

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Michael Satre, Chair

REGULAR MEETING
August 14, 2012

I. ROLL CALL

Chairman, Michael 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: Michael Satre, Jerry Medina, Dennis Watson, Nathan Bishop, Marsha Bennett, Benjamin Haight, Dan Miller, and Nicole Grewe

Commissioners absent: Karen Lawfer

A quorum was present.

Staff present: Greg Chaney, CBJ Community Development Department (CDD) Acting Director; Eric Feldt, CDD Planner; Nicole Jones, CDD Planner; Laura Boyce, CDD Planner

II. APPROVAL OF MINUTES

- July 24, 2012— Regular PC meeting.

MOTION: *By Mr. Watson to approve the July 24th PC minutes, with changes.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS- None

IV. PLANNING COMMISSION LIAISON REPORT -None

V. RECONSIDERATION OF THE FOLLOWING ITEMS-None

VI. CONSENT AGENDA

Chairman, Satre announced that there was one Conditional Use permit on the Consent Agenda and inquired if there was public comment on the item. No one from the public had comments, and no members of the PC had questions.

MOTION: by Mr. Watson that the PC approves the Consent Agenda, as presented.

There being no objection, it was so ordered and USE2012-0013 was approved, as presented.

USE2012 0013

A Conditional Use permit to increase the number of children in a child care home from 8 to 12.

Applicant: Jill Anderson

Location: 8906 Gee Street

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit that would allow the development of a child care home up to 12 children.

Advisory Condition:

1. A building permit is required for the increase of a child care home from 8 to 12 children. Prior to Building Final, the applicant shall install a water meter in accordance with CBJ §75.01.050(b)1(A).

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS-None

VIII. UNFINISHED BUSINESS- None

IX. REGULAR AGENDA-

USE2012 0009

A Conditional Use permit for a 100' monopole cell phone tower with associated service equipment.

Location: 5600 Montana Creek Road

Applicant: Coogan General LLC

Chair Satre said that a public notice policy was breached regarding this case prior to the hearing. The PC decided to have the staff report presented and to take testimony from the applicant and the public now. They will make a decision on the permit at the next hearing to ensure that the case has met public notice requirements.

Staff report

Laura Boyce, CDD Planner, presented the staff report for the PC. She noted the adjoining properties to the subject parcel and explained the site proposal. The 35' X 35' leased area will be 380 feet from the front of the property, more than 50 feet from the side yard setback, and will include an easement for access by GCI. The pole will be 100 feet tall with a five foot lightening rod at the top, totaling 105 feet. The communications antennae will be mounted at 97 feet (the tallest on the pole).

Staff recommendation: It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a new 100 foot telecommunications monopole with an additional five foot lighting rod atop it for a total height of 105 feet, along with associated equipment, enclosed within a 35' by 35' leased area, located on residential zoned property along Montana Creek Road. The approval is subject to the following conditions:

1. Twenty percent of vegetative cover (at a minimum) is required. If 20 percent vegetative cover is not present, it shall be installed or the installation shall be bonded for and approved by CDD staff prior to final inspection for the tower.
2. Prior to the issuance of a Building Permit, the applicant shall submit a letter to the Community Development Department from a radio frequency expert indicating that structures will comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
3. Prior to receiving Building permit final inspection and approval, the applicant shall submit a letter to the Community Development Department from a radio frequency expert indicating the structures as constructed and at optimal emission levels comply with electromagnetic radio emission levels set by the Federal Communications Commission (FCC).
4. Prior to issuance of a Building permit, the applicant shall submit to the Community Development Department's planning staff for approval, dark green or brown matte finish color paint samples to be used for the tower and antennas.
5. Prior to final inspection, the tower and antennas shall be painted the color approved by CDD planning staff.

Chairman Satre noted that the public notice sent out by mail was extended from the required 500 foot radius to 3,200 feet. Mr. Watson clarified that the forest service owns the rural land north of the subject parcel.

Public testimony:

Wayne Haerer, 3127 Commercial Drive (Anchorage, AK 99501), is a site representative for GCI. He noted that the staff report is comprehensive and complete and he has nothing to add beyond what is presented. He was available for questions from the PC. Mr. Watson asked what the distance for signal is from the tower. Mr. Haerer said that the fiber optic signal will be brought back to the switch.

Mr. Satre asked why the sign was removed early. Mr. Haerer said that the local office staff removed it in error and it will go back up this evening.

Becky Bear, 10200 Mendenhall Loop Road, stated that she formerly lived at 5787 Montana Creek Road until the time that the city bought her property; she now lives on Back Loop Road. She was excited when AT&T put up wireless service in her area, as prior to this service, she was hardly able to run a computer. Service was shut down, however, due to aesthetics, and she

currently has little to no wireless service. As she drives a taxi and has difficulty signing in until she arrives at the Deharts area, and though she does not find electric poles aesthetically pleasing, she supports the increase in technology.

Jackie Stewart, 1024 Arctic Circle, stated that though she is an appellant on another case in the area, she appreciates the time served by the members of the PC. Ms. Stewart noted that Ms. Bear may not have read the minutes from a PC meeting in 2009. Testimony in the 2009 hearing from Pamela Findley included citations of a known Epidemiologist, Dr. George Carlo, who stated that exposure to communication radiation is potentially the biggest health insult (risk?) to this nation and is a greater threat than cigarette smoking or asbestos. Ms. Stewart said that just because it is invisible and we currently do not know what the health threats are, it does not mean that they do not exist.

Ms. Stewart said that just because Wayne Coogan is willing to sit under the microwaves, it does not mean they are not going to harm him. In 2002, a French Medical Specialist found that people living close to cell towers suffered extreme sleep disturbances, chronic fatigue, nausea, irritability, brain disturbances, and cardiovascular problems. She noted several other cited sources related to the harmful effects of exposure to mobile phone stations and she said that there are many other medical studies that we are unaware of regarding the health concerns. She intends to sell her house if this plan is approved. She noted that the appraiser, whom she stated does not have enough experience with regard to cell phone towers, has sought information only from local real estate agents and local appraisers. She questioned the PC about the amount of research they have done on the internet regarding this issue, as she has spent several hours on the internet trying to find out the health risks of cell phone towers. The telecommunications act (TCA) was in 1996, prior to the cell phone industries. The act includes a clause that states that certain telecommunications developments could not be stopped due to health concerns. Nobody understood how engulfed we would become with cell phones, and Ms. Stewart stated that the PC does not have enough information to make a decision tonight.

Ms. Stewart also noted that the TCA states that a municipality may not stop a telecommunications provider from coming in if there is not already a service provider. There is already coverage in that area, and Ms. Stewart does not want to have the cell phone tower built near her house. She asked that the PC stop approval of all cell towers until a plan is approved, research is conducted, and then CBJ can decide whether a cell phone tower is okay to be built near a school. There are some municipalities in California that do not allow cell phone towers to be built near a school. She has the same concerns for this area, as well.

Ms. Stewart also noted that once a pole is erected, another permit is not needed in order to add more equipment on the pole. She is concerned about who the radio frequency expert is and would like to make sure it is someone who is well educated on the subject. In 2009, she was in communication with others who have been fighting cell towers on a national level, and she believes that they could recommend an impartial radio frequency expert. Ms. Stewart stated that she is amazed that Coogan is willing to put at risk their property that is zoned D-3, right next to them. She asked what would happen if in the near future the health risks of cell towers are known, and there is no interest in living on their adjoining property.

Mr. Watson asked about the PC hearing in 2009 and how she acquired a copy of the minutes, as she stated earlier that they were not found online. Ms. Stewart stated that she found a hardcopy from her house.

Mr. Haight asked if there have been any comparative studies on the harm that is involved between cell towers, cell phones, televisions, microwaves, wireless modems. Ms. Stewart said that there has not been enough research done on the matter. Her personal time for research on the matter is limited, and she is at the hearing tonight to state that she expects the PC and Assembly to protect the public.

Wayne Haerer stated that he has no response to public testimony given, but is willing to answer questions provided by PC members. Mr. Watson asked why the lightning rod was placed on the top of the tower. Mr. Haerer stated that it is a common practice done throughout the state.

Ms. Bennett asked Mr. Haerer to comment on the tests done over the life of the tower. Mr. Haerer said he is not a Radio Frequency Engineer (RFE). Regarding structural integrity of the tower itself, they are designed to withstand wind, ice, and snow loads for the given area. Ms. Bennett asked if over time the RF gets worse or better. Mr. Haerer stated that structural analysis and engineering surveys are done for the towers. They are constantly retrofitting and upgrading towers based on new technology. More information could be provided by an RF engineer.

Ms. Bennett read about the fast pace of towers being erected in the U.S. Many untrained people are putting them up and she asked if the Alaska engineers are trained. Mr. Haerer said the question could be better answered by Mr. Freimuth.

Bill Freimuth, 312 E 15th Terrace (Anchorage, AK 99501), a construction manager for GCI, has been involved in more than 1,000 tower construction projects in eleven states. It is dangerous, though he knows nobody who has ever been hurt in the process. They hire licensed electricians and engineers; the climbers are mostly certified and safety is one of GCI's biggest concerns.

Public testimony was closed.

Mr. Satre said that by majority vote of the PC, public testimony could be re-opened at the next hearing.

Mr. Bishop asked staff if CBJ has the ability to regulate cell phone towers based on coverage of other carriers, or lack thereof. Mr. Chaney said that legal counsel has not advised them of that yet, as the cell phone tower ordinance is still at their office. The Law Department simply stated that the CBJ does not have the ability to regulate based on health concerns. Mr. Chaney would follow up with the Law Department on that matter. Mr. Satre stated that it would be helpful to get some legal advice for the PC prior to the next hearing.

MOTION: by Mr. Watson that the PC continues USE2012 0009.

With no objection, the case will be continued to the August 28th PC meeting under Unfinished Business.

USE2012 0012

To add a new driveway along Berners Avenue for the Professional Plaza office complex in the Mendenhall Valley.

Location: 9303 & 9309 Glacier Highway
Applicant: Professional Plaza

CDD Planner, Eric Feldt, presented the staff report to the PC. The conditional use permit is to repeal a condition from a 1979 conditional use permit to open up a driveway along Berners Avenue. He noted the surrounding land, their uses, and he read the information on Title 49 the Land Use Code regarding conflicts between commercial and residential zones. The driveway is proposed where there are many concerns by nearby property owners and a curbcut was already placed by CBJ Engineering without approval of any kind. He noted the zoning changes and land use permitting over the last 30 years and went over the development history of the surrounding area.

In 1979, the first conditional use permit was granted for the Professional Plaza (PP) with the restricted access to Glacier Highway. In 1984/85, a rezone was done from residential zoning to commercial district with a condition to continue the access restriction of 1979. In 1994 a city project review was granted for the reconstruction of Berners Avenue. A CU permit was also granted to create a new driveway along Berners Ave and expand the parking lot. In 1997 an Allowable Use permit was granted for the Huna Totem building. In 2011, a city project review was recommended for reconstruction of Berners Avenue. In 2012, the Assembly passed a non-code ordinance and removed the 1985 rezoning access restriction. CBJ Engineering Department staff noted that safety would be improved. Mr. Feldt stated that it is normal practice for a rezone case to go before the PC, however, this went directly to the Assembly, which is also allowed.

He noted the policy and standard operating procedure from the Comprehensive Plan that applies to this case. Staff finds that the access restriction is a long standing mitigating measure to reduce impacts generated from PP. The applicants' reasons for the second driveway include their current limited emergency access and bottleneaking at the driveway. The PP representatives say that very few people exiting the driveway will use the new driveway to turn right toward Radcliffe Road. Those using the new driveway will likely turn left.

Staff recommendation:

It is recommended that the Planning Commission adopt the Director's analysis and findings and deny the requested Conditional Use permit to allow a driveway to be constructed from Professional Plaza to Berners Avenue.

Ms. Bennett disclosed that she lives on Meadow Lane, near the project. Several neighbors have contacted her, of which she encouraged to attend the PC meeting. She stated that she is comfortable that there has been no breach in ex parte contact. Mr. Satre approved her involvement in the case.

Ms. Grewe noted Attachment A and asked where people would go if they chose to turn right at Berners Avenue. Mr. Feldt said they would go to Radcliffe Road, however there are so many

stop signs along the way, most people might not want to go through all of the stop signs. Ms. Grewe asked if there is a bottleneck at PP, there might also be one at Berners Avenue; she further asked if the severity of one bottleneck is more so than two.

Mr. Miller said that the Berners Avenue was paved recently. He recalls that the PC required a stop sign on Muir Street. The Ladd/Berners intersection to Radcliffe narrows down, which was also a PC recommendation. Mr. Feldt said that the plan was to start Berners Avenue with a 12' width, narrowing to an 11' width for traffic calming measures. Mr. Bishop said that there are additional turning lanes at Berners Avenue that are not offered at PP.

Ms. Bennett asked where the traffic accidents took place on Glacier Hwy. Mr. Feldt noted that there were 12 accidents on the block, but he is not sure where exactly where each one was located. Mr. Medina complimented Mr. Feldt on his thorough staff report.

Mr. Watson said that there are also three hotels with restaurants that may have contributed to the 12 accidents; they may not have been solely at the PP.

Public testimony:

George Elgee, 15885 Glacier Highway, one of the owners of the PP, noted that the PP is a condo association. He said that shortly after he bought some of the property at Building B, Huna Totem built their building close by, which cut off access to the plaza. A majority of the people in the buildings provide small customer service businesses where there is not a lot of traffic. Mr. Elgee believes that most people will go through the main Glacier Highway exit. The new access would be helpful in times of traffic accidents that cut off access. The distance between the new access, through the Radcliffe Road route, to get to Glacier Highway, is 0.59 miles that includes four stop signs. He also stated that Berners Avenue is on PP's property, which may have been part of the deal with the Engineering Department to provide secondary access.

Mr. Watson asked if a left turn access only has been considered. Mr. Elgee said that he has not discussed it with the Engineering staff, yet he would not be opposed to the idea.

Ms. Grewe asked about the bottleneck issues. Mr. Elgee noted that the bus stop is a big issue right there. He said the new access is a secondary egress if there is a traffic accident there. He stated that it is not as though PP users are going to use the secondary egress all the time, it will be used only when necessary.

Janet Thrower, 9416 Berners Avenue, said that she witnessed a steady stream of traffic when the driveway was opened. She wrote a letter that illustrated several instances of people coming and going, and said that people used that exit a lot. The reason there should not be a driveway there is because the PP agreed that there should be a buffer between the PP and the residential neighborhood. She noted the lack of knowledge by the engineering staff when the Assembly rescinded the restriction. She hopes that more research is done on other projects, as it seems that the Assembly is narrowly-focused on these issues. She hopes that the egress could be engineered and limited to left turn only.

Mr. Bishop said that there were not a lot of stop signs on Radcliffe Road before, but there are now. Mr. Haight asked how much traffic was entering or exiting the PP. Ms. Thrower said that she never spent an entire day to observe the traffic. Mr. Haight asked if her observations were before the time that Ladd Street was built. She said no.

Ms. Bennett asked if she had observed a change since the dike trail improvements. Ms. Thrower said that many people go to that trail, and she noted many speeding drivers in the area.

Craig Farrington, 9471 Norris Place, said that the same issue came up in 1994. His objection is that if an egress is made, the traffic will be generated at that egress. An enhanced exit is needed from PP to Glacier Highway, as the current exit is small and should be enhanced.

Patricia Judson, 9421 Berners Avenue, secretary for thunderbird terrace condominiums, said she notices speeding traffic in the area as well as young children in the middle of the street. Because so many parents have been worried about the traffic, several of them have put up signs reminding drivers of the speed. Another exit at PP would increase the danger of the children. She believes that the thunderbird terrace would not like to have an exit at PP on Berners Ave due to children's safety.

Mr. Elgee said that PP is not part of the speeding problem and he agrees with the problem of the speeding traffic on Berners Avenue. The exit improvements could be expensive and it would not help when there is a vehicle accident there. Having a bigger entrance is not going to help the vehicles that are stuck in the parking lot during the time of an accident. He said that if you live in the valley, drivers will not go right on Berners, as it would take too long.

Mr. Miller asked how he feels about making the egress an exit only. Mr. Elgee said that it would be fine.

Ms. Bennett asked what he feels the stop sign at Berners & Muir will do to the speeder. Mr. Elgee said that, as a driver, he would prefer a route with fewer stop signs.

Public testimony was closed.

BREAK 20:58 – 21:03

Mr. Watson asked if Mr. Feldt was aware of the Glacier Highway improvements near the PP. Mr. Feldt said no.

MOTION: *by Mr. Miller to approve USE2012-0012.*

Mr. Miller speaks in favor of the motion, but there has been compelling testimony that would lead him to want to have the egress be an exit only which could be accomplished by signage. If there was an accident with a bottleneck along with a PP emergency, it could be a real problem.

Chairman Satre said there is now a motion on the floor that would approve USE2012-0012; the PC would now have to come up with findings for criteria 5 & 6. He noted Mr. Miller's

suggestion to add a condition requiring that the second egress be deemed an exit only, which would include appropriate signage directing as such.

Mr. Medina spoke against the motion as the egress would increase traffic and noise into the residential neighborhood, creating conflict. By removing the restriction, it would not be in conformance to the Land Use Code and would not be in compliance with the Comprehensive Plan.

Mr. Bishop speaks in favor of the motion, as the findings could be supported since conditions have changed since 1994 and there have been several stop signs on Radcliffe Road. Berners Avenue is also a commercial and industrial development. To cut off traffic to the parking lot, is not safe and it is very difficult to turn left from PP on Glacier Highway. He recommends changing criterion #5 to a “no,” that it does not substantially decrease the value of the property and neighboring areas. He said that it is no longer in conflict with the character of the residential neighborhood, given that traffic will be turning left from the egress onto Glacier Highway.

Criterion #6 should be “yes” since conditions have changed since the last time this was reviewed. Signage could be included to discourage traffic from going right on Berners

Mr. Watson noted the properties surrounding the subject parcel. The industrial uses near the airport could be developed. Mr. Watson wanted to make a friendly amendment to Mr. Miller’s motion to continue USE2012 0012 so that the property owner could work with CBJ Engineering to come up with a design that would allow a left turn out of the property. Chairman Satre said that there is currently a motion on the floor to approve USE2012 0012. A motion to continue would have to be a separate motion altogether.

MOTION: by Mr. Watson to continue this CU permit so that the property owner could work engineering to come up with a design a left turn only out of the property.

Mr. Medina speaks against the motion as the findings in the report finds the proposed driveway on Berners Avenue will reduce the separation element between commercial and residential uses, which will negatively impact the character of the neighborhood.

Ms. Bennett is against the new motion to continue since she would like to resolve it tonight.

Mr. Miller said there is a good point to continue. He recalled when the reconstruction project came before the PC and he knew that the CBJ Engineering Department did not want to narrow the streets and add the stop signs. He remembers that if the engineering wanted that driveway, the CBJ had to do something for the neighborhood such as narrow the street. The PC made significant improvements to calm the traffic. He speaks against continuing this, as an exit only requirement could be taking care of the neighborhood.

Ms. Grewe sees value in continuing this case as they could make sure that the road they had envisioned is forthcoming. She would feel that she has done the neighborhood a disjustice should the Engineering Department find that the plan to control traffic did not work. She supports continuing this case.

Mr. Bishop speaks against the motion as they are ready to make a decision on this case. There has never been a left turn only sign on a street this small and nobody will obey it if they don't want to. Ms. Grewe said that she was not thinking only of signage, but additional barriers that would do it.

Mr. Watson reminded the PC that an engineer would not be made to come back and just put up a sign. He noted that the undeveloped area across the street at Berners Ave may have a later impact on traffic. Mr. Chaney said that the property across the street at Berners Avenue is part of the airport's secure perimeter. Ms. Grewe asked Mr. Chaney if that property is not able to be developed. Mr. Chaney said it would be used for airport-related functions.

Roll call vote on Mr. Watson's motion to continue USE2012 0012:

Ayes: Grewe, Watson

Nays: Bennett, Bishop, Haight, Medina, Miller, Satre

Motion to continue USE2012 0012 failed with a 2:6 vote.

Regarding Mr. Miller's motion to approve USE2012 0012 with the findings as proposed by Mr. Bishop changing criteria 5 & 6, and with a condition that this be an exit only access:

Ms. Bennett said the PC has done a good job with the work on the street with regard to traffic calming efforts. There are a lot of safety measures taken for the children on the street. With an exit only sign put up, she believes that they have done right by the neighborhood.

Ms. Grewe said that the PC has tried to protect the neighborhood for a very long time. There was a real effort to put in place long-standing mitigation tools to avoid negative impacts when uses are mixed. She agrees with Ms. Bennet that the PC has done all they could for the neighborhood's sake.

Mr. Medina said that the JPD & Fire Marshal did not state that the driveway was needed to provide more safety.

Mr. Watson said that the PC has addressed the neighborhood's concerns by approving traffic calming measure; now the left turn lane would not provide for any improvements and the traffic issues for the neighborhood are brought back to where they were before.

Ms. Grewe asked who would enforce the exit only condition. Mr. Miller said that an exit only sign be placed on the Berners Avenue side. Mr. Feldt would consult with the engineering department regarding where exactly the signage would be placed. Mr. Miller said that most drivers are law abiding and will follow the signs. Mr. Medina has concerns about the enforcement issue as it is not a very enforceable issue. An exit only will not be enforced.

Roll call vote:

Ayes: Bennett, Bishop, Haight, Miller, Satre

Nays: Grewe, Medina, Watson

Motion for USE2012 0012 with the findings as proposed by Mr. Bishop changing criteria 5 & 6, and with a condition that this be an exit only access passed with a 5:3 vote.

X. BOARD OF ADJUSTMENT- None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Mr. Chaney said that CDD has had a situation where a church is moving from a church site to a school site. It could be a separate use, which would require a Conditional Use permit, or it could be an accessory to the use of schools without a CU permit. It could be allowed without a CU review as a customary accessory use to a school. Mr. Bishop said that any time a public structure could be used for other purposes, it would be okay. Mr. Satre said that if there are problems with that use, it could be reviewed more formally by the PC.

The new CDD Director will begin on August 20th. Mr. Chaney has yet to hear anything from the new director, but the PC should expect to meet him at the next hearing. Chairman Satre thanked Mr. Chaney for all he has done for CDD as well as the Planning Commission. The PC appreciates his expertise he shares with the community and the PC.

Mr. Chaney said that this is the last meeting Annie, the minutes secretary, will be attending. She intends to go back to Sitka where she will complete her nursing program with a bang and will be the best nurse that ever lived. Mr. Chaney thanked Annie for her services, and asked the PC to suggest any likely candidates who could take on the contract as the PC secretary. The only other person to bid was someone from down south who would like to do it remotely.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson said the PWFC's next meeting is on Monday.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Medina said he will not attend the 8/28 PC hearing. Mr. Satre suggested staff do a poll on which PC members will be available in person or via teleconference.

Mr. Haight noted that the cell phone towers ordinance is at the Law Department. Mr. Chaney said that CBJ has retained City Scape, which is a national firm that specializes in this type of work, to do a master plan and an ordinance. Mr. Watson said he did not get a sense of when it would be done as it is in Heather Marlow's office right now, which he is not comfortable with. Ms. Bennett said she heard that John Hartle said that it would be available in the fall.

Mr. Bishop said that he spoke to Mr. Hartle about the ordinance, and he asked if it really was in the office of the Lands Department. Mr. Chaney said it was not.

Ms. Grewe would like to know if there was short term window to hold decisions for a certain period of time, other than a moratorium. She does not feel it is appropriate to wait for three months. Mr. Chaney said he would ask about that and there was not the will to move forward from the management to enact a moratorium. Mr. Bishop said Dale Pernula indicated that they had a 90-day time period, yet the PC should make the decision on time. Ms. Grewe said the PC should forward the request to the management, as it would be good public relations for the borough.

Mr. Satre stated that many of the PC conditions on towers are things that were in the preliminary ordinance. Some of those conditions include color and masking, which some members of the public might not think go far enough. Sometimes they require letters from RF engineers, and he doesn't believe that they are that different from the draft ordinance that is out there. It will be interesting to see what the consultants are going to bring forward and benchmark it against what is being done in other jurisdictions. He would be cautious about saying that they want a moratorium on the cell tower cases that come before them, as they need to have a fully-prepared discussion on the issue. He could express to the Assembly liaison to the PC that there are many PC members who want to see the tower ordinance move forward. Perhaps staff could provide the PC with options on how to discuss this issue. Mr. Chaney said he would check into their options, and he said that there is another very controversial tower application coming up. Mr. Satre said that the ordinance could help them with that application too.

Mr. Watson said that as soon as a date is set by the contractor, City Scape, they should press for a moratorium. He also commented that at the Assembly meeting last night, the subject of a tower lease renewal came up. A recommendation for that renewal was to have compliance inspected by a qualified individual. The Lands manager stated that it was not within the PC's purview. As a private citizen, he will bring his concerns to the city manager. A city department head stated that when we renew a lease for a tower, the PC doesn't have to be a part of it, and he thought her comments were inappropriate and unnecessary. Mr. Bishop shared his feelings as this is the second time that the Lands Manager stated that the PC can not make the conditions. He believes the lands should be supporting the PC and not oppose their wishes. Mr. Satre said he would speak his concerns to the Assembly liaison to the PC.

Mr. Watson said he was disappointed that the Engineering Department cut a driveway at Professional Plaza and told the applicant that they were good to go. It puts the PC in a difficult position when cases come before them. He will speak to the Assembly liaison to the PC about this matter as well.

Ms. Grewe asked if they could request that the Engineering Director attend a PC meeting. Mr. Satre said that they could ask, and they should work to keep a good working relationship. Ms. Grewe said she had difficulty in making the decision tonight on the second egress permit. She could sort of figure out why the records were made. She could read in the packet that someone motivated someone else to put the application in. Mr. Elgee testified, and they could all agree on what the content of his testimony was. At the same time, it gives a bias to that applicant and not the neighborhood. With another department's message to move forward by cutting a curb on Berners Avenue, Eric Feldt's staff report was the balance.

Mr. Bishop said that there is a difference between the CBJ staff roles and the PC roles. He would suggest that they ask Ms. Kiefer to attend a PC meeting to address their concerns.

Mr. Miller said that the curb cut is not something that bothers him as much as other issues. Sometimes a curb cut is automatically placed at an undeveloped lot for possible future developments.

Mr. Medina said that staff commented on the applicant or the neighborhood and they should be careful on voicing their opinions. False hope may be given to those involved.

Ms. Bennett read a chamber of commerce survey, and she was surprised by the lack of choice people feel they get when deciding on CIP projects. The city has not done a very good job on soliciting comments. They have no sense of which ones are affordable and which ones are over the top. She read an article from the APA, where a comprehensive plan was developed that included a pyramid that had the community's well-being at the tip. She thinks that there are a lot of people in the business community where we are just approving too many impossible projects without clear direction on how much it is going to cost.

Mr. Bishop spoke with some of the civil contractors in town who said that the projects that they are doing are needed. He too feels that the people need to be surveyed, but feels more secure that there are needed repairs that are currently taking place. Mr. Satre said he will talk to the liaison and speak to the new director and city manager.

XV. ADJOURNMENT

MOTION: by Mr. Watson to adjourn the meeting.

With no objection, the meeting adjourned at 10:05 p.m.