

MINUTES

PLANNING COMMISSION
CITY OF BOROUGH OF JUNEAU
Dennis Watson, Vice-Chair

REGULAR MEETING
June 25, 2013

I. ROLL CALL

Vice-Chairman, Dennis Watson, 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: Jerry Medina, Karen Lawfer, Nathan Bishop, Benjamin Haight, Nicole Grewe, Marsha Bennett, Dan Miller, Dennis Watson, Michael Satre (Phone).

Commissioners absent: None.

A quorum was present.

Staff present: Hal Hart, Director; Teri Camery, Senior Planner; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner.

Vice-Chair Watson: Thank you everybody for coming this evening. Just a bit of a heads up - It looks like there's quite a few people here that may want to give testimonies, so in a couple of minutes, I'm going to ask for a show of hands and based on the show of hands, I may have to reduce it from our normal 5 minutes to less, then I will have some suggestions if we have to go there.

II. APPROVAL OF MINUTES

- May 14, 2013 – Committee of the Whole Meeting.
- May 14, 2013 – Regular Planning Commission Meeting.

MOTION: by Mr. Miller to approve the meeting minutes from the Committee of the Whole meeting on May 14, 2013, and the Regular Planning Commission meeting also on May 14, 2013, with any corrections or minor changes that are presented by either staff or other commissioners.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Vice-Chair Watson: So, the next item on our agenda is referred to as public participation on non-agenda items; what that is, if there is anybody here tonight that wishes to speak on an item that is not on the agenda, this is the opportunity to come forward and present your comments or

thoughts. So, I am going to ask if there is anybody in the audience here tonight that wishes to give public participation on a non-agenda item. Seeing none, thank you very much.

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Smith: Thank you, Mr. Chairman. I got a short report for you in view of your long agenda. Firstly, the Ad Hoc Housing Committee of the Assembly is wrapping up their work and we will have a final meeting within about 7 days and preliminary action items, which we believe are four to five items are currently in law and being reviewed for whether or not they are going to be actionable. It is likely that these will be first presented to the Committee of the Whole and then to the Assembly. The Lands Committee met on June 17, 2013, and Mr. Chaney offered us three informational items and he additionally asked for further direction on disposal of the multi-family parcel near _____, which is known as 2As, it's a 3-acre parcel, you may remember, and the committee provided direction to Mr. Chaney and a proposal for disposal will be brought back to the committee and then upon approval, it will go to the Assembly, which you may recall this parcel is the first that's nominated for disposal in some time, was identified because of its location on an existing right-of-way. It's only a 3-acre parcel. It's going to be the first in line in addressing our housing issues. Then, under the Lands Committee agenda, we will begin narrowing the work of the new Lands Director for the remainder of 2013.

In other Assembly action, last night, the Assembly voted to hear the appeal to the Planning Commission decision on the Honsinger Pond and Mayor Sanford will preside over that appeal. There is an Assembly meeting on Friday to interview the four candidates for City Attorney, that will begin at 8:30 a.m. on Friday and that will be an executive session. Finally, there will be a meeting soon to complete the final evaluation of the City Manager. Any questions?

Vice-Chair Watson: Any questions from the Commission? Thank you very much. The next item on our agenda this evening is the consent agenda and I am going to read them as we go. We got a lengthy list here.

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

AME2010 0009: Recommendation for the Assembly to adopt new flood maps, study and regulations.

Applicant: CBJ

Location: Boroughwide

Staff Recommendation:

It is recommended the Planning Commission adopt the Director's analysis and findings and recommend the approval of the new Flood Insurance Rate Maps, Flood Insurance Study, and flood regulations.

CSP2013 0013: Construction of a seawalk between Miners Cove Building and Franklin Dock Restrooms.

Applicant: CBJ Engineering Dept.
Location: 880 S. Franklin Street

Staff Recommendation:

It is recommended the Planning Commission adopt the Director's analysis and findings and recommend the approval of the seawalk expansion from the Miners Cove building to the Franklin Dock restrooms.

SMF2013 0002 &
SMP2013 0001:

A combined preliminary and final plat approval to adjust lot lines of Lots 1-10 Block C and Tract D-1 of Vintage II Subdivision for acquisition of Right of Way for Brotherhood Bridge replacement project; Amend the site plan entitled "Vintage Business Park" referred to in ordinances 84-03(am), 84-35(am), 85-33, 85-55, 85-89, 86-54(am), and 86-72 as provided by Attachment A Section H of 86-54(am).

Applicant: State of Alaska
Location: Glacier Highway

Staff Recommendation:

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Preliminary and Final Plat with the effect of amending "the site plan entitled 'Vintage Business Park' by Thomas and Greiner, Architects, dated December 9, 1983", as authorized by ordinance serial number 86-54(am), Attachment A Section H.

USE2013 0018: Conditional Use to place coffee stand on industrial lot.
Applicant: Kristal Liska
Location: Jensine Street

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 drive-thru coffee business at 10187 Jensine Street. The approval is subject to the following conditions.

1. Prior to the issuance of a building permit for the proposed project, a plan for appropriate parking lot vehicle control signs and pavement markings must be submitted for review to the CDD and be found to meet all applicable CBJ ordinances and CDD regulations. This plan must be reviewed and approved by Community Development and Engineering Departments.

USE2013 0022: Conditional Use to allow Emergency Generator for Centennial Hall.
Applicant: CBJ Engineering Dept.
Location: 101 Egan Drive

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 for the installation of a 650 kW emergency generator on the Centennial Hall site. If VAR2013 0013 is denied, the generator will need to be relocated on the site, but staff recommends that this Conditional Use Permit be valid for the entire site and not limited to the currently proposed location, where a variance is required.

USE2013 0023: Replace attached 50' tower at UAS Recreation Center.
Applicant: US National Guard
Location: 12300 Mendenhall Loop Road

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 50-foot attached tower.

VAR2013 0013: A Variance request to reduce the setback from 5' to 1' to allow placement of new Emergency Generator within Centennial Hall's property lines.
Applicant: CBJ
Location: 101 Egan Drive

Staff Recommendation:

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2013 0013. The Variance would allow for an emergency generator to be located on a cement pad, in a weatherproof sound attenuated enclosure with a security/screening fence within one foot of the property line. Staff further recommends the following condition.

1. Design of the fence will be as submitted.
2. CBJ will provide ongoing maintenance of the fence, and if it is replaced the design of the replacement will be approved by CDD.

Vice-Chair Watson: Unless there is a member of the public or a member of the Commission that wishes to pull one of these items for further discussion, the Commission will take this up in one motion. Is there anybody in the audience who wishes to have any of these items removed from the Consent Agenda. Seeing none, Commissioners?

Ms. Lawfer: I would like to remove SMF2013 0002 & SMP2013 0001 as well as USE2013 0022 with regards to address conditions that are placed in the blue folder that wasn't a part of our packet.

Vice-Chair Watson: So, have you had an opportunity to read those items on 0022?

Ms. Lawfer: I have, I just wanted to make sure that when we talked about a motion to approve the Consent Agenda with recommendations or not, that we are dealing with the blue folder as well.

Vice-Chair Watson: Procedure is that the blue folder is before us and that would be part of 0022. So, do you wish to remove that?

Ms. Lawfer: Then I do not.

Vice-Chair Watson: Very good. So, you wish to remove SMF2013 0002 and SMP2013 0001?

Ms. Lawfer: That was for the same thing as well.

Vice-Chair Watson: Very good. Thank you. The will of the Commission, Mr. Miller?

MOTION: by Mr. Miller to approve the Consent Agenda as read with findings and analysis and conditions added by staff and note that the blue folder conditions on USE2013-0022 also be included.

Vice-Chair Watson: Thank you. Commissioners, any objections? Seeing none, the Consent Agenda has been approved.

Now, a brief announcement; the original agenda shows an appeal of a Director's Determination requiring an electrical easement and Mr. Larry Dietrick. The second item is the Brotherhood Bridge replacement and related improvements by State of Alaska, and the last one on the agenda is the USE2013 0005 & CSP2013 0006, which is the two-lane boat ramp, and I am recommending that we move the two-lane boat ramp to the first item on the agenda, move the Brotherhood Bridge to the second item, and my apologies to Mr. Dietrick but I am recommending that that be placed in position 3; it could be heard this evening. Comments from the Commission? Any objections? Very good. Thank you. Before we get started, just a suggestion to commissioners that there's a large number of people here tonight and they can't always hear us, especially towards back of the room. So, make sure you lean forward into your mikes when you speak.

Mr. Haight: I would request to be excused from this topic.

Vice-Chair Watson: Conflict?

Mr. Haight: Conflict.

Vice-Chair Watson: Conflict of interest. Mr. Haight will be stepping down and is allowed to stay in the room under our procedures. He will not be voting on the loading dock issue this evening. Next thing, Commissioner Bishop asked if we were going to take public testimony tonight. It is my personal opinion that we will. Is there any objection beyond Mr. Bishop?

Mr. Medina: I'd like to see how many of the public is in support of the public amenities in Statter Harbor versus in opposition to before we decide whether or not we want to take public testimonies.

Vice-Chair Watson: Can I ask those who will be wishing to speak in favor of the boat ramp used, just a show of hands please?

Mr. Satre: Mr. Chairman, if I may interrupt?

Vice-Chair Watson: Yes, I appreciate that Mr. Satre.

Mr. Satre: And I do apologize we've had some difficulties, but I can hear you perfectly now and if you just check in from time to time to ensure that you can still hear me. I will wait online for discussions.

Vice-Chair Watson: Thank you Mr. Chair. So, you know what I will be doing this evening to keep everything flowing...we'll be moving commissioner by commissioner, asking for comments if they have any and I will include you in that, most likely after Commissioner Miller. Show of hands on those who will be speaking from the condominium association or condominium owners - I see 2, 3, 4 show of hands, probably 5. Okay, thank you very much. It looks like what we're going to have to do this evening is, I originally would have liked to have given 5 minutes, but out of respect for the other folks who are here tonight on their application sake, if you wish to make comments, you don't have to use the whole 3 minutes, but certainly don't go over your 3 minutes.

Mr. Medina: Excuse me Mr. Chair. I think we need to have a motion for opening the public testimony and then report from the staff.

Vice-Chair Watson: Okay, I am sorry. I got out of the line here folks, excuse me. So, show of hands on public testimony. I am so apologetic on that, excuse me.

Staff Report

Teri Camery: No problem. I'd like to start off with drawing your attention to the blue folder items. We have, I believe, 19 perhaps 20 public comments on this subject in your blue folder and I realize you have not had time to review those. What would be most helpful for me to do to assist you in going through this? Some of those comments are quite brief, others are quite lengthy. I believe there is a 4-page letter from the Auke Bay Towers Association, some 1-page letters, others comments are quite brief.

Vice-Chair Watson: I would like to read into the record the names of the folks who are speaking and I can do that at some point. So, if you would like to go ahead on your presentation.

Ms. Camery: I will go forward with the presentation. I am going to provide just a brief catch-up for those who weren't here for the May 14th presentation and then we will go forward with the changes from the first submittal to the second submittal.

So, the proposal is for a new two-lane boat launch ramp and associated parking. Here is an aerial photograph. I'm going to move through this quite quickly since we have so much to get through, but we can go back to this photograph later if necessary. Here is the zoning for the proposal. Again, this whole stretch of the project area; this whole stretch is on Waterfront Commercial, so this is the project site that we are looking at. This is the original project proposal that was submitted on May 14, 2013. I am happy to go back to this drawing for comparison and this is the new revised project application for tonight's meeting.

So, with that, I'm going to move into the staff report and then we can go through some more slides as I get into this. My presentation is going to be relatively brief because my understanding is that the applicant has a significantly longer presentation for you. So, the applicant submitted a revised project narrative that has a detailed description of the federal review process. Great deal of specific information regarding the parking demand, parking calculation and the Planning Commission as well as the public had a lot of questions on that in the past. There is a lengthy explanation on landscaping, on construction noise issues and new analysis on neighborhood harmony and property value.

So, because the applicant's going to go into that in greater detail, I'm going to focus on the specific changes to the project rather than background information and then highlight the original conditions I proposed at the first meeting along with new conditions. So, this drawing gives you bullet points of the major changes from the previous proposal. So, the applicant did work with US Fish and Wildlife Service to vegetate the riprap area along this area; there is a major new stretch of vegetation through this expanse. We have a new pedestrian gateway proposed here with two pedestrian link points. Here is the seawalk. We have a new separated path between the make-ready lane and seawalk here with little exit points from the parking lot for people to move onto that seawalk and have a safe separation distance between the make-ready lane. There is a new coverage shelter.

There are new viewing look-outs and there are temporary restrooms first year. There are going to be permanent restrooms in phase 3 of the project. So, these restrooms will be removed when phase 3 is complete, but for now there are temporary restrooms. In this area, is extensive landscaping that was formerly piecemeal in different corners of the lot that are now consolidated into single strips, here to give a greater landscaping benefit, so those are the primary changes. Again, the applicant will go through this in greater detail, but these have really been the major changes, the substantial increase in landscaping and vegetation along this area, separated seawalks, separation from the make-ready lane and covered shelter. So, with that, I am going to delve into staff report details a bit.

So, first thing that I want to bring up is the change to the construction hours, the Auke Bay Towers Association was concerned about construction impacts on the project, given the lengthy construction season and the long hours of operation. The applicant has voluntarily reduced the construction hours from the allowed 7 a.m. to 10 p.m. down to 7 a.m. to 8 p.m., Monday through Friday, and 9 a.m. to 8 p.m. on weekends. The city noise ordinance and disturbing the peace sections of code allow construction to take place up to 10 p.m. on weekdays and weekends, so the applicant has voluntarily reduced that to 8 p.m. for both weekday hours and weekend hours. I am going to fast-forward to the condition that enforces that change, so the new condition regarding construction hours is construction hours shall be limited to 7 a.m. to 8 p.m. Monday

through Friday, 9 a.m. to 8 p.m. Saturday and Sunday. There is a special note here that construction activity that requires low tide conditions may be extended to 10 p.m. and I want to give that some additional explanation. There is certain work on this project that can only take place during low tide conditions. So, it's not possible for the applicant to stay with the 8 p.m. deadline under all circumstances and be able to finish the project. Beyond that, I want to specifically note that to accommodate low tide conditions, the applicant can also go beyond the 10 p.m. timeline in this condition with formal permission from the CBJ building official. So, any extension beyond 10 p.m. requires that formal approval and formal documentation, that is for low tide conditions only. So, that is the new condition regarding construction hours.

The other issue, I have a quite extended explanation in the staff report and in the applicant's project narrative regarding the changes to landscape, and again the big changes, the vegetative riprap and the additional vegetation along the seawalk. So, here is a close-up view of that section on the revised plan. So, this is the major new section along the pathway. This is the vegetative riprap and again we have additional vegetation along the seawalk through this area and then consolidated pockets that are here. I am going to turn to my notes from my conversation with the applicant's landscape architect to describe the differences in the landscaping of vegetative areas, so bear with me for a minute while I pull up my notes. So, the applicant's landscape architect in Corvus Design explained to me that there are three different landscaping areas, there is the Bay Creek buffer, essentially this area, the islands of landscaping within the parking lot, and then there's the plantings along the seawalk through here and I am breaking that up into categories because these areas have significantly different types of plantings.

Landscaping within the parking lot will only consist of ornamental trees such as Norway maples and shrubs, such as dogwood and roses, it's primarily just for visual benefit rather than buffering. Landscaping along the seawalk, again this area will be ornamental trees, again smaller trees such as maples, whereas this section is going to be significantly different, this is where we want larger trees for buffering for the Auke Bay Towers Condominiums and we also want larger trees to provide habitat benefits for the Bay Creek intertidal area. So, this is where the applicant intends to plant larger trees such as spruce and hemlock. There has been some concerns expressed about planting spruce and hemlock to these areas because they can thaw, their roots spread out, they can cause damage, so I want to be clear that the trees planted in these areas are for ornamental purposes only, the large trees will be in this area, and with that, we wanted to ensure that landscaping that was proposed for Bay Creek and again this has a different purpose of habitat value and for buffering. We wanted to ensure that this area in particular had good strong conditions to ensure that we had the appropriate level of vegetation and the height that would actually provide a buffer. So, this is a condition that I noted in my staff report that was not available for your review in advance, we've developed it in the last couple of days working with the applicant and the landscape architect. So, I'm going to turn to that condition now for your review. It's quite lengthy; it takes three different slides, so bear with me.

So, the vegetative buffer between the seawalk and Bay Creek, including the Bay Creek intertidal channel shall have approximately 40% to 50% vegetative ground cover comprised of native trees and shrubs within 18 months of the issuance of a building or grading permit. Before I move onto the next section, I want to explain that 40% to 50% vegetative ground cover, you don't plant it

full density because plants, you obviously plant when they're small species and they grow and they expand, and so you don't want to plant at a real high density or you'll choke everything out and waste your money, but at the same time we want to make sure that we have critical ground cover capacity. So, that's where that's coming from and to ensure that it is planted timely and it's not delayed, so we want to get that buffer established.

Second part of the condition and this is in reference to the species list that I included in the staff report, at the time of the planting, shrubs shall be a minimum of 3 to 5 feet high and trees shall be a minimum of 6 to 8 feet high. Plant materials shall be warranted for a period of two years, any plants that fail during the warrantee period shall be replaced.

The third part of this new condition - Within 7 years of issuance of the building or grading permit, trees shall be a minimum of 8 to 12 feet high and shrubs shall be maintained at 3 to 5 feet or higher. The deadline for height thresholds may be delayed up to 2 years with documentation regarding unusually harsh climatic conditions and vegetation shall be maintained in good health throughout the life of the project. So, I wanted to make sure that everyone understood this condition really clearly. I know that this has been a big point of concern for both planning commissioners and the public to make sure that we have adequate landscaping buffer, so this is intended to ensure that we have full enforcement to make sure this happens. So, with that, I'm going to move on to another section.

Mr. Miller: On this condition, this is just one condition as opposed to three conditions.

Ms. Camery: That's one condition, three slides of one condition.

Mr. Miller: So, is there a standard condition that CBJ uses for these types of plantings where you were able to come up with these limits or these growth thresholds, I guess the height thresholds that you talked about? Is there some standard or did they get pulled out of a hat, where did they come from?

Ms. Camery: I reviewed our standard condition list and I took pieces of that; it really wasn't fully applicable to this situation, so I took the basic parts of that and then I worked with the landscape architect and the applicant, and again looking at the intention of ensuring that we have adequate coverage, adequate height and worked from there.

Mr. Miller: Thank you.

Ms. Camery: The next thing I wanted to note was a minor change to the lighting condition that was previously approved, and Chair Satre, I caught an error in the PowerPoint presentation that I sent to you earlier, so when that shows up wrong on what you're looking at, don't worry it's correct in the staff report and it's correct here.

Mr. Satre: I understand, thank you.

Ms. Camery: Okay, so we're going back to the lighting condition. At the May 14th hearing, planning commissioners again wanted to go back to the standard condition use for lighting, so I

took my original condition, I looked at the standard condition and I combined them to make sure that we have all bases covered. I'll read this aloud so it's clear for the record - Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting for the proposed development. Exterior lighting shall be designed and located to minimize offsite glare, and I bolded the additional line that I added from the first presentation - All exterior lighting fixtures shall be of a full cut-off design. So that's the only change there. From the staff report, I had noted 10 public comments that had been received before the staff report was finalized, those are included in your packet, I'm not going to go through them individually, and again we have the full 19 public comments in your blue folder. So, that's what I have at this point. I'd be happy to answer any questions or otherwise you can pass it off to the applicant's presentation.

Mr. Medina: Ms. Camery, going back to the working hours for the project, at last night's Assembly meeting, they referred the noise ordinance to the Committee of the Whole, and I'm wondering do these conditions supersede whatever may come out of the noise ordinance, so that these are the hours that they're able to work, regardless of what the Assembly does with the noise ordinance?

Ms. Camery: Yes, correct.

Mr. Medina: Thank you.

Ms. Lawfer: So, with regards to our staff report on June 20, we're looking at six conditions now with this vegetative cover, is that correct?

Ms. Camery: Thank you for asking that. I really should give you a run-through of all the conditions again to make sure everyone's clear. Shall I do that now?

Ms. Lawfer: Yes.

Ms. Camery: Okay. So, here's the condition that we just went over regarding lighting, that's their first condition. Second condition is regarding engineering to ensure that the design withstands a 100-year storm force; this was addressed in the original staff report. Third condition - Parking lot shall be paved in accordance of CBJ standard specifications, this condition was added in response to the condo owners concerns regarding dust and I just want to make it clear that that's a definite part of the project. Similar issue on No. 4, there is no intent for storage in the parking area at this time, this condition just confirms that if storage is proposed in the future, it will come back to the Planning Commission for a new Conditional Use Permit, that's not currently part of the plan. Condition No. 5 - Construction hours, which we just addressed and No. 6 is this very long vegetative buffer condition. Beyond that, if I may, I realized I glossed over one slide that I wanted to draw to your attention, shall I go to that right now?

Ms. Lawfer: Okay.

Ms. Camery: This is a revised visual simulation from the condos looking toward the lots with the new landscaping, here's the vegetative riprap, the larger trees that strips down the middle of the parking lot rather than in pockets. So, we didn't have new visual depictions from all 3 or 4 angles this last time, but we do have it from this perspective.

No other comments were offered from the commissioners.

Vice-Chair Watson: I think next we should hear from the applicant, City and Borough Docks and Harbors.

Applicant Testimony

Gary Gillette: Thank you. My name is Gary Gillette, I'm the Port Engineer for CBJ Docks and Harbors and I have a PowerPoint that I'm going to walk through to explain some of the issues that we've heard and some of it will kind of reiterate some of the things that Teri just mentioned. First off, I want to thank the Commission for reconsidering this project; it's a very important project for the community. We heard a lot of issues and concerns and we've made numerous improvements and we believe the process has worked to help us produce a successful project that will serve the community well.

Before the May 14th meeting, Port Director, Carl Uchtyl met with the Auke Bay Towers Condo folks and we had the hearing on May 14th and since then, we've met with them twice again. We've also communicated with the Statter family showing them the changes we have proposed and some of those have commented in the comments that you've received tonight. We also considered various comments by the Commission and the questions we heard, it became clear to us that from the comments and questions that there's been some confusion about the master planning effort that has gone on at Statter Harbor over the last number of years. There seems to be some confusion about what happened in the environmental analysis process and the Corps of Engineers permitting process that lasted over 4-1/2 years and there's also details of the project especially relative to the need of on-site parking for this facility.

First, I'd like to go through...give you a little brief history of the marine development in Auke Bay since 1959. In 1959, we had Fisherman's Bend, we had Andrew's Marina, Horton's Store, DeHart's Store, DeHart's Marina, and the City Float. By 1972, the Horton's had acquired tide land lease across from their store and had filled it with the idea of potential for parking and other further development. In 1969, the Auke Bay Towers Condominium project was built. I can say we've acquired a new launch ramp and the Andrew's Marina had constructed a boat yard repair building. By 1984, Andrew's Marina expanded their repair building for storage, rather large structure on their site, the Horton lot was used for intermittent parking, we got a travel lift which lifts boats out of the water and serves the boatyard. DeHart's was expanded, harbor ____ building was brought in and the City Float was expanded.

By 1988, we had the Statter Harbor Moorage and Breakwater that the state constructed, and today we have the Horton lot, which has since been purchased by the City and is used for harbor parking. We've now removed the DeHart's Marina that was purchased again by the City a few years ago.

In the mid to late 1990s, we reconfigured the parking and added a new harbor building and now we've just completed an expansion of the Statter Harbor Moorage and a new fuel float.

I just want to point out this was kind of an interesting thing I ran across. In 1983, the City did a study of small boat harbor and launch ramp projects of potential areas around the community, and the facility at Statter Harbor that we're looking at tonight was one of them that was identified and the pros that they looked at that time was that it was near the population center and other boating services and facilities which still is the case. They said it was soon to be publicly owned property while they began negotiations in 1983, but it actually wasn't completed until 1997, but we now have that, and it was in a waterfront commercial zone. The cons were that the site is too small for adequate uplands parking lots and this is the site they we're talking about was what Horton had filled back in the 1970s or late 1960s. Also one of the down points they said was that it consumes space that could potentially be used for moorage stalls. Well, this is a very flat tideland, so that would have meant a lot of dredging, maybe back in 1983, they might have gotten a Corps Permit to do that, but I'm not sure that we would today and the site would not assist in meeting parking needs of other community needs in the area and I just want to back up a little bit to that point about the flat tideland. This actually is very conducive for the type of projects that we're developing here because we can fill it and it's relatively flat. The situation we have out of North Douglas Harbor is it's so steep and drops out so fast that we really can't fill that to expand that facility, so this is a good place to expand for a launch ramp facility.

In 2005, an Ad Hoc Committee of members of the Parks and Recreation, Docks and Harbors, community members, Fish and Wildlife, Fish and Game, a number of people got together and over a period of a year or two created the 2005 Statter Harbor master plan, which a lot of people refer to. Some of the features included retail space, you can see some retail space up here, retail space down here, small retail shops presumably to serve the chartered boat operation and recreational facilities and fairly extensive landscaping/park areas.

By 2008, we started developing this to get it ready to go for permitting and since there are federal funding involved in this project, we had to go through an extensive environmental analysis, which took 4-1/2 years and cost about a million dollars. This is the way we started out because this was what the plan in 2005 was desired by the community. We retained the boat yard, we had retail space in a couple of places, we had some park area, we were going to reuse the shelter that was back up in here, out on a promontory along the seawalk, some park area and a bus shelter. We had eliminated the travel lift in favor of a motorized sealift, which could use the ramp to start the boat yard because the travel lift and its structures are very expensive and the sealift is more maneuverable. We had the two-lane launch ramp and we maintained the commercial for higher boat ramp.

So, we entered the environmental analysis process, which met with Federal and State Agencies, Fish and Wildlife, Fish and Game, National Marine Fisheries, the whole gamut, including the Corps of Engineers, and we developed a number of alternatives, probably close to a dozen in all, these are just some examples; we looked at different locations for the ramp itself; in these cases, there just wasn't enough room for the parking to serve the facility; we looked at...we heard from some folks that we should have four-lane ramp, we need a four-lane ramp with remote parking over a half mile away; this obviously did not meet our purpose and need and it causes people to

have to go back on the highway with extended long periods of time to get back to their boat. We were asked to look at a parking structure; we looked at that and the idea was to just build it on the filled area, but it was very expensive and tuned to nearly \$40 million dollars.

We were asked to look at a remote lot over here with an overhead pedestrian pass to come to the site. The landowner was not willing to sell and the costs were prohibitive. So, at the end of the 4-1/2 year period, what we came back with and what the Corps permitted and what the Planning Commission saw on the 14th, was this scheme where we cut this side back, before it kind of projected out here and it actually impacted the flow of Bay Creek, which was important to the environmental agencies. We retained that. We have a wall section in here. We obviously have landscaping to a minimum because there was objection to filling tidelands for a landscaped or park area.

When we met with the Auke Bay Tower Condominium Project, our representatives, one of their suggestions they asked us to look at would be to eliminate the section of parking up here, to pull back to make a larger buffer and to pick up that parking and what they perceived as an underutilized boatyard and to expand the fill up close to the Bay Creek in this area to pick up some of the parking. We took a look at that and we lose 12 trailer spaces, which are pretty critical and we pick up 11 parking here, we lost 4 over here, so only gained a net of 7 and the cost to build this retaining wall, which just would have to be because we can't build a rockery wall into the creek, was \$1.26 million. We deemed that to be cost prohibitive and the idea of moving into the boatyard, while it may seem that this is underutilized, this is a leased area, this is leased to Auke Bay Boat Repair and the lease says that during the summer use, they get half of it for their boatyard and we get half of it for parking and that's what is done today. So, limiting them in the summer to half of their normal site is adequate for them to service boats that come in for routine maintenance or emergency, but they need maneuverability in that space. So, they do need that space. While it may look like it's underutilized, it has to be there when it's needed for emergencies or for routine repairs.

The other thing is we are looking with this development down the road, the next phase would create this boat haul-out ramp and tie in with the boatyard, and as I mentioned, we have a hydraulic boat lift, which is called a SeaLift, that would bring a boat up and has to have some room to maneuver. They need a 102-foot diameter circle there, so that they can slide in their boats and set up here. So, while it may look like it's an underutilized area, it isn't and it's definitely needed. One of the, somewhat ironic points is that we have been encouraged to use this land more in the summer and the winter, yet on this facility, they have objected to us to use it in the winter when we may be able to use it for storage, but for now, that's what we are going to go with.

This is the revised ramp plan and this is how it fits in with the overall master plan and again the next phases would be this bus turnaround and service to a commercial for higher charter boat float and then the kayak launch on one side and boat haul-out ramp serving the boatyard. This is an aerial photo that just kind of shows you about the area we're talking about that would be filled and how it fits in with the rest of the Statter Harbor development.

So, I just wanted to point out here the areas that we have increased landscaping. Teri talked about this along the buffer, vegetative riprap, we had widened the landscape buffer along Glacier Highway and the seawalks separating it from the make-ready lane and the landscape in between. This is just a blow up and what I wanted to point out here is that we have a fairly significant buffer between the two properties, 129 feet wide between the property and the first parking there and this area here would be the heavily vegetated area.

Someone asked before about landscape standards. The city used to have design review standards and landscape buffer standards, and those were taken away in the mid-90s, but even at that time, for an industrial zone use next to a residential zone, the buffer width was 20 feet and that was the greatest amount of buffer that was in the code. We have 129 feet and we feel that would be significant.

The way we were able to accomplish all this extra landscaping is we took another look at our plans and we've reduced our drive lane widths. We can't reduce the lanes between the parking because someone with a boat and a trailer has to be able to pull in and pull back out, but just a drive-through lane, we were able to reduce some of those. We also reduced the size of the trailer parking spaces in this section. The standard is 12 x 50; we reduced these to 10 x 40. It's going to mean a little bit more management for us, but obviously a smaller vehicle with a skiff or something can fit in these, whereas these are meant more for the 20 to 24-foot boats and trucks that we're seeing more and more of. We provided a number of pedestrian and community amenities in the project. We have what we're calling it a gateway at this point, but we know that DOT is reconstructing this whole area with sidewalks on each sides, so people would come in from this side or this side and have a little pedestrian roundabout there, so they don't get confused. They come down on the seawalk and ultimately, I'll show you later, it ties into a larger seawalk. We have the viewing outlooks that are along the seawall and the seawalk. We have a coverage shelter for picnic and we also, at our harbors, we always have an information kiosk, so that kind of stuff would be there.

Meeting with the Auke Bay Condo folks, we originally had a path that went down to here that we thought the kids would use for Sea Week, but we were told they actually prefer to come down here in the beach, so we are providing a stair, so that there will be beach access when the tide is out for folks. They also asked about restrooms, which Teri mentioned they are in the third phase, but for now, we will have restrooms and a dumpster to serve this facility until that's done.

I just want to point out here that a full build-out of this project, we will have a seawalk that will follow the entire distance here, cross over and access the floats. Going down on the floats and seeing the boats and seeing the activities and meeting friends is an activity that a lot of people do, so ultimately we're going to have a system here that will be very beneficial for the whole community to access these floats in a nice aesthetic pathway all the way along the waterfront. This is just a rehash of all the different things that we did and what's key to us and it's important to notice that we were able to maintain the parking level that we determined is needed. That's 100-trailer spaces and 84 vehicle spaces.

USKH, which is a recognized Transportation, Planning, Engineering Organization, performed a study for us to determine the capacity and efficiency of our different harbors and the calculated

maximum launch capacity, which is a launch or haul-out per hour, this is something that they observed and recorded and calculated out to be 140 per hour. On the peak hour of August 14, 2010, which was a Derby day, they counted and calculated out 109 were used in the peak hour. The following weekend, they actually only observed at Statter and Amalga, but they projected based on the increase there, the weekend after the Derby in 2010 was actually more crowded than the Derby weekend and that we were at an estimate of 136 launches per hour, which means that we're going to be near capacity once we open this facility and that leaves little growth potential as we know that will have growth once the new facility is filled.

Now, the efficiency, what they did was, they actually timed when a boat pulled in the yard, went down and made ready, launched the boat, pulled out, parked, got back and the boat left the ramp or vice versa when they were coming in and so they went and timed every boat that came in on these days and based on that, and it varied quite a bit obviously because some people could park right there in the lot at Auke Bay, but others had to go up the road, so based on that, what their recommendations were - Expand on-site parking to reduce this time because then you have more efficiency out of your ramp, provide three make-ready spots, which are lanes that can pull up three boats of 12 x 16, we've got actually enough for 3 or 4. Three tied down, this is after you pull out and you need to tie down your boat. And then provide 6-10 boarding float spots; these are the floats out there, so that boats can stack up as people are pulling out. Of course, at low tide, this will be less and high tide, this will be the maximum, but our design did take those recommendations and have incorporated them into it for the maximum capacity and efficiency.

McDowell Group here from Juneau does a lot of surveys and forecasting. They did a user survey and a demand forecast study for us. Out of a 100 Statter users, they said that they launched 1336 times during the fall of 2009 and 2010; 80% of the users agreed that Statter is overcrowded, 63% said they'd go elsewhere because they knew it is overcrowded, and Statter was rated as one of the least safe of all the launch ramps. The demand forecast tried to take a look at what the long term might be. As you saw earlier in the history, the launch ramp was first put in the 60s and here we are in 2013, we are going to do something again now, so we are building this expecting that it's going to last 30 to 50 years before let's say we'll have time or money to do anything else. So, this was important to us to know what our growth might be. Our population is growing and based on the percentage of population, there is 12% that have registered boats, power boat and trailers, and Statter is currently at or above capacity on peak days. This was pointed out before, which doesn't leave much room for growth.

Parking and the amount of parking is always a big issue, so what we did here is we surveyed what was existing and offsite, places that people were using Statter Harbor a lot, we have 92 vehicle and 23 truck and trailer spaces. The boat yard, as I mentioned, we use during the summer, that pecks us up 23 spaces. The Horton Lot, we have 63 car spaces and 8 trailer spaces. Auke Bay Elementary, these were observations during our surveys that there were 25 vehicles and 28 trucks and trailers and on Loop Road, there were 6 vehicles and 28 trucks and trailers. This meant that the existing on-site and off-site total were 209 vehicles and 88 trucks and trailers. Our proposed master plan would take the 22 spaces and convert those to car spaces, so we would have 136 vehicle spaces down at the main Statter Harbor lot. We would still maintain the boatyard at 23 and then the new launch ramp, this project would provide 84 for a total of 243

parking spaces for vehicles; that's an increase of 34 from what we have now, 16%. We've increased 12, truck and trailer spaces are 14%.

To just give you an idea of the standards that we're looking at for a boat ramp, the Oregon State Marine Board, which develops standards and engineers use throughout the nation states that we should have 30% vehicle spaces based on the number of trailer spaces, that's 30 spaces for boat launch users. Also, at Statter, we have moorage patrons. So, we have three different standards here, American Society of Civil Engineers, DOT, and US Army Corps of Engineers and they have various ratios that they plug in here. Based on our recent...last couple of weeks from June 9, 2013 to June 25, 2013, we ranged anywhere from 324 to 551 vessels at Statter Harbor and most of those were in the upper 400s. So, if you convert that by the standard, you can see that our 213 spaces for moorage users is, in most cases, one exception here is DOT's lower end, quite a bit less than what would normally be recommended.

Vice-Chair Watson: Mr. Gillette, may I ask you; I guess this is a question and a comment. Your previous slide showed using the school district's parking lot in Auke Bay and it is my clear understanding that the school district has made that unavailable in the future for parking of any kind and that CBJ is now ticketing boats and trailers that park along the Back Loop Road all the way up to the entrance. So, that would actually reduce...I didn't mean to correct your numbers there but I don't think Auke Bay Elementary is even a consideration for.....

Mr. Gillette: You are correct and what this up here was what was existing on and off when we did our survey. Down here, I did not include those because we know that we cannot use those and we did approach the school and they were not willing to allow us to do it.

Mr. Miller: Could you go back to the slide about the peak days during the Salmon Derby, is that possible?

Mr. Gillette: Launches?

Mr. Miller: Yeah, so it occurred to me that, I remember reading that in the June 14th meeting and it just occurred to me that, August 14th, was that a Saturday? And if so, that might explain why it was lower the Derby weekend on a Saturday that was one week later on a Saturday.

Mr. Gillette: Yeah, it would have been a Saturday because it's one week later.

Mr. Miller: Yeah, most people I know leave their boats in the water, so they can get to fishing early rather than drive a launch to get on Saturday.

Mr. Gillette: Right, and of course that puts pressure on the moorage and of our facility because people often leave them at the transit for the weekend. But anyways, that's where we came up with the numbers and I had gone through that before.

The next thing I just wanted to mention is there has been concern about lighting and we have a condition that Teri has proposed and we have no problem with that condition. The last two facilities we built, Auke Bay Loading Facility and the new Moorage at Statter Harbor, we're

using full cut-off lights. If you've ever been out there at night and this is not a good time of the year to try and observe that, but you can virtually drive by and not even realize that lights are on, but once you get on to the facility, it's safe and secure. We intend to do the same thing here at this facility. We use black light standards, so that you don't get reflection of the light, we're trying to keep the light to the minimum needed for safe and secure operations to meet the requirement to submit a plan. We will do modeling of the light, which will show exactly where they are cut-off and where they are showing.

One of the questions last time I think or one of the questions I received was how tall would the light standards be? They will vary. In some areas along the seawalk, they don't need to be very tall, because that's pedestrian oriented, they may be 12 feet and they will be focused inward onto the side. The ones in the parking lot, we can't put them in the middle of the parking area, you've got to put them in the landscape strips and they tend to be a little taller, but there again we can model all that and if they're lower, we just add more fixtures. So, we'll be working with our designer and he will be able to do computer modeling now-a-days that will tell us exactly where the light will go and so that's how we plan to meet that condition.

Noise during construction - There is no doubt that there will be noise during construction. We can't construct these types of facilities without noise, but as Teri has mentioned in our meetings with the Auke Bay Condo folks, they were more concerned about the evening hours than the early hours. So, they asked if we could reduce it a couple of hours with the caveat that if we need to work during low tides, that we could do that and Teri has outlined how that might happen.

The next bigger issue that has been identified by the condo representatives, both in our discussions and again in their memo or letter to..., has to do with neighborhood harmony and property value. Of course, this is an area that is somewhat subjective and you can hear different key points and you probably will tonight. In terms of neighborhood harmony, this is a waterfront commercial zone and this launch ramp project is allowed in the waterfront commercial zone with approval of the Conditional Use Permit. The Auke Bay Condos is a residential use, which is also allowed in the Waterfront Commercial District with a Conditional Use Permit and it was issued a Conditional Use Permit in 1969 for that use. The Auke Bay Towers has presented some information comparing values of other condo projects that they feel are comparable. Those other projects are in residential zones. Those residential zones are set up to give people assurance that their neighborhood will stay residential. The waterfront commercial zone has many other uses. There is no guarantee that this will only be a residential zone. This is a relatively mixed-use waterfront commercial zone.

Regarding property value, it seems that the concerns revolve solely around the perceived impact to existing views. In the Auke Bay Towers letter from their attorney of May 7, 2013, it was stated that the value of a water view was \$5000 and that three units would lose their water views. The recent letter from the Board of Directors states that the loss of value would be between 35% to 45% and 16 units would lose 75% to 100% of their water view.

The figures of the first letter, which were backed up with an appraisal, it was an appraisal document comparing different units within the tower's complex, seemed somewhat reasonable,

where the later figures seem extremely high and unfounded; they are basically based on observations that someone made of different projects. They also didn't consider other value added aspects to the property. Certainly water access is a very highly valuable asset that projects have. Our project will do nothing to impede or inhibit the current water access that this project has and that doesn't seem to have been included in consideration for value to the property.

In terms of the view sheds, this picture was taken basically from one of the condo units, not by myself, but by our consultant, but I want to point out that generally there's sort of three zones that comprise a view shed. You've got your foreground, your mid-ground, and your background. In this photo, the foreground consists of basically the landscape, you know, the condo project, we've got the tidelands and beds of Bay Creek...and the tidal flats in this area. The mid-ground is a little out of the picture here, but we've got the Horton parking lot, we've got the tidelands, and we've got some buildings here, the buildings and the boat yard and residence here. The background is back up in here, it features mountains and sky and it's out of the picture here, but there are some nice mountain shots there as well.

Similar views occur throughout the condo project. Obviously, there are some different viewpoints, but all of them have these similar type views. The impacts of this project primarily will be at the mid-ground level. As seen by this previous picture that we've showed you on May 14, 2013, you can see that the parking lot and the wall are all kind of in the mid-ground. We still retain the foreground views, access to the water, the creek, and the background views, the far views.

This is a rendering that we did based on our new plan that shows this vegetative buffer along here, vegetation along the riprap slope and vegetated seawalk, and a couple of strips between the parking. Now, we are not saying that you will not see the parking lot. It's pretty hard to obscure the entire parking lot, but we feel that the improvements that we've made here soften this mid-ground view to the point that even at high tides, you still have a fair water view. And then if you look out, I took this from the Horton lot, I didn't want to trespass on the condos' property, but they have similar views to this, of the harbor and then the foreground vegetation, the water, the harbor in the mid-ground and in the long-range mountain views of the background and most of the condos in the complex have similar type views, to the south, to the southwest, and to the west. Our project is only impacting views to the east.

I also wanted to make note that the condo organization gives no value to the community amenities of the project, the seawalk, the covered shelter, the viewing lookouts, and in discussions with the appraiser, they said typically these amenities do contribute to neighboring value of properties. So, the determination that the commission must make here is to whether or not the impacts of the project constitute substantial loss of property value.

Based on the appraiser's valuation of a water view at \$5000, it only accounted for 2% of the \$241,000 example property that was used in that appraisal, which is, if substantiated, that they will have lost 100% of their view, which I think I've shown that even though they've lost their mid-ground, they still have some substantial views, is 2% enough to deny this project? The letter that you received from the Auke Bay Condos mentioned the potential to receive financial compensation for loss in property value. I've been here 30 years and of course I haven't heard everything, but the only time that I've ever heard the city provide financial compensation was

when the Mendenhall Treatment Plant was modified a number of years ago and the odors caused a lot of problem with residents and they actually bought some houses, bought some people out. That's a pretty substantial impact and I don't believe that this project has such a substantial impact that would warrant that kind of

Vice-Chair Watson: Mr. Gillette, if I may? Quick question. You just mentioned something that I just happened to think about. Is there not a sewer plant right next to the condos there? I can't remember exactly where it is, but I'm pretty sure it's there.

Mr. Gillette: It's on the highway.

Vice-Chair Watson: All right, thank you sir.

Mr. Gillette: So, in summary, I just wanted to say that this project is a logical expansion of Statter Harbor to address the issues of congestion, safety and efficiency. It's consistent with the surrounding neighborhood uses. We've reduced the work hours to help mitigate the noise impact. The landscape buffer between the project and the Auke Bay Towers Condo addresses their concerns. We've agreed with the site lighting to use full cut-off and abide by the condition that's proposed and do computer modeling to make sure that it will operate as designed. The landscaping adjacent to the make-ready land addresses safety concerns that we heard from the Commission at the past meeting. The public amenities such as the seawalk, viewing lookouts, covered shelter, the stairs to the beach and landscape buffer add value to neighboring properties and the community at large. A devaluation of 2% of three units for loss of views, if substantiated, we're not seeing a substantial impact given the overall community benefit. Significant revisions were made to address concerns by the public and the Commission resulting in approximately \$547,000 of additional cost. The project is much needed to fulfill the boating needs of the community today and into the future. I'd be happy to answer any questions.

Vice-Chair Watson: Questions from the Commission. Commissioner Grewe?

Ms. Grewe: I have a couple of questions. Could you go to the slide that shows public amenities, the most important bullet on your summary for me the last time I heard this was the public amenities, so I had a question for seawalk. Yeah, so how wide will the pedestrian way be?

Mr. Gillette: This pedestrian right here?

Ms. Grewe: Yeah.

Mr. Gillette: 10 to 12 feet. It's not a final design, but it's a substantial width. Most sidewalks are 6.

Ms. Grewe: Yeah, okay, so then on the side on the water, closest to the launch, the two-lane launch - how wide is the green space there, the vegetative buffer?

Mr. Gillette: Along the seawalk?

Ms. Grewe: Yeah, along the seawalk.

Mr. Gillette: Yeah, we've got it at 12 feet.

Ms. Grewe: 12, so it's about 22 feet there maybe.

Mr. Gillette nods affirmatively.

Ms. Grewe: And you did that by narrowing the roadway there?

Mr. Gillette: We narrowed this lane, we narrowed this lane, and we narrowed these parking stalls.

Ms. Grewe: And a couple more follow-ups from me. The cover shelters, so what kind of...like how large do you think the shelter will be, I mean is there going to be...is it big enough for a picnic table or is it a bench, covered bench or you know...?

Mr. Gillette: No, it would probably be similar to the shelter that's out there now and it would be enough for a picnic bench and probably some notices like we usually have some sort of kiosk notice of safety, you know, the kids don't float...floats, that kind of thing. And again that hasn't been final design. We have to build out here a wall to create that space above the rockery wall and, you know, like...I can't remember what we had said in the...Teri had asked me that before, but I can't remember what we said, but it'd be a fair size.

Ms. Grewe: Okay and you did that at the consequence of compacting down the trailer parking, if I understood you right?

Mr. Gillette: Well, actually that kind of goes out over the rock...rockery, the riprap. So, what we're doing there and you can see it...you can kind of see it here, up in this corner, it's kind of hard to see. You know, the structure sits on the wall, like this wall here, we just did a little section of wall that sits up on top of the rockery wall, just to create a pad.

Ms. Grewe: And so the seawalk, actually this is a good picture to look at. So, the seawalk, the vegetative...in combination with the concrete walkway, you were able to acquire more space by compacting down trailer parking, if I understood you correctly; did you give any more thought to reducing parking spaces. I mean you can show me numbers until you're blue in the face and I'm blue in the face, but the community is growing and we're never going to have enough space. You know, assuming the community grows, the population grows and trailers will grow and we are just always going to be at that place and for me it was really a priority to make sure that not only does the boating public enjoy this facility, but the non-boating public that just want to enjoy the harbor; so...

Mr. Gillette: Well, you know, it depends on how people get to it, if they walk from the neighboring areas and they won't need a car, but if somebody comes here from other areas, then they are going to add to the parking load. So, you know, we discussed it pretty extensively with our Harbor Board and with our consultants feeling that this was the number that we had

substantiated and tried to retain that number, yet still provide as much of the other amenities and things that we heard.

Ms. Grewe: So, it was an internal decision about the quantity of trailer and truck spaces needed?

Mr. Gillette: Based on the stuff I showed you with the standards, and you know, the number we came up of 88 truck and trailer spaces was based on observations of our consultant staff going around the Auke Bay Elementary School, going up and down Loop Road and checking our facilities to see what people were using, and then we compared that to standards, Fish and Game standard and they are funding a significant portion of this. They want to see 50 parking spaces per lane. We have two lanes, that's 100 spaces, and that's pretty consistent...that we consulted and based on our observation, we needed 88 spaces, so that gives us 12 spaces of growth. We know that people are avoiding Statter Harbor already; so when we open this facility, we may already be maxed out because people will come back once it's more efficient, but we just can't get any more parking because we were limited on the fill, we weren't going to get them to allow us fill anymore and we just don't feel we can lose any more at this stage.

Ms. Grewe: Okay. I think my final comment is just that the boating public is a major consideration here. I mean there's harbors built across our nation and really neat coastal communities and they have really become recreational places for motorized and non-motorized pedestrians, what not. Yeah, we are tight for boats and trucks, but it just seems to be that we are not really quantifying the value for the non-boating family of this area, and that's what I've been trying to get at, but I think the improvements you've made are significant. So, thank you.

Mr. Medina: I don't really have a question. I just want to make a comment. First of all, I appreciate the revised plan. I think it shows that some compromises have been made and there are still some concerns obviously, but I think we are...at least from my standpoint, we're much further along than we were last time, thank you.

Ms. Bennett: I agree with Commissioner Medina. I really appreciate the effort that you have put into it and your PowerPoint, and I appreciated the history. I didn't have this clear understanding of the history as I have now and I think everyone has put a lot of effort into compromise and I think it's a really good plan now. I wanted to say that although you didn't mention it in your slideshow that the comments by the family made a difference to me and I'm glad that you took their consideration into account too and they seem to be satisfied that you have done what they wanted you to do. So, I am happy about that too.

Mr. Miller: I'd like to follow up on Commissioner Grewe's comments about the number of parking spaces and maybe just take that a step further. So, currently there are 88 spaces, is that right, I got that right?

Mr. Gillette: Our observations were that there were 88 truck and trailer spaces that were being used between the various lots on and off site.

Mr. Miller: Right, I mean it's generally agreed...I think that it is and I think everybody I know thinks that it is...that 88 spaces is totally crowded and unworkable number of spaces. So, is it

your opinion that by going to a 100 and improving the efficiency of those 100 that now the 100 is enough, because if it was just 88 or if it was just a 100 and we didn't improve the efficiency at all, boy we're on the wrong track here. So, does the efficiency really make those 100 count?

Mr. Gillette: Well, that's kind of what we're including in that we are making the ramp much more efficient for the launching, for the haul-outs, and, you know, if you go to the harbors at different times, you are going to get different counts, because some people go out early and come home early. Some people go out fairly late and maybe stay out all night, come back the next day. So, we envision that there will be a lot of use and turnover and based on again the standards and experiences at other harbors or other launch ramps across the state, Fish and Game said that 50 per lane is their standard.

Mr. Miller: Thank you.

Vice-Chair Watson: Thank you Commissioner Miller. Commissioner Satre?

Mr. Satre: Nothing from me, thank you.

Vice-Chair Watson: Thank you Commissioner. Just a couple of comments here before we open it up for public comment. One, can you give me a rough idea of what these additional improvements to the original project are going to cost?

Mr. Gillette: We doubled the area of landscaping from approximately a half acre to just slightly over an acre. We had a \$100,000 in the original budget. So, we doubled it, probably 200 and actually I think we are getting probably closer to 225 because we are concentrating on different species of things.

Vice-Chair Watson: Okay.

Mr. Gillette: With the shelter and the walls that we have to build, the riprap and build it up for that, we are at about \$225,000. The lighting, we are probably going to be using the lower pipe light standards to accomplish non-glare offsite, which means do a lot more lighting standards, and I think we added another couple of hundred thousand on that. I think those were around \$50,000.

Vice-Chair Watson: Okay, thank you.

Mr. Gillette: Had it written down but I don't...

Vice-Chair Watson: That's okay. It gives me a pretty good idea. A couple more questions about the public meetings - How many public meetings did you have on this project that you can remember in the valley, not across town but just out in the area here? I don't remember ...

Mr. Gillette: Well, I actually didn't come to work to the harbor since 2009, I guess. That was the first start of the environmental assessment process. So, we held a large open house scoping meeting over at the chapel by the lake and that kind of kicked it off. We had a couple of update

meetings throughout the process. We had a special one at the Egan Library, because there were some questions and people were wondering if the project was still going ahead, and then we had numerous CIP Committee Harbor Board meetings and Harbor Board itself.

Vice-Chair Watson: Okay, thank you. One last question before we open this up for public comment. One of the things I haven't heard... I read through the minutes very thoroughly prior to the meeting, and again listening to you this evening, there is very little emphasis put on safety and prevention and I guess the best way for me to address that is to share a personal experience and certainly not meant to bias the commissioners, but on Tuesday afternoon I had to... occasionally have to have my...harbor and this was about 1:30 on Tuesday, and during that short period of time it took...fortunately for me, the folks were very efficient. Somebody was pulling in, and the family rushed up there, parked the truck at the top of the ramp, and then along came a tour bus, he made it into the parking lot, and another person came down the launch, he couldn't get down, so he stopped on the ramp, and right behind him came a passenger cruise ship bus and along came the smaller buses and in between that were folks that were coming down late for lunches, people trying to get up, trying to get out on to the highway. So, my concern in the very little attention from comment-wise on the increased safety and I would like to hear from a response from Harbors on safety.

Mr. Gillette: Well, that's one of our major issues. Congestion, safety, and efficiency are kind of the three points that we're addressing. As you say, the entry into here, all the tour boats, people launching boats, people have moorage, people going through all these things, this is a major point and it has been recognized for a number of years, which is the reason that the site has been kind of cordoned off into different uses, the launch ramp use is out here, the buses could come in here and the moorage people here. So, the separation of the uses reduces the congestion, therefore reduces the safety issues. DOT and our discussions with them and working with them on the roundabout and in our original plan, we had our driveway access up here. They asked us to move it down across the street from this...back and forth it's easier, they like to see them lined up, but moving it down here gives a better ramp site around this curb. They've been very supportive of the changes and I am glad to see reduction of the congestion and use up here. So, it has not been expressed enough, but that's certainly been a driving force of our project here, to make it more safe, reduce the congestion and more efficient, so everybody gets to use.

Vice-Chair Watson: Thank you very much Mr. Gillette. We are going to open this up for public comment.

So, by show of hands, how many people wish to speak this evening? Okay. So, what we're going to do, I'm going to have to limit this to 3 minutes. I am going to start here in this corner and we are just going to work across through them. So, please respect the person that is going to speaking after you and try to limit your comments to 3 minutes. If anybody runs past that, I'm probably going to have to likely ask him to sit down. So, if you introduce yourself and sign in for the record.

Public Testimony

Willie Harris: Hi, my name is Willie Harris and I am representing Willie's Marine and just for the record I want to say that I am very pleased with phase 1 of the Statter Harbor improvements.

I think it's a beautiful facility and I think phase 2 is going to just complement that. Of course, the public is growing and the need for more trailer parking is definitely needed. In the 30 years that I have been here and use of the facility, there's been very little improvements to the actual launch ramps. So, I think by adding the second launch ramp facility, it will allow us to do improvements to the original one and reduce congestion. Congestion has resulted in damage to boat trailers, boats, vehicles; I have seen a lot of stuff, damages because of the inability to maneuver. So, this is greatly going to relieve the congestion.

Auke Bay is a major hub for recreation and fishing and it's just going to continue to be a facility that's going to be needed. I think the roundabout is going to be a great improvement to this area. I just think visitors....the addition of the landscaping and the seawalk, is going to make this a real beautiful facility. So, I'm going to cut it pretty short here, so thank you.

Vice-Chair Watson: Thank you Mr. Harris. Who is next on the line here?

Mark Brooks: I am Mark Brooks and I own a small company, Mendenhall Marine here in town and we provide a service of towing boats, service and repair of boats and we've been working in the Juneau area for the last 25 years and it does become so congested at times that we desperately need more facility, more room. We have such a high usage going on in the existing facility with the launch ramp and with the tourist industry booming like it is; there is a lot of whale watch activity. So, it's just very busy at times with buses, there are people...like I provide a service for others that don't care to transport their own boats or even in some cases, people actually hire us to get the boats in the water because of their frustration or the lack of patience for the congestion that goes on at the existing facility, so we welcome the addition of more room to work, you know, because we are all just cramped under this one footprint. I mean anybody that's been out there just knows how potential...it could be even dangerous at times with pedestrians and buses and larger vehicles all rolling through the same footprint. And then, with the removal of DeHart's this year, there are less spots to put boats than there were, yet every year there is more boats and people. So, you know, the congestion just continues to grow and the place gets tighter and tighter all the time. The current additions to the Statter Harbor with the floats is great, it gives a little more room up there on those floats. And this next phase, you know, the City has done a lot of work and spend a lot of time and energy trying to come up with something that would work well for everybody and hopefully not impact the people that live in the area any more than necessary. So, we look forward to having some additional facility out there and it will certainly ease...make it a lot more user friendly for everybody that's out there using the facility.

Even the next phase will be a great welcome too for a commercial facility for the young. The ever increasing tourist industry that goes on up there with the whale watch crowd, because there's a lot going on out there between the sport fishing, whale watching, personal use, commercial use, we'll definitely welcome the expansion. Thank you.

Vice-Chair Watson: Thank you Mr. Brooks. Who is next?

Andrew Naples: I live aboard Statter Harbor. Briefly, I am in favor of the project. I wouldn't mind if the three spots, 1, 2, 3 spots were maybe shifted or eliminated and doubled for creek belt that is roughly 10-12 foot. I think it should be a community project, not just a boating project.

The idea of somebody being able to go down, buy a salmon, take it out to the covered place, put it on the barbie and have a nice time, will be great. I very much applaud the idea of having a walkway coming around. I have no idea who the ownership of this is _____, but make it a place that the community uses, not just a parking lot. Thanks.

Vice-Chair Watson: Thank you Mr. Naples. Okay. Yes sir.

Ron Marvin, 2241 Fritz Cove Road: I am a relative newcomer to the Harbor. I started having a boat there in 1997, and during the summer months in 2003, as a matter of fact Mark hauled my boat several times. In 2003, I changed boats and it's been there ever since and I was able to get one of the DeHarts spots there, and believe me I really enjoy my new slip in Statter Harbor, it is wonderful. Although when I was at DeHart's, I was just right across from the launch ramp and I work on my boat and I would see everything in the world there that you could ever imagine. And, now I'm right on the main float, so I have a lot of tourists going by and the tour boat operators and everybody that's going out there, and the thing it provides me is, you know, first of all they are visitors to our city and they are here for vacation and they are having a really good time. I mean I am always amazed when I hear people applauding the skipper on board. I think that's great. So, it's important for us to continue that kind of experience as well as the commercial fisher people, and for myself, I am just a pleasure boater, I just like to go out on the water and do stuff. So, with that, I would say that I am very much in support of phase 2 of this project.

I have always been really impressed with Docks and Harbors, because I was going to their planning meetings early on, and they really listen and they change things, and it got to a point I didn't pay much attention any more, in fact that's why I didn't come to the earlier meeting where I would have testified for that. So, anyway, I am fully in support of that. I would agree, I'm with that 80 percent that says, 'you know, it's a little congested down there, good grief', and I really appreciate your little story about the safety thing because where I park is where the boatyard is. And so, whenever I go down or I leave, I am leaving my way between the boat trailers that are going in and out, I am trying to make sure somebody is not coming up the ramp, and then there is the tour bus and, it is just a zoo down there and I really think that separating some of these uses is really going to help.

Also, I am very appreciative of the fact that Docks and Harbors has worked with the homeowners to come up with all these creative solutions, but I am a little concerned about the final cost. I would hate to see that the cost becomes prohibitive that we can't do the project. I also am concerned about losing too much parking. It's an easy thing to let go, but it's very important for us to keep that parking there. I know originally when they had the retail shops and all of that in there, one of the comments that I heard from somebody in the audience was something to the effect of when you're bringing people in for other things than boat and harbor and those kinds of things, it's going to use up those spots. So, be considerate about it I guess and don't give up parking spaces too easily. The other thing that I saw, in trying to get educated about this, is the whole waterfront commercial zoning, and...do I have one left or is that it?

Vice-Chair Watson: Oh, if you could summarize for me.

Mr. Marvin: You bet. So, again I am for the project. I really appreciate some of the solutions you've come up with. I do want to see it go ahead. I think that the safety concerns that we have out there would be much addressed with some of this separation of uses and the other thing with the waterfront commercial was, you know, it is a different zoning thing.

Vice-Chair Watson: Thanks Mr. Marvin. Second row, is there anybody else?

Ron Somerville: Thank you Commissioner. My name is Ron Somerville. For the record, we have a letter from our President, Jerry Burnett, supporting the Conditional Use Permit, but I also want to amplify a couple of things from a personal standpoint. One is this process is baffling to most of us. We would have all been at that meeting, the last meeting, had we known it was going to be that contentious, #1, and we've gone through a long planning process. I am not going to talk about how I use the harbor. I am just saying the public, you know, that 12 percent, that people who have boat permits but think about the family members....the higher percentage of Juneau members are members of the boating public. And the complaint I heard after the Conditional Use Permit was denied...so my membership was once again the commercial fleet, the charter fleet, the whale watching vessels got what they wanted, but where does an average Juneau guy get...his launch permit. The launching facility is why they voted for all those ___ conditions. They want to see improvement in Statter Harbor. It wasn't increase for whale watching or the commercial fleet, most of the people in this town voted to have better parking, better launch facilities and most of us have to go out to North Douglas to launch because you can't get down there anymore. I'm at Fisherman's Bend now, but I still use Statter Harbor to get my boat in and out for a variety of things.

I also wanted to note what somebody else did ___ I'll use some citation. I can assure you, since being here since 1979, I have been to Territorial Sportsmen, worked on the Derby every year. We have had our Derby many years and we have 2200 participants, which means it's 1600 to 2200, the church lot is full, the school lot is full, the Fishermen's Bend is full, everything at Statter Harbor is full and they're parked way past the entry to the university. A hundred parking places is not going to be enough, but at least this is an improvement, for the safety and the efficiency of use.

I don't want to diminish the local homeowners. I think they should be considered and I applaud staff for attempting to do that. I just wanted to point out that from our membership standpoint and myself included, is that we really need this project to go forward. To stop phase 2 at this point, would be a disaster - I mean, you just can't do that. Something has to be done; to put all that money into what has been done so far and not go on to the next phase of this project would be a real disservice. Thank you for your time.

Vice-Chair Watson: Thank you very much Mr. Somerville.

Wayne Regelin: My name is Wayne Regelin. I am speaking for myself. I live at 9344 Turn Street. I have been President of Territorial Sportsmen in the past and a longtime member of Territorial Sportsmen. But this evening, I am speaking for myself. I have been in favor of this project for a long time and I was happy with the first version that came out six weeks ago but I

think the improvements that have been made are fine. I worry about the cost, I saw the figure. It was going to cost an extra \$540,000 for the changes, but I think that it does make it a lot better.

I think what it does is it provides a lot more opportunities for non-boaters, the places to walk and do things down there and I think that it's nice...I take my grandkids down there when they are in town and we enjoy going down to places like that, but I think we have to remember the first use of it is for boaters and there is a tremendous number of places in Juneau that are provided by the City and the Borough, parks and places that boaters don't have anything to do with and I enjoy most of those too, but we have tremendous numbers of parks and trails and we're lucky that we do. But we shouldn't sacrifice one area for boaters. I think it's fine that improvements have been made, I agree with them, but I don't think that we want to lose any parking spaces to make more of that.

I think that on the efficiency, getting people in and out of the water, it will be improved so much if you don't have to park half a mile away from where you put your boat in the water and then walk back. Those boats stack up and then on those busy...on Saturdays and Sundays even when it's not the Derby, just now you go out there and those poor people that are getting towed away, I don't know why we changed....what the reason why they start ticketing those people was, there is nowhere for them to go. And so the sooner we get this done, the better. But I think that it's a great need, it's going to be something that's a great addition for the community as a whole and I really urge you to go forward with it and not to stop after we get one phase done and I think I am just as eager to see phase 3 go forward. Thanks.

Vice-Chair Watson: Thank you Mr. Regelin. Ms. Marlow.

Heather Marlow, 11909 Glacier Highway, Unit 304: Good evening and I'll just start by giving some context of my history in the community. I have been using Auke Bay Harbor since 1972 when I started fishing with my father's sport fishing, fished the Salmon Derbies for all the years, went on to join the Territorial Sportsmen and be Co-Chair of the Derby and got to see how it operates from the user side and know what's going on with the Derby's pressure points and the capacity demands. My father is a commercial fisherman, my uncle is a commercial fisherman, and I understand harbor needs and recreation needs and sport needs.

I moved to Auke Bay Towers because I enjoy Auke Bay and the setting of Auke Bay and the uses of Auke Bay. I have been watching the planning process go on for Statter Harbor and I have a background in urban planning, and I had been watching how the plan has come together and putting my background experience with water use, harbor use, and land use planning; it's been my conclusion that we are not doing our highest and best job with this plan and that's been the nature of the comments that we've been trying to work with on Docks and Harbors.

So, for the record, I support the project. The purpose and need of the project is well-founded. We need more efficiency, we need more capacity, and we need better time management for users in the area. I don't think this design gets us there and I think there are several changes that we could make that would bring the community to a better place and I think that we are rather fixed on this design and that there are some changes that can be made. We have other representatives that are going to talk to you, but I handed out this sheet to you. It shows some of the areas of

inefficiencies that I pointed out. Gary Gillette started to talk about them. I don't think that they have been explored to their full potential. It talks about the Horton's Lot being underutilized, and you can see that in the photo, it talks about the boatyard being underutilized; you can see that from the photo. It talks about the DeHart's lot being underutilized and you can see that in the photo as well. This is summertime, this is peak use, and they're not being utilized. They're being set aside so that they can fill areas that aren't currently being used, saying that this is the highest and best use. This is not the best plan for a waterfront and I agree that we need more capacity and more efficiencies.

I'll follow up on some of the points on evaluation. On our staff report tonight, finding number 5, I think that the staff report is inaccurate, the assessor's comments back from May 14th, the blue folder item, clearly saying the May 10th e-mail from the assessor, that their purpose is to establish values for taxation, but it is not appropriate to use their work for a different scope of work such as planning commission findings. So, to include it in tonight's packet and say that it has been supported by the assessor's office is not appropriate and that we have provided evidence that we will be discussing in further detail, the \$5000 reference was completely misquoted and out of context and they do not have evidence to support that there will not be an impact whereas we are attempting to do so without taking on the cost of a full appraisal and I think I'm at my time limit.

Vice-Chair Watson: If you want to summarize, you're certainly welcome.

Ms. Marlow: Well, I would just say that the CUP process is intended to guarantee that property values will be maintained, that's part of your responsibility, and it's something that we've been trying to prove to you. I don't think that you should be swayed by the fact that the purpose and need is or is not being met. I think that you should be listening to what's the highest and best use. We all agree that more capacity is needed, let's do the right design for all the users the first time, but to take property evaluation in appropriate context, take a little bit more time, do it right the first time, we only do this once every 50 years.

Vice-Chair Watson: If I may just ask a quick question, with the improvements of the roundabout, with the planned improvements for the stretch of highway past your condo buildings and the plan for the harbor, do you see this project impacting negatively on your property values?

Ms. Marlow: No, I don't. I think that that entire area is going to benefit from coordinated public investments and I think that improving the access and the safety points to the harbor is going to be a huge benefit to all users, whether you're a transit bike, pedestrian, passenger vehicle, tour bus, boat, whatever. I think it's all an improvement, but my concern is once again highest and best use of upland properties. I don't think we're there with our design, but I think that the package once done right is going to be an excellent package for the next 50 years.

Vice-Chair Watson: Thank you Ms. Marlow. Follow-up question Ms. Grewe.

Ms. Grewe: So, if you think that the current project with the change is still not the highest and best use, what specific changes would you make to what's on the screen now? I mean, I'm

assuming that you're saying that these areas shaded in blue on your handout are not well used, and so I'm assuming that you're thinking moving some of the parking off-site to create more community space or green space, maybe you could just have a minute to articulate the picture.

Ms. Marlow: Well, it's kind of hard to see in the boatyard area that's there shown on the plan. I mean what we heard from Gary is that there are six spaces that they use now, so when you look at the capacity for what's there now, they don't use all six spaces now, that's what that photograph shows, is that in the summertime six spaces aren't used. They want to have room, so that they can bring boats in and stack boats up for work that queues up and that's appropriate, but usually in the summertime, it's empty as this photo shows. So to commit that much area to a boatyard that's underutilized now is being overoptimistic on demand and space needs. Is this community going to grow, do we need more boat services in the future, do we want more boat services in this area? Yes, but this is an overstatement of the demand and...where the DeHarts currently is now....that was my suggestion to them is to take some of this parking here along this row and somehow or another integrate it down into this area down here. I think this is an overcommitment of space as well for bus lanes, particularly when you look at what's going on out at the Auke Bay loading facility. I mean, I've been watching that place, it's empty...it's empty, its acres of empty parking on the waterfront once again that we're being speculative that it's going to be used at some point, that we want more services in North Lynn Canal, but right now it's not being used, and it's not any closer to being used, now that there's a gate across it and you can't access it anymore. So, those are areas that I think with our current uplands that we can take a step back for a couple of months and really reconfigure uses to what's impacted now and what's the appropriate scale, and that to me....

Vice-Chair Watson: Okay, thank you very much. Next, Mr. Bruce.

Daniel Bruce: Thank you Mr. Chairman and Commissioners, it is a pleasure to be here. I'm glad I'm not sitting where you're sitting tonight, you're going to have a very tough decision ahead of you. A couple of points I want to make. First of all, my client, Auke Bay Towers Homeowners Association is not against this project, as Ms. Marlow I think relatively eloquently expressed, everybody knows improvements are needed, that's not an issue for debate. The issue here comes down to a couple of things and I think first and foremost you remember the design that was up here back in the middle of May; undoubtedly there has been tremendous improvement, because the process has been working. You've listened to the concerns of people and so has the Port Director and the Port Engineer and the architects and engineers, and they've made changes, but there's one question that really is a critical question for you that has not yet been answered and that is how do you really address finding number 5 - The impact of property value and harmony with the neighborhood. It has been an interesting juxtaposition here that somehow the burden of establishing the impact has shifted from the applicant in this case to the residents in the neighborhood, and that's not really the way it's supposed to work, it's incumbent upon the applicant to establish that. And it's not substantial, it is significant and what is significant, that is going to be a tough one for you to decide on, and when I sat up there, we heard this argument many, many times, and I can tell you almost uniformly that argument went nowhere. Why? Because you never ever had situations where there was a demonstrative physical attribute of the property that was being lost by the development. It was typically opinion. Well, we've given you some pretty objective evidence of the difference between a waterfront view versus a non-waterfront view. In fact, we have the property values from the

Spaulding Beach Condominiums, which are just down the road, and granted there's a difference between waterfront commercial and residential, the people still have an expectation, a reasonable expectation that their property rights will be protected and that development will be such that it will minimize the impact upon their property values and it will be in harmony. The original plan that was shown or not the original plan, but the plan on May 14th clearly didn't meet that standard and what you have before you tonight is more evidence on the issue of property value, it ranges, and we have not been exact, it is not within the expertise of the homeowners to do a full-blown appraisal. It is within the expertise and as should be, part of the cost of the development for the applicant to meet that hurdle. So, you have to make a finding tonight, as to whether or not there's been a significant...if this project will significantly impact the property values.

You've got diagrams that show that much more than three units will be affected, you've got pictures that actually show what the views are from the respective units and it is going to vary from 50% loss of waterfront view to a 100% and it's going to vary from unit to unit. My suggestion is at the end of the day, you're not going to be able to conclude that it is less than 2% of the value of this property.

Vice-Chair Watson: Questions by the Commission. Mr. Miller.

Mr. Miller: I just wanted to read No. 5 - Will the proposed development substantially decrease? It is not significantly, it is substantially, so I just wanted to make sure that we got that in the record.

Vice-Chair Watson: Thank you Commissioner Miller. Mr. Bruce, I have something that I was looking at, comparable condominiums like Auke Nu Condos, since those were preexisting in there, the whale watching industry, boat-repair industry, a place for the Greens Creeks folks to park and to move back and forth Greens Creeks and then we put in a seafood processing plant and then we put in a pretty large parking lot. Since that time, the property values in the Auke Nu Condos have not decreased since recently as last year, one sold for approximately \$18,000 more than it was listed for the prior year. Property values continue to grow in what I would consider to be comparable. Could you comment?

Mr. Bruce: Absolutely. The ferry terminal pre-existed the construction of the Auke Nu condos.

Vice-Chair Watson: Let me back up, standard ferry system. Excuse me.

Mr. Miller: Okay. But it was there, the view plain focus at the Auke Nu Condos, I believe, is at least, I've run along that road, so I should know the distance, but I haven't measured it. My guess is you're talking about a minimum of a half a mile from the commercial loading dock to the Auke Nu Condos. That's approximately 2000 and some feet, almost 2500 feet. We are talking about 120 feet. I would suggest there is a substantial difference between having a parking lot half a mile from your view and 120 feet from your view.

Vice-Chair Watson: Thank you very much sir. Any other questions from Commissioners? Mr. Satre.

Mr. Satre: Nothing from me, thanks.

Vice-Chair Watson: Thank you very much. Ms. Lawfer.

Ms. Lawfer: With regards to #5, the analysis that is provided in the June 20th report that we have today, the staff review, can you agree that this is not or is it in harmony with properties in the neighboring area? There are two sides to #5; one is would the proposed development substantially decrease the value of or be out of harmony with the property in the neighboring area?

Mr. Bruce: I think with the improvements that they've made, they come closer to hitting the mark in terms of being within the neighborhood harmony. I think the points that Ms. Marlow was trying to make in terms of the most efficient design, if you could push it farther back up into the uplands a little bit, around the DeHarts dock and our parking lot and this area, if you look at this area, they've got roughly one-third of the whole parking lot dedicated to the boatyard and we know that the boatyard is relatively empty during the summer, fuller in the winter, so I think efficiencies can be gained there. Coming back on the value side, if it is 30%, I think everybody would agree that is a substantial impact and if you take the ranges that are given to you in the letter comparing the Spaulding Beach non-waterfront versus waterfront, that's a hard number to get to. I think it's pretty easy.

Vice-Chair Watson: Thank you sir. Who is next?

Emily Wright: My name is Emily Wright and I live at the Auke Bay Condominiums. I guess I echo what we've all said that I think that it's going to be great to have park spacing, better boat launch and all of those things, but I wanted to just talk to you about the valuation of the property. I moved to Auke Bay Towers about a year ago and I looked at two condominiums, my husband and I. We looked at one that was straightforward, facing the water and then we looked at one on the side that was along that creek and would face where the parking lot is going to be and as new homeowners, we received a packet saying, "Statter Harbor is being improved" and I went on to the website and I saw what was happening and I said 'I am not buying that condo' and we made the decision to buy the other one. We were impacted by that parking lot, so I guess I just wanted to tell you that I think that the loss, especially to the 3 to 6 condominiums that are right along the creek is immense and I think that you should look very carefully at that. I think it's substantial and is nowhere near 2%.

Vice-Chair Watson: Any questions from the Commission?

Ms. Lawfer: When you bought your condominium, did they notify you that you were in waterfront commercial zone property?

Ms. Wright: Yes and I made a very knowledgeable decision about what was happening and I knew what was happening and I knew what the plan was. I guess I just wanted to bring out the difference between the views and the different condos.

Vice-Chair Watson: Thank you very much Ms. Wright. Anybody else?

Nick Lindegaard: My name is Nick Lindegaard, I live at 11909 Glacier Highway. I am in apartment 102. I am probably one of the closer ones to your project. The corner of my building is in the closest corner and my view is going to be fairly significantly impacted. I meant to bring some photos I took this weekend. I was just kind of playing around trying to see how much of this is actually going to impact my view and it's considerable. The potential loss of up to 30% of my property value is, I think, legitimate. I think it is going to impact the value of my property. I was born and raised in Juneau. I have lived in my particular unit since I was probably this high. My grandmother purchased it from my great grandmother and when she passed, at some point it was rented to my mother and I lived there as a child and it went to my father and I now own it, so I have a lot of history in the area. I am very appreciative of the changes that we have seen from the project in the last several weeks from Docks and Harbors and I definitely feel better about that than I did before, but I am going to lose upwards of over 50% of my waterfront view. It is the way it is. It is the way our building is built. It is the way the view plane is and to think that this isn't going to have an impact on my resale value in the future, I just don't think is realistic. It is a definite concern to those who are still there.

Vice-Chair Watson: Thank you. Are there any questions by the Commission?

Ms. Lawfer: Teri, if you could put up your presentation, attachment B, if that is possible. It is a blown-up drawing of the revised plan. Yes, that's it, thank you. Ms. Lindegaard, if you could show me where your apartment is, you said you were in 102, can you show me? You can see your building; I know it is not the total.

Mr. Lindegaard: Mine is right there, on the ground.

Ms. Lawfer: On the ground floor?

Mr. Lindegaard: Yes.

Ms. Lawfer: Thank you very much.

Vice-Chair Watson: Mr. Lindegaard, if I may just ask a quick question. We ___ off this building and the related apartments ___ the condos. Since you lived there so long, I think you could probably answer that.

Mr. Lindegaard: I couldn't tell you, I don't remember, I was a child. I was not there when the condos were built. They were there when I was growing up. I was in middle school or younger and I had friends that lived there that would play around in the neighborhood. From my recollection of being there, they were there.

Vice-Chair Watson: Thank you very much. Is there anybody else? Please come up.

Laury Scandling: Hi, Laury Scandling and I live at Auke Bay Towers. I want to thank Gary and Mr. Uchityl for working with this and it was at your best that that happened. Just a couple of points of clarification. One is, in reading the comments that have been generated by previous meetings, I do want folks to know that we have been following this issue for more than six years.

We didn't just come to the meeting for the first time aware of the project. We do not oppose the project. We support the project. Relocating it somewhat we think would be wiser in terms of looking at phases 2 and 3 together in terms of the congestion and the efficiency of the access of the buses as well as the various types of vehicles. I showed last time I was here that I too chose not to buy a condo when doing my due diligence as Mr. Gillette suggested last time when I was a potential buyer, but I went to the Planning Department, I asked for the footprint. I read all of the reports. This is four years ago, walked out on the lawn and withdrew my offer because I could see what the magnitude would be and even from 6 to 4 acres, it is still a significant project. I have purchased on the other side of the building. My property would be one of those, which would probably be the least impacted, but I want to say this. It's our nest egg. We waited a long time to be able to buy on the water and even though I don't anticipate for my family, a significant impact; for those on the eastern side, it's the Lindegaard's nest egg as well and is a concern for us, so I just wanted to clarify that we have been following this and let the public know that we do support the project and would like see that area maximized to the highest use as possible. Thank you.

Vice-Chair Watson: Thank you Ms. Scandling. Are there any questions by the Commission? I have just one Ms. Scandling, what is your opinion in the improvements that have been presented tonight?

Ms. Scandling: We said to them, they asked us directly and we said we like...there is a significant improvement over a slab of asphalt and again, thank you for that. We appreciate the direction that you gave to staff to meet with us and they have accommodated a number of our most immediate concerns.

Vice-Chair Watson: Is there anybody else in the audience this evening who wishes to speak on this matter?

Robert Smith: My name is Robert Smith. I reside at 11909 Glacier Highway, Unit 101. I have lived there since 2005. I was aware that the project was around, but at that point in time there wasn't a lot out. My unit is probably the unit that is going to be most greatly impacted, I'm on the ground floor. I don't have an elevation item for retaining view and I am around the corner, so to speak from any other view. My view right now, I get to look across the tidelands or the wetlands from the tides in. It's good. It's going to be 100% parking lot when this is done and basically reiterating what Mr. Lindegaard had indicated, it's going to have a significant impact on the valuation of my unit. My unit sits right in here, on the ground level, there are three units 101, 201, and 301 going up and as you can see, this is all filled in, it's definitely going to have an impact because I cannot see around the corner to get any kind of view out to the outer edge and the impact is going to be significant. I do appreciate the effort that they have done so far, the first reiteration that came through here on May 14th was ____ as far as I was personally concerned, they conceded and negotiated with us, talked with us twice. I am very appreciative of the inputs and modifications that have been made so far.

Vice-Chair Watson: Mr. Smith, hold off a second. Any questions by Commissioners?

Ms. Lawfer: I just have one, Mr. Chair. With regards to your current view, do you look out onto the Horton's parking lot?

Mr. Smith: Just a corner. I cannot see the parking lot itself, the rock placement that's around the base that the tide comes up and around, I can see that yes.

Ms. Lawfer: Okay, thank you.

Vice-Chair Watson: I have one question for you Mr. Smith. The vegetation that is growing up along the creek, on the corner side of the creek, actually on both sides, it appears that over time, that is actually going to grow up and occlude your view, does the Condo Association have the right to remove or lower the height of the vegetation on your side of the creek, do you know?

Mr. Smith: I am not positive.

Vice-Chair Watson: Okay, thank you sir.

Bob Janes: My name is Bob Janes, 4478 Mountainside Drive, Juneau. I want to thank the Docks and Harbors Department for the work they put in, in this last couple of months. I know it has been pretty stressful to try to squeeze blood out of a turnip and I think they've really tried to do that, but I am supportive of the project. I agree with Mr. Bruce, it's going to be a really tough decision for you, because there is a lot at stake here, but it's unfortunate that the Auke Bay Towers were built on commercial waterfront property zone, commercial waterfront to begin with, because that kind of thing invites this future and I think that's why you guys work so hard to make sure our zoning remains consistent and steady, but we are at least 3 or 4 years behind, maybe more on this project and if you go back to the slide that shows the entire project. I own Gastineau Guiding and we operate 7 out of Auke Bay and I think it is imperative for safety that we get this thing going because somebody is going to get hurt and I see it nearly happen several times with so much activity in buses, trailers, boats, etc. here. This is just waiting for disaster. Every day I go there, I fear for the people that we take out there and I fear for the kids running around in that area and so we have to move quickly if we can and if we can come up with a compromise. This phase where the commercial tour buses is dependent on phase 1 as it now exists because it's the entrance, so without that, we are not going to be able to separate the buses, the big buses from the trailers and from public use and that is where much of the danger lies. I have driven buses out there and you cannot see anything, no matter how you try, when you are backing up, you cannot see anything and with people running around, it's really difficult for everybody, so whatever you decide, it is going to be a tough one, think safety first, I think, because I would just hate to have something happen out there that causes a blemish on that harbor.

Vice-Chair Watson: Thank you Mr. Janes. Since you are a commercial boat operator and there was a reference to little use on the boatyard. That boatyard is available pretty much 24x7 for emergencies; that boatyard was diminished in size, would it efficiently operate?

Mr. Janes: You are speaking of the boatyard at Statter Harbor?

Vice-Chair Watson: Yes, as it exists now.

Mr. Janes: We pull at least two boats into that boatyard every week, so it's 24 boats plus a truck that's at least 28 feet long, maybe less, maybe 25. There isn't any space to be garnered in that lot if it is going to be continued to be used as a commercial area or a boatyard.

Vice-Chair Watson: Could _____ rehabilitation _____ you would have access to the boatyard, is it downtown? I mean is there any other....

Mr. Janes: There is some, I think, possibility that the new development out by the ferry terminal to become a commercial boatyard, which would take a lot of pressure off that area. I do not know how it fits into the long-term plan. Honestly, I have not followed it that closely, but the area and ...it has been spoken of earlier, there is a lot of space there and it is underutilized and I would like to see that used and that could take some of the pressure off of Statter Harbor but it won't take the commercial vessel pressure off thousands and thousands of people every month coming out there.

Vice-Chair Watson: The boat launch out there is not permitted for boatyard uses, traditional boatyard uses, for your information. Thank you.

Louis Juergens: My name is Louis Juergens. I operate a charter boat operation, Alaska Galore Tours. I am also speaking on behalf of the Juneau Charter Boat Association and they just wanted me to also definitely support this project, so far in the making, there has been so many people behind the organization and development of it and there are concessions that have made with traditional green work and trying to minimize the impact for departments. We all feel it is more than adequate and the overall beautiful development of this little harbor is going to just add value to the whole area and maybe there are a few apartments and so forth that may be impacted, but the overall value of that whole condo is going to go up. We completely agree with Ron Somerville, you know it would be foolish for us to do anything but go forward with this and we completely stand with you guys on this.

Vice-Chair Watson: Thank you. Are there any questions by the Commission? Thank you very much.

Mitch Falk: My name is Mitch Falk and we own the property down in the harbor where the Hot Bite is and Brick's Electronics and Sally's Hair Salon. We are in 100% favor of this project. We know it's way overdue. I think this project will increase the property values in that area making it more attractive and I am all about the safety of my customers, my little kids coming out of the Hot Bite with a milkshake, trying to get across with all the busses and ...I just want to say I'm in favor of this project and it's way overdue.

Vice-Chair Watson: Thank you Mr. Mitch Falk.

Dave Logan: I'm Dave Logan, a long-time harbor user. I'd just like to speak in favor of the project and encourage the Commission to approve the applicant's plan. We've been a long time waiting for a new launch facility in Auke Bay. It could only charitably be described as

substandard. It's much worse that. The egress in and out of that area is abysmal, it's multi-use, it's a lot of large vehicles and trucks and trailers trying to make a tight turn; it's amazing we don't rub more _____ than we do down in that area. It truly is. The egress out on to the highway is even worse. They are coming around a blind corner, that will probably change with the roundabout; but it will still be a difficult goal trying to get going uphill, caught on an angle trying to come around a corner, that still won't change unfortunately with that. It's unfortunate that it will change the sidelines from the condo over across the way. It's a mixed-use facility. It is unfortunate that they are going to be affected, my sympathies there.

I would like to thank though the work that the Port Director and the staff has put in and to trying to mitigate it as much as possible. It certainly won't be perfect, but I think it's a reasonable compromise in a bad situation. We are limited because of the different overreaching governmental agencies there that have different plans. There are limits to what can be filled, what directions can be filled, what can be done in the harbor. I think as the charter guys have spoken today, we spend a long time this spring trying to figure out what the change in DeHart's over at the new Statter facility in losing the long loading areas for the charter guys, how difficult that has been in the transition. We really need to move through launch ramp and get on to phase 3 where there would be an actual commercial dock over there and that's where the bus parking down below will become crucial and so the ideas of reutilizing or repurposing where the haul-out facility is, probably isn't practical from that standpoint and those will be a short-term situation that would have to unfortunately be redone in the future.

Vice-Chair Watson: Questions for Mr. Logan? A quick question Mr. Logan and I hadn't thought about that till just now. The two existing boat ramps that we are using now, do you happen to know what the planned use of those would be if this project goes forward?

Mr. Logan: It essentially would be repurposed. One side would be for small light launching, jet skis, kayaks, canoes, something like that. The other side would be for the haul-out for the boatyard.

Vice-Chair Watson: Thank you very much Mr. Logan. All right, that appears to be all of the public comment this evening. We'll ask the applicant to come back up and respond to any of the comments he's heard tonight and then for those who are here, we are going to take a 5-minute at ease. I see Mr. Bruce smiling because he has been up here many years, so he knows what we are doing. Go ahead Mr. Gillette.

Mr. Gillette: I guess the main issue I wanted to mention when they talk about the upland inefficiencies, I believe in the packet, you have a letter from the operator of the Auke Bay boatyard and he basically said that the area that he has now for summer use, if that's reduced, basically his operation is unviable. The facility that we have right now is a travel lift that lifts the boat and that maneuverable room here to maneuver and to set those boats, we basically flipped half of this site and he is able to use that, so we are making use of that site to the extent possible, so half of it during the summer is used for parking and half of it is for the boatyard. In the winter, he takes over the whole thing because he stores boats and he is working on them, but based on our conversations with him and his comments, he needs that amount of space or he would not have a viable boat operation there. Other than that, you've heard different things

about property values and such on a standby analysis. I hope that the improvements that we made will convince the Commission that this is a viable project.

Vice-Chair Watson: Thank you. Are there any questions by the Commission?

Ms. Lawfer: In reviewing the site, can you tell me, once the phase 2 is completed, will that be on the same elevation as what's going to happen in phase 3 or will that, I mean, right now there is a sloping down to that.

Mr. Gillette: Yes, generally it will be. In phase 3, we will be filling this up for the new commercial boat launch or the commercial charter, but the elevation we are bringing basically the elevation that is there.

Ms. Lawfer: Okay.

Mr. Miller: Mr. Gillette, is there previous times when the assessor's office has been used to determine impacts to property values with other Docks and Harbors projects. It was stated by one of the folks tonight that they should not be allowed to use the assessor's office to set property values in an application like this tonight. I know that there are other types of Conditional Use Permits and other applications in front of the Planning Commission that many time, almost every time the assessor's office is used, so I was wondering if that was something specific to the Docks and Harbors, if you could address that?

Mr. Gillette: Personally, since I have been at Docks and Harbors, I have contacted them twice about this project specific and they are assessing projects, property for taxing, but if you look around and you look at those numbers, they really vary. The Auke Bay Condos mention the Spaulding Meadow Condos and they said in their information that a waterfront condo at Spaulding sells for \$278,000. In fact, there are two units on the market right now for \$278,000. If you look at the assessor's records, it's assessed at \$278,000. I have seen property that has been assessed at \$85,000 and the asking price is \$215,000, so assessment is for taxation, it's not what the market may bear, but in some cases when they try to get close to the value because they want to maximize the taxation, there are other factors that the market drives them are usually, my experience is that assessors are usually a little behind as property values go up and they catch up, they've gone up again. So, they are usually a little behind, but in this particular case, it's kind of ironic that they were spot on, so maybe they just reassessed that recently, I don't know. We have asked them their opinion and that's what they offered is their opinion, but it's true that they are looking at this for taxation and not for the market.....

Mr. Miller: Thank you.

Vice-Chair Watson: I have one final question on the existing boatyard versus the three units that you shared with us earlier. The capacity for the existing haul-out versus the capacity for the equipment that you have down at the commercial loading facility, is it the same or would you be able to prove more or the same number of boats once you bring the new equipment down?

Mr. Gillette: The number of boats is somewhat limited by the space and typically the diagram that I showed before, we have a mix of different-size boats. The limit that we have right now is that the supporting structure for the travel lift, which is the lift that the Auke Bay Harbor uses now to lift boats, has been reduced for structural reasons a lot of times. The lift itself is probably 40 years old or more, probably it was rated at I think 25 or 50 tons when it was new. It's probably less than that nowadays. Our new sealift is made for 45 tons, 65 foot length, so we will have much greater capacity when we build this new facility, which we assume will increase the number and size of boats that they can pull up.

Vice-Chair Watson: Thank you very much. That concludes the testimony response by the applicant. I would ask for us to take at least a 5-minute at ease unless commissioners object.

BREAK: 21:37 to 21:44

Vice-Chair Watson: I call the Commission now back to order and we are now in the process of asking what the will of the Commission is. Mr. Miller.

Mr. Miller: I would like to ask staff a question about the assessor, kind of the same question I asked Mr. Gillette, but it was suggested that their opinion is inappropriate and where we've relied on it heavily in the 6-1/2 years that I've been on the Commission and wonder if you could address it.

Ms. Camery: Sure, thank you. I believe what Ms. Marlow was referring to is a comment from the assessor's office that showed up in the blue folder items for the May 15th folder, so I pulled up that comment and I'm happy to just read their explanation. They did explain exactly what they review and what they don't review, so I'll just read that really quickly, it's an e-mail from City Appraiser, John Sahnaw dated Friday, May 10th. It states, the assessor's division may not and does not provide appraisal services outside our responsibilities: The discovery listing and valuation of all taxable real and business personal property within the borough in a fair and uniform manner in accordance with State Law and Borough Code. The assessor's department establishes valuations of real properties for the purpose of taxation we value as of January 1st each year. At the request of Gary Gillette of CBJ Docks and Harbors, I reviewed and commented upon a plan to further develop parking and launch facilities at Statter Harbor. My comments were made in light of the limitations of our information and our scope of work, neither of which support a more detailed or unit-specific determination of future market prices. Additional analysis and comment on the Auke Bay Towers Association is not warranted at this time. The information collection, the process in depth of inspection performed at the property and the analysis of the data gathered meet the standard for assessment of a condominium project. It is not appropriate to interpret my finding using a different scope of work. My analysis and conclusions are supported by and applicable to the extent of standards and procedures for evaluation for valuation and assessment only. So, that's consistent with what Gary Gillette described earlier, it's just a more detailed explanation of what the assessor's office does and does not do.

Mr. Miller: Okay, under finding number 5, your last sentence says the CBJ assessor's office review has determined that the project will have little to no discernible negative impact on surrounding property value.

Ms. Camery: I would agree with Ms. Marlow that that sentence should be taken off. That was the original finding before the assessor's office made the blue folder clarification on exactly what they do and do not do. I believe that the rest of the statements and the findings are still accurate and it wouldn't change the response to that question, but I believe the last line regarding the assessor's office could and should be deleted.

Mr. Bishop: Ms. Camery, can you tell me, is there a handicap-parking requirement for this facility?

Ms. Camery: There is, yes. I don't have my Code Book in hand; I can't give you the exact number of spaces. I don't really have anything to add to that. I think what you're probably noting here is that the handicap spaces are not noted, certainly in the final....

Mr. Bishop: They are noted. My question is if it's 1 for 25, is that 1 trailer parking spot as well as 1 vehicular parking spot for a total of 8 or is that

Ms. Camery: I think it just says spaces.

Mr. Bishop: Okay, so for 100 spaces, we have to have 4 spaces. Thank you.

Vice-Chair Watson: Commissioner Satre?

Mr. Satre: Thank you Chair Watson, I may have some disagreement with Ms. Camery regarding the assessor's statement, but I'll save that for discussion. No questions for staff at this time.

Vice-Chair Watson: Thank you Commissioner Satre. At this point, I have no questions for staff either.

Mr. Bishop: One more follow-up question. The total number of parking spaces, what are the handicap requirement parking spaces?

Ms. Camery: Somewhere in the corner, if I can read this number correctly, I think it says 100 trailer parking spaces and I need to refer to the original copy, I can't make out that number...[staff input] okay, so total of 184 and Ms. McKibben is looking at the code space parking requirement.

Ms. McKibben: For accessible parking spaces; except for residential parking lots of fewer than 10 spaces, accessible parking spaces shall be required in accordance to the following table: 1 through 25 = 1 space; 26 through 50 = 2 spaces, 51 and upward = 3 and it goes on in 25 unit increments, 501 to 1000 = 2% of the total spaces, and 1001 and over = 20+1 for each 100 spaces. The accessible space required of 4 parking lots in 1 to 25 spaces may be met by an alternative off-site accessible space, private or public alternative space is determined by the Community

Development Department to be adequate in capacity and proximity and then each space will be at least 13 x 17 including an access aisle of at least 5 x 17; it goes on to talk about how they need to be designated.

Mr. Bishop: Would this parking be included with the larger area included in Statter Harbor? Would those handicapped be included in this calculation?

Ms. McKibben: I think that's something that the building department evaluates. There is a general standard that accessible spaces need to be in reasonable proximity to the service. So, at the internal level, we would want to ensure that those parking spaces are on this lot and not in another area of Statter Harbor.

Vice-Chair Watson: Any other further questions of staff?

MOTION: *by Mr. Miller to approve USE2013-005 and CSP2013-006 with staff's findings, analysis, and recommendations; with the new condition #6 vegetated cover condition as written by staff.*

Mr. Miller: I would note that the recommendations that we saw on the slideshow tonight, 3 and 4 are opposite of what were 3 and 4 on the slides, not that it necessarily matters, but I just caught that.

Vice-Chair Watson: Comments on the motion?

Ms. Bennett: I am going to speak in favor of the motion. In any of our decisions, there is always a compromise. I think the compromise has been achieved and I am sorry that some people will be inconvenienced in the short term, but I think in the long term, the whole Auke Bay area will see a real benefit and the boaters will and the pedestrians will and the tour buses will. I think overall it's a very good project and I am going to support it

Vice-Chair Watson: Thank you.

Mr. Medina: I will speak in favor of the motion also. I believe that this revised plan incorporates the concerns that I had from the prior meeting and as Ms. Bennett has stated, it's difficult to get a project that everyone buys in to 100% and I understand the issues with the Auke Bay Towers Condo Association, but even though there is concern, I believe this project will benefit the community as a whole and the fact that the seawalk, you know, that's got the stairway for Auke Bay Elementary that utilizes Bay Creek, I think is an important feature, but I am going to focus mainly on the aspect of safety and as stated in the staff report; pedestrian and vehicle safety has been significantly improved with new pedestrian walkways, on-site parking, separation of user groups, and improved circulation patterns. So, based on the conditions of what I just stated, I am in favor of the motion.

Mr. Bishop: I would like to offer an amendment Mr. Chair.

Vice-Chair Watson: Very good, but I am going to ask Ms. Grewe and then we will come this way and then you can offer your amendment and we will go back down the road.

Mr. Grewe: I think I would rather hear the amendment first.

Ms. Lawfer: I was going to state that I really appreciate all of the extra work that everybody involved has beeninvolved with over this time period since last month. In looking at the plan and reviewing the Statter Harbor plan as adopted, I feel that this meets the criteria and the objectives of what was trying to be met with the Statter Harbor plan and as such, I can speak in favor of the motion.

Vice-Chair Watson: I have Mr. Satre yet. Would you like to hold your amendment till I ask Commissioner Satre?

Mr. Bishop: I would prefer to put it on the table. Commissioner Miller, I would like to offer a friendly amendment. I also feel that this project is well in the way to meeting all the needs of the community. I think that the only hesitation I have is that public amenities are not addressed bythat are not being used by the boating public. I think that we still have some needs that the boating public could also benefit by in terms of open space in the facility and, in particular, I would recommend that we vacate four parking spaces at the corner that face the Auke Bay Towers, at the corner, at the bend of the trail and move them all towards Glacier Highway and make that corner a more open corner providing space for a picnic table for those who are waiting for boats to show up to recreate and to wait. We really don't have a waiting area right now that's set aside, that would really provide a focal point to the Auke Bay Towers and really benefit them. It would benefit those waiting in vehicles that are coming out of the parking lot, in the loop parking lot and it would really decorate that whole area, that whole corner and really provide a park-like space that it doesn't have right now. Right now, we have a corridor going through and I think that's great and I commend you and all the staff I think gets a whole lot of credit for this project. I think you've done a tremendous job of making it 100% better than the first time we saw it, but I think that small little shift of those parking spaces over would really open the facility up to a lot more uses than it already has. I would offer that as a friendly amendment, Mr. Miller.

Vice-Chair Watson: Thank you Mr. Bishop, could you shorten perhaps your comments to the motion that we can get a better grasp on, so that Commissioner Miller can respond.

Mr. Bishop: I would recommend that we put a condition of vacating the 4 spaces.

Ms. Lawfer: You are looking at 3 or 4 spaces?

Mr. Bishop: These four spaces right here and shifting towards the Glacier Highway and that area then would be open enough for a seating area/waiting area.

Mr. Miller: I don't think I would accept it as a friendly amendment as a condition, although if it was an advisory condition because we haven't discussed it with Docks and Harbors as to whether it is even possible. I guess I like the concept, but I do not believe, you know, if we made it a condition and they lost those spaces because they couldn't be moved somewhere else

that I would not support it. I would accept it as a friendly amendment if it is an advisory condition. Otherwise, I would not accept it as a friendly amendment.

Mr. Satre: Yes Mr. Chair. I am just looking at my presentation here. I just want to confirm with Commissioner Bishop that if the four spaces are essentially the...as the presentation is laid out, not necessarily in that direction, but the four spaces that would be on the upper right hand portion of the revised design.

Vice-Chair Watson: Upper left hand.

Mr. Satre: Okay, all right. I understand. Thanks for the clarification.

Vice-Chair Watson: Comments, Commissioner Satre?

Mr. Satre: I would let you address the issue of the present amendment with Mr. Miller and Mr. Bishop first.

Vice-Chair Watson: We've heard Commissioner Miller and we will come down, Ms. Bennett, comments.

Ms. Bennett: None.

Vice-Chair Watson: Commissioner Medina?

Mr. Medina: Yeah, the question I have is, it looks like those are designated as handicap spaces. Aren't they?

Mr. Bishop: Mr. Chair, if I may. I would maintain handicap status and shift them to the right.

Mr. Medina: I just wanted to clarify, because I just

Ms. Grewe: So, we are speaking of just the amendment right?

Vice-Chair Watson: Yes, we are.

Ms. Grewe: Okay.

Mr. Miller: Can I get a clarification first, I am sorry?

Ms. Grewe: Yeah, go ahead, I need one too.

Mr. Miller: Is it going to be a friendly amendment or is it....

Mr. Bishop: If ____ condition as an advisory commission, I guess I would recommend we just take it as an amendment rather than a friendly amendment and put it to a vote.

Mr. Miller: An amendment it is.

Ms. Grewe: I think I need a clarification on the amendment. So, the 4 spaces, we all understand which ones they are, they would be moved to the right, but it is a loss of spaces.

Mr. Bishop: It would be a loss of 4 spaces.

Ms. Grewe: 4 spaces, okay then I understand, all clear on the amendment.

Ms. Lawfer: With regards to that, my concern is, it wouldn't necessarily just be a loss of 4 spaces because if they are handicapped they are going to have to have different dimensions than what we have here, correct? So, it may be more than 4 spaces lost to accommodate and then secondly, the concern that I have is by moving them back more into a green belt, how is it going to be easy access for handicapped individuals to not be in traffic and yet still be able to want access both the walkways as well as have ready access to possibly get on a boat and go down the ramp. So, my concern with moving that farther out, in looking at the way that it stands right now, I truly like how that has a fair and easy access to both the walkway and to the dock and then secondly, it would be more than 4 just because of the requirements that we're going to need to have for 4 spots; so that's my concern with regards to that friendly amendment or if we make it as an amendment.

Ms. Grewe: I just wanted you to know that I strongly support the amendment. I think opening that corner there to more (for lack of a better word) green space whatever, buffer that's a key corner there for many user groups and there will still be handicap spaces available in that, more to the right area, if I understand the amendment correctly. So, we are still going to have handicap spaces. They are still going to have access to the entire facility. It'll just be fewer spaces, but I think that what we gain in value is going to greatly improve this facility.

Vice-Chair Watson: Thank you Ms. Grewe. I would speak against the new amendment. Mr. Bishop recommended there to be a place for people who wait while their bus is coming up, but I will also note that adjacent to the boat ramp, there is a shelter that has been built. We have a lot more rainy days in this community than we ever have sunny days traditionally and that makes much better sense to utilize it for those same purposes that Commissioner Bishop mentioned to me. I would prefer to utilize that building for those purposes. Also, we are reducing the parking further and may have heard from many of the public, receiving 21+ written comments and almost every one of them had mentioned parking and to minimize and reduce parking, I would not support the amendment. So, we will call for a vote. The vote would be to support the amendment to reduce the parking by 4 spaces and to make it available for green space or I believe Mr. Bishop mentioned a

Roll Call Vote:

Ayes: Grewe, Bishop

Nays: Miller, Bennett, Medina, Lawfer, Satre, Watson

Vice-Chair Watson: The amendment fails 6-2.

Ms. Grewe: Before we take up motions on this, I would like to offer an amendment.

Vice-Chair Watson: You may.

Ms. Grewe: I would like to amend the motion by essentially trying to get up the same purpose of the amendment that just failed and vacate the parking spaces that are closest to the seawalk, so one there, one there, maybe one over there. Although, I do not have the exact dimensions of the top of my head, but I think we will gain 10 feet to this whole seawalk area and I think that will improve the experience.

Vice-Chair Watson: That will be your friendly amendment?

Ms. Grewe: No. I wasn't going to offer it as a friendly....as I don't think Mr. Miller would accept it frankly.

Vice-Chair Watson: Okay, but for the record.

Mr. Miller: Yes, I would not accept it as a friendly amendment.

Vice-Chair Watson: Mr. Medina, you had a comment?

Mr. Medina: So, it has been made as an amendment, right?

Vice-Chair Watson: Yes sir.

Mr. Medina: Okay, I will speak against the motion because here again we are talking about handicap spaces that you are vacating.

Ms. Grewe: No.

Mr. Medina: Well, if I understand right, these right here are handicap and so is this over here. Is there a map that shows the handicap stalls in blue?

Ms. Grewe: Yes.

Mr. Medina: Yes, so maybe go to that one. It looks like there is some marked with an H and here trailer spaces.

Mr. Gillette: Four car spaces and four private spaces.

Mr. Medina: Okay, thank you.

Vice-Chair Watson: So, your amendment stands?

Ms. Grewe: So, my amendment stands to vacate; let me see if I can do this with a steady hand, at space, the space next to it and perhaps this space. I am not confident to design on the fly here,

but my point is to add 10 feet to the seawalk area, which for me the priority would be more vegetation and I think it would provide some more buffer for the Auke Bay Condos. I think that our growing opportunity for different parts of our community to use this facility than just the boating community, which has been a priority of mine all the way through this process, I think improvements that have been made by CBJ Docks and Harbors are significant, but you know when I look at it, I see an upgraded parking lot and some beautiful waterfront and I think we can improve this and also with the parking, we hear over and over that the parking is tight. It will be tight when this is built, it will be tight in the next, you know, short and long, it will continue to be tight, but we have one chance to build this facility and I think that we have an opportunity here to encompass more than the boating community.

Mr. Bishop: I would like to speak in favor of the motion before we do so. I think that it's important to accommodate the public and to put in our best foot forward when they start decorating our town with amenities like this. I think this is an important function in our community and I think we need it, but I think we also need to look at the fact that we are a maritime community and we need to exercise as much....we need to put this public face forward from the perspective of making it attractive to the community when they are coming in from the water. You've got a lot of people coming in on tours that are running in circles in Auke Bay waiting to get into the development facilities and this is what they see. They see this facility, right here, and this is what they come back to and this is what they walk when they are waiting to get on the buses. This is an area...what people are going to remember about Juneau when they come in. This is going to be one of the most memorable experiences they are going to have in town, coming through this facility and I think making something they remember, not just as a parking lot, but as a place that we can be proud of, is an important thing to do. So, I am speaking in favor to that.

Vice-Chair Watson: Thank you Mr. Bishop. So, we will have a roll call. The amendment is to....and for the purposes of Mr. Satre, what the recommendation is to remove trailer parking spaces directly across from the seawalk _____.

MOTION: *by Ms. Grewe to approve the amendment to remove 3 trailer parking spaces.*

Roll Call Vote:

Ayes: Grewe, Bishop,

Nays: Miller, Bennett, Medina, Lawfer, Satre, Watson.

Vice-Chair Watson: Amendment fails 6-2. If there are no further amendments, Commissioner Miller.

Mr. Miller: Yes, I would like to speak to my motion. I believe that, you know, I was not here on the May 14th meeting, but I think that as has been pointed out by very many people today that the process is working and I think that the wrong step was made at the last meeting where it failed and continued because I think that when it was reconsidered and then continued, this is the result of it and this cooperative process has gone on and almost every single person, whether they are in the Auke Bay Tower Condo Association or they're a boater friendly folks, every single person said that the process has made significant improvements and I believe that they

have, if you go back to the Baxter Bruce & Sullivan letter that was the blue forward item, inadvertently left out of the staff report the last time, they had six items that they were concerned with and I think that when I read it, it looked like everything was taken into account and handled very well by Docks and Harbors with the exception of #5 and I will address that where I think that has been met as well. We have folks talking about Mr. Janes safety first and talking about how it's only a miracle that there hasn't been a terrible tragedy out there and I absolutely concur with that, that this project is in dire need of happening right away.

You know, we are lucky that the image of this really fine location and destination has not been marred by some terrible tragedy. I was out there last weekend with my 2-year-old grandson, having him down on the dock or down in the parking lot with all of the congestion and everything going on and you see little kids with leashes and I didn't have a leash, but I put him right in a cart, sat him down in there and that's how I handled it, but it is a concern of mine, the safety issue is really important here. There were so many good statements tonight.

Ms. Marlow, she says that the community improvements by all the investments are going to raise the property values of all of the neighboring properties and I agree with that. We've got all of these things that are going on. I believe that it isn't that the folks who are going to have their views impacted. I don't believe that their property values are going to go down. I believe that their property values are not going to go up as much as everybody else that lives there, and so is that a substantial decrease? I don't believe so.

I agree with Mr. Marvin. He says don't give up any parking spaces. I have been down there and you hear of road rage in Seattle, well we have ramp rage in Juneau, which is terrible. I mean it is really a terrible situation and the overall plan where they are separating the uses is really going to work and that walk...the reason I didn't support the amendments is the seawalk, the way they have got it, if you go down to the harbor now, the seawalk that's existing in the existing harbor, I mean people line up on there; they are using that space and they are not sitting in a picnic table. They are up against the fence. They are looking out and seeing what all is going on. We don't need to lose three more spaces to be able to use that space. It is going to be really well used and significant space for the community, for boaters; there was a comment also that it is not just 12% of the people who have boats, but it's all of those people who have family members and friends who come down and visit the people with the boats, so it's a way bigger portion of the population.

Okay #5, that is the biggie, so will the proposed development substantially decrease the value of or be out of harmony with the property in the neighboring area? Out of harmony with the property – it's in complete harmony with the neighboring area. There is no way that it's out of harmony, just with waterfront commercial, this harbor has been there forever, everybody that looks at it can see that it has to be improved. I touched on the substantially decreased value and in my opinion, first of all, we do depend on the assessor's office and whatever gobbledygook that the assessor wrote up there, he made everybody believe that it wasn't going to have a discernible negative impact and we have used their judgment in the past on many applications and in this situation, the whole area is going to be improved. I really believe that your property values with the ones that are affected by the view probably aren't going to go down. They are just not going to go up as much as everybody else's. I think that in better developments, when you have

neighboring developments, it brings the value of the neighborhood up and that's what's going on here and the value of the neighborhood also increases because of the amenities.

Mr. Bruce made a statement and I agree that the developer needs to minimize the impact of the neighbors and that's exactly what is going on here. I mean, from the May 14th meeting to today, this new project, they have done exactly that. So, for those reasons, I strongly support the project and plan on voting to pass the application.

Mr. Bishop: I am also going to speak in favor of the motion. I think it is a great project and I am really happy to see it moving forward. I think that another thing to be added with condition #5 is that the seawalk going through is tying into their property. I think that this is not only going to be an asset to the boating public, it's going to be an asset to the surrounding neighbors. I think, if anything, this is probably going to end up boosting their property values. I think we are putting in an asset to their community where they can walk conveniently to the harbor in the near future along the seawalk that's going to provide a very nice experience for those residents of the Auke Bay Towers, and I think with the green space that we're putting in there, I think it's also going to end up putting a real nice exposure to their condos. I would still recommend to the City, Docks and Harbors, if they contemplate expanding that green space in the corner there, I think it would make a wonderful place for the Auke Bay students to come down and to gather when they have their Sea Week and when they have their walks there. I think there is not a real good gathering spot there right now and there is going to be a lot of kids that march their way through there and I think having a gathering spot where they could pause and look at the creek from up above and look at the inter-tidal areas from above would be a real benefit to the community, but as it is now I think it is a great project. I think it can be better though, but I think you have done a wonderful job, and I commend you and I thank you for taking the time to do what you have done. Thank you.

Vice-Chair Watson: Thank you Commissioner Bishop. We will have the roll call please.

Mr. Satre: Chair Watson, if I could make some comments first.

Vice-Chair Watson: Pardon me Commissioner Satre, please go ahead.

Mr. Satre: Thank you very much, Chair Watson. First of all, I want to thank not only all of the members of the public who have commented on this item both in person and through written formats, but I also want to thank Docks and Harbors, Planning Department staff and Commissioners who have all worked together to make this project better. I supported this project the first time it came before us because I thought that it was a very modern, efficient, and safe launch ramp and parking facility, but as my fellow Commissioners reminded me that evening, sometimes I look at function over form and they made a very good argument for form. Luckily, we were able to do some things with the process that allowed Docks and Harbors to go back to the drawing board and continue to address some of the concerns. Without going to really any great detail, I think we've all seen tonight through all our staff reports and through the presentations and comments made that the vast majority of the concerns have been answered and ultimately we're looking at a project that's going to benefit our entire community. I do think it is appropriate to take a moment to speak to neighborhood harmony and property values because

that ultimately is now the crux of the issue. I agree with Commissioner Miller that all of the planned improvements for the Auke Bay area will raise property values just as a rise in tide floats all boats. In regards to the assessor's opinion, now if you read the entire text, based on the information available, they anticipate the proposed project will have little or no discernible negative impact upon the value surrounding those central properties and of course there's also some qualifying comments regarding the scope and the limitation of that work.

We, as a City Commission, do not have professional appraisers or market appraisers providing opinions; we have to rely on our CBJ assessor's office just as we rely on our CBJ legal counsel. I think they did an appropriate review in terms of the neighborhood harmony and looking at the fact that this is waterfront commercial and that this is a use that's allowed and is not unexpected and when they are looking at gross property assessments that we will not have a negative impact. I think we can expect because there are some properties that will lose portions or all of their limited water view that there will be a rebalancing of values in that area, but in terms of gross property values in the neighborhood, we will not see a discernible negative impact and ultimately, once we have this project built and it is functioning appropriately, all values will be enhanced in that area and I look forward to the completion of this project just as all other members of the community do and certainly as users of the Auke Bay area and the residents of the Auke Bay area do. So, I appreciate you allowing me to attend this meeting via phone it's not the most efficient way to attend, but this has been a very important issue and I appreciate the opportunity to comment and I support Mr. Miller's motion.

Vice-Chair Watson: Thank you Commissioner Satre. I just have a couple of comments myself before we call for a vote. I will speak in favor of the motion. I too will comment on values. There are many things that affect value of a home...with regards to condominiums, what affects the value, the cash assets of the association. If they do not have a good cash asset base, the banks are very unlikely to be as favorable to issue a loan, physical condition of the exterior of the building, physical condition of the particular condo unit that's up for sale, the real estate market, if it's up, condos are up. Right now, there's quite a shortage of homes here in Juneau for sale and probably will be for a few more years, so we really won't know what true value of homes are in this community until a lot more homes are built; I've heard numbers in excess of 200 and 300.

Access and egress to the condominium, schools available, shopping activities, special assessments – many condominiums have to have special assessments to improve their property and keep it up to par, all these things weigh heavily on the value of a condominium, so it's not just necessarily one item, a parking lot such as what we've been talking about tonight. I personally feel it will have little to actually I feel it'll have no impact on the sale price of these condos. I think any realtor that you talk to, once they see this project and the way it's laid out, they are going to tell you, "you are sitting on a gold mine here and I think you're going to enjoy some financial benefits from all that's going to go on here." Thank you and roll call please. Oh, I apologize, Ms. Grewe.

Ms. Grewe: I am sorry to stop the rhythm here. I didn't speak to the original motion. I'm going to speak in opposition to the motion and keep my comments short because my rationale is the same that I offered for both the prior amendments. I support the project for the two-lane boat launch. I really don't support the parking plan and I definitely don't think this is the highest best

use of upland property. I think it's the highest and best use for the boating community and not for the community as a whole and this is a once in 50-year or how many ever year opportunity to make something wonderful on the waterfront and I think we're going to have a parking lot with an elegant vegetative plan in select areas and we offered a couple of concessions via amendments that I think are really important, so I am just going to vote in opposition.

Vice-Chair Watson: Thank you Ms. Grewe. Mr. Hart, roll call please.

Roll Call Vote:

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

Nays: Grewe

Vice-Chair Watson: Motion passes 7-1.

Thank you to all of you folks who were here this evening, we really appreciate you being here and hanging with us so long. It is a very important project for the community and we definitely needed to take the time to thoroughly discuss it and consider all the input.

Mr. Bishop: I would move that we continue our meeting till 11 o'clock, extend our meeting to 11 o'clock to pick up new business.

Vice-Chair Watson: You heard the motion, Commissioners. Mr. Bishop has made a motion that we continue on with our meeting till 11 o'clock and at 11 o'clock we can continue to make motion if you wish to do so. Thank you.

Mr. Satre: Chair Watson, just a point of order, the motion should be to take up new business after 10:30, our rules of order states you can take up new business after 10:30, then we have to be done by 11, so this motion would be to take up new business.

CSP2013 0011: Brotherhood Bridge replacement and related improvements, including revisions to Industrial Blvd. Vintage Blvd., and trailhead parking lot intersections and separated path to Engineer's Cutoff.

Applicant: State of Alaska

Location: Glacier Highway

Staff Report

Beth McKibben: I will make the presentation brief. I do want to direct your attention; there is a blue folder item with recommended additional condition from Ben Lyman, so I wanted to point that out to you and then we'll go through the presentation real quickly and then I'll come back to that condition.

This project is the bridge replacement with modifications to the highway corridor between Riverside Drive and Engineer's Cutoff including Industrial Boulevard intersection. Here are the project details. This is the bridge section. The bridge is being replaced because it is being undermined by the river and it is a safety issue. To be honest, I don't remember exactly what this slide is telling us. I think it's eventually the different sheets that were put together in a composite that show us the reach of the project including the pedestrian ways. It's a little

difficult because the grays and the whites are not always saying the same thing on each sheet, so it does not exactly make sense as it might if the grays and the whites match from sheet to sheet.

The blue is showing the new underpass on the east side of the Mendenhall River and then a paved underpass on the west bank. DOT is proposing to relocate the Capital Transit Bus Stop 98. I also want to direct you, there is another blue folder item with comments from various tenants of Willow Park, which are primarily job service, social security disability, not in favor of relocating the transit stop and they have concerns about redirecting pedestrian traffic through the underpass rather than across the highway. This slide shows us some of the key points which show Industrial Boulevard. There is going to be pedestrian crosswalk across Industrial Boulevard parallel to Glacier Highway and Capital Transit stop in its proposed new location. Capital Transit Bus Stop 97, it is being moved but not significantly so. As you can see, the current Capital Transit Stop 98, you can see the difference between the two and there is the current location, there is Willow Park, here is the proposed new location.

Ms. Lawfer: If they put Capital Transit 98 where they are proposing it, how would an individual walk to Willow Park?

Ms. McKibben: The plans will be that they would take that underpass and I am not going to show this correctly and I hope DOT can show you correctly, but they want to direct pedestrian traffic through the underpass to cross the highway, not across the surface of the highway.

Ms. Lawfer: Okay. Thank you.

Mr. Satre: To follow up on that question, in its existing location, how does a pedestrian safely cross the existing road?

Ms. McKibben: There is no pedestrian crossing facility in this location now. One of the major differences though as you will see in a subsequent slide is that the width of the roadway will be almost doubled from its current width of, I think it is 48 feet to something like 72 feet, I don't remember the details exactly.

Mr. Satre: So, currently, anybody who uses the existing bus stop is crossing an uncontrolled intersection?

Ms. McKibben: They are crossing at an uncontrolled intersection. I know there is some discussion in the staff report that unfortunately I cannot get into great detail about in that some of the changes that are proposed in those, change a pedestrian's ability to cross Glacier Highway legally.

Mr. Satre: I just want to get on the record that the existing crossing is not exactly ideal or controlled?

Ms. McKibben: No, it is not.

Vice-Chair Watson: Thank you Commissioner Satre. Go ahead Ms. McKibben.

Ms. McKibben: The red line here is showing us the route the pedestrians are going to be directed to from the new transit stop through the underpass....parallel to Glacier Highway to Willow Park. The pedestrian route as designed by DOT from the relocated transit stop through the underpass to Willow Park will be 1370 feet approximately and they are currently traveling 440 feet. This is the typical sections of Industrial Boulevard. You can see the two-foot shoulder, I am not going to remember all the details. There is a bike path as well being added in the central turn lane. This is showing us what exists today with the three travel lanes and the two 6-foot shoulder bicycle lanes, current width of the highway is 48 feet and this is the path that will actually be improved into an improved pedestrian way.

Ben took these photos when he was out at the site illustrating an unsafe situation where the bicycles are choosing to make unsafe choices and it's impacting the way that the truck is traveling. This slide is showing us that humans follow the shortest path and so these are just examples of where pedestrians have been directed not to cross and they have been directed to cross in a marked crosswalk and they are not, there are some examples. This is the detail of the bridge area, the new paved underpass and the relocated transit stop. The west underpass and the separated path is 5 foot wide, paved with 2-foot wide shoulders proposed. The underpass on page 46 calls for a minimum...the non-motorized transportation plan wants a 10-foot minimum width. DOT will speak to this, but what I was told is that the underpass has been designed for pedestrians only and was not intended for bicyclists. The AASHTO standards are 10 feet versus the 5 feet for the sidewalk. The recommended conditions are bicycle route and way-finding signs, striping meeting requirements of the Uniform Traffic Control Devices installed and specified, final sign placement subject to Community Development Department review and approval consistent with standards in the Non-Motorized Transportation Plan. The applicant would revise the plans for Industrial Boulevard Intersection, Glacier Highway to provide one or more raised medians. My understanding from talking with Greg Lockwood today was that, that was already designed into the Industrial Boulevard Intersection. If I'm understanding Ben's recommendation for the Intersection of Industrial Boulevard, not crossing of Glacier Highway. To revise the sign would be subject to CDD review and approval consistent with the Non-Motorized Transportation Plan.

Completion of the proposed space relocation of Industrial Boulevard Intersection improvements to Wild Meadow Lane, the STIP List Needs ID 27701, Bus Stop 98 would be relocated to a location meeting the design specifications for bus stops and state routes adopted at that time adjacent to Wild Meadow Lane Intersection. In order to encourage utilization of the signalized intersection by pedestrians for the Needs List #27701, the reconstruction of Egan Drive where Industrial Boulevard and rehabilitate road surface to Fritz Cove Road Mile Point 9.4 to 11 including the realignment sub ____ where drainage improvements, guardrail and lighting is necessary or portion thereof that addresses the intersection of Glacier Highway and Industrial Boulevard to the State-Wide Transportation Improvement Plan and schedule for funding as soon as practical. So, this is the project that's on this list, but not a high priority at this point that would continue the work at that Industrial Boulevard-Egan Drive Intersection to include the pedestrian crossing that was discussed in detail in your staff report. Number Five - Recommendation to widen the pedestrian underpass to 10 feet versus the 5 feet that it's designed to and that concludes my report. The applicant is here to speak to you.

Vice-Chair Watson: Any questions for staff before we ask the applicant to come up?

Ms. Bennett: I am wondering why there has not been any discussion of the possibility of having a...or seriously considering a stop sign closer to the Willow Park area, so that people could have a pedestrian crossing there.

Ms. McKibben: A stop sign on the highway?

Ms. Bennett: Yes a stoplight.

Ms. McKibben: My understanding is that there are distance restrictions from the bridge, but I think DOT could answer that question much better than I could. My understanding of this Project 2701 would be improvements, which might include...could be a controlled intersection, maybe not a stoplight, a pedestrian-activated crossing or a striping with pedestrian islands.

Mr. Lyman: That second project that she is referring to and it is a condition here, by pushing that forward, that kind of completes the full project where you would have a controlled intersection where someone could walk in a more direct route than the current route. The current route being proposed by DOT is safe, but it may not be consistent with human nature. I think is what our staff is trying to say.

Ms. McKibben: Well, not only is it not consistent with human nature, it is not consistent with the Non-Motorized Transportation Plan.

Vice-Chair Watson: Okay, we will ask the applicant to come up this time.

Applicant Testimony

Al Clough: My name is Al Clough. I am one of the Regional Directors for Southeast Department of Transportation. Some awful lot of things have been said, some which were not exactly correct. So, if you'll bear with me for a moment, I'd like to just walk you through the salient aspects of this project. This thing started scoping in 1999, obviously the bridge needs replacing for any number of reasons. The original project envisioned the existing bridge being replaced with four-lane structure having bike access essentially on both sides of it, bypass-underpass on the east side, multi-use path on the east side of the sidewalk and/or bike path on the west side, bus stops, changed to acknowledge the new highway footprint. Variety of meetings, the original project was about a \$22 million dollar design plus a construction project. We are on schedule right now to put this project to bid late this fall or early next year to go under construction in 2014. It is a two-year project to complete.

The concept of the project is the existing bridge would remain open for traffic, pedestrians, trucks, the northern half of the new 4-lane bridge will be constructed immediately adjacent to the existing bridge. Once that's completed, traffic would be routed onto it. The existing bridge would be demolished. The southern half of the structure would be built and completed and then we will basically be ready to open the bridge. Cost has grown from the \$22 million project to about a \$28 million project. Bedrock is 300 feet at that site and right now we are anticipating

putting in 48-inch pilings down to 300 feet. It's basically the modern seismic standards and to support this much larger structure.

The \$28 million give or take price tag is divided into several pretty interesting ways. The bridge structure itself is a little over \$18 million. Of that \$18 million, over \$5 million of it is taken up installing a bike path on the north side of the bridge and a sidewalk on the south side of the bridge. The roadway improvements not counting the roadway over the bridge, are about \$6.6 million and the two-way pedestrian improvements for this project are about \$7.6 million, of which a little over \$5 of that for the improvements that will be constructed upon the bridge. As staff has pointed out, on the east side of the bridge, we have a multi-use path crossing under the bridge, which is 10 feet wide. It is designed to pass horses and that will hook up with the trail system, the multi-trail system in the Village Park area.

On the west side of the bridge, the design that came to stay up was indeed a 5-foot pedestrian sidewalk that is ADA compliant as the other underpass is. I think certainly given the time, it's probably constructed to move into the conditions that have been requested for this project. The five conditions that staff has presented to you for consideration, 4 out of 5 we concur with and in fact we had discussions with staff prior to the staff report being submitted ____ that was not acknowledged in the staff report, but so be it. The first condition, the one on widening the pedestrian access on the undercross on the west side of the bridge just came to us over the weekend. We were initially quite concerned that that may compromise the bridge design, asked staff to look at that in some detail today and they will report back and we'll pass it on to your staff but ____ redesign that undercross on the west side of the bridge to meet that 10-foot standard, so there will be a 10-foot wide path that is ADA compliant as the undercrossing on the west side of the bridge.

So, the staff condition on the signage is what we had quite a bit discussion with staff on. We will continue a combination of directional and interpretive-type signs, clearly delineating the traces that pedestrians and other users have in the newly improved roadway and pedestrian improvements. Indeed, we fear the undercrossing is the preferred route. It is the safe route. You want to make sure you don't get run over by a car on a 50 mile an hour arterial road, go over it or under it, and we are offering the opportunity to go under it in a 100% protected environment. Certainly, it is not the shortest distance between two points, but to move on with the condition, signage is one we are all for it, there are a lot of neat things that can be done that actually kind of fits in with some of the interpretive work we are doing to display the medallions off the previous bridge and such.

The follow-on project with industrial and the sidewalk pedestrian island and such crossing Industrial looking up on the south side or Don Abel side of the road, moving on down towards the job center, we are fine with that. It works well with what we've got forward. Bringing a STIP project forward for the next project moving outbound, that's where we are headed. I mean that section is sort of a hole that remains in the roadway improvements along Egan and Glacier Highway between Vintage Park and Sea View Street in Auke Bay, of course the roundabout is starting construction now. The Fritz Cove, the Sea View, we anticipate having before this body in the not too distant future, Brotherhood ____ and the other section is the next one to come

before you and we are excited to get started on that and work with you guys to make that one happen.

That is the appropriate project to look at whether or not a signalized intersection is warranted where Industrial will be re-routed to intersect on a four-way-type intersection with Wild Meadow and that's fully anticipated in the staff report. Certainly something we will be doing is looking at whether a signalized intersection is warranted there and as such relocating the bus stop back to there. Until we do the signal warrant analysis, we cannot speak directly to that, though one could speculate what the outcome would be, but it would be what it is and the data drives the decisions.

The final conditionsignage, industrial intersection, the STIP project, and the widened west side undercrossing - that undercross is going to cost us about \$100,000 additional, but it also gives us some maintenance advantages, so it will work out just fine. However, condition #2, we cannot agree to in any way, shape, form, or fashion. We feel condition #2 is very much against town engineering design, traffic and pedestrian management. Putting medians, striping crosswalks and such on a 50 mile an hour arterial roadway is just plain wrongheaded; it is against all of our design standards and procedures. Specifically, it is against the Alaska Traffic Manual Supplement to the 2000 Edition of the Manual of Uniform Traffic Control Devices. The features that staff had recommended would by their very nature encourage pedestrians crossing at a location, which if you want to discourage somebody crossing a 4-lane highway with a center turn lane....that's why we are providing the undercross, that's why we are relocating the bus stop in proximity to the undercross. I fully acknowledge the distance that someone will have to take to go to the job center or the ____ down there is considerably more than it is right now; however, it is safe. You are avoiding the traffic 100%.

The issue of the raised median on a 50-mile an hour arterial road is wrong for several reasons, first of all it would encourage the pedestrian to go out in the middle of this road, the cars are going by 50-mile an hour and that is not something we want to encourage. It is a totally false sense of security if you're heading down a median you may as well have a target on your back. Even more of concern is that the raised median would essentially provide a ramp that if a vehicle gauged just a little bit and hit that median, they could become airborne. It is a launching ramp for vehicles that is grossly unsafe and that's why it is against our standards. It has been suggested that perhaps we could paint a median out there to avoid the launching issue; again that would encourage pedestrians to go put themselves in a very unsafe condition. You may as well put a target out there on somebody. A median on a 50-mile an hour highway offers no protection for the pedestrian.

We just cannot agree with those conditions for these reasons and as I say they are in a 100% contrast to our design standards, our bible that we are required to follow. My engineers have said they will not put their professional stamp on a plan that would include those conditions because that would put our engineering certificate in jeopardy and unfortunately we did not have the chance to vet this issue with staff in any detail. Mr. Hart and I have talked about it in some detail and he is aware that we have concerns with this.

The way this roadway is being redesigned, there is a 100% safe undercrossing for people that want to cross Glacier Highway North to South. If you're going to Don Abel's or Industrial

Boulevard from that bus stop that is relocated by the view area, this certainly is not very inconvenient. If you are going down to the Wild Meadow area, you would have several options. You could choose to use the protected crossing, which I will acknowledge is a bit of a back track, but again it is protected and will be signed as the path of choice, a well-lit ADA-compliant 10-foot wide sidewalk. If you choose not to use that access, you could continue down the newly provided multi-use path on the north side of the highway down to the Wild Meadow intersection and then cross where you currently cross the street or essentially it's the same footprint you currently cross the roadway at a two-lane width and that's what people are doing right now.

Vice-Chair Watson: Mr. Clough, if I could you ask you just to hold that thought for just a moment because we need to make a motion so that we can continue after 11 o'clock.

MOTION: *by Mr. Bishop to extend the meeting till 11:30 to continue business.*

Vice-Chair Watson: Any Commissioner opposed to that motion? Thank you. Please proceed Mr. Clough.

Mr. Clough: So, people would have the option of taking the safe crossing, they could go down to the Wild Meadow intersection and cross a two-lane road, which is what they are doing right now at an unprotected crossing in proximity and the current bus stop down there gets consumed by a new road. So, we would have to relocate; there isn't much space for it where it currently is, the road then tapers down to two lanes right before Wild Meadow.

The other option which Capital Transit is not in favor of and I acknowledge that and I certainly understand the reasons, but if you're trying to make it a 100% safe for pedestrians, route Capital Transit's bus into the parking lot at the job center. They don't want to do it. I don't blame them if I can't turn; I would not either, but if that's your goal, there are ways to get the bus stops off the arterial highway. To kind of sum up, this is a bridge project and as I said it is a bridge project with over \$7 million worth of pedestrian and non-motorized improvements. It moves the multi-use path from the new Brotherhood Bridge all the way out to the intersection with Engineers Cutoff Road. This is going to be a huge improvement for everybody that transits that area. For people that need to cross the highway, there is a protected crossing and there is also a choice to not use the protected crossing. There is also the choice, what has been explained to us, it's a common practice in the wintertime conditions where Capital Transit drivers will recommend people to stay on the bus until it comes back in, so they don't have to deal with crossing the snow-covered road or the snow-covered sidewalks from the snow 2 feet that night. So, there are various choices to be had, but we feel we would be irresponsible to encourage people to cross five lanes of traffic and it is in fact contrary to all our design standards and formulas.

I've got staff here with me tonight, Greg Lockwood, Project Engineer; David Epstein, Traffic Engineer and Chuck Correa, Regional Preconstruction Engineer who can speak eloquently to the specifics of this. We think it is a good project. We think, for the most part, we can actually support many of the things in the conditions, and as I said, we can live four of the five. I think we would end up with a better project for everybody because of that with some more cost to us, but the condition #2 on the raised median and such on that arterial highway for the reasons stated, we would request the Commission exercise their judgment and overrule that one

recommendation. We've been working with Hal on this and it's a lengthy process, but we would really like to get this thing moving.

Vice-Chair Watson: Thank you Mr. Clough. I think we will open this for questions by the Commission.

Mr. Bishop: Mr. Clough, I had problems making heads or tails with these drawings. Condition Number Two, does that refer to the first stage of the project whereby Industrial Boulevard is not being moved to line up with Wild Meadow, at that point? Is it an intermediate problem that is going to exist for a period of two to five years? So, we don't want to go create a worst hazard at that time until such time we can correct it.

Mr. Clough: Yes, here is my crystal ball Mr. Bishop, but it's almost likely that once Industrial and Wild Meadow are lined up together that that intersection will qualify for a signal. At that time, the best option would be located out there, it gets a signal, then there is a striped crosswalk on it. I can't say that for certain because we haven't done the signal warrant analysis and one thing we had found out with traffic counts in the area is the traffic actually on Industrial has gone down in recent years and one could speculate that's due to the large hardware store in the Lemon Creek area. So, I can't presuppose what is going to happen, but that's my crystal ball.

Ms. Lawfer: Well, I am debating on #2 because in the meantime, I'm trying to....if I could ask staff, is this something that, because it is, I was going to say, temporary or transient in this project, is that something that can be removed? I understand what the non-motorized transportation plan does call for, but I think it is dealing with more permanent fixes and solutions as opposed to a transient or a temporary situation. So, the question is, could staff do away with #2 altogether or would they like to have it modified. Really, that's a decision that's up to you.

Beth McKibben: The drafter of the staff report would strongly urge you to keep condition #2.

Ms. Bennett: I live in a subdivision on the other side of Brotherhood Bridge and I travel that area quite often. I think that the biggest concern that I have is the number of people in that little park area that are coming and going, people who are unemployed, people who are handicapped in one way or another and it's going to be very unsafe for them until there is a stop sign or a signal and so run the risk of having a wider highway and somebody being killed because they don't want to go down underneath the bridge and I just think, even if it's two or three years, that's a big safety issue and I really am concerned about that.

Mr. Miller: I was going to say that I thought your statements were very clear about how unsafe condition #2 would make this project.

Mr. Clough: Thank you. I appreciate that. They were intended to be.

Vice Chair Watson: I just have one question Mr. Clough regarding the ____ I thought I would ask that question and hopefully they will be vandal proof too.

Mr. Clough: I assure you that my maintenance staff learned on my second day of the job that I have a propensity to detest graffiti and we have made a very aggressive program in cleaning it over and we will continue to have that in this region as well. This is supposed to be a work facility and it needs to be maintained to a standard that the public can be proud of.

Vice Chair Watson: Just one follow-up, if I may. I thought I have heard you say horses going underneath.

Mr. Clough: The east side because of the multi-use path and such there is part of an equestrian deal and that is also supposed to be a use for the continuation on out towards Engineers Cutoff, that crossing has been sized. I don't know how big of a horse we are talking about. We put several million dollars' worth of such improvements in a bridge project and I am happy that we have been able to do it, I think it's going to be a great asset for the community for the years to come.

Vice-Chair Watson: We have been waiting a long time for improvements on the highway.

Mr. Bishop: Mr. Chair, are we ready for a motion.

Vice-Chair Watson: We are. If there are no more questions from the Commission, we need to go to public comment and then the motion.

Vice-Chair Watson: Anybody wishing to speak on this project? Is there any member of the public who wishes to speak on this application tonight, the project? Seeing none.....

Greg Lockwood: I am the Engineering Manager on this project and I just wanted to clarify where the horse path is. As mentioned that we have a horse path out at Engineer's Cutoff and it is basically in between Wild Meadow and Engineer's Cutoff. We have extra width on the outside of our multi-use path and that's 4 foot of crushed rock compacted, so that the horses can use that and also on that same side of the bridge where we have the underpass....starting at Wild Meadow going out will be the horse path on the outside of the multi-use path up Engineer's Cutoff and it will go all that way. We also have swampy acres out there and we have these horse trails up here. So if somebody from the Fairweather Stables wanted to come across, we didn't make a dedicated horse trail, but we gave a little extra clearance here on the underpass to make sure horses could get through there. On the other side, over on the Vintage side, we didn't really account for any horse traffic over there in our design.

One other thing I wanted to clarify in Mr. Lyman's report, we made some changes, I think since we originally submitted this and I had some conversations with Ben and I should have send him some updated details, but the path in front of Safeway, the existing path there, we are not going to work on obtaining an easement there and redoing that path. The existing 8-foot path will remain there. So, I just wanted to clarify that.

We are looking at a new detail, we're talking a lot about safety here and one thing we are looking at is rather than have on the downstream side of the bridge, in the details you guys looked at, we showed curb, gutter and sidewalks right off of the shoulder...an improvement that we are

looking at right now would be to actually have a barrier separating, like a Jersey type barrier separating the sidewalk and the shoulder, so that the sidewalk is totally protected from vehicle traffic, on the bridge, all the way to Industrial Boulevard and for the remainder of the project, we would actually also get rid of the curb and gutter, basically from the bridge on the Vintage side, on the downstream side. That sidewalk, all the way back to Riverside would be separated by 5 foot...5 foot separation rather than the curb and gutter. I think that's the only other clarification I had.

Maybe one other quick thing, I think probably everybody understands this, but the bridge section that you guys have in your drawing shows 14 feet of pavement for the multi-use path. Essentially, our whole path is 10-foot wide and we have two foot shoulders on each side. So, the bridge will have a 14-foot paved area for the multi-use path, but essentially it is designed as a 10-foot path all the way through the corridor with 2 foot shoulders.

Vice-Chair Watson: Any questions for Mr. Lockwood? I just have one quick one. The way I understand this, there will be a paved path all the way at Riverside and then you have a project going up Riverside that will pave, not connecting this one, but don't you have another....?

Mr. Lockwood: There is a current Riverside Drive project that I am not involved in.

Vice-Chair Watson: Right. So, it sounds like they are all going to be connected when it is all done, connected by the intersection there.

Mr. Lockwood: Yes, I know that we are coordinating with the designer for the Riverside Drive project, so our sidewalk will tie in with that and we are coordinating on the crosswalk there.

Vice-Chair Watson: Okay, thank you very much.

Mr. Miller: You are ready for a motion?

Vice-Chair Watson: We are.

MOTION: by Mr. Miller to move CSP2013-0011 to approval with staff's findings, analysis, and recommendations and all of the conditions, except for condition #2 for reasons that were eloquently stated by Mr. Clough.

Mr. Satre: I just want to make a brief comment on this motion. Prior to this project being started, that is an incredibly unsafe area for pedestrians. I can't figure out a way to put it into this DOT project, but I want to get on the record and quite frankly, we as a City, as Capital Transit, should be looking for safe locations for our bus stops and highly recommend that should Capital Transit ever get word of this meeting that, at least, this Commissioner's opinion is that on a temporary basis that that bus stop should be moved off the arterial and into the parking lot, that may never happen, but I want to put that on the record. Thank you.

Roll Call Vote:

Ayes: Miller, Medina, Grewe, Haight, Lawfer, Bishop, Satre, Watson

Nays: Bennett

Vice-Chair Watson: Motion passes 8 to 1.

APL2013 0001: An appeal of a Director's Determination requiring an electrical easement for a proposed subdivision that would result in two lots.

Applicant: Larry Dietrick

Location: 17305 Point Lena Loop Road

Vice-Chair Watson: Ms. Boyce, are you ready?

Laura Boyce: I'm ready.

Vice-Chair Watson: The first thing I'd like to ask before you start is for a very clear clarification on de novo and the options, so that we all understand; we don't hear these very often. I think you and I probably have heard one.

Ms. Boyce: I will take my best shot at this and then possibly Ms. McKibben can step in. This is an appeal of a Director's decision as outlined by code. The last time one was heard by the Commission was back in 2008, so it has been quite a while. The hearing tonight is just about whether you will take on hearing this appeal or not. If you choose to hear the appeal, that will be set for a future public hearing, we will then discuss the merits of the appeal at that time. So, tonight isn't about details, it's just whether you will hear the appeal or not and then if you choose to take it on, you make the decision as to whether it will be de novo or on the record, and from what I understand, de novo means new information can be brought forward, it's like you are hearing everything new from the beginning, and then on the record is just everything to date that we've had correspondence, review, etc. Anything to add?

Mr. Hart: No, I think that was better said than what I tried to explain earlier.

Vice-Chair Watson: So, please, Ms. Boyce go ahead.

Ms. Boyce: This is an appeal of the Directors' determination requiring an electrical easement for a proposed subdivision that would result in two lots. I will try and go through this quickly. It is for a 1.78-acre lot on Point Lena Loop Road, Mr. Larry Dietrick is the owner and he is here tonight. It's in a D3 Zone. This is an aerial of the property and this is in your staff report attachment B; it's the 2007 version of the draft plat showing how the two lots will be subdivided and this as-built, which is Attachment C, shows the same configuration of the proposed subdivision and the existing home is shown as lot 20B of the parcel on the right. At the time of subdivision application back in 2005, there was an overhead electric line crossing from the driveway to the property.

Since the time of the application, the power line has been buried underground on the property and there is a transformer and from what I understand, both lots would then get their service from the transformer, but the buried line crosses to the transformerand we don't know where exactly. It will cross this lot, there will be a transformer somewhere on the shared property line

and so this will go where there is an existing service to the existing home. Because there is underground electric line, per code, we've asked for that line to be shown and that a 5-foot easement be shown on each side of that for a total of 10 feet for an easement for access and maintenance because the power line is in favor of the other property line. The situation as it is now doesn't require an easement, but the subdivision itself is causing the need for this, because the power line is crossing one property line....one property in favor of the other.

Per the various sections of code that you saw in the staff report and I am not going to read them, I just have them here on slides. These various sections of code require these types of situations be shown on a plat to disclose to the future property owner that there is this encumbrance on the land, there is this buried property line. If we don't show it, for some reason they don't know about it, it's a health and safety hazard, if they were to construct and dig into a power line...

On this slide, this section of code regarding appeals to the Commission, in the bottom part underlined states, 'The appeal shall be heard unless it prevents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof...that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion', and I am pointing this section out because staff has recommended that you not take on this appeal because it is a minor and routine issue; however, if you do decide to take on the appeal, you must choose whether to get on this de novo or on the record. We do have Mr. Larry Dietrick here to speak as to whether you should hear the appeal.

Vice-Chair Watson: Are you done Ms. Boyce?

Ms. Boyce: Yes.

Mr. Bishop: If you can back up a few slides where it says "The conditions that require"

Ms. Boyce: The various sections of code?

Ms. Bishop: Yes, right. Easement shall be identified as to use whether public or private....so, my question is, is there an easement on the property?

Ms. Boyce: There is the electric line on the property.

Mr. Bishop: But it does it have an easement?

Ms. Boyce: No, it's the line itself that causes a need for an easement and then disclosing that.

Mr. Bishop: Is there a section of code that says we have to have the easement shown?

Ms. Boyce: All these sections state the easement shall be shown.

Mr. Bishop: Yeah, but if there is not an easement, is there anything that says we have to have an easement. I have been in situations before where there have been easements and they haven't been shown, so I am just wondering if there is an easement for the line or not, because if there is

not an easement for the line, then this section of code doesn't pertain, but if there is an easement, then it does pertain, but if there is another section of code that says that we have to have an easement, that is a different thing altogether, but you have to have both or you have to have one or the other.

Ms. Boyce: Right and this is digging into the merits of the appeal.

Mr. Bishop: But in my mind, I have to know the answer to the question, whether or not I want to appeal it, whether or not there is an easement or whether or not there is a requirement for the easement.

Mr. Miller: I am exactly where Mr. Bishop is and I tried to find in all of the correspondence where a section of the code is quoted that says that you have to have an easement for an underground utility. Now, I certainly understand the need for an easement. So, is it that the Engineer's Department says, 'you're going to put an easement on here, because we always make people do easements and they get their ice cream cone on Thursday at noon because they've always gotten their ice cream cone on Thursday at noon or is there actually a piece of code that can make people do it. Now, it's only sensible to have an easement.

Mr. Medina: On page 2 of 4 of the staff report, the very last paragraph, second sentence, 'because the subdivision will cause the existing utility line to cross, one lot serves the other lot, there must be an easement to protect the property that is served by the utility'.

Mr. Miller: It is not a code.

Ms. Boyce: It's not code; it's just an interpretation.

Mr. Medina: Well, it sounds to me like it's because the subdivision is what's causing the easement. That's what it sounds like to me.

Vice-Chair Watson: We are approaching 11:30, so after Commissioner Bishop's question, we have to make another decision.

Mr. Bishop: Mr. Chair, if I could, I would move that we continue this item until we find out whether there is an easement or not, because generally there is an easement for electrical utility and the easement is usually in favor of the electric company, they usually won't put power lines in the ground without an easement. My guess is that they do exist and we need to know that fact before we can decide whether or not we want to hear an appeal on a case that has the merits and has to have that.

Vice-Chair Watson: First thing we need to do is we need to have one of the commissioners make a motion to continue this to a point in time.

Mr. Bishop: So, I guess I would make the point in time to our next meeting then.

Vice-Chair Watson: No, if we are going to continue on this evening.

MOTION: *by Mr. Miller to continue for another 10 minutes.*

Vice-Chair Watson: Commissioners agree? Very good.

Mr. Bishop: So, I would say we continue this appeal for our next meeting, at which time I would like to know whether or not there is an easement that exists, before we decide whether or not we want to hear an appeal on the case.

Mr. Satre: Just a comment on Mr. Bishop's move to appeal. If we did that, and I totally understand exactly why he wants to get that piece of information, but then we would be at yet another decision point as to whether or not we want to hear the appeal moving forward perhaps to broadly construe....I'm struggling for words here, but I think that we should always give potential appeals as much leeway as possible, but if we decide to go ahead and hear the appeal, this is one of the items of information that could be brought up de novo and it could be a very quick hearing on either side, depending on what that answer is.

Vice-Chair Watson: Thank you Commissioner Satre.

Mr. Haight: I support Commissioner Satre's point there. I think that we are at a situation where we should perhaps be looking to hear the appeal and I support the idea of a de novo-type hearing.

Vice-Chair Watson: Is that a motion?

Mr. Haight: That's a motion.

Vice-Chair Watson: Comments on the motion.

Mr. Satre: Priority of motions, Mr. Bishop has a motion.

Vice-Chair Watson: Very good. Thank you for pointing that out Mr. Satre.

Mr. Bishop: I don't want to hear the appeal if there is an easement because he's made the right decision. There is no reason to hear the appeal. So we need to have the information before we decide whether or not we want to hear an appeal, because if there is one, then obviously he has done the right thing.

Mr. Miller: On the same notion, I agree with Mr. Bishop that I would like to know the answer to that question because it does decide, in my mind, whether or not to hear it, but also if there isn't actually a section of code that says that we really need to have easements in those kind of situations, then maybe we need to fix code, right? It really needs to be done and the thing with Mr. Dietrick is he's going to end up having an easement on that plat eventually and it's going to be to protect either the buyer or the seller, it doesn't matter, you know, but if he is putting his foot down because he doesn't think that CBJ should be able to make him do any more things and he's got a point, then he shouldn't have to do it, maybe we should hear it. So, I think that not

only do we need to know if there is an easement, but also if there is a section in the code that actually says that there has to be easements in these situations.

Ms. Lawfer: With regards to that and Commissioner Medina started on the same line that I was thinking of with regards to the staff findings, I continued on to page 3 of the staff findings, which to me was something that I thought was interesting where the applicant has buried an electric service and installed a transformer and that's going to have to be used for both properties, not if AEL&P says no, and so that was my question, it's like, if the applicant buries an electrical service and installs a transformer, he may have done that, but AEL&P is going to be the one that says, 'this is the way that we perform this or this is how we provide electrical service to these subdivisions', now you're going to have to provide this transformer for both and this line, then it's going to need an easement, but I think that unfortunately a lot of things were said in the staff report that I don't see any backup from AEL&P that says, 'yes, this is how we do it'. And so that was my concern with regards to hearing the appeal and having it de novo, so that we bring in some information with regards to subdivisions and how AEL&P handles this type of a situation.

Vice-Chair Watson: Thank you Ms. Lawfer. Commissioners, if you could just hold your comments, I'm going to ask Mr. Hart for an opinion at this point, can we continue or do we need to, are we required to make a decision one way or the other tonight?

Mr. Hart: You are not required to make a decision tonight. You can continue it and staff can bring you additional information at that time, then you could make the decision or you could make the decision to go ahead and hear the appeal at that time, and staff could get the information between now and then.

Ms. Boyce: You could continue this hearing until the next time and then decide whether you want to hear the appeal or not and then the appeal would still be at a future public hearing; it couldn't be at this meeting.

Vice-Chair Watson: Okay, thank you.

Ms. Grewe: I think that I am totally aligned with Commissioner Miller on this one. I don't even want to make a decision about whether to hear the appeal until we know whether there is an easement and what the code says because why even enter the appeal process if it's not applicable.

Ms. Lawfer: Well, my question then with regards to that is, the department has made a decision, correct. I am just trying to take it through this. The department has made a decision. The applicant does not agree with the decision. And it's now in front of us to basically listen to whether we decide, whether it's on the record or the de novo, listen to the information that we get, take public testimony, announce it, bring it through, and the Planning Commission then makes a decision as to whether they go with the recommendation of the department or we come up with new findings.

Mr. Hart: Or he does not have to comply with what we've asked and then we may go back and work on code.

Ms. Lawfer: So, to me that sounds like the regular process that we go through. Can you explain to me the difference with an appeal or what we hear from you with regards to Conditional Use Permits, we take in the information, we make a decision, whether we overturn staff decisions or not, we do.

Mr. Hart: I think this evening, what I'm hearing is that this issue still needs some additional information before it can be put before you correctly.

Mr. Bishop: So, there is a motion on the table to continue this until such time that staff has brought back the information on whether or not there was an easement or whether or not there is a requirement for an easement.

Vice-Chair Watson: Mr. Bishop, can you repeat it for Commissioner Satre, he didn't hear it.

Mr. Bishop: There is a motion to continue. I guess I would speak in favor of that motion, but I also had another aspect to that continuation. There is a comment by Mr. Deitrick and I think in his letter.....

Vice-Chair Watson: We are on the clock here again. So, we can either continue this for...if you can get done in a couple of minutes or whatever time you need, we can do that, but we do have to complete our business this evening as much as we can. Would you like to extend the meeting till you have time to.....No?

The commissioners agreed to continue the item.

Roll Call Vote

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

Nays: None.

Vice-Chair Watson: I'd just like to make a quick comment that we've kept this gentleman into the evening not by intent, just because of circumstances on the application, but I have full confidence that we can arrive at a decision at the next meeting; I would ask that it be the first item on the agenda when it comes in front of us, if that's possible Mr. Hart.

Mr. Hart: Yes.

Vice-Chair Watson: Thank you very much.

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Medina: I will be out of town for the next meeting and will be back east, so due to the time change, I won't be available.

Vice-Chair Watson: You're breaking your record, you haven't missed a meeting. Now, you're down there with the rest of us. I have one comment. I want to thank everybody tonight, Commissioner Satre including yourself, for what we went through tonight and how thorough we were and obviously we thank staff, if you'll pass it on to those who left us as to the degree of depth that we went through on this project, because it's possible it could be appealed and if it is, we have got sound findings and obviously some differing opinions and that's all good. So, thank you so much.

Mr. Hart thanked everyone as well.

Ms. Lawfer: I just have one item. I sent it around to all the Planning Commissioners...with regards to tomorrow's meeting on assisted living/senior housing.

XV. ADJOURNMENT

MOTION: *by Mr. Miller to adjourn at 11:43 PM.*