

MINUTES

PLANNING COMMISSION CITY AND BOROUGH OF JUNEAU Maria Gladziszewski, Chair

REGULAR MEETING
February 8, 2011

I. CALLED TO ORDER

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

Commissioners present: Nathan Bishop, Marsha Bennett, Dennis Watson, Nicole Grewe, Benjamin Haight, Dan Miller, Frank Rue, Maria Gladziszewski

Commissioner absent: Michael Satre

A quorum was present.

Staff present: Dale Pernula, CDD Director; Beth McKibben, Benjamin Lyman, CDD Planners

II. APPROVAL OF MINUTES

January 25, 2011 – Regular Meeting

MOTION: *by Mr. Watson, to approve the January 25, 2011 regular PC minutes, with corrections.*

There being no objection, it was so ordered.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Henry J. Stevens, PO Box 21234, Juneau, AK, provided three handouts to the PC. He said he is a member of the Douglas Indian Association. He completed research on federal and state laws and city ordinances, and feels that the Subport land should be extensively developed because it is a parcel where a large office building can be constructed. He also conducted research on Juneau and Douglas Indian Villages. He said he provided the PC a 2004 Act of Congress excerpt concerning the Alaska Natural Gas Pipeline that he believes should be developed, but they cannot do so using 30" pipe, and he does not know who they are going to supply, but it is not going to be the United States. He said the Fairbanks-Haines Pipeline uses 10" pipe, so this is a big difference from using 30" pipe for a larger pipeline. He questions why they would ship gas from Alaska to Seattle, and back to Southeast Alaska. He said there are several pipeline cutoffs between Haines and Valdez now, but he does not like the idea of Anchorage and Fairbanks building pipelines right through their cities. He said the 2004 Act of Congress concerning the Alaska Natural Gas Pipeline information contains a page that states Indians should have shares in

the pipeline, and this is one of his first steps so Alaska Indians can receive a second settlement. He said the native corporations received an initial settlement, and they continue to make \$800,000 to \$900,000 per year from the existing pipeline, but only payout to the shareholders \$300, \$400, or \$800 that they have no control over. He conducted research on this as well, and he found a clause in the claim settlement, which contains a series of Acts of Congress. He said that Act does not protect shareholders of native corporations, so he started researching national law. He said he does not want the “big shots” taking control of the pipeline, which encompasses \$500 billion. He said Alaska does not want to build another gas pipeline yet because they are waiting for the ice to break up, but they want the oil underneath the Arctic, and there is going to be 5 nations competing for it, so he wonders if Alaska is going to share this oil, but he is concerned about potential pollution. He offered to answer questions of the PC. Chair Gladziszewski thanked Mr. Henry, stating that the pipeline is not an item on the PC Agenda tonight. Mr. Henry said he is concerned with what the intentions are for the Subport land, and he would like to see plans for the proposed building honored, versus temporary uses. Mr. Pernula noted that the Alaska Mental Health Trust Authority (AMHTA) permit extensions are on the PC Agenda. Chair Gladziszewski confirmed that Mr. Henry reviewed the AMHTA material; Mr. Henry said yes.

IV. PLANNING COMMISSION LIAISON REPORT - Moved following Consideration of Ordinances and Resolutions

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Chair Gladziszewski announced that there are five items on the Consent Agenda, and inquired if there is public comment on them. A person from the public had comments regarding VAR2010 0033 and related VAR2010 00034 and USE2011 0030, whereby Chair Gladziszewski moved these three items to the Regular Agenda. No one from the Commission had questions.

MOTION: *by Mr. Rue, to approve the Consent Agenda, as modified.*

There being no objection, it was so ordered and the two cases below were approved, as presented by the PC.

VAR2010 0024

A Variance Request for Douglas Highway roadway repairs encroaching within the setbacks of 9 eagles’ nests.

Applicant: State of Alaska DOT/PF

Location: Douglas Highway

Staff recommendation: that the Board of Adjustment adopt the Director’s analysis and findings and grant the requested Variance, VAR2010 0024. The Variance would allow for rehabilitation and repair of North Douglas Highway from Fish Creek road to the end-of-the-road within the 330-foot eagle nest setback.

USE2011 0001

A conditional Use Permit to allow a temporary caretaker unit within a mobile home at an equipment yard and material storage site.

Applicant: Troy Mayer
Location: Sherwood Lane

Staff recommendation: that the PC adopt the Director's analysis and findings and grant the requested Conditional Use permit (CUP). The permit would allow the development of a mobile home as a caretaker residence in the Industrial zone district. The approval is subject to the following conditions:

1. The caretaker mobile home may be replaced in the future in the same location without additional PC review. Placement of the mobile home must be in general conformance with the attached site plan and adhere to building setback requirements.
2. Any replacement of the caretaker's unit with another mobile home will require a building permit.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - Moved to follow the Regular Agenda

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

VAR2010 0033

Extension of VAR2009-00017 a variance to reduce the parking to PD-2 standard and reduce loading zones to PD-1 standards for a new four-story commercial building.

Applicant: AMHTA
Location: 200 Egan Dr.

And;

VAR2010 0034

A Variance Request for the extension of VAR2009-00016 a variance to exceed the 35' maximum height limitation for a new four-story commercial building with a 60' high roof, (plus a 15' high mechanical equipment penthouse).

Applicant: AMHTA
Location: 200 Egan Dr.

And;

USE2010 0030

Extension of Allowable Use Permit USE2009-00026 to construct a mixed-use office building of approximately 145,000 sq. ft.

Applicant: AMHTA
Location: 200 Egan Dr.

Staff report

Ms. McKibben said she placed a PowerPoint slide listing the limitations on the extension requests on the screen for the PC to review.

Public testimony

Dixie Hood, 9350 View Dr., said she is a licensed marriage and family therapist in this community. She supports funding for mental health services, and it is critical to keep the Alaska Capital in Juneau, which seems to be the two goals of this project. She said this should not be at the cost of city government overriding the public opinion and process over and over, including undermining the quality of life for both residents and visitors in Juneau. She strongly objects to

the request for extending the expiration dates for VAR2009-00016, VAR2009-00017, and VAR2009-00026. She was glad when this office building was stalled in the Senate Finance Committee, and she is hoping it does not move forward. She said she once again feels like a lone voice in the dark. She questions how many members of the public can ever tell by reading the notice on this case when the applicant is listed as Jensen Yorba Lott Inc. for a mixed-use office building on Egan Drive, which is proposed to be approximately 145,000 square feet. She also wonders how the public would view this, and if they have any idea that this construction project is proposed to be taller than the Sealaska Building, which would intrude on citizen access and use of the unique and very limited Juneau waterfront, which will block the view plane of so many downtown residents and working people. She said the Long Range Waterfront Plan (LRWP) underwent a year-long process of public workshops, CBJ voter surveys, and follow-up McDowell surveys. The Assembly adopted the LRWP via Ordinance 2004-40, which supposedly made it CBJ law, but one construction project after another has violated this plan. She said the first project that preceded the plan was the Marine Park Parking Garage, and the LRWP said no more parking. However, the Parking Garage and Transit Center still lacks sufficient funding, including replacing the State Capitol Building that was designated in the LRWP to be located on Telephone Hill in the same area. She said the LRWP specifically states that there should be no more use of the waterfront for parking, and the AMHTA project proposes more parking as well, but not as much as the size of the proposed building really requires because they want to save part of the land that they own for another money-making project. The LRWP limits building height to 35' to protect the view plane, which is not being complied with in terms of the proposed AMHTA project. The LRWP calls for development for marine, culture, public recreation, and social access uses, which are underway with the Seawalk project that should fulfill that goal, but a monstrous government office building does not. She said the public said loud and clear that they did not want additional cruise ship docks in the CBJ polls and the McDowell survey, so the only acceptable possibility was the extension of the existing CBJ dock. Even so, the city approved two floating Panamax cruise ship docks off of Marine Park. She said people in Juneau are going to be "shocked to the core" when they see the size of the cruise ships and the impact of additional downtown tourism congestion. She has been told that this request for an 18-month variance extension is basically pro forma, and there will likely be little, if any, discussion before the PC votes on these cases tonight. However, as a 35-year resident of Juneau, she cares a lot about the development in the community and is passionate about this place. She said she is very disappointed with so many of the PC actions, and nevertheless she thanked them for their time. Mr. Rue said he has a serious concern when a member of the public feels that the PC is violating the LRWP. He explained that part of the review provided by staff to the PC was that the LRWP envisions buildings on the Subport parking lot, including exceeding the 35' height limitation if other amenities could be provided. Ms. Hood said she did not see such wording in the packet.

Frank Burke, PO Box 22909, Juneau, AK, said he is representing the AMHTA Land Trust Office (Trust). He said the project before the PC is a very valuable property asset that the Trust enjoys, and they intend to vigorously defend these permit extensions because they are critical aspects of being able to develop an office building later on. He stated that unfortunately funding did not come through during the last legislative session, so the Trust is seeking other mechanisms to fund construction. He said this permit underwent a very thorough public process, and the Trust is now asking the PC to extend a property right that they already have on the books. He said the Trust employed a local architectural firm (Jensen Yorba Lott Inc.) to design the building who possesses local knowledge, expertise, and design concepts to integrate the building into the waterfront and community. He said the proposed building would be a quality contribution to

Juneau, and will be located behind the US Coast Guard buildings that are along the waterfront in front of it, so Lot C1 is not directly on the waterfront. He said this is despite the fact that one of the conditions of the permit was to include a portion of the Seawalk, which was incorporated into the design. He said the other lot is relatively small, which is not part of this permit that they hope will be for a future waterfront-related development, i.e., perhaps a cruise ship dock, etc. to augment this proposed facility. He said they are proposing to convert a parking lot into a usable building that would greatly contribute to the economy, Alaska's Capital, to the Trust, and community of Juneau. Mr. Rue asked if the Trust is working on a longer term parking project with other entities around this mixed-use district. Mr. Burke said the Trust is currently working with the CBJ Lands & Resources and Community Development Department (CDD), including that they have hired Sheinberg & Associates to develop a parking project proposal.

Public testimony was closed.

Commission discussion - None

VAR2010 0033:

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and "decision" on the requested Variance permit extension of the permit would allow an 18 month extension of VAR2009-00017, which allows a reduction in the required number of parking spaces from 500 to 348. Further, it would reduce the required number of loading spaces from 5 to 2.

And;

VAR2010 0034:

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and grant the requested variance permit extension. The permit would allow an 18-month extension of VAR2009-00016, a variance to exceed the 35' maximum height limitation for a new four-story (60 foot high, plus 15 foot mechanical penthouse) commercial building with the following conditions:

1. At the minimum the following amenities will be provided:

View preservation:

- Views from Egan Drive approaching downtown are preserved
- Views from Calhoun and Distin Streets are preserved
- Views south down Whittier Street corridor are preserved

Open Space:

- Proposed building to be setback from Egan Drive with articulated facade creating open space
- Building to be no less than 10 feet from the property line and 18 feet from the curb
- Articulated facade provides areas of the building that are 25 feet from the property line and 33 feet from the curb
- Open space to be provided at the east end of the property closest to downtown
- Building to be setback from Whittier Street curb 20-25 feet
- Open space to be provided at the west end of the parking area adjacent to Egan Drive

Building Design:

- Articulated facade along Egan Drive adds interest to the building and creates open space
- Project provides improved pedestrian amenities along Egan Drive, including canopies, widened sidewalks and vegetated buffer strip

- Project will provide a link in the Seawalk system connecting downtown to Gold Creek
 - Covered plaza at Whittier and Egan building entry creates transparency through the building at ground level and protection from the weather for building users and pedestrians
 - Parking behind the building covered by upper floors provides access to adjacent properties and screens parking and service functions of the building
2. Applicant will continue to work with CBJ in the development of the Seawalk in a manner consistent with the vision of the 2004 LRWP.

And;

USE2010 0030

Staff recommendation: that the PC adopt the Director’s analysis and findings and approve the requested AUP extension. The permit will allow an 18 month extension of an AUP2009-00026 to construct a 145,000 square foot, 4-story mixed-use building with conditions.

Commission action

MOTION: *by Mr. Rue, that the PC adopts the Director’s analysis and findings and approves the requested permits, VAR2010 0033, VAR2010 0034, and USE2010 0030, as presented.*

Mr. Rue said he supports extending the permits, explaining that the PC spent a lot of time reviewing this AMHTA project. He said when the PC originally approved the proposal, they took into account the existing water-dependent operations along the waterfront in this area, which is critical to maintain. He believes the LRWP envisions this area to consist of buildings and offices, including maintaining amenities of view planes and improved pedestrian access along Egan Drive, so this proposal is consistent with the plan. He said in the long-term the parking issue would be put to rest, and he does not believe that the long-term use of this area should or will be used for parking, which would not be in the economic interest of the AMHTA. Chair Gladziszewski requested staff to expand on this proposed use regarding its compatibility with the LRWP. Mr. Pernula said there were many issues regarding this project relative to the LRWP, which states, “Consideration be given to permit additional building height in exchange for amenities such as preserving identified view corridors, open space, or building design.” He said these aspects were considered when the PC allowed a taller building, i.e., incorporating the Seawalk, view corridors, etc. Ms. McKibben noted that the amenities are listed in the staff report for VAR2010 0034.

Mr. Watson spoke in favor of the motion. He noted that Mr. Doll provided a handout that lists the 2010-2011 Assembly Goals, and one goal is to “Pursue the creation of a healthy, *year-round* downtown business environment and historic district.” He said without jobs there would be no year round business district, and this particular AMHTA facility would serve to cement probably in perpetuity strengthened employment and job retention of state employees in Juneau. He said the main business is currently tourism, which does not support local businesses year round, as one only has to walk downtown this time of year to see most of the shops closed during the wintertime.

There being no objection, it was so ordered and VAR2010-0033, VAR2010-0034, & USE2010 0030 were approved, as presented.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - Heard out of sequence

TXT2009 00003

An Ordinance Repealing and Reenacting the Disturbing the Peace Code, Relating to BSL Noise, and Providing for a Penalty.

Applicant: City & Borough of Juneau

Location: Boroughwide

Staff report

Mr. Lyman stated that the PC requested new information at the PC/Committee of the Whole (COW) work session on February 1, 2010. He noted that he was unable to provide all the requested material that was on the list, including that he had to add another item, which he will address in a moment.

Blue Folder items

He said the first item in the Blue Folder relates to TXT2009 00003, which is a response from Erik Ericksen of AEL&P regarding noise generated at their substation facilities. He noted that the proposed noise ordinance has a provision that places a 55 dB limit on utility services provided to substations, water pumps, sewer pumps, etc. He said the next document is noise level readings taken on February 1, 2011 by Jerry Lemm, ESCI Inc., who measured sound levels substations in Juneau for AEL&P. He explained that, e.g., the Lena Substation is listed at 52 dB on the seaside and 54 dB on the roadside, although the other substations exceed the 55 dB limit. Mr. Rue asked where Mr. Lemm was standing while capturing the sound meter readings. Mr. Lyman said he does not know, but he provided Mr. Ericksen with measuring instructions, so he offered to follow up on this question.

He said an e-mail was provided to the PC by Becky Carls, dated February 8, 2011, regarding placing a finite time limit on all noise permits, including that renewals should be required every year. He said she also requested wider boundaries for notice, as she is a Fritz Cove resident who has been impacted by Stabler's Point Rock Quarry noise. He noted that he provide a map of Stabler's Point in relation to the draft notice requirements, which would not have provided Fritz Cove residents notice.

He said the next item is from the hearforever.org web site. He explained that he researched several different explanations of A- and C-weighting noise measurements, which came up at the last COW work session. He referred to Figure 2 of the A-, B-, and C-weighting scales. He said looking at the left edge of the graph the top line is A-, the middle is B-, and the bottom C-weighting. He said the C-weighting scale is quite flat, and therefore includes much more of the low-frequency range of sounds than the A and B scales. He said the A-weighting scale will filter out much of the low-frequency noise, similar to the response of the human ear.

He said the last item is the draft 49.80.120 Definitions of the proposed noise ordinance, which is an old PC document he provide to them 6 months to a year ago. He tweaked some of the older definitions, and deleted those that were no longer germane. To familiarize the PC with the terminology he used, he explained that the *A-weighted sound level* has at the end of the definition [Term not used], which was included because in the current draft ordinance *A-Weighted sound level* does not appear. He noted that the definition of *Emergency work* at the end has [Term used], which is used. He referred to the *Extraneous sound* definition that has [Term not used, but

should be], which is a fairly important definition that they seem to have moved beyond, so he offered this for reconsideration by the PC. He explained that *Impulsive sound* is used and defined in the draft ordinance, so he added [Term used, definition in draft ordinance]. He said there are definitions for *Sound Level*, and *Sound level meter* that has 1971, which was updated in 1983, and again sometime after that, so he still has to incorporate the most recent date when these terms were updated.

He said this item did not make it into the Blue Folder, so he handed it out at the beginning of the PC meeting, which is the *Flightseeing Noise Assessment – City and Borough of Juneau* excerpt. He referred to section 4.4 Ambient Noise Measurement Results that were taken around town, and the document includes a couple of figures and tables, which the COW requested. Chair Gladziszewski asked if this excerpt describes L10, L50, and L90 found under the column headings of Statistical Noise Levels in Figure 4-1. Mr. Rue referred to page 4, which states:

“The L90 noise is a good representation of the background noise level. It represents the level that is exceeded 90 percent of the time. Therefore it is commonly referred to as the residual noise when other sources of noise are not present. It is the level above which noise events occur, such as aircraft overflights. Aircraft noise would have very little if any contribution to this noise level. The L50 noise level is the median noise level. Half the time the noise is below this level; half the time it is above this level. During peak hours of aircraft activity, the L50 noise level would be influenced by the aircraft noise, but on a 24-hour basis, this level is generally reflective of ambient noise levels.”

Mr. Watson said he reviewed the 2007 Tourism Best Management Practices, which states:

“Operators agree not to schedule glacier flightseeing tour departures before 8:00 a.m. or after 7:00 p.m. and to complete all tour flights by 9:00 p.m.”

He said he is sure that he has seen flights departing after 7:00 p.m. Mr. Lyman said the flight entities might schedule flights to pick up employees after that time, or other special circumstances, but it is generally non-flightseeing operators flying after 7:00 p.m. because all the tourists have to be back to the cruise ships before that time.

Possible pre-emption from regulating marine shipping

He said he found out today that the Environmental Protection Agency (EPA) and the Federal Noise Control Act of 1972 was where responsibility was handed off to the Federal Aviation Administration (FAA) and Interstate Commerce Commission (ICC), which states that local and state agencies are pre-empted from regulating anything to do with marine shipping. He conducted additional research and found that the ICC was disbanded in 1996, and this jurisdiction was turned over to the Surface Transportation Board (STB). He called the STB and was informed that the CBJ could apply for an official jurisdictional determination, which is a 90-day process if the CBJ requests an expedited review, so the STB could state whether the CBJ might have jurisdiction to regulate noise from an intermodal facility where freight is moved from a marine transport line to a motor carrier. After further conversation with the gentleman at STB, he is fairly sure that the STB would have jurisdiction, including that the CBJ would still be pre-empted from regulating marine shipping, but the only method in which to know for sure would be to undergo this process. Therefore, he forwarded this information to the CBJ Attorney who agreed for the PC’s purposes that the CBJ is pre-empted from placing further restrictions on marine operators. However, he said the PC can adopt whatever federal regulations are promulgated to restrict marine shipping noise into the draft noise ordinance to ensure that those regulations are enforceable by the Juneau Police Department (JPD). Chair Gladziszewski asked what these federal regulations might entail; Mr. Lyman said he has yet to research this. Mr.

Watson said he has been reviewing this same information over the past couple of days, noting that some of it was provided in relation to ramps, which is a current noise issue. He said they have specifications on types of ramps that have to be used regarding loading/unloading of barges and containers, which he offered to provide to Mr. Lyman. Mr. Pernula asked if he is stating that if the marine operators meet a certain standard for their ramps then they are exempt, but if they do not then they are not exempt. Mr. Watson said this was his interpretation, including that this pre-emption strictly had to do with loading/unloading activities, not storage and maintenance activities in the yard. Mr. Lyman said he cannot speak to the storage and maintenance activities in the yard just now, but why the STB is clearly involved is because of the intermodal transfer of shipping containers in some cases come off of rail lines, and are moved onto marine conveyance, and then onto trucks, which is where the jurisdiction falls whenever these intermodal transfers occur. He said this is even if the STB jurisdiction does not apply to one of these modes, it still applies to the transfer point. Chair Gladziszewski stated that this makes sense. Mr. Lyman stated that after he spoke with the CBJ Attorney they decided that they do not necessarily want to give marine operators carte blanche, and they do want to determine what the CBJ can regulate to protect the health of local residence and to keep the peace, but this appears to be largely out of the jurisdiction of the proposed noise ordinance at this point, although more research is required.

Outstanding material to be provided to the PC

He said he still has to research the cost of permits, which he will provide to the PC at a subsequent meeting.

He said a new issue that just came up is a complaint from a woman who resides in the Mendenhall Valley regarding fireworks going off in the area after the Super Bowl last Sunday. He said she called the JPD regarding this, and was told by dispatch and two police officers that fireworks are legal in Juneau, so there was nothing they could do about it, but they suggested that she talk to him to ensure that regulating fireworks is included in the proposed noise ordinance. Therefore, he spoke to the City Attorney who was also unaware that fireworks were illegal in Juneau, and he said he thought that perhaps a regulation in the Fire Code had possibly been changed without him noticing. He forwarded on this information to the woman that complained, but she said she already spoke to the Fire Marshall and he said fireworks are illegal so JPD should have done something about this violation, and therefore he said fireworks might be an aspect the PC might have to review in terms of the proposed noise ordinance.

Continued review of the proposed noise ordinance and attachments

Mr. Lyman stated that over the past couple of weeks he believes that the proposed noise ordinance has to be entirely re-written and made much more straightforward. Chair Gladziszewski stated that, if so, she asked which sections should the PC review beforehand. Mr. Lyman suggested that he review sections of the proposed noise ordinance that he finds troublesome, to which the PC agreed.

Mr. Rue asked how the Noise Permit Process (attachment P) relates to the proposed noise ordinance. Mr. Lyman stated that attachment P pertains to page 10, Section 4 Amendment to Section – CBJ 49.15 is amended to include Article IX, Noise Permits of the proposed noise ordinance.

42.20.300 Prohibition on excessive noises.

Mr. Lyman said it appears as though they are on track with this section.

42.20.310 Sound measurement.

He said in order to take sound measurements as indicated in this section, the PC still has to determine whether they are to be measured at A- and/or C-weighting scale(s). Chair Gladziszewski stated that all the literature she has read generally uses the A-weighting scale. Mr. Lyman referred to page 2, Figure 2 of the hearforever.org document in the Blue Folder, which states:

“The C-weighting scale was originally designed to be the best predictor of the ear’s sensitivity to tones at high noise levels. Why, then, are noise measurements for hearing conservation almost always measured in dBA? Because the ear’s loudness sensitivity for tones is not the same as the ears’ damage risk for noise.”

He said the C-weighting scale best measures the ear’s sensitivity to disturbance, so it might make more sense to regulate the proposed noise ordinance based on the C-weighting scale. Chair Gladziszewski commented that the World Health Organization (WHO) excerpt data is shown in the A-weighting scale. Mr. Miller said if the C-weighting scale is the best measurement then the PC probably has to obtain new sound data, including more professional literature on this. Mr. Lyman noted that on the same page it basically states that the general conversion factor is to add or subtract 7 dB to convert between A- and C-weighting, but clearly in viewing the frequencies listed in this excerpt they cannot always do so and still obtain a real prediction. He explained that when he researched this last week the more he felt that they might be on the wrong track, e.g., if the C-weighting scale best measures disturbance and an ear’s sensitivity, but does not damage hearing. Therefore, they could be following the wrong precedent if they adopt an ordinance focused on protecting hearing in an industrial setting, although a person generally is not in an industrial area while sleeping in their bed in the middle of the night.

Mr. Rue referred to the WHO excerpt (attachment B) on page 61, stating that section 4.3 Specific Environments states:

“Noise measures based solely on LAeq values do not adequately characterize most noise environments and do not adequately assess the health impacts of noise on human well-being. It is also important to measure the maximum noise level and the number of noise events when deriving guideline values.” If the noise includes a large proportion of low-frequency components, values even lower than the guideline values will be needed, because low-frequency components in noise may increase the adverse effects considerably. When prominent low-frequency components are present, measures based on A-weighting are inappropriate. However, the difference between dBC (or dBlin) and dBA will give crude information about the presence of low-frequency components in noise. If the difference is more than 10 dB, it is recommended that a frequency analysis of the noise be performed.”

He stated that given this information, he believes that a few environments emitting low-frequency components of noise is when sound measurements should be taken using the C-weighting scale, but most environments are not low-frequency rich, so using the A-weighting scale would work in those instances. Chair Gladziszewski said her personal experience while walking around taking Radio Shack sound meter readings is when the sounds that bothered her the most were not very loud A-weighting scale readings, and instead, they were the C-weighting readings.

Mr. Watson referred to NJ 7.29.AAC and asked if this is the same NJ state sound ordinance found in attachment F. Mr. Lyman said it is not, and instead, that is a very different document. He explained that attachment F is a single-page excerpt from the NJ Model Noise Ordinance by Rutgers University, not a document that was necessarily adopted by the State of NJ. Mr. Watson

stated that what he has is referred to as a “Courtesy Copy” of the NJ Sound Ordinance, and they use the A-weighting scale.

Mr. Lyman stated that they probably should be measuring and regulating sound based on the A-weighting scale, but in certain circumstances the steady and pure tones, e.g., fans humming, mechanical equipment, etc. are low-frequency types of sounds that should be measured using the C-weighting scale.

Mr. Haight said he believes impulsive noise should be measured with the C-weighting scale. Mr. Lyman said these instead are generally best measured with the A-weighting scale on fast response. Mr. Pernula agreed, adding that impulsive noise is generally high, but for very short durations, so the A-weighting scale is probably the best one to use in the proposed noise ordinance.

Mr. Rue referred to the WHO excerpt (attachment B) on page 61, section 4.3 Specific Environments, which states:

“If the difference is more than 10 dB, it is recommended that a frequency analysis of the noise be performed.”

He said this means that when there is a 10 dB difference, e.g., 50 dB reading of the same noise being measured on the A-weighting scale, and 40 dB on the C-weighting then it is no good because the low-frequency noise registering 40 dB is half as impacting as the high-frequency noise at 50 dB. Chair Gladziszewski clarified that it is instead the other way around because in her experience when she was taking sound measurements the C-weighting dB generally registered about 10 dB higher, which she found annoying, versus when the same sound was measured with the A-weighting scale.

Mr. Bishop said staff has to spend more time on re-writing the proposed noise ordinance, so he does not believe that the PC should devote additional time discussing whether they should use A-and/or C-weighting scale(s) at this point, as the PC has to be provided a fairly succinct analysis before the PC is able to make a decision, to which Chair Gladziszewski agreed.

Public testimony

John DelGado, 1300 1st Street, Douglas, AK, thanked the PC and Mr. Lyman for their continued hard work on the proposed noise ordinance. He said it appears that Mr. Watson, Mr. Lyman, and he may have had the epiphany of the STB on maritime matters, which opens up other issues and probably ventures into Environmental Protection Agency (EPA) regulations as well. He explained that the Douglas Advisory Board (DAB) provided their opposition to the exemption section of the proposed noise ordinance (which he handed out earlier at this PC meeting and to staff) that was also forwarded onto the Assembly. He stated that as part of this motion the DAB also voted to adopt the permitting process outlined by Mr. Lyman in the January 5, 2011 report as attachment B – Draft Noise Permit Process. He noted that his job as a DAB member ended when he provided this handout to the PC and the Assembly, so he is now speaking as a resident of Douglas and citizen of Juneau. He said the next attachment C – Possible Exceptions to Noise in the January 5, 2010 report does not provide for any accountability as it is written in section 42.20.340 *Exceptions (l)* for loading/unloading marine shipping activities or other tidally dependent operations, which might be negated, depending upon the STB findings. Even so, the PC or the Assembly cannot defend the carte blanche exceptions as is to the citizens of Juneau regarding any public/private entity without accountability before the PC forwards the draft noise ordinance to the Assembly. Chair Gladziszewski asked if Mr. Delgado is stating that the entire

Possible Exceptions to Noise section in the proposed noise ordinance should be deleted, or if he has specific language he would like to suggest to the PC. Mr. DelGado said he is just saying there has to be some sort of accountability because this section is basically allowing for carte blanche exceptions, as section (l) only states that engines should have proper functioning mufflers at loading/unloading barge facilities or for tidally dependent operations. He said this provides for no review process, and it does not take into account the growth of such facilities, noting that Alaska Marine Lines was much smaller 15 years ago when it was first began operations, which was obviously not permitted, but somehow it was allowed to operate. He explained that if the community continues to grow then the marine shipping operations would become much larger in the future as well. Mr. Rue confirmed that Mr. DelGado would like the marine operation activities or tidally dependent operations to have to undergo some sort of review process, and then require them to obtain a variance if they are unable to meet the threshold noise levels of the proposed noise ordinance, but only if they provide good reasons for doing so. Mr. DelGado said he is a realist so he knows that marine operations have to take place, but a variance would provide for a review process, including down the road if the marine operators end up violating exceptions of the noise ordinance then the PC or the Assembly could rectify such situations.

Jim Stey, 235 5th Street, thanked staff and the PC for the work they have done on the proposed noise ordinance. He referred to the EDNA matrix, stating that the noise threshold limits are “shots in the dark.” He explained that the PC picked those limits based upon some staff and Commissioners taking sound meter readings around their homes, etc., and then stating that it is too loud in an area, and not in another. Instead, he would like to see if it would be possible to build into the proposed noise ordinance language, so there is flexibility built in to review the threshold limits. He said this could be done by a pre-designated committee consisting of members appointed from the PC and/or the Assembly who would have the power to set new threshold limits under certain conditions, which the legislature does when appropriating funds. He said this would prevent having to go through a two- or five-year process to reset the dB threshold limits. In addition, they have to recognize the differences among neighborhoods, versus designating all of them as solely being residential. He explained that a person might have a house in a residential area in the middle of a five-, or a one-, or a ¾-acre lot out in a remote area when the noise being received is measured from their property line when their house is 100’ to 200’ away, so any noise would be much quieter from this distance by the time it hits their bedroom. However, in a downtown neighborhood most property lines abut the street where the houses are right next to each other, so noise at 53 dB would be much louder because of its close proximity to bedroom windows. He said if a person is having a normal conversation at 50 dB right outside it would be a nuisance, so he believes the 53 dB should be reset to a lower threshold level. He noted that Mr. Pernula stated in past PC minutes that if the day- and night-time dB threshold levels do not vary very much then it only provides the police with little discretion when they have to take sound meter readings, so a wider differential should be provided. He explained that he has experienced low-frequency noise, i.e., fans, mechanical equipment, etc. emanating onto his property, so using the C-weighting scale would point out these types of low-frequency noise levels much quicker.

Ms. Bennett thanked the testifiers for providing constructive comments and for continuing to follow the progress of the PC’s review of the proposed noise ordinance, to which her fellow Commissioners agreed.

Public testimony was closed.

Commission discussion

Mr. Miller said his top 5 list includes:

- Determine ambient in urban and rural residential areas
- Adjust noise threshold limits to dB levels off of ambient sound meter measurements
- Reconsider the day-time noise dB limits
- Possibly set noise levels at various times for day-time, evening, and middle of the night
- Reconsider 42.20.360 Maximum limit for certain activities regarding exemptions

Mr. Rue said a few bulleted items he would like listed are:

- Setting lower dB noise limits
- Reconsider the proposed noise ordinance on page 6 where it states that for steady tonal quality the sound levels shall be reduced by 5 dB, except for residential HVAC equipment because this may not be needed if they exempt all residential heating systems
- 42.30.340 Exceptions on page 6 regarding (a), e.g., he does not want a possible motorcycle racetrack to become an exemption

Mr. Bishop said he prefers the idea of tying a maximum dB noise threshold limit to ambient. He said he believes, e.g., the Gross' house sound reading was at 53 dB, which is the maximum threshold level for night-time noise in the downtown area, except for the fact that a 5 dB reduction of steady tonal quality is provided, but then in the valley there could be a knock down in the scale depending upon ambient in other quieter areas of town. Chair Gladziszewski stated that she agrees with the ambient idea, although she does not understand how they could obtain actual dB levels. She said they would have to take into account who measures ambient, when to do so, and how to include this information into the noise ordinance; plus how to make it useful for enforcement. Mr. Rue referred to the tables in the *Flightseeing Noise Assessment*, stating that this data provides a good indication of problematic noisy sites around Juneau, which were measured over a 24-hour period, so a lot of data had to be acquired to obtain ambient. He said this is the only ambient data that exists for Juneau, which was rigorously measured in 2000, although maybe it is a bit noisier in this community now. He requested that the PC consider using this assessment in terms of the proposed noise ordinance, which would provide some basis of fact until additional measurements could be taken. Mr. Bishop stated that the PC is recommending the proposed ordinance to be enacted, so if the PC requires someone to conduct recordings of sound then they are going to have to have the technology to take decent ambient readings around town. He said the new certified ANSI sound meters probably have an ambient setting, so this could be determined fairly quickly. Mr. Rue said ambient has to be measured over a long time period. Chair Gladziszewski said she believes "ambient" is a layman's term, not a noise term, as the word "ambient" is not used in this assessment, and instead, the Statistical Noise Levels are: Max, L10, L50, L90 and Min., and she recalls that it was fairly complicated to obtain this data. Mr. Miller said he understands some of the issues behind measuring ambient. He noted that at his house when he was taking sound measurements the 14 times that he measured ambient noise off of his front porch it consistently read 52 dB, so it would not make any sense for an ordinance to be set at 50 dB when the ambient level is actually 52, which is the conundrum on his top 5 list of things the PC has to figure out. Chair Gladziszewski said the PC is discussing very technical issues that they do not necessarily understand about noise, and the PC is not going to be able to move forward in reviewing the proposed noise ordinance until they are provided a noise expert to explain this. She said right now all the PC has are snippets of facts, but this noise topic is very complicated. Ms. Bennett said the enforcement of the noise

ordinance is going to be driven on a complaint basis, and she feels it is a waste of the Commissioner's time to go on and on about this, which has been very frustrating. Mr. Rue said what he finds frustrating is that the PC was provided very important information in the Blue Folder, but the Commissioners only had a couple of minutes to read it. He said he does not believe that enforcement of the noise ordinance will always be driven on a complaint basis, as the PC is charged with looking at land uses that have the potential to make steady and continuous noise, which could upset neighbors, and then they will review such cases to determine whether the developers are able to regulate their noise so they are not creating conflict in the community through land use decisions. Therefore, he believes the PC has to more closely review the information provided tonight, including hearing from a noise expert at a subsequent PC meeting.

BREAK: 8:38 – 8:45 p.m.

Mr. Lyman stated that he has become less comfortable with the proposed noise ordinance in general, including its complexity. He stated that he now wishes to create a new draft ordinance with four classes of noise, which have to be regulated separately, as follows:

1. Steady and continuous sounds
2. Land use sounds
3. Nuisance sounds
4. Impulsive sounds

He said the day- and night-time noise limits are more applicable to noisy neighbors. Mr. Rue asked why Mr. Lyman is proposing to separate the “steady and continuous sounds” out of “land use sounds.” Mr. Lyman stated that perhaps “impulsive sounds” and “steady and continuous sounds” could be grouped under “land use sounds” and/or under “nuisance sounds” for the most part. He said the “land use sounds” would have to include a clause to bring people into conformance over time, which is similar to what is provided in the exceptions now. He stated that in order to make the proposed noise ordinance enforceable, this is what has to be done so it is clear as to who is responsible for enforcing each section.

Mr. Pernula said three years ago when he started working on the draft noise ordinance he began by talking to Mr. Stey, and then with David George who is the noise abatement person working for the City of Seattle. He said Mr. George informed him that the best person to talk to was Erik Zwerling, a noise expert out of Rutgers University, and they held many conversations. He explained that Mr. Zwerling believes the most important aspect of a noise ordinance is setting a noise limit for residential receivers at night. He said Mr. Zwerling stated that 50 dB at night has been very well accepted and upheld in courts numerous times, and Mr. Zwerling has been in courts and makes presentations all over the country. Therefore, the core that the PC has to look at is a residential receiver at night of 50 dB, and he has kept his eye on this when the PC reviewed various iterations of the code. He said the PC has still retained the 53 dB threshold limit, which is fairly close to 50 dB that was provided by a noise abatement expert.

Mr. Rue said there is a slight complication in the section of the draft ordinance that requires a the reduction of 5 dB for certain steady tonal quality sounds, so he is more comfortable with a set limit of 50 dB at night with no reduction of 5 dB for certain noises, which makes it simpler.

Chair Gladziszewski confirmed that it is the consensus of the PC for Mr. Lyman to re-write the proposed draft noise ordinance, to which they agreed.

Mr. Rue thanked Mr. Lyman for finding good information on noise, which he recommends that the Commissioners read very carefully following this PC meeting.

Chair Gladziszewski requested staff to provide the *Flightseeing Noise Assessment* in color at a subsequent PC meeting, whereby she noted that this is posted on the CBJ web site; Mr. Lyman offered to do so.

IV. PLANNING COMMISSION LIAISON REPORT - Heard out of sequence

Mr. Doll referred to the 2010-2011 Assembly Goals, Top Ten Action Items, stating that the Assembly supports a new state office building, not who owns it, or where it is located, or how it is funded.

He said the Assembly is interested in promoting daycare, noting that only one idea has been advanced to a committee of the Assembly on this topic so far, which has to do with training daycare providers. He does not feel that there is any guarantee that this is going to produce the desired effect, which is in the \$200,000 range, so in a large degree this is somewhat aspirational.

The climate action plan is well underway and will easily be achieved, as the contractor is already working on this under a 1-year contract that primarily addresses CBJ, but anything else that any governmental agency or private business could achieve in regards to greenhouse gas reduction might be presented to the PC. Chair Gladziszewski asked if the Assembly decided prior to even seeing a climate action plan that they are only going to suggest what steps other non-CBJ entities might take, as the Assembly could write ordinances about building envelopes in terms of efficiency, and so on. Mr. Doll said the Assembly has not yet made that decision, but he hopes that citizens who are knowledgeable provide such information to the contractor about aspects of eliminating greenhouse gas emissions.

He said the Assembly intends to promote Juneau as a world-class climate research facility because this city has already been in this business for 30 to 40 years. He explained that the ice cores that were drawn from local ice fields are one of the bases for climate determinations conducted by the university. He said this has led to the US Forest Service (USFS) establishing an experimental forest out the road someplace, and the National Oceanic Atmospheric Administration (NOAA) has established in Alaska a climate research called Top Banana. He said this would take involvement by the university and federal agencies, and the Assembly has already attended several functions on this subject, but no one has asked for any money or specified a location yet, but since the beginning the Assembly has been inspired by the work being done on the ice fields, so they would like to make Juneau the headquarters.

He said the Assembly would support fisheries development in Juneau, e.g., they appropriated \$25,000 to conduct a study as to whether the city could profitably use a public cold storage in Juneau. He said he has little doubt that this study will come out positively, but if it does then the Assembly will attempt to allocate funds to construct it. He noted that if the PC hears of any other fisheries development ideas that they should include, the Assembly will take them into consideration.

He said the Assembly/COW recently met to support a non-profit led effort to address homelessness in Juneau, noting that the Juneau Homeless Coalition and the Affordable Housing

Commission now have \$450,000 that the CBJ has made available to them as seed money to attract other grants for affordable housing.

He said the Assembly wishes to review the potential development of the AJ Mine, noting that there is apprehension by part of the Assembly and the City Manager that the future does not bode well for oil revenue sharing in Alaska so they have to find alternative resources, and the AJ Mine is an asset. He said it is possible that technology will enable a mining company to do things with the products of the mine, i.e., tailings, gold, etc., which they could not have done in 1982. He stated that he hopes the public resists getting too excited about this until the committee, of which Chair Gladziszewski is a member, provides the Assembly a report. He said it is possible that newer technology might overcome objections that arose in the 1980s, or that a profit margin that currently exists in gold mining could be achieved. He said the Mayor appointed a 3-person committee to review these aspects, which consists of Ruth Danner, Jonathan Anderson, and himself. Mr. Pernula asked if the Assembly intends to revise the Large Mine Ordinance. Mr. Doll said this might be part of the process, and if so, it might lead to re-opening the AJ Mine, but the Assembly is not focusing on that just now. Mr. Pernula noted that the PC created a rural mining district that has very few regulations, but the urban mining district encompasses the entire gamut that the AJ Mine would fall under. Mr. Doll said the committee that has been formed, so such a study could be recommended, which might be the first step along the way.

He said he injected back into this list the multi-year Assembly course of action for a North Douglas Crossing, noting that the voters by a 2:1 margin turned down the proposal, which was on a past ballot. He explained that the problem of getting to/from Douglas remains, so depending upon many variables it could be accomplished by a means other than what was listed on that ballot. He said the Assembly chose to leave this on the list of goals as a public concern, although he doubts very much that they can do anything about it because nobody is able to figure out where to obtain funding to do the job. Chair Gladziszewski said she is viewing the list in terms of goals that might involve the PC, whereby she noticed that this is one of them. She noted that she was not in town when this item was discussed, which was when it apparently became quite heated. She said that people have informed her that they simply are unable to understand why a North Douglas Crossing is necessary, and apparently nobody explained the reasons to them very well at the Assembly/COW meeting, which included the pro-North Douglas people. She said the PC has reviewed many cases regarding the level of service (LOS) at the bridge, so the Commissioners understand why the North Douglas Crossing is necessary, but apparently nobody else does, including its proponents. She said too many people state that it is to get to/from Eaglecrest faster, but that has nothing to do with it. She stressed that the reason there is a need for the North Douglas Crossing is that no additional development can occur in West and North Douglas without some improvement to the LOS at the bridge, and one method in which to do so is to construct the North Douglas Crossing. She said this message appears to have been completely lost regarding any discussions on this proposed project. Mr. Doll agreed that this particular message was not raised very prominently, if at all. Ms. Bennett said she attended the Assembly/COW meeting and the North Douglas Crossing was pitched to increase the response time for emergency vehicles, and transporting people to the hospital, which was the prominent justification. Chair Gladziszewski asked Mr. Pernula if the main issue regarding the North Douglas Crossing is in regards to increasing the LOS at the bridge. Mr. Pernula said this is one of the major issues at the 10th/Egan crossing because the Juneau-Douglas Bridge only has two lanes. He stated that regarding emergency vehicle access to the hospital from Douglas, between Downtown Juneau and the hospital there is a major avalanche chute that could potentially cut off all those people from the hospital, so they need to have a redundant and

shorter route, especially if they further develop West and North Douglas. He said there were many reasons, including this one, which were not articulated as well as they could have been. Chair Gladziszewski stated that people can agree/disagree about development on West and North Douglas, but at least they need to understand that these are the reasons the North Douglas Crossing is on the list. Mr. Doll asked the PC to keep in mind that what the Assembly had was a proposition with a whole slough of elements regarding it, including a 10-year tax allocation, and locating it along side Sunny Point by making a causeway. He said there were many pieces to this proposition for the North Douglas Crossing, and each of the voters probably reacted differently to one aspect or another. He noted that from the Assembly's point of view, the important aspect is that they are apprehensive that at some point all that development the PC has permitted for North Douglas is going to result in DOT stating that they will not issue additional driveway permits. Chair Gladziszewski said a step the Assembly might take is to explain the reasoning behind why the North Douglas Crossing is on the list. Mr. Doll said the people who initially fostered the concept of the North Douglas Crossing were responsible for doing that. Mr. Rue said the PC requested that the Assembly retain the bench road idea for North Douglas, but this has been lost, and if they continue to add more people driving to/from this area the existing bridge cannot handle that increased traffic. He said the area where the focus of development has been is where the CBJ recently installed sewer, and the PC rezoned certain parcels to D-18 in the North Douglas area. He said if they put the Salmon Creek Bridge concept back on the table, versus the North Douglas Crossing, they would at least provide for a different focus for an alternate crossing, including addressing the need, traffic safety, West and North Douglas development, and emergency access. Mr. Doll said the conception by everyone stems from the past proposition, but the concept will not be the same should a future one be presented, i.e., it would have different funding, location, construction, and there might be a bench road or not. He said there is a need to overcome the fact that the Juneau-Douglas Bridge was built for two lanes only, which is how the state designed it and it cannot be expanded, e.g., they cannot add a second deck or lanes on the side, so the city is stuck with what they have. Chair Gladziszewski thanked Mr. Doll for the digression in hearing multitudes of advice from the PC and staff.

Mr. Doll continued with his report, stating that the Assembly will review options to manage and dispose of Juneau's solid waste. He explained that in 25 years the landfill will reach its capacity, so there will be no place to put solid waste, which is a finite sustainability issue they have to deal with. He said the CBJ is close to issuing a Request for Proposal to invite a commercial vendor to collect recyclables in Juneau, and then ship it out of town to minimize the continued growth of the landfill. Even so, he said the fact that the landfill is going to continue to grow is inescapable. He explained that the CBJ does not control the flow of solid waste from residences to the landfill, as they are legally prohibited from doing so. Therefore, the CBJ can only try to convince waste management to use some other method in which to deal with the solid waste that Arrow Refuse brings them, and the CBJ is in the process of doing that. Therefore, they have to look at shipping the solid waste out of town, or consider building a new landfill, or an incinerator. He believes all the discussion about what type of technology to use with an incinerator is beside the point at this time, and instead, they have to find an alternative, including dealing with batteries that have been placed in it, which are leaking into anadromous streams. Chair Gladziszewski stated that an effort was underway to complete a solid waste plan, with the key feature of being able to determine a method in which the CBJ could enter the solid waste stream, as the city currently controls no part of it, which appears to have gone sideways, so she questions whether the city is trying to do this any longer. Mr. Doll said the CBJ is no longer seeking to do so because the Regulatory Commission of Alaska informed the CBJ that they are unable to apply for and get certification. Chair Gladziszewski said the CBJ never could, and she

does not know why anyone ever thought of trying to pursue that, but the CBJ was going to negotiate with Arrow Refuse, so she asked if that is no longer happening. Mr. Doll said yes, including that Arrow Refuse has placed a price on their Certificate of Public Means, but the CBJ was unwilling to pay their asking price. Chair Gladziszewski stated that it is her understanding that Arrow Refuse placed a price on it because the CBJ did not plan to provide universal service. Mr. Doll clarified that the universal service was to pick up recyclables. Chair Gladziszewski said it was her understanding that it was instead to pick up garbage. Mr. Doll said that is not what the Assembly discussed with Arrow Refuse, noting that they already have a certificate that allows them to pick up residential trash. Chair Gladziszewski stating that she does not wish to get further into this topic right now by sidetracking the PC discussion tonight, so she suggested that she and Mr. Doll meet at a later time, to which Mr. Doll agreed.

He said the Assembly will continue working on the Seawalk/waterfront improvements between the Juneau-Douglas Bridge and the Rock Dump. He noted that the CBJ Docks & Harbors and Parks & Recreation departments are currently discussing what might be installed in the area near the bridge.

Mr. Watson said he attended the Assembly/COW meeting when these goals were discussed. He referred to the "Pursue the creation of a healthy, *year round* downtown business environment and historic district" section of the list. He explained that the Downtown Business Association has been trying to come up with something for years, but they have been unsuccessful, and the rent downtown is extremely high. Mr. Doll said the rent in downtown is high because the jewelry store owners make a lot of money, and if a business owner occupies space downtown and wants to make the most money then they start a jewelry store, which impacts the business owner next door who sells T-shirts. Mr. Rue said the first part of an economic strategy is to hold onto what we have in Juneau, and he thought the Assembly previously mentioned that they intended to stem the flow of state workers moving north, but many good and well-paying jobs are being sourced out of town. Mr. Doll said the latest report by the Juneau Economic Development Council cites that cumulatively 450 state positions left Juneau for some other location, and although he does not know for what period of time this is for, but those are voters and people who had good medical coverage, steady wages, were homeowners, etc., which is terrible for Juneau to lose. He explained that the word on the street is that this has stopped. He said this is largely a matter of administrative practices by the state, noting that the assertion is that the specific motivation for moving jobs out of Juneau is if the state goes for 90 days, or 180 days without being able to fill positions because qualified candidates do not want to move to Juneau, so they move it to the place they might want to come to, which is generally in Anchorage. Ms. Grewe said she has heard that such practices have slowed down, although this is an aspect that the Assembly should not drop their guard on. She said the government sector is incredibly rich for this community, and she would like to see more active leadership, including rising up and responding to this issue, so she hopes the Assembly advocates for this. She said it used to be that if the state could not find good applicants, or if they had zero applicants then they were able to post a job nationwide. Even so, she does not know how sensitive the department heads of the state are in realizing just how important this is. Mr. Doll said the only method in which to achieve doing so would be on a professional level between the PC, Assembly, and the CBJ department heads, which is unless the Governor issues some sort of blanket state requirement. He explained that his impression is that the Palin Administration disregarded this issue and did not really care about what happened to Juneau. Mr. Watson said he has been following this issue with the Alaska Committee for quite some time, and they continue to hear concerns regarding cost of living in Juneau and housing availability issues. He said he works for

the state and such hiring practices are still ongoing because if certain applicants apply for state jobs and they do not want to live in Juneau then they are allowed to live in Anchorage, but those jobs are still posted in Juneau. Mr. Rue said it might be worth the Alaska Committee pursuing how to make Juneau a better place to live and work, so they do not continue to lose people. Mr. Doll said the CBJ attempted to find a replacement for the City Manager a couple of years ago, although they ended up being dissatisfied with all the applicants. He said Juneau is not an attractive place to some people, and many regard the difficulty of getting in/out as being somewhat claustrophobic, including that they regard the weather as being intolerable. He noted that the School Board was able to find a new Superintendent by paying him an enormous salary. Mr. Rue said it might be a matter of talking to the heads of the state departments about this, including discussing whether Juneau salaries are compatible with other Alaskan cities. Mr. Doll said improvements are being made at the airport, which should allow additional planes to get in/out more readily under less favorable weather conditions in the future. Mr. Bishop said a great deal depends upon the quality of life issues too, as certain people that move here quickly end up leaving. He thinks Juneau has made a big step forward with the Dimond Swimming Pool and Arena, so activities such as these are what provide the residents things to do during inclement weather, which is critical to the development of Juneau, but they need to keep working on issues such as this, e.g., provide for more recreational activities around the population in the valley as being a critical aspect for the purposes of development and the health of residents. Ms. Grewe said the jobs lost in Juneau also decreases enrollment in schools, which are inter-related. She said when she applied for her state job 7 years ago there were 42 applicants, but now they are hard pressed to receive 4 applicants, and either the people are not interested or they do not qualify. She said they have bent the qualification rules backwards trying to fill certain positions, so Juneau is also losing the level of workforce that qualifies for high-level jobs, and therefore they will start to lose the culture of professionalism in Juneau. She said this means that there will only be low-end state jobs, so she is worried because she has 20 years to retirement, but she does not want to live in a ghost town. Mr. Doll said there are other “keep the capital here” types of ideas that might be presented to the PC at a future date.

Chair Gladziszewski referred to four items on 2010-2011 Assembly Goals list that refers to the PC, which are:

- Revise CBJ Land Management Plan
- Decide North Douglas density and zoning in light of sewer extension
- Establish a CIP for a year round North Douglas Road extension
- Adopt noise ordinance

She said the PC is currently working on the proposed noise ordinance, but she does not know anything about a master plan for North Douglas, or the CBJ Land Management Plan, so she asked if these items are going to be presented to the PC at a later date; Mr. Doll said he believes so.

Chair Gladziszewski thank Mr. Doll for his presentation to the PC, to which her fellow Commissioners agreed.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT - None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Rue said the Wetland Review Board (WRB) has undertaken an initiative to meet with the maintenance folks of the CBJ and DOT. He explained that the PC requires construction of grassy swales to prevent water quality issues, but CBJ maintenance generally goes against this. He said the WRB is attempting to address construction and maintenance Best Management Practices on the same page to protect water quality, but still allow CBJ and DOT to be able to do their jobs maintaining culverts and ditches.

Mr. Bishop said the Lands Committee recently met and heard the same report by Heather Marlow that was presented at a previous PC meeting. He said Ms. Marlow stated that they were very interested in competing with the private sector for land disposal. He said the committee also discussed the Docks & Harbor development at Auke Bay, and their CIP development program.

Ms. Grewe said the Juneau Commission on Sustainability (JCOS) recently met, and they are going to start meeting twice per week on sustainability indicators to frame how they will conduct their work over the next two years. She explained that one of the major dilemmas they are having is that sustainability means different things to various people. She said there are certain people on the 11-member JCOS who focus on the environmental aspects, and others more on the economic and social types of sustainability. She said they have to go back to the Assembly to review the resolution forming the JCOS, as they are now a permanent JOCS, but they continue to work as though they are a temporary commission. She said they have to integrate a broader approach to the work to include environmental, social, and economic aspects. Chair Gladziszewski stated that the JCOS has an enabling ordinance, which is what the JCOS is suppose to abide by until the Assembly modifies it, but if the JCOS is having such fundamental disagreements then they should discuss this with the Assembly. Furthermore, she asked if the climate action plan is being lead by the JCOS regarding overseeing the work by the contractor. Mr. Pernula said Planner Ms. McKibben of the CDD and the Deputy City Manager Kim Kiefer would provide contractor oversight.

Chair Gladziszewski stated that she is currently serving on the AJ Mine Committee, and they will be meeting next week. She noted that she is not serving on this committee because she is associated with the PC, although she will keep this body informed of its progress.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Watson stated that he provided Mr. Pernula an e-mail last week about a public comment regarding a letter received on the proposed ordinance at the COW meeting. He explained that his impression is that this is an actual public comment, and yet the COW did not accept public comment at that particular COW meeting on February 1, 2010. Mr. Pernula said staff asked the City Attorney Hartle on many occasions if the PC or COW should receive or limit public comment at meetings, and he informed them that they should always err on the side of taking additional public comment. In this case, it was a COW meeting where staff provided notice that the COW would not be taking public comment, but if they have something in writing presented to the COW then there is no reason why the Commissioners cannot read it on their own. He said the proposed noise ordinance is not a quasi-judicial matter, and instead, it is a legislative matter that the Commissioners can be lobbied on.

XV. ADJOURNMENT

MOTION: *by Mr. Miller, to adjourn the PC meeting.*

There being no objection, it was so ordered and the PC meeting adjourned at 9:46 p.m.