

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Daniel Bruce, Chairman

REGULAR MEETING
October 14, 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 7:01 p.m.

Commissioners present: Michael Satre, Linda Snow, Nancy Waterman, Dan Miller, Frank Rue, Dennis Watson, Maria Gladziszewski, Daniel Bruce [Note: Victor Scarano previously resigned]

A quorum was present.

Staff present: Dale Pernula, CDD Director; Daniel Sexton, Beth McKibben, CDD Planners

II. APPROVAL OF MINUTES

September 23, 2008 – Regular Meeting

MOTION: *by Ms. Waterman, to approve the September 23, 2008 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Bruce announced that there were two items on the Consent Agenda, and inquired if there was public comment on these items. A person from the public had questions regarding CSP2008-00012, and Ms. Waterman had comments regarding USE2008-00050. Chair Bruce removed the two cases (CSP2008-00012 & USE2008-00050) to be heard under the Regular Agenda portion of the meeting, respectively.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

CSP 2008-00012

A City Project to construct a cul-de-sac and access ramp at the end of First Street on Douglas Island.

Location: First St.

Applicant: CBJ Engineering

Staff report

Daniel Sexton reported that the cul-de-sac will facilitate the movement of emergency equipment and a vehicle access ramp will allow CBJ Public Works personnel access to the buried sewer line and pump stations for regular maintenance. He noted that the access ramp is just for CBJ Public Works personnel access, which would contain a locked gate and potentially boulders to prevent access onto the beachfront. Moreover, Capital City Fire and Rescue (CCFR) identified concerns regarding the lack of maneuverability for emergency equipment along the First St. corridor. Currently, CCFR personnel are required to back out equipment over 1,000 feet before they are able to turn around. He stated that the CBJ currently owns the upland portion of the waterside of the right-of-way (ROW), and the actual cul-de-sac will be built out into this property, filling some intertidal area.

Public testimony

John Nelson, the applicant, stated that this project is a good idea to allow access for emergency vehicles, and CBJ Public Works personnel to gain access to the sewer infrastructure. Ms. Snow asked how frequent and in which method the CBJ personnel currently accesses the sewer outlets in this area. Mr. Nelson replied that the CBJ and CCFR personnel are currently unable to gain effective access; therefore, this proposal would allow adequate access, which he assumes would take place every couple of months.

John Delgado, 1300 First St., Douglas, said he resides a short distance from the proposed project, and when he first heard of it earlier this spring, he spoke to Mr. Nelson. However, he is surprised at the ease in which the US Army Corps of Engineers (Corps) permit was obtained, which is generally difficult to achieve. Therefore, he contacted the Corps to review the permitting process. Following the review, he does not know if the Corps permit was issued erroneously or if they were not provided proper information. However, when the Corps later views what this proposed project is going to entail, he believes they are not going to be too happy with it. He explained that there are probably a number of issues with the project that others might not realize unless they reside on First St. He noted that several years ago Jodi Vick, his neighbor to the south, decided to install an illegal seawall that caused dramatic changes to the waterflow near the beachfront. Even though this proposed project might create less of an impact, he stressed that it still causes him great concern in terms of the impact to waterflow in the area, so he intends to address this with CBJ personnel. He believes the proposed project needs to be

further investigated before it becomes unchangeable after the fill is placed on the beachfront. Alternatively, there are empty lots at the end of First St. that are privately owned, which he believes would probably be less expensive to purchase to construct a cul-de-sac, versus the current proposed site. He said there are two private property owners that have road access, which CBJ and CCFR personnel have probably been utilizing. He stated that vehicles are currently not able to drive on the beachfront because huge boulders prevent doing so. He does not believe the proposed access is necessary, and requests that the PC more closely review the proposed project before approving it. Ms. Gladziszewski asked Mr. Delgado to expound on changes to the beachfront and waterway in terms of the Vick development and potentially this proposed project. Mr. Delgado replied that Mr. Vick installed a cement seawall (approximately 100 feet x 100 feet) under his house on the beachfront area that changed the tidal structure, which caused the entanglement of numerous trees and debris to collect on the beachfront. Furthermore, since the breakwater near the Douglas Boat Harbor was installed, it causes a huge amount of debris to collect on the ramp, so CBJ personnel spend a lot of time and expense cleaning it. Therefore, with an additional proposed ramp in the same area, he foresees that it will soon be piled with trees and debris as well. Mr. Watson asked how far Mr. Delgado's residence is located from the proposed project site. Mr. Delgado replied that it is approximately 300 feet. He added that all the testifiers tonight are members of the Douglas Advisory Board, and the proposed project has never been presented to them.

Mary Kay Pusich, 1407 First St., Douglas, provided a handout to the PC depicting the property that she and her husband (Kelly Corrigan) own. The property is located across from the proposed project site. She is greatly concerned about this project, stating that she has resided in Douglas all her life, including family that also resides on First and Second Streets that both contain dead end streets, which is common in Douglas. She added that it is fortunate that they have not experienced any emergency situations. She first became aware of the proposed project in 2007, and there are now many questions of the neighbors that have since arisen. Therefore, if the Commission requires more time to address the concerns of the neighbors, they should allow for more time to do so. She explained that the neighborhood has managed to function without a cul-de-sac, and have not experienced any hindrance of CBJ and CCFR service. She is not in favor of filling any part of Gastineau Channel for the stated purpose, which appears to be somewhat extreme. She is not opposed to the cul-de-sac; however, there are only a dozen homes on First St. in a quiet neighborhood that is utilized by many residents to gain beach access, as well as non-residents for recreation and exploring activities. She noted that the marine wildlife offshore during high tide is fairly prevalent. However, when a shoreline is filled, it changes the environment, including adding more noise issues. She said the noise would be in addition to the AML facility when they are loading/unloading that already causes extreme noise impacts to the neighborhood, which is located across Gastineau Channel. Therefore, she is curious to know, after the fill is place, the direction that the reverberation would be emitted, which she does not believe has been taken into consideration. As well, the traffic would increase because the cul-de-sac would provide great photograph opportunities and potentially a site where people might wish to camp out. She explained that they currently experience excess traffic and boats being parked on First St. over periods of time, which she foresees increasing with this proposed project. She is concerned regarding a locked gate being installed to prohibit access to the ramp area because Parks & Rec. staff has informed her that numerous people were provided keys to unlock the gate to the Treadwell Mine Historic Trail and they receive many complaints; therefore, this is an

example where a locked gate essentially does not work, which might also happen with the proposed ramp gate. She stated that other alternatives include a vacant half-lot owned by CBJ that is near her property where they could construct a cul-de-sac, and she believes that both parties should be able to derive at some type of agreement, rather than filling a portion of Gastineau Channel. Mr. Watson asked Ms. Pusich to describe her property in relation to the proposed project site. Ms. Pusich replied that she owns two-and-a-half lots, which are adjacent to the half-lot owned by CBJ.

Carlene Bednarowicz, 1503 First St., Douglas, stated that she and her husband do not have issues with the proposed cul-de-sac adjacent to their residence. However, they do not wish for a portion of Gastineau Channel to be filled to construct a ramp, or a locked gate to be installed.

Kelly Corrigan, 1407 First Street, said the waterfront in the subject area has an eddy that contains an abundance of wildlife habitat. He does not believe a portion of Gastineau Channel needs to be filled to alleviate a hazard to provide a cul-de-sac for CBJ and CCFR personnel to gain access. He believes Gastineau Channel is shrinking, especially the AML facility which is built out approximately ½-mile into the channel, which is especially important to consider in terms of this proposed project. He does not believe they should create and establish more permanent erosion areas in Gastineau Channel, especially considering the tremendous amount of fill that would be required for the proposed project. In regards to Mr. Vick's project, he said it is overwhelming the amount of fill that was allowed to be placed into the navigable waterbody of Gastineau Channel. Therefore, he believes that the Corps should provide some regard to filling this waterway, noting that cumulatively all of the past projects in this area relate to the proposed project being negated tonight. He said that although CBJ does not want more sedimentation occurring in the channel; conversely, they are considering allowing the proposed project, which is also adjacent to Lawson Creek to the north and Bear Creek to the south. He stressed that this proposal was neither mentioned in the CBJ Comprehensive Plan (Comp Plan), nor the Area Wide Transportation Plan (AWTP), so he questions from what CBJ plan it was derived from. He believes this project would be a waste of CBJ funds. However, if this project is deemed by the powers that be that it is necessary, he and his wife would rather see the cul-de-sac developed on a portion of their property and the adjacent CBJ-owned property, as opposed to filling a portion of Gastineau Channel. Mr. Watson said previous testimony was provided, stating that vehicles are being parked along First St., and asked if doing so prevents CCFR from accessing the area. Mr. Corrigan replied that they do not. Mr. Rue confirmed that Mr. Corrigan and Ms. Pusich would be willing to flip the proposed design on its axis for an alternate cul-de-sac site, even though it entails utilizing a portion of their property. Mr. Corrigan said yes, stating that this includes whatever it takes so the proposed project is less intrusive.

Mr. Nelson offered to respond to questions of the PC. Ms. Gladziszewski requested Mr. Nelson to expound on the process regarding how the project advanced to its current stage, including the possibility of utilizing an alternate cul-de-sac site. Mr. Nelson replied that he was not originally involved with the creation of the proposed project. However, he understands that initially the project only involved the construction of a ramp. Since then, he explained that the CBJ Streets Division personnel later chose to include a cul-de-sac, and they stated that when there is any type of new construction, there needs to be an area in which CCFR vehicles are able to turn around, so they determined that it was appropriate to include a cul-de-sac with this proposal. In regards

to swapping the cul-de-sac to the adjacent properties, he does not know the history or if this idea has ever been discussed by CBJ staff. However, he believes such an alternative might be more expensive because CBJ would need to acquire private property, which would also take away tax revenue from the project. Ms. Gladziszewski referred to Attachment C (an e-mail from CBJ staff to the State Department of Natural Resources-Office of Project Management & Permitting, dated November 26, 2003) regarding this project, and asked staff to expound on it. Mr. Nelson replied that he was not involved with the project in 2003. Ms. Snow asked if alternatives were taken into consideration regarding the cul-de-sac site location. Mr. Nelson said he is not aware of any. Mr. Rue asked for clarification regarding current access to the existing sewer infrastructure. Mr. Nelson replied that previous testimony was provided stating that there was existing access, so he assumes CBJ personnel probably walked on the beach, without utilizing a vehicle, to maintain the sewer line and pump stations. Mr. Sexton added that he is unaware of any existing access points. Mr. Rue asked if a hammerhead-shaped turnaround was considered. Mr. Nelson replied that he did not believe so.

Public testimony was closed.

Commission discussion

Mr. Satre referred to Ms. Camery's consistency review, dated November 26, 2003, in terms of the Juneau coastal Management Program (JCMP), which states, "...concluded that the proposed development was not an extension of an upland area; therefore, the prohibition on intertidal fill does not apply to this development." He noted that a similar conclusion was also reflected in Attachment C. However, both of these determinations do not state specific reasons for such a conclusion. Instead, he believes this is an extension of the upland area, although the PC was not provided an "upland" definition. Mr. Sexton explained Attachment C was for a 2003 consistency review that only entailed the ramp, and he is not privy to the initial design of the original ramp or the method in which it was orientated. Further, there was a follow-up e-mail (Attachment D, dated November 5, 2007) regarding a separate determination by Ms. Camery to the DNR when the CBJ was undergoing another review of the Alaska Coastal Management Program (ACMP) policies for consistency pertaining to upland fill. He explained that the current boundaries of the platted ROW in the actual upland parcels were identified as being fill areas. Mr. Rue stated that since the definition was not provided to the PC to determine whether or not upland parcels were considered as being part of the proposed project, he requested an explanation of the method in which staff made such a conclusion. Mr. Sexton cited an excerpt of the JCMP, policy 49.70.950(f), which states, "... where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy, and provided further, uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses, are exempt..." He noted that the CBJ parcel in the subject area was identified as an upland lot, but it is not included in the tidal area under CBJ's control. In addition, the access ramp was considered as being in a portion of the existing platted ROW. Mr. Rue stated that under the ACMP evaluation, two standards (11AAC 112.240 – Utility Routes & Facilities, and 11 AAC 112.280 – Transportation Routes & Facilities) were utilized to justify the project. Additionally, the project was found to be consistent with the Habitat Standards, whereby staff stated that it would not create significant alteration of waterflow or natural drainage patterns. Therefore, this is the method in which he interprets justifying these coastal standards as well.

Staff recommendation: that the Planning Commission recommend to the Assembly the approval to develop a cul-de-sac and access ramp at the end of First Street in Downtown Douglas with the following recommendations:

1. The CBJ Engineering Department shall redesign the access ramp with a maximum 15% slope, per Engineering Standard 103.
2. The applicant use Best Management Practices to control sedimentation and limit project impacts beyond the project footprint during construction.

Commission action

Ms. Gladziszewski stated many questions are unable to be answered for the Commission because the appropriate CBJ personnel assigned to this project are not present at this PC hearing. She added that in light of the testimony provided this evening, she requested that this case be continued until such time when staff is able to provide additional information to the PC. The Commissioners requested that the following information be provided:

- The CBJ Streets Division personnel define the need for this project.
- Other alternatives, if any, that were contemplated, including the costs of each.
- The consideration of a hammerhead-style turnaround.
- Justification for the ramp, and further explanation regarding permitted access.

Mr. Pernula asked when the PC wished to receive the above information. Ms. Gladziszewski replied that it should be provided as soon as possible, including ensuring that the appropriate CBJ personnel are available to answer questions of the Commission at the next hearing.

MOTION: by Ms. Gladziszewski, that the Planning Commission continues USE2008-00012 until such time that staff is able to provide the requested information listed above.

There being no objection, it was so ordered.

USE2008-00050

An Allowable Use permit for a 16-unit apartment complex.

Location: LaPerouse Ave.

Applicant: R & S Rentals

Ms. Waterman said the reason she requested that USE2008-00050 be pulled from the Consent Agenda was due to Joe Buck's concerns (Attachment A), regarding the designation of multi-family housing in a commercial district on LaPerouse Ave., including the potential issue of foul odors from the Mendenhall Wastewater Treatment Plant. Realizing that the PC criteria does not address the emission of foul odors; she asked if staff discussed this with the applicant, including notifying future tenants that odors from the treatment plant are appropriate in this zone. Beth McKibben replied that she is unable to contemplate a method in which the applicant might do so. Mr. Satre stated that another multi-family structure exists on LaPerouse Ave., located closer to the treatment plant than the proposed development, which he believes was constructed before the plant. However, he does not believe the PC required the previous developer to provide notification of potential foul odors to its tenants. Ms. Waterman stressed the importance that the PC has recognized this concern and requested that staff inform the CBJ Director of Public Works of it as well.

Public Testimony - None

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 a 16-unit multi-family building. The approval is subject to the following conditions (including revisions per Ms. McKibben's memorandum, dated October 13, which were incorporated):

1. Prior to issuance of a building permit, Lots 15, 16, 17, and 18, Block A, Commercial Park Subdivision must be consolidated to create one large lot in order to meet the density restrictions of the GC district.
2. A 4-foot high fence will be provided along the property line parallel to the street, from the western edge of the driveway to the western property line, to discourage direct access to the street. This fence is to be in place prior to the issuance of a Certificate of Occupancy.
3. A parking plan for the full development of Lots 15, 16, 17 and 18 shall be submitted and approved prior to the issuance of a building permit. The revised parking plan will show a total of 42 parking spaces, two of which will be ADA accessible, and one van accessible. Loading areas for the storage facilities will also be identified.
4. A landscape plan showing at least 4,888 square feet of vegetative cover shall be submitted and approved prior to the issuance of a building permit.
5. The chain link fence along the western property line bordering Lot 15 may be replaced with a minimum 6-foot high, solid wood fence. Alternatively, the existing chain link fence may be modified to remove the barb wire and have sight obscuring slats inserted into the chain link to provide visual screening. One of the fence modifications must be completed prior to the issuance of a Certificate of Occupancy.
6. A lighting plan shall be reviewed and approved prior to the issuance of any building permits.

MOTION: by Ms. Waterman, that the Planning Commission adopts the Director's analysis and findings and grants the requested Allowable Use permit, USE2008-00050. The permit allows the development of a 16-unit multi-family building. The approval is subject to the conditions as modified per staff's memorandum, dated October 13, 2008, which were incorporated.

There being no objection, it was so ordered.

X. BOARD OF ADJUSTMENT- None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Review of PC List of Priorities

Mr. Pernula said he would report on the list of PC priorities that includes related documents which were provided to the PC as follows:

1. Minutes of the February 27, 2007 where the last review was completed
2. October 7, 2007 Assembly Goals most relevant to the PC activities

3. 2003 PC Priority List
Environment

a. Create wetland mitigation bank

Mr. Pernula explained that CDD was only able to issue permits on Category C & D wetlands. However, in the 1980s when A, B & C wetlands were first categorized, this provided the CDD permit issuing ability. But even though the CDD has issued many permits since then, over the past seven years there were only two permits that provided the ability to utilize the wetland mitigation bank process. He explained that only a portion of CBJ wetlands that have mapped Category A, B, or C wetlands, which is the northern portion of Douglas Island and the Mendenhall Valley areas that are already developed. Additionally, the Corps, who are involved with in the wetland mitigation bank process has changed their rules, so they are providing training the end October 2008, which Teri Camery plans on attending. Therefore, he questions how this might affect the CBJ process, including whether a method could be provided in which they are able to incorporate Category A & B wetlands into the bank, either directly with CDD issuing permits, or in conjunction with the Corps. He explained that if the Corps is able to issue Category A & B permits, the CDD staff would be able to offer mitigation through the bank, which could have positive results from its implementation. For example, the case of the Nancy Street Pond that could be utilized by the bank, whereby developers would be allowed to purchase credits, and then the CDD could utilize the funds it receives to create other wetlands elsewhere in the borough for future mitigation. Unless there are wetlands that could be appropriately developed, he does not believe much of a result would be derived by establishing a bank. Mr. Rue asked if the CDD staff determined a method to value potential wetland credits. Mr. Pernula replied that this has been discussed, but has not yet been determined, which might be part of the rules that the Corps is contemplating revising. Mr. Rue stated that further mapping could result in additional wetlands being made available. Mr. Pernula agreed, stating that this was completed several years ago, noting that some of the boundaries were changed; whereby, they found non-existent wetlands in some areas, and more extensive wetlands in other areas than were originally thought, which was conducted in conjunction with the Comp Plan mapping.

b. Identification and categorization of sensitive habitat areas (wetlands, anadromous streams, riparian areas)

Mr. Pernula stated that the CBJ, once again, hired Paul Adamus, along with Koren Bosworth, which consisted of a wetlands delineation team to conduct on-site identification of wetlands and to evaluate each of the identified wetlands for suitability for protection or for potential buildable sites, utilizing the Juneau Wetlands Management Plan (JWMP) methodology. The team began to conduct field work in September 2006 and CBJ staff accompanied them to each of the sites, and the CBJ GIS team provided GIS maps and assisted in the GPS delineation of the wetland areas of the parcels. The team planner conducted a site and neighborhood compatibility analysis of each site to assist in the evaluation of the parcel's suitability for housing, industry and resource protection uses. He noted that they found that wetlands were much more extensive and deeper on the benches north of the Juneau-Douglas Bridge and Fish Creek Road, versus the earlier mapping. He noted that they were hoping to locate more upland, but they did not, although there are a few smaller areas that could be developed on the bench. Other areas that are not quite as extensive are located at the south end of the Mendenhall Peninsula (with a large portion being designated as park land in the past) so they pushed the developable land further to the south to expand it to encompass relatively dry land. Although sewer service has not yet been installed in

this area, he believes it should provide for future developable land. Another area is located on Peterson Hill which contains some wetlands, but they are not quite as large as was previously thought. Mr. Rue asked if this area contains Category C and/or D wetlands. Mr. Pernula replied that he believes the area consists of A & B wetlands. Ms. Waterman asked if it might be appropriate to list such projects in the Capital Improvement Program (CIP) to be considered in the upcoming cycle. Mr. Pernula replied that he instead contemplated such projects being implemented via a long-range program, e.g., the Comp Plan review process, which was quite expensive. He explained that in doing this, the wetland areas owned by CBJ were identified if they found them to be uplands, which were mapped. Therefore, this information needs to be integrated into the existing information, but they also need to identify further areas, perhaps in phases, and then program funding over a period of years. Mr. Watson stated that the wetlands identified on Douglas Island were located where the bench road is designated to cross, which might potentially impact previous considerations. Mr. Pernula agreed, although he did not believe wetlands were identified down the middle of the proposed bench road where the alignments are currently depicted, and instead, he believes the wetlands are located along side or down on the lip of the bench road area.

Growth-Map Land Use and Zoning Classifications

a. Identification of commercial/industrial lands, diversification of economic development

Mr. Pernula stated that a couple of years ago the PC started working on this, although minimal developable land was identified at that time. However, there are locations that will exist in the future: One area is the existing old CBJ Rock Quarry located near Home Depot, and the other is behind the Lemon Creek Correction Center where the new CBJ Rock Quarry is located. Moreover, the Comp Plan designations included a new industrial zone that does not permit commercial activities. A few minor areas such as this were also designated near the end of Industrial Boulevard that does not yet have a lot of commercial uses, so they were attempting to maintain this type of land exclusively for industrial purposes. However, he explained that doing so does not solve the issue of providing additional land for commercial purposes; therefore, the lack of commercial-use land is what forced many commercial uses onto industrial land. He stated that perhaps the best area in the long run for industrial uses is in the West Douglas area.

Ms. Snow said the Alaskan Brewing Company is seeking alternative industrial-zoned land to expand operations, stating that she believes the old CBJ Rock Quarry is being vacated, but is not large enough to suit their purposes. Mr. Pernula replied that he believes that the Alaskan Brewing Company requires a minimum of 20 acres, and although this might be sufficient land area now, it might not be in the future. Ms. Snow said she understands that this area was re-reviewed as to its size, and was found to be less than 20 acres. Mr. Pernula said that is possible; however, he understands that the Alaskan Brewing Company is very interested in extending the road to West Douglas and supports building a Second Gastineau Channel Crossing in order to construct a plant. Ms. Snow explained that she is concerned that this local establishment might become discouraged, whereby they could potentially begin looking elsewhere to expand.

Ms. Waterman said the Fee-In-Lieu of Parking program might open up opportunities at the Rock Dump; therefore, while lamenting the fact that there is minimal flat, dry land available in Juneau, it is important to keep in mind that there might be opportunities for underutilized properties

being redeveloped. Considering that the CBJ is consolidating the Public Works facilities, she said the area of the City Shop located on the channel-side might not be considered a prime area for industrial use. However, this area could potentially be a location where the CBJ might contemplate a land exchange, which could bring industrial types uses under the CBJ umbrella. Mr. Pernula agreed that the Rock Dump area is a great example, although much of the land is tied up with agreements to provide parking for retail establishments on South Franklin, but they now have an opportunity to get out of these agreements, which could possibly open the area up for future development.

b. New Growth areas

Mr. Pernula explained that the new chapters of the West Douglas Conceptual Plan (WDCP) were adopted by the Assembly. Therefore, the CDD staff has been working with the WDCP group in their attempt to obtain funding for the Second Gastineau Channel Crossing, for the extension of the road, and the development of this area. He said it has been very costly, and is a long-term project, and is probably in their primary new growth area. He stated that another new growth area that remains in the Comp Plan is Echo Cove.

Transportation

a. Implementation of parking plan.

Mr. Pernula said the AWTP has many parking recommendations, some of which are being implemented. For example, "Establishing the need and desire for a residential parking zone," stating that he believes many of the recommendations tend to directly relate to management. He referred to the previous presentation made to the PC by Benjamin Lyman a year ago about not having the cheapest, and instead, free parking where it is the most valuable. However, he believes this might be inverted, and perhaps provide less expensive parking in the Parking Garage, with more expensive parking allocated where there is the greatest demand, which are management concepts, noting that a residential parking zone might also be feasible once the Parking Garage is implemented. In addition, several bicycle racks at key locations have been completed. They have also identified steps needed to expand transit service, which still needs to be implemented. Although all of these priorities listed have not been completed, he explained that many items listed are either long term or management priorities.

b. Second Gastineau Channel Crossing

Mr. Pernula stated that staff diligently worked to complete this project, stating that a few years ago he worked with a group who began the process of conducting an EIS, which is nearing the midpoint of being completed; however, the necessary funding is not available to finish doing so, but they are continuing to work on it.

Code Issues/Development Standards

a. Code simplification (with emphasis on making JCMP, JWMP and habitat standards clear)

Regarding code simplification, which is an ongoing process, he said staff digitized the zoning maps so they are much clearer and easier to utilize, and they were adopted by the Assembly. In addition, a new traffic section of Title 49 has been drafted, noting that it previously stated that if an intersection was created with a LOS D or less, the project was prohibited, which has been

considerably revised by dropping the LOS to F, which includes mitigation, and clarification when a Traffic Impact Analysis is warranted.

b. Update/Review zoning code development standards

Mr. Pernula stated that these changes are fairly important in relation to other code changes that staff would be proposing in the future, not necessarily simplification, but other code provisions which were adopted that allow for new options include: Cottage Housing; Bungalow lots; reduction of lot width for panhandle lots; reduction of some of the setback requirements, particularly in the mixed-use zones; and the D-10 single-family zone.

4) Long list of PC Projects and Priorities

Mr. Pernula noted that staff completed a draft of the Improvement section of Title 49 that is now divided into other areas of the Code, which makes it much easier to utilize. He said staff developed a draft of the subdivision regulations, which consisted of substantial revisions that will be reviewed by CDD this week, and then by the Title 49 Review Committee fairly soon.

He said there were revisions made to the Subdivision Ordinance, and explained that right now, rather than having specific criteria on which to weigh a subdivision, they simply state that it is a Conditional Use permit (CUP). The intention is to expand the number of lots that could be reviewed by staff, without the need for a public hearing and PC review.

He said a project that staff would be working on, after the subdivision regulations, is revising the Table of Permissible Uses (TPU). Over the years, staff found that there were times when an Allowable Use permit was presented to the PC, people appeared before the PC at a public hearing and provided a lot of public testimony; whereby, the PC readily approved many cases in which this process frustrated not only the PC, but the public as well. Furthermore, this process tends to delay projects up to four to six weeks because it involves staff developing a report that is reviewed by the Commission, scheduling public hearings, with more than 90% to 95% of the cases being automatically approved by the PC. He noted that staff will more than likely incorporate the same conditions that have been permitted time and again, so they would automatically list relevant permitted uses. However, regarding permits that CDD receives concerns on, staff might consider these as being CUPs, so these permits would be presented to the Commission.

He said the current Historic District Design Standards are fairly vague, e.g., "The preferred material is wood." While staff enforces this standard, it has proven to be somewhat difficult. He explained that if "The preferred material is wood," the question is whether or not plastic is just as good for instance. He believes the new design standards are much better, which also proposes a Historic District Design Review Board. However, in doing so, a member of the Assembly stated that he does not want to have a dual review process where a developer would need to appear before the Historic District Design Review Board and the PC. Therefore, staff needs to be careful in dealing with the TPU and the Historic District Design Standards while reviewing cases to ensure a dual review processes do not take place. Ms. Gladziszewski asked staff to expound on the remaining tasks needed to be completed to update Title 49. Mr. Pernula replied that aside from the three major tasks mentioned, there are other sections that require modification, such as the standards for variances, and the non-conforming use provisions that are difficult to

understand and implement. Ms. Gladziszewski asked if Tim Maguire is working on this project. Mr. Pernula replied that Mr. Maguire continues to work on the Improvement provisions, and is done with the subdivision regulations, except the review process. Additionally, he said the TPU is currently being reviewed by other staff members.

Future Projects

1. Assembly-adopted Transit Development Plan (TDP)

Mr. Pernula explained that the TDP provides several options in which to move forward. He said the CDD and Capital Transit will each assign a staff member to begin working with the Manager's Office to review budgetary issues, along with exploring efficient routes in relation to implementing the TDP, including providing recommendations to the Assembly, which would probably be for the next budget cycle.

2. Implementation of the Comp Plan

Mr. Pernula said he has requested that Mr. Lyman begin working on policies and implementing actions of the Comp Plan. He prefers that area plans first be reviewed for Auke Bay, as this area encompasses many land use changes. The proposed Comp Plan, which he hopes the Assembly adopts on October 20, 2008, shows a large amount of marine/mixed-use areas that were formerly commercially zoned, which according to its designation would have the same types of uses, but with a much higher density allowed for residential-use areas. He explained that what this entails for the Auke Bay area may be different than what is required for the south Douglas area that also has a similar designation along its waterfront. Therefore, staff intends to continue to schedule neighborhood meetings, particularly in Auke Bay. Also, UAS requested higher densities to be provided further north along the Mendenhall Back Loop Road, so they also intend to include UAS in the discussions before the CDD contemplates rezoning the Auke Bay area. Ms. Waterman said she believes that nuances of the Comp Plan are going to be the new overlay districts. Mr. Pernula replied that there are two major overlay districts: one is the Affordable Housing Overlay District, which could be applied where a developer demonstrates that they would provide housing for incomes below a certain level; and the other is the Transit-Oriented Corridor Overlay District for transit-oriented development type of housing, which would be best once they are further along in implementing the TDP, but there might be existing locations in Juneau where an excess capacity could be utilized for this overlay. However, he stated that if they increase densities and reduce the off-street parking requirements, they are required to provide public transit in such areas. Ms. Gladziszewski stated that given what has happened with the recent avalanche, the community has an increased awareness in energy costs; therefore, some of the sustainability and energy efficiency aspects should be provided priority while the interest is peaked in terms of the Energy and Sustainability chapters of the Comp Plan. Mr. Bruce asked staff to contemplate 'Methane Hill' as well in terms of possibly utilizing it to generate some type of power.

3. Area Wide Transportation Plan

Mr. Pernula stated that the AWTP has been in place nearly eight years, which is a major project that he believes needs to be reviewed. He said the past review was funded in part by the Alaska State Department of Transportation (DOT), which would need to be again. He explained that within the next few months, DOT would begin prioritizing the next Statewide Transportation

Improvement Plan list, which encompasses 2010 through 2016, stating that it is important to include as many local transportation projects as possible.

Mr. Bruce stated the PC was previously provided with a fairly extensive priority list, which the Commission reduced down rather quickly in order of importance. Therefore, when staff addresses future priority items, he believes this would probably be an appropriate process to utilize as well, stating that such a process allows community values to be reflected in terms of projects that are most important. Mr. Pernula offered to provide the PC a list of potential projects that the Commission would be able to prioritize, which he will pull from the implementing actions of the Comp Plan. Additionally, once the PC completes prioritizing the list, he would like to report it directly to the Assembly. He explained that he would then have a list of priority goals of the Assembly and the PC, which allows him to set priorities for CDD staff. Mr. Bruce stated that this might be a great opportunity to schedule an Assembly/PC Committee of the Whole (COW) work session to open the discussion should one group favor a project at the expense of another. Ms. Gladziszewski said she prefers that this type of meeting be held fairly soon before the upcoming the election and they might instead contemplate holding a joint retreat of the PC/Assembly COW, as opposed to a work session.

Ms. Waterman asked about the status of the new Noise Ordinance, and if it is on the PC priority list. Mr. Pernula replied that it is on 'his' priority list, explaining that he completed a draft ordinance, and then hired a consultant to review it, whereby the consultant made some changes, which was forwarded to the CBJ Attorney to review a while back. Ms. Waterman asked what role CDD staff has regarding moving forward with the CBJ Solid Waste Management Study. Mr. Pernula replied that the CDD staff has not been involved with this study.

Upcoming meetings

Mr. Pernula said the next regular PC meeting is scheduled to be held on October 28, noting that there are only two cases on the existing Agenda. However, the PC might also hear USE2008-00012 which was continued tonight, if the requested information is provided. He said a following PC meeting is scheduled for November 11, on a CBJ Holiday, Veteran's Day. Ms. Waterman and Ms. Gladziszewski stated that they would be out of town for this meeting, and Mr. Rue said he might not be able to attend as well. Mr. Pernula said another PC meeting is scheduled to be held on November 25, 2008. Mr. Bruce stated that he would be out of town for this meeting.

Mr. Miller asked the status regarding the proposed cellular telephone towers case. Mr. Pernula replied that Eric Feldt requested additional information from the applicant, which has not yet been received.

Mr. Rue asked the status of the new four-way stop at the Stephen Richards/Riverside Drive intersection, to which several Commissioners replied that it is working quite well.

Ms. Snow asked the status of the Comp Plan. Mr. Pernula replied that the Assembly held a hearing on the Comp Plan and they had several questions, so the body referred the plan to the Assembly/COW, whereby three meetings were held. In particular, they requested information regarding the Montana Creek corridor, and he assumes that the Assembly might take final action

on the Comp Plan on October 20, 2008. If this does take place, the CDD staff needs to ensure all the revisions are incorporated, and then they will provide a final version of the Comp Plan to the PC. Ms. Gladziszewski asked if there is a list of items that the Assembly revised pertaining to the Comp Plan. She explained that the reason she is requesting such a list is because as a citizen it is really difficult to figure out what meeting they should attend, what they are suppose to know, and what items were changed and when. She stated that she also heard various rumors regarding revisions that she was not privy to. She said placing a 300+ page Comp Plan document on the CBJ website is necessary, but not helpful. Mr. Pernula replied that the CDD staff attended the series of the Assembly/COW meetings while they reviewed the Comp Plan, and were requested to provide three sets of addenda and errata sheets. Therefore, he offered to re-assemble each of these three sets of revisions for the PC if it is the wish of the Commission. Ms. Waterman stated that she attended several of these meetings, so she instead suggested that staff just highlight the main revisions that were requested, which should suffice. She believes that doing so would assist the Commissioners in responding to questions from the public that might come forth. For example, the Assembly/COW omitted the reference to the heliport at Thane and they intend to make a determination on the one at Montana Creek, and they also decided on the amendment to access, including ferry improvements—to mention a few. Mr. Pernula added that there were also language revisions regarding watersheds. Ms. Gladziszewski noted that the watershed maps were also revised, which included the Natural Area Park in North Douglas between Sundown Drive and Fish Creek Road (a strip of the Natural Area Park was turned it into a residential area). Therefore, she asked if the Parks & Rec. Advisory Committee is privy to this revision, including other revisions that the PC is unaware of. Ms. Waterman added that the stream corridor on the Montana Creek watershed map was also changed.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Staff provided the September 2 Public Works & Facilities Committee (PW&FC) minutes in the packet for the PC to review. Chair Bruce asked if a Commissioner wished to volunteer to serve as a member of the PW&FC, through December 31, 2008, which meets the second and fourth Monday of each month at 12:00 p.m. Mr. Watson agreed to do so.

Ms. Waterman reported, informally, that she attended a portion of the Affordable Housing Summit held on October 13, 2008. She was appreciative that CDD staff was in attendance, stating that Mr. Lyman and Mr. Pernula provided a presentation summarizing resources that are available to assist with increasing density and to make good use of land, and therefore encourage more affordable housing. She noted that other than the presenters, the summit was very poorly attended.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Chair Bruce informed staff that he is leaving Juneau tomorrow (October 15); therefore, Notice of Decision paperwork needs to be provided to him at his office no later than 12:00 p.m. for his signature, otherwise he is unable to sign it until next Monday.

XV. ADJOURNMENT

MOTION: by Ms. Gladyszewski, to adjourn the meeting.

There being no objection, it was so ordered, and the meeting adjourned at 8:35 p.m.