



PLANNING COMMISSION REGULAR MEETING AGENDA

August 23, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/82017306873> and use the Webinar ID: 820 1730 6873, or join by telephone, calling: 1-253-215-8782 and enter the Webinar ID. You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, AK.

- A. **LAND ACKNOWLEDGEMENT**
- B. **ROLL CALL**
- C. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA**
- D. **APPROVAL OF MINUTES**
- E. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION**
- F. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- G. **ITEMS FOR RECONSIDERATION**
- H. **CONSENT AGENDA**

- 1. PAD2022 0002: A property acquisition and disposal review of land by the City & Borough of Juneau - REMOVED FROM CONSENT AND RECOMMENDED APPROVAL TO THE ASSEMBLY ON THE REGULAR AGENDA

Applicant: Murray Walsh

Location: 4305 North Douglas Highway

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.

DIRECTOR'S REPORT

The applicant requests a Property Acquisition and Disposal review for the acquisition and disposal of land by the CBJ, located adjacent to 4305 North Douglas Highway, which is owned by the applicant. The applicant is seeking to purchase 140,394 square feet of CBJ land, and to sell 105,347 square feet of land to CBJ in order to subdivide and create buildable residential lots. This proposal is in general conformity with the 2013 Comprehensive Plan, the Land Management Plan, and the Housing Action Plan.

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend approval of the requested Property Acquisition and Disposal application as conditioned.

UNFINISHED BUSINESS

- 2. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD - Continued from the June 28, 2022 Planning Commission Meeting - APPROVED

Applicant: Juneau Cooperative Christian Ministry, dba The Glory Hall

Location: 247 S. Franklin Street

J. REGULAR AGENDA

- [3.](#) USE2022 0010: A Conditional Use Permit modification for Juneau Youth Services - APPROVED AS AMENDED

Applicant: Juneau Youth Services

Location: 10685 Mendenhall Loop Road

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit Modification. The permit would allow for the development of Juneau Youth Services' conversion of Montana Creek House dorm rooms into administrative offices with USE2022 0010 superseding USE2000-00003, USE2004-00018, and USE2006-00028.

The approval is subject to the following conditions:

1. Maximum number of residents approved on site is 29, the total maximum previously approved for Lighthouse and Black Bear House.
2. The applicant shall clear brush and small trees along Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway to the Montana Creek Bridge as required by the Alaska Department of Transportation and Public Facilities. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit (CUP) Modification for Juneau Youth Services (JYS) to convert existing dorm rooms into administrative offices in Montana Creek House. JYS purchased the Mendenhall Loop Road property in 1995, and have been continuously operating this location since that time. Services include residential dorms for homeless youth with associated residential treatment program and administrative support services. Through this CUP Modification, the applicant seeks to combine three active CUPs into one permit, which will supersede the other three, allowing the applicant to best manage the conditions of approval.

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve with conditions the requested conditional use permit.

K. OTHER BUSINESS

- [4.](#) Juneau Douglas Second Crossing Study

L. STAFF REPORTS

M. COMMITTEE REPORTS

N. LIAISON REPORT

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. SUPPLEMENTAL MATERIALS

S. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org.



PLANNING COMMISSION STAFF REPORT
PROPERTY ACQUISITION & DISPOSAL PAD2022 0002
HEARING DATE: AUGUST 23, 2022

Section H, Item 1.

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: August 11, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Joseph Meyers, Planner II 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Property Acquisition and Disposal review for the acquisition and disposal of land by the CBJ.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- Land disposal is in general conformity with the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2016 CBJ Land Management Plan.
- The Land Management Plan designates this city property as retain/dispose.
- The applicant is seeking to purchase 140,394 square feet of CBJ land and would like to sell the CBJ 105,347 square feet of land.
- Creation of buildable lots is in the public interest.
- Currently, there is no requirement that the development qualify for affordable housing as defined by the Department of Housing and Urban Development standards.



ALTERNATIVE ACTIONS:

1. **Amend:** Amend the recommendation to include conditions and recommend approval to the Assembly.
2. **Deny:** Recommend denial of the proposed project. Planning Commission must make its own findings.
3. **Continue:** Continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

A Notice of Recommendation will be forwarded to the Assembly for further action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o CBJ 53.09.260

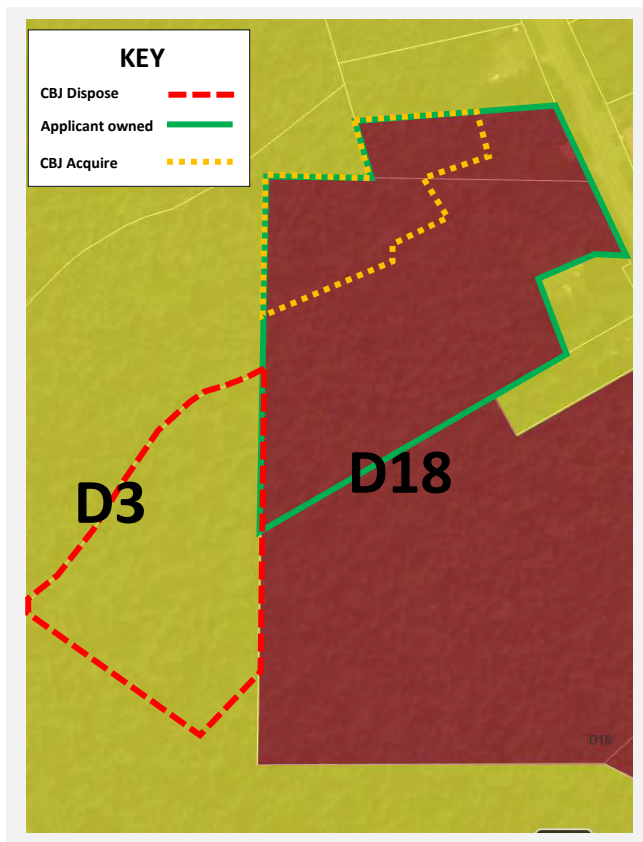
GENERAL INFORMATION	
Property Owner	Grant Creek Homes / City & Borough of Juneau
Applicant	Murray Walsh, WPDS/ City & Borough of Juneau
Property Address	4305 North Douglas Highway & North Douglas Highway
Legal Description	USS 2135 Tract 1 Tract A, USS 2305 Lot 15, USS 4605 FR
Parcel Number	6D0601110020, 6D0601130010, and 6D0611000010
Zoning	D18 and D3
Land Use Designation	Medium Density Residential (MDR) & Urban Low-Density Residential (ULDR)
Lot Size	Approximately 699,524 square feet (16.06 acres)
Water/Sewer	CBJ
Access	North Douglas Highway
Existing Land Use	One single-family structure
Associated Applications	N/A

The Commission shall hear and decide the case per CBJ 53.09.260 – Negotiated sales, leases, and exchanges:

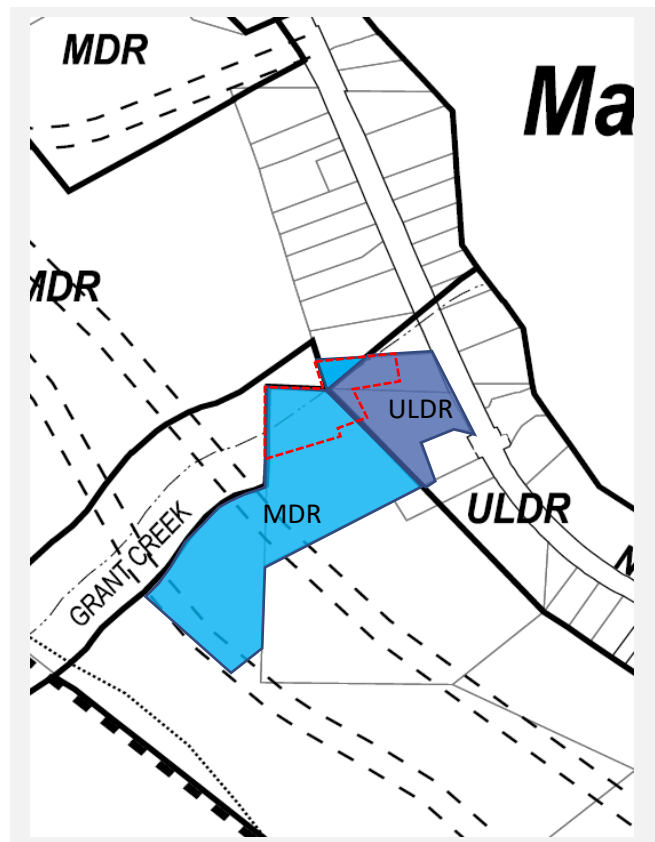
- (a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.*
- (b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.*

CBJ 49.10.170(c) Planning Commission Duties: *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by CBJ Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



SURROUNDING LAND USES AND ZONING

Direction	Zoning District	Land Use
North	D3 – Residential	Single-family structure
South	D18 & D3 – Residential	Vacant
East	Right-of-Way	North Douglas Highway
West	D3 – Residential	Vacant

BACKGROUND INFORMATION

Project Description – The applicant is seeking to sell 105,347 square feet of land to the CBJ ① and purchase 140,394 square feet of land from the CBJ ②. This land swap is being proposed as a means of creating additional buildable lots within the CBJ, in conformity with the 2013 CBJ Comprehensive Plan. In addition, the land being conveyed to CBJ would be included in the existing designated stream buffer to extend protection of Grant Creek, an anadromous waterbody. This effort is also in conformity with the 2013 Comprehensive Plan.



Background – The table below summarizes relevant history for the subject parcel and proposed development.

Item	Summary
Rezone ORD2010-14am	Rezoned three lots on North Douglas Highway from D3 to D18 in 2010.

Existing Conditions – In order to more efficiently describe the project, each section is labelled with a number corresponding to the action that will be taken by this land swap. These parts are not discrete units following property lines, and include portions of three separate lots. In addition, the maps contained within this report are approximate and meant solely for illustrative purposes.

The lot is currently vacant and forested with 12% slopes according to the provided preliminary site plan. A single-family dwelling exists on the northeast portion of the lot at 4305 North Douglas Highway.

CBJ 53.09.200(b) – Purpose and intent. The purpose and intent of CBJ Title 53.09.200(b) is:

- 1. Inclusion in Land Management Plan. Except for property acquired by tax foreclosure or reconveyance agreement, real property should not be conveyed prior to inclusion in a land management plan.*

The Land Management Plan designates this city property for disposal as retain/dispose.

ZONING ANALYSIS FOR INFORMATIONAL PURPOSE

Zoning Generally – The proposed area for disposal and acquisition encompasses 245,741 square feet of land and spans two zoning districts – D3 and D18 Residential. Density on the lot will need to meet the standards of each respective zoning district, including using the stricter standard when lots within two different zoning districts abut one another. To maximize the density of the lot, a rezone may be sought.

Table of Permissible Uses – The proposed use of the land is for single-family residential lots. This use is appropriate for the D3 zoning district and is also a permissible use in the D18 zoning district. The CBJ encourages maximizing density where possible, particularly in areas zoned for multi-family developments within the urban service area.

Table of Dimensional Standards – Depending on the density that the applicant is seeking, a rezone may be necessary to fully take advantage of these lots, as there are currently two zoning districts regulating the lot, D3 and D18.

Zoning District	Minimum lot size	Bungalow Lots	Duplex	Commonwall
D3	12,000 square feet	6,000 square feet	18,000 square feet	N/A
D18	5,000 square feet	2,500 square feet	N/A	2,500 square feet

Other Required Permits – A major subdivision permit will be required for future subdivision of the site.

Roadway Classification Maps – The lots are adjacent to North Douglas Highway which is classified as a minor arterial.

Hazard Areas – A portion of USS 2135 Tract 1 Tract A and USS 2305 Lot 15 are within the Zone A flood zone.

COMMUNITY SERVICES

Service	Summary
Urban Service Boundary	Within the urban service area
Water/Sewer	CBJ
Fire Service Area	Within the fire service area
Schools	Juneau School District

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the acquisition and disposal of approximately 16 acres of land between the CBJ and the applicant.

Resource	Summary
Conservation Areas	None
Wetlands	No known wetlands on site.
Anadromous	An on-site stream is only anadromous below North Douglas Highway, and is not anadromous on the lots being reviewed. Streams are only anadromous where designated by Alaska Department of Fish & Game.
Impaired Waterbodies	None known.
Historic	None.
Archeological	None known.
Comprehensive Plan View sheds	None

This land purchase by the CBJ would extend the 200-foot designated stream corridor surrounding Grant Creek, in line with the 2013 Comprehensive Plan.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN – The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
4	37	Policy 4.2	<i>To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.</i>
7	79	DG2	<i>On publicly-owned lands, designated on the Land Use Code Maps as not appropriate for development an area extending 200 feet from the Ordinary High Water Mark of the shorelines or stream corridors of the anadromous fish creeks, streams, and lakes listed in the most recently CBJ-adopted Alaska Department of Fish and Game inventory of anadromous fish streams.</i>
17	226	Policy 17.2	SOP4: <i>Base decisions regarding disposal of CBJ-owned lands on demonstrated market demand and evidence that disposal will be in the public interest and, particularly, for projects that would provide affordable housing or that would create jobs that pay a living wage. Coordinate activities with an orderly system for extending and constructing the public facilities and services called for in the transportation/public facilities and services element of the Plan.</i>

2013 COMPREHENSIVE PLAN – The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

			This application is in conformity with the Adopted 2013 Comprehensive plan Policy 17.2 SOP4. The stated intent of the application is to subdivide the land for future housing development. There is a significant demand for all types of housing in the CBJ. This purchase would be in the broader public interest to provide more buildable lands for housing development.
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2016 HOUSING ACTION PLAN – The proposed text amendment complies with the 2016 Housing Action Plan

Chapter	Page No.	Item	Summary
Part 2	36	Develop Housing Choices to Accommodate Juneau's Workforce Needs	The applicant has stated that they are seeking to create, " <i>small, affordable lots</i> " through this land purchase. Currently, there is no requirement that the development qualify for affordable housing as defined by the Department of Housing and Urban Development standards.

2016 CBJ Land Management Plan – The proposed text amendment complies with the 2016 CBJ Land Management Plan

Chapter	Page No.	Item	Summary
N/A	7	Goal 1	Continue the land disposal program which systematically places CBJ land into private ownership.
N/A	112	Recommendations	<i>Disposal of large tracts to private developers.</i> This proposal is in conformity with the 2016 CBJ Land Management Plan by providing disposal of large tracts of land to private developers. The plan designates this tract as retain/dispose.

AGENCY REVIEW

CDD conducted an agency review comment period between July 13, 2022 and July 27, 2022. Agency review comments can be found in Attachment C.

Agency	Summary
General Engineering	No concerns with the land swap.
Assessor	No comments received.
Alaska Department of Transportation & Public Facilities	No comments received.

PUBLIC COMMENTS

CDD conducted a public comment period between July 19, 2022 and August 1, 2022. Public comments can be found in Attachment D.

FINDINGS

In accordance with CBJ 49.15.580, staff finds the proposed acquisition and disposal of land by the CBJ complies with the Title 49 Land Use Code and is in general conformity with adopted plans, specifically the 2013 Comprehensive Plan, the Housing Action Plan, and the CBJ Land Management Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Public Notice Materials
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	Reviewed Materials



CITY AND BOROUGH OF
JUNEAU
ALASKA, 99801

DEVELOPMENT PERMIT APPLICATION

Section H, Item 1.

NOTE: Development Permit Application forms must accompany all other
Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 4305 North Douglas Highway		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Unit) USS 2135 TR 1 TR A, USS 2305 LT 15, USS 4605 FR, USS 4605 FR		
	Parcel Number(s) 6D0601130010, 6D0601110020 6D0611000010 6D0611000011		
	☐ This property located in the downtown historic district		
	☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Gary Tigar, Grant Creek Homes/ City and Borough of Juneau		Contact Person Murray Walsh, WPDS
	Mailing Address 1765 Palo Verde Blvd S. Lake Havasu City, AZ 86403-4735		Phone Number(s) 907-723-8444
	E-mail Address garttigar@sbcglobal.net / murray@acsalaska.net / Dan.Bleidorn@juneau.org		
LANDOWNER/ LESSEE CONSENT Request for Planning Permits, not needed on Building/Engineering Permits			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Murray Walsh</u> Landowner/Lessee Signature		5-27-22 Date	
X <u>Daniel Bleidorn</u> Landowner/Lessee Signature		5/25/22 Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant WPDS		Contact Person Murray Walsh	
Mailing Address 2974 FOSTER AVE		Phone Number(s) 907-723-8444	
E-mail Address garttigar@sbcglobal.net / murray@acsalaska.net			
X <u>Murray Walsh</u> Applicant's Signature		5-27-22 Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

I:\FORMS\PLANFORM\DPA.docx

Case Number SP22-003	Intake Initials AS
PA22-002	Date Received 5/31/22

Updated 2017 - Page 1 of 1



CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Section H, Item 1.

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

See attached Memo to the LHED Committee of the Assembly

TYPE OF PROJECT REVIEW:

☐

City Project Review

☒

City Land Acquisition /Disposal

☐

State Project Review

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits?

☐

YES Case No.: _____

☐

NO

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ _____

ALL REQUIRED MATERIALS ATTACHED

☐

Complete application

☐

Pre-Application notes (if applicable)

☐

Narrative including:

☐

Current use of land or building(s)

☐

Proposed use of land or building(s)

☐

How the proposed project complies with the Comprehensive Plan

☐

How the proposed project complies with the Land Use Code (Title 49)

☐

Site Plan (details on page 2)

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

CITY/STATE PROJECT FEES

Fees

Check No.

Receipt

Date

Application Fees

\$

\$100 sign deposit
\$50 sign fee

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

CSP22-003

Date Received

5/3/22

PHD 22-002

Attachment A - Application Packet

City/State Project and Land Action Review Information

City and State project review is outlined in CBJ 49.15.580

Each application for a City/State Project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a City/State Project Review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed City/State Project Review Application and Development Permit Application forms.
2. **Fees:** No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - a. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
 - b. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
 - c. Proposed traffic circulation within the site including access/egress points and traffic control devices;
 - d. Existing and proposed lighting (including cut sheets for each type of lighting);
 - e. Existing and proposed vegetation with location, area, height and type of plantings; and,
 - f. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All City/State Project Review Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting. The Planning Commission will make a recommendation based on staff's analysis and forward it to the Assembly for final approval/denial.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



PROPERTY ACQUISITION AND DISPOSAL REVIEW APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY:

Gary Tigar and Grant Creek Homes are requesting to sell the City a 105,347 square foot area of property that is within the floodplain and buy 140,394 square foot of uplands from the CBJ

- See attached memo to the LHED Committee of the Assembly

TYPE OF PROJECT REVIEW: Property Acquisition Review

Property Disposal Review

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits?

☐

YES Case No.:

☐

NO

Capital Improvement Program # (CIP)

ESTIMATED PROJECT COST:

\$

ALL REQUIRED MATERIALS ATTACHED

☐

Complete application

☐

Pre-Application notes (if applicable)

☐

Narrative including:

☐ Current use of land or building(s)

☐ Proposed use of land or building(s)

☐ How the proposed project complies with the Comprehensive Plan

☐ How the proposed project complies with the Land Use Code (Title 49)

Site Plan (details on page 2)

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

DEPARTMENT USE ONLY BELOW THIS LINE

PROPERTY ACQUISITION & DISPOSAL FEES

Fees

Check No.

Receipt Date

Application Fees

\$

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number

Date Received

For assistance filling out this form, contact the Permit Center at 586-0770.

Property Acquisition & Disposal Review Information

Property Acquisition & Disposal project review is outlined in CBJ 53.04 and 53.09

Each application for a Property Acquisition & Disposal project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a Property Acquisition & Disposal project review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Property Acquisition & Disposal Project Application, and Development Permit Application forms.
2. **Fees:** No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - a. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
 - b. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
 - c. Proposed traffic circulation within the site including access/egress points and traffic control devices;
 - d. Existing and proposed lighting (including cut sheets for each type of lighting);
 - e. Existing and proposed vegetation with location, area, height and type of plantings; and,
 - f. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

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Hearing: Property Acquisition & Disposal project Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting. The Planning Commission will make a recommendation based on staff's analysis and forward it to the Assembly for final approval/denial.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

1765 Palo Verde Blvd. S.
Lake Havasu City, AZ 86403
(928) 566-4007

Grant Creek Homes, LLC

July 8, 2022

Mr. Joseph Meyers
Community Development Department
City & Borough of Juneau
155 South Seward Street
Juneau, AK 99801

RE: PAD 2022 0002
CBJ Parcel USS 2135 TR 1 TR A, PCN 6D0601110020 and
CBJ Parcel USS 2305 LT 15, PCN 6D0601130010

Dear Mr. Meyers:

I instructed Murray Walsh, Walsh Planning & Development Services, to submit a Development Permit Application form and acknowledge his submittal as applicant for the benefit of Grant Creek Homes, LLC, as owner. I further agree to the land use action according to the Project Overview in Case Number PAC2022 0018 which has been assigned to a new file type PAD 2022 0002.

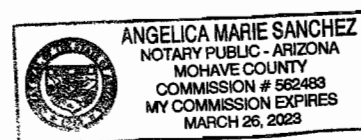
I do indeed approve the application to trade portions of these two properties, which are adjacent to Grant Creek, for a similar-sized portion of land owned by the CBJ to the south. This will enable creation of a new parcel that will be subdivided into small affordable lots, most with shared driveways.

I reside in Arizona and can be reached by phone, email or letter as shown above/below. I am represented in Juneau by Murray Walsh, Walsh Planning & Development Services and have been for many years. I am sure you have his contact information. I am available, if necessary to communicate on this matter in any manner you wish.

Sincerely,



Gary Tigar, Member
Grant Creek Homes, LLC



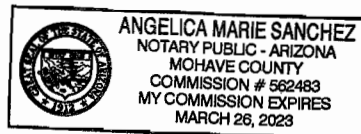
ARIZONA NOTARY ACKNOWLEDGMENT

State of Arizona

County of Mohave

The foregoing instrument entitled DPA was
 acknowledged before me this July 8, 2020 (date) by
Gary Tiger (name of person acknowledged). The person has
 personally appeared before me and presented identification to establish his or identity as
 required by law.

(Seal)



Angelica Marie Sanchez

Signature of Notary Public



Angelica Marie Sanchez

Branch Manager Sr

NMLS ID 222313

T 928-855-1513 F 928-855-0700

angelica.sanchez511@pnc.com

Member of The PNC Financial Services Group

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Lake Havasu City Arizona 86403

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MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Michelle Hale, Chair of the Assembly Lands Housing and Economic Development Committee

FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*

SUBJECT: Gary Tigar Grant Creek Homes Request to Purchase City Property through a Land Trade

DATE: April 28, 2022

The Lands Office has received a request for a land trade from Gary Tigar and Grant Creek Homes. The applicant is requesting to sell the City a 105,347 square foot area of property that is within the floodplain and buy a City owned 140,394 square foot uplands parcel. Both values would be determined by appraisal. The application states that the newly configured property would be subdivided into small single family lots.

The City owned property being requested in this application is a fraction of a 654-acre parcel in North Douglas. The location is southeast of Bonnie Brae Subdivision and Falls Creek, 4-mile North Douglas Highway, Eagle Creek and Grant Creek run through this property. The Land Management Plan designates this property as retain/dispose, and it is managed by the Lands Office.



53.09.260 - Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be

reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the

assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

If approved by the LHED Committee, this application will be forwarded to the Assembly as New Business to make a determination under 53.09.260 (a). In order to dispose of this property, the Assembly must adopt an ordinance authorizing the sale after the Planning Commission has had the opportunity to review it.

The Applicant is concurrently working through permitting process for the proposed subdivision. A pre-application meeting has already taken place and Lands, CDD and the Applicant were able to discuss the proposal, ask questions and provide direction on how to proceed. Based on the outcome of the subdivision review and subsequent negotiations the actual square footage and property boundaries of the proposed land trade would likely change if this proceeds.

Staff request that the Lands, Housing and Economic Development Committee forward this application to the Assembly with a motion of support for disposal of City property to Gary Tigar and Grant Creek Homes through a negotiated disposal or land trade.

Attachments:

1. Gary Tigar Grant Creek Homes Application to Purchase City Property
2. Draft Report from the Subdivision Pre-application Meeting



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Grant Creek Major Subdivision

Case Number: PAC2022 0018

Applicant: Murray Walsh

Property Owner: Grant Creek Homes, LLC

Property Address: Unassigned

Parcel Code Number: 6D060111002

Site Size: 8.78 acres or 382,457 Square Feet

Zoning: D18

Existing Land Use: Vacant

Conference Date: March 18, 2022

Report Issued: April 29, 2022

DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Murray Walsh	Applicant	Murray@acsalaska.net
Beth McKibben, AICP	Senior Planner	Beth.mckibben@juneau.org
David Peterson	Planner 2/Plat Reviewer	David.Peterson@juneau.org
Scott Ciambor	Planning Manager	Scott.ciambor@juneau.org
Ken Hoganson	General Engineering	Ken.hoganson@juneau.org
Dan Bleidorn	Lands Manager	Dan.Bleidorn@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports. The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant seeks to subdivide an 8.78 acre parcel into 63 lots in the D18 zoning district. The applicant also seeks a land trade with CBJ. Attachment A shows the conceptual land trade. The land trade would have to precede the proposed subdivision. To pursue the proposed land trade the applicant will have to apply to acquire CBJ property through a negotiated land trade. (more here based on DB notes).

A major subdivision application is required for the proposed subdivision. A major subdivision is a two-step process – the preliminary plat and the final plat. Both steps require a public hearing and approval by the Planning Commission. Due to the overall potential number of dwelling units on the parcel and the trips generated, a Traffic Impact Analysis will be needed and is required with submittal of the preliminary plat.

Requirements for the preliminary plat are listed at CBJ 49.25.411 and final plat requirements are at CBJ 49.25.412. Because this project is projected to be part of a major subdivision development, pursuant to CBJ 49.15.401(a) (1) (A), a major subdivision must be applied for.

Because the property is zoned D-18, uses would need to be consistent with the Table of Permissible Uses, CBJ 49.25.300. The lots would need to be consistent with the Table of Dimensional Standards, CBJ 49.25.400. Conceptual subdivision shows 22 pairs of panhandle lots and 19 standard lots.

During the pre-application conference the applicant mentioned the project may be phased. CBJ 49.15.411(f)(3)(D) states that if phasing is proposed then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown.

Planning Division

- 1. **Zoning** –D-18 (18 du/acre) with a maximum density of 158 dwelling units (8.78 acres X 18 du/acre)
- 2. **Subdivision** – (if a subdivision, provide lot dimensions)

Dimension	Minimum	Commonwall	Bungalow
Lot size, square feet	5,000	2,500	2,500
Lot width, feet	50 feet	20	25

Additionally:

CBJ 49.15.421 establishes dimensional standards specific to lots fronting a cul-de-sac or similar curved ROW – the Commission (for major subdivisions) makes a determination that meeting minimum lot width at the front building line in accordance with the TPU is impractical, may be reduced as necessary to achieve a reasonable lot configuration.

CBJ 49.15.423(a)(1) establishes dimensional standards specific to panhandle lots as follows:

(1)Dimensional requirements.

- A) The front and panhandle lots must meet all the dimensional and area requirements of this title.
- (B) No part of the panhandle portion of the lot shall be less than 20 feet wide.
- (C) The panhandle portion of the lot shall not be longer than 300 feet.
- (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.
- (E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.
- (F) The lot width for the panhandle lot shall be the distance between its side lot lines measured behind the back lot line of the front lot.

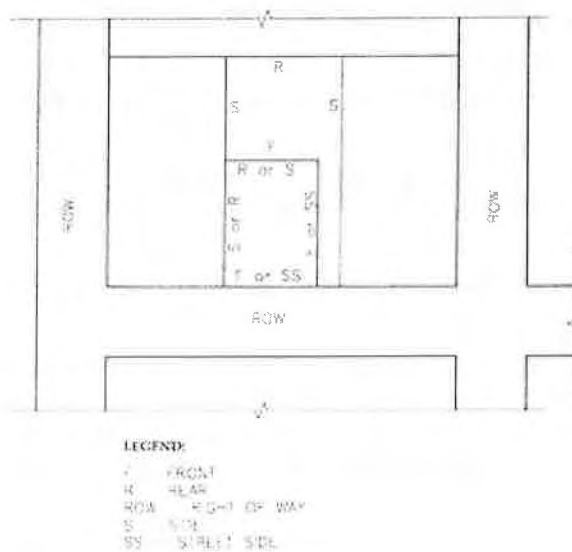
3. **Setbacks –**

- a. **Front:** 20 feet
- b. **Side:** 5 feet (commonwall 0' and 5')
- c. **Street side:** 13 feet
- d. **Rear:** 10 feet

CBJ 49.25.400 (TPU) note 3 – where one district abuts another, the greater of the two setbacks is required for both uses on the common property line. A portion of the site of the proposed project abuts a D3 zone. Setbacks for the D3 zone are as follows:

- a. **Front:** 25 feet
- b. **Side:** 10 feet
- c. **Street side:** 17 feet
- d. **Rear:** 25 feet

The image below indicates where setbacks are measured on panhandle lots.



4. **Height –**

- a. **Permissible use:** 35 feet
 - b. **Accessory use:** 25 feet
5. **Access** – via a new public right-of-way from Douglas Highway. AKDOT permits will be required for access to the state road.

Proposed access within the subdivision is shown as a 60-foot wide public right-of-way, ending in a cul-de-sac.

CBJ 49.35.240 Improvement Standards (Attachment G). Of note related to the proposal:

- CBJ 49.35.240(d)(1) requires grades on streets other than arterials must not exceed 12%. Fire Department requires no more than 10% w/out approval by the Fire Department.
- CBJ 49.35.240(d)(3) requires the minimum cross slope on all streets is 3%.
- CBJ 49.35.240(g) limits the length of streets designed to be have one end permanently closed to *no more than 600 feet in length*. Concept submitted for preapplication conference shows a cul-de-sac in excess of 600 feet. CBJ 49.35.240(g) (1) the Commission (for major subdivisions) may authorize a longer or shorter cul-de-sac if it is found that unique characteristics of the site warrant modifications.
- Additionally, CBJ 49.35.120(a) requires the developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, *improvements must be designed and constructed to provide for future extension to adjoining lands.*
- *CBJ Lands Division indicated access to adjoining CBJ land from the proposed subdivision would be needed to gain support for the requested land trade.*
- CBJ 49.35.240(g)(2) Temporary cul-de-sac may be allowed where a street can be practically be extended to provide for connecting streets into adjoining undeveloped land. CBJ 49.35.240 requires a minimum diameter 120 feet for temporary cul-de-sacs. Temporary cul-de-sac may be permitted if all of the following are met per CBJ 49.35.240(g)(2):
 - (A) The temporary portions of the cul-de-sac shall be easements on the plat rather than as dedicated right-of-way. Such easements shall allow for public access and maintenance as if it were dedicated right-of-way until such time the easements are vacated. The easements shall not contribute towards lot area.
 - (B) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (G) below.
 - (C) The CBJ will record a release of the easements for the temporary portions of the cul-de-sac at the state recorder's office at Juneau at the time the cul-de-sac is removed and the street improvements have been extended.
 - (D) Easement lines for the temporary cul-de-sac will be considered front property lines for determining building setbacks.
 - (E) All improvements, including utilities and private driveways, must be designed to accommodate the eventual extension of the street and reversion of the temporary cul-de-sac to adjoining properties. The construction plans shall demonstrate those improvements connecting through a temporary cul-de-sac will still comply with CBJ standards after the temporary cul-de-sac is removed.
 - (F) Temporary cul-de-sacs must provide required access and minimum frontage on a publically maintained right-of-way to all lots using the cul-de-sac as access. If the cul-de-sac is not extended to the adjoining property, the maximum length of an unconstructed right-of-way

between the temporary cul-de-sac and the adjoining property shall be the minimum lot width for the zoning district. If the right-of-way is located in more than one zoning district, the shortest minimum lot width shall be used. The right-of-way between the constructed temporary cul-de-sac and the adjoining property shall be subject to the stub street requirements of this Title (See Figure 3). Attachment B

<https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/13307/398872/49.35.240.g.2.png>

- (G)The temporary cul-de-sac may be located on property within the subdivision intended for future subdivision phases in conjunction with a platted right-of-way. It may also be located outside the subdivision boundary entirely within an easement (See Figure 4). If the temporary cul-de-sac is constructed on property outside of the subdivision boundary, then curb, gutter, and sidewalks are not required for the temporary cul-de-sac. Figure 4 Attachment C

<https://mcclibrary.blob.core.usgovcloudapi.net/codecontent/13307/398872/49.35.240.g.2.g.png>

- (H)The plat shall include the following note "Temporary cul-de-sac easement shall be vacated upon extension of street unless the director determines all or a portion of the cul-de-sac may remain."
- (I)When the developer of adjoining property is required to connect to the temporary cul-de-sac, the temporary portions of the cul-de-sac shall be removed. The director, after considering public safety, costs, and recommendations of the director of engineering and public works department and of the fire marshal, shall determine if the developer may leave all or part of the temporary portions of the cul-de-sac. If any temporary cul-de-sac portion is removed, then the resulting constructed right-of-way shall conform to CBJ standards.
- (3)Hammerhead turnarounds. Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.

CBJ 49.35.240(I)(2) The Commission (for major subdivisions) may waive full construction of a roadway w/in a ROW that is required to provide access to a bordering property, and does not provide required access to any lot w/in the subdivision. Developer is required to demonstrate a stub street can be reasonably constructed to CBJ standards in the ROW. The Commission may require provision of a roadbed, utility line extensions, or other appropriate improvements.

With an Average Daily Trip (ADT) of more than 500 ADT the public ROW will require sidewalks on both sides, a 26 foot wide travel way width, street lights at all intersections, a 60 foot public ROW, paved and publically maintained.

6. Parking & Circulation— CBJ 49.15.423(3) addresses parking for panhandle lots as follows:

(3)Access and parking.

- (A)Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls rights-of-way. Access to each lot shall be designated on the plat in the form of an easement.
- (B)Off-street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.
- (C)A driveway and parking plan that shows the feasibility of off-street parking shall be submitted and approved by the director prior to recording the plat.
- (D)Back out parking is prohibited unless approved by the director.

- (E)The applicant must provide assurance in the form of an easement, plat note referencing the maintenance agreement, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.
- (F)Any portion of a driveway not located in a public right-of-way shall comply with emergency service access as required by CBJ 19.10. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.
- (G)Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.
- (H)The portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.

- 7. **Lot Coverage** – maximum lot coverage is 50%
- 8. **Vegetative Coverage** – minimum vegetative cover is 30%
- 9. **Lighting** – With an estimated Average Daily Trips (ADT) of more than 500 ADT street lights will be required at all intersections.
- 10. **Noise** –N/A
- 11. **Flood** – FIRM panel 02110C1562E - A portion of the project site is in the A flood zone. It is also in the area of land the applicant proposes to trade to CBJ. Any development within the flood zone would require a Floodplain Development Permit from CDD. CBJ 49.70 Article IV – Flood Hazard Areas (attachment E) Issuance of a Floodplain Development Permit requires certification from the applicant that all required state and federal permits have been obtained for the development. This would include obtaining the Corps of Engineers permit to fill the area. Depending on area of the land swap –if the proposed subdivision includes areas within the flood zone the following plat note will be required:

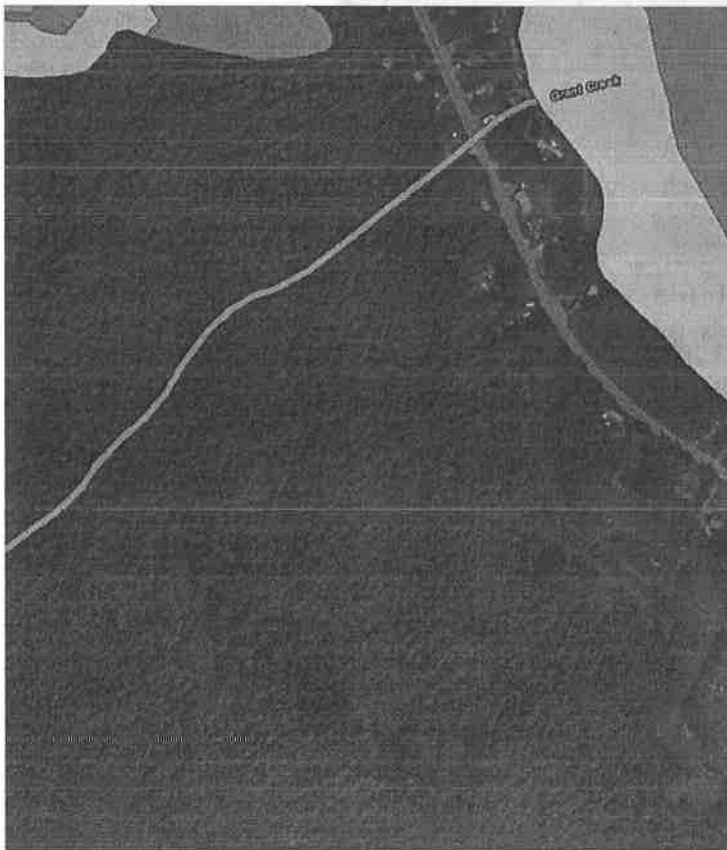
PARTS OF THIS SUBDIVISION ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE EFFECTIVE CITY AND BOROUGH OF JUNEAU FLOOD INSURANCE RATE MAPS (FIRM) COMMUNITY PANEL #XXXXXXXXX, DATED XXXXXX X, AND XXXX. SPECIAL REGULATIONS MAY APPLY, INCLUDING DEVELOPMENT STANDARDS IN CITY AND BOROUGH OF JUNEAU TITLE 49, LAND USE CODE.



12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Some portions of the site may exceed 18% slope. A Hillside Endorsement may be required. A plat note may be required. Attachment D - CBJ 49.70 Article II, Hillside Endorsement.



13. **Wetlands** – According to the US Fish & Wildlife Service National Wetlands Inventory no wetlands are mapped on the site.



14. **Habitat** –

- a. **Anadromous waterbodies:** Grant Creek, which runs through the property, is an anadromous waterway and will require a 50 foot buffer from the Ordinary High Water Mark (OHWM). The area required for the 50 foot anadromous water body buffer is in the area proposed for trade with the CBJ.
- b. **Eagle Nests:** Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling.

15. Plat or Covenant Restrictions – N/A

16. Traffic – A single-family dwelling creates 9.52 average daily trips (ADTs). Based on the proposed subdivision, the applicant is seeking to create 63 individual lots for an estimated 599 ADT for the subdivision. *CBJ 49.40.300 requires a Traffic Impact Analysis (TIA) for developments projected to generate 500 or more ADT.* (Attachment F)

17. Nonconforming situations – None noted.

Building Division

18. Building – N/A

19. Outstanding Permits – None

General Engineering/Public Works

20. Engineering –

- a. At the time of preliminary plat submittal, submit an erosion control report explaining the method by which the applicant proposes to control erosion and manage runoff, and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover in areas where runoff and resulting erosion need to be minimized.
- b. Construction plans to be submitted after the approval of the preliminary plat and before final plat submission. Construction plans must adhere to 49.35.140, CBJ Standard Specifications for Civil projects and Subdivision improvements, CBJ Standard Details and must be signed and stamped by Alaskan licensed engineers for each discipline. Construction plans for this layout of development does not need to include all phases of full buildout of development. For specific requirements, please refer to CBJ code by visiting: CBJ Code – City and Borough of Juneau and referencing chapter 49.35 – Public and Private Improvements.
- c. Prior to final plat, an Engineer's estimate for the installation of public improvements must be submitted. Once this is received, a performance bond amount will be determined and must be paid/posted prior to recording of the final plat. Further discussion regarding the bond can take place once the project phasing is determined. For all options regarding the financial guarantee, please refer to 49.55 – Financial Responsibility.
- d. Dependent on the construction plan and schedule an inspection deposit will be required and a private inspector may be hired.
- e. Easements: Site plan and plat shall include all existing and proposed easements for drainage, utility lines including plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line.
- f. Permits required will be determined by the subdivision process you follow. They may include Right-of-way permit, grading permit, water utility permit, and sewer utility permit.

21. Drainage –

- a. Drainage report with the submittal of the preliminary plat does not need to be engineered. At time of construction plan submittals a drainage plan with calculations must be submitted and must be signed and stamped by an Alaskan licensed engineer.
- b. Preliminary plat requirements do need to be followed, see 49.15.411 - Preliminary plat requirements for full listing. Please do note that topographic information shall be shown as outlined under 48.15.411, (6) – Topographic Information.

22. Utilities – (water, power, sewer, etc.)

- a. At time of preliminary plat, a draft plan for the proposed water and sewer lines shall be submitted showing existing installed utilities including line sizing and connection points with elevations.
- b. A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, article III. Specifically for your project, it may require additional upgrades to the existing water system.

Fire Marshal**23. Fire Items/Access –**

- 24. Fire apparatus turn around when greater than 150 foot in length.
- 25. Due to only one road in or out of subdivision, and anything greater than 30 homes, then every home built will have to have a residential sprinkler system installed.
- 26. Additional fire hydrants minimum of every 500 feet, even with residential sprinkler systems installed additional hydrants must be provided to augment sprinkler oppression capability.
- 27. Adequate water pressure will need to be verified. Possible need a booster pump for most remote home or lot to be built on.

Lands Department

- 28. The process for applying to purchase city property was outline to the Applicant at this meeting. The applicant should consider maximizing density on CBJ property involved in a trade and the CBJ is also looking to gain an access route to CBJ property in this area. The Assembly authorizes disposals by adopting ordinances. A completed application is needed prior to starting the Assembly review process.

Other Applicable Agency Review

- 29. AKDOT&PF
- 30. U.S. Army Corps of Engineers – (907) 753-2689
- 31. U.S. Fish & Wildlife

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

- 1. Development Permit Application
- 2. Subdivision Application

3. Preliminary Plat Check List

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Traffic Impact Analysis in accordance with CBJ 49.40.300 (attachment F)
3. Preliminary drainage plan
4. Preliminary water and sewer plan
5. A driveway and parking plan that shows the feasibility of off-street parking for panhandle lots.
6. Draft maintenance agreement ensuring the required access and parking areas will be constructed and maintained by all future property owners for panhandle lots.
7. Applicable items listed under the General Engineering section of this report
- 8.

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. None

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Major Subdivision Preliminary Plat - \$110.00 per lot
2. Major Subdivision Final Plat - \$70.00 per lot
3. Public Notice Sign Fee - \$50.00 plus \$100.00 refundable deposit (x2). (one for the preliminary plat and one for the final plat)
- 4.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

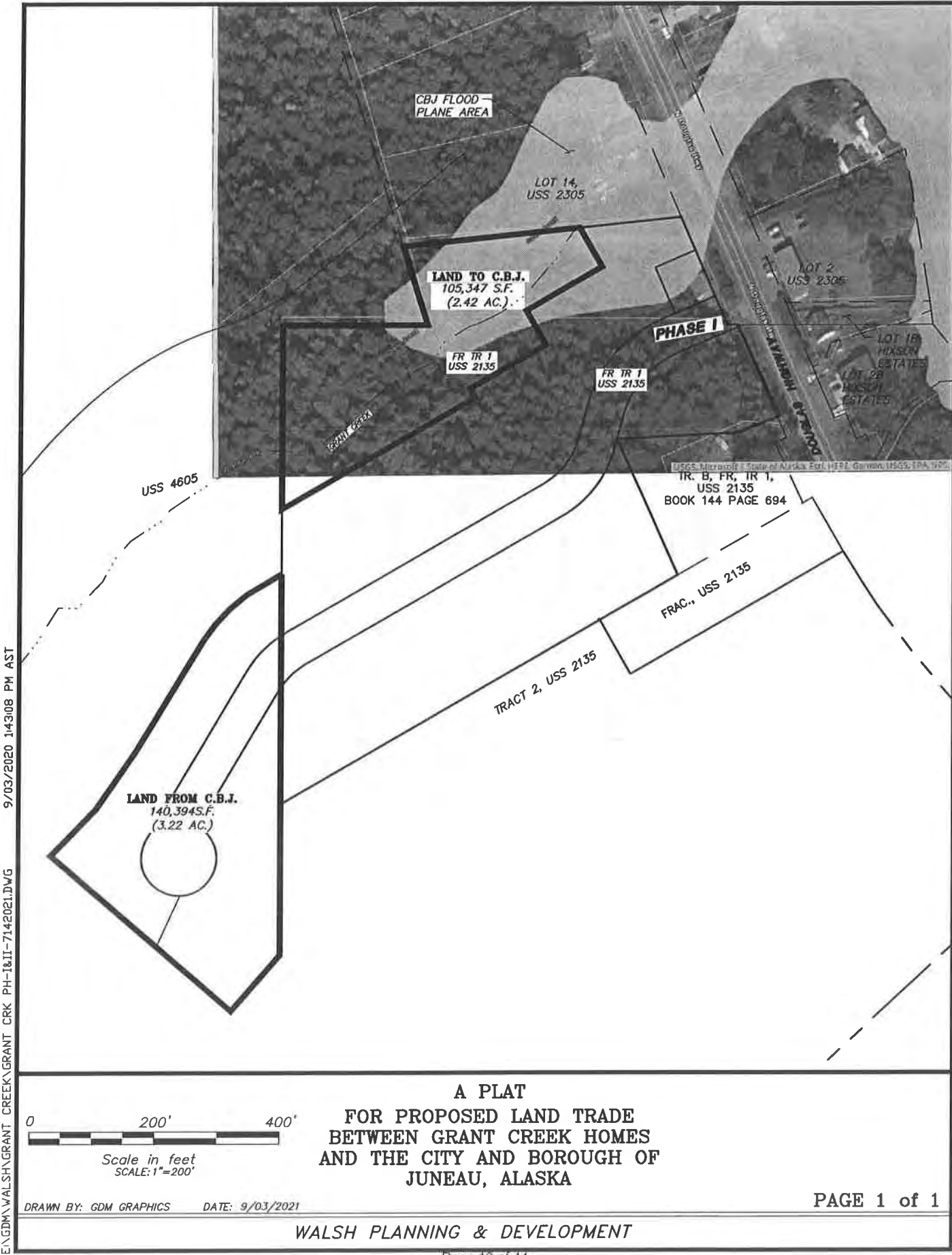
You may submit your application(s) online via email to permits@juneau.org
OR in person with payment made to:

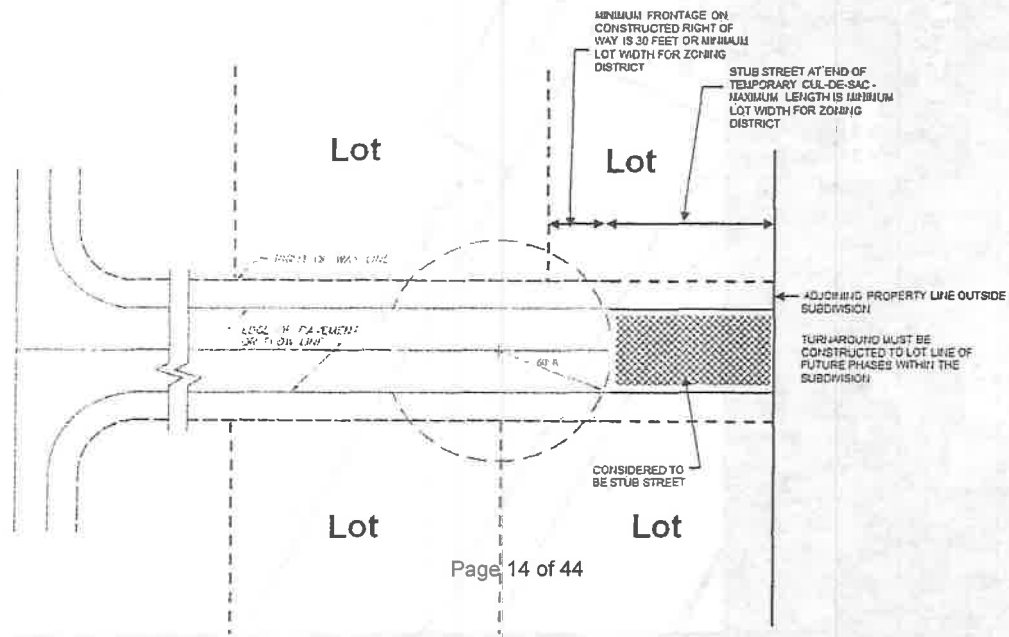
City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

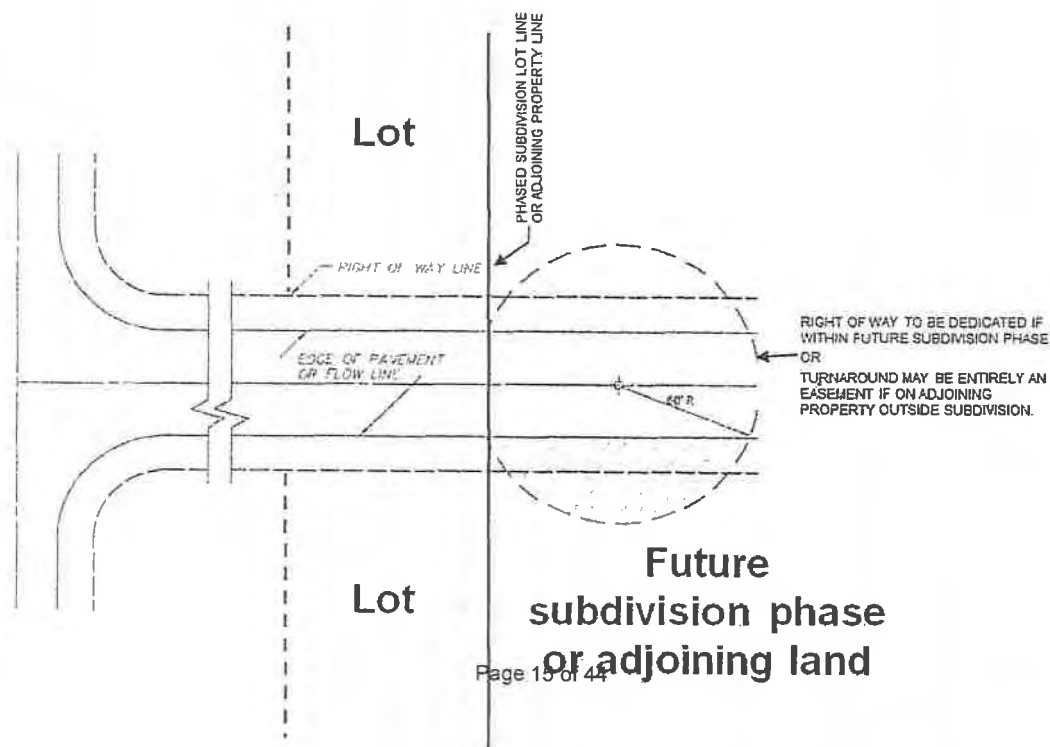
Phone: (907) 586-0715
Web: www.juneau.org/community-development

Attachments:

- A – Proposed Land Trade
- B – Figure 3 –temporary cul-de-sac
- C – Figure 4 – temporary cul-de-sac
- D – 49.70 Article II Hillside Development
- E - 49.70 Article IV Flood Hazard Areas
- F- 49.40 Article III Traffic
- G- 49.35.240 Improvement Standards
- H- 49.15.423 Panhandle Lots







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ARTICLE II. HILLSIDE DEVELOPMENT

49.70.200 Purposes.

The purposes of this article are to:

- (1) Ensure that hillside development provides erosion and drainage control to protect adjoining parcels;
- (2) Protect waterways from sedimentation and pollution;
- (3) Minimize injury or damage to people or property from natural or artificial hazards in hillside development; and
- (4) Minimize any adverse aesthetic impact of hillside development.

(Serial No. 87-49, § 2, 1987)

49.70.210 Applicability and scope.

- (a) This article applies to all development on hillsides in the City and Borough that involves the following:
 - (1) Removal of vegetative cover;
 - (2) Excavation of any slope in excess of 18 percent;
 - (3) Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or
 - (4) Any hazard area identified on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.
- (b) All hillside development endorsement applications shall be reviewed by the planning commission, except the following may be reviewed by the director:
 - (1) An excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure.
 - (2) Graves.
 - (3) Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property.
 - (4) Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work.
 - (5) An excavation which:
 - (A) Is less than two feet in depth and covers less than 200 square feet; or

- (B) Does not create a cut slope greater than five feet in height or steeper than one and one-half horizontal to one vertical.
- (6) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course.
- (7) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course.
- (8) Minor development.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 22, 6-5-2006; Serial No. 2015-03(c)(am), § 51, 8-31-2015)

49.70.220 Hillside development endorsement application.

- (a) All development on hillsides shall be pursuant to a hillside development endorsement.
- (b) The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 52, 8-31-2015)

49.70.230 Fees.

The City and Borough shall charge the developer the gross hourly rate for professional review of the application and for inspection. The developer shall deposit one percent of the value of the site development, excluding that portion of the site determined by the engineer to be subject to a public transmission facility permit, in a specially designated reserve account, against which the City and Borough may bill its documented time and expenses. The developer shall promptly replenish this amount when requested, and no endorsement may be issued if there is any deficiency in the developer's reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of development or when the engineer is satisfied that the work under the hillside development endorsement has been completed and the requirements of this chapter have been met.

(Serial No. 87-49, § 2, 1987)

49.70.240 Application.

The application shall be accompanied by the following materials, which shall be signed and stamped by a civil engineer, architect, geologist or land surveyor licensed in the State of Alaska:

- (1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies.
- (2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:
 - (A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;
 - (B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;

- (C) Lot boundaries and easements for the site and adjacent lots; and
 - (D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.
- (3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:
- (A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.
 - (B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.
 - (C) Lot boundaries, easements and setback lines.
 - (D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.
 - (E) Clearing limits of existing vegetative cover.
 - (F) A cross section of the development site.
- (4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.
- (5) A description of the source and type of any off-site fill, and the site for depositing excess fill.
- (6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.
- (7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.
- (8) A work schedule, by phase.
- (9) Such other different or more detailed submissions as may be required.
- (Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015)

49.70.250 Standards for approval.

Hillside development shall meet the following minimum standards:

- (1) *Roads.* The City and Borough road standards shall apply to hillside development, except that:
 - (A) *Modification of standards.* The engineer or planning commission may modify road standards as identified in subsections (1)(B) and (C) of this section, if:
 - (i) The developer's traffic analysis and circulation, land ownership, and development patterns indicate future use of the roadway at less than collector street levels;

- (ii) The modification would enable the development to meet, or more closely approximate, the criteria set forth in section 49.70.260; and either
 - (iii) The proposed road or access in question would result in a permanent cul-de-sac; or
 - (iv) A secondary access to the proposed development exists or will be developed as a part of the project.
- (B) *Road width.* The width of a section of residential roadway may be narrowed to 20 feet, with a single four-foot pedestrian way and underground storm drain system, if:
- (i) The section is not more than 200 feet in length, and is separated from other such sections by at least 100 feet of standard roadway;
 - (ii) No entrances, intersections or parking are allowed in the section;
 - (iii) Guard rails, if any, are designed to permit the passage of plowed snow;
 - (iv) There is at least a 200-foot line of sight along the centerline of the section;
 - (v) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260;
 - (vi) Grouped off-street parking spaces are provided at the entry to the section; and
 - (vii) Adequate provision is made for storage of snow.
- (C) *Road grade.* The grade of a section of residential roadway may be increased to a maximum of 15 percent if:
- (i) The section is not more than 200 feet in length and separated from other such sections by at least 100 feet of roadway;
 - (ii) No entrances or intersections are allowed in the section;
 - (iii) Through intersections at the end of the section have approaches at least 50 feet long measured from the edge of the traveled way of the crossroad and are at a grade of eight percent or less; intersections requiring a full stop have approaches no less than 20 feet long at a grade of two percent or less, or no less than 50 feet long at a grade between two and six percent;
 - (iv) Any guard rails are designed to permit the passage of plowed snow;
 - (v) All sight distances conform to standards of the American Association of State Highway and Transportation Officials; and
 - (vi) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260.
- (2) *Weather.* The engineer may prohibit a developer from earthmoving during periods of very wet soil conditions, in which case the permit shall be extended by a like period.
- (3) *Sediment.* The developer shall not allow any increase in sediment to flow off-site during or after construction if such would be likely to cause an adverse impact on a down slope lot or waterbody.
- (4) *Peak discharge.* The developer shall ensure that during and after construction of major development, the peak discharge of all streams and natural drainage ways at the down slope boundary shall be no greater than that occurring prior to excavation.

(Serial No. 87-49, § 2, 1987)

49.70.260 Criteria.

The commission or director shall consider the extent to which the development meets the following criteria:

- (1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.
- (2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.
- (3) *Contours.* The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.
- (4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.
- (5) *Replanting.* The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.
- (6) *Drainage.* The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.
- (7) *Foundations.* The developer shall ensure that buildings will be constructed on geologically safe terrain.
- (8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.
- (9) *Soil retention features.* The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.
- (10) *Wet weather periods.* The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015)

49.70.270 Conditions on approval.

The commission or director may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

- (1) *Development schedule.* The commission or director may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.
- (2) *Dedications.* The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

- (3) *Construction guarantees.* The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.
- (4) *Lot size.* If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 55, 8-31-2015)

ARTICLE IV. FLOOD HAZARD AREAS¹

49.70.400 Floodplain.

- (a) *Purpose.* The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:
- (1) Reserved;
 - (2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
 - (3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
 - (4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
 - (5) Reserved;
 - (6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
 - (7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.
- (b) *Interpretation.*
- (1) In the interpretation and application of this article, all provisions are considered minimum requirements and are liberally construed in favor of the governing body.
 - (2) This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where the provisions of this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 - (3) This article shall apply to all areas of special flood hazard areas (SFHAs) within the jurisdiction of the City and Borough of Juneau.
 - (4) The special flood hazard areas identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled the "Flood Insurance Study" (FIS) and the flood insurance rate maps (FIRMs) dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The FIS and FIRMs shall be on file with the community development department and available to the public at 155 South Seward Street, Juneau, Alaska.
- (c) *Implementation.* The director is responsible for administering and implementing the provisions of this chapter and is responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information must include:

¹Cross reference(s)—Building regulations, tit. 19.

- (1) Actual elevations, in relation to mean lower low water, of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard area (SFHA), and whether or not such structures have basements;
 - (2) Actual elevations, in relation to mean lower low water, of all new and substantially improved floodproofed structures and the required floodproofing certifications;
 - (3) Flood insurance studies (FISs);
 - (4) Flood insurance rate maps (FIRMs);
 - (5) Any reports or studies on flood hazards in the community, such as written reports by the U.S. Army Corps of Engineers, U.S. Geological Survey, or private firms provided to the director; and
 - (6) A file of all floodplain permit applications, permits, exceptions, and supporting documentation.
- (d) *Enforcement.* Enforcement of this chapter is per CBJ 49.10.600—49.10.660.
- (e) *Floodplain development permit required.* A floodplain development permit is required for any development or industrial uses located within a special flood hazard area, including placement of manufactured homes. The director must:
- (1) Review all floodplain development permit applications for development in the special flood hazard area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.
 - (2) Interpret the location of the special flood hazard area boundaries and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the director must determine and interpret the documents. When base flood elevation data has not been provided, the director shall obtain, review, and reasonably utilize base flood elevation and floodway data available from any federal, state, municipal, or any other source to implement the provisions of this chapter.
 - (3) If the director determines that a proposed development is within a special flood hazard area, a permit fee must be collected and the following information must be provided before processing a floodplain development permit:
 - (A) Elevation of the lowest floor, including a basement, of all structures;
 - (B) Elevation to which any structure has been floodproofed;
 - (C) Certification by an engineer or architect that the floodproofing methods for any nonresidential structure meet generally accepted floodproofing standards;
 - (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - (E) Description of the plan for maintenance of the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and
 - (F) When base flood elevation data have not been provided, the director shall obtain, review and reasonably apply any base flood elevation and floodway data available from federal, state or other sources.
- (f) *Methods of reducing losses.* In order to accomplish its purpose, this article includes methods and provisions to:
- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;

- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
 - (4) Control filling, grading, dredging, and other development that may increase flood damage; and
 - (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.
- (g) *General standards for flood hazard protection.* In special flood hazard areas the following standards apply:
- (1) *Anchoring.*
 - (A) Design, modify, and anchor new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure(s).
 - (B) A manufactured home must be anchored to prevent flotation, collapse, or lateral movement and be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - (C) An alternative method of anchoring may be used if the system is designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the director that this standard is met.
 - (2) *Construction materials and methods.*
 - (A) Construct new construction and substantial improvements with materials and utility equipment resistant to flood damage.
 - (B) Use methods and practices that minimize flood damage for new construction and substantial improvements.
 - (C) Design or locate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) Require adequate drainage paths around structures on slopes to guide floodwaters away from existing and proposed structures for new construction and substantial improvements within zones AH and AO.
 - (3) *Utilities.*
 - (A) Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
 - (B) Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - (C) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
 - (4) *[Subdivision and development proposal criteria.]* Subdivision and development proposals must meet the following criteria:
 - (A) Be designed to minimize flood damage;
 - (B) Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems to minimize flood damage;

- (C) Provide adequate drainage to reduce exposure to flood damage; and
 - (D) Include base flood elevation data if the development consists of at least 50 lots or five acres, whichever is the lesser. If base flood elevation data is not available, the proposal must provide the data and backup information for how the base flood elevation data was generated for the proposal.
- (5) *[Floodplain development permit requirements.]* Review of floodplain development permits must include:
- (A) Review of the flood insurance rate map and flood insurance study for flood zone determinations for new or substantially improved structures;
 - (B) For new or substantially improved structures:
 - (i) Submittal of the proposed and finished lowest floor elevations in zones A, AE, AO, and AH.
 - (ii) Submittal of the proposed and finished bottom elevation of the lowest horizontal structural member of the lowest floor and its distance from the mean lower low water mark in zones V and VE; and
 - (iii) Submittal of specific requirements for zones V and VE as set forth in subsection 49.70.400(i).
 - (C) In zones A and V, where elevation data are not available through the flood insurance study or from another authoritative source, applications for floodplain development permit shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may be based on historical data, high water marks, photographs of past flooding, and other similar or relevant data. Failure to elevate construction at least two feet above grade in these zones may result in higher insurance rates.
 - (D) Provision of an elevation certificate to demonstrate that the lowest floor of a structure is at or above base flood elevation. The certification must be provided on a form approved by the National Flood Insurance Program and prepared by a registered land surveyor or professional engineer who is licensed in the State of Alaska and authorized to certify such information. This requirement may be waived by the director if an approved record elevation demonstrates that the lowest floor is substantially above the base flood elevation due to natural ground level.
- (6) *Other permits.* The applicant must certify that all other necessary permits have been obtained from any federal or state governmental agencies.
- (7) *[Maintaining watercourse.]* Maintain altered or relocated portions of a special flood hazard area mapped watercourse so that the flood-carrying capacity is not diminished. The department must notify the state coordinating agency, if any, and the Federal Emergency Management Agency prior to issuance of a floodplain development permit that seeks to alter or relocate any watercourse within a special flood hazard area.
- (h) *Specific standards for flood hazards protection.* In special flood hazard areas where base flood elevation data is provided, the following provisions are required:
- (1) *New structures or substantial improvements.* Fully enclosed areas below the lowest floor of new construction or substantial improvements, that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, must automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Alaska or must meet or exceed the following minimum criteria:

- (A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (B) Height of the bottom of all openings must be no higher than one foot above grade; and
 - (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that the automatic entry and exit of floodwaters is allowed.
- (2) *Residential construction.* New construction and substantial improvement of any residential structure:
- (A) Construct the lowest floor, including basement, elevated to or above the base flood elevation within zones A, AE, or AH; or
 - (B) Construct the lowest floor elevated to the base flood depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO.
- (3) *Manufactured homes.* New or substantially improved manufactured homes must:
- (A) Be placed at or above, the base flood elevation, within zones A, AH, or AE, and shall be elevated to, or above, the base flood elevation, and comply with subsection (g); or
 - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; and meet the provisions of subsection (g)(1).
- (4) *Recreational vehicles.* Recreational vehicles placed within any special flood hazard area must be:
- (A) Situated on the site for fewer than 180 consecutive days;
 - (B) Fully licensed, operational, and approved for road use; or
 - (C) Meet the requirements of subsection (h)(3).
- (5) *Nonresidential construction.* New construction or substantial improvement of any nonresidential structure must:
- (A) Elevate the lowest floor, including basement, to or above the base flood elevation within zones A, AE, and AH;
 - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; or
 - (C) Floodproof the area below the base flood elevation within zones A, AE, AH, and AO, so that:
 - (i) The structure and utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water;
 - (ii) Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (D) A floodproof structure must be designed by an engineer or architect licensed in the State of Alaska, certifying that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer's or architect's development or review of the structural design, specifications, and plans. Certification must be provided to the director;
 - (E) Applicants proposing to floodproof nonresidential buildings must be notified at the time of floodplain development permit application that flood insurance premiums are based on rates that are one foot below the floodproofed level.

- (6) *Industrial uses.* Industrial uses within the special flood hazard area are subject to the following provisions:
- (A) Sand and gravel operations, recreation activities, open space, and parking lots may be allowed in 100-year floodplains if the use does not increase the flood hazard.
 - (B) Industrial equipment and raw materials stored in 100-year floodplains must be adequately bermed or otherwise protected.
 - (C) Disposal of hazardous materials in 100-year floodplains is prohibited. No new development that involves storage of hazardous materials will be permitted in the 100-year floodplain unless there is no feasible and prudent alternative and adequate safety measures are provided to prevent accidental discharge.
 - (D) Establishment of sanitary landfills in floodplains is prohibited.
- (7) *Increasing water surface elevation in special flood hazard area mapped watercourses where floodways are not mapped.* Notwithstanding any other provisions of this article, development in zones A, AE, and AH may increase the water surface elevation of the base flood:
- (A) Up to one foot with the submittal of an analysis completed by an engineer licensed in the State of Alaska demonstrating the cumulative effects of the proposed, existing and anticipated, development to the base flood; or
 - (B) By more than one foot only after a conditional letter of map revision and final letter of map revision is approved by the Federal Emergency Management Agency flood insurance administrator.
- (i) *Additional provisions in floodways.*
- (1) Residential and nonresidential structures are prohibited in floodways, no exceptions apply. Culverts and bridges are not subject to this prohibition.
 - (2) Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.
 - (3) Development along a floodway cannot increase the water surface elevation unless a conditional letter of map revision and final letter of map revision that revises the floodway are approved by the Federal Emergency Management Agency.
- (j) *Additional provisions in zones VE and V.*
- (1) New construction and substantial improvements in zones V and VE must be elevated on pilings and columns so that:
 - (A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation; and
 - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used are those required by applicable state statute and local code. A registered professional engineer or architect licensed in the State of Alaska must develop or review the

structural design, specifications, and plans for the construction and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (j)(1)(A) and (B) of this section.

- (C) The use of fill for structural support of buildings is prohibited.
- (2) In zones VE and V, new habitable construction must be located landward of the reach of mean high tide.
- (3) In zones VE and V, new construction and substantial improvements must have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- (4) Breakaway walls must have a design safe loading resistance of not less than ten pounds per square foot and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect licensed in the State of Alaska certifies that the designs proposed meet the following conditions:
 - (A) Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and
 - (B) The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code.
- (C) Enclosed space within breakaway walls are limited to parking of vehicles, building access, or storage. Such space must not be used for human habitation.
- (k) *Warning and disclaimer of liability.* The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by human or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, §§ 2—9, 1990; Serial No. 2013-19(b), § 2, 7-15-2013 ; Serial No. 2020-42, § 2, 8-24-2020, eff. 9-23-2020 ; Serial No. 2021-06, § 2, 4-26-2021, eff. 5-26-2021)

49.70.410 Exceptions.

- (a) The planning commission shall hear all applications for an exception from the provisions of this article, and are limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.
- (b) In passing upon such application, the planning commission must consider all technical evaluations, relevant factors, standards specified in other sections of this article, and:

- (1) The danger that materials may be swept onto other lands and cause injury to other persons or property;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.
- (d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the commission may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.
- (e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- (f) Exceptions must not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) Exceptions must only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
- (h) Exceptions must only be issued upon:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.
- (i) Reserved.

- (j) Warning and disclaimer of liability. The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, § 10, 1990; Serial No. 2021-06, § 3, 4-26-2021, eff. 5-24-2021)

ARTICLE III. TRAFFIC¹

49.40.300 Applicability.

- (a) A traffic impact analysis (TIA) shall be required as follows:
 - (1) A development projected to generate 500 or more average daily trips (ADT) shall be required to have a traffic impact analysis.
 - (2) A development projected to generate fewer than 250 ADT shall not be required to have a traffic impact analysis.
 - (3) A development projected to generate more than 250 ADT but fewer than 500 ADT shall be required to have a traffic impact analysis if the Community Development Department Director determines that an analysis is necessary based on the type of development, its location, the likelihood of future expansion, and other factors found relevant by the director.
 - (4) The applicant shall provide the traffic projections for the project, and the department will review and approve the final figures.
 - (5) A TIA must be prepared by a licensed engineer, or a transportation planner, with traffic analysis experience, approved by the director.
- (b) The department shall require the applicant to contact the Alaska Department of Transportation and Public Facilities to determine whether a state permit or TIA will be required.

(Serial No. 2008-01, § 2, 1-28-08)

49.40.305 Traffic impact analysis (TIA) requirements.

- (a) A TIA prepared under this section must identify and assess the impacts of the proposed development on all affected transportation systems. The TIA shall identify any effective development design or operational measures that would mitigate impacts of a development on transportation systems. The study area for the TIA shall be that area in which it is anticipated that the proposed development will increase ADT by five percent or more.
- (b) A TIA must forecast traffic generated by a development in accordance with the most recent edition of Institute of Traffic Transportation Engineers' Trip Generation Handbook.
- (c) A TIA must address the following items:
 - (1) Intersections and segments of roadways where the ADT on any approach to an intersection is anticipated to increase by five percent or more due to the proposed development;

¹Editor's note(s)—Serial No. 2008-01, § 2, adopted January 28, 2008, effective February 28, 2008, repealed former Art. III, §§ 49.40.300, 49.40.310 and enacted provisions designated as a new Art. III to read as herein set out.

Cross reference(s)—Traffic, CBJ Code tit. 72.

- (2) Each driveway or approach road that will allow egress from or ingress to the proposed development;
- (3) Existing and proposed pedestrian and bicycle facilities, if any, within the proposed development, and existing and proposed pedestrian and bicycle facilities to be used for access to the proposed development;
- (4) Projected traffic at the development's anticipated opening date, and at full build out, both with and without the traffic generated by the development;
- (5) Locations where road improvements are necessary to mitigate traffic impacts due to the development at the opening date, or where improvements are necessary to prevent the level of service (LOS) from deteriorating further at the opening date without the development;
- (6) Road improvement alternatives or other measures that will achieve an acceptable LOS or minimize degradation of service below an already unacceptable LOS according to section 49.40.310 Traffic; minimum standards;
- (7) Internal circulation and parking plans; and
- (8) An accident analysis that contains the following elements:
 - (A) An accident diagram showing accidents over the most recent three years of accident data, at all intersections or roadway segments identified as being impacted by the development, using the State of Alaska Department of Transportation's accident database, if available.
 - (B) An analysis of the type of accidents.
 - (C) An analysis of the accidents to determine if any pattern exists, and whether the accident pattern will be impacted by the development.
 - (D) If an accident pattern exists that will be exacerbated by the development, a determination whether there is a cost-effective solution which would mitigate the problem and how it can be implemented.
- (d) Level of service (LOS) and operational analysis for a traffic impact analysis prepared under this section must be performed in accordance with the most recent edition of the Transportation Research Board's publication Special Report 209, Highway Capacity Manual.

(Serial No. 2008-01, § 2, 1-28-08)

49.40.310 Traffic; minimum standards.

- (a) The minimum acceptable LOS for a roadway segment or intersection within the area affected by the development, on the projected opening date of the development, or full build out of the development, is LOS D.
- (b) If an intersection or roadway segment affected by the development has a pattern of accidents resulting in personal injuries, and the development will aggravate this accident pattern, then mitigation shall be required, regardless of the projected LOS.

(Serial No. 2008-01, § 2, 1-28-08)

49.40.320 Traffic impact analysis review.

- (a) The department will review the traffic impact analysis prepared under this section.

- (b) Mitigation measures may be subject to financial guarantee pursuant to Chapter 49.55, if appropriate considering safety and scheduling.

(Serial No. 2008-01, § 2, 1-28-08)

49.40.330 Traffic impact mitigation.

- (a) Except as provided in 49.40.340, an applicant shall make improvements to a roadway or intersection to achieve or maintain an acceptable LOS if a roadway or intersection has an:
- (1) LOS D without traffic generated by the development; and would drop below LOS D with traffic generated by the development at the opening date of the development or full build out;
 - (2) If a roadway has an LOS below D without traffic generated by the development at the opening date of the development; or
 - (3) If the intersection or roadway segment has a pattern of accidents resulting in personal injuries, and the development would aggravate this accident pattern, then mitigation shall be required regardless of the LOS.
- (b) An applicant for a project for which a traffic impact analysis report has been prepared and mitigation required, shall install signs and markings on approaches to roadways within the development that conform to the Manual on Uniform Traffic Control Devices and the Alaska Traffic Manual, 2003, described in 17 AAC 20.950(1), as it may be amended from time to time.
- (c) Internal circulation and parking layout must provide sufficient queuing distance within the development between the roadway and internal restrictions to ensure that no traffic backs up onto a roadway, including bicycle or pedestrian facilities (See Section 49.40.230 Parking and circulation standards).
- (d) If a traffic impact analysis discloses impacts to pedestrian or bicycle traffic, an applicant shall make the necessary improvements to mitigate the impact.

(Serial No. 2008-01, § 2, 1-28-08)

49.40.340 Mitigation waiver.

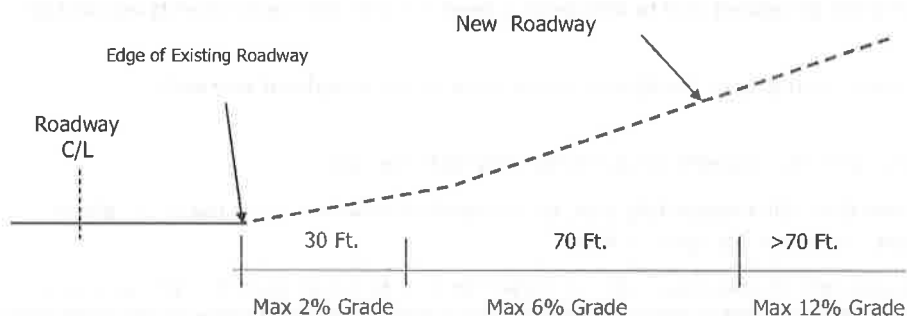
- (a) The planning commission or community development department director may, in their discretion, waive or partially waive the requirements for mitigation under this section if the planning commission finds at a public hearing, or the director finds in writing after reviewing a permit which does not require planning commission approval, that either of the following circumstances is true:
- (1) (A) Existing roadway facilities are only marginally achieving an LOS D without the traffic generated by the development, and would likely fall below LOS D within five years;
 - (B) Traffic generated by the development would result in an LOS below D without mitigation; and
 - (C) The costs of mitigating the impacts outweighs the benefits; or
 - (2) (A) If the LOS is below D. before the development's opening date;
 - (B) If the operation of the roadway or intersection, within the affected area, would not deteriorate more than five percent in terms of delay time, a minimum LOS, LOS E may be acceptable;
 - (C) Does not result in an LOS below E; and
 - (D) The costs of mitigating the impacts outweighs the benefits.

(Serial No. 2008-01, § 2, 1-28-08)

49.35.240 Improvement standards.

- (a) *Right-of-way widths.* The minimum right-of-way width of proposed streets is as follows:
- (1) Arterials: 100 feet; minor, 80 feet.
 - (2) Collectors: 60 feet.
 - (3) Streets other than arterials and collectors: 60 feet.
 - (4) Cul-de-sacs: temporary or permanent turnaround: a diameter of 120 feet.
 - (5) Alleys: 20 feet.
 - (6) Stairways and other non-motorized access routes: 15 feet.
 - (7) Half streets. Whenever there exists a dedicated or platted half street or alley adjacent to the tract of land to be developed, the other half of the street or alley must be platted, dedicated, and the entire street or alley constructed to current improvement standards.
 - (8) Substandard width. Any previously platted right-of-way with less than the minimum standards identified for the traffic generated shall be improved to meet the minimum requirements established by this title.
- (b) *Right-of-way minimum width reductions.* The director may reduce minimum right-of-way width requirements:
- (1) For a collector, the right-of-way width may be reduced by up to ten feet.
 - (2) For streets with less than 500 average daily trips, or a privately maintained access road in a right-of-way, the width may be reduced by up to 25 feet.
 - (3) Where the dedicated right-of-way abuts and runs parallel to an exterior property line, will serve as a half-street, and will be developed as a low volume street or a driveway in a right-of-way, the width may be reduced by up to 30 feet.
 - (4) Alleys and stairway right-of-ways may be reduced by up to five feet.
 - (5) The director shall make written findings supporting right-of-way minimum width reductions granted under this section. The director's findings shall state that:
 - (A) The applicant has provided room for electric utility features and demonstrates that if the road is upgraded in the future to include additional sidewalks that there is sufficient right-of-way for construction of the sidewalks without need for retaining walls over two feet in height.
 - (B) There is sufficient right-of-way or easements to allow for drainage improvements required by construction of the sidewalks.
 - (C) That any driveways shall be constructed to accommodate the elevations of future sidewalks.
 - (D) No additional right-of-way width will be required in order to provide for sufficient access to abutting lands.
 - (E) There is sufficient room for snow storage.
- (c) *Sight distance.* Sight distances for intersection, passing and stopping must be in accordance with the specifications set forth in "A Policy on Geometric Design of Highways and Streets".
- (d) *Street grades.* Street grades are as follows:

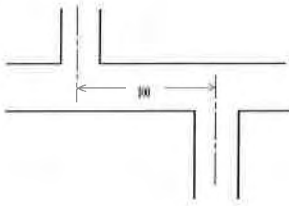
- (1) *Maximum.* Grades on arterial streets must not exceed six percent. Grades on other streets must not exceed 12 percent.
 - (2) *Minimum.* The minimum grade for all streets is one-half percent.
 - (3) *Cross slope.* The minimum cross slope on all streets is three percent.
 - (4) *Exception.* Grades for all streets in hillside areas may be increased under certain circumstances according to chapter 49.70, article II, hillside development.
- (e) *Intersections.*
- (1) *Corner sight distance.* Corner sight distance must be in accordance with CBJ 49.35.240, however, in no case shall the sight distance be less than 200 feet.
 - (2) *Intersection angle.* Intersections of right-of-way lines must not be less than 60 degrees. The intersection of the centerline of the constructed roadway must not be less than 80 degrees.
 - (3) *Grade.* The grade for the approach leg of a new roadway at an intersection must not exceed two percent for the first 30 feet, measured from the edge of the existing roadway. The grade for the next 70 feet of the new roadway must not exceed six percent (See Figure 1).



Maximum Grades at the Intersection of a New Roadway

Figure 1

- (4) *Adjustment to grade.* In certain circumstances, the director of engineering and public works may require the centerline grade to be adjusted to ensure the grades along the edge of the intersecting street do not exceed the maximum grades listed above.
- (5) *Alignment.* A proposed street that will intersect with an existing cross street shall, whenever practicable, align with an existing street intersection on the opposite side of the cross street. Street jogs that have center line offsets of less than 100 feet, shall not be permitted (See Figure 2).



Street jogs shall be no less than 100' apart, measured from the center of the street.

Figure 2

(f) *Curves.*

- (1) *Design.* Curves shall be designed in accordance with "A Policy on Geometric Design of Highways and Streets."
- (2) *Vertical curve.* The minimum length of vertical curves is 200 feet unless otherwise approved by the director of engineering and public works.

(g) *Cul-de-sacs.*

- (1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.
- (2) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can practically be extended to provide for connecting streets into an adjoining undeveloped land, is located in a right-of-way or in an easement for public access, and if the following are met:
 - (A) The temporary portions of the cul-de-sac shall be easements on the plat rather than as dedicated right-of-way. Such easements shall allow for public access and maintenance as if it were dedicated right-of-way until such time the easements are vacated. The easements shall not contribute towards lot area.
 - (B) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (G) below.
 - (C) The CBJ will record a release of the easements for the temporary portions of the cul-de-sac at the state recorder's office at Juneau at the time the cul-de-sac is removed and the street improvements have been extended.
 - (D) Easement lines for the temporary cul-de-sac will be considered front property lines for determining building setbacks.
 - (E) All improvements, including utilities and private driveways, must be designed to accommodate the eventual extension of the street and reversion of the temporary cul-de-sac to adjoining

properties. The construction plans shall demonstrate those improvements connecting through a temporary cul-de-sac will still comply with CBJ standards after the temporary cul-de-sac is removed.

- (F) Temporary cul-de-sacs must provide required access and minimum frontage on a publically maintained right-of-way to all lots using the cul-de-sac as access. If the cul-de-sac is not extended to the adjoining property, the maximum length of an unconstructed right-of-way between the temporary cul-de-sac and the adjoining property shall be the minimum lot width for the zoning district. If the right-of-way is located in more than one zoning district, the shortest minimum lot width shall be used. The right-of-way between the constructed temporary cul-de-sac and the adjoining property shall be subject to the stub street requirements of this Title (See Figure 3).

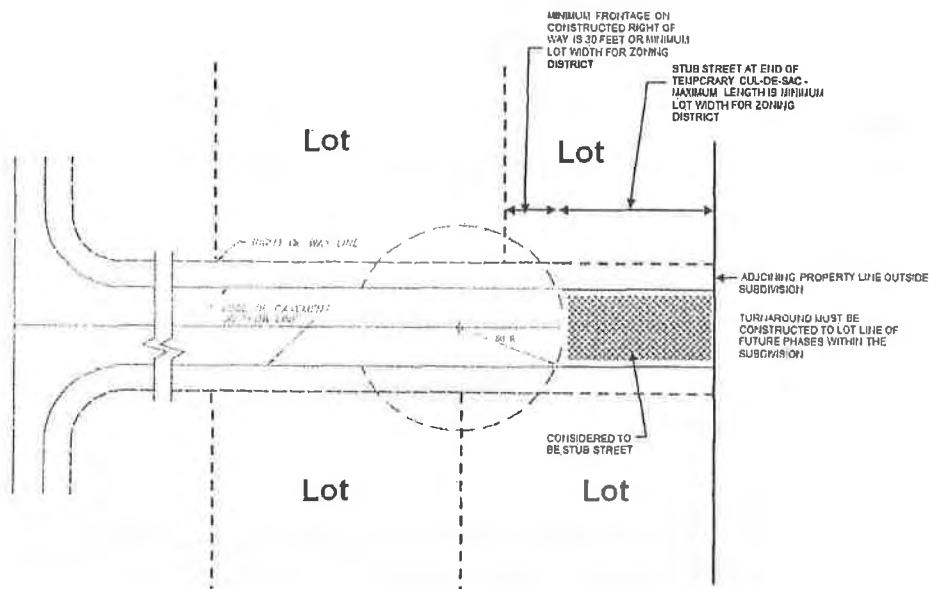


Figure 3

- (G) The temporary cul-de-sac may be located on property within the subdivision intended for future subdivision phases in conjunction with a platted right-of-way. It may also be located outside the subdivision boundary entirely within an easement (See Figure 4). If the temporary cul-de-sac is constructed on property outside of the subdivision boundary, then curb, gutter, and sidewalks are not required for the temporary cul-de-sac.

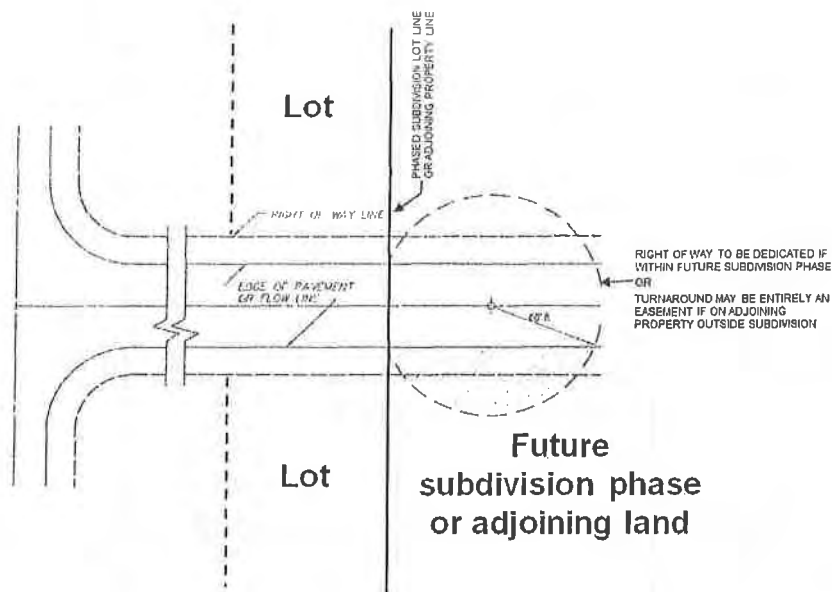


Figure 4

- (H) The plat shall include the following note "Temporary cul-de-sac easement shall be vacated upon extension of street unless the director determines all or a portion of the cul-de-sac may remain."
- (I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, the temporary portions of the cul-de-sac shall be removed. The director, after considering public safety, costs, and recommendations of the director of engineering and public works department and of the fire marshal, shall determine if the developer may leave all or part of the temporary portions of the cul-de-sac. If any temporary cul-de-sac portion is removed, then the resulting constructed right-of-way shall conform to CBJ standards.
- (3) *Hammerhead turnarounds.* Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.
- (h) *Streets construction standards.*
 - (1) *Arterials.* The subdivider is not responsible for the construction of arterial streets, but may be required to dedicate the necessary right-of-way during the platting process.
 - (2) *Other streets.* Other than arterials, street shall comply with the following:

Table 49.35.240 Table of roadway construction standards

Avg. Daily Trips (ADT)	Adopted Traffic Impact Analysis Required	Sidewalks	Travel Way Width	Street Lights	Width	Paved Roadway Required	Publicly Maintained

≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft. Public ROW ⁱⁱ	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft. Public ROW ⁱⁱ	Yes	Yes
0 to 211	No	Not required	22 ft.	At intersection of subdivision streets and external street system	60 ft. Public ROW ⁱⁱ	Yes	Yes
0 to 211	No	Not required	20 ft. ⁱ	At intersection of subdivision streets and external street system	60 ft. Public ROW ⁱⁱ	No, if outside the urban service area	No
0 to 70	No	Not required	20 ft. ⁱ	No	50 ft. private easement	No ⁱⁱⁱ	No

ⁱ Or as required by the Fire Code at CBJ 19.10.

ⁱⁱ ROW width may be reduced as prescribed at CBJ 49.35.240.

ⁱⁱⁱ Except as provided by CBJ 49.35.262(b)(9).

- (3) **Signs and markings.** The subdivider must install street name signs, traffic control signs, and traffic control pavement markings in accordance with approved plans and the requirements of the current issue of the Manual on Uniform Traffic Control Devices, including the current Alaska Traffic Manual Supplement, published by the Alaska Department of Transportation and Public Facilities.
- (i) **Street waivers.** The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:
- (1) **Right-of-way relocation.** If a plat is submitted for the purpose of relocating a right-of-way, the director may waive all or some of the construction requirements under the following conditions:
 - (A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served.
 - (B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering and public works the feasibility of constructing a public street at the location of the relocated right-of-way.
 - (C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter.
 - (D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.
 - (E) No additional lots are being platted.

(2) *Stub streets.*

- (A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. A developer requesting a stub street waiver shall demonstrate in the construction plans that a street can reasonably be constructed to CBJ standards in the right-of-way. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 5).



Figure 5

- (B) Reserved.
- (C) When the developer of adjoining property is required to connect to the stub street, then the developer of the adjoining property will be required to construct the stub street to City and Borough standards at the time.
- (3) *Remote subdivisions accessible by navigable water.* The commission and the director may waive roadway improvements and other street construction requirements for remote subdivisions accessed solely by navigable water.
- (4) *Roadway construction standards waivers.* Roadway construction standards identified in Table 49.35.240 may be waived in accordance with this subsection for any street reconstruction project, not including routine maintenance; or any new street construction project located in a right-of-way platted before 1987. Waivers shall be in writing.
- (A) Roadway construction standards may be waived by the director if:
- (i) The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;
 - (ii) There are unique circumstances that make compliance with the requirements of the table unreasonable;
 - (iii) The proposed project will not aggravate the intent of the requirements of this chapter; and
 - (iv) The proposed project complies with the American Association of State Highway and Transportation Officials' guidelines.

- (B) Roadway construction standards may be waived by the commission if:
- (i) The existing roadway does not comply with the roadway construction standards identified in Table 49.35.240;
 - (ii) There are unique circumstances that make compliance with the requirements of the table unreasonable;
 - (iii) The proposed project will not aggravate the intent of the requirements of this chapter; and
 - (iv) Unique circumstances make compliance with the American Association of State Highway and Transportation Officials' guidelines unreasonable, and the commission requires sufficient safeguards to protect public health, safety, and welfare under the circumstances.
- (j) *Pioneer path standards.* The following standards shall apply to remote subdivisions accessed by pioneer paths.
- (1) Interior access shall be provided solely by pioneer path in a right-of-way. The right-of-way width of a pioneer path within a remote subdivision shall be 60 feet.
 - (2) Grades for pioneer paths must not exceed 18 percent. The maximum cross slope grade must not exceed five percent.
 - (3) The width of a pioneer path shall not exceed 54 inches of tread, and must be located within a six-foot corridor.
 - (4) Pioneer paths shall be designed and constructed to prohibit vehicular traffic wider than 48 inches from using the path, which may include the use of boulders, bollards, or any other similar structure.
- (k) *Responsibility for improvements.* Unless otherwise provided, it shall be the responsibility of the subdivider to pay the cost of all right-of-way and street improvements caused by any development, as determined by the director.

(Serial No. 87-49, § 2, 1987; Serial No. 88-30, § 2, 1988; Serial No. 2002-20, § 5, 8-5-2002; Serial No. 2006-15, § 8, 6-5-2006; Serial No. 2010-41, § 2, 1-10-2011; Serial No. 2015-03(c)(am), § 27, 8-31-2015 ; Serial No. 2016-26(b), 4-3-2017, eff. 5-4-2017 ; Serial No. 2018-08, § 2, 3-5-2018, eff. 4-5-2018 ; Serial No. 2019-08, § 2, 4-22-2019, eff. 5-23-2019)

49.15.423 Panhandle lots.

- (a) Panhandle lots may be created by subdivision under this section if the new lots meet the following requirements:
- (1) *Dimensional requirements.*
 - (A) The front and panhandle lots must meet all the dimensional and area requirements of this title.
 - (B) No part of the panhandle portion of the lot shall be less than 20 feet wide.
 - (C) The panhandle portion of the lot shall not be longer than 300 feet.
 - (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.
 - (E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.
 - (F) The lot width for the panhandle lot shall be the distance between its side lot lines measured behind the back lot line of the front lot.
 - (2) *Setbacks*
 - (A) A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the panhandle. (See Figure 1)
 - (B) The front yard setback for the panhandle lot shall be measured from behind the back lot line of the front lot. (See Figure 1)

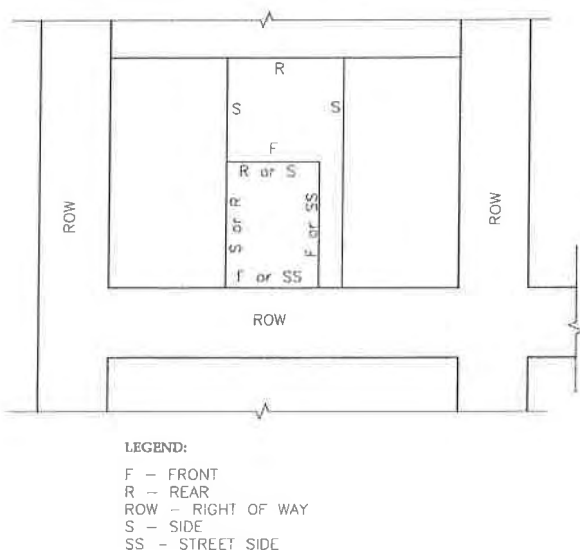


Figure 1

- (3) *Access and parking.*
 - (A) Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls rights-of-way. Access to each lot shall be designated on the plat in the form of an easement.

- (B) Off-street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.
 - (C) A driveway and parking plan that shows the feasibility of off-street parking shall be submitted and approved by the director prior to recording the plat.
 - (D) Back out parking is prohibited unless approved by the director.
 - (E) The applicant must provide assurance in the form of an easement, plat note referencing the maintenance agreement, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.
 - (F) Any portion of a driveway not located in a public right-of-way shall comply with emergency service access as required by CBJ 19.10. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.
 - (G) Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.
 - (H) The portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.
- (b) No lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.
- (Serial No. 2015-03(c)(am), § 10, 8-31-2015 ; Serial No. 2017-25, § 2, 11-6-2017, eff. 12-7-2017 ; Serial No. 2021-28 , § 3, 8-23-2021, eff. 9-22-2021)

Applicant Information

Business / Individual *

Gary Tigar, Grant Creek Homes

Address *

1765 Palo Verde Blvd. S.

Street Address

Lake Havasu City

City

AZ

State / Province / Region

86403

ZIP / Postal Code

Phone *

(928) 566-4097

Email

garytigar@sbcglobal.net

☒ Add Another Business/Individual

Business / Individual - 2 *

Murray Walsh, Walsh Planning & Development Services

Address *

2974 Foster ave

Street Address

Juneau

City

AK

State / Province / Region

99801

ZIP / Postal Code

Phone *

(907) 723-8444

Email

murray@acsalaska.net

CBJ Land Information

The CBJ Assessor's Database will provide information regarding site address and legal description. The CBJ Parcel Viewer tool can provide necessary maps needed to complete this application.

Site Address *

4305 North Douglas Highway and the 8 acre parcel to the south

Legal Description *

USS 2135 TR 1 TR A

Provide Brief Description of Your Proposal *

To trade a portion of the Applicant's property to the CBJ in exchange for a portion of CBJ-owned land above USS 2135 TR 1 TR A as shown on the attached drawing. The newly configured property will then be subdivided for small single family homes on small lots.

Provide a Map of CBJ Land you wish to Purchase *

Grant-Crk-Ph-III-7142021-TradeMap.pdf  

Have you mailed the \$500.00 filing fee? *

☒ Yes

☐ Not Yet

Applications can only be processed when the \$500 fee is received. All checks are made out to "The City and Borough of Juneau" and can be sent to:

The City and Borough of Juneau
Attn: Lands and Resources Division
155 S. Seward St.
Juneau, AK 99801

"By submitting this form, I agree all information is accurate. Submission of this request is NOT approval by the City and Borough of Juneau. I understand that staff will review my application and follow up with questions. Once staff have reviewed my application, ultimate determination of my request to purchase City property will be made by the City Assembly."

Legal Representative of Business / Individual *

Gary

First

WTigar

Last

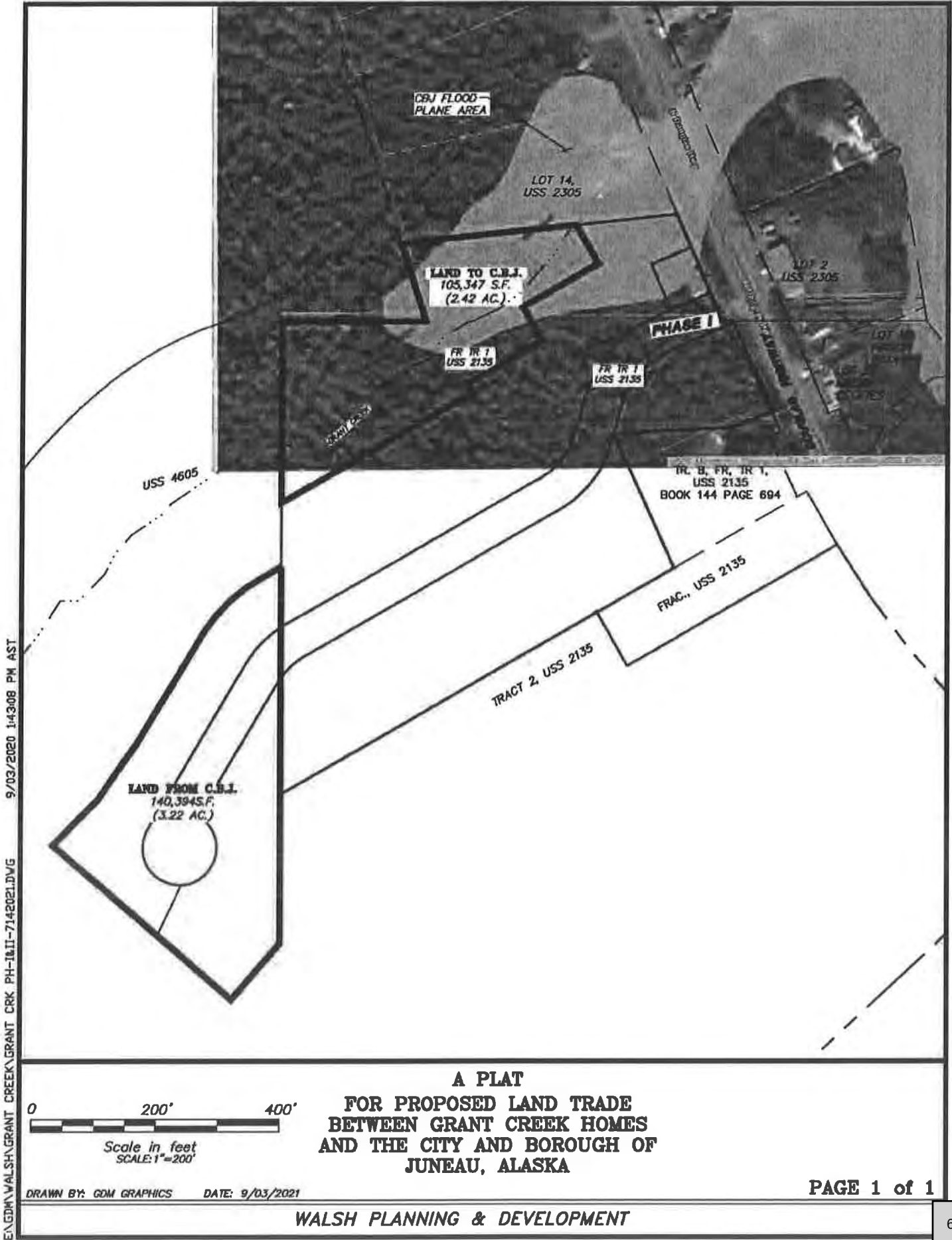
Legal Representative of Business / Individual -2 *

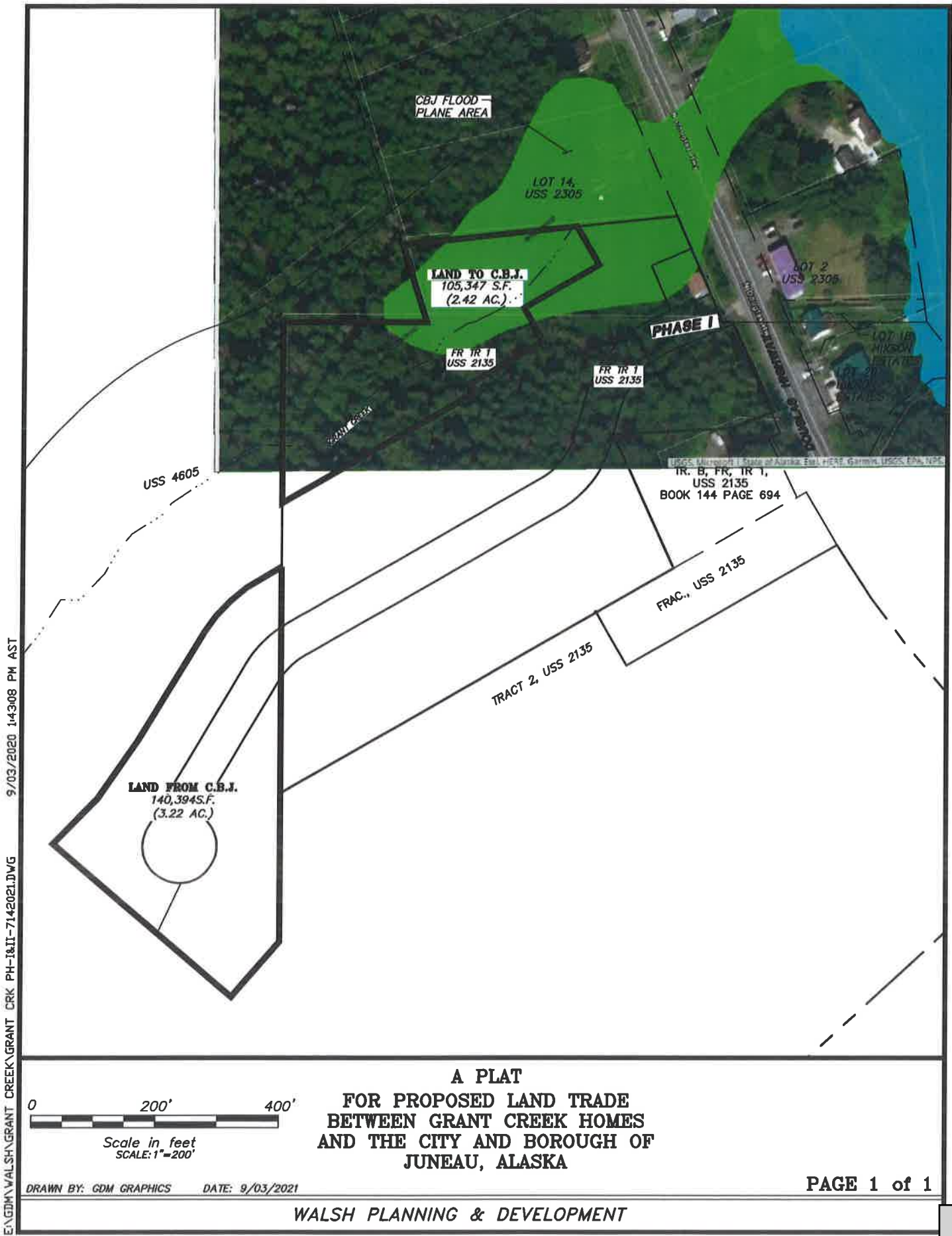
Murray

First

Walsh

Last





Lands, Housing & Economic Development Committee

May 02, 2022

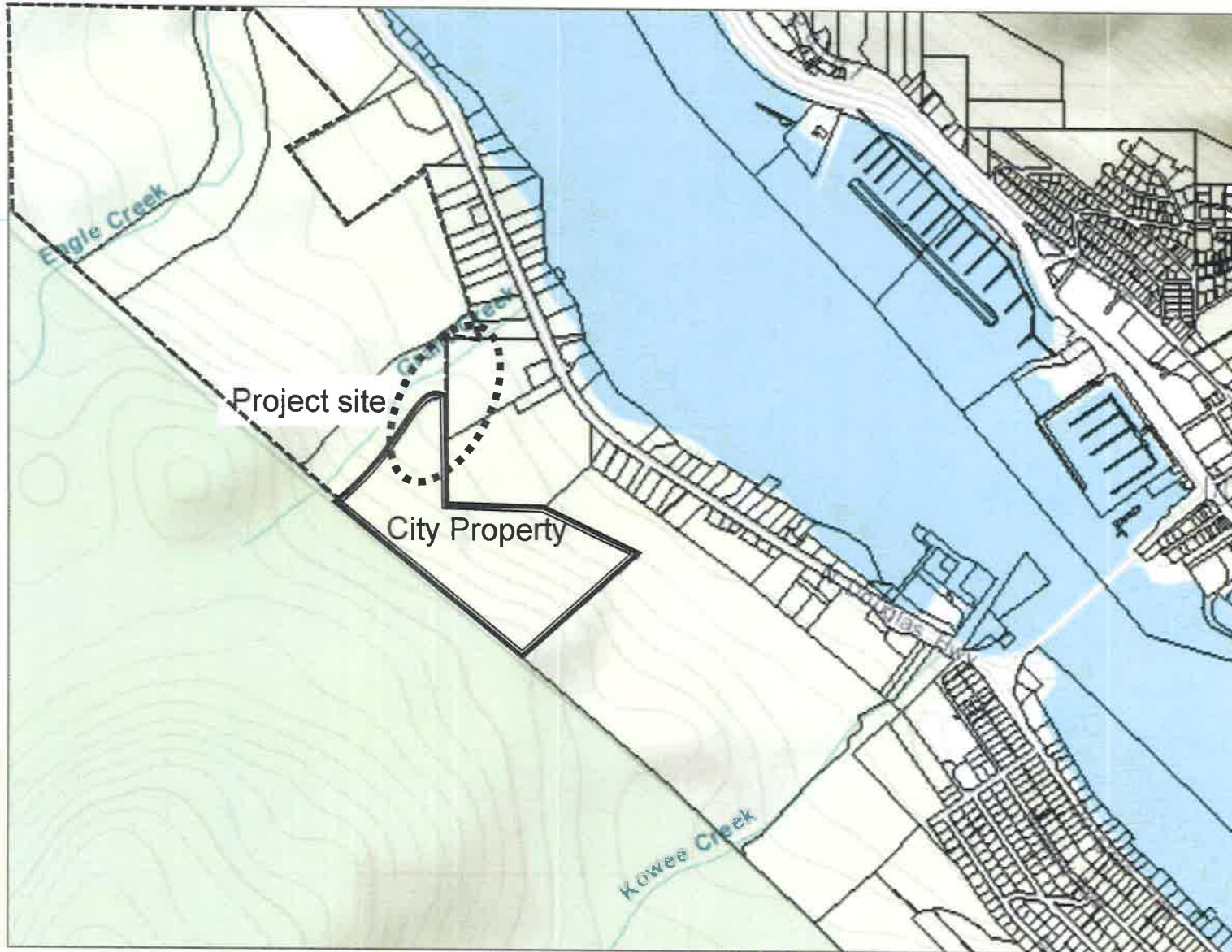


Grant Creek Homes Request to Purchase City Property through a Land Trade

- The Lands Office has received a request for a land trade from Gary Tigar and Grant Creek Homes.
- The applicant is requesting to sell the City a 105,347 square foot area of property that is within the floodplain and buy a City owned 140,394 square foot uplands parcel. Both values would be determined by appraisal.
- The application states that the newly configured property would be subdivided into small single family lots.

Grant Creek Homes Request to Purchase City Property through a Land Trade

- The City property being requested in this application is a fraction of a 654-acre parcel in North Douglas. The location is southeast of Bonnie Brae Subdivision and Falls Creek, Eagle Creek and Grant Creek run through this property. The Land Management Plan designates this property as retain/dispose, and it is managed by the Lands Office.



Grant Creek Homes Request to Purchase City Property through a Land Trade

Staff request that the Lands, Housing and Economic Development Committee forward this application to the Assembly with a motion of support for disposal of City property to Gary Tigar and Grant Creek Homes through a negotiated disposal or land trade.



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **property acquisition and disposal review of land by the City and Borough of Juneau at 4305 North Douglas Highway in a D18 & D5 zone.**

TIMELINE

Staff Report expected to be posted **August 15, 2022**, at <https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes and more here as well.

Now through Aug. 1

Comments received during this period will be sent to the Planner, **Joseph Meyers**, to be included as an attachment in the staff report.

Aug. 2 — noon, Aug. 19

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, Aug. 23, 2022

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/82017306873> and use the Webinar ID: 820 1730 6873 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.

Aug. 24

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4209 ♦

Email: pc_comments@juneau.org

Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Case No.: PAD2022 0002

Parcel No.: 6D0601130010; 6D0601110020;
6D0611000010

CBJ Parcel Viewer: <http://epv.juneau.org>



From: [Mark Millay](#)
To: [Joseph Meyers](#); [John Bohan](#); [General Engineering](#)
Subject: RE: Agency Review
Date: Thursday, July 14, 2022 9:29:39 AM

Hello,

Depending on the development configuration, grades for fire access may be a future issue as well. Otherwise no heartburn issues with the land swap here.

Thanks Mark

From: Joseph Meyers <Joseph.Meyers@juneau.org>
Sent: Thursday, July 14, 2022 9:24 AM
To: John Bohan <John.Bohan@juneau.org>; General Engineering <General_Engineering@juneau.org>
Subject: RE: Agency Review

Thank you John,

I am reaching out to the applicant now to make sure that he is aware of these potential issues. Thank you for your diligence on this!

From: John Bohan <John.Bohan@juneau.org>
Sent: Wednesday, July 13, 2022 10:18 AM
To: Joseph Meyers <Joseph.Meyers@juneau.org>; General Engineering <General_Engineering@juneau.org>
Subject: RE: Agency Review

Hi Joseph,

I was reading through the PAC minutes / summary and noticed that there was vague wording about needing to address adequate water pressure and “may require additional upgrades to the existing water system”.

Am concerned that the developer is not fully aware that they **WILL NOT have water pressure above roughly 100’ above the highway** (per attached information provided to Ken Hoganson in preparation for the PAC). The LIDAR shows that all the new property being potentially traded to the owner would not meet required water pressures for Fire hydrant protection or residential water pressure.

Also while we are not supposed to worry how the developer is going to build on the property, a concern I see is regarding the steepness of the upper portion of the proposed land CBJ land for purchase and the proposed roadway going “straight up the hill”. Based on LIDAR, it has slopes in the 30%-40+% range. The approximate land slopes between Nowell and Blueberry Hills road is about 25%, so while buildable, the parcel is not nearly as wide, nor does it appear the parcel is wide enough to accommodate a roadway (switchback or sidehill) at a grade similar to Cordova Street

(12% or so). (Fairbanks Street (~15%) is a good summer street but closed in the winter due to the extreme grades.) It is not likely the CBJ would accept a street with substandard grade for maintenance.

I don't have any issues with the specific land disposal, just the constructability of the development as proposed.

Mark, Eric – are there any other issues you see with this proposed land disposal / development?

Thanks

John Bohan, PE

CBJ Chief CIP Engineer

155 S. Seward St

Juneau AK 99801

(907)586-0800 x-4188

fax 463-2606

From: Joseph Meyers <Joseph.Meyers@juneau.org>

Sent: Tuesday, July 12, 2022 1:08 PM

To: General Engineering <General_Engineering@juneau.org>

Subject: Agency Review

Good afternoon,

I am seeking comment from your department on a proposed land acquisition and land disposal on North Douglas Highway. The application for this action is attached.

The proposed project is outlined below:



The applicant would like to purchase 140,394 square feet from the CBJ and would like to sell 105,347 square feet of land to the CBJ. The land being sold to the CBJ is currently owned by the applicant.

The parcel numbers related to this transaction: 6D0601110020, 6D0601130010, 6D0611000010, and 6D0611000011.

Please submit comments and questions about the proposed land purchase and disposal by replying to this email by July 26, 2022.

Thank you,

Joseph Meyers | Planner II

[Community Development Department](#) | City & Borough of Juneau, AK

230 S. Franklin Street, 4th Floor Marine View Building

Personal line: 907.586.0753; Ext: 4209

He/him



July 27, 2022

Dear Juneau Planner

RE: case no.: PAD2022 0002

I'm assuming this 'land acquisition' is proposed for future construction and remove waterway land from the current property owner.

Background: The parcels contain both Grants Creek salmon creeks. In accordance with the Alaska Watershed Coalition and CBJ, require landowners living next to a salmon stream, adhere to no structures within 50 ft and an undisturbed vegetation duffer of 25 feet to any such waterway as a bare minimum riparian buffer. However, more ecologic value is gained with each additional foot of buffer. I (adjacent landowner) have documented abundant wildlife adjacent to this parcel including deer, bear, porcupines, ravens & eagles. An EIS would be prudent prior to any development.

The CBJ water and sewer services end at this parcel. During the installation of these services, a section of muskeg has encountered at that location. I don't believe a wetlands permit is required but This is a noteworthy observation. If the land acquisition is for a 'proposed' D18 development.

If so, Please consider the following prior to land development:

1. Salmon waterway setbacks.
2. Maybe an EIS will be required.
3. Consider an upgrade to the current utilities.
4. With the addition of a future development there will be an increase traffic congestion, a traffic assessment is warranted. Note the presence of an access road for the already 'clear cut' property to the south.

There may be additional considerations upon future development due to this acquisition.

Thank you for your consideration and attention to these matters.

Michael Higgs

4225 North Douglas

RECEIVED

AUG 01 2022

Presented by: The Manager
 Introduced: 04/26/2010
 Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2010-14am

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of U.S. Survey 2135, Tract 1, Tract A, U.S. Survey 2135, Tract II, and U.S. Survey 2305, Lot 15, Located in North Douglas, Currently Zoned D-3, to D-18.

WHEREAS, the Comprehensive Plan of the City and Borough supports denser residential zoning adjacent to transit corridors; and

WHEREAS, the Comprehensive Plan identifies this area of North Douglas as both Low Density Residential (UDLR) and Urban Low Density Residential transition to Medium Density Residential (UDLR (T) MDR); and

WHEREAS, MDR is described as urban residential lands for multi-family dwelling units at densities ranging from 5 to 20 units per acre; and

WHEREAS, D-18 zoning provides for up to 18 units per acre.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough Code.

Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough adopted pursuant to CBJ 49.25.110, is amended to change the zoning of U.S. Survey 2135, Tract 1, Tract A, U.S. Survey 2135, Tract II, and U.S. Survey 2305, Lot 15, currently zoned D-3, to D-18. The rezone described is shown on the attached Exhibit A map illustrating the area of proposed zone change.

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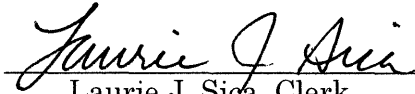
//

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 19th day of May, 2010.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk

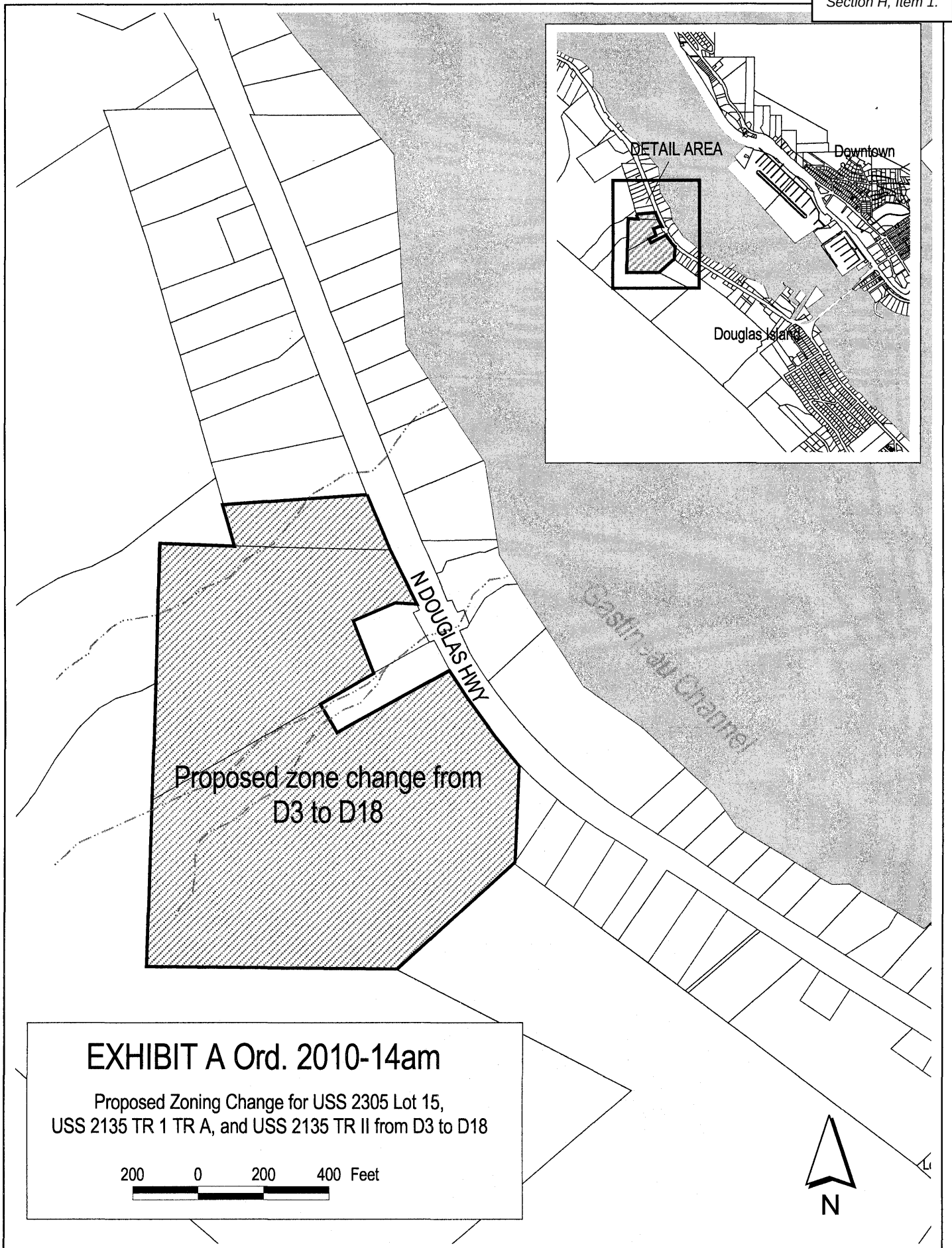


EXHIBIT A Ord. 2010-14am

Proposed Zoning Change for USS 2305 Lot 15,
USS 2135 TR 1 TR A, and USS 2135 TR II from D3 to D18

200 0 200 400 Feet

Map created 3/22/2010, revised 4/21/2010, revised 5/21/2010

(4-653)

ORIGINAL

PLAT

of
U.S. SURVEY NO. 2135
of the
HOMESTEAD CLAIM
of
JOSEPH SIMPSON

Executed under the Act of Congress,
Approved JUNE 26, 1918

situated

ON DOUGLAS ISLAND ON GASTINEAU CHANNEL WEST
OF AND ADJOINING U.S. SURVEY NO. 1361

TERRITORY OF ALASKA

Area: 31.56 acres

Declination: $3^{\circ}30'$ E.

Scale: 3 chains to the inch

Latitude $56^{\circ}16'10''$ N. Longitude $134^{\circ}26'$ W.

Survey executed by

CHARLES P. SEELYE, U.S. TRANSITMAN

AUGUST 18-20, 1932

CERTIFICATE OF APPROVAL
PUBLIC SURVEY OFFICE
Juneau, Alaska, MAY 16, 1933

The original field notes of Survey No. 2135, of the
HOMESTEAD CLAIM OF JOSEPH SIMPSON

from which this plat has been made, have been examined
and approved, and are on file in this office, and I hereby
certify that they furnish such an accurate description of
said claim as will, if incorporated into a patent, serve fully
to identify the premises, and that such reference is made
therein to natural objects and permanent monuments, as
will perpetuate and fix the locus thereof.

And I further certify that this is a correct plat of
said claim, made in conformity with said original field
notes of the survey thereof, and the same is hereby ap-
proved.

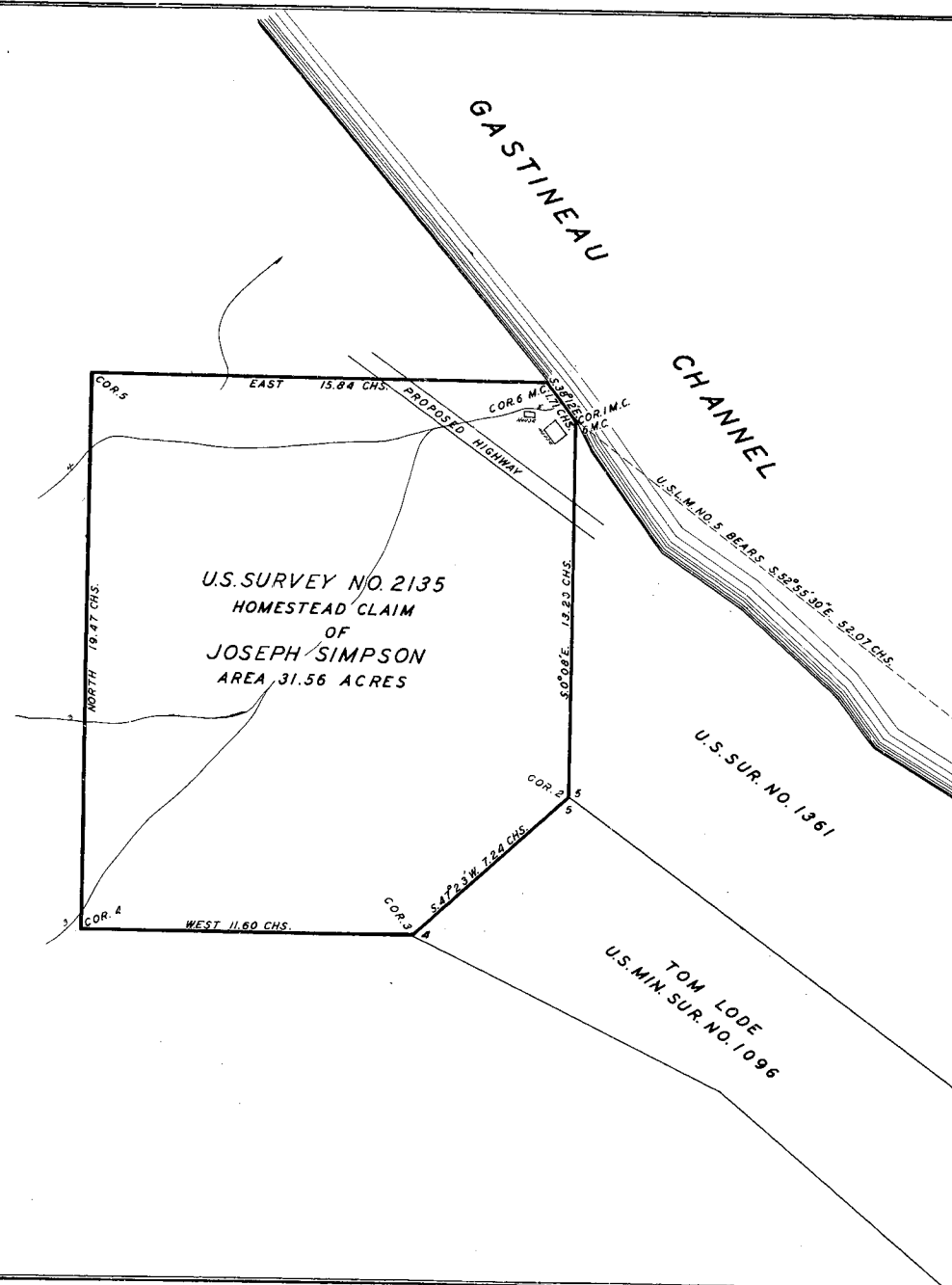
[Signature]
Cadastral Engineer in Charge

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington, D.C., Dec. 18, 1933.

The survey represented by this plat having been cor-
rectly executed in accordance with the requirements of
law and the regulations of this office, is hereby accepted.

[Signature]

Acting Assistant Commissioner.



U. S. SURVEY 2305

CERTIFICATE OF REGISTER

Section H, Item 1.

I hereby certify that I am a registered professional civil engineer, and that this plat represents the survey made by me or under my direct supervision, and that all dimensional and other details are correct to the best of my knowledge.

November 3 1960

C. R. Nordling
REGISTERED ENGINEER

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets, alleys and other open spaces to public or private use as noted

Nov 4 1960

Witnessed by:

C. R. Nordling

CERTIFICATE OF APPROVAL BY THE BOARD

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Juneau Douglas Platting Board and that said Plat been approved by Plat Resolution No. dated November 8 1960 and that the Plat shown hereon has been approved for recording in the office of the Magistrate, ex officio Recorder, Juneau.

November 8 1960

Attest

Gerald R. Miller
JUNEAU DOUGLAS PLATTING BOARD
James Olson
CLERK

#273

RECORDED - FILED
Juneau
Nov. 10 60
9:20
J. Nordling
Box 1177
Juneau

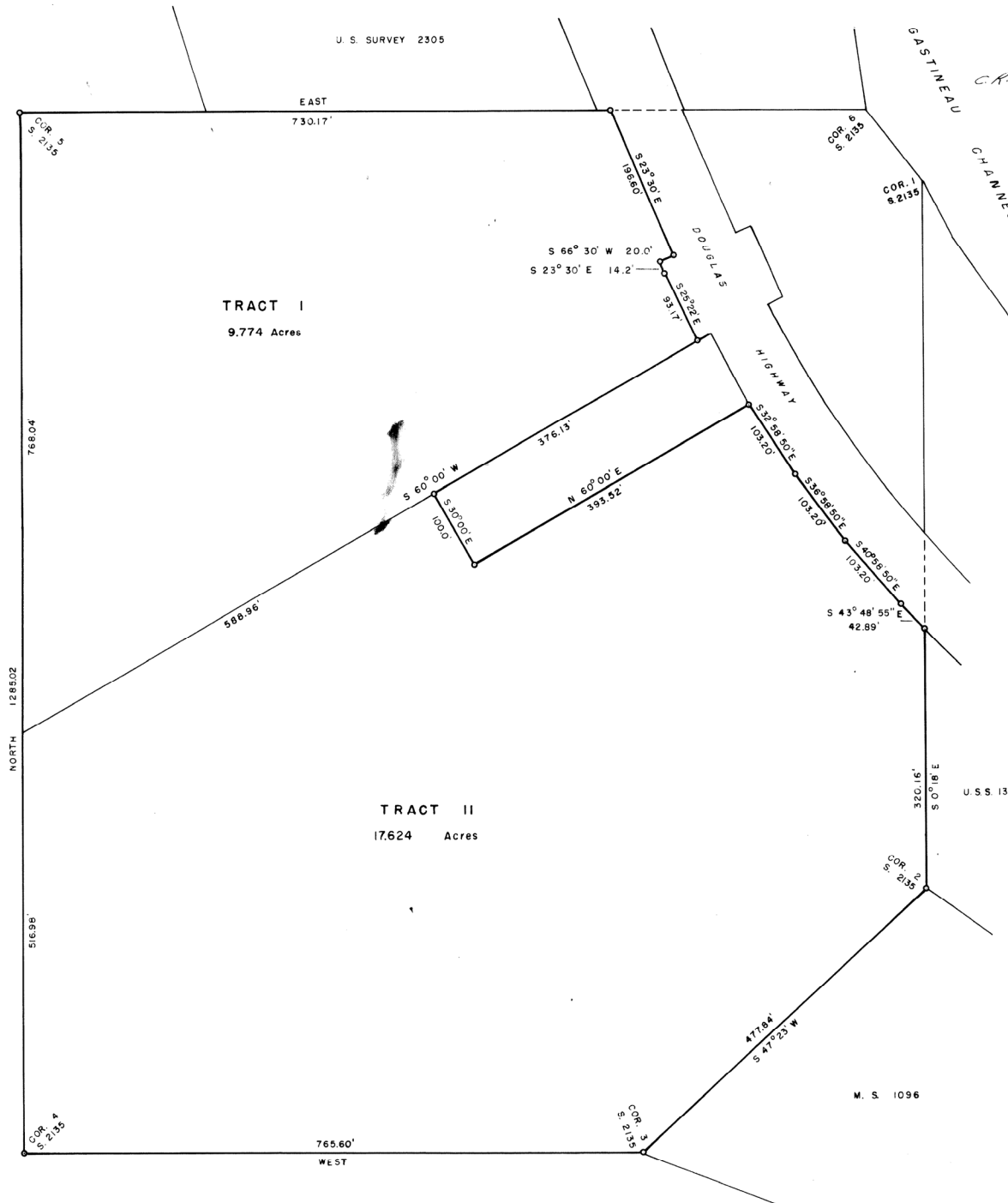
SUBDIVISION OF
FRACTION OF U. S. SURVEY NO. 2135
ON DOUGLAS ISLAND, ALASKA

SCALE 1" = 100' NOV. 1960
TONER & NORDLING - REG. ENGRS. - JUNEAU, ALASKA

84

Attachment E - Reviewed Materials

Plat # 273



CITY AND BOROUGH OF JUNEAU, ALASKA

PLATTING RESOLUTION NO. 714WHEREAS, _____
Applicant(s)

KENNETH PRICE

has applied to the City and Borough of Juneau Planning Commission in proper form for a waiver of platting requirements of the subdivision of the following described real property:

DESCRIPTION OF FRACTIONS OF TRACT 1, SUBDIVISION OF A FRACTION OF USS 2135

Tract A. A fraction of Tract 1, Subdivision of a Fraction of USS 2135, within the First Judicial District, State of Alaska, more particularly described as follows: Beginning at Corner No. 5 of USS 2135; thence East along line 5-6 of said survey 730.17 ft. to the R.O.W. line of the North Douglas Highway; thence along said R.O.W., S 23°30' E, 160.00 feet; thence S 66°30' W, 64.12 feet; thence S 87°00' W, 198.16 feet; thence S 24°13' E, 239.52 feet; thence S 60° W, 733.84 feet to a point on line 4-5 of USS 2135; thence North along said line 4-5 768.04 feet to the point of beginning, containing in all 8.785 acres, more or less.

Tract B. A fraction of Tract 1, Subdivision of a Fraction of USS 2135, within the First Judicial District, State of Alaska, more particularly described as follows: Beginning at the intersection of the west R.O.W. of the North Douglas Highway and line 5-6 of USS 2135, from whence Cor. 5 of USS 2135 bears West, 730.17 feet distant; thence S 23°30' E along said R.O.W. 160.00 feet to the true point of beginning of this tract; thence S 23°30' E along said R.O.W. 36.60 feet; thence S 66°30' W along said R.O.W. 20.00 feet; thence S 23°30' E along said R.O.W. 14.20 feet; thence S 25°22' E along said R.O.W. 93.17 feet; thence S 60° W, 231.25 feet; thence N 24°13' W, 239.52 feet; thence N 87° E, 198.16; thence N 66°30' E, 64.12 feet to the true point of beginning, containing in all 0.989 acre, more or less.

An easement for the purpose of widening, improving or protecting Grant Creek, which runs along the southerly boundary of said Tracts A and B.

according to the attached plat, sketch or diagram.

WHEREAS, the Commission finds that the proposed conveyance: (a) is not being made for the purpose of or in connection with a present or projected subdivision development; (b) is an isolated transaction which does not fall within the general intent of Title 40, Chapter 15, Alaska Statutes; and (c) does not involve or require any dedication of a street, alley thoroughfare, park or other public area.

BE IT RESOLVED BY THE CITY AND BOROUGH PLANNING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

The said application for a statutory waiver of plat and recording requirements to a proposed conveyance of the above-described property is hereby granted.

Dated June 13, 1978

CITY AND BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

Attest

Clerk

By: Kathleen H. Aieh
Chairman



Alaska Department of Fish and Game

Search nominations



State of Alaska
Department of Fish and Game
Sportfish Division

Nomination Details For
Anadromous Waters Catalog
Nomination Number 06-507

Region: Southeastern
Upper Reach Latitude 0.0000
Lower Reach Latitude 0.0000
AWC Water body # 111-40-10910

USGS Quad: Juneau B-2
Longitude 0.0000 (NAD83/WGS84)
Longitude 0.0000 (NAD83/WGS84)
AWC Water body Name Grant Creek

Observations

Species

coho salmon (anadromous)

Date Observed

Activity

Present

Comments: Jackie Timothy (HBIV) and Sheila Cameron (HBII) verified that Grant Creek is not anadromous above the Douglas Highway, on Monday, June 26, 2006. The ADF&G Juneau Fish Habitat Assessment states "A series of falls about 0.6 mile upstream from the mouth are believed to be a barrier to upstream migration" (Mike Bethers, 1995, page 53). The culvert under the Douglas highway is above the series of falls and is perched about five feet. We set minnow traps below the culvert during our field visit and caught several three-spine stickleback. We found a dead juvenile Dolly Varden near the mouth of Grant Creek. Will collect lat and long info later this week.

Name of Observer: Jackie Timothy
ADFG Biologist:
Nomination Changes To The AWC

Submission Date: 09/25/06
Nomination Status: Change

Region Map(quad) AWC Stream #	Stream Name	Action Taken	Species*	Comments
Southeastern JUNEAU B-2 SE 111-40-10910	Grant Creek	Shortening existing upper reaches		Deleted upper portion of stream
Southeastern JUNEAU B-2 SE 111-40-10910	Grant Creek	Adding barrier to stream		Added barrier to stream representing a series of falls .6 mile from the mouth

This nomination is available as a PDF.



06-507.pdf

View the [area map for JUNEAU B2SE](#) (2,448 KB)

*Species Codes:

AC - Arctic char
BW - Bering cisco
CH - chum salmon
DV - Dolly Varden
SF - inconnu
OL - longfin smelt
OP - pond smelt
SM - smelt, undifferentiated
ST - sturgeon, undifferentiated

AW - Arctic cisco
BC - broad whitefish
CO - coho salmon
OU - eulachon
LP - lamprey, undifferentiated
PC - Pacific lamprey
OM - rainbow smelt
S - sockeye salmon
W - whitefish, undifferentiated

AL - Arctic lamprey
K - chinook salmon
CT - cutthroat trout
HW - humpback whitefish
LC - least cisco
P - pink salmon
LV - river lamprey
SH - Steelhead trout

*Activity Codes:

Attachment E - Reviewed Materials



**Current
CBJ-owned
land**

**Current
applicant-owned
land**

N DOUGLAS HWY

4365

4355

4305

4340

4300

4280

4260, 4262

4220

4275

4225, 4225-B

4055

Section



Land to CBJ

Owned by applicant

Land from CBJ

Attachment E - Reviewed Materials





Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: September 1, 2022
File No.: PAD2022 0002

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Property Acquisition and Disposal review for the acquisition and disposal of land by the CBJ

Property Address: 4305 North Douglas Highway and North Douglas Highway

Legal Description or ROW name: USS 2135 Tract 1 Tract A, USS 2305 Lot 15, USS 4605 Fraction

Parcel Code No.: 6D0601110020, 6D0601130010, 6D0611000010

Hearing Date: August 23, 2022

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 11, 2022, and recommended that the Assembly direct CBJ staff to initiate the proposed land swap.

Attachments: August 11, 2022, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding PAD2022 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

City and Borough of Juneau
CJ Assembly
File No.: PAD2022 0002
September 1, 2022
Page 2 of 2



Michael Levine, Chair
Planning Commission

September 6, 2022

Date



Filed With Municipal Clerk

September 6, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. The CBJ and project designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

**BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU**

JUNEAU COOPERATIVE CHRISTIAN
MINISTRY, dba THE GLORY HALL,

Appellant,

vs.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL2021-06

Appeal of:

BLD2021-0765

CDD Director's Decision dated
December 1, 2021

FINAL DECISION ON APPEAL

Appellants Juneau Cooperative Christian Ministry, d.b.a. The Glory Hall ("TGH"), appealed the CDD Director's ("Director") decision to deny their request for a building permit to convert TGH building at 2437 South Franklin Street from an "emergency shelter" into commercial use and residential rental units.

The Planning Commission ("Commission") accepted the appeal and voted to review the appeal on the record as provided under CBJ 49.20.110.

The record was prepared by CDD based upon the materials considered by the Director as required under CBJ 49.20.110(b). The record was supplemented with additional materials as requested by TGH, a hearing was held before the Commission on May 24, 2022, and both parties argued in support of their position.¹

Following arguments on May 24, 2022, the Commission deliberated in executive session as provided under CBJ 01.50.140(b)(3). After deliberations concluded, the Commission came out of executive decision and voted to remand the building permit to CDD for further consideration. The Commission circulated a Proposed Decision the parties on June 1, 2022. CDD filed a timely objection per CBJ 01.50.140 (b).

¹ Commissioners Arndt, Voelckers, Pedersen, Alper, Hickok, and Winchell participated in the original hearing and executive session. MaryAlice McKeen presented argument on behalf of the appellants TGH and CBJ Attorney Adam Gottschalk presented argument on behalf of CDD. Commissioner Alper was not present at the June 28, 2022 regular meeting and did not participate in the June 28, 2022 executive session.

At its June 28, 2022 meeting, the Commission considered the objections raised by CDD to the proposed decision on appeal and all other relevant information and voted to amend its decision. This is the Commission’s final decision on this appeal.

1. Burden of Proof and Standard of Review

This is an on the record appeal of the Director’s decision. Pursuant to CBJ 49.20.110(b), the burden of proof is on the party challenging the decision. For an on the record appeal, no evidence outside the record shall be admitted and the decision of the Director shall be upheld if there is substantial evidence in support thereof and no policy error or abuse of discretion is found therein. Under CBJ 01.50.010, “substantial evidence” means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Per CBJ 01.50.070(a)(1), this means “substantial evidence in light of the whole record, as supplemented at the hearing.” The Alaska Supreme Court has held that an abuse of discretion occurs only if the decision is “arbitrary, capricious, manifestly unreasonable, or the result of an improper motive.”² A decision will be upheld unless, after reviewing the whole record, the Commission is left with a definite and firm conviction that the Director erred in her decision.³

2. Relevant Facts

Extensive information regarding the building permit was presented by the parties at the hearing. Accordingly, the recitation of facts here is brief. On October 28, 2021, TGH’s executive director reached out to CDD expressing TGH’s intent to develop seven apartments on the second and third floors of TGH’s building in downtown Juneau and indicated that it was told by a senior planner that it did not need a conditional use permit. *R. at 4*. On November 9, 2021, a pre-application conference was held to provide a preliminary review of TGH’s proposed plans. On November 17, 2021, CDD issued a report regarding what was discussed at the pre-application conference. On November 23, 2021, TGH submitted a building permit showing the addition of seven dwelling units to the 247 South Franklin Street building. *R at 37. R at 116-142*. CDD denied TGH’s building permit on December 1, 2021 with the explanation that “increasing the number of dwelling units is prohibited by code in the hazard zone.” *R at 106*.

3. Legal Analysis

² Markham v. Kodiak Island Borough Board of Equalization, 441 P.3d 943, 949 (Alaska 2019).

³ Gold Country Estates Preservation Group, Inc. v. Fairbanks North Star Borough, 270 P.3d 787, 793 (Alaska 2012).

As provided above, TGH requested a building permit to convert its emergency shelter property into commercial use space and apartments, which is under the authority of the CDD Director. Under CBJ 49.20.110 the decision of the Director may be appealed to the Planning Commission. The Commission reviews the appeal under the standards set forth in CBJ 49.20.110(b). Under these standards, the Commission does not independently review the building permit request and make a determination based on its own analysis. Rather, the Commission reviews the decision of the Director based on the evidence in the record and is required to uphold the decision “if there is substantial evidence in support thereof and no policy error or abuse of discretion therein.”

Several sections of CBJ 49.70.300 apply to this decision. CBJ 49.70.300(a) states:

(1) Development in all landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.

(2) Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance.

(3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.

(4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.

(5) The commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

Further, CBJ 49.70.300(b)(1) states: Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the

addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

More importantly, per CBJC 49.70.300 (a)(3), ... "all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit."

Based on the documents in the record and the information presented at the appeal hearing, it does not appear CDD considered requiring a conditional use permit as required for this project per the CBJ code.

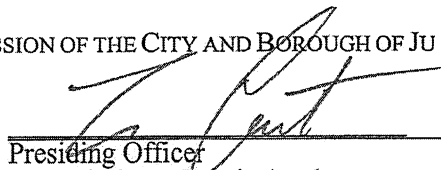
4. Conclusion

The Planning Commission finds that the Director erred in her interpretation of 49.70.300(a)(3) and remands APL2021-0006 to CDD to work with TGH to initiate the conditional use permit process.

DATED this 29 day of June, 2022.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By:



Presiding Officer
Commissioner Travis Arndt

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN	)	
MINISTRY, dba THE GLORY HALL,	)	
	)	
Appellant,	)	
	)	
vs.	)	APL2021-06
	)	Appeal of:
CBJ COMMUNITY DEVELOPMENT,	)	BLD2021-0765
	)	CDD Director's Decision dated
Appellee.	)	December 1, 2021
	)	

TGH's Comments on Final Decision

Introduction and Summary 1

Relevant Procedural History 2

1. CDD conceded that TGH's project does not increase density..... 5

2. The process was seriously flawed in that TGH did not receive an opportunity to respond to CDD's objections and should be corrected in future appeals. 6

3. The Final Decision may have significant consequences for development in any part of Downtown Juneau that is in a mapped hazard area. 9

Conclusion 11

Introduction and Summary

The Glory Hall (TGH) submits these comments in response to the Planning Commission's Final Decision in this appeal, distributed July 21, 2022.¹ At the outset, it is important to state what TGH is *not* doing. TGH is not objecting to the requirement in

¹ The Final Decision is dated June 29, 2022, the day after the Planning Commission's meeting, but the Final Decision was distributed on July 21, 2022. Five working days after July 21, 2022, is July 28, 2022.

the Final Decision that TGH obtain a conditional use permit. In fact, on July 5, 2022, four working days after the Planning Commission meeting on June 28, 2022, when the Commission orally announced its amended decision, TGH submitted an application for a conditional use permit. TGH received a response from CDD on its CUP application on July 22, 2022, when CDD asked for more information. TGH promptly provided it and was informed by CDD on July 27, 2022, that its application was complete.

TGH submits these comments within the deadline for comments on a proposed decision in CBJ 01.50.140(b)(4). Before issuing the Final Decision, the Planning Commission did not give TGH the opportunity to respond to CDD's arguments, did not issue a second proposed decision, and did not give TGH the opportunity to object to the amended decision as a proposed decision. In light of these facts, the Planning Commission should allow TGH to comment on the amended decision as long as TGH submits timely comments within the five-day window in CBJ 01.50.140(b)(4).

Although TGH is willing to apply for a conditional use permit, as required by the Final Decision, TGH wishes to make three points about the Decision: CDD concedes the project does not increase density; the process leading to the Final Decision was unfair in that TGH did not have the opportunity to respond to CDD's objections; and the Decision may have significant consequences, possibly unintended, for other development in mapped hazard areas, namely it appears to prevent any development in mapped hazard areas, except a single family home, without a conditional use permit.

Relevant Procedural History

The Planning Commission distributed a Proposed Decision in this appeal on June 1, 2022. CDD submitted timely objections on June 8, 2022. TGH had no objections to the proposed decision and therefore submitted none. The Planning Commission met on

June 28, 2022 and voted to issue an amended decision. The Planning Commission issued a new decision, a “Final Decision,” dated June 29, 2022, and distributed July 21, 2022. The Planning Commission did this without giving TGH an opportunity to respond to CDD’s objections and without issuing a new proposed decision.

TGH’s only objective is, and always has been, to proceed as expeditiously as possible with this project. TGH began the process by Ms. Lovishchuk contacting a Senior CDD Planner to determine if a conditional use permit was needed or if only a building permit was needed. Ms. Lovishchuk was told a CUP was not needed. Ms. Lovishchuk emailed Edward Quinto with CDD on October 28, 2021. Ms. Lovishchuk identified the planner she had spoken with and stated that the planner had said a CUP was not needed. [R. 4] The record is not clear as to the exact date of TGH’s application, but CDD denied the application for a building permit for this project on December 1, 2021 [R. 106 – 107].

CDD denied the application because on the unreasonable and arbitrary conclusion that the proposed conversion of a homeless shelter housing 43 – 53 persons a night to seven small apartments housing 7 – 14 persons would increase the density of the parcel and therefore was not allowed under CBJ 49.70.300(b)(1). CDD’s conclusion centered around the definition of “dwelling units” in Title 49. A dwelling unit is defined in CBJ 49.80.120 as “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.” CDD’s position was that TGH could not convert the homeless shelter to seven “dwelling units,” where the residents would have “independent and complete cooking, living, sleeping and toilet facilities,” because the prior residents of the homeless shelter had no “dwelling units,” that is, they did not have their own “cooking, living, sleeping and toilet

facilities.” The only way TGH was able to prevent CDD from frustrating what is supposed to be a City-wide response to the desperate need for affordable rental housing in Juneau was that the TGH Board maintained its commitment to serve persons in need of housing, TGH staff worked hard to provide information to support the appeal, and TGH found an attorney willing to prosecute the appeal pro bono.²

After oral argument on the appeal on May 24, 2022, held before many interested members of the public (in person and virtual), the Planning Commission issued a proposed decision on June 1, 2022, in TGH’s favor and at page 4 made two findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.
2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

The R&M Engineering Report was the basis for the issuance of the conditional use permit that has allowed TGH to operate a shelter on that site for over 30 years.

On June 8, 2022, CDD filed objections to the findings. But in the last two sentences of CDD’s Objections, CDD brought up something it had never mentioned in the entire appeal process, namely that the Planning Commission might want to require

² On the housing crisis, see, for example, the recent article on the front page of the Juneau Empire, dated July 8, 2022, “Housing issues dominate city committee agenda,” where the Assembly is concerned about the failure of the tax abatement ordinance to result in more housing in Downtown Juneau. This project is one way where the City could have had seven units of permanent affordable housing in Downtown Juneau by July 1, 2022, if renovation had been allowed to start in late November 2021.

TGH to obtain a conditional use permit.³ Thus, on June 28, 2022, eight months to the day after TGH began the application process for a building permit on October 28, 2021, the Planning Commission told TGH to start all over and obtain a conditional use permit.⁴ TGH started that process as soon as possible. TGH is cautiously optimistic that the process will proceed expeditiously and will result in seven new units of permanent affordable rental housing in Downtown Juneau. TGH does, however, comment on three points concerning the Final Decision.

1. CDD conceded that TGH's project does not increase density.

In CDD's Objections to the Proposed Decision, it is important to note that CDD conceded that TGH's project does not increase the density of this parcel,

Thus, in this case, TGH's conversion will lead to fewer people living in a designated severe hazard area *even though* this same conversion will increase dwelling units. Thus, in this case, the Proposed Decision's definition for CBJ 49.70.300(b)(1)'s density supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property.⁵

With that, CDD conceded what it had strenuously argued against since December 1, 2021, namely the project does not increase density. More importantly, CDD conceded that the Planning Commission's definition of "density" in the Proposed Decision "supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1)." CDD agrees the proposed definition of "density" works for this project.

CDD made other arguments against the Planning Commission's findings. TGH does not think it is necessary or helpful to respond to CDD's other arguments now

³ CDD's Objections to the Proposed Decision at page 7.

⁴ After an applicant receives a conditional use permit, the applicant still must receive a building permit although presumably if the applicant meets the conditions, the issuance of a building permit is pro forma.

⁵ CDD's Objections to the Proposed Decision at page 5 (*italics in original*)

because TGH is willing to apply for a conditional use permit and because TGH will respond to what CDD says concerning the CUP application.

2. The process was seriously flawed in that TGH did not receive an opportunity to respond to CDD's objections and should be corrected in future appeals.

CDD filed objections to the Planning Commission's Proposed Decision on June 8, 2022, under CBJ 01.50.140(a)(4): "The parties may file written objections to the proposed decision with the municipal clerk within five days after service of the proposed decision." CBJ 01.50.140(a)(4) does not allow for the other side to respond.

At the Planning Commission meeting on June 28, 2022, the appeal was on the agenda under "Unfinished Business," noting the issue was "[c]ontinued from the May 24, 2022, Planning Commission meeting." Before the participating Planning Commission members went into executive session to deliberate, the Planning Commission Chair, who was not participating in the appeal, did not allow TGH's counsel to ask Commissioner Arndt if TGH could respond orally to CDD's objections or if TGH could respond in writing. The Planning Commissioners went into executive session and voted to amend its proposed decision. The Commission issued a Final Decision. The Final Decision states at the top of page 2 that "the Commission considered the objections raised by CDD to the proposed decision on appeal and all other relevant information." What the Commission did not consider, and could not consider, was TGH's responses to CDD's objections. The Commission could not consider TGH's responses because TGH was not given an opportunity to respond.

TGH waives its rights, if any, to appeal the Commission's failure to provide TGH with any opportunity to respond to CDD's objections before the Commission changed its proposed decision. But TGH wishes to state its belief that this part of the appeal process

was unfair. It was unfair to TGH because the Planning Commission accepted CDD's arguments without giving TGH an opportunity to respond to them. Until this point, TGH had gone toe-to-toe with CDD on its legal arguments and had shown many of its arguments were fatally flawed including CDD's central argument that the proposed project increased density and therefore could not go forward at all. TGH put hours of research and effort into responding to CDD's successive positions with solid arguments. TGH would have done the same with CDD's objections if it had been given the opportunity. That would have been fair to TGH and would have given the Planning Commission information that could have enabled it to make a better decision.

It arguably denies due process that the CBJ appeal ordinance does not give an appellant a right to comment on objections to a proposed decision by the appeal agency before the appeal agency changes a proposed decision.⁶ It is certainly bad policy. It is especially questionable in light of CBJ 01.50.140(c), which specifies a quite different procedure for appeals heard by a hearing officer. In that ordinance, the hearing officer prepares a proposed decision and serves copies on the city clerk who, in turn, serves them on the parties. And, as here, the parties have five days to object.

But, unlike here, if one party objects, the other side has the right to respond to objections. CBJ 01.50.140(c)(1) provides in relevant part:

Within three days of the service on a party of objections, a party may file a written statement in support of the proposed decision. The hearing officer shall reconsider the proposed decision in light of timely filed objections and statements of support and shall promptly prepare any amendments to be made to the proposed decision or shall issue a statement that the objections to and the

⁶ The classic statement about due process is *Mullane v. Central Hanover Bank*, "Many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require deprivation of life, liberty, or property by adjudication be proceeded by notice and opportunity for hearing appropriate to the nature of the case." 339 U.S. 306, 313 (1950).

statements in support of the proposed decision have been considered and that no change in the proposed decision should be made. The hearing officer shall set forth the reason for any amendment or for the rejection if timely filed objections.

This ordinance gives one side a short, specified time to respond to the other side's objections.

TGH sees no valid reason why one side gets to respond to arguments to change a proposed decision of a hearing officer but does not get to respond to arguments to change a decision of the appeal agency. Even if this disparate treatment would survive an equal protection challenge, as a matter of policy, why would the City want to treat these two applicants so very differently?

A different approach is taken by the Alaska Rules of Civil Procedure. There a court does not issue a proposed decision but issues a decision. A party has ten days to file a motion for reconsideration, which is limited to something the court has overlooked, misapplied or failed to consider.⁷ After thirty days, if the court has done nothing, the motion is considered denied.⁸ If the court wishes to reconsider its decision in light of the party's arguments, the court gives the other side the opportunity to respond to the other side's arguments.⁹

There are different ways to go about it but what is common is that if a decision-maker is going to change a proposed decision or reconsider a decision it has made, the decision-maker gives the affected party the opportunity to comment before the decision-maker changes the decision.

⁷ Alaska Rules of Civil Procedure 77(k)(1)(i) – (iii). A party can also seek reconsideration on the grounds that the law applied in the ruling has been changed by court decision or statute. Civil Rule 77(k)(1)(iv).

⁸ Civil Rule 77(k)(4).

⁹ Civil Rule 77(k)(3) provides: "No response shall be made to a motion for reconsideration unless requested by the court, but a motion for reconsideration will ordinarily not be granted in the absence of such a request."

TGH asks the Planning Commission to act to correct this problem in two ways. First, the Planning Commission can ask the City to correct this problem across-the-board through a change in the appeal ordinance (CBJ 01.50.140). Second, until that is done, in each appeal decided by the Planning Commission, if one side objects to a proposed decision, the Planning Commission would give the other side an opportunity to respond to the objections before the Planning Commission changes a proposed decision. It can be a relatively short period. That would treat *both* appellants fairly and would give the Planning Commission the benefit of arguments that could help it make a more informed decision.

3. The Final Decision may have significant consequences for development in any part of Downtown Juneau that is in a mapped hazard area.¹⁰

The Final Decision states that TGH's proposed project may proceed only with a conditional use permit because CBJ 49.70.300(a)(3) states: "Notwithstanding any other provision, all subdivision other than a boundary line relocation and *all development greater than a single-family dwelling within landslide or avalanche area shall require a conditional use permit.*" (italics added)

A word about the Table of Permissible Uses or TPU is in order here. The TPU Uses lists the uses that a property owner may make of a property; the TPU specifies the approval procedure for each use in each zoning district; and the approval procedure differs whether the development is a "major development" or a "minor development."¹¹

¹⁰ CBJ 49.70.300(a)(3) says in relevant part "all development greater than a single-family-dwelling within landslide or avalanche areas shall require a conditional use permit." The maps currently used by the City do not differentiate between landslide or avalanche areas. For purposes of CBJ. 49.70.300(a)(3), that does not matter because that ordinance applies to development in either a landslide or avalanche areas.

¹¹ The TPU is at CBJ 49.25.300. The rules for determining the uses are laid out in CBJ 49.25.300(a) – (c). Following that is the Table itself. The definition of minor development is at CBJ 49.25.300(c)(3). Major development means anything that is not a minor development. CBJ 49.25.300(c)(3)(D).

Under the current TPU, the approval procedure is either Category 1 or Category 3.¹² The approval for a “minor development” is Category 1, which means the property owner or developer must get a building permit issued by CDD. The approval category for a “major development” is Category 3, which means the property owner or developer must get a CUP issued by the Planning Commission and, after that, a building permit from CDD.

Under Category 1, the CDD Director may impose conditions on a building permit that are necessary to ensure compliance with Title 49, the Land Use Code.¹³ But generally speaking it is accurate to think of Category 1 as uses that a property owner can make of its property. A property owner needs a building permit, but the property owner’s neighbors do not receive notice of a minor development, there is no public hearing prior to the issuance of a building permit, and typically the special conditions that are imposed on a building permit are minimal to non-existent.

In Category 3, the procedure required for a “major development,” the use “may or may not be allowed at a particular location, depending on a determination of its compatibility with surround or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use.”¹⁴ CDD gives notice to the public as required by CBJ 49.15.230 and the Commission holds a public hearing on the CUP application. Members of the public may testify in favor or against the issuance of the CUP. The CUP process typically takes substantially longer than the building permit process. And the conditions attached to issuance of a *conditional* use permit under CBJ

¹² Under the current TPU at CBJ 49.25.300, there is no use which is in Category 2. Category 2 is an “allowable use permit,” which is still on the books as a category, CBJ 49.15.320, but there are no uses in the current TPU which are in Category 2.

¹³ CBJ 49.15.310(d)(2).

¹⁴ CBJ 49.25.300(b)(3).

49.15.330(g) need not be, but can be, wide ranging and extensive.

Putting aside the interpretation of CBJ 49.70.300(a)(3) in the Final Decision for a moment, this project is a “minor development” because the parcel is in the Mixed Use District and it is a residential development containing 12 or fewer dwelling units.¹⁵ Under the TPU, TGH’s project is in Category 1 and would be able to proceed with only a building permit. But the Final Decision states that it does not matter that the project is a minor development. The project requires a conditional use permit anyway. The Final Decision appears to eliminate Category 1 for “all development greater than a single-family dwelling”¹⁶ in any parcel that is in a mapped hazard area. TGH does not know how many projects apart from single-family dwellings are currently approved as “minor development” in mapped hazard areas. But it appears that all those projects will now require the owner or developer to first get a conditional use permit from the Planning Commission. This may be a significant, unintended, consequence of the Decision.

Conclusion

TGH makes these comments on the Final Decision but is not asking the Planning Commission to take any action that would delay the processing of the conditional use permit. TGH’s interest is, and always has been, simply adding seven units of permanent affordable rental housing to the housing stock of downtown Juneau as quickly as possible. Every unit matters.

Dated: July 28, 2022

Mary Alice McKeen
Mary Alice McKeen
Attorney for The Juneau Cooperative
Christian Ministry dba The Glory Hall

¹⁵ CBJ 49.25.300(c)(3)(D). This is one type of minor development in the Commercial and Mixed Use Districts. CBJ 49.25.300(c)(3)(A) to (E) lists development that is a minor development by zoning district.

¹⁶ CBJ 49.70.300(a)(3).

I certify that on July 28, 2022, I served this document and on the following persons: Adam.Gottschalk@juneau.org;
Sherri.Layne@juneau.org; Breckan.Hendricks@juneau.org; Chelsea.Wallace@juneau.org.

Mary Alice McKeen
Mary Alice McKeen



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2022 0010
HEARING DATE: AUGUST 23, 2022

Section J, Item 3.

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: August 11, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Jennifer Shields, Planner II *Jennifer L. Shields*

THROUGH: Jill Maclean, AICP, Director

PROPOSAL: Applicant requests a Conditional Use Permit Modification for Juneau Youth Services (to convert existing dorm rooms into administrative offices in Montana Creek House).

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- In 1995, Juneau Youth Services (JYS) purchased the property.
- Residential treatment facilities were approved in 1998, 2003, and 2006, with separate Conditional Use Permits issued for each one.
- Lighthouse and Black Bear House will remain as residential dorms.
- Montana Creek House administrative offices will support residential treatment programs as well as additional JYS programs.

GENERAL INFORMATION	
Property Owner	Juneau Youth Services
Applicant	Juneau Youth Services
Property Address	10685 Mendenhall Loop Road
Legal Description	Black Bear Lot 2
Parcel Number	4B2601020042
Zoning	D3
Land Use Designation	Urban / Low Density Residential (ULDR)
Lot Size	463,146 square feet (10.6 acres)
Water/Sewer	Public water and public sewer
Access	Mendenhall Loop Road & Black Bear Road
Existing Land Use	Assisted Living
Associated Applications	USE2000-00003, USE2004-00018, and USE2006-00028

ALTERNATIVE ACTIONS:

1. **Amend:** Require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** Deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** To a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o CBJ 49.15.330
 - o CBJ 49.25.300
 - o CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D1)	Residential / Vacant
South (D3 & D1(T)D5)	Residential / Vacant
East (D1)	Montana Creek / Vacant
West (D3)	Residential

SITE FEATURES

Anadromous	Yes
Flood Zone	Yes
Hazard	No
Hillside	No
Wetlands	Yes
Parking District	No
Historic District	No
Overlay Districts	No

BACKGROUND INFORMATION

Project Description – The applicant, Juneau Youth Services (JYS), is proposing to convert seven dorm rooms in the currently vacant Montana Creek House into office spaces for JYS staff. This will allow JYS to move staff and programs from their secondary location on Jordan Avenue to the JYS residential treatment campus. This consolidation will allow JYS to provide on-site support services directly related to the existing residential treatment uses, as well as complementary programs run by JYS (Attachment A).



The application states, *“Not only the frontline staff in our residential units, but each and every administrative staff, work shifts in our residential units. All are required to be on campus to provide intermittent immediate staff relief on the floor.”* Specifically, nine direct care staff (Director, Clinicians, Patient Account Representatives, Medical Records Specialist, Behavioral Health Associate, and Case Managers) and three support staff (Accounts Payable, Human Resources, and Information Technology) are proposed to have administrative offices located in the Montana Creek House.

Lighthouse and Black Bear House will remain as residential treatment facilities with dorm rooms, and are currently licensed by the State of Alaska for a total of 16 residents plus support staff. No exterior construction or changes are proposed on the site at this time.

Background – JYS purchased the property in 1995, and development of three residential treatment facilities occurred in 1998, 2003, and 2006 respectively. With each new building, an additional Conditional Use Permit was approved for the lot. In addition to conditions of approval regarding site design, such as access and vegetation, previous Notices of Decision placed limits on the square footage of each facility and the maximum number of residents. However, none of the Notices of Decision placed limits on the number of staff allowed on site (see Attachments B, C, D, E, F, and G). Over the years, both the number of residents in each building and the number of staff members on site have fluctuated due to a variety of factors, including funding and program changes.

The applicant is seeking to modify the three active Conditional Use Permits – USE2000-00003 (Montana Creek House), USE2004-00018 (Lighthouse), and USE2006-00028 (Black Bear House) – in the following ways:

1. Combine the three permits into one permit – USE2022 0010, superseding the previous Conditional Use Permits listed in Table A, and described in detail below;
2. Modify or remove previously listed conditions of approval, as appropriate, listed in Table B below; and
3. Approve the conversion of dorm rooms into administrative offices as proposed in Montana Creek House.

Relevant Changes to Table of Permissible Uses (CBJ 49.25.300): The previous Conditional Use Permits issued between 1998 and 2006, including two modifications, were approved under CBJ's Table of Permissible Uses, USE 7.200: *"Nursing care, immediate care, disabled or infirm, and child care institutions, and boarding homes for sheltered care."*

In 2015, Ordinance 2015-34(am) modified USE 7.200 to: *"Assisted living"*, and defined Assisted Living as, *"A facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single-family dwelling is regulated as a single-family dwelling use."*

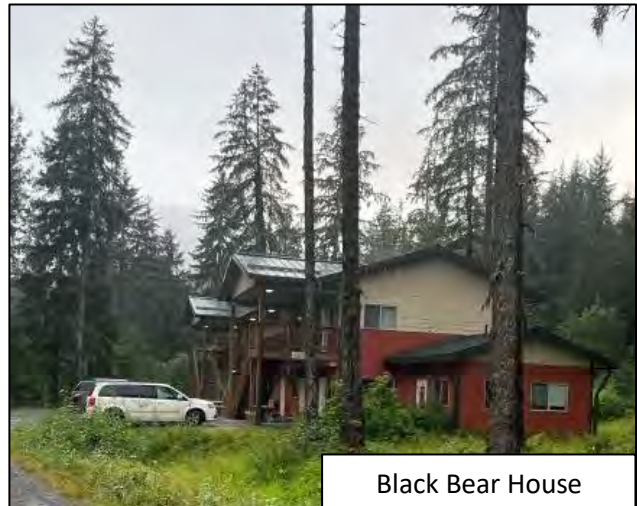
Montana Creek House (formerly Miller House): On July 14, 1998, the Planning Commission (Commission) approved a Conditional Use Permit (Attachment B, USE1998-00026) for the development of a 5,200 square foot structure with a maximum occupancy of ten residents. On December 28, 1998, a Staff Determination approved a Conditional Use Permit Modification to increase the structure size to 6,000 square feet with a maximum occupancy of 12 residents (Attachment C). On February 8, 2000, the Commission approved a Conditional Use Permit Modification (Attachment D, USE2000-00003) to increase the maximum occupancy to 16 residents.

Lighthouse: On October 14, 2003, the Commission approved a Conditional Use Permit (Attachment E, USE2003-00026) for the development of a 5,200 square foot structure with a maximum occupancy of 12 residents. This increased the total maximum occupancy of residents on the property from 16 to 28. On May 11, 2004, the Commission approved a Conditional Use Permit Modification (Attachment F, USE2004-00018) to increase the total maximum occupancy of residents on the property from 28 to 30.



Black Bear House: On July 11, 2006, the Commission approved a Conditional Use Permit (Attachment G, USE2006-00028) for the development of a 4,800 square foot structure with a maximum occupancy of 15 residents, and providing space for one live-in staff residence manager. On December 24, 2007, a Staff Determination approved a 300 square foot office/activity room addition, to increase the structure size to 5,100 square feet (Attachment H).

Table A summarizes relevant Conditional Use Permit history for the property and the proposed Modification.



Black Bear House

TABLE A – Conditional Use Permit (CUP) APPROVALS					
Facility	CUP #	Size	CUP Approvals	Current Use	Proposed Use
Montana Creek House (formerly Miller House)	USE1998-00026	5,200 square feet	10 residents (plus staff)	Vacant	<u>Administrative Offices</u> • 9 direct care staff • 3 administrative staff
	Staff Determination	6,000 square feet	12 residents (plus staff)		
	USE2000-00003 (modification)	6,000 square feet	16 residents (plus staff)		
Lighthouse	USE2003-00026	5,200 square feet	12 residents (plus staff)	8 residents 6 staff	<u>Residential Treatment</u> • 8 residents • 6 staff
	USE2004-00018 (modification)	5,200 square feet	14 residents (plus staff)		
Black Bear House	USE2006-00028 plus	4,800 square feet	15 residents (plus staff)	8 residents 6 staff 1 live-in staff 1 psychologist	<u>Residential Treatment</u> • 8 residents • 6 staff • 1 live-in staff • 1 psychologist office
	Staff Determination	5,100 square feet (2-story)	15 residents (plus staff)		
TOTALS		16,300 square feet	45 residents (plus staff)	16 residents 14 staff	• 16 residents • 26 staff

Table B summarizes conditions placed upon each of the three Conditional Use Permits, which are still active, for the site.

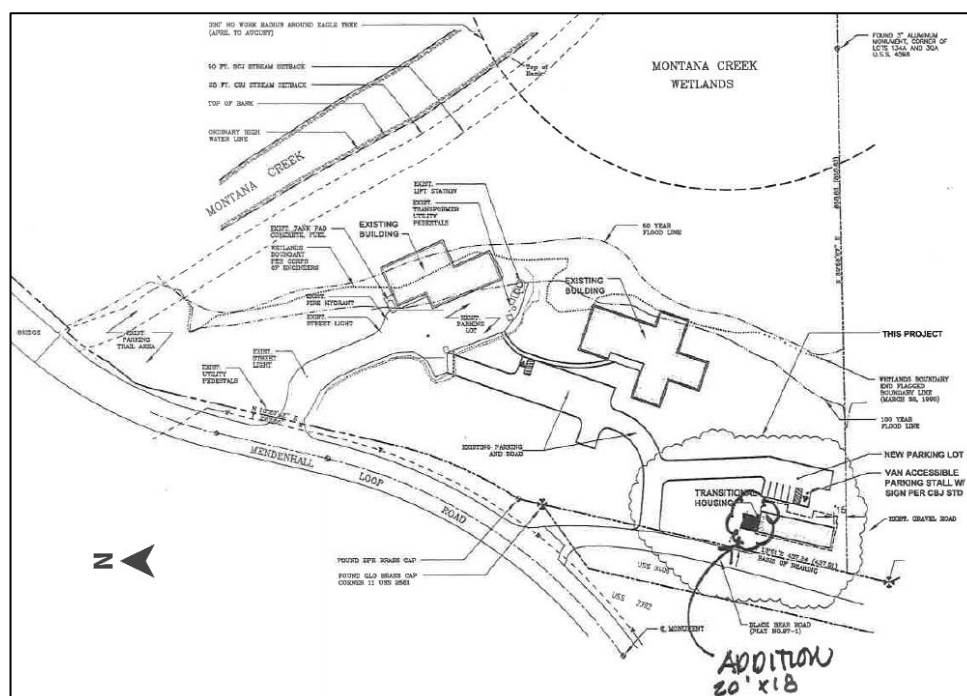
TABLE B – CUP CONDITIONS OF APPROVAL

Active CUP	Condition	Status
USE2000-00003 (Montana Creek House)	1. The applicant shall obtain a Design Review Permit as approved by the Design Review Board.	Met
	2. The applicant shall design and construct a turn-around at the end of the access driveway adequate to allow a fire truck to enter and exit the property without backing onto Mendenhall Loop Road. The turn-around shall be reviewed and approved by the CBJ Fire Marshall at the time of the Building Permit review process.	Met
	3. The applicant shall clear and maintain the brush and alder trees along Mendenhall Loop Road to allow clear sight distance from the exit driveway to the Montana Creek Bridge.	Ongoing
	4. The applicant shall comply with the stipulations and advisories contained in the letter of May 27, 1998 by Terry Stone, CBJ Planner, regarding the Juneau Coastal Management Program and attached to this report.	N/A (Coastal Management Program was repealed in 2011 by the State; CBJ ordinance 49.70.900 was repealed in 2021)
	5. The applicant shall obtain all required Building Permits as determined by the CBJ Building Division.	Met
USE2004-00018 (Lighthouse)	1. The applicant shall clear brush and small trees along the Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway as required by the Alaska Department of Transportation. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.	Ongoing
	2. If sight distance is not maintained at the driveway entrance to the site, the facility will be closed until safe sight distance has been restored.	Ongoing
	3. Construction of any additional buildings on the site, beyond the one approved under USE2003-00026 and revised under this application, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road.	Met
	4. Fire hydrant location will have to be identified and approved by the CBJ Fire Marshall prior to issuance of a Building Permit.	Met
USE2006-00028 (Black Bear House)	1. Prior to issuance of a Building Permit, a parking plan with clear dimensions shall be submitted and approved by staff.	Met
	2. All fire hydrant locations shall be identified and approved by the CBJ Fire Marshal prior to issuance of a Building Permit.	Met
	3. An exterior lighting plan that reduces off-site glare shall be reviewed and approved by staff prior to issuance of a Building Permit.	Met
	4. The applicant shall have the access drives reviewed and approved by CBJ and Alaska Department of Transportation and Public Facilities (DOT/PF) prior to commencement of use of the housing facility.	Met

ZONING REQUIREMENTS

Standard		Requirement	Proposed	Existing	Code Reference
Lot	Size	12,000 square feet	No Change	463,146 square feet	CBJ 49.25.400
	Width	100 feet	No Change	~990 feet	CBJ 49.25.400
	Depth	N/A	No Change	~900 feet	CBJ 49.25.400
Setbacks	Front	25 feet	No Change	25 feet	CBJ 49.25.400
	Rear	25 feet	No Change	~600 feet	CBJ 49.25.400
	Side (north)	10 feet	No Change	~100 feet	CBJ 49.25.400
	Side (south)	10 feet	No Change	15 feet	CBJ 49.25.400
	Street Side	N/A	N/A	N/A	CBJ 49.25.400
Lot Coverage Maximum		35%	No Change	~15%	CBJ 49.25.400
Vegetative Cover Minimum		20%	No Change	~75%	CBJ 49.50.300
Height	Permissible	35 feet	No Change	Two-story	CBJ 49.25.400
	Accessory	25 feet	No Change	One-story	CBJ 49.25.400
Maximum Dwelling Units		2	No Change	N/A	CBJ 49.25.500
Use		Residential	7.200, Assisted Living (w/offices)	7.200, Assisted Living (w/offices)	CBJ 49.25.300

SITE PLAN

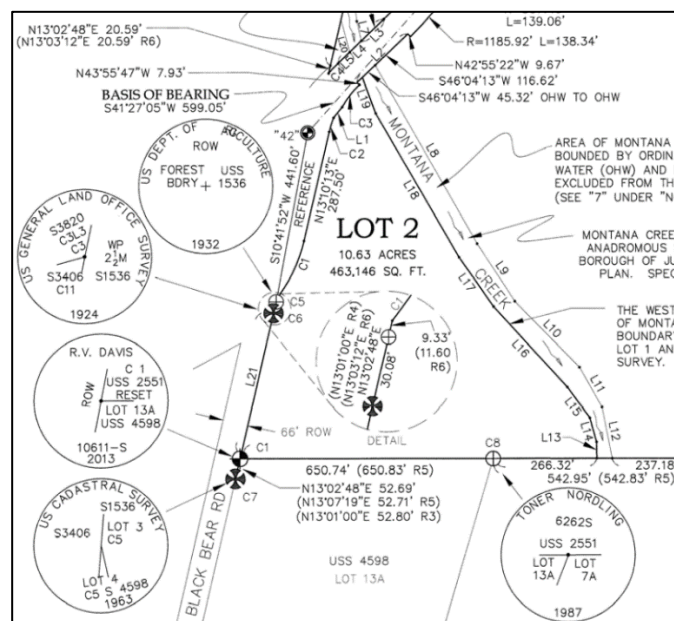


ANALYSIS

Project Site – In 1995, JYS purchased 160 acres originally platted in 1945 with USS 2551 (Attachment I). Development of the three residential treatment facilities began in 1998, 2003, and 2006 respectively. In 2013, the property was subdivided with the Black Bear Subdivision plat (Attachment J); three structures are now located on a triangular shaped lot (Lot 2), which encompasses 10.6 acres (see below).

A significant portion of the lot is composed of undeveloped, forested wetlands. The lot is bordered on the east by Montana Creek, and land owned by the Southeast Alaska Land Trust, which is zoned D1. The lot has two points of ingress/egress per DOT/PF requirement – Mendenhall Loop Road (ingress) and Black Bear Road (egress). The site is served by public water and public sewer.

Condition: None.



Project Design – The previous Conditional Use Permit requests presented to the Planning Commission between 1998 and 2006 stated, “The long-range plan for the site was to consolidate the various JYS facilities into a campus complex of residential, educational, and administrative buildings.” It is clear from the extensive record that since 1998, the Commission has understood the intent for the property to include administrative offices; the current request is in line with this plan.

A natural landscape buffer is maintained between the lot and Mendenhall Loop Road. The developed area on the lot is surrounded by trees on all sides, and secluded from adjacent properties. The three buildings are of a similar architectural style, although Black Bear House is the only two-story structure.

Minimal interior renovations are proposed to convert dorm rooms into administrative offices. No exterior construction or changes are proposed on the lot at this time.

Condition: None.

Traffic – Mendenhall Loop Road is classified as a Collector according to the CBJ adopted Roadway Classification Map. Access to and from the site is one-way traffic only, with an entrance off of Mendenhall Loop Road and an

exit off of Black Bear Road. Black Bear Road is paved from Mendenhall Loop Road through the extent of the JYS site, at which point it turns to gravel.

Driveway access to the site had been a cause of concern. Due to curves, grades, and icy winter driving conditions along Mendenhall Loop Road, driveways in this region generally require more than the minimum site distance required by DOT/PF design standards. As listed in Table B, previous conditions of approval required the applicant to clear and maintain the brush and alder trees along Mendenhall Loop Road to maintain clear sight distance from the exit driveway. A site visit conducted by staff on August 2, 2022 found this condition currently met at both the entrance and exit driveways (see photos below).

According to CBJ 49.40.300(2), a Traffic Impact Analysis is not required since the project will generate less than 250 Average Annual Daily Traffic. For this application, staff used the Institute of Transportation Engineers' Trip Generation Manual (9th Edition) projections for an Assisted Living Facility on a weekday, based upon the total number of employees. This projection represents the highest estimated Average Daily Trips (ADTs) across all categories including employees, occupied beds, and beds available.

Condition: None.

Use	Total # Employees	Trips Generated	Total Trips
Assisted Living	26	3.93 per Employee	102.18
Total ADTs:			102.18



Men. Loop Entrance
Looking North



Men. Loop Entrance
Looking South



Black Bear Exit
Looking North



Black Bear Exit
Looking South

Vehicle Parking & Circulation – According to CBJ 49.40.210, 32 off-street parking spaces are required based upon a mix of assisted living and administrative office space use, including two ADA accessible spaces (see table below). The site currently has a total of 37 parking spaces, including three ADA-accessible spaces. No additional parking is required.

Condition: None.

Use	Total	Spaces Required	Total Spaces
Assisted Living – Lighthouse Max. # Residents per USE2004-00018	14	0.4 / resident	5.6 = 6
Assisted Living – Black Bear House Max. # Residents per USE2006-00028	15	0.4 / resident	6
Administrative Offices – Montana Creek House	6,000 square feet	1 space / 300 square feet of gross floor area	20
Total Parking Requirement:			32
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			2

Non-motorized Transportation – Both Mendenhall Loop Road and Black Bear Road do not have any sidewalk, curb, or gutter. A gravel shoulder borders the roadways on both sides.

Condition: None.

Proximity to Transit – Capital Transit operates Route 3 (counterclockwise) and Route 4 (clockwise) along Mendenhall Loop Road. Bus stops are located approximately 1,000 feet to the south and 2,000 feet to the north.

Condition: None.

Noise – The site is buffered from adjacent residential development by distance, vegetation, and topography. It is not anticipated that any appreciable increase in noise would occur by converting dorm rooms in the Montana Creek House into administrative offices.

Condition: None.

Lighting – Parking areas have existing exterior lighting. The applicant is not proposing any new lighting at this time.

Condition: None.



Vegetative Cover & Landscaping – CBJ 49.50.300 requires a minimum vegetative cover of 20%. This standard is met with ~ 83% vegetative cover.

Condition: None.

Habitat – The developed area of the lot lies outside of the Montana Creek anadromous stream setbacks. The Army Corps of Engineers has identified the lot as being within a forested wetland; management authority of these wetlands lies with the Army Corps of Engineers. An eagle's nest was identified on the property in 2006 outside of the development area, which is regulated by the U.S. Fish and Wildlife Service. No exterior construction or changes are proposed that would affect natural habitat areas.

Condition: None.

Drainage and Snow Storage – No modifications to existing drainage are proposed at this time. The lot has ample space off of driveways and parking areas for snow storage.

Condition: None.

Hazard Zones – A portion of the lot outside of the developed area lies within a relatively flat Special Flood Hazard Area. No exterior construction or changes are proposed that would affect the floodplain.



Condition: None.

Public Health, Safety, and Welfare – The developed area of the lot is surrounded by trees on all sides and secluded from adjacent properties. The use appears to be in harmony with the surrounding neighborhood. No exterior construction or changes are proposed, and no information has been reviewed that suggests the proposal will materially endanger the public health, safety, or welfare.

Condition: None.

Property Value or Neighborhood Harmony – Staff finds this use is in harmony with the zoning for the area and will not decrease property values. For approximately 24 years, the applicants have managed activities while preserving the residential character of the neighborhood. As of the date of this report, staff has received three telephone inquiries from nearby property owners regarding specifics of the requested Conditional Use Permit Modification. Once explained, the three owners expressed no concerns with the proposal.

Condition: None.

AGENCY REVIEW

CDD conducted an agency review comment period between July 14 and July 25, 2022. No agency comments were received.

PUBLIC COMMENTS

CDD conducted a public comment period between July 19 and August 1, 2022. Public notice was mailed to property owners within 500 feet of the proposed development (Attachment K). A public notice sign was also posted on site at least two weeks prior to the scheduled hearing (Attachment L). No written comments were received during the comment period.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	4	36	Housing Policy 4.1-SOP1	Fund, or assist in securing funding for, emergency shelters, transitional housing, permanent supportive housing, and appropriate supportive services for people who are homeless or near homeless, particularly families and unaccompanied youth, and an increasing aging population.
	4	37	Housing Policy 4.1-IA7	Facilitate the provision of special needs and housing and supportive services in residential neighborhoods that are readily accessible to public transit and supportive services.
	13	213	Community Services Policy 13.3	Promote quality medical and social services to ensure the safety, health, well-being, and self-sufficiency of its residents.
	13	213	Community Services 13.3 SOP1	Provide public funds for programs for the indigent and for high-risk groups such as youth, the elderly, disabled persons, and homeless persons and families.
	13	213	Community Services Policy 13.3-IA2	Establish and maintain an integrated near-homeless and homeless client assessment and referral system linking all housing, medical, and social service providers, to develop greater efficiencies, client tracking, and program funding and evaluation tools.
	13	213	Community Services 13.3 – IA3	Provide transportation assistance to homeless clients, including high school students, to support transport for job search efforts, to shelter, and for medical and social service care.
	13	213	Community Services Policy 13.3-IA4	Establish and maintain a coordinated substance abuse prevention program, and comprehensive treatment, rehabilitation, and recovery programs for Juneau residents.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330(e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested Conditional Use Permit complete?*

Analysis: No further analysis needed.

Finding: Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Analysis: The application is for Assisted Living administrative offices. The use is listed at CBJ 49.25.300, Section 7.200 for the D3 zoning district.

Finding: Yes. The requested permit is appropriate according to the Table of Permissible Uses.

3. *Will the proposed development comply with the other requirements of this chapter?*

Analysis: No further analysis needed.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and habitat.

4. *Will the proposed development materially endanger the public health, safety, or welfare?*

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested Assisted Living administrative offices, in a D3 zoning district, will materially endanger the public health or safety.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested Assisted Living administrative offices, in a D3 zoning district will substantially decrease the value of or be out of harmony with the property in the neighboring area.

6. *Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?*

Analysis: No further analysis needed.

Finding: Yes. The proposed Assisted Living administrative offices, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit Modification. The permit would allow for the development of Juneau Youth Services' conversion of Montana Creek House dorm rooms into administrative offices with USE2022 0010 superseding USE2000-00003, USE2004-00018, and USE2006-00028.

The approval is subject to the following conditions:

1. Maximum number of residents approved on site is 29, the total maximum previously approved for Lighthouse and Black Bear House.
2. The applicant shall clear brush and small trees along Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway to the Montana Creek Bridge as required by the Alaska Department of Transportation and Public Facilities. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	1998 Notice of Decision and Staff Report for USE1998-00026
Attachment C	1998 Staff Determination for USE1998-00026
Attachment D	2000 Notice of Decision and Staff Report for USE2000-00003
Attachment E	2003 Notice of Decision and Staff Report for USE2003-00026
Attachment F	2004 Notice of Decision and Staff Report for USE2004-00018
Attachment G	2006 Notice of Decision and Staff Report for USE2006-00028
Attachment H	2007 Black Bear House Addition
Attachment I	1945 USS 2551
Attachment J	2013 Black Bear Subdivision Plat
Attachment K	Abutters Notice
Attachment L	Public Notice Sign Photo



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 10685 Mendenhall Loop Road, 10801 Black Bear Road, and 10815 Black Bear Road		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Black Bear Lot 2		
	Parcel Number(s) 4B2601020042		
	This property located in the downtown historic district This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Juneau Youth Services	Contact Person Brent Fischer	
	Mailing Address 2075 Jordan Avenue, Juneau, Alaska 99801	Phone Number(s) 907-988-1234	
	E-mail Address Brentf@jys.org		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Brent Fischer</u> Landowner/Lessee Signature		<u>JULY 11, 2022</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X <u>Brent Fischer</u> Applicant's Signature		<u>JULY 11, 2022</u> Date of Application	

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application Packet

Intake Initials JLS	Case Number Use 72-010	Date Received 7-11-22	122
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ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY Case Number PAC2022 0029 Juneau Youth Services Program Consolidation

JYS proposes moving staff and programs from the Community Services Building on Jordan Avenue to the existing Montana Creek Building on the JYS Campus located on Mendenhall Loop Road. No new construction or footprint modification is planned for any of the buildings on campus.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

Accessory Apartment – Accessory Apartment Application (AAP)

Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 7.200 Assisted Living

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

YES – Case # _____

NO

UTILITIES PROPOSED

WATER:

Public

On Site

SEWER:

Public

On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 483,146 square feet

Total Area of Existing Structure(s) 20,266 square feet

Total Area of Proposed Structure(s) N/A square feet

EXTERNAL LIGHTING

Existing to remain

No

Proposed

Yes

Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

If this is a modification or extension include:

Narrative including:

Current use of land or building(s)

Description of project, project site, circulation, traffic etc.

Proposed use of land or building(s)

How the proposed use complies with the Comprehensive Plan

Notice of Decision and case number

Justification for the modification or extension

Application submitted at least 30 days before expiration date

Plans including:

Site plan

Floor plan(s)

Elevation view of existing and proposed buildings

Proposed vegetative cover

Existing and proposed parking areas and proposed traffic circulation

Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ <u>500.00</u>		
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50.00</u>		
Pub. Not. Sign Deposit	\$ <u>100.00</u>		
Total Fee	\$ <u>650.00</u>		

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>USE 22-010</u>	<u>7-11-2022</u>

123

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outlined in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



July 11, 2022

RE: Juneau Youth Services
Program Consolidation

Jennifer Shields
CBJ Planner II
Community Development Department
155 South Seward St.
Juneau, AK 99801

Dear Jennifer:

Attached is a Conditional Use Application and Development Permit Application to apply for a new Conditional Use Permit to allow for a Juneau Youth Services program consolidation. This plan will move staff and programs from the Community Services Building located on Jordan Avenue to the now vacant Montana Creek building on the JYS Campus located on Mendenhall Loop Road.

Thank you for your assistance in this process.

Sincerely,

Brent Fischer
Facilities Director
Juneau Youth Services

Juneau Youth Services

Program Consolidation Narrative

Case Number: PAC2022 0029



PROJECT DESCRIPTION:

Juneau Youth Services request a Conditional Use Permit to consolidate our services and administrative staff to the existing Montana Creek building located on the Mendenhall Loop Road Campus.

BACKGROUND:

Juneau Youth Services, operating since 1961, provides residential and community-based mental health treatment, collectively known as behavioral health care.

JYS employs a team of approximately 40 people, including behavioral health associates and clinical professionals. Our philosophy is contained in the nationally recognized Teaching Family Model (TFM). TFM prioritizes therapeutic relationships with JYS caregivers as the primary providers of effective treatment in supportive, family-style settings. With over 60 years of experience, we are the leading youth and family-focused behavioral health provider in Juneau.

JYS currently operates in two locations, our Community Services Building (CSB), located at 2075 Jordan Avenue and our Campus, located on Mendenhall Loop Road. The Campus has three existing residential facilities, Montana Creek House, Lighthouse and Black Bear House.

Recent changes in State funding, Medicaid and the COVID pandemic, has caused JYS to look at how we utilize and provide behavioral health services for youth. These changes have dramatically affected our programs and costs. Due to these changes, we are unable to use the Montana Creek House as intended as a residential unit. The building has been vacant since October 2021.

The timing of these changes and our adopted Teaching Family Model philosophy is right for us to move forward with our long-time consolidation plan to move all operations to our campus. This will streamline our operations and enable us to provide the best support and treatment for our youth.

The Teaching Family Model requires all JYS staff to undergo training and support the youth we serve. Not only the frontline staff in our residential units, but each and every administrative staff work shifts in our residential units. All are required to be on campus to provide intermittent immediate staff relief on the floor. The Teaching Family Model enables the entire organization to support the treatment and personal growth of the youth we serve.

CURRENT USE:

The Juneau Youth Services Campus contains 3 facilities, Montana Creek House, Lighthouse and Black Bear House. All 3 facilities are licensed and permitted as residential treatment facilities. As mentioned previously, Montana Creek House currently remains vacant. The remaining houses, Lighthouse and Black Bear House remain and will still be used as Residential Treatment facilities. Lighthouse and Black Bear House are licensed by the State of Alaska for a maximum of 8 youth each.

PROPOSED USE:

Our program consolidation plan will move all staff and the community-based programs from the CSB to the vacant Montana Creek building on campus. These programs include the Link and the Case Management team.

The Link program is our entry-program to all JYS services. Triages, intakes, assessments, and initial treatment plans take place in the Link program before a young person transitions to their therapeutic foster home or residential treatment home.

The Link and Case Management programs employ

- (1) Director
- (2) Clinicians
- (2) Patient Account Representatives
- (1) Medical Records Specialist
- (1) Behavioral Health Associate
- (2) Case Managers

The Clinicians provide emergency, on-call, assessment and support for our outpatient and residential programs.

The Behavioral Health Associate and Case Managers provide skill building and intensive case management for youth and families. They connect our local graduating residential youth and their families to needed resources such as Medicaid, food programs, social support programs, parenting classes and other resources. They use targeted skill building, safety planning, and crisis intervention and meet with families regularly for follow-up on their safety plan. They also provide discharge transition for residential youth and are available for After Care after graduation from our Residential Program.

Patient Account Representatives aid in program intake, enrollment, insurance and billing of the Therapeutic Foster Care and Residential Programs.

The Medical Records Specialist maintain all youth health records.

The administrative team consists of

- (1) Accounts Payable/Payroll Specialist
- (1) Human Resources Director
- (1) IT Technician

As mentioned previously, all of the administrative staff in addition to their regular duties are required to go through the TFM training and provide direct support to our youth within the residential units.

COMPLIANCE WITH COMPREHENSIVE PLAN:

This transition into the Montana Creek building requires no new construction or expansion of the current footprint, nor changes to the parking, traffic flow, utilities or grounds. There are no changes planned for the remaining two residential facilities.

Since there is no expansion of the facilities or changes to the driveway, parking areas, flow of traffic or vegetation cover, the proposed program consolidation remains consistent with the previously approved Conditional Use permits.

This program consolidation is consistent with the CBJ Table of Permissible Uses 49.25.300, 7.200 Assisted Living.

Because the proposed consolidation plan directly supports the Residential Treatment programs existing on the JYS Campus, it complies with the Juneau Comprehensive Plan, Chapter 4-Housing Element, facilitating the provision of special needs and adaptive housing and supportive services in residential neighborhoods that are readily accessible to public transit, shopping, public amenities and supportive services.

The consolidation plan also complies with Chapter 3- Community Form, Suburban Area, because no changes are being made to the vegetation of buffer zones that surround the Montana Creek building.

See attached:

- A) Campus Arial Photo
- B) Campus Site Plan
- C) Campus Site Existing Lighting Cut Sheets
- D) Montana Creek House Current Floor Plan
- E) Montana Creek House Proposed Floor Plan
- F) Montana Creek Elevation Plan
- G) Lighthouse Floor Plan
- H) Lighthouse Elevation Plans
- I) Black Bear House Floor Plan
- J) Black Bear House Elevation Plans
- K) Pre-Application Conference Notes (June 22, 2022)



Attachment B

Juneau Youth Services Campus

Existing Street
Lighting



Indicates Approved Traffic Flow

1 SITE PLAN

SCALE 1" = 40'



Eagle Tree

MONTANA CREEK
WETLANDS

Existing Parking Lots

Montana Creek-6 spaces + 2 HC + Aisle
Lighthouse-22 spaces
Black Bear-6 spaces + HC + Aisle
Dimensions for all are 8'6" x 19'
Total spaces = 37

Montana Creek House

Lighthouse

Black Bear House

100' NO. 100' BARRIER ARMED LANE TREE
(APRIL TO AUGUST)

10 FT. 10' STREAM DISTANCE

10 FT. 10' STREAM DISTANCE

TOP OF BANK

DISPERSED SIGN
TYPED LINE

EXIST. LIGHT
10' 10' 10'

EXIST. SHED/STORAGE

EXIST. 10' 10' 10' 10'

WETLANDS BOUNDARY
PER CHPT. 10' 10' 10'

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FEATURES & SPECIFICATIONS

INTENDED USE — Ideal for parking areas, street lighting, walkways and car lots.

CONSTRUCTION — Rugged, die-cast, soft corner aluminum housing with 0.12" nominal wall thickness. Die-cast door frame has impact-resistant, tempered, glass lens that is fully gasketed with one-piece tubular silicone. Finish: Standard finish is dark bronze (DDB) polyester powder finish, with other architectural colors available.

OPTICS — Anodized, aluminum reflectors: IES full cutoff distributions R2 (asymmetric), R3 (asymmetric), R4 (forward throw) and R55 (square) are interchangeable. High-performance anodized, segmented aluminum reflectors IES full cutoff distributions SR2 (asymmetric), SR3 (asymmetric) and SR45C (forward throw, sharp cutoff). High-performance reflectors attach with tool-less fasteners and are rotatable and interchangeable.

ELECTRICAL — Ballast: High pressure sodium: 150W is high reactance, high power factor. Constant wattage autotransformer for 400W. Super CWA (pulse start ballast), is required for metal halide 400W (SCWA option). Ballast is 100% factory-tested.

Socket: Mogul base socket for 250M and above, and 70-400S, with copper alloy, nickel-plated screw shell and center contact. UL listed 1500W, 600V.

LISTINGS — UL Listed (standard), CSA Certified (see Options). UL listed for 25°C ambient and wet locations. IP65 rated in accordance with standard IEC 529.

BUY AMERICAN — This product is assembled in the USA and meets the Buy America(n) government procurement requirements under FARS, DFARS and DOT. Please refer to www.acuitybrands.com/buy-american for additional information.

WARRANTY — 1-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. Specifications subject to change without notice.



Catalog
Number

Notes

Type



CONTOUR
SERIES

Soft Square Lighting

KAD

Specifications

EPA: 1.2 ft.²

*Weight: 35.9 lbs (16.28 kg)

Length: 17-1/2" (44.5)

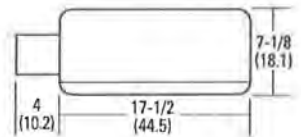
Width: 17-1/2" (44.5)

Depth: 7-1/8" (18.1)

All dimensions are inches (centimeters) unless otherwise specified.

*Weight as configured in example below.

METAL HALIDE: 400W
HIGH PRESSURE SODIUM: 150-400W
20" TO 35" MOUNTING



ORDERING INFORMATION

For shortest lead times, configure product using **bolded options**.

Example: KAD 400M R3 TB SCWA SPD04 LPI

KAD	Series	Wattage	Distribution	Voltage	Ballast	Mounting ¹
KAD	Metal halide 400M ¹	High pressure sodium ² 150S 250S 400S	Standard reflectors R2 IES type II asymmetric ³ R3 IES type III asymmetric³ R4 IES type IV forward throw ³ R55 IES type V square	High performance reflectors ³ SR2 IES type II asymmetric ³ SR3 IES type III asymmetric ³ SR45C IES type IV forward throw	120 208 240 277 347 480 TB ⁴	(blank) Magnetic ballast Pulse Start SCWA Super CWA pulse-start ballast
						Ships in fixture carton SPD Square pole RPD Round pole WBD Wall bracket WWD Wood or pole wall Ships separately ^{6,7} DAD12P Degree arm (pole) DAD12WB Degree arm (wall) KMA Mast arm external fitter WBA Decorative wall bracket ⁸
						Arm length 04 4" arm 06 6" arm 09 9" arm 12 12" arm

Options	Finish ¹¹	Lamp ¹²
Shipped installed in fixture SF Single fuse (120, 277, 347V) ⁹ DF Double fuse (208, 240, 480V) ⁹ PER NEMA twist-lock receptacle only (no photocontrol)	CSA CSA Certified Shipped separately ⁶ HS House side shield PE1 NEMA twist-lock PE (120, 208, 240V) PE3 NEMA twist-lock PE (347V) PE4 NEMA twist-lock PE (480V) PE7 NEMA twist-lock PE (277V) SC Shorting cap for PER option VG Vandal guard ¹⁰ WG Wire guard ¹⁰ (blank) Dark bronze DWH White DBL Black DMB Medium bronze DNA Natural aluminum Super Durable Finishes DDBXD Dark bronze DBLXD Black	DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLTXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white LPI Lamp included L/LP Less lamp

Accessories: Tenon Mounting Slipfitter (RPDXX required.)
Order as separate catalog number. Must be used with pole mounting.

Number of fixtures	One	Two@180°	Two@90°	Three@120°	Three@90°	Four@90°
Tenon O.D.	One	Two	Two	Three	Three	Four
2-3/8"	T20-190	T20-280	T20-290 ¹³	T20-320 ¹³	T20-390 ¹³	T20-490 ¹³
2-7/8"	T25-190	T25-280	T25-290 ¹³	T25-320	T25-390 ¹³	T25-490 ¹³
4	T35-190	T35-280	T35-290 ¹³	T35-320	T35-390 ¹³	T35-490 ¹³

Notes

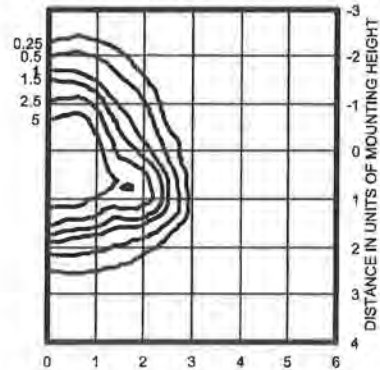
- Reduced jacket ED28 required for SR2, SR3 and SR45C optics. SCWA required.
- Not available with SCWA. 250S is not available with 480V. 400S is not available with 347V.
- House-side shield available.
- Optional multi-tap ballast (120, 208, 240, 277V; in Canada: 120, 277, 347V).
- 9" or 12" arm is required when two or more luminaires are oriented on a 90° drilling pattern.
- May be ordered as an accessory.

- Must specify finish when ordered as an accessory.
- Only available with SPD04 and SPD09. Can be ordered as separate line item.
- Must specify voltage. N/A with TB.
- Prefix with KAD when ordered as an accessory.
- See www.lithonia.com/archcolors for additional color options.
- Must be specified. L/LP not available with MHC.
- Must use RPD09 or RPD12.

KAD Metal Halide, Arm-mounted Soft Square Cutoff

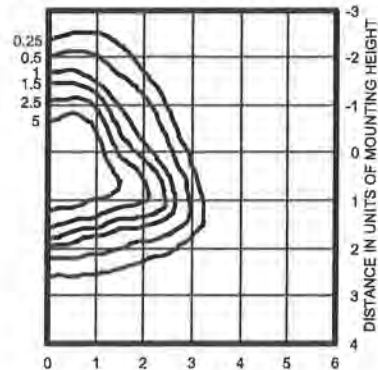
Coefficient of Utilization _____
Initial Footcandles _____

KAD 400M R2 Test no. 1193083101P
ISOILLUMINANCE PLOT (Footcandle)



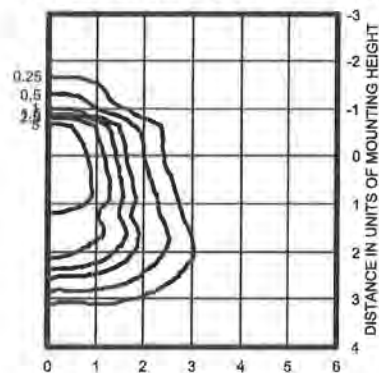
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Type II, Short, Full Cutoff

KAD 400M R3 Test no. 1192040902P
ISOILLUMINANCE PLOT (Footcandle)



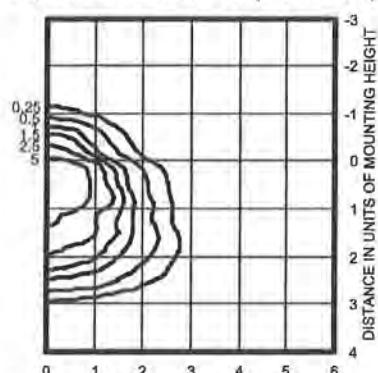
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Type II, Short, Full Cutoff

KAD 400M R4 Test no. 1191110101P
ISOILLUMINANCE PLOT (Footcandle)



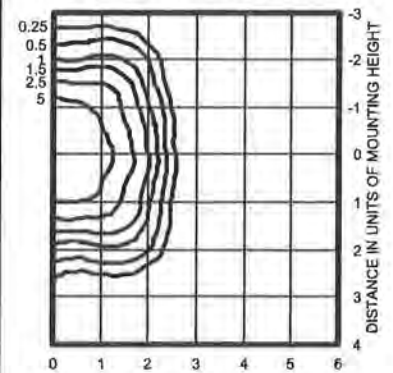
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type III, Very Short), Full Cutoff

KAD 400M R4HS Test no. 1192061101P
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type III, Very Short), Full Cutoff

KAD 400M R5S Test no. 1194040801P
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type NC, Very Short), Full Cutoff

Notes

- 1 Photometric data for other distributions can be accessed at www.lithonia.com.
- 2 Tested to current IES and NEMA standards under stabilized laboratory conditions. Various operating factors can cause differences between laboratory data and actual field measurements. Dimensions and specifications on this sheet are based on the most current available data and are subject to change without notice.
- 3 For electrical characteristics, consult outdoor technical data specification sheets on www.lithonia.com.

Mounting Height Correction Factor

(Multiply the fc level by the correction factor)

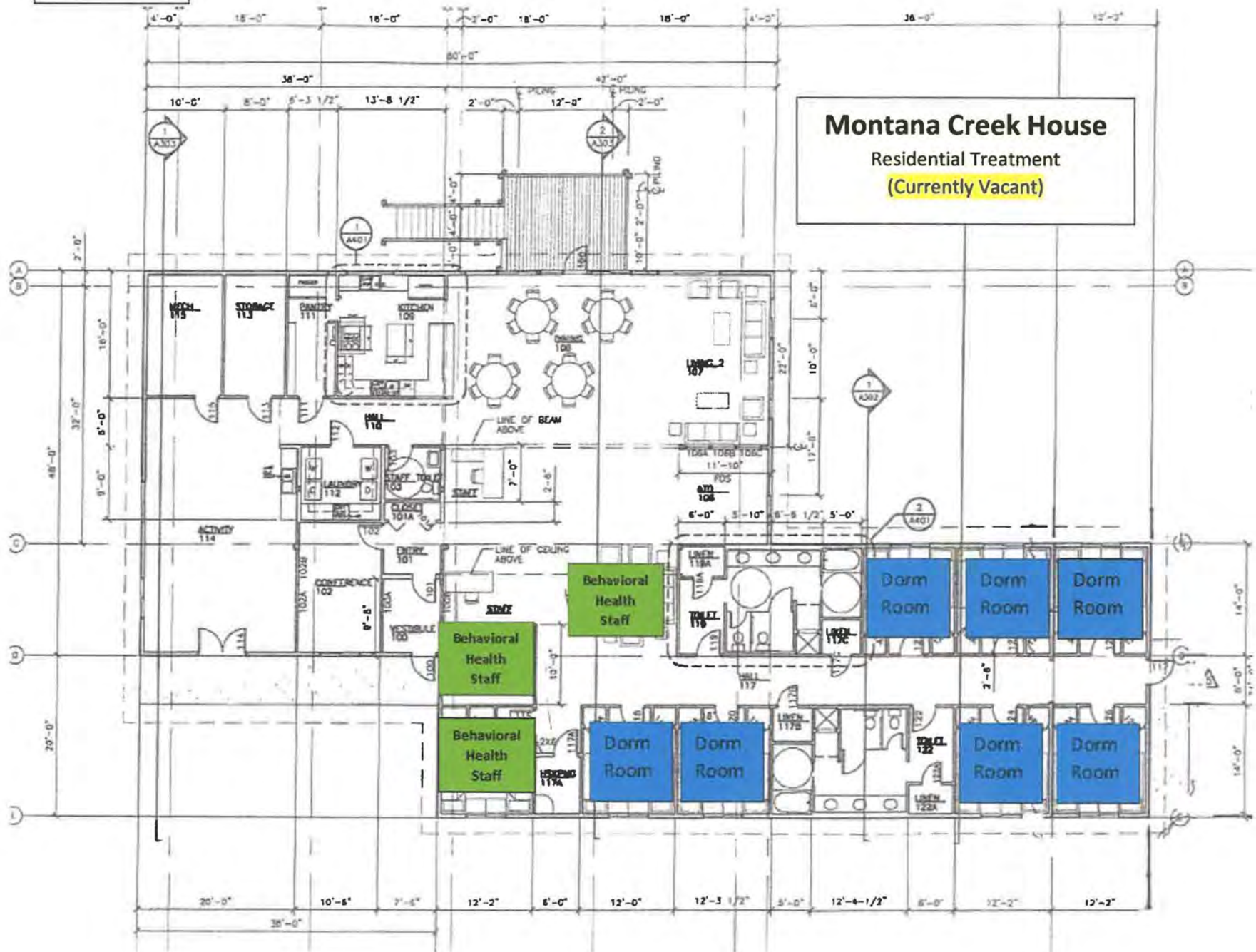
25 ft. = 0.64

35 ft. = 0.32

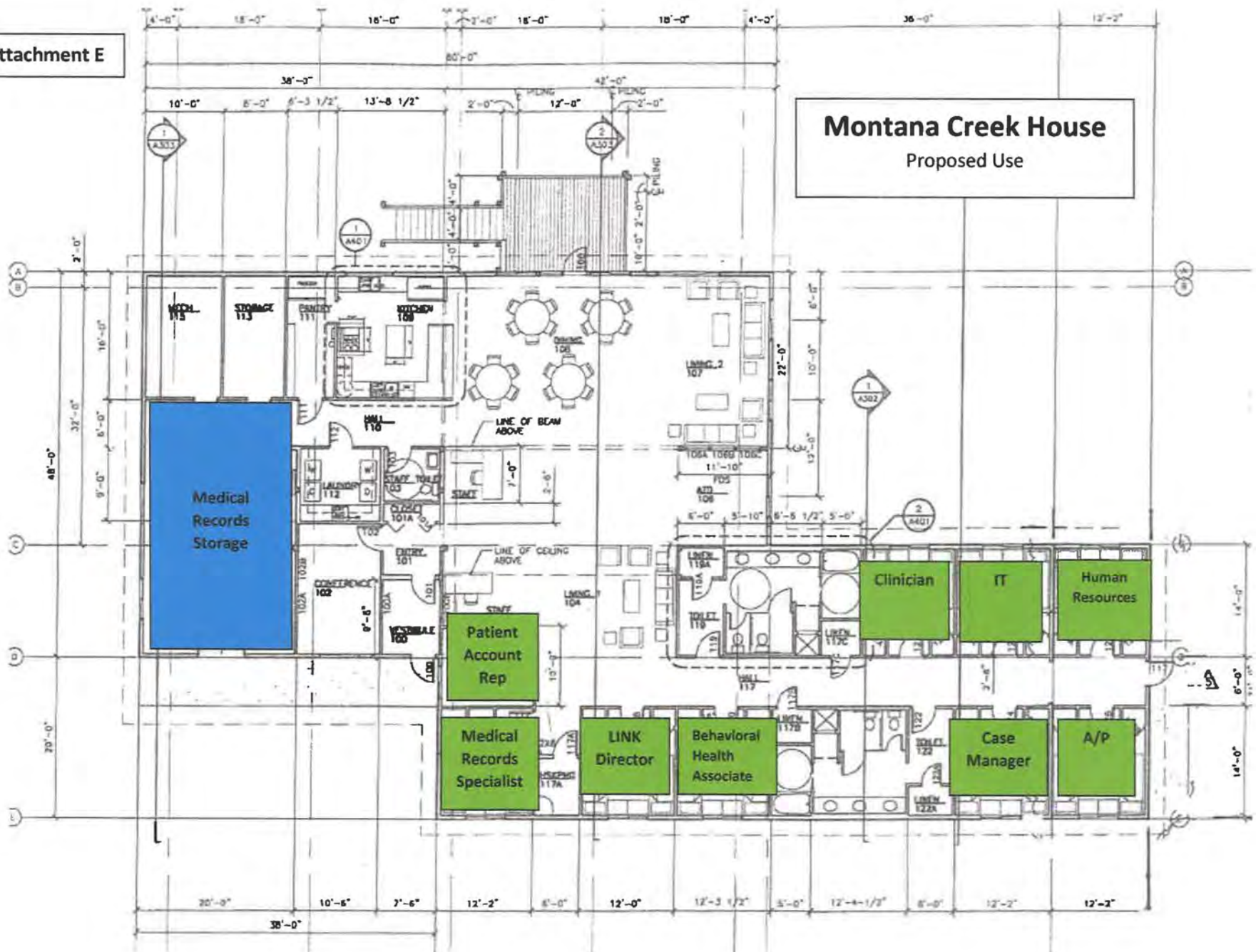
40 ft. = 0.25

$$\left(\frac{\text{Existing Mounting Height}}{\text{New Mounting Height}} \right)^2 = \text{Correction Factor}$$

Attachment D

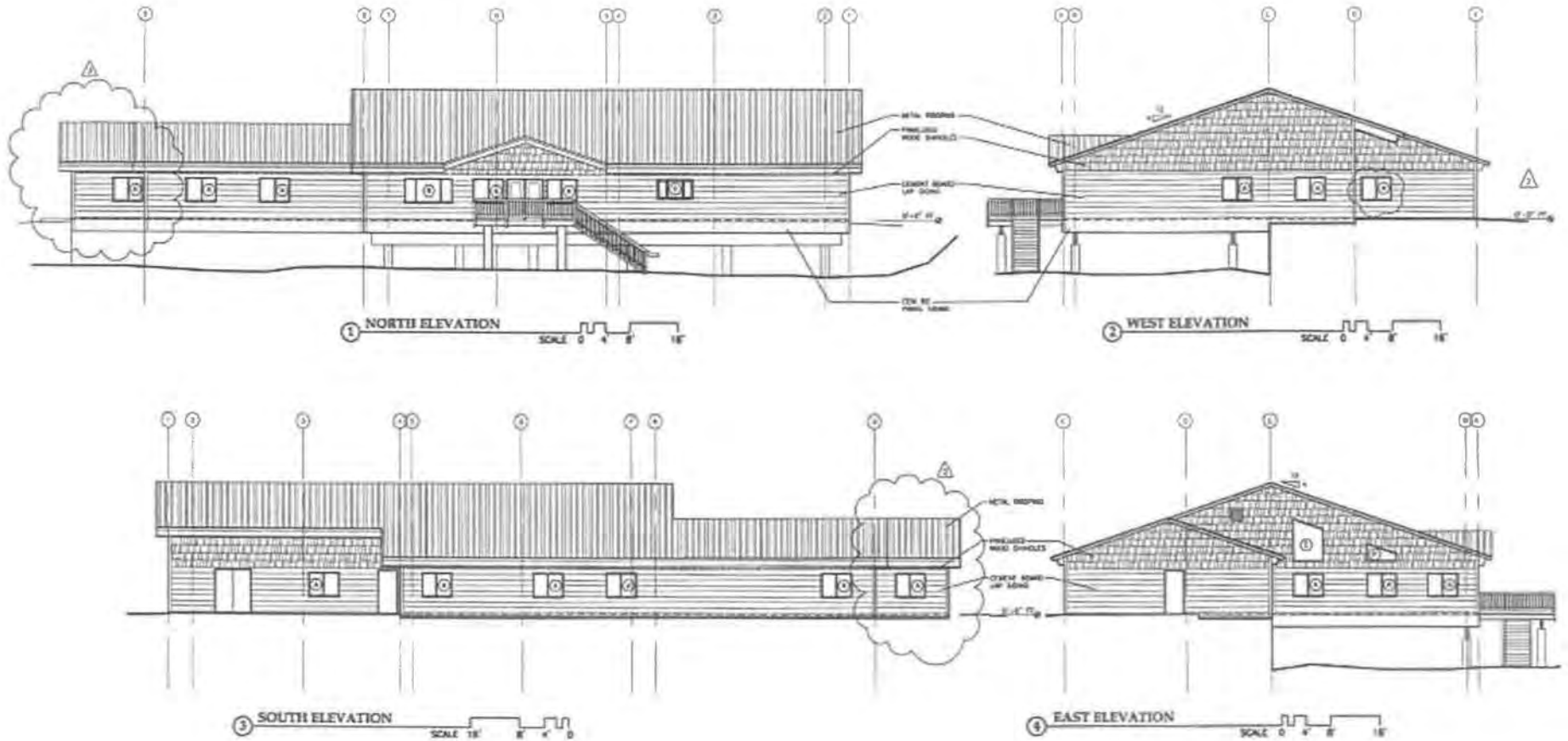


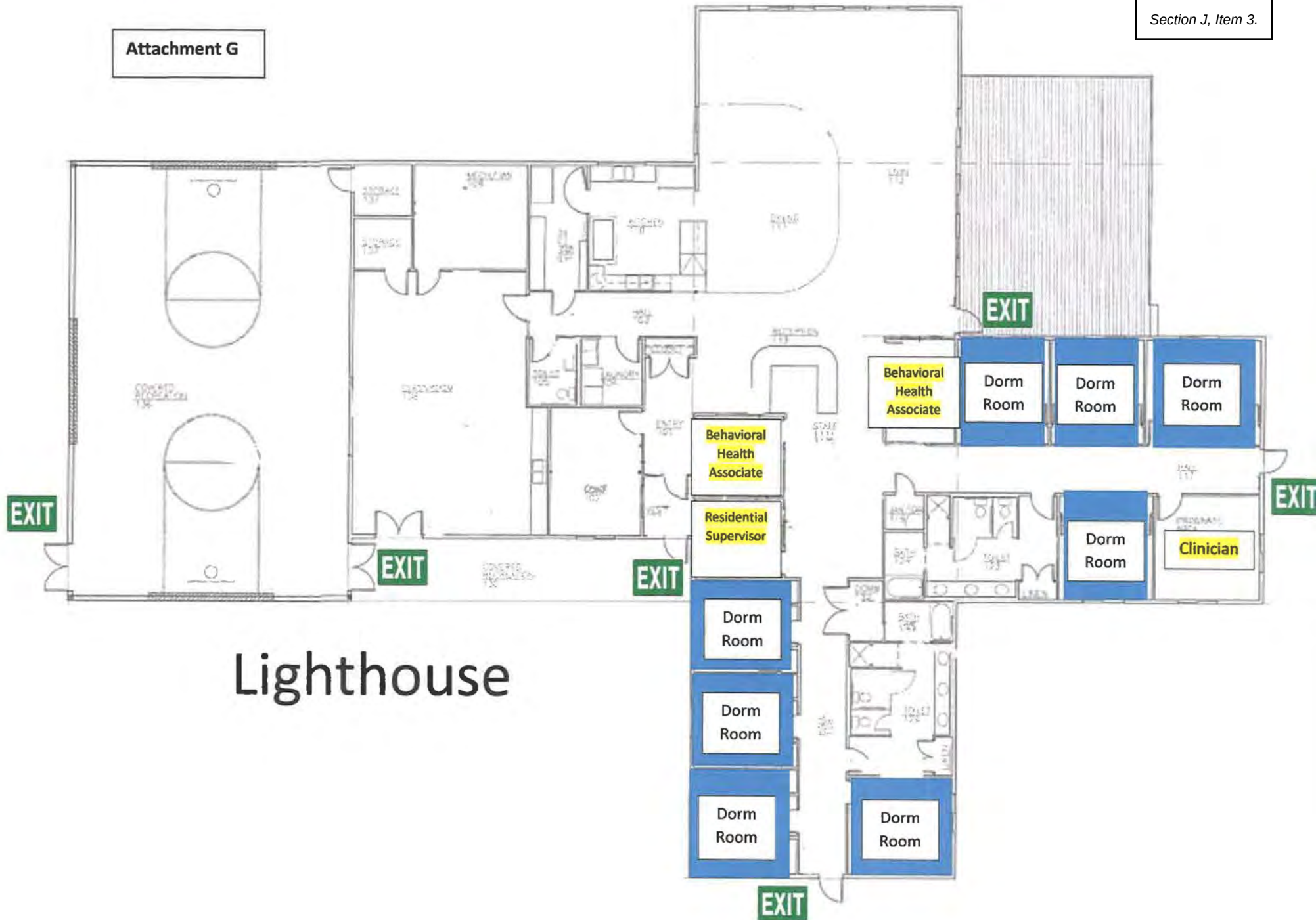
Attachment E



Attachment F

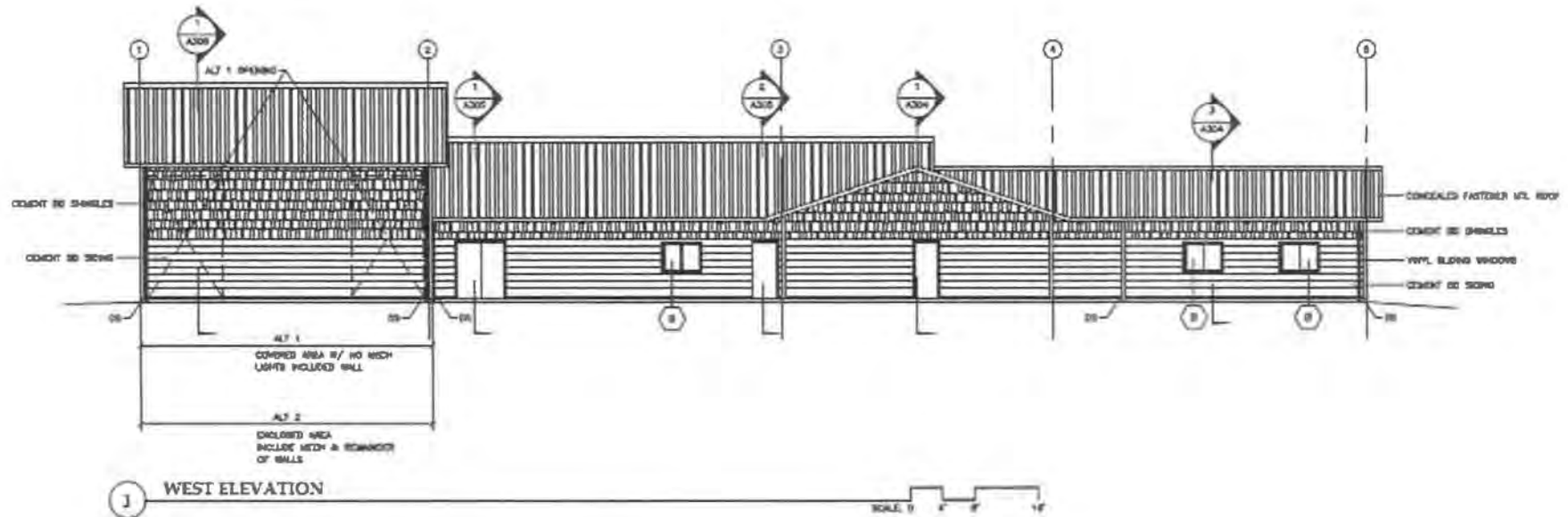
Montana Creek House
Elevations



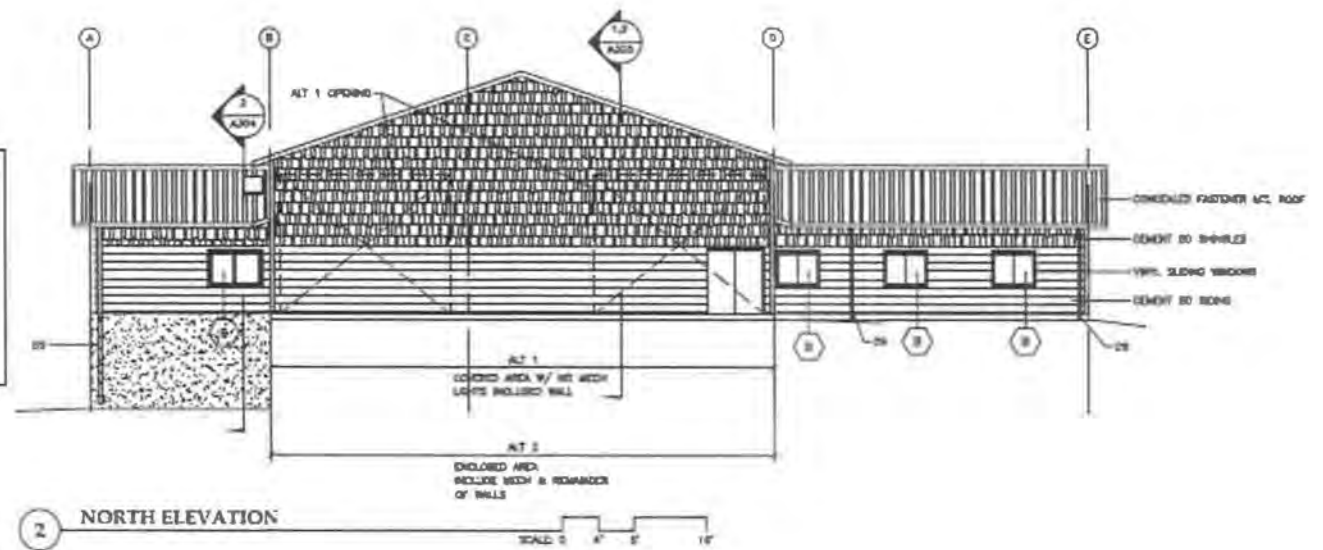


Lighthouse

Attachment H 1



**Lighthouse
Elevations
West/North**



Attachment H 2



Lighthouse
Elevations
East/South

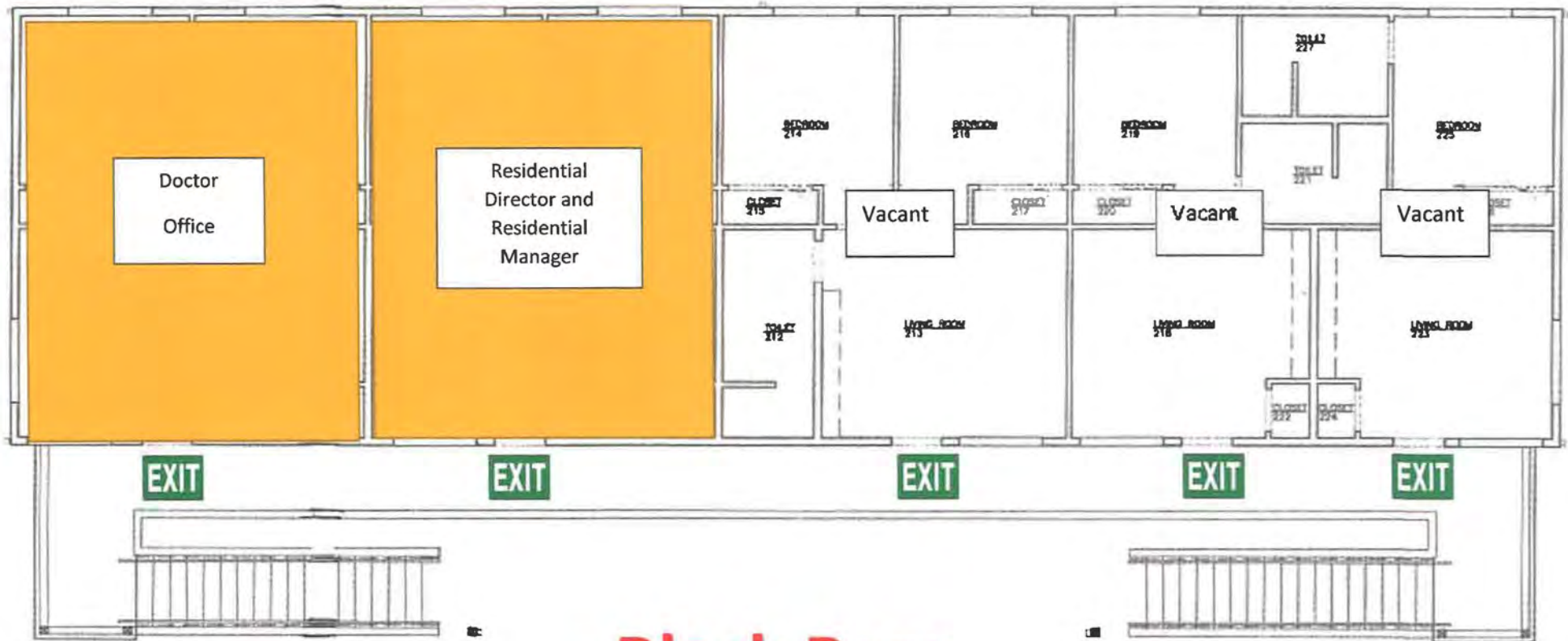


Attachment I 1



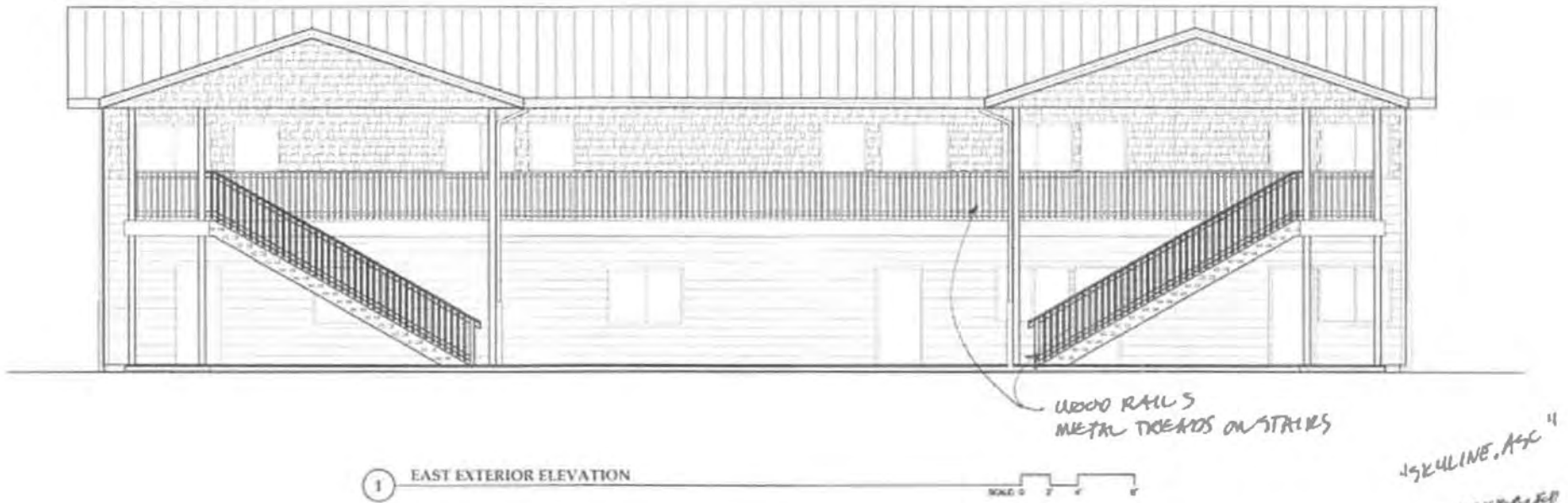
Black Bear
Northern Lights Residential
1st Floor

Attachment I 2



Black Bear

2nd Floor



**Black Bear Building
East/West Elevations**

Attachment J 2



1 SOUTH EXTERIOR ELEVATION

SCALE: 0' 2' 4' 8'



2 NORTH EXTERIOR ELEVATION

SCALE: 0' 2' 4' 8'

Black Bear Building
South/North Elevations



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

Juneau Youth Services - Program Consolidation

Case Number: PAC2022 0029

Applicant: Brent Fischer

Property Owner: Juneau Youth Services Inc.

Property Address: 10685 Mendenhall Loop Road, 10801 Black Bear Road, and 10815 Black Bear Road

Parcel Code Number: 4B2601020042

Site Size: 463,146 square feet (10.6324 acres)

Zoning: D3 (Single-Family & Duplex Residential)

Existing Land Use: Residential Treatment Facilities

Conference Date: 6/22/2022

Report Issued: 6/30/2022 **DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.**

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Dave Sevdý	Permit Technician	David.Sevdý@juneau.org
Dave Peterson	Planner II	David.Peterson@juneau.org
Ken Hoganson	General Engineering, Program Mgr	Ken.Hoganson@juneau.org
Jeff Hedges	Building Inspector III	Jeffrey.Hedges@juneau.org
Scott Ciambor	Planning Manager	Scott.Ciambor@juneau.org
Irene Gallion	Senior Planner	Irene.Gallion@juneau.org
Brent Fischer	Facilities Director	brentf@jys.org
Amy Simonds Taylor	Executive Director	amys@jys.org
Jennifer Shields	Planner (unable to attend)	Jennifer.Shields@juneau.org

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

The Applicant would be interested in seeing the Conditional Use Permit History.

Attached, including:

- USE98-26, Montana Creek House, 12 residents
- USE22-03, Montana Creek House, 16 residents
- USE03-26, Lighthouse, 12 residents
- USE04-18, Lighthouse, 14 residents, 8 staff
- USE06-28, Black Bear House, 15 residents, one live-in staff

Project Overview

The original 160 acre property was platted in 1945 with USS 2551. In 1995, Juneau Youth Services (JYS) purchased the property. Development of the three existing buildings for residential treatment occurred in 1998, 2003, and 2006. Each building received a Conditional Use Permit at the time of development (see discussion below). In 2013, the property was subdivided with the Black Bear Subdivision plat; all three buildings are located on Lot 2 (10.6 acres).

Use of the Lighthouse and Black Bear Houses will remain for residential treatment. JYS is proposing to use Montana Creek House as offices for initial, preventative, and support services related to on-site residential treatment uses, as well as other programs they offer in the community. In order to modify the use of the Montana Creek House for office spaces, staff has determined that a new Conditional Use Permit will be required.

The process for a Conditional Use Permit includes:

- A pre-application conference. These notes document discussions from that meeting.
- Application for the permit.
- Public notice to land owners within 500 feet of the proposed development.
- A public notice sign, provided by CBJ, must be posted on the site two weeks before the Planning Commission meeting.
- Planning Commission meeting, where the Commission may:
 - Continue the hearing for more information.
 - Deny the permit.
 - Approve the permit with conditions.
 - Approve the permit.

To be considered for the August 23, 2022 Planning Commission meeting, the applicant would need to have materials submitted no later than July 11, 2022.

Planning Division

1. **Zoning** – The property is zoned D3 (Single-Family Residential). All previous Conditional Use Permits were approved under USE 7.200: *Nursing care, immediate care, disabled or infirm, and child care institutions, and boarding homes for sheltered care*. The following Conditional Use Permits have been granted for the property:
 - USE00-03 (modification of USE98-26 for Montana Creek House)

Pre-Application Conference Final Report

- USE04-18 (modification of USE03-26 for Lighthouse)
- USE06-28 (Black Bear House)

Current code adopted since 2006 defines USE 7.200 as: "Assisted living. A facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single-family dwelling is regulated as a single-family dwelling use."

2. **Subdivision** – N/A
3. **Setbacks** – N/A - no new buildings or external construction is proposed at this time.
4. **Height** – Maximum 35' permitted for permissible uses, 25' for accessory uses. Height is met for all structures.
5. **Access** – N/A
6. **Parking & Circulation** –

Assisted Living: 0.4 spaces per max. # residents	
Lighthouse – 14 residents (max per CUP) x 0.4	= 5.6 = 6 spaces
Black Bear House – 15 residents (max per CUP) x 0.4	= 6 spaces
Offices: 1 space per 300 square feet of gross floor area	
Montana Creek House – 6,000sf / 300sf	= 20 spaces
Total spaces required	= 32 spaces

7. **Lot Coverage** – N/A - no new buildings or external construction is proposed at this time.
8. **Vegetative Coverage** – Exceeds 20% minimum required.
9. **Lighting** – All parking areas shall be suitably lighted with full cut-off design and not produce off-site glare.
10. **Noise** – No comments at this time, though comments may arise during public comment process for a Conditional Use Permit.
11. **Flood** – N/A - no new buildings or external construction is proposed at this time. Note: a portion of the property lies within a Special Flood Hazard Area
12. **Hazard / Mass Wasting / Avalanche/ Hillside Endorsement** – N/A
13. **Wetlands** – N/A - no new buildings or external construction is proposed at this time. Note: a significant portion of the property is composed of wetlands. Any future addition of fill material on the lot would require a permit from the Army Corps of Engineers.
14. **Habitat** – N/A - no new buildings or external construction is proposed at this time. Note: the property contains a portion of Montana Creek, which is designated as an anadromous waterbody.
15. **Plat or Covenant Restrictions** – N/A
16. **Traffic** – N/A
17. **Nonconforming situations** – N/A

Building Division

18. **Building** – Use is changing from residential to clinical services (no primary care). Construction might include curtain walls.

Pre-Application Conference Final Report

19. Outstanding Permits -

BLD-20200731	Issued	BCM	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	2024000	Summary of project includes creating a doorway from Room 117 into Room 123 and creating a new doorway into bathroom room 121 from room 117. Removing some existing cabinetry, oven and sink.
BLD-20200955	Issued	GRB	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	2024017	Vault and drainage improvements with private hydrant replacement
BLD-20200930	Issued	BCM	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	2023920	Fire alarm replacement - Lighthouse
BLD-20200476	Issued	BCM	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	2023720	Replace fire alarm system- Montona Creek House
BLD-20200977	Issued	ECM	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	2022210	Install interior door at 10695 Menderhall Loop
BLD-2024-00260	Issued	22HST-BLD	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	27031	Site grading of 6,500 cubic yards at 11000 June 275 residential care building. Modified 10/2/24 to include an access driveway off of Black Bear Rd
BLD-10109301	Expired	22HST-BLD	10001 BLACK BEAR RD 10015 BLACK BEAR RD 10695 MENDERHALL LOOP RD	19647	BUILDING SAFETY INSPECTION

General Engineering/Public Works

20. **Engineering** – No changes anticipated.
21. **Drainage** – No changes anticipated.
22. **Utilities** – (water, power, sewer, etc.) No changes anticipated the water and sewer connections. Power by others.

Fire Marshal

1. **Fire Items/Access** –

Other Applicable Agency Review

2. N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Conditional Use Permit Application (Major Development)

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Fee Estimates

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Development Permit Application – N/A
2. Conditional Use Permit Application (Major Development):

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your Completed Application

You must submit your application(s) in person with payment made to:

Pre-Application Conference Final Report

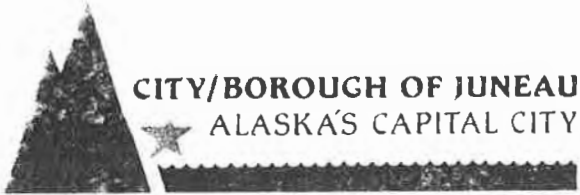
City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/cdd

Attachments:

- 49.15.330 – Conditional Use Permit
- Development Permit Application
- Conditional Use Permit Application
- USE98-26, Montana Creek House, 12 residents
- USE22-03, Montana Creek House, 16 residents
- USE03-26, Lighthouse, 12 residents
- USE04-18, Lighthouse, 14 residents, 8 staff
- USE06-28, Black Bear House, 15 residents, one live-in staff



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: July 16, 1998

File No.: USE98-00026

Jensen Yorba Lott, Inc.
522 W. 10th Street
Juneau, Alaska 99801

Application For: An application for a conditional use permit for the development of a 5,200⁺/ square foot group home for 10 occupants.

Legal Description: USS 2551

Parcel Code No.: 4-B26-0-102-004-0

Hearing Date: July 14, 1998

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 7, 1998 and approved the development of a 5,200⁺/ square foot group home for 10 occupants to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. The applicant shall obtain a Design Review Permit as approved by the Design Review Board.
2. The applicant shall design and construct a turn-around at the end of the access driveway adequate to allow a fire truck to enter and exit the property without backing onto Mendenhall Loop Road. The turn-around shall be reviewed and approved by the CBJ Fire Marshall at the time of the Building Permit review process.
3. The applicant shall clear and maintain the brush and alder trees along Mendenhall Loop Road to allow clear sight distance from the exit driveway to the Montana Creek Bridge.
4. The applicant shall comply with the stipulations and advisories contained in the letter of May 27, 1998 by Terry Stone, CBJ Planner regarding the Juneau Coastal Management Program and attached to this report.
5. The applicant shall obtain all required building permits as determined by the CBJ Building Division.

Jensen Yorba Lott, Inc.
File No: USE98-00026
July 15, 1998
Page 2

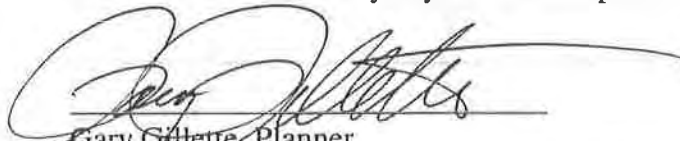
Attachment: July 7, 1998, memorandum from Gary Gillette, Community Development to the CBJ Planning Commission regarding USE98-00026.

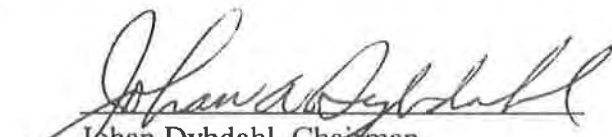
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission.
July 14, 1998

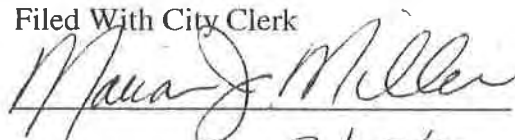
Expiration Date: The permit will expire 18 months after the effective date or January 14, 2000, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner:


Gary Gillette, Planner


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


07/17/98

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice - 202-272-5434, or fax 202-272-5447, NW Disability Business Technical Center - 1-800-949-4232, or fax 360-438-3208.

Attachment B - 1998 Notice of Decision and Staff Report for USE1998-00026

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: July 7, 1998

TO: Planning Commission

FROM: Gary Gillette, Planner
Community Development Department

FILE NO.: USE98-00026 - Conditional Use

PROPOSAL: An application for a conditional use permit for the development of a 5,200⁺ square foot group home for 10 occupants.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott, Inc.

Property Owner: Juneau Youth Services, Inc.

Property Address: 10685 Mendenhall Loop Road

Legal Description: USS 2551

Parcel Code Number: 4-B26-0-102-004-0

Site Size: 152.17 Acres

Zoning: D-1, Single-family/Duplex

Utilities: CBJ Water and Sewer Services

Access: Mendenhall Loop Road

Existing Land Use: Vacant

Surrounding Land Use: North - Residential
South - Vacant
East - Vacant
West - Mendenhall Loop Road

Attachment B - 1998 Notice of Decision and Staff Report for USE1998-00026



Planning Commission
File No.: USE98-00026
July 7, 1998
Page 2

PROJECT DESCRIPTION

The applicant requests a conditional use permit for the development of a 10-bed residential group home. This project is Phase I of a proposed campus plan for Juneau Youth Services. The proposed Phase I project will include the construction of an access driveway, parking, utilities, and a 10-bed residential building.

BACKGROUND

Juneau Youth Services (JYS) has operated a group home facility known as the Miller House for many years. JYS also operates other homes within the community as well as various office spaces and classroom facilities. In recent years the organization purchased 152 acres of land along Montana Creek at Mendenhall Loop Road. The long range plan is to consolidate the various JYS facilities into a campus complex of residential, educational, and administrative buildings. A master plan for the campus has been developed by Jensen Yorba Lott, Inc. A copy of the master plan is included for reference.

The master plan is designed for the anticipated space needs for the next 15 to 20 years. The period of time before ultimate build-out of the proposed campus depends on funding sources. The approach would be to phase the project as funding allows. The first phase, the subject of this permit, would be to construct a portion of the access driveway, a small parking lot, utilities, and the first residential building.

The first phase of the proposed project is a 10-bed group home facility. Staffing at the facility will generally be by two persons 24 hours per day. Additional staff may be at the site for counseling during normal business hours.

ANALYSIS

Project Site - The proposed project is sited on a portion of the overall property owned by Juneau Youth Services. A significant portion of the property is wetlands and flood zones of Montana Creek. The particular area selected for the proposed development is generally out of the flood zones. The plan proposes minimal fill to wetlands.

Project Design - The project is designed to be of a campus nature with development in a concentrated portion of the site. The residential buildings would be constructed on pilings at a level above the required flood elevation. The parking lots, driveway, school building, courtyard,

Planning Commission
File No.: USE98-00026
July 7, 1998
Page 3

and administration building would be placed on fill. The proposed fill area is minimal in relation to the size of the overall property and has been approved by the Army Corps of Engineers. For the first phase of the project only a portion of the access driveway and an area for parking will be filled.

Traffic - CDD staff consulted with DOT personnel to review the anticipated traffic generation of the project and to comment on the proposed access to the public road system. The traffic generated by the proposed residential facility is considered similar to a duplex or zero lot line.

DOT has recommended that the applicant reverse the flow of traffic on its one way driveway such that entry to the property will be off Mendenhall Loop Road and exiting onto Black Bear Road. Also, that the brush and alder trees be removed and maintained to allow clear sight distance from the entry driveway to the Montana Creek Bridge. DOT has accepted the idea of a single entrance/exit driveway for the currently proposed residential building, however future phases of the project should complete the drive thru concept.

Parking and Circulation - The proposed residential building will house ten occupants. Typically two staff persons would be at the facility at all times. The CBJ Land Use Code requires parking in the ratio of 1 space for each three occupants in a group home. Thus the total required parking spaces would be four spaces. The proposed plan indicates adequate parking to meet the code.

Circulation for the first phase of the proposed project is accommodated with a two way driveway as indicated on the drawings. The CBJ Fire Marshal has reviewed the proposed plan. His recommendation is that a turn-around be constructed such that a fire truck could enter and exit the property without backing onto Mendenhall Loop Road.

Noise - The proposed use is residential in nature and is not expected to generate any noise that would impact neighboring properties.

Design Review - The proposed development requires Design Review Board approval. Specific project aspects such as building siting and design, landscaping, and exterior lighting will be examined during this review process.

Vegetative Cover - The CBJ Land Use Code requires that developments within the D-1 zoning district retain a minimum of 20% of the property in vegetative cover. Of the entire 152 acre site the only portion proposed for development at this time is the driveway access and the residential building. The balance of the site will be retained in natural vegetation. This clearly is greater than 20% and therefore meets the code requirement.

Planning Commission
 File No.: USE98-00026
 July 7, 1998
 Page 4

Public Health or Safety - The proposed project will be connected to public sewer, water and other utility services. Adequate fire suppression systems will be incorporated into the project. DOT has reviewed the ingress and egress driveway and has determined it safe if the brush and alder is cleared to the Montana Creek Bridge.

Property Value or Neighborhood Harmony - The surrounding neighborhood is primarily undeveloped and features much open space and greenbelt lands along Montana Creek. The developed portions of the neighborhood feature single family, duplex, and zero lot residential units. A couple of higher density (D-5) residential subdivisions are in stages of development across Mendenhall Loop Road and Black Bear Road. The proposed project is designed to utilize a small portion of the site to allow buffer zones to the neighborhoods to the east. Much of the subject property is to remain in open space. The proposed project appears to be in harmony with the surrounding neighborhood. There has been no evidence presented that would indicate that the proposed project will negatively impact property values.

Conformity With Adopted Plans - The Juneau Comprehensive Plan designates the area of the subject property as Urban Low Density Residential. The plan is a general guideline for development. The CBJ Land Use Code more specifically identifies zones and the uses allowed in those zones. The subject property is zoned D-1 residential. Group homes are allowed in the D-1 zoning district upon approval of a Conditional Use Permit by the Planning Commission.

Juneau Coastal Management Program - The proposed development must comply with CBJ §49.70.900, the Juneau Coastal Management Program (JCMP). Extensive review of the proposed residential project and the entire master planned complex has been undertaken. The Army Corps of Engineers has completed its review of the proposed fill in wetlands for the project. It has determined that the project will meet the criteria established for filling of wetlands and will be issuing the permit immediately. The Alaska Department of Governmental Coordination (DGC), as part of the Corps of Engineers permitting process has determined that the project is consistent with the Alaska Coastal Management Policy.

The applicant has met with the Juneau Wetlands Board and the Mendenhall Watershed Partnership (MWP). Generally the comments received indicate that the proposed project was sensitively designed to minimize potential impacts to important wetland functions. The MWP has proposed that an alternate site be sought for the proposed facility. In their opinion this would provide the maximum protection to this wetlands unit. The MWP has offered other suggestions contained in a letter which is attached to this report.

As part of the DGC review process CDD considered the proposed project for consistency with the JCMP. Terry Stone, CBJ Planner, has determined that the project is consistent with the JCMP. A copy of his letter is attached to this report.

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 July 7, 1998
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FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The commission shall adopt the director's determination on the three items above unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the commission adopts the director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. The Director finds that the application contains the information necessary to conduct a full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conform to the requirements of CBJ code Chapters 49.15 and 49.35.

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2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Yes. The director finds that the requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300 section 7.200 for the D-1, Residential zoning district.

3. *Will the proposed development comply with the other requirements of this chapter?*

Yes. The director finds that the proposed development complies with the other requirements of this chapter including, but not limited to, parking, vegetative cover, yard setbacks, stream setbacks, and eagle tree non disturbance zones.

4. *Will the proposed development materially endanger the public health or safety?*

No. The director finds that the proposed development incorporates features such as public sewer and water, and adequate ingress/egress and other features which will assure that the public health and safety will not be materially endangered.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. The director finds that the proposed development has incorporated features such as clustering the buildings to preserve maximum amounts of open space and other features which will be in harmony with the neighborhood and not substantially decrease the value of the neighboring area.

6. *Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. The director finds that the proposed project is consistent with the Urban Low Density Residential designation of the officially adopted Juneau Comprehensive Plan.

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Yes. The director finds that the proposed development is consistent with the Juneau Coastal Management Program if the following stipulations and advisories are implemented:

Stipulations:

1. Adequate erosion and sedimentation controls shall be implemented and maintained

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 File No.: USE98-00026
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during construction by use of filtration curtains, hay bales, sediment retention basins, or other measures which are appropriate measures to achieve this purpose.

2. The hydrology of wetland areas surrounding the discharge sites shall be maintained to the maximum extent practicable. Methods to ensure this include: retention of naturally vegetated, undisturbed wetland areas, use of indigenous grassy swales, culverts or other appropriate techniques to ensure that development of the property does not adversely affect wetlands adjacent to the approved pad by causing ponding, drainage, siltation or inadvertent fill.
3. All discharge materials shall be free from toxic pollutants in toxic amounts as defined by state law.
4. The managers of the facility shall aggressively monitor the area between the facility and Montana Creek to determine if adverse impacts are resulting from use of the area by facility residents, and shall take all appropriate and necessary measures to prevent impacts to the wetlands adjacent to the facility, and the banks of Montana Creek. If adverse impacts such as stream bank destruction occur, the impacted areas shall be restored to pre-project conditions.

These stipulations are required to ensure that the project purpose is achieved with the minimum amount of fill, and that the effects on storm water runoff, water quality and other functional wetland values are minimized, pursuant to the enforceable policies of the JWMP, CBJ 49.70.1080.

Advisories:

1. The applicant is advised to obtain City and Borough of Juneau conditional use, grading and building permits prior to construction of the facility.
2. The applicant is advised that additional stipulations, conditions or plan alterations may be required by the Planning Commission during the reviews for the permits listed in Advisory 1.
3. The Wetlands Review Board (WRB), recommends that the public recreational function which is listed as high in the Juneau Wetlands Management Plan, be maintained within the fifty foot stream corridor by maintaining the policy of allowing public access on the trail along the west bank of Montana Creek.
4. The WRB also advises the applicant that removal of large timber on the construction site may result in the loss of additional large trees between the eastern construction limit and

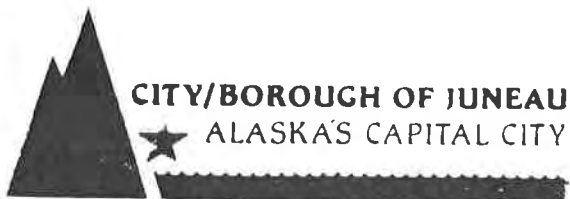
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Montana Creek through windthrow. Any trees which fall into Montana Creek should be removed in a timely manner to minimize changes in the characteristics of the water quality including water temperature and changes in stream flow direction and velocity, which may result in stream bank destabilization.

RECOMMENDATION

It is recommended that the Planning Commission adopt the director's analysis and findings and grant the requested conditional use permit. The permit would allow the development of a 5,200 square foot residential building for use as a group home. The approval is subject to the following conditions:

1. The applicant shall obtain a Design Review Permit as approved by the Design Review Board.
2. The applicant shall design and construct a turn-around at the end of the access driveway adequate to allow a fire truck to enter and exit the property without backing onto Mendenhall Loop Road. The turn-around shall be reviewed and approved by the CBJ Fire Marshall at the time of the Building Permit review process.
3. The applicant shall clear and maintain the brush and alder trees along Mendenhall Loop Road to allow clear sight distance from the exit driveway to the Montana Creek Bridge.
4. The applicant shall comply with the stipulations and advisories contained in the letter of May 27, 1998 by Terry Stone, CBJ Planner regarding the Juneau Coastal Management Program and attached to this report.
5. The applicant shall obtain all required building permits as determined by the CBJ Building Division.



May 27, 1998

File No.: Montana Creek 17

AK-9804-11JJ

APN: 5-B26-0-102-004-0

Jackie Timothy
DGC Central Office
Consistency Review Division
P.O. Box 110030
Juneau, Alaska 99811-0030

SUBJECT: Juneau Youth Services Proposed Educational and Residential Facility, COE 4-950030.

Dear Ms. Timothy:

The Director of the CBJ Community Development Department, in conjunction with the Juneau Coastal District has reviewed the above referenced proposal for consistency with the Juneau Coastal Management Program (JCMP) and the Juneau Wetlands Management Plan (JWMP). The proposal includes construction of a residential and educational complex to house and educate up to fifty youths.

The applicant proposes the placement of approximately 2,500 cubic yards of gravel for a foundation for a portion of the school building and construction of up to five two story residential buildings of approximately 5,400 square feet in palustrine forested wetlands on property west of Montana Creek. All residential buildings would be constructed on pilings at a minimum of three feet above the ground. In the first phase of the project a road and one residential building would be constructed; other components would be constructed as funding becomes available. According to site plans submitted by the applicant, the last residence to be constructed (depending on housing needs and funding), would be constructed within sixty-five feet of Montana Creek.

The project involves placement of fill in approximately 0.25 acre of the ML1 (category A) wetland management unit within the JWMP. The ML1 unit is approximately 245 acres of forested, scrub shrub and emergent wetlands, located generally between Montana Creek and Wren Drive, south of Mendenhall Loop Road. The project would be located west of Montana Creek at the west end of the wetland unit. The development standard for these and all Category A wetlands is: development may occur only if there is no net loss of individual functional values in the wetland unit. One environmental function cannot be substituted for another, [CBJ §49.70.1080(b)]. High or medium high functional values in the ML1 are listed below, although the functions are assumed to be evaluated for the emergent wetlands which cover a majority of the wetland unit area, and therefore may not apply to the forested wetlands at the project site. Further information can be obtained in the Adamus publication, Juneau Wetlands, Functions and Values, 1987, which is available in the Community Development Department.

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- *surface hydrologic control (High)*. This function refers to the ability of wetlands to reduce the magnitude of peak flood flows, or delay the release of water to downslope/downstream areas immediately after storms, sustain stream flows during dry seasons and reduce bank erosion and channel scour. The Montana Creek fen (reed-sedge wetland) consisting of the ML1 unit was evaluated using the HEC-1 hydrology model, and was found to reduce peak flows at its outlets during all months. The reductions ranged from 4% in December to 43% in July. During critical fish spawning months the reduction averaged approximately 25%;
- *ground water recharge (High)*. Ground water recharge is the net downward vertical movement of the wetlands surface water into underlying local or regional aquifers, or lateral movement of water into adjacent water bodies. Disturbances to this function may have far-ranging consequences, including changes to water quality in aquifers or surface water bodies. Recharge in the large lower Montana Creek wetlands (ML1), has not been identified in fens elsewhere, and the recharge function in the fen is unique;
- *sediment/toxicant retention (High)*. This function refers to the ability of wetlands to remove inorganic sediments (particularly finer materials) from aqueous suspension, and/or the removal of potentially toxic metals or hydrocarbons from solution;
- *nutrient transformation/export (High)*. This function refers to the wetland's ability or potential ability for transforming and/or exporting organic forms of nitrogen and phosphorus. In Southeast Alaska, some of the highest densities of wintering Coho salmon occurred in the study area's most nitrogen enriched and phosphorus retentive streams. The ML1 unit was found to consistently export high levels of nitrogen in July, August, September and November;
- *salmonid habitat (High)*. This function deals with the existing suitability of Juneau's wetlands for production of salmonid fish. Juneau salmonids can be classified as being either anadromous or resident. Anadromous fish are those that are hatched in freshwater, eventually migrate to the sea for some portion of their adult life, and return to freshwater to spawn. Resident fish are hatched and spend their entire life in freshwater. Species such as Dolly Varden char and cutthroat trout have individuals who exhibit both behaviors. Montana Creek is the largest tributary to the Mendenhall River. It originates in a high mountain meadow and flows for approximately eight miles, draining a watershed of approximately 15 square miles. The stream contains populations of coho, pink, chum, and sockeye salmon, cutthroat and rainbow/steelhead trout, and Dolly Varden char. Important features of Montana Creek for salmon production include the greatest variety of depth-velocity classes per reach in the Juneau area, overhanging vegetation, undercut banks, large stationary woody debris, substrate characteristics, lack of iron flocculent, shade, bank stability, and low turbidity;
- *recreational use/potential (High)*. This function refers to the potential use of the wetlands for human activities which normally cause no major or irreversible damage to the wetlands such

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as hiking, bird or wildlife watching, gathering food and non-food plants, fishing, hunting, cross-country skiing, picnicking; educational use and others:

- *riparian support (High)*. Where a wetland is itself poor fish habitat, it may nevertheless influence the quality of fish habitat and aquatic invertebrate fish food in downstream areas and estuaries. The riparian support function considers the positive influence that wetlands may have on water temperature and export of detritus (decaying plant material). These factors directly influence capability of a downstream or estuarine area to support fish and/or invertebrate fish food habitat. Maintaining the diversity of vegetation type within a wetland unit will stagger the amount of nutrient flow downstream, because different plants decay and drop leaves at different times and at different rates. A shaded wetland area has the ability to moderate water temperature where areas upstream or downstream are open land. The MLI unit was rated high for this function because of the number of permanent tributaries to Montana Creek which traverse the 245 acre unit;
- *disturbance of sensitive wildlife (Medium High)*. Some wildlife species, although not necessarily regionally rare, are sensitive to repeated presence of humans on foot. Larger animals which generally establish larger territories, and which tend to use open, or sparsely vegetated areas are generally more sensitive. For example, bears, deer, heron, waterfowl, and hawks are more sensitive than songbirds which are able to conceal their movements in vegetation. In addition, the Montana Creek watershed may provide a travel corridor for Sitka Blacktail deer and Black bear. Black bear utilize the salmon spawning in the Creek as a food source. This project will impact the only forested area available for cover for large species of wildlife south of the Mendenhall Loop Road bridge, therefore individual animals may be displaced resulting in some mortality. The Montana Creek subarea was noted in the Adamus study to be the richest part of the study area for mammals;
- *regional ecological diversity (High)*. This function rates the wetland for species diversity to provide protection of all indigenous species through placing the highest protection priority on those wetlands containing species which are regionally the rarest and thus the most habitat specialized. The MLI unit was noted to contain uncommon bird species, including Northern Waterthrush, Red-breasted Nuthatch, Song Sparrow, Red-throated Loon, red-winged Blackbird, Northern Nuthatch, Northern Yellowthroat and Western Wood Peewee;
- *downslope beneficiary sites (High)*. This function refers to the benefits a wetland may have which is identifiable and clearly linked with a specific geographic area, and have an economic worth. As an example, the MLI unit has the potential to reduce peak flows downstream, which would reduce economic damages during flood events. It is recognized that wetlands also enhance off-site populations of fish and wildlife;
- *ecological replacement cost (High)*. Older plant communities are usually more difficult to replace than young ones. A mature deciduous stand would take longer to replace than a willow

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stand, although regeneration of the vegetation does not directly correlate to replacement of biological function or hydrology. However, the outward appearance (structure) of the unit can be used to make comparisons of replacement cost among various units. This function is not limited to wetlands, many upland areas are also difficult to replace. The ML1 unit was rated high for ecological replacement cost because peat soils and trees with at least 40 inch diameters are present;

The following mitigation policies apply to all developments in Category A wetlands. Projects must avoid damage to wetlands; where avoidance of damage cannot be accomplished, they must minimize loss or damage by limiting the degree or magnitude of the development and the actions associated with conducting the development. Where minimization is not possible, the wetland must be restored to predisturbance condition to the extent feasible and prudent, or the applicant must provide appropriate compensation.

This project has been sited at the extreme edge of the ML1 wetland to avoid and minimize impacts to wetlands. In addition, the residential buildings which were unavoidably sited in wetlands are designed to be built on pilings which would reduce adverse impacts to several wetland functions such as hydrology related functions. The applicant has attempted to minimize the wetlands impact by utilizing the non-wetland areas. Due to the applicant's efforts to avoid and minimize impacts to wetlands, no net loss of wetlands functions would be expected, provided the following stipulations are met.

The CBJ Coastal District determines that the project is consistent with the Juneau Coastal Management Program (JCMP) if the following stipulations and advisories are included in the consistency determination.

Stipulations:

1. Adequate erosion and sedimentation controls shall be implemented and maintained during construction by use of filtration curtains, hay bales, sediment retention basins, or other measures which are appropriate measures to achieve this purpose.
2. The hydrology of wetland areas surrounding the discharge sites shall be maintained to the maximum extent practicable. Methods to ensure this include: retention of naturally vegetated, undisturbed wetland areas, use of indigenous grassy swales, culverts or other appropriate techniques to ensure that development of the property does not adversely affect wetlands adjacent to the approved pad by causing ponding, drainage, siltation or inadvertent fill.
3. All discharge materials shall be free from toxic pollutants in toxic amounts as defined by state law.

Jackie Timothy
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4. The managers of the facility shall aggressively monitor the area between the facility and Montana Creek to determine if adverse impacts are resulting from use of the area by facility residents, and shall take all appropriate and necessary measures to prevent impacts to the wetlands adjacent to the facility, and the banks of Montana Creek. If adverse impacts such as stream bank destruction occur, the impacted areas shall be restored to pre-project conditions.

These stipulations are required to ensure that the project purpose is achieved with the minimum amount of fill, and that the effects on storm water runoff, water quality and other functional wetland values are minimized, pursuant to the enforceable policies of the JWMP. CBJ 49.70.1080.

Advisories:

1. The applicant is advised to obtain City and Borough of Juneau conditional use, grading and building permits prior to construction of the facility.
2. The applicant is advised that additional stipulations, conditions or plan alterations may be required by the Planning Commission during the reviews for the permits listed in Advisory 1.
3. The Wetlands Review Board (WRB), recommends that the public recreational function which is listed as high in the Juneau Wetlands Management Plan, be maintained within the fifty foot stream corridor by maintaining the policy of allowing public access on the trail along the west bank of Montana Creek.
4. The WRB also advises the applicant that removal of large timber on the construction site may result in the loss of additional large trees between the eastern construction limit and Montana Creek through windthrow. Any trees which fall into Montana Creek should be removed in a timely manner to minimize changes in the characteristics of the water quality including water temperature and changes in stream flow direction and velocity, which may result in stream bank destabilization.

Sincerely,



Terry Stone, Planner
Community Development Department
(907) 586-5230

Jackie Timothy
Montana Creek 17, AK-9804-11JJ
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cc: Juneau Youth Services, Applicant c/o Wayne Jensen. Agent
Clayton Hawkes, ADFG, Juneau*
Dave Sturdevant, DEC Juneau*
Terry Rader, DNR Juneau*
Susan Hitchcock, Corps of Engineers, Juneau*
Terrys, file
file

*e-mail transmission



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**COMMUNITY DEVELOPMENT
DEPARTMENT
STAFF DETERMINATION**

Date: December 28, 1998

File No.: USE98-00026

Jensen Yorba Lott, Inc.
522 W. 10th Street
Juneau, Alaska 99801

Application For: Proposal to modify an approved use permit for the construction of a group home for Juneau Youth Services. The change would increase the number of occupants from 10 to 12 and increase the area of the building from 5,200+/- square feet to 6,000+/- square feet.

Legal Description: USS 2551

Parcel Code No.: 4-B26-0-102-004-0

Hearing Date: July 14, 1998

The Community Development Department (CDD) staff has determined that the proposed changes to the previously approved conditional use permit as described above does not constitute a significant change to the project, therefore, the applicant does not need to return to the Planning Commission for further review. CDD staff makes this determination because the increase in number of occupants in the group home will not increase the number of staff at the site. Further, it is determined that the increase in number of occupants will not increase the impacts of the project to the traffic generated at the site or other impacts to neighboring properties as discussed in the review process for the approved permit.

Therefore, the Community Development Department approves the proposed changes from 10 to 12 occupants and from 5,200+/- square feet to 6,000+/- square feet with the same conditions as previously approved by the Planning Commission as follows:

1. The applicant shall obtain a Design Review Permit as approved by the Design Review Board.
2. The applicant shall design and construct a turn-around at the end of the access driveway adequate to allow a fire truck to enter and exit the property without backing onto Mendenhall Loop Road. The turn-around shall be reviewed and approved by the CBJ Fire Marshall at the time of the Building Permit review process.

Attachment C - 1998 Staff Determination for USE1998-00026

Jensen Yorba Lott, Inc.
File No: USE98-00026
December 28, 1998
Page 2

3. The applicant shall clear and maintain the brush and alder trees along Mendenhall Loop Road to allow clear sight distance from the exit driveway to the Montana Creek Bridge.
4. The applicant shall comply with the stipulations and advisories contained in the letter of May 27, 1998 by Terry Stone, CBJ Planner, regarding the Juneau Coastal Management Program and attached to this report.
5. The applicant shall obtain all required building permits as determined by the CBJ Building Division.

The effective date and expiration date remain as previously established and listed below.

Effective Date: The permit is effective upon approval by the Commission.
July 14, 1998

Expiration Date: The permit will expire 18 months after the effective date or January 14, 2000, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner:


Gary Gillette, Planner

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice - 202-272-5434, or fax 202-272-5447, NW Disability Business Technical Center - 1-800-949-4232, or fax 360-438-3208.



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: February 10, 2000

File No.: USE2000-00003

Wayne Jensen, Architect
Jensen Yorba Lott, Inc.
522 W. 10th St.
Juneau, Alaska 99801

Application For: A modification to a current Conditional Use permit to increase the size of a group home currently under construction from 12 beds to 16 beds.

Legal Description: USS 2551

Parcel Code No.: 4-B26-0-102-004-0

Hearing Date: February 8, 2000

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 2, 2000 and approved the increase to size of a group home currently under construction from 12 beds to 16 beds to be conducted as described in the project description and project drawings submitted with the application. The conditions of the previously approved Conditional Use permit (USE1998-00026) shall remain in place. These conditions are as follows:

1. The applicant shall obtain a Design Review Permit as approved by the Design Review Board.
2. The applicant shall design and construct a turn-around at the end of the access driveway adequate to allow a fire truck to enter and exit the property without backing onto Mendenhall Loop Road. The turn-around shall be reviewed and approved by the CBJ Fire Marshall at the time of the Building Permit review process.
3. The applicant shall clear and maintain the brush and alder trees along Mendenhall Loop Road to allow clear sight distance from the exit driveway to the Montana Creek Bridge.
4. The applicant shall comply with the stipulations and advisories contained in the letter of May 27, 1998 by Terry Stone, CBJ Planner regarding the Juneau Coastal Management Program and attached to this report.
5. The applicant shall obtain all required building permits as determined by the CBJ Building Division.

Jensen Yorba Lott, Inc.
File No: USE2000-00003
February 10, 2000
Page 2

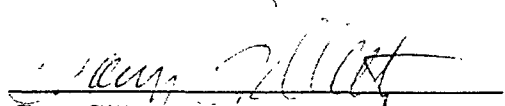
Attachment: February 2, 2000 memorandum from Gary Gillette, Community Development to the CBJ Planning Commission regarding USE2000-00003.

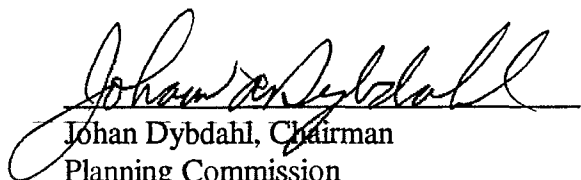
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c).

Effective Date: The permit is effective upon approval by the Commission.
(February 8, 2000)

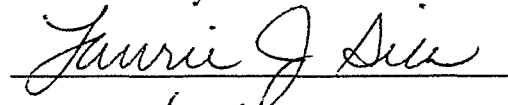
Expiration Date: The permit will expire 18 months after the effective date or August 8, 2001, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner:


Gary Gillette, Planner


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


2/10/2000

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice - 202-272-5434, or fax 202-272-5447, NW Disability Business Technical Center - 1-800-949-4232, or fax 360-438-3208.

Attachment D - 2000 Notice of Decision and Staff Report for USE2000-00003

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: February 2, 2000

TO: Planning Commission

FROM: Gary Gillette, Planner
Community Development Department

FILE NO.: USE2000-00003 - Conditional Use

PROPOSAL: A modification to a current Conditional Use permit to increase the size of a group home currently under construction from 12 beds to 16 beds.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott, Inc.

Property Owner: Juneau Youth Services, Inc.

Property Address: 10685 Mendenhall Loop Rd.

Legal Description: USS 2551

Parcel Code Number: 4-B26-0-102-004-0

Site Size: 152.17 Acres

Zoning: D-1, Single-Family/Duplex Residential

Utilities: CBJ Water and Sewer Services

Access: Mendenhall Loop Road

Existing Land Use: Group Home (Under Construction)

Surrounding Land Use: North - Residential
South - Vacant
East - Vacant
West - Mendenhall Loop Road

Attachment D - 2000 Notice of Decision and Staff Report for USE2000-00003



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File No.: USE2000-00003
February 2, 2000
Page 2

PROJECT DESCRIPTION

The applicant requests a modification to a current Conditional Use permit to increase the size of a group home currently under construction from 12 beds to 16 beds. The increased area would be accomplished by enclosing an area of approximately 400 square feet which is currently a permitted exterior deck. The result would be one slightly larger building than originally approved. No change would be made to the overall site work for the project.

BACKGROUND

On July 14, 1998 the Planning Commission approved a Conditional Use permit (USE98-00026) for the development of a 5,200+/- square foot group home for 10 occupants. A copy of the original staff report is attached to this report.

Subsequently, the applicant contacted the Community Development Department requesting a modification to increase the number of occupants to 12 and the size to 6,000+/- square feet. CDD staff determined this change was insignificant and approved the change. A copy of the staff determination is attached to this report.

ANALYSIS

The following analysis addresses the various issues as they relate to the proposed increase from 12 to 16 beds for the group home. Please refer to the staff report of July 7, 1998 for other information about the project as approved by the Commission.

Project Design - The proposed modification to the project would only affect the building footprint. The parking lot and other features of the project would remain as originally approved. The building would be increased by approximately 400 square feet to accommodate two additional bedrooms. A building permit has been approved for a deck at this end of the building. The new rooms would be constructed on this deck structure thus, the impacts to the site would not increase.

Traffic - Juneau Youth Services provides transportation to its occupants via a bus which seats 20 persons. The increase from 12 to 16 residents at the facility will not increase traffic to and from the home resulting from bus trips. Staffing at the facility would increase by one person from the original proposal. A total of 3 to 4 staff would serve the facility. There would be at least two staff on the premises at all times (24 hours per day). There may be as many as four at any given time depending on programming.

Planning Commission
 File No.: USE2000-00003
 February 2, 2000
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Rick Purves of the Alaska Department of Transportation/Public Facilities has indicated that the additional staff person would not significantly effect the traffic patterns for the facility. He indicated that the level of trip generations from the facility would be adequately handled by the driveway as previously approved.

Parking and Circulation - The CBJ Land Use Code requires one parking space for each three occupants in a group home. With 16 residents, the requirement would be 5 parking spaces. The facility is being constructed to provide 10 parking spaces which exceeds the code requirement.

Noise - It is not anticipated that any appreciable increase in noise would occur by increasing the number of occupants from 12 to 16. The use is residential in nature and is not expected to generate any noise that would impact neighboring properties.

Juneau Coastal Management Program - The increase to the facility will not further impact wetlands as the bedrooms would be constructed on what is now an outdoor deck. Further, much of the structure is constructed on pilings to avoid detrimental impacts to high value wetlands.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The commission shall adopt the director's determination on the three items above unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the commission adopts the director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;

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2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e)(1)(A thru C), Review of Director's Determinations, the director makes the following findings on the proposed development:

1. Is the application for the requested Conditional Use permit complete?

Yes. The director finds that the application contains the information necessary to conduct a full review of the proposed increase of occupants from 12 to 16. The application submittal by the applicant, including the appropriate fees, substantially conform to the requirements of CBJ code Chapters 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The director finds that the requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300 section 7.200 for the D-1, Residential zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The director finds that the proposed development complies with the other requirements of this chapter including, but not limited to, parking, vegetative cover, yard setbacks, stream setbacks, and eagle tree non disturbance zones.

4. Will the proposed development materially endanger the public health or safety?

No. The director finds that the proposed development incorporates features such as public sewer and water, and adequate ingress/egress and other features which will assure that the public health and safety will not be materially endangered.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. The director finds that the proposed development has incorporated features such as compact design of the building and parking lot to preserve maximum amounts of open space which will be in harmony with the neighborhood and not substantially decrease the value of the neighboring area.

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6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. The director finds that the proposed project is consistent with the Urban Low Density Residential designation of the officially adopted Juneau Comprehensive Plan.

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Yes. The director finds that the proposed development is consistent with the Juneau Coastal Management Program as previously approved.

RECOMMENDATION

It is recommended that the Planning Commission adopt the director's analysis and findings and grant the requested modification to the previously approved Conditional Use permit (USE1998-00026). The permit would allow the increase of occupants for a group home from 12 to 16. The conditions of the previously approved Conditional Use permit shall remain in place. These conditions are as follows:

1. The applicant shall obtain a Design Review Permit as approved by the Design Review Board.
2. The applicant shall design and construct a turn-around at the end of the access driveway adequate to allow a fire truck to enter and exit the property without backing onto Mendenhall Loop Road. The turn-around shall be reviewed and approved by the CBJ Fire Marshall at the time of the Building Permit review process.
3. The applicant shall clear and maintain the brush and alder trees along Mendenhall Loop Road to allow clear sight distance from the exit driveway to the Montana Creek Bridge.
4. The applicant shall comply with the stipulations and advisories contained in the letter of May 27, 1998 by Terry Stone, CBJ Planner regarding the Juneau Coastal Management Program and attached to this report.
5. The applicant shall obtain all required building permits as determined by the CBJ Building Division.

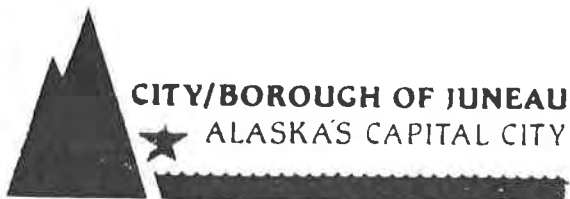
FAX MEMO

CITY / BOROUGH OF JUNEAU**Community Development Dept.**

155 South Seward Street, Juneau, Alaska 99801

To: Wayne Jensen**Date:** February 3, 2000**Title:** Architect**From:** Gary Gillette, Planner**Firm:** JYL**Dept.:** Community Development**Fax:** (907) 586-3959**Fax:** (907) 586-3365**Phone:** (907) 586-1070**Phone:** (907) 586-5230**Subject:** JYS Miller House**Pages:** 6, including this cover sheet

COMMENTS: This is scheduled for the consent agenda. While I don't expect any issues to arise it would be in your best interest to be at the meeting in the event it were pulled from the consent agenda. The meeting is Feb 8, 2000 at 7:00pm in Assembly Chambers. The consent agenda is one of the first items of business.



May 27, 1998

File No.: Montana Creek 17

AK-9804-11JJ

APN: 5-B26-0-102-004-0

Jackie Timothy
DGC Central Office
Consistency Review Division
P.O. Box 110030
Juneau, Alaska 99811-0030

SUBJECT: Juneau Youth Services Proposed Educational and Residential Facility, COE 4-950030.

Dear Ms. Timothy:

The Director of the CBJ Community Development Department, in conjunction with the Juneau Coastal District has reviewed the above referenced proposal for consistency with the Juneau Coastal Management Program (JCMP) and the Juneau Wetlands Management Plan (JWMP). The proposal includes construction of a residential and educational complex to house and educate up to fifty youths.

The applicant proposes the placement of approximately 2,500 cubic yards of gravel for a foundation for a portion of the school building and construction of up to five two story residential buildings of approximately 5,400 square feet in palustrine forested wetlands on property west of Montana Creek. All residential buildings would be constructed on pilings at a minimum of three feet above the ground. In the first phase of the project a road and one residential building would be constructed; other components would be constructed as funding becomes available. According to site plans submitted by the applicant, the last residence to be constructed (depending on housing needs and funding), would be constructed within sixty-five feet of Montana Creek.

The project involves placement of fill in approximately 0.25 acre of the ML1 (category A) wetland management unit within the JWMP. The ML1 unit is approximately 245 acres of forested, scrub shrub and emergent wetlands, located generally between Montana Creek and Wren Drive, south of Mendenhall Loop Road. The project would be located west of Montana Creek at the west end of the wetland unit. The development standard for these and all Category A wetlands is: development may occur only if there is no net loss of individual functional values in the wetland unit. One environmental function cannot be substituted for another, [CBJ §49.70.1080(b)]. High or medium high functional values in the ML1 are listed below, although the functions are assumed to be evaluated for the emergent wetlands which cover a majority of the wetland unit area, and therefore may not apply to the forested wetlands at the project site. Further information can be obtained in the Adamus publication, Juneau Wetlands, Functions and Values, 1987, which is available in the Community Development Department.

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- *surface hydrologic control (High)*. This function refers to the ability of wetlands to reduce the magnitude of peak flood flows, or delay the release of water to downslope/downstream areas immediately after storms, sustain stream flows during dry seasons and reduce bank erosion and channel scour. The Montana Creek fen (reed-sedge wetland) consisting of the ML1 unit was evaluated using the HEC-1 hydrology model, and was found to reduce peak flows at its outlets during all months. The reductions ranged from 4% in December to 43% in July. During critical fish spawning months the reduction averaged approximately 25%;
- *ground water recharge (High)*. Ground water recharge is the net downward vertical movement of the wetlands surface water into underlying local or regional aquifers, or lateral movement of water into adjacent water bodies. Disturbances to this function may have far-ranging consequences, including changes to water quality in aquifers or surface water bodies. Recharge in the large lower Montana Creek wetlands (ML1), has not been identified in fens elsewhere, and the recharge function in the fen is unique;
- *sediment/toxicant retention (High)*. This function refers to the ability of wetlands to remove inorganic sediments (particularly finer materials) from aqueous suspension, and/or the removal of potentially toxic metals or hydrocarbons from solution;
- *nutrient transformation/export (High)*. This function refers to the wetland's ability or potential ability for transforming and/or exporting organic forms of nitrogen and phosphorus. In Southeast Alaska, some of the highest densities of wintering Coho salmon occurred in the study area's most nitrogen enriched and phosphorus retentive streams. The ML1 unit was found to consistently export high levels of nitrogen in July, August, September and November;
- *salmonid habitat (High)*. This function deals with the existing suitability of Juneau's wetlands for production of salmonid fish. Juneau salmonids can be classified as being either anadromous or resident. Anadromous fish are those that are hatched in freshwater, eventually migrate to the sea for some portion of their adult life, and return to freshwater to spawn. Resident fish are hatched and spend their entire life in freshwater. Species such as Dolly Varden char and cutthroat trout have individuals who exhibit both behaviors. Montana Creek is the largest tributary to the Mendenhall River. It originates in a high mountain meadow and flows for approximately eight miles, draining a watershed of approximately 15 square miles. The stream contains populations of coho, pink, chum, and sockeye salmon, cutthroat and rainbow/steelhead trout, and Dolly Varden char. Important features of Montana Creek for salmon production include the greatest variety of depth-velocity classes per reach in the Juneau area, overhanging vegetation, undercut banks, large stationary woody debris, substrate characteristics, lack of iron flocculent, shade, bank stability, and low turbidity;
- *recreational use/potential (High)*. This function refers to the potential use of the wetlands for human activities which normally cause no major or irreversible damage to the wetlands such

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as hiking, bird or wildlife watching, gathering food and non-food plants, fishing, hunting, cross-country skiing, picnicking; educational use and others:

- *riparian support (High)*. Where a wetland is itself poor fish habitat, it may nevertheless influence the quality of fish habitat and aquatic invertebrate fish food in downstream areas and estuaries. The riparian support function considers the positive influence that wetlands may have on water temperature and export of detritus (decaying plant material). These factors directly influence capability of a downstream or estuarine area to support fish and/or invertebrate fish food habitat. Maintaining the diversity of vegetation type within a wetland unit will stagger the amount of nutrient flow downstream, because different plants decay and drop leaves at different times and at different rates. A shaded wetland area has the ability to moderate water temperature where areas upstream or downstream are open land. The MLI unit was rated high for this function because of the number of permanent tributaries to Montana Creek which traverse the 245 acre unit;
- *disturbance of sensitive wildlife (Medium High)*. Some wildlife species, although not necessarily regionally rare, are sensitive to repeated presence of humans on foot. Larger animals which generally establish larger territories, and which tend to use open, or sparsely vegetated areas are generally more sensitive. For example, bears, deer, heron, waterfowl, and hawks are more sensitive than songbirds which are able to conceal their movements in vegetation. In addition, the Montana Creek watershed may provide a travel corridor for Sitka Blacktail deer and Black bear. Black bear utilize the salmon spawning in the Creek as a food source. This project will impact the only forested area available for cover for large species of wildlife south of the Mendenhall Loop Road bridge, therefore individual animals may be displaced resulting in some mortality. The Montana Creek subarea was noted in the Adamus study to be the richest part of the study area for mammals;
- *regional ecological diversity (High)*. This function rates the wetland for species diversity to provide protection of all indigenous species through placing the highest protection priority on those wetlands containing species which are regionally the rarest and thus the most habitat specialized. The MLI unit was noted to contain uncommon bird species, including Northern Waterthrush, Red-breasted Nuthatch, Song Sparrow, Red-throated Loon, red-winged Blackbird, Northern Nuthatch, Northern Yellowthroat and Western Wood Peewee;
- *downslope beneficiary sites (High)*. This function refers to the benefits a wetland may have which is identifiable and clearly linked with a specific geographic area, and have an economic worth. As an example, the MLI unit has the potential to reduce peak flows downstream, which would reduce economic damages during flood events. It is recognized that wetlands also enhance off-site populations of fish and wildlife;
- *ecological replacement cost (High)*. Older plant communities are usually more difficult to replace than young ones. A mature deciduous stand would take longer to replace than a willow

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stand, although regeneration of the vegetation does not directly correlate to replacement of biological function or hydrology. However, the outward appearance (structure) of the unit can be used to make comparisons of replacement cost among various units. This function is not limited to wetlands, many upland areas are also difficult to replace. The ML1 unit was rated high for ecological replacement cost because peat soils and trees with at least 40 inch diameters are present;

The following mitigation policies apply to all developments in Category A wetlands. Projects must avoid damage to wetlands; where avoidance of damage cannot be accomplished, they must minimize loss or damage by limiting the degree or magnitude of the development and the actions associated with conducting the development. Where minimization is not possible, the wetland must be restored to predisturbance condition to the extent feasible and prudent, or the applicant must provide appropriate compensation.

This project has been sited at the extreme edge of the ML1 wetland to avoid and minimize impacts to wetlands. In addition, the residential buildings which were unavoidably sited in wetlands are designed to be built on pilings which would reduce adverse impacts to several wetland functions such as hydrology related functions. The applicant has attempted to minimize the wetlands impact by utilizing the non-wetland areas. Due to the applicant's efforts to avoid and minimize impacts to wetlands, no net loss of wetlands functions would be expected, provided the following stipulations are met.

The CBJ Coastal District determines that the project is consistent with the Juneau Coastal Management Program (JCMP) if the following stipulations and advisories are included in the consistency determination.

Stipulations:

1. Adequate erosion and sedimentation controls shall be implemented and maintained during construction by use of filtration curtains, hay bales, sediment retention basins, or other measures which are appropriate measures to achieve this purpose.
2. The hydrology of wetland areas surrounding the discharge sites shall be maintained to the maximum extent practicable. Methods to ensure this include: retention of naturally vegetated, undisturbed wetland areas, use of indigenous grassy swales, culverts or other appropriate techniques to ensure that development of the property does not adversely affect wetlands adjacent to the approved pad by causing ponding, drainage, siltation or inadvertent fill.
3. All discharge materials shall be free from toxic pollutants in toxic amounts as defined by state law.

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4. The managers of the facility shall aggressively monitor the area between the facility and Montana Creek to determine if adverse impacts are resulting from use of the area by facility residents, and shall take all appropriate and necessary measures to prevent impacts to the wetlands adjacent to the facility, and the banks of Montana Creek. If adverse impacts such as stream bank destruction occur, the impacted areas shall be restored to pre-project conditions.

These stipulations are required to ensure that the project purpose is achieved with the minimum amount of fill, and that the effects on storm water runoff, water quality and other functional wetland values are minimized, pursuant to the enforceable policies of the JWMP. CBJ 49.70.1080.

Advisories:

1. The applicant is advised to obtain City and Borough of Juneau conditional use, grading and building permits prior to construction of the facility.
2. The applicant is advised that additional stipulations, conditions or plan alterations may be required by the Planning Commission during the reviews for the permits listed in Advisory 1.
3. The Wetlands Review Board (WRB), recommends that the public recreational function which is listed as high in the Juneau Wetlands Management Plan, be maintained within the fifty foot stream corridor by maintaining the policy of allowing public access on the trail along the west bank of Montana Creek.
4. The WRB also advises the applicant that removal of large timber on the construction site may result in the loss of additional large trees between the eastern construction limit and Montana Creek through windthrow. Any trees which fall into Montana Creek should be removed in a timely manner to minimize changes in the characteristics of the water quality including water temperature and changes in stream flow direction and velocity, which may result in stream bank destabilization.

Sincerely,



Terry Stone, Planner
Community Development Department
(907) 586-5230

Jackie Timothy
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cc: Juneau Youth Services, Applicant c/o Wayne Jensen. Agent
Clayton Hawkes, ADFG, Juneau*
Dave Sturdevant, DEC Juneau*
Terry Rader, DNR Juneau*
Susan Hitchcock, Corps of Engineers, Juneau*
Terrys, file
file

*e-mail transmission

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: October 15, 2003

File No.: USE2003-00026

Jensen Yorba Lott
522 W 10th St
Juneau, AK 99801

Application For: Conditional Use permit to construct a 5,200 square foot group home for Juneau Youth Services children on the Montana Creek Campus.

Legal Description: Montana Creek Subdivision, USS 2551

Parcel Code No.: 4-B26-0-102-004-0

Hearing Date: October 14, 2003

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 17, 2003, and approved the Conditional Use permit. The permit would allow the development of an additional 5,200 square foot group home for Juneau Youth Services to house up to 12 children. The site total for the two buildings will be 28 children on the Montana Creek Campus. The development is to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. Prior to issuance of a building permit, the applicant shall submit a clearly dimensioned parking plan, including a designated loading zone, to be reviewed by staff for conformance with CBJ Title 49.40.
2. The applicant shall clear brush and small trees along the Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway as required by the Alaska Department of Transportation. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.
3. If sight distance is not maintained at the driveway entrance to the site, the facility will be closed until safe sight distance has been restored.
4. Construction of any additional buildings on the site, beyond the one approved under this permit, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road.
5. Expansion of the facility beyond 28 total occupants or construction of additional structures will require a new Conditional Use Permit application as appropriate under Title 49, Table of Permissible Uses.
6. Prior to issuance of a building permit, the applicant shall submit a lighting plan, to be approved by staff, which shows that all light fixtures will be shielded and not produce off site glare.

7. Prior to issuance of a building permit, the applicant shall submit a vegetation buffer plan, to be approved by staff, which shows that sufficient vegetation will remain between JYS buildings and Mendenhall Loop Road to provide a visual buffer.
8. The applicant may not clear vegetation within 25' of Montana Creek unless such clearing is for purposes of insuring safe sight distance at the driveway entrance and the clearing is approved by CDD staff.

Attachments: September 17, 2003 memorandum from Greg Chaney, Community Development to the CBJ Planning Commission regarding USE2003-00026.

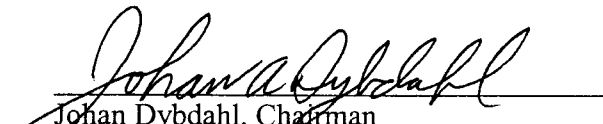
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, October 14, 2003.

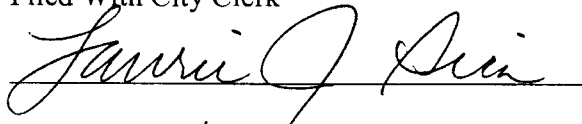
Expiration Date: The permit will expire 18 months after the effective date, or April 14, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Greg Chaney, Planner
Community Development Department


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


10/15/03

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: September 17, 2003

TO: Planning Commission

FROM: Greg Chaney, Planner
Community Development Department



FILE NO.: USE2003-00026 - Conditional Use

PROPOSAL: Conditional use permit to construct a 5,200 square foot group home for Juneau Youth Services children on the Montana Creek Campus.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott

Property Owner: Juneau Youth Services, Inc.

Property Address: 10685 Mendenhall Loop Road

Legal Description: Montana Creek Subdivision, USS 2551

Parcel Code Number: 4-B26-0-102-004-0

Site Size: 152.17 acres

Zoning: D1 and D3

Utilities: CBJ Water and Sewer

Access: Mendenhall Loop Road

Existing Land Use: Juneau Youth Services

Surrounding Land Use:

North	-	D1 & D-3, McGinnis Subdivision
South	-	D-1, Montana Creek; Black Bear Estates
East	-	D-1, Mendenhall River (vacant)
West	-	D-3, Mendenhall Loop Rd



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit to construct a second group home on the Montana Creek campus for Juneau Youth Services (JYS). The current proposal is for a 5,500 square foot building to house 12 children and will be similar in style and function to the existing 16 bed Miller House facility already present on the site. When the new building is operational, the campus will have a capacity for 28 residents. Up to 8 staff members may be present at any given time on site.

BACKGROUND

Juneau Youth Services has operated a group home facility known as the Miller House for many years. In recent years the organization purchased a 152-acre parcel of land which encompasses part of Montana Creek along Mendenhall Loop Road. The long-range plan is to consolidate various JYS facilities into a campus complex of residential, educational and administrative buildings.

On July 14, 1998 the Planning Commission approved a Conditional Use permit (USE1998-00026) for the development of a 5,200 square foot group home for 10 occupants. Subsequently the applicant requested a modification of the permit to increase the maximum size to 6,000 square feet and maximum occupancy to 12 occupants.

February 10, 2000 the Planning Commission approved an increase of the maximum size from 12 to 16 occupants. The facility has been operating since completion until the present.

Construction of the Miller House on the site was Phase 1 in the long-range plan to consolidate operations on site. The current request is for a second building will accomplish the next phase of the long-range plan. A copy of the long-range plan is attached to this report.

ANALYSIS

Project Site - The proposed project site is located on a large 152-acre lot owned by Juneau Youth Services. A significant portion of the property is composed of wetlands and contains a portion of Montana Creek. The site selected for construction of the facility is located in the extreme southwest corner of the lot and encompasses less than an acre of land. The new building's location will be on the edge of a wetland area and flood zone but be built on pilings to elevate it above flood level and minimize it's footprint. Therefore, minimal fill will be placed in wetlands to accomplish this development.

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Project Design - The project is designed to be of a campus nature with development concentrated in a small portion of the lot. The residential building will be constructed on pilings at a level above the required flood elevation. Parking lots and driveway are located outside of mapped wetlands. The new building will be over 400 feet from the nearest mapped eagle nest tree.

Traffic – Juneau Youth Services provides transportation to its occupants via small busses and vans. The increase from 16 to 28 residents at the campus will have little impact in terms of vehicle trips to the site. A maximum of 8 staff members may be present on site. The Loop Road has capacity to handle this additional traffic load.

Parking and Circulation – The CBJ Land Use Code requires one parking space for each three occupants in a group home. With 28 residents, the parking requirement would be 9 parking spaces. Thirty-three parking spaces are being provided for the facility. Two of these parking spaces are to be designated as accessible spaces. A designated 12x30 foot-loading zone is required per CBJ 49.40.210(c)(2). Although a loading zone is not shown on the parking plan, plenty of space is available for a loading zone. The parking plan as shown clearly exceeds the minimum parking requirements for the project.

The parking plan provided with this application did not contain detailed dimensions but there is space available on the site for this parking plan. Therefore, staff is recommending a condition that prior to issuance of a building permit, a parking plan with clear dimensions be submitted and reviewed by staff.

Driveway access to the site has been the cause of concern for some time. Due to curves in the road, grade and icy winter driving conditions, driveways in this region generally require more than the minimum site distance required by DOT design standards. In this case, the applicant has worked closely with DOT to improve site distance by trimming brush on either side of the driveway. As long as vegetation is not allowed to grow up near the driveway entrance, DOT has agreed that one additional building may be added to the site. However, if additional buildings beyond this are added to the site, DOT has required that access be redirected to nearby Black Bear Road. Sight distance at the intersection of Black Bear Road and Mendenhall Loop is better than at the current driveway location. Therefore, staff is recommending conditions to ensure that the current driveway access will be limited to the proposed additional building. Any additional buildings will require access through the Black Bear Road intersection.

Noise – The site is well buffered from adjacent residential development by distance, vegetative buffers and topography. It is not anticipated that any appreciable increase in noise would occur by increasing the number of occupants from 16 to 28. The use is residential in nature and is not expected to generate any noise that would impact neighboring properties.

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Public Health or Safety – The proposed project will be connected to public sewer, water and other utility services.

Property Value or Neighborhood Harmony – The surrounding neighborhood is primarily undeveloped and features open space and green belts along Montana Creek. The proposed project is designed to utilize a small portion of the site to allow significant buffer zones for neighborhoods in the area. Most of the subject property is to remain in open space. Therefore, the proposed project appears to be in harmony with the surrounding neighborhood. There has been no evidence presented that would indicate that the proposed project will negatively impact property values.

Conformity With Adopted Plans - Portions of the lot are zoned D-1 and D-3 residential. The location of the new building site is zoned D-3. The Juneau Comprehensive Plan designates the area of the subject property as Urban Low Density Residential. The facility is primarily residential in nature and by using only a small portion of the lot so it is very low density in nature. The CBJ Land Use Code more specifically identifies zones and the uses allowed in these zones. The subject property is zoned D-3 residential. Group homes are allowed in the D-3 zoning district upon approval of a Conditional Use Permit by the Planning Commission.

Juneau Coastal Management Program – The proposed development must comply with CBJ§49.70.900, the Juneau Coastal Management Program (JCMP). Extensive review of the proposed project and the entire master plan has been undertaken. The US Army Corps of Engineers has completed its review of proposed fill. It has been determined that the project will meet the criteria established for filling wetlands. The proposed new structure will be constructed on pilings to minimize fill. Parking lot and driveways will primarily be restricted to the upland portions of the site. An eagle's nest is located on the lot but it will be further than 400 feet from the new building site. This exceeds the 330-foot buffer required around eagle nest trees under CBJ§49.70.310.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

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The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 7.200 for the D-3 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. Based on the staff analysis above, the proposed development complies with the other requirements of this chapter. Public notice was provided in the Your Municipality section of the Juneau Empire on Friday, September 12th, 2003 and Monday, September 22nd, 2003.

Planning Commission
 File No.: USE2003-00026
 September 17, 2003
 Page 6 of 7

4. *Will the proposed development materially endanger the public health or safety?*

No. Based on the staff analysis above, the proposed development incorporates features such as public water and sewer service. Access to the site is adequate to meet the proposed occupancy for the proposed new building. Any additional development will require a new driveway access through Black Bear Road. With this understanding, staff has concluded that public health and safety will not be endangered.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. Based on the preceding analysis, by incorporating features such as clustering the buildings to preserve open space and buffers, the project will be in harmony with the neighborhood and not substantially decrease the value of properties in the neighboring area.

6. *Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

Yes. As stated in the above report, the project is consistent with the Urban Low-Density Residential designation of the Juneau Comprehensive Plan.

7. *Will the proposed development comply with the Juneau Coastal Management Program?*

Yes. Based on the analysis above, the proposed development is consistent with the Juneau Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an additional 5,200 square foot group home for Juneau Youth Services to house up to 12 children. The site total for the two buildings will be 28 children on the Montana Creek Campus.

1. Prior to issuance of a building permit, the applicant shall submit a clearly dimensioned parking plan, including a designated loading zone, to be reviewed by staff for conformance with CBJ Title 49.40.
2. The applicant shall clear brush and small trees along the Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway as required by the Alaska Department of Transportation. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.

Planning Commission
File No.: USE2003-00026
September 17, 2003
Page 7 of 7

3. If sight distance is not maintained at the driveway entrance to the site, the facility will be closed until safe sight distance has been restored.
4. Construction of any additional buildings on the site, beyond the one approved under this permit, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road.
5. Expansion of the facility beyond 28 total occupants or construction of additional structures will require a new Conditional Use Permit application as appropriate under Title 49, Table of Permissible Uses.

ALLOWABLE/CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number	Project Name 345 Phase II	Case Number USE03-26	Date Received 6-12-03
----------------	------------------------------	-------------------------	--------------------------

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.

Construct an approximately 5,200 sq. ft. Group Home (1.400) for 12 children for Juneau Youth Services on the Montana Creek Campus.

MODIFICATION OF EXISTING APPROVAL?

☒ No☐ Yes - CASE NUMBER _____

EXISTING USE OF LAND AND/OR BUILDING(S):

Group Home (Miller House) for 16 children.

PROPOSED USE OF LAND AND/OR BUILDING(S):

Group Home (1.400)

UTILITIES PROPOSED

WATER: ☒ Public☐ On SiteSEWER: ☒ Public☐ On Site

SITE DIMENSIONS:

Width _____ ft.

Depth _____ ft.

Total Area 152 Acres

square feet

DIMENSIONS OF STRUCTURE:

(Outside Dimensions)

Length 120 ft.Width 65 ft.Height 30 ft.Total Area 5200 square feet

SIGNS: Sign Approvals are a separate permit approval. Provide sign plan as an information item.

EXTERNAL LIGHTING

Existing to remain ☐ No☐ Yes - provide fixture information, illumination pattern, and location of lighting fixtures.Proposed ☐ No☐ Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

PARKING

Existing Spaces: 10Proposed Spaces: 20 - 40

PLEASE NOTE: INCOMPLETE APPLICATIONS MAY NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION.
UNACCEPTED APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

CIRCLE TYPE OF PERMIT: ALLOWABLE USE / CONDITIONAL USE

TABLE OF PERMISSIBLE USES CATEGORY:

	Fees	Check No.	Receipt No.	Date
Application Fees	\$ <u>400</u>			
Adjustment	\$			
Public Notice Sign Fee	\$ <u>50</u>			
Public Notice Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>550.00</u>	<u>1040839</u>	<u>16129</u>	<u>6-12-03</u>

i:\debl\internet\internet.xls page label: devappcu.xls revised 2/9/99

NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM
WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received:	6-12-03
Project Name (City Staff to assign name)	JYS PHASE II		

PROJECT / APPLICANT INFORMATION	Project Description Construct 12 Bed Group Home for Juneau Youth Services.			
	PROPERTY LOCATION			
	Street Address 10685 Mendenhall Loop Road		City / Zip Juneau 99801	
	Subdivision (if known) Montana Creek	Survey (if known) U35 2551	Block / Tract (if known)	Lot (if known)
	Assessor's Parcel Number (if known) 4-B26-0-102-004-0			
	LANDOWNER / LESSEE			
	Property Owner's Name Juneau Youth Services Inc. ☐ Contact by E-Mail: pat@jys.org		Contact Person Pat Gougley	Work Phone No. 796 4103
	Mailing Address PO Box 32839 Juneau AK 99803		Home Phone No.	FAX No.
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY	
	I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X Walter Haglund, Director EXES 6/11/03 Landowner/Lessee Signature Date X _____ Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.		APPLICATION TYPE ALLOWABLE USE CONDITIONAL USE VARIANCE DESIGN REVIEW SUBDIVISION OTHER	

APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)			
Applicant's Name Jensen Yorba Loft Inc. ☐ Contact by E-Mail: wayve@jensenyorbaloft.com		Contact Person Wayve Jensen	Work Phone No. 586 1070
Mailing Address 522 W 10th St Juneau AK 99801		Home Phone No.	FAX No.
X Wayve Jensen Applicant's Signature		X 5.22.03 Date of Application	

(OFFICE USE ONLY BELOW THIS LINE)

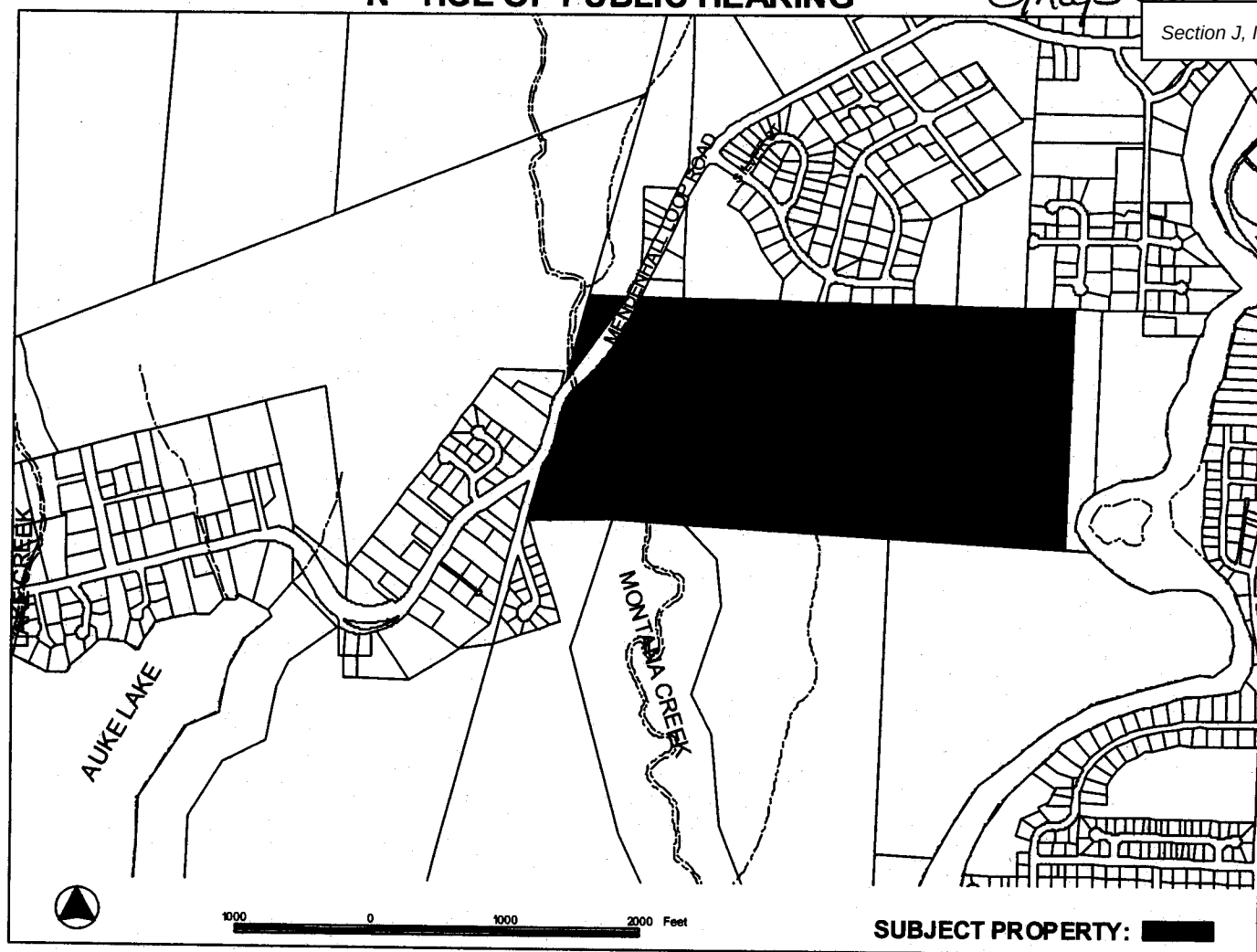
STAFF APPROVALS	C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL					WATER PERMIT		
	X	CONDITIONAL USE APPROVAL	X	6/12/03	USE 03-26		SEWER PERMIT		
		VARIANCE					GRADING PERMIT		
		DESIGN REVIEW APPROVAL	MINOR				DRIVEWAY PERMIT		
		SUBDIVISION	MINOR				RIGHT-OF-WAY PERMIT		
		STREET VACATION	MAJOR				PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO	PUD				OTHER - (Describe)		
		BUILDING PERMIT					Permit Intake Initials PJW		
	Zone		Total Lot Area	Required Setbacks					
			Front Back Side Other						
COMMENTS:									

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

NOTICE OF PUBLIC HEARING

GREG'S COPY

Section J, Item 3.



PROPOSAL: A Conditional Use permit to construct an approximately 5,200 square foot group home for children of Juneau Youth Services on the Montana Creek Campus.

FILE NO:	USE2003-00026	APPLICANT:	JENSEN YORBA LOTT, INC
TO:	Adjacent Property Owners	PROPERTY OWNER:	JUNEAU YOUTH SERVICES INC
HEARING DATE:	September 23, 2003	PROPERTY ADDRESS:	10685 MENDENHALL LOOP RD
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	4-B26-0-102-004-0
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	152.17 Acres
		ZONING:	D1
		ACCESS:	MENDENHALL LOOP RD

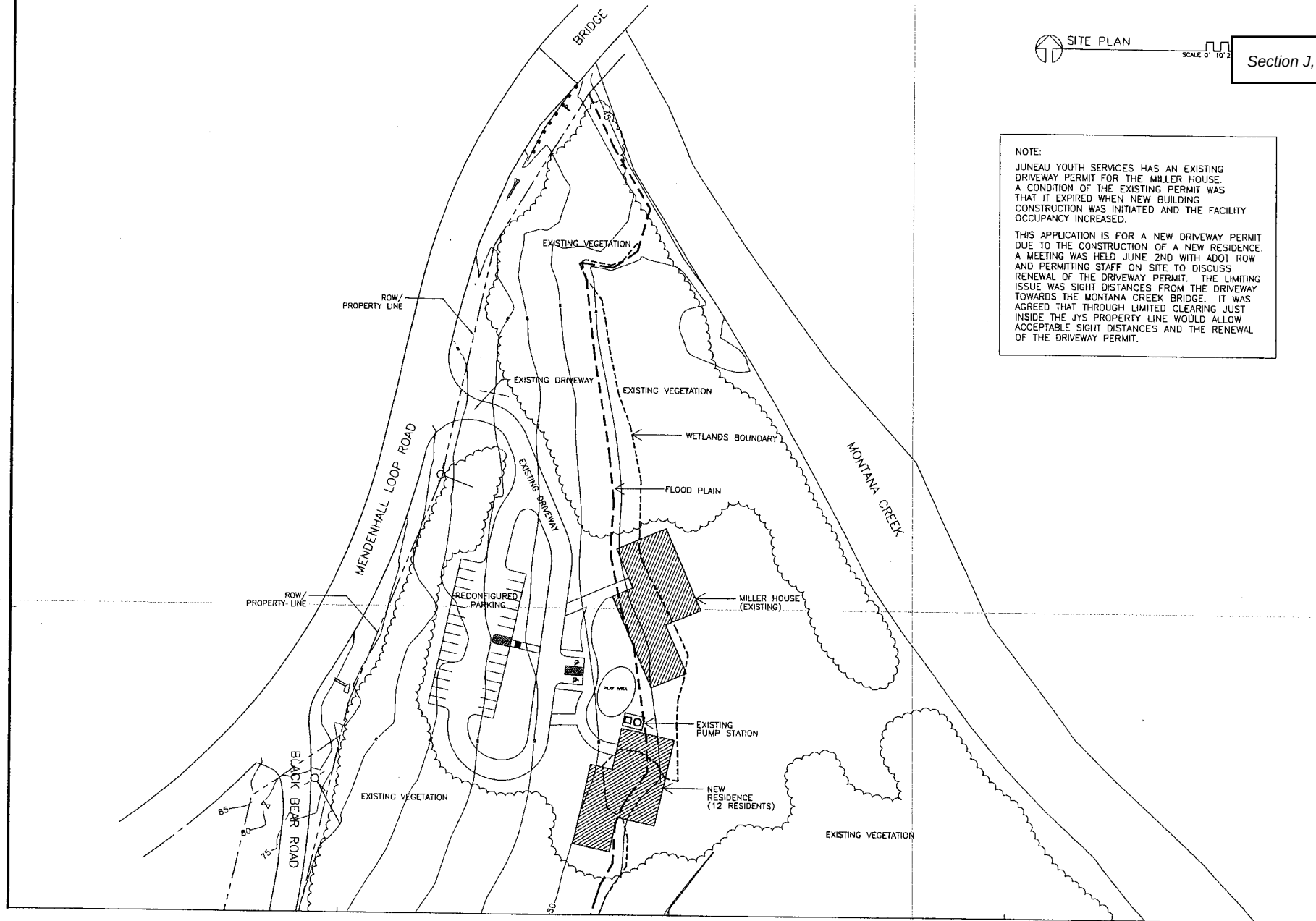
PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Greg Chaney at 586-0761 or e-mail: Greg_Chaney@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: September 11, 2003



SITE PLAN
SCALE 0' 10' 20'

Section J, Item 3.

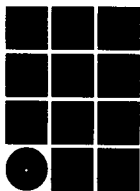
NOTE:
JUNEAU YOUTH SERVICES HAS AN EXISTING DRIVEWAY PERMIT FOR THE MILLER HOUSE. A CONDITION OF THE EXISTING PERMIT WAS THAT IT EXPIRED WHEN NEW BUILDING CONSTRUCTION WAS INITIATED AND THE FACILITY OCCUPANCY INCREASED.
THIS APPLICATION IS FOR A NEW DRIVEWAY PERMIT DUE TO THE CONSTRUCTION OF A NEW RESIDENCE. A MEETING WAS HELD JUNE 2ND WITH ADOT ROW AND PERMITTING STAFF ON SITE TO DISCUSS RENEWAL OF THE DRIVEWAY PERMIT. THE LIMITING ISSUE WAS SIGHT DISTANCES FROM THE DRIVEWAY TOWARDS THE MONTANA CREEK BRIDGE. IT WAS AGREED THAT THROUGH LIMITED CLEARING JUST INSIDE THE JYS PROPERTY LINE WOULD ALLOW ACCEPTABLE SIGHT DISTANCES AND THE RENEWAL OF THE DRIVEWAY PERMIT.

Jenser Yorba Lott Inc.
522 West 10th S
Juneau, Alaska 99801
phone 907-586-1111
fax 907-586-1112
jensenyorbajott.com

Juneau Youth Services, Inc.
Miller House Replacement
Mendenhall Loop Road
Juneau, Alaska

REVISIONS
△
△
△
△
SHEET TITLE
SITE PLAN
DATE: MAY 2003
FILE: 0321/CAD/SD
L101

RECEIVED
JUN 20 2003
PERMIT CENTER / CDD



June 9, 2003

**Architecture
Interiors
Landscape
Architecture**

**RE: Juneau Youth Services
Montana Creek Campus Phase II
Allowable Use Permit**

Debra Purves
CBJ Permit Coordinator
Community Development
Department
155 South Seward St
Juneau. AK 99801

Dear Debra:

Attached is a Development Permit Application and an Allowable Use Application along with supporting drawings to construct a second group home on the Montana Creek campus for Juneau Youth Services. The proposal is illustrated on the attached site plan drawing, which also indicates the Master Plan for future development of the site. The proposed approximately 5,500 square foot building will house 12 children and will be a similar style to the existing 16 bed Miller House. The building will be located more than 60 feet from any property line.

The Land Use Code requires parking at a rate of 1 space per 3 occupants in a group home. The existing Miller house has 16 occupants and this proposal is for 12 occupants. Parking per the Land Use Code is calculated at 10 spaces. The proposal is to construct at least 20 spaces.

The building will be constructed on piling and will have metal roofing and painted cement board siding to match the existing building. This proposal is consistent with the information presented for USE98-00026 when the permit was granted to construct the Phase I building. A natural landscape buffer is maintained along the Mendenhall Loop Road and Black Bear Road, the development is located outside of the stream setback for Montana Creek and the construction in the wetlands and the flood plain is on piling to minimize impact.

1935
Founded as
H.B. Foss Company

1945
Foss & Malcolm

1949
Foss & Olsen

1956
Olsen & Sands

1969
Sands & Ackley

1974
Ackley & Associates,
Inc.

1979
Ackley/Jensen
Architects, Inc.

1985
Jensen Douglas
Architects, Inc.

1997
Jensen Yorba Lott, Inc.

522 West 10th Street
Juneau, Alaska 99801
Tel.: 907.586.1070
Fax: 907.586.3959
jensenyorbalott.com

RECEIVED

JUN 12 2003

PERMIT CENTER/CDD

The staff analysis for the approval for USE98-00026 included a recommendation from the Alaska State DOT/PF to connect the internal drive between Mendenhall Loop Road and Black Bear Road. We have indicated two options for this connection and shown it as a future project for the following reasons:

- Black Bear Road is still undeveloped and does not provide all-weather access.
- Many of the staff that serve the Miller House will also serve this new building.
- The proposed new parking lot will provide an on-site turn-around for emergency vehicles.
- The decision on the best location of the connection road has not been finalized and JYS wishes to maintain the flexibility to locate the road to best serve the expanding campus.

We have reviewed this proposal with DOT/PF and received verbal approval contingent upon removing and/or trimming trees adjacent to Montana Creek near the bridge to provide better view from the driveway to oncoming traffic on the Mendenhall Loop Road. We have filed a driveway permit to allow the construction of this proposed building with the above conditions.

We appreciate your assistance on the second phase of this development and welcome any questions.

Sincerely,

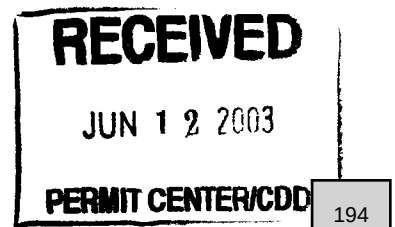


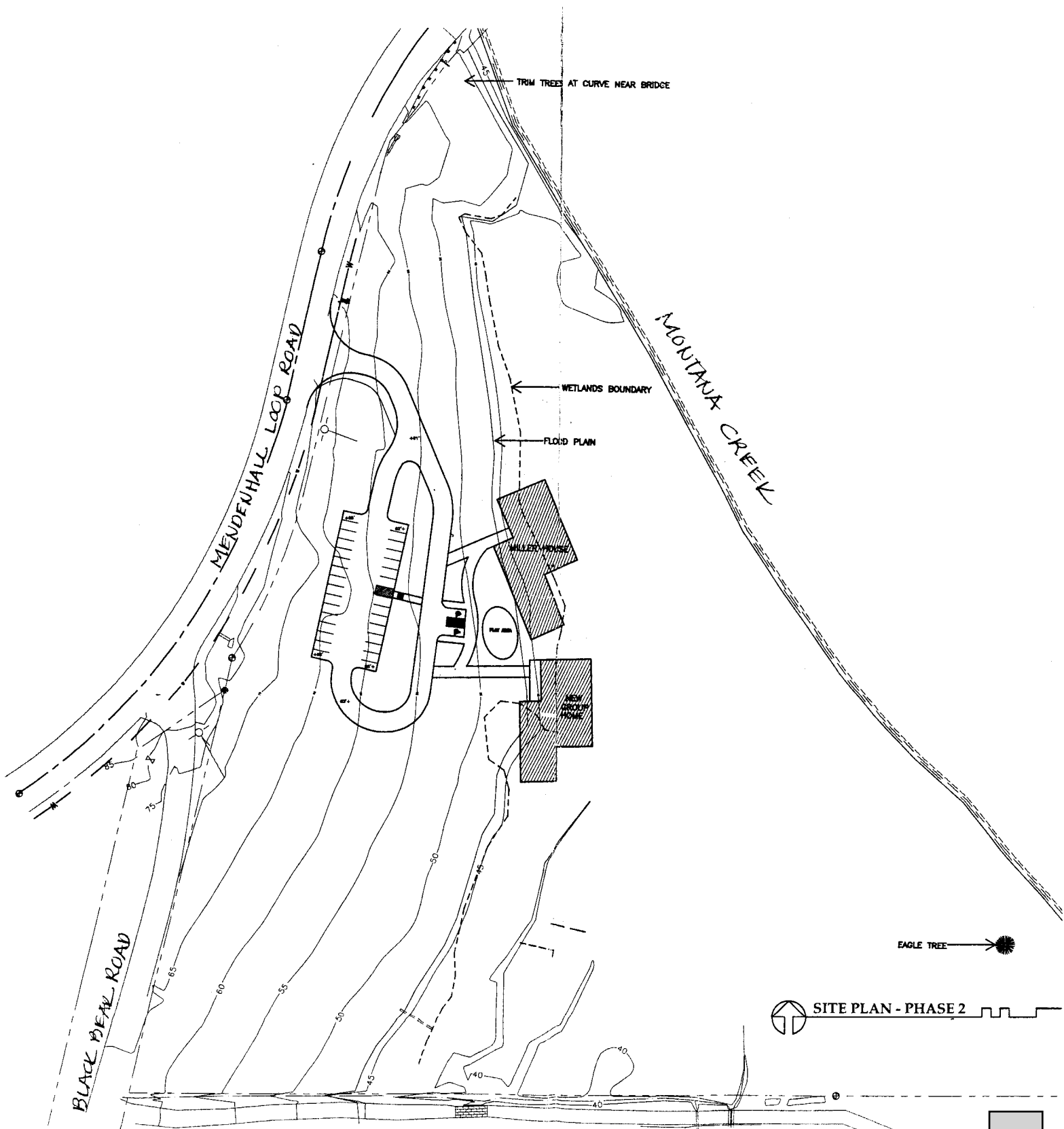
Wayne Jensen

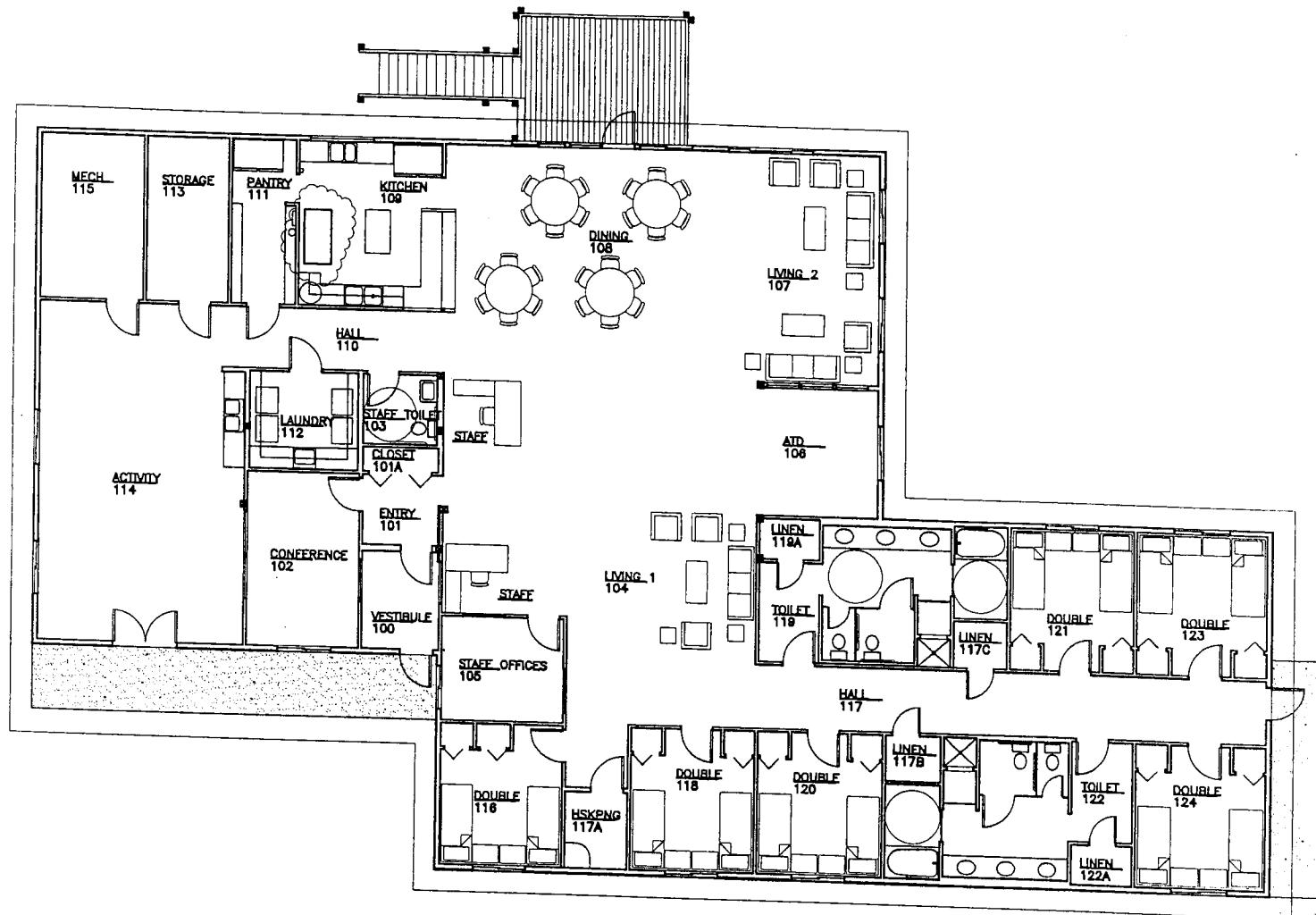
Enclosure(s)

cc: Walter Majoros
Pat Quigley

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Phase II FIRST FLOOR PLAN

Feet: 0 4 8 16

Juneau Youth Services, Inc.

May, 2003

RECEIVED

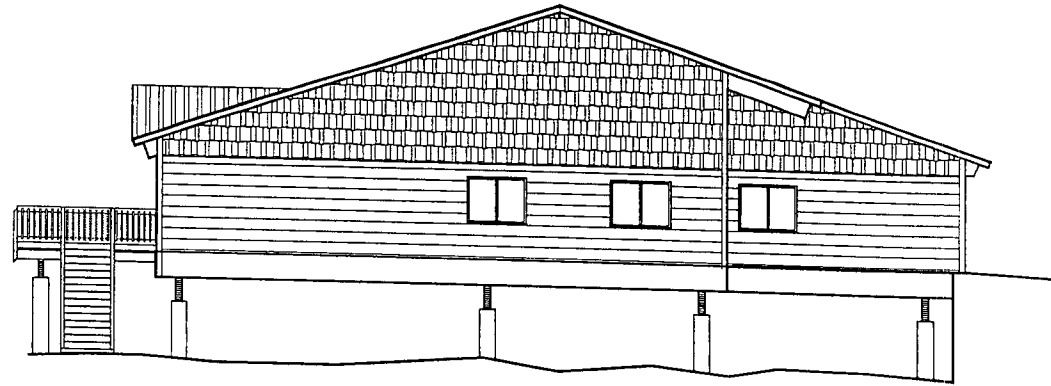
JUN 12 2003

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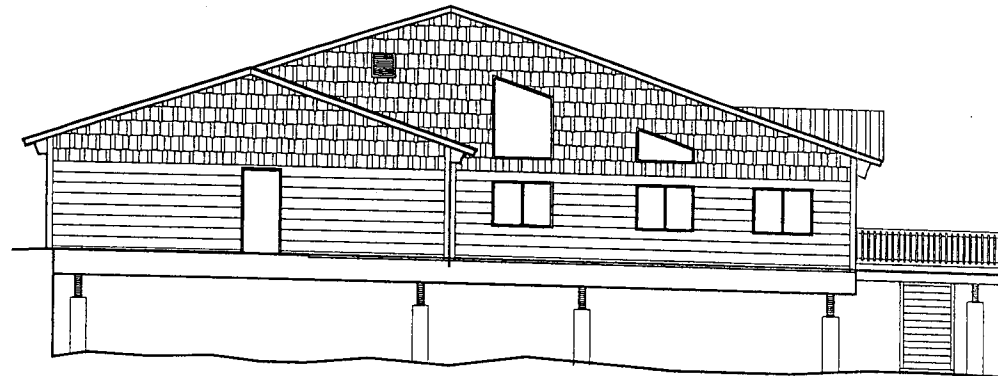
Jensen
Yorba
Lott

Inc.

196



WEST ELEVATION



EAST ELEVATION

Phase II ELEVATIONS

Juneau Youth Services, Inc.

May, 2003

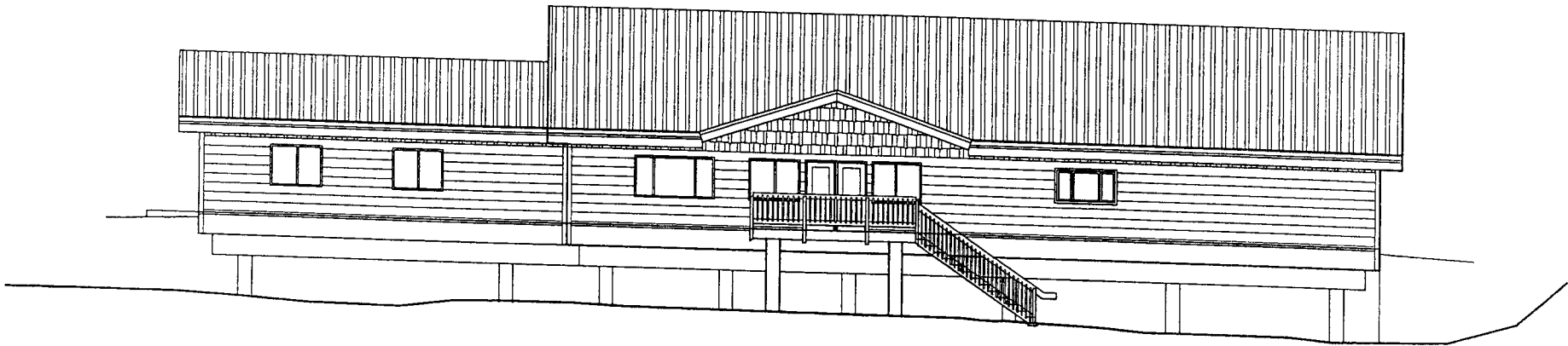


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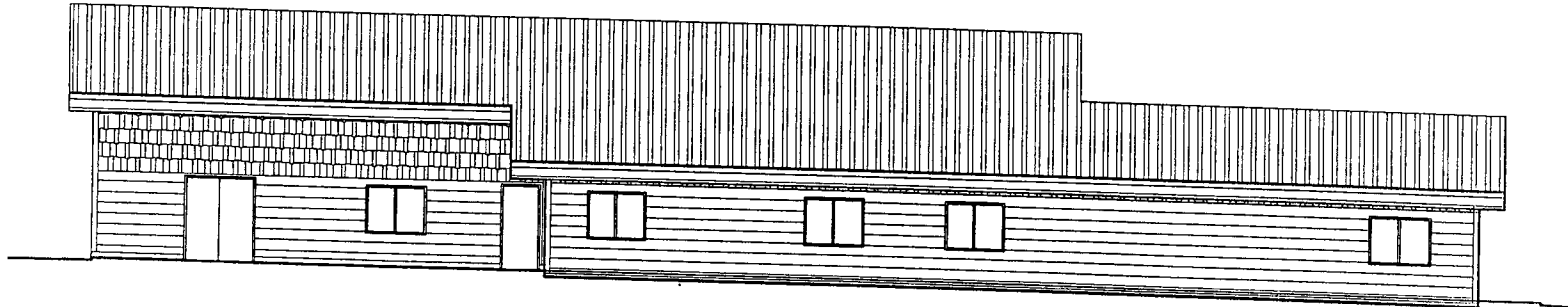
JUN 12 2003

PERMIT CENTER/CDD





NORTH ELEVATION

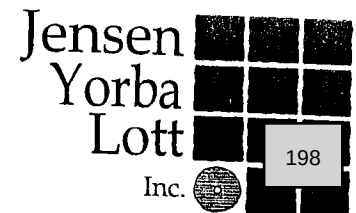
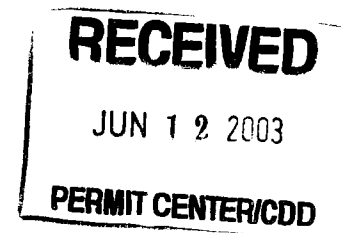


SOUTH ELEVATION

Phase II ELEVATIONS

Juneau Youth Services, Inc.

May, 2003



STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION
SOUTHEAST REGION/UTILITIES

FRANK H. MURKOV

Section J, Item 3.

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE: (907) 465-4540
FAX: (907) 465-6216
TTY/TDD: (907) 465-4617
1-800-575-4540

Date: August 27, 2003

RE: Driveway Permit # 12912

Walter Majoros for
Juneau Youth Services
PO Box 32839
Juneau AK 99803

Dear Mr. Majoros:

Enclosed is the signed permit for a common use driveway for access to USS 2551 aka 10685 Mendenhall Loop Road.

This permit is for an existing driveway. This driveway must meet all the requirements and conditions stated in this permit for final approval.

If you have any questions please call me at 877 305-6630 toll free or 465-4526.

George R. Jackson



Permits Officer
Southeast Region

Enclosures:
Signed Driveway Permit # 12912

RECEIVED
SEP 02 2003

Juneau Youth Services, Inc.

State of Alaska
Department of Transportation and Public Facilities

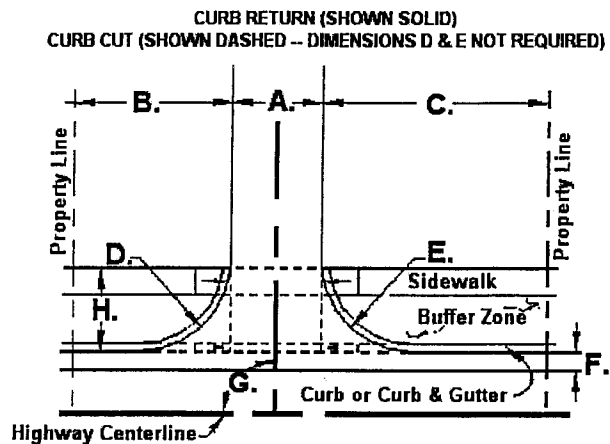
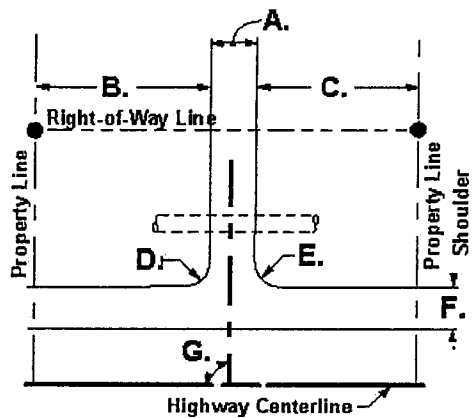
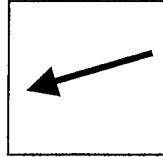
Driveway and Approach Road Permit

This permit allows the permittee to construct and maintain a driveway or approach road within a State owned highway Right of Way.

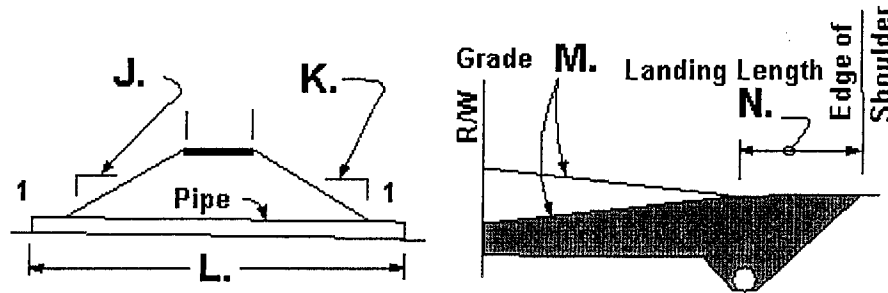
☐ Residential/Private ☐ Commercial ☐ Government Agency	
Applicant: Juneau Youth Services Mailing Address: PO Box 32839 Juneau, AK 99802 Contact Name: Christopher Mertl, Jensen Yorba Lott, Inc 522 W. 10th St. Juneau, Ak 99801 E-mail Address: chris@jensenyorbalott.com Phone: (907) 586-1070 Fax: _____	
Driveway or Approach Road location (highway, subdivision, legal description milepost, etc.) USS 2551 aka 10685 Menhenhall Loop Road, Juneau Youth Services	
Proposed or Existing: EXISTING	Anticipated Completion Date: 08/30/2003
Number of lots served: 1	Max. number of vehicles in any 1 hour: 6
Zoning Designation: D-3	Proposed Land Use: existing residential use, addition of one new residence building

Driveway Specifications

Direction of North in relation to the drawing.



A.	Driveway width	25 feet
B.	Left edge clearance	600 feet
C.	Right edge clearance	300 feet
D.	Left return radius	40 feet
E.	Right return radius	40 feet
F.	Shoulder width	10 feet
G.	Approach angle	90 degrees
H.	Curb to sidewalk distance	feet
I.	Curb type	None



J.	Left driveway foreslope	3	:1
K.	Right driveway foreslope	3	:1
L.	Culvert length		Feet
M.	Landing grade	-2	Percent
N.	Landing length	35	Feet
O.	Culvert size		inches
P.	Culvert type	None	
Q.	Ditch depth		feet
R.	Driveway surface type	Gravel	
S.	Shoulder type	Gravel	

Permittee upon signing this permit acknowledges and agrees to the following provisions:

This Permit is not a property right but a temporary authorization, revocable by the State upon violation of any Permit terms or conditions, or for other reasons. All reasonable attorney's fees and costs associated with legal or enforcement actions related to the terms and conditions of this permit will be borne by the permittee.

A permittee shall construct and maintain a driveway or approach road in such a manner that the highway, and all of the highway's appurtenances or facilities, including drainage facilities, pipes, culverts, ditches, traffic control devices, street lights, pathways, and sidewalks are not impaired or endangered in any way by the construction or maintenance. (17 AAC 10.020(b) If you damage any improvements within the State owned right of way, you will be responsible for returning them to their previous condition. The Department will inspect and approve the restored improvements. (17 AAC 10.065)

Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any and all claims or actions resulting from injury, death, loss, or damage sustained by any person or personal property resulting directly or indirectly from Permittee's use of or activities in the permitted area.

If driveway construction interferes with the public's safety and/or use of facilities within State owned right of way, you will be directed to stop work until adjustments are made.

A copy of this permit must be on site. If any of the conditions of this permit are violated, the State reserves the right to require the removal of all activities from the area.

The Permit grants permission for driveway construction only, allowing access to and from your property onto a State maintained highway. It does not permit the following within the right of way or within that portion of a driveway that is within the right of way: (1) Parking of vehicles "for sale"; (2) Obstructions of any kind (i.e. logs, cables, fencing, etc.); (3) Advertising signs or banners/flags; (4) Parking vehicles with signs/advertising on the side.

Do not park equipment or stockpile material on the shoulder during non-working hours.

Permittee is responsible for sight distance clearing of brush and obstructions.

Please contact the Department for information about acceptable driveway markers (i.e., size, materials, distance, etc.) for placement within the right of way.

The State will not change its maintenance practices to accommodate your driveway or incur additional expense to clear snow berms or other obstacles resulting from the Department's activities.

You may not push or otherwise deposit snow or ice onto a highway in a manner, or in quantities, which may constitute a hazard to snow removal equipment or other traffic. (13 AAC 02.530)

Implement the traffic control plan and maintain traffic control devices in accordance with the Alaska Traffic Manual and any provisions and conditions noted.

All sign layouts shall conform to the Alaska Sign Design Specifications.

Fabricate special signs from engineering grade reflective sheeting on either sheet aluminum or plywood panels.

Adjust sign locations in the field to provide adequate separation from existing signs. All signs shall be visible.

Traffic control devices are not required for construction more than 2 feet behind curb, or farther than 15 feet beyond the shoulder.

Remove all traffic control devices when no longer needed.

Clean up litter or debris generated as a result of this driveway construction.

An inspection is required prior to reimbursement of your performance deposit. Please contact the Department for an inspection appointment after final construction of your driveway.

Permittee upon signing this permit acknowledges and agrees to the following conditions:

Permittee must increase site distance by cutting trees towards Montana Creek Bridge or remove as many as they can and trimming the rest to a height at least 20 feet above ground. If they cannot improve the site distance and maintain it this permit becomes void.

This driveway permit should also only be approved for this building. Any subsequent construction should require access be made off of Black Bear. This driveway would become an entrance only or be closed.

I believe CBJ ordinances require a greenbelt setback along Montana Creek. It's unclear to me whether clearing would be required within the setback. Something for the applicant to consider.

Attachments included as part of this permit are:

REQUIRED for ALL DRIVEWAYS:

- ☐ Plat including notes of the placement of the driveway.
- ☒ Site plan.
- ☐ Proof of ownership.
- ☐ Traffic control plan.

REQUIRED for ALL APPROACH ROADS:

- ☐ Construction plans.
- ☐ Recorded plat or waiver including notes of the placement of the approach road.
- ☐ Traffic control plan.

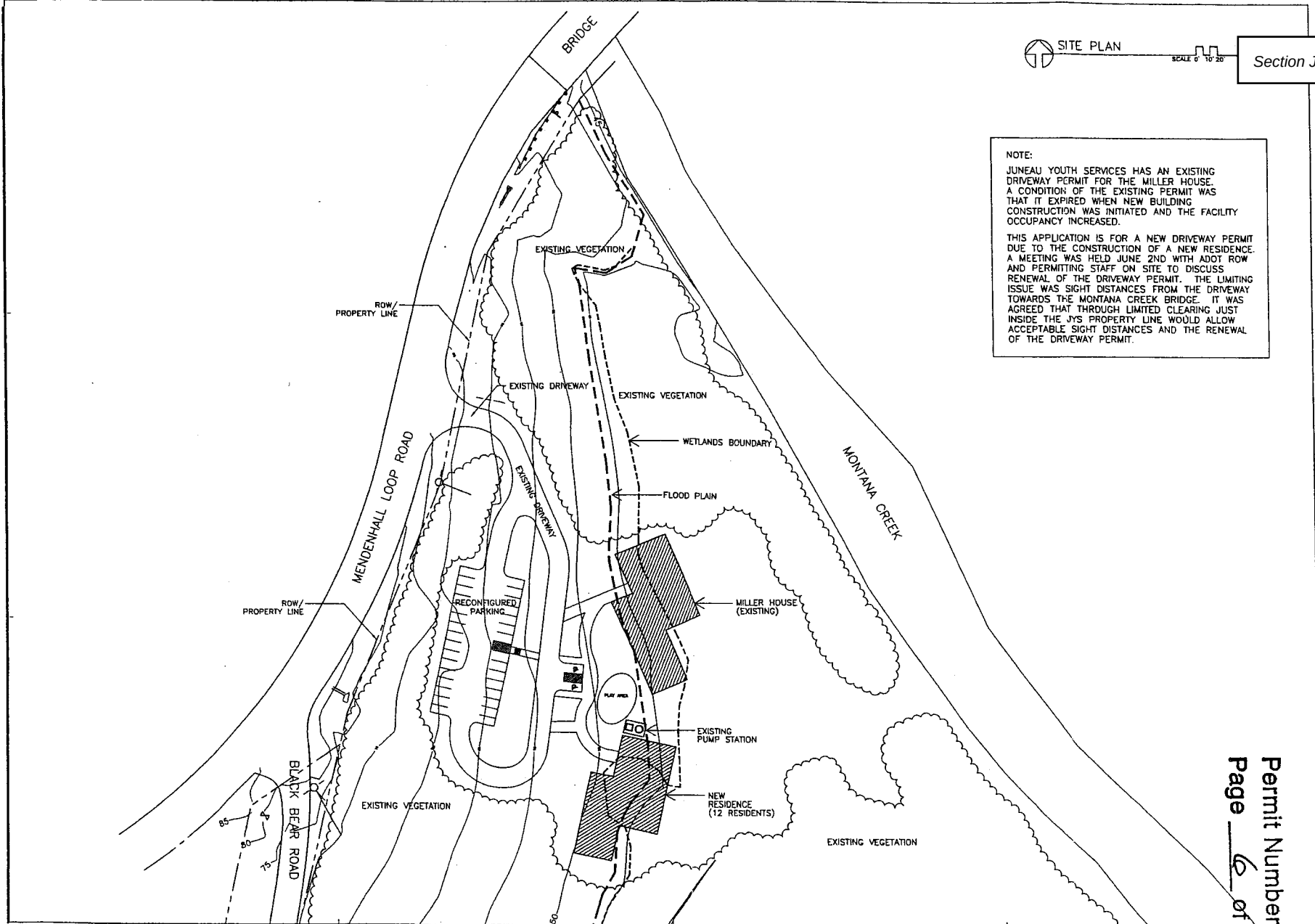
I, Walter Majoras, acknowledge that I am acting on behalf of the above named organization with the full authority to do so. I further acknowledge and accept that Juncaw Youth Services shall comply with all the provisions and conditions that the Department of Transportation and Public Facilities has included as a condition of issuing this permit.

Walter Majoras
Permittee Signature

8/22/03
Date

George R. Jackson
DOT&PF Signature

8-27-03
Date



SITE PLAN

SCALE 0' 10' 20'

Section J, Item 3.

NOTE:

JUNEAU YOUTH SERVICES HAS AN EXISTING DRIVEWAY PERMIT FOR THE MILLER HOUSE. A CONDITION OF THE EXISTING PERMIT WAS THAT IT EXPIRED WHEN NEW BUILDING CONSTRUCTION WAS INITIATED AND THE FACILITY OCCUPANCY INCREASED.

THIS APPLICATION IS FOR A NEW DRIVEWAY PERMIT DUE TO THE CONSTRUCTION OF A NEW RESIDENCE. A MEETING WAS HELD JUNE 2ND WITH ADOT ROW AND PERMITTING STAFF ON SITE TO DISCUSS RENEWAL OF THE DRIVEWAY PERMIT. THE LIMITING ISSUE WAS SIGHT DISTANCES FROM THE DRIVEWAY TOWARDS THE MONTANA CREEK BRIDGE. IT WAS AGREED THAT THROUGH LIMITED CLEARING JUST INSIDE THE JYS PROPERTY LINE WOULD ALLOW ACCEPTABLE SIGHT DISTANCES AND THE RENEWAL OF THE DRIVEWAY PERMIT.

Jensen
Yorba
Lott
Inc.

522 West 10th Str.
Juneau, Alaska 99801
phone 907-586-1
fax 907-586-2
jensenyorbalott.com

Juneau Youth Services, Inc.
Miller House Replacement
Mendenhall Loop Road
Juneau, Alaska

REVISIONS

△
△
△
△

SHEET TITLE
SITE PLAN

DATE: MAY 2003
FILE: 0321/CAD/SD

L101

Permit Number 12912
Page 6 of 6 pages

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION
SOUTHEAST REGION/UTILITIES

FRANK H. MURKOV

Section J, Item 3.

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE: (907) 465-4540
FAX: (907) 465-6216
TTY/TDD: (907) 465-4617
1-800-575-4540

June 18, 2003

RE: Juneau Youth Services
Additional Use Driveway

RECEIVED

JUN 20 2003

PERMIT CENTER / CDD

Christofer Mertl
Jensen Yorba Lott, Inc.
522 W. 10th St.
Juneau, AK 99801

Dear Mr. Mertl:

Our on site review of the existing driveway and site of your proposed additional facilities showed a sight distance of 294 feet on the right side and 474 on the left. At a speed limit of 45 MPH the minimum sight distance requirement is 325 feet with a desirable set at 950 feet each direction.

There are major deminishing elements associated with a driveway at your current location. The driveway is located in the middle of an "S" curve on an fairly steep inclined road with poor visibility. Some of the vehicles using the driveway are passenger vans and buses that accelerate slowly. When combined with short sight distances and steep inclines on the highway and driveway it creates a potential hazard for accident. Another factor to consider is the weather. A vehicle starting out from a standstill on a upward slope when the roads are covered with ice certainly causes additional delays when accelerating onto the roadway. When you consider these factors we are very reluctant to allow additional use of this site for the driveway especially when there is an altenative to the existing driveway.

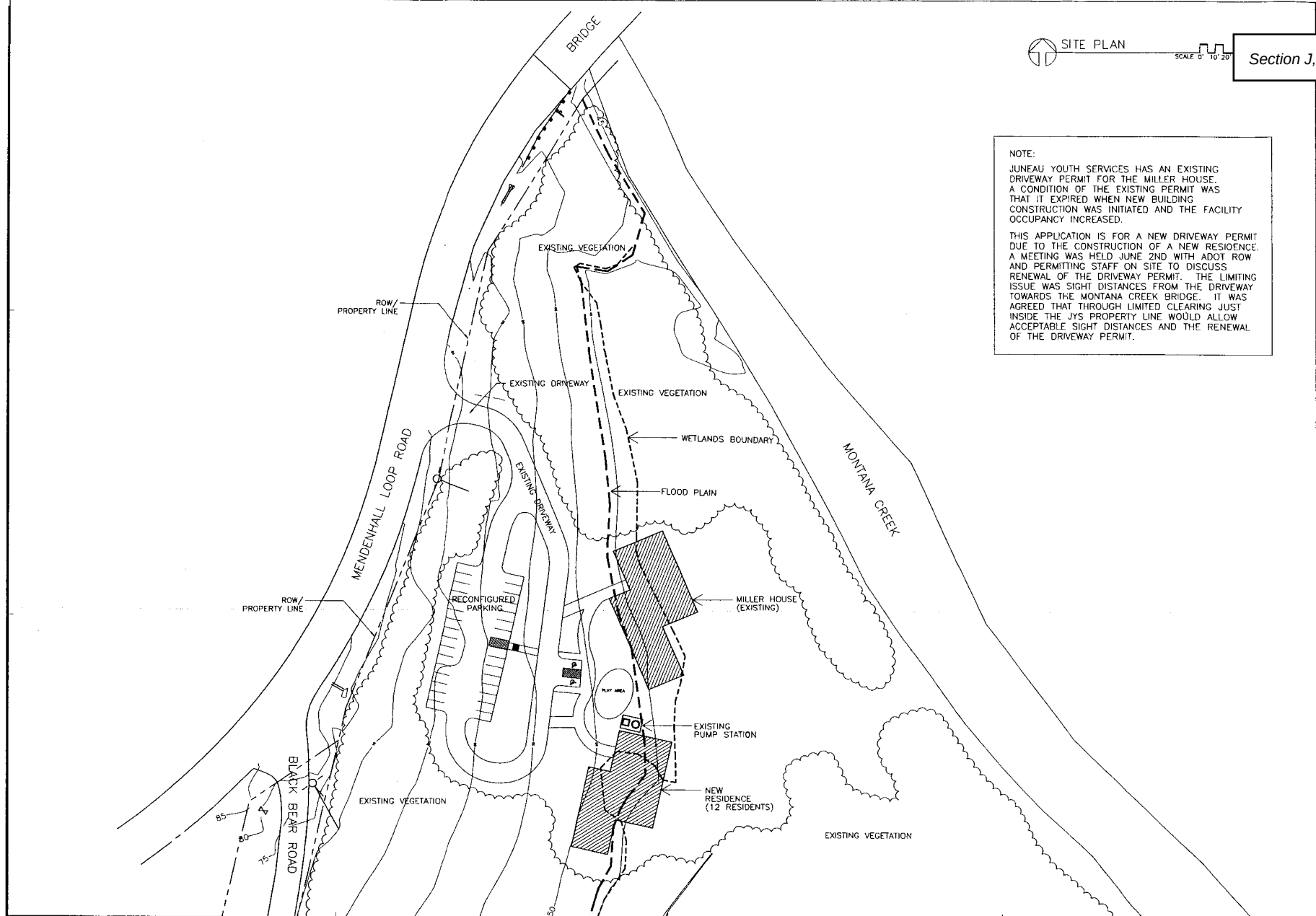
Unless you can significantly change the site distance to the right we will not allow continued use of the driveway if you increase driveway traffic by building additional units on this site. We strongly urge you to seek the alternative Black Bear Road site as a main entrance. At a minimum clearing the trees that obstruct your site distance to the right will be required before we will update the permit.

Sincerely:



George R. Jackson
Permits Officer
Southeastern Region

cc: Rick Purves DOT/PF Traffic Safety
David Hawes DOT/PF Planning
Dale Pernula CBJ Community Development
Sam Kito CBJ Planning division



NOTE:

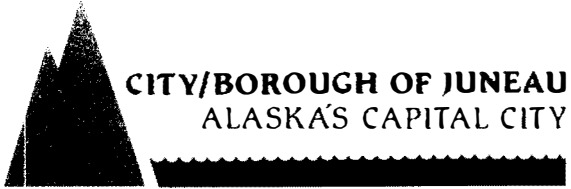
JUNEAU YOUTH SERVICES HAS AN EXISTING DRIVEWAY PERMIT FOR THE MILLER HOUSE. A CONDITION OF THE EXISTING PERMIT WAS THAT IT EXPIRED WHEN NEW BUILDING CONSTRUCTION WAS INITIATED AND THE FACILITY OCCUPANCY INCREASED.

THIS APPLICATION IS FOR A NEW DRIVEWAY PERMIT DUE TO THE CONSTRUCTION OF A NEW RESIDENCE. A MEETING WAS HELD JUNE 2ND WITH ADOT ROW AND PERMITTING STAFF ON SITE TO DISCUSS RENEWAL OF THE DRIVEWAY PERMIT. THE LIMITING ISSUE WAS SIGHT DISTANCES FROM THE DRIVEWAY TOWARDS THE MONTANA CREEK BRIDGE. IT WAS AGREED THAT THROUGH LIMITED CLEARING JUST INSIDE THE JYS PROPERTY LINE WOULD ALLOW ACCEPTABLE SIGHT DISTANCES AND THE RENEWAL OF THE DRIVEWAY PERMIT.

RECEIVED

JUN 20 2003

PERMIT CENTER / CDD



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: May 11, 2004

File No.: USE2004-00018

Jensen Yorba Lott
522 W 10th St
Juneau, AK 99801

Application For: A Conditional Use permit to modify USE2003-00026 by changing the maximum number of residents from 28 to 30.

Legal Description: USS 2551

Parcel Code No.: 4-B26-0-102-004-0

Hearing Date: May 11, 2004

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 6, 2004 and approved the increase in the maximum residents approved under USE2003-00026 from 28 to 30 to be conducted as described in the project description and project drawing submitted with the attached application and with the following four conditions:

1. The applicant shall clear brush and small trees along the Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway as required by the Alaska Department of Transportation. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.
2. If sight distance is not maintained at the driveway entrance to the site, the facility will be closed until safe sight distance has been restored.
3. Construction of any additional buildings on the site, beyond the one approved under USE2003-00026 and revised under this application, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road.
4. Fire hydrant location will have to be identified and approved by the CBJ Fire Marshall prior to issuance of a building permit.

Jensen Yorba Lott
File No.: USE2004-00018
May 11, 2004
Page 2 of 2

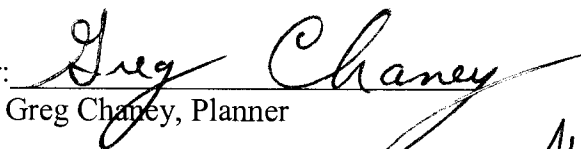
Attachments: May 6, 2004 memorandum from Greg Chaney, Community Development to the CBJ Planning Commission regarding USE2004-00018.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Commission
May 11, 2004.

Expiration Date: The permit will expire 18 months after the effective date, or November 11, 2005, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

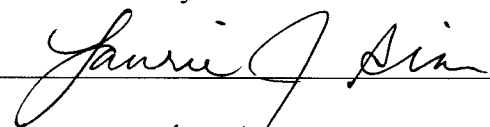
Project Planner:


Greg Chaney, Planner

for


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


5/21/04

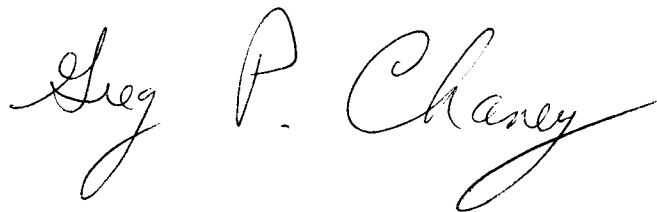
cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
 155 South Seward Street, Juneau, Alaska 99801

DATE: May 6, 2004
TO: Planning Commission
FROM: Greg Chaney, Planner
 Community Development Department
FILE NO.: USE2004-00018 - Conditional Use



PROPOSAL: A Conditional Use permit to modify USE2003-00026 by changing the maximum number of residents from 28 to 30.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott
Property Owner: Juneau Youth Services
Property Address: 10685 Mendenhall Loop Road
Legal Description: Montana Creek Subdivision, USS 2551
Parcel Code Number: 4-B26-0-102-004-0
Site Size: 152.17 acres
Zoning: D1 and D3
Utilities: CBJ Water and Sewer
Access: Mendenhall Loop Road
Existing Land Use: Juneau Youth Services
Surrounding Land Use: North - D1 & D3 McGinnis Subdivision
 South - D1, Montana Creek; Black Bear Estates
 East - D1, Vacant Property & Mendenhall River
 West - D3, Mendenhall Loop Road



Planning Commission
File No.: USE2004-00018
May 6, 2004
Page 2 of 7

PROJECT DESCRIPTION

Juneau Youth Services (JYS) requests a conditional use permit to increase the maximum capacity of an existing group home facility from 28 to 30 residents. Currently JYS operates a group home for up to 16 clients on the site and has received Planning Commission approval to construct an additional building for a total site occupancy of 28 residents.

BACKGROUND

Juneau Youth Services has operated a group home facility known as the Miller House for many years. In recent years the organization purchased a 152 acre parcel of land which encompasses part of Montana Creek along Mendenhall Loop Road. The long range plan is to consolidate the various JYS facilities into a campus complex of residential, educational and administrative buildings.

On July 14, 1998 the Planning Commission approved a Conditional Use permit (USE1998-00026) for the development of a 5,200 square foot group home for 10 occupants. Subsequently the applicant requested a modification of the permit to increase the maximum size to 6,000 square feet and maximum occupancy to 12 occupants.

February 10, 2000 the Planning Commission approved an increase of the maximum size from 12 to 16 occupants. The facility has been operating since completion until the present.

September 17, 2003 Juneau Youth Services received approval under USE2003-00026 to construct a 5,500 square foot building to house 12 additional residents. This increased the maximum number of residents on site from 16 to 28. In addition, up to 8 staff members may be at the site as well. Construction of this facility has not begun at this time.

ANALYSIS

Project Site - The proposed project site is located on a large 152 acre lot owned by Juneau Youth Services. A significant portion of the property is composed of wetlands and contains a portion of Montana Creek. The site selected for construction of the facility is located in the extreme southwest corner of the lot and encompasses less than an acre of land.

Project Design - Attached to approval of USE2003-00026 were eight conditions. Two of these required modifications to the project's site plan:

- Prior to issuance of a building permit, the applicant shall submit a clearly dimensioned parking plan, including a designated loading zone, to be reviewed by staff for conformance with CBJ Title 49.40.

Planning Commission
 File No.: USE2004-00018
 May 6, 2004
 Page 3 of 7

- Prior to issuance of a building permit, the applicant shall submit a vegetation buffer plan, to be approved by staff, which shows that sufficient vegetation will remain between JYS buildings and Mendenhall Loop Road to provide a visual buffer.

As a portion of the current submission, the applicant has modified the site plan to meet the two conditions listed above (Attachments A & B).

In the revised plans, the new building's location has been shifted away from the wetland area and flood zone. A small portion of an open deck may project a foot or two into the mapped wetland area but it will be pile supported and have no impact on wetland functions. Therefore no fill will be placed in wetlands to accomplish this development.

In addition, the parking lot area and associated driveways have been significantly reduced. The reconfiguration has significantly increased the area available for a vegetative buffer between the addition and Mendenhall Loop Road. The previously site plan indicated a vegetative buffer of 40' but the modified plan indicates the buffer will be between 75' and 100' wide. Considering the sloping terrain, this buffer should provide a sufficient buffer between the new building and the Loop Road.

Traffic – Safety of the driveway entrance was a significant concern expressed at the October 14, 2003 hearing. Based on concern about sight distances and traffic volume the following conditions were added to USE2003-00026:

- The applicant shall clear brush and small trees along the Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway as required by the Alaska Department of Transportation. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.
- If sight distance is not maintained at the driveway entrance to the site, the facility will be closed until safe sight distance has been restored.
- Construction of any additional buildings on the site, beyond the one approved under this permit, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road.

Since all of the items above remain serious concerns, staff is recommending these conditions be carried forward with this permit. Since the condition to require driveway access to be changed from the Back Loop Road to Black Bear Road is tied to construction of an additional building beyond that proposed in USE2003-00026, the minor increase from 28 to 30 residents in the same building was not considered by DOT to warrant changing the driveway entrance at this time.

Parking and Circulation – The Notice of Decision for USE2003-00026 contained the following condition:

Planning Commission
File No.: USE2004-00018
May 6, 2004
Page 4 of 7

1. Prior to issuance of a building permit, the applicant shall submit a clearly dimensioned parking plan, including a designated loading zone, to be reviewed by staff for conformance with CBJ Title 49.40.

In consideration of the above condition, a revised parking plan drawn to scale, was submitted with this application. The CBJ Land Use Code 49.40.210(a) requires one parking space for each three occupants in a group home. Therefore 10 parking spaces would be required for 30 residents. The new site plan will provide new 11 standard parking spaces and one new accessible parking space for a total of 12 new parking spaces. Approximately 11 parking spaces already are in place on site and none of these will be removed with the new development. Therefore the new site total will be approximately 23 parking spaces which exceeds the minimum of 10 required by the Land Use Code. A 24'x30' loading zone is also designated on the plan. Since the new parking plan meets the requirements of the condition above, it will not be carried forward with this permit.

Noise – The site is well buffered from adjacent residential development by distance, vegetation and topography. The use is residential in nature and is not expected to generate any noise that would impact neighboring properties. It is not anticipated that any appreciable increase in noise would occur by increasing the number of residents from 28 to 30.

Public Health or Safety – Staff is not aware of any appreciable risk to public health and safety, which would result from increasing the maximum number of residents from 28 to 30.

The CBJ Fire Marshall commented that he needs to review and approve the location of fire hydrants on site prior to construction (Attachment C). Therefore staff is recommending adding a condition to this permit which requires that fire hydrant location(s) be approved by the CBJ Fire Marshall prior to issuance of a building permit.

Property Value or Neighborhood Harmony – The surrounding neighborhood is primarily undeveloped and features open space and green belts along Montana Creek. The proposed project is designed to utilize a small portion of the site which allows for significant buffer zones to neighboring properties. The modified site plan submitted with this application designates an increased buffer between the new facility and the Back Loop Road. Therefore, the proposed project appears to be in harmony with the surrounding neighborhood. There has been no evidence presented that would indicate that the proposed increase in residents from 28 to 30 would negatively impact nearby property values.

Conformity With Adopted Plans – Portions of the lot are zoned D-1 and D-3 residential. The location of the new building site is zoned D-3. The Juneau Comprehensive Plan designates the area of the subject property as Urban Low Density Residential. The facility is primarily residential in nature and by using only a small portion of the lot, it is very low density in nature. By hosting 30 residents on 150+ acres, the resulting density is one full time resident per 5 acres. This is very low density development. The CBJ Land Use Code more specifically identifies zones and uses allowed in these zones. The subject property is zoned D-3 residential. Group homes are allowed in the D-3 zoning district upon approval of a Conditional Use Permit by the Planning Commission.

Planning Commission
 File No.: USE2004-00018
 May 6, 2004
 Page 5 of 7

Juneau Coastal Management Program – The revised project site plan does not require any fill in designated wetlands. This is an improvement over the previously approved plan which required some wetland fill. The Alaska Office of Habitat Management and Permitting (OHMP) reviewed the current proposal and supported the modified site plan (Attachment D). The driveway and parking lot will be constructed on uplands. An eagle's nest is located on the site but it will be further than 400 feet from the new building site. This exceeds the 330 foot buffer required around eagle nests under CBJ§49.70.310.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

Planning Commission
 File No.: USE2004-00018
 May 6, 2004
 Page 6 of 7

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 7.200 for the D-3 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice was provided in the Your Municipality section of the Juneau Empire on Friday the 30th of April as well as May 10th. A Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel and a Public Notice Sign was placed on the property 14 days prior to the hearing.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the staff analysis above, the proposed development incorporates features such as public water and sewer service. Access to the site is adequate to meet the proposed occupancy for the proposed new building. Any additional development will require a new driveway access through Black Bear Road. With this understanding, staff has concluded that public health and safety will not be endangered.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the preceding analysis, by incorporating features such as clustering the buildings to preserve open space and buffers, the project will be in harmony with the neighborhood and not substantially decrease the value of properties in the neighboring area.

6. Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

As stated in the above report, the project is consistent with the Urban Low-Density Residential designation of the Juneau Comprehensive Plan.

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. Based on the analysis above, the proposed development is consistent with the Juneau Coastal Management Program.

Planning Commission
File No.: USE2004-00018
May 6, 2004
Page 7 of 7

RECOMMENDATION

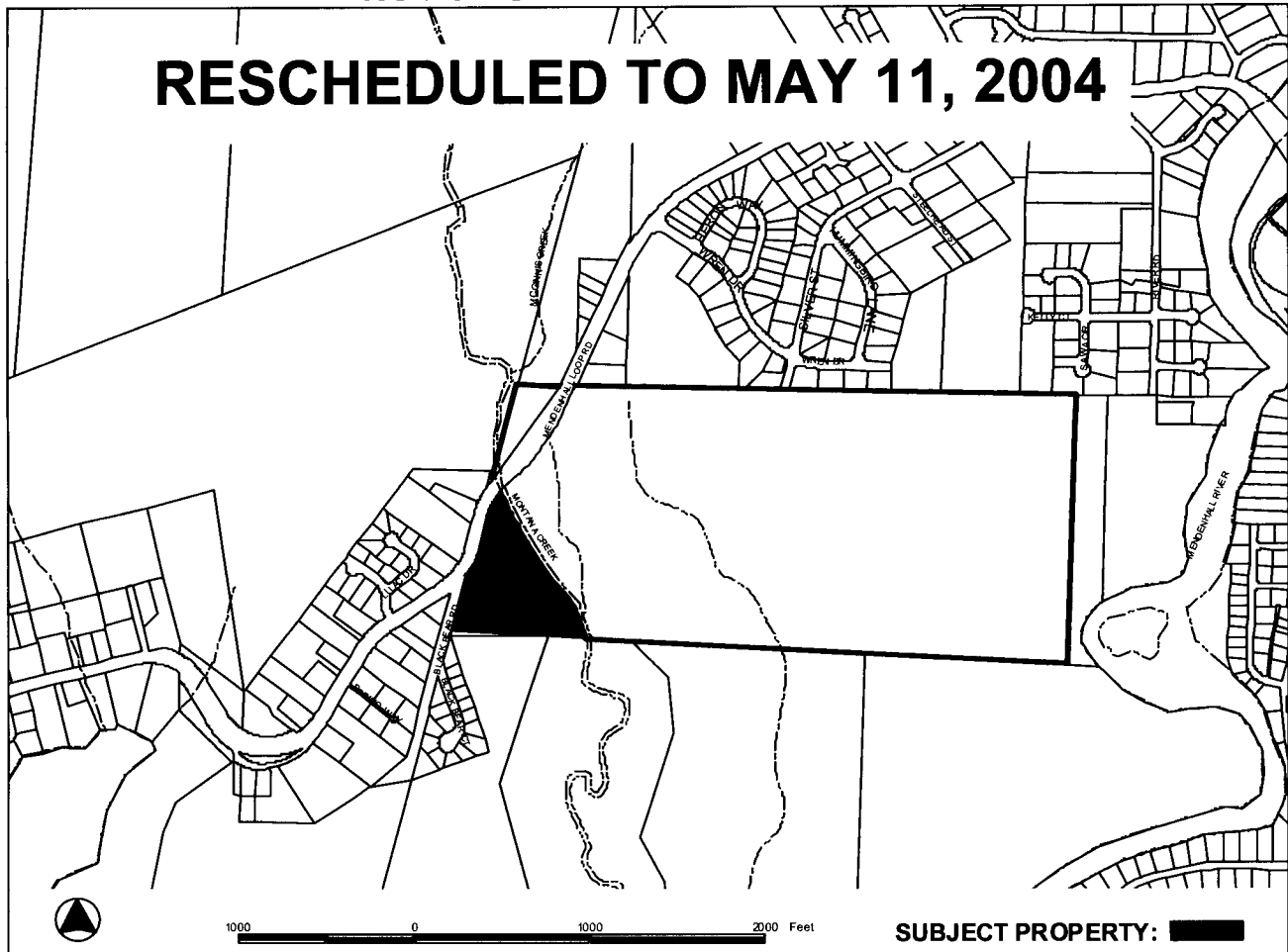
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested conditional use permit. The permit would allow the modification of USE2003-00026 by changing the maximum number of residents from 28 to 30. The approval is subject to the following conditions:

1. The applicant shall clear brush and small trees along the Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway as required by the Alaska Department of Transportation. The applicant will be responsible for maintaining safe driveway sight distance as long as the site is occupied.
2. If sight distance is not maintained at the driveway entrance to the site, the facility will be closed until safe sight distance has been restored.
3. Construction of any additional buildings on the site, beyond the one approved under USE2003-00026 and revised under this application, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road.
4. Fire hydrant location will have to be identified and approved by the CBJ Fire Marshall prior to issuance of a building permit.

NOTICE OF PUBLIC HEARING

Section J, Item 3.

RESCHEDULED TO MAY 11, 2004



PROPOSAL: A Conditional Use permit to modify USE2003-00026 by changing the total number of Juneau Youth Services Campus residents from 28 to 30.

FILE NO:	USE2004-00018	APPLICANT:	JENSEN YORBA LOTT, INC
TO:	Adjacent Property Owners	PROPERTY OWNER:	JUNEAU YOUTH SERVICES INC
HEARING DATE:	MAY 11, 2004	PROPERTY ADDRESS:	10685 MENDENHALL LOOP RD
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	4-B26-0-102-004-0
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	152.17 Acres
		ZONING:	D1
		ACCESS:	MENDENHALL LOOP RD

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Greg Chaney at 586-0761 or e-mail: Greg_Chaney@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: April 30, 2004

ALLOWABLE/CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number PRJ001-37	Project Name JYS PHASE II AMEND	Case Number USE04-18	Date Received 3/17/04
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APPLICANT INFORMATION

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.

MODIFY USE 2003-00026 TO INCREASE THE NUMBER OF RESIDENTS FROM 28 TO 30 FOR THE CAMPUS AND TO INCREASE THE SIZE OF THE PROPOSED 2ND BUILDING TO 15 RESIDENTS AND APPROXIMATELY 6,630 SF PLUS AN ATTACHED COVERED PLAY AREA

MODIFICATION OF EXISTING APPROVAL?

☐ No

☒ Yes - CASE NUMBER **USE 2003-00026**

EXISTING USE OF LAND AND/OR BUILDING(S):

GROUP HOME (MILLER HOUSE)

PROPOSED USE OF LAND AND/OR BUILDING(S):

GROUP HOME (1,400)

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE DIMENSIONS:

Width _____ ft.

Depth _____ ft.

Total Area **152 ACRES** square feet

DIMENSIONS OF STRUCTURE:

(Outside Dimensions)

Length **143 ft** ft.

Width **100 ft** ft.

Height **30** ft.

Total Area **6630 ft** square feet

SIGNS: Sign Approvals are a separate permit approval. Provide sign plan as an information item.

EXTERNAL LIGHTING

Existing to remain ☐ No

☒ Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

Proposed ☐ No

☒ Yes - provide fixture information, illumination pattern, and location of lighting fixtures. **SIM TO EXIST.**

PARKING

Existing Spaces: **10**

Proposed Spaces: **12**

PLEASE NOTE: INCOMPLETE APPLICATIONS MAY NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION.
UNACCEPTED APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

CIRCLE TYPE OF PERMIT: ALLOWABLE USE / CONDITIONAL USE		TABLE OF PERMISSIBLE USES CATEGORY:	
	Fees	Check No.	Receipt No.
Application Fees	\$ 300		
Adjustment	\$		
Public Notice Sign Fee	\$ 50		
Public Notice Sign Deposit	\$ 100		
Total Fee	\$ 450	NO50827	17583
			3/18/04

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NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED

Section J, Item 3.

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

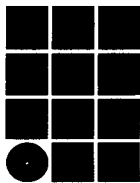
Project Number PRJ04-37	CITY and BOROUGH of JUNEAU	Date Received: 3/17/04
Project Name (City staff to assign name) SUS PHASE II AMEND USE 021-18		

PROJECT / APPLICANT INFORMATION	Project Description CONSTRUCT 15 BED GROUP HOME FOR JUNEAO YOUTH SERVICES																
	PROPERTY LOCATION																
	Street Address 10685 MENDOTA HILL LOOP ROAD		City / Zip JUNEAO 99801														
	Subdivision (if known) MONTANA CREEK		Survey (if known) USS 2551														
	Assessor's Parcel Number (if known) 4-B26-0-102-004-0		Block / Tract (if known) Lot (if known)														
	LANDOWNER / LESSEE																
	Property Owner's Name JUNEAO YOUTH SVS INC.		Contact Person Walter Majors														
	Mailing Address PO BOX 32839 JUNEAO AK 99803		Work Phone No. 789 7610														
	Landowner/Lessee Consent (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY														
	I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. ☒ Walter Majors 3/16/04 Landowner/Lessee Signature Date ☒ _____ Landowner/Lessee Signature Date NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission under the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.		<table border="1"> <tr> <th>APPLICATION TYPE</th> <th>OWNER'S INITIALS</th> </tr> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td>Walt</td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER</td> <td></td> </tr> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE	Walt	VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER
APPLICATION TYPE	OWNER'S INITIALS																
ALLOWABLE USE																	
CONDITIONAL USE	Walt																
VARIANCE																	
DESIGN REVIEW																	
SUBDIVISION																	
OTHER																	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name JENSEN VERBA LOTT INC.		Contact Person Wayne Jensen															
Mailing Address 522 W 10TH ST JUNEAO AK 99801		Work Phone No. 586 1070															
Applicant's Signature [Signature]		Home Phone No. 360 2474															
		FAX No. 586 3959															
		Date of Application 03-17-04															

(OFFICE USE ONLY BELOW THIS LINE)											
STAFF APPROVALS	C	K	PERMIT TYPE	S	DATE RECEIVED	APPLICATION NO.	C	K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
			ALLOWABLE USE APPROVAL						WATER PERMIT		
			CONDITIONAL USE APPROVAL		3/18	USE 04-18			SEWER PERMIT		
			VARIANCE						GRADING PERMIT		
			DESIGN REVIEW APPROVAL	MINOR					DRIVEWAY PERMIT		
			SUBDIVISION	MINOR					RIGHT-OF-WAY PERMIT		
			STREET VACATION	MAJOR					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
			SIGN APPROVAL	MAJOR					OTHER - (Describe)		
			BUILDING PERMIT	PLUS							
	Zone _____ Total Lot Area _____ Required Setbacks Front _____ Back _____ Side _____ Other _____ COMMENTS:										

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

**Jensen
Yorba
Lott
Inc**



ATTACHMENT A

March 15, 2004

**Architecture
Interiors
Landscape
Architecture**

RE: Juneau Youth Services
Montana Creek Campus Phase II
Modification of USE2003-00026

Debra Purves
CBJ Permit Coordinator
Community Development
Department
155 South Seward St
Juneau. AK 99801

1935
Founded as
H.B. Foss Company

1945
Foss & Malcolm

1949
Foss & Olsen

1956
Olsen & Sands

1969
Sands & Ackley

1974
Ackley & Associates,
Inc.

1979
Ackley/Jensen
Architects, Inc.

1985
Jensen Douglas
Architects, Inc.

1997
Jensen Yorba Lott, Inc.

Dear Debra:

Attached is a Conditional Use Application to modify the existing permit by changing the number of residents from 12 to 15. Also enclosed is a site plan illustrating the proposed responses to some of the concerns raised during the deliberations on the existing permit.

Condition number 5 in the permit requires a modification if the facility is expanded beyond 28 occupants. The Miller House was permitted for 16 occupants and the previous permit for this building was for 12 occupants for a total of 28. Miller House has been reduced to 15 occupants to conform to new regulations, so we are applying to increase the capacity by 2 children to 30.

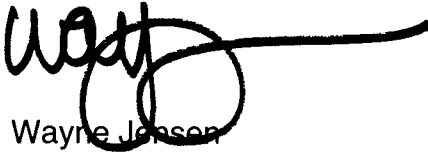
Condition number 1 requires a dimensioned parking plan. The enclosed site plan shows a dimensioned 12 vehicle parking lot for the new building. The previous plan indicated a larger lot that would serve both buildings on the campus. We have revised the plan to retain the existing spaces for the Miller House and have reduced the size of the lot serving the proposed new building. The proposed occupancy of the new building is 15 children. The Land Use Code requires parking at a rate of 1 space per 3 occupants in a group home, therefore 5 spaces are required. We are proposing to provide additional spaces to accommodate JYS vehicles. By revising the capacity and design of the new parking lot, it was possible to locate the lot farther from the Mendenhall Loop Road which creates a greater vegetative buffer which responds to Condition number 7.

522 West 10th Street
Juneau, Alaska 99801
Tel.: 907.586.1070
Fax: 907.586.3959
jensenyorbalott.com

Although it was not a condition of the permit, we wish to bring attention to the revised plan which locates the building outside of both the wetlands and the floodplain boundaries. The previous building located a portion of the facility on piling within these areas.

We appreciate your assistance on the modification to the permit for the second phase of this development and welcome any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Jensen', with a long horizontal line extending to the right.

Wayne Jensen

Enclosure(s)

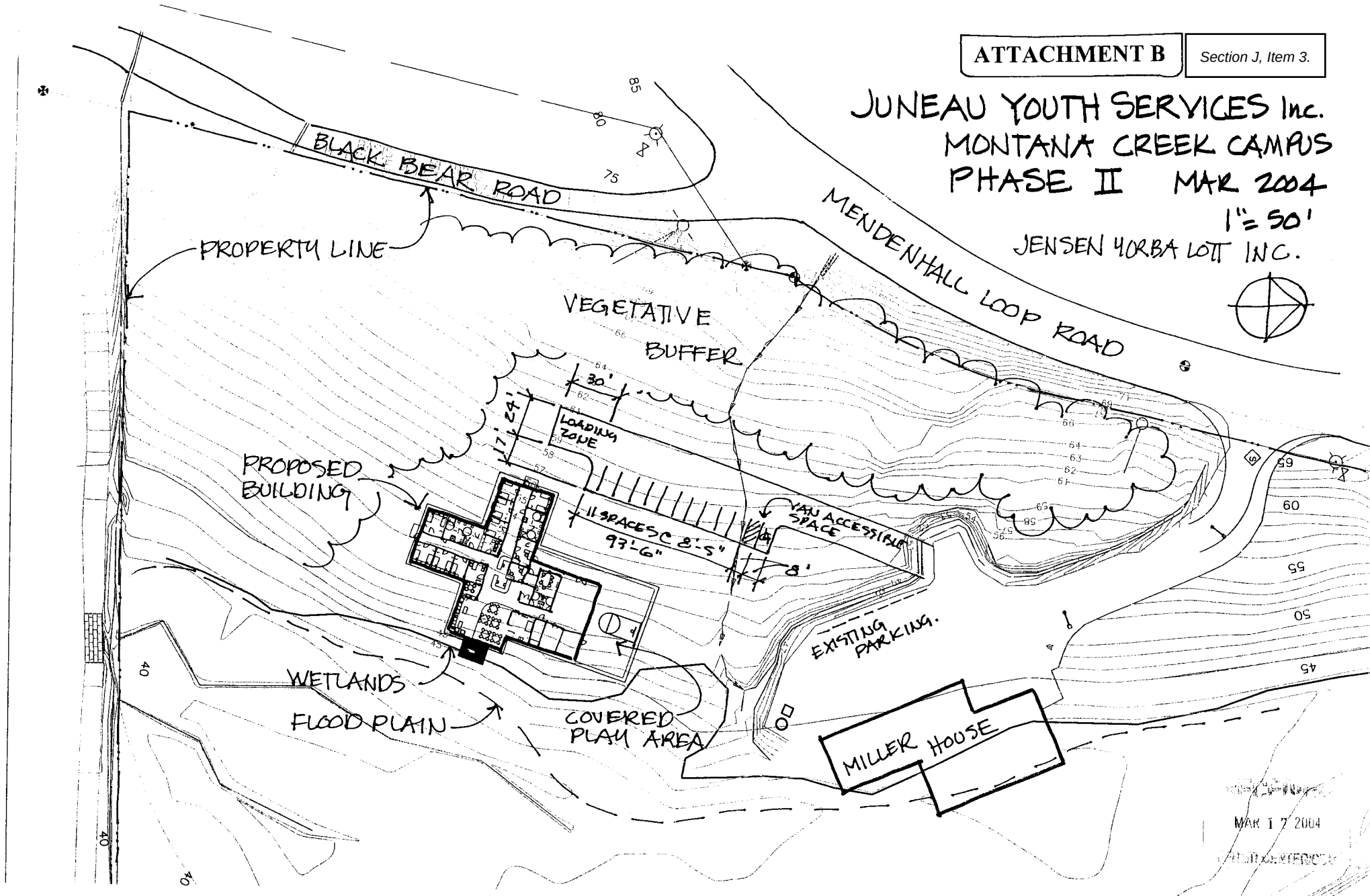
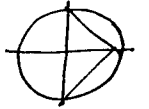
cc: Walter Majoros

G:_Projects\0321\Word\Corr\5AU2.doc

JUNEAU YOUTH SERVICES Inc. MONTANA CREEK CAMPUS PHASE II MAR 2004

1" = 50'

JENSEN YORBA LOT INC.



Greg Chaney**From:** Rich Etheridge**Sent:** Thursday, April 08, 2004 11:32 AM**To:** Greg Chaney**Subject:** RE: Juneau Youth Services requests a permit to expand from 28 to 30 children at the Miller House on Back Loop Road

The only concern I would have for the Fire Department is Hydrant location. They would need to check the distance to the fire hydrant. I don't remember where the closest one is. Their Maintenance crew does a great job taking care of these buildings.

-----Original Message-----

From: Greg Chaney**Sent:** Thursday, April 08, 2004 10:56 AM

To: 'gissel.bill@epa.gov'; Bob Grochow; 'bflynn@fs.fed.us'; 'brady_scott@dnr.state.ak.us'; Britten DeMan; 'carl_schrader@dnr.state.ak.us'; Chris Roust; 'david_cohen@dnr.state.ak.us'; 'fred_thorsteinson@dot.state.ak.us'; Grant Ritter; 'heather.holman@traveljuneau.com'; 'lynn_melin@dot.state.ak.us'; 'jim_powell@dec.state.ak.us'; Joe Buck; 'joe_donahue@gov.state.ak.us'; 'john.c.leeds@poa02.USACE.army.mil'; Kim Kiefer; 'lsmith@acsalaska.com'; 'michael.newton@aelp.com'; 'mike_eberhardt@dnr.state.ak.us'; 'mike_jacobson@fws.gov'; Mike Scott; Peggy Cowan; Rich Etheridge; 'richard_enriquez@fws.gov'; Richard Gummow; 'rick_purves@dot.state.ak.us'; 'rknorr@gci.com'; Scott Jeffers; 'steve_brockmann@fws.gov'; Steve Gilbertson; 'susan.j.hitchcock@poa02.usace.army.mil'; 'ben_kirkpatrick@fishgame.state.ak.us'; 'susan.walker@noaa.gov'; 'tdunlap@gci.com'; 'tom_lawson@dcad.state.ak.us'; Tom Trego

Subject: Juneau Youth Services requests a permit to expand from 28 to 30 children at the Miller House on Back Loop Road

Attached to this E-mail is a site plan and project description for a modification to Juneau Youth Services Miller House expansion.

Please review and let me know if you have any concerns about this proposal.

Thanks.

Greg Chaney
CBJ CDD Planning

ATTACHMENT C

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF HABITAT MANAGEMENT AND PERMITTING
JUNEAU AREA OFFICE

FRANK H. MURKOWSKI, GOV

Section J, Item 3.

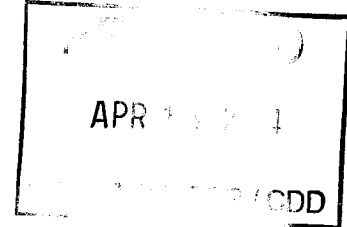
400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796

PHONE: (907) 465-4105

FAX: (907) 465-4759

April 16, 2004

ATTACHMENT D



Greg Chaney
Community Development Department
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99802

Dear Mr. Chaney:

The Office of Habitat Management and Permitting (OHMP) has reviewed the information that you sent regarding the proposed expansion of the Juneau Youth Services facilities off Mendenhall Loop Road. The proposal calls for a second facility adjacent to the existing Miller House to increase the amount of residents the facility can serve. The modifications under review include the increase in residents from 12 to 15 in the proposed second facility and an additional parking area for the staff and residents.

OHMP supports the proposed modification, which reduces the overall footprint size from what was originally proposed for the facility. The parking lot has been reduced in size and realigned. This allows the new building to be located out of the floodplain and wetlands. The original building plans called for the use of pilings to reduce the impact to the surrounding wetlands, which are Category A wetlands according to the Juneau Wetlands Management Plan (JWMP).

OHMP recommends that measures be taken during construction to reduce the amount of sediment entering the Category A wetlands and eventually Montana Creek, a catalogued anadromous stream. This can be accomplished by working during low precipitation periods, and/or the use of silt fencing, straw bales, or other methods. The wetlands surrounding the project area are high-value wetlands and should not be impacted by equipment or other forms of construction-related disturbances.

We appreciate the opportunity to comment on this project. If you have any questions or need further information, please contact Ben White at (907) 465-4290.

Sincerely,

Moira Ingle
Office of Habitat Management and Permitting

Cc: Al Ott, OHMP, Fairbanks*
Joe Donohue, OPMP, Juneau*

Sandy Harbanuk, OPMP, Juneau*
Ben White, OHMP, Juneau*
Teri Camery, CBJ, Juneau*
Jim Powell, ADEC, Juneau*
John Leeds, COE, Juneau*

* = email distribution

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: July 12, 2006

File No.: USE2006-00028

Wayne Jensen
522 W. Tenth Street
Juneau, AK 99801

Application For: A Conditional Use Permit for 4,800 square foot group transitional home.

Legal Description: USS 2551

Parcel Code No.: 4-B26-0-102-004-0

Hearing Date: July 11, 2006

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated and approved the Conditional Use Permit for a transitional housing facility to be conducted as described in the project description and project drawing submitted with the application.

Attachments: July 7, 2006 memorandum from Amy Karn, Community Development to the CBJ Planning Commission regarding USE2006-00028.

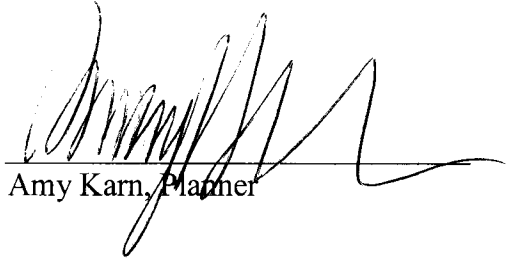
This Notice of Decision does not authorize construction activity. Prior to starting development, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

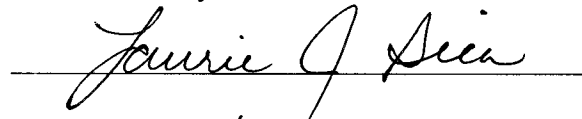
Effective Date: The permit is effective upon approval by the Commission, July 11, 2006.

Expiration Date: The permit will expire 18 months after the effective date, or January 11, 2008, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to expiration date.

Project Planner:


Amy Karn, Planner
J. Mark Pusich, Chairman
Planning Commission

Filed With City Clerk


7/12/2006

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center 1 (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
 155 South Seward Street, Juneau, Alaska 99801

DATE: July 7, 2006

TO: Planning Commission

FROM: Amy Karn, Planner 
 Community Development Department

FILE NO.: USE2006-00028 - Conditional Use Permit

PROPOSAL: Conditional Use Permit for a 4,800 square foot group transitional home.

GENERAL INFORMATION

Applicant: Jensen Yorba Lott, Inc.

Property Owner: Juneau Youth Services

Property Address: 10685 Mendenhall Loop Road

Legal Description: USS 2551

Parcel Code Number: 4-B26-0-102-004-0

Site Size: 6,628,525 square feet (152.17 acres)

Zoning: D-1 (Single Family and Duplex; 36,000 square foot minimum lot size) and D-3 (Single Family and Duplex; 12,000 square foot minimum lot size).

Utilities: CBJ Water and Sewer

Access: Mendenhall Loop Road/Black Bear Road

Existing Land Use: JYS Transitional Facility Group Home

Surrounding Land Use:

- North - D1 & D3 McGinnis Subdivision
- South - D1, Montana Creek; Black Bear Estates
- East - D1, Vacant Property & Mendenhall River
- West - D3, Mendenhall Loop Road



CITY/BOROUGH OF JUNEAU
 ★ ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

Juneau Youth Services requests a Conditional Use Permit for construction of an approximately 4,800 square-foot, two-story group home to provide transitional living for up to fifteen (15) residents between the ages of eighteen and twenty-one (18-21), and a live-in staff residence manager. The facility will be similar in style and function to the existing buildings at the site. When this new building is operational, the campus will have a capacity for forty-five residents (45), in addition to the staff members.

BACKGROUND

Juneau Youth Services (JYS) has operated a group home facility known as the Miller House for many years. In recent years, the organization purchased a one hundred and fifty-two (152) acre parcel of land, which encompasses part of Montana Creek along Mendenhall Loop Road. The long-range plan is to consolidate the various JYS facilities into a campus complex of residential, educational and administrative buildings.

On July 14, 1998, the Planning Commission approved a Conditional Use permit (USE1998-00026) for the development of a 5,200 square foot group home for ten (10) occupants. Subsequently the applicant requested a modification of the permit to increase the maximum size to 6,000 square feet and maximum occupancy to twelve (12) occupants.

On February 10, 2000, the Planning Commission approved an increase of the maximum size from twelve (12) to sixteen (16) occupants.

On September 17, 2003, JYS received approval under USE2003-00026 to construct a 5,500 square foot building to house an additional twelve (12) residents. This increased the maximum number of residents on site from sixteen (16) to twenty-eight (28). In addition, up to eight (8) staff members may be at the site as well. USE2004-00018 allowed for another modification, increasing the maximum number of residents from twenty-eight (28) to thirty (30).

The current application is for construction of a new, two-story group home to provide housing for up to fifteen (15) residents ages eighteen to twenty-one (18-21), as well as providing space for a live-in staff residence manager.

According to CBJ §49.25.300, the Table of Permissible Uses, this proposal would be included under Section 7.200, "*Nursing care, immediate care, disabled or infirm, and child care institutions, and boarding homes for sheltered care*". According to the Table of Permissible uses, this proposal requires a Conditional Use Permit in the D-1 and D-3 zoning districts.

ANALYSIS

Project Site - The proposed project site is located on a large 152-acre lot owned by Juneau Youth Services. A significant portion of the property is composed of wetlands and contains a portion of Montana Creek. The site selected for construction of the facility is located in the extreme southwest

corner of the lot and encompasses less than one (1) acre of land. The majority of the site lies within the D-1 zoning district; however, the portion of the property applicable to this proposal lies within the D-3 zoning district.

Project Design – The project is designed to be of a campus nature with development concentrated in a small portion of the lot. The new building will be outside the three hundred and thirty foot (330') buffer zone from the nearest mapped eagle nest tree.

According to the narrative submitted by the applicant, the proposed facility will be a similar style to the existing two (2) buildings, except that it will be a two (2) story structure. The building will be set back at least twenty-five feet (25') from Black Bear Road and at least fifteen feet (15') from the south property line. The narrative continues to state that the building will have metal roofing and painted cement board siding to match the existing buildings. A natural landscape buffer is maintained along Mendenhall Loop Road. The applicant states that this proposal is located outside of the stream setback for Montana Creek, the wetlands and the floodplain.

Traffic – JYS provides transportation to its occupants via small busses and vans. The increase in residents with this additional building is not anticipated to have a significant impact in terms of vehicle trips to and from the site. Mendenhall Loop Road has sufficient capacity to handle the additional traffic generated from this facility.

Previously, driveway access to the site has been a cause of concern. Due to curves, grades, and icy winter driving conditions along Mendenhall Loop Road, driveways in this region generally require more than the minimum site distance required by the Alaska Department of Transportation and Public Facilities (DOT/PF) design standards. In previous applications for this site, the applicant has worked closely with DOT/PF to improve the site distance by trimming brush on either side of the driveway. As part of USE2003-00026, a condition was placed on the permit stating:

“Construction of any additional buildings on the site, beyond the one approved under this permit, will require that the current driveway access be removed and a new driveway to be constructed which accesses Mendenhall Loop Road through Black Bear Road”.

This condition was required by DOT/PF because the sight distance at the intersection of Black Bear Road and Mendenhall Loop Road is much better than at the driveway adjacent to Mendenhall Loop Road. The applicant's narrative states that this new access is currently complete and was constructed as part of the last project. Staff has contacted DOT/PF requesting feedback regarding the status of this access and to determine whether the constructed access is sufficient to meet the requirements of DOT/PF. At this time, staff has not received any feedback.

Parking and Circulation – The CBJ Land Use Code requires one (1) parking space for every three (3) occupants in a group home. With fifteen (15) new residents, this facility is required to have five (5) parking spaces. The total occupancy of forty-five (45) residents requires that fifteen (15) total spaces be provided for all three (3) facilities.

A designated 12'x30' loading zone for the entire site is required per CBJ § 49.40.210(c)(2), and a loading zone was included as part of the last building proposal, thus, it is not required to include another with this proposal.

The parking plan provided does not contain detailed dimensions, however, there is space available on site for the required parking. Therefore, staff is recommending a condition that prior to issuance of a building permit, a parking plan with clear dimensions be submitted and reviewed by staff.

Noise - The site is well buffered from adjacent residential development by distance, vegetation and topography. It is not anticipated that any appreciable increase in noise would occur by increasing the number of residents with this new proposal.

Exterior Lighting – The applicant did not submit a lighting plan with this proposal. Therefore, staff is including a condition that an exterior lighting plan that reduces off-site glare be reviewed and approved by staff prior to issuance of a building permit.

Signs – There is no indication that signs are proposed as part of this development. However, a separate permit process per CBJ §49.45, Signs, requires that all signs proposed by the development be submitted to CDD staff for review and approval.

Public Health or Safety – Staff is not aware of any appreciable risk to public health and safety which would result from the addition of this facility. The proposed project will be connected to CBJ sewer, water and other utility services. In addition, the construction of the new access off of Black Bear Rd significantly improves the site distance from the site, which addresses a previous safety concern.

The CBJ Fire Marshal did not provide comments to staff. In previous proposals, the Fire Marshall has reviewed and approved the location of fire hydrants on site prior to construction. Therefore, staff is recommending adding a condition to this permit, which requires that fire hydrant location(s) be approved by the CBJ Fire Marshall prior to issuance of a building permit.

Staff has received comments via e-mail from a resident in the area with public health and safety concerns. The e-mail states that CBJ staff has not adequately informed the public (in previous proposals) regarding the mental and substance abuse issues of the residents of the facility. The resident continues to note, however, that she has never received any complaints related to the operation of the existing facility.

Property Value or Neighborhood Harmony – The surrounding neighborhood is primarily undeveloped and features open space and green belts along Montana Creek. The proposed project is designed to utilize a small portion of the site, which allows for significant buffer zones to neighboring properties. The project appears to be in harmony with the surrounding neighborhood.

There has been no evidence presented that would indicate that the proposal will negatively impact nearby property values. Staff received no comment from the Assessor regarding the impact on property values; however, staff has received a letter from a member of the public, stating that she is concerned with the impact of the development on the quality of life and property values in the

surrounding area. The letter opposing the proposal also states that the development is not outright allowed and is a Conditional Use, thus, it should not be allowed on this property. As noted previously, this proposal is an allowed use, subject to a Conditional Use Permit approved by the Planning Commission.

Conformity With Adopted Plans – Portions of the lot are zoned D-1 and D-3 residential. The location of the new building site is zoned D-3. The Juneau Comprehensive Plan designates the area of the subject property as Urban/Low Density Residential. The facility is primarily institutional in nature and by using only a small portion of the lot, it is also low density in nature. By hosting forty-five (45) residents on one hundred fifty (150+) acres, the resulting density is one (1) full time resident per 3.3 acres, which is a very low-density development. The CBJ Land Use Code more specifically identifies zones and uses allowed in these zones. The subject property is zoned D-3 residential. This use is allowed in the D-3 zoning district upon approval of a Conditional Use Permit by the Planning Commission.

Juneau Homeless Coalition. The Juneau Homeless Coalition, a local non-profit organization, has a plan titled, *“A Roof Over Every Head in Juneau: Our Community’s Plan to End Homelessness”*. Although this is not a CBJ adopted plan, the document includes a request to the CBJ Assembly to support the resolution and support measures that will reduce the incidence of homelessness in Juneau. The plan outlines numerous measures and initiatives targeted at reducing homelessness in the city. Measures that are specific to, and supportive of, this proposal include the following:

Five Year Initiatives Advocated by the Juneau Homeless Coalition:

Initiative 7: *“Support the Addition of the Following Units to Juneau’s housing stock over next five years:*

- *“300 units of low-income permanent housing for families and children;*
- *“50 units of supported, transitional housing for youth, ages 16-25;*
- *“40 units of supported housing for high-risk, chronically homeless tenants who have failed in other housing settings”.*

Specific Initiatives in 2006:

Initiative3: *“Support in writing Juneau Youth Services funding applications for youth-in-transition housing providing 13 beds in 7 units on the JYS campus on Mendenhall Loop Road”.*

Staff has received a letter of support from the United Way of Southeast Alaska on behalf of the Juneau Homeless Coalition in support of this application, citing the initiatives and measures presented in the implementation plan discussed above. In addition, a letter of support was submitted from a resident of the area, outlining support as not only a resident of the area, but also as a local behavioral health specialist.

Juneau Coastal Management Program – The previous phase was revised and did not require any fill in designated wetlands. The current proposal is outside of any wetland area, the floodplain and the Montana Creek stream setback area. An eagle’s nest is located on the site but it this proposal exceeds the three hundred thirty foot (330’) buffer required around eagle nests under CBJ§49.70.310.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct a full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300 section 7.200 for the D-1 and D-3 zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the [date] and [date] issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. Will the proposed development materially endanger the public health or safety?

No. Based on the staff analysis above, the proposed development incorporates features such as public water and sewer service. Access to the site is adequate to meet the proposed occupancy for the proposed new building. A new driveway access through Black Bear Road was constructed as part of the last application. With this understanding, staff has concluded that public health and safety will not be endangered.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

No. Based on the preceding analysis, by incorporating features such as clustering the buildings to preserve open space and buffers, the project will be in harmony with the neighborhood and not substantially decrease the value of properties in the neighboring area.

6. Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

No. As stated in the above report, the project is consistent with the Urban/Low Density Residential designation of the Juneau Comprehensive Plan.

7. Will the proposed development comply with the Juneau Coastal Management Program?

Yes. Based on the analysis above, the proposed development is consistent with the Juneau Coastal Management Program.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a 4,800 square foot transitional housing facility for Juneau Youth Services at the Montana Creek Campus. The approval is subject to the following conditions:

1. Prior to issuance of a building permit, a parking plan with clear dimensions shall be submitted and approved by staff.
2. All fire hydrant locations shall be identified and approved by the CBJ Fire Marshal prior to issuance of a building permit.
3. An exterior lighting plan that reduces off-site glare shall be reviewed and approved by staff prior to issuance of a building permit.
4. The applicant shall have the access drives reviewed and approved by CBJ and DOT/PF prior to commencement of use of the housing facility.

DEVELOPMENT PERMIT APPLICATION

(APPLICANT PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number		CITY and BOROUGH of JUNEAU		Date Received: 4/19/06	
Project Name City Staff (in office name)		JYS Transitional Housing			
Project Description Group Home, category 1.400, on the Montana Creek campus of Juneau Youth Services					
PROPERTY LOCATION					
Street Address 10685 Mendenhall Loop Road				City / Zip 99801	
Subdivision (if known) Montana Creek Subdivision		Survey (if known) US8 2551		Block / Tract (if known) Lot (if known)	
Assessor's Parcel Number (if known) 4-B26-0-102-004-0					
LANDOWNER/LESSEE					
Property Owner's Name Juneau Youth Services ☒ Contact by E-Mail: walterma@jys.org				Contact Person Walter Majors Work Phone No. 789-7610	
Mailing Address PO Box 32839, Juneau, AK 99803				Home Phone No. 789-2106 FAX No. 789-2106	
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)					
I, (we and the owner(s) or Lessee of the property subject to this application) and (we) consent as follows: A. This application for a land use or address review for development of my (our) property is made with my complete understanding and permission. B. I have read permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.					
☒ Walter Majors 4/17/06 Landowner/Lessee Signature Date				INITIAL ALL THAT MAY APPLY	
☒ Walter Majors Landowner/Lessee Signature Date				APPLICATION TYPE	
				OWNER'S INITIALS Walt	
				ALLOWABLE USE	
				CONDITIONAL USE	
				VARIANCE	
				DESIGN REVIEW	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property and may do so during the weekend before the scheduled public hearing date.				SUBDIVISION	
				OTHER:	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)					
Applicant's Name Jensen Yorba Lott, Inc. ☒ Contact by E-Mail: wayne@jensenvorbalott.com				Contact Person Wayne Jensen Work Phone No. 586-1070	
Mailing Address 522 West 10th, St., Juneau, AK 99801				Home Phone No. 586-3950 FAX No. 586-3950	
☒ Wayne Jensen Applicant's Signature				☒ Wayne Jensen Date of Application	

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C	K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.	C	K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	☒		ALLOWABLE USE APPROVAL	4/19/06	USE 2006-28	☒		WATER PERMIT		
			CONDITIONAL USE APPROVAL					SEWER PERMIT		
			VARIANCE					GRADING PERMIT		
			DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
			SUBDIVISION					RIGHT-OF-WAY PERMIT		
			STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
			SIGN APPROVAL					OTHER - (Describe)		
			BUILDING PERMIT					Permit Intake Initials		
			Zone	Total Lot Area	Required Setbacks					
COMMENTS:										

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

ALLOWABLE/CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number	Project Name <u>JYS Transitional Housing</u>	Case Number <u>USE 2006-28</u>	Date Received <u>4/19/06</u>
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APPLICANT INFORMATION

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.

Construction of an approximately 4,800 sf two-story group home to provide transitional living for up to 15 youth. The project includes space for a live-in staff residence manager.

MODIFICATION OF EXISTING APPROVAL? ☒ No ☐ Yes - CASE NUMBER _____

EXISTING USE OF LAND AND/OR BUILDING(S):

Two residential group homes for up to 30 children.

PROPOSED USE OF LAND AND/OR BUILDING(S):

Category 1 400 group home

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site **SEWER:** ☒ Public ☐ On Site

SITE DIMENSIONS:

Width _____ ft. Depth _____ ft. Total Area 152 acres square feet

DIMENSIONS OF STRUCTURE:

(Outside Dimensions)

Length 93 ft. Width 26 ft. Height 30 ft. Total Area 4,800 square feet

SIGNS: Sign Approvals are a separate permit approval. Provide sign plan as an information item.

EXTERNAL LIGHTING

Existing to remain ☐ No ☒ Yes - provide fixture information, illumination pattern, and location of lighting fixtures.
Proposed ☐ No ☒ Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

PARKING

Existing Spaces: na Proposed Spaces: 6

PLEASE NOTE: INCOMPLETE APPLICATIONS MAY NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION. UNACCEPTED APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.

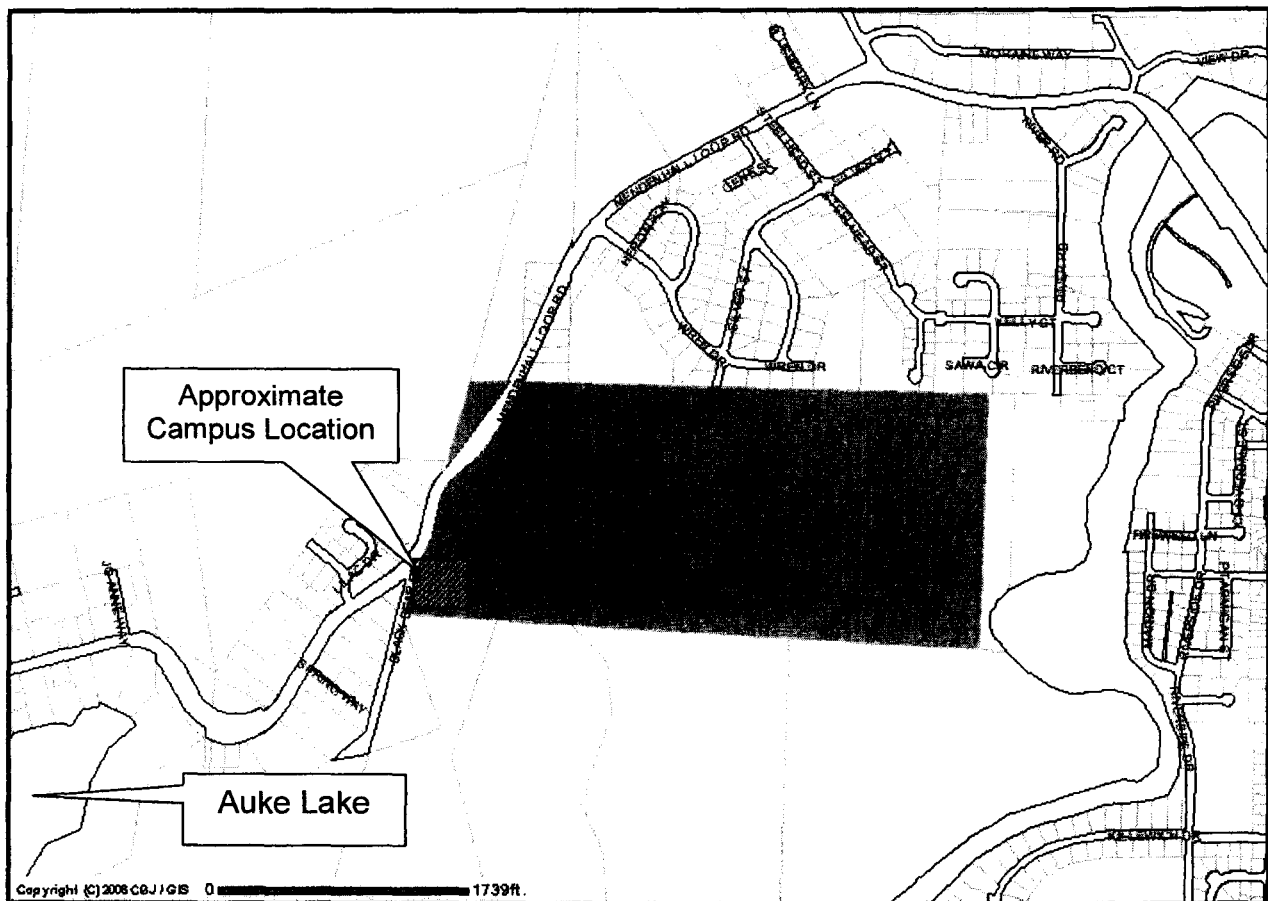
CIRCLE TYPE OF PERMIT: ALLOWABLE USE / CONDITIONAL USE		TABLE OF PERMISSIBLE USES CATEGORY:		
	Fees	Check No.	Receipt No.	Date
Application Fees	\$ <u>400.00</u>			
Adjustment	\$			
Public Notice Sign Fee	\$ <u>50.00</u>			
Public Notice Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>550.00</u>	<u>chg.</u>	<u>22308</u>	<u>4/19/06</u>

i:\deblinternet\internet.xls page label: devappcu.xls revised 2/9/99

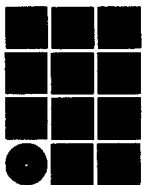
NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED

Vicinity Map

Use2006-00028



**Jensen
Yorba
Lott
Inc**



April 19, 2006

**Architecture
Interiors
Landscape
Architecture**

**RE: Juneau Youth Services
Montana Creek Campus
Transitional Living Group Home
Allowable Use Permit**

Jennifer Mannix
Permit Specialist
Community Development Department
155 South Seward St
Juneau. AK 99801

Dear Jennifer:

1935
Founded as
H.B. Foss Company

1945
Foss & Malcolm

1949
Foss & Olsen

1956
Olsen & Sands

1969
Sands & Ackley

1974
Ackley & Associates,
Inc.

1979
Ackley/Jensen
Architects, Inc.

1985
Jensen Douglas
Architects, Inc.

1997
Jensen Yorba Lott, Inc.

Attached are a Development Permit Application and an Allowable Use Application along with supporting drawings to construct a Transitional Living Group Home on the Montana Creek campus for Juneau Youth Services. The proposal is illustrated on the attached site plan drawing. The proposed approximately 4,800 square foot building will house up to 15 children and will include a one-bedroom area for live-in staff. The facility will provide transitional living opportunities for youth to prepare them for assimilating into the community.

The building will be a similar style to the existing two buildings, except it will be a two story structure. The building will be set back from Black Bear Road (front yard) at least 25' and from the south property line (side yard) at least 15 feet.

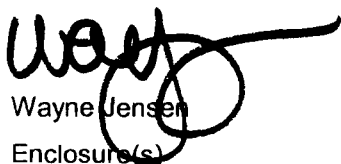
The Land Use Code requires parking at a rate of 1 space per 3 occupants in a group home. With up to 15 youth occupants and up to 2 staff occupants, 6 parking spaces will be provided.

The building will have metal roofing and painted cement board siding to match the existing buildings. A natural landscape buffer is maintained along the Mendenhall Loop Road. The development is located outside of the stream setback for Montana Creek, the wetlands and the flood plain.

The staff analysis for the approval for USE98-00026 included a recommendation from the Alaska State DOT/PF to connect the internal drive between Mendenhall Loop Road and Black Bear Road, this was done as part of the construction of the last project.

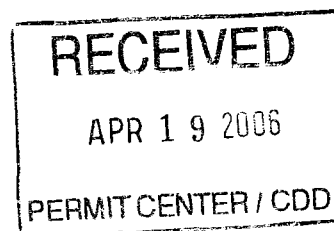
We appreciate your assistance on the third phase of this development and welcome any questions.

Sincerely,


Wayne Jensen
Enclosure(s)

cc: Walter Majoros

G:\Projects\0321\Word\Corr\5AU1.doc



522 West 10th Street
Juneau, Alaska 99801
Tel.: 907.586.1070
Fax: 907.586.3959
jensenyorbalott.com

**Jensen
Yorba
Lott
Inc.**

522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3859
jensenyorbalott.com



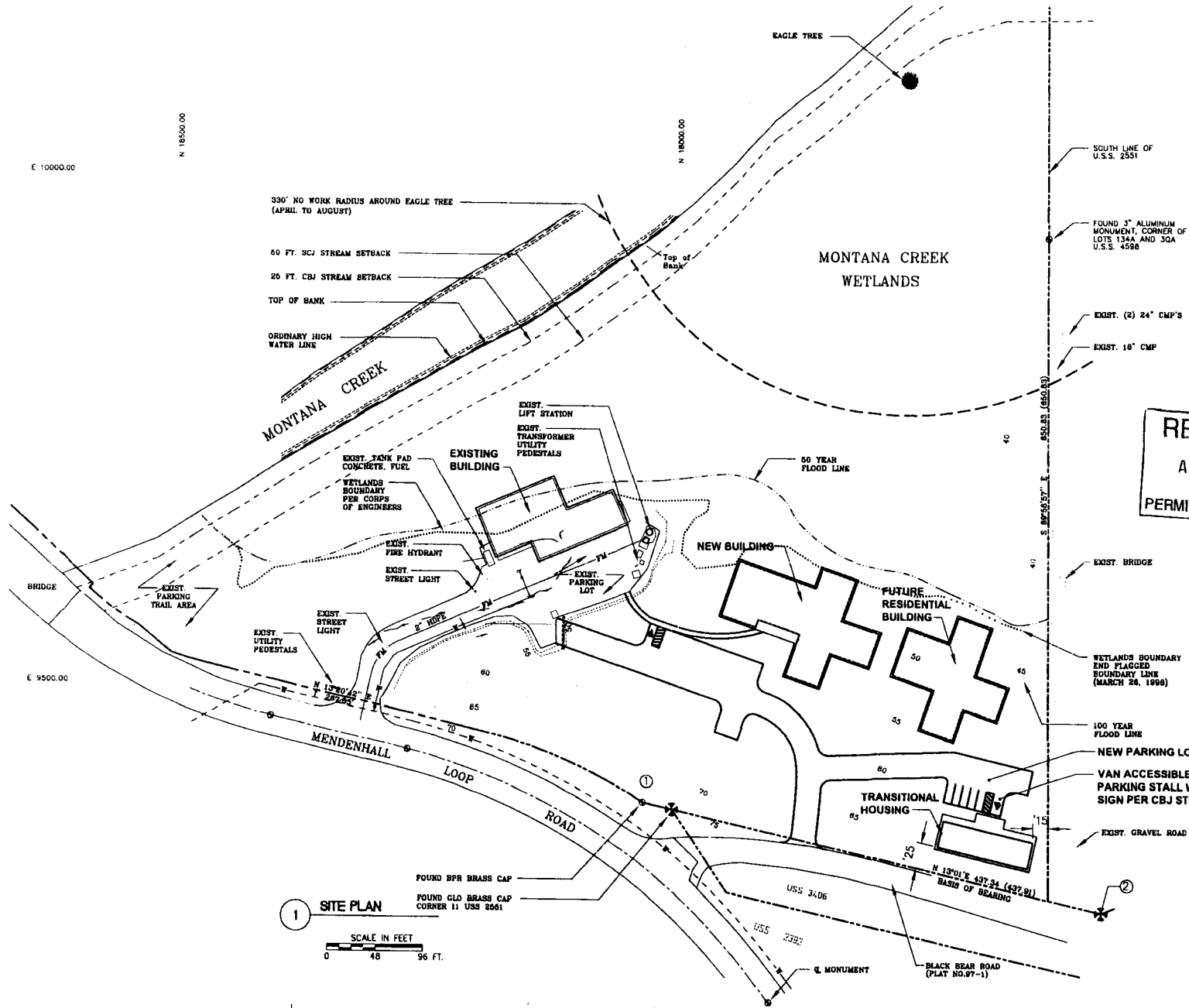
RECEIVED
APR 19 2006
PERMIT CENTER / CDD

Juneau Youth Services, Inc.
RESIDENTIAL BUILDING PHASE II
MONTANA CREEK CAMPUS
Juneau, Alaska

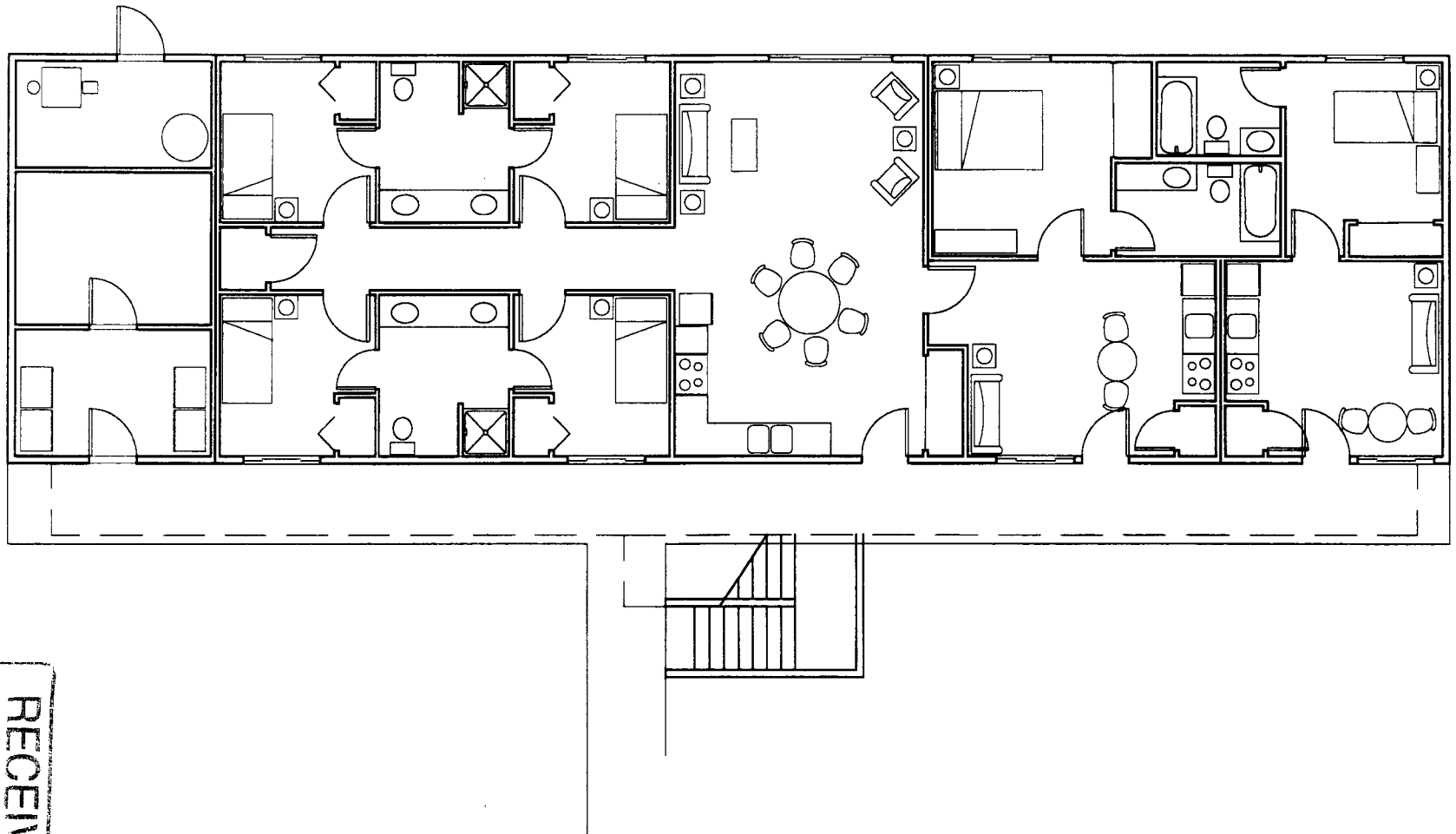
SHEET TITLE
**OVERALL
SITE PLAN
& LEGEND**

DATE: May 2005
FILE: 0323

A100



1 SITE PLAN
SCALE IN FEET
0 48 96 FT.



1 FIRST FLOOR PLAN
SCALE: 0 5' 10' 20'

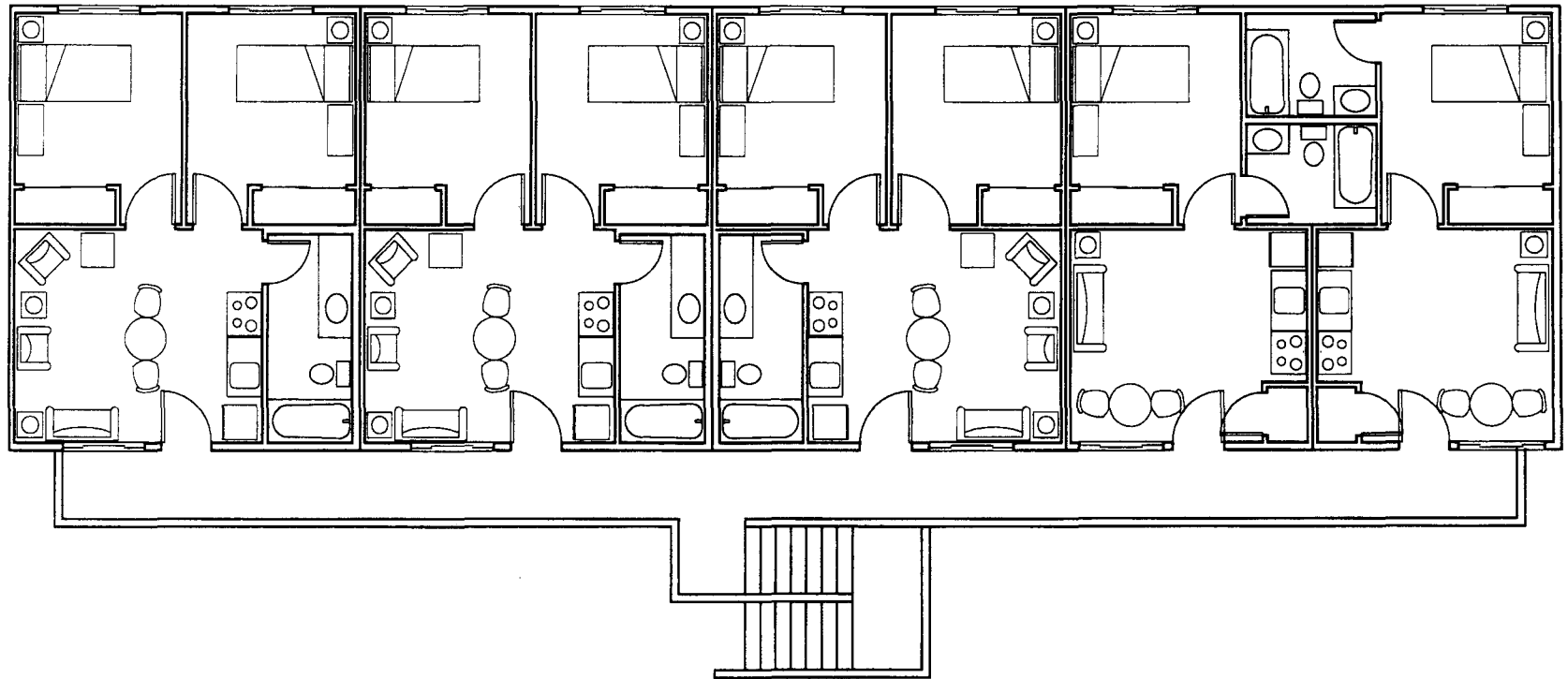
RECEIVED
APR 19 2006
PERMIT CENTER/CDD

JUNEAU YOUTH SERVICES
TRANSITIONAL HOUSING
APRIL 2006

A201

522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3959
jensenyorbalott.com

**Jensen
Yorba
Lott**
Inc. 240



RECEIVED
APR 19 2006
PERMIT CENTER/CDD

1 SECOND FLOOR PLAN

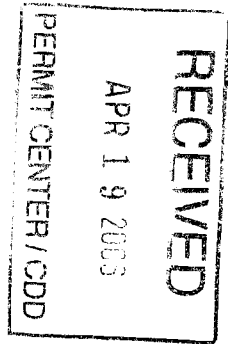
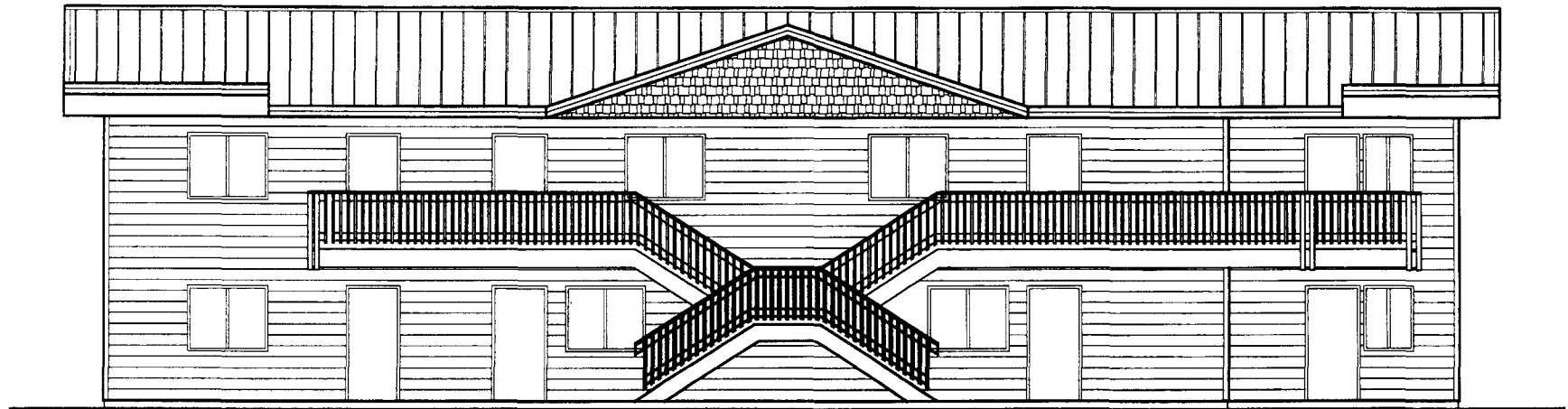
SCALE: 0 5' 10' 20'

JUNEAU YOUTH SERVICES
TRANSITIONAL HOUSING
APRIL 2006

A202

522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3959
jensenyorbalott.com

**Jensen
Yorba
Lott**
Inc.



1 FRONT ELEVATION

SCALE: 0 5' 10' 20'

JUNEAU YOUTH SERVICES
TRANSITIONAL HOUSING
APRIL 2006

A301

522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3959
jensenyorbalott.com



RECEIVED

Section J, Item 3.

APR 26 2006

PERMIT CENTER / CDD

4533 Sawa Circle
Juneau, Alaska
April 25, 2006

City Planning Staff
155 South Seward Street
Juneau, Alaska -- 99801

Dear City Planners:

I am worried about the Juneau Youth Service [JYS] concept of a large institutional group home facility adjacent to our neighborhood, i.e., the Montana Creek property co-development with SEARHC. I'm even more troubled around plans for a large psychiatric facility to be developed there over the years. I protest the proposed extension to include psychiatric treatment facilities. This announced use is not allowed in the zoning district.

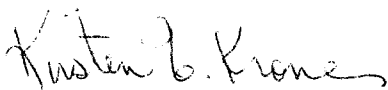
As I understand, conditional uses allowing a group home for up to 30 children [Children? Juneau Empire says some may be 18] does not include significant psychiatric treatment facilities, not allowed in D-1 or D-3 zoning districts. I do not want variance norms used to extend use to this new plan.

I moved here in 2003. I looked long for a low density, high value rural neighborhood. I invested over a quarter of a million dollars [a lot for a single-woman retiree] to buy this home. I've added a hundred thousand more in upgrades. This shows my commitment to living in Juneau, and a desire to contribute to my neighborhood.

Adding density, traffic and use to a low density, high value neighborhood disturbs me. Quality of life and/or property values could suffer. I'm a senior citizen. My home is my major investment, financially and emotionally. Lowered property values or uneasiness in residing here would be a terrible situation for a woman approaching her 70s to face.

Thank you for listening to my very real concerns.

Sincerely,


Kirsten E. Krone

Amy Karn

From: Wayne Jensen: Jensen Yorba Lott, Inc. [wayne@jensenyorbalott.com]
Sent: Monday, May 22, 2006 11:15 AM
To: Amy Karn
Cc: walterm@jys.org
Subject: RE: USE2006-00028; Allowable Use Permit for JYS Transitional Housing Agency Review

You are correct in the use of the word "children" I copied the term from the previous applications, where the residents are under 18. This facility will provide transitional housing opportunities for those between 18 and 21. As far as I see, the facility still fits within the definition of a Group Home.

Wayne Jensen
Jensen Yorba Lott, Inc.
 522 West 10th Street
 Juneau, Ak 99801
 ph 907-586-1070
 fax 907-586-3959

jensenyorbalott.com

From: Amy Karn [mailto:Amy_Karn@ci.juneau.ak.us]
Sent: Monday, May 22, 2006 11:03 AM
To: Wayne Jensen: Jensen Yorba Lott, Inc.
Subject: FW: USE2006-00028; Allowable Use Permit for JYS Transitional Housing Agency Review

FYI

Amy Karn, Planner I
 Community Development Department
 City and Borough of Juneau
 Mail: 155 S. Seward Street
 Office: 230 S. Franklin Street, 4th Floor
 Juneau, AK 99801
 Phone: 907-586-0771
 Fax: 907-586-3365
 Website: www.juneau.org

"If you keep doing what you've always done, you keep getting what you've always gotten!"

From: Schrader [mailto:schrader@gci.net]
Sent: Sunday, May 21, 2006 8:47 PM
To: Amy Karn
Subject: RE: USE2006-00028; Allowable Use Permit for JYS Transitional Housing Agency Review

Ms. Karn:

The following are my comments re: the JYS request for an Allowable Use Permit for a "transitional housing facility" on their Montana Creek campus. As the property owner directly across the street from this campus, I have some concerns.

I want to preface my comments by clearly stating that I have great respect for the work that JYS does and the

huge contribution this organization makes to our community. Furthermore, I have had no complaints, to date, with the operation of the Miller House (the first phase of the campus development). I do, however, think the public, and in particular, the neighbors, should be fully apprised of the nature of the clients that JYS serves and houses at the Montana Creek campus.

Evaluation of public health and safety:

The information you attached from the applicant describes the facility as housing 15 "children." (See April 19th letter from Wayne Jensen to Jennifer Mannix.) Given that Mr. Majoros' presentation to the West Mendenhall Neighborhood Assoc. on April 25, 2006, described this apartment building as housing "youths" aged 18 to 21, I believe Mr. Jensen's statement is misleading. Twenty-one year old adults are not children.

In the evaluation of the 2 previous facilities on the campus, CBJ Planning Staff did not, in my opinion, adequately inform the public as to the nature of the JYS' residents. For example, CBJ planning staff referred to the residents of the building currently under construction simply as "children," "residents", and "occupants." (See Notices of Decision 10/15/03 and 5/11/04.) It was not until an article appeared in the Juneau Empire on 12/23/05 that I learned the "occupants" of this 2nd building on the campus will be 12 to 18 yr. old "disturbed kids....with co-occurring mental health and substance abuse problems." I think the CBJ staff who are preparing the memo for the Planning Commission and the Planning Commissioners themselves should consider the nature of the residents when the issues of public health and safety are evaluated. When this 3rd building is completed, the campus will be housing up to 45 youths with varying degrees of life challenges. The city and the neighbors should have a clear understanding of what the implications are for our D3 zoned, residential neighborhood.

~~~~~

Sue Schrader  
10780 Mendenhall Loop Rd.  
Juneau Alaska 99801  
789-1269  
[schrader@gci.net](mailto:schrader@gci.net)

---

**From:** Amy Karn [mailto:[Amy\\_Karn@ci.juneau.ak.us](mailto:Amy_Karn@ci.juneau.ak.us)]

**Sent:** Wednesday, May 10, 2006 2:42 PM

**To:** Greg Browning; Joe Buck; Peggy Cowan; Rich Etheridge; Greg Farmer; John Leeds; Jon McElwain; Michael Newton; Debra Purves; Ron King; Mike Scott; Tom Trego; [schrader@gci.net](mailto:schrader@gci.net); [info@flyfishsoutheast.com](mailto:info@flyfishsoutheast.com); [juneaudave@aol.com](mailto:juneaudave@aol.com)

**Subject:** USE2006-00028; Allowable Use Permit for JYS Transitional Housing Agency Review

Attached, please find application materials for an Allowable Use Permit request for a 4,800 transitional housing facility on the Juneau Youth Services Montana Creek Campus. Please review the proposed use and plans and have any comments submitted by May 22, 2006.

Please contact me at 907-586-0771 if you have any questions or require more information.

Thanks,

Amy Karn, Planner I  
Community Development Department  
City and Borough of Juneau  
Mail: 155 S. Seward Street  
Office: 230 S. Franklin Street, 4th Floor  
Juneau, AK 99801  
Phone: 907-586-0771  
Fax: 907-586-3365  
Website: [www.juneau.org](http://www.juneau.org)

**United Way of  
Southeast Alaska**

P.O. Box 20249  
Juneau, AK 99802  
907.463.5530  
Fax 907.463.4649

jkilcup@unitedwayseak.org  
www.unitedwayseak.org



October 8, 2005

Greetings:

The Juneau Homeless Coalition has voted to support the Juneau Youth Services proposal to develop an 8-unit apartment complex on their property located at 10685 Mendenhall Loop Rd.

In 2002, a number of local, non-profit, 501(C) 3 organizations formed the Juneau Homeless Coalition, and came together in a unified effort to provide the vision and leadership required to develop and implement a plan to end homelessness in Juneau.

Specific housing projects the Homeless Coalition members will seek to build over the next five years include:

- 50 units of low-income permanent housing for families and children.
- 50 units of supported, transitional housing for youth, ages 18-21.
- 40 units of supported housing for high-risk, chronically homeless tenants who have failed in other housing settings.

The Coalition views Juneau Youth Services' project as a stepping stone toward fulfilling these goals, and we ask that you fund the project. Thank you for considering our request.

Sincerely,

Jodi Kilcup  
Chair, Juneau Homeless Coalition  
Executive Director, United Way of Southeast Alaska

The Juneau Homeless Coalition includes the following agencies:

St. Vincent de Paul  
Catholic Community Services  
Gastineau Human Services Corporation  
The Front Street Clinic  
SEARHC  
The Glory Hole  
Juneau Youth Services, Inc.  
Juneau Alliance for Mental Health, Inc.  
Alaska Coalition on Housing and Homelessness (ACH2)  
Southeast Alaska Guidance Association  
United Way of Southeast Alaska  
Housing First  
Aiding Women in Abuse and Rape Emergencies (AWARE)  
Love, in the Name of Christ  
Southeast Alaska Independent Living (SAIL)  
Tlingit and Haida Regional Housing Authority  
Polaris House  
Alaska AIDS Assistance Association (4Aa)  
Zach Gordon

Attachment G - 2006 Notice of Decision and Staff Report for USE2006-00028

JUN-26-2006 MON 08:54 AM LIT PROGRAMS

FAX NO. 907 465 2185

Section J, Item 3.

To the Juneau Planning Commission;

I would like to speak in favor of Juneau Youth Services plans to develop a transitional living facility for youth at their property on Montana Creek. My perspective on this is both as a neighbor and as a clinical social worker employed with the Division of Behavioral Health to work with the children's mental health system. In addition, I am a past employee of JYS. I am unable to attend the hearing tonight due to work travel.

My home (which I own) is on Wren Street. This is one of the closest streets to the JYS facility. I have lived there since 2000. As a neighbor, I understand concerns about bringing children with a history of behavioral difficulties into the area. I shared the concerns prior to the opening of the first JYS facility. I had concerns on two accounts:

- 1) That there would be an increase in adolescent foot traffic through the neighborhood, including on the informal trail that runs behind my house and an associated increase in delinquent activities: stealing, vandalism, poorly behaved children in the area, etc.
- 2) That JYS might do a poor job of managing the beautiful chunk of wetlands that their facility is located on and next to, and which adjoins my property.

However, in the last 6 years neither of these fears has been realized. The one time something was stolen from my car it turned out to be neighborhood youth who was the culprit. I have never seen youth wandering in the neighborhood who do not appear to belong there (I do not know all of the children but am familiar with many of them by sight). I have had no problems whatsoever with JYS youth.

With relation to my second concern, JYS owns a large chunk of wetlands that comes to the trail behind my house. It is my opinion that this land should be preserved for animal and bird habitat and for public access and recreation. JYS has demonstrated good stewardship of this land; they have maintained a garden for the children to work in and a camp for therapeutic work with children and families. They have allowed neighbors to walk in the wetlands. This has been a good use for this area.

From the perspective of a clinical social worker there are several reasons why I support this project. For the Division of Behavioral Health I am involved with a statewide effort to "Bring the Kids Home". This project is developing in-state resources and management mechanisms to address the high number of children and youth from Alaska moving into out of state residential psychiatric treatment (RPTC) facilities. Out of state RPTC use a disproportionate amount of the State's Medicaid resources for restrictive, distant mental health care. This can disconnect parents and children, result in care that is not culturally appropriate for Alaska Native children and result in extended stays due to difficulties moving children back to Alaska.

This is especially true for older children transitioning back to the State and who are in the State's custody. There may be no family for the child to return to, or the family may not have made the changes that would allow the child to safely live in the home. For children



JUN-26-2006 MON 08:54 AM LII PROGRAMS

FAX NO. 907 465 2185

Section J, Item 3.

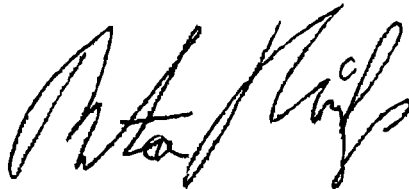
too old for adoption or foster care, but not ready to live on their own, there are extremely limited options. These children need some level of support to remain stable in the community.

The consequences of this issue impact the child, the community and the State. A child may remain in out of state care and in the wrong level of care longer than necessary. When a child remains in treatment too long it can erode the treatment gains the child has made and make the child less engaged in treatment and less likely to be successful when he/she finally is able to return home. It also impacts DHSS budget as the cost of the services may fall entirely to the State of Alaska (no Federal match) if the child no longer meets medical necessity for that level of care.

Another consequence is that the child may move into a less than optimal setting, sometimes resulting in the child failing to maintain treatment gains in the community and returning to an out of state setting, hospitalization in Alaska, or movement into the Alaska justice system. Youth end up on the street or accessing shelters, and experience increased abuse and trauma. This destabilizes fragile youth further and decreases the likelihood that they will become contributing community members.

It is essential that we develop in-state services for children and youth to avoid these downhill spirals. Youth with emotional and behavioral difficulties need stable therapeutic residential settings to develop the skills needed to transition into independent living. It is in our benefit to help youth become stable, positive community members. I believe that the JYS facility is in an appropriate location, and that JYS has demonstrated the ability to manage their programs successfully and that the transitional living project will be a positive resource for the community. I encourage the planning commission to support this project.

Brita Bishop, Licensed Clinical Social Worker  
Resident of 4910 Wren Street, Juneau Alaska, 99801 Ph. 907-789-2460  
Children's Specialist for the Alaska Division of Behavioral Health



## JUNEAU HOMELESS COALITION

---

# **A Roof Over Every Head in Juneau:**

*Our Community's Plan to End Homelessness*

# A Roof Over Every Head in Juneau

## I. Introduction

In 2002, a number of local non-profit (501(c)(3)) organizations formed the Juneau Homeless Coalition in a unified effort to provide the vision and leadership required to develop and implement a plan to end homelessness in Juneau. Committee members and stakeholders in the planning process included homeless youths and adults, faith communities, philanthropy groups, businesses, local government, non-profit social service providers, non-profit housing developers, and advocates.

These participating organizations make up the Juneau Homeless Coalition:

- |                                                       |                                                   |
|-------------------------------------------------------|---------------------------------------------------|
| ✦ Aiding Women in Abuse and Rape Emergencies (AWARE)  | ✦ Juneau Youth Services, Inc.                     |
| ✦ Alaska AIDS Assistance Association (4As)            | ✦ Love, In the Name of Christ                     |
| ✦ Alaska Coalition on Housing and Homelessness (ACH2) | ✦ Polaris House                                   |
| ✦ The Front Street Clinic/SEARHC                      | ✦ Rainforest Recovery Center                      |
| ✦ Gastineau Human Services Corporation                | ✦ St. Vincent de Paul/Catholic Community Services |
| ✦ The Glory Hole                                      | ✦ Southeast Alaska Guidance Association (SAGA)    |
| ✦ Housing First                                       | ✦ Southeast Alaska Independent Living (SAIL)      |
| ✦ Juneau Alliance for Mental Health, Inc.             | ✦ Tlingit and Haida Regional Housing Authority    |
| ✦ Juneau School District                              | ✦ United Way of Southeast Alaska                  |
|                                                       | ✦ Zach Gordon Youth Center                        |

In Sections II and III the Juneau Homeless Coalition will ask for your support on certain local and statewide initiatives to help us address homelessness in Juneau, and in Section IV outline the scope and causes of homelessness. The largest social service providers in Juneau are behind this effort. This plan includes a request for the Assembly of the City and Borough of Juneau to support a resolution: the Plan to End Homelessness in Juneau, and to support concrete measures that will steadily reduce the incidence of homelessness in our community.



## **II. Five-Year Initiatives Advocated by the Juneau Homeless Coalition**

The Juneau Homeless Coalition seeks the support and participation of the Assembly for the following initiatives, as the coalition moves ahead with joint efforts:

- 1. Support the Attached Resolution** endorsing the goals of "A Roof Over Every Head in Juneau: Our Community's Plan to End Homelessness." Affirm the City and Borough of Juneau's intent to work with other organizations and governmental entities in the implementation of this plan.
- 2. Designate a CBJ liaison to work with and advocate for the Juneau Homeless Coalition**, to expedite plans and processes required by the City and Borough, the State and the Corps of Engineers, and to review the feasibility of options, such as:
  - Property tax exemptions for properties developed in direct response to this plan;
  - Waivers of city permit fees for properties developed under this plan;
  - Discounted city utilities to properties developed under this plan;
  - Redeployment of city resources, personnel and equipment to support programs and properties developed under this plan.
- 3. Increase Living Wage Jobs.** It's a choice between subsidies or opportunities. About 8.5% of Juneau's households rely on subsidies to pay the rent now. Half again as many are on the current wait-list for Section 8 and Public Housing. An unknown number have fallen off the lists and have resigned to permanent homelessness. The only stable, permanent answer to homelessness is to bring peoples' incomes and living standards in line with the cost of housing. Most efforts to make housing more "affordable" are just subsidies of one sort or another – either to individual tenants or to developers and owners.
- 4. Support the Development of an Integrated Assessment and Referral System:** This is essential for grant management, especially for HUD. It also gives service providers a chance to develop greater efficiencies of service, better client tracking and referral, demographic data, and self-evaluation tools.
- 5. Provide transportation assistance to the homeless.** We thank the Assembly for committing \$20,000 to the Juneau School District, to defray bus and cab fare for homeless students. Transportation support for homeless adults would enable them to seek work, medical care and housing that are currently out of reach.
- 6. Create Incentives for Developers to Hire and House Populations in Need:** While these initiatives may not lower the cost of building new housing, they may contribute to Initiative #2 above and accomplish the same end:
  - Develop a program where for every \$1 million spent on conventional housing, developers would contribute \$10,000 or 1% to the Juneau Housing Trust Fund. Interest from the Fund's principle could be used for developing

low-income housing opportunities in conjunction with sweat-equity and other training programs.

- Make CBJ property available below cost to developers who commit to building low-income housing.
  - Donate at least one housing lot per year, zoned for high-density housing, to low-income housing projects that include sweat equity and vocational training, such as SAGA's Young Alaskans Building Affordable Housing (YABAH) program, Habitat for Humanity, Juneau Douglas High School's construction program, etc.
  - Support the development of neighborhoods that include low-income housing. Identify and rezone areas conducive to "tiny home" or "cottage home" construction.
  - Reduce the costs and streamline permitting processes for low-income housing construction.
- 7. Support the Addition of the Following Units** to Juneau's housing stock over next five years:
- 300 units of low-income permanent housing for families and children.
  - 50 units of supported, transitional housing for youth, ages 16-25.
  - 40 units of supported housing for high-risk, chronically homeless tenants who have failed in other housing settings.
- 8. Continue to Support the Efforts of Juneau's Social Service Providers,** recognizing their work in addressing the broad range of issues that contribute to homelessness in our community.



### **III. Specific Initiatives in 2006:**

These are the projects for which the Juneau Homeless Coalition requests the support and involvement of the Assembly in 2006. Our coalition partners will develop detailed plans and budgets for each of the initiatives below:

- 1. Donate a housing lot to SAGA's Young Alaskans Building Affordable Housing.** The YABAH program continues to offer at-risk youth the opportunity to earn their GED while building a house from the ground up. In addition to providing an energy-efficient home for a low-income family, YABAH provides local youth with hands-on training in all phases of residential construction, including training on safety standards and building codes. In subsequent years, responsibility for developing each lot will rotate to other agencies that manage sweat-equity and vocational training programs.
- 2. Support Efforts to Enact Legislation** that designates Southeast Alaska as a population center that merits Alaska State Social Service Block Funding.
- 3. Support in Writing Juneau Youth Services Funding Applications for Youth-in-Transition Housing** providing 13 beds in 7 units on the JYS campus on Mendenhall Loop Road.
- 4. Support Channel View, Inc.** in the rehabilitation of 48 existing units for supportive housing serving chronically homeless adults by clearing institutional and political obstacles.
- 5. Support Efforts by Tlingit and Haida Regional Housing Authority and Love, Inc.,** to develop neighborhoods of "tiny homes," 500 square-foot dwellings providing affordable permanent or supportive transitional housing options for low-income individuals and families.



#### **IV. Broad-Based Issues Affecting Homelessness**

Nationwide, about 2.5 to 3 million people are homeless each year. In the last quarter century, four new paths to homelessness have joined the traditional paths of war, famine, social unrest, migrant labor, alcoholism and "the lure of the open road": (1) cyclical unemployment and job losses resulting in evictions and/or foreclosures; (2) recurring shortages of low-cost and affordable housing; (3) deinstitutionalization and poorly planned institutional discharges, particularly from mental health and correctional facilities, as well as from the foster care system; and (4) increased domestic violence.

##### **Who are the Homeless?**

According to the Stewart B. McKinney Act, 42 U.S.C. 11301, et seq. (1994), a person is considered homeless who "lacks a fixed, regular, and adequate night-time residence; and . . . has a primary night time residency that is: (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations . . . (B) an institution that provides a temporary residence for individuals intended to be institutionalized, or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings."

In addition, the McKinney definition includes children and youth "who lack a fixed, regular, and adequate night-time residence, and includes children and youth who are sharing the housing of other persons due to loss of housing, economic hardships, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement."

The following national, statewide, and local data offer an understanding of who the homeless are in Alaska and some of the reasons for their plight:

**Domestic Violence:** Battered women who live in poverty are often forced to choose between abusive relationships and homelessness. Of the 27 cities surveyed by the U.S. Conference of Mayors in 2004, 44% identified domestic violence as a primary cause of homelessness. According to the National Coalition Against Domestic Violence, approximately half of all women and children experiencing homelessness nationwide are fleeing domestic violence (2001).

**Mental Illness:** People with severe and persistent mental illness constitute between 23-39% of Alaska's homeless, as compared to only 7% of the U.S. population. According to the Federal Task Force on Homelessness and Severe Mental Illness, only 5-7% of homeless persons with mental illness require institutionalization; most can live in the community with the appropriate supportive housing options. However, many mentally ill homeless people are unable to obtain access to supportive housing and/or other treatment services. The mental health support services most needed include case management, housing and treatment.

**Addiction Disorders:** Many people who are addicted to alcohol and other drugs never become homeless, but addiction does increase the risk of displacement for the precariously housed. In the absence of appropriate treatment, it may doom

one's chances of getting housing once on the streets. Homeless people often face insurmountable barriers to obtaining health care, including addictive disorder treatment services and recovery supports.

While rates of alcohol and other drug abuse are disproportionately high among the homeless population, the increase in homelessness over the past two decades cannot be explained by addiction alone. According to studies conducted by the Alaska Housing Finance Commission, over 54% of homeless cases involve co-occurring disorders, such as a disability with a substance-abuse problem.

**Physical Disabilities:** A year 2000 study in Alaska by service providers showed 45% of the homeless population experienced a physical disability and 25% had been attacked or abused while homeless, an event which often creates a disability or injury. Two-thirds of homeless persons nationwide experience mental health issues or a cognitive disability, compared to only 25% of the U.S. population.

Combined with substance abuse problems stemming from depression and the fact that persons with disabilities often must pay for extra equipment (e.g., insurance pays for the wheelchair but not for replacement batteries), being homeless with a disability in Juneau can quickly become a damaging, if not deadly, situation.

**Homeless Children<sup>1</sup>:** Extreme poverty is growing more common for children, especially those in single-parent working families. In 2003, children under the age of 18 accounted for 39% of the homeless population nationwide. Juneau Youth Services' Mobile Crisis Unit reports that at least 30 youth are "sofa surfing" on any given day in Juneau – they are either thrown out of their parent'(s)' home, are runaways, or are on their own due to parental homelessness. According to the Juneau School District, 169 homeless children were enrolled during the 2004-2005 school year.

**Other Homeless Populations:**

Veterans constitute 17% of Alaska's homeless, while they only represent 11% of Alaska's population.

Between 40-50% of the 13,000 adult prisoners being released this year in Alaska will be homeless upon release, according to a Governor's 2005 Council on the Homeless report.

**Lack of Affordable Health Care:** For families and individuals struggling to pay the rent, a serious injury or disability can start a downward spiral into homelessness, beginning with a lost job, depletion of savings to pay for care, and eventual eviction. In 2004, approximately 43 million Americans had no health care insurance. Nearly one third of persons living in poverty had no health insurance of any kind. The coverage held by many others would not carry them through a catastrophic illness.

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<sup>1</sup> *Who Are Our "Youth?" The grouping by chronological age becomes blurred in the complex area of co-occurring disorders (mental health & chemical dependency). The public often thinks of youth as 18 years of age or younger, but in current federal grants, "youth" can refer to ages 14-30 or higher, considering delayed cognitive development and other issues.*



**High Cost of Housing in Juneau:** Current Fair Market Rent for the Juneau area is high, compared to the statewide average. On average, an efficiency/studio rents for \$648, and a two bedroom unit rents for \$1,053 in Juneau. Assuming an affordability rate of 30% of income, the hourly wage needed to afford the average efficiency/studio unit (in a 40 hour workweek) is \$12.79 (179% of Alaska's \$7.15/hour minimum wage), and \$19.71 for the two bedroom (276%). A minimum wage worker in Juneau needs to work 72 hours a week to be able to afford an efficiency/studio, and 110 hours a week for a two-bedroom unit.

In 2004, Juneau had 478 extremely low-income households (30% of Area Median Income) who could not afford Fair Market Rent, and 538 households earning between 30-50% of AMI who could not afford FMR.

**Poverty and Homelessness:** The declining value and availability of Public Assistance is another source of increasing poverty and homelessness. Current TANF benefits and Food Stamps combined are below the poverty level in every state; in fact, the median TANF benefit for a family of 3 is approximately one-third of the poverty level.

For some individuals, supportive housing offers the most cost-effective use of resources. Supportive housing includes a rent subsidy, care coordination, and social supports (bus tokens, meals, etc) that allow people to live independently.

| Site                         | Cost per day |
|------------------------------|--------------|
| Hospital                     | \$1,600      |
| Alaska Psychiatric Institute | \$732        |
| Nursing Home                 | \$412        |
| Detox                        | \$270        |
| Jail/Prison                  | \$114        |
| Supportive Housing           | \$70         |

(sources: OMB, API, DHSS, DOC, Clitheroe Center, AHFC)

The Alaska Housing Finance Corporation reports 1,067 subsidized households in Juneau-area rental units, including public and private complexes (project-based subsidized housing of 773 apartments at 100% occupancy plus 294 Housing Choice (Sec.8 vouchers). These are low-income households that have housing.

There are currently 325 households on the Housing Choice (Sec.8) Voucher wait list, and 250 households on the Public Housing (AHFC only) wait list. Including households on wait lists for private low-income housing, there are an estimated 500 or more households on at least one low-income housing wait list.

## Annie Foruria

---

**From:** Greg Chaney  
**Sent:** Monday, December 24, 2007 10:02 AM  
**To:** Annie Foruria  
**Subject:** FW: USE2006-00028  
**Attachments:** JYS TLP Addition.pdf

---

**From:** Wayne Jensen: Jensen Yorba Lott, Inc. [mailto:wayne@jensenyorbalott.com]  
**Sent:** Monday, December 24, 2007 9:39 AM  
**To:** Greg Chaney  
**Subject:** RE: USE2006-00028

Thanks. We are working on the BP changes.  
Merry Christmas.

### Wayne Jensen Jensen Yorba Lott, Inc.

522 West 10th Street  
Juneau, Ak 99801  
Direct ph 907 789-4521  
JYL ph 907 586-1070  
fax 907-586-3959

jensenyorbalott.com

---

**From:** Greg Chaney [mailto:Greg\_Chaney@ci.juneau.ak.us]  
**Sent:** Monday, December 24, 2007 9:33 AM  
**To:** Wayne Jensen: Jensen Yorba Lott, Inc.  
**Subject:** FW: USE2006-00028

Hi Wayne,

Dale agreed that the addition is not a significant change from the previous approval so it can be added to the project without further Planning Commission review. You will still need to modify the building permit.

Happy Holidays,

- Greg

---

**From:** Dale Pernula  
**Sent:** Monday, December 24, 2007 9:31 AM  
**To:** Greg Chaney  
**Subject:** RE: USE2006-00028

Greg

I concur. As they have described the project below and with the site plan, there should be no impact on the neighborhood.

Dale

12/24/2007

Attachment H - 2007 Black Bear House Addition

---

**From:** Greg Chaney  
**Sent:** Monday, December 24, 2007 9:12 AM  
**To:** Dale Pernula  
**Subject:** FW: USE2006-00028

Hi Dale,

Based on Wayne's answer below, I think we can consider it a minor amendment to the approved project. Do you concur?

Merry Christmas.

- Greg

---

**From:** Wayne Jensen: Jensen Yorba Lott, Inc. [mailto:wayne@jensenyorbalott.com]  
**Sent:** Friday, December 21, 2007 5:18 PM  
**To:** Greg Chaney  
**Subject:** RE: USE2006-00028

It will not result in new personnel, it will provide it will provide space for existing personnel to better serve the residents on campus.

**Wayne Jensen**  
**Jensen Yorba Lott, Inc.**  
522 West 10th Street  
Juneau, Ak 99801  
Direct ph 907 789-4521  
JYL ph 907 586-1070  
fax 907-586-3959

jensenyorbalott.com

---

**From:** Greg Chaney [mailto:Greg\_Chaney@ci.juneau.ak.us]  
**Sent:** Friday, December 21, 2007 4:59 PM  
**To:** Wayne Jensen: Jensen Yorba Lott, Inc.  
**Subject:** FW: USE2006-00028

Dale has one more question below...

---

**From:** Dale Pernula  
**Sent:** Friday, December 21, 2007 4:41 PM  
**To:** Greg Chaney  
**Subject:** RE: USE2006-00028

Physically I think it will have no impact whatsoever on the neighborhood, it is so insignificant compared to what is there. Will this result in the hiring of new personnel or is it to provide space for more direct supervision closer to the housing?

---

**From:** Greg Chaney  
**Sent:** Friday, December 21, 2007 3:57 PM  
**To:** Dale Pernula  
**Subject:** FW: USE2006-00028

Whaddy think?

**From:** Wayne Jensen: Jensen Yorba Lott, Inc. [mailto:wayne@jensenyorbalott.com]  
**Sent:** Friday, December 21, 2007 3:32 PM  
**To:** Greg Chaney  
**Subject:** RE: USE2006-00028

Attached are drawings showing the proposed addition. The addition will be used for staff office and life skills training.

**Wayne Jensen**  
**Jensen Yorba Lott, Inc.**

522 West 10th Street  
Juneau, Ak 99801  
Direct ph 907 789-4521  
JYL ph 907 586-1070  
fax 907-586-3959

[jensenyorbalott.com](http://jensenyorbalott.com)

---

**From:** Greg Chaney [mailto:Greg\_Chaney@ci.juneau.ak.us]  
**Sent:** Friday, December 21, 2007 2:39 PM  
**To:** Wayne Jensen: Jensen Yorba Lott, Inc.  
**Subject:** RE: USE2006-00028

Hi Wayne,

I just talked to Dale and he said he wanted to see a site plan and a floor plan to show where the additional space will be and how it will be integrated into the permitted structure before he makes a decision.

Happy Holidays,

- Greg

---

**From:** Wayne Jensen: Jensen Yorba Lott, Inc. [mailto:wayne@jensenyorbalott.com]  
**Sent:** Friday, December 21, 2007 7:47 AM  
**To:** Greg Chaney  
**Subject:** FW: USE2006-00028

Any decision on whether we can include this small addition in the existing CU?

**Wayne Jensen**  
**Jensen Yorba Lott, Inc.**

522 West 10th Street  
Juneau, Ak 99801  
Direct ph 907 789-4521  
JYL ph 907 586-1070  
fax 907-586-3959

[jensenyorbalott.com](http://jensenyorbalott.com)

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**From:** Wayne Jensen: Jensen Yorba Lott, Inc.  
**Sent:** Monday, December 17, 2007 3:56 PM  
**To:** Greg Chaney  
**Subject:** USE2006-00028

Greg: Juneau Youth Services has some grant funds left and would like to add and approximately 360 sf office/activity room to the

12/24/2007

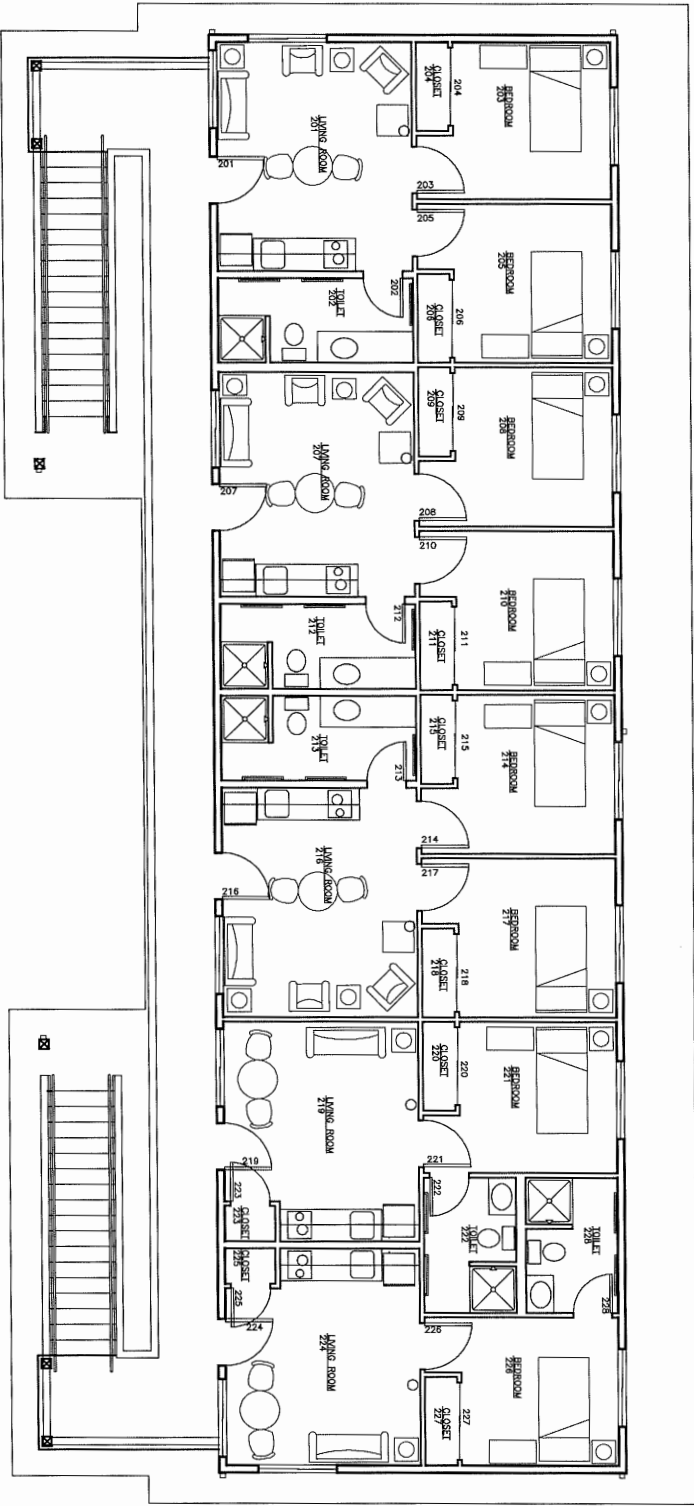
Attachment H - 2007 Black Bear House Addition

Transitional Housing project that was permitted under USE2006-0028. Amy Karn handled the permit. They are residents to the building. I know we will need to amend our building permit, but I am hoping that this is consistent with the intent of the CU. Since Amy is gone, can you help?

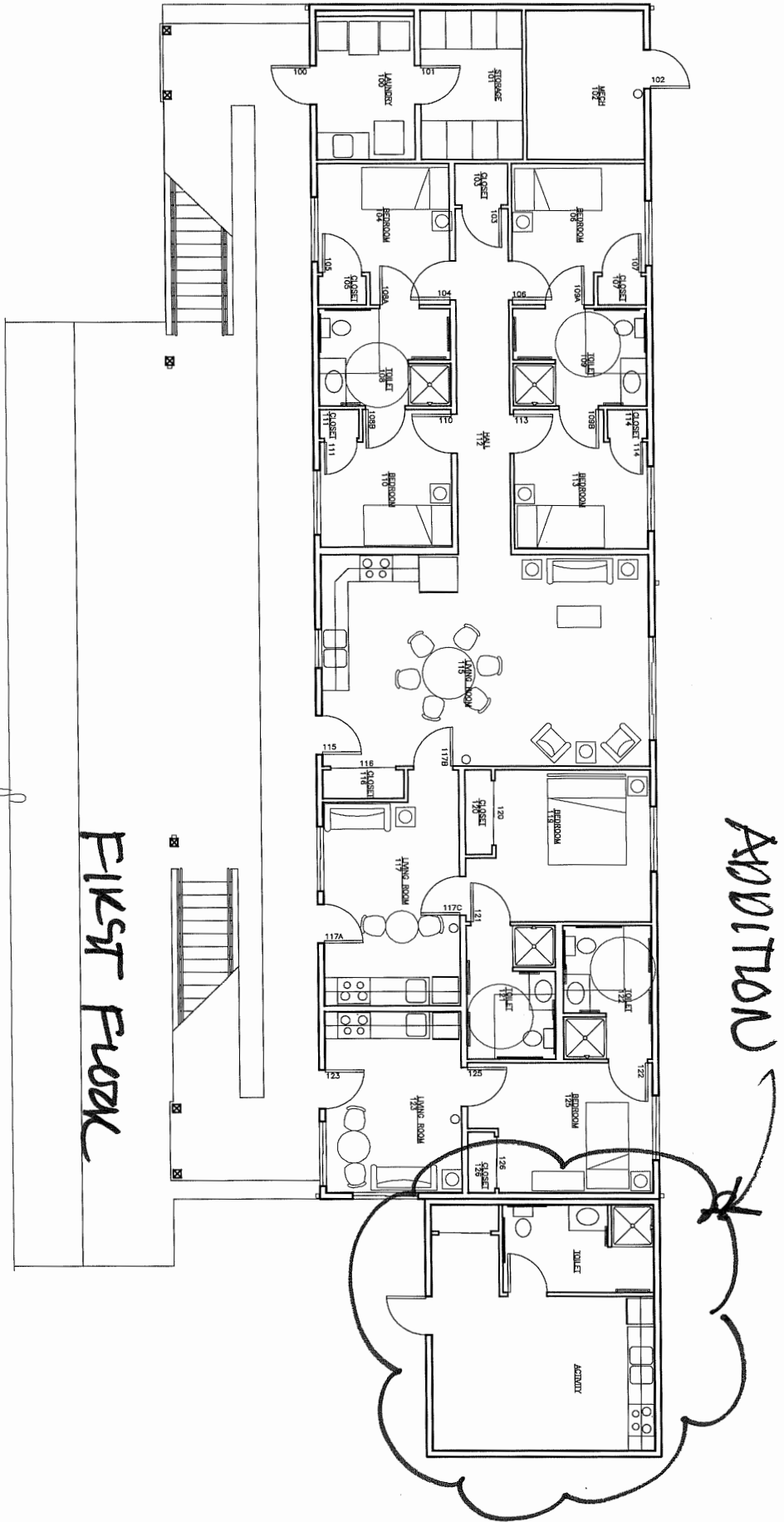
**Wayne Jensen**  
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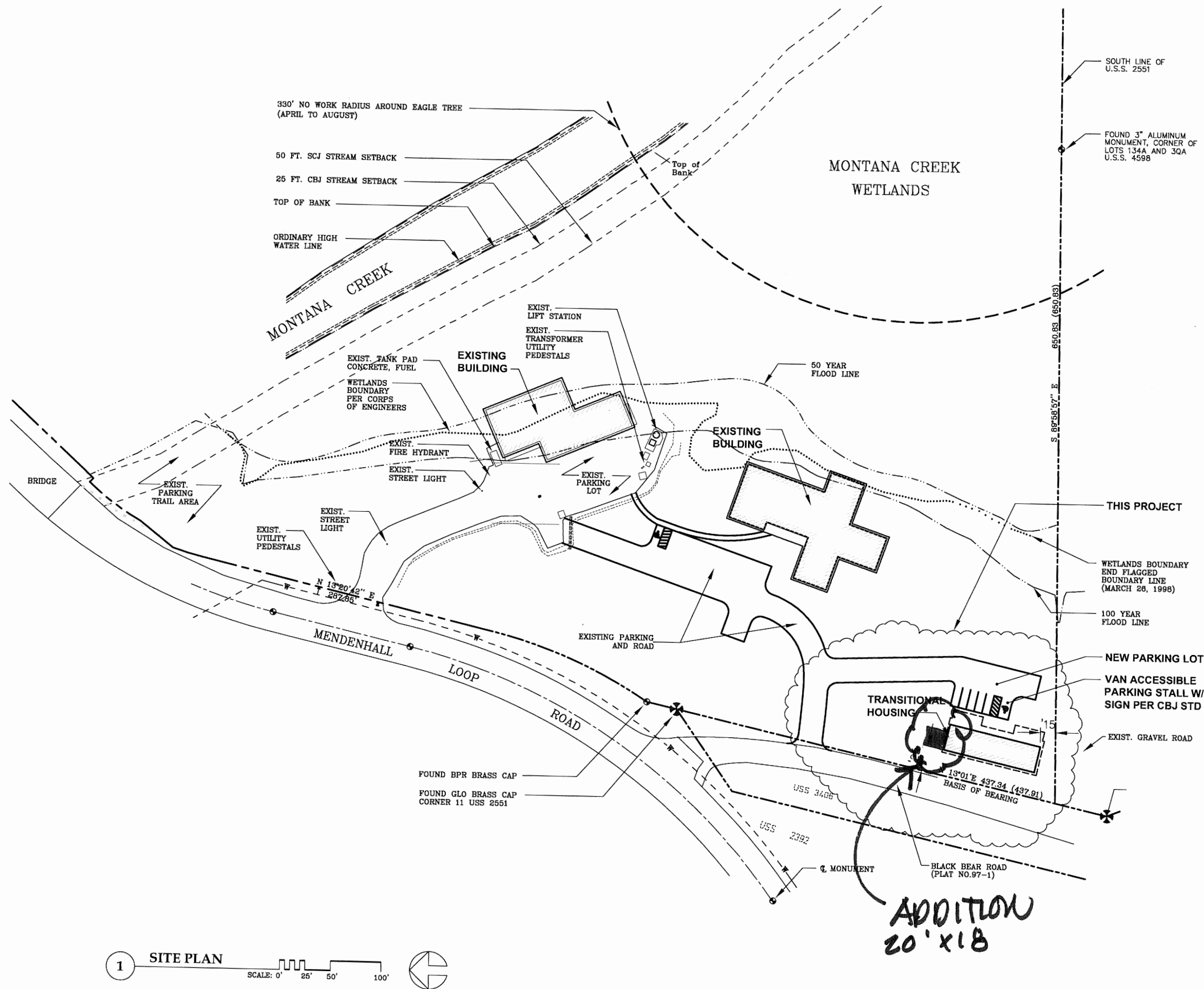
SECOND FLOOR



FIRST FLOOR

JUNEAU YOUTH SERVICES  
TRANSITIONAL HOUSING

G:\\_Projects\0563\Cad\CD\Arch\A100.dwg, 12/21/2007 3:20:48 PM, wayne, hp color LaserJet 5500 PCL 6.pc3, 1:2



Attachment H - 2007 Black Bear House Addition

Section J, Item 3.

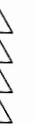
**Jensen Yorba Lott Inc.**

522 West 10th Street  
Juneau, Alaska 99801  
phone 907-586-1070  
fax 907-586-3959  
jensenyorbalott.com



JUNEAU YOUTH SERVICES  
**TRANSITIONAL HOUSING**  
JUNEAU, ALASKA

REVISIONS



SHEET TITLE  
OVERALL  
SITE PLAN

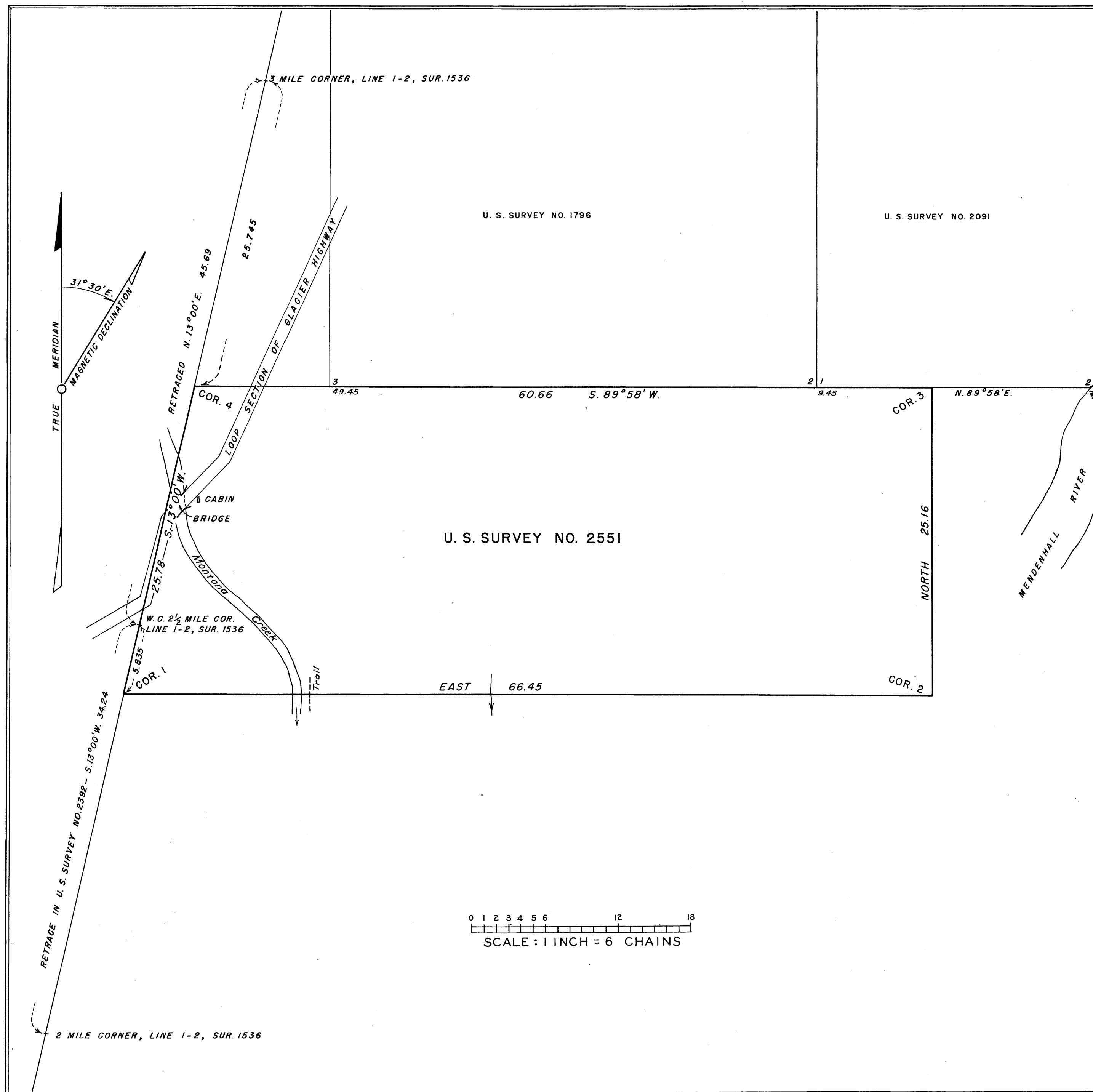
DATE: 05/06  
FILE: 05/06

262  
**A100**



(4-653)

ORIGINAL



## P L A T

of  
U. S. SURVEY NO. 2551

of the  
Homestead

of  
Bill Sakieff

Executed under the Act of Congress,  
Approved June 28, 1918

situated  
on Loop Section of Glacier Highway about  
16 miles N.W. of Juneau in Mendenhall  
Elimination from Tongass National Forest

TERRITORY OF ALASKA

Area: 159.77 acres  
Declination: 31°30' E.  
Scale: 6 chains to the inch  
Latitude 58°23'30"N. Longitude 134°38' W.

Survey executed by  
F. W. Williamson, Associate Cadastral Engineer  
March 15 - 17, 1941

CERTIFICATE OF APPROVAL  
PUBLIC SURVEY OFFICE  
Juneau, Alaska, OCT. 23, 1943.

The original field notes of Survey No. 2551, of the  
Homestead of Bill Sakieff

from which this plat has been made, have been examined  
and approved, and are on file in this office, and I hereby  
certify that they furnish such an accurate description of  
said claim as will, if incorporated into a patent, serve fully  
to identify the premises, and that such reference is made  
therein to natural objects and permanent monuments, as  
will perpetuate and fix the Locus thereof.

And I further certify that this is a correct plat of  
said claim, made in conformity with said original field  
notes of the survey thereof, and the same is hereby ap-  
proved.

*Geo. A. Parker*  
District Cadastral Engineer

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
Washington, D.C., APRIL 4, 1945

The survey represented by this plat having been cor-  
rectly executed in accordance with the requirements of  
law and the regulations of this office, is hereby accepted.

*Joel David Wolfson*  
Assistant Commissioner.



## NOTES:

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE COMPUTED RECORD BEARING OF N41°27'05"E BETWEEN RECOVERED STATE OF ALASKA - D.O.T. SHOULDER/CORNER MONUMENTS "42" AND "43" AS SHOWN ON PLAT #2006-01, "RIGHT OF WAY MAP - JUNEAU, BACK LOOP ROAD REHABILITATION, M-096(23) 68542", BOTH MONUMENTS BEING "3" DIA. BRASS CAPS SET IN WELL CASES ALONG THE SHOULDER OF LOOP ROAD.
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING, AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES IN U.S. SURVEY FEET.
3. THE ERROR OF CLOSURE OF POINTS MEASURED FOR THIS SURVEY IS BETTER THAN 1:5000.
4. WHERE MEASURED BEARINGS AND DISTANCES DIFFER FROM RECORD THOSE OF RECORD ARE SHOWN IN PARENTHESES AND REFERENCED AS NOTED.
5. THE PURPOSE OF THIS SURVEY/PLAT IS TO SUBDIVIDE U.S. SURVEY 2551 AS DEPICTED AND DESCRIBED UPON THE ORIGINAL PLAT OF THAT SURVEY IN TO LOTS 1, 2 AND 3 OF WHAT WILL BE CALLED "BLACK BEAR SUBDIVISION".
6. THE NATURAL, ORDINARY HIGH WATER (OHW) LINE ALONG THE WEST SIDE OF MONTANA CREEK FORMS THE TRUE BOUNDS LOT 2. AS SHOWN. THE APPROXIMATE LINE OF ORDINARY HIGH WATER, IS FOR AREA COMPUTATIONS ONLY, AND IS WITNESSED BY THE MONUMENTS AS SHOWN.
7. THE AREA CONTAINED WITHIN AND BELOW ORDINARY HIGH WATER (OHW) OF MONTANA CREEK IS EXCLUDED FROM THIS SURVEY BECAUSE THE CREEK IS DEEMED NAVIGABLE, AND AS SUCH, BY STATUTE, OWNERSHIP IS RETAINED BY THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES FOR PUBLIC USE AND ACCESS.
8. EFFECTIVE AUGUST 14, 2013, PARTS OF THESE PROPERTIES ARE LOCATED IN AN "A" FLOOD HAZARD AREA ACCORDING TO THE COMMUNITY - PANEL #02100-12380 - OF THE CITY AND BOROUGH OF JUNEAU, ALASKA, FLOOD INSURANCE RATE MAP (FIRM), DATED AUGUST 14, 2013.
9. UTILITY STATEMENT: DOMESTIC WATER AND SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH, PUBLIC UTILITIES DEPARTMENT.
10. SURFACE STORMWATER RUNOFF IS ACCEPTED AS IT EXISTS AT THE DATE OF THIS SURVEY. MODIFICATION OF EXISTING DRAINAGE REQUIRES APPROVAL BY THE CITY AND BOROUGH OF JUNEAU.
11. RECORD INFORMATION DERIVED FROM THE PLAT DEPICTING, AND FIELD NOTES DESCRIBING: U.S. SURVEY 2551; U.S. SURVEY 1536; U.S. SURVEY 1796; U.S. SURVEY 4598; PLAT #88-18 (A SUBDIVISION OF U.S. SURVEY 4598); PLAT #2006-01 (RIGHT OF WAY MAP, BACK LOOP ROAD); PLAT #89-33 (MCGINNIS NO. 58); DEED BOOK 0407, PAGES 929-932; BOOK 0411, PAGE 908; BOOK 0321, PAGE 493. ALL ON FILE AT THE RECORDER'S OFFICE, JUNEAU RECORDING DISTRICT.

## CERTIFICATE OF APPROVAL CITY AND BOROUGH OF JUNEAU, COMMUNITY DEVELOPMENT DEPARTMENT

I hereby certify that the plat shown hereon has been found to comply with Title 4 Community Development Regulations, and is approved by City and Borough of Juneau, Community Development Department, for recording in the office of the Juneau Recording District, Juneau, AK.

*Julie H. Stolt*  
Director, City & Borough of Juneau  
Community Development Department

Date: September 10, 2013

*James J. Allen*  
Attest: Clerk, City & Borough of Juneau



## CONSERVATION LOT NOTE:

THIS SUBDIVISION IS CREATED IN ACCORDANCE WITH THE TERMS SET FORTH IN CITY AND BOROUGH OF JUNEAU ORDINANCE. LOT 1 OF BLACK BEAR SUBDIVISION IS A CONSERVATION LOT UPON WHICH NO BUILDING DEVELOPMENT IS TO BE PERMITTED. "BUILDING DEVELOPMENT" MEANS: CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT OF ANY STRUCTURE HAVING A ROOF SUPPORTED BY COLUMNS OR WALLS AND INTENDED FOR THE SHELTER, HOUSING OR ENCLOSURE OF PERSONS, ANIMALS, PROCESSES, EQUIPMENT, GOODS OR MATERIALS, OR ANY SITE WORK IN PREPARATION OR ANTICIPATION OF SUCH CONSTRUCTION, RECONSTRUCTION, OR ENLARGEMENT.

| CURVE TABLE |          |          |             |               | LINE TABLE FOR ORDINARY HIGH WATER |      |        |             |  |
|-------------|----------|----------|-------------|---------------|------------------------------------|------|--------|-------------|--|
| CURVE       | LENGTH   | RADIUS   | DELTA       | DIRECTION     | C. LENGTH                          | LINE | LENGTH | BEARING     |  |
| C1          | 164.34   | 388.10   | 24°15'41"   | N29°18'03"E   | 163.11                             | L6   | 116.90 | N67°18'00"W |  |
| (R6)        | (162.88) | (388.10) | (24°15'41") | (N29°18'03"E) | (162.69)                           | L7   | 52.18  | N12°38'35"W |  |
| C2          | 37.41    | 256.48   | 8°21'26"    | S17°20'55"W   | 37.38                              | L8   | 508.08 | S8°38'54"E  |  |
| C3          | 73.10    | 246.48   | 16°59'32"   | S37°41'30"W   | 72.83                              | L9   | 177.07 | S33°02'10"E |  |
| (R4)        | (35.70)  | (377.03) | (5°25'32")  | (S43°14'22"W) | (35.69)                            | L10  | 238.02 | S44°14'29"E |  |
| (R6)        | (34.26)  | (377.03) | (5°12'23")  | (S43°20'56"W) | (34.25)                            | L11  | 118.08 | S39°16'43"E |  |
|             |          |          |             |               |                                    | L12  | 134.14 | S11°09'40"E |  |
|             |          |          |             |               |                                    | L13  | 42.41  | S09°48'17"E |  |
|             |          |          |             |               |                                    | L14  | 64.63  | S15°35'44"E |  |
|             |          |          |             |               |                                    | L15  | 97.61  | S36°00'35"E |  |
|             |          |          |             |               |                                    | L16  | 281.33 | S42°16'51"E |  |
|             |          |          |             |               |                                    | L17  | 154.89 | S34°51'06"E |  |
|             |          |          |             |               |                                    | L18  | 426.79 | S29°59'34"E |  |
|             |          |          |             |               |                                    | L19  | 98.75  | S19°59'25"E |  |
|             |          |          |             |               |                                    | L20  | 86.49  | N14°55'31"W |  |

| LINE TABLE |          |               | BEARING |  |  |
|------------|----------|---------------|---------|--|--|
| L1         | 35.27    | S38°21'48"W   |         |  |  |
| L2         | 180.81   | N46°04'13"E   |         |  |  |
| L3         | 80.11    | N45°57'08"E   |         |  |  |
| L4         | 41.78    | N45°57'08"E   |         |  |  |
| L5         | 41.63    | N45°57'08"E   |         |  |  |
| L21        | 384.53   | N13°02'48"E   |         |  |  |
| (R1)       | (385.11) | (N13°02'00"E) |         |  |  |
| (R2)       | (384.45) | (N13°01'00"E) |         |  |  |
| (R4)       | (384.45) | (N13°01'00"E) |         |  |  |
| (R6)       | (384.45) | (N13°02'18"E) |         |  |  |

## STATEMENT OF OWNERSHIP

I hereby certify that Juneau Youth Services Inc. is the owner of USS 2551, as shown and described hereon and that I, as Executive Director of Juneau Youth Services Inc. hereby adopt this plat of subdivision with our free consent, and dedicate all streets, alleys, walks and other open spaces to public or private use as noted.

*Walter Majors*  
Walter Majors, Executive Director

Date: 9/13/13

## NOTARY ACKNOWLEDGEMENT

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

S.S.

This is to certify that on this 12<sup>th</sup> day of September 2013 before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Walter Majors, Executive Director, Juneau Youth Services, to me known to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.

Notary Public for Alaska: *Edgar*

My commission expires: 2/15/15

STATE OF ALASKA  
OFFICIAL SEAL  
EDGAR  
NOTARY PUBLIC  
My Commission Expires 02/15/2015

## TYPICAL SECONDARY MONUMENT SET

RV DAVIS  
10611-S

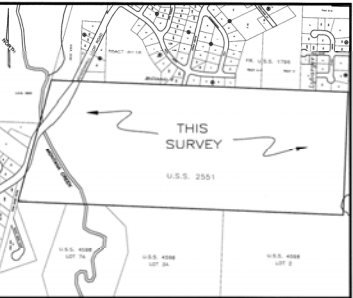
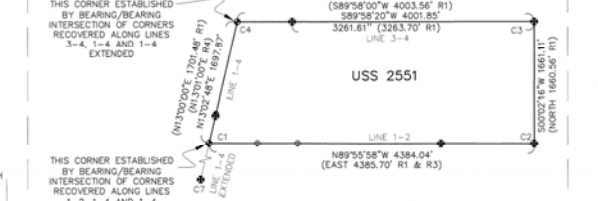
1.25" DIAMETER PLASTIC CAP ON  
36" #5 REBAR SET THIS SURVEY  
NOT TO SCALE

## FOUND/SET MONUMENT DESCRIPTION

- C1 Set 3.25" dia. aluminum cap on 2.5" dia. aluminum pipe.
- C2 Found 2.5" dia. brass cap on 1" dia. iron pipe; up 0.6", firm, plumb
- C3 Found 2.5" dia. brass cap on 1" dia. iron pipe; up 1.0", firm, plumb
- C4 Set 3.25" dia. aluminum cap on 1" dia. aluminum pipe.
- C5 Found 3" dia. brass cap on 2.5" dia. iron pipe; up 1.6", firm, plumb
- C6 Found 2.5" dia. brass cap on 1" dia. iron pipe; up 1.3", firm, plumb
- C7 Found 3.25" dia. brass cap on 2.5" dia. iron pipe; down .20", firm, plumb
- C8 Found 3.25" alum. cap on 2.5" dia. alum. pipe; flush, firm, plumb
- C9 Found 3.25" alum. cap on 2.5" dia. alum. pipe; up .30", firm, plumb
- C10 Found 3.25" dia. brass cap on 2.5" dia. iron pipe; down .10", loose, plumb
- C11 Found 2.5" dia. brass cap on 1" dia. iron pipe; up 1.0", very loose, leaning
- C12 Found 2.5" dia. brass cap on 1" dia. iron pipe; down .40", fairly firm, plumb
- C13 Found 2.5" dia. brass cap in well case: "STATE OF AK DOT-PP" (typical)

## DETAIL:

BOUNDARY RETRACEMENT OF USS 2551, AND RE-ESTABLISHMENT OF CORNERS 1 AND 4 OF THAT SURVEY BY THIS PLAT/SURVEYOR. SCALE: 1"=800'



## VICINITY MAP

SOURCE: CITY & BOROUGH OF JUNEAU BASEMAPS SERIES  
8-26 AND 8-25  
SCALE: 1" = 800'

## LEGEND

- ✱ G.L.O./B.L.M. BRASS CAP PRIMARY MONUMENT RECOVERED
- ⊕ OTHER PRIMARY MONUMENT RECOVERED
- ⊙ STATE OF ALASKA - DOT, MONUMENT RECOVERED
- SECONDARY MONUMENT RECOVERED
- ⊙ PRIMARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT SET (THIS SURVEY - SEE TYPICAL DETAIL ABOVE)

PROPERTY LINE (MEASURED THIS SURVEY)

SURVEYED LINE (BY OTHERS)

DRAINAGE EASEMENT (BOOK 0321, PAGE 493)

SEWER LINE EASEMENT (BOOK 0411, PAGE 908)

- R1 = USS 2551
- R2 = USS 1796
- R3 = USS 4598
- R4 = USS 1536
- R5 = PLAT #88-18 (A SUBDIVISION OF USS 4598)
- R6 = PLAT #2006-01 (ROW MAP "BACK LOOP ROAD REHABILITATION")

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

*Randal V. Davis*  
RANDAL V. DAVIS, L.S. #10611

Date: 9/13/13



GRAPHIC SCALE

0 100 200 400 800 FEET

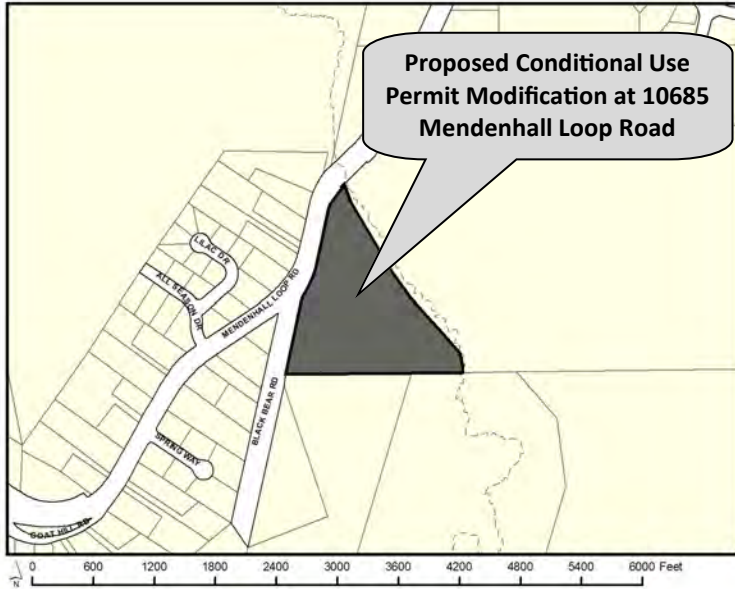
## PLAT OF BLACK BEAR SUBDIVISION

A SUBDIVISION OF  
U.S. SURVEY NO. 2551  
WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

GIVEN: JUNEAU YOUTH SERVICES  
P.O. BOX 32839  
JUNEAU, AK 99801  
PERIOD OF SURVEY: BEGINNING: 9/19/2013 ENDING: 8/04/13  
DRAWN BY: RVD SURVEYOR: RANDAL V. DAVIS, PLS  
DATE: 5/23/2013 9240 N. DOUGLAS HWY. JUNEAU, AK 99801  
CHECKED BY: RVD DRAWING SCALE: 1" = 200' SHEET 1 OF 1

# Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission  
*Your Community, Your Voice*



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit Modification for Juneau Youth Services at 10685 Mendenhall Loop Road** in a **D3 zoning district**.

## TIMELINE

Staff Report expected to be posted **August 15, 2022**, at <https://juneau.org/community-development/planning-commission>  
Find hearing results, meeting minutes and more here as well.

**Now through Aug. 1**

Comments received during this period will be sent to the Planner, **Jennifer Shields**, to be included as an attachment in the staff report.

**Aug. 2 — noon, Aug. 19**

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

**HEARING DATE & TIME: 7:00 pm, Aug. 23, 2022**

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/82017306873> and use the Webinar ID: 820 1730 6873 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.

**Aug. 24**

The results of the hearing will be posted online.

### FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4139 ♦

Email: [pc\\_comments@juneau.org](mailto:pc_comments@juneau.org)

Mail: Community Development, 155 S. Seward St, Juneau AK 99801

**Case No.:** USE2022 0010

**Parcel No.:** 4B2601020042

**CBJ Parcel Viewer:** <http://epv.juneau.org>

265





Attachment L - Public Notice Sign Photo



**Planning Commission**

(907) 586-0715

[PC\\_Comments@juneau.org](mailto:PC_Comments@juneau.org)

[www.juneau.org/community-development/planning-commission](http://www.juneau.org/community-development/planning-commission)

155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION  
NOTICE OF DECISION**

Date: September 1, 2022  
Case No.: USE2022 0010

Juneau Youth Services  
Attn: Brent Fischer  
2075 Jordan Avenue  
Juneau, AK 99801

Proposal: Conditional Use Permit Modification for Juneau Youth Services (to convert existing dorm rooms into administrative offices in Montana Creek House).

Property Address: 10685 Mendenhall Loop Road

Legal Description: Black Bear Lot 2

Parcel Code No.: 4B2601020042

Hearing Date: August 23, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated August 11, 2022, August 17, 2022, and August 17, 2022, and approved the Conditional Use Permit Modification for assisted living facilities in Lighthouse and Black Bear House, and administrative offices in Montana Creek House, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Maximum number of residents living on site is twenty-four (24).
2. The applicant shall clear brush and small trees along Mendenhall Loop Road to maintain safe, clear sight distance from the exit driveway to the Montana Creek Bridge as required by the Alaska Department of Transportation and Public Facilities. The applicant will be responsible for maintaining safe driveway sight distance.
3. The Community Development Department and Juneau Youth Services will conduct a Nonconforming Certification Review of the property.

Juneau Youth Services

File No: USE2022 0010

September 1, 2022

Page 2 of 2

Attachments:

- August 11, 2022, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0010.
- August 17, 2022, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0010.
- August 17, 2022, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0010.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, August 23, 2022.

Expiration Date: The permit will expire 18 months after the effective date, or February 23, 2024, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



September 6, 2022

Michael Levine, Chair  
Planning Commission

Date



September 6, 2022

Filed With City Clerk

Date

CC: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.



Bruce Baker  
10738 Horizon Drive  
Juneau, AK 99801  
August 12, 2022

Marie Heidemann, DOT&PF Project Manager  
Alaska Department of Transportation & Public Facilities  
P.O. Box 112506  
Juneau, AK 99811

**AND**

Irene Gallion, CBJ Senior Planner and Members of the Juneau Assembly and Planning Commission  
City & Borough of Juneau  
155 S. Seward Street  
Juneau, AK 99801

**Subject: Juneau Douglas North Crossing PEL Study**

I oppose a bridge across Fritz Cove between the end of the Mendenhall Peninsula and the vicinity of the North Douglas boat ramp and request that it be removed from consideration from the Second Crossing Study Process.



- It would be the longest and most expensive second crossing alternative, requiring a very costly bridge across Fritz Cove and new road down the Mendenhall Peninsula.
- It would result in long travel distances for medical and other first responders, plus residents' work, shopping, and other activities.
- It would have a significant adverse impact on Fritz Cove whales, sea lions, and other marine life.
- Hopes for development of the west side of Douglas Island are wishful thinking because Juneau's population is not increasing, and many government offices have been moving to the Anchorage area.

Please include these comments in the public record for this project.

Sincerely,

/s/ Bruce Baker