

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Daniel Bruce, Chairman

REGULAR MEETING
July 22, 2008

I. CALLED TO ORDER

Chair Bruce called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

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

Commissioners absent: Nancy Waterman

A quorum was present.

Staff present: Dale Pernula, CDD Director; Teri Camery, Katie Cote, and Benjamin Lyman, CDD Planners

II. APPROVAL OF MINUTES

July 8, 2008 – Regular Meeting

MOTION: *by Ms. Gladziszewski, to approve the July 8, 2008, regular PC minutes, as presented.*

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

Mr. Rue and Ms. Snow each noted a potential conflict of interest regarding the Variance and Use cases pertaining to the Airport project, and were recused.

Chair Bruce announced there were nine items on the Consent Agenda, and inquired if there was public comment on those items. A person from the public requested that USE2008-00036 be

removed, and Mr. Miller requested that USE2008-00037 be removed as well. Chair Bruce moved these two cases to the Regular Agenda, respectively.

MOTION: by Ms. Gladziszewski, to approve the Consent Agenda per staff's recommendations, as modified by the PC.

There being no objection, it was so ordered, and the seven cases below were approved, with Mr. Rue and Ms. Snow being recused.

USE2006-00003

A Conditional Use permit for a carry-out and drive-thru Sweet Dreams Café in an existing 1,150 square foot building.

Location: 9351 Glacier Hwy.

Applicant: Alice Hodsel

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 café with a drive-thru service, subject to the following conditions:

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall post one 'Exit Only' sign at the southern drive.
2. Prior to the issuance of a Certificate of Occupancy, the applicant shall install a 3-foot wood or vinyl fence, hardy plantings, or something similar on both sides of each point of access.
3. Prior to the issuance of a Certificate of Occupancy, the applicant shall install wheel-stops for only the 90-degree angled parking spaces to designate each space, or striping if paved.
4. Prior to issuance of a Building Permit, the applicant shall submit a grading plan to be reviewed and approved by the CBJ Engineering Department.
5. Prior to issuance of a Certificate of Occupancy, the applicant shall submit radial-turn measurements of the drive-thru for review and approval by CBJ Engineering. If it is determined that vehicles could not make the turn, the applicant shall obtain an access easement on the adjacent southern property in order to widen the turn for the drive-thru, or the proposal would be limited to dining only.
6. **Advisory Condition.** Only the southern window bay shall be used for the drive-thru service to ensure safe and compliant parking, and traffic circulation.

USE2007-00033

An Allowable Use permit for the construction of expanded runway safety areas and new MALSR (Medium Intensity Approach Lighting System) with runway alignment indicator lights.

Location: 1971 Shell Simmons Dr.

Applicant: Carson Dorn Inc.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit for the development of Runway Extension Areas, and a MALSR Lighting System. The approval is subject to the following conditions:

1. Approval of USE2007-00033 is contingent upon approval of VAR2007-00026 for wetland fill within the 50 foot streamside setback of the Mendenhall River.

2. The Juneau International Airport shall submit final construction documents to the Wetland Review Board for advisory review to address sedimentation impacts prior to construction, and to facilitate implementation of Condition 3.
3. Development of the RSA and MALSR shall proceed with no disbursal or loss of sediment into the estuarine wetlands as construction occurs.

USE2007-00034

An Allowable Use permit for the construction of the Northwest Development Area, serving private aviation interests.

Location: 1873 Shell Simmons Dr.
Applicant: Carson Dorn Inc.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit for the development of Runway Extension Areas, and a MALSR Lighting System. The approval is subject to the following conditions:

1. Approval of USE2007-00033 is contingent upon approval of VAR2007-00026 for wetland fill within the 50 foot streamside setback of the Mendenhall River.
2. The Juneau International Airport shall submit final construction documents to the Wetland Review Board for advisory review to address sedimentation impacts prior to construction, and to facilitate implementation of Condition 3.
3. Development of the RSA and MALSR shall proceed with no disbursal or loss of sediment into the estuarine wetlands as construction occurs.

USE2007-00035

An Allowable Use permit for the construction of the Airport improvement project, including the Northeast Development Area, the relocation of the ASOS (automated surface observation system) equipment, and the SREF (snow removal equipment facility).

Location: 1873 Shell Simmons Dr.
Applicant: Carson Dorn Inc.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit. The permit would allow the development of the Northeast Development Area, including relocation of the ASOS (Automated Surface Observation System) Equipment, and the SREF (Snow Removal Equipment Facility). The approval is subject to the following conditions:

1. The Juneau International Airport shall submit final construction documents to the Wetland Review Board for advisory review to address sedimentation impacts prior to construction, and to facilitate implementation of Condition 2.
2. Development of the Northeast Development Area, including the ASOS and SREF projects, shall proceed with no disbursal or loss of sediment into the estuarine wetlands as construction occurs.

VAR2007-00026

A Variance request to allow fill for the runway expansion project.

Location: 1971 Shell Simmons Dr.
Applicant: Carson Dorn Inc.

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, which would allow for wetland fill within the 50 foot streamside setback of Duck Creek and the Mendenhall River, in accordance with the attached plans.

VAR2007-00027

A Variance request to allow for grading of wetlands that are situated between the west end of the runway and the Mendenhall River associated with the airport runway expansion.

Location: 1971 Shell Simmons Dr.
Applicant: Carson Dorn Inc.

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2007-00027, which would allow for grading of wetlands within the 50 foot setback of the Mendenhall River and Duck Creek.

VAR2007-00028

A Variance request to allow the relocation of Duck Creek in association with the Northwest Development Area.

Location: 1873 Shell Simmons Dr.
Applicant: Carson Dorn Inc.

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2007-00028, which would allow the relocation of Duck Creek to the northern airport boundary. The approval is subject to the following conditions:

1. JIA shall utilize the Wetland Review Board's proposed guidelines (as included in Attachment 5) for the Duck Creek relocation.
2. JIA shall submit final construction documents for the relocation to the WRB for advisory review prior to construction.
3. The proposed course of the Duck Creek relocation shall shift away from adjacent neighborhood property boundaries and towards the proposed Northwest Development Area, if necessary, to maintain a continuous 50-foot buffer throughout the stream corridor.

Mr. Rue and Ms. Snow were no longer recused.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2008-00036

Modification of USE2007-00009 to expand the current commercial loading facility for fisheries support.

Location: Glacier Hwy.

Applicant: CBJ Docks & Harbors – John Stone

Chair Bruce stated that the PC would first hear from Ms. Abbas, following with Teri Camery's response, and then from the applicant.

Public testimony

Theresa Abbas; 4011 Shady Ln., stated that her residence and business, the Hillside Haven that is a rental guest suite, are directly above the proposed expansion area. She disagrees with the PC's approval of USE2007-00009 to allow the loading dock facility to be constructed at Auke Nu Cove, including this expansion request. She understands the expansion request was already approved by the PC, although a minor detail was overlooked so is once again being heard, which is why she chose to testify. She was unable to attend previous hearings on this case, so she thanked the PC for allowing her to do so today. The loading dock and storage facility is adjacent to established Auke Nu Cove and Indian Point residential areas. She said this proposal would negatively affect the residents who utilize the cove waterways, as well as other B&B businesses in the immediate vicinity. Her particular business provides guests with quiet, secluded accommodations, and a view of Auke Nu Cove, which are reflected in the rates she charges. This business is her sole income, and she would now be forced to reduce her rates because they soon would be viewing crate pallets, including smelling odors from crab pots, fish nets and gear. This proposal includes additional impacts of lights utilized by fishing boats arriving at all hours of the night that would shine in the resident's windows, plus noise being generated from cranes, forklifts, and users of the facility. She pays a substantial amount of taxes for her beachfront property; however, once the loading facility is constructed, she would no longer have the beautiful beachfront view she is paying for. Moreover, she is fairly certain her property tax will remain the same, while the value and marketability of the property decreases. She asked the PC to provide some level of respect and compassion to the residents to require conditions that allows for cooperation between the applicant and the residents by limiting the hours of operation for unloading/loading, and docking of landing craft and fishing boats, between the hours of 7:00 a.m. to 7:00 p.m. She said this is keeping in mind that fishing boats tend to arrive early in the morning or late at night to unload/load utilizing forklifts and other equipment, which makes a lot of noise. Additionally, the parking lot lights should only be utilized during these hours of operations because it is unnecessary to leave lights on all night, especially if they create a glow that would affect nearby residents. She prefers that fishing gear and other unsightly items be stored along the abutting Glacier Seafood area of the subject property so the items are kept out of the view. She said the applicant intends to install pilings in Auke Nu Cove; however, she requests that they do not. She explained that the residents utilize the cove for personal boat and floatplane water-related uses. However, if pilings are installed, they would restrict these access abilities, including prohibiting them from anchoring boats near the shorefront. She said the CBJ is building this new facility near established residential areas, and expanding a storage area, for a secular group. Furthermore, the CBJ is utilizing taxpayer's dollars for this group, while impacting established businesses in the area, including negatively affecting the residents residing nearby at the Auke Nu Cove and Indian Point neighborhoods.

Mr. Watson asked where her driveway is in relation the access area of the loading facility. Ms. Abbas said the applicant had a survey conducted several days ago, and she found out that the Waterfront Commercial (WC) boundary of the project site is located in front of her driveway.

Therefore, the applicant has the capability of placing the storage area near the front of her driveway.

Mr. Rue explained that the purpose of the pilings is to prohibit boats and landing craft, while they are unloading/loading, from backing into the eelgrass beds and churning up the bottom of this sensitive area. However, he did not believe the intention was to prohibit personal water-related use through a portion of the nearby area. He asked Ms. Abbas to expound on the floatplane use in Auke Nu Cove. Ms. Abbas explained that floatplanes occasionally utilize Auke Nu Cove to drop off/pick up passengers, and she has contemplated purchasing a floatplane as well. She explained that during low tide there is not much area they are able to utilize; therefore, once the pilings are in place, it is going to be difficult to anchor their boat because they do so where the pilings would be installed. If they did anchor their boat in the same location after the pilings are installed, the anchor line would wrap around the pilings. Once they anchor their boat, they generally utilize a smaller boat to paddle to the shorefront of her property. She would like to continue to utilize the Auke Nu Cove waterway, and not be limited by pilings. She noted that the depth range varies from 25' to 7' within a matter of 13' to 14'. Therefore, if the commercial fishing boats or landing crafts were to back up into the eelgrass they would end up onshore, so she doubts this would happen because the vessel operators would probably be viewing their depth sounders and chart plotters, which should prohibit this from happening.

Staff response

Teri Camery said many of the concerns that Ms. Abbas raised relate to the initial permit, USE2007-00009, regarding the hours of operation, lighting, pilings, and overall aesthetic noise impacts that were previously reviewed and addressed by the PC. Therefore, this current review is limited to the expansion of the .82-acre area of the commercial loading facility for fisheries support regarding any potential impacts. She clarified that the property was rezoned from D-3 to WC. She explained that the first zone change, MAP2006-00002, revised the zoning for the main project area from D-3 to WC prior to approval of the first permit, USE2007-00009. However, there was an error in the legal description. She explained that the area known as "Alternative B" was not included and approved during the zone change before USE2007-00009 was approved. The zone change was later corrected to include "Alternative B" in MAP2007-00001, and now a final modification, USE2008-00036, is necessary before construction in this area is allowed to proceed. She noted that the US Army Corps of Engineers' final permit addressed this area, and the state and federal resource agencies, including the Alaska Coastal Management Program, also reviewed and approved the full project, as well as reviewing the proposed expansion, which includes approved mitigation measures for eelgrass and other sensitive areas. However, USE2007-00009 did not legally include the expanded area because it was not zoned appropriately at the time. She stated that staff discussed various methods in which the applicant could shield the storage area from view, whereby she deferred to the applicant. She believes the primary impacts of this development mentioned by Ms. Abbas pertain to the initial USE permit, USE2007-00009, which would require a separate modification, if the applicant chose to amend approved conditions. Ms. Snow asked staff where the stairway would be located on the proposed expansion site area. Ms. Camery stated that she was informed that they eliminated parking spaces and an 8' x 12' shed because the expanded area is solely intended to be utilized for storage, whereby she once again deferred to the applicant.

Applicant's rebuttal

John Stone, the applicant, said he does not plan to construct a stairway, nor does he recall contemplating them. Additionally, he does not believe the Alaska Department of Transportation (DOT) would approve installing such a stairway, as they own and regulate the right-of-way (ROW) that cuts through the upper area of the .82-acre site, which limits development capabilities. However, a single access would be installed at the entrance off of Glacier Highway.

Ms. Gladyszewski asked staff to expound on the hours of operations. Ms. Camery clarified that the PC did not previously provide a condition on USE2007-00009 to limit the hours of operation of the loading facility. Mr. Miller asked the applicant if he intends to enforce any type of hours of operation. For example, a flatbed truck could arrive at 3:00 a.m., and a user might utilize a forklift to load gear and equipment before a fishing vessel is scheduled to leave at 7:00 a.m. Mr. Stone replied that fishermen generally are limited due to fishing season openings, closures, and tides, versus a time clock. With regards to the non-fish loading activities, he believes the landing craft operators would utilize the facility during the daytime, as right now they are currently forced to do so only at night at Statter Harbor; however, nighttime loading might occur in emergency situations. Mr. Bruce asked if the applicant is amenable to the PC requiring conditions regarding which materials are allowed to be stored onsite, including prohibiting the use of forklifts during specific nighttime hours in order to allow the neighbors to sleep. Mr. Stone replied that he would rather wait to see what happens, and if there are problems, he would address them. He explained that he does not want to arbitrarily restrict the facility, without first determining whether or not there are problems. He reminded the PC that noise tests were conducted (that were included in the original permit, USE2007-00009), which involved noise being monitored onsite from boats and forklifts, and those noise limits were not exceeded at the residential boundary areas of this site.

Ms. Camery referred to the Notice of Decision (NOD) for USE2007-00009 (Attachment F), stating that Condition 1 requires that "Lighting fixtures, design and placement must assure that light is directed only onto the site and does not spill onto adjacent property. Signs shall be installed on the float instructing vessels to turn off high-pressure sodium lights (forward-looking "crab" lights) upon docking." Mr. Stone explained that generally they inform the vessel operators to turn off lights on a regular basis whenever they enter any of the CBJ harbors.

Mr. Stone said he does not foresee this site being utilized as a long-term storage facility, and instead, it would consist of short-term storage of fishing equipment and boat storage. Mr. Bruce asked the applicant how he intended to regulate access to the site, including ensuring that it is only utilized for short-term storage. Mr. Stone replied that each use is regulated and only allowed after it has been approved by the CBJ Harbormaster. Mr. Bruce confirmed that there would be an enforcement mechanism to ensure this remains a short-term storage area, and not a depository for unsightly fishing gear or equipment. Mr. Stone said yes.

Mr. Rue asked the status of the required mitigation to obtain a conservation easement to protect the remaining eelgrass beds in Auke Nu Cove. Mr. Stone replied that the Assembly approved a resolution to enter into a conservation easement with Southeast Alaska Land (SEAL) Trust for the protection of the remaining tidelands within Auke Nu Cove, and he is currently working with SEAL Trust personnel regarding the legalities.

Public testimony was closed.

Commission discussion

Mr. Rue asked if the PC is constrained solely to USE2008-00036 for a modification to expand the current commercial loading facility for fisheries support. Chair Bruce said yes.

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 an .82-acre area adjacent to the current loading facility under construction for fisheries equipment and boat storage.

Commission action

MOTION: *by Rue, that the Planning Commission adopts the Director's analysis and findings and grants the requested Conditional Use permit, USE2008-00036. The permit allows the development of an .82-acre area adjacent to the current loading facility under construction for fisheries equipment and boat storage.*

Mr. Watson suggested that the PC should consider requiring a condition that if complaints are received from neighbors, they should be resolved. Mr. Pernula explained that if the PC wished to regulate the hours of operation, versus doing so with an honor system, since this is a storage facility that is an accessory to the loading facility, the only method to regulate the hours would be to re-notice and modify the conditions of the initial permit (USE2007-00009).

Mr. Scarano said he understands that the applicant has a mission they need to fulfill, including users that need the facility, and there is a diminished amount of land, with limited opportunities to provide such facilities. However, there would be competing businesses conducting diametrically opposing activities. Therefore, if the PC approves USE2008-00036, the Commission no longer has the ability to restrict the hours of operation because they would be forfeiting this ability. Even so, the proposed site is adjacent to another facility, so the PC still needs to attempt to mitigate impacts on the local society that surrounds it. Mr. Pernula believes that the PC is able to regulate the hours of operation on the .82 acres adjacent to the current loading facility for fishing equipment and boat storage. However, doing so would not mitigate for potential impacts of the entire loading facility activities. He noted that Docks & Harbors invested a lot of money based on the USE2007-00009 that was issued earlier, without a restriction on the hours of operation that is currently being suggested.

Mr. Rue stated that the PC could perhaps condition this permit to require Docks & Harbors staff to track neighborhood complaints, and then report back regarding how they dealt with them. Chair Bruce explained that doing so would involve enforcement issues, which is not what the PC is tasked with providing.

Ms. Gladziszewski confirmed that all businesses are required to abide by the CBJ Noise Ordinance. Mr. Pernula clarified that the CBJ Attorney is currently reviewing a new CBJ Noise Ordinance, and noted that there are existing CBJ noise regulations, but they are somewhat limited.

Mr. Bruce paraphrased that on the .82-acre site, the PC has the ability to impose a condition of the hours of operation, including no net storage or movement, between the hours of 9:00 p.m. and 7:00 a.m. Mr. Pernula agreed, stating this is if the PC determines that such restrictions reasonably relate to neighborhood harmony.

Roll call vote

Ayes: Scarano, Gladziszewski, Snow, Rue, Satre, Miller, Watson, Bruce

Nays:

Motion passes: 6:0, and USE2008-00036 was approved.

USE2008-00037

Modification to the Conditional Use permit (USE2003-00055) for Thunder Mountain High School to remove two permit conditions: installation of a traffic signal at Riverside Dr. and Steven Richards Dr.; and installation of the bus shelters at Riverside Dr.

Location: 3101 Riverside Dr.

Applicant: CBJ Engineering - John Bohan

Chair Bruce stated that the PC would utilize the same form as the previous case, in hearing USE2008-00037.

Mr. Miller explained that he has five reasons for requesting that USE2008-00037 be removed from the Consent Agenda:

1. During non-rush hour, at least 50% of the time, he finds it difficult to make left or right turning movements at the Riverside/Stephen Richards intersection. Furthermore, the traffic congestion would soon increase with students utilizing it, rather hurriedly, in order to get to school on time.
2. He said an e-mail was provided by the Mendivil's, dated July 22, 2008, which states that the Riverside/Stephen Richards intersection is utilized as the main route for children that reside in the Lakewood Subdivision. The students walk or ride bicycles to get to Floyd Dryden Middle School (FDMS) because the School District does not provide bus service in this area. Therefore, considering the darkness, including the winter driving conditions during portions of the school year, he believes a traffic signal would be valuable, as well as providing a preventative safety measure. Also noted in this e-mail is that the next intersection on the children's route is the Mendenhall Loop Road (Loop Road)/Stephens Richards intersection, which already has a traffic signal.
3. Today, he drove the alternative route to the new Thunder Mountain High School (TMHS) location from Loop Road through James Boulevard that allows drivers to bypass the Riverside/Stephen Richards intersection during peak hours between 7:00 a.m. to 9:00 a.m. He discovered the alternative route is 1.5 extra miles, as opposed to driving straight to the TMHS. Therefore, the difference of 50 vehicles utilizing this alternate route, as opposed to the shorter route to the TMHS, equates to an \$8,000 increase in fuel costs at the current rate of \$4.75 per gallon. Therefore, the students would pay increased fuel costs if they utilized the alternate route suggested by the traffic consultant.

4. While working on various construction projects in the western US, he discovered that most of this type of traffic infrastructure is in place before it is actually needed. Conversely, Juneau appears to allow such infrastructure to be installed only past the time when it is actually warranted.
5. He said the applicant states that they do not need the traffic signal at the Riverside/Stephen Richards Drive intersection installed now because the school is half empty; however, he does not believe the TMHS was built to be half empty. Therefore, the PC should require a traffic signal to be installed as a condition of this permit, as opposed to waiting for an accident to motivate its installation.

Mr. Miller said he does not agree with the request to remove the requirement for bus shelters on Riverside Drive at the main site driveway of Riverwood Drive, as requested by the applicant. He explained that although his job does not provide him the ability to ride transit; it requires him to drive all around Juneau, whereby he witnesses the need for more bus shelters. Additionally, any project that includes a condition that requires bus shelters should be constructed and adhered to. He said the applicant states that right now might not be the time to do so because a transit study has not been completed; however, the bus shelters should be required to be built directly after the this study is completed. Furthermore, the existing stops that have bus shelters need to be taken care of in a more proactive manner, which includes regularly scheduled snow removal, especially because transit ridership hinges upon these being well maintained. If the Commission removes the condition so as not to require bus shelters in terms of this permit, he believes the PC would not be portraying the correct message. Ms. Gladziszewski noted that the rewrite of Condition 9, by staff on Page 10, states that the applicant must build new bus shelters when a Capital Transit route is established. Mr. Miller said he realizes this, and agrees with staff's rewrite of Condition 9.

Mr. Watson referred to the report, Page 3, which states that conversely it was originally reported to be a 36,000 sq. ft., with a new covered turf recreation area on the backside of Dimond Park, which was discussed sometime ago, whereby he voiced concerns regarding traffic driving through the Dimond Park Community Complex area. Following that discussion, he was assured there would be sufficient parking spaces provided at the TMHS site. Therefore, not taking into account the new covered turf recreation area distorts the potential of increased use and traffic that this facility might actually generate. Moreover, the alternative route to James Boulevard would bring more traffic through this high-density neighborhood, which has a grade school where they utilize crossing guards every day, so he would be very concerned if the PC were to allow this. Furthermore, restricting the left-turn movement from Stephen Richards Drive onto Riverside Drive might cause drivers during 7:00 a.m. to 9:00 a.m. to cross the road and back into neighbor's driveways to turnaround so they are able go the shorter direction that would be prohibited, which is not a good solution. Therefore, he believes prohibiting the left-turn option would probably just be a quick-fix solution.

Public testimony

John Bohan, the applicant, and Richard Purves, the traffic consultant. Mr. Purves stated that he was commissioned by the CBJ to review the Traffic Impact Study (TIS) completed by Transportation Engineering NorthWest, LLC (TENW) for the downsized TMHS and community complex impacts on the Riverside/Stephan Richards intersection, whereby he provided his

conclusions to the CED (Attachment D). He stated that in all likelihood, during the peak period from 7:00 a.m. to 9:00 a.m., most drivers who are making the level of service (LOS) F condition exist are probably not all going to utilize the alternate route through James Boulevard. Instead, they might utilize additional route choices, including other residential streets. In addition, students that are driving from the TMHS would have other route choices exiting the valley area, with some choosing to utilize Riverside Drive to access residences and other areas in the valley. Therefore, they might contemplate an addition of 50 to 70 drivers that might elect the alternative route. He said it would take a minimum of one year to install a traffic signal; therefore, the CED has no choice but to derive a short-term mitigation so the TMHS is able to convene on schedule this fall, plus meet the CBJ's LOS requirement for this intersection.

Mr. Satre said the application to modify the initial CUP (USE2008-00037) was received by CDD on July 8, 2008; therefore, it appears that the applicant was provided ample time since the NOD for USE2003-00055, dated February 2004, to realize that they did not have the time or the funding to install the traffic signal and build bus shelters, which are original conditions of the permit. Mr. Bohan replied that the original full build-out permit was approved in 2004, although the project has morphed several times since the first TIS, with the reduction in the size of the TMHS and community complex. He stated that although there was interaction with the CED staff regarding downsizing this project, this traffic signal installation was overlooked until now, which was shortsightedness on his behalf. Mr. Purves added that TENW was hired when it was determined that the TMHS and community complex was going to be reduced in size, and they were asked to revisit the requirement of installing this traffic signal. He said TENW concluded that a traffic signal was probably not the best idea, and instead, preferred to install a four-way stop or a roundabout. He reviewed the impacts of a four-way stop, and determined that this could ultimately be implemented, but the impacts would be enormous. For those potential 50 to 70 additional vehicles utilizing this intersection, including the additional fuel cost to utilize a four-way stop, it dwarfs the additional distance those same people would need to drive if they utilized the 1.5-mile alternative route, which is why they decided on this short-term solution. Mr. Rue disagrees, stating that he did not view a four-way stop or a roundabout as a short-term solution, and instead, it is really just a one-year hiatus to obtain funding to construct the traffic signal. Mr. Purves explained that ultimately they intend to monitor this intersection, regardless of whether or not conditions are placed on this permit, by conducting real-time counts to obtain numbers to utilize in a modeling analysis. If it is a troublesome intersection, the CED would need to rectify the situation, and possibly decide whether a four-way stop is the solution. He said a four-way stop would cause more traffic congestion; whereas, limiting the left-turn movement would create a drop in the LOS.

Mr. Watson suspects the traffic count on Riverside Drive would soon increase close to the LOS on Loop Road so a traffic signal should be installed, as there is already one functioning at the nearby Loop Road/Stephen Richards intersection. Additionally, there are three speed limits on Riverside Drive that should be reduced, or they should install speed bumps in this school zone area. Mr. Bohan stated that the Riverbend Elementary School (RES) and the TMHS convene at different times so they are offset, with the TMHS convening before the RES. He said the highest quality of student protection is to utilize a crossing guard in school zone areas. Mr. Purves added that unfortunately they found this to be the case with the fatal accident of a child at the Loop Road/Stephen Richards intersection that has a traffic signal, but does not utilize a crossing guard.

Mr. Scarano asked for a cost-basis explanation of installing a four-way stop, versus a traffic light. Mr. Purves stated that TENW reviewed eight different traffic warrants, whereby any one of which needed be met to allow the installation of a traffic signal. He explained that the more these warrants are met, the more likely a traffic signal would do more good than harm. He said traffic signals tend to generate rear-end collisions that creates more delays, which are somewhat restrictive, and fairly expensive. In the analysis of full build-out, the Riverside/Stephen Richards intersection significantly met four or five of the warrants, and barely met two of the warrants, one of which was questionable. He stated that TENW found that there are 12 to 15 intersections that met the warrant criteria, but do not have traffic signals, so their conclusion was that that a traffic signal probably should not be installed, and instead, they stated that a potential solution would be to install a four-way stop or a roundabout. He noted that the roundabout or a traffic signal might be the selection of choice, although the CBJ would need to purchase ROWs to construct either of these options. The disadvantages of the four-way stop is that right now there is a LOS F, so there are already long delays making left turns during the morning rush. If a four-way stop is installed, everybody from all directions would be required to stop every time they go through this intersection. Additionally, the long queues from the four-way stop would entail long lines of vehicles on Riverside Drive, which would affect other intersections as well. He said every time a person is required to stop and start up again, they are placed in a conflicting situation, plus incurring additional fuel costs.

Ms. Snow stated that DOT completed a corridor study that included Riverside Drive several years ago, which she believes involved TENW, and asked if they are aware this a study. Mr. Bohan said he was not, nor was Mr. Purves. Ms. Snow said she is curious to know what information this study provided in relation to the Riverside/Stephen Richards intersection.

Mr. Rue confirmed that the initial permit (USE2003-00055) requires that the applicant build a traffic signal or a roundabout at this intersection prior to occupancy. However, the applicant is stating that they are unable to do so prior to the opening of the TMHS this fall, so they are requesting relief. Furthermore, they feel there is justification given the reduced size of the TMHS and less activities, whereby they now believe the intersection does not require a traffic signal or a roundabout to be constructed. Mr. Bohan said yes. Mr. Rue stated that if a traffic signal was installed in a few years, he asked if it would be more or less expensive than it would be now. Mr. Bohan replied that he believes it would be more expensive in a few years.

Mr. Scarano said he has issues regarding the discussion of a traffic signal not being warranted at the Riverside/Stephen Richards intersection, although a traffic light was recently installed just down the road at the Riverside/Riverwood intersection. Mr. Bohan stated that by installing the new Riverside/Riverwood intersection traffic signal, they hope to convey pedestrian traffic across the street more smoothly, plus the downtown and valley traffic is tending to converge in this location. Additionally, the traffic signal would provide the students with controlled access. He said that intersection met more warrants because it severely failed the analysis, as opposed to the Riverside/Stephen Richards intersection that only had one movement so it did not meet the warrant criteria. Mr. Scarano stressed that both traffic signals were believed to be warranted and were included in the original plan. Mr. Bohan said the initial permits were approved in 2004 to begin the site work and construction. However, they have since downsized the TMHS to 850

students, which has been reduced from what TENW considered in their analysis. Therefore, the analysis at the Riverside/Riverwood intersection was redone, which met the traffic signal warrants, but not the LOS requirements, so that intersection required a traffic signal to be constructed. However, when the designers pulled the project together for the Riverside/Stephen Richards intersection, they determined this intersection could instead be a four-way stop or a roundabout.

Ms. Gladyszewski asked why they are not able to allow left- and right-turn lanes on all segments. Mr. Bohan replied that they would have ROW issues, whereby the CBJ would need to purchase property to construct turn lanes on Riverside Drive. Additionally, the trailer courts on either side of Stephen Richards Drive both contain fences and sidewalks. Mr. Purves added that they would also need to purchase a private residence; therefore, turn lanes for all four stops would provide additional ROW aspects that are not readily apparent.

Mr. Bruce said there are many drivers that currently make left turns exiting the Breeze In/Old Glacier intersection between 4:00 p.m. and 6:00 p.m., even though there are signs in place prohibiting it, so it does not appear to be working. Therefore, a policeman would probably need to be present at the Riverside/Stephen Richards intersection between the hours of 7:00 a.m. to 9:00 a.m. Mr. Purves agreed, noting that there would be violators, with certain TMHS students probably consisting of some of those drivers. However, he believes this intersection would be somewhat similar to the Highland/Glacier intersection, which performs well, and is self-regulating even though it is a difficult maneuver to make, which also warrants traffic signalization. Additionally, there are other alternative routes that people choose to take. Mr. Bruce asked if queuing was worse at this intersection, versus the Highland/Glacier intersection. Mr. Purves replied that although he has not viewed the traffic volume of the latter intersection, he suspects it would be slightly greater. Mr. Bruce said it appears that the Highland/Glacier intersection functions appropriately. However, he is always concerned when an application is provided to the PC years later, after ample notice was provided to the neighborhood, such as this modification request for significant changes to the initial project. He understands that this project has decreased in size, but it definitely has potential to increase in the future. Even though they are no longer viewing a 33,000 sq. ft. aquatic center, they are still viewing 70,000 sq. ft. of athletic facilities between the aquatic center and the new field house. Therefore, they are almost back to the original 90,000 sq. ft. community complex. Regarding the 70,000 sq. ft. of athletic facilities, Mr. Purves noted that these usage times would be opposite the times that created the poor LOS at the Riverside/Stephen Richards intersection.

Mr. Bruce said the neighbors residing at James Boulevard might have provided input, had they known that traffic was potentially being re-routed through their neighborhood, which is already a problematic intersection because of the speed limit on Loop Road, and Riverside Drive as well; therefore, he does not doubt that 50% of the current vehicles travel through these intersections at the rate of 35 mph. Mr. Bohan stated that the request for a full build-out of the TMHS would have to be presented to the PC, or the CDD, which would require an additional traffic analysis. He said if they do so, it would more than likely mean that JDHS would be required to be downsized, considering the population trend of high school students in Juneau; however, this would provide an opportunity to reevaluate the traffic status.

Mr. Pernula said there is going to be a number of middle school students crossing the Riverside/Stephen Richards intersection on their way to FDMS. Therefore, if there is any increase in the LOS of traffic, with difficult turning movements during dark wintertime periods, he asked what they believe is the best remedy to solve potential hazardous impacts to these students. Mr. Purves stated that if they study the traffic after school has commenced for several weeks, and there is an increase in the LOS, they could always fall back on the four way stop, which could be installed in one day with minimal difficulty. Mr. Miller explained that the FDMS students would need to start walking to school fairly early, and would more than likely do so during the same time that the last group of TMHS students is driving through this intersection, which could potentially pose hazardous issues. Mr. Bohan replied that he does not know whether or not the School District intends to provide a crossing guard at this uncontrolled intersection.

Mr. Rue cited the CBJ Land Use Code §49.40.310(a), and stated that if the Riverside/Stephen Richards intersection creates a pattern of access resulting in personal injuries, they could then be required to do something about it, which he does not care for. Therefore, if the PC were to state that the applicant is required to install a traffic signal, he asked when is the earliest they could do so (with an interim step of prohibiting left-turn movements off of Stephen Richards Drive onto Riverside Drive for one year). Mr. Bohan said it would probably be a year or so, noting that it took one year to design and construct the Riverside/Riverwood traffic signal, with an agreement through DOT. However, he is not convinced that a traffic signal is warranted, considering the revised traffic report, and the reduced size of the school and community complex. Although, if the PC were request this type of scenario, he prefers to install the four-way stop because that was the recommendation of the TENW, which is the intent of their design as well. Mr. Pernula stated that if a four-way stop is the fall-back mitigation measure, he asked what the trigger mechanism for a threshold would be. Mr. Purves replied that if there were additional accidents, and if they measured an increase in side street delays; however, it is not an accident-free intersection right now because it is one of the top ten on DOT's list of accident locations.

Mr. Watson asked if they considered reducing the speed limit so it is consistent on Riverside Drive between the RES and the TMHS. Mr. Purves said a 15 mph speed limit in a school zone is generally a good idea; however, doing so in the vicinity of the RES has driven much of traffic through to nearby neighborhoods because drivers are attempting to avoid that arterial street, and have chosen to utilize Columbia and Taku Boulevard roadways instead. Consequently, these neighborhoods now experience additional traffic because they turned this portion of an arterial into a poorly functioning street, so he does not believed this would be a good solution for the TMHS area.

Mr. Miller stated that if the PC denies this modification request to USE2003-00055, the applicant would be required to install the traffic signal or a roundabout, along with defining what needs to be installed in the interim in order to obtain a TCO or COO. Additionally, the fact that the neighbors already reviewed the initial plan for a traffic signal; therefore, if this request is denied, he asked if a revised plan would need to be presented to the neighborhood. Mr. Bruce stated that if the PC denies the request and TMHS does not open, the School Board, the Assembly, and the student's parents would more than likely be contacting the Commissioners asking why they did so.

Greg Huebschen, 3461 Kant Ct., said he has resided a half block away from the subject intersection in the Lakewood Subdivision since 1992, and has witnessed accidents. He discovered this PC hearing by viewing a sign that was posted in front of the TMHS, noting that it was not posted at the subject intersection, or at James Boulevard. He said the proposed solution to prohibit a left turn onto Riverside Drive from Stephen Richards Drive between the hours of 7:00 a.m. and 9:00 a.m. does not make much sense. Regarding the accidents, he said that drivers traveling eastbound out of the Lakewood Subdivision have limited visibility because their line of sight is blocked. This includes more blockage of visibility in the summertime due to the addition of foliage, including during the darkness in the morning and nighttime hours. Furthermore, in the wintertime, the snow is piled up in two corners of the intersection that makes it dangerous because it is difficult to see, as the road curves away in each direction on Riverside Drive. Therefore, he prefers a four-way stop as an interim measure, even though it might slow the commute for drivers. Otherwise, the PC might consider lowering the speed limit between the RES and the TMHS on Riverside Drive, which would allow drivers to enter Riverside Drive from the intersection, turn left, and for people to cross. Mr. Satre referred to the notice of this hearing, and explained that unfortunately the method in which the PC's regulations work is that the notice was provided to property owners within a 500' radius of the TMHS project site, which is why residents in the Lakewood Subdivision did not receive notice of this hearing.

Mr. Rue asked if he supported a traffic signal for the long term. Mr. Huebschen replied that according to the traffic consultant, a traffic signal would be preferable over a four-way stop in terms of traffic flow; however, a traffic signal would be more expensive. Additionally, the cost of obtaining private property in order to provide for an easement to expand the width of the roadways would be difficult, although they eventually need to do so to allow for left turns, including installing a traffic signal.

Applicant rebuttal

Mr. Purves said Mr. Huebschen's evaluation of the accident problem at the subject intersection is correct, which was his experience when he was a Traffic Engineer for DOT. He said this is why DOT attempted to improve the sight distance triangles for drivers traveling eastbound from Stephen Richards onto Riverside Drive; however, it still provides for poor sight distance, so when people exceed the speed limit, the sight distance more than likely decreases below minimums.

Ms. Gladziszewski asked who specifically would monitor the four-way stop and the speed limit requirements at the subject intersection if the PC required the applicant to do so. Mr. Bohan replied that CED staff would be present during specific peak-time hours to monitor the performance of the intersection to view whether there are too many near misses, and if drivers are obeying the prohibition of a left turn onto Riverside Drive from Stephen Richards Drive. He said the CBJ would probably continue to contract with Mr. Purves to assist in analyzing and interpreting the data that CED collects.

Mr. Miller asked if the current intersection ROWs are large enough to accommodate a traffic signal. Mr. Bohan stated that Mr. Purves believes they could construct a traffic signal, but it might not function properly. Furthermore, he does not have a survey of the actual surrounding

property boundaries; however, in viewing the rough information regarding the existing sidewalks and foliage, etc., the ROWs are fairly constrained.

Mr. Rue asked what the existing speed limit is through Riverside Drive near the Stephen Richards Drive access area. Mr. Bohan replied that it is 35 mph.

Public testimony was closed.

Commission discussion

Ms. Snow suggested that the PC revise staff's recommendation regarding Condition 3, as follows:

3. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, the applicant shall install a four-way stop at the intersection sign at the westbound lane of Stephen Richards Drive and prohibiting a left turn onto Riverside Drive, between the hours of 7:00 AM and 9:00 AM, and the applicant shall install a traffic signal at the intersection of Riverside Drive at Riverwood Drive (main site entrance). As an alternative to the sign prohibiting left turns at Stephen Richards Drive, the CBJ Engineering Department may install an alternate traffic control device at that intersection to bring the level of service to D or better, according to the advice of traffic engineers. Upon issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, planning and implementation of a traffic signal at the intersection of Stephen Richards Drive and Riverside Drive will commence.

Mr. Rue said he prefers to include a time limit for any interim solutions, which includes requiring that the CED staff report back to the PC with the results once they are determined.

Mr. Miller also prefers to include notifying all the residents in the Stephen Richards Drive area, so they are able to provide public input on this project.

Mr. Scarano stated that he drives through Riverside Drive every day to/from work, and he does not prefer a four-way stop. Additionally, even though the intersection might meet the requirements for such a stop, it would definitely impact traffic. He stated that if a traffic signal is not required, it would never happen because the cost would be too expensive as a stand-alone project, which would probably be pushed down on the CBJ capital improvement project (CIP) list in perpetuity. Instead, his preference is the original version of staff's recommendation. He stated that if a four-way stop is ultimately required as an interim step because decreasing speed limits and prohibiting left turns at Stephen Richards Drive does not work, it would be fine from both his perspective, and more than likely by the public as well.

Ms. Gladziszewski stated that she agrees with a four-way stop being installed right now. She said the traffic consultant states that the four-way stop is a solution to solve the deficiency of this intersection, and that a traffic signal is not warranted. Therefore, she is reluctant to mandate a traffic signal given that none of the Commissioners are traffic consultants. Instead, she is happy to mandate a process by which the applicant contemplates what alternate traffic control device is best for this intersection. Ms. Snow stated that she is concerned that the traffic consultant might

not have considered in his analysis the foot traffic of students attending FDMS that utilize this intersection.

Mr. Watson said he supports Mr. Rue and Ms. Snow's recommendation; as he would much rather receive a telephone call from an angry School Board member, versus a parent stating that their child was in a tragic accident. He said the PC needs to keep in mind the accident which happened a few years ago at the Loop Road/Stephen Richards intersection, so the PC has the opportunity to ensure corrective action is taken for this intersection by requiring a traffic signal to be constructed within a one-year timeframe.

Mr. Scarano said the PC should consider that if they require a four-way stop, either now or in the future, it would make Riverside Drive virtually unusable. Additionally, a four-way stop is going to push traffic from Riverside Drive onto the Loop Road, which already experiences traffic congestion during school time hours because there is another nearby school. Therefore, he would hate to be a parent and have one of his children suffer a fatal accident, so believes it makes sense to install a traffic signal at this intersection, from a traffic-flow perspective, over the long term.

Mr. Bruce stated that if the PC imposes a four-way stop requirement, and then adds conditions to maintain a LOS D or better, the trigger for constructing a traffic signal would be if the LOS drops or if the warrants increase; otherwise, they would have to shutdown TMHS. Mr. Pernula said the PC could insist that a traffic signal for the Riverside/Stephen Richards intersection be included in the upcoming CBJ capital improvements project list. Mr. Bruce explained that by tying a trigger to installing a traffic light is taking corrective action. Additionally, if they impose a four-way stop, doing so addresses the safety concerns, noting that this is similar to the Highland/Glacier intersection that works fairly well. He believes this is a more acceptable alternative than prohibiting a left turn off of Stephens Richards Drive between 7:00 a.m. and 9:00 a.m., as the drivers making such turns would probably be doing so in a hurry, where they have the potential to get T-boned by vehicles traveling at 35 mph northbound on Riverside Drive. He said this type of accident would be much worse, versus being rear ended at a four-way stop. Mr. Pernula clarified that the traffic consultant previously stated that if a four-way stop is installed, it would operate at a LOS F.

Mr. Scarano stated that initially a traffic signal or a roundabout was mandated, which has now become a cost issue, and is why a traffic signal is more difficult than implementing a four-way stop or installing other traffic control devices. However, he does not support a four-way stop because a traffic signal makes more sense for the residents in the area who are not being represented tonight; therefore, the PC should mandate that a traffic signal needs to be installed within a specific time period.

Mr. Satre said he utilizes the subject intersection on a daily basis, and has witnessed traffic-related issues for quite some time. Therefore, it is common sense that a traffic signal is the method in which the PC should move forward, considering all the schools in the area where the students and others attend many school-related functions and activities, which would soon experience a higher increase in traffic. He said this is what was initially approved by the PC; however, now the Commission has a traffic study, including an opinion from a traffic consultant,

stating that the traffic loads would be lighter. He is not sure that a four-way stop makes common sense, even though it is what the traffic consultant is now recommending; therefore, he suggested revising staff's recommended Condition 3, as follows:

3. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, the applicant shall install a sign at the westbound lane of Stephen Richards Drive prohibiting a left turn onto Riverside Drive between the hours of 7:00 AM and 9:00 AM, and the applicant shall install, within one year following the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, a traffic signal at the intersection of Riverside Drive at Riverwood Drive (main site entrance). As an alternative to the sign prohibiting left turns at Stephen Richards Drive, the CBJ Engineering Department may install an alternate traffic control device at that intersection to bring the level of service to D or better, according to the advice of traffic engineers.

He stated that this revision would provide the applicant time to actually return to the PC with actual traffic counts that would be conducted through an additional traffic study, which could prove one way or the other through the permitting process, or a modification of this permit, whether or not a traffic signal is required, as opposed to mandating a four-way stop.

Mr. Miller agrees with the discussion of the Commissioners, including the fact that a four-way stop would limit the flow of traffic through this area of Riverside Drive, so he believes a traffic signal is needed. He said a traffic signal was originally required, and it should be operational right now, but it is not. Therefore, the PC has to provide for the protection and safety of the students and other pedestrians, including the drivers, and he does not know how to do this other than requiring a four-way stop.

Mr. Rue stated that the subject intersection is already one of DOT's top ten accident locations, where they have now constructed a new TMHS, along with a community complex. He does not like waiting for traffic-related issues to escalate to the level where fatalities are occurring before the applicant is required to do what makes sense. He understands the applicant is requesting modifications due to the fact that the size of the TMHS and the community complex have been reduced, although this intersection is currently utilized by students walking to get to FDMS; therefore, it functions differently than other intersections because there are also several other schools within close proximity of it. That said, he is in favor of second-guessing the traffic consultant and pushing for a traffic signal as soon as possible, but the PC should not provide too much time so this traffic signal request could be included in the CIP list, with temporary alternative traffic control devices being instituted in the interim.

BREAK: 8:59 to 9:04 p.m.

Chair Bruce stated that during the break, the applicant and the traffic consultant indicated that they have additional facts they wish to address.

SUSPEND THE RULES: *by Chair Bruce, to re-open public testimony to hear from the applicant, Mr. Bohan, and the traffic consultant, Mr. Purves.*

There being no objection, it was so ordered.

Public testimony re-opened

Mr. Bohan said the timeframe to construct a traffic signal truly entails a minimum of one year. However, the issue that he foresees is the property acquisitions, which is required to provide efficient ROWs to ensure this is a properly functioning intersection, so this could take an additional year. He said this mainly depends on whether these property acquisitions are conducted through a quit claim deed, an adverse takeover, or friendly easement negotiations. Therefore, he requests that the PC not condition this CUP modification request to require a traffic signal to be constructed in one year. He stressed that he was not going to delay installing a traffic signal any longer than it takes to acquire the necessary property to construct the required ROWs.

Mr. Purves suggests that the PC might consider providing the CED the flexibility of potentially installing a roundabout, as an alternative to a traffic signal, which could take place right away.

Public testimony was once again closed.

Commission discussion - Continued

Mr. Miller asked if there was a one-year time limit on TCOs and COs. Mr. Pernula stated that they have had TCOs, in some cases, extend beyond one year, although he would need to research this in order to respond to this query more definitively. Mr. Miller noted that the TCO was required per staff's recommended Condition 3 until a roundabout was in place, which was required in the initial USE2003-00055.

Mr. Scarano said a traffic signal was required per the original plan for the Riverside/Stephen Richards intersection, and he understands there are difficulties associated with doing so, but it is hard for him to be passionate with the applicant's request for additional time to get this completed, as the traffic signal should already be operational. He realizes that this is an idealogic view at this point because the reality of constructing a traffic signal would take one to two years. He happens to prefer the roundabout alternative, as they tend to work fairly well. He also wishes to retract his previous statement that he would not support any motion that requires a four-way stop, whereby several Commissioners stated that this alternative was being considered to ensure that safety is provided to the students utilizing this intersection; therefore, he would be inconvenienced with a longer commute time for safety reasons if this is what it takes.

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 modification to the Conditional Use permit (USE2003-00055) for Thunder Mountain High School to modify two permit conditions: installation of a traffic signal or roundabout at Riverside Dr. and Stephen Richards Dr., and installation of bus shelters at Riverside Dr. Conditions #3 and #9 on Conditional Use permit USE2003-00055 shall be replaced by the following conditions:

3. Prior to issuance of a Temporary Certificate of Occupancy ~~or a Temporary Certificate of Occupancy~~, the applicant shall install a sign at the westbound lane of Stephen Richards Drive prohibiting a left turn onto Riverside Drive between the hours of 7:00 AM and 9:00 AM, with a crossing guard, and the applicant shall install a traffic signal at the intersection of Riverside Drive at Riverwood Drive (main site entrance). As an alternative to the sign prohibiting left turns at Stephen Richards Drive, the CBJ

Engineering Department may install a four-way stop~~an alternate traffic control device at that intersection to bring the level of service to D or better, according to the advice of traffic engineers. Prior to a Certificate of Occupancy, or within two years, a traffic signal or a roundabout shall be installed at the intersection of Riverside Drive and Stephen Richards Drive.~~

9. The applicant shall construct new bus shelters located on Riverside Drive at the main site driveway of Riverwood Drive at that time when a Capital Transit route is established along Riverside Drive. This would provide service to school prior to the start of the school day and from the school following afternoon dismissal.

Commission action

MOTION: *by Mr. Rue, that the Planning Commission does not adopt the Director's analysis and findings. The Planning Commission, for a number of reasons, including existing documented traffic issues, the importance of safety of the school children, and the five reasons previously stated by Mr. Miller and other Commissioners, the Planning Commission retains Condition #9 as is, and modifies Condition #3, as follows:*

3. *Prior to issuance of a Temporary Certificate of Occupancy or a Temporary Certificate of Occupancy, the applicant shall install a sign at the westbound lane of Stephen Richards Drive prohibiting a left turn onto Riverside Drive between the hours of 7:00 AM and 9:00 AM, with a crossing guard, and the applicant shall install a traffic signal at the intersection of Riverside Drive at Riverwood Drive (main site entrance). As an alternative to the sign prohibiting left turns at Stephen Richards Drive, the CBJ Engineering Department may install a four-way stop~~an alternate traffic control device at that intersection to bring the level of service to D or better, according to the advice of traffic engineers. Prior to a Certificate of Occupancy, or within two years, a traffic signal or a roundabout shall be installed at the intersection of Riverside Drive and Stephen Richards Drive.~~*
9. *The applicant shall construct new bus shelters located on Riverside Drive at the main site driveway of Riverwood Drive at that time when a Capital Transit route is established along Riverside Drive. This would provide service to school prior to the start of the school day and from the school following afternoon dismissal.*

Mr. Satre spoke in favor of the motion, stating that this is a good compromise to allow the TMHS to convene as scheduled this fall, as well as ensuring the safety of the motorists and the school children in this area. Additionally, it also provides the correct direction in terms of the timeframe to construct the traffic signal or the roundabout.

Mr. Bruce asked if it is more economical to install a four-way stop, versus hiring a crossing guard. Mr. Rue clarified that the PC is providing the applicant the option of providing a crossing guard if they choose to install a sign prohibiting left turns at Stephen Richards Drive, or not providing a crossing guard if they choose to install a four-way stop.

Roll call vote

Ayes: Gladyszewski, Snow, Rue, Satre, Miller, Watson, Scarano, Bruce

Nays:

Motion passes: 8:0, and USE2008-00037 was approved, as modified by the PC.

Mr. Rue thanked Mr. Miller for removing USE2008-00037 from the Consent Agenda, thereby bringing this case forward to the attention of the PC.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Chair Bruce adjourned the PC meeting, and convened the COW.

TXT2006-00003

Review and discussion of the CBJ Comprehensive Plan.

Location: Boroughwide

Applicant: CBJ Community Development

Benjamin Lyman stated that the Committee of the Whole (COW) review of the July 2007 Draft Comprehensive Plan (Comp Plan) would continue with staff's Appendices memorandum dated July 14, 2008.

COMPREHENSIVE PLAN APPENDICES

APPENDIX A: Glossary of Terms Used in the Plan

Mr. Lyman noted that Ms. Waterman recently provided comments, some of which are substantive, so he would mention these of throughout the review process. In addition, he deleted certain terms in the Glossary, which he was unable to locate in the Comp Plan.

Mr. Lyman stated that per a comment provided by Ms. Waterman, he would make the following revision, to which the COW agreed:

[INSERT AT END]

"AFFORDABLE HOUSING: -- See HOUSING AFFORDABILITY."

Ms. Gladziszewski requested the following revisions:

"ATV/~~SNOWMOBILE~~ COURSE: An open air area that legally allows off-road-vehicles, all-terrain-vehicles ~~and/or snowmobiles~~ in a contained arena or track and as a series of trails. ~~Parking areas for the towing vehicles and trailers are required as are convenience facilities such as toilets and trash receptacles. Noise, safety/access to emergency medical care, water pollution, trash, and hazing or disturbance of fish and wildlife are concerns with citing such facilities.~~"

Mr. Miller requested that "OHV be incorporated into the appendices:

[INERT INTO ACRONYMS SECTION]

"OHV"

Mr. Lyman stated that Ms. Waterman requested the following revision:

"AVOIDED COST: A term used in the electrical generation industry to refer to the lowest cost of electrical energy that the utility might avoid ~~generation that is avoided~~ by purchasing less expensive power electric energy from another ~~generator~~ source."

Ms. Snow said the following definition is not correct, and suggested these revisions:

"BASIC SECTOR INDUSTRY: A basic sector industry is one ~~in which~~ that brings in revenue from a manufactured good is exported outside of the community."

Ms. Gladziszewski requested the following be deleted in its entirety:

"BEACH"

Ms. Gladziszewski requested the following revision be incorporated:

"BELOW-MARKET-RATE (BMR) HOUSING: Housing that has a legal restriction for a specific period of time to be sold or rented at a price that is below the prevailing rate for equivalent housing units within the community. For example, dwelling units which are deemed as "affordable" by an inclusionary affordable housing requirement as a condition of a rezoning approval ~~would be designated BMR units~~."

Ms. Gladziszewski requested the following change s:

"BEST MANAGEMENT PRACTICES (BMPs): Officially established (by the regulating agency or relevant industry standards) operating procedures and management practices of a business or other entity that reduces adverse impacts to the environment and environs. ~~BMPs are often updated biannually as the science or industry standards improve or the cumulative impacts on the environment from other forces or elements change such that new BMPs are necessary and appropriate.~~"

Mr. Lyman stated that Ms. Waterman requested the following revisions:

"CARRYING CAPACITY: ~~Carrying capacity refers to the maximum capacity of an element to serve the purpose for which it was established. Carrying capacity refers to t~~The number of individuals who can be supported without degrading the natural, cultural and social environment; that is, without reducing the ability of the environment to sustain the desired quality of life over the long term. A neighborhood's carrying capacity is measured by a number of elements including water, sanitary sewer service, stormwater conveyance systems, road and intersection capacity, school enrollment capacity, police, fire and emergency medical service capacity, and the like. Take, for example, the carrying capacity of a road, as measured by its level of service (LOS): A road is typically designed to accommodate a certain number of vehicles during a certain time period. If the road is carrying more than that number during a peak period, say from 8 to 9 in the morning and from 5 to 6 in the evening, the carrying capacity of the road is exceeded and the LOSs are reduced, thereby reducing the neighborhood's livability."

It was the consensus of the COW to delete the following in its entirety:

"COASTAL DEVELOPMENT"

Ms. Gladziszewski requested the following revision be incorporated:

"COASTAL MANAGEMENT: Planning process which guides the preservation, development, use and restoration of coastal resources in Alaska, pursuant to the provisions of the State Coastal Management Act of 1977."

Ms. Gladziszewski requested the following revisions:

"COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG): ~~The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs.~~ The Federal CDBG program provides annual grants on a formula basis to local governments and States. In Alaska, the CDBG program is administered by the Department of Commerce, Community, and Economic Development's Division of Community and Regional Affairs. Grants are made to local governments and area awarded based on criteria such as project readiness, adherence to state funding priorities, and community need."

Mr. Scarano requested the following revision be incorporated, as this is already described under *IN-FILL DEVELOPMENT*:

"COMPACT DEVELOPMENT: A strategy to encourage the most efficient use of existing municipal water, sewer, roads and other public services such as police, fire and emergency medical care, as well as to make the most efficient use of private utilities and services such as power, communication systems and garbage collection. Compact development encourages higher density development as in-fill development on parcels within a designated Urban Service Area; ~~the Urban Service Area is the target area for the provision of public infrastructure, services and facilities.~~ See *IN-FILL DEVELOPMENT*."

Ms. Gladziszewski requested deleting the following in its entirety:

"CONSERVATION"

Mr. Lyman stated that Ms. Waterman requested the COW refer to the Implementation Action in Comp Plan, 15.1.IA3, when the COW previously described the boundary of the cultural campus in the proximity of various downtown Juneau streets; therefore, she recommended the following deletion:

"CULTURAL CAMPUS: ~~An area of Downtown Juneau, near the Capitol Complex, that provides a cluster of arts, crafts and performance venues, cultural and entertainment venues, arts related workshops, studios, galleries, retail outlets, and culinary arts related food and beverage services, along with artist housing. Typically, this would be characterized as an Arts District and would feature performances and arts attractive to local, regional and international students and residents. There would be a central or nearby parking facility that is shared with daytime users, such as the State Office parking garage and available for arts patrons in the evenings and week ends. A performing arts building would be a central feature of the cultural campus whose performance spaces could also be used as meeting venues by State legislators as part of the Capitol Complex and by the Convention and Visitors Bureau for special events.~~"

Ms. Gladziszewski requested that the COW just delete this definition in its entirety. Mr. Rue objected, stating that while it is utilized in the Comp Plan, it is not a necessarily an intuitive term. It was the consensus of the COW to retain the version above as it has been revised by Ms. Waterman.

Mr. Pernula recommended the following revision, to which the COW agreed:

"DECIBEL (dBa, dBA, dBc and/or dBC): A unit used to express the relative intensity of sound as it is heard by the human ear. dBA is the "A-weighted" scale for measuring sound in decibels that weights or reduces the effects of low and high frequencies in order to ~~similar~~simulate human hearing. dBC is the "C-weighted" scale, and is used more typically to measure the sounds typically associated with the "bass" line of music. Each increase of 10 dBA or dBC intensifies the noise tenfold and doubles the perceived loudness. dBa and dBA are equivalent to each other, as are dBc and dBC."

Ms. Gladziszewski requested the following deletion:

"DENSITY (Residential): The number of housing units allowed per unit of land, such as one dwelling per acre or twenty units per acre. Gross density refers to all the land area under consideration; net density is the area remaining after elimination of land for streets, parks and other public or non-residential uses. ~~Density can be controlled by zoning regulations in the following ways: use restrictions; minimum lot size; maximum lot coverage; setback and yard requirements; maximum house size limits; and number of parking spaces required per home, among others.~~"

Mr. Lyman stated that Ms. Waterman requested deleting the following in its entirety:

~~"EAGLECREST"~~

Mr. Miller requested the following revision:

"FILL: Placement of sand, sediment, or other material, ~~usually in submerged lands or wetlands,~~ to raise the elevation of land."

Mr. Rue said he does not want to place people in a position regarding this term that refers only to fill, when it should actually refer to wetland fill. Mr. Lyman explained that fill is generally placed behind a retaining wall to support certain structures.

Ms. Gladziszewski requested deleting the following in its entirety:

~~"ECOSYSTEM"~~

Mr. Bruce requested the following revisions:

~~"FISHERIES OR COMMERCIAL FISHERIES:~~ Harvest of Ppopulations or stocks of particular fish species ~~that can be harvested commercial when sufficient populations exist."~~

Ms. Snow requested deleting the following in their entirety:

~~"FLORA AND FAUNA;
FLOODPLAIN;
FLOOD, REGIONAL OR 100 YEAR; and
FLOODWAY"~~

Ms. Gladziszewski requested the following deletion in its entirety:

~~"FOSSIL FUELS"~~

Ms. Snow requested deleting the following verbiage:

"GIS OR GEOGRAPHIC INFORMATION SYSTEM: A system of computer hardware, software and procedures designed to support the capture, management, manipulation, analysis, modeling, and display of spatially-related data for planning and resource management purposes. Geographic Information System (GIS) is a digital mapping system linked with various databases of geographic information such as roads, parcels, trails, streams, terrain, watercourses and the like. The data can be called upon to show each geographical feature or can call upon multiple layers of data to show numerous geographical features. Aerial photos, parcel lines, road systems, trails, topographic contours can be viewed.—Many implementing actions of this Plan request mapping of natural and built features on the CBJ's GIS maps."

Mr. Rue requested deleting the following in its entirety:
"GROUNDWATER"

Mr. Watson requested the following revision be incorporated:
"HOUSE BOAT: A vessel capable of movement under its own power that is designed primarily to be used as a residence."

Ms. Snow requested the following deletion:
"HOUSEHOLD: Households are comprised as one or more persons living within a dwelling unit or equivalent. A householder can be a single-person living with one or more un-related persons within a single dwelling unit.—Homeless persons are not counted in US Census data as households."

Ms. Snow requested the following be deleted in its entirety:
"HOUSING AFFORDABILITY"

Mr. Lyman recommended revising the following title, to which the COW agreed:
"HOUSING TRUST OR LAND TRUST"

Ms. Gladziszewski requested the following be deleted in its entirety:
"IMPACT ANALYSIS"

Mr. Rue requested deleting the following in their entirety:
"INADEQUATE OR SUBSTANDARD HOUSING; and
INCLUSIONARY AFFORDABLE HOUSING ZONING"

Mr. Lyman stated that Ms. Waterman requested the following revision:
"INDICATOR: Indicators provide relevant, easy to understand, and reliable information based on accessible data that reflect the status of larger systems. An indicator is a measurement that reflects the causal relationship between two or more elements of a holistic system, where changes in one element affect the status of another.—Your body temperature is a good example; it indicates the state of your entire body's well being.—When we cannot see the condition of something in its entirety, an indicator can make the overall condition readable enough to deliberate on a course of action for change or sustainability.—"

~~Indicators can represent the current state of a community, or they can measure change over a period of time. Both types of indicators can raise awareness and inspire change."~~

Mr. Scarano requested the following deletion:

"~~INVASIVE SPECIES: A species that is non-native to the local ecosystem, and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. They may grow more rapidly, mature earlier, or out-reproduce native species. Invasive species often lack local predators, and may be able to hybridize with native species, thereby compromising the genetic makeup of native species.~~"

Mr. Lyman requested deleting the following in its entirety, to which the COW agreed:

~~"LANDSLIDE"~~

Mr. Miller requested the following revision:

"LEED (Leadership in Energy & Environmental Design): A system developed by the United States Green Building Council that defines standards for what constitutes a "green" or environmentally preferable structure. The certification system is designed for rating new and renovated commercial, institutional and residential buildings and evaluates the entire building over the building's life cycle. LEED certificates are awarded at various levels (certified, silver, gold, and platinum) according to a scoring system.

Mr. Bruce recommended the following deletion:

"~~LEVEL OF SERVICE (LOS): Levels of service is a qualitative measure by which transportation planners describe the efficiency of a traffic stream and the way in which such conditions are perceived by persons traveling the traffic stream. Level of Service (LOS) measurements describe conditions such as speed, travel time, freedom to maneuver, traffic interruptions, traveler comfort and convenience and safety. The LOS system uses the letters A through F to characterize the level of congestion of a feature, with A being the best or least congested and F being the worst or most congested condition. [The remaining text was deleted.]~~"

Ms. Gladziszewski requested rewriting following definition in its entirety:

"LIFE CYCLE COSTS: The total cost of creation, delivery, and ownership of an asset over the life of the asset. [~~The initial text was deleted.~~]"

Ms. Snow and Mr. Lyman requested deleting the following in its entirety, to which the COW agreed:

~~"MARICULTURE; and
MASTER PLANNED NEW GROWTH AREA"~~

Mr. Scarano requested the following revisions:

"MEDIAN HOUSEHOLD INCOME: The sum of money income received in the previous calendar year by all household members 15 years old and over, including household members not related to the householder, people living alone, and others in nonfamily

households. Median income is the mid-point income in an ordered distribution of all household income levels. [~~The remaining text was deleted.~~]"

Ms. Gladziszewski and Ms. Snow requested the following revisions:

"MITIGATION MEASURE: An action or series of actions designed to avoid, reduce, or compensate for the adverse impact or effect of a development on the site or surrounding environs or neighborhood. [~~The remaining text was deleted.~~]"

Ms. Snow requested the following changes:

"MIXED USE DEVELOPMENT: A mixed use development is one that provides space for two or more land use activities, typically for residential and non-residential uses. ~~Typically~~Generally, a mixed use development will have vertical mixing of the uses with ground floor retail space, a second or more floors of office space and housing above. A horizontal mixed use development could have multiple structures with each structure devoted to a particular land use, such as a church with a school or day care center. [~~The remaining text was deleted.~~]"

Ms. Snow requested the following changes:

"MULTI-MODAL TRANSPORTATION SYSTEM: Multi-modal means more than one means of travel or transport. For example, a multi-modal transportation system might have sidewalks and trails for pedestrians, bicycle paths separated from vehicle traffic, public transportation facilities such as buses, carpool vehicles and high-occupancy-vehicle lanes for carpool travel and parking, and parking facilities for all motorized and non-motorized vehicles, as well as marine and air components. ~~A surface transportation system would include land based facilities, including bridges over waterbodies, rather than those accommodating air or marine travel.~~"

Mr. Scarano requested deleting the following in their entirety:

~~"NATURAL HABITAT; and
NATURAL RESOURCES"~~

Ms. Snow and Ms. Gladziszewski requested the following revisions:

"OVERCROWDING: A condition in relation to standard housing, it is the condition of having more than one person per room in a dwelling unit, excluding the kitchen and bathroom in that calculation. A two bedroom home with a living room and no separate dining room would be considered overerowed if more than three persons resided therein~~the~~number of residents in a dwelling, defined by HUD, and measured by researchers in a variety of ways."

Ms. Snow requested the following revision:

"RESIDENTIAL LAND: ~~Zoned~~Used for dwelling units of all structural and ownership types, including single-family detached homes with or without accessory apartments, structures with attached dwelling units such as duplexes or apartments or condominiums, housing with shared kitchens such as the co-housing type or the Single Room Occupancy (SRO) type, manufactured home parks, float homes, and the like."

Ms. Gladziszewski requested the following deletion:

RIPARIAN HABITAT: The ecosystem(s) near or situated on the bank of a river, stream, creek or other body of water. A riparian zone is the interface between land and a flowing surface water body. Plants along the water body margins are called riparian vegetation and these areas provide food and shelter for many aquatic animals, and their predators. [~~The remaining text was deleted.~~]"

Ms. Snow and Mr. Lyman requested the following revisions, to which the COW agreed:

SCENIC CORRIDOR/ VIEWSHED: Areas of land and/or waters within the CBJ from which views of off-site locations and features are offered and where these off-site features are deemed by the general public as an important or spectacular view which provides a sense of identity and open space/natural areas for the viewer. [~~The remaining text was deleted.~~]"

Ms. Gladziszewski requested the following deletions:

"TRANSIT-ORIENTED CORRIDOR: A land use or zoning designation which allows a mixed, predominantly residential, development located within a five to ten-minute walking distance of public transit service. Typically, residential densities are high, neighborhood-serving commercial uses are provided at ground floor level of the development, and a parking requirement is greatly reduced or waived. Building heights on upland areas along bus routes may be taller to accommodate higher residential densities and affordable housing. [~~The remaining text was deleted.~~]"

And;

"TRANSIT-ORIENTED DEVELOPMENT: A land use or zoning designation which allows a mixed, predominantly residential, development located within a five to ten-minute walking distance of public transit service. Typically, residential densities are high, neighborhood-serving commercial uses are provided at ground floor level of the development, and a parking requirement is greatly reduced or waived. Dwelling units are, typically, small and are suitable for single adults or couples, rather than families, due to the lack of active recreational space within the development. Building heights on upland areas along bus routes may be taller to accommodate higher residential densities and affordable housing. [~~The remaining text was deleted.~~]"

Ms. Snow and Mr. Lyman requested the following deletion, to which the COW agreed:

"TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM: A program to reduce the demand on the road system by reducing the number of vehicles using the roadways and by increasing the number of persons per vehicle trip. The TDM reduces the number of persons who drive alone during the commute period and increases the number in carpools, vanpools, buses, walking and biking. A TDM program can include flexible work hours for staggered peak travel times, discounted bus fares during commute to work trips or within specific travel zones (say, from the Valley to Downtown Juneau and back), increased parking rates for day-long parking in the Downtown, preferential parking for High Occupancy Vehicles (carpools, vanpools) and bicycles, along with parking restrictions for commuters in nearby residential neighborhoods. [~~The remaining text was deleted.~~]"

Mr. Rue requested deleting the following in its entirety:

"TSUNAMI"

Mr. Miller requested deleting the following in its entirety:

"UPLAND"

APPENDIX B: Creeks, Rivers & Lakes with Anadromous Fishery Resources in the CBJ - None

APPENDIX C: Acronyms and Abbreviations Used in the Plan

Ms. Gladziszewski requested the following revisions:

| | |
|--------|--|
| AHFC | Alaska Housing and Finance Corporation |
| ANSCSA | Alaska Native Claims Settlement Act |
| CCF/R | Capital City Fire/Rescue Department (Fire Department) |

Ms. Snow requested the following additional acronyms:

| | |
|------------|--|
| <u>OHV</u> | <u>Off-Highway Vehicle</u> |
| <u>UAF</u> | <u>University of Alaska, Fairbanks</u> |
| <u>UAS</u> | <u>University of Alaska, Southeast</u> |

Mr. Lyman stated that he is going to add an acronyms, and revise another, to which the COW agreed:

| | |
|--|--|
| <u>FEMA</u> | <u>The United States Federal Emergency Management Agency</u> |
| <u>DOT—and</u> <u>DOT&PF</u> | Alaska Department of Transportation/Public Facilities |

Ms. Gladziszewski requested the following be deleted:

| | |
|------------|--|
| <u>TMP</u> | <u>Coordinated Downtown Management Program</u> |
|------------|--|

Chair Bruce adjourned the COW, and reconvened the PC meeting.

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula stated that the next regular PC meeting is scheduled for August 12, 2008, which includes a public hearing on the Draft 2008 Comprehensive Plan. Chair Bruce said he is unable to attend this PC meeting.

Mr. Pernula noted that there is a Subdivision Review Committee meeting scheduled at 12:00 p.m., on August 1, 2008, regarding the Point Hilda Major Subdivision proposal.

Valley Centre Subdivision storage unit update

Mr. Pernula said the PC requested that he review issues relative to compliance with conditions in relation to the Valley Centre Subdivision storage units. The first issue is whether or not they are in compliance with the landscaping requirements. He found that a condition of their initial permit was to install additional landscaping, which he was told is on order. The second is if the color of the siding on the structure is in conformance with the condition of the permit. He reviewed the NOD, along with the document that was presented to the PC at the meeting in

which it was presented, whereby he found that it states, "The project will conform to the revised project description and site plan presented by the applicant at the Planning Commission on December 12, 2006, specifically, this includes:

- [Bullet #2] "Use of cedar printed, cedar stained, hardy plank siding on the exterior walls of the buildings shown on the revised site plan ..."

He confirms that the siding facing the residences is a dark gray-blue color and is cedar printed, although he does not define it as being cedar stained. However, the actual document provided by the applicant at the PC meeting states, "We agreed to enhance the exterior of our building on the property with cedar print and stained hardy plank." Therefore, he believes it is the applicant's contention that it would be cedar print, not necessarily cedar stained, but it would be stained. Additionally, the developer is adamant that he never stated that the rear siding of the units would be cedar-color stained siding. However, he noted that the stain color is not bright blue, as was stated in previous testimony provided from a neighbor to the PC. He said the front side of the units have very bright blue doors; however, the backside has dark gray-blue siding. In addition, when the landscaping is installed, he believes it should further contribute to blocking the view of the units by the neighbors.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Rue reported that the Wetland Review Board (WRB) recently reviewed the Point Hilda Major Subdivision proposal. They originally had issues regarding the setbacks and wetlands; however, they determined that buildings are able to be constructed on all 10 lots without violating CBJ regulations, so the WRB had no recommendations beyond the existing stipulations that were provided.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

MOTION: *by Mr. Rue, to adjourn the meeting.*

There being no objection, it was so ordered, and the meeting adjourned at 10:15 p.m.