

MINUTES

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

REGULAR MEETING  
May 14, 2103

**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 (chair), Benjamin Haight, Nathan Bishop, Karen Lawfer, Jerry Medina, Nicole Grewe.

Commissioners absent: Dennis Watson, Dan Miller, Marsha Bennett.

A quorum was present.

Staff Present: Hal Hart, Director; Beth McKibben, Senior Planner; Eric Feldt, Planner; Teri Camery, Planner; Ben Lyman; Senior Planner.

Chair Satre: For those of you in attendance this evening, we have an extremely full agenda, so we will do our best to move through it in an expeditious fashion. Depending on how many people are testifying on an item, we may put a time limit on testimonies, so please be prepared if you're going to testify in front of us and we will try to ensure that everybody has the chance to come up if they wish; however, we will start with the approval of minutes.

**II. APPROVAL OF MINUTES**

***MOTION:** by Mr. Bishop to approve the minutes as written with any minor adjustments made by staff or planning commission members.*

Chair Satre: Thank you Mr. Bishop. Any objection to the motion? So, the minutes of the March 19, 2013, Committee of the Whole meeting and the March 26, 2013, Regular Planning Commission meeting have been approved barring any minor amendments by commissioners.

**III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**IV. PLANNING COMMISSION LIAISON REPORT**

Mr. Smith: I want to report to you briefly on the activity of the Ad Hoc Housing Committee of the Assembly.

There are three things we are working on currently. First of all, from all of the input we got from the real estate community, builders, developers, landowners, we developed a matrix and identified the frequency of the various suggestions that were made from all the groups. We have come up with seven items that seem to be appearing as recommendations of all these groups, and we have given this list to Legal and to CDD and are asking them if these are actually actionable items and can we, as an Assembly, move these forward.

Second, the Committee has pretty much unanimously identified the challenge of coming up with a more definitive definition of the types of housing that are needed here in Juneau and Mr. Hart has been tasked with convening all of the groups that have met over the past few years, and all the groups that are involved in this effort such as the Affordable Housing Coalition and asking them to tell us how they would define the types of units that are actually needed. It is not enough to say we need X number of multi-family units and it is not enough to say we need X number of single-family units. We need to drill down and come up with a more definitive description of the type of housing that we are looking for here in Juneau to address the crisis that we have. Mr. Hart is working on that and hopefully will bring that back to us and will share that with the Assembly.

Further, on the committee, we have decided on our own to pull those that have open permits right now that are building some type of housing right now. We have a hundred open permits and we have divided the list and are contacting each one of them, asking them what's going well, what's not going so well, and do they have any specific issues with how the City is interacting with them as a permittee. That's somewhat of an anecdotal approach, but we are going to get a sense of the public's feeling right now about how we are working with them on their permits.

As you know, Mr. Lyman has completed the Comprehensive Plan. It contains the matrix that I was looking for, so that the Assembly can see very clearly what changes were major and what changes were more ministerial in nature.

Finally, we still have our friendly budget meetings on Wednesday nights until June 15th; you are all welcome to come, and that's my report.

Chair Satre: Thank you very much Mr. Smith. We appreciate you being here. Any questions for Assembly Liaison? Seeing none, thank you for being here. I would also like to thank Assembly Member Jones for joining us here tonight as well, appreciate it. We will now move on to our Consent Agenda.

## **VI. CONSENT AGENDA**

AME2013 0004: A rezone request from D-3 to D-5 for 3.6 acres along Mendenhall Loop Road near the Montana Creek Road.  
Applicant: Duran Construction Co.  
Location: 9990 Mendenhall Loop Road.

### Staff Recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommends the Assembly approve the rezone proposal of the 3.6-acre parcel from D-3 to D-5.

STV2013 0002: Vacate that portion of Borrow Street between Shaune Drive and Commercial Drive.  
Applicant: AKBEV Group LLC.  
Location: 5429 Shaune Drive.

### Staff Recommendation:

We recommend that the Planning Commission adopt the Director's analysis and findings and grant the requested Street Vacation Permit. The permit would allow the vacation of the portion of Borrow Street located between Shaune Street and Commercial Boulevard.

The approval is subject to the following condition.

1. The applicant shall complete the minor subdivision platting process per CBJ code.

USE2013 0011: A Conditional Use permit for a 70-foot tall wood pole with a satellite dish at AELP's West Juneau Electrical Substation.  
Applicant: Alaska Electric Light and Power Co.  
Location: North Douglas Highway.

### 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 70-foot tall wood pole with a 2-foot diameter wide satellite dish.

Chair Satre: Is there any member of the public that would like one of these items removed for a full public hearing? Seeing none, are there any items that commissioners want removed from the Consent Agenda?

Ms. Lawfer: With regards to our packet, we do have AME2013 0004, but in the packet, it also talks about AME2013 0002 with a different applicant and owner.

Chair Satre: I will let Ms. McKibben address that.

Ms. McKibben: That was a separate application; they were addressed together. The Planning Commission made a recommendation to approve that application that you approved at the last meeting.

Ms. Lawfer: Okay, thank you.

Chair Satre: And we have this item on the Consent Agenda just so the public notice requirement is met.

Ms. McKibben: Right.

Chair Satre: Any further questions on the Consent Agenda. Would any commissioner like an item to be pulled? Seeing none, do I have a motion?

**MOTION:** *by Mr. Bishop to approve the Consent Agenda as written and adopt staff's analysis and findings.*

Chair Satre: Thank you very much Mr. Bishop. Is there objection to the motion? Seeing none, the three items on the Consent Agenda have been approved.

## **VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

AME2012 0006: A Text Amendment of CBJ 49 to adopt the Comprehensive Plan Update of 2013.

Applicant: City and Borough of Juneau

Location: Boroughwide

### **Staff Recommendation:**

Staff recommends that the Planning Commission complete its review of the 2013 Draft Comprehensive Plan of the City and Borough of Juneau and forward the draft plan to the Assembly with a recommendation for adoption.

### **Staff Report:**

Ben Lyman, Senior Planner: Thank you Mr. Chairman, commissioners. It has been a long couple of years. I do believe that we have probably come to the end of this particular part of the process of updating our Comprehensive Plan last adopted in 2008.

There are a few things that I just want to run through in the staff report. I do want to call your attention specifically to Attachment D2, which in your staff report packet can be found right before the Draft Ordinances - Attachment E. This is the only public comment that has been received since the publication of the draft that you're considering this evening, and I'll just point out that Ms. Waterman's comment reiterates comments that staff had during the discussion of that particular edit to this version of the Comprehensive Plan, so staff would still recommend not making that particular change, that's the only comment that we received on this particular version.

There are some other things in the staff report I just want to point out. Based largely on discussions with Assemblyman Smith, we came up with a few different tools to try and help people navigate this document, the first being on Page 2 of the staff report, 3-bullet point, How do you get the big picture in 20 minutes? How to find information that you think is relevant to

you. The most substantial changes in each chapter are summarized in Attachment A and also in the staff report; we just sort of bullet-pointed the various things in each chapter.

The Comprehensive Plan was last initiated as an update in 2006 and adopted in 2008. It is supposed to be updated every two years, but it's a big undertaking. It takes about two years to do, as you know. So, one recommended change within the Comprehensive Plan would be to extend that deadline, so that we have two years of sort of breathing space for our ordinances to catch up with our Comprehensive Plan before we initiate another process, and so there is some discussion there on that.

The update of the Comprehensive Plan is, believe it or not, consistent with the Comprehensive Plan. It also is called for being updated in Title 49, the Land Use Code, and the Land Use Code also calls for updating the Comprehensive Plan every two years, so the draft ordinance that is on the final attachment, Attachment E to the staff report would also make that change to Title 49 with Policy 18.2 and extend the period for review by two years essentially.

The matrix that Assemblyman Smith mentioned, Attachment A is a color matrix that sort of highlights where the most substantial changes are in various categories of types of changes. On the far right and left of that are staffs' objective as possible opinion, sort of a grading of the entire chapter and the significance of the changes within.

After going through and looking at really what had changed in Chapter 4 - Housing, which we've been considering a fairly major update up until now, I realize that almost all of the text had simply been moved, it hadn't been rewritten. So, it's actually a much less substantial update than staff had initially thought the Affordable Housing Commission had done. So, all the chapters are graded there.

Another tool that the Assembly had requested and this is an updated version from what the Planning Commission and the Assembly had seen in the past, on Attachment B, Land Use Designations and Zoning Districts, it's sort of showing how those two map sets relate to each other. There are also some maps that were printed really poorly for some reason on our new document. Attachment C or all the Errata Sheets, none of these maps were changed anyway. The file just didn't play well together, so I apologize for all of that, but again there are no changes there from what was adopted in 2008.

I would point out that we still unfortunately don't have updated maps from the FAA, so we are adopting maps that we know are out of date because the runway has been expanded.

Attachment D1 are all of the comments you've seen before, except for the very last one, I believe, which was received after the orange draft, the February draft review was complete and before the new draft was published, and so Ms. Danner had some comments regarding some wireless communications that she wanted included in the records, so those are there as well.

Attachment D2, near the end of the packet, the only comment received so far on this draft and Attachment E, the draft ordinance for adoption and hopefully touching everything; it has not

been reviewed by the Law Department, so we can expect some minor tweaks, but essentially the same document, and with that, I would conclude my staff report.

Chair Satre: Thank you very much Mr. Lyman. Any questions for staff at this time? I guess I would just note for the benefit of people that have joined us here this evening, this is probably the 20th meeting on the Comprehensive Plan as we have worked on this over getting close to two years now on what was envisioned as a minor update. Certainly, some chapters we have delved into much further than planned. We hope that we have made those chapters better. We certainly have been very appreciative of the work of all the commissioners and staff during this time and certainly appreciate of the public comments over this period and the folks who have joined us throughout the process. I think our intent here tonight is it's a bit of a housekeeping item to get to the final point in our review of the Comprehensive Plan to provide any comments that we want to put on the record in terms of our individual commissioners' feelings as to the process as to the plan itself. I do want to open this up for public comment and I would say if folks do want to comment on this, it is likely that you're commenting for the record that will go to the Assembly, as we would likely recommend this evening that this move on in its current draft form, but certainly any additions to the record are always welcome and there will be public hearings on the Assembly side, both in committee and in the normal meetings, so unless there is anything further, I am going to go ahead...Mr. Medina?

Mr. Medina: I just want to compliment staff on the cover photo of the plan. I think it's very colorful, makes for a nice looking document, so well done.

Chair Satre: Thank you very much. With that, let's go ahead and open this up for public comment. Would anybody who is here this evening like to provide comment on the Comprehensive Plan draft? Seeing none, we will close public comment.

**MOTION:** *by Ms. Lawfer to adopt staffs' findings and recommendations with regards to the Comprehensive Plan and forward the draft plan to the Assembly with recommendations for adoption.*

Chair Satre: Would anyone like to speak to that motion?

Mr. Bishop: Mr. Chair, I support the motion. As everyone has said, we've been through a long process on this, I think longer than most of us had intended and most of us wanted, but I think we've come out with a good product. I think that we should be happy and proud of what we've done and achieved here. I think that the plan is meeting a lot of the objectives that the Assembly set out for themselves and for us when we started this process, meeting some housing needs and working on density issues in the plan that needed to be addressed, and I think that we have achieved that and I think that we now need to move this forward and work on the ordinances that it supports, so I would strongly urge a unanimous vote on approval on this.

Ms. Lawfer: The one thing that...and I've thought about it, was the updating every two years, and at first, I thought about possibly looking to change that, but I think that we have a good to-do list with regards to changes that should be happening within the next review, and I know I have mine and I know staff has been keeping theirs, and then of course addressing any of the

ordinances that haven't made it through this 2-year time period that we would like to see going, so I support the plan as it is including the two years.

Mr. Haight: I also agree. As we've proceeded through this process, I think we've gotten to the point where we have felt very comfortable. We accomplished the goals that we had set for ourselves. We also see that we still have more work ahead of us. In trying to bite off the next two-year plan, I think we recognize that we can't take on the whole thing at one time, and we will be, I'm sure, defining what our priority is, what our new goal will be for the next bite.

Ms. Grewe: I will speak in support of the motion and in particular I'll just state for the record that one of the most interesting parts of this process has been reading the public comment for me, because we work on it, we work on it and work on it, and then it goes out for public comment and we get several rounds of public comment and I'm really happy with the way the Commission treated the public comment. We listened to oral testimony and we read every single written comment and discussed them and some of them, there was debate, some we have made changes for, some we tabled as very important, but a larger issue that needs to be addressed with another revision process in the future, but I'm really happy with the way we treated public comment. My second comment is actually related to the staff report on Page 2 of 9. I think the third bullet on the very bottom is really important. I'm really happy with the way staff summarized the changes in the color-coded chart, but I think there is a lot to be said, that you take a fresh look at the document in its entirety and this comment is really kind of geared towards the Assembly; just because it's old text does not necessarily mean it's safe text, don't just focus on the changes, its really the document as a whole and as policy makers for our borough, I hope they would take a look at the changes they've made, but also think about the document in its entirety and what it says. Thank you.

Mr. Medina: Thank you Mr. Chair. I would like to also compliment the public for their input on this document. There were some well thought out ideas and although they may not have been incorporated into this particular edition of the plan, those comments will be forwarded on for a future review, and if you stop and think about it, you have 9 different people that review the document this size and come to consensus, that's pretty remarkable, and I know that we had a good-spirited debate on many of the issues, but overall I appreciate the opportunity to become more familiar with the plan and this exercise has certainly done that for me, so thank you.

Chair Satre: Thank you very much, Mr. Medina. I'll try and wrap up with some brief comments. For the average person in Juneau and quite frankly pertinent commissioner or staff member who picks up this document, whether it was the 2008 version, which I was involved in the creation or be it the update that we are now completing, it's a mean document that is hard to even find a place to start. I think we've tried to do our best to simplify that document where possible. I am sure there are parts and pieces that individual commissioners may still have some heartburn over or may be unhappy with certain phrasing or certain chapters in the text, but ultimately we realize the limits of what we could address in this update, and I think we've put the best product forward that we can at this time. It is also very important for us to remember and certainly our friends in the Assembly, I see Mr. Nankervis has joined us as well this evening; we appreciate that, but to realize that this is a living document and this is not the final word on the Comprehensive Plan moving forward. This commission and certainly CDD staff will continue to work on the items that the public has brought up in terms of making this document better and

certainly I think that other commissioners and staff and other Assembly members have brought up as we go forward, that this will continue to be revised. Hopefully, we can continue to make it simpler going forward and provide a relatively easy to understand and comprehend road map for Juneau's future, but it will adapt just as Juneau and its population adapts and we look forward to being part of that process. With that, unless there is any further discussion, is there objection to the motion to move this up to the Assembly for adoption? Seeing none, we will forward that on.

Thank you Mr. Lyman for all of your hard work on this and certainly everyone else, Mr. Hart, within your staff and thank you commissioners, both folks that are present and folks that are missing this evening. We truly appreciate your work on this. Thank you to the public for bearing with us as we wound up a very long process there, I think it was important to get a few of those comments on the record. For now, we will move on to Unfinished Business on our agenda.

### **VIII. UNFINISHED BUSINESS**

AME2013 0007: Amend the Comprehensive Plan map from Resource Development to mix of Industrial, General Commercial, and Resource Development in the area of Honsinger Pond.

Applicant: Bicknell Inc.  
Location: Glacier Highway

Chair Satre: I would just note for commissioners, we have a memo from Ms. McKibben in our packet that really describes what we are trying to do here this evening. When this item was before us at a previous meeting, we had two commissioners who had to recuse themselves, that left us with six commissioners and our threshold for a positive action was four votes. The vote on this application ended up being 3-3, so the motion to approve it was denied and no other action was taken on that time and no reconsideration was noticed. Ultimately though, what we failed to do as a Commission was adopt findings to support that decision and that is what is in front of us here tonight. Ms. McKibben has gone through the records and has drafted up some findings. I think there are 12 findings within the memo in regards to denying that application. This is a pretty rare occurrence on the Commission. Generally, we have enough members around the table to get either a positive or a negative vote one way or the other instead of essentially being a default denial. The folks that are here this evening are the same six folks that were here the other evening, which certainly could set the stage for another 3-3 vote on the findings; however, I believe the Commission has had precedent where we have a split vote on an item, but when we come down to adopt the findings, we have gone to a unanimous vote to say, 'yes, we may have deferred on the decision, but the findings will go into the record and ultimately be appealable, we are unanimously affirming that decision'. So, with that Ms. McKibben, do you have anything to add?

Ms. McKibben: No, I think that is a really well done summary.

Chair Satre: And if there are folks here in the public on this item, our intent is not to take this up. In terms of public comment, we closed public comment. We had a motion on the record. If that motion fails, we are simply going to deal with our adoption of findings and move on this



evening. So, we have 12 findings in front of us. Does anyone have questions or comments on those findings before we move forward?

Ms. Grewe: I have a question for staff. So, the proposed findings, I think I'm familiar with the discussion that was held that night. So, this is a summary of our discussion, but in really short terms. If this were to go to an appeal, this is what the Law Department would be shown as well as the minutes.

Ms. McKibben: Exactly, the minutes and the findings would be part of the record.

***MOTION:*** *by Mr. Bishop to adopt the findings as written in AME2013 0007 as a support for the denial for this particular case.*

Chair Sartre: Thank you very much, Mr. Bishop. I certainly think that it would be my personal intent as a commissioner, but certainly a yes vote on these findings isn't necessarily that you may be changing your original vote; it's simply affirming our decision and detailing the record going forward, so that if there is to be an appeal, there are items to be addressed. Any further discussion on the motion or is there any objection to the motion? Seeing none, we will move on. Thank you very much Ms. McKibben for bringing some clarity to that.

## **IX. REGULAR AGENDA**

Chair Sartre: We have a Conditional Use Permit as well as a City State Project review. We will take them up as a single item.

USE2013 0005 &

CSP2013 0006: A Conditional Use Permit and City Project Review for construction of a new two-lane boat launch ramp and associated parking at Statter Harbor in Auke Bay.

Applicant: CBJ Docks and Harbors

Location: Statter Harbor

Chair Sartre: Ms. Camery staff report, when ready. Mr. Haight, do you have a conflict of interest?

Mr. Haight: I do, I'm part of the project.

Chair Sartre: Thank you very much. Ms. McKibben and Mr. Hart, can you advise us in terms of, do we need 4 for action tonight.

Mr. Haight: I believe that is correct.

Teri Camery, Planner: I would like to begin by going over the blue folder items with you. I understand you had a meeting right before this and probably had very little time to look at these items and there are quite a number of them. I wrote up a cover memo explaining issues that have come up since the staff report was completed.

First off, the attachments to the Baxter Bruce and Sullivan letter dated, May 17, 2013, were inadvertently left out of the packet. These are the appraisal exhibits, and I will explain those more as I get into my analysis, but I wanted to make sure that you saw that.

The second point of note is a supplemental memo from the CBJ Assessor's Office explaining the background behind their determinations.

Third note is an e-mail message from CBJ Docks and Harbors confirming that they met the vegetative cover requirement for the Waterfront Commercial Zoning District.

Comment four is a brief e-mail comment letter received requesting that the project be constructed to the highest standards. Similar comments followed that, comments that were expressing a concern with the parking lots on the waterfront and requesting a waterfront walkway and green space. Third letter, again similar comment, commenter requested a walking path, benches, and additional landscaping.

I have one correction to the staff report. In the staff report findings on Page 18, the question asked, will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area? The answer to that should say, "No, it will not decrease the value". That response is supported by the following statement; it was just an incorrect answer. So, I wanted to make that correction.

I also have two new conditions to propose and again I'll explain this in greater detail as I get into the review, but we proposed a condition requiring that the parking lot be paved, in response to concerns from the neighbors and also to ensure that the project conforms with CBJ habitat standards since paving is necessary to implement the oil/water separator measures that have been planned for the project. Second new condition will be for off-season storage. The applicant is not proposing storage on the parking lot, which has been a concern of the neighbors. Any change in use from the currently approved project description would require a new Conditional Use Permit anyway. This condition is just reaffirming that basic requirement. The wording of that condition is, 'Use of the parking lot for storage shall require a new Conditional Use Permit'.

I'll be addressing the remaining issues in the May 17, 2013, comment letter from Baxter Bruce and Sullivan in greater detail as I get into my review since that was not included in the staff report analysis. Last thing to note, we received another comment just before the meeting started. So, I have not reviewed this in detail myself, but this is the letter from the Don Statter family, appears to be signed by approximately 10-12 family members and we may read just a bit of this into the record, because I haven't reviewed it myself. The comments are from the family members to Don D. Statter, the letter reads: we feel it is essential that you reconsider this project to include an atmosphere as great as Auke Bay itself. Auke Bay is home to many mixed uses, is unique in its setting. Because Statter Harbor is a national center for Juneau, we ask that the Planning Commission grant a designated area for a park-like public use that all Juneau residents can enjoy regardless of being boat owners. Since the initial plan included park space and the final design is yet to be completed, we ask that you make the time to create space for a park along with vegetation, seating areas, and other pleasurable features that would make Statter Harbor an enjoyable hotspot. The letter describes the restrictions that were placed due to minimizing the intertidal fill, but nonetheless stating that the Planning Commission should look

at including mixed uses and look to create a park-like setting to improve the scenic value of this area. So, that is all we have to the blue folder items.

Staff report:

Teri Camery, Planner: We start off with a look at the zoning map, this project site, the most adjacent residential development in the Auke Bay Towers, and you can see that the Waterfront Commercial Zoning District extends virtually along the entire waterfront along Auke Bay General Commercial immediately across from the project site, light commercial over here. So, this is the Statter Harbor Master Plan, which shows the overall project; two other phases in here that have gone to the Planning Commission with previous Conditional Use Permits and this is the currently proposed project.

With that, I'll move into the body of the staff report. I'll provide a quick rundown of the major project elements, I won't go into all of these in detail; I'm going to try to focus on the elements of the project that seem to have generated the greatest amount of feedback from the public.

The project includes an armored slope and marine seawall to retain the intertidal fill, double-lane boat launch ramp and associated parking, a new access driveway from Glacier Highway for vehicles with trailers, a seawalk along the harbor frontage and trail access to Bay Creek, and reconfigured vehicular access and traffic circulation in the harbor area. Segregated launch and retrieve operations (non-motorized boats such as kayaks would use the existing boat launch while motorized boats would use the new double-lane launch ramps), and viewing opportunities along the seawalk and landscaped buffer areas near adjacent properties. As we will describe later, the landscaping is quite limited in this project due to the restrictions on the intertidal fill.

So, because the project has federal funding, it required a full environmental assessment and that environmental assessment has largely dictated the footprint of the project. The original fill footprint proposed is over six acres, that original design included additional landscaping and park areas. Those areas were eliminated through the EA process because the agencies through federal regulations required that the fill footprint be limited to the absolute minimum necessary to meet the project purpose. So, that original fill footprint of approximately six acres was reduced to 4.3 acres through this process.

Again, the site is zoned waterfront commercial. The new proposed boat launch ramp will reach the five foot tide line, as opposed to the current ramp, which I believe reaches only to zero foot tide line, so that would be a significant improvement.

There is a big section of the staff report regarding traffic, parking, and circulation. I'm not going to go into that in great detail. I am happy to respond to any questions you may have. The key point here is that DOT has accepted the driveway location and doesn't have any concerns over the project regarding vehicle safety or compatibility with other DOT projects in that area. We have improved pedestrian access; DOT will be putting in new sidewalks on both sides of the street in this area and, in general, the improvements will substantially reduce the number of vehicular trips and pedestrians traversing the area because there will be parking on-site versus the steady pedestrian traffic that we have right now from people parking in areas farther away

from the harbor along Back Loop Road, at Auke Bay Elementary etc. and moving to the current launch ramp site.

Noise: The applicant has generally stated that they will comply with the current noise standards and will restrict use of heavy construction equipment to the hours of 7 a.m. to 10 p.m. Monday through Friday, 9 a.m. to 10 p.m. Saturday and Sunday. I know that the adjacent neighbors have concerns with those hours and I believe that the applicant will be discussing that in greater detail in their presentation. I did not propose any additional reductions to those hours in my staff recommendation due to the problems that that could create with the construction schedule. As proposed, it complies with City Code and City Regulations.

There is a condition regarding the lighting plan; that is something we look at specifically in Conditional Use Permits to ensure that the lighting design does not cause undue glare on surrounding properties. We have included our standard condition that we apply on virtually all harbor projects and similar developments. The condition states, "Prior to issuance of the building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare."

We have a brief note regarding flood zone with the following condition; "Prior to the issuance of the building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force, which is described in the City & Borough's flood insurance study."

We have a pretty large section of the report regarding habitat impact, discussion, and the details from the environmental assessment, summary of impacts to Bay Creek and Eelgrass Habitat. The US Fish & Wildlife Service did make a finding of no significant impact, which means that the EA was acceptable and a full environmental impact statement was not necessary. The project does require mitigation that will be in the form of a fee-in-lieu agreement with the Southeast Alaska Land Trust. The amount of that fee is not available at this writing. The project has all the necessary permits from DEC, Army Corps of Engineers, and Fish and Game.

The Wetlands Review Board reviewed the project at their March 21, 2013 meeting, and recommended in favor of the project and specifically noted the Oil/Water Separator Maintenance Program and the path along Bay Creek as points that they specifically appreciated about the project.

We reviewed the Land Use Code Habitat Policies, the Special Waterfront Area Policy regarding minimization of the fill footprint. We reviewed the standard regarding Wetlands and tide flats and rivers, streams and lakes, and concluded with minimizing the fill and storm water measures, that the project met those standards.

The biggest section of the review is property value or neighborhood harmony, and with that I have noted in the report that the project site is on waterfront commercial - let's go back to that zoning map. The adjacent residences are also located in the Waterfront Commercial Zoning District. The definition of Waterfront Commercial District states that, "Waterfront Commercial District is intended to provide both land and water space for uses, which are directly related to or

dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services. Residential development is allowed in the Waterfront Commercial Zoning District.”

So, with that, we move into an explanation of the concerns of the Auke Bay Towers Association. In the staff report and in the supplemental letter, they have focused concerns regarding the parking lot fill footprint, specifically the estimate that Docks and Harbors used to calculate the parking demand. CBJ code does not have a parking standard for boat launch ramps, so we have largely accepted the applicant’s determination of need. I believe Mr. Gillette will explain the background behind that parking calculation in greater detail in his presentation.

Another concern of the neighbors is the lighting. Again, we have proposed our standard conditions regarding lighting, to ensure non-glare on different properties.

The Auke Bay Towers Association noted a very specific concern regarding the parking lot, if the parking lot is not paved; therefore, we recommended an additional condition specifically requiring that the lot be paved. The Auke Bay Towers Association also expressed concerns that the area could be used for vessel storage, boat repair, and other activities like that in the off-season when the parking lot is not fully used. Again, those uses are not part of the current project description. Any significant change to the project description would automatically require a new Conditional Use Permit from the Planning Commission. Because that’s a specific concern of the neighbors, we have called that out as a very specific condition; that if storage of any kind is proposed, then it would indeed go back to the Commission.

There have been a lot of comments both from the Auke Bay Towers Association and other comments that I noted that came through the blue folder items regarding landscaping for the project. The major issue with landscaping is, again that the environmental assessment process severely limited the inter-tidal fill and the emphasis has been on parking. So, landscaping for the project is minimal and the applicant will explain that in greater detail in terms of what they have done and why they couldn’t do more. The last major concern from the neighbors, as I understand it, is the noise impacts from construction. Again, I have not proposed any additional conditions at this time because the applicant meets current CBJ standards.

Another concern that came up in the letter from the Auke Bay Towers Association, it was not fully addressed in the staff report, we included it with the staff report, but we didn’t go into in-depth analysis regarding the impact on property value. In that May 17, 2013, letter from Baxter Bruce & Sullivan, the applicant’s representative has stated essentially that the CBJ Assessor’s Office analysis of the property value and tax is inadequate. The Assessor’s Office has included a supplemental explanation in the blue folder, in terms of what they do and what they do not do. They have essentially said that it’s beyond the scope of what they do to conduct an in-depth property value analysis.

The applicant in the exhibits that were belatedly attached has documented that condominium units in the Auke Bay Towers that have water views are valued at \$5,000 more than condominium units without water views. So, I wanted to specifically note that. I did not change my recommendation regarding neighborhood harmony and property value because I don’t

believe we know at this time whether the proposed parking lot would completely eliminate the water view from those units or partially eliminate it. The letter states that the development will turn three units currently enjoying water views (it gives the specific unit numbers) and turn them into non-water view units. It states that these three units and nine others will be only 50 to 100 feet from the construction area and it goes on to reiterate the concerns regarding noise during construction.

Back to my staff report, I wanted to turn your attention to the visual depictions that the applicant provided. Here's the existing view, water view, the area, and here is the proposed view. The project area is right here. This is the beach area that the condominiums currently look at. There is the proposed view; you can see the rip-rap. Again, this is from the waterline. You will see several different views here that will give you different angles. Here is the second photo depiction, which is farther out in the water. I guess the project area is right in here. There is the proposed line at the rip-rap. Here is the street view, presumably right at Squires Rest or thereabout. There is the proposed with the landscaped islands, fairly sparse and again, the applicant will explain why they couldn't do more. Here's another view from the road, a little further back and a little further north on Glacier Highway - in that case, you've got a little bit more of a buffer. The last photo gives you the view from the Auke Bay Condos.

This is the existing view; this is the project site. So, this is their primary water view at this point. This is Bay Creek and there is the beach area that they currently look at. You will see this is a significant change. Here is the former the beach area. I noted in my staff report that the visual impact of this is likely to be greater once it's filled up with cars, depends on how you look at it.

Neighborhood Harmony: Our conclusion is that the proposed development is in harmony with the neighboring area. This will undoubtedly have a negative visual impact and yet this activity is consistent with the Waterfront Commercial Zoning District. It is nothing unusual for this area according to the definition. It requires a Conditional Use Permit; it requires an evaluation, but nonetheless, the condominiums are in a Waterfront Commercial Area; the development is in a Waterfront Commercial Area. These uses are solely in line with what's acceptable.

The Planning Commission may wish to take another look at the question regarding property value assessment. I am not prepared to change my recommendation at this time, based on the evidence that has been presented. It's up to the Commission whether you want to look at that further. So, with that, I'm going to close with a review of the proposed conditions. Again, this is the condition regarding the lighting plan, a standard condition that we use on almost every project. Here is the condition regarding flood zone, designed to withstand 100-year storm force; and then these are the two new conditions, parking lot shall be paved in accordance with CBJ standard specifications – there is an actual document titled that, so the applicant will be clear on what that entails. Use of the parking lot for storage shall require a new Conditional Use Permit.

I guess the last thing I would like to note, I just remembered, I know there will be a lot of discussion tonight regarding landscaping. I did have e-mail and phone discussions between the applicant and the U.S. Fish and Wildlife Service regarding the possibility of vegetating the rip-rap. You may recall from the presentation by John Hudson, several months ago that many of you attended, where he described the success with placing soil on rip-rap areas along the

Mendenhall River and how that actually sinks into the rip-rap. I discussed that with the applicant and the applicant's representative, PND, and we had a pretty good dialogue on that. The applicant and PND, however, felt quite strongly that because of the inter-tidal action, storm surges that happen even in Auke Bay, which is quite protected, that they could not ensure the integrity of the rip-rap with planting vegetation in this area. It could be done farther up on Bay Creek, but not in the area of new construction. I just wanted to let the Commission know that we did take a look at that and I'm sure the applicant will describe that further. That's all I have right now. I would be happy to answer any questions.

Mr. Medina: I have a general question regarding the hours of operation and I realize that under Code 49.20.095 that the hours are from 7 a.m. to 10 p.m., but could you provide me a background on how the hour of 10 p.m. was established?

Ms. Camery: I pulled out the noise section - those hours are from Section 42.20.095, disturbing the peace; this is from the penal code. So, Section B of that code states under construction of buildings and projects, it is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment before 7 a.m. or after 10 p.m. Monday through Friday or before 9 a.m. or after 10 p.m. Saturday and Sunday, unless a permit shall first be obtained from the City and Borough Building Official. So, there is that standard. The second section that we looked at regarding noise is CBJ Performance Standards, Title 4. Applicability applies to all commercial and industrial uses. It specifically states uses, which we interpret to mean ongoing activity, rather than construction to build a facility. "All commercial and industrial uses located in light commercial, general commercial.....districts shall comply with performance standards in the following sections. A. The noise emanating from premises used for industrial activities shall be muffled, so as not to become objectionable due to rhythm, intensity, pitch or timbre and where a use adjoins a residential district..." [this is key because this is the situation we are in] "... where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dBA's between the hour of 11.30 p.m. and 6 a.m. and 70 dBA's at other hours." Staff interpretation and I double-checked this with Ben Lyman who knows the noise ordinance better than anyone, is that this applies to the ongoing activity at the site, day-to-day operations; it does not apply to construction activity. The standard for construction activity goes back to the penal code that I just read, which gives those specific hours of operation.

Chair Satre: Thank you. I have some follow-up questions on the noise issue. I don't remember off the top of my head, where there any specific conditions on noise related to the current construction project in Auke Bay in terms of replacement of the DeHart's facility and the work on the breakwater and the driving of pilings for that?

Ms. Camery: We did not place any additional restrictions.

Chair Satre: So, what you read applied to that operation?

Ms. Camery: Yes.

Chair Satre: I believe we had some restrictions, and once again off the top of my head I can't remember them, but on Stabler's Point Quarry, where we were looking to protect residential units from industrial use adjacent and did we minimize those further than what the penal code states?

Ms. Camery: I'm sorry, I can't speak to that project.

Chair Satre: We will look into that during our discussion, but if you think of an 18-month construction project that consists primarily of placing fill, to some extent it's an extension of a coring operation and if we had limitations on Stabler's, it might be interesting to note what those are for our further discussion.

Ms. Grewe: A quick question on the vegetative cover. Could we go back to the picture of the view that the residences have of the project area? I think you might have mentioned the vegetative cover would hold near the creek, but not right in front of the project. I just wanted to make sure that I understood. So, the picture with the project implemented -Where would vegetative cover hold versus not hold, I guess is the basic question.

Ms. Camery: The areas that I reviewed with the applicant and the U.S. Fish and Wildlife Service is this section right through here, which is again the primary view that the Auke Bay Towers is looking at. We discussed placement of vegetation in the upper inter-tidal area.

Ms. Grewe: Okay, thank you.

Chair Satre: Further questions? I have one on the lighting. I know you mentioned it's your standard language, but it seems to me that on large commercial applications, we have in the past stipulated full cut-off lighting fixtures. So, Condition 1, where we are asking to design and submit a plan, where we are looking to minimize....now we have been more specific in the past in terms of implementing full cut-off lighting fixtures, is there a reason why we didn't add that here? I know it's a generic one, but we have gone past that in terms of staff recommendations in the past.

Ms. Camery: Sure, yeah, I am sorry. I followed the most recent ones from other harbor projects that we've completed in the last few months. I'd be happy to amend it.

Chair Satre: And certainly that is part of our discussion and our task. Ms. McKibben, you are nodding your head; am I correct in my remembering full cut-off lighting fixtures on certain other projects?

Ms. McKibben: I remember recommending full cut-off luminaries in some of my projects.

Chair Satre: That's something for our discussion later on. I think I had a similar question to Ms. Grewe on vegetating the rip-rap area, at least in terms of the Bay Creek portion.

We will go ahead and start with public testimony. Our rules of order state that we allow the applicant to come forward first and talk to their project and answer questions; after that, we will open it up to the public. Once the public has had their chance to comment on the project, the applicant will come back for any further wrap-up or questions.



Applicant Testimony:

*Gary Gillette*, 155 South Seward Street, I am the CBJ Port Engineer. First is a comment that I think Teri did a very good job of overview of the project and I don't have too much more to offer, but I do have some things to kind of reiterate and some things that I want to point out that were in your staff report and in our project narrative.

First, just to mention that this project has been a topic of conversation, public meetings, permitting process, and extensive, nearly 5-year environmental assessment with federal, state, and local agencies for over the past 10 years. Originally, the plan was to look at Statter Harbor to see how to separate the different user groups to reduce congestion, improve safety, improve parking and circulation, etc. In October 2002, the voters approved \$3.25 million dollars to begin a Commercial Loading Facility that was planned to be within Statter Harbor. Once they started planning for this Commercial Loading Facility, it became quite clear that there just wasn't enough real estate to accommodate all the different users and ultimately the decision was made to construct the Auke Bay Loading Facility, to get the commercial use out of this congested area. That was kind of the beginnings of the master plan for Statter Harbor.

Then in 2004-2005, they formed an Ad Hoc Committee, which had harbor members, park members, some federal agency members, and went through a planning process with the consultants and came up with a master plan. This was a very envisioned plan with retail space, lots of park space, all developed on the inter-tidal zone. In 2007 and 2008, the Docks and Harbors, with PND engineers, started preparing this master plan and more specifics to begin the NEPA Environmental Assessment Process. The reason we needed to go through there was because the Alaska Department of Fish and Game, with monies through the Fish and Wildlife Service, is funding a portion of this project and, in fact, funded 75% of the permitting process for the NEPA assessment. That process went over a period of almost 5 years before we received the finding of no significant impact and numerous alternatives were looked at for designing. From day one, at the very first meeting with the agencies, it became clear, and they made it very clear, rather rudely, that they would not even look any further at filling valuable tide land for parks or retail commercial areas. We also heard from neighboring commercial entities that they did not feel it was appropriate for Docks and Harbors, a city entity, to build commercial retail facilities that would be in direct competition with a private enterprise.

With those, essentially, orders, we had to look at how to reduce our project to meet our needs and to fit within those parameters that they set forth. We had a number of different alternatives. We looked at ways to put parking lots, that were up to a half a mile away, in order to reduce that footprint to just the boat launch and the access, but through the end that just wasn't practical, because one of the issues that we are trying to solve at Auke Bay is to not make people launch their boats and then have to walk half a mile away to park their car, come back and, it just ties up the ramp - the efficiency goes down dramatically. If you've looked at the environmental assessment, you'll see that we have done studies that looked at that and it just would not solve the problems we've had; it would probably exacerbate them, if anything. So, that's kind of where we came from. It was not an intent of ours to eliminate park area or retail commercial places.

Ms. Grewe: I don't want to interrupt you, but I think questions remain about what you just spoke about - A part of your funding source is federal funds and you are saying the funding source limited you in considering additional green space, vegetation, and commercial retail space. Is it requirements on the funding; is it the personal pleasures of the federal agencies?

Mr. Gillette: Well, no. The federal funding, what that requires is the environmental assessment, that we spent five years and nearly a million dollars creating all the studies. The Corps of Engineers permit is what controls the fill footprint. Even if it wasn't federal funding, we still would have had to go through the Corps of Engineers permit; we still would have received generally the same comment. I don't think that those agencies would have agreed to park land or retail, because generally they are saying if you are filling waters of the US, if there is a viable upland alternative, that they won't allow it; and, there are viable upland alternatives in the community for retail and for park space.

Ms. Grewe: Okay, that's exactly what I needed to know. Thank you.

Ms. Lawfer: If I could follow up on that. With regards to the master plan for Statter Harbor, where it specifically talks about viewing opportunities, does that mean that this plan with the eight items that are identified are no longer priorities with regards to this project? And the reason that I asked that is that it very definitely talks about number four, a seawalk, and numbers eight and nine, landscape buffers and scenic viewing opportunities, and so I guess the question is, when we couldn't fill to six acres and you are down to 4.3, does that mean that those three components are now not a part of this planning process?

Mr. Gillette: No. The six acres would have allowed us to have a more defined park area and we had retail. We are getting rid of those, yet still maintaining the size of parking, circulation, and all of those uses. We have still been able to incorporate some features: One is the seawalk along the entire project. Admittedly, we would have preferred to have a landscaped seawalk, but we just don't have room, so our intent is along this seawalk to have little bump-outs, if you will, places for benches, maybe even a picnic table, we might incorporate some planters, something to soften it. But, there will be areas for people to sit and view the waterfront. And then we have shown other areas, like on the edge in the parking bays along Bay Creek - it just so happens that the layout here offers us a little bit more room we're not really changing the embankment of Bay Creek. We are going to be able to put a little more landscaping here, which offers a buffer to the towers. Then, we have a side trail that goes down along the banks of Bay Creek. This primarily was a request from the Auke Bay School, because they currently use that area for Sea Week and for educational purposes. So, we will actually develop a small trail there. And then we have some landscaping that kind of buffer against the residential on this side and then, as much as we can, along the roadway. So, we will incorporate some of these things that are identified in this. We just were unable to create a park area that was a little larger with picnic tables and a shelter; that's what our original intent was.

Ms. Lawfer: Okay.

Mr. Gillette: Teri mentioned that we do have the Army Corps of Engineers permit and DEC's and fish habitat, all of those permits and, of course, the environmental process with an extensive public comment period. There were numerous comments that were received that are in the EA.

You can view that online. This is the document here, the hardcopy. It was so huge that they didn't copy it to each individual, but we gave you the online connection to it.

Just to mention parking, because that's been brought up in terms of the amount of parking. We did do studies of the harbor usage. We had a study where we had people at all the different harbors to record the number of people that came and launched; we recorded how long it took them to launch, and the ones at Statter Harbor, because many people had to launch, go move their car and then come back; that period was all recorded and Statter Harbor has the longest launch-to-take-off time of any other harbors. We have 22 parking spaces for boat trailers at Statter Harbor right now; and we have, I think, maybe eight up at the Horton Lot, so that's a total of 30 on-site. Some people call the Horton Lot the off-site, but it's owned by us, so it's part of the complex. It's still off-site, in that people have to launch their boat and then drive back out on Glacier Highway to go access the Horton Lot, which is the one directly across from the UAS Bookstore. So, that's why we call it off-site or they go park at the Auke Bay School parking lot, or they go park along the roadway on Back Loop Road.

We counted the number of spaces that are used and one of the days that we counted was Salmon Derby Saturday 2010. There were 22 spaces filled at Statter Harbor on our site; 66 or the bulk of them were off-site; that meant 66 people had to launch their boats and drive back out onto Glacier Highway and then walk back. The following weekend, which was the weekend after Salmon Derby, there were actually more; they were parked further out on Back Loop Road and even some of the side roads that enter the university and the University Recreation Center. Then, we also looked at another typical day that was before Salmon Derby and found that all of the off-site parking spaces were used with the exception of about 25% of the Auke Bay School which is only 8 spaces. There are only 30 there. So, even on a typical weekend day, we were seeing 80 spaces being used.

So, what we did is we consulted a number of standards; Fish and Game has standards for boat ramps; the Corps of Engineers has standards for boat ramps, and a couple of other boating organizations. They basically recommended 50 per lane. The Fish and Game, I think, was 40 minimum, 50 preferred; Corps of Engineers and the other boating organizations recommended 50 per lane. That gives us 100 and that is only 12 more than what we have right now. So, that isn't a huge increase and in fact, in the surveys that we did we found that a lot of people said that they actually avoid Statter Harbor because they know it's congested and they know there's not a lot of parking there. So, our expectation is that even with a 100 spaces, with a few extra spaces, that we are still going to be pretty well maxed out right away, because people are avoiding that area. Once they find that it's going to be a little easier to use, it will probably fill up; and it really doesn't give us much in terms of growth. We want to build a facility that will grow with the community; but we are limited on the space we can do it. This is basically what we said we needed. This is the most space that we could negotiate with the agencies.

Ms. Lawfer: What is or will be the parking requirements with regards to those spaces? Will any overnight parking be allowed in those spaces?

Mr. Gillette: Typically, we do allow overnight parking because people go out, go camping on an island or just anchor out and stay the night. That's kind of a management issue that the board will have to grapple with. At Statter Harbor Proper, they charge and the main reason they charge

is because there is not enough turnover to meet the demand; so, that discourages somebody from sitting there for days on end. That will have to be probably analyzed over time. Right now, I don't think the management plan has been fully developed for this facility.

Ms. Lawfer: Do you know what the current practice is with regards to people parking on the road, say up on Back Loop overnight?

Mr. Gillette: I believe they took the signs down and I don't know that they are actually enforcing it, but DOT has two projects in the mill: one is the roundabout, and so they are going to be constructing up there and I think they are just not going to allow it anymore. We asked the school district if we could enter some sort of an agreement to use Auke Bay School and they did not want to enter into a long-term agreement, partly because of their construction project, but also they said they do have a summer time use, so we could not get them to agree to designate some parking for us to use during the summer. They generally haven't closed it, but they weren't agreeable to making any kind of agreement either.

Ms. Lawfer: With regards to this ramp and the parking spaces, what is going to be the maximum size of say, a boat that someone is going to be able to launch off of that?

Mr. Gillette: I don't know that we have a maximum size. There's a practical limitation in terms of boat trailers and the size that you couldn't... most of them are going to be probably in the 24-30 feet range. I think some of the commercial, Willie's Marine or somebody like that will launch a bigger boat, but that's typically once a season, not every day. I think our parking areas are generally 40-50 feet long, which is pretty common with a big pickup truck and a trailer.

Mr. Medina: Mr. Gillette, it mentions here that the new driveway will have a center turn lane; what's the length of that turn lane?

Mr. Gillette: Are you talking about Glacier Highway?

Mr. Medina: Right, yes.

Mr. Gillette: DOT has two projects in this area. First one, [let me show you on the map], is here at the roundabout and that takes it little past the private residence here in front of UAS store. Their next project, which they are in the design right now, takes it up here and up to Sea View Lane. This new section here will have a center drive lane, so it will be all the way from the roundabout and it will go, I'm not sure how far past it will go, but it will go past our driveway. So, there will be a center turn lane there. Our intent here is that we would have an end lane and a right turn lane and a left turn lane. So, we would have three lanes there as well to try and keep the traffic low.

Mr. Medina: Could you show how a vehicle and boat will navigate down and launch?

Mr. Gillette: They would come along here, they will drop down here, they will come here and they can pull in here for make ready, take their straps off etc...they would pull up into this lane, back down, and then they would come up and park.

Chair Satre: Okay, thank you. I don't know if you were getting towards the end. We got you a little bit distracted questions. Do you have anything further?

Mr. Gillette: Yes. I'd like to cover a couple of other things, just because it has been brought up. There were concerns about construction sounds. We certainly realize that construction sounds can be irritating, probably the most irritating is the backup beepers on vehicles, but that's an OSHA standard that we can't change. The construction period that we are estimating is 18 months and we said we can work within the hours that are advised by the code. That doesn't mean that we're going to work 12-13 hours a day, every day, for 18 months. We have to take into consideration, for instance, in this particular project the tide is going to have an impact. These areas down here that we're building embankments and this ramp here, they are in the tidal range. So, the contractor's first step is going to be going in and build the toe of the slope; that's got to be done at low tide. If that low tide doesn't happen until 2 in the afternoon, they're not going to be down there until two in the afternoon.

They might be doing other things on the project. They will be stockpiling material; however, they can only stockpile so much material until they put it in place. Once we are above normal tide range, then they can work more steadily, but most contractors work six days, eight hours a day, and they start about 7 in the morning, about every contractor I have ever worked with. They do not want to go to 9, 10, or 12 hours because that's overtime. If they haven't figured that into their project, that's costing them money and it adds up real fast. So, we want to live within the range that we've got, because they may need to start some days early and some days later in order to meet that tidal range. The other thing is, we anticipate that the closest place for rock is Stabler's Point, so it is likely that is where the rock will come from. The quarry closes down 3 to 4 months out of the winter. So, there will be a period there that they might stockpile a bunch of stuff, but as soon as they get that out of the way, then they are shut down for a while.

Our project period is 18 months, but that doesn't mean we are going to be working every single day for 18 months. In terms of noise, we just finished a project, basically completed today, and we had some pile driving, some drilling, all kinds of things going on and that project has been going on since the end of September to the 1st of October. We have not received one single complaint on that project. Our contractor was efficient in his operations and conscientious about noise and operated within the hours that are required by the code.

The noise provision in the code, had to do with industrial uses adjacent to residential districts, we are not adjacent to a residential district. Stabler's Point is adjacent and surrounded by residential districts, and it may even be in a residential district, but we are not. We have an adjacent residential building, but it is within a Waterfront Commercial Zone, so I do not believe that the same standards would apply.

We did do a study of sound for the EA and we found that the normal noise that you hear now at the Auke Bay Towers property is anywhere from 48 dBA to 70 dBA with the highway traffic and, surprisingly, wind chimes actually created quite a jump in the noise.

Lighting was brought up; our proposal is to use full cut-off down lighting. That's what we've used at the Auke Bay loading facility; that's what we propose for the cruise ship docks. We are very sensitive to lighting. We need to have enough lighting to make it safe on the site, but we do not want to cause off-site glare and we also have been using the standard to paint the light poles flat black because they are less intrusive visually as you look onto the site; they disappear into

the background. I think at this point that's pretty much all I had to say based on some of the questions you had and comments. If there is any other question, I will be glad to answer.

Mr. Medina: Mr. Gillette, I believe in the Wetlands Review Committee meeting minutes that the fee in-lieu of mitigation payment was estimated to be between \$500,000 and \$700,000, is that still a ballpark figure?

Mr. Gillette: Yes, we are negotiating with SEAL Trust on the figure and we have until mid-September by our Corps permit to finalize that.

Mr. Medina: On the landscaping, there was mention of native material. Do you have any idea what that would be?

Mr. Gillette: Well, our landscape architects project is Corvus Design, which is Chris Mertl and he was involved in our studies for the scenic resources of the project. He is very knowledgeable about which native and local species work well and that's the intent. We are not to that design level, but that is our direction to him and that's his general policy, to find as much native species and species that will survive and flourish in our climate.

Ms. Lawfer: Could you tell me, is it still in the plan and the process to have a non-motorized access point with the old dock; or is there a plan or a place identified for non-motorized?

Mr. Gillette: This is the master plan and we are doing it in phases. The first phase was to replace DeHart's; that's complete now. Second phase is the launch ramp. Our third and fourth is this area, which we are assuming that we'll probably get funding for this third phase, which is to construct a boat haul-out ramp and a kayak launch ramp. The boat haul-out would serve the boat yard that's existing there and the kayak launch ramp would serve kayak launching. Ultimately, we would like to build a new float for the charter boats, for-hire boats, then the bus traffic won't come down in here to load, they would, again, come in through here. That's the master plan and that is how we have separated the user groups.

Ms. Lawfer: Okay, so that is Phase 3?

Mr. Gillette: Yes.

Mr. Bishop: Mr. Gillette, could you tell me, this area here, is this a planned area?

Mr. Gillette: Yes.

Mr. Bishop: So, if we wanted to include a park area that could be included in this project? The other area would not be feasible.

Mr. Gillette: It wouldn't be feasible because we need the parking.

Mr. Bishop: But if we were to do so and push out into the inter-tidal area, because that's then a viable use of that, correct?

Mr. Gillette: Well, we are fighting a couple of things here. We actually, our original team had kind of popped out here to create some park area. I think the park area was more over here, but if we did go out into there, but there were major objections to re-routing Bay Creek. So, we were pulled back to allow Bay Creek to stay in its generally natural form. Another thing is, along here, we have a structural seawall that, in the visualizations, you saw was kind of a block wall and that was because we didn't have enough room for the toe of slope to move out into there, again, because we were restricted to maintain Bay Creek in its natural and current streambed. So, we really did not have any room and that is where we would have picked up parking. We were pushed inland because of that. Again, the agencies are trying to reduce to the minimum the fill of US waters and then other agencies chimed in that Bay Creek is an important anadromous fish stream and they were afraid that if we re-route it, it would flow out and hit the eelgrass bed that's there, which is one of the largest ones in the Auke Bay area. So, we had a lot of threading the needle here, where we are keeping Bay Creek where its running now, avoiding impact to this eelgrass, and keeping the footprint to the minimum.

Ms. Grewe: I would like to discuss a little bit more about the parkland or seawalk. So, there is going to be a seawalk potentially with some bump-outs; I am imagining some benches, but it sounds to me like it would mostly take the form of a sidewalk with some bump-outs to take in the waterfront view. Then, alongside that is the make-ready area. So, per all the knowledge you've gathered from the different agencies and I can see that you are really trying to make this project work for Juneau with the lots of constraints we have locally and then also outside of our City and Borough, but was it really not possible to move the make ready area more into the parking, perhaps sacrifice a little bit of parking for a little bit more, 10 feet of grass or something, I mean that was really, truly not possible here, per your experience in negotiating with these outside entities?

Mr. Gillette: I believe that it would not be possible; the strip along there is actually, when you add that all up, quite an amount of square footage. If we lose that parking then we start compromising some of the main reasons we are trying to accomplish this project. I would say that if we were to now have a plan that reduced the parking and showed much more landscaping, they could say that we've modified the project enough that our permit is void and would need to come back for further review.

Ms. Grewe: Follow-up question, so if you modify the project to the point that your permit is now void, I mean, that's what I am trying to get at, was it really not possible? I mean, I can see that even with the plan that you have in place, it will be busy. Your numbers show that. There is not much room for growth there for traditional standard watercraft; but, there is not much there for those that are interested in using that waterfront that don't have a boat. I'm just trying to figure out what was the preference of harbors versus outside constraints. Without the support of these outside federal agencies, this project wouldn't be possible either. You know it better than anything else, Mr. Gillette.

Mr. Gillette: Again, I go back to what our very first proposal was. We did have more landscaping. We did have landscaped strips along the waterfront. We just kept getting pushed and pushed to eliminate that because, again, their mantra is the minimum fill to achieve the purpose of the project. The purpose of their project is for boat launch and the associated parking.

They bought off on that, but that is necessary. After we went through numerous examples of how putting it off-site just wouldn't work. Again, I think we can try and put something in there, but 10 feet is quite a bit. Anything less than five feet is really not plan-able. It's really a constraint. That is why I said we're going to look at planters of some sort that could support some greenery and benches and we also are going to investigate at least a couple of areas that might be big enough to have a picnic table and cover. It will be small, but something where people can sit and enjoy the wetlands that are there and watch the boating activity. It's nice to be able to enjoy the waterfront; but, if you want to have a pristine waterfront experience, you would probably go someplace else, but if you like watching boats and all the activities, this will provide that for those people.

Ms. Grewe: True, thank you.

Chair Satre: Further questions for the applicant at this time? Thank you very much Mr. Gillette.

Public Testimony

Daniel Bruce, 9309 Glacier Highway, Suite 201A - I appreciate the opportunity to address you and express the concerns of my client. I know you all have the letter that I wrote and the exhibit to that, I know you've read it, so I won't repeat those comments. I do have a few brief additional comments and then I'll turn the floor over to other people here, who include some of the members of my client.

First and foremost, the overreaching concern of the Auke Bay Towers Association is the uncertainty surrounding the specific protections to be given to them regarding this project and the impacts on their lives and their property. We met with the port director yesterday to discuss the letter that I had written and a fairly shocking admission was made at that meeting; and that is, this is not a design. This is a cartoon. You do not have a design in front of you. You have a concept. And, under that scheme, I don't think that you have a complete application for a permit, which is required under 49.15.330 (e) & (f). I would hope, I know when I sat up there, we all became intimately familiar with the same neighborhood association and that case addressing phasing – and it's not completely applicable to the situation you have in front of you, in that this is not a large mine permit, but I think you have a similar thing going on here that you have in phasing, and that is, that you have really an incomplete plan or projections of what's going to happen on this piece of property and how it's going to evolve as funding and as contracts get led. So, my client has already experienced substantial – and I think in your packets you have the original designs and you see how this is constricted.

When we spoke with the port director, and I think there are quotes to that effect in the letter. At one point, there wasn't even a commitment to pave the entire project; now, we have a condition for that. So, we've got this evolving plan. What certainties do the residents of Auke Bay Towers have? I think that the Planning Commission should continue this hearing until you have a complete design, a design that incorporates all the elements of landscaping. I would agree with the Commission – I don't think landscaping converts to parkland. I don't think a 10-foot strip or a 7-foot strip that runs along here, and you've got internal landscaping in this part of the lot. That's not where it's needed; it's needed on the perimeter, if you are going to screen this, not only from noise, lights, I mean the whole impact of what they have now versus what they're



going to have when you've got cars pulling in and out with boats. Right now, the make-ready lane is directly in their view.

I also think that you should have a specific lighting plan that shows not only the number, but also the height of the poles that are going to be placed because that has an impact – depending on the elevation of the light, it may be a full cut-off light, but if it's high enough and you are in one of the bottom residences in Auke Bay Towers, you're going to be looking up into the light, and the full cut-off is going to not be as effective.

As we pointed out with the exhibit, two things - The Assessor's Office is essentially punted; they have no opinion upon what the value of this project will have upon the property values of the Auke Bay Towers. There are 19 units there. At \$5000 a unit, that's almost a 100 grand negative property value. That's just based off of one limited appraisal. So, I think as a part of this, there should be further consideration of the impact on property values for the Auke Bay Towers, individuals and, if necessary, some plan to compensate them for the loss of that value.

One of our other concerns has been addressed and that was the paving of the parking lot and that no increase in use of this area be allowed without going through the Conditional Use Permit. Once again, given my client's uncertainties or fears over the way this project is more \_\_\_\_ over the years, I think that it drives home the point of making sure you have a full and complete design and plan before you approve a Conditional Use Permit. With that, I will stand down so others have an opportunity.

Chair Satre: Thank you very much Mr. Bruce. Questions? Certainly for the folks here, Mr. Bruce is representing the facility next door.

Heather Marlowe, 11909 Glacier Highway, Unit #304. It's going to be a challenge to address the points that I would like to cover with you in three minutes or less. One of the primary points that I wanted to spend some time with you on is the handout that I gave you regarding valuation, and what that is, is three pages of an 18-page appraisal that was done on my condo in December of 2012. What it says is that it uses four other comps on the property that have different views. And so, what happens is on the cover page, you have a description of all of the abbreviations that are used in a uniform appraisal. Uniform appraisal is a standard tool that is used by financiers, bankers, and the appraisal industry to determine valuation. So, when you become an appraiser, you have to be competent in applying these abbreviations to the valuations of property. I've highlighted some of the abbreviations that apply to views and location. That's what I would like to focus on.

The next few pages are what were handed out to you earlier from the appraisal. That's referencing how values are adjusted for different considerations. So, you start with a subject property, which is my own, and then you have three different comparable sales. Sale number 1, 2, 3, and then the next page is sale number 4, and they look at the different attributes of the properties and they compare them one to another. They make adjustments on whether some attributes have more value, more benefit than others. They compare one property to the other. What you can see is that there are value adjustments that are based on location, which is what I've highlighted. Since all the comparisons are the same on this property, that's not a very good

example to use with you, but what you can see is that there is a neutral residential location value for all four of the properties.

The next identifier is the view and if you look at the abbreviations, the “B” stands for better, beneficial, and then the next identifier is water, WTR. If I had more time, I would go through the layout of the building for you and show that some of our units currently have a water view. After the project, they will no longer have a water view. There are \$5000 adjustments. On the right hand side of the page, there is a \$5000 adjustment for one of the units that does not have a water view when compared to mine, and you turn it over to the back page, and there is another unit, comparable number 4 that has a \$5000 adjustment to it because it does not have a water view. That is further discussed in the last highlighted line on the page, which says comparable 3 and 4 are side wing units and have inferior views. That’s why the adjustment is \$5000; I have a better view than those side wing views and so I have a \$5000 increment.

After the project, those side wing views, some of them will have no view of the water at all. And so the differential will increase between my water view and their no longer water view. My water view will also be impacted because I will no longer have a full waterfront view. I will have a parking lot view that you saw earlier before. So, my designation is going to change. I don’t know which of these designations is going to apply, but it’s no longer going to be a beneficial water designation. It’s probably going to change to be something comparable to the \$5000 adjustment, which is a residential location.

So, if I had more time, I would go into more detail and show you how the building is laid out and how these evaluations and the adjustments based on your view come into play. We find that there is an impact, at the bottom range its \$5000. If we had more time and we spent more time with Mr. Horan who I talked to, he charges \$200 an hour, he gave us a price quote of \$5000 to come to our building and do evaluation on views. If there is benefit to the Planning Commission in seeing a \$5000 study by Mr. Horan on the impact to our views, we’ll do it, and we would perform that for the Commission and bring it back, so that you can have the information to make informed findings.

Additionally, you had some questions about Stabler's Quarry hours and some of the restrictions on noise. I would point out in the letter from Mr. Baxter on page 7 that we would like to have hours of operation limited to no later than 6 p.m. We would like to take the applicant up their word that they meet 65 dBA in the day, 55 at night. We would like to monitor and have a log that we have availability to, to determine whether or not they are meeting that, and also you have in your Planning Commission standards for noise. There is a third noise source for direction to the Planning Commission that your staff did not bring out, but it’s identified in the Planning Commission conditions that you can limit projects to 65 dBA and 55 dBA, and I do have that code typed for you, if you would like to refer to it later on.

Ms. Grewe: I have a question about I guess the water view. I don’t have a layout of this condominium complex well. So, is it really that the condos with the water views will no longer have a water view or their water view will be different?

Ms. Marlowe: Both, depending on how the building is laid out and what’s going to be occurring.

Ms. Grewe: Okay.

Chair Satre: Thank you very much Ms. Marlowe for being here.

Cordova Pleasants, granddaughter of Don D. Statter: Good evening commissioners. We have in front of you the Don D. Statter letter that my family has provided. This is my grandmother, Anita Statter and she has brought with her a photo of Don Statter and his recognition of when the governor assigned that name to the harbor. If it's all right, I am going to read the letter that we provided.

'Dear Planning Commissioners, as family members to Don D. Statter, we feel it essential that you reconsider this project to include an atmosphere as great as Auke Bay itself. Auke Bay is a world class harbor with thousands of international visitors enjoying Auke Bay each year. Our community should embrace this area as a destination and not diminish its beauty by selling tidelands for single use parking lots. Auke Bay Harbor is home for many mixed uses and it's unique in its setting that warrants a harbor parallel to its magnitude. Because Statter Harbor is a natural center for Juneau, we ask the Planning Commission to grant a designated area for a park like public use that all Juneau residents can enjoy regardless of being boat owners.

Since the initial plan included park space and the final design has yet to be completed, we ask that you make time to create space for a park along with vegetation, seating areas and other pleasurable features that would make Statter Harbor an enjoyable hotspot. We have been told that the entire facility had to be designed as a ferro asphalt parking lot because agencies have restricted what could be placed in the inter-tidal fill. This claim seems doubtful, since at least 1 acre of parking currently exists.

If nothing else, this area that is already filled should be free of restrictions put on other portions of the project. The old parking lot footprint should be redesigned to include mixed uses. If an environmental assessment cannot be redone to consider the mixed use of the entire area, then we ask to the Planning Commission to look carefully at including mixed uses in the original parking lot footprint and seek available space elsewhere to create a park-like setting that would ensure the future mixed use of Auke Bay. Statter Harbor deserves to be the best marina Alaska's capital city can offer and not just a parking lot. We understand the need for parking and we love the idea of future growth; however, we cannot be unheard and watch Statter Harbor be less than what it is capable of.'

So, by looking at this map, maybe in phase 3 perhaps we could suggest – maybe this section was already paved, we could suggest putting a park-like structure for all Juneau users to use. We agree that parking is needed, everybody should agree upon that, but we do think that all users within this area, whether it's residential, students, people going to eat up at the Hot Bite, what have you, should be able to sit down and enjoy the views, because Auke Bay is a beautiful place and it deserves a beautiful harbor just like many of the other southeast communities that are out there.

Chair Satre: Thank you very much Ms. Pleasants. Any questions? All right. Thank you.

Donna Fleming: I am Don Statter's oldest daughter. He was the father of three girls; he had no sons. This memorial in his name means an awful lot to us since he has no sons to pass his name

on. It is a challenge. I can see not everybody is going to be happy on this one. I remember mom telling me the story back in 1964 earthquake when Governor Bill Egan called him after we had that horrendous 9.2 earthquake. It is a challenge, but this can be done; you guys can work together. I do agree that the older part is probably the better place and maybe have a few benches, little containers, you know, some nice places for some perennials or some bushes. You're limited with space, that's understandable. So, maybe that could be looked at for a seating area more in the older section.

My other question is, are we having some difficulty because of the buses that come in with the tourists and is that part of a problem of trying to incorporate that during the summer with our limited parking and has there been any talk of perhaps having another launching area for the rowboats, Amalga Harbor or some other place to eliminate the buses from being in that section? We are trying to please everybody, I don't know if that's ever been considered. But, anyway, a little bit of grass, some plants working, just something so it doesn't look just like solid pavement. Thank you for your time.

Chair Satre: Thank you very much. Questions? Thank you.

Karla Hart: I am here representing Friends of Auke Bay. I am disappointed to see this project before us without any plans for the area. I think that a lot of the concerns that are being expressed today are results of Alaska's Comprehensive Planning that includes the community and really looks out for the community and the community's needs. So, I am here to ask you again to work on a neighborhood plan and get it going as quickly as possible to incorporate the roads, the harbors, the university and everything else, so that we can have something that blends together and meets the community's need, so you have a group of people here who are happy with what's going on instead of expressing the concerns you are hearing tonight. Thank you.

Chair Satre: Thank you very much Ms. Hart. Questions?

Laurie Scandling, 11909 Glacier Highway, #106. You must, as public servants, and thank you for your public service, hear a lot of "not in my backyard" in the position that you serve right now. I want to tell you that after 30 years of living in Juneau and the dream of living on the water, finally able to afford a place, and I bought it because of the backyard, which is Auke Bay and the wonderful harbor activity that does happen. I want to talk to you about probably four specific things. One is property values, the other is size, which remains a bit confusing to me. The noise factor and then a possible screen that can ameliorate the impact of looking at an asphalt parking lot that will be very large. I made an offer on a middle unit that, if you don't know the layout, looks straight out, about four years ago. Part of purchase of a condo is you get to read the minutes from the past several years, and I did, and I learned about the project. I came to the Engineering Department, Planning Department as well, got all of the plans, read them all, got the footprint, and walked the front yard and then went and withdrew my offer because I could tell what the impact would be on what I would see and would not be what I was looking at, if I made that offer. I ended up buying an end unit that does not have a direct view of the water area, because I wanted to live there. In fact, it will impact property values. It's why people buy there, believe me, the building is nothing special, it's 30 years old. What's special about it are the views. Gosh! Noise, possibly seven days a week for 18 months till late at night, I would really appreciate some limitation of that. That's a long time. I lived near the bridge when that

was built. It was really crazy making, listening to the noise. So, if there could be some limitation, so that it's not seven days a week, quite as late as it is in the evening.

The other is the size, I am confused. I've looked at the various plans over the last four years. At one point it said 284 spaces, a letter/fax represented from Mr. Bruce indicates 224 spaces. I heard a 100 today, so I am not sure, is it a 100 [redacted] and then some regular car spaces and I would like to share that during the last derby on what I thought would be the peak day, I think it was Saturday, I drove to National Marine Fisheries to this old site, up Loop Road, Auke Bay was not available because the construction folks had already moved in, the harbor itself and then Fishermen's Bend and I counted 154. If there really are 224 spaces, I can't quite (believe that), it's just confusing to me. Is it the size it needs to be, it feels a big large. So, those are the issues that I would like to bring to your attention, over which I believe you have some control, but certainly it is strange, whether or not its complicated landscaping, I understand that may not be possible, but certainly something that ameliorates looking at something that looks like a Wal-Mart parking lot. Thank you. I would be happy to answer any questions.

Chair Satre: Thank you very much Ms. Scandling. Questions? Thank you for being here.

Dianne Zemonek, 11909 Glacier Highway, Unit # 303. I have a couple of points to bring to your attention. First of all, I want to thank you for helping make Juneau a livable place for all of us, looking out for the best interests of everyone involved. I am not here to be negative nelly, but I do have a couple of pretty strong concerns. the Attachment J, the pre and the post - This is a minus tide and when the tide is in,, it doesn't look like this at all. Water – it's beautiful, it looks way different, the fields are out front [redacted], and it even fills that creek up with water, and backfills it, so it's not just some little piddly creek, and the salmon are up there, and the eagles come down, and bird bath and carry on, and it's a beautiful view. This doesn't look like that at all because it's not quite at the most conducive timeframe for that picture. So, I wanted you to know that it will impact views; it will impact even the wildlife. I know that there have been studies and stuff, but the noise and the light, those are going to impact us. Even with the harbor project that just went on out there, the big lights that they were using shine right in your windows and that was during evening hours, and you could have all your lights off and it was bright inside your condo. So, it will impact all of us out there at Auke Bay Towers.

The other point I wanted to bring up is I understand that you guys have some control over the rules and the regulations of these projects, and I know, such as time restrictions for noise, such as work hours, such as lighting, all of those things you can put some restraint there. I know that even with the beginning of the project when they were gathering information, there was a pile driver out there taking core samples at 11:30 at night, and that didn't follow the rules. So, while living there, do I think that the rules will be followed and the restrictions made unless their financial restraints that say if you break this rule then you have to pay a certain amount or you guys are responsible for the volume monitoring or there has to be some solid restrictions there that are monitored, and the responsibility isn't on just the locals who live there. Because there are 19 homes at Auke Bay Towers that are impacted, and it's not just the condo, it's my home. So, I just want you guys to hear that and to please consider making some pretty solid restrictions and rules or limitations on the lighting, the noise, and what can be done with the views. I appreciate your time.

Chair Satre: Thank you very much Ms. Zemanek. Questions? Thank you for being here.

Nick Lindegaard, 11909 Glacier Highway, #102: A couple of points that I had regarding constructions hours. There are current drilling projects, at least for quite a while, probably a month, two months, was running seven days a week, and very frequently was running past 8 o'clock at night. I think the reason there was really no huge complaints from that was the drill that they were using wasn't a pile driver, it was a drill and it was actually fairly quiet. But, you know, occasionally they did have something out there that was quite a bit noisier, but, on the whole not as big of a concern for us. However, when doing a massive fill project and with compacting equipment, etc. that occurring at 8 o'clock in the evening is really excessive. Even from even this picture, my condo unit is literally about 5 feet from the edge of that picture. So, I am 50 feet from where this fill is going on and doing that at 8 o'clock at night, I think is not acceptable.

The current construction project at the Auke Bay school I hear that now. That's considerably further away. I hear their backup alarms, I hear when they are doing construction work there and that's considerably further away. I am going to hear this project night and day. I would like at least a little peace and a little restriction on the time that they can work. I know they may not want to work 12 hours a day, but you know push comes to shove, that may happen, and it certainly has happened so far. So, I lived in a house where they were putting a road and having to do blasting and drilling, etc. about 50 feet behind that, and it rocked the place every time all day long. It's not a pleasant situation to be in. So, outside of all the other points we've already raised, I would just hope that we could expect some reasonable restrictions on working hours.

Chair Satre: Thank you very much Mr. Lindegaard. Questions? Appreciate you being here. Anyone further who would like to comment on this item? Okay. Seeing none, we will go ahead and will close this portion of public testimony. We will have the applicant come back up to respond. So, we'll take a little over a 5-minute break here to reset ourselves and go forward.

BREAK: 21:11. TO 21:20.

Chair Satre: We have finished our individual public comment, now we have the applicant back in front of us to respond and answer any additional questions by planning commissioners. Mr. Gillette, would you like to respond to anything or simply answer questions?

Mr. Gillette: Thank you. I would like to respond to some of the things we heard. We heard from Mr. Bruce, the idea of changing the landscape strips along the edge of these parking lanes, to put it maybe along between the make-ready lane and the seawalk, and we are limited, again we are dealing with a footprint here and we can make some changes within that footprint, but, we believe that we can probably tweak that and fine tune that, maybe at least do some areas of that – that was a good suggestion and I think we can do that. I also know that at the meeting that the port director attended with Mr. Bruce and his clients, that he did offer that as we get into the detailed level of design here, especially in the landscaping, that we'd be more than willing to consult with them and consider the ideas that they might have.

In terms of the lighting plan, you know, we have a concept and we have standards that we've been using for lighting. Our electrical designer has indicated that they are going to LED lights,

which are much more efficient; they are also much more controllable. We can do things like set areas of the lot that would automatically dim during nighttime hours. I don't know how dim we can go. We do have to keep a certain amount of level of lighting for safety, but we could dim certain areas, especially if there is concern about impacts to neighboring properties, and then if somebody came in and actually approach that site, then the light would come up to a level that would be safe for them to use in the area, and that's the new technology that our electrical engineer has been using in other projects. So, we can certainly look at that.

There was a comment that this is not a design, it isn't a final design, it's a plan. Almost every project that you see before you shows complexes at a plan level and once you approve that plan, then the design is finalized. The design for this is going to be six or eight months of intensive work to finish this, and typically a developer would not want to spend that kind of money and time until we're sure that we can go forward with the project without major changes that might be conditioned by the Conditional Use Permit.

There was discussion about property values and it was pointed out that water views essentially added \$5000 to the value of a property. In the letter from the attorney, it said that there were three condo units that would be impacted by this, that they would have a loss of their water view, that's \$5000 times 3, is \$15,000. I did a quick back of the paper analysis and 19 units that range between \$240,000 to \$225,000, which was on the assessment sheets that were given to you, that's an average of \$233,000 per unit times 19 is over \$4 million, and if there's three units that lose \$15,000 worth of value, that's 0.03%, which I don't believe is a substantial loss of value. Certainly, there is going to be a loss of value, but the finding that the condition needs to make is that this project substantially impacts the land value.

The other thing, I would point out is that when people bought this property, if they did their due diligence, they would know that they were in a Waterfront Commercial Zone and that the adjacent properties are Waterfront Commercial, and in the Land Use Code, there is a whole list of things that can go in Waterfront Commercial Zone. So, while there may be an impact and there may be a loss of view, those are not unknown because adjacent properties can always be developed.

We heard from the family of Don Statter, just to let you know, and if there's still any family members left, we are putting back a sign that recognizes the Don D. Statter Harbor Facility, which will be put up for our new game ramp that we just installed in phase 1.

Again, the size issue is brought up. In terms of relative for parking, I just wanted to reiterate that when we did a count of truck and trailer spaces, there were 88, 22 on our existing Statter site and 88 off-site. We used that as a basis of a good number to shoot for and then looked at standards. Recommended standards are 50 per lane, which is a 100, which is what we are proposing. There is also a standard that says that you should add 30 percent of the number of lanes for boat and trailer for people that just come and go out with their friends and bring their car along. So, that adds another 30 spaces, and then some of this parking, which is existing now, supports the moorage use at Statter Harbor, and so there is some of those spaces there.

We did the calculations and went through standards and it's identified in the EA, the different standards that we looked at recommend for moorage spaces, and now I am talking about the

whole complex at Statter Harbor, that you should have a 0.75:1 ratio. The city code requires 1 parking space for every 3 moorage slips. Between those two, we land somewhere in between. We have more parking spaces than what are required by the code while we have much less than what's required by typical engineering standards. If we use the typical engineering standards, we would be up over 350 spaces for moorage patrons; we are at about 238, I believe, for cars. The code requires, I think it's 130...I had it written down here, but I think I left that back there, but it's significantly less, but based on need and our experience out there, if you've ever been out there, Statter Harbor is parked full nearly all the time. In fact, as I mentioned earlier, we had to institute a fee in order to get them to turn over.

Chair Satre: Mr. Gillette, just to address some of the confusion on parking, the plan that's up here on the screen and discussed in the packet, the number of 99 truck trailer parking spaces with 79 vehicle spaces, that reflects what we are looking at right now, correct?

Mr. Gillette: Yes, it is.

Mr. Gillette: As far as the view screens go, again we had some incentive here and we can look at trying to do some landscaping around the corner here a little bit. Again this is a plan, not a final design, we will be working with our landscape architect to identify the specific species. We did put a view screen in on Auke Bay loading facility and we used a combination of evergreen and deciduous trees and small shrubs to try and capture different levels of screen and also to cover the different seasons.

There was mention of the Commission controlling hours and in one testimony, it was said that we said we could meet the 55 dBa night and 65 dBa day. I did not say that. During construction, with the background noise already peaking over 70 dBa, I'm not going to say that we can live within those constraints during construction when you've got trucks and equipment there. That standard does not apply to construction. What that standard talks about and what gives the Commission an opportunity to put a condition on a project is when the project gets completed and operational. We've done sound studies and we're well below those standards for the general day-to-day operation of the harbor and the ramp. During the construction period, we will be exceeding that, we know that, and almost any construction project would. So, I just wanted to mention that we are not going to tell you that we can meet that 55 dBa or 65 dBa, and that is not a provision of the code for construction. It's a provision of the code for a use that is adjacent to a residential district, which we are not adjacent to a residential district.

In terms of changing the hours, we would have a problem with that for what I went into before. This project is occurring at a tidal influenced property and our contractor is going to be working with the tides, especially in the first part of the project. Again, a contractor is not going to work 12 hours a day unless they are so far behind that their liquidated damages are going to cost them more than paying the overtime. The only time we've worked that many hours, in this area has been because of tides, and that will continue to be and it's always an issue on tide and water project. I think that's about all I have for now, unless there are further questions.

Mr. Medina: Is there a possibility of incorporating a park area as Ms. Pleasants suggested in the old area or the current area of the facility?



Mr. Gillette: Down in here somewhere?

Mr. Medina: Yeah, I guess.

Mr. Gillette: Most of that parking is pretty well used, and right now there is boat and trailer parking there; when that leaves, the plan is to convert those to car parking. Again, there might be some opportunity to do some landscaping, but generally when somebody says that park is a fairly substantial cohesive area and it isn't easily identified where something like that could happen when we still have a lot of circulation and parking needs for the existing harbor.

Ms. Lawfer: With regards to the make-ready and the tie-down areas that you have identified in the plan right next to what you are proposing for a seawalk, is there going to be physical barriers between the two? I'm looking at the difference between mixing pedestrians and it could be pedestrians with smaller children around boats, trailers, and trucks.

Mr. Gillette: Well, there needs to be a curb, so that the levels would be different, there is the road level and then there is the sidewalk level. That's what I responded to in one of the comments, was maybe trying to incorporate some landscaping there, instead of having the landscaping at the end of the parking lanes, we can try and do something like that to better identify that, you know, make-ready, people getting in and out of their cars, beyond the sidewalk and use the sidewalk to exit. Typically, people load up in their car or their truck and then as they pull into the make-ready, everybody gets out of the truck and starts walking down to the ramp while the operator or the truck pulls forward and backs down the ramp. Certainly can look at those kinds of things.

Mr. Medina: What's the width of the seawalk?

Mr. Gillette: I don't know, like 8 to 10 feet, somewhere in there. It's similar to what we have at Statter Harbor right now, down here. There'll be a rail on the outside. The difference here is that we will try to put in some bump-outs and areas for people to get off the beaten path enjoying the views.

Chair Satre: Thank you. Unless there is anything further, Mr. Gillette thank you very much for being here to answer to our questions and respond to public comment. I will go ahead and close public comment now. Are there any further questions for staff? I have one, which has come up a couple of times. We've talked about impacting residential districts. What in terms of our code is that definition? Is it residential zone as in a zoning area or is it a district as in what we are looking at here where we have a residential structure in a Waterfront Commercial Zone because it may make a difference in terms of our deliberations on this.

Ms. Camery: This is from Title 4 and it does state residential districts. Let me read this section again – 'The noise emanating from premises used for industrial activity shall be muffled, so as not to become objectionable due to rhythm, intensity, pitch or timbre, and where a use adjoins a residential district, the volume measured at the boundary line shall not exceed 55 dBA between the hours of 11:30 and 6 p.m. and 70 dBA at other hours'.

Ms. McKibben: I would add that the Title 49, the definition of district means ‘Geographic area within the municipality, within which certain zoning are development regulations apply’.

Chair Satre: So it’s not relegated to a zone then. My thinking is if we simplify apply district as being zone, then we wouldn’t have to worry potentially as much about the interaction between these activities and the condominiums, but what you just read says it really could be any development, zoning or development.

Ms. McKibben: Certain zoning or development regulations apply.

Chair Satre: Okay. Any other questions for staff? What’s the will of The Commission?

Ms. McKibben: Mr. Chair?

Chair Satre: Oh Ms. McKibben.

Ms. McKibben: The prevailing vote requires a vote of 5, but the requirement steps down to 4 when two commissioners step away for conflict of interest.

**MOTION:** *by Mr. Bishop to approve USE2013 0005 and CSP2013 0006, adopt staff analysis and findings and conditions.*

Mr. Bishop: I am going to speak against the motion. I recognize the need for parking and for more boat launching facilities in Auke Bay and I think it’s an important thing to do. I was a member of the group that worked on the original plan, that put this design together, that had park area and that had retail spaces for lease to commercial uses in the Borough and I think it had large broad support and I think it was a good plan and I’m disappointed that we don’t see that here today before us. I think what’s happened is we’ve gotten the cart before the horse, we’ve allowed outside influences to steer the direction of our development rather than let the community determine what they want, and I think that’s unfortunate.

I think that what we’re doing is we’re solving a problem, but we’re missing an opportunity and missing an opportunity to beautify our city and instead we are putting in an industrial parking lot where we’ve got a lot of public use and a lot of public needs. Auke Bay School has been using this area for over 40 years for their Sea Week as mentioned by Mr. Gillette earlier. Every year they go down there and they use the beach and they look at the vegetation, they look at the marine mammals, and this is a small group, recognizing that, but it’s a community need. It’s something that we recognize and we appreciate in our town and it’s something that we need to develop and I think that we could do that with this plan, but not without more vegetation, more park space and recognizing the need to preserve the quality that we all cherish in Auke Bay. Auke Bay is one of the most beautiful places in Juneau, it’s a gem and we need to develop that attribute, not diminish it.

With that said, I have looked at the Comprehensive Plan and tried to find out how we are not meeting the Comprehensive Plan and how we are out of conformity with the development proposal the Conditional Use needs. I turned to Policy 9.1, this is Parks and Recreation Facilities

‘To provide quality dispersed outdoor recreational opportunities and to acquire and develop sufficient local Parks and Recreation facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas that lack adequate parks and recreation facilities’. Mr. Gillette indicated that a park can be developed in other places in Auke Bay, I appreciate that there’s other places you could put a pocket park in Auke Bay, but it’s not going to be a waterfront park, there is no other place to put a waterfront park in Auke Bay. In Auke Bay, the waterfront is what it is, it’s what we all cherish and what we’re doing instead is put another parking lot in an area that’s been cherished by everybody as a park-like space and I think that we can meet both needs, but I think that we have to not let the regulatory authorities dictate our plans. I think we need to work more and put the plan together before we put together the solution to a problem. I think the solution to a problem has to be integrated as a long-term plan and I think that we need to step back and bring these two together. So, I guess I’m speaking against the motion. Thank you.

Chair Satre: Thank you very much Mr. Bishop. Just to clarify, your motion would include the two additional conditions that were added by Ms. Camery.

Mr. Bishop: That’s correct, thank you.

Ms. Lawfer: I too have to speak in opposition to the motion. I speak at it with regards to some very specific things. With regards to a Statter Harbor master plan that has been developed, which does talk about enhancing it for pedestrian access, use and safety, and then also addressing that with the U.S. Department of Interior, Fish and Wildlife Service, which did talk about the intent of the project was to improve pedestrian safety and access and with regards to their conclusion and rationale for their decision, in which they talk about it improves the human environment with increased pedestrian access. I guess my concern is the fact that, while I’m in full support of not filling in additional tideland and certainly not, so that it would cause problems to the creek, I still feel that we need to make something workable, so that there is pedestrian access to the waterfront and that that is really aside from a curb, is much more segregated than a curb with regards to the make-ready and tie-down areas where you’ve got boats and trailers, bigger trucks, and bigger vehicles. So, I too have to speak in opposition to it for those reasons.

Chair Satre: If I might turn the conversation a little bit, we only have 5 commissioners here tonight. So, even one vote denies the application. I believe a better route would be to continue this item and deal with some of the subjects that have been brought up in terms of the completeness of the application. I think there are many commercial projects that come to us with far more construction detail and some city projects too, and we are able to look at detailed drawings that show exactly how much space is needed for certain amenities such as vegetation and sidewalks. One thing that could be considered is to look at – I believe there was one guideline that looked at around 40 pull-through parking lanes per ramp as opposed to the 50. I’m just suggesting that there are possibilities to come back and to work on. But, if you take out some of those that are on the...what would be the southern portion of that lot, that will allow you to expand sidewalks and vegetation. There may be some opportunities to play with a detailed site plan and to come up with some options, potentially we need to see this through a subdivision review committee, which is typically our way of working on these sorts of things, but I think the idea here is that we continue this to allow them to put some details on this. I know Docks and

Harbors, Mr. Gillette, Mr. Uchtyl have spent long amounts of time on this project, there has been public process in the various parts and pieces that have gone through, but I think now, as we are getting to the final design, it's really incumbent upon us to make sure we're doing the right thing on a public piece of land.

I think one of the things that commission is very well aware of is that we do not have a detailed Auke Bay subarea plan. While that can't prevent us from developing, we need to think a little grander in terms of what we're putting together here. This project will in all likelihood ultimately be built, but I think if we can talk to the neighbors, if we can talk to residents of Auke Bay, show them this project reflects community values and show that we will not have a substantial decrease in property values, that inconveniences in noise related to working around tidal cycles for a short period of time relatively with a good project in front of them would be worth it, I think it's something that we can stand on. That's a bit long-winded, but Mr. Bishop perhaps it's best to withdraw the motion and continue it for additional items.

Mr. Bishop: Mr. Chair that wouldn't be my preference. I think that this project is quite a long ways along and I think it's heading in the wrong direction, and I don't think we can get it to the direction that it needs to go by just a continuance. I think we need to step back with this project and revisit what our goals are. I think our goals on this particular project are a little short. I think the goals are to solve a launching problem that we have, an apartment problem that we have. I think that we need to be looking more at developing the opportunities of putting together Auke Bay in a comprehensive fashion and I think until we do that, that we're not going to be making headway on what I am trying to achieve.

Chair Satre: Yeah, thank you very much Mr. Bishop. Further discussion on Mr. Bishop's motion, Mr. Medina.

Mr. Medina: Yes, thank you Mr. Chair. This obviously is a difficult project. I think it's a great project, but it's got some problems, and I liked where the chair was headed. I think there are some conditions or some revisions that we could do to this project that would make it accessible to the community. It seems to me like one of the biggest concerns is the amount of parking and the other issue is a buffer between the condos and one other issue would be a public park facility, and I think some of those issues may help Mr. Bishop maybe solve some of the issues that he was thinking about. But, I live in \_\_\_\_\_ Estates and there was a fill project by a seafood processor, and I look at an empty parking lot, pretty much twice a day when I go to work and when I drive home, I see a few crab pots, I see a sailboat and I see a travel lift trailer there, but the majority of the time, it's vacant. So, I can emphasize that, you know, maybe we are overkill on parking sometimes. During derby times, there's probably going to be an issue with parking, but I think that's probably going to be the case no matter what; but, I would favor a continuance to come up with some revisions to see if we could come up with a project that the public would support.

Ms. Grewe: I'll speak in opposition and support all the prior assertions that Commissioner Bishop made. I'm not sure how to get a better project for the community and it should be a continuance of this or if we just vote on the motion, I am probably prepared to do both at the pleasure of the Commission.

Chair Satre: Any closing comments Mr. Bishop on the motion?

Mr. Bishop: Yeah, I'll speak to it one more time. I think we are approaching where we need to be, and I think the problem is that we are being regulated out of a good project and I find that hard to swallow, it's difficult to take, and I'm not willing to take it. It's too much of a sacrifice for me. I've grown up in Auke Bay and I think Auke Bay is really the jewel of Juneau. With that said, I recognize the need for more parking. I live at the top of the hill that all the boats park on and it's a dangerous situation and I recognize that needs to be corrected, it's a priority, but I also recognize that when you solve problems like this without looking at the long-term solution, that you often don't get to the long-term solution. You sacrifice the long term for the short term. At a time when other communities in the nation are looking at trying to reclaim their waterfronts when they develop industrial parks; we're trying to build one. We've got a rip-rap area without any buffering. This is the gateway to Juneau, where people come in and out of, it's something they see and they take home with them. This is what we are talking about having a commercial launch area for all the tourists that come in and out of Juneau. They are going to be approaching this, this is what they are going to see and that's not the most important thing for me, but it's something that I think we should consider. I think the most important thing is building something that we can be proud of, that we can be happy with, that really makes us feel good, and a parking lot by itself on the water doesn't make me feel good or happy, it makes me feel a little bit like I'm not working hard enough.

Chair Satre: Thank you very much Mr. Bishop. Before I call the roll, one final question for staff. The proposal for the Conditional Use Permits for construction of a new two-lane boat launch ramp and associated parking at Statter Harbor, given the comments of the commissioners, if this vote fails and the Conditional Use Permit is denied, how different does that proposed use have to be if they came back because once we deny a use on a piece of property that use has been denied, and that's ultimately why I was going for a continuation, but I am looking for a little bit of advice from the director.

Mr. Hart: So, I would assume that a denial in this case would mean they would have to rethink project components generally, and then resubmit it to us and then we would bring it forward. At this point, it's kind of hard for me to suggest what ...the discussion is certainly pointing out areas where they would need to work on and bring back and I would guess that that would be the direction that would occur. I don't have a good feel for what that would look like, I think they would have to regroup and submit based on what they've heard this evening and based on what they heard from the community, but it shouldn't be identical, that much is clear.

Ms. Lawfer: I can speak as to what I particularly would look at and could possibly then lend support to is, on Page 6 of 13 with regards to the application for the Conditional Use Permit, in the second paragraph where it talks about what the proposed project would meet and while it meets some of them, it does not meet the ones that concern me, which is improved pedestrian access and then the last one of separating user groups, In identifying those components in the plan, concerns are number 4 - the seawalk, number 7 - the scenic viewing opportunities; and number 8 - the landscape buffer near adjacent properties.

Mr. Hart: In a case like this, the findings are going to be really important as to why, so keep putting it out there, help us understand the why at this point.

Ms. Grewe: I just have a procedural question. So, as Commissioner Bishop refuses to withdraw his motion until we vote on it, and the motion fails, the project could come back, but it has to be significantly different. Is that what I just heard Director Hart say...versus a continuation where the project could come back refined.

Mr. Hart: I believe that's right.

Ms. Grewe: Okay, just for the findings issue, I'll just put my sentiment on the floor here. I speak in opposition to the motion and I refuse to be regulated to the point that I feel forced to do a project that I really do not think is meeting the diversity of this community, and perhaps it isn't finding language, but as a commissioner that's where I feel we are at. At the same time, I am uncomfortable in some ways because I am not familiar with the funding parameters, I've not been involved with this project before, I am not that familiar with the regulatory agencies either, but I refuse to allow outside interests and regulatory agencies regulate us out of a good project. With that, I think we should further consider this; this would be a permanent change to that waterfront and it's a parking lot. As Commissioner Bishop noted, at a time when communities are fighting for their waterfront property, to be accessible for multiple uses and to beautify industrial uses on the waterfront, we're putting a parking lot in. That's just how it feels.

Mr. Medina: Yes, just to clarify. I don't recall if I stated my position on this, but I will speak against the motion. I believe that we can still have this project and meet some of the needs of the neighborhood and of the people that live here in general by reducing the parking, having more of a buffer for the Auke Bay Towers Condo Association and to include a park facility in the ... either reduce the footprint or put it in the old areas. With those changes, I would be in favor of the project.

Chair Satre: Thank you very much commissioners. I am going to go ahead and call the roll on Mr. Bishop's motion to approve USE2013 0005 and CSP2013 0006.

**Roll Call Vote**

Ayes: Satre.

Nays: Medina, Grewe, Lawfer, Bishop.

Motion fails 1:4.

Chair Satre: Motion has failed. I will serve notice of reconsideration at the next meeting because I want clarity of continuation versus how different this project would have to be in the reapplication. And with that, we are done with that. Thank you very much everybody who is here for it.

We will move on to the next item on our agenda and I will note our rules of order. We still have two items left on our agenda. Our rules of order do not allow us to take up an item after 10:30. We will do our new item after 10:30. We will do our best to move through these.

USE2013 0015: Conditional Use Permit for a 24-unit apartment complex.  
Applicant: Aniakchak Inc.  
Location: Davis Avenue

Staff Recommendations:

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 23-unit multifamily complex. The approval is subject to the following conditions:

1. Prior to the issuance of a Building permit, the applicant shall submit a parking plan showing at least 35 parking spaces and 2 accessible parking spaces according to the size dimensions listed under CBJ §49.40.210.
2. Prior to the issuance of a Building permit, the applicant shall submit a site plan that indicates all driving surfaces will be paved.
3. Prior to the issuance of a Certificate of Occupancy, all driving and parking areas shall be paved.
4. Prior to the issuance of a Building permit, the applicant shall submit a CBJ-approved drainage permit that shows how water run-off will be managed prior to entering Lemon Creek.
5. Prior to the issuance of a Building permit, the applicant shall submit a site plan showing a pedestrian pathway that connects to the existing walkway.
6. Prior to the issuance of a Building permit, the applicant shall install a silt fence along the 50-foot streamside setback from the Lemon Creek ordinary high water mark.
7. Prior to final Certificate of Occupancy, the applicant shall record a new fire apparatus easement to revise the easement shown on Plat 2013-08.
8. Prior to the issuance of a Building permit, the applicant shall eliminate the southern snow storage area shown at the southern end of the fire apparatus turn-around.

Staff Report

Eric Feldt, Planner: The applicant is filing a Conditional Use Permit to construct 24 single bedroom apartments on the subject parcel shown on the map, so the project parcel is at the end of Davis Avenue, privately maintained driveway, the built portion and right here where this white box is, the Lemon Creek Correctional Facility is located to the north, Lemon Creek itself is located to the south, Costco and the industrial area of Lemon Creek is across the river. Here is a more updated aerial photograph provided by Google Earth, which I try not to rely on, but it is the most up-to-date we have with some degree of clarity. In this photograph, you can see the two existing Riveredge Park Condominiums that comprises of 21 condo units of 2 bedroom and 3 bedroom units.

In the attached site plan in your packet, you can see buildings A and B are the condos. The two buildings to the right of the plan are the proposed apartment buildings and the existing privately maintained part of the driveway ends here, so it would be constructed in this area, and have adequate turnaround for fire apparatus. Down the hill from the condo buildings and from the proposed apartment structures, is an existing pedestrian trail that leads up to the built portion of

Davis Avenue from an existing sidewalk that runs along the creek itself and kind of dead-ends over here at the end of the property.

So, the project details I've already talked about - The applicant is seeking 24 single bedroom units; however, in the report, it's clearly stated that the zoning district based on the lot size can only permit up to 23 dwelling units - It doesn't matter if they are single bedrooms units or 2-bedroom or 3-bedroom or a mixture. The applicant has noted that he may seek a density bonus in the future, to which certain additional improvements of the site have to be made and brought back to the Commission to try and get the 24th apartment.

As proposed, the scale and the building size would not change if it was a 23 or a 24-unit complex. Tonight, since the bonus features are not being proposed, as they have not been submitted, the application can only permit up to 23 dwelling units. I want to make that clear.

The buildings are both shown outside of the 50-foot streamside setback and outside of the effective and new draft flood zone. You can see the 50-foot setback line [orange color], just above the pedestrian trail, the existing top of bank will be pushed slightly to a straight line to accommodate the two buildings and a fire apparatus turnaround. There are 37 parking spaces shown on the plan, which exceeds the minimum parking requirement of 35, two accessible spaces are shown, which now meets the first recommended condition and I have noted that in my presentation. There are sidewalks shown on the plan in front of each building and staff has recommended as a condition of approval that the applicant make their connection from the buildings, ideally from the proposed sidewalk down to the pedestrian trail, so users of this complex can access the trail and enjoy the Lemon Creek trail and its features.

The history of this area is quite lengthy and I'm only going to briefly touch on the main topics of the history. Prior to this property being platted, which occurred early this year, its original 5-acre parcel was rezoned from Rural Reserve to D10, which is the current zoning district. The applicants at that time were the same as the applicants today and under the rezone application, they sought for a 50-unit development,-that was what was needed for the rezone to go through. The rezone passed, which required to record an easement to construct the pedestrian trail, which currently exists and a playground, so the two easements for those two improvements have been recorded. The trail has been constructed, but the playground has not been constructed and the reason behind that is unclear to staff, as I understand it from the Law Department is they are uncertain of where the funds have gone to, to construct that playground. The applicant is here, so he may offer greater detail on that.

In addition to the rezone, which allowed the site to be developed in a residential use at a D10 capacity, two driveway permits were approved, which allowed the driveway from the city maintained part of Davis Avenue to be extended to where it currently exists as I have shown in the previous plan. So, this extension is a privately maintained driveway that is accessible by the general public and maintenance agreements for that private driveway has been put in place. The two Riveredge condos were approved through allowable use permits, the conditions have been met to have the buildings be constructed. More recently, a variance was approved to allow the future subdivision, the subdivision that we see today, to front on a privately maintained driveway. City code requires every lot to have frontage on a government maintained right-of-



way except for the remote subdivision outside the road network. So, that's a brief synopsis of the history and I can answer more details if you wish.

So, some existing infrastructure in place, you can see in this photograph, the two buildings on the right, which are the condos and a privately maintained part of Davis Avenue driveway in the center. Parking is to the right and multi-family and single family dwelling units are all to the left. Essentially, if the proposal is passed, this driveway would front through to this area and then turn a hard right, so the area back here where that mound is, is where the construction would occur. So, driving down to the end of the built driveway, as shown on the screen where the driveway would be extended. So, once it is extended, it would veer down to the right as shown on this plan and this soil would be removed for the parking to the north of the site and the buildings will be located on here, towards the right.

What's difficult to see is this area slopes immediately downwards and that slope will be straightened out as shown on the previous slide. So, heading down the hill is where this pedestrian trail is and then further down is the shoreline where Lemon Creek is located. This will be the trail where the condition, if approved, would have connection to from the two apartment buildings.

Going on with some site pictures, this is the end condo unit and the future building would be located approximately back here behind the black line. There is approximately about 40 feet between these two buildings. So, looking at adopted plans and Title 49 Land Use Code can only permit up to 23 dwelling units, which is all we're looking at tonight. Again, the applicant may seek in the future a density bonus and we will assess that at that time.

What I didn't mention earlier was that the applicant may also look into constructing a small storage building to offer storage space to each apartment tenant. Since that would be a minor change to the Conditional Use Permit, staff can review that as a building permit separately if the applicant chooses to submit plans for that.

Again, the project exceeds the parking requirement, it is outside of yard setbacks including the streamside setback and flood zone, staff had provided a lengthy discussion about traffic volume and noise and it's not expected that the project would have substantial increase in noise levels nor traffic levels to where it would adversely affect property values or neighborhood harmony. The report talks about a slight comparison between the proposal and existing condo units and how very different the bedroom count is and how directly that equates to different traffic volume.

In the 2008 Comprehensive Plan, this area is designated as medium density residential, which permits a range of dwelling units between 5 and 20 units per acre, 10 units per acre falls into that range.

There are several policies that are germane to this project including facilitating adequate housing, balancing character and quality of existing neighborhoods while providing opportunities for new housing types, protecting scenic environmental areas from adverse urban development and protect riparian habitat, so there is some consistency with the Land Use Designation and recommended policies.

Before I get into staff's recommendation, I do want to note that the President of the Riveredge Park Association had sent an e-mail to Jim Preston, Realtor, who is working with the applicant in putting the condos on the market and more than likely the apartments on the market as well. The president had indicated and I will just summarize, 'The Riveredge Park Association Board has no evidence as to the direction of property values may make based on the new type of apartments coming in, therefore, we currently have no official opinion on the subject'. The letter further states that, 'The board will work with Mr. Heumann and the applicant to draft a Shared Use Agreement during construction', so that is speaking about the Shared Use Maintenance Agreement for the driveway. When the variance was approved to allow the subdivision to go forward, the Commission made it very clear that the agreement needed to be made to ensure that all parties fronting the driveway and using it have a Shared Maintenance Agreement that's been recorded with the state, so that's what the president of the board is talking about and now that the applicant is here and I know some condo owners are here as well, I'm going to get into the recommendation and take questions. So again, the proposal in front of you tonight is for 23 single bedroom apartments.

The first condition has been met with the parking plan that I had shown on the screen.

The second condition talks about submitting a site plan that indicates all driving surfaces will be paved. The applicant has indicated that only the parking area should be paved because other areas won't experience traffic that would increase dust air-borne particles, so what they are getting at is part of the turnaround, this section won't likely get as much traffic as this section and as the parking spaces. Staff does agree that this wouldn't get as much traffic; however, it is important to keep this free of debris and free of vegetation from growing, so staff asks for your guidance to what you believe would be the best surface material for this section since the applicant believes that asphalt may not be necessary to control dust movement because of the lack of traffic.

I also want to mention the snow storage areas that had been originally included in three places, this being one, this being the second one and then this being the third one; one of the conditions that staff recommends is to eliminate this snow storage because that snow piles up here, it can have an avalanche or sloughing off effect that could come down in this area, and furthermore staff believes that snow storage in this area and over here would be adequate enough.

Condition #3 - Prior to issuance of a Certificate of Occupancy, all driving and parking areas shall be paved, so this kind of gets to the applicant's concern of the previous condition that not only does he prefer a lesser paved area be required, but also that we are already into the construction season, although the weather isn't being very cooperative and there is only one paving company in town and there are challenges of paving a large area such as this while trying to close permits to then get tenants into each dwelling unit, so the applicant is requesting that this condition be changed to something such as a date and time like the end of next year. The issue with putting a date is the City kind of loses the connection to ensuring the conditions are met by pulling it out of the Certificate of Occupancy connection. Staff almost always ties the condition to the issuance of a building permit and/or the issuance of a Certificate of Occupancy, and that gains us the control of holding the permit to ensure that the conditions are met. So, just by simply stating

that the parking area shall be paved by end of 2014 and allowing all the units to be occupied, we kind of lose that connection, so I guess there could be a different way we can waive that. Right now, I don't have the best verbiage for that, maybe through discussion we can figure that out.

The next condition speaks about requiring a proper drainage permit be submitted to CDD and Engineering Department where we will properly assess and make sure that particles that are harmful to Lemon Creek are being filtered out prior to entering Lemon Creek.

Next condition speaks about showing a connection between the future buildings and the trail, which I have already talked about.

The sixth condition would require installing a fence along the 50-foot streamside setback. On the site, right now, there are some silt fences that aren't as high as they could be to properly hold back any sloughing off material during construction, so staff just recommends either putting in new silt fences or clearing the existing ones, so they can properly be at a height to adequately hold back sloughing off of any material on that hill side. Also, with the subdivision, it requires recording an easement that shows that a fire apparatus turnaround could be located, that style and that design has been accepted to be changed by Dan Jager, the fire marshal. Therefore, the revision, the acceptable design, needs to be shown on a new easement, so that condition takes care of that.

The last recommended condition is to eliminate the southern snow storage area, I have already talked about that and why it is important to not have that feature there.

So, with those recommended conditions and conditions 2 and 3 be slightly modified, staff believes that the permit can be approved and meet Title 49, the Land Use Code, and the 2008 Comprehensive Plan, and I will leave it with that. I know there are people wanting to speak about this project, so I will happy to answer any questions.

Chair Satre: Thank you very much Mr. Feldt.

Mr. Bishop: Mr. Feldt, on condition 3, you were looking for a solution to being paved prior to the Certificate of Occupancy, could you say, all driving areas and parking areas shall be paved prior to the Certificate of Occupancy or bonded for, something of that nature, because if it is bonded, it is done too.

Mr. Feldt: That's correct. That seems appropriate and the applicant will come up here and can address that if you want him to.

Mr. Haight: You discussed the purpose for the drainage or the drainage control or the drainage permit and that, as I recall, being primarily due to the paved surfaces, so we would be more specifically addressing the drainage coming off of those paved surfaces. What about the snow storage? Is that also part of the drainage?

Mr. Feldt: Yes. In addition to the impervious surface that is created with the buildings. There are a lot of things that need to be looked at with the drainage management plan.

Chair Satre: Anything further? Alright, we will go ahead and have the applicant come forward.  
Mr. Heumann.

### Applicant Testimony

Bill Heumann, 6000 Thane Road: I appreciate the opportunity to be here again to go over this project. I am not going to spend a lot of time discussing anything other than the conditions at this point.

Chair Satre: I think it would be best to keep to the areas where we might have disagreement with staff.

Mr. Heumann: Yeah, okay. So, the first thing I wanted to say is the idea of a bond is acceptable and usual to deal with issues like this where some work that may be better done at another time. We expect to, if things go really well, get done some time in November. We can't really pave until we're done with our work and that's not a good time to be paving.

The second thing is the pedestrian pathway. This is a very complicated project and it is hard to communicate everything, but on the proposed plan, I guess the last phase that I've got here, down at the area between, what I call Building B, which is the second condo, and Building C, which would be the first apartment building, there is shown a trail going down from that point, down to the pedestrian walkway along the river. That is what we were thinking as to where it is best put. I am expecting to do that and have it prodded out as to how we would be able to do that from an engineering standpoint.

I have already discussed the drainage plan with the Engineering Department. A lot of the drainage work was done at the time we anticipated the 50 units back in, I guess, 2007. So, at that point in time, we had a site plan and an engineering plan for the whole site. There are some changes; but, I think essentially we will have to worry about the paved areas. So, we are really going to have to take into consideration the drainage for the whole site. It is not a difficult site to deal with because we've got essentially a flat area without tough grades and good soil.

Finally, I've met several times with members of the Condo Board and a couple of other members, those who were interested enough to come for a meeting the other night and a couple of the other meetings. We discussed things, walked around the site; I have shown them what we intend to do. We have had meetings at the library and one out in the valley. We don't agree on everything; but, I feel comfortable that I have a good working relationship with the board, that we were able to communicate with each other. It's my expectation, that I would be the owner of these apartments by myself. I have a very strong interest in this being a quality project, as do they, it's a considerable investment for me. So, I think we have many similar interests.

The last thing I'd say is 23 or 24 one-bedroom apartments is the least intense development that could be likely to be placed on this property. I've done some analysis of this. Some examples are: could put the 46 SROs on this property; there is no limit to the number of bedrooms per apartment; the only limit is the physical limitations of parking and such considerations. I don't

know what the upper limit is. I'm not even interested in exploring that, but I just want to put it into context that I think this is a very relatively un-intense development. That's all I've got to say.

Mr. Bishop: Mr. Chair, I move that we suspend our rules of order and allow for the meeting to continue to 10:50.

Chair Satre: Well actually, the no new items after 10.30, it stops at 11. I would say that Mr. Lingle, it would take a vote of at least 5 members of the Commission to take up your item after this and we will probably be on this for half an hour. So, with sincere apologies, you're item will be continued till the next meeting. We do appreciate you sticking through here. I think given staffs' recommendations, I ask that we take that up at the next meeting. I do apologize. With that, we do have half an hour until we're forced to extend. Questions for Mr. Heumann? Thank you. You'll have a chance to come back up. Who would like to speak to this item?

#### Public Testimony

*Cynthia Dau*, 1901 Davis Avenue, A10 and A11: I know that we've been disengaged. We are very interested in what's going on with our homes. We do have a young family member passing from a very serious illness. As you know, we have taken on another enormous project and that's all I'll say about that. As association members, we did have to believe that once our board engaged with an attorney, not so much a manager, as I understand it, we all have some confusion about what Mr. Preston does and doesn't do. We don't feel that he speaks for us whatsoever. We felt that once an attorney was engaged, that we were then protected and that we could move on to another, actually two other very serious issues.

I want to express that our property value has taken a huge hit recently. One of the issues you are well aware of is in front of us, the other is with rental apartments coming on that will be about \$1000 a month. I want you to be aware that in Building A, there are 12 units; of those 12, two are for sale, one is already a rental. One couple walked away; that's still in foreclosure. There are four rentals. We have reserved the right to rent ours; that will mean 5 rentals in 1 building which will have two for sale and one foreclosure. All of this is hitting us very hard. We're leaving. I hope not to rent out our second home there. That decision will be made soon. I want to express that we cannot argue the subdivision anymore. That's not what I'm here to do; but, this is now a new neighborhood, it's a new apartment, it's new. We do have to piggyback our driveway, water services, water mains or whatever. We have had to come to some agreement. I want to make sure that the agreement that you put forth includes the period during construction. I believe there is some concern about that with the heavy trucks coming in, things like that. I wanted to make sure that everybody takes a real close look at that. Maybe I'm missing something because, again, we did have to disengage a little bit, because also this is not building C whatsoever. This is a new neighborhood. These are apartments separate from us, except for our driveway. I want to ask for a buffer zone, a very clear buffer zone, whether it's a view screen and a berm, or whether it is berm and a fence with some plants in front of it. I really think that's important to us.

The design has changed again. I think there's sense of entitlement; I think there's a little bit of righteousness. I know it's going to change again, and even with the addition later of some kind

of storage unit, we are aware it's going to change again. I'd really like to nail this down. I don't know if that's possible.

When you look at this in here, it says something about 329 vehicle trips over the proposed driveway. The proposed driveway is our driveway. We maintain it. That's a lot of traffic. When you look at where the rear-end of those vehicles are, one of those is our trucks. That's a lot of traffic going by there. You say that it would have happened with other condominiums. We would have had other condominiums helping pay for it. We would have been able to have meetings, and say, "You guys are going too fast. Hey, your kids were really close to the dumpster when I went by and darted out." This is going to be a whole set. Again, it's not going to be Building C. I treat this as another neighborhood with no buffer. I think the design has changed again the traffic.

I think we've all been a little concerned about the footpath and I just want to add here and have it on record, I think there are some plans to, at some point, improve the footpath. I'm not sure if that's a necessary thing to do; however, we have heard that this may be black-topped. I think that's going to take away the natural feel of where we used to walk along, what we used to call the creek. If that does get paved, because we already have some four-wheelers, there are some small scooters going on there at a high rate of speed, I would ask that not only there be a sign put up, I believe the name of the footpath is Mr. Heumann's friend's name, and I know at one point I'd come up with that, but maybe put something on there to recognize it as a footpath and maybe even go through the City's expense of putting bollards, is that the term, to stop traffic.

I hope I've hit some of the points that I'm concerned about now. Again, it's not that I haven't visited, I do believe some of us have lost faith in our association and their ability to protect us, we are fully engaged unless we too leave the area. Any questions?

Chair Satre: Thank you very much Ms. Dau. Questions?

Ms. Lawfer: With regards to the street that you maintain as it comes off of Davis, I think it was snowy the last time I drove down there, is that whole path with regards to where it comes off of Davis and just starts down on your part to the end where your condos are, is that paved?

Ms. Dau: No. The bicycle path is partially paved as you leave Davis and I think that's why we are hearing that the blacktop may continue.

Ms. Lawfer: So, that is paving.....

Ms. Dau: That is our driveway there. That is where we drive in and turn to park. That is actually blacktop. It's not really a parking lot like Wal-Mart or Fred Meyer.

Ms. Lawfer: No, no, no, I understand. So, there's a strip of blacktop?

Ms. Dau: Are we talking about the walking path on the creek side?

Ms. Lawfer: No, no, no, I apologize. I'm talking about where your road, where you start maintaining the driveway, so it's partially paved?

Ms. Dau: It's all paved, blacktop.

Ms. Lawfer: Even up to the condos?

Ms. Dau: Yes, except for the circular or oval areas where the vehicles are parked; that is dirt. It is maintained for drainage as dirt #1 and #2, it is our information upon purchase, and I believe again another piece of incorrect information, that we had utilities there. So, it was for easy access. To the left there of that picture, you can see the dirt. That actually is where it's starting to erode already and further up the driveway, it is starting to erode and then, it kind of goes down into a weird little gully. Very rarely is there any water standing in that gully, but I would think during a heavy rain or maybe as this erodes, that would fill in and have water standing in it.

Ms. Lawfer: Do you know if the association has entered into an agreement with regards to the common maintenance of your part with regards to construction as well?

Ms. Dau: I do believe they engaged an attorney. I do have an agreement; if it is not in place now, will be in place. The concern is, interesting language has been in our history and I believe it's upon completion of the apartment and I don't believe that's fair.

Chair Satre: Mr. Feldt, the contract agreement was part of the subdivision requirements, correct?

Mr. Feldt: Yes, maintenance and utility easements.

Ms. Dau: Correct, and that could be 3 months from now or 3 years from now and we will have heavy truck traffic. We will have as they have Certificates of Occupancy, 1 unit done, lenders come in, \$1000 a month, and again when we try to rent ours out, we have a 2 bedroom, nobody is going to want to pay almost \$1900 a month for a 2 bedroom when they can go down the street and put a hide-a-bed couch in the living room for a 1000 bucks.

Chair Satre: Any further questions for Ms. Dau? Thank you very much for joining us.

Ms. Dau: Thank you for your time. I tell you, I've been here often enough that it exhausts me and I sincerely appreciate what you all do.

Chair Satre: Thank you Ms. Dau. Who else would like to comment on this item?

*Amalia Monreal*, 1901 Davis Avenue, Building A #5: Thank you, I'm very tired from a long day at work and I appreciate your commitment to being here and to hearing this and my concerns. The first subject really is about the traffic. We have one driveway, a singular driveway, that now you couldn't get two cars past at the same time. So, I really worry, particularly when we are looking at the construction period. It's very much is a neighborhood, you've probably heard enough of us speaking out, to try to really impress that upon you. There are children there. My grandson comes all the time. We've got kids in the condo buildings that ride their bikes and play. I worry that in a big truck, you are not going to see some of the kids. There is also a wide

enough certainly, area for traffic to come through. I don't know how much this has been pursued. I know there was some issue I was speaking with my neighbor about but I felt like, well it's worth bringing it up again because I know that still staff continues to work on drainage issues and some things are still being developed.

My big concern is all that heavy traffic that is going to be coming through during the time of construction and safety issues that it might cause for the elders and for the children that live in the condo area. So, that's one of my biggest concerns. Again, also the idea that staff did some work and estimated 329 vehicle trips over the proposed driveway on a daily basis, as already mentioned, that's a lot and that's just assuming there is only one vehicle owner in each of these new apartments, which I think is not realistic. So, I worry about that as well. That is a lot of traffic every day on a single day and again, especially during construction, if we can't get 2 cars at the same time, one going down the driveway, one going up the driveway, I don't see how we are going to do that with some heavy equipment and dump trucks and cars and kids and bikes and roller blades, and all that's always happening. It is a nice area, people love it and they come there. So, that's my biggest concern is what are we going to do about that? I really wish that we could continue to explore some other avenue for access to be able to come in and out, so that we are not all just bottlenecked and clogged in there. My experience is construction always takes longer than you intend for it to take. It has already been brought up by the applicant, we can't pave in November or December, and that is if everything moves on time. So, those are my concerns. It's really all about that driveway, particularly during all the heavy construction and we'll see what it looks like once everything is done, but I do think that the applicant cares much about the area and does care about what he builds; I appreciate that. Again, my concern is all about traffic and what we are going to do about that.

Chair Satre: Thank you very much for being here. Questions? We appreciate your time. Would anyone further would like to address this item? Seeing none, Mr. Heumann, do you want to come back up?

Mr. Heumann: I guess I'll start with the last thing first, the traffic. There is a opening right here, that's the construction road that we used when we built the condos. It goes across a property and we had a 5-year construction easement to pass through there and that's expired. I frankly haven't had time to go back to the DNR and ask them if they would give us a few more years on that easement. I suspect they will, but I am not certain of that. We've spoken with the Condo Association about that and also Fred Pollard is here, who is the general contractor. He has met with the Condo Association also and has discussed work time, probably starting at 7 in the morning, which allows our people to come in at a different time than when most people are going to work. That kind of ameliorates that situation.

The road is 20-feet wide, so I believe that there is room for two-way traffic. I don't know of any plans to pave the pedestrian way. It is not our area, it's not something we do, it's under the jurisdiction of Parks and Recreation and I'd be surprised... It's also on the park. My belief and understanding regarding the park is that it was supposed to be a two-way street where we were supposed to make a contribution to get certain amenities constructed there and there was an expectation that the City would fulfill their part of it with their contribution. There has been no contribution. Frankly, I think where this comes from is, you come before the Planning Commission, you guys cut some deal, you're going to have this park, you're going to have this



thing, and then you go over to the Parks and Recreation and they say, we don't have any money to do that. I think you ought to be careful about that a little bit because I think that's what happened here.

The storage units that we are discussing are really something I had given some thought to, but actually it is in response to meeting with the condo folks and their concerns about clutter and things of that nature around the apartment complex, particularly on the back decks behind the building. I think that's a valid concern and a problem that I would have if I didn't have these storage units. It's, I think, something that we both think is a good idea.

Chair Satre: Mr. Heumann, I think the primary concern is, there is a history of concerns in general with this area, but specific to this project would be safety on the roadway, there were concerns about things getting out of harmony or substantially decreasing the value. If we address those two concerns primarily, I think it would be good for us.

Mr. Heumann: Okay, I will speak to that. There is an earnest money agreement on one of the units, a 3-bedroom unit that is for sale. That's being sold by John Williams from JRE Realty and it's a well-appointed unit and it just sold for \$245,000, which is quite a bit more than what we sold them for some time ago. He has another unit on the market as well. It is being shown with big red signs up there. The person that just bought the unit sees the big red sign. I asked him this question, frankly took the chance, because I didn't know what he was going to say. I said, "What do you expect this to do to your marketing efforts and what do you see on the long term valuation as a result of this project?" It comes down to tenant quality. I also made a similar call to Capital Realty, which is Bob Young. Quite frankly, in the industry we call him Jaws, I say that with somewhat of a smile, but he is a difficult appraiser from a sellers perspective. I know him well, so I called him and I asked him the same question, it comes down to the same thing. I mean it is not a function of number of bedrooms, it is a function of the quality of tenants that we can attract.

One of the reasons I am interested in building one-bedroom apartments is because there is a strong market for one-bedroom apartments. That gives me a better ability to be picky about my tenants. I have another 16-unit apartment complex in Auke Bay. It's one efficiency, 13 one-bedroom apartments. We have 9 single individuals living there out of those 16 units, we have a TSA person; we have three mining people, like geologists, educated technical-type folks working at the mine; we have a manager of the airport; and we have a manager of UAS. Quite frankly, we are doing a pretty good job in that department and that's something. I've been in this business for a long time, probably 30 years as a landlord; and I know that the better my tenants are, the better my life is. It's just that simple. So, I have a strong motivation to get those proper tenants, so it won't cause a devaluation.

Ms. Lawfer: With regards to the fact that we are now looking to divide property between ownership and rental in what was originally going to be all ownership, the suggestion was made to put a buffer zone between the condominiums and the apartments. It's my understanding that you said it's about 40 feet between the two?

Mr. Heumann: That's correct.

Ms. Lawfer: If that condition were placed on this permit, would that be acceptable?

Mr. Heumann: I'll tell you what I think about that, I've discussed this at length with the Condo Association. There are two approaches to this. You can make it a 'them versus us' or you can make it 'one big happy family'; you set a tone when you do that, in my mind. I don't feel that the building is less attractive than the other buildings that are there. However, the problem with a berm is it takes a lot of space and whose property is it going to go on, because if you look, I need it for my parking spaces. We have arrived at a fence. I am perfectly willing to construct that fence. There is another problem that comes out of this is: they like to walk down this path to get to the pedestrian way too. We have discussed actually having some kind of opening in the fence and some kind of license arrangement where I could grant them a license so that they could transit my property to get down to pedestrian way. I am perfectly happy to put a fence there, if that's what they want. I am not sure we're totally done talking about what it would like.

Mr. Haight: I want to get back into this traffic thing. I'm looking at the R&M drawing and having a little difficulty understanding how the parking for the existing condos fits right now. Just looking at the photo, it looks like all of the cars that are parked there pretty much abut the backs of the cars abut to the driveway. So, is it truly all back-out parking or back-in parking, truly a parking lot style parking? When we talk about the traffic pattern there, if somebody is backing out, whoever that person might be, is essentially blocking traffic until they get situated onto the road. That does create some inhibition to traffic flow. How much thought have you put into this?

Mr. Heumann: Well, I guess, first of all, I'm not sure I could speak to it as well as Mr. **Currans** could. The way that this was designed, there is adequate room without backing out onto the driveway to turn your cars around, the way that it was designed when we built the condos. That is why there is an unpaved area; that is actually city property. Frankly, what happens is, they don't park in their garages. They start parking in other places and they start putting pressure on these areas. There is adequate room on the site for them to park according to the parking requirements, the parking code. We have a practical matter versus a code matter, I guess is what it comes down to. Frankly, it's a common thing all over the town. I pointed this out numerous times. They tell you, you can't have back-out parking and then everybody in town is backing out; that's what's happening here too. There is a space on that property for them to park according to the code.

Mr. Haight: So, essentially there is just not parking per your original ....

Mr. Heumann: Per the parking plan, yeah.

Chair Satre: Anything further for Mr. Heumann? Thank you all for being here this evening.

Mr. Heumann: I am sorry, one other subject, the paving of the fire truck turnaround that's between the two buildings probably cost \$4 per square foot, right? So, I don't see any reason that that needs to be paved. Frankly, the idea of trying to keep down dust in Juneau, Alaska, is somewhat preposterous to me. Number one, I don't have any problem paving the areas that people are driving on, the whole driveway coming in, all the parking spaces, but I don't know

why I should have to pave the fire truck turnaround. The Fire Department does not have an opinion on that. I went to his office and asked him if he felt that was necessary and he said he does not feel it was necessary. It costs a lot of money. I can tell you that, contrary to a lot of people's impression, there is a very fine line, even on this project, where I happen to own all the land and everything else to make this thing work. It is so close in all accounts and I don't know the general public understands that, but it's a fact. It's a problem. The paving is very expensive and it's because we have one paving company in town. We have a monopoly. I would really like you to consider that seriously. I don't know that it really contributes anything to the project.

Chair Satre: Thank you very much Mr. Heumann.

Mr. Heumann: Thank you.

Chair Satre: We are going to go ahead and close public testimony. What's the will of The Commission? We only have few minutes and then we have to adjourn.

**MOTION:** *by Mr. Bishop to approve USE2013 0015 and accept staff's analysis, findings, and conditions.*

Chair Satre: Thank you very much Mr. Bishop. Comments on the motion?

Mr. Feldt: Did you want to revise condition #3 to include the paved or bonded for?

**REVISION TO THE MOTION:** *by Mr. Bishop to change Condition 3 to read, "All driving and parking areas shall be paved or bonded for prior to issuance of a Certificate of Occupancy."*

Chair Satre: Any consideration of the fire apparatus turnaround, as requested by the applicant?

**FRIENDLY AMENDMENT:** *by Mr. Haight to define strictly the normal driving areas that the Fire Department turnaround can be a graveled area.*

Chair Satre: Mr. Bishop's friendly proposed amendment would be to eliminate essentially the 70 feet shown on the site plan of the fire apparatus turnaround from the paving area.

Mr. Bishop: Yeah. I am just looking at the sketch and trying to figure it out. Mr. Haight, can you phrase your amendment again?

Mr. Haight: Yeah. Let me further define that as the area between the two buildings.

Mr. Bishop: And then the rest of the hammerhead would remain.

Mr. Haight: Right.

Mr. Bishop: That's fine by me. Thank you Mr. Haight.

Chair Satre: And Mr. Feldt, is that enough direction for you to phrase that appropriately.

Mr. Feldt: Almost. Let me ask this one question. So, on Attachment A that shows the site plan, it is, the hammerhead, the section that we're specifically talking about has a 21 across it. Do you want to use that as the line or do you want to go further into, kind of the center to where that 70 arrow stops?

Mr. Haight: I think we were talking about where the dimensional line for the 21 feet is shown between the two buildings.

Mr. Feldt: Okay, that's good enough for me then.

Mr. Medina: Could we see it on the map?

Chair Satre: I think we have that. There we go. The idea would be that that would be the separation, so this would be unpaved, everything here would be paved. Is that clear for everybody?

Mr. Medina: Yeah.

Chair Satre: So, Mr. Bishop is accepting that as a friendly amendment to the motion along with the bonding for paving. Any further comments on the motion?

Mr. Medina: Yes, thank you Mr. Chair. I am going to speak against the motion. I think the Planning Commission has made enough amenities to the applicant as far as allowing an 1100-foot driveway without being built to CBJ standards does not front on the maintained governmental right-of-way. He was granted a variance to allow the apartment building complex to be built instead of condominiums. I think we've made plenty of allowances and I don't see a problem with him have to pave what was in the original condition.

Chair Satre: Thank you very much Mr. Medina. Just as a quick point of order, it's 11 o'clock, do we have a motion to extend it for a few more minutes?

Mr. Haight: Motion to extend.

Chair Satre: Any objection to that motion? How about to 11:10 for the moment?

**FRIENDLY AMENDMENT:** *by Ms. Lawfer to add two additional conditions with regards to the use permit. One would be that a visual buffer be placed between the condominiums and the rental association in agreement with the condominium association. Two, that any degradation of the existing roadway during construction be returned to its condition prior to the Certificate of Occupancy.*

Mr. Bishop: Can you put those in two separate amendments or do I have to accept them both at once?

Chair Satre: Maybe procedurally, addressing one after the other in terms of the requests to be added.

Mr. Bishop: Thank you. I would prefer not to be dictating building fences when I don't know if fences want to be built. I've heard from one resident that they want a fence built or a buffer, but I don't know if anybody else does. I don't want to make them build a fence if it isn't the general consensus that a fence should be built. I have no problem with the other though.

Ms. Lawfer: If I may, I said visual buffer.

Mr. Bishop: Right.

Ms. Lawfer: Which could be trees, in agreement with the condo association, if the condo association came back and said, no, that would be in agreement with them.

Mr. Bishop: If it is agreed upon by...sure, that's fine; if you want to phrase it that way, that's alright by me.

Ms. Lawfer: Yeah. And I am not saying fence, I am saying visual buffer.

Chair Satre: So, let's be clear on the language because you've changed the language a bit Mr. Bishop. Why don't we try to phrase it one more time?

Ms. Lawfer: That a visual buffer be placed between the condominium and the apartment, if by agreement of the condominium association or if the association chooses to reject the buffer.

Mr. Bishop: I guess...does that make sense to everybody?

Chair Satre: Not really. I guess my problem here is, if we are basically saying, "go work it out," which ultimately, because there has been Shared Use Agreements with the road and everything else, I think that's going to come into play. It may be better without...right now, we are not dictating; is it 50 percent on either piece of property, is it all on the new piece of property? These are things that may be worked out between the committee groups anyways and it seems rather vague as a condition, is my concern at the moment.

Ms. Grewe: I was just going to say, in the multiple times that we've heard the proposals on this particular piece of property, the condominium association hasn't come out strongly like we...I don't think we heard from the president of the association. So, I think that they've remained silent, maybe because more units are becoming rentals and owner occupied, but, I don't know if there really is a strong association here anymore and if there is, they haven't said a whole lot. So, I don't feel the need for the buffer between the buildings based on one testimony.

Mr. Bishop: I don't either actually in the end. I think that if the fence or a buffer needs to be built, it can be built by one or the other or a combination of the two. It's not a big deal. I would readily accept your second.

Ms. Lawfer: With regards to the roadway during construction?

Mr. Bishop: With regards to the roadway.

Chair Satre: So, to address the first one. Commissioner Bishop has not accepted the visual buffer, do you still want to propose that Ms. Lawfer?

Ms. Lawfer: I will withdraw that.

Chair Satre: Okay. Now let's be clear, you may want to restate the second proposal in regards to the maintenance of the roadway construction or post construction.

Mr. Feldt: Maintenance agreements have already been put in place and I believe that you had specifically added full maintenance agreement to include roadway maintenance to include truck traffic for the proposed development. So, I believe that's already in the agreement in the recorded documents.

Chair Satre: I believe that was an issue as we were looking at the subdivision of this property and we spoke to that, that condition in \_\_\_\_\_.

Ms. Lawfer: I was going to say, in the maintenance agreement, does it talk about routine....I'm sure it talks about snow removal, but what about potholes, rocks, etc. and so on?

Mr. Feldt: Yes, maintaining the road includes snow plowing, whatever surface condition, maintaining that. I don't think we need to specifically indicate filling of potholes or resurfacing damaged surface conditions, because maintenance already covers that.

Ms. Lawfer: However, the condominium association in a maintenance agreement, they're taking their share of that cost, when it may very well be that the road is actually broken up as a result of the construction and the trucks, so why should the association share that cost? That's where I'm getting at, with regards to very specific degradation of that roadway during the construction period.

Mr. Feldt: Well, maintenance agreements have already been recorded.

Chair Satre: And Mr. Feldt, I think our intent...when we talked about this maintenance agreement before, was the realization that it wasn't just a dividing line between the two properties. It would be that this property is going to be using the other side of it, so there was going to be shared maintenance agreement through the whole...

Mr. Feldt: Right, so the general public can use it as well.

Mr. Bishop: Is there a motion to extend meeting to 11:15?

Chair Satre: Absolutely, unless there are any objections. In our prior discussions, I think the intent was not to make one entity or the other take an undue burden on that road construction or the ongoing maintenance of that.

Ms. Lawfer: I can agree with that, however, there's going to be an undue burden placed on that during construction.

Chair Satre: That should be in the maintenance agreement, because I believe we had a discussion pretty late in the evening on this same one. So, hopefully Mr. Feldt can pull this up here in a moment.

Mr. Feldt: Yeah. I know that truck traffic was included.

Ms. Lawfer: Okay.

Mr. Feldt: So, there are agreements between the property owners and the City. There are agreements amongst the two property owners. I would have to pull up the recorded documents to find it and I don't want to take up any more time just going through files.

Mr. Bishop: Mr. Feldt, can you assure us that there is an agreement?

Chair Satre: Let's take a few minutes at ease. Perhaps the applicant might help Mr. Feldt find it in the documents. So, we will take a few minutes off the record.

BREAK: 23:10 P.M. TO 23:12

Mr. Feldt: Okay. So, I guess what I heard during the conversation off the record was that specific truck damage caused by construction has not yet been put into an agreement.

Chair Satre: It appears we have a Shared Use Agreement in front of us that deals with non-routine damage.

Ms. Lawfer: Number 7.

Chair Satre: Number 7 and damage caused by use of heavy construction equipment is an example of non-routine damage. Ms. Lawfer, does that satisfy?

Ms. Lawfer: That does.

Chair Satre: Mr. Bishop, does that satisfy you as well?

Mr. Bishop: Yeah.

Chair Satre: Further discussion on the motion? We had one friendly amendment from Mr. Haight regarding the paving. I know Mr. Medina had spoken in opposition to it, but do we have further discussion on the motion?

Chair Satre: Roll call please.

Ms. Lawfer: May I ask a point of clarification? Just the amendment or the entire thing with the amendment?

Chair Satre: This is the entire thing with the amendment.

Ms. Lawfer: Thank you very much.

Mr. Feldt: With the modification of condition #2.

Chair Satre: Correct.

Mr. Feldt: Okay.

Chair Satre: Just so we are clear, because we do this late in the evening -We had the amendment to #2 regarding the paving, essentially past the dividing line, the dimension line on the buildings, and then we had the addition of bonding to Condition #3.

**Roll Call Vote**

Ayes: Grewe, Haight, Lawfer, Bishop, Satre

Nays: Medina

Chair Satre: The application has been approved.

**X. BOARD OF ADJUSTMENT**

VAR2013 0005: A variance request to reduce the side yard setback from 10 feet to 8 feet and reduce the minimum lot width from 60 feet to 41 feet to allow a common wall subdivision from an existing duplex.

Applicant: Jill Lingle

Location: 9135 Parkwood Drive

Item moved to the next meeting.

**XI. OTHER BUSINESS**

**XII. DIRECTOR'S REPORT**

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

**XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS**

**XV. ADJOURNMENT**

**MOTION:** by Chair Satre to adjourn the meeting at 11:15 p.m.