

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Daniel Bruce, Chairman

REGULAR MEETING
February 12, 2008

I. CALLED TO ORDER

Acting Chair Gladziszewski 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 7:02 p.m.

Commissioners present: Nancy Waterman, Michael Satre, Dennis Watson, Dan Miller, Linda Snow, Frank Rue, Victor Scarano, Maria Gladziszewski

Commissioners absent: Daniel Bruce

A quorum was present.

Staff present: Dale Pernula, CDD Director; Daniel Sexton and Greg Chaney, CDD Planners

II. APPROVAL OF MINUTES

January 22, 2008 – Regular Meeting

January 22, 2008 – Committee of the Whole (COW) Meeting

MOTION: by Ms. Waterman, to approve the January 22, regular PC minutes, as presented, and the January 22, 2008 COW minutes, with corrections.

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Jonathan Anderson reported that PC/COW would soon get a presentation on transportation circulator issues, as the State Department of Transportation (DOT) developed new Statewide Transportation Improvement Plan (STIP). Therefore, the CBJ needs to review the Area Wide Transportation Plan (AWTP) that has not been update since the early-2000s. The AWTP relates somewhat to the CBJ Comprehensive Plan (Comp Plan) currently under review by the PC. The Second Channel Crossing continues to be a priority of the Assembly, and Mayor Botelho recently provided a draft letter to the Assembly to be provided to the State Department of Natural Resources requesting that they pass over a transportation corridor through City lands through the Mendenhall State Game Wetland Refuge (MSGWR), which was specified in the original MSGWR Plan. Ms. Snow asked if that transportation corridor could be decided upon prior to environmental studies being completed. Mr. Anderson said that would be considered in Environmental Impact Statement regarding the determination of feasible alternatives.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Ms. Snow noted a conflict, and was allowed to step down from the PC.

Chair Gladziszewski announced there were three items on the Consent Agenda and inquired if there was public comment on those items. No one from the public had questions, and no one from the Commission had comments.

MOTION: *by Ms. Waterman, to approve the Consent Agenda per staff's recommendations, as presented.*

There being no objection, it was so ordered, and the three cases below were approved.

CSP2008-00001

A City Project to construct an access road to the FAA tower on Eaglecrest.

Location: 3000 Fish Creek Rd.

Applicant: CBJ Engineering - Alan Steffert

Staff recommendation: that the Director adopt the above the findings and approve the proposed City Project review, which would allow the development of a 9,700 foot long access road to the FAA Tower at Eaglecrest.

TXT2008-00001

Amendment to eliminate the maximum lot coverage provision in the Mixed Use zoning district listed in the Table of Dimensional Standards, §49.25.400.

Location: Boroughwide

Applicant: CBJ Community Development

Staff recommendation: that the Planning Commission recommend to the Assembly the adoption of changes to Title 49, the Land Use Code, to eliminate the maximum lot coverage requirement in the Mixed Use zoning district.

USE2008-00003

Conditional use permit for a second story above an existing enclosed structure that projects into a required yard setback.

Location: 9831 Ninemile Creek Rd.

Applicant: Tyson C. Fick

Staff recommendation: 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 second-story addition located above a dwelling that is lawfully encroaching into the front yard setback. The approval is subject to the following condition:

1. The roof eaves may not extend more than two feet beyond the exterior wall into the front yard setback.

Ms. Snow returned to her seat on the PC.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2007-00058

A Conditional Use permit to allow a fifth-wheel trailer to be used as a caretaker residence.

Location: 4650 River Rd.

Applicant: Rudy Maier

Staff report

Daniel Sexton reported that the permit was to provide a caretaker residence to watch over the applicant’s home and assist him with a variety of daily tasks. The applicant is an elderly individual with an amputated leg and has been diagnosed with various medical ailments. The fifth-wheel trailer was currently located on the lot, along with a single-family residence. In 2004, the property owner was found to have located multiple fifth-wheel trailers on his property which were being utilized as illegal rentals. Therefore, in 2006, the property owner applied for a Conditional Use Permit (CUP) for three fifth-wheel trailers to be designated as an RV Park, and was denied. Therefore, the applicant has since removed two trailers from the property. The existing trailer is hooked up to an onsite septic system and power from the single-family residence. He said that although the septic system was installed and applied for through the Alaska Department of Environmental Conservation (DEC), final approval was not provided. Therefore, it has not been certified so was a condition of this permit. Because the single-family residence was located 200’ away from the City utilities on the right-of-way (ROW), he was not non-conforming by that situation, as there was a previous bond posted when the Local Improvement District was originally completed to install City utilities. He stated that because no action was taken to install City utilities, the CBJ secured that bond. There have been a number of other activities located on the property, many of which have not complied with current zoning regulations. Some of those activities pre-date current zoning, although many were new, and are subject of ongoing zoning enforcement actions. There have been additional complaints regarding those activities, which were being handled separately from this review and would not be discussed further in this report. He stated that this requested permit was appropriate according to the Table of Permissible Uses, and CBJ §49.25.300, Section 1.810 for D-3 zoning. Ms. Waterman suggested that the PC place a deadline for the applicant to move forward to comply with the conditions. Mr. Sexton offered to work with the applicant’s attorney and the CBJ Enforcement Officer to ensure compliance within a certain timeframe. Mr. Watson referred to Ken Miller’s e-mail dated December 11, 2007, regarding commercial/industrial uses. Mr. Sexton said this CUP only applies to the caretaker’s fifth-wheel residence. Staff was directed by a CBJ Attorney to enter negotiations with the applicant’s attorney to hold off on taking action regarding other enforcement cases until this issue was resolved. Mr. Watson asked if the caretaker’s fifth-wheel trailer was also utilized to secure the property. Mr. Sexton stated that security issues were not identified to staff, nor were they addressed in the report.

Public testimony

Rudy Maier, 4656 River Rd., said he was requesting the permit for a person to assist him by completing heavy-work tasks, as he is an amputee with Chronic Obstructive Pulmonary Disease. The DEC tested the water in the pond to determine if it contained pollution, which it did not. He provided details of the septic tank and drainfield. He said the septic tank was large enough for a three-bathroom home, although there were only two people utilizing it.

Public testimony was closed.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow a fifth-wheel trailer to be used as a caretaker's residence. The approval is subject to the following conditions:

1. The applicant shall apply for and obtain a Building Permit for setting up the mobile home to be utilized as a caretaker residence, per CBJ§49.65.300 Mobile Homes on Individual Lots.
2. The applicant shall submit an engineer's report certifying that the septic system is adequately sized and functional to accommodate two dwellings prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy on the property or; the applicant shall connect to the public sewer system prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy on the property.

Commission action

Ms. Waterman requested a timeline be included on the two conditions to USE2007-00058 that would provide confidence that the public health and safety, per Finding 4, were met. Mr. Rue noted that there was already incentive provided in Condition 2. Therefore, he did not believe a specific date for doing so was warranted. Ms. Waterman stated that they had an 'after the fact' infringement, therefore she asked for guidance from staff. Mr. Pernula stated that it was currently not a legal occupancy, and CBJ could take immediate action and provide fines to ensure that the building was not occupied until it was in compliance. However, they were instead providing the applicant a break. CDD was provided all the information regarding this issue, which was at their disposal. Mr. Watson asked when the applicant was expected to be in compliance with this application. Mr. Sexton replied that typically the CDD permit review takes one to two weeks. Mr. Watson said an exception might need to be provided due to heavy snowfall or waiting until the ground thaws, which might add a couple of months.

MOTION: by Mr. Rue, that the Planning Commission adopts the Director's analysis and findings and grants the requested Conditional Use permit. The permit allows a fifth-wheel trailer to be used as a caretaker's residence. The approval is subject to the conditions outlined by staff.

There being no objection, it was so ordered, and USE2007-00058 was approved, as presented.

Mr. Miller noted a conflict, and was allowed to step down.

USE2007-00037

A Conditional Use permit to allow the development of Phase 1 of *Heritage Hills Cottage Housing Development*.

Location: Mendenhall Loop Rd.

Applicant: Bicknell Inc.;

USE2007-00053

A Conditional Use permit to allow the development of Phase 2 of *Heritage Hills Cottage Housing Development*.

Location: Mendenhall Loop Rd.

Applicant: Bicknell Inc.; and

USE2007-00054

A Conditional Use permit to allow the development of Phase 3 of *Heritage Hills Cottage Housing Development*.

Location: Mendenhall Loop Rd.

Applicant: Bicknell Inc.

Staff report

Greg Chaney reported on all six related cases, including the above three Conditional Use permits (USE2007-00037, USE2007-00053 and USE2007-00054), and the three dependent Variances listed under the Board of Adjustment portion of the Agenda (VAR2007-00029, VAR2007-00039 and VAR2007-00040).

On January 8, 2008, the PC heard this application and determined that the application was not complete, so a motion was approved to continue the item to ask the applicant to return with a complete application. The applicant submitted site and landscaping plans, along with revised designs for individual Cottages. He stated that Attorney Robert Spitzfaden submitted a letter that asserted which of the three *Heritage Hills* projects should be considered as a single Cottage Housing development on January 8, 2008. He said Mr. Spitzfaden states that the total number of units proposed exceeds the 12-unit maximum allowed under CBJ §49.15.760(b)(2), and believes the project should be denied as proposed. Therefore, the PC requested an opinion from the CBJ Law Department (CLD). The CLD reviewed the matter (Attachment LL), and determined that the ordinance did not prevent the owner or owners of adjacent lots from developing separate Cottage Housing developments. Additionally, the CBJ Attorney did not determine that the project was being phased because three permits were submitted at the outset; therefore, there was minimal risk that the cumulative impact would be inadequately considered. However, he stated that under this interpretation, instead of everyone having equal opportunity to develop their property, it would basically be letting the first Cottage Housing developer in, and then closing the door, whereby other property owners in the adjacent neighborhoods would not be provided the same benefit per the same zoning code.

Mr. Chaney said the applicant's proposal was to construct three Cottage Housing developments in the *Heritage Hills Subdivision*. Each project consists of 7 to 8 cottages arranged around a common open area. A maximum of 12 units were allowed in a Cottage Housing development per CBJ §49.15.760(b)(2). Each Cottage Housing development would be constructed on a separate lot having a Homeowner's Association. Therefore, the developments would have to share maintenance responsibilities for the private road and utilities. Since these developments could be constructed independently of each other, the applicant applied for three separate CUPs. The projects are contiguous and share many issues in common; therefore, they were being reviewed under one report, however the three proposals must be approved separately on their own merits. In order to minimize the number of driveway entrances to Mendenhall Loop Road, the applicant proposed a single private road to serve all three Cottage Housing developments. Furthermore, the three projects would share a single water and sewer main. The pathways provide pedestrian routes between the three projects; including Lot 1 connecting to Mendenhall Loop Road, which would significantly improve safety.

He said the proposal was received with nearly universal disapproval from property owners in the adjacent *All Seasons Subdivision*. Neighborhood meetings were held concerning the *Heritage Hills* proposal, whereby a clear sentiment expressed was a feeling that they were betrayed with

this Cottage Housing Ordinance to build 22 units when a maximum of 12 Cottages were allowed per Cottage project in D-3 zoning. Several residents submitted letters opposing this project (Attachments S through KK). Theoretically, he noted that in D-3 zoning they could build 34 Cottages, although the proposal was for only 22 Cottages. He stated that the neighbors were unanimously concerned that the *Heritage Hills* project would reduce nearby property values. He said Peter Freer first reviewed the case and requested a response from CBJ Assessors. Based on the Assessor's positive opinions, he said the applicant proceeded with the project. However, the project has since been refined, therefore, the new Assessor, Robin Potter, was asked to provide a current opinion of the revised project, which she did. Following the January 8, 2008 PC meeting, the neighboring property owners requested that the Assessor reconsider her comments on potential impacts to neighboring property values. Ms. Potter subsequently conducted a site visit and determined that the proposal would have an unfavorable impact on the existing property in the *All Seasons Subdivision*, although it would not be so great or problematic that it would be appropriate to utilize the term 'significant' to describe it. He said it was also worth noting that if cutting trees on private property were a valid criterion for denial of a development proposal, very few projects would be approved in Juneau. Although *All Seasons Subdivision* did not preserve a buffer along the common property line with *Heritage Hills* when it was developed, this *Heritage Hills* applicant was proposing to provide more mitigation than the All Seasons project supplied.

Mr. Chaney noted that a revision includes the Cottages being assigned a separate number in order to calculate the square footage area of each one in this report. The parking now shown on the new site plan complies with CBJ §49.15.780(a)(6), along with new landscaping plans. He said a 6' high berm was proposed to be constructed along most of the southwestern property line to further buffer the existing *All Seasons Subdivision* from *Heritage Hills*. However, some adjacent residents expressed concern regarding the desirability of a berm; therefore, staff recommends a condition to allow the adjacent residents the option of choosing a berm, a natural vegetative buffer, or a site-obscuring fence. He said there were now designated sites for dumpsters. The houses were modified to obtain additional points, and the heights of the dwellings were now under the 25' maximum height. He stated that a previous condition allowed points to be allocated to the development, which were now replaced with actual details.

Mr. Rue requested that the Commissioners more clearly define 'consult' in Condition 1. Ms. Waterman additionally requested that a process or procedure should take place in order to provide equity in whoever's opinion was considered and executed. Mr. Chaney said the adjacent property owner could state what happens to their bordering property that was adjacent *Heritage Hills*, so there could be one stretch that contains natural vegetation, whereas another might have a berm. He offered to send notices to the property owners via certified letter. However, he did not wish to set it up in a fashion that if someone did not like the development that they could just not respond, and therefore stall the project. He noted that this was an incentive to all lot owners' to participate. However if they chose not to participate, they would end up with a natural 20' wide natural greenbelt extending along the common property line. Ms. Waterman agreed, stating that the verbiage in Condition 1 needed to be re-worked to include what was just stated. Mr. Scarano said there was a potential of the original owner moving forward with an approved set of plans for the entire Cottage Housing development and just build the first Lot, although he could subsequently sell Lot 2 and/or 3 prior to those being constructed. Therefore, he felt the approvals should take place as the construction of the lots move forward by the then existing

property owner. Mr. Chaney explained that whatever was decided by the PC at the time of approval would be locked in for the current or any subsequent owners of this project, which could not change over time. Ms. Gladziszewski asked how many property owners were adjacent to *Heritage Hills*. Mr. Chaney believed it was a total of four from the *All Seasons Subdivision*. Mr. Rue mentioned that they intended to cut into the hill, and then install a retaining wall. However, where that retaining wall ends might be the area where an issue of having a tree buffer or berm might be in terms of the common property line between the two subdivisions. Mr. Chaney clarified that they have not yet completed the design of the retaining wall, which needs to be slightly moved, although it would contain vegetation, in addition to a buffer or berm area.

Regarding Condition 4, Mr. Rue stated that the two instances of 'generally completed' should contain a more specific percentage amount. Mr. Chaney said it was intentionally left less precise because the Grading Permit would not be issued for Lots 1, 2, and 3 at the same time, and instead required that the project generally be completed on Lot 1 prior to issuing a grading permit on Lot 2; and then on Lot 2 before Lot 3. He explained that the adjacent neighbors were concerned that the entire property might be cleared with Lot 1 being built, whereby those Cottages might not pre-sell, so they might leave a huge scar with no development. Ms. Waterman preferred that they also specify in Condition 4 and 5 the specific Lots related to each CUP on what was permitted for clarity purposes.

Ms. Snow asked if the Cottage Housing Ordinance speaks to whether the units were required to be owner occupied. Mr. Chaney said it did not.

Ms. Waterman asked staff to review the process of re-subdividing this property into three lots. Mr. Chaney explained that it would become a minor subdivision handled at staff level. The applicant would present a Preliminary Plat, and staff would review it for technical conformance with the Land Use Code, which involves working with the surveyor.

Mr. Watson said it was not uncommon for the PC to require trails through subdivisions. Mr. Chaney instead characterized this project as containing paved paths connecting a common open green space within the Cottage areas, however there were no easements between the *Heritage Hills* and *All Seasons* subdivisions. Moreover, he noted that the paths were more gentrified than a trail would imply.

Mr. Rue stated that Ms. Potter raised the notion of affordable housing. However, he never viewed Cottage Housing developments as being affordable, and instead they were just a different style of housing that could be more or less expensive than other types.

Mr. Satre asked if they spoke to DOT regarding the proposed intersection. Mr. Chaney replied that DOT already issued the Driveway Permit.

Mr. Rue asked if it was appropriate for the PC to re-open the hearing for public testimony. Chair Gladziszewski replied that it was appropriate because new information was provided to the PC.

MOTION: by Mr. Rue, to re-open public testimony.

There being no objection, it was so ordered.

Public testimony

Mike Mauseth a Realtor, and Chris Crenshaw of R&M Engineering, representing *Heritage Hills* for Bicknell Inc. Mr. Crenshaw stated there was a misconception, which was also recently in the media, regarding clear-cutting the property. He stressed that their intent was never to clear cut the property. He agreed that some trees have to be removed to construct a road, along with a few from the building sites, however they planned to retain as many large trees as possible in the common and landscaped areas surrounding the Cottages.

Ms. Waterman asked the status of the US Army or Corp of Engineers (Corps) permit regarding the wetland jurisdiction determination. Mr. Crenshaw said they delineated the property, which contains areas of forested wetlands over which the Corps has jurisdiction. He stated that the Corps received their application, which was currently undergoing the comment review process.

Mr. Watson asked the grade percentage from the steepest to the lowest area of the project site. Mr. Crenshaw replied that the road grade was at 12%. Mr. Watson said some of the Cottages would not contain garages, however, he asked if homeowner's were restricted from building carports at a later date. Mr. Mauseth stated that through the Homeowners' Association, they needed to complete a declaration in order to obtain financing, which they were required to adhere to because lenders would not be agreeable to a lot changes, otherwise they could potentially be in default. Therefore, he offered to state that garages could not be converted into living areas, and carports could not be built onto Cottages at a later date that did not originally contain garages.

Mr. Rue asked the applicant to address how many Cottages should be completed on one lot before they might begin construction on a subsequent lot. Mr. Mauseth said they were amenable to four Cottages at the January 8, 2008 PC meeting, which he hopes to maintain. In his past experiences with lenders, he anticipates that they would need to have all 7 Cottages built on Lot 1 in order to sell the first unit. However, a Homeowner's Association might provide more freedom allowing them to sell Cottages as they were completed. Ms. Gladziszewski suggested revising Condition 1 to instead stated 'more than 50% completed,' versus 'generally completed.' Mr. Mauseth agreed, stating that was a fair compromise.

In terms of property values, Mr. Rue asked if they would be worried that this type of Cottage Housing development might decrease the property values if their existing adjacent developments were next to them. Mr. Mauseth replied that this was the fifth project that applicant would be developing, and it would not make sense for them to negatively affect adjacent neighboring property values, as they were in this business for the long term, and were not planning on this being their last project in Juneau.

Mr. Scarano said they characterize the Cottages as being highly efficient with a high cost per square foot. Mr. Mauseth stated that he perceives the market to potentially include Federal Bureau of Investigation (FBI) and federal transient workers over a three- to five-year period, and single United States Coast Guard (USCG) employees that might be 'empty nesters.' He added that they sold 54 previous new homes, which involved speaking to over 150 people. Therefore, he felt they had a fairly good sense of what type and price range of homes people desired.

Mr. Watson stated that expediently moving the project forward to completion that they might need to start work early and finish late each weekday and possibly work weekends, which could negatively impact the neighbors. Mr. Mauseth replied that they were currently working 50 hours

per week, beginning at 7:30 a.m., and they typically alternate working five to six days every other week. Those work hours might vary slightly due to the weather or the need to meet deadlines, although he generally anticipates the same hours of operation for this project. The noisiest part of the construction tends to be during the excavation and grading work, however, he predicted that should be completed over the first three months after construction commences.

Mr. Rue said there could potentially be wind throw issues if there was only a 20' buffer, unless adjacent neighbors extend it from their adjacent property, which could include a vegetative berm. Mr. Crenshaw said that would be very difficult to construct, and instead they preferred to install a complete buffer or berm. If the property owners decided on a berm, most of the trees would have to be removed, and then they intended to landscape the top and sides of it. However, if it was left as a natural buffer they would leave it as is, which was their preference because constructability-wise it was less expensive.

Mary Kay Pusich, 1407 1st St., Douglas, said she was the co-owner and developer of the *All Seasons Subdivision*. She appreciates the PC re-opening public testimony, and hopes that since the last PC meeting on January 8, 2008 that the Commissioners were able to physically visit the proposed *Heritage Hills* subdivision site. If they did not, and instead viewed the photograph depicted in *The Juneau Empire* today, it was not for this proposed project application. However, if the PC visited the area, they should have taken into considerations the harmony of the neighbors, the concerns voiced at the neighborhood meetings, and the letters that were provided. She felt their concerns were somewhat brushed over with 'one liners' in both CDD staff reports, stating that all those who attended were against this application regarding where this development was being proposed. She was not against Cottage Housing developments, although with this proposal they were making people believe that the Cottage Housing Ordinance provides affordable housing, which was a myth. She was against interpreting the ordinance for a developer's benefit, which does not take into consideration existing property owners zoning residing in adjacent developed subdivisions. Since the revelation of the CBJ Assessors corrected statement of the value and harmony of the neighborhood, she now requests that the PC require an independent appraiser from outside the borough to report on this proposal prior to action being taken, and before any harm might be placed upon existing property owners. She asked the Commissioners to keep in mind that even though the City Assessors found common ground to keep this project moving forward, the adjacent property owners were taxpayers that believe an independent review was necessary. She noted the comment provided earlier by the applicant's representative stating that they intended to remain in the neighborhood for the long haul, well so were the people that purchased the existing *All Seasons Subdivision* lots. She stated that when the existing homes were built, the homeowners were guaranteed by CBJ that this adjacent site would contain four lots, which would have four homes. There was a lot unknown information regarding 'generally completed' units; how many they wished to have; an application under the comment review process still taking place with the Corps Permit; and she has held conversations with DOT, so she did not agree with what was currently being stated. Therefore, they did not know what they were getting into, which might have a trickling affect on the Juneau community, although she hoped the PC would contemplate those issues prior to taking action on this first Cottage Housing application. She said lifelong residents that trusted the PC and CDD's decisions were now feeling somewhat betrayed. Mr. Watson asked to what percentage the *All Seasons Subdivision* was completed. Ms. Pusich stated that it was complete, and accepted by CBJ. However, four lots have not sold over a two-year period, which she felt this Cottage

Housing project hindered. She did not view the need to develop more housing at this time because the market was flooded. Furthermore, because no one was listening to the neighbors, she no longer understood why they should continue to hold neighborhood meetings.

Maureen Hansen, 4915 Wren Dr., said she has resided at her residence for nine years. When the Juneau Youth Services development across the street from this proposal was constructed, she was not happy about it, although she was provided notices from CBJ. On the contrary, she never received any notices regarding this *Heritage Hills* proposal, and instead viewed a sign posted off the roadway that took her three weeks to read, which was due to lack of visibility by heavy snowfall and darkness, therefore the hearing had already passed. She believes this was also due the curve in the highway near the proposed project site, and does not believe 44 more vehicles should utilize that section of curved highway, noting that there was a vehicle accident on Goat Hill this morning. Therefore, she asked that DOT be contacted to determine if it would be safe to add a new driveway from this development onto Mendenhall Loop Road before a PC determination was made. She felt that the proposed Cottage Housing Development next to the existing *All Seasons Subdivision* would be incongruent with the character of that neighborhood. Ms. Gladziszewski cited Condition 3 of the report regarding the sight distance being made available at the location where the planned access road meets the Mendenhall Loop road, which needs to meet or exceed the minimum safe sight distance required by DOT. Mr. Chaney added that the applicant applied to DOT and had engineering drawings completed, whereby they would need to cut back the vegetation at the base of the curved area to allow for improved sight distance. Ms. Hansen stated that current heavy snowfall conditions were causing huge snow berms, so the sight distance might still become impaired. Mr. Chaney clarified that this was a maintenance issue, and it was not under the PC's purview to regulate how that state ROW was maintained.

Cecilia Shira, 8291 Garnet St., said she was confused as to what the CBJ interpreted as a 'Cottage,' so she quoted the *Webster's Dictionary*: "1. A small, usually one-storied house, often one that is the dwelling of a peasant or farm laborer. 2. A house at a resort or in the country, used for vacations or as a summer home. 3. Any of several separate dwelling units, as of an institution or camp, in which residents are housed in small groups."

Craig Brown, 10850 Lilac Dr., said he resides in the *All Seasons Subdivision*. He was informed that there were only four lots on the proposed site where a maximum of four homes could be built. He was concerned about this high-density subdivision proposed by the applicant, and would not have purchased his home knowing this type of development would be constructed adjacent to it. His property abuts Lot 3 of the proposed site, and he prefers that they retain the 20' no-disturbance natural greenbelt berm along the common property line. Although he would like to retain the trees, he believes they would blow down. He was concerned about the additional traffic this development would create, as the residents of *All Seasons Subdivision* already experience congestion at the main access area. He strongly disagrees with this proposed Cottage Housing development.

T. Kelly Corrigan, 1407 First St., Douglas, said he developed the *All Seasons Subdivision* and has four lots remaining to be sold, so he was an adjacent property owner as well. He said this project was phasing because it was three developments stacked next to each other, which essentially could happen into infinity, even though the PC states that it was one development.

Instead, he said it circumvents the intent of the Cottage Housing Ordinance, which states that 12-unit cottages were allowed, which would have a smaller impact on the neighborhood. The *All Seasons Subdivision* contains houses with accessory apartments that consist of 25% of those dwellings. He cited the *Webster's Dictionary* definition of 'harmonious' stating, "It was congruent with the other buildings surrounding it." Therefore, the Cottage units were not harmonious with the existing residences in the surrounding neighborhood. He said the proposal was a fine plan that might work elsewhere, but not in the proposed location. He realizes that CBJ wishes to have affordable housing constructed in that location, thereby Cottage Housing developments have continually been under the guise of affordable housing, which was presented to the CBJ Assessor as that. He requests an independent appraisal and analysis of this \$3 million plus project to be completed, which he believes the developer could afford to determine whether the existing homeowner's might lose their property values, or provide negative effects on the neighborhood. He said the CBJ Assessors states what they had to, just as the developer believes it was fine because that was what they have been doing over time at Montana Creek, which he felt was where this development should be relocated. When he presented his application for the *All Seasons Subdivision*; the Commission informed him that his development could not contain zero lot lines or duplexes, to which the Assembly also agreed. Additionally, he received similar comments from the *Black Bear Subdivision* residents, therefore he agreed not to build duplexes with zero lot lines, and abided by the D-3 zoning district. However with this case, the PC and Assembly both seem to have forgotten that. Originally, the applicant's representative stated that single women were going to purchase the Cottages, although tonight he instead stated that it was FBI and other federal employees, and USCG workers. He said if the PC moves forward with this proposal, he intends to appeal the case to the PC and the Assembly. Therefore he would appreciate construction not taking place until the appeal process was completed, and the DOT permit was issued to applicant.

Shirley Legare, 5293 Garnet St., said they were the former owners of two of the *Heritage Hills* lots for over 30 years, which they sold to a different party than this applicant, with the understanding that it could only contain approximately four or five condominiums. They left Juneau for several months, and upon their return discovered that the entire lot was cleared. She said that area each winter experiences air pollution because of the mountains, so poor air circulation continually causes inversion situations from wood smoke and vehicle exhaust. She contacted DEC who was aware of the poor air quality, particularly in this area of the Mendenhall Valley. Therefore, she felt it was probably the worst location to construct high-density housing developments, although a couple of houses might be adequate. She asked that the PC reconsider and adhere to the D-3 zoning regulations in that area, as her property was adjacent to this proposed Cottage Housing development.

Donald Shira, 8291 Garnet St., asked how the PC figured this type of Cottage Housing development was affordable housing that would be priced at \$300,000 per Cottage, which he felt was unaffordable. He noted that the residences located behind his property were more affordably priced at \$230,000. The CBJ dramatically increased property appraisals, which in turn increased property taxes on everyone's property in Juneau. Because of that, an abundance of houses were not being sold; however developers continue to build more houses. He felt the housing situation in Juneau has blown way out of proportion, including what was taking place with this case, which was not right, and they both need to be addressed.

Robert Spitzfaden, 217 2nd St, Ste. 204, an attorney representing the *All Seasons Subdivision* owners, Mr. Corrigan and Mary Kay Pusich. He stated that he previously provided a second letter to the PC on this proposal. He said the definition for a Cottage Housing Development was binding and cited CBJ §49.18.120 Definitions, Cottage housing development. “A cottage housing development is a cluster of four to fourteen cottages and common open area.” He views three clusters depicted on the plans, therefore the project did not meet that definition. He kept hearing people state that these were three projects or three developments, although he stated that was not reality, and instead it placed form over substance. The proposed development contains one road system, one water and sewer system, and one drainage. It would have one access onto Mendenhall Loop Road, with a berm separating the entire project from neighboring properties, so it would have to be managed as a unitary project. He said staff mentioned that the CLD stated that there was nothing in the ordinance preventing owners of adjacent lots from developing separate Cottage Housing developments, which was not the issue. Instead, the issue was that the PC was considering this as being one development of three clusters, which violates the zoning ordinance. If that was the case, the PC could not provide permission to the developer by approving this project.

Mr. Mauseth and Mr. Crenshaw. Mr. Crenshaw offered to answer questions of the Commission. Ms. Snow asked Mr. Mauseth to comment on his differing statement relating to single women, which was changed to potential Cottage purchasers consisting of FBI and federal employees, and USCG workers. Mr. Mauseth stated that he could not dictate who was able to purchase a house. However, he recently sold two houses to police officers and another to a state trooper in Phase IV of *Montana Creek Estates*. He said they recently built four homes in that area, whereby two of the smaller 950 sq. ft. homes were sold to single women. Mr. Watson asked the price range of homes in Phase IV of *Montana Creek Estates*. Mr. Mauseth stated that although the market was vastly fluctuating, it ranged between \$260,000 to \$525,000.

Ms. Gladziszewski asked the applicant to expound on the sight distance being made available where the planned access road meets the Mendenhall Loop Road that needs to meet or exceed DOT requirements. Mr. Crenshaw replied that was completely under the control of DOT, as they had no jurisdiction over a state ROW. However, he assumed after the DOT made a determination, they would need to make arrangements to hire a private contractor to complete that work. Ms. Gladziszewski confirmed that DOT studied that roadway area and took into consideration the number of dwellings that would be built, and decreed that it was not a problem. Mr. Crenshaw agreed, adding that it was DOT that dictated where the driveway has to be.

Mr. Rue asked if they felt that the *Heritage Hills* development lot that abuts Phase IV of *Montana Creek Estates* would be harmonious. Mr. Mauseth believes it would be harmonious, as it was the same developer who would utilize the same high quality standards for this project. The developer built homes in that area to keep the prices at a level with quality construction to remain within their market niche. However, if they sold lots to different builders who built to lower quality standards, doing so could potentially lower the values of this developer’s houses. Therefore, he said they intentionally chose to build at a higher level.

Public testimony was closed.

BREAK: 8:44 to 8:51 p.m.

USE2007-00037, USE2007-00053, and USE2007-00054

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested three Conditional Use permits. These permits would allow the development of three Cottage Housing Developments. Two of these developments would contain 7 Cottages and one would have 8 cottages as proposed under application materials for the *Heritage Hills* developments for USE2007-00037, USE2007-00053 and USE2007-00054. The approvals are subject to the following conditions:

Prior to Final Plan Approval

1. Prior to Final Approval, the applicant shall send each adjoining property owner a letter by certified mail. The letter will ask the property owners if they prefer a berm or a 20-foot wide greenbelt. The contents of the letter shall be reviewed and approved by the CBJ Community Development Department (CDD) staff. The property owners shall respond within 14 days of receipt of the notice to the CDD by notarized letter stating their desired preference. The Planning Commission will make a decision for the entire length of the property line at Plat Approval. ~~consult with adjacent property owners and determine if they would prefer a natural greenbelt or a berm to extend along the common property line. If adjacent owners cannot be reached, the site plan shall be modified to show a 20-foot wide no disturbance natural green belt extending along the common property line.~~

Prior to Issuance of Grading Permits

2. Prior to issuance of a grading permit, the applicant shall submit a plan to be reviewed by the CBJ Engineering Department, which includes Best Management Practices sufficient to protect Montana Creek from silt and sedimentation.
3. Prior to issuance of a grading or building permit for any portion of *Heritage Hills*, the applicant shall provide verification to the CBJ Community Development Department that sufficient work has been completed so that the sight distance available at the location where the planned access road meets the Mendenhall Loop Road meets or exceeds the minimum safe sight distance required by the Alaska Department of Transportation.
4. Road construction may be completed at any time during the project but clearing of trees and brush from home sites will proceed in ~~three~~the stages as identified on the *Heritage Hills* plans. Prior to issuance of a grading permit for land clearing and grading on Lot 2, construction on Lot 1 must be generally more than 50% completed; and prior to issuance of a grading permit for land clearing and grading on Lot 3, construction on Lot 2 must be generally more than 50% completed.

Prior to Issuance of a Certificate of Occupancy

5. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy ~~for Lot 4~~, a minimum 4' wide pedestrian path must extend from the central pedestrian path ~~on Lot 4~~ to the Mendenhall Loop Road.

Commission action

Mr. Chaney recommended that Condition 1 be modified, which was read by Chair Gladziszewski, as follows:

1. Prior to Final Approval, the applicant shall send each adjoining property owner a letter by certified mail. The letter will ask the property owners if they prefer a berm or a 20-foot wide greenbelt. The contents of the letter shall be reviewed and approved by the CBJ Community Development Department (CDD) staff. The property owners shall respond to the CDD by notarized letter stating their desired preference. The Planning

~~Commission will make a decision for the entire length of the property line at Plat Approval, consult with adjacent property owners and determine if they would prefer a natural greenbelt or a berm to extend along the common property line. If adjacent owners cannot be reached, the site plan shall be modified to show a 20-foot wide no-disturbance natural green belt extending along the common property line.~~

Mr. Rue agreed with the modification to Condition 1, as long as there was a time commitment for the response. Ms. Gladziszewski suggested inserting the following language to the above revised, to which the Commission agreed:

1. Prior to Final Approval, the applicant shall send each adjoining property owner a letter by certified mail. The letter will ask the property owners if they prefer a berm or a 20-foot wide greenbelt. The contents of the letter shall be reviewed and approved by the CBJ Community Development Department (CDD) staff. The property owners shall respond within 14 days of receipt of the notice to the CDD by notarized letter stating their desired preference. The Planning Commission will make a decision for the entire length of the property line at Plat Approval.

Mr. Pernula said the Commissioners were incorporating this change at the discretion of the PC at the Final Plan Approval stage. Therefore, if the PC receives responses from the property owners, it was information they were able to base that discretionary decision on.

Mr. Rue stated that the CDD completed a good job reviewing the Comp Plan policies in terms of Cottage Housing Developments, and a sewer was installed to increase zoning and development densities in this proposed project area. They have reviewed creative methods in which to locate and utilize difficult land throughout the borough, as Juneau does not contain an abundance of easily buildable land. Traditionally, subdivision were built utilizing the Planned Unit Development Ordinance, Cluster Housing Ordinance, and other methods allowing developers to not only deal with difficult properties, but to also provide for different types of housing per the goals listed in the Comp Plan. He felt Cottage Housing Developments were a good fit for single families, as they contained zero lot lines, were houses, and the ordinance was specifically crafted with strict design guidelines that were probably the tightest in the borough. Those strict guidelines were purposely provided so the houses would be attractive homes containing less negative affects on surrounding uses in developed areas. He believes the developer showed a great willingness to minimize impacts. He said the PC views each cluster as 12 units, although there were previous discussions held as to whether they should be larger or smaller. He said the Commission stated that the concept was to have relatively small 12-unit clusters of houses, and they never stated that they could not have 2, 3, 4, or 5 clusters next to each other. He felt that the PC believes the market would drive this type of Cottage Housing Development. He has similar concerns that the neighbors voiced, as he resides in a D-3 zoning district, whereby a house and an apartment were built adjacent to it, so the view was not as nice as it used to be, which was part of living in Juneau. There was a lot of work completed in an attempt to make this type of development as harmonious and attractive as possible, which he felt should be a popular place to reside. He said berms could be terrific buffers, along with being fairly attractive. However, he agreed that if the neighbors instead chose to retain a 20' buffer of trees that it might be too narrow, but the neighbors could plant on their property adjacent to it to provide additional screening as well. He was in favor of the project.

MOTION: by Mr. Rue, that the Planning Commission adopts the Director's analysis and findings and grants the requested three Conditional Use permits. These permits allow the development of three Cottage Housing Developments. Two of these developments would contain 7 Cottages and one would have 8 cottages as proposed under application materials for the 'Heritage Hills' developments for USE2007-00037, USE2007-00053 and USE2007-00054. The approvals are subject to the conditions outlined by staff, as modified by the PC.

Mr. Chaney commented that there were three developments that depend upon three Variances for approval, and this project as proposed depends on those Variances. Therefore, if the Variances were not approved, he stated that the applicant would utilize the cottage housing designs that meet the Cottage Housing Development criteria without those Variances.

FRIENDLY AMENDMENT: by Ms. Waterman, that the Planning Commission should instead individually provide motions for each of the Conditional Use permits, USE2007-00037, USE2007-00053 and USE2007-00054, and recognize that these three motions for the project are dependent upon three related variances, VAR2007-00029, VAR2007-00039, and VAR2007-00040, respectively.

Mr. Rue accepted Ms. Waterman's friendly amendment.

AMENDMENT TO THE MOTION: by Mr. Rue, that the Planning Commission adopts the Director's analysis and findings and grants the requested Conditional Use permit, USE2007-00037, to allow the development of Phase I for the 'Heritage Hills' development for Lot 1, which depends upon VAR2007-00029. The approval is subject to the conditions outlined by staff, as modified by the Planning Commission.

FRIENDLY AMENDMENT: by Ms. Gladziszewski, to include the previously revised Condition 1, and to also revise Condition 4, as follows:

1. Prior to Final Approval, the applicant shall send each adjoining property owner a letter by certified mail. The letter will ask the property owners if they prefer a berm or a 20-foot wide greenbelt. The contents of the letter shall be reviewed and approved by the CBJ Community Development Department (CDD) staff. The property owners shall respond within 14 days of receipt of the notice to the CDD by notarized letter stating their desired preference. The Planning Commission will make a decision for the entire length of the property line at Plat Approval.
4. Road construction may be completed at any time during the project but clearing of trees and brush from home sites will proceed in ~~three~~ stages as identified on the 'Heritage Hills' plans.

Mr. Rue agreed with Ms. Gladziszewski's friendly amendment.

FRIENDLY AMENDMENT: by Ms. Waterman, that Condition 5 be modified to read:

5. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy ~~for Lot 1~~, a minimum 4' wide pedestrian path must extend from the central pedestrian path ~~on Lot 1~~ to the Mendenhall Loop Road.

Mr. Rue accepted Ms. Waterman's friendly amendment.

Ms. Snow was concerned regarding clusters being located next to each other, which she did not believe was the intent of the ordinance, and instead was meant as infill. She was additionally concerned that the area might not be able to support so many houses being built at once. She said the developer commented that other developers might not build to the level in which they intended to, although if the PC permits these Cottage Housing clusters side by side, she felt the PC might be opening the door for more developers to do the same. Therefore, supported the CUP for Phase 1, and not Phase 2 and 3.

Mr. Watson said the developer stated that they wished to control the quality of the project, so they were up front with their plans, although they instead could have chosen to return separately to the PC to develop Lot 2, and then again later for Lot 3.

Ms. Waterman viewed this as being a cottage housing project that stands on its own within a water and sewer system, and in a developed area in Juneau. The project meets the purpose of Cottage Housing Development as was stated in Title 49. She was appreciative of the work that staff provided to assure that the specific requirements for a Preliminary Plan Approval were met, which the developer worked diligent to do. She was in favor the motion.

Mr. Satre supported the motion. The project rightfully and substantially meets the Cottage Housing Ordinance as it was currently written in Title 49, and he believes the developer completed a good job working to be in compliance with the ordinance. Another issue was whether this proposed development would substantially decrease the value or be out of harmony of the adjacent neighboring areas. He stated that the CBJ Assessor provided an opinion that the PC relies on, which states that this development would not substantially decrease these property values. In terms of harmony, he said it was true that this proposal was not identical to the other housing developments within this zone, although USE2007-00037 was appropriate in this D-3 zoning district according to the Cottage Housing Ordinance. Albeit there were differences, he said they appeared to be mitigated by the retaining wall for the first portion of the berm. Therefore, he was comfortable they met the requirements as a PC body for this first increment.

Ms. Gladziszewski was in favor of the motion. She thought of a cottage housing development as having houses around a cluster and never contemplated that they could not be next to each other. She believes this development could be built containing separate roads; however doing so would be impractical. Therefore the developer instead chose to utilize a common road. They could also choose to develop Lot 1, and not Lot 2, or Lot 3, however there were specific requirements for the cottages to ensure they were well built and would fit within the surrounding properties. She believes the proposal does meet the purpose set out in Title 49 Cottage Housing Development, including the portion regarding infill development, which she interprets as being a development where there currently was a water and sewer system. She appreciates the neighbor's comments; however every person has the right to develop their own property in a lawful manner. Generally, if cutting trees on private property were a valid criterion for denial of CUPs, the PC would have denied many permits, however that was not a valid criterion. It was previously mentioned by several people that Cottage Housing Developments were meant to fulfill affordable housing needs, which she stated was a misunderstanding because it was not, nor was it in the Cottage Housing Ordinance, whereby she clarified that instead this was just another type of housing opportunity.

Mr. Scarano said the PC with the previous submittal of this proposal challenged a number of issues. Subsequently, the developer reworked it to include items that were identified, and he now views a diminishment of the requirements and believes they made a good effort. He appreciates the CDD staff's work. He views the contentious issues being the potential reduction of adjacent property values, and whether or not this project was for three individual developments or not. In his opinion, the law reverts to what a reasonable person would consider wanting to utilize one road and one set of pedestrian pathways across three separate developments, which was not unreasonable. Furthermore, in terms of the value of the adjacent property owners, he said the area already contains a number of different styles of homes from smaller to larger residences that makes up that neighborhood. Therefore, referring to the Montana Creek Subdivision, he did not presently observe any individual homes suffering by virtue of different styles of homes being adjacent to them, which instead was a well completed subdivision. He noted that the CBJ Assessor initially stated that she had concerns, however she later determined that as long as the proposed conditions were met, she did not view the proposal as having significant economic impacts on adjacent properties. Additionally, he did not believe the Assessor was influenced, and instead was a professional that diligently completed her job. He believes a lot of thought and effort went into this project, which has been thoroughly discussed and analyzed, therefore he felt comfortable moving forward with this proposal and planned to vote in favor of it.

Roll Call Vote

Ayes: Waterman, Scarano, Snow, Rue, Satre, Watson, Gladziszewski

Nays:

Recused: Miller

Motion passes 7:0, and USE2007-00037 was approved, as modified by the PC.

MOTION: by Mr. Rue, that the Planning Condition adopts the Director's analysis and findings and grants the requested Conditional Use permit, USE2007-00053, to allow the development of Phase 2 for the 'Heritage Hills' development for Lot 2, which depends upon VAR2007-00039. The approval is subject to the conditions outlined by staff, as modified by the Planning Commission to include modified Condition 1, a re-revised Condition 4, and to delete Condition 5, as follows:

1. *Prior to Final Approval, the applicant shall send each adjoining property owner a letter by certified mail. The letter will ask the property owners if they prefer a berm or a 20-foot wide greenbelt. The contents of the letter shall be reviewed and approved by the CBJ Community Development Department (CDD) staff. The property owners shall respond within 14 days of receipt of the notice to the CDD by notarized letter stating their desired preference. The Planning Commission will make a decision for the entire length of the property line at Plat Approval.*
4. *Road construction may be completed at any time during the project but clearing of trees and brush from home sites will proceed in the stages as identified on the 'Heritage Hills' plans. Prior to issuance of a grading permit for land clearing and grading on Lot 2, construction on Lot 1 must be generally more than 50% completed and must have received a Certificate of Occupancy.*

Prior to Issuance of a Certificate of Occupancy

~~5. Prior to issuance of a grading permit for land clearing and grading on Lot 2, construction on Lot 1 must be generally completed; and prior to issuance of a grading permit for land clearing and grading on Lot 3, construction on Lot 2 must be generally completed.~~

Ms. Waterman referred to Condition 5, stating that the PC does want the pathways to be contiguous throughout the proposal; therefore asked staff to expound on this concept. Mr. Chaney clarified that by approving the CUPs in different blocks, Condition 4 requires that the Lot 2 development has to wait until Lot 1 was more than 50% completed, which links the two projects. However, if they were sold to separate parties to develop, whoever bought Lot 2 would be waiting for Lot 1 to be 50% completed before they could begin developing Lot 2 as well. Given that situation, prior to issuance of any Certificate of Occupancy on Lot 1, he said the developer would need to have the road constructed to the Mendenhall Loop Road. Therefore, if the pathways were to be linked with the 50% completion rule, he did not observe the need for Condition 5 on this particular approval for USE2007-00053 or USE2007-00054. However, if they were not linked, he recommended including Condition 5 because he would not want to have a single house anywhere in this development completed without a safe pathway to the right-of-way for pedestrians to gain access to Mendenhall Loop Road.

Mr. Rue spoke in favor of the motion for all the same reasons he stated for previous USE2007-00037. He believes USE2007-00053 meets the intent of the Cottage Housing Ordinance and Comp Plan, and provides another type of housing development, not necessarily affordable housing. He believes it would be highly regulated in terms of design, compatibility and harmony with the neighbors, and the developer attempted to ensure that happens. With the berm and/or trees they would provide additional buffering, which should lessen impacts. He views each of the three lots as one complete cluster development that fits well together and makes it more desirable. He believes this project is a good idea, which the PC should approve.

Mr. Satre supported the motion for all the same reasons he stated for the previous motion. In addition, regarding equal opportunity for each of the three lots, Lots 1, 2, and 3. In this case, the landowner owns all three lots, and was seeking methods in which to maximize efficiencies of building by constructing the roadway in such a manner that links the lots for constructing utilities. However, hypothetically, if three separate landowners owned the lots who instead chose to come forward with three separate cottage housing proposals, it would still fit within the Cottage Housing Ordinance as it was currently written and would also meet the Code.

Ms. Gladziszewski spoke in favor of the motion because of all the reasons she formerly mentioned. Additionally, she agreed with the arguments regarding density. She noted that there were originally four lots that were split into three lots, whereby those lots could have potentially been split into 11 lots, which could have realistically contained up to 22 units. However, there were fairly prescriptive standards of how Cottage Housing developments must be built, therefore she believed this would be a quality development.

Ms. Snow spoke against the motion for her formerly stated reasons. She also believes the density would be too much and might impact the harmony of that area. Although she voted for USE2007-00037, she did not intend to do so for USE2007-00053 or USE2007-00054.

Mr. Watson supported the motion because he believes the CUP meets the criteria. However, because there was pressure from the neighbors on the developer and builder, they needed to abide by those criteria, which contain thorough descriptions in Title 49 for Cottage Housing developments.

Mr. Scarano spoke in favor of the motion for the same reasons he stated for the previous CUP, USE2007-00037.

Roll Call Vote

Ayes: Scarano, Rue, Satre, Watson, Gladziszewski, Waterman

Nays: Snow

Recused: Miller

Motion passes 6:1, and USE2007-00053 was approved, as modified by the PC.

MOTION: by Mr. Rue, that the Planning Commission adopts the Director's analysis and findings and grants the requested Conditional Use permit, USE2007-00054, to allow the development of Phase 3 for the 'Heritage Hills' development for Lot 3, which depends upon VAR2007-00040. The approval is subject to the conditions outlined by staff, as modified by the Planning Commission, to include modified Condition 1, a re-revised Condition 4, and to delete Condition 5, as follows:

1. *Prior to Final Approval, the applicant shall send each adjoining property owner a letter by certified mail. The letter will ask the property owners if they prefer a berm or a 20-foot wide greenbelt. The contents of the letter shall be reviewed and approved by the CBJ Community Development Department (CDD) staff. The property owners shall respond within 14 days of receipt of the notice to the CDD by notarized letter stating their desired preference. The Planning Commission will make a decision for the entire length of the property line at Plat Approval.*
4. *Road construction may be completed at any time during the project but clearing of trees and brush from home sites will proceed in the stages as identified on the 'Heritage Hills' plans. Prior to issuance of a grading permit for land clearing and grading on Lot 23, construction on Lot 42 must be more than 50% completed and must have received a Certificate of Occupancy.*

Prior to Issuance of a Certificate of Occupancy

- ~~5. *Prior to issuance of a grading permit for land clearing and grading on Lot 2, construction on Lot 1 must be generally completed; and prior to issuance of a grading permit for land clearing and grading on Lot 3, construction on Lot 2 must be generally completed.*~~

Mr. Rue supported the motion for reasons he stated previously regarding the two previous CUPs. He believes USE2007-000054 meets the intent of the Cottage Housing Ordinance.

Mr. Satre spoke in favor of this motion, which was identical to his previously stated reasons. He believes when the neighborhood harmony issues were worked out with the neighbors regarding the options for the berm (especially on USE2007-00054 for Lot 3), it should mitigate any potential impacts that this project might have on any previous developments in that area.

Ms. Waterman supported the motion, which included all of the reasons expressed for her support of USE2007-00037 and USE2007-00053.

Ms. Gladziszewski said if a separate developer having a different name presented this proposal, she could not contemplate any reasons why she would vote against it. Theoretically, if another developer presented a third lot that had cottage housing next door along with two existing cottage housing clusters, as long as all the safety and traffic issues were met, she would also vote for it. Therefore, she intended to support this project because when she views them separately, which they were and could be developed as such, she could not contemplate any reasons for voting against USE2007-00054 for Lot 3. Additionally, her reasons for supporting this motion includes her previously stated reasons regarding USE2007-00037 and USE2007-00053.

Ms. Snow did not support motion for her previously stated reasons pertaining to USE2007-00053, as she preferred to err on the side of caution because she did not believe USE2007-00054 was inline with the intent of the Cottage Housing Ordinance.

Mr. Scarano spoke in favor of USE2007-00054, and was for the same reasons he previously stated supporting USE2007-00037 and USE2007-00053.

Mr. Watson supported USE2007-00054 for the reasons he previously stated regarding the CUPs for Lots 1 and 2.

Roll Call Vote

Ayes: Rue, Satre, Watson, Waterman, Scarano, Gladziszewski
Nays: Snow
Recused: Miller

Motion passes 6:1, and USE2007-00054 was approved, as modified by the PC.

Acting Chair Gladziszewski adjourned the PC meeting, and convened the Board of Adjustment.

X. BOARD OF ADJUSTMENT

VAR2007-00029

A Variance request to allow the 1st floor of a Cottage House to be smaller than the 2nd floor to better fit the hillside topography - *Heritage Hills* Phase 1.

Location: Mendenhall Loop Rd.

Applicant: Bicknell Inc.;

VAR2007-00039

A Variance request to allow the 1st floor of a Cottage House to be smaller than the 2nd floor to better fit the hillside topography - *Heritage Hills* Phase 2.

Location: Mendenhall Loop Rd.

Applicant: Bicknell Inc.; and

VAR2007-00040

A Variance request to allow the 1st floor of a Cottage House to be smaller than the 2nd floor to better fit the hillside topography - *Heritage Hills* Phase 3.

Location: Mendenhall Loop Rd.
Applicant: Bicknell Inc.

Staff report

Mr. Chaney reported that this proposal was for a series of individual developments, which could be individually approved or denied. However, the underlying issues for all three, which he verbally addressed as one, were located on a steep hillside, although it was not steep enough to qualify for a Hillside Development Endorsement. However, designing and building traditional Cottages, as they would have been designed on a flat area does not work as well on a slope. He said the *Sitka*, *Glacier Bay*, *Gustavus* and *Tongass* designs have larger second stories than ground floors, which was the inverse of the floor area ratio required under the Cottage Housing Ordinance. Therefore, those designs require variances in order to be approved. By incorporating a smaller lower floor, those models would fit in a hillside environment without requiring extensive grading and fill that would otherwise be needed for a typical Cottage design. Although only four designs require variances, the plans call for some of those models to be utilized more than once in a Cottage Development, as follows: VAR2007-00029, Lot 1 – 5 cottages; VAR2007-00039, Lot 2 – 5 cottages; and VAR2007-00040 – 6 cottages. Ms. Waterman asked if the main top floor areas were accessible without climbing stairs. Mr. Chaney said the designs reflected stairs for all entrances. Ms. Waterman asked if there was a bathroom, bedrooms, and a kitchen and living room on each main floor. Mr. Chaney said yes.

Public testimony

Mr. Mauseth and Mr. Crenshaw. Mr. Crenshaw explained that the developer requested the variances because of the steep terrain, and they wished to minimize the impact of excavation and grading surrounding the home sites. He said this would allow them to retain as many trees as possible, and to minimize the retaining walls for less of a visual impact. Mr. Mauseth stated that they recently completed the first United States Green Building Council (USGBC) certified green home in the State of Alaska. Therefore, going through that process, they learned a lot regarding sustainability in the true green form. He said it included the size of footprint they needed to build upon, and how they chose to overall develop the property that also minimizes the amount of trucks they would utilize because they would be building the houses on one-fifth of the terrain. Unfortunately, building to the USGBC standards, he said the market was not yet accepting of that, although they intend to utilize many of those sustainable standards with this *Heritage Hills* development, which these variances would enable them to do. Ms. Waterman asked what the cost of grading and installing fill to the site might be in terms of placing the main floor on the ground level, versus the inversion they were requesting in these variances. Mr. Crenshaw said it was not necessarily the cost of the grading, versus the cost of the retaining wall structures that were expensive to construct because concrete was currently priced at \$450/yard, and a single building area might consist of approximately 25 to 30 yards. However, it was dependent upon exactly what the grade was determined to be, and how tall the retaining wall was. He stated that for every foot of retaining wall, they could expect to double that price; therefore the higher the wall, the more expensive the price became. Ms. Waterman confirmed that it was an incremental increase in cost, rather than just arithmetic. Mr. Crenshaw agreed, adding that each retaining wall might be substantially different in both structure and cost. Mr. Mauseth stated that although concrete was quite costly, it was also expensive to purchase rock. Ms. Gladziszewski said this topic referred to Criterion 5(C) “Be unnecessarily burdensome

because unique physical features of the property render compliance with the standards unreasonably expensive.” She felt that criterion for 5(C) was met, and for 5(B) as well. She stated that building green houses that fit the terrain were good, however the variance criteria were specific regarding the different costs alternatives. Mr. Crenshaw said if they were to develop the site as they were proposing, they would be able to some extent retain the slope on the hillside, and build the house into it. However, if they reverse it and were required to build a larger lower floor, a larger area would need to be leveled, requiring them to further cut into the hillside and install retaining walls on the outside to prevent rockslides. If they were required doing so, he estimated that it could increase the cost by 50% per house just for the pad alone by keeping the ground floor as the largest floor. Mr. Scarano confirmed that they were utilizing the ground floor to a degree as a portion of the retaining wall. However, if they had to cut that portion of the hillside back, they would not only have to build a foundation, but a retaining wall as well. Mr. Crenshaw agreed. Mr. Scarano asked for an estimated range of cost for one Cottage in order to quantify a dollar value. Mr. Chaney interjected that if it was difficult to arrive at a positive finding for Criterion 5(C), the PC was able to review 5(B) because only one of those criterion was required to be met. Mr. Crenshaw stated that once they started excavating, they could potentially find unanticipated material, or need to blast more rock. If they discovered unexpected underground streams, it might requiring them to reroute water, which could potentially force them to install culverts and weeping systems around foundation drains. He projected that if that happened, the worst-case scenario might add 40%, and the best-case scenario might add 25% to the site preparation cost, which in turn would add to the price of the Cottages.

Ms. Waterman said one of the aspects of the designs was that it provides some flexibility, although she was concerned that there were Cottages that should be accessible via a ramp or other type of mechanism that does not require utilizing stairways. In addition, the primary facilities a person requires should be located on an accessible single floor. Mr. Mauseth stated that they would like to meet the needs of disabled persons, and have done so in two occasions in Phase IV of *Montana Creek Estates*, which were very well received by the homeowners. However, the homes not containing garages at *Heritage Hills* would have level access entryways.

Mr. Watson asked if the developer would be locked into utilizing the designs depicted on the Preliminary Site Plan that was presented tonight. Mr. Chaney said yes, although if the developer wished to make minor changes to the development plan, i.e., windows, flooring, or amenities, those would be handled at staff level. However, he considers a revision to the approved Site Plan or the models of Cottages being changed as being significant, which would be required to be presented to the PC. Mr. Mauseth believes that the declaration for the Homeowner’s Association would require the developer to be fairly specific as to the quality aesthetics to outside finishes of the Cottages that could not entail many changes. However, he anticipates minor changes to accommodate homeowner’s preferences to the inside of the Cottages.

Kelly Corrigan said there was not suppose to be any variances requested for Cottage Housing developments, and instead the PC was changing the criteria so it no longer resembles the Cottage Housing Ordinance. This Cottage Housing development was being placed in an area where other developments continue to take place. He stated that this project was not infill, nor was it

three separate developments, as opposed to being one development project. He intends to take this case to court, and allow the m to make that determination.

Mary Kay Pusich said that Mr. Pernula stated from the beginning that if variances were going to be allowed, it would change the Cottage Housing Ordinance. However, three variances were being presented with this first proposed Cottage Housing development. If the developer has concerns regarding the high cost of excavation on that site, that solidifies that they were placing this Cottage Housing development in the wrong location. Instead, she stated that the developer knew the cost going into this project, which she did not believe was a hardship. Additionally, the Cottages did not resemble the Cottage Housing projects that were provided from Pacific Northwest. The common green area was really going to be utilized as drainage. She felt the PC was off track from what the Cottage Housing Ordinance was first intended for. She believes it would be sad to make this first Cottage Housing project an example of what she felt was a good idea in the beginning, although it was now off course.

Mr. Mauseth and Mr. Crenshaw. Mr. Mauseth thanked the PC and staff for their work regarding this project, along with the neighbors providing comments that assisted them in improving this Cottage Housing project. He hopes the development would live up to all that they have stated during the PC review process.

VAR2007-00029, VAR2007-00039, and VAR2007-00040

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variances, VAR2007-00029, VAR2007-00039, and VAR2007-00040. The Variances would allow for construction of Cottage Houses *Sitka, Glacier Bay, Gustavus* and *Tongass* as depicted in the project drawings, which include a floor area ratio inverted from what is specified under CBJ§49.15.770(c).

Board action

Ms. Waterman referred to Page 4 of the report, stating that the Analysis, Variance Requirement 2. "...would allow for low profile infill development ~~whathat~~ would minimize impacts..." should be modified. Additionally, on Page 5, regarding Variance Requirement 6, should be revised to read "...No detriments have been identified associated with the variance proposal." She then referred to the Regular PC Meeting minutes dated July 26, 2005, and cited for the record specific excerpts, as follows:

"TXT2005-00002 – An Ordinance to modify Title 49 to include cottage housing subdivision guidelines." She also referred to Page 10; "Mr. Kendziorek asked if an applicant could get Variances for all of these lot regulations. Mr. Pernula said that variances would defeat the purpose of the cottage housing character. Mr. Pernula added it would be difficult to meet the Variance criteria. Ms. Gladziszewski asked if there was a mechanism for preventing Variance permitting in this ordinance. Mr. Pernula said it was possible, as they have done that in the past with accessory apartment permits." She continued reading, "Mr. Bruce said the cottage housing ordinance varies the typical subdivision or platting requirements. When one applies for a cottage housing development, it would be the variance in itself. Mr. Pernula noted a possible variance needed for terrain purposes. Perhaps they could separate those issues out."

Additionally, she said there was recognition in this community that there were locations where terrain was a deciding aspect of a project. She believes the intent of allowing or disallowing variances were specific to the criteria including the size of the building, and not necessarily the orientation of the floors of the building. Therefore, she wished to make sure that this complete statement from that previous PC meeting was incorporated as being part of this record, to which the PC concurred. Mr. Satre added that this issue often arose when the PC dealt with variances, however he reminded the Commission that variances do not set precedence, and instead were individual to the application, which does not mean that variances would be allowed with every other Cottage Housing development that might be presented to the PC for review. Ms. Gladziszewski referred to CBJ §49.15.770(c), which ensures that the overall size of cottages remains smaller and incurs less visual impact, versus any other standard single-family dwellings that increases density. Therefore, she did not believe that flipping the upper and lower floor areas violates the Code, and instead it provides improvements to the project by requiring less excavation and minimizes impacts.

MOTION: by Ms. Waterman, that the Board of Adjustment adopts the Director's analysis and findings and approves the requested Variance, VAR2007-00029, for Phase 1 of the 'Heritage Hills' development for Lot 1, which relates to USE2007-00037.

Mr. Satre spoke in favor of the motion referencing the Commissioner's earlier discussions for the record.

Mr. Rue supported the motion. He felt the PC was being consistent with the requirements of the Cottage Housing Ordinance, as this variance assists in maintaining the overall goal to minimize impacts of this development. He said those impacts also include issues regarding drainage, erosion control, and Best Management Practices, which were aided by this Variance as well.

Mr. Scarano was in favored the motion based upon the findings by staff, including the historical evidence brought forth by Ms. Waterman. Reverting to what a reasonable person might determine regarding the requirements for silt and sedimentation control and Best Management Practices, he felt this in effect would have a more positive impact, as opposed to excavating a massive amount of land. Therefore, he did not view it as being a huge material change as to what the intent of the Cottage Housing Ordinance states.

Roll Call Vote

Ayes: Rue, Satre, Watson, Waterman, Scarano, Snow, Gladziszewski

Nays:

Recused: Miller

Motion passes 7:0, and VAR2007-00029 was approved.

MOTION: by Ms. Waterman, that the Board of Adjustment adopts the Director's analysis and findings and approves the requested Variance, VAR2007-00039, for Phase 2 of the 'Heritage Hills' development for Lot 2, which relates to USE2007-00053.

Ms. Waterman spoke in favor of the motion citing the PC's previous discussion, which includes and a variety of reasons by various Commissioners from the prior motion on VAR2007-00029.

Ms. Snow appreciates the variance on its own merits, as understands the terrain situation. However, she intends to vote against this motion because she voted against USE2007-00053 that it relates to for the reasons she previously stated. Ms. Gladziszewski explained that Variance criteria were very specific, noting that either it was explicitly met, or it was not met. Therefore, if it was met with the previous VAR2007-00029, the remaining two Variances, VAR2007-00039 and VAR2007-00040, were also met. Ms. Snow did not understand why she would vote in favor of related Variances, VAR2007-00039 and VAR2007-00040 that relates to CUPs USE2007-00053 and USE2007-00054, respectively, when she did not vote for those related CUPs. Mr. Satre mentioned that he was formerly in a similar situation, and was also informed that variance criteria were very specific. Ms. Snow stated that with that being said, she would approve what VAR2007-00039 and VAR2007-00040 were addressing, and would now vote in favor of this variance, VAR2007-00039.

Mr. Scarano supported VAR2007-00039 for his previously stated reasons regarding VAR2007-00029.

Roll Call Vote

Ayes: Satre, Watson, Waterman, Scarano, Snow, Rue, Gladziszewski

Nays:

Recused: Miller

Motion passes 7:0, and VAR2007-00039 was approved.

MOTION: by Ms. Waterman, that the Board of Adjustment adopts the Director's analysis and findings and approves the requested Variance, VAR2007-00040, for Phase 3 of the 'Heritage Hills' development for Lot 3, which relates to USE2007-00054.

Mr. Watson spoke in favor of the motion. He believes that even though the Hillside Development Endorsement relating to the Land Use Code was not met, approving these three Variances should improve the project and provide for smaller footprints.

Mr. Rue supported the motion for all the reasons he stated regarding the previous Variances, VAR2007-00029 and VAR2007-00039. He believes the PC found that staff made correct findings. He stressed that he views this development as being a cluster, not three. By switching the upper and lower floor areas, he felt the Commissioners clearly remains within the meaning of the intent of the Cottage Housing Ordinance, and in fact increases the projects capacity to be harmonious, not only with the landscape, but with the neighborhood as well.

Ms. Gladziszewski stated that although this VAR2007-00040 clearly meets the criteria, she suggests that the PC should attempt to amend the Cottage Housing Ordinance to make it more clear for future applicants, whereby flipping the upper and lower floor areas should be allowed under specific steep terrain conditions without the requirement of a variance. Mr. Pernula explained that the original plans for the cottage houses stated that the upper floors of the units

were more indicative of half floors that resembled dormers, which relates to the typical cottage-type developments that were built on flat land in the Pacific Northwest. If the PC were to recommend amending the ordinance, he suggested that they consider allowing for an inversion of the upper and lower floor areas of a 'certain percentage amount to be determined' for steep slopes.

Ms. Snow supported VAR2007-00040 on its own merits. However, her opposition to the project relates to USE2007-00054 because she did not view this project as one cluster as was stated by Mr. Rue, and instead interpreted the Cottage House Ordinance stating that a cluster consists of 12 maximum units. Mr. Rue clarified that he meant that each development was a cluster up to 12 units, as a project could be a multiple of clusters consisting of 12 cottage units each.

There being no objection, it was so ordered, and VAR2007-00040 was approved, with Mr. Miller being recused.

Mr. Rue thanked staff for doing a good job. He also thanked the developer for their work during the review process, and wished them good luck.

Chair Gladziszewski adjourned the Board of Adjustment, and reconvened the PC meeting. Mr. Miller returned to his seat on the PC.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula reported that the next COW meeting on February 19 to review the Comp Plan. Ms. Gladziszewski asked staff to provide the chapters of the Comp Plan that would be reviewed prior to that meeting. Mr. Pernula offered to do so, including providing the previously requested larger version of the Land Use Maps to Commissioners. Regarding Assemblyman Anderson's comments about the AWTP, Ms. Waterman recalls that some of those items were already accomplished, which somewhat relates to the COW's review of the Comp Plan. Therefore, she requested staff to provide a copy of the AWTP to include a checked-off list of items that were completed. Mr. Pernula agreed to do so. He noted that the COW meeting that was scheduled prior to this PC meeting regarding the Capital Transit Plan was canceled, which would soon be rescheduled. He said the next regular PC meeting was scheduled for February 26, 2008.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Ms. Snow reported that the Lands Committee recently discussed potential sites for the whale sculpture placement. The Committee realized that they would not be able to do so prior to the centennial event, so the Whale Committee would now complete that oversight. Mr. Rue suggested locating the whale sculpture near the Downtown Marine Parking Garage area.

Ms. Waterman said the Subdivision Review Committee (SRC) recently met and reviewed Lot USS 667 NE of the *White Subdivision* regarding a lot located in an avalanche hazard area. The

SRC determined it was appropriate to listen to both the Preliminary and Final Plats at a subsequent meeting. Additionally, they discussed the planning and timelines for the Parking Garage and Transit Center project. She said the Transit Center design was rather immature, which staff was working on so it would be presented to the PC as an information item in the near future. Staff intends to hold another public meeting later on, and then the Allowable Use applications for Parking Garage and the CUPs for the Transit Center would be presented to the Commission at subsequent PC meetings. Finally, she said Mr. Maguire mentioned that the Title 49 Committee might be invited to meet with Joe Buck regarding items in Chapter 35 pertaining to CBJ sewer and maintenance agreements. Therefore, she anticipates that a Title 49 Committee meeting would be scheduled in the near future.

Mr. Satre stated he was not able to attend that SRC meeting, although he read the minutes. He noted that Mr. Chaney voiced concerns about the planning process regarding the Parking Garage. It appears that the direction the CBJ Engineering Department (CED) obtained from previously held COW, PC, and Assembly meetings was that CED would now present the Assembly with one option. Frankly, he stressed that he did not wish to be on a PC that places a huge, non-descript edifice of a Parking Garage in the center of downtown Juneau. The SRC discussed whether the PC should have a more active role assisting and planning with staff in designing those structures, or whether the PC's role was simply to review and recommend approval or denial to the Assembly. He felt the PC might not have a lot of options remaining regarding the Parking Garage process, although the Commission should become more involved in the Transit Center review. He stated that it appears that the opinion of the Assembly was that they were opposed to any type of 'local use' being allowed in either the Parking Garage or Transit Center. However, he believed if they instead utilized the term 'multiple use' that it might be more receptive. He views multiple use opportunities to possibly include relocating City government offices and potentially the Juneau Convention and Visitors Borough (JCVB), which would not compete with the Downtown Business Association. He envisions people being drawn to it, and the PC needs to further contemplate these types of important details for the Parking Garage and Transit Center. He noted that safety issues were also discussed, recognizing that the PC already viewed horrible parking structures in other cities that were scary places for people to utilize.

Mr. Rue said he was not prepared before attending that SRC meeting, and now realizes that he utilized the term 'retail,' which probably set them off. He said there was good representation of a majority of Assembly members that stated they did not want to lose any parking spaces, so any ideas of retail uses brought forth fell on deaf ears. They discussed potentially providing for office space and relocating the police substation to the Parking Garage or Transit Center. However, the response was why would they spend that much money to build heavy concrete piers and floors for office space, and instead they wished to utilize it solely for parking. Even so, he believes they might consider allowing the police substation and multiple use shops to be relocated in the Transit Center, and they were also interested in the design criteria. Ms. Gladziszewski believes that if it was presented properly to include adequate parking spaces and multiple uses into the Parking Garage design, it might be better received. She said unlike a permit being presented to the PC that the Commission makes a yes or no decision on; the Parking Garage and Transit Center involves an important planning review process. Mr. Pernula said City-State Projects were provided to the PC for their recommendations to the Assembly, not for their decision. In addition, the Parking Garage would contain an Allowable Use permit,

which would not have a lot of conditions, however the Commission would be able to attach additional conditions to it. In this case, he never heard the word ‘multiple use’ utilized once at that SRC meeting, and instead heard ‘retail.’ However, he did fully believe that the Parking Garage was an appropriate location for added retail unless they were somewhat incidental, although some other type of uses could be integrated into the structure. He also observed that the Transit Center was in the early stages of its design, and if it was integrated within the Parking Garage structure that has multiple uses in it, perhaps it could provide some type of a presence that might assist in making it a less scary structure. Ms. Snow also attended that SRC meeting, and heard that they did not wish to incorporate retail uses into the Parking Garage because they were already in excess in the downtown area, and they did not wish to be in the position of leasing. Mr. Watson stated that after attending the SRC meeting, he felt the opportunity for the PC to provide input rests with the Transit Center. He believes the PC needs to be careful, and likened it to the Cottage Housing developments being misinterpreted as being affordable housing to some people and not others. His reasoning was that they were dealing with a large group of business owners in the downtown area who views additional multiple uses in the Parking Garage as taking away from their market. Comments were already made that there was more retail space than there were tenants. Therefore, those business owners would not view it favorably if CBJ added more retail space to the Parking Garage, which were the people that they wished to support the project. He did not believe that the City should become involved in retail development. There was discussion regarding better utilization of the Transit Center. An issue of winter winds arose, and they discussed possibly placing some type of barrier on one side or the other of the Parking Garage, which might allow them to utilize it to include smaller-type structures. The message he received was that the Assembly already made their decision, and the PC serves at their pleasure. Ms. Waterman stated that Rorie Watt provided a memorandum requesting the SRC to review only the architectural concept of the Parking Garage, the requests of the PC for inclusion of retail elements, and the public process for project review. Therefore, they were directed away from some of the issues in terms of the Transit Center, and the idea of multiple uses. She believes that in the future, the Parking Garage was the base for some type of Capitol Building complex. However, Mr. Watt did include the provision for a well for elevators, which requires electricity and perhaps additional infrastructure. Therefore, there was already a location in the interim that could be flexible for some type of office space and police substation to be relocated in the Parking Garage. Some people stated that the police would like to be located behind one-way glass that allows them to perform their duties without being visible to the public, which she felt was doable. Therefore, she continues to be a proponent of mixed uses being relocated in the Parking Garage. She believes they might encounter budget issues with this project, so requested staff to inform the PC when this project was placed on the CBJ Finance Committee’s agenda. She explained there were two pots of money that were melded; the earmark money that was provided to Juneau for a Downtown Transit Center many years ago, and the funds provided through a bond issue that was passed by voters. Her fear was that the Transit Center project might end up paying for the multiple uses, and detract equity that should be utilized for development of these concurrent projects. However, she stressed that transit was equally important as parking because if more people rode the bus, there was better infrastructure available for people that have to drive their individual vehicles. In doing so, parking would be more available if they made it easier for people to ride the bus. Realizing it might be counterintuitive for some, part of what she felt was missing from the planning was equity amongst the two projects. Therefore, she requested that when it comes time to present the

projects to the PC for a recommendation, they be provided simultaneously, as her fear was that the Parking Garage would be presented ahead of the Transit Center. Ms. Gladziszewski said the Parking Garage project had more developed details, with the Transit Center being viewed as empty space. She agreed that they needed to include some type of mixed uses that provides vitality and humans to the Parking Garage, whereas vehicles and a scary framed building does not. If it were not for the library located on the upper floor of the Marine Parking Garage, she would never step foot into that scary structure. Mr. Rue stated that several women mentioned that issue at the SRC meeting, although he sensed it was not going to be provided due consideration. Mr. Scarano stated that although he was not on the PC when they discussed some of these concepts, he has gained experience building a fair amount of structures. Therefore, discussing loading on floors for parking, it was actually less difficult to install office space. The original concept was for 400 parking spaces, which has been reduced to 218, so where they contemplated the inclusion of mixed-use space, it would take up first floor handicap parking spaces, so they would need to install elevators causing the cost of operations to increase. In addition, they would need to make the design flexible enough to install bathrooms and plumbing, which were also fairly expensive. He stated that Assemblyman Wanamaker stated that he heard many complaints regarding the lack of parking in the downtown area, although no one ever complained to him about the lack of retail space.

Mr. Chaney stated that these were important issues, although he did not want to be the planning staff person that agrees to build a Parking Garage that ends up being a monolithic block. He said they should have all learned a lesson from the existing Marine Parking Garage, which was built, and it was horrible. Therefore, they chose to install a library on top without competing with local businesses that were legitimate municipal functions, which were not retail. He stated that they did not only have to allow retail uses in the new Parking Garage because it was not retail or nothing, and instead multiple uses could be combined. There was also a completely undefined Transit Center next to the Parking Garage, which should be connected to include multiple uses in the Transit Center, without taking away any of the parking spaces or impacting the budget for the Parking Garage. He stated that this does not have to be a win or lose situation, and instead they should be responsible to the community by designing a good facility. The PC has a vital role in this case because until a permit was applied for, this was a City project. He stated that Commission possesses much more background and planning education than the average Assembly member, which includes a couple of Commissioners alternately attending American Planners Association conferences each year. Therefore, the PC should be allowed to make reasonable recommendations to the Assembly, and staff was willing to assist in that effort. Ms. Gladziszewski requested that staff allocate sufficient time on a future PC agenda to continue this discussion. Ms. Waterman commented that Mr. Watt previously made presentations to the PC on the Parking Garage, although he did not provide any details regarding the Transit Center. However, she recently spoke to Mr. Watt who stated that his plan was to provide an informational item to the PC on the Transit Center at the end of February 2008. Ms. Gladziszewski always perceived both the Parking Garage and Transit Center as collectively being one project, and instead it was now being presented as two separate projects. However, the Parking Garage planning so much farther along in the process than the Transit Center. Mr. Rue spoke to Mr. Watt who stated that he was working on that issue. Therefore, the PC should ask Mr. Watt to return to the PC, whereby the Commissioners could be contemplating further multiple use ideas. Mr. Chaney said the group that does not wish the Parking Garage to be

utilized for anything other than parking was because they were afraid of losing spaces. However, he heard many contractors complaining about the current location of the CDD Permit Center because it was difficult to find parking for their large vehicles, which was at Code minimum. So, if they integrated the CDD Permit Center on the second level of the Transit Center attached to the Parking Garage, it would add circulation and vitality to the Parking Garage, which was a legitimate municipal function that does not compete with the private sector. He believes doing so would additionally assist the contracting community and citizens to better utilize the CDD Permit Center, which was somewhat user hostile right now. Another multiple use might include incorporating a portion of the museum to attract visitors. Ms. Snow suggested that it could be similar to the small museum located on the lobby level of the Federal Building. Mr. Chaney said he envisions attracting ordinary citizens to the structures for reasons other than just getting in/out of their vehicles, so when they did park in the Parking Garage that they did not feel as though they might be accosted by some undesirable element. Mr. Watson stated that the largest issue with the citizens and downtown merchants was the lack of parking. The Capitol Building was viewed outside of Juneau as being inaccessible, and was also locally viewed as being inaccessible due to the inability of finding sufficient parking to access it. He anticipates that the Parking Garage would be utilized more frequently in the evenings, especially during the legislative sessions, than it would be during the remainder of the year. He felt they could potentially provide mixed signals by stating that they wish to build a Parking Garage, although they now want to do something different. However, he agrees with multiple uses being allowed in the Transit Center, although he rigidly stands against any multiple uses being allowed inside of the Parking Garage other than making it user friendly. He stated that businesses have daytime hours of operation, so those merchants would not be present during nighttime hours in terms of enhancing safety, so the Transit Center having buses entering and exiting during those off-merchant hours would be the only remaining nighttime activity. Mr. Satre stated that the PC should keep in mind their role as planners, and to be aware that no matter how many parking spaces were in the new Parking Garage that realistically there were going to be empty spaces every single day. Mr. Rue suggested that the PC first hold a work session over a lunch hour to further discuss the ideas brought forward tonight by the Commissioners and invite Mr. Watt. Mr. Pernula offered to schedule and provide notice of a Friday meeting over the noon hour in the Marine View 4th Floor Conference Room sometime over the next couple of weeks.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Waterman thanked Sandra Firestack for the work she provides transcribing the PC minutes, and for doing such a good job.

XV. ADJOURNMENT

MOTION: *by Ms. Snow, to adjourn the meeting.*

There being no objection, it was so ordered, and the meeting adjourned at 10:57 p.m.