor," which could be interpreted as, "Is the glass half empty or half full?" The CBJ Engineer basically says that the "Glass is the wrong size." Therefore, it is possible that north Shattuck Way is being used the wrong way right now, so this might be the perfect time to implement the requested proposal. He explained that Sealaska would begin construction of their facility in March of 2013, and therefore if the PC does not do anything they're going to have road closures and use on-street parking spaces in order to do so. On the other hand, if north Shattuck Way was allowed to be turned into a pedestrian way, then Sealaska would still institute some type of pedestrian way closures in that area, including placing a fence down the middle of north Shattuck Way as Mr. Harris suggested. The construction would take place over a couple of years and the intermittent street closures would eliminate parking spaces if they are going to allow a three-year period to try this out, so he wonders why not do it now while they are going to lose on-street parking spaces anyway. Furthermore, he would like to see if there is a way to reduce the total number of lost on-street parking spaces to four as he mentioned earlier.

Ms. Lawfer stated that while construction is taking place by Sealaska, it would probably behoove them and the City if they knew beforehand whether they were going to be able to use those parking spaces along north Shattuck Way by closing off half of the street and leaving the other half open for pedestrians. She is concerned in regards to any type of closures along Front and Seward Streets during that construction. When she parked along north Shattuck Way tonight, she noticed that if the double doors on the facade of the Miner's Mercantile building had temporary stairways installed to enter that establishment it probably wouldn't impact the adjacent construction site. This might be the right time to determine if this might work before

that construction takes place. Furthermore, snow isn't plowed on a couple of other streets in town, which are closed during the winter where they installed cement type of barriers, so perhaps this is a street which shouldn't be available during the wintertime either.

Ms. Grewe referred to pages 12 to 15 in relation to conformity with adopted plans, stating that converting this from vehicular to pedestrian-only access is really a long-term vision. The construction issues of Sealaska are important, but that is another issue, which is something that could be dealt with at a different meeting under a separate application. The long-term vision for this area has been cited since the early 1980s as being an area to encourage pedestrian-friendly transportation in downtown, and Shattuck Way was noted as becoming a pedestrian precinct. She stated that while they are contemplating converting one of the vehicular access roadways to pedestrian-only access, she wonders if north Shattuck Way is the ideal street in downtown to realize that vision by the City or whether other roadways were noted as well. Ms. Boyce said Front Street was also mentioned to potentially convert that into more of a pedestrian park area. Ms. Grewe stated that if this is the only roadway right now being converted to pedestrian-only, it seems that they should also take into account its connection to Egan Drive. In order to realize the long-term vision, doing so would present a different scenario impact in terms of vehicular access and parking for the greater area, but this seems to be a natural path for visitors walking along Egan Drive to Marine Park, the Fisherman's Memorial, and then onto the Seawalk area to connect in front of the Municipal Building and on through north Shattuck Way. Ms. Boyce said she read the previous City plans just with the north Shattuck Way portion in mind, so she would have to research this further, but south Shattuck and Municipal Ways are shown in the design as possibly consisting of cobblestone pathways, including removable bollards to close that area at certain times. Ms. Grewe stated that a portion of Front Street was also mentioned in those plans as being converted into pedestrian-only access. Mr. Chaney referred to the Long Range Waterfront Plan (LRWP) labeled as Area C, which states, "New pedestrian pathways and motifs that lead individuals from the cruise ship docks into downtown should be developed." However, the LRWP does not provide visual specificity of this, although that concept is supported. He explained that these plans have been around since the 1980s, but a large portion of the downtown community are protective of parking, which is why such plans have not yet moved forward over time. Mr. Bishop stated that in 1983 when this idea first came forth, he was strongly supportive of it because he liked the idea pedestrian ways. However, he somewhat questions doing so now given that the main entrance into the City is mainly from the cruise ship industry, which has moved south from this specific area. He explained that in the early 1980s is when the northern cruise dock was constructed so back then that was where the cruise ships were lightering and where all that type of transit was taking place, but not any longer. Further, with Sealaska's plans of making north Shattuck Way more of an alley and using it as an industrial loading area, he views the ability of this roadway becoming more of a pedestrian plaza as being unlikely, and therefore it might not be the best location to do so. He feels as though the plans have not been fully vetted at this point in order for the PC to be able to determine whether the proposal is truly the plaza area the City intended in 1983. Ms. Bennett supports what Mr. Bishop just stated, including that from a safety, architectural, and business perspective in terms of parking, and even though the report is excellent and there is backup provided for their position, she still believes this is the wrong time to move forward with this proposal. She would rather have the PC wait until after the Sealaska facility is constructed to determine what impacts that might have on the neighborhood. She explained that she wouldn't want to be a pedestrian walking down the street while heavy construction is taking place on that adjacent lot unless there was a very high fence installed, which would be discussed later when Sealaska applies for an actual development permit.

Staff recommendation: That the PC recommend to the Assembly authorization of the proposed closing of that portion of Shattuck Way, located between Municipal Way and Front Street, to vehicles in order to create a pedestrian way, subject to the following conditions:

1. Closure of Shattuck Way to vehicles shall be for a period of three years from the date of Assembly approval. At the end of that time period, the request shall be reevaluated.
2. If construction occurs on Sealaska's vacant lot located along Shattuck Way, a pedestrian path must remain open and be maintained on Shattuck Way for safe, pedestrian travel for the duration of the project.
3. Removable bollards, or some other barrier acceptable to CBJ Engineering, Fire, Public Works, and Parks Departments, will be installed at the expense of the Miner's Mercantile building's owner, with coordination and approval by the CBJ.
4. Snow removal along Shattuck Way shall be provided by the owner of the Miner's Mercantile building in the winter thereby keeping Shattuck Way open to pedestrians as well as the occasional delivery and/or maintenance vehicles. CBJ will continue to provide plowing along the sidewalk along the west side of Shattuck Way.
5. The owner of Miner's Mercantile building shall apply for a right-of-way encroachment permit for any improvements within the Shattuck Way right-of-way.
6. Any improvements shall comply with the Downtown Historic District Standards and Guidelines, as applicable.
7. Access to public and private utilities within the Shattuck Way right-of-way is to be maintained.

Commission action

Mr. Watson explained that after viewing pros and cons of similar proposals in other communities, he believes one of the most attractive destinations for tourism in North America are where they closed streets to vehicular access for lengthy blocks, not in short stretches such as north Shattuck Way. He has also viewed a typical business district that underwent the same approach, but sales declined so they ended up modifying the street closures by shortening them.

***MOTION***: *By Mr. Watson, that the PC recommends to the Assembly the authorization to close north Shattuck Way effective October 31, 2012 to remain closed for a period of three years while allowing access for the purpose of construction, building repair, or maintenance.*

Mr. Watson said the Commissioners might contemplate including conditions to ensure that Mr. Harris is responsible and does not allow his staff to take liberties of privately parking in the nearby area of the Miner's Mercantile building at the expense of the City, but he is not implying that Mr. Harris would.

Chair Satre said Mr. Watson appears to be providing a motion unlike what was recommended by staff, including that his motion lacks details, which would impact other adjacent private property owners along north Shattuck Way. He explained that the PC is solely dealing with the north Shattuck Way area tonight, and some of the conditions staff provided address encroachment into north Shattuck Way.

Mr. Watson said he shouldn't have focused solely on Mr. Harris' building because there are others property owners on the west side of north Shattuck Way. He explained that his concern in making north Shattuck Way a pedestrian-only access is the potential for those property owners to take liberties, which might give them an unfair advantage to privately park in this area. He is

proposing that north Shattuck Way be closed on October 31, 2012 for a period of three years, but at the same time allowing access for the purpose of construction. What this would entail is when Sealaska moves forward with their project, they would still have to seek permission from the City to either close the sidewalk or to allow access for parking their equipment.

Mr. Chaney asked if Mr. Watson is concerned that two or three replaced parking spaces, depending upon how they are orientated, would be exclusively used by the building owner or his employees. Mr. Watson clarified that he's concerned about the parking spaces on north Shattuck Way when the bollards are removed, which is when they might possibly drive private vehicles in, and then close the area off. Mr. Chaney said if that were to happen it would trigger enforcement. Mr. Watson said he previously witnessed this happening in town, which is why it's his main concern.

Chair Satre requested Mr. Watson to restate the motion with conditions stipulated in detail.

**BREAK:** 8:42 - 8:50 p.m.

**MOTION WITHDRAWN:** *By Mr. Watson.*

**MOTION:** *By Mr. Watson, that the PC accepts staffs findings and analysis and recommends to the Assembly authorization of the proposed closing of the north portion of Shattuck Way per CSP20120004, located between Municipal Way and Front Street, to vehicles in order to create a pedestrian way, subject to the conditions outlined as presented by staff.*

Mr. Medina spoke in favor of the motion.

**FRIENDLY AMENDMENT:** *By Mr. Miller, that the PC adds a new condition:*

*8. Minimize lost parking spaces to the fullest extent possible.*

He explained that it might be possible to reduce the lost spaces from seven to four if they study the Municipal Way area a bit further.

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

Mr. Medina recommends that newly added Condition 8 by Mr. Miller be an advisory because it is not specifically measurable; to which Mr. Miller and Mr. Watson agreed so the new condition now reads:

***Advisory Condition***

*8. Minimize lost parking spaces to the fullest extent possible.*

Ms. Lawfer referred to Condition 4, stating that the City would continue to perform snowplowing services along the sidewalk to the west of north Shattuck Way. However, once north Shattuck Way is closed to traffic as pedestrian-only access, she questions why there has to be snow removal at all. Chair Satre said the idea was to establish responsibility once it is converted into a pedestrian way, and therefore this entire area has to be maintained so it remains as safe as possible, including designating who is responsible for snowplowing in which areas. Ms. Boyce said the roadway has to be maintained in the winter to also ensure delivery trucks and emergency access is possible. This also includes that Mr. Kadinger mentioned that biomass



pellets would have to be delivered and AEL&P requested access to their utilities in the roadway area.

Mr. Bishop spoke against the motion because he thinks the proposal is “a day late and a dollar short” until a plan is provided that clearly shows this area as being a pedestrian corridor that they intend for broader range of uses, versus individuals just walking back and forth. From a public benefit standpoint, he does not think that they would be gaining much with this proposal because they would be losing on-street parking, and managing construction projects should be through the permitting process, which has already been sped up. He would rather have a pedestrian type of plaza developed within Juneau because it is a wonderful idea and a necessary component to a healthy city. He is unsure whether this is the area for that, but if it is then they need to develop a plan before the PC recommends executing it, so vacating this ROW before such a plan is formulated is not the right thing to do.

Ms. Bennett stated that she intends to vote against the proposal. She is in favor of the idea, but without City funds being provided it would be a “half baked” type of project, which would not improve the appearance of this area in downtown. It would instead consist of a dark alleyway with no vehicles, which would end up being a nightmare for the police. They do not know what the Sealaska facility would end up looking like when it is finished, but after it is constructed is when it would be appropriate for the City to allocate funding to ensure this area ends up being attractive versus relying on local businesses to cooperate because that opens up potential liabilities, hard feelings, and so on.

Ms. Grewe spoke in favor of the motion. This is a recommendation by the PC to the Assembly on how to manage a City ROW on behalf of a private landowner for a three-year period with conditions. No matter how the Commissioners read the City plan, there is a preference to encourage pedestrian access, precinct, and corridors. Although the PC has probably not provided sufficient review of pedestrian-only access in regards to the downtown as a whole, she still feels this is a relatively safe place to try this proposal compared to the other platted downtown streets in terms of vehicular circulation, so this is a process to develop north Shattuck Way for pedestrians. While she is worried that they would be giving up a public asset by not allowing vehicles to transit this roadway any longer and only allow pedestrian access, a private landowner volunteered to install stairways and planters. She wants the record to show that in three years when the PC evaluates this case and if they choose to retain north Shattuck Way as pedestrian-only that it is entered into the Capital Improvement Program (CIP) list of projects for improvements, or they might choose to grant it permanent status, but there has to be a greater vision than stairways and planters for this to work. Sealaska has plans for their new facility, but it is up to the borough to develop the long-range vision, and hopefully that new construction project would take advantage of that as well.

Mr. Miller spoke in favor of the motion, stating that this review is considered as being the process, and he does not feel that they have overwhelming evidence as to whether or not the PC should allow this proposal. He believes the proposal is generally accepted as being a good idea for a healthy city, but in only granting a three-year use it would be difficult to have anyone invest in this idea. Therefore, this is somewhat of an experiment to determine whether the proposal could work, and now is a good time to do so. Parking spaces in this area are going to be lost in the near future anyway due to upcoming construction of the Sealaska facility. When Mr. Harris fixes the snowplowing damage that has occurred to his building, they would continue to lose that on-street parking when the City plowers starts storing snow on those parking spaces, so he

believes now is the appropriate time to institute this proposal. In three years, if it looks as though this experiment is working and the lost on-street parking ends up being okay, he agrees that the PC should probably institute a 10-year or permanent permit proposal, which is when City funds should be allocated toward this through the CIP, including possibly reviewing the connection to Egan Drive.

Roll call vote

Ayes: Lawfer, Medina, Bishop, Grewe, Miller, Watson, Satre  
Nays: Bennett

Motion passes: 7:1; and CSP20120004 was approved as revised by the PC with the addition of a new advisory condition.

Mr. Pernula said this case was previously presented to the PWFC on three different occasions to outline a method in which to hold hearings, and it was suggested that this be presented to the PC. He would like to formulate this case to include the minutes of this PC meeting to be re-presented to the PWFC with the recommendation by this body. Chair Satre agreed that this is the course that staff should take, and he thanked Mr. Kadinger and Mr. Harris for providing their comments for the record as well so they could be considered during the ultimate Assembly decision.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - Heard out of sequence

**AME20120006: Review of the Comprehensive Plan (Comp Plan) Update:**

Mr. Pernula stated that the Commissioners already reviewed Chapters 1-4, and were provided Chapters 5, 6, 9 and 12-18 in this packet. The latter chapters have the least amount of recommended changes by staff.

- Chapter 5: Economic Development
  - Mr. Pernula said Brian Holst of the Juneau Economic Development Council (JEDC) recently contacted him and would like to conduct a thorough review of this chapter, but he did not provide a timeline. He suggested that the PC move forward with their update, and if the JEDC provides additional recommended changes the PC could review them at a later date because he feels this chapter is in fairly good shape as is.
    - Mr. Watson said this is an important chapter, so he hopes Mr. Holst provides comments from the JEDC fairly soon because there is room for improvement.
      - Mr. Pernula offered to hold off on Chapter 5, and the PC can begin their review on the other chapters of the Comp Plan. In the meantime, he could contact Mr. Holst to see if JEDC could develop a timeframe that coincides with the PC's.
        - Chair Satre said it might be beneficial to query JEDC as to their availability, and in the meantime defer the PC's discussion on Chapter 5 until then.
        - Ms. Bennett said she believes Chapter 5 needs a lot of work. She mostly objects that projects completed since 2008 to 2012 are not included in Chapter 5, so the overall

concept still relates to 2008. Since JEDC has employees working on this very topic, she recommends that JEDC invests time reviewing Chapter 5 to improve it.

- Chair Satre requested Ms. Bennett and other Commissioners to provide written edits to the Comp Plan to Mr. Lyman for consideration at their earliest convenience; to which Mr. Lyman nodded in agreement.

- Chapter 6: Energy

- Page 60 – Mr. Medina requested that under Energy Planning (citing the first paragraph, second and third sentences) it mentions revenue sources for external communities, and he asked if the intent is for CBJ to become an independent power producer.
  - Mr. Lyman agreed that this is oddly phrased, so he offered to provide a rewrite in the future.
  - Mr. Pernula said the renewable energy portion of the Lake Dorothy project was created with federal funds, so this is not necessarily solely for CBJ projects so maybe that's what this is referring to.
  - Mr. Miller said this might be referring to electricity being sold to Greens Creek, including that there was thought that this could be provided to Hoonah and possibly Angoon as well.
- Page 61 – Mr. Medina requested to include under 6.1.IA5 the mention of the “local” electrical entity that provides the service. He works for a local electric utility, not AEL&P. He said that maybe he takes issue with this because he has witnessed other communities trying to become involved in energy aspects, and AEL&P is the certificated utility for the CBJ, so even if the borough wanted to get into independent energy production AEL&P would still be the bona fide electrical utility for this borough.
  - Chair Satre stated that during the last Comp Plan review they were initially pro-hydro, but then fuel prices drastically increased while the electrical loads did the same, so AEL&P realized they might not have as much power moving forward. Therefore, this chapter consisted of various types of input throughout that two-year review process, and therefore this is still a critical chapter the PC has to address.
  - Mr. Chaney said the author used “CBJ” interchangeably, i.e., one meaning being the “government,” and the other the “community,” which has to be corrected.
    - Mr. Lyman offered to take this under consideration, and he'll review the entire Comp Plan to ensure these distinctions are properly corrected throughout; to which the PC agreed.
- Mr. Miller said Amy Skilbred testified under the Non-Agenda Items portion of the last PC meeting in relation to developing more stringent energy efficiency guidelines in the Willoughby District Land Use Plan (WLDUP) for building envelopes when taking into consideration height and density increases. She also spoke about a couple of code revisions because every three years the CBJ adopts a new International Residential Code, which is years behind so they are still using the 2006 version, but the 2009 version is currently being used by other

municipalities, which might have stricter codes. There is also the International Energy Conservation Code that the City uses, so he asked if CDD has been contemplating revising the City code for these next updates.

- Mr. Pernula said this process is underway right now, but he does not know if staff is focusing on increasing energy efficiency code requirements.
- Chair Satre requested staff to contemplate doing so via a Policy or IA so the code is updated to establish and encourage energy efficiency standards, including providing a few examples.
  - Mr. Miller said they should do so per page 67 under the Energy Efficient Building section, e.g., for constructing a five-star energy efficiency house a developer might get a 50% reduction on their Building permit, as Alaska Housing Finance Corporation (AHFC) already provides a .5% reduction on interest rates and a \$7,500 rebate afterwards. However, that does not pay for the construction work they are doing, although it still provides incentive for buyers to purchase homes, which reduces Alaska's dependence on outside fossil fuels, and therefore builders have to be provided more incentive.
- Page 61 – Ms. Bennett referred to 6.1.IA6 and 6.1.IA7, and asked if these were completed.
  - Mr. Lyman said the City does not have an energy plan at this point that they could explain to people, but 6.1.IA2 and 6.1.IA4 both mention implementing a long-range energy plan.
- Mr. Watson commented that the Juneau School District now has an energy monitor who works two to three hours per day. She has already found significant savings and has never done this before, and her other job duties are not energy related. He believes the City could do the same without having to hire an electrical engineer.
- Page 68-69 – Ms. Lawfer said this is an Energy chapter, but there's a section on Waste Reduction, Reuse and Recycling, which should probably be moved to Chapter 2 – Sustainability, or create a new chapter because unless the City is going to start burning trash and generating energy from it she does not see where this fits within Chapter 6.
- Page 60 – Mr. Medina said the third paragraph, second sentence states that there's an abundance of hydro, but he wonders why that was included when they have \$.12/kWh power with hydro. This inclusion doesn't seem feasible from an economic standpoint because doing so would cost money to develop and it isn't a proven technology, and therefore clarification should be provided for off-the-grid applications.
  - Mr. Lyman stated that during the development of this section staff looked at existing and emerging technologies, i.e. 6.1.IA3 on page 61. This is so when an energy project is presented for use of new technology, they could state that the Comp Plan supports it because they want cutting-edge energy research in the community. He described the US Coast Guard's turbine project, which they researched and found that it wouldn't work while on the grid, and therefore this states that all potential energy resources should be included in the Comp Plan.

- Mr. Chaney said this is where they are getting into the difference of community boundary versus the local government. He has spent the last two weeks researching the installation of a solar energy system for his cabin on Shelter Island, which is in Juneau but where the energy costs are astronomically high using generators for power. Others have installed wind generators, but that doesn't make economic sense to do so in town. The Comp Plan is a document for the community at large, so he believes they should retain some of this language because there is a lot of hydro that hasn't been developed, including other newer special energy applications.
  - Page 60 – Ms. Bennett referred to the last sentence of the first paragraph under Energy Planning, which she requests to be replaced with, “CBJ and local builders are actively considering several new energy alternatives and new construction and/or remodels, including neighborhood projects such as heat pumps, large-scale pellet heating systems, and wind generators, which are examples of recent projects under discussion. Schools and the swimming pool have recently received these alternative heating systems.” This update is “speculative” to what’s actually happening.
    - Mr. Lyman said he discussed this with Ms. Bennett earlier, and it’s not written very clearly, but it refers to documenting what aspects have been built, although it is also important to include in her re-write the planning for where energy would come from in the future. He does not want to delete that entire sentence so he offered to re-write it, and then possibly move it to the introduction section.
      - Chair Satre said this should also include that this City has inexpensive hydro that could have limits. The CBJ and individual builders are instituting remarkable energy aspects to shift space heating loads away from the hydro grid using biomass pellets, ground source heat pumps, etc.
  - Ms. Bennett said in general many of the sentences are not grounded, so there is a sense of unreality about them, e.g., under Policy 6.9 on page 65 where it states “...minimize utility investment,” which should be revised to state, “...working with local utilities.”
    - Mr. Lyman understands her reasoning, but he does not know how the CBJ could do anything without working with the local utility company.
  - Mr. Medina said he prefers adding “local” electrical utility because they have control over what happens, so the CBJ is going to have to continue to work with them. This includes that it would be the “local” electrical utility that would provide peak data to the CBJ unless individuals know how to read their individual electrical meters at different times of the day. He stressed that when he reads this section under Minimize Utility Investment (page 65), it sounds as though the CBJ is the electric utility.
    - Mr. Lyman offered to incorporate these changes.
    - Chair Satre requested staff to invite AEL&P to attend a future PC meeting to work through some of these aspects, including for them to provide projection data. The PC previously held discussions as to how this chapter impacts other portions of the Comp Plan.

- Mr. Miller said this is a great idea. He explained that when the PC previously reviewed this chapter the Commissioners were talking about the break-even cost on electric heat versus fuel, which was when fuel was \$3/gallon so everyone wanted to switch over to electric heat. He said AEL&P informed the PC that the Commissioners were unable to include that in the Comp Plan because AEL&P would end up running out of power and it would not end up being \$.12/kWh if such a load were to take place. In addition, Chair Satre is the only Commissioner who has been serving on the PC longer than him or Mr. Watson, and he finds it amazing that nine Commissioners all have different mindsets that provide varying ideas while reviewing documents, which tends to be grueling at times, but when their review is complete they produce a better product because of that process.
- Mr. Watson said the greatest users of electricity in this community are businesses. When the power was lost during the recent avalanche, he turned off numerous lights and reduced electrical usage by about 60%, but his invoice only decreased by 25%, although homeowners tend to see better cost savings when they do so. Commercial businesses pay a lot of up charges that are sanctioned by the state, which the homeowners are not required to pay. Therefore, if no incentive is provided to reduce electrical usage people are probably not going to do so, but this is not on a 1:1 exchange between commercial businesses and homeowners, nor is it just during peak power usage.
- Page 65 – Ms. Lawfer referred to the last paragraph, commenting that this is a good example where they do not want the “government” CBJ, rather it should remain the “community” CBJ.
- Ms. Grewe said she feels the Commissioners might be “stepping on the toes” of planners by wordsmithing too much versus providing “substantive” feedback to Mr. Lyman, and then he could incorporate such edits then re-present the plan back to the PC.
  - Chair Satre said staff has not made substantive changes to these chapters, and Mr. Lyman has taken notes on suggested edits by the Commissioners.
    - Mr. Lyman requested the Commissioners to provide their comments to him via email for longer wordsmithing type of edits consisting of complicated changes, rather than reading them to him at this meeting or having him try to remember what they said.

Staff recommendation: That the PC review Chapters 5, 9, and 12 through 18 in sequential order. Once preliminary review of these chapters has been completed, Commissioners will be presented with proposed revisions to other chapters to review. After all chapters have been reviewed on a preliminary basis, a draft Comp Plan will be published for review, after which the PC will begin a second round of review of the entire document.

If the 2008 update process is any indication, the review of the Comp Plan review will be a time-consuming process requiring many PC meetings. Staff recommends that at least one Committee

of the Whole (COW) meeting is held each month to work on Comp Plan review, until the PC's review is complete.

**X. BOARD OF ADJUSTMENT - None**

**XI. OTHER BUSINESS - None**

**XII. DIRECTOR'S REPORT**

CDD Director's last PC meeting

Mr. Pernula introduced the new CDD Planner, Crystal Hitchings, who hails from Montana. Chair Satre and the Commissioners thanked Ms. Hitchings for attending the PC meeting, and wished her best regards in her new role.

Mr. Pernula said this is his last PC meeting after 10.5 years; it has been a pleasure and the Commissioners have been great so dealing with the PC is probably the favorite aspect of his job. He has been a planner for nearly 40 years and nine Commissioners make up the PC that are all from different factions of the community with differing opinions, but they always work together. However, he is able to recall a few times when certain Commissioners first started serving on the PC who were a bit more feisty and contentious, but after a couple of months they ended up trying to work things out with the rest of the Commissioners. This has not always been true on many other boards, and therefore he has enjoyed working with this great PC group during his tenure with the CBJ. Chair Satre said the PC appreciates Mr. Pernula's guidance at the PC meetings. He has acted at their parliamentarian by keeping the Commissioners in line with the task at hand. He has watched the Commissioners challenge and defend his CDD staff. He has provided the Commissioners wonderful advice over the years. Whenever the Commissioners reviewed contentious cases, it gave the Commissioners comfort in knowing that Mr. Pernula possessed experience and his great demeanor often helped them. This is a credit to the method in which he has managed the CDD, and staff has fully supported Mr. Pernula. He has great staff that he'll be leaving, but the Commissioners look forward to working with them in Mr. Pernula's absence, and the PC wishes him the best of luck. It has been an absolute pleasure, and they truly thank him and appreciate his service to the CBJ. Mr. Miller stated that he is a contractor and over the past 10 years the CDD has gone from being known as the "Anti-Development Department" to the "Community Development Department," which has undergone tremendous transformation since the arrival of Mr. Pernula. He will be leaving the CDD in a lot better shape, so as a local contractor he appreciates this. Mr. Watson stated that when he attended the Assembly meeting last night he took the opportunity as a private citizen, businessman, and a Commissioner of the PC to publicly thank Mr. Pernula for everything that he has done. He also made a point of thanking the Assembly for the support they provide to the CDD, in particular Mr. Pernula who tends to be in the "hot seat." Mr. Pernula has done an exceptional job in representing the PC and the CDD to the Assembly, and he thanks him for all his work. Chair Satre announced that a farewell function is scheduled for Mr. Pernula in the Assembly Chambers tomorrow (April 25, 2012) at noon.

**XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES**

Mr. Watson handed out a document from the joint PWFC/Assembly Lands Committee meeting that met last Wednesday, and requested the Commissioners to pay particular attention to paragraph D. This would be the topic of discussion at the next meeting either on May 16 or 17,

2012 (he does not recall the exact date) about the estimated cost for road, power, water, and so on. The committees focused on affordable housing and one of the questions was what it actually costs developers to construct a house. They have to know this information if they ask developers to build houses with slimmer margins, and therefore there has to be a higher awareness of what's involved. He and Mr. Bishop were in attendance at that meeting, so if the Commissioners wish to provide comments on this they are able to forward them to Karen Crane who is the Chair of the PWFC.

[The March 12, 2012 PWFC and March 15, 2012 Assembly Lands Committee meeting minutes were provided by staff to the PC for their perusal.]

#### **XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Ms. Bennett referred to the issue of Ms. Danner's complaints against the department, and one was a statement of "Who is responsible for letting the PC know of a prior determination and subsequent legal opinion that contradicted the earlier determination?" She explained that obviously Ms. Danner could have brought this up, or staff could have brought up the fact that in November 2011 there was a different opinion, and that it [SGE20110003, for gravel extraction on Glacier Lands Lot 1] was stopped from going forward at that time. She does not recall that case being stopped, so she wonders whether the Commissioners have to review all previous meeting material on the cases that are presented to this body at future PC meetings, and if so, it is going to take them much longer to prepare than it does now. Chair Satre said the PC's actions on that case resulted in a series of events over the past few weeks. Some of which has been via misinformation in the press and other sources about the PC decisions, which potentially are the subject of an appeal. He stressed that he wants to ensure the Commissioners tread carefully in regards to any discussion of what might have been said or brought up in venues other than by this body. He realizes that the Commissioners are very sensitive on being called out on various aspects of that case, but the PC's decision could be appealed within the next seven days. He has had some heartburn about certain aspect of what has been said, but the Commissioners comments in regard to that case are on the record. If there are concerns about the process by which the PC reviews projects as a result of this case, he would prefer to wait until after that appeal period is closed to ensure the PC doesn't end up "putting themselves in a corner." Mr. Chaney stated that one of the decisions that could come out of a theoretical appeal is that the Assembly could remand that case back to the PC. He too has many concerns about certain things Ms. Danner stated that he does not believe are quite the way he would have stated them based on the facts as he knows them. Chair Satre the Commissioners and staff have seen things interpreted differently in "Letters to the Editor" [in *The Juneau Empire*] versus what actually came out of their discussions. He recommended that the Commissioners and staff revisit this issue once the potential appeal period is over, so Ms. Bennett might wish to keep her notes regarding this.

#### **XV. ADJOURNMENT**

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

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