

MINUTES

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

REGULAR MEETING  
September 9, 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, Victor Scarano, Linda Snow, Nancy Waterman, Dan Miller, Frank Rue, Maria Gladziszewski, Daniel Bruce

A quorum was present.

Staff present: Dale Pernula, CDD Director; Greg Chaney, Dan Sexton, Eric Feldt, Steven Baxter, CDD Planners

**II. APPROVAL OF MINUTES**

August 26, 2008 – Regular Meeting

**MOTION:** by Ms. Waterman, to approve the August 26, 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**

Jonathan Anderson reported that the Assembly met and approved an ordinance authorizing the City Manager to engage in negotiations with the State for a portion of property commonly known as Telephone Hill. He said the transfer of this land is for the purpose of facilitating the construction and operation of a CBJ Parking Garage/Transit Facility. The Assembly voted down funding the whale sculpture that was to be located downtown near Marine Park, although the Whale Committee intends to continue to seek other funding options. He said the PC held a public hearing on the draft CBJ Comprehensive Plan (Comp Plan) on August 12, whereby a motion was passed recommending approval to the Assembly. The Assembly/Committee of the Whole (COW) reviewed the Plan on September 2, and will review it further at a September 11,

2008 meeting. He noted that at the first meeting, the COW removed the mention of the Thane heliport site from the Comp Plan. He said the PC forwarded for approval to the Assembly the Transit Development Plan (TDP), which was reviewed by the COW, and would be forwarded to the Assembly for adoption. He stated that the Assembly approved a revised ordinance amending the boundaries to limit motorized vessel use on Auke Lake.

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

**VI. CONSENT AGENDA**

Chair Bruce announced that there was one item on the Consent Agenda, and inquired if there was public comment on this item. 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 case below was approved.

**CSP2008-00011**

Proposed drainage and access easement across CBJ-owned tidelands for the maintenance of an existing storm drain pipe from the Alaska Department of Labor building.

Location: Egan Dr.

Applicant: CBJ Docks & Harbors

Staff recommendation: that the Planning Commission adopt the Director's findings and analysis and recommend the CBJ Assembly approve the proposed access and drainage easement with the following conditions:

1. If required, a permit shall be reviewed and approved by the CBJ Engineering Department prior to, and any inspections during, the reconstruction of the subject pipe.
2. Use of vehicles on the tidelands shall be minimal to lessen any adverse impacts to the tideland environment.
3. Advisory: It shall be the responsibility of the owner or manager of the subject pipe to apply for all necessary local, state, and federal permits for the maintenance and reconstruction of the subject pipe.

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

**VIII. UNFINISHED BUSINESS - None**

**IX. REGULAR AGENDA**

**APL2008-00001**

Appeal of the CBJ CDD Director's determination to issue BLD2008-00031, a permit for reconstruction of an outside staircase.

Location: 431 Kennedy St.

Applicant: Ira Winograd

Staff report

Greg Chaney stated that the parties referred to are: Ira Winograd who is the applicant and Appellant, plus the owner of the property adjacent to the subject property; Donald Kussart the owner of the subject property; and Dale Pernula the CBJ CDD Director. He reported that at the March 25, 2008 PC meeting, the Commission voted to hear this appeal on a de novo basis with acceptance of new information. The Commission established that the three parties would submit four-page briefs, plus photos as needed, to the CBJ Community Development Department (CDD) by May 7 for a public hearing on May 13, 2008. He said this is when the PC requested a memorandum from the CBJ Building Official regarding building code requirements for the stairway, including an as-built survey of the subject property (Attachments 1 & 2). He said the as-built survey reflects where the stairway was built, with the corner at 2.7' of the existing residence, and the edge of the stairway is 1.5' from the adjacent property line. However, he noted that the as-built survey does not reflect the adjacent residence to it. The property owner extended the top landing in front of the doorway to meet the building code. He noted that the CBJ Building Official's memorandum states that "the stairway constructed was the minimum size needed to meet adopted building code requirements." He explained that when an old stairway is removed, the new stairway has to comply with the health and safety code. However, if they were to rebuild the stairway and not take advantage of the previous encroachment to meet the 3' required setback for new construction, they would have to move the stairway over causing them to cut into the living space of the residence. He said the primary question is whether this is a reconstruction of an existing non-conforming structure, or if this structure now encroaches into an area that formerly did not have an encroachment to it. He explained that the appellant feels that the new stairway is an encroachment that provides an aggravation of a previous non-conforming situation. He stated that both the appellant and the property owner submitted additional written testimony; however, public testimony was closed at the last PC meeting. Therefore, the Commission needs to determine whether or not additional information should be accepted at this time. He informed the PC that the CBJ Attorney advised staff that in reviewing an appeal it is best to take additional information if it is available, rather than excluding it, because if this case were to move on to the next level, the PC would be able to state that they heard and reviewed all the information submitted by all parties, but the Commission is not obligated to do so.

**MOTION:** *by Ms. Waterman, to accept additional written and oral testimony from all involved parties.*

There being no objection, it was so ordered.

Mr. Rue asked if the adjacent residence was constructed on the lot line. Mr. Chaney clarified that the as-built survey does not reflect the adjacent residence, and only reflects the subject property.

Ms. Gladziszewski stated that the rises of the stairs are not able to be made steeper on either the subject stairway or the adjacent stairway per the building code. Mr. Chaney said this is correct, stating that the subject stairway is at code minimum now. Additionally, he said based on the

Building Official's review, the subject property owner is not able to make the stairs any steeper in order to make the structure shorter because doing so would not meet the building code.

**BREAK:** 7:12 to 7:17 p.m.

#### Public testimony

Ira Winograd, 435 Kennedy St., the appellant, said the building code clearly states that stairways are required to contain a 3' setback from the property line, but a variance was never applied for. However, this is an appeal of the CDD Director's decision on an after-the-fact permit. As he interprets the code, there is no way around the fact that the stairway encroaches within the 3' setback. He said the top landing of the old stairway was similar to his landing that used to be within the porch area, but now the neighbor's new top landing extends into the porch area. Instead, he believes they should have extended the porch area out so it is flush with the stairs, which would still be in accordance with the Universal Building Code (UBC). Mr. Bruce asked if the appellant was familiar with what the requirements are for a variance. Mr. Winograd said he is. Mr. Bruce asked what he believes would be the outcome if a variance was to be applied in regards to the criteria. Mr. Winograd said the PC would have to determine the relative merits of the area between the two structures utilized to provide emergency access, and noted that other residences in close vicinity have burnt down. He added that his rear setback area is truly not a form of access. He said another house located above his residence has a new stairway that is fairly close to the original construction that does not encroach into the adjacent access area. Mr. Bruce asked if the appellant spoke to fire department personnel as to whether or not the stairway would impede emergency access to the rear of the property. Mr. Winograd replied that he requested CDD staff to do so on several occasions, but he has not heard from staff or the fire department. Ms. Gladziszewski asked staff if they ever contacted the fire department to evaluate emergency access to the rear. Mr. Chaney said he is not aware of this, nor was it a request of the PC for this particular hearing.

Donald Kussart, 431 Kennedy St., stated that although he owns this property, he resides at 425 Kennedy St. He said he is not prepared to argue regarding the technicalities of this case, which he would leave up to staff. However, after reading the minutes of the previous PC hearings on this appeal, he wished to counter some of the impressions implied by the appellant. He said the appellant stated that the access area between the adjoining properties was the only access to the rear of his property, and it is not. He clarified that the appellant has another access area on the other side of his house with another adjacent property owner, including a 5' wide access area in the rear of his residence. However, he is not attempting to deny the appellant access in this area, stating that people that reside in this general area have been very understanding as far as providing access to conduct maintenance between residences. He explained that there are several houses in the area that are less than 3' apart. Furthermore, the rear access area has a slight angle that he measured and found that it is 30 inches between the rear of the buildings, which is less than the required 3' setback. He explained that this disputed area is also the legal access for his property, so he does not intend to block the access because he needs it to maintain his residence. He believes that this dispute relates to the matter that the old access was quite convenient for the appellant, however, this access has now changed, but they both are still able to utilize it. Furthermore, he explained that the appellant had heating fuel delivered earlier this summer, and he spoke with the delivery person who stated that he did not have any issues with

gaining access to the fuel tank located in the rear of the appellant's property. This same person is also a volunteer fireman, and he stated that he did not see this access area posing any potential emergency access issues either. He stated that per the code, he did not want to have issues with staff, so he did what the Building Official stated that he needed to do in terms of how the stairway had to be constructed. Therefore, he constructed the stairway and complied with the code, and although access to the rear of the property is no longer as convenient as it used to be, he is willing to have a new stairway with less than convenient access. He stated that the appellant has a vested interest in his stairway and views it as an obstacle. However, he believes it is not an insurmountable obstacle because it does not deny the appellant access into the rear of his property.

Ms. Gladziszewski asked if the Building Official stated that Mr. Kussart could not reconstruct the stairway in the same manner of the old structure utilizing new construction material. Mr. Kussart said it would have been possible, but the new stairway would not have been built to code. He explained that the old stairway was very steep and narrow with no middle or upper landings. Mr. Chaney added that the Building Official reviewed the site, and then agreed that this stairway was the minimum that could be constructed to comply with current code. He said property owners are able to complete maintenance on existing non-conforming stairways, but if they are completely removed the building code states that they are required to build a safer stairway in accordance with the code. He clarified that the building code does not allow the zoning code to be violated when constructing new structures. He said the interpretation that the PC is reviewing is the preexisting encroachment, and in plan view the new stairway does not encroach anymore than the previous stairway did. Additionally, the allowance in the zoning code is that if they have a non-conforming structure they are allowed to reconstruct it to the same footprint or smaller. He explained that this is the issue the appellant has because he believes the new stairway provides for an increased encroachment because of the vertical component. Therefore, depending on how the PC interprets the code regarding this appeal, it would be to either accept the appellant's interpretation, or the CDD Director's interpretation. In addition, he stated that if they did not have the existing encroachment, the property owner would be required to meet the setback, or obtain a variance. Therefore, in doing so, if they had to meet the setback, the property owner would need to tear down a portion of their existing house because ample room does not exist to construct a stairway to code. He cited 49.30.400(2) "Aggravation of non-conforming situations. A greater invasion in any dimension of setback requirements or height limitations..." He added that CDD staff deals with yard setbacks that include horizontal and vertical measurements in terms of height; however, there is no vertical height limit on stairways. Therefore, the CDD Director's interpretation is that this reconstructed stairway meets the previous horizontal setback encroachment, and the vertical component is not addressed in the setback ordinance. However, he explained that it would need to be addressed if the building were over 35' high in this zone because it would be a non-conforming situation.

Mr. Bruce stated that hypothetically if this were a variance request, he would ask how staff would analyze this case. Mr. Chaney replied that in general he believes such a case would withstand the variance criteria, whereby staff would be able to provide a positive recommendation to the PC; however, his answer is provided without conducting a thorough review. He added that this is a complicated case, noting that there is no answer provided regarding public health and safety. Therefore, if this case were to meet the variance criteria, the

question would need to be determined as to whether or not the 1.5' width is acceptable for the adjoining access. He explained that it is clearly depicted in a photograph where Mr. Sexton is standing in the subject encroachment area, that he is able to access this area. However, he stressed that this reply is not to be substituted for a full analysis.

Mr. Winograd said the porch area of the subject residence has been referred to as living space by staff, and it is not. Instead, he said it is an enclosed porch that is lower in height than the house. He explained that the top landing is really an extension of an enclosed porch landing, as he has the same house design and his stairway rises to an enclosed porch that also serves as his only top landing. He stressed that any part of a structure within the 3' side yard setback is non-conforming per the code, and the property owner is not allowed to aggravate the previous non-conforming use with a new stairway, and the code does not provide for any exceptions. Additionally, non-conforming is defined as being a three-dimensional space.

Public testimony was closed.

#### Commission discussion

Mr. Satre asked how the code defines an enclosed landing that has a door, which is also utilized as an enclosed porch. Mr. Chaney said the code does not, although this porch has an out-swing door so a person would be required to stand on a stair in order to open it, which is unsafe. Mr. Miller believes that if they had an in-swing door the stairs are allowed to extend directly to an enclosed porch. Mr. Chaney said this was not his impression.

Mr. Watson asked if it is possible for the property owner to construct a fence between these two adjoining residences. Mr. Pernula replied that the property owner is allowed to build a fence right to the property line, although if he were to construct a fence more than 8' in height, he would need to obtain a building permit in order to do so.

Mr. Rue asked staff to explain their disagreement with the appellant's interpretation regarding 49.30.400 "Aggravation of nonconforming situations. (1) An increase in the total amount of space devoted to a non-conforming use; or (2) A greater invasion in any dimension of setback requirements or height..." Mr. Chaney replied that staff states that the new stairway is less of an encroachment than the previous horizontal stairway encroachment. However, vertical encroachment is not regulated, and is not what staff would normally review unless it was much more substandard than what they were reviewing in this case. Mr. Pernula added that the old landing did not have a guardrail, although the property owner could have done so at anytime with the old stairway, which would have had a more limiting effect on access to the rear of the property than the new landing with a guardrail.

Mr. Bruce stated that regarding the issue of the hypothetical variance analysis, realizing that Mr. Pernula as the CDD Director has some discretion on certain variances; otherwise, he is required to present them to the PC. Mr. Pernula agreed, stating that it is a de minimis of 25%, and explained that it is 25% of the yard of the required setback. Therefore, in this case, with a variance consisting of a 3' side yard setback, 25% would have been considered a de minimis variance. However, the new stairway provides less of an encroachment within the yard;

therefore, it was his determination that because of the reduction of this encroachment the new stairway could be reconstructed as it was without a variance.

Mr. Miller stated that in the report there is an excerpt from Appendix J of the 2003 International Residential Code (IRC) that was adopted by CBJ, which states, "R311.5.4. Landing for stairways. There shall be a floor or landing at the top and bottom of each stairway. Exception: A floor or landing is not required at the top of an interior flight of stairs, provided a door does not swing over the stairs." In addition, he stated that if there are other property owners in the vicinity with similar residences that do not wish to go through this same process, they should start maintaining their stairs now.

Staff recommendation - None

Commission action

Ms. Gladziszewski cited a portion of 49.20.11 Appeals to the planning commission. "...the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion..." Therefore, she said the PC needs to determine whether there was a policy error or abuse of discretion if they disagree with the CDD Director's decision. Also, whether or not the new landing provides less of an encroachment than the previous encroachment did. Mr. Bruce added that this also includes the PC determining whether there is a lack of substantial evidence to support the CDD Director's decision.

**MOTION:** by Ms. Gladziszewski, in regards to APL2008-00001, the Planning Commission upholds the CDD Director's determination to issue BLD2008-00031.

Ms. Gladziszewski spoke in favor of the motion, stating that she believes the Commission was provided substantial evidence to support the CDD Director's decision and does not view any policy errors.

Mr. Satre stated that he is in favor of the motion. He said the crux of this matter was eloquently outlined by Mr. Chaney as to whether or not the previous landing was considered to be an encroachment into the side yard setback, and it was. Additionally, he stated that the CDD Director interpreted the code and determined that the new stairway provides less of an encroachment into the side yard setback than the previous stairway did.

Ms. Snow spoke against the motion, stating that this is a difficult case, and no matter how the Commission decides it is going to create a problem for someone. However, she tends to agree with the appellant, stating that she believes the spirit of the code is that the encroachment is greater when it is viewed in a three-dimensional scale. She is also able to view an obstruction that the new stairway provides, which did not exist before. Therefore, she feels the Commission needs to take in account the spirit and not just the letter of the code.

Mr. Rue said he is in favor of the motion, stating that he believes the CDD Director was correct in his interpretation of the code as it is written. He said other mitigating circumstances are that the property owner is allowed to install an 8' fence, which could potentially block the access even more so.

Mr. Bruce said he has sympathy for some of the arguments made by the appellant. He believes that ultimately there is a conflict between the UBC, IRC, and the CBJ Building Code. However, there is probably going to be more opportunity for someone to fall down an older flight of stairs that does not meet code, versus a new stairway that does meet code. Moreover, if staff initially required this property owner to obtain a variance they would more than likely find in favor of the new staircase. He stated that doing so could have eliminated the need to go through all this unnecessary effort even though the PC has evidence that supports the CDD Director's decision; therefore, he spoke in favor of the motion.

Roll call vote

Yeas: Waterman, Scarano, Gladziszewski, Rue, Satre, Miller, Watson, Bruce  
Nays: Snow

Motion passes: 8:1, and the appeal regarding APL2008-00001 of the CDD Director's determination to issue BLD2008-00031 was upheld by the PC.

**CSP2008-00008**

A city project review for the Downtown Historic District Design Guidelines.

Location: Boroughwide  
Applicant: City & Borough of Juneau

Staff report

Daniel Sexton informed the Commission that a letter was provided to the PC by the Downtown Business Association (DBA), dated September 9, 2008, and noted that Ann House was present in the audience. He reported that the CDD proposes new Downtown Historic District Design Standards and Guidelines (HDDSG) per Attachment A, which would guide new construction and major renovations of existing buildings in the Downtown Historic District (DHD). He stated that in 2004 there was an effort to evaluate and update the existing HDDSG, including the review of processes for the DHD. This was a two-phase approach, the first phase included the hiring of the consultant firm Winter & Company to complete a Design Review Evaluation of the DHD. The DHD identified strengths and weaknesses of the current standards and review process, as well as recommending solutions. The solutions included are: updates to the existing historic preservation ordinance and guidelines; the concept of a Historic Preservation Review Board; and the establishment of additional historic preservation incentives. He said the second phase began in 2007 and included the development of new historic guidelines and revised code language by Winter & Company who developed the new rewrite of the entire HDDSG. He noted that the consultant gathered input from three public workshops, multiple meetings with staff, and key stakeholder groups that included the Historic Resources Advisory Committee and the DBA. He said staff also accepted public comment regarding the content and layout of the document. Furthermore, the proposed HDDSG was developed for compliance with the requirements of the National Historic Preservation Act, and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and is a requirement of the Certified Local Government, which the CBJ was designated as in 1988. He stated that the consultant previously provided the PC/COW a presentation on the proposed new HDDSG, noting that there were a couple of minor comments the Commissioners provided, which have been incorporated. He

added that the consultant later conducted a training session with staff by providing hypothetical situations of new construction on the vacant properties, or major rehabilitation on existing structures within the DHD, and how the new HDDSG would come into play in certain situations. He pointed out key features of the HDDSG to the Commission, which provides the document to be more user-friendly. He explained that staff also included more detailed descriptions and diagrams for the users of the HDDSG, which also allows staff to be more consistent in conducting evaluations. He noted that the DHD now has four periods of significance, which are: Late Victorian from 1883 to 1911; Early Twentieth Century Commercial from 1912 to 1920; Art Moderne from 1930 to 1940; and Art Deco from 1930 to 1950. He explained that rehabilitation should be the first aspect that is considered when working on a historic structure and guidelines for doing so, including suggestions for what materials should be utilized, which are outlined in the HDDSG. He explained that the document states that the CBJ should continue to provide incentives to prevent historic buildings from turning into a dilapidated state. He said that there have been discussions by others for a funding process for architectural consultation to provide for professional input when owners are initially contemplating remodeling or rehabilitating their historic structure. He explained that there are a few vacant lots within the DHD that could potentially involve new construction in the future, so these would be required to fit within the HDDSG as well.

Mr. Watson asked staff if the owner of the empty lot adjacent to the CBJ Municipal Building intends to construct a new building, and if staff would utilize the HDDSG to evaluate such plans. Mr. Sexton said staff would do so once the HDDSG is adopted by the Assembly; however, he noted that the revised code language in Title 49, and the establishment of a Historic Preservation Review Board, would both make the design guidelines more enforceable, as was mentioned in the DBA's letter and the HRAC's letter. Mr. Watson said he is concerned that the guidelines regarding coverings over off-season display windows and lighting are only recommendations. Mr. Pernula stated that this is an enforcement issue, noting that most of the downtown businesses are owned by out-of-town property owners, which makes these types of enforcement issues more difficult.

Ms. Gladziszewski asked staff to provide a status update regarding the potential design review board. Mr. Sexton stated that they intend to first adopt the HDDSG, and then consider forming a Historic Preservation Review Board, which would be presented to the PC and the Assembly. Mr. Pernula added that this would require an ordinance to create such a board, and membership appointments would need to be made, along with specific standards to be established as well. He mentioned that this would be a narrow-focused board that would only review DHD cases. Mr. Scarano stated that the other former Design Review Board spanned boroughwide, and asked why it was disbanded. Mr. Pernula replied that this was prior to his arrival to Juneau. Mr. Rue asked if there was a plan to move forward to set up such a board. Mr. Pernula stated that if this is a recommendation of the PC, staff would move it forward to the Assembly for their consideration.

#### Public testimony

Charles O'Connor, 167 S. Franklin St., said he is the Site Manager of the Alaskan Hotel, which he loves and lives in, but the building is in great need of repair, along with several other downtown historic buildings. He encourages the PC to consider altering the direction in which they are moving with this proposal. He is from Dallas, TX, and explained that there were similar

proposals adopted in Dallas about 15 years ago for residential and commercial properties. Following this, many property owners were ticketed and fined exorbitant fees, whereby the city quite often later claimed eminent domain. In one case, his friends owned a \$150,000 residence, but the city only paid \$30,000 for it, and then evicted them; however, he does not want this to happen in Juneau. He moved here a year ago and fell in love with Juneau because it is so normal. He said there needs to be mediation provided for regarding the enforcement of specific standards, e.g., so the CBJ does not take 15 years to negotiate with an owner to change an awning. Instead, there should be an effective method in which the CBJ could assist the landowners to complete necessary repairs in order to preserve historical buildings in downtown without penalizing them and taking away their rights, which destroys community businesses. Mr. Pernula stated that the CBJ already has existing historic design standards that only encompass one design standard that is not very flexible, and smaller projects are reviewed by staff, with larger projects being reviewed by the PC. However, the new HDDSG encompasses four different design periods of construction. He said the direction they wish to take is to have a Historic Preservation Review Board that is specific to historic district standards so they have better knowledge, which he believes should be an improvement.

Ann House, 2808 Peters Lane, said she is the President of the DBA, stating that the association worked with the consultant, and believes the HDDSG is a 90% improvement over the current process. She explained that Mr. Winter's original intent was to come up with a theme for downtown, but he was unable to do so. However, the DBA has reservations because there were certain elements that they understood would be included, which are: a design review board; a resolution process; and a grant process for architectural consultation. She said the CDD advised the DBA that these concerns would require a new ordinance to be enacted. Therefore, when that happens, the DBA would support the proposed HDDSG. Ms. Waterman clarified that when Ms. House mentions the design review board, she asked if her intention was that such a board be specific to the historic district. Ms. House said this is her intent.

Joshua Adams, 167 S. Franklin St., said he is the General Manager of the Alaskan Hotel. He stated that he believes 90% of the HDDSG is great, but there is one major point that needs to be rectified before it becomes final. He explained that staff's presentation photograph depicts the Alaskan Hotel building as having a flexible roll-down awning. He said this is unlike the flat-horizontal canopies that are not historical or safe, which were first constructed in 1928. He said this time period is when the owner of the Triangle constructed a concrete building and had leftover material so they constructed a concrete awning, as they were able to tie into the rebar of the building. Therefore, this method was less expensive and easier to construct than a permanent awning during that time. However, he explained that wood historic buildings rot, so the flat-horizontal canopies that were attached utilizing turnbuckles become unsafe when the buildings age. He referred to the same photograph, stating that it was taken in 1918, although previous this date the original Alaskan Hotel building did not have an awning. However, the roll-down awnings are removable and are able to be rolled up on a sunny days to let light into the clearstory, or are able to remain down for protection of pedestrians from the rain. He stated that all over the world this type of awning is being utilized because they are considered as being historic. He asked the PC to contemplate which they considered to be more historic: the awning that was built for the first time in Juneau in 1881 (the year after Juneau was founded); or a canopy that was built in 1928 extending out from one of the first concrete buildings. He stated

that the idea to have four design periods of historic building designs in the HDDSG is a significant step forward. He explained that this is especially true because the period of significance in the existing standards is incorrect. He believes the Queen Anne style represents Juneau more than any other design that includes flexible roll-down awnings above the clearstory. Mr. Rue asked if he had a particular location in the HDDSG where he would add such a consideration. Mr. Adams replied that on Page 50, he suggested revising the following:

7.23 ~~Projecting horizontal canopies~~ Simple shed shape canopies are most appropriate.

- ~~Projecting horizontal canopies~~ Simple shed shapes may be considered.

Mr. Pernula said that although shed shape awnings were utilized 60 to 80 years ago, he understands that they were not very durable given Juneau's inclement weather conditions. Mr. Adams added, stating neither are the buildings. However, the problem is a safety issue in terms of the flat-horizontal canopies that are attached to wood buildings that could possibly fall down and crush a pedestrian, which he believes is just a matter of time. He explained that the Alaskan Hotel personnel were forced by the police to remove one of their awnings and replace it at great cost. Therefore, this is also an economic issue because roll-down awnings are able to be replaced 20 times for the same price of a one flat-horizontal canopy.

Public testimony was closed.

#### Commission discussion

Mr. Rue suggested that staff include flexible awnings in the HDDSG. Mr. Sexton explained that when they were evaluating and structuring the new design guidelines, they wished to reflect what the CBJ currently has in code for canopies per Title 49. Additionally, they took into consideration the durability, which included discussions with the consultant. Mr. Scarano said he believes the durability should be an issue of the building owner, i.e., if they want to replace their awnings 10 times, they should have the right to do so. Mr. Chaney replied that the issue of awnings has been discussed a lot; however, Juneau is unique because of the flat-horizontal canopies that are in place, which works. He explained that if flat-horizontal canopies are constructed properly they are able to control drainage to prevent drip lines on the sidewalk. He said canopies are a unifying element that is the theme of the DHD, which makes the area more pleasant for pedestrians, so this is the reason staff chose to continue with them.

Staff recommendation: that the Planning Commission recommend to the Assembly the adoption of the new Downtown Historic District Design Standards and Guidelines.

#### Commission action

**MOTION:** *by Ms. Gladziszewski, that the Planning Commission recommends to the Assembly the adoption of the new Downtown Historic District Design Standards and Guidelines (HDDSG). Additionally, the Planning Commission encourages the Assembly to continue the process, and to begin working on an ordinance to implement the HDDSG. Furthermore, that the Assembly considers the formation of a Historic Design Review Board, to provide for a dispute resolution process, and to provide for a funding process for architectural consultation, which requires the Assembly to enact a new ordinance as well.*

**FRIENDLY AMENDMENT:** *by Ms. Waterman, that furthermore, the Assembly considers the formation of a Historic Design Review Board, to provide for a dispute resolution process, and to*

*provide for a funding process for architectural consultation, which requires the Assembly to enact a new ordinance as well.*

Mr. Sexton clarified that the PC is requesting to specifically name the new board the "Historic Design Review Board," to which the Commissioners agreed. Chair Bruce requested staff to present the draft ordinance to the PC before it is presented to the Assembly to be enacted. Mr. Pernula agreed to do so.

Ms. Gladziszewski accepted Ms. Waterman's friendly amendment (which was incorporated into the motion).

**FRIENDLY AMENDMENT:** *by Mr. Miller, to include the fabric shed-shape awnings and the durability determination for replacement of these are to be left to the discretion of the property owners.*

Mr. Bruce said the fabric shed-shape awnings would need to substantially meet the functions and guidelines that flat-horizontal canopies are required to meet, e.g., proper drainage to prevent drip lines. Mr. Rue recommended that the PC should instead include the request of the addition of fabric shed-shape awnings language be included in the draft ordinance, which would be presented to the PC before it is forwarded to the Assembly. Mr. Miller stated that Mr. Adams made a compelling argument for fabric shed-shape awnings, and explained that the outdoor fabrics available today are far more durable than what was available in 1881. Therefore, if the property owner is able to meet the requirements, they should be allowed to install these types of awnings. Ms. Gladziszewski revised Mr. Miller's friendly amendment to modify the HDDSG, Page 50, as follows (which was not incorporated into the motion):

- Simple shed shapes may be considered ~~in some cases~~.

Roll call vote

Yeas: Scarano, Gladziszewski, Snow, Rue, Satre, Miller, Watson, Waterman, Bruce

Nays:

Motion passes: 9:0, and CSP2008-00008 was unanimously approved, as modified by the PC.

**BREAK:** 8:29 to 8:33 p.m.

**TXT2008-00005**

A text interpretation case that would allow business' logo(s) on off-premise signs by acknowledging that logos are not a form of off-premise advertisement.

Location: Boroughwide

Applicant: Jenson Yorba Lott, Inc.

Chair Bruce explained that this case stems from a motion by the Board of Adjustment to reconsider the action of the Board from the last PC hearing; therefore, the PC now needs to vote to hear the reconsideration, TXT2008-00005.

**MOTION:** *by Ms. Waterman, that the Planning Commission reconsiders TXT2008-00005.*

Roll call vote

Yeas: Gladziszewski, Rue, Satre, Miller, Watson, Waterman, Scarano, Bruce

Nays: Snow

Motion passes: 8:1, and TXT2008-00005 would be reconsidered by the PC.

Chair Bruce stated that the PC requires a motion if they wish to hear additional evidence.

***MOTION:*** by Ms. Waterman, that the Planning Commission wishes to hear additional evidence regarding TXT2008-00005.

Roll call vote

Yeas: Snow, Rue, Satre, Miller, Watson, Waterman, Scarano, Gladziszewski, Bruce

Nays:

Motion passes: 9:0, and the PC would hear additional evidence relating to TXT2008-00005.

Staff report

Eric Feldt reported that during the August 26, 2008 Board hearing, the Commissioners discussed if a business logo that was placed on a sign would be a form of off-premise advertisement. He said staff determined that the logo was a form of off-premise advertisement and is prohibited in the Land Use Code, Title 49. He explained that the Board is not empowered to grant variances to prohibited uses per CBJ 49.20.250(b). He stated that 49.45.270(c) details the prohibition of off-premise signs as applicable to this scenario (Page 1 of the report). He said the Board has the ability to interpret the code while keeping with the purpose and intent, as stated below:

"49.20.300 Authorization to interpret.

The board of adjustment is authorized to interpret the zoning map and the text of this title [Title 49] and to pass upon questions of lot lines or district boundary lines and similar questions presented by the department or a property owner directly concerned."

He stated that after much discussion, the Board made a motion interpreting that the logo was not a form of off-premise advertisement. The motion was voted on and failed with a 3 to 3 vote, wherein 5 votes are required for approval, and then a notice of reconsideration followed, which is now to be decided upon.

Commission discussion

Mr. Satre stated that the Board heard testimony from the applicant stating that utilizing the logo in conjunction with the Wells Fargo Dimond Field House sign is the method in which Wells Fargo utilizes their name on all signage, letterhead, websites, etc. He said this logo has truly become part and parcel of the name of the entity. He noted that the sign is located off-site from any actual bank and/or mortgage facility. He explained that even though the regulations for public signs are very different, the CBJ utilizes a mountain and water logo that is considered part of the CBJ name, which everyone is familiar with. He said we all live in a very visual and multimedia world and logos have become part of the many entities' names. Therefore, he feels it is appropriate for the logo to be included with the Wells Fargo Dimond Field House sign.

Mr. Scarano explained that there were various discussions related to other sign and logo applications in the borough. He said staff believes this is a form of advertisement, and is unacceptable because it advertises Wells Fargo. He does not believe that he has ever driven down a road and viewed a Wells Fargo billboard (because banking is not generally advertised in this method), but such a sign would not cause him to immediately wish to bank. Therefore, he agrees with Mr. Satre that the logo and title is not advertising; instead, it is just their name.

Mr. Rue said he agrees with the Commissioner's comments because he does not see this as directing attention to the Wells Fargo business. He explained that he views signs that state, "Eat at Joe's Grill on Merchants Wharf" or "Come See the Movies in Downtown on Seward Street" as directing attention to businesses. He said the name on the sign already includes Wells Fargo, so he asked if they were stating that it was "just a little pregnant" here. He does not feel that the logo does any more or less than include the name on the sign, which is not offensive to him at all. He said if it is important to Wells Fargo to have both the logo and the name on the sign, the PC should be fine with retaining it to recognize the contribution they have made to the community. He explained that if GCI or Wings of Alaska had made such a contribution instead, they also would have incorporated a symbol with their name because this is commonly how a business presents their name. Therefore, he believes that retaining the Wells Fargo logo on the sign is not contradictory to code.

Ms. Snow stated that this is the first time she is viewing the logo so close and just noticed that it has the Wells Fargo name within it; therefore the sign actually has the Wells Fargo name on it twice, which is kind of odd. She is concerned that while this instance on its own might not be considered to be offensive, and even if it is borderline, she is afraid that the PC would be opening the door for some other businesses to install similar signs all over the borough.

Ms. Gladziszewski said the sign is certainly not offensive, however she feels it is clearly directing attention to a business, service, or project because Wells Fargo would not want it on the sign if it did not. She said the Wells Fargo name on the sign is not "just a little pregnant," but the inclusion of the logo makes it an advertisement that is an off-premise sign, which is not allowed.

Mr. Miller stated that he agrees that having Wells Fargo name on the sign twice is redundant; however this is only giving Wells Fargo recognition that they were a good community contributor.

Ms. Waterman said she carefully viewed the Wells Fargo bank's over the past week and noticed that most of their signs on the premises include a stagecoach; this field house sign does not. However, she believes it is from a distance an off-premise sign because the logo sports the red and yellow color that Wells Fargo utilizes. She agrees that it is strange to have the symbol that has the name, and also the name on the sign, therefore they are more than just naming the building, but are instead advertising a particular bank that has branches in Juneau and these certain aspects give her discomfort. She explained that the Rotary Park sign is a good example because they are a nonprofit organization that has contributed a great deal to the success of that area and neighborhood, and believes it is a parallel situation. Therefore, since the sign does not reflect the Wells Fargo stagecoach symbol, she supports retaining the sign.

Mr. Watson referred to the letter provided by Dillon & Findley, dated September 9, 2008, from Mr. Stoops to the PC regarding their conclusion that the logo is part of the Wells Fargo name. Therefore, he spoke in favor of retaining the sign because there are sufficient compelling reasons to do so. He explained that it was a huge effort on behalf of Wells Fargo, which in fact could have been a number of other businesses. He believes the comparison of Rotary Park is an excellent example, and is sure that there are other examples of signs around Juneau that are similar in nature to this sign.

Public testimony - None

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and deny the proposed text interpretation.

Commission action

**MOTION**: *by Ms. Gladziszewski, that the Planning Commission through the Board of Adjustment approves TXT2008-00005, and the interpretation is an acknowledgement of a donation to a community facility for the greater good, which is neither an advertisement, nor is the sign visible from any roadway or residence.*

Mr. Bruce stated that if this is considered as being a logo, then he suggests that every sign along the highway that states that this section of highway is cleaned by the efforts of certain organizations, all needs to be removed. He also suggests that the sign at the top of Eaglecrest that states it is sponsored by Princess Cruises needs to be removed. He further suggests that the million dollars that was raised from contributions for a new chair lift at Eaglecrest needs to be returned. He stated that all entities and individuals expect their names or their businesses to be attached to their charitable contributions. He explained that there is a significant difference between a business purchasing an advertisement versus an acknowledgement of a contribution to the community for the greater good; therefore, he does not believe this sign is even close to being an advertisement. He added that granted, it would be different if Wells Fargo listed their financial services on the sign, and if it was visible from a roadway, or had the stagecoach symbol.

Ms. Gladziszewski wished to add to the motion, stating that the interpretation is an acknowledgement of a donation to a community facility for the greater good, which is neither an advertisement, nor is the sign visible from any roadway or residence (which was incorporated into the motion).

Mr. Watson stressed that the logo and name states Wells Fargo on the sign, not Wells Fargo "Bank."

Roll call vote

Yeas: Rue, Satre, Miller, Watson, Waterman, Scarano, Gladziszewski, Snow, Bruce

Nays:

Motion passes: 9:0, and TXT2008-00005 was approved, as modified by the PC.

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

## **X. BOARD OF ADJUSTMENT**

### **VAR2008-00020**

A variance request to reduce the side yard setback of a building from 15 feet to 9 feet, which would allow an existing building to remain in place when the lot is subdivided.

Location: 5985 N. Douglas Hwy.

Applicant: Nancy Jones

#### Staff report

Mr. Pernula introduced Steve Baxter, stating that he is a new CDD Planner. Mr. Baxter reported that the applicants would like to subdivide the ir property into two lots. The existing lot contains a mobile home, a carport, and a garage with an apartment on the second floor. The applicants are requesting a variance to create two lots without having to move or remove the mobile home. There is enough land area for two lots, but the subject lot is long and narrow and the mobile home is too close to the proposed new lot line. The setback would be approximately 9' from the new lot line due to the mobile home, rather than 15' that is required. He stated that staff recommends that the Board deny the requested variance. If the Board is able to make positive findings for Criteria 1 and 5, he recommends a condition of approval that the carport must be removed prior to plat approval.

Mr. Scarano asked if the road could be moved to the opposite side of the panhandle lot in order to allow the mobile home to meet the setback requirement. Mr. Baxter replied that doing so would be very difficult because of the grade in that area. He explained that the common driveway traverses the slope at a fairly steep elevation, but the opposite side is at an even steeper grade.

#### Public testimony

Nancy Jones, 5985 N. Douglas Hwy., said if she is able to obtain this variance it would be temporary in nature. She explained that her son resides in the mobile home and he intends to develop the lot if they are allowed to subdivide it. If so, her son plans to construct a residence, and then remove the mobile home and carport soon thereafter. She said the variance would satisfy their need to subdivide, and to also sell the upper lot to a neighbor who has no opposition to subdividing, or this variance.

#### Board discussion

Mr. Rue asked if the applicant considered the cost of moving the mobile home. Ms. Jones replied that it is a 1970's mobile home, so she does not believe it would survive being moved. Ms. Snow asked if she and her son might consider a deadline by which the mobile home needs to be removed. Ms. Jones said yes, explaining that she was contemplating doing so within the next five years. Mr. Bruce asked if this provided any impact to staff's analysis if the mobile home is only temporary. Mr. Pernula replied that what might have more of an impact is if they moved it, although he does not know where the best location is on the property to construct a residence. Therefore, if moving the mobile home to meet the setback requirements might interfere with the proposed building site, he believes this would be a more appropriate reason. However, a

combination of the deadline and the age of the mobile home might have some bearing on the analysis. Mr. Bruce stated that when he initially started his private attorney practice, he was tasked with converting East Valley Court Trailer Park into a gravel pit, which is where Costco is located now. He explained that 80% of the mobile homes could not be moved because they were too old; therefore, with this mobile home being close to 40 years old, he believes that it probably would not survive being moved.

Mr. Scarano asked if regarding Criterion 1, the Board determined that they were all right with the setback of the mobile home to the property line, what her view would be. Ms. Jones replied that she is willing to remove both the mobile home and the carport later on if the variance is granted. Additionally, she explained that the proposed building site is located in the upper half of the lower lot, Lot 40A.

Mr. Miller asked the applicant to respond to Mr. Scarano's previous suggestion regarding moving the driveway to the opposite side of the lot. Ms. Jones said that area is very steep and has a trench with water flowing through it, and moving the driveway would be too expensive. She explained that it was already difficult and expensive to construct the existing driveway. Mr. Bruce asked if the terrain in this area makes it too difficult to move the mobile home back into it. Ms. Jones said if the mobile home was able to be moved without structural damage, it could be moved back 5.9' into this area; however, it is too old.

Public testimony was closed.

**Staff recommendation:** that the Board of Adjustment adopt the Director's analysis and findings and deny the requested variance, VAR2008-00020. If after the hearing the Board is able to make positive findings for Criteria 1 and 5, then staff recommends conditions of approval that the carport and mobile home must be removed prior to the approval of the plat.

#### Board action

Ms. Gladziszewski asked if it is possible to issue a temporary variance. Mr. Pernula explained that the Board is able to condition a variance by making positive findings, which he feels is permissible. For example, he is finding it difficult to find positive responses for Criteria 5(A), (B), (C), and (D).

***MOTION:*** by Ms. Waterman, that the Board of Adjustment adopts the Director's analysis and findings, and approves VAR2008-00020, with modifications to the following criteria, and new conditions, as outlined below:

1. *Granting the variance would give relief to the owners of the property. If the applicants did not believe the cost of moving the mobile home to be substantial, they probably would not have ~~taken the trouble to apply~~ applied for the variance. Granting the variance would ~~not~~ be more consistent with justice to other property owners, since the variance is on the interior lot line and is contiguous with a driveway that will allow for adequate air and light for all, which is the purpose of granting a setback. Subdivision of this property could result in improvements on the property~~in this neighborhood, the vast majority of buildings comply with the 15 foot setback requirement,~~; therefore, the criterion is ~~not~~ met.*

5(B) *If the variance is ~~not~~ granted, the property could ~~continue to be~~ subdivided and used in a manner which is consistent with the existing development in the neighborhood without change to the existing mobile home; therefore, this sub-criterion is ~~not~~ met.*

5(C) *There are ~~no~~ unique physical features of this property. Due to the steep incline on the opposite lot line, the existing driveway is the only reasonable access point for this panhandle lot; ~~It is similar to other lots in the area,~~ therefore, this sub-criterion is ~~not~~ met.*

Conditions:

1. The carport must be removed prior to plat approval.
2. Advisory. The mobile home due to its age would not survive being moved, including that the owners believe it would be too expensive. Therefore, should another residence be constructed on this property, the trailer must be removed prior to the issuance of a Certificate of Occupancy. ~~as the applicants are required to move forward with removal of the mobile home as future residence development occurs.~~

**FRIENDLY AMENDMENT:** *by Mr. Rue, to include in the motion that the mobile home due to its age would not survive being moved, including that the owners believe it would be too expensive.*

Ms. Waterman accepted Mr. Rue's friendly amendment (which was incorporated into Condition 2, an Advisory Condition).

Mr. Rue stated that he also supports that Condition 2 not be an Advisory Condition, versus a Condition with a set date in which the mobile home has to be removed and requested input from the Commissioners in doing so.

**FRIENDLY AMENDMENT:** *by Mr. Satre, to amend the Condition 2 to state that should another residence be constructed on this property, the trailer must be removed prior to the issuance of a Certificate of Occupancy.*

Ms. Waterman accepted Mr. Satre's friendly amendment (which was also incorporated into Condition 2, an Advisory Condition).

Mr. Miller stated that the option to revise the panhandle configuration would be done at great expense to the owners because they would need to cut down trees and clear land in order to construct a new driveway, which might be out of harmony to adjacent neighbors. Mr. Bruce stated that Finding 5(C) is able to be met due to the steep incline on the opposite lot line; therefore, the existing driveway is the only reasonable access point for this panhandle lot. Ms. Waterman agreed to include this in the motion (which was incorporated).

Ms. Snow stated that there has been discussion that this is a temporary variance, although it is not considered a temporary variance unless a certain date is specified as to when the mobile home must be removed, and she is in favor of doing so. Mr. Scarano suggested adding to the Condition 2, an Advisory Condition, "or five years, whichever comes first." Mr. Miller said he prefers not to do so, and stated that this condition is fine as is. Mr. Rue asked if they are allowed to replace the mobile home with a new one, including placing it outside of the setback. Mr.

Pernula said in order to do so the property owners would have to meet the new setback requirements. Ms. Waterman agreed with Mr. Miller, stating that she also prefers to retain this condition as is because the age of the mobile home has its own timeline. Mr. Scarano asked if this variance could be used by a potential future party as evidence of not placing a specific time limit for removing the mobile home. Chair Bruce stated that no single variance establishes precedence for any future variance.

Roll call vote

Yeas: Satre, Miller, Waterman, Scarano, Gladziszewski, Snow, Rue, Bruce

Nays: Watson

Motion passes: 8:1, and VAR2008-00020 was approved, as modified by the Board.

Chair Bruce adjourned the Board of Adjustment, and reconvened the PC meeting.

**XI. OTHER BUSINESS - None**

**XII. DIRECTOR'S REPORT**

Assembly/COW meeting held on September 8, 2008

Mr. Pernula said that he would like to expand on Mr. Anderson's report, stating that the Assembly/COW reviewed the TDP and recommended adoption, and a resolution would be presented to the Assembly on September 29 to officially adopt it. He explained that the Assembly/COW did not recommend any particular transit service scenario (the Baseline, Intermediate, or the Optimum), nor did they adopt any add-ons. However, they did recommend adoption of the TDP as a whole, and staff would later provide recommendations for implementation based on available funding.

He said the Assembly introduced an ordinance to adopt the Comp Plan; however, originally staff intended to present the Comp Plan at a public hearing on September 29 to the Assembly, but he doubts the Assembly/COW review would be completed by then. He explained that there is an Assembly/COW meeting scheduled for September 11, 2008 at 5:00 p.m. to continue the review.

Upcoming meetings

Mr. Pernula said the next regular PC meeting is scheduled to be held on September 23, 2008.

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

Ms. Waterman explained that she is the PC representative on the Art Committee, and noted that 1% of the budget is allocated for art for the Parking Garage/Transit Center, which is now called the Transportation Center (according to Rorie Watt). She said the Art Committee met yesterday and decided to begin working on guidelines for potential artists. The Committee is scheduled to hold a formal meeting the week of September 22, and then an informal meeting the day after to discuss options. Therefore, she would appreciate receiving suggestions from the Commission. Mr. Pernula asked if the Committee is also viewing the design of the structure, which was stated as being the initial intent. Ms. Waterman said they are not, although she heard yesterday that the

design of the structure would be presented to the PC. She added that a great deal of the focus yesterday was still just on the Parking Garage, so she believes the design for the Transit Center is quite immature at this point.

Ms. Snow reported that the Lands Committee met on September 2, 2008 and reviewed the construction staging for the NEA building. They reviewed the SEAL Trust in-lieu fees for the airport that consists of \$5.8 million for tidelands, and because there is not sufficient land inside the borough, the SEAL Trust is now looking for land outside. Mr. Rue commented that he is a member of the Seal Trust board and is unaware that they were unable to locate tidelands within the borough. Ms. Snow continued, stating that the Committee is still considering the At-Water Estates acquisition, although part of the problem is that only 25% of the land is intertidal, so the uplands have to be funded by another method, and they are contemplating making it into a park. She said the Committee reviewed the OHV riding area options, stating that there has been some discussion about utilizing Goldbelt land; however, if trails or roadways were constructed on Goldbelt land, it would be considered developed which triggers a taxation situation, but they are still searching for other areas.

Mr. Rue said the Wetland Review Board met, and was provided training by the CBJ Deputy Clerk and an Attorney regarding basic meeting procedural items, whereby the Board was told that there is no such thing as a friendly amendment. However, the Board decided against doing so, and chose to continue making friendly amendments to motions.

Mr. Scarano reported that staff provided the August 4, 2008 Public Works & Facilities Committee minutes in the packet for the PC to review.

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

Mr. Scarano stated that Mr. Chaney attempted to provide the PC a comment while the Commission was reviewing the TXT2008-00005, so he wished to provide him the opportunity to do so now. Mr. Chaney stated at that point during the PC meeting, he wished to make it clear that off-premise signage is a big issue, which required a carefully crafted compromise by the PC. He explained that by granting the interpretation, he wanted to ensure that the PC was not approving billboards. He stated that although this might appear to be a big leap by the Commission, the Sign Ordinance is an issue that they worked at length on with the community. Even though he understands this is a non-profit organization that is attempting to do good for the community, it is truly not a big step to allow off-premise signs in other instances. Therefore, he was attempting to encourage the PC to "put this in a box" as much as possible, whereby he believes the Commission worked fairly hard to do so. Mr. Scarano believes the PC should probably make a recommendation to the Assembly to quantify contributions that are made to community facilities. Clearly, the CBJ could have chosen to undertake doing what Wells Fargo did, but they chose not to. However, the CBJ participated by providing land to construct the field house facility to a nonprofit organization, which he feels is different than contributions being made to a for-profit entity.

#### **XV. ADJOURNMENT**

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

There being no objection, it was so ordered, and the meeting adjourned at 9:30 p.m.