

MINUTES

**PLANNING COMMISSION**  
CITY AND BOROUGH OF JUNEAU  
Daniel Bruce, Chairman

REGULAR MEETING  
April 8, 2008

**I. CALLED TO ORDER**

Vice 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 7:00 p.m.

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

Commissioners absent: Frank Rue, Daniel Bruce

A quorum was present.

Staff present: Dale Pernula, CDD Director; Benjamin Lyman, CDD Planner

**II. APPROVAL OF MINUTES**

March 25, 2008 – Regular Meeting

***MOTION:*** by Ms. Waterman, to approve the March 25, 2008 regular PC minutes, with corrections.

There being no objection, it was so ordered.

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

**IV. PLANNING COMMISSION LIAISON REPORT - None**

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

**VI. CONSENT AGENDA**

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.

**USE2008-00012**

A modification of an existing Conditional Use permit for a track and athletic field facility to add 80' field lights and a public address system.

Location: 2961 Riverside Drive

Applicant: CBJ Engineering

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would modify Conditional Use permit USE2003-00055 for a track and athletic field facility by adding 80' field lights and a public address system. The approval is subject to the following conditions:

1. Prior to Certificate of Occupancy, a sound test shall be conducted to confirm the sound emitted from the speakers does not exceed 60 dB measured at the nearest residential boundary.
2. As an operational condition, the PA system shall only be used between the hours of 7:00 a.m. and 10:00 p.m. and at no time shall the sound level emitted from the speakers and measured at the nearest residential property line exceed 60 dB.

**USE2008-00017**

A Conditional Use permit for stables for up to 12 horses.

Location: Curtis Avenue

Applicant: Deborah Madsen

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The Conditional Use permit would allow the development of a stable for up to 12 horses: The approval is subject to the following conditions:

1. Manure storage shall be located at least 100' from the banks of Casa del Sol/Peterson Hill Creek.
2. If the applicant wishes to fill additional wetland areas, all necessary wetland permits shall be obtained.

**VAR2008-00008**

A Variance request to reduce the front yard setback from 25' to 4.14' for a proposed garage and accessory apartment.

Location: 3828 North Douglas Highway

Applicant: Shannon T. Richards

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2008-00008. The Variance permit would reduce the front yard setback from 25' to 4.14' for the placement of a garage and lower-level accessory apartment. The Variance would also allow the eaves to be within 2' of the front property line with the following conditions:

1. Prior to approval of setback verification, the applicant shall submit an as-built survey to CDD to assure the reduced distance is respected during the construction of the building and root line.
2. Prior to receiving a Certificate of Occupancy, the applicant shall submit an as-built survey to CDD staff.

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None**

**VIII. UNFINISHED BUSINESS - None**

**IX. REGULAR AGENDA**

**BREAK:** 7:02 to 7:04 p.m.

**CSP2007-00007**

A City State Project Review of the Downtown Parking Garage and Transit Center.

Location: 107 West First Street

Applicant: CBJ Engineering - Rorie Watt

**And;**

**USE2008-00013**

An Allowable Use permit to construct a multi-level parking garage near Telephone Hill.

Location: 100 Main Street

Applicant: City & Borough of Juneau

**And;**

**USE2008-00014**

A Conditional Use permit to construct a Transit Center near Telephone Hill.

Location: 100 Main Street

Applicant: City & Borough of Juneau

**Staff report**

Benjamin Lyman referenced the article in *The Juneau Empire* today regarding “City planners suggest parking garage revisions - In a report the Commission, staff disagrees that there is a space shortage downtown.” He said the article was correct, although the headlines took too much editorial liberty, which created the wrong impression.

Mr. Lyman said staff provided public notices to residents downtown from Telephone Hill to Basin Road, which included several homes that are not proposed to be demolished or to have the Parking Garage built on them in the project area shown. Therefore, staff provided a revised notice to the residents whose homes were originally shown as being affected by this project.

This is essentially one project, and three reviews are required. The CSP2007-00007, a City-State Project (CSP), is a review of the entire project for consistency with CBJ Title 49, the Land Use Code (Code), the Comprehensive Plan (Comp Plan), and the Capital Improvement Program (CIP). This CSP constitutes review by the PC with recommendations to the Assembly, and is not a permit. USE2008-00013, an Allowable Use permit (AUP) is for the Parking Garage per the Code. Finally, USE2008-00014, a Conditional Use permit (CUP) is for the Transit Center, which allows for a greater range of conditions to be placed on this permit. He said parking in the downtown area has been identified as a problem for over 50 years, and Telephone Hill consistently appears as the proposed Parking Garage/Transit Center site. In October of 2005, Juneau voters approved a temporary 1% sales tax extension to fund a series of projects including the downtown Parking and Transit Center. With this in mind, CBJ enacted the Fee-In-Lieu of Parking Ordinance allowing developers to pay a fee in order to have their parking requirement

waived, with the idea that people would be able utilize this facility through fees that are generated through that program to assist in funding this project. Mr. Watson asked staff to expound regarding the old tunnel that was boarded up years ago at this site. Mr. Lyman said the Overstreet underpass is in the Second Street right-of-way (ROW) through Telephone Hill and exits behind the State Archives Building next to the Goldbelt Hotel, which is approximately 300,' although there is no proposal to open, modify, or utilize that tunnel at this time. However, USE2008-00013, the AUP for the Parking Garage, states that the design should not cut off access to the tunnel or preclude the future opening of it for possible pedestrian use. He stated that CSP2007-00007 encompasses both projects and is consistent with Title 49 if the required Land Use permits are granted. The project is consistent with the Comp Plan that includes the Long Range Waterfront Plan (LRWP) if the recommended conditions are included in the PC's recommendation to the Assembly, and the project is consistent with the CIP. He stated that the applicant is agreeable to most of the recommended conditions on the three reviews. He referred to a memorandum provided to the PC from Rorie Watt to Dan Bruce dated April 8, 2008 addressing Parking Garage proposed conditions. He said Mr. Watt requested the hours of operation restriction be changed from 8:00 a.m. to 8:00 p.m. to 7:00 a.m. to 7:00 p.m. for construction activities. He said doing so fits within the requirements for construction-related noise within the City. He also addressed construction regarding traffic impacts during the morning and evening weekday peak traffic hours, asking that trucking be limited to no more than one truck trip every 15 minutes. He does not have any problems with either of those requested modifications to those conditions. In terms of the Trees/Screening request, he said they could possibly amend the requirement of screening the rock face behind the Parking Garage, although he hesitates to entirely eliminating that condition because it is possible to include public art and vegetation into that location. He said through an additional memorandum provided on the same date, the applicant is requesting that Conditions 1, 4, 5, 6, 8, 9, and 10 be removed and placed for consideration under the CSP review. He completed rewriting some of those conditions today, and has not yet discussed those changes with the applicant. He referred to his memorandum the PC dated April 8 regarding amendments to some of the conditions. He recommends consolidation of Conditions 1 and 5 into a new Condition 1, which staff is recommending for health and safety reasons, and added a second paragraph to Condition 4.

Mr. Lyman noted that a letter was provided to the PC from Randy Wanamaker regarding the Transit Center, stating that the vendor space might only contain vending machines. However, he did not feel that would assist in terms of providing the public safety aspect for 'eyes on the street.' Therefore, if the Transit Center is going to be staffed, he felt it should be visible to the waiting area. Mr. Watson felt that recommending hours of operation for the Transit Center might be somewhat premature. Mr. Lyman replied that when different mixed use spaces are provided in a general area that have different hours of operations, they eventually begin to balance out and provide that observational security throughout the course of the day. He explained that this vendor space might only be open from 6:00 to 10:00 a.m. and close midday when transit ridership is down, and then reopen from 3:00 to 8:00 p.m. The movie theater is busy from 7:00 to 11:00 p.m., so there are people in the area, along with others in town patronizing restaurants at other times. He noted that the vendor space is not supposed to act as a police facility to provide 24-hour observation of the Transit Center, and instead it is just one more set of eyes watching to ensure people are not acting inappropriately and unsafely. He said the method in which that police substation facility is supposed to be designed is that the public

should not even know if there is a police officer present, and that unknown question should dissuade people from acting inappropriately even when the police are not present. Ms. Gladyszewski stated that police officers usually do not venture too far away from their vehicles, so people would generally know they were not present at the substation if their vehicles were not in the lot. Mr. Lyman agreed, however police officers often utilized a bicycle, or are on foot while patrolling the downtown area. He said the only recommendation is that what is built ought to be staffed.

Mr. Lyman said to justify Conditions 1, 4, and 5, he cited an excerpt of the LRWP on Page 26, which states, “Where opportunities present themselves...consider the development of new parking areas on upland parcels and encourage clear linkages connecting these facilities to waterfront and downtown areas.” He stated that several comments were provided stating that this site is contrary to the LRWP, which it is not. Instead, it is considered an upland parcel in the LRWP, as it is located across Egan Drive from waterfront property. Regarding public safety, he provided several quotes from a nationally recognized program, SafeScape, officially endorsed by the American Planning Association (APA) Board of Directors, which are utilized to build safe communities. Namely, he said the ‘eyes on the street’ and ‘buildings containing windows’ generally means that people are less likely to conduct violent or criminal behavior if there is the perception that someone might be watching. He said *Crime Prevention Through Environmental Design* (CPTED) relies on three primary principles: 1) Natural Access Control; 2) Natural Surveillance; and 3) Territoriality. He said territoriality applies primarily to private structures, such as a residence or place of business. Through the use of these principles, the physical environment could be modified or designed to eliminate the opportunities for crime to be committed. Therefore, he believes if they design this facility correctly, they could reduce the incidents of crime in it. However, if they design it incorrectly, they would be creating a situation where crime is more likely to occur. He referred to a subsection of *Security Planning for Transportation Facilities and Services*, stating that standards that require the elimination of ground-level storefront activities might interfere with pedestrian circulation, access to transportation facilities, and the principle of eyes on the street. He noted that these principles are unable to be provided with elaborate signs, or facade material, and instead it is only through good design. He said the applicant proposes that the waiting area of the Transit Center consist of a glassed-in box, with an entrance open on one side facing the buses. However, the PC/Committee of the Whole (COW) previously voiced concerns regarding protecting the people waiting for the bus from prevailing winds entering from the direction of Gastineau Channel, which would drive through that entrance. Another concern was if a person is in this waiting area and some unsavory character enters, that person would need to walk past them in order to exit. Therefore, the PC/COW and staff requested that another entrance be provided on the back of the waiting area; however, he noted that this was not accommodated for in this design iteration, so staff is recommending a condition be placed on the permit requiring them to do so. He stated that most people entering downtown would arrive off of Egan Drive, and the proposed building like Capital Motors/NAPA building does not foster connectivity that is called for in the Comp Plan and LRWP (Attachment B). He said the *Transit Center Report*, which the proposed facility was based on, identifies the spatial elements for interior and exterior space requirements, including possible additional amenities, which are listed in the staff text for USE2008-00014, Page 5, and (Attachment A). Regarding the justification for Condition 6, he said the LRWP states Massing and Scale – Egan Drive, Page 52 and 53, which contains two sections for this

Subarea: 1) For waterfront properties; and 2) For upland properties along Egan Drive and Marine Way. Mr. Watson asked how far inland from Egan Drive does the LRWP impact the PC decisions. Greg Chaney provided Mr. Watson a map depicting the Subarea C of the LRWP. The plan states that building heights must be maintained between two to three stories, although only one story being proposed for the Transit Center. Regarding justification for Condition 8, he now agrees with the applicant that this condition does not have legal justification; therefore, he instead requests that the PC add this request as a recommendation to the Assembly and project design team. Justification regarding Condition 9; he referred to the LRWP, Page 26, regarding linkages of parking facilities to the waterfront and downtown areas. Considering that this is an area that experiences high incidents of jaywalking, he recommends that space be reserved for an overpass that might be constructed in the future. He referenced Condition 10, stating that it is justified strongly in the Comp Plan, under Implementation Actions (IAs) 4.4.3 and 4.4.5, to increase the parking supply in downtown Juneau. The Guidelines and Considerations for Subarea 6 – Downtown Juneau, (E)14 & 18 both request developing additional parking downtown as well. On Page 31 of the LRWP, he said it states that more parking should be provided in Subarea C in the area where the project site is located. Certainly the project overall is already consistent with the Comp Plan and LRWP statements and guidelines, although it would be more consistent if they included more parking spaces. He stated that Condition 8 on USE2008-00014 also appears as Condition 6 on CSP2007-00007, and Condition 9 on USE2008-00014 also appears as Condition 7 on CSP2007-00007, therefore these modifications apply to both staff reports. He referred to Attachment C, which is a surface parking lot drawing by CDD staff of the Transit Center, which indicates an increase in the number of spaces to 50. He noted that there are several other iterations by the applicant that depicts less parking spaces ranging from 29 to 43. However, as long as they could meet the dimensional requirements of Title 49, he believes they should obtain as much parking on this lot as well. Ms. Waterman said pedestrian flow is just as equally important as the number of spaces in this surface parking lot. However, no plans reflect a logical flow from the crosswalk across at Main Street to the Transit Center site. In Attachment C of the CUP, the pedestrians would cut through the landscaping areas because they are the shortest routes, which she believes they need to take into consideration. Mr. Miller said it was a well thought out addition for the back-in parking of the police vehicles in the Transit Center surface parking lot. Ms. Gladziszewski said the Attachment C diagram reflects less vegetative area than the engineering plans. Mr. Lyman explained the middle of the island and around the perimeter could be vegetated, as well as removing a couple of parking spaces to allow for additional vegetation and to provide a better flow for pedestrians. He said the surface parking design that the applicant presented is not necessarily the most efficient use of the space, noting that the Code calls for raising the pedestrian way where it has to cross access roads, except where drainage problems would result. Therefore, they might need to utilize a different type of paving as they did on Seward Street for differentiating a pedestrian route crossing from that which vehicles are able to utilize.

Mr. Lyman referred to a letter from Bob Varness the General Manager for ACS dated April 7, 2008, stating his concerns regarding the impact of blasting on their operations, and the completed project possibly impeding accessibility of GPS signals. He explained that the Telephone Building that is adjacent to the project site is essentially the central nervous system of telecommunication in Juneau. He was informed today that the US Coast Guard also routes their emergency response through this building. Therefore, any disruption to service could have

disastrous affects on Juneau. Five issues were listed in the letter, and he addressed each of those, as follows: 1) There would be no impact to the tunnel, and they intend to install bicycle racks in that area; 2)-4) These are addressed in an e-mail provided from Mr. Watt to the ACS staff, whereby he believes Mr. Watt adequately addressed these issues with ACS, as long as the project follows the recommendations that are in the geotechnical report for blasting noted in the report; and 5) This is a legal issue that the City Attorney, John Hartle, has stated that ACS needs to consult with their own attorney on , to which the ACS staff agrees.

#### Public testimony

Rorie Watt, the Project Manager representing the applicant CBJ Engineering Department (CED), said he believes the task in front of the PC is fairly simple. He provided a memorandum to the PC dated April 8, 2008, which states that the single most important issue is that Conditions 1, 4, 5, 6, 8, 9, and 10 belong under the CSP review process, not in the CUP. He said it is important that all the conditions follow the Code. He read the Code, and believes that CDD staff and the PC need to understand what that Code states in terms of what is allowed to be included in these use permits. He said he would continue to return to the PC on this project because more issues are outstanding that do not fit in the use permits. Those issues concern ideas people are providing that deserve due consideration. In his memorandum to the Assembly yesterday, he stated that in order to manage the public process clearly and efficiently, he is breaking comments aimed at affecting the project into the following three categories: Small Proposals for Consideration in the Project; Large Proposals for Consideration in Future CIPs, and Policy/Management Suggestions. He said if the PC wishes to propose amenities, they could recommend those to the Assembly for a future CIP, along with proposing parking management issues. In general, he agrees with the four AUP conditions for the Parking Garage, however he requested that a few modifications be made to the CUP and CSP conditions. He does not have issues with retaining the vegetation requirement, as is. The Assembly is forming an Art in Public Places Committee; therefore there could potentially be a future proposed art project that might be in conflict with that condition. He is in agreement with the hours of operations and truck hauling of excavated material time limitations. Regarding the Transit Center CUP conditions, he asked that seven of the 11 conditions be removed, and placed under the CSP review. He stated that the Design Review Board was dissolved, so those sections of the Code were struck. Regarding Conditions 1, 4, 5, and 6, he said those are design review comments, although Mr. Lyman has now consolidated 1 and 5 for health and safety reasons. He does not object to providing two entrances and exits to the waiting area, although he does not necessarily wish to construct entrances on two sides, so it might instead be two entrances on opposite ends of the structure, which he believes they could collaborate on. In terms of Condition 4 to relocate the waiting area from the end of the structure to a more central location, he instead believes this is a design issue. He said there are functional and security issues, and they have to consider what is going to happen if a vendor is closed. In doing so, he believes the waiting area on the end is visible to Egan Drive, plus it is open to the public as much as possible. He said the passengers would board at the end of the transit area next to where they wait for the bus. He previously met with the Juneau Police Department staff regarding security concerns, and how the police operate conducting their routes in the downtown area. They also met with the CBJ Transit Center staff on how they manage their workplace, and the requirements for a driver break room. He is willing to consider curved walls in the Transit Center. He noted that none of the details are complete, as they have not yet drafted building plans. In terms of Condition 6, he referred to the

LRWP, Page 53 – Figure 37, stating “Massing in Scale Egan Drive to Marine Way – maintain building heights between two to three stories, maximum of 35’ along Egan Drive and Marine Way with building heights stepping up as one moves back into the City.” He interprets that as once they are past Egan Drive from the waterfront, it does not apply to this project, although there are other portions of the LRWP where it extends to the other side of the street, but not in this area. Therefore, he said Condition 6 is not a good fit, especially in terms of a future Capitol Complex site. Regarding Condition 8, he believes as an Advisory Condition it is fine. Condition 9 for an overpass belongs on the list of Large Proposal for Considerations in future CIPs. Depending on what happens in the future on the waterfront, it might be a great idea, although it would be difficult to reserve the space. However, in some of the mock-up drawings, they have drawn an overpass that could extend from the roof of the Transit Center, which might be a logical location. He said an overpass is basically a \$1 million bridge project. Even so, if an overpass is important to the PC, he asked that they instead consider proposing it as a CIP in the future. His most strenuous objection is to Condition 10, which is depicted in Attachment C. While this drawing by CDD staff provides more parking, it does not meet the CBJ dimensional standards, has operation and sight distance problems, it has wheel stops and snowplowing issues, has narrow 4’ sidewalks, and does not meet the vegetative minimum requirements. He said their goal is to provide a pedestrian-friendly facility that contains wider sidewalks, parking that meets the standards and operation needs, and to shield the face of the garage with trees and landscaping.

Mr. Scarano stated that having the buses parking in front of the Transit Center only consists of a one-way lane. Mr. Watt agreed that it is a one-way lane, with three buses being allowed to exit independently of each other, as he did not want vehicles traveling through the site in order to avoid the traffic signal at the Main/Egan intersection, which would interfere with transit operations. Ms. Waterman stated that even though they are not privy as to the size of the actual buses, she felt they would probably consist of dissimilar sizes, due to the increased usage of the transit system and the ability to manage a different fleet. Therefore, she questions whether the method in which it is designed right now allows for four to possibly six buses. She believes a circulator bus would definitely utilize the Transit Center, as it is the anchor point that also contains the break room for bus drivers. Therefore, she believes it is important that the pull-through be accommodating to the future of a Capital Transit. However, the order of the priorities of the design for the Transit Center should be provided to the Capital Transit buses, pedestrian flow, and then the number of parking spaces, respectively. Mr. Watt said in terms of the actual design, they do not have agreement, but they have requested input from State Department of Transportation (DOT) or the CBJ Public Works Department.

Ms. Waterman stated that the drivers of the police vehicles/buses might be provided the ability to interrupt the Main/Egan traffic signal with a remote control device, so they take priority to exit the Transit Center. Mr. Watt agreed that philosophically that intersection is integrated to this project, although he felt it would be somewhat extreme to allow the bus drivers that capability, as it is a life and safety issue when the remote is utilized by emergency personnel. Ms. Waterman said Capital Transit has a very poor on-time record; therefore, while they design the Transit Center, they ought to take that into consideration. Additionally, with DOT failing to install a traffic signal at the Whittier/Egan intersection it has been rather slow in happening. She said Capital Transit changed their route to Whittier Street years ago anticipating that the traffic signal

would be installed. Therefore, knowing the reconfiguration of Main/Egan is the next project that they are depending on DOT to complete, this leaves her somewhat wary realizing that Egan Drive is a state owned highway. Mr. Watt said their configurations to Main/Egan would be funded by the CBJ and is on the CIP for July 2008, so they are not relying on DOT even though it is a state highway. He noted they are proposing modifications to islands, curbs, and turning lanes as well.

Mr. Miller clarified that the applicant did not object to Conditions 3, 7 and 12. Mr. Watt said Condition 3 is in line with the current trend to recycle, Condition 7 relates to providing bicycle parking facilities that they already planned for at three different areas on the site, and he agrees with Condition 12.

Ms. Snow referred to the letter attached to the CSP from the Juneau Commission on Sustainability dated April 3, 2008, and asked the applicant to expound on item 3. *Garage Design* to allow a future Capitol Complex to be built. Mr. Watt said it makes sense to over-design the structure that would allow for three additional floors. He said a structural engineer completed rough calculations for columns and footings that does not equate to an onerous amount of money. He believes the Parking Garage structure is the platform for a future Capitol Complex. Whether the top of the Parking Garage would be utilized as a plaza, or a series of smaller office wings, he does not yet know. However, what they are proposing actually enhances the site. He said the writer stated that the idea is likely not plausible to build a Capitol Complex over the westerly parking "wing" (Phase II), to which he disagrees, as they are not aware of the planning the engineers completed in that regard. Ms. Snow asked if full funding is in place for this project, or if there is a full funding plan in place. Mr. Watt said there is a full funding plan, which consists of sales tax of approximately \$8 million, a request that the Assembly appropriate Marine Passenger Fees of \$1.5 million for the project, they have submitted a transit grant application for \$3 million that they are completing an environmental review process for, and a request for additional sales tax to fully fund it for an additional \$1 to \$2 million. Ms. Snow asked if the Fee-In-Lieu of Parking program allowed for additional funding. Mr. Lyman said because the Assembly cannot allocate funds to particular projects, the money that is raised through the Fee-In-Lieu of Parking program is placed into the CBJ General Fund, with the intent that it would be utilized to either provide additional parking in the Fee-In-Lieu Parking area, or to reduce parking demand. Therefore, those funds could be utilized to fund the Parking Garage, Transit Center, or a circulator shuttle, noting that less than \$200,000 has been collected to date.

Ms. Waterman said the value of the property of this project is over \$3 million, with the long-term goal of the community that it be the host of a Capitol Complex. Therefore, it is imperative that the Parking Garage and Transit Center facilities are so well constructed that there is no compromise to that goal. Unlike the parking structure of the State Office Building that was supposedly built to hold several additional floors, although they discovered that it would need to be demolished and rebuilt before that could take place. Therefore, they need to guarantee that what is engineered is compatible for this future Capitol Complex addition. Mr. Watt said it is difficult to design for an unknown structure, and he does not believe that the previous design competition provided the end product they anticipated. Additionally, the selected design could not be implemented short of \$100 million. He said another design consisted of a more modular approach that has of a series of buildings stepping up Telephone Hill, including wings of

legislative offices, with an iconic architectural piece in the hillside, which might be an easier method in which to get to that end. He believes the Parking Garage needs to support that future platform, although they could not do so to support every concept. Ms. Waterman referred to Duane Miller's letter dated August 22, 2008 attached to the CUP, Plate 2 – Site Map, that contains four stories. In order to ensure they designed for the ultimate utilization of this \$3 million site for a Capitol Complex, she proposed that they consider separating the project into three phases, rather than two. She said if they followed the contour of the hill a three-story garage structure might better fit in, versus four stories, which would make it easier to manage as well. This would reduce the parking spaces from 218 to 158, which would be more within budget. Mr. Watt said the most difficult aspect of the project is rock excavation, although it is still the same amount that needs to be excavated whether it was two floors or ten. Once the excavation is completed, and then the footings are poured, he said it is a fairly repetitive construction exercise to construct the floors, so he did not believe it would be easier to manage three versus four floors. He agrees that it would be cheaper to build one less level; however, if they wished to add a fourth level later on, it would be a lot more expensive in the aggregate than doing it upfront. Additionally, they might initially complete a larger rock cut, so doing this scenario might exacerbate the visual issue in the short run. In terms of Capitol Complex plan that was selected for the plaza, he said it is located one story above the fourth-floor level. He noted that some people suggested constructing a fifth floor, although he was concerned that doing so might infringe on the footprint of a future Capitol Complex site. However, he is fairly confident that would not be the case if they construct four floors. Ms. Waterman said the three phases might consist of the following: Phase I – Parking Garage, Phase II – Unknown (could be an additional floor that might include a 'library' on top, or something that is the first step to a Capital Complex, or an unknown); and Phase III – Parking Garage additions. Mr. Watt said this is an Assembly decision, and their motivation is to provide parking, whereby several members felt that 218 parking spaces are not enough, so he believes they would strenuously argue against any reduction. He said ample parking spaces allows for growth of the Fee-In-Lieu of Parking program, which also alleviates the existing deficiencies and shortages, along with the Capitol Complex plans that requires a 200-vehicle garage, so there are a lot of reasons to retain that fourth level of the Parking Garage.

Mr. Watson referred to Condition 11, and said there could be unforeseen circumstances that require them to drive piles, which might make excessive noise. Mr. Watt said they would need to abide by the Noise Ordinance, so they would work with the building official. Mr. Lyman added that he spoke to the Project Manager in charge of blasting at the CBJ Stabler's Point Quarry, and most of the pile driving is completed by vibrating the piles, rather than pounding them in, so vibrating the piles would not be subject to Condition 11. However, if the applicant needs to incorporate changes to Condition 11, they would need to do so via a modification to this CUP.

Mr. Miller asked the applicant to expound on the response to ACS. Mr. Watt said ACS voiced specific concerns regarding potential damage and customer impacts, and for documentation regarding similar construction techniques in Alaska, or other jurisdictions, to allay their concerns, whereby two CBJ blast consultants did so. He reminded the PC that the previous video he provided showed blasting directly next to a cancer hospital in NYC. Additionally, the blast consultants stated that they drilled and shot next to a 40" water main that was 2" away,

however he is hiring experts. ACS had concerns that the proposed structure might impede accessibility to GPS signals from satellites, and he said the structure was actually lower than the ACS building. He does not believe this would be an issue, although he intends to work with ACS further on this. In terms of issues arising that degrade quality of service to ACS customers, he did not believe this project would affect that service either. He said the blasting consultants were in Juneau and visited the site, including the inside of the ACS Building to view their equipment. Therefore, before they start production blasting, they would complete fairly small blasting tests with a seismograph being placed inside the ACS Building, and possibly in the Goldbelt Hotel and Sealaska buildings. They would do so utilizing a test method, and based on that, they would determine whether or not the vibrations equal the predicted vibrations. Mr. Miller asked if they propose to continue to monitor the blasting vibrations as the blasting moves further into the hillside, thereby closer to the ACS Building. Mr. Watt replied that an urban blast engineer would monitor every blast.

**BREAK:** 8:53 to 9:00 p.m.

*Chip Thoma*, 521 W. 12<sup>th</sup> St., said he believes the Parking Garage is appropriate for the size and central location it is designed for. Being built into the hillside, he said the superimposed photograph shown by staff shows no real impact on the view plane. He wishes the Parking Garage were twice the size than what is being proposed and connected to the Goldbelt Hotel, and felt bad that Goldbelt did not agree to that proposal. The price of construction materials would drastically increase over the next several years; therefore, they should contemplate a second phase addition to expand the spaces to 300 or so. He recommends vending machines, instead of actual vendors year round. During the summer there are numerous people that volunteer through the Juneau Convention and Visitors Bureau (JCVB), so they might consider planning for a small tourist kiosk, which the JCVB volunteers could staff. They should install a change machine, water fountain, bathrooms, a bus token machine, and provide transit schedules. This is an area to park and catch a bus, and should not be a place to eat, nor should riders be eating on the buses. Most importantly, in terms of security of the Parking Garage, they should leave the structure wide open, well lit, and to also clean it frequently. He suggests installing security cameras in both the Parking Garage and Transit Center, noting that they do not even have to work. He said security cameras are effective because people generally respect them, so they do not conduct inappropriate behavior when cameras are present. The safety islands proposed on Main Street are important, just as the island between the City Hall and Merchants Wharf is, and he wishes they would install an island further down on Egan Drive as well. He believes this project is consistent with the LRWP, as the intention is to remove vehicles from parking in the waterfront areas.

*Liz Dodd*, 521 W. 12<sup>th</sup> St., said she was born at St. Anns Hospital, and has resided in Juneau her entire life. During a recent meeting, she said Mr. Watt categorized people's comments, and placed her into a category labeled 'philosophical.' However, her comments tonight relate to urban planning, which is a science. Therefore, she is happy to talk to group of planners discussing planning issues, versus an engineer about the pros and cons of the structure itself. In terms of urban planning, transportation is paramount because it is the one item that could make or break a city. Transportation controls the industry, commercial operations, neighborhoods, where roads are built, and where transit routes are located. The Parking Garage is a huge deal,

which they intend to build first, and then work on a downtown-parking plan later on. She said Mr. Watt stated last week that he did not know if they were going to charge parking fees or not. She instead believes that the Parking Garage has to fit into a plan regarding how they intend to move people around. The people they wish to move around in Juneau to solve the downtown-parking problem during the weekdays is a commuter management problem, not a parking problem. Hundreds of people get in their vehicles every morning in the outlying areas and drive to town and park their vehicles, and then leave their vehicles all day. There are no parking issues on the weekends, which is a situation they should hope to achieve with this parking garage. She said the lack of vitality of downtown is not parking because people do not come downtown and park to shop on weekends, as downtown is not a good place to go to anymore. However, they are now building a Parking Garage to take the vehicles off the street, and are going to spend \$15 million to do so. Instead, the question is how they could better utilize those funds to get large groups of commuters into town. She works in the Terry Miller Legislative Office Building, and when the legislature is in session, there are parking congestion issues, so there is no place for locals to park. She is not able to go home for lunch because she would lose her parking spot. Therefore, the question is how do they get all the commuters into town at the beginning of the day and back home at the end of the day. Juneau is not the first city that has to tackle this problem; it is happening all over the world and they are not building parking garages, which is instead 1959 planning. She said the trend is to tear parking garages down, as most cities are utilizing small commuter buses. For example, if she resided in the valley she would go inside the warm and centrally located park-n-ride facility in the area (that they could build instead of the Parking Garage) and swipe her commuter card. She would then view the reader board while she drank her coffee and read the newspaper, and the board would state 'Chicken Ridge #15 is going to be here in four minutes.' She would then get on that commuter, along with other downtown employees. The commuter bus would drop her off at the 6<sup>th</sup> Street entrance to her workplace, and she would only need to walk about 10' to get in that building in all types of weather. It would continue down from 6<sup>th</sup> Street, and drop people off to other offices along the way. Meanwhile, others might get on the same commuter bus at the Capitol Building, which would return at the end of the day and complete the same route. She said this would allow people to get out of their vehicles and utilize transit, which they want to do. She noted that when the ballot measure passed in 2005, the fuel price was \$1 cheaper than it is now, so the commuter patterns are changing. She quoted an article in the Anchorage Daily News, "Mat-Su Residents Choose Public Transport, business is booming on the Matanuska-Susitna community transport." She said they had to purchase 10 buses, and they are contemplating purchasing five more, noting that they obtain a lot of federal funding to do so. She noted that commuter buses have the capacity to hold approximately 20 passengers that costs about \$100,000. Therefore, if Juneau purchased 20 commuter buses at \$100,000 each, they would spend \$2 million, put another \$1 million into a nice park-n-ride, and build some other facilities making it comfortable for people to park their vehicles and ride the commuter buses. This would get the commuters in/out of downtown while their vehicles remained at home, and they would shop downtown on their lunch hours because they would not be running out to Costco or Fred Meyer. She said this is the method in which they should control commuters in this community because it is the way it is now done in the 21<sup>st</sup> century. With this Parking Garage, they are signing on to a strategy whose time is gone forever, which she feels is a mistake. In the 1970s, Portland, OR began to tear down parking garages, and turn parking lots into parks, which she feels is now a good place to be that has transit everywhere. She said this did not happen because the citizens of Portland

decided that they were going to change how their city was, rather it happened because a few planners had the vision to do what was right, which was to lead. Only then did people get into taking those buses and trains, and now those citizens think they thought of it, although they fought and voted against it. She said the time to do so for Juneau has come, and this is the point on which they should pivot. People claimed at the meeting last week that there has been a lot of public process, and even though she reads the local newspaper every day, she did not understand for whatever reason that it was going to be a huge 218-vehicle Parking Garage. She was not here a year ago, although she is now, which she does not believe is too late. She intends to speak to the Assembly, and everyone that she runs into to in order to continue to attempt to build a movement to support anyone who shares her vision to get the direction changed because, as too much is at stake.

Ingrid Jodson, 5010 N. Douglas Hwy., said she apparently missed critical Assembly and PC meetings in the past on this project. She first came to Juneau in 1962 for two years, and then moved to the Lower 48 to attend college. She returned to Juneau in 1972, and except for educational absences, Juneau has been her home for the past 36 years. She believes that mass transit is the best answer to the downtown parking situation. If there were more frequent runs to the valley every 15 to 20 minutes, more people would avail themselves of bus service. If there were also small feeder buses into the various neighborhoods to shorten the length of the bus rides, more people might be in favor of the idea. When she previously resided in the valley, she had to catch the bus at 6:20 a.m. to arrive to her office by 8:00 a.m., which included walking almost a half-mile to get to/from the bus stop each way. Another consideration for utilization of the bus service would be a tiered or color-coded system, so that people going to work would pay one price, and another pass for people who travel around the valley to shop. This would create an overall reduction of pollution and cessation of private vehicles, allowing the buses to pay for themselves. She felt that businesses and government offices might offer incentives to employees by purchasing a portion of those worker's bus passes, along with businesses offering discounts to customers that utilize mass transit. She said it might be time to reconsider the previous proposal to run a light rail out to the valley by Bill Leighty. During her travels to Australia and New Zealand, she utilized trains and buses to commute everywhere, which was so efficient. She said they should consider carpooling from a centralized parking lot in the valley, with the options to utilize bus service or park their vehicles and ride with others. Another possibility is to utilize a barge that is tied up near the Yacht Club or Rock Dump where people could park their vehicles, and then catch a commuter bus into town. Much has been done to the downtown area to make it attractive for tourists, although it might be time to improve it for locals. When they speak of improvements, they need to focus on the 'greening' of downtown, as it has become a concrete and brick environment. There are a few planters around downtown, along with the median being planted in the summer. However, a park in the middle of town, where the Parking Garage is proposed would be a vast improvement to the area. She stated that not only would it be visually aesthetic, but it would provide for cleaner air and a place for people to recreate and relax. They should become proactive in lessening the impact on the environment in Juneau to ensure that the citizens' collective carbon footprints become lighter for not only ourselves, but for the children, grandchildren, and future generations as well.

Bob Sylvester; PO Box 22487, said he resides on Dixon St. He agrees with the two previous testifiers. He does not believe that anyone has made a rationale case that this Parking Garage is

the most cost-effective answer to the parking congestion issue, which is the least that they should all be asking for. He supports the Transit Center, although if the debacle of a Parking Garage is built, people would be exiting the garage and driving downhill through two crosswalks on Main Street where it is difficult to stop. Therefore, he recommends installing lighted crosswalks, such as those that are installed on Douglas Highway past the roundabout that lights up when people utilize it. In doing so, he felt it would provide people driving downhill from the Parking Garage an indication that people on foot were utilizing those crosswalk areas.

*Dixie Hood*, 9350 View Drive, said she has resided in Juneau 35 years, and is a current downtown business owner for the past 23 years, with office at one time on South Franklin, which is now on Seward St. While her business was on South Franklin, she had an assigned space in the Marine Park Parking Garage, and then subsequently she was able to park elsewhere downtown. She found out that JPD categorizes Cope Park and the Marine Park Parking Garage as the two most dangerous sites in Juneau. She explained a previous occasion when an EMT scoped out the garage ahead of her to ensure it was safe. On many other occasions when she entered that garage there were people in the corners drinking, so she carried her keys to use as a weapon and to gain quick access to her vehicle. Therefore, she decided that she no longer wished to park in that garage, and resorted to parking on the street and has never had a problem locating an on-street parking space. She said there are talented and intelligent planners in the CBJ Community Development Department (CDD) who are not being encouraged to provide the best planning for the community in terms of this project. She referred to the Comp Plan that was adopted by CBJ last summer, is a commitment to Best Management Practices (BMPs) – [*Note: This was an incorrect statement, which is later clarified by Mr. Lyman – see below*]. Therefore, she felt it is backwards to first build the newly proposed Parking Garage, and then later institute a parking management program, which is certainly not utilizing BMPs so it is inconsistent with the Comp Plan. She obtained *The Downtown Juneau Transit Center Final Report of 2002* (Transit Center Report) that states the comparison between the properties near the Centennial Hall and the Main/Egan areas, that on every measure the property near the Centennial Hall was considered superior, with a final recommendation to have the Parking Garage/Transit Center located there. That other site would be able to accommodate five buses, although the Main/Egan location at most could only accommodate four. The main concern regarding mixed use and safety is that the other area is the location for arts and cultural activities during the daytime and nighttime that would have people moving around and interacting. However, the Main/Egan site would be mostly dark at night, as most of the businesses close in the evenings. She noted that Mr. Watt responded some of the points she previously made in *The Juneau Empire*, and he stated that there are fatal flaws to that report that has never been adopted, so she is curious to know what those fatal flaws are. All she could figure was that the fatal flaw is that it is not where the business community wanted it. She said the project is inconsistent with the LRWP on that the land on which it is proposed, which is not in the plan. She said the LRWP illustrates a new Capitol Building, which makes reference to it being a dramatic central focus in Juneau's downtown waterfront on Page 31, Figure 21. She said Page 50 – (paragraphs one and three) includes comments pertaining to what needs to be done about the Marine Park Parking Garage in order to make it a reasonable facility for the public, which mentions the types of mixed uses that has been rejected by the Assembly for the newly proposed Parking Garage. Therefore, she said the old parking garage is not even fixed appropriately per the LRWP, and the new Parking Garage would just repeat some of that bad planning. On Page 51, there is an illustration (C-3) of

a Capitol Building, with a green landscape in front of it, stating the importance of it in terms of it being a visual landmark and the gateway to downtown Juneau. Therefore, to think of a three- or four-story Parking Garage located on Main/Egan, no matter how the facade is aesthetically enhanced with stonework or grillwork, it would still be an eyesore that is the gateway to the community for visitors and residents, which is a preposterous and obscene use of a prime real estate. She said it is the PC's responsibility to adhere to the Comp Plan and the LRWP. Even though the Commission is not able to alter designs of projects, all projects need to be compliant with CBJ adopted plans. She said the Comp Plan has many references regarding transportation issues, and she referred to Page 119 – Policy 8, that deals with transportation, which she cited. *[As previously noted: Mr. Lyman clarified for the record that the Comp Plan document Ms. Hood referred to is the un-adopted 2007 Draft Comprehensive Plan Update, which is not binding. He stated that the policy she is referring to is in the adopted 1995 Comp Plan on Page 92, which is worded differently, which he also cited.]* Ms. Gladziszewski noted that although they are both similar, the difference is the 2008 Draft Comp Plan refers to greenhouse gases, versus the adopted 1995 Comp Plan that refers to energy. Ms. Hood said the Transit Center Report mentions that the growth of the community is moving in a westerly direction, and the area surrounding the arts and cultural center is where there is going to be a lot more development. Additionally, the downtown South Franklin area is essentially dead, except during the tourist season, so many of those businesses are closed the rest of the year, therefore the idea of having a parking garage to create a more viable downtown does not make sense. She composed a letter stating that there are violations in terms compliance with those plans regarding this proposed project, which she read to the PC. She presented this letter, with the signatures of five registered voters, to the CBJ City Clerk's Office in preparation for a ballot initiative to stop this project. Mr. Watson asked in her estimation where she considers the core of the city to be located. Ms. Hood said the portion of downtown that is alive is down near Seward Street and between 2<sup>nd</sup> and Front Streets that has business activities, consisting of the Silverbow, commercial operations that are open year round, and the Nickelodeon, which people frequently utilize. She frequents the Silverbow because it has free movie nights and they hold public activities and meetings, so it is a lively entity. Mr. Watson referred to the five weeks of holidays, consisting of Thanksgiving through Christmas, whereby the downtown merchants approached the CBJ each year to waive parking fees in order to encourage shoppers to visit downtown. Additionally, the Downtown Business Association (DBA) has taken the position that parking is an issue for potential customers. Ms. Hood replied that she did not view waiving parking fees as providing much incentive in terms of shopping at that time of year; however, the 'first Friday events' each month brings people downtown.

*Bruce Simonson*, 523 Harris St., provided a handout to the PC. He said the location of the Parking Garage is inconsistent with all of the plans that were proposed by architects for a Capital Complex, and instead were located further up Telephone Hill, so the parking is not between the proposed Capital Complex and the waterfront. An obvious motive is that this project is perceived as being the start of building a Capitol Complex. He is not aware that DOT gathers any statistics regarding more than one passenger to a vehicle; however, DOT provided a February 2008 report summarizing traffic and safety through 2006. The report includes traffic counts at the Channel Drive intersection that reflects more traffic flowing in/out of town on weekdays, not on weekends. Although during the hours of the day, it shows peak traffic at 8:00 a.m., and then another leaving town at 5:00 p.m. From 1960 through 2006, it shows the number

of traffic counts for inbound/outbound traffic that reflects a general trend between 20,000 to 22,000 vehicles of average daily traffic. He and a friend recently counted vehicles with a 'driver only' and others with a 'driver and at least one passenger' carpooling inbound on Egan Drive from the Juneau-Douglas High School overpass on April 3, 4, and 7, 2008 during the morning hours from 7:00 to 8:30 a.m. He is referencing commuters that pay to drive and park their vehicles downtown, go to their offices all day, and then pay to drive home in the evening. He found that 18% of the vehicles had a driver and at least one passenger, and 16.5% had only one driver. He said 139 vehicles went by between 7:55 a.m. and 8:00 p.m. that had one person in them, and 30 had two or more persons. He expects that if the percentage of carpooling vehicles increase during the morning 'drive time,' as follows from 18%; to 20% (1 in 5 vehicles) – 34 spaces are saved, to 25% (1 in 4 vehicles) – 103 spaces are saved, to 33% (1 in 3 vehicles) – 203 spaces are saved, and 50% (1 in 2 vehicles) – 378 spaces are saved downtown during the day. He stated that the DOT report shows a leveling off of daily traffic southbound on Egan Drive starting in 1998, with a continuous downturn in daily traffic beginning in 2004. However, he said it would be interesting to know if those downturns are due to a reduction in population, or to an increase in carpooling and other shared modes of transportation, or other factors. In March 26, 2008, Reuters states that from December 2006 to December 2007 the travel miles fell 3.9% in the US. He stated that not only are people driving less because of high fuel prices, they are purchasing more fuel-efficient vehicles and utilizing public transit more. To drive from Riverside Drive to Main Street roundtrip is 20 miles, which burns one gallon of gas for a 20 mpg vehicle/day that costs around \$3 dollars per gallon, which equates to a minimum of \$15 dollars/week commuting to town, plus parking fees. He said the issue is not the insufficient number of spaces in downtown Juneau, and instead it is too many vehicles. Other cities are providing incentives to carpool, whereby the CBJ might designate free parking spaces for carpoolers in the existing parking garage, which is already monitored. If one carpooler parked in the garage, it would free up two spaces of on-street parking spaces. He said each of those existing parking spaces cost \$60/month; over 20 years the CBJ would lose \$14,400 for two spaces; however, he said this is less than building two new parking spaces in the proposed Parking Garage that would cost \$100,000. He believes in 5 to 10 years people are going to desire cheaper commutes, not parking garages. Therefore, people are going to wonder why the CBJ built a Parking Garage, instead of figuring out better public transportation, including not anticipating the need to commute. He said it is not under the PC's purview to interpret the 2005 vote on this project, although he believes it is to solve the parking problem and create a Transit Center, which is what he voted for. However, he is now being told that the CBJ is interpreting that vote to justify building a Parking Garage/Transit Center, which is not what he voted for. He has an objection to the current design proposed for the Transit Center that is only 1,600 square feet, and the voters were told that it was going to be \$2.3 million of federal funds that would be allocated to pay for the transit component of this project. He said \$2.3 million could provide for an excellent 1,600 square foot edifice. However, the CBJ no longer intends to spend \$2.3 million solely on the Transit Center, and instead most of it would be spent on the Parking Garage, which is inappropriate. He said the Transit Center should be built so it encourages people to utilize public transportation. He has traveled around the world, and found that transit is the choice, rather than the grudging alternative. He said it is in the PC's purview to thank the CED for their effort, but the PC needs to state that they expect a better Transit Center that functions as a hub of public transportation, rather than providing a method to queue people up and move them about. He said this is a waste of Juneau's best downtown real estate, which he

believes would soon be empty as years go by because people could no longer afford to drive individual vehicles and park in it.

Larry Spencer, 356 Highland Dr., said he is a member of the DBA. He stated that the last presentation was very informative, however, this project as proposed by CED recognizes the reality of individual preferences to drive vehicles, and also combines the promotion to include transit for others. He said the 2005 ballot measure did pass, and the information pamphlet addressed a parking facility and a number of parking spaces that were going to be built. Therefore, he is surprised that people are stating that they did not realize parking was part of the initiative. The reason the Parking Garage is going to be built on this site is that unfortunately the previous Marine Park Parking Garage serves the surrounding South Franklin area, which does not effectively serve the Capitol Building, the State Office Building, or other upland businesses. Therefore, the new Parking Garage would serve the lifeblood of the year round downtown community, which surrounds Seward and Front Streets. The Parking Garage does not mean dedicating more urban land to parking, and instead they are going vertical so are effectively utilizing less urban land for parking. He has witnessed throughout the years a conversion of scattered parking lots in downtown, which is encouraged by the Comp Plan historic section, and are now utilized as retail, office, and residential spaces, and other uses. There has also been a major shift from large parking lots on the waterfront to eventually convert those to other urban uses. Therefore, he believes the net result of all these conversions of parking lots is that there would be fewer parking spaces downtown. He feels that the previous testimony regarding carpooling and mass transit might assist to somewhat balance this, and it would also permit the base for future the development of a Capitol Complex, and the Goldstein lot to be converted to restaurants and retail space. If they are going to build a Capitol Complex, they need to provide for parking, so this is one incremental step to do that. He endorses the process being pursued by the CED who has engaged with Capital Transit, JPD, the DBA, the Juneau Chamber of Commerce, and the Alaska Committee. He asked the PC to avoid locking out this collaborative design process by locking in too many conditions to the CUP that are design features, not necessarily land use features. He said parking is an important component for downtown, and he believes they should construct all four floors now, and limit the project to two phases. The members of the DBA endorse this project, and are now requesting for the PC to support it. Not as a representative of the DBA, he personally agrees with Ms. Hood that adding security to the parking garage is important, although he disagrees that fake security cameras should be utilized, and instead prefers that real cameras be installed. He said although security cameras might not be monitored 24/7, they provide for a rapid recall if there is a security problem. He said a neutral facade utilizing a metal screen is important, as they do not know what a future Capitol Complex facade might entail. He believes that it is important that some of the Transit Center funding is provided for the Parking Garage, as the Transit Center is displacing parking to its parking lot. He would appreciate the PC reducing some of the myriad of conditions that might be attached to this project in order to let the design process move forward.

Doug Larsen, 137 Gastineau Ave., said he has resided in downtown for 32 years, and witnessed the evolution of public discussion regarding parking. For 32 years the CBJ discouraged people from driving downtown, and as a consequence it died. He said this Parking Garage would centralize parking from the small parking lots that comprise 30% of downtown, which would allow downtown to be built out. This would provide for more restaurants, shops, condominiums,

and residents, so downtown would become alive again. He is tired of living with drunks, and litter blowing up against boarded-up windows. When people are discouraged from driving downtown, they instead shop at Costco and Fred Meyer. Carpooling is great, although carpoolers do not stop at Fred Meyer for groceries on the way home, so people are going to drive their own vehicles anyway. He said it would hopefully be an electric vehicle in the future, although people are still going to drive them. He said the CBJ has pushed businesses into residential neighborhoods downtown, which is not fair to either group. The new Parking Garage would provide the business people to pay for their customers' parking, which they could easily do within the Mixed Use District. This would alleviate customers driving around to locate on-street parking, and it would free up those on-street parking spaces. If they had fulltime police presence in the Transit Center, with a dispatcher to provide a year-round uniformed officer, this would eliminate many safety concerns because the dispatcher could have police officers onsite in a matter of minutes. His vision for the Transit Center is for a smaller version of the existing ferry terminal waiting room area at Auke Bay, and instead of containing a ticket office it might contain a police dispatcher windowed area. He said the waiting room should contain high ceilings to prevent it from being claustrophobic. He does not care for the idea of two or three floors over the top of the Transit Center, as that would essentially create a huge wall, rather than inviting people around the corner and into downtown. Instead, he prefers that it remain at a lower profile to match the existing hillside. He likes Mr. Watt's proposed design because he feels that people would chose to utilize it, and it would allow downtown to live again.

*Maureen Conerton*, 214 Dixon St., stated that today she drove through the current Marine Park Parking Garage at 11:00 a.m. and witnessed 140 empty parking spaces, which means people are choosing not to park there. Last week, she witnessed more than 140 vacant parking spaces. So she asked why they did not run a shuttle from that garage to the upland business areas of downtown so people might choose to utilize it. Even though she realizes that smaller downtown lots would be closed, she did not believe people would utilize that existing garage, and instead would park on the street. She is impressed with Mr. Simonson's suggestions regarding carpooling. She attempted to find out what the PC's Mission Statement is, and could not locate it online. Therefore, she viewed the CDD Mission Statement, and read, "We listen to Juneau's citizens and respond to their changing needs and expectations." She said that statement was derived from an Ad Hoc Committee that was placed on a ballot, however, the new information should lead the PC to contemplate that if they approved the AUP, CUP and CSP, it allows the applicant to blow up the site of prime real estate in the downtown area for a Parking Garage that should instead be part of the Capitol Complex. She asked the PC, as planners, to reopen public testimony on this parking problem in order to obtain new ideas like the Commission heard tonight, and then make a PC decision after that.

**BREAK:** 10:17 to 10:21 p.m.

*Mr. Watt* apologized to the PC that his memorandum provided to Mr. Lyman was not provided in the PC packet. He said the memorandum dated April 8, 2008 addresses an error on the application for this project, explaining that the State of Alaska owns the land on which the project is planned and proposed. He said DOT only consented to allow CBJ to pursue the permitting process, although they have not agreed to the construction of the proposed project. In the negotiations with the State, he agreed to include certain language that clarified the State's

stance on land negotiations. He asked that on Page 1 of the application, that the 'Project Location' paragraph be deleted and replaced with new language outlined in the memorandum, and includes 'Cooperative Use Agreement and Timing' language as well. He apologized for the error and confusion, to which Mr. Lyman offered to provide to the PC post this hearing. Ms. Waterman referred to Page 3 of the CSP, 1995 Comp Plan, 2) Policy 2.10, where the staff report states that "[The applicant has not worked directly with State staff in planning or design of the proposed facility; however, the State has signed the applications for this project, as the State owns the underlying land. This indicates some level of coordination between the CBJ and State on this project....] Therefore, she asked the applicant to expound on whether or not the State is on board with this project. Mr. Watt explained that he mistakenly did not include the language in the initial application that the State requested, which he is now proposing per this memorandum. Ms. Waterman referred to the 2002 *Transit Center Report* for the Centennial Hall lot, whereby they encountered this same land ownership problem with that site. Mr. Watt said this scenario is different because he has a 'Cooperative Use Agreement' with the State that CBJ has to abide by, therefore he agrees there are land issues with the state for this site, however it is a different issue. Ms. Waterman clarified that it is instead a parallel landownership issue. She asked the applicant to craft a condition of the CSP regarding the landownership in relation that the CBJ requires to have control of the land to move forward with this project. Mr. Watt suggested that such a condition could state, "Do not proceed with the project until they have an agreement from the State over the use of the land," along with amending the Cooperative Use Agreement. He added that there are a number of different methods to which they could make that happen. Ms. Waterman requested that be Condition 1, stating that Mr. Watt and Mr. Lyman would craft final language that precisely states what is required. Mr. Watt said until the Use permit issues are resolved, and until he is allowed to obtain them, he is not able to apply for Building Permits. Therefore, he did not know whether this requested condition was required, although it was not out of line either. He said the Code issues are his mantra, as all good ideas have a place. The Assembly informed him that they wished for the CBJ to construct a Parking Garage/Transit Center, therefore he is doing so to the best of his ability, and is not recommending other options, e.g., a swimming pool or bus circulators, which is not his role. However, people should funnel their comments to the Assembly, as this is an Assembly level decision. He did not believe they had disagreements regarding the AUP. He has made his case on several of the conditions staff placed on the CUP. He referred to the LRWP, Page 54, which depicts an illustration that shows the Main/Egan intersection, which states, "Maximize sidewalk widths." Therefore, he referred to Condition 10, stating that is what he has to contend with, even though Mr. Lyman quotes the Comp Plan regarding this, he is sure that plan states other considerations as well, so they have conflicting issues. However, he is attempting to accommodate many uses, and does not believe it is fair to focus solely on that Condition 10 issue. He stands by his memorandum provided to the PC regarding the Transit Center proposed CUP conditions. Finally, regarding the CSP, he stated that the PC is able to communicate with the Assembly on any point that they wish to, although he does not know that the PC has availed themselves of that opportunity as much as they are able to. He feels the process was there for ongoing communication at any time during the past seven months, whereby the Commission could have been stating the issues they wished to work on with the Assembly, which they are still able to do. Therefore, the City-State process is not a hard-and-fast or over-and-done-with process today, which would go on. He said there are other ongoing projects, i.e., the CIP would be up for review, and the PC should provide recommendations on new projects that the engineers

are not presenting. He appreciates that people are providing testimony on the project, and because they wish to do it differently, it should not be a surprise. Mr. Miller stated that due to the lateness of the hour, he asked which of the three permits the applicant preferred the PC to focus on. Mr. Watt said he considered all the permits as being hurdles, and he requires all of them, however the AUP has the least objection. As he has gone through this process, there are people that do not want this project to take place, and he is not able to convince them otherwise. Until they get past that, he did not believe they are able to hold meaningful discussions with all parties regarding how the project could be made better. Therefore, any action on these permits by the PC should move this project forward.

Public testimony was closed.

Mr. Lyman requested that although this was somewhat out of order, there were a few points raised during public testimony that he wished to address, to which the Commission agreed. He stated that in terms of mixed use, and whether or not the vendor space should be active in the Transit Center. He clarified that the *Downtown Juneau Parking Study*, Transpo Group, 1999, states that the vendor or information section in that facility would not need to be profitable, and that it is not recommended from an economic standpoint. Instead, it is recommended from a customer service point of view, including interaction with the community, which might need to be subsidized. Therefore, they did not envision for-profit vendors utilizing space at the Transit Center area. Additionally, there was a question regarding what would be required to install a second story on the Transit Center that did not have windows. He said such a project would require a new CSP review process by the PC for conformance with Title 49, the Comp Plan, and the CIP. Regarding Attachment C of the CUP for the CDD example of the alternative-parking plan for the corner of the Transit Center site, he clarified that the sidewalks are drawn between 8' to 10' wide, not 4'. The comment regarding installing lighted crosswalks across from the Parking Garage utilizing similar technology to what is installed at the intersection of Cordova Street/Douglas Highway, he explained that the State experienced tremendous problems with that type of technology, which constantly breaks down, so as soon as the warranty is over and the manufacturer is no longer fixing it for free, they intend to remove it because they do not work in Juneau. Finally, in regards to State approval in applying for a Building Permit, he clarified that the CBJ Land Use Code requires the property owner to sign the application for a Land Use permit, although the Building Code does not require the property owner to sign approval for this type of application.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit, USE2008-00013. The permit would allow the development of a four-story parking garage at the Main St. and Egan Drive (Telephone Hill) site, and is subject to the following conditions:

1. Drilling, blasting, and pile driving (should any be required for the proposed project, although the geotechnical report does not anticipate the need for pile supports) are prohibited between the hours of 8:00 pm and 8:00 am, Monday through Friday, and between the hours of 8:00 pm and 10:00 am on Saturday and Sunday. This condition supersedes the provisions of §42.20.095(b); the Building Official is prohibited from issuing a construction Noise Permit to allow the operation of the types of machinery listed in that section during hours not otherwise permitted. Pile driving accomplished by

vibrating the pile while gravity pulls the pile into the ground is exempt from this condition.

2. ~~No hauling of excavated material or other heavy machinery traffic related to project construction would be allowed on public rights of way between the hours of 7:30 am and 9:00 am, and between the hours of 4:00 pm and 6:00 pm, Monday through Friday~~during the AM and PM weekday peak traffic hours, that trucking be limited to no more than one truck trip every 15 minutes.
3. A sight-obscuring fence must be installed along the top of the rock face to screen the top of the parking garage from view from the adjacent residences. This fence must be at least four feet high to ensure that it accomplishes its purpose of screening the top of the garage from view from the adjacent residences, but may be no taller than six feet, lest it become visually unappealing itself. The applicant will work with the residents of the adjacent structures to come to a consensus on the final height of this fence.
4. A mixture of deciduous fruit and evergreen trees shall be planted on the bench or ledge that the applicant has stated will be located part way up the rock face to the west of the project site in order to screen the upper portion of the rock face from view year-round while still providing the reference to historical gardens and fruit trees on Telephone Hill.

**Advisory Condition:**

The July 25, 2007 letter from Frank Lucca, Terra Dinamica, LLC to Don Beard, Tetra Tech/KCM, Inc. and the August 22, 2007 letter from Paul Ramert and Duane Miller, Duane Miller Associates LLC to Donald Beard, Tetra Tech, Inc. are considered part of the application for the requested permit, and compliance with all recommendations and considerations listed in these documents is required; these recommendations and considerations will be made conditions of any relevant building permit issued for the subject project.

Commission action:

Mr. Satre asked if the Commission is allowed to address the AUP and/or CUP, without first addressing the CSP. Mr. Pernula said the CSP could be a continuing process, however it is such an integral portion of an overall review of the project by the PC while they reviewed the AUP, he encouraged the Commissioners to review them both.

Ms. Gladziszewski referred to the Findings that are not included as conditions of the CSP, nor are they included in the PC's final recommendation to the Assembly. She added that the PC did not receive this material until yesterday; therefore the Commissioners had a lot of material to read in the past 24 hours. Mr. Lyman apologized, and explained that on Page 20 of the CSP, he consolidated all of the Findings from any adopted plan, provided the sources, and the planning rationale, which is the method in which the City Attorney requested that staff reflect exactly where the Findings were derived from. He noted that the analysis is lengthier and relates to discussions, so it is easy to lose important items. Therefore, he took a snapshot of the 'meat' of the matters contained in the Findings, which also contain the sources of where those were derived from, including the types of recommendations they are making for conditions to the permits. Under the actual Recommendations, staff is stating what they think the PC should do. The recommended conditions do not contain rationale or sources listed, which instead is stripped down to more definitive recommended conditions. He noted that the staff reports intentionally

provide for duplicate information regarding the presentation of staff's Findings and Recommendations in the reports.

Mr. Miller stated that he believes that the conditions placed on the AUP, and then the CUP, would then meld into the CSP. He felt they could do so by making a list while the PC reviewed those Use permits, which they could consider later when they reviewed the CSP.

Mr. Satre stated that based on the conversations with staff and the applicant, it appears there is a consensus on the direction that the PC should take in terms of the AUP.

***MOTION:*** by Mr. Satre, that the Planning Commission adopts the Director's analysis and findings and grants the requested Allowable Use permit, USE2008-00013. The permit allows the development of a four-story parking garage at the Main St. and Egan Drive (Telephone Hill) site, and is subject to the following conditions:

- 1. Drilling, blasting, and pile driving (should any be required for the proposed project, although the geotechnical report does not anticipate the need for pile supports) are prohibited between the hours of 8:00 pm and 8:00 am, Monday through Friday, and between the hours of 8:00 pm and 10:00 am on Saturday and Sunday. This condition supersedes the provisions of §42.20.095(b); the Building Official is prohibited from issuing a construction Noise Permit to allow the operation of the types of machinery listed in that section during hours not otherwise permitted. Pile driving accomplished by vibrating the pile while gravity pulls the pile into the ground is exempt from this condition.*
- 2. ~~No hauling of excavated material or other heavy machinery traffic related to project construction would be allowed on public rights-of-way between the hours of 7:30 am and 9:00 am, and between the hours of 4:00 pm and 6:00 pm, Monday through Friday~~ During the AM and PM weekday peak traffic hours, that trucking be limited to no more than one truck trip every 15 minutes.*
- 3. A sight-obscuring fence must be installed along the top of the rock face to screen the top of the parking garage from view from the adjacent residences. This fence must be at least four feet high to ensure that it accomplishes its purpose of screening the top of the garage from view from the adjacent residences, but may be no taller than six feet, lest it become visually unappealing itself. The applicant will work with the residents of the adjacent structures to come to a consensus on the final height of this fence.*
- 4. A mixture of deciduous fruit and evergreen trees shall be planted on the bench or ledge that the applicant has stated will be located part way up the rock face to the west of the project site in order to screen the upper portion of the rock face from view year-round while still providing the reference to historical gardens and fruit trees on Telephone Hill.*

***Advisory Condition:***

*The July 25, 2007 letter from Frank Lucca, Terra Dinamica, LLC to Don Beard, Tetra Tech/KCM, Inc. and the August 22, 2007 letter from Paul Ramert and Duane Miller, Duane Miller Associates LLC to Donald Beard, Tetra Tech, Inc. are considered part of the application for the requested permit, and compliance with all recommendations and considerations listed in these documents is required; these recommendations and considerations will be made conditions of any relevant building permit issued for the subject project.*

**FRIENDLY AMENDMENT:** by Ms. Waterman, that Condition 1 is revised per the applicant's request as follows:

1. *Drilling, blasting, and pile driving (should any be required for the proposed project, although the geotechnical report does not anticipate the need for pile supports) are prohibited between the hours of 8:00 pm and 8:00 am, Monday through Friday, and between the hours of 8:00 pm and 10:00 am on Saturday and Sunday. This condition supersedes the provisions of §42.20.095(b); the Building Official is prohibited from issuing a construction Noise Permit to allow the operation of the types of machinery listed in that section during hours not otherwise permitted. Pile driving accomplished by vibrating the pile while gravity pulls the pile into the ground is exempt from this condition.*

Mr. Satre accepted Ms. Waterman's friendly amendment, which was incorporated in the above motion.

**FRIENDLY AMENDMENT:** by Mr. Miller, that Condition 2 is revised per the applicant's request as well, to read:

2. ~~*No hauling of excavated material or other heavy machinery traffic related to project construction would be allowed on public rights-of-way between the hours of 7:30 am and 9:00 am, and between the hours of 4:00 pm and 6:00 pm, Monday through Friday. During the AM and PM weekday peak traffic hours, that trucking be limited to no more than one truck trip every 15 minutes.*~~

Mr. Satre accepted Mr. Miller's friendly amendment, which was also incorporated in the above motion.

Ms. Waterman said clarification of how the State and CBJ was going to work together on this project is imperative. She believes consolidating parking into a structure like this could be a good thing for downtown Juneau, however it needs to be a component of an overall Parking Management plan that looks to the future. As important as this AUP, USE2008-00013, building a multi-level Parking Garage is, equally important is the Transit Center. In the process of getting where they are today, the Transit Center has not been provided as much attention as the Parking Garage. She supports USE2008-00013, and looks forward to reviewing the remaining components to this project regarding the discussions and decisions the PC would be making on those remaining permits.

Ms. Gladziszewski said there was a lot of well-considered public testimony provided to the PC, but there are a limited number of issues that this Commission has to say about this project at this point. Therefore, if those people are looking to the PC to make those types of philosophical changes, the venue for doing so is somewhere else, not with this PC. She supports this motion.

There being no objection it was so ordered, and USE2008-00013 was approved, as amended by the PC.

**MOTION TO CONTINUE:** by Mr. Satre, that the Planning Commission continues USE2008-00014 and CSP2007-00007 to be heard at a subsequent special Planning Commission hearing on April 15, 2008 at 5:30 p.m. in the CBJ Assembly Chambers.

There being no objection, it was so ordered.

Chair Gladziszewski requested that staff provide USE2008-00014 and CSP2007-0007 conditions in one staff report to the PC. Mr. Scarano requested that staff correlate any overlap of conditions between the two remaining permits as well. He asked if the Commissioners envisioned the PC to re-engage in the public testimony process again. Ms. Gladziszewski said that although public testimony was closed, the PC could vote to re-open it once again at a subsequent hearing, or if new information or recommendations were provided on a case. The Commission provided positive feedback to staff and the applicant for their thoroughness on these complicated permits.

**X. BOARD OF ADJUSTMENT** - None

**XI. OTHER BUSINESS** - None

**XII. DIRECTOR'S REPORT**

Upcoming meetings

Mr. Pernula stated that the next regular PC meeting is scheduled for April 22, 2008, whereby the PC would continue to hear the OHV Park case.

A joint PC/Assembly COW meeting has been rescheduled for May 27, 2008 at 5:00 p.m., prior to the regular PC meeting at 7:00 p.m. He will e-mail a reminder to the Commissioners.

In addition, he stated that on May 28, 2008, from 9:00 to 11:00 a.m., a presentation would be provided by Nore Winter in the form of a learning session for people who are in a design-review mode, noting that the PC might be completing reviews for some time. Therefore, he asked if the Commissioners would be able to attend this meeting. It was the consensus of the PC for staff to provide an e-mail polling the Commissioners regarding their availability, to which Mr. Pernula agreed.

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

Mr. Scarano stated that he recently attended a Public Work & Facilities Committee meeting where they discussed the Statewide Transportation Improvement Plan (STIP) and how it conjoins with the CBJ-CIP, and issues associated with the State budget impacts. He offered to draft a memorandum to be included in the packet at a subsequent PC meeting on the remaining issues.

Mr. Miller said the Commission on Sustainability continued to work on determining Juneau's carbon footprint, whereby CBJ would be hiring an intern to input data on which they might be able to base future sustainability issues.

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

Ms. Snow said when she initially began serving on the PC, she was told that the Commission would be provided meeting packets on Tuesday prior to each hearing, which has evolved to the Commissioners receiving this last packet on Friday, along with additional material being provided yesterday, and then at the actual hearing. The Commissioners were volunteers, so their free time is limited; therefore, she requests staff to provide more consideration in providing packet materials to the PC in advance of future PC hearings. If staff realizes that future packets are going to be provided Thursday or later, they should at least e-mail the agenda so the Commissioners are able to anticipate what is expected. Doing so would allow the Commissioners to better plan their free time on weekends prior to the subsequent PC meetings. Ms. Gladziszewski added that she was also concerned with the quality of their knowledge when they received the packets so late, even though staff completed an outstanding job on these three cases. However, if a case is not yet completed in a timely manner, which does not allow the PC the time to review it, it should be presented at a later date. That said, Ms. Snow stated that she does appreciate all the hard work staff does.

**MOTION:** *by Ms. Waterman, that the Planning Commission extends the meeting to 11:10 p.m. in order to hear remaining agenda items.*

There being no objection, it was so ordered.

Mr. Watson asked staff to recap attendance requirements of the Commissioners. Mr. Pernula stated that the regular PC meetings counts, not COW meetings.

Ms. Waterman noted that the CIP draft is in the PC packet, and asked if Roger Healy could provide a presentation on it. Mr. Pernula stated that staff would also prepare a report within the next few weeks reviewing, in general terms, whether or not those CIP projects are in conformance with the Comp Plan per the Code, and then the PC would take action on those. He said if the PC wished to provide recommendations for CIPs, which would begin for next year's CIP, now is a tremendous opportunity to get those projects underway.

Ms. Waterman thanked her fellow Commissioners and all the staff members for the excellent job they do, to which the Commissioners agreed.

#### **XV. ADJOURNMENT**

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

There being no objection, it was so ordered, and the meeting adjourned at 11:03 p.m.