

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

April 13, 2021
Virtual Meeting Only
7:00 PM

This virtual meeting will be by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/95201900876>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 952 0190 0876.

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. March 9, 2021 Draft Minutes, Regular Planning Commission Meeting - APPROVED

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

A. SMP2016 0001: An 18-month timeline extension for a previously approved preliminary plat for 24 common wall lots - APPROVED

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

A. USE2021 0002: Conditional Use Permit for the addition of 11 new condo units - APPROVED

X. BOARD OF ADJUSTMENT

A. VAR2021 0001: Variance to D18 lot depth from 80 to 78.2 feet for the purposes of a common wall subdivision - CONTINUED TO MAY 11, 2021 REGULAR PLANNING COMMISSION

XI. OTHER BUSINESS

A. Notice of Appeal: APL2021 0001, an appeal of Director's determination regarding ENF2021 0015 - consideration whether to hear appeal per CBJ 49.20.110 - VOTED TO HOLD A HEARING TO DISCUSS APPEAL PROCEDURE

B. Notice of Appeal: APL2021 0002, an appeal of Director's determination regarding a Stop Work Notice - consideration whether to hear appeal per CBJ 49.20.110 - CERTIFIED THE APPEAL AND SENT IT DIRECTLY TO THE ASSEMBLY WITHOUT DISCUSSION

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. SUPPLEMENTAL MATERIALS

- A.** Additional Materials for April 13, 2021 Planning Commission

XIX. ADJOURNMENT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

March 9, 2021 Draft Minutes, Regular Planning Commision Meeting - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	March 9, 2021 Draft Minutes, Regular Planning Commision Meeting	4/7/2021	Minutes

Minutes
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 March 9, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:03p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell (joined 7:37 p.m.); Erik Pedersen

Commissioners absent:

Staff present: Jill Maclean, CDD Director; Irene Gallion, CDD Planner; Sherri Layne, LAW;

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - NONE

III. APPROVAL OF MINUTES

A. Draft Minutes – February 9, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting February 9, 2021 minutes with one change to correct “Mr.” to “Ms.” regarding Commissioner Cole.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chairman LeVine briefly explained the rules and procedures for conducting meetings and public participation via Zoom format.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - NONE

VI. ITEMS FOR RECONSIDERATION - NONE

VII. CONSENT AGENDA

Prior to hearing the Consent Agenda, Mr. Voelckers disclosed he is a member of the design team of the project. He did not participate in the consideration or vote on this item. Mr. Arndt also disclosed a potential conflict as the attorney for the applicant is the same one he uses. Mr. Arndt said he can remain fair and impartial and was allowed to remain.

USE2021 0001 was moved to the Regular Agenda by request of Commissioner Alper.

VIII. UNFINISHED BUSINESS - NONE

IX. REGULAR AGENDA

USE2021 0001: Modification of Conditional Use Permit USE2020 0007 access requirements from one ingress/egress to two: Ingress off of Main Street and Egress onto Front Street
Applicant: Sealaska Heritage Institute
Location: 1 Sealaska Plaza

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the modification of USE202027 access requirements from one ingress / egress on Front Street to two: ingress off of Main Street and egress on to Front Street.

The approval is subject to the following conditions:

Modified Condition of USE2020 0007 (underlined):

10. Access to the surface parking lot shall be limited to one (1) curb cut located on Front Street and one (1) curb cut on Main Street.

New Conditions:

11. Circulation (vehicular): Site Plan Required. Prior to the issuance of a **ADDITIONAL** building permits for the proposed project, a plan for appropriate parking lot vehicle control signs and pavement markings must be submitted for review to the CDD and be found to meet all applicable CBJ ordinances and CDD regulations. This plan will include:

- A sign indicating one-way traffic from Main Street into the parking lot.
- A sign prohibiting entry off of Front Street.
- Sign(s) for traffic exiting the parking lot, clarifying:
 - Front Street is one-way traffic.
 - Left turn only leaving the parking lot.
 - No exit onto Main Street.
- Painted arrow markings for one-way circulation.
- Dimensions from the travelled way to the edge of the driveway.
- Dimensions between driveways.
- Engineered plan for drainage and construction of the raised sidewalk. Include Seward Street width, parking space widths on Seward and Front Street for revised parking spaces, and sidewalk width and grades.

12. Circulation (vehicular): Signs Required. All vehicle control signs shown on the project site plan shall be applied to the parking and circulation area shown on the site plan in a medium designed for such purposes prior to the issuance of a Temporary Certificate of Occupancy.

STAFF PRESENTATION by Planner Irene Gallion

QUESTIONS FOR STAFF

Mr. Alper asked if there is an option for a left turn from Main Street into the parking lot. Ms. Gallion explained a proposed raised median will prevent that.

Mr. Alper asked if there are any material differences between what they are seeing now and the conditions stipulated before. Ms. Maclean answered based on the new traffic study, they have changed the recommendation from two way to one way.

Mr. Alper asked Law if the Commission was taking any risk by denying it originally. Ms. Layne said they were not.

Mr. Dye asked about Condition 11 regarding 'prior to issuance of the building permit' and noted construction has already begun. Mr. Dye asked if the building permit has already been issued and is shown here as a timing issue. Ms. Gallion answered a permit has been issued for grading and foundation work but there is not one for the construction.

Mr. LeVine noted the new permit number (**2021 0001** now and **2020 0007** before) asked if passing this would also pass the prior one or would they need to pass both. Ms. Maclean answered if the motion references the prior approval and accepts the analysis of the modifications, that would take care of both.

APPLICANT PRESENTATION

Russell King and Lee Kadinger spoke for the applicant.

Mr. King spoke to Mr. Alper's questions regarding the changes and explained that when it was a two-way option, the curb cut was to be wider. It will be narrower than that now that it is a one way.

Mr. Kadinger added there was originally some confusion as to the traffic direction into the parking lot and said it will be one-way.

QUESTIONS FOR APPLICANT

Mr. Alper asked if this is substantially the same as before. Mr. King answered it is substantially unchanged.

QUESTIONS FOR STAFF

Mr. Dye asked why they are keeping Condition #10. Ms. Gallion answered it was left in for clarity.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve **USE2021 0001** as a modification to **USE2020 0007** amending Condition 11 by changing "a building permit" to "additional building permits" and accepting strikes proposed by Staff concerning drainage.*

The motion passed with no objection.

Prior to hearing **CSP2020 0011** Mr. LeVine relinquished Chairmanship to Vice Chairman Dye and disclosed a potential conflict as he lives in the neighborhood and several of the interested parties are friends. He feels he can be impartial and was allowed to remain. Mr. Dye returned Chairmanship to Mr. LeVine.

Mr. Alper disclosed he is also a neighbor and his wife has testified on the topic and in her testimony, she mentioned him. Mr. Dye objected. Mr. LeVine asked Ms. Layne for clarity on how the Commission should proceed with the objection. Ms. Layne cited the Code at 145 008 states a member 'may not deliberate or vote in any manner in which he or she has a personal or financial interest' and added there is no violation of this code if the personal or financial interest is insignificant. Mr. Winchell asked if Mr. Alper has any financial interest in the project. Mr. Alper answered he does not. Mr. Arndt asked Mr. Alper has already made up his mind on how he would vote or would he have an open mind. Mr. Alper answered that he could be impartial and have an open mind.

Mr. Alper was allowed to remain

CSP2020 0011: Complete street and underground utility maintenance (and replacements as necessary) on Calhoun Avenue
Applicant: City and Borough of Juneau
Location: Calhoun Avenue

Staff Recommendation

Staff had originally recommended APPROVAL of the project. That recommendation may be revised after Engineering and Public Works provides their proposed revisions.

STAFF PRESENTATION by Planner Irene Gallion

QUESTIONS FOR STAFF

Ms. Cole asked if the city is unwilling to make changes that are considered 'experimental' without a study first and if the study was brought in because of the suggested bike lanes. Ms. Gallion explained the PC had indicated interest in having a study to consider alternatives. This opens an opportunity to pursue federal funds to look at downtown systemically and better connect Calhoun to the rest of downtown.

Ms. Cole asked if this is a 'good idea' or a necessity. Ms. Maclean answered this would be best answered by Director Koester.

Mr. Pederson inquired about the ASHTO waivers asking if they are no longer needed. Ms. Gallion answered that is the case. With the addition of the 18-inch gutters, it no longer needs the waiver.

Mr. LeVine asked for clarification of the standards. Ms. Maclean explained she can waive local requirements but not anything required by ASHTO. ASHTO waivers require PC approval. ASHTO standards are found at 49.35.240.

Mr. Winchell asked about the photo with the rock wall asking if the addition of the gutter would impinge on the road width. Ms. Gallion answered that is correct. Mr. LeVine clarified that at no place does the road narrow below ASHTO requirements.

Mr. Winchell asked if there is a way to prioritize bicycles in traffic in statute to declare bicycles have right-of-way. Ms. Gallion answered most roads are shared corridors for bikes and vehicles in most cases with exceptions like Egan where it is intended for high-speed vehicles. Mr. Winchell asked if signage would help. Ms. Gallion said signage would help but not without educating the public as well.

APPLICANT PRESENTATION

Katie Koester, Director, CBJ Engineering and Public Works, spoke to the safety issues of the narrow corridor and presented the project.

Lucas Chambers, Pro-HNS, presented the project details and changes since the last time it was before the PC.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked with the changes to the sidewalk, does this narrow the curb-to-curb width? If this design option is better, why is it not used throughout CBJ? Mr. Chambers answered the curb-to-curb width is not changing and added the proposed design works in this area because water does not collect here.

Mr. Hickok asked about using flashing yellow lights in lieu of signs. Mr. Chambers answered it would be possible to use signs and lights but it might create a visual impact to the historic area.

Ms. Cole asked why having advisory bike lanes are considered less safe than no bike lane at all. Mr. Chambers answered currently at the intersection of Calhoun and West 8th, the potential for head on collision is too high for the addition of a bike lane.

Ms. Cole asked about the possibility and desire of putting a three-way stop at the intersection of Calhoun and West 8th. Mr. Chambers answered the proposal moves the stop sign on West 8th Street forward which will improve visibility for vehicles turning onto Calhoun. A three-way stop is not considered necessary and stop signs are not recommended as traffic calming measures.

Mr. Winchell asked for Mr. Chambers' thoughts for reducing the speed in that area and what mitigations by signs or symbols on the ground could be used to identify it to users as a mixed use (bicycle, vehicle, pedestrian) area.

Mr. Chambers agreed that reducing the speed limit to 15 mph is a recommendation and additional signage and increased striping would also help.

Mr. Voelckers asked if the speed limit dropped to 15 mph, would it need to be combined with enforcement or would the sign be enough to slow traffic. Mr. Chambers agreed enforcement is helpful but felt adding the sign along with the proposed striping, and improvements in the sidewalks and roadways would work together to slow traffic.

Mr. Arndt asked Ms. Koester about the possibility to do an LID for the project to get the buried utilities. Ms. Koester said the Law Department would have to be consulted on this. Ms. Layne said City Attorney Palmer is aware of the question but has not issued any guidance yet.

Ms. Maclean asked Ms. Koester to explain if there was an increased liability to CBJ if they pursue methods not within industry standards. Ms. Koester said that CBJ could be at increased liability.

Mr. Dye asked Mr. Chambers about the potential decrease in safety from the thickened sidewalks and the narrowed lanes. Mr. Dye said that was a factor in proposing five-foot wide sidewalks.

Mr. LeVine noted there are a number of recommendations being made and asked Mr. Chambers if he was recommending the implementation of all of the recommendations together. Mr. Chambers answered in the affirmative.

Mr. Dye asked how important the right-of-way easement would be. Mr. Chambers said it would allow for the 5-foot sidewalks throughout the project. Mr. Dye asked how important the easement would be to the overall project. Mr. Chambers said it would not be considered highly required but would definitely be an added bonus. He added they could still significantly improve safety if they implemented all other aspects without it.

Mr. Voelckers asked Ms. Koester to explain what would be required to negotiate for that right of way. Ms. Koester explained CBJ would have to pay fair market value for the right of way.

Recess: 8:55 p.m.

Call to Order: 9:07 p.m.

PUBLIC COMMENT

Demian Schane, 836 Calhoun Ave, spoke saying he supports the study and dashed bike lanes but does not understand the CBJ not supporting bike lanes that 'don't connect anything'. He said he does not see any advantage to thickened edge sidewalk other than avoiding a waiver.

Emily Ferry, 836 Calhoun Ave, said she supports the dashed lane concept for bikes and pedestrians and thinks the area should be designed with bikes and pedestrians as a priority.

Mr. LeVine asked whether Ms. Ferry has a specific request for action of the Commission at this time. She would like more consideration of the dashed lane and stop sign and the dashed lane uphill and would request a continued conversation about process and a broader study.

Ms. Cole said she felt Mr. Chambers' explanation about the dashed lanes and head on collision potential was a good one and asked Ms. Ferry's feeling on that. Ms. Ferry answered that was compelling but she thought it justified a three-way stop sign which also isn't being considered.

Mr. Winchell asked if the actions of the commission reduce any of her concerns. Ms. Ferry said it does.

Dana Owen, 949 Goldbelt, said he feels much better about the project now than he did two months ago. However, he does have concerns. Mr. Owen feels a need for a three-way stop, and he does not support the "no right turn" option at the Goldbelt intersection.

Marilyn Holmes, spoke against the 'no right turn' at the Goldbelt intersection. Ms. Holmes felt it would not be an improvement but a hindrance and said she liked Mr. Pedersen's suggestion of flashing lights.

Mary Alice McKeen, spoke to support the idea of a three-way stop and would have preferred to have the power lines buried in their area.

Mark Choate, 230 W 8th, spoke to the three-way stop saying the intersection is a dangerous one and putting in a three-way stop would be a needed safety measure. He also strongly supports burying the utilities.

Mr. Dye asked Mr. Choate if he would entertain the idea of sharing the right of way for the sidewalk. Mr. Choate answered that he would not be interested and explained his wall has been there since 1907 or before and to move it for the right of way would require moving buried propane tanks and would leave the property out of conformity with CBJ ordinances.

Mr. Winchell asked if he had any other ideas or suggestions for improving the area.

Mr. LeVine asked Mr. Choate if he would recommend the PC eliminate the five-foot wide sidewalks and instead only put in the three-way stop. Mr. Choate explained they are not one for the other. Both are needed to effectively slow the speeds in that corridor.

James McSweeney, Calhoun Ave., agreed with Mr. Chambers that this is not an appropriate location for a three-way stop.

Amy Dressel, Goldbelt Ave., spoke in opposition to the right turn restriction at the intersection saying turning left at that intersection is just as dangerous as turning right. She is supportive of the five-foot sidewalks.

Ms. Cole asked about the right turn issue citing Mr. Chambers' report that right turns are not advisable because a driver would have to cross into the oncoming lane in order to complete the turn. Ms. Dressel agreed that it is hard turning there.

Additional Applicant Comment

Ms. Koester thanked the PC for their work and thanked the public for their participation. Mr. Chambers further explained that three-way stops put in for the sole purpose of slowing traffic tend not to work.

Mr. Voelckers asked for explanation on the right turn issue from Goldbelt. Mr. Chambers said it is a safety issue due to sight distances and the tight turn causing entry into oncoming traffic.

Additional Commissioner Comments

Mr. Winchell commented that he feels satisfied with the way the project is going and he is pleased with the notion of mixed use in the area. Given the choice, Mr. Winchell would like to see consideration of buried lines but overall, he is happy with the direction things are heading.

MOTION: *by Mr. Voelckers to accept staff's findings, analysis and recommendations and recommend approval of CSP2020 0011.*

Mr. Voelckers spoke to his motion stating there's been good progress on this however, he would like to see an increase in the right of way to achieve both the nine-foot lanes and five-foot sidewalk. He also noted the discussion about the three-way stop and said even if that isn't done now, it could be implemented in the future if it was deemed necessary.

MOTION: *by Ms. Cole to amend the Motion to strike recommendation #12 that eliminated right turns from Goldbelt Avenue onto Calhoun Avenue.*

Mr. Arndt spoke against the amendment saying that by striking the recommendation they would be intentionally putting traffic into the opposite lane.

Roll		Call		Vote:
YES:	<i>Cole,</i>	<i>Pedersen,</i>	<i>Hickok,</i>	<i>Alper,</i>
NO:	<i>Arndt, Dye, LeVine</i>			<i>Winchell, Voelckers</i>

The motion to amend passed 6-3 on roll call

MOTION: *by Mr. Winchell to add a requirement that the utilities be buried.*

Mr. Winchell spoke to his amendment saying they will be digging up the road anyway. This is the time to do it.

Mr. Dye spoke against the motion referencing the costs described by CBJ Staff. Mr. Voelckers also spoke against the motion due to the budget constraints.

Mr. Alper spoke in support of the amendment saying this is a uniquely important street with the Governor's mansion on it. If it adds a little bit of cost, that could be a cost of doing business.

Mr. Arndt asked Mr. Winchell if his amendment was a suggestion or a requirement for the lines to be buried. This motion is to require the lines to be buried.

Roll	Call	Vote:
YES:	<i>Winchell,</i>	<i>Alper,</i>
NO:	<i>Hickok, Pedersen, Cole, Arndt, Dye, Voelckers, LeVine</i>	

The motion to amend failed 2-7 on roll call

MOTION: *by Mr. Winchell to add a recommendation that the CBJ look for the means to work with the public to have utilities be buried.*

The motion to amend passed unanimously on Roll Call

AMENDED MOTION to be voted on: *to accept staff's findings, analysis and recommendations and recommend approval of CSP2020 0011 without recommendation 12 and adding a recommendation that CBJ work with the public to have the utilities buried.*

The amended motion passed with no objection.

X. BOARD OF ADJUSTMENT - NONE

XI. OTHER BUSINESS - NONE

XII. STAFF REPORTS

- The appeal hearing on Weldon vs CBJ was held last night. The hearing officer has 45 days to make a decision.
- Mr. Hudson will be speaking at the April 13 COW at 6:30 p.m.
- Title 49 will meet on April 1 at Noon
- March 15 PWFC meeting at noon
- March 15 at 5 p.m. Ms. Maclean and Scott Ciambor will present to the Lands Housing and Economic Development Committee to discuss updates on the housing action plan.
- Steering committee for South Douglas/West Juneau is meeting on March 16 at 5:00 p.m.
- Steering committee for Blueprint Downtown is meeting on March 18 at 6:00 p.m.

Mr. LeVine suggested a discussion of the rules from the Governance committee to the COW meeting.

Mr. LeVine recommended the PC listen in on future appeal hearings as he found this one very informative.

XIII. COMMITTEE REPORTS - None

XIV. LIAISON REPORTS

Mr. Jones had nothing to report

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine commended the PC on the discussion on Calhoun, including the issues of recusal and the debate on the merits and for their detailed attention.

XVII. **EXECUTIVE SESSION** - None

XVIII. **ADJOURNMENT** – 10:20 p.m.

DRAFT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

SMP2016 0001: An 18-month timeline extension for a previously approved preliminary plat for 24 common wall lots - APPROVED

AGENDA ITEM:

Case No.: SMP2016 0001

Applicant: Richard Harris

Location: 7400 Glacier Highway

Proposal: An 18-month timeline extension for a previously approved preliminary plat for 24 common wall lots

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** an 18-month extension of the Ridgeview Subdivision preliminary plat. This extension allows the applicant to submit for the final plat. This extension expires on October 13, 2023.

ATTACHMENTS:

Description	Upload Date	Type
❑ Staff Report for SMP2016 0001 Extension	4/5/2021	Staff Report
❑ Presentation for SMP2016 0001 Extension	4/12/2021	Presentation
❑ Notice of Decision for SMP2016 0001 Extension	4/20/2021	Notice of Decision



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD

155 S. Seward Street • Juneau, AK 99801

DATE: April 5, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Allison Eddins, Planner II *A. Eddins*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Request for an 18-month extension of an approved preliminary plat for Ridgeview Subdivision.

STAFF RECOMMENDATION: Approval for 18-month extension

KEY CONSIDERATIONS FOR REVIEW:

- Ridgeview Subdivision preliminary plat consists of 24 common wall lots, one additional lot (Lot 13), and one tract (Tract B1A).
- The Planning Commission approved the preliminary plat on April 26, 2016 (SMP2016-0001).
- The applicant is not seeking any modifications to the approved preliminary plat.

GENERAL INFORMATION	
Property Owner	Rainforest Properties, LLC
Applicant	R.H. Development LLC
Property Address	7400 Glacier Highway
Legal Description	USS 1568 TR B1
Parcel Number	5B1401010010
Zoning	D18 Multi-family Residential
Lot Size	19.7 acres (858,568 sq. ft.)
Water/Sewer	Public
Access	Glacier Highway
Existing Land Use	Vacant

ALTERNATIVE ACTIONS:

1. **Deny:** deny the permit extension and adopt new findings for items 1-5 below that support the denial.
2. **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 49.15.250

The Commission shall hear and decide the case per 49.15.250 Development permit extension. Upon an application submitted at least 30 days before the expiration of an existing major development permit, the commission shall hold a hearing to consider whether the permit should be extended. At least ten days prior to the hearing, notice thereof shall be mailed to the property owners of record adjacent to the land included in the application and at least two days prior to the hearing a general notice thereof shall be printed in a newspaper of general circulation in the municipality. At the hearing, the burden of proof for the justification for a permit extension shall rest with the applicant. Upon written findings that such burden has been met, the commission may grant an extension not to exceed 18 months, but shall not delete from, amend or add to the conditions contained in the permit. Upon written findings that the applicant's burden has not been met, or that the conditions contained in the permit should be changed, or both, the commission shall deny the application whereupon the applicant may submit the entire project, including the previously authorized use, to a full review by the commission as though it were a new application. Upon application and consideration pursuant to this section, the commission may grant no more than one additional extension, the maximum duration of which shall be 18 months.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5 & RR)	Vacant CBJ land
South (RR)	Mendenhall Wetlands State Game Refuge
East (D5)	Single-family residences & vacant Alaska Mental Health Trust land
West (D5)	Single-family residences (Vista Del Sol Subdivision)

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	None
Hillside	Yes
Wetlands	Yes
Parking District	None
Historic District	None

BACKGROUND INFORMATION

Project Description – Due to project financing and the construction slow-down during the COVID-19 pandemic, the applicant requests an extension for the Ridgeview Subdivision preliminary plat approval (SMP2016-0001). The applicant is not seeking any modifications to the approved preliminary plat.

The permit extension application can be found in Attachment A.

Ridgeview Subdivision consists of 24 common wall lots. The remaining land is subdivided into two larger lots, Lot 13 and Tract B1A, and may be developed at a later date. Included in the subdivision proposal is a 60-foot right-of-way off Glacier Highway for access into the site (proposed name “Seymour Way”), with a 50-foot cul-de-sac (proposed name “Wildview Court”) branching off to the west. Wildview Court will provide access for 24 common wall lots. The property contains wetlands, and the applicant received a permit from the Army Corps of Engineers, and presented to the Wetlands Review Board in 2016. Future development may require a hillside endorsement.

A project narrative and the preliminary plat can be found in Attachment D.

Background – The Planning Commission approved the preliminary plat (SMP2016-0001), effective April 26, 2016, allowing the applicant to submit for the final plat application for a 26 lot subdivision with the following conditions:

1. The applicant must submit a revised preliminary plat with all required revisions for approval by staff prior to the submittal of a final plat.
2. A Traffic Impact Analysis may be required at the development of Lot 13 and/or Tract B1A to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision per CBJ 49.40.300.

3. Per CBJ 49.35.210(a)(2), and CBJ 49.15.401(c)(4)(E)(ii), and the 2013 Comprehensive Plan Policy 10.4 Design Guidelines 1 and 2, the applicant must provide for street connectivity as development progresses from Track B1A and Lot 13 to adjacent undeveloped properties.
4. Per the Director's findings, the ROW for Wildview Court may be reduced from 60 ft. in width to 50 ft. in width, providing the applicant constructs a sidewalk on the southern side of Wildview Court from Seymour Way through the extent of Lot 3.
5. The findings in the memo from General Engineering dated March 29, 2016 and found in Attachment D will be addressed to meet the Code. (Original condition noted Attachment H.)
6. Per the Wetlands Review Board recommendation, the applicant must adhere to the CBJ Stormwater Manual of Best Management Practices, and that the applicant must submit a Stormwater Management Plan for approval by staff prior to the submittal of the final plat.
7. Per CBJ 49.15.411, the preliminary plat requires the following revisions, in addition to those listed above:
 - a) (f)(2)(J) Setbacks must be shown on each lot;
 - b) (f)(5)(D, E, F) Easements must include ownership;
 - c) (f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A;
 - d) (i)(4) Drainage report and calculations must be revised to meet the requirements of the Code;
 - e) (i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat.

PUBLIC COMMENTS

CDD conducted a public comment period between March 31, 2021 and April 12, 2021. Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. At time of writing this staff report, no public comments were received.

FINDINGS

Per CBJ 49.15.250, Development Permit Extension, the director makes the following findings on the criteria for granting the requested major subdivision application extension:

1. Was the application for the requested development permit extension complete and received on time?

Yes. The application contains the information necessary to complete a full review of the proposed permit extension. Further, the appropriate fees were submitted with the application. The requested major subdivision permit extension was received 30 days prior to the initial permit's expiration date.

2. Has the applicant submitted justification for the permit extension?

Yes. The applicant explained in a narrative that an extension is requested due to the amount of time and financial resources that are being spent on other projects within Juneau, in addition to project delays due to COVID-19.

3. Is the extension within the allowable number of permit extensions?

Yes. CBJ 49.15.250 allows no more than two 18-month extensions. This is the first permit extension application for SMP2016-0001.

4. Have notices of the extension request been mailed to adjacent property owners at least ten days prior to the hearing and has a general notice been printed in a newspaper of general circulation at least two days prior to the hearing?

Yes. Public notice of this project was provided in the April 2, 2021 and April 11, 2021 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 on March 30, 2021.

5. Have conditions on the permit been changed?

No. The applicant has not requested any amendments.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** an 18-month extension of the Ridgeview Subdivision preliminary plat. This extension allows the applicant to submit for the final plat. This extension expires on October 13, 2023.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Extension Application Packet
Attachment B	Preliminary Plat and Closure Report
Attachment C	Abutter's Notice
Attachment D	2016 Staff Report and Attachments



Application For Extension of Permit SMP 2016-0001

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 7400 Glacier Hwy.		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 1568 TR-B1		
	Parcel Number(s) 5B1401010010		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which <u>N/A</u>		
	LANDOWNER/ LESSEE		
	Property Owner Rainforest Properties L.L.C.	Contact Person Richard Harris	
	Mailing Address P.O. Box 32403 Juneau Ak, 99803	Phone Number(s) 907-723-4791	
	E-mail Address rhdevelopment@gci.net		
	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>[Signature]</u> <u>3/19/2021</u> Landowner/Lessee Signature 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 Richard Harris	Contact Person Richard Harris		
Mailing Address P.O. Box 32403 Juneau Ak, 99803	Phone Number(s) 907-723-4791		
E-mail Address rhdevelopment@gci.net			
X <u>[Signature]</u> <u>3/19/2021</u> Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

Per Alix, just DPA required

Fees: \$250 per 49.85.100(3) (last sentence)

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

SMP2016 0001 - EXT

Intake Initials

IMG 3.23.2021

Date Received

R.H.Development L.L.C.

P.O. BOX 32403 Juneau, Alaska. 99803

3/19/2021

230 S. Franklin Street
4th floor Marine View Building
Juneau AK. 99801

Dear CBJ Community Development Dept.,

R.H. Development would like to request an extension of the Ridgeview Subdivision Plat approval along with related permits. There are multiple reasons for our delay getting this project completed. To begin with we have been busy in the community completing other projects. Our planning and scheduling at the time of original approval did not take into account what appears to be the new normal related to construction, and development delays we have been experiencing at other projects. Due to these delays, we have limited our investments at any one time further delaying the completion of the Ridgeview subdivision. We have invested a lot of time and money into the original design and permitting approvals, including state, & federal permits. The project site has been cleared and ready for excavation. We would like to begin construction possibly this year, if not this year early 2022 at the latest. Another delay that we are all familiar with for the year of 2020 we had to stop all new projects, and development due to the Covid19 uncertainty.

We would appreciate the extension of the Ridgeview plat approval and any related permits. Ridgeview subdivision is a well-planned quality project that the Juneau community would be proud of, and can provide much needed housing options for Juneau.

Thank you,

Richard Harris



LEGEND

- ✱ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
- ⊕ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- REBAR & CAP, SET BY JW BEAN
- PRIMARY MONUMENT SET THIS SURVEY
- REBAR & CAP, SET BY JW BEAN

- SURVEYED
- UNSURVEYED
- CONTROL LINE
- SURVEY TIE
- EXISTING DOT EASEMENT
- EASEMENT
- DOT EASEMENT
- EASEMENT
- EXISTING WETLANDS
- FUTURE COMMON WALL LOT LINE
- LOT SET BACK

(R) = AS PER PLAT NO. 95-56
(R1) = AS PER PLAT NO. 90-06
(R2) = AS PER PLAT NO. 2012-18

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.

CORPORATE OWNERSHIP CERTIFICATE:

I HEREBY CERTIFY THAT RAINFOREST PROPERTIES, LLC. IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGING MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date _____, 2016

Owner:
RAINFOREST PROPERTIES, LLC.
RICHARD HARRIS
MANAGING MEMBER
2207 DUNN STREET
JUNEAU, ALASKA 99801

NOTARY ACKNOWLEDGMENT:

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2016 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD HARRIS, MANAGING MEMBER, RAINFOREST PROPERTIES, LLC. 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 _____
My Commission Expires _____

PLANNING COMMISSION APPROVAL

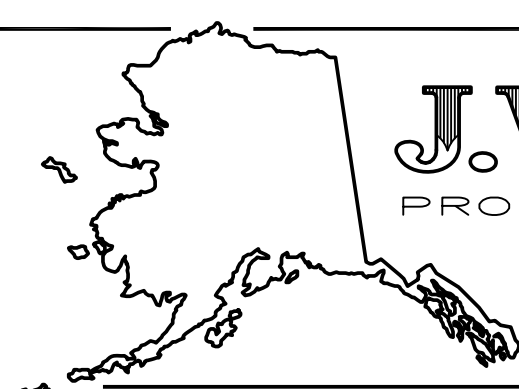
I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. _____ DATED: _____, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

ATTEST:
CHAIRMAN
CITY & BOROUGH OF JUNEAU
PLANNING COMMISSION
CLERK
CITY & BOROUGH OF JUNEAU

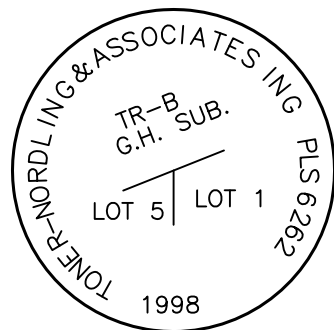
CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

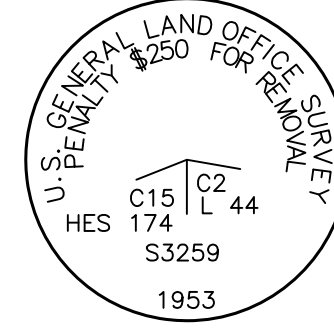
Date _____



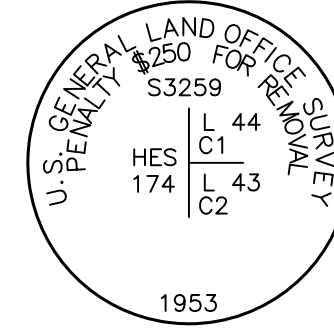
J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER
PROJ: 13343-HARRIS-4LOT-SUBD.



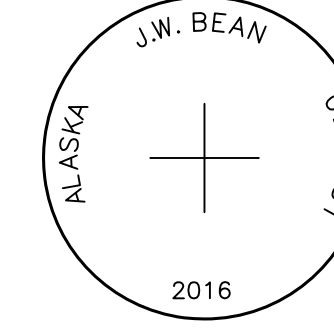
3" ALUMINUM MONUMENT
DETAIL "A"



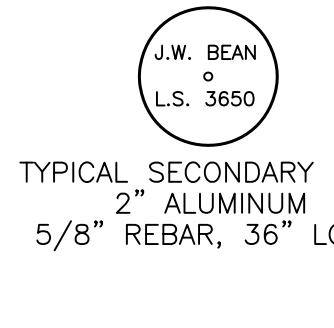
2" BRASS CAP
DETAIL "C"



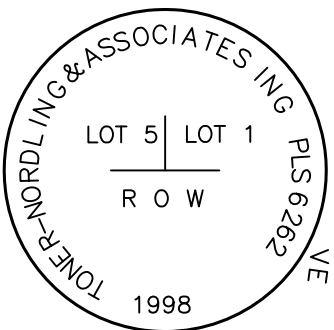
3" BRASS CAP
DETAIL "E"



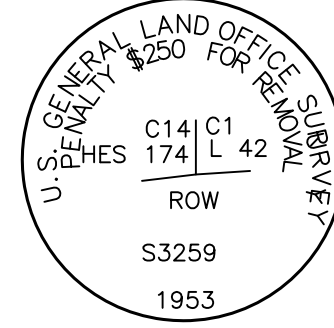
TYPICAL PRIMARY MON.
3" ALUM. CAP ON
5/8" ALUM. PIPE



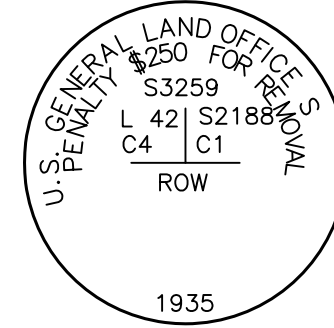
TYPICAL SECONDARY MON.
2" ALUMINUM
5/8" REBAR, 36" LONG



3" ALUMINUM MONUMENT
DETAIL "B"



2" BRASS CAP
DETAIL "D"



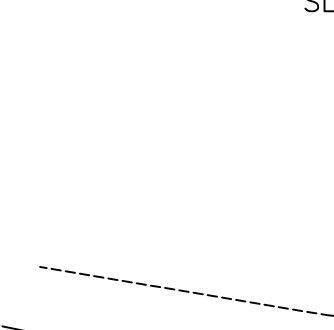
3" BRASS CAP
DETAIL "F"



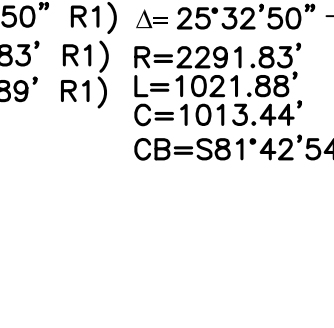
TYPICAL PRIMARY MON.
3" ALUM. CAP ON
5/8" ALUM. PIPE



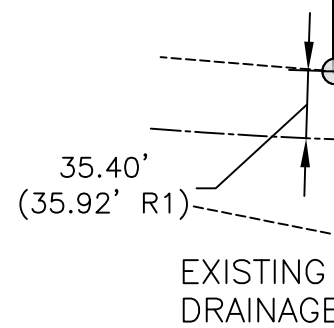
TYPICAL SECONDARY MON.
2" ALUMINUM
5/8" REBAR, 36" LONG



TYPICAL PRIMARY MON.
3" ALUM. CAP ON
5/8" ALUM. PIPE



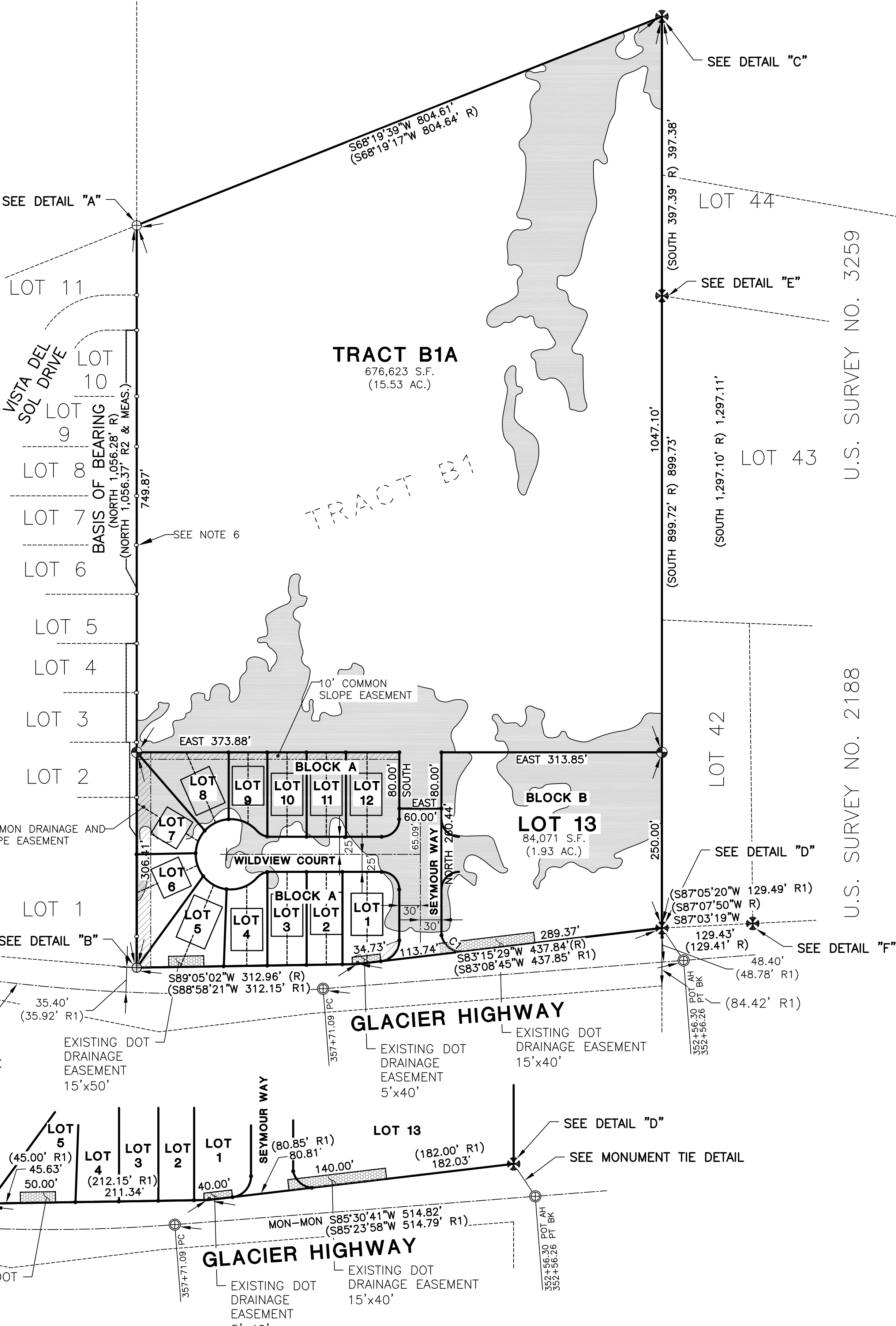
TYPICAL SECONDARY MON.
2" ALUMINUM
5/8" REBAR, 36" LONG



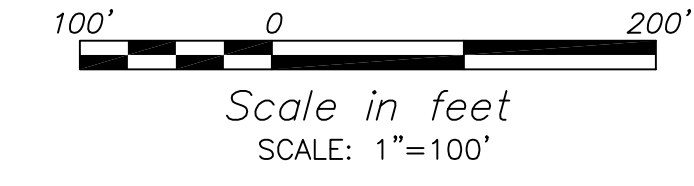
TYPICAL PRIMARY MON.
3" ALUM. CAP ON
5/8" ALUM. PIPE



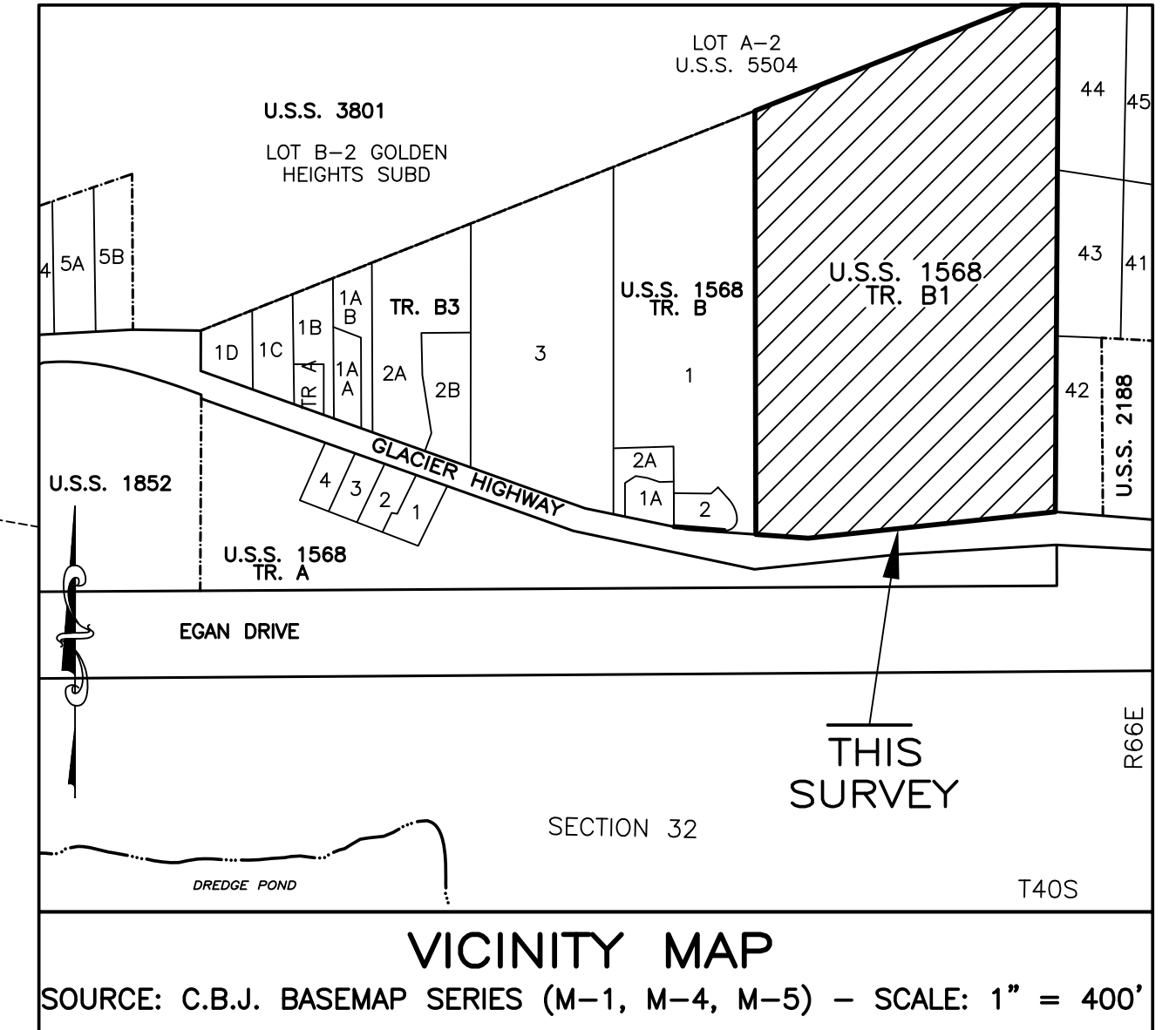
TYPICAL SECONDARY MON.
2" ALUMINUM
5/8" REBAR, 36" LONG



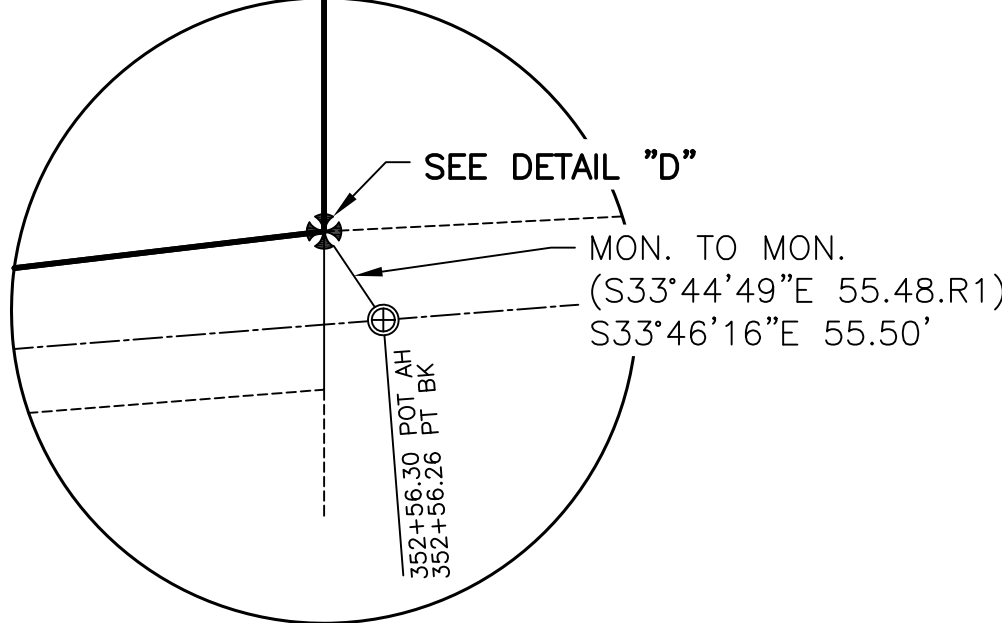
EXISTING DOT EASEMENT LAYOUT
SCALE: 1"=100'



CURVE TABLE				
CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	72°22'10"	30.00'	37.89'	N48°22'15"W 35.42'



- NOTES:
- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
 - ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
 - DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
 - WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD. THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ REFERENCE (SEE LEGEND).
 - STORMWATER RUNOFF DURING CONSTRUCTION SHALL BE MANAGED AND MAINTAINED PER CBJ MANUAL FOR STORMWATER BEST MANAGEMENT PRACTICES AND AS DETAILED ON THE STORMWATER MANAGEMENT PLAN BY DUNN ENVIRONMENTAL.
 - THE MONUMENTS AS DEPICTED GRAPHICALLY HAVE BEEN VISUALLY VERIFIED THEY EXIST. THE MONUMENTS WERE NOT LOCATED BY FIELD SURVEY FOR THIS SUBDIVISION.
 - OTHER THAN AS SHOWN THERE IS A IMPLIED PRIVATE DRAINAGE, SLOPE, ACCESS AND MAINTENANCE EASEMENT ALONG ALL COMMON, SIDE PROPERTY LINES BEING 5 FEET WIDE AND CENTERED ON THE PROPERTY LINE.
 - THE ERROR OF CLOSURE DOES NOT EXCEED 1:10,000.
 - LOTS 1-12, BLOCK A ARE IDENTIFIED AS FUTURE COMMON WALL PARCELS TO BE SUBDIVIDED PER CBJ 49.65.720-COMMON WALL SUBDIVISIONS.
 - EXISTING WETLANDS BOUNDARY IS DERIVED FROM PLAT 2016 WETLANDS MANAGEMENT PLAN.

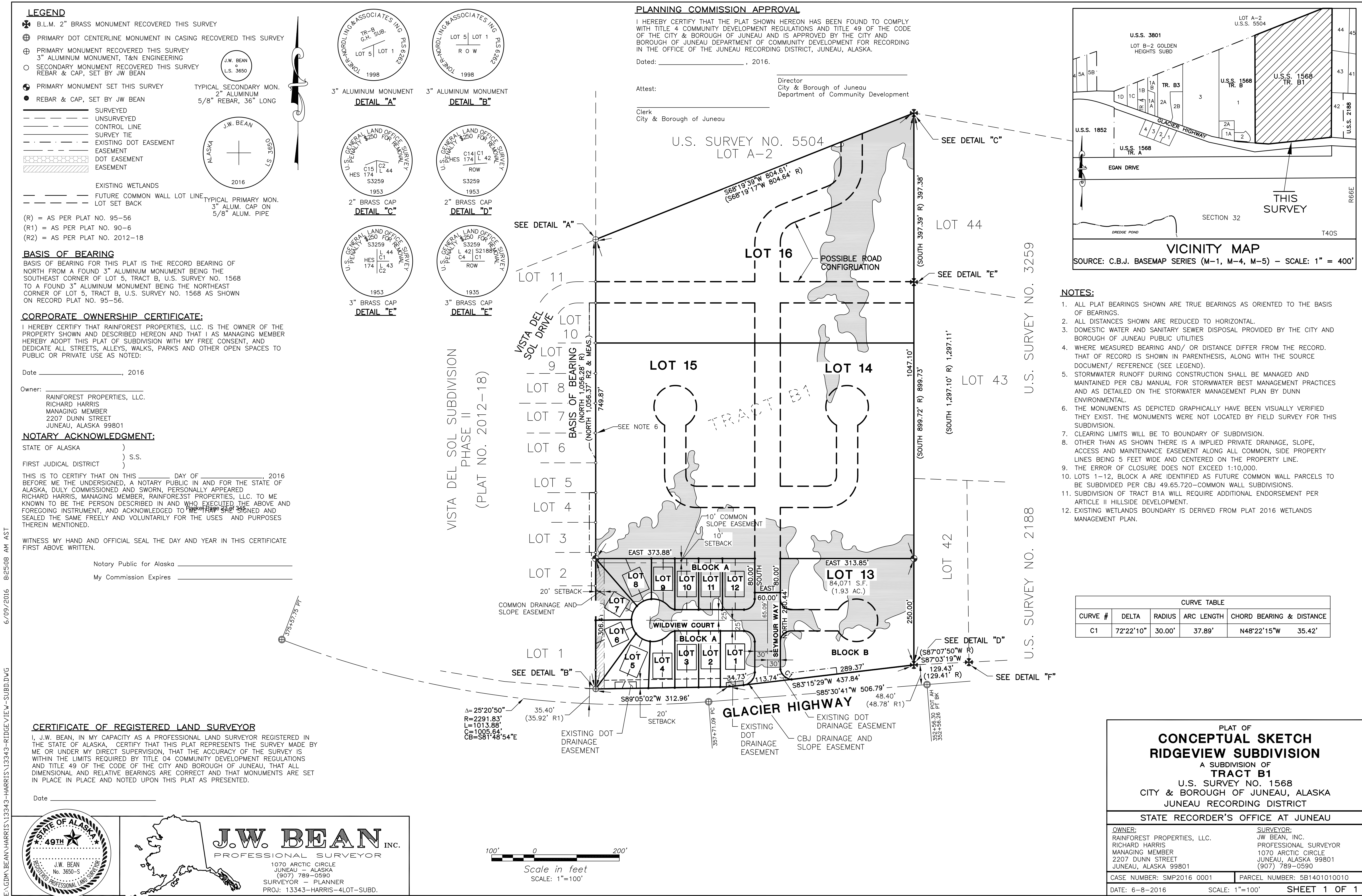


PLAT OF
RIDGEVIEW SUBDIVISION
A SUBDIVISION OF
TRACT B1
U.S. SURVEY NO. 1568
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

OWNER: RAINFOREST PROPERTIES, LLC. RICHARD HARRIS MANAGING MEMBER 2207 DUNN STREET JUNEAU, ALASKA 99801	SURVEYOR: JW BEAN, INC. PROFESSIONAL SURVEYOR 1070 ARCTIC CIRCLE JUNEAU, ALASKA 99801 (907) 789-0590
--	---

CASE NUMBER: SMP2016-01(5) PARCEL NUMBER: 5B1401010010
DATE: 1-08-2016 REV. DATE: 7-01-2016 SCALE: 1"=100' SHEET 1 OF 2



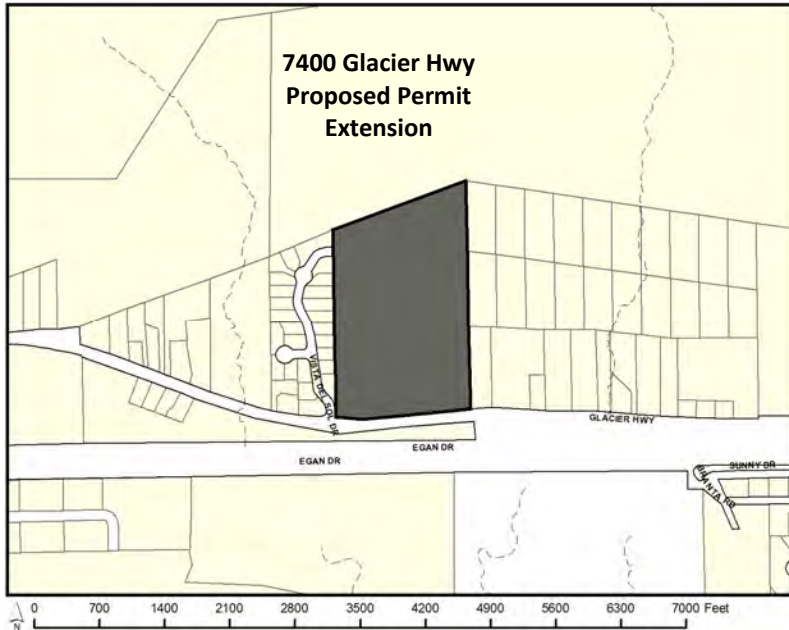
6/09/2016 8:25:08 AM AST

E:\GDM\BEAN\HARRIS\13343-HARRIS\13343-RIDGEVIEW-SUBD.DWG



Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for an **18-month timeline extension for a previously approved preliminary plat for 24 common wall lots at 7400 Glacier Highway** in a **D18 Zone**.



TIMELINE

Staff Report expected to be posted **Monday, April 5, 2021** at
<https://juneau.org/community-development/planning-commission>.
 Find hearing results, meeting minutes and more here as well.

Now through April 5

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

April 6 — noon, April 12

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

HEARING DATE & TIME: 7:00 pm, April 13, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/95201900876>. The Webinar ID is: 952 0190 0876. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

April 14

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
 Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed March 30, 2021

Case No.: SMP2016 0001
 Parcel No.: 5B1401010010
 CBJ Parcel Viewer: [h. p://epv.juneau.org](https://epv.juneau.org)



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 13, 2016

TO: Planning Commission

FROM: Jill Maclean, Senior Planner *Jill Maclean*
Community Development Department

FILE NO.: SMP2016 0001

PROPOSAL: Preliminary plat for 24 commonwall lots; the remaining land will be subdivided into two larger lots located at 7400 Glacier Highway and zoned D18.

GENERAL INFORMATION

Applicant: Richard Harris

Property Owner: Honsinger Family Limited Partnership & TKP LLC

Legal Description: USS 1568 TR-B1

Parcel Code No.: 5B1401010010

Site Size: 19.71 acres (approximately)

Comprehensive Plan Future

Land Use Designation: Medium Density Residential (MDR - urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre)

Zoning: D18 (residential multi-family 18 units per acre)

Utilities: CBJ Water & Sewer

Access: Glacier Highway

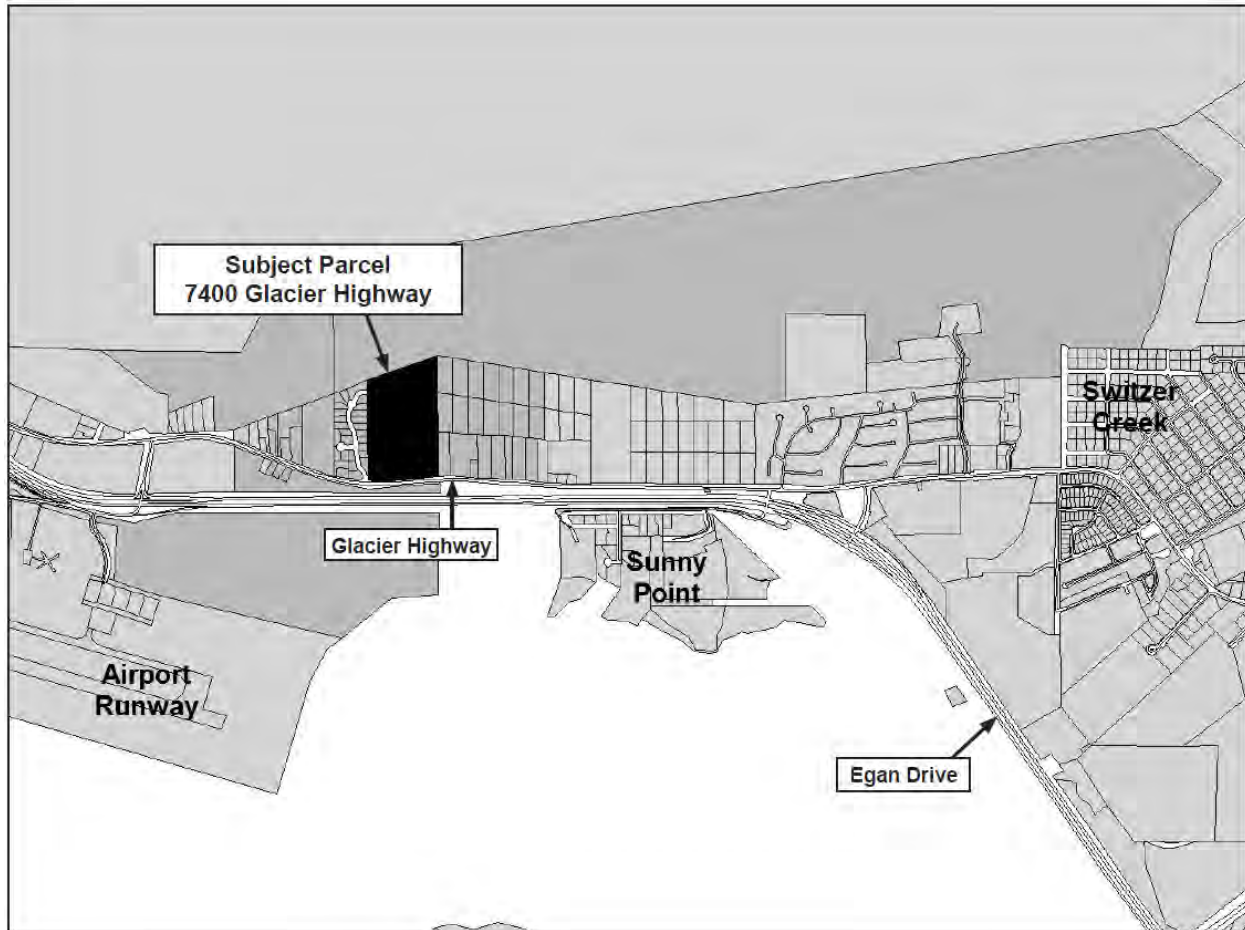
Existing Land Use: Vacant, Natural Forest/Wetlands

Surrounding Land Use: North – D5, CBJ-owned Vacant Land
South – D5, Vacant Land, owned by L. & P. Miller

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 2 of 13

East – D5, Vacant Land, Alaska Mental Health Trust
West – D5, Vista Del Sol Subdivision Single-Family Dwellings

Vicinity Map



ATTACHMENTS

Attachment A: Ridgeview Subdivision Preliminary Plat Application
Attachment B: Ridgeview Subdivision Revised Preliminary Plat
Attachment C: Ridgeview Subdivision Drainage Calculations
Attachment D: Pre-Application Conference Report
Attachment E: Wetland Review Board Minutes
Attachment F: Wetland Delineation Report
Attachment G: Ridgeview Subdivision Army Corps Permit Application (POA-2016-12)
Attachment H: Memo from CBJ General Engineering

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 3 of 13

PROPOSAL

The applicant seeks to subdivide the Honsinger property located at 7400 Glacier Highway into 26 lots and has submitted a major subdivision application for approval of a preliminary plat. Included in the subdivision proposal is a 60 ft. right-of-way (ROW) off Glacier Highway for access into the site (proposed name "Seymour Way"), with a 50 ft. cul-de-sac (proposed name "Wildview Court") branching off to the west. Wildview Court will provide access for 24 commonwall lots; the lot off to the east of Seymour Way (Lot 13) and the remaining tract of land to the north (Tract B1A) are proposed to be developed at a later date (see Attachment B). The property contains wetlands, and the applicant has filed an application with the Army Corps of Engineers, and has presented to the Wetlands Review Board.

PERMITTING PROCEDURE

The proposal requires a Major Subdivision permit as the project exceeds 13 lots. This permit requires a two-step Planning Commission approval process: 1) Preliminary Plat approval, and 2) Final Plat approval. The project has been reviewed for compliance with CBJ 49.15.402 Major Subdivisions, 49.15.411 Preliminary plat requirements, and 49.65.700 Common Wall Residential Development.

Preliminary Plat – The Preliminary Plat is for 24 common wall lots (Lots 1-12), Lot 13, and Tract B1A totaling 26 lots; and that the Final Plat will be for Lots 1-12, Lot 13, and Tract B1A, totaling 14 lots. Upon construction of the commonwall units, each commonwall lot will need to be approved through the Minor Subdivision process. This is the platting process for common wall developments per CBJ 49.65.700 Common Wall Residential Development, as common wall lots cannot be subdivided until the structure is constructed.

BACKGROUND

The existing lot was created June 27, 1977, a fraction of U.S.S. No. 1568 Tract B, as Lot 3. The lot is in its natural forested state and has not been developed.

The applicant requested a zone change in 2015, from D5 to D18 and Light Commercial (LC). The Community Development staff recommended denial of the zone change, as the requested zoning (D18 and LC) was not consistent with the Land Use Maps of the Comprehensive Plan. The LC zoning district allows up to 30 units per acre; whereas the MDR Land Use Designation speaks to residential densities ranging from 5 to 20 units per acre. Staff recommended approval to the Planning Commission if the rezone of the subject parcel was from D5 to D18, and excluded LC. The Planning Commission found that D18 was not in keeping with the harmony of the neighborhood (zoned D5), and that the parcel should remain D5, regardless of D18 conforming to the Land Use Maps of the Comprehensive Plan. On April 15, 2015, the Planning Commission did not recommend the approval of the zone change to the Assembly. On June 29, 2015, the Assembly approved the rezone of this property from D5 to D18 by Ordinance 2015-35.

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 4 of 13

On September 30, 2015, Community Development staff and the applicant met for a pre-application meeting on the proposed subdivision. At that time, the applicant was proposing a minor subdivision consisting of 13 lots. The applicant, upon further discussions with staff, revised the application from a 13-lot minor subdivision to a 26-lot major subdivision.

On November 20, 2015, the Planning Commission Subdivision Review Committee (SRC) met to review the subdivision proposal, specifically whether or not the applicant is required to provide street connectivity to adjacent properties. The SRC concurred that according to CBJ 49.35.210(a)(2) and CBJ 49.15.401(c)(4)(E)(ii), the developer of Tract B1A must provide street connectivity to the adjacent undeveloped properties.

On March 3, 2016, the Wetland Review Board (WRB) heard the preliminary plat for the major subdivision. The WRB generally supports the project, with the understanding that the CBJ Stormwater Manual of Best Management Practices will be strictly adhered to and appropriately enforced, and that a Stormwater Management Plan will be submitted and approved.

AGENCY REVIEW COMMENTS

Alaska Department of Transportation (AKDOT)

AKDOT reviewed the preliminary plat and submitted the following comments on February 8, 2016:

- If more than 100 trips are generated in a peak hour, a TIA will be needed. In this specific case, that is not likely. However the applicant should be made aware that for future development in the area, this current proposal's units will need to be factored into the estimated traffic generation. When/if the 100 trips are generated in a peak hour for the combined developments, a TIA will be required that identifies necessary mitigation measures (e.g., a left turn lane on Glacier Highway). It may be in the best interest of the applicant to move forward with a TIA at this time that considers this development and future plans, if known.
- An approach road permit will be needed; this process is underway as the applicant's consultant has already provided plans. A formal application will need to follow.
- There are five (5) 24" CMP culverts underneath Glacier Hwy directly adjacent to the proposed project area. DOT would need documentation that any proposed construction activity would not adversely impact these culverts. This can be in the form of an existing conditions hydrologic/hydraulic model, along with a proposed post-construction hydrologic/hydraulic model.
- The topographic mapping shows four (4) assumed perennial streams located on the project area, with one of the streams running through proposed structures on Lots 1 and 11.

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 5 of 13

Additionally, Lots 5, 6, and 7 are directly adjacent to a perennial stream, and the proposed structures may lie within its banks. Construction of any structure in a streambed is not recommended.

- This area of Glacier Highway is susceptible to debris flows. Even if the relevant water features were sufficiently re-routed around the proposed project, the topography of the area would still route any debris flows through low points in the topography. We would encourage any reviewing agency to consider this before offering their approval.

U.S. Fish and Wildlife Services (USFWS)

USFWS reviewed the preliminary plat and submitted the following comments on March 14, 2016:

- The stormwater runoff from the proposed subdivision has the potential to negatively impact water quality and habitat in the downslope wetlands, which are part of the Mendenhall Wetlands State Game Refuge. The refuge has been recognized as a globally important bird habitat and also provides habitat for many species of mammals, fishes, and invertebrates.
- To protect water quality in the wetlands downslope of the proposed subdivision, the subdivision should be designed to prevent stormwater surface runoff from flowing out of the subdivision and into the downslope wetlands. The CBJ Manual of Stormwater Best Management Practices provides numerous examples of systems, structures, and practices that can eliminate or, if necessary, treat stormwater runoff. I strongly urge the CBJ to use the manual to permit new subdivisions and other types of large developments such that stormwater is retained, through infiltration, on site.

ANALYSIS

Zoning –

The site is located in a D18 zoning district. Common-wall dwelling units are permitted in the D18 zoning district per Table of Permissible Uses 49.25.300 Section 1.910 Common wall development – two dwelling units. The D18 residential zoning district is intended to allow primarily for multi-family development at a density of 18 dwelling units per acre. Therefore, the proposed subdivision parcel containing “Wildview Court” totaling approximately 2.21 acres may have a total of 38 units. The entire site, at 19.71 acres, has a total build-out of 355 dwelling units.

Per CBJ 49.25.400 Table of Dimensional Standards Note 3, any lots abutting another zoning district must comply with the greater of the two setbacks required. In this case, the lots directly abutting D5 zoning districts must provide 20 ft. setbacks, rather than the 10 ft. setbacks required by D18 zoning districts.

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 6 of 13

Staff notes that future development of Tract B1A may require a Conditional Use Permit for Hillside Development (CBJ 49.70.200).

Drainage -

The project site has three large drainages that traverse the hillside from north to south (see Attachment C). CBJ General Engineering's finds that, generally topographic features should be taken into account when proposing a development on a slope of this nature; and cuts and fills are balanced; and drain-ways should be designed as open channels reducing infrastructure costs and enhancing runoff quality. General Engineering finds that even with the restrictions of the terrain and the substantial drainages on this site, this plat can be designed to CBJ Standards, including the future commonwall subdivisions proposed (see Attachment H).

At this time, General Engineering is unable to complete the preliminary review due to inadequate storm drain pipe sizing which will change drainages, catch basins and pipe clearances to other utilities. Although the submitted plans will require substantial changes before final approval, General Engineering supports this preliminary plat being approved, providing that all conditions and findings in their memo dated March 29, 2016 (Attachment H), are made conditions of this approval, and that a revised preliminary plat is submitted. A revised preliminary plat is needed, as it depicts the commonwall dwellings, which the final plat will not—the final plat will detail the 12 parent lots, plus Lot 13 and Tract B1A.

Wetlands -

Wetlands were delineated by Bosworth Botanical Consulting (see Attachment F dated July 27, 2015). The total amount of wetlands is 4.72 acres (approximately 24% of the site); seasonal streams measure 4,523 linear feet, and perennial streams measure 12,897 linear feet (totaling 17,420 linear feet).

The project area is located near the junction between a small patch of older deltaic deposits (silty sands and gravels) and the usual glacio-marine deposits (dense silt) that are found on the lower hillsides of the Gastineau Channel area. Both types generally create a restrictive layer that perches the water table and creates wetlands.

There are four small perennial streams that leave the project area at the lower edge of the property at the Glacier Highway edge. These streams have multiple tributaries that are likely seasonal or ephemeral streams. These seasonal or ephemeral streams arise in the lower, flatter part of the project area. The upper, steeper part of the project area has deep stream gullies that seem to dry the surrounding area (see Attachment F - Figure 2). The stream on the west edge of the project area has been captured on its lower part by a ditch dug to drain the Vista del Sol development on the west side of the project area. The streams of the project area are all collected in a ditch along the lower Glacier Highway edge and the ditch then drains in a culvert under Glacier

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 7 of 13

Highway to another culvert under Egan Drive and out into the tidally-influenced Mendenhall Wetlands and into the ocean at Gastineau Channel.

Army Corps of Engineers

The application is currently under review by the Army Corps of Engineers (see Attachment G). The applicant is requesting authorization to discharge approximately 1,200 cubic yards of crushed rock and 4,000 cubic yards of shot-rock fill material into approximately 1.6 acres of waters of the United States consisting of forested wetlands and perennial streams in order to construct housing. The work would include the relocation of the lower reach of two streams to allow drainage off the property.

The public comment period for the project was January 21, 2016 to February 20, 2016. To staff's knowledge, no public comment was received by the Army Corps of Engineers.

Staff recommends a condition of approval requiring the applicant to install a silt fence to prevent soils from entering the wetlands during construction.

Habitat –

Besides wetlands, no known habitats that are protected by the Land Use Code exist on the site.

Access -

The applicant will construct two new ROWs (see Attachment A), with the intent that CBJ will adopt them once completed to CBJ standards. Seymour Way is a 60 ft. ROW entering off of Glacier Highway, east of the existing Vista Del Sol. Seymour Way, for this phase of the development, is 65 ft. in length and provides adequate frontage for Tract B1A and Lot 13.

Each proposed lot will have adequate frontage and access to a public maintained right-of-way.

CBJ 49.35.240(g) *cul-de-sacs*, requires cul-de-sacs to measure a minimum of 150 ft. in length, with a maximum allowed length of 600 ft. Wildview Court measures 275.88 feet in length.

Traffic Analysis –

Wildview Court

The first development phase, Wildview Court with 24 common wall dwelling lots/units, falls under the "Residential Condominium/Townhouse" Land Use in the Trip Generation Handbook. This handbook sets the standards for traffic impact analysis. Residential Condominium/Townhouses are defined as ownership units that have at least one other *owned unit within the same building structure*. Based upon this categorization, the Average Daily Trips (ADT) for this type of development is 5.81 trips per dwelling unit per weekday, resulting in the proposed project having an estimated 140 trips per weekday (5.81 x 24 dwelling units); and 5.67 trips per dwelling unit per

Planning Commission
 File No.: SMP2016 0001
 April 13, 2016
 Page 8 of 13

Saturday, resulting in the proposed project having an estimated 137 trips per Saturday (5.67 x 24 dwelling units); and 4.84 trips per dwelling unit per Sunday, resulting in the proposed project having an estimated 117 trips per Sunday (5.67 x 24 dwelling units).

The ROW, and street designs and improvements are stipulated in CBJ 49.35.240 *Table of roadway construction standards*. The Table requires the installation of certain public ROW improvements based on the resulting average daily trip (ADT) of a project. Therefore, CBJ 49.35.240 would require the ROW for Wildview Court to be 60 ft. wide with a 22 ft. wide paved travel way width, and street light at the intersection of Seymour Way (no sidewalk is required).

As stated above, CBJ 49.35.240 requires a minimum 60 ft. wide ROW, and the applicant is proposing a 50 ft. wide ROW. Under CBJ 35.240(b)(2) *Right-of-way width reductions for streets with less than 500 Average Daily Trips (ADT)*, the ROW width may be reduced up to 25 ft. The proposed ROW is 50 ft., while meeting the other required street standards.

The applicant is requesting a reduction for the ROW width for Wildview Court. According to CBJ 35.240(b)(5), the Director must make the following findings to reduce the ROW width:

- CBJ 35.240(b)(5)(A) ROW provides adequate room for utilities – Yes;
- CBJ 35.240(b)(5)(B) ROW provides sufficient room for easements – Yes;
- CBJ 35.240(b)(5)(C) Driveways must be constructed to accommodate elevations of future sidewalks – Yes, the applicant is amenable to constructing a sidewalk on one side of the Wildview Court at the time of construction;
- CBJ 35.240(b)(5)(D) – No, additional ROW width is required in order to provide for sufficient access to abutting lands – Yes, applicant must provide street connectivity at the time that Tract B1A is developed or further subdivided;
- CBJ 35.240(b)(5)(E) ROW provides sufficient room for snow storage – Yes.

Finding that CBJ 35.240(b)(5)(A-E) are met, the Director approves the reduction of the ROW from 60 ft. to 50 ft. in width.

Seymour Way

Without a plan for the development for Lot Tract B1A and Lot 13, staff finds that the build-out potential of these parcels (18 units per acre x 17.46 acres = 324 potential units), requires that per CBJ 49.35.240, the ROW for Seymour Way must be 60 ft. wide, with 26 ft. wide travel way width, street lights at the intersection of Wildview Court and Glacier Highway, and sidewalks on both sides.

Tract B1A & Lot 13

Section 49.35.240 *Table of roadway construction standards* also requires a Traffic Impact Analysis (TIA) if the project has a forecasted ADT of 500 or more. According to staff's analysis above, the project's ADT will not require a TIA at this time. It is anticipated that the next phase of the

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 9 of 13

development, (Lot 13 and/or Tract B1A), will trigger the need for a TIA, as also noted by DOT in their comments.

Pedestrian Access -

Per CBJ 49.35.240, Wildview Court will have a sidewalk on the southern side of the street, and Seymour Way will have sidewalks on both sides of the street, extending from Glacier Highway through the extent of Wildview Court, as shown on the preliminary plat. This new sidewalk will extend from Seymour Way thru the extent of Lot 3 on Wildview Court.

CONSISTENCY WITH ADOPTED PLANS

Comprehensive Plan (2013)

Area-Wide Transportation Plan (2001)

Juneau Non-Motorized Transportation Plan (2009)

2013 COMPREHENSIVE PLAN

Providing for infill development within the Urban Service Boundary on vacant, underutilized land, the proposed common wall subdivision conforms to the *2013 Comprehensive Plan* (Comp Plan).

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 4.2. 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.

Standard Operating Procedures

4.2 - *SOP3* The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

Planning Commission
 File No.: SMP2016 0001
 April 13, 2016
 Page 10 of 13

POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.

Development Guidelines

10.4 - DG1 New development, particularly in-fill development on vacant land within established neighborhoods, should be designed in such a way as to promote compatibility in scale and massing as the adjacent or nearby built environment and should ensure privacy, light and air to adjacent homes. Density alone should not be considered as a criterion for determining neighborhood harmony within the Urban Service Area provided that:

- A. Light, air and privacy is assured to adjacent residential occupants;
- B. Parking for the subject project is screened or hidden from view from public streets and from adjacent residential neighbors; and,
- C. Project-serving roads and intersections are improved to a Level of Service D or better. When these criteria are met, higher density development is encouraged.

10.4 - DG2 When a developer extends public or private utilities and infrastructure, such as sewer service, roads or electrical lines, to a particular parcel or development, care should be taken to ensure that adjacent lands and infrastructure that would be affected by the new development are adequately improved by the developer to accommodate the proposed project's traffic as well as new traffic or use anticipated by the growth-inducing impacts of such services or infrastructure extensions. For example, when a water or sewer main or road is extended to a property, it should be sized to serve development at a similar scale and density on adjoining properties.

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

Standard Operating Procedures

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

AREA-WIDE TRANSPORTATION PLAN

Providing for sidewalks on both sides of the proposed Seymour Way connecting to Glacier Highway, and providing one sidewalk on Wildview Court, the proposed subdivision conforms to the *Area-Wide Transportation Plan*.

Table 20: Lemon Creek And Twin Lakes Transportation System Improvements

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 11 of 13

Pedestrian Connectivity

- Modify CBJ policy to construct sidewalks on one or both sides of the street (as practical) in all commercial or residential developments and as part of roadway improvement/reconstruction projects.

JUNEAU NON-MOTORIZED TRANSPORTATION PLAN

Providing for 5 ft. sidewalks on both sides of the proposed Seymour Way connecting to Glacier Highway, and providing one 5ft. sidewalk on Wildview Court, the proposed subdivision conforms to the *Juneau Non-Motorized Transportation Plan*.

FINDINGS

CBJ 49.15.402(4) Major Subdivisions, the Director shall prepare and submit a report to the Planning Commission noting any conditions of approval or plat notes recommended and addressing the following criteria:

- (A) Whether the preliminary plat complies with CBJ 49.15.411.
No, however, if the revisions listed below are completed, the plat would comply with CBJ 49.15.411:
- a. **(f)(2)(J) Setbacks must be shown on each lot;**
 - b. **(f)(5)(D, E, F) Easements must detail ownership;**
 - c. **(f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A; the applicant has submitted a plat to Army Corps of Engineers with a ROW and lots sketched for Lot 13);**
 - d. **(i)(4) Drainage report and calculations (drainage/grading plan sheet provided does not meet requirements);**
 - e. **(i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat;**
 - f. **Revise Tract A to Track B1A in the plat notes.**
- (B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions.
No. The applicable subdivision development standards have not met, but they could be met with the conditions listed above and under Recommendation.
- (C) Whether the proposed subdivision will provide building sites suitable for the zoning district.
Yes, providing all setbacks are met, the building sites are suitable for D18.

Planning Commission
File No.: SMP2016 0001
April 13, 2016
Page 12 of 13

- (D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable.

Yes. Seymour Way is distinct; Wildview Court is similar to Wildmeadow Court and Wildmeadow Lane.

- (E) Whether the director of engineering and public works has reviewed the application and determined that:

- (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;
- (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;
- (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and
- (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

Yes, providing that the applicant demonstrates compliance with and addresses all the items listed in the memo from General Engineering dated March 29, 2016.

CBJ 49.15.402(5) Major Subdivisions, in issuing its notice of decision on a preliminary plat, the Commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Preliminary Plat for Ridgeview Subdivision. This approval would allow the applicant to submit for the Final Plat Application. We further recommend that the approval be subject to the following conditions:

1. The applicant must submit a revised preliminary plat with all required revisions for approval prior to the submittal of a final plat.
2. A Traffic Impact Analysis will be required at the development of Lot 13 and/or Track B1A to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision.
3. Per CBJ 49.35.210(a)(2), and CBJ 49.15.401(c)(4)(E)(ii), and the 2013 Comprehensive Plan

Planning Commission

File No.: SMP2016 0001

April 13, 2016

Page 13 of 13

Policy 10.4 Design Guidelines 1 and 2, the applicant must provide for street connectivity from Track B1A and Lot 13 to adjacent undeveloped properties.

4. The preliminary plat and final plat shall include the note that states that "A through connection to Vista del Sol Drive is required for the development of Tract B1A".
5. Per the Director's findings, the ROW for Wildview Court may be reduced from 60 ft. in width to 50 ft. in width, providing the applicant construct a sidewalk on the southern side of Wildview Court from Seymour Way through the extent of Lot 3.
6. The conditions and findings in the memo from General Engineering dated March 29, 2016 and found in Attachment H must be met prior to a final plat being accepted.
7. Per the Wetlands Review Board recommendation, the applicant must adhere to the CBJ Stormwater Manual of Best Management Practices, and that the applicant must submit a Stormwater Management Plan for approval prior to the submittal of the final plat.
8. Per CBJ 49.15.411, the preliminary plat requires the following revisions, in addition to those listed above:
 - a. (f)(2)(J) Setbacks must be shown on each lot;
 - b. (f)(5)(D, E, F) Easements must include ownership;
 - c. (f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A; the applicant has submitted a plat to Army Corps of Engineers with lots sketched for Lot 13);
 - d. (i)(4) Drainage report and calculations (drainage/grading plan sheet provided does not meet requirements);
 - e. (i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat;
 - f. Revise Tract A to Track B1A in the plat notes.

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number <i>Imp 16-CC1</i>	Date Received <i>1/15/16</i>																																			
TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED (please see submittal requirements on reverse)																																						
☒ Preliminary Plat (SMP) ☐ Final Plat (SMF)																																						
☐ Planned Unit Development- Preliminary Plan Approval (PDP) ☐ Planned Unit Development - Final Plan Approval (PDF)																																						
☐ Other _____																																						
Please attach a cover letter to fully explain the project if there is not adequate space on this form.																																						
LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED: <i>USS 1568 TR B-1 Juneau Rec Dist</i>																																						
Number of Existing Parcels <u>1</u> Total Land Area <u>19 Ac.</u> Number of Resulting Lots or Parcels <u>14</u>																																						
EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO																																						
CURRENT USE OF LAND OR BUILDING(S): <i>Vacant</i>																																						
PROPOSED USE OF LAND OR BUILDING(S): <i>Mixed Residential Housing</i>																																						
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																						
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): <i>-0</i>																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">SUBDIVISION/PLATTING/PUD FEES</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td><i>2375</i> \$ <i>2860</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$ <i>500.</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <i>50</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <i>150</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td><i>LB</i> \$ <i>2510.00</i></td> <td><i>add 7534</i></td> <td><i>097886</i></td> <td><i>11-2-16</i></td> </tr> </tbody> </table>			SUBDIVISION/PLATTING/PUD FEES		Check No.	Receipt	Date	Application Fees	<i>2375</i> \$ <i>2860</i>				Admin. of Guarantee	\$ _____				Adjustment	\$ <i>500.</i>				Pub. Not. Sign Fee	\$ <i>50</i>				Pub. Not. Sign Deposit	\$ <i>150</i>				Total Fee	<i>LB</i> \$ <i>2510.00</i>	<i>add 7534</i>	<i>097886</i>	<i>11-2-16</i>
SUBDIVISION/PLATTING/PUD FEES		Check No.	Receipt	Date																																		
Application Fees	<i>2375</i> \$ <i>2860</i>																																					
Admin. of Guarantee	\$ _____																																					
Adjustment	\$ <i>500.</i>																																					
Pub. Not. Sign Fee	\$ <i>50</i>																																					
Pub. Not. Sign Deposit	\$ <i>150</i>																																					
Total Fee	<i>LB</i> \$ <i>2510.00</i>	<i>add 7534</i>	<i>097886</i>	<i>11-2-16</i>																																		

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>1/15/16</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <u>2 Subsequent Subdivision</u>		
	PROPERTY LOCATION		
	Street Address <u>7400 Glacier Hwy.</u>		City/Zip <u>Juneau</u>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>USS 1568 TR-B1 Juneau Recording Dist.</u>		
	Assessor's Parcel Number(s) <u>5B1401010010</u>		
	LANDOWNER/LESSEE		
	Property Owner's Name <u>Honsinger Family Limited Partnership & TKP L.L.C</u>		Contact Person: <u>BENNY MILLER</u>
	Mailing Address <u>PO BOX 20490 JUNEAU AK 99802</u>		Home Phone: <u>797-6311</u>
	E-mail Address <u>N/A</u>		Work Phone: <u>797-7225</u>
	Other Contact Phone Number(s): <u>321-4037</u>		
LANDOWNER/LESSEE CONSENT			
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.			
<u>X</u> <u>Benny Miller, General Partner</u> Landowner/Lessee Signature		<u>1/23/15</u> Date	
<u>X</u> 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			
Applicant's Name <u>Richard Harris</u>			
Mailing Address <u>P.O. Box 32403 Juneau Ak, 99803</u>		Contact Person: <u>Rich</u>	
E-mail Address <u>richdevelopment@cci.net</u>		Home Phone: <u>907-723-4791</u>	
		Work Phone: <u>907-790-4147</u>	
		Other Contact Phone Number(s):	
<u>X</u> <u>[Signature]</u> Applicant's Signature		<u>1/15/2016</u> Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type <u>Building/Grading Permit</u>	Date Received	Application Number(s)
		City/State <u>Project Review and City Land Action</u>		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	<u>1/15/16</u>	<u>sm p16 001</u>
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
	Zone Change Application			
	Other (Describe)			
Comments: 				
Public Notice Sign Form filled out and in the file.				Permit Intake Initials <u>LAB</u>

Jan. 14, 16

CBJ Community Development Dept.

Applicant:

R.H. Development L.L.C. P.O. Box 32403 Juneau Ak. 99803

Ridgeview Housing Development 7400 Glacier Hwy.

Project Narrative:

To Whom It May Concern:

Our newly proposed Ridgeview Subdivision will provide much needed housing for the community of Juneau, starting with up to 24 housing units; we are planning the development of attached homes in order to maximize the amount of housing per acre while allowing an acceptable amount of privacy for home owners within our development, and the neighboring Vista Del Sol Development.

The project and lot size has been minimized as much as possible while maintaining reasonable home size and design, and allowing for all other code requirements.

Our project schedule is to begin work as soon as permitting allows. We would continue construction and development of the housing units as soon as street construction allows. We are excited to begin this development, as the developer of the project we will strive to build the most quality product possible for the Juneau market.

We hope that staff and the commission will be pleased with our proposal for this site.

Thank You,

Richard Harris

A handwritten signature in black ink, appearing to read 'Richard Harris', with a stylized, flowing script.

Set description: (No description)
 Area: 676,622.61
 15.53
 Perimeter: 3,509.33
 Closure: 0.00

TRACT A
 RIDGEVIEW Subd.
 TRACT B1
 U.S.S 1568

Point #	Direction	Distance	Northing	Easting	Elevation	Station
518			20,644.9799	21,320.0434	252.42	0+00.00
	S0°00'00"W	749.87				
1,509			19,895.1099	21,320.0434	252.42	7+49.87
	N90°00'00"E	373.88				
1,488			19,895.1099	21,693.9234	-----	11+23.75
	S0°00'00"W	80.00				
1,539			19,815.1138	21,693.9234	-----	12+03.75
	N90°00'00"E	60.00				
1,524			19,815.1138	21,753.9234	-----	12+63.75
	N0°00'00"E	80.00				
1,487			19,895.1138	21,753.9234	-----	13+43.75
	N90°00'00"E	313.85				
1,508			19,895.1138	22,067.7717	252.42	16+57.59
	N0°00'00"E	1,047.10				
542			20,942.2138	22,067.7717	-----	27+04.69
	S68°19'17"W	804.64				
518			20,644.9799	21,320.0434	252.42	35+09.33

Set description: (No description)
 Area: 84,070.76
 1.93
 Perimeter: 1,151.55
 Closure: 0.00

LOT B PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,485			19,611.1422	21,780.4011	-----	0+00.00
	N83°15'29"E	289.37				
550			19,645.1138	22,067.7717	252.42	2+89.37
	N0°00'00"E	250.00				
1,508			19,895.1138	22,067.7717	252.42	5+39.37
	N90°00'00"W	313.85				
1,487			19,895.1138	21,753.9234	-----	8+53.22
	S0°00'00"W	260.44				
1,527			19,634.6742	21,753.9234	-----	11+13.66
	Radius:	30.00				
	Delta:	72°22'10"				
	Arc length:	37.89				
	Tangent:	21.94				
	Chord bearing:	S48°22'16"E				
1,485			19,611.1422	21,780.4011	-----	11+51.55

Set description: (No description)
 Area: 126,102.03
 2.89
 Perimeter: 1,500.03
 Closure: 0.00

LOTS 1-12 PHASE 1
 TOTAL Area

RECEIVED
 JAN 22 2016
 PERMIT CENTER/CDU

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,485			19,611.1422	21,780.4011	-----	0+00.00
	S83°15'29"W	148.47				
915			19,593.7124	21,632.9593	252.42	1+48.47
	S89°05'02"W	312.96				
1,000			19,588.7087	21,320.0434	252.42	4+61.42
	N0°00'00"E	306.40				
1,509			19,895.1099	21,320.0434	252.42	7+67.83
	N90°00'00"E	373.88				
1,488			19,895.1099	21,693.9234	-----	11+41.71
	S0°00'00"W	80.00				
1,539			19,815.1138	21,693.9234	-----	12+21.70
	N90°00'00"E	60.00				

1,524 SO°00'00"W 180.44 19,615.1138 21,753.9234 12+81.70
 1,527 Radius: 30.00 19,634.6742 21,753.9234 ----- 14+62.14
 Delta: 72°22'10"
 Arc length: 37.89
 Tangent: 21.94
 Chord bearing: S48°22'16"E C-1
 1,485 19,611.1422 21,780.4011 ----- 15+00.03

Set description: (No description)
 Area: 9,476.35
 0.22
 Perimeter: 387.54
 Closure: 0.00

LOT 1
 PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
983			19,725.0199	21,617.9619	-----	0+00.00
	N90°00'00"E	50.96				
897			19,725.0199	21,668.9234	-----	0+50.96
	Radius: 25.00					
	Delta: 90°00'00"					
	Arc length: 39.27					
	Tangent: 25.00					
	Chord bearing: S45°00'00"E C-2					
902			19,700.0199	21,693.9234	-----	0+90.23
	S0°00'00"W	72.44				
905			19,627.5812	21,693.9234	-----	1+62.67
	Radius: 30.00					
	Delta: 83°15'23"					
	Arc length: 43.59					
	Tangent: 26.66					
	Chord bearing: S41°37'45"W C-1					
1,427			19,597.7892	21,667.4458	-----	2+06.26
	S83°15'29"W	34.73				
915			19,593.7124	21,632.9593	252.42	2+40.99
	S89°05'02"W	15.00				
1,119			19,593.4725	21,617.9619	-----	2+55.99
	N0°00'00"E	131.55				
983			19,725.0199	21,617.9619	-----	3+87.54

Set description: (No description)
 Area: 7,386.43
 0.17
 Perimeter: 375.92
 Closure: 0.00

LOT 2
 PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,523			19,592.5777	21,562.0019	-----	0+00.00
	N89°05'02"E	55.97				
1,119			19,593.4725	21,617.9619	-----	0+55.97
	N0°00'00"E	131.55				
983			19,725.0199	21,617.9619	-----	1+87.51
	N90°00'00"W	55.96				
1,528			19,725.0199	21,562.0019	-----	2+43.47
	S0°00'00"W	132.44				
1,523			19,592.5777	21,562.0019	-----	3+75.92

Set description: (No description)
 Area: 7,436.50
 0.17
 Perimeter: 377.71
 Closure: 0.00

LOT 3
 PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
961			19,591.6829	21,506.0419	-----	0+00.00
	N89°05'02"E	55.97				
1,523			19,592.5777	21,562.0019	-----	0+55.97
	N0°00'00"E	132.44				

1,528 N90°00'00"W 55.96 19,725.0199 21,506.0419 1+88.41
 894 S0°00'00"W 133.34 19,725.0199 21,506.0419 ----- 2+44.37
 961 19,591.6829 21,506.0419 ----- 3+77.71

Set description: (No description) *LOT 4*
 Area: 7,116.11
 0.16
 Perimeter: 368.69
 Closure: 0.00

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,533			19,700.0199	21,448.0434	-----	0+00.00
	Radius:	50.00				
	Delta:	37°39'18"				
	Arc length:	32.86				
	Tangent:	17.05				
	Chord bearing:	N71°10'21"E				
1,537			19,710.4347	21,478.5887	-----	0+32.86
	N62°01'10"E	31.09				
894			19,725.0199	21,506.0419	-----	0+63.95
	S0°00'00"W	133.34				
961			19,591.6829	21,506.0419	-----	1+97.28
	S89°05'02"W	62.01				
1,521			19,590.6915	21,444.0434	-----	2+59.29
	N2°05'43"E	109.40				
1,533			19,700.0199	21,448.0434	-----	3+68.69

Set description: (No description) *LOT 5*
 Area: 9,637.86
 0.22
 Perimeter: 429.89
 Closure: 0.00

Point #	Direction	Distance	Northing	Easting	Elevation	Station
4,125			19,588.7087	21,320.0434	252.42	0+00.00
	N89°05'02"E	124.02				
1,521			19,590.6915	21,444.0434	-----	1+24.02
	N2°05'43"E	109.40				
1,533			19,700.0199	21,448.0434	-----	2+33.42
	Radius:	50.00				
	Delta:	45°50'11"				
	Arc length:	40.00				
	Tangent:	21.14				
	Chord bearing:	N67°04'55"W				
958			19,715.1844	21,412.1758	-----	2+73.42
	S36°04'18"W	156.48				
4,125			19,588.7087	21,320.0434	252.42	4+29.89

Set description: (No description) *LOT 6*
 Area: 8,753.88
 0.20
 Perimeter: 435.82
 Closure: 0.00

Point #	Direction	Distance	Northing	Easting	Elevation	Station
892			19,750.0199	21,320.0434	-----	0+00.00
	S0°00'00"W	161.31				
4,125			19,588.7087	21,320.0434	252.42	1+61.31
	N36°04'18"E	156.48				
958			19,715.1844	21,412.1758	-----	3+17.79
	Radius:	50.00				
	Delta:	45°50'11"				
	Arc length:	40.00				
	Tangent:	21.14				
	Chord bearing:	N21°14'44"W				
1,531			19,751.4794	21,398.0647	-----	3+57.79
	S88°55'42"W	78.03				

Set description: (No description)
 Area: 8,101.88
 0.19
 Perimeter: 406.62
 Closure: 0.00

Lot 7

Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,509			19,895.1099	21,320.0434	252.42	0+00.00
	S0°00'00"W	145.09				
892			19,750.0199	21,320.0434	-----	1+45.09
	N88°55'42"E	78.03				
1,531			19,751.4794	21,398.0647	-----	2+23.12
	Radius: 50.00					
	Delta: 45°50'11"					
	Arc length: 40.00					
	Tangent: 21.14					
	Chord bearing: N24°35'28"E					
959			19,786.8891	21,414.2698	-----	2+63.12
	N41°02'44"W	143.49				
1,509			19,895.1099	21,320.0434	252.42	4+06.62

Set description: (No description)
 Area: 8,730.71
 0.20
 Perimeter: 409.67
 Closure: 0.00

Lot 8

Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,509			19,895.1099	21,320.0434	252.42	0+00.00
	S41°02'44"E	143.49				
959			19,786.8891	21,414.2698	-----	1+43.49
	Radius: 50.00					
	Delta: 45°50'14"					
	Arc length: 40.00					
	Tangent: 21.14					
	Chord bearing: N70°25'40"E					
1,534			19,799.9346	21,450.9620	-----	1+83.49
	N0°02'56"E	95.18				
1,511			19,895.1099	21,451.0434	252.42	2+78.67
	N90°00'00"W	131.00				
1,509			19,895.1099	21,320.0434	252.42	4+09.67

Set description: (No description)
 Area: 5,821.08
 0.13
 Perimeter: 331.29
 Closure: 0.00

Lot 9

Phase 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,534			19,799.9346	21,450.9620	-----	0+00.00
	Radius: 50.00					
	Delta: 34°18'31"					
	Arc length: 29.94					
	Tangent: 15.43					
	Chord bearing: S69°29'58"E					
1,536			19,789.6051	21,478.5887	-----	0+29.94
	S62°01'14"E	31.09				
893			19,775.0198	21,506.0434	-----	0+61.03
	N0°00'00"E	120.09				
963			19,895.1099	21,506.0434	252.42	1+81.12
	N90°00'00"W	55.00				
1,511			19,895.1099	21,451.0434	252.42	2+36.12
	S0°02'56"W	95.18				
1,534			19,799.9346	21,450.9620	-----	3+31.29

Set description: (No description)

Lot 10

Area:

Attachment D - 2016 Staff Report and Attachments

Packet Page 45 of 345

Perimeter:

0.15

Closure:

352.10

0.00

PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
893			19,775.0198	21,506.0434	-----	0+00.00
1,532	N90°00'00"E	55.96	19,775.0198	21,562.0034	-----	0+55.96
1,518	N0°00'00"E	120.09	19,895.1099	21,562.0034	-----	1+76.05
963	N90°00'00"W	55.96	19,895.1099	21,506.0434	252.42	2+32.01
893	S0°00'00"W	120.09	19,775.0198	21,506.0434	-----	3+52.10

Set description: (No description)

Area:

6,720.24

Lot 11

Perimeter:

0.15

Closure:

352.10

0.00

PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
917			19,895.1099	21,617.9634	-----	0+00.00
1,518	N90°00'00"W	55.96	19,895.1099	21,562.0034	-----	0+55.96
1,532	S0°00'00"W	120.09	19,775.0198	21,562.0034	-----	1+76.05
955	N90°00'00"E	55.96	19,775.0198	21,617.9634	-----	2+32.01
917	N0°00'00"E	120.09	19,895.1099	21,617.9634	-----	3+52.10

Set description: (No description)

Area:

8,987.92

Lot 12

Perimeter:

0.21

Closure:

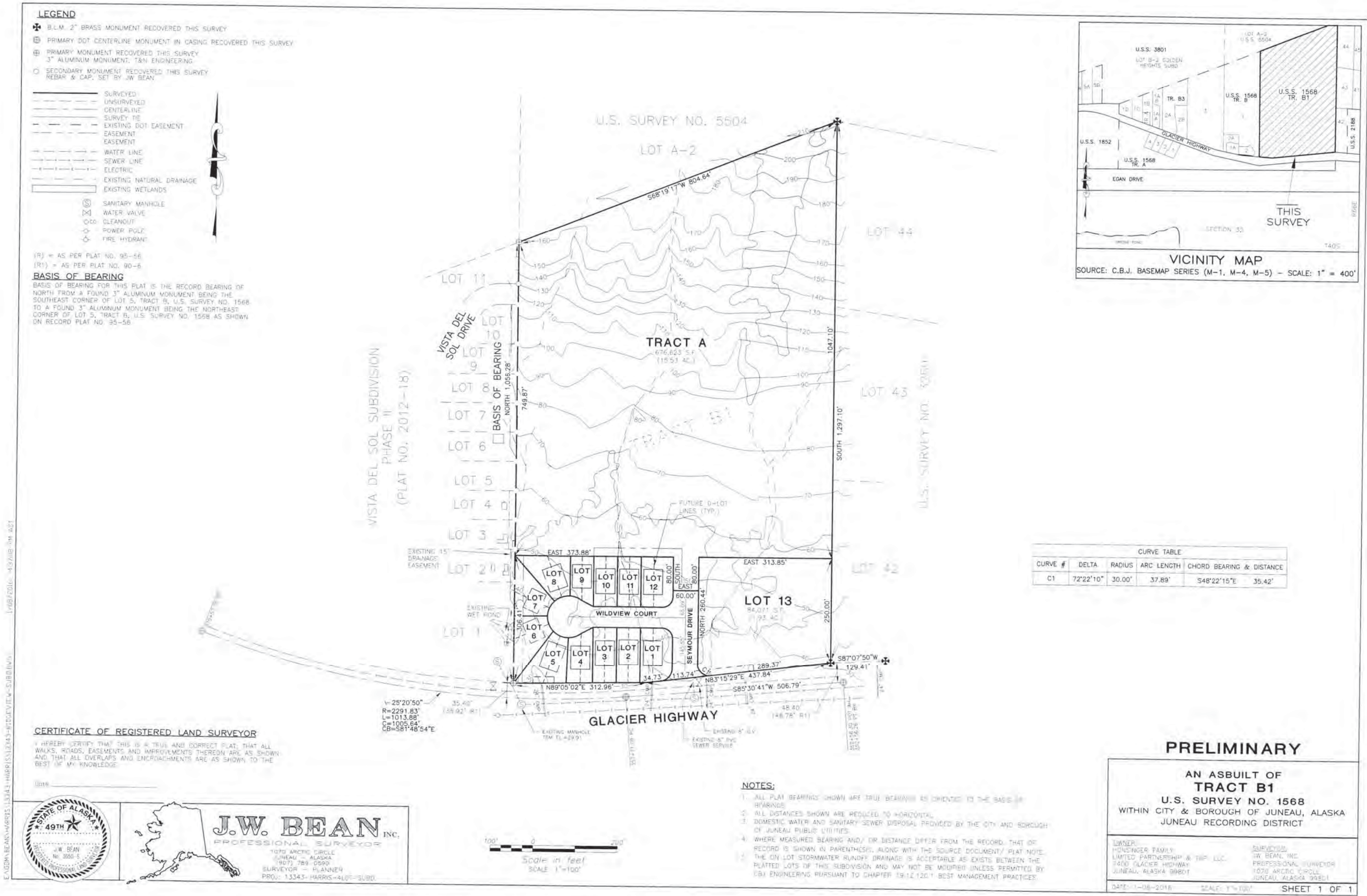
381.37

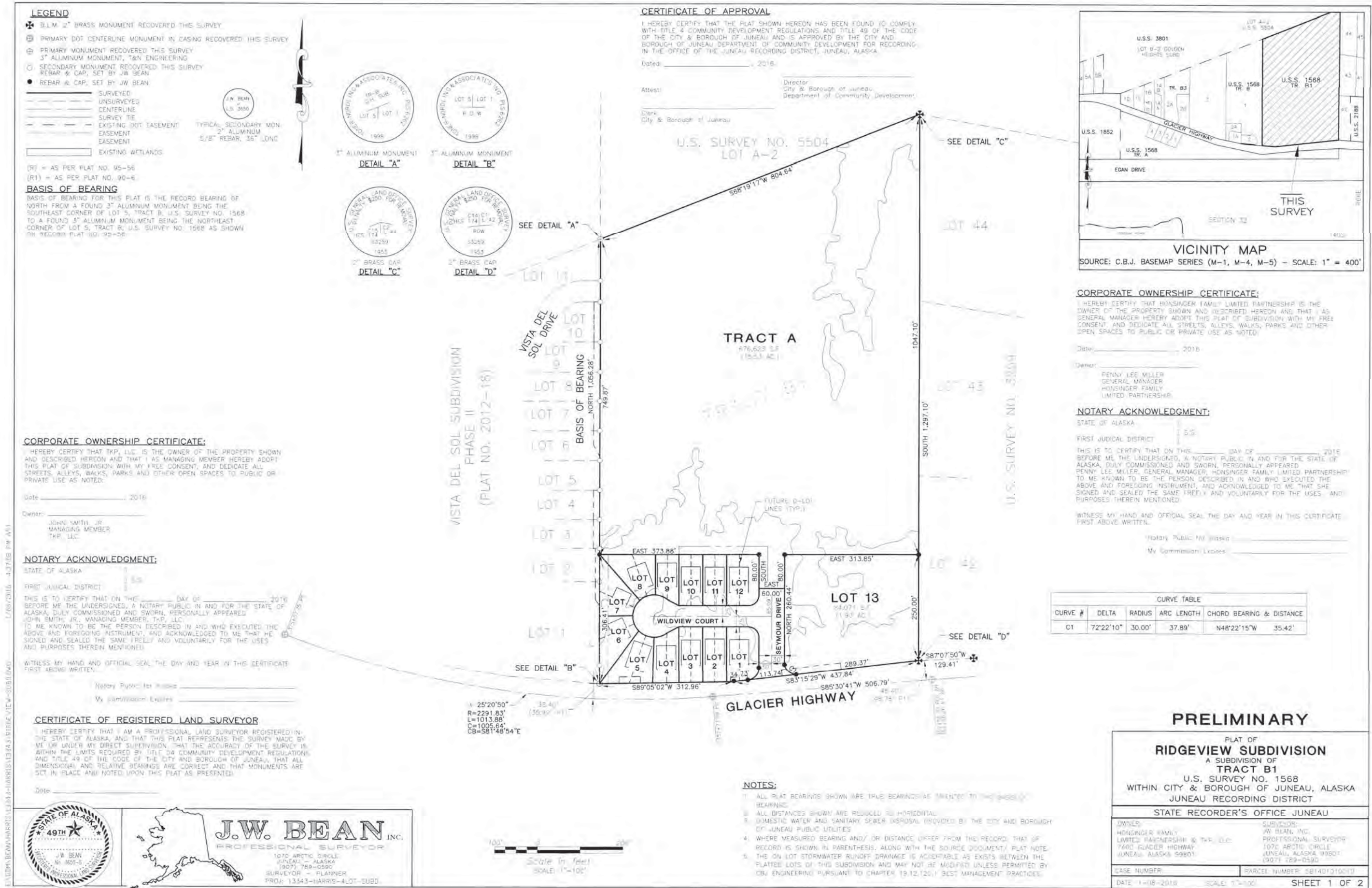
0.00

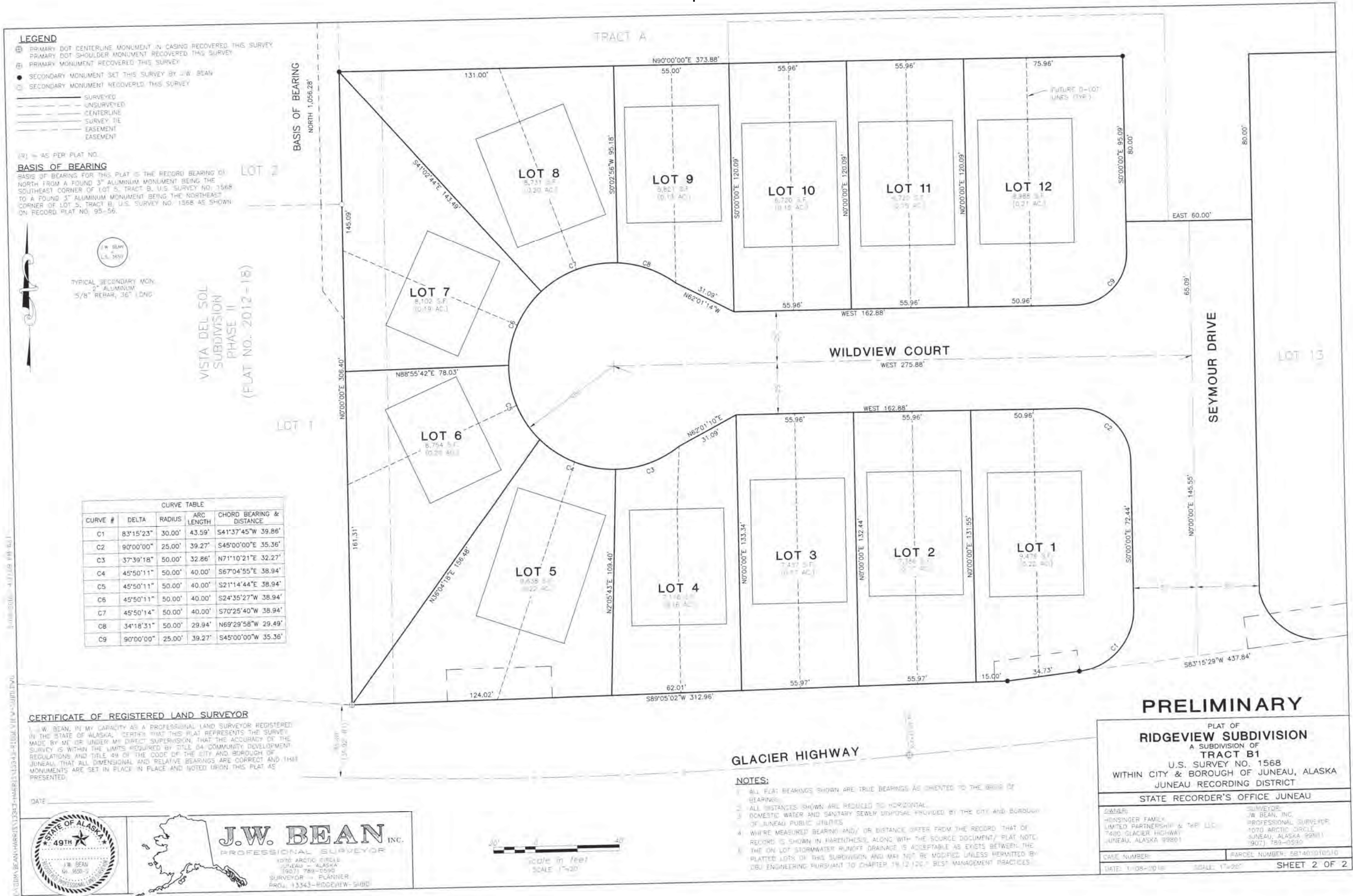
PHASE 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
917			19,895.1099	21,617.9634	-----	0+00.00
1,488	N90°00'00"E	75.96	19,895.1099	21,693.9234	-----	0+75.96
898	S0°00'00"W	95.09	19,800.0198	21,693.9234	-----	1+71.05
	Radius:	25.00				
	Delta:	90°00'00"				
	Arc length:	39.27				
	Tangent:	25.00				
	Chord bearing:	S45°00'00"W				
896			19,775.0198	21,668.9234	-----	2+10.32
955	N90°00'00"W	50.96	19,775.0198	21,617.9634	-----	2+61.28
917	N0°00'00"E	120.09	19,895.1099	21,617.9634	-----	3+81.37

C-9



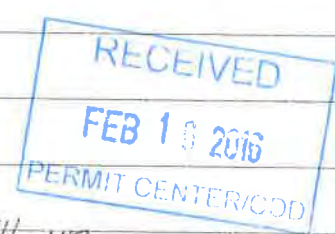




Attachment B

Ridgeview Sub. - Drainage Comps. Sheet 1 of 3
- Rational Method -

Drainage Area "A"	Full Subdivision development $C = 0.60$
2.53 Acres $C = 0.10$ $I = 0.8$	
$Q = 0.2$ cfs (existing ground cover)	$Q = 1.21$ cfs



Drainage Area "B"	Full build-up $C = 0.60$
9.18 Acres $C = 0.10$ $I = 0.8$	
$Q = 0.7$ cfs (existing ground cover)	$Q = 4.40$ cfs

Drainage Area "C"	full build-up $C = 0.60$
8.95 Acres $C = 0.10$ $I = 0.8$	
$Q = 0.7$ cfs (exist. ground)	$Q = 4.31$ cfs

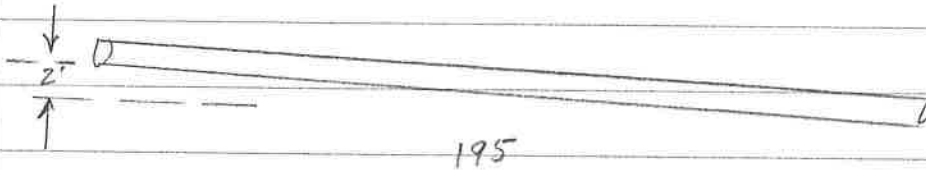
Total = $Q = 9.92$ cfs
= total future runoff for Areas A, B, & C.

SUBDIVISION (First Phase) Ridgeview Sub
2.96 Acres total - full build-up
1.65 Impervious = 56% = 0.90
1.31 lawn = 44% = 0.25
USE $C = 0.60$
 $I = 0.8$ /hr. $Q = 2.96 \times 0.60 \times 0.8 = 1.4$ cfs max. build-up

Original ground
 $Q = 2.96 \times 0.1 \times 0.8 = 0.24$ cfs
Total $Q = 11.3$ cfs
for entire area fully developed

sheet 2 of 3

24" Culvert Capacity



$$S = \frac{2}{195} = 0.01026$$

$$A = 1.6 \text{ sf}$$

$$R = \pi \times \frac{24}{2} = 3.14'$$

$$n = 0.009$$

$$Q(24) = \frac{1.486}{0.009} \times 1.6 \times 3.14^{\frac{2}{3}} \times \sqrt{0.01026} =$$

$$= 165.1 \times 1.6 \times 2.13 \times 0.10129$$

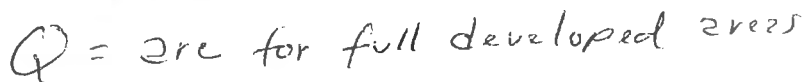
$$Q = 15.7 \text{ cfs. for 24" pipe @ 1\% slope}$$

$$\text{Max flow from sub (21 Acres)} = 11.3 \text{ cfs}$$

(24" pipe is OK for 11.3 cfs.
(provided pipe is clean and free of debris)



1/13/16





City and Borough of Juneau
Community Development Department

155 South Seward Street
 Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC 20150024

Project Description: Minor Subdivision for residential development

Applicant: Rich Harris, RH Development

Property Owner: RH Development

Property Address: 7400 Glacier Highway

Parcel Code Number: 5B1401010010

Site Size: 19.71

Zoning: D-18

Existing Land Use: Vacant

Conference Date: September 30, 2015

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.

Rich Harris	Owner, RH Development	
Laura Boyce	Planner, CBJ	Laura.boyce@juneau.org
Allison Eddins	Planner, CBJ	Allison.eddins@juneau.org
Ron King	Chief Surveyor, CBJ	Ron.king@juneau.org
Eddie Quinto	Permit Specialist, CBJ	Edward.quinto@juneau.org

Neighborhood Association/Contact:

Conference Summary

Questions/issues/agreements identified at the conference that were not already 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.

1. **Zoning** – D-18. CBJ Land Use Code requires all lots in a proposed subdivision inside the Urban Service Area to have at least 30 feet of frontage along a publicly maintained right-of-way. The current site plan shows a dead end road proposed off Glacier Highway that would provide access to Lots 1 & 2. CDD would recommend a “hammer head” street design that would provide the 30 feet of frontage required.
2. **Planned Unit Development option** – PUD information as emailed to you by Ms. Boyce on October 1, 2015. The PUD option provides design and use flexibility. The PUD option may let you incorporate commercial uses along with residential uses and may be closer to your original goal to rezone the land to Light Commercial (LC) and D-18. The PUD code section was included in the email. This property meets the minimum lot area requirement in case you’d like to pursue this option.
3. **Setbacks** – Front yard setbacks are 20 feet; rear yard setbacks are 10 feet; side yard setbacks are 5 feet; street side setbacks are 13 feet.
4. **Height** – Maximum height for permissible uses is 35 feet and 25 feet for accessory uses
5. **Parking** – Each single family home and duplex requires 2 parking spaces. For multi family dwelling units 1 parking space for a one bedroom, 1.5 parking spaces for a two bedroom and 2 parking spaces for three or four bedrooms.
6. **Access** – each lot must have its own access to the right-of-way; shared access is not allowed by Code unless a panhandle lot is being created. Currently, any proposed shared access requires variance approval unless it’s a panhandle subdivision.
7. **Street connectivity** – The Land Use Code (CBJ 49.35.210 Street system) states that subdivisions shall be designed to provide connectivity into adjacent lands to provide a system of street networks. The Vista Del Sol subdivision provides a stub out to this property and if that stub out will be utilized, it needs to provide connectivity within the proposed subdivision as well as to the adjacent properties to the southeast. Ms. Boyce left a detailed voice mail message to you about this on Thursday, October 1, 2015.

Additionally, in an October 2, 2015 email from Joe Buck at the Department of Transportation & Public Facilities, he states:

“CBJ laid out the access road to the new PW facility at 7-mile Old Glacier Highway with the intent of it being upgraded in the future to a public street to serve as access to the adjacent double tier of lots owned by Alaska Mental Health Trust (AMHT), US Survey 3259 Lots 33 through 53. Lot 42 of the AMHT lands is just to the east of the large Honsinger property that Mr. Harris is looking to subdivide. The old development plan was for there to be three roads coming off the mountainside onto Glacier Highway; one at approximately the Vista Del Sol location, one through Lot 42, and one at the CBJ PW facility access road. This access road arrangement would space out the major intersections along Old Glacier Highway and would facilitate development of both the private and public lands on the south facing slope of Heitzelman Ridge. Who knows how the development will actually work out, but that is what was discussed starting sometime in the mid-1980’s and continued through 2011 when I left the CBJ.

The upper terminus of the Vista Del Sol Street is perfectly aligned to provides the necessary cross slope road alignment through the upper portion of the Honsinger property and through the center of the AMHT properties to the CBJ PW Facility access road. At this point

I think it would be a mistake to consider vacation of the street between Lots 10 and 11 of Vista Del Sol because of this needed future access. I should think that Mr. Harris should approach AMHT about constructing a street up the hill through Lot 42 and then doing loops through the Honsinger property instead of cul-de-sacs; better street design for emergency response, snow plowing and maintenance, and for utility configurations.”

8. **Landscaping** – 30% of vegetative coverage is required in the D18 district
9. **Building** – The applicant is proposing to construct 3 and 4 plexes on each lot.
10. **Fire District** – Fire Marshall comments are coming soon.
11. **Lighting** – Street lights will be addressed with road requirements.
12. **Habitat Issues** – Habitat issues are not known at this time.
13. **Lot Coverage** – A maximum of 50% lot coverage is allowed in a D 18 district.
14. **Traffic** – A traffic impact analysis will be needed because proposed trips will exceed 500 ADT (average daily trips) since there are approximately 18 units per acre for a total of 19 acres. The Applicant will need to obtain a driveway permit from ADOT. Current road requirements call for a minimum of 60 feet for a dedicated right-of-way. Code allows for some reduction in right-of-way width as long as a 26 foot paved travel way is maintained along with sidewalks on both sides and street lighting at all intersections.
15. **Engineering** – See Ron King's email
16. **Noise** – N/A at this time
17. **Drainage** – There will need to be drainage a 10 foot drainage easement along the western property line. The easement will be privately maintained.
18. **Utilities** – Putting in a 1” water service to Lots 1, 2, & 3 is all that is required at this point. However, installing a 6” pipe would be ideal.
19. **Wetlands** – Wetlands have been delineated and a permit from the Army Corp. of Engineers would be required for any fill activity. The proposed subdivision would go to the Wetlands Review Board for review and recommendations.
20. **Hazard/Avalanche/Hillside Endorsement** – There does not appear to be any hazards and hillside endorsements required for this project.
21. **Flood** – This property is located on FEMA Map 1531D and is not in a mapped flood zone.
22. **Other Agency Reviews** – ADOT, Fire, Wetland Review Board

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. Minor Subdivision Application

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.

Pre-Application Conference Final Report

2. 5 copies of preliminary plat that measure 24" x 36". (See section 49.15.420 for all submittal requirements)
3. Closure report
4. Army Corp. of Engineers Wetland Permit
5. ADOT Driveway Permit

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.

The fees checked below apply to the subject proposal, and are based upon the fee schedule in effect at the time of the pre-application conference and for the project as submitted. The fees that are applicable to the subject proposal are subject to change if the proposed projects changes and/or if new or additional information is presented after the meeting.

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

Submit your completed application

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

City/Borough of Juneau
Permit Center
230 S. Franklin Street,
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org

DRAFT MINUTES
WETLANDS REVIEW BOARD

March 3, 2016, 5:15 p.m. Marine View 4th Floor Conference Room

Meeting Summary

Roll Call

Board Members Present: Amy Sumner, Brenda Wright, Lisa Hoferkamp, Percy Frisby, Irene Gallion, Nina Horne, Andrew Campbell

Board Members Absent: Hal Geiger, Ben Haight

A quorum was present.

Staff Members Present: Teri Camery, Senior Planner; Jonathan Lange, Planner II

Public Present: Alan Steffert, CBJ Engineering; Richard Harris; Art Dunn

Meeting called to order at 5:20 p.m.

II. January 21, 2016 minutes approved as written

III. Agenda approved

IV. Public Participation on Non-Agenda Items.
None

V. Board Comments.
None

VI. **Agenda Items**

1) SMP 2016 0001 Major Subdivision Review

Ms. Gallion explained that she had a conflict of interest due to her firm's interest in the proposal, and recused herself from the discussion and the vote.

Staff presentation

Ms. Camery explained that the Board was reviewing this major subdivision in its advisory role, and that comments would be incorporated into the planner's staff report to the Planning Commission. Mr. Lange provided an overview of the subdivision proposal for 26 lots, and explained that the proposal affects 1.6 acres of wetlands but no anadromous streams. He referred

to a letter from the U.S. Fish and Wildlife Service regarding stormwater, and explained the applicant's stormwater proposal.

Applicant presentation

Mr. Harris said he would answer any questions from the Board.

Board/staff discussion

Ms. Wright and Mr. Campbell asked Mr. Harris questions regarding the routing of stormwater and the effect on anadromous waters in the Mendenhall State Game Refuge across the road. Mr. Campbell said that a final stormwater management plan would be required from the CBJ at the final plat stage; the current plat review was for the preliminary plat when full details are not yet required.

Dr. Hoferkamp proposed the following motion:

The Wetlands Review Board supports the project with the understanding that the CBJ Stormwater Manual of Best Management Practices will be strictly adhered to and appropriately enforced.

The Board approved the motion unanimously.

2) CSP2016 0002 City Project Review for West Douglas Pioneer Road

Staff presentation

Ms. Camery said that she had strong personal views on the project and needed to recuse herself from the discussion for this reason. She said she would respond only to questions regarding the Board's role. She said that the board was again reviewing the project in its advisory role, and that Board comments and motions would be included in planner's staff report to the Planning Commission.

Ms. Gallion explained that she had a conflict of interest due to her firm's interest in the proposal, and recused herself from the discussion and the vote.

Mr. Lange provided an overview of the project, a 2 ¼ mile long single lane road equivalent to a driveway, which would not be platted as a city street at this time. He explained that the area is designated as a New Growth Area in the Comprehensive Plan. He said that the road corridor goes only through CBJ property; Goldbelt property is located along the coast. He said the project impacts 1.65 acres of wetlands, and referred to the Corps Permit in the packet. He also referred to comments from the U.S. Fish and Wildlife Service that address habitat impacts, specifically sediment impacts on downstream fish habitat and high quality deer habitat.

Ms. Wright expressed concerns that ADFG did not conduct their field work at the time of year when cutthroat trout would be found in the drainages there, therefore this resource was omitted

from their studies. Board members asked the applicant questions regarding the final alignment and the alternatives considered. Mr. Steffert reviewed the three alternatives that were considered and explained the process of comparing impacts between them. He explained that CBJ chose the upper alignment to stay within CBJ Land and to stay out of the fish zone. He said he had walked the route with the U.S. Fish and Wildlife Service and integrated their concerns into the design. He explained that Goldbelt Inc. supports the project for access to their property from city land, however Goldbelt is opposed to a road on their land.

Ms. Wright asked who would use the road, and Mr. Steffert explained that it's a policy decision that is up to the Assembly. Mr. Campbell inquired about whether the proposal would be the final right-of-way location, and Mr. Steffert said yes.

Ms. Horne asked about the public process. Mr. Steffert explained that the CBJ Assembly appropriated the funds for the development through a public process. Mr. Lange explained the CSP review process.

Mr. Campbell and Dr. Hoferkamp asked about ADFG permits, which Mr. Steffert reviewed with the Board.

Mr. Campbell said it was unfortunate that pristine habitat would be violated but he felt that options had been well-explored and he didn't see a better alternative. He suggested a recommendation to approve the project with Best Management Practices to ensure that the development is conducted in the least obtrusive fashion.

Ms. Wright proposed the following motion:

The Wetlands Review Board does not approve the building of this road. If the road is constructed, Best Management Practices and proper hydrological practices must be strictly adhered to

Dr. Hoferkamp seconded the motion.

Mr. Campbell said he could support the second half of the motion, but not the first half.

Roll Call vote:

Yes: Horne, Wright, Hoferkamp

No: Campbell, Frisby

Abstained: Sumner

Motion failed.

Ms. Hoferkamp proposed a new motion:

The Wetlands Review Board recommends that if the project is pursued that Best Management Practices be strongly adhered to with the goal of maintaining water quality and fish passage.

Ms. Wright second the motion:

Roll call vote:

Yes: Campbell, Frisby, Sumner, Hoferkamp

No: Wright

Abstained: Horne

Motion failed.

Ms. Wright said she is still opposed to the project. Mr. Steffert said that the Board's comments would be carefully noted.

3) Juneau Wetlands Management Plan Update

Ms. Camery said that she has received the second draft of the JWMP, which is undergoing internal review and comment. She said that the final draft of the JWMP from the consultants would be presented to the Board, Habitat Mapping Working Group, Planning Commission, and Assembly Lands Committee in a final series of meetings in April and May before the grant and contract expire on June 1. She said that the latest draft follows the board's guidance for a plan that can be adopted as is, to promote use of the information, with goals and policies that will lead to development of wetland categories in the future.

VII. Pending Permits and Updates

1) Lemon Creek Gravel Extraction

Ms. Camery said that CDD has received an application for mining in the Lemon Creek streambed farther upstream in Hidden Valley. This application will come to the board for their advisory review at the March 24 regular meeting.

2) Wetlands Review Board Wetland Methodology Workshops

Ms. Camery referred to the board meeting list and reviewed the agenda for the upcoming workshop, Saturday March 12, 8:30-5:30 in the Assembly Chambers.

3) Southeast Alaska Fish Habitat Partnership wetland methodology peer review

Ms. Camery explained that SEAKFHP would be undertaking a technical peer review of the WESPAK-SE wetland methodology, with the goal of establishing "confidence intervals" for various functions and values assessed by the methodology. She said that SEAKFTP partners

might be attending the Wetlands Review Board workshop to gain a better general understanding of the methodology. She said that Debbie Hart, SEAKFHP Coordinator, would be also be facilitating the Wetlands Review Board wetland methodology workshops.

VIII. Planning Commission Liaison Update.

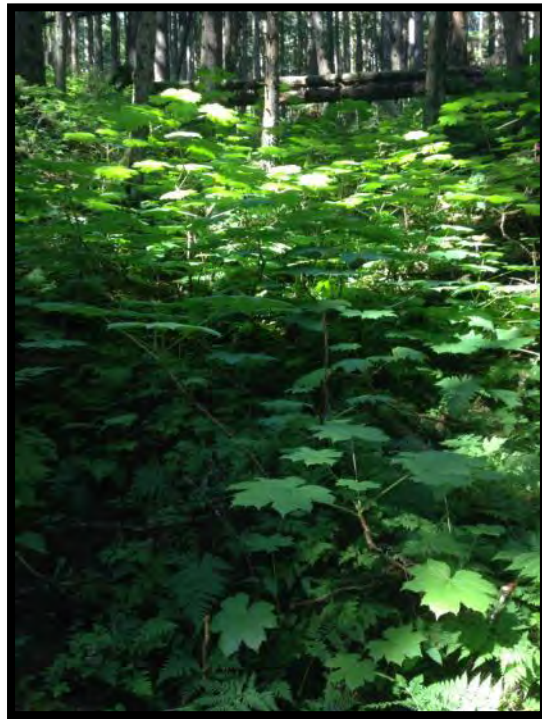
No update was given.

IX. Next meeting: Wetland Methodology Workshop, Saturday March 12, 8:30-5:30 pm
Assembly Chambers

The meeting was adjourned at approximately 7:20 p.m.

Wetland Delineation and Assessment Report

For Honsinger Family Trust - 4700 Glacier Highway
Juneau, Alaska - Rich Harris



7/27/2015

Bosworth Botanical Consulting
Koren Bosworth

Table of Contents

Introduction	2
Methods.....	3
Project Area.....	4
Project Area Plant List.....	10
Results	11
Conclusion.....	12
References	14
Appendix-A - WESPAK-SE (version 1.4) - Assessment Scores.....	15
Appendix-B - COE Wetland Delineation Data Sheets - <i>Attached file</i>	17

**US Army Corps of Engineers Wetland Delineation
and Assessment for: the Honsinger Family Trust Property at
7400 Glacier Hwy. Project- Juneau, AK.**

Applicant: Rich Harris
907-723-4791

Agent: Koren Bosworth – Bosworth Botanical Consulting
165 Behrends Ave
Juneau, AK 99801
907-723-1931
korenbosworth@gmail.com

Introduction

Rich Harris wants to develop a part of the rectangular 20.7 acre parcel at 7400 Glacier Hwy. The parcel is found on the north side of the old Glacier Highway, just east of Fred Meyers and west of the CBJ maintenance shop. The most distinct landmark is the new Vista del Sol development on the western boundary of the project area (Figure 1).

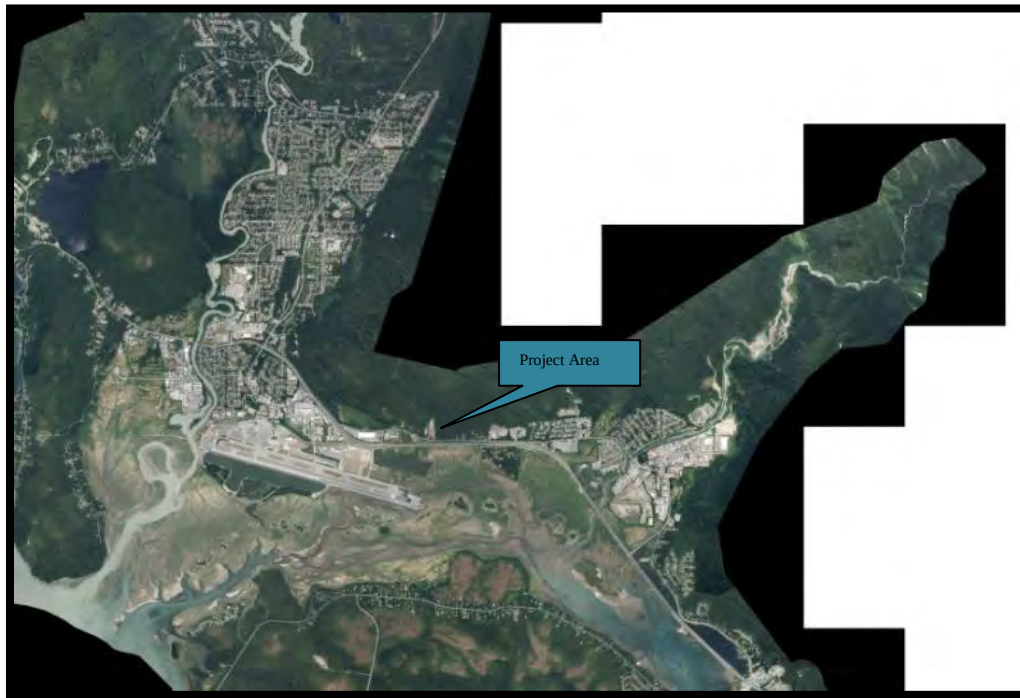


Figure 1 - Location map for the project.

Methods

The project area was visited first as part of the onsite wetland mapping and assessment phase of the Juneau Wetland Management Plan - Update in May 2015. At this time the wetland boundaries were mapped using a mapping grade Trimble GPS with sub-meter accuracy and a wetland assessment was done using WESPAK-SE (version 1.4) field and office forms.

The raw function scores, and the raw value scores obtained from the assessment were normalized by comparing the raw WESPAK-SE scores to the WESPAK-SE scores of all of the 143 field calibration wetland sites around SE Alaska, to see where it fits; the WESPAK-SE calculator spreadsheet does this automatically using commonly-used formulas.

On July 19, 2015 the site was seen again to revisit and document the wetland boundaries that were mapped earlier. The visit was after a very rainy July and many of the streams that hadn't been flowing in May were now flowing.

The Army COE delineation methodology was used, as outlined in the 1987 *Corps of Engineers Wetland Delineation Manual* - for Routine Determinations and supplemented by the, *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Alaska Region* – November, 2007.

Representative sample points were done at any significant change in vegetation, soils or hydrology. Sample points were recorded using a Garmin Rino 530HCx, WAAS-enabled, GPS receiver.

At each sampling point, the wetland status of that point was determined by observing indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. Wetland and upland areas that were big enough to be mapped separately were delineated and flagged.

Vegetation was divided into three strata; tree, shrub and forb, and each layer was classified using the prevalence index (a weighted-average wetland indicator status of all plant species in the sample plot) and the dominance test (more than 50% of the dominant plant species across all strata are rated obligate, facultative wet or facultative). The 2012 U.S. Army Corps of Engineers *National Wetland Plant List –Alaska Region* was used to classify plants. Hydrology was determined using two methods: (1) visually, if the water table is at or above the surface, or (2) with a soil pit. The presence of standing water, depth to free water in the soil pit, and depth to saturated soils were recorded. Other primary and secondary hydrology indicators were recorded, such as presence of watermarks, sediment deposits, drift deposits, iron deposits, hydrogen sulfide odor, geomorphic position, and drainage patterns in wetlands. Soil pits were dug to a depth of 12-18 inches, or to bedrock or sediment refusal, to determine if indicators of hydric soils were present. Soil colors were determined from a moist sample with the Munsell Soil Color Chart. This information is all recorded on the Alaska Region Corps Routine Wetland Determination Data Form that is filled out for each sample point and included with this report.

The sample point data was added to the May JWMP map.

The basis for the stream's shown on the delineation map is a stream layer created by the CBJ GIS staff from the 2013 lidar. The intensity of the streams was adjusted to what we were seeing on the surface in the field. We ended up using stream orders five through eight. Orders five through six are seasonal streams and 7 through 8 are perennial streams. The larger modeled streams used on the map were field checked on both visits to the site.

Project Area

The project area is located near the junction between a small patch of older deltaic deposits (silty sands and gravels) and the usual glacio-marine deposits (dense silt) that are found on the lower hillsides of the Gastineau Channel area. Both types generally create a restrictive layer that perches the water table and creates wetlands.

There are four small perennial streams that leave the project area at the lower, south or Glacier Highway edge. These streams have multiple tributaries that are likely seasonal or ephemeral streams. These seasonal or ephemeral streams, arise in the lower, flatter part of the project area. The upper, steeper part of the project area has deep stream gullies that seem to dry the surrounding area (Figure 2). The stream on the west edge of the project area has been captured on its lower part by a ditch dug to drain the Vista del Sol development on the west side of the project area. The streams of the project area are all collected in a ditch along the lower Glacier Highway edge and the ditch then drains in a culvert under Glacier Highway to another culvert under Egan Drive and out into the tidally-influenced Mendenhall Wetlands and into the ocean at Gastineau Channel.



Figure 2 - Hillshade with 10 foot contours. Showing the deep stream gullies in the NW corner and the lack of deep gullies in the NE corner.

The wetland soils on the project are mostly versions of the Wadleigh Series with 4-16 inches of saturated organic matter over a dense silt loam with various amounts of sand and gravel depending on the slope and hillside position.(Photo 1) There is a strip of what seem to be now well drained wetland soils along the deep cut-bank just above Glacier Highway (Photo 2) (Figure 3). In some of the flatter areas the organic layer is over 16 inches deep. On the steeper, well-drained slopes the soils are Tolstoi Series soils with 3-5 inches of unsaturated OM over a rocky silt loam.



Photo 1- Wadleigh Series soil with 8 inches of saturated peat over a dense glaciomarine sediment of sandy silt loam at sample pt #2.



Photo 2 - Four inches of well-drained organic matter over a sandy silt loam at sample pt. #1.

The dominant vegetation on the wetlands of the project area is a western hemlock overstory with a shrub layer of early blueberry and an herb layer of skunk cabbage, oak fern, foamflower and goldthread. In some of the shallow broad stream gullies that are wetland, the shrub layer has more devils club and the herb layer has more yellow violet and enchanters nightshade. The upland vegetation differs mainly in the shrub and herb layer. There's a lot of devils club and more oak fern, spiny wood fern and dwarf dogwood.



Photo 3 - Wetland vegetation at sample pt. #2



Photo 4 - Wetland vegetation in a shallow, broad, stream gully.



Photo 5 - Wetland vegetation at sample pt. #6.



Photo 6 - Upland vegetation in NW corner of project area



Photo 7 - Upland vegetation in NE corner of the project area.

Project Area Plant List**Scientific name/ common name/ indicator status/ 4-letter plant code**

Alnus viridis/Sitka alder/FAC/ALCR
Athyrium felix-femina/ lady fern/FAC/ATFE
Circaea alpina/enchanted nightshade/FACW/CIAL
Cornus canadensis/dwarf dogwood/FACU/COCA
Coptis asplenifolia/liver-leafed goldthread/FAC/COAS
Dryopteris expansa/spiny wood fern/FACU/DREX
Equisetum arvense/horsetail/FAC/EQAR
Gymnocarpium dryopteris/oak fern /FACU/GYDR
Lysichiton americanum/skunk cabbage/OBL/LYAM
Menziesia ferruginea/false azalea/FACU/MEFE
Oplopanax horridus/devils club/FACU/OPHO
Picea sitchensis/Sitka spruce/FACU/PISI
Rubus pedatus/trailing raspberry/FAC/RUPE
Rubus spectabilis/salmonberry/FACU/RUSP
Sambucus racemosa/red elderberry/FACU/SARA
Streptopus amplexifolius/twisted stalk/FACU/STAM
Streptopus roseus/rosy twisted stalk/FACU/STRO
Tiarella trifoliata/foamflower/FAC/TITR
Tsuga heterophylla/western hemlock/FAC/TSHE
Viola adunca/yellow violet/FACW/VIAD

Results

	Dominance				
1	Sitka spruce/western hemlock forest with blueberry and rusty menziesia and oak fern.	Dry area above road cutbank.	Upland	No	
2	Western hemlock forest with blueberry and skunk cabbage understory.	Relatively flat, saturated organics over glaciomarine sediment	PFO4	Yes	RPW to ocean at Gastineau Channel.
3	Sitka spruce/western hemlock forest with devils club and oak fern.	Steep, well-drained ridgeline with unsaturated OM over dry silt loam.	Upland	No	
4	Western hemlock forest with blueberry and skunk cabbage understory.	Relatively flat, glaciomarine sediment underlay over saturated organics	PFO4	Yes	RPW to ocean at Gastineau Channel.
5	Sitka spruce/western hemlock forest with blueberry, devils club and dwarf dogwood.	Small island of upland within larger wetland. Steep, well-drained ridge with unsaturated OM over dry silt loam.	Small piece of upland within a larger wetland.	No	
6	Western hemlock forest with blueberry and skunk cabbage understory.	Relatively flat, saturated organics over glaciomarine sediment	PFO4	Yes	RPW to ocean at Gastineau Channel.

Conclusion

Wetland amount - Upper wetland - 1.26 acres

- Lower wetland - 3.46 acres

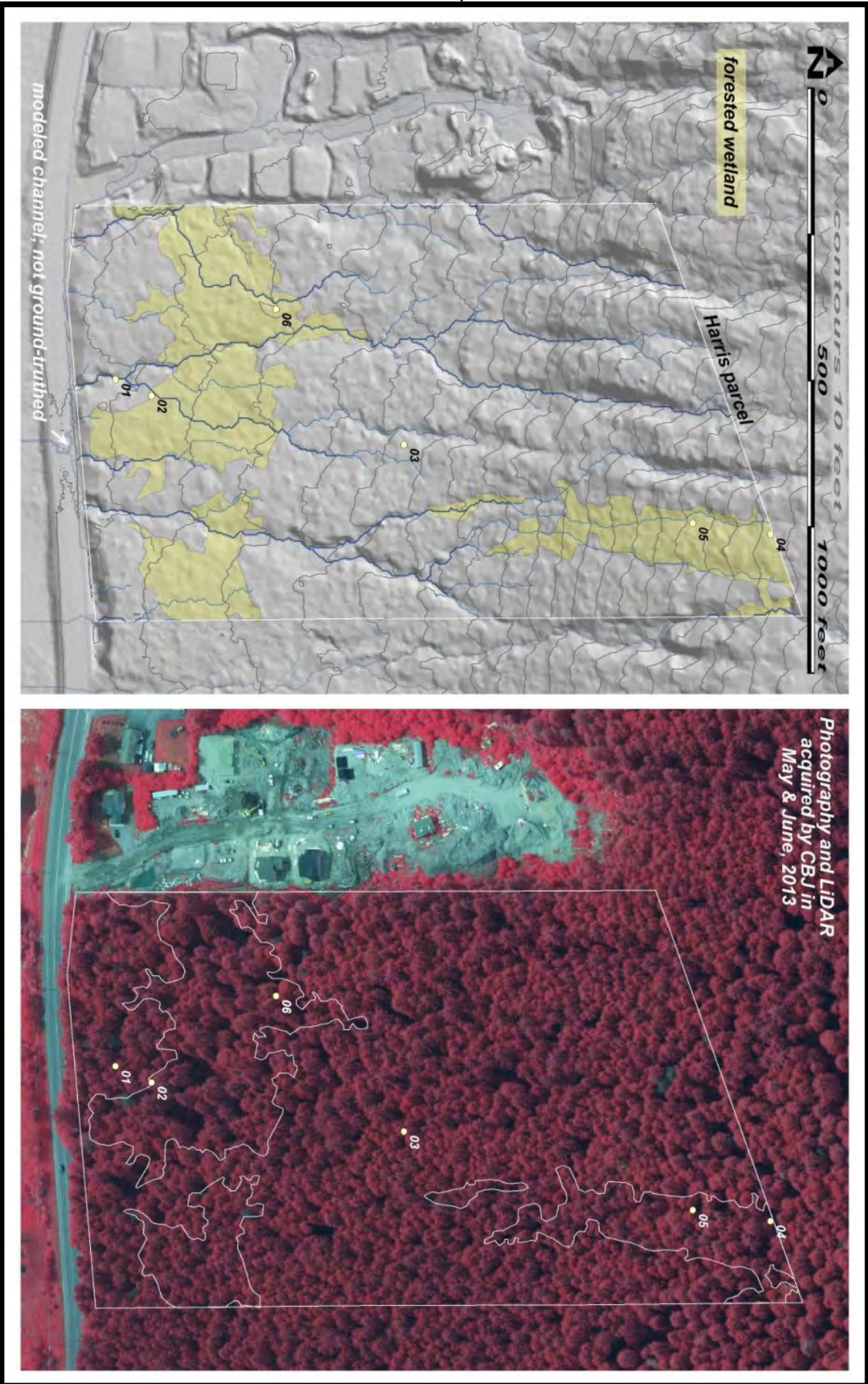
Total wetland - 4.72 acres

Total parcel acreage - 20.68

Waters of the US - stream orders 5-6 - seasonal - 4,523 ft.

stream orders 7-8 - perennial - 12,897 ft.

Total streams - 17,420 ft.



References

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. Office of Biological Services, USDI Fish and Wildlife Service. Washington, D.C. FES/OBS-79-31. 131pp.

Miller, Robert D. 1975. *Surficial Geology Map of the Juneau Urban Area and Vicinity, Alaska*. Map. I-885 USGS. Fairbanks, Alaska.

Pojar, Jim and Andy MacKinnon. 1994. *Plants of the Pacific Northwest Coast*. Lone Pine Publishing, Vancouver, B.C., Canada.

Reed Jr., Porter B., 1988. *National List of Plant Species That Occur in Wetlands: Alaska (Region A)*. U.S.D.I, Fish and Wildlife Service, Research and Development, Washington, DC. 79 pp.

Schoephorster, Dale B. and Clarence E. Furbush. 1974. *Soils of the Juneau Area, Alaska*. United States Department of Agriculture, Soil Conservation Service. Palmer, Alaska. 50pp.

U.S. Army Corps of Engineers, *U.S. Army Corp of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, Environmental Laboratory. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

US Army Corps of Engineers, Oct. 2007. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Alaska Region*, Environmental Laboratory, ERDC/EL TR-06-x, US Army Engineer Research and Development Center, Vicksburg, MS.

Appendix-A - WESPAK-SE (version 1.4) - Assessment Scores

Assessments of the impacts of development on wetlands, and the mitigation of those impacts, commonly focus on the “functions and values” of the wetlands as is required by the federal Clean Water Act. “Functions” are what a wetland can do naturally (such as store water). “Values” reflect the importance society usually places on a particular wetland as reflected partly by the functions that wetland provides relative to the locations of users of those functions.

Site	Function or Other Attribute	Function Score	Function Rating	Value Score	Value Rating
SV29	Invertebrate Habitat	5.71	Higher	0.18	Lower
SV29	Carbon Sequestration	6.65	Higher	N.A.	N.A.
SV29	Pollinator Habitat	6.28	Moderate	4.43	Moderate
SV29	Native Plant Habitat	3.68	Moderate	2.88	Moderate
SV29	Songbird, Raptor, & Mammal Habitat	5.45	Moderate	0.83	Lower
SV29	Water Cooling	4.60	Moderate	1.05	Lower
SV29	Organic Nutrient Export	6.30	Moderate	N.A.	N.A.
SV29	Sediment Retention & Stabilization	2.01	Lower	10.00	Higher
SV29	Stream Flow Support	2.02	Lower	2.37	Moderate
SV29	Nitrate Removal	1.60	Lower	3.64	Moderate
SV29	Amphibian Habitat	2.51	Lower	1.21	Lower
SV29	Phosphorus Retention	1.44	Lower	1.44	Lower
SV29	Water Storage	0.85	Lower	1.11	Lower
SV29	Anadromous Fish Habitat	0.00	Lower	0.00	Lower
SV29	Resident Fish Habitat	0.00	Lower	0.00	Lower
SV29	Water Warming	0.00	Lower	0.00	Lower
SV29	Waterbird Feeding Habitat	0.00	Lower	0.00	Lower
SV29	Waterbird Nesting Habitat	0.00	Lower	0.00	Lower
SV29	Wetland Stressors	N.A.	N.A.	9.33	Higher
SV29	Wetland Risk	N.A.	N.A.	8.25	Higher
SV29	Wetland Sensitivity	N.A.	N.A.	5.38	Moderate
SV29	Public Use & Recognition	N.A.	N.A.	2.48	Moderate
SV29	Wetland Ecological Condition	N.A.	N.A.	2.58	Lower
Site	Function or Other Attribute	Function Score	Function Rating	Value Score	Value Rating
SV30	Water Cooling	8.43	Higher	1.05	Lower
SV30	Water Warming	8.40	Higher	2.08	Lower
SV30	Invertebrate Habitat	7.11	Higher	0.37	Lower
SV30	Pollinator Habitat	6.14	Moderate	4.43	Moderate
SV30	Native Plant Habitat	4.51	Moderate	2.88	Moderate
SV30	Nitrate Removal	2.82	Moderate	3.54	Moderate
SV30	Songbird, Raptor, & Mammal Habitat	6.47	Moderate	1.67	Lower

SV30	Organic Nutrient Export	7.33	Moderate	N.A.	N.A.
SV30	Carbon Sequestration	5.14	Moderate	N.A.	N.A.
SV30	Sediment Retention & Stabilization	2.08	Lower	10.00	Higher
SV30	Stream Flow Support	3.16	Lower	2.65	Moderate
SV30	Amphibian Habitat	2.70	Lower	2.06	Lower
SV30	Phosphorus Retention	1.36	Lower	1.36	Lower
SV30	Water Storage	0.18	Lower	1.11	Lower
SV30	Anadromous Fish Habitat	0.00	Lower	0.00	Lower
SV30	Resident Fish Habitat	0.00	Lower	0.00	Lower
SV30	Waterbird Feeding Habitat	0.00	Lower	0.00	Lower
SV30	Waterbird Nesting Habitat	0.00	Lower	0.00	Lower
SV30	Wetland Sensitivity	N.A.	N.A.	9.68	Higher
SV30	Wetland Stressors	N.A.	N.A.	7.10	Moderate
SV30	Wetland Risk	N.A.	N.A.	5.75	Moderate
SV30	Wetland Ecological Condition	N.A.	N.A.	2.27	Lower
SV30	Public Use & Recognition	N.A.	N.A.	0.99	Lower

Appendix-B - COE Wetland Delineation Data Sheets - *Attached file*



US Army Corps
of Engineers
Alaska District

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
Post Office Box 22270
Juneau, Alaska 99802-2270

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	21-January-2016
EXPIRATION DATE:	20-February-2016
REFERENCE NUMBER:	POA-2016-12
WATERWAY:	Gastineau Channel

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Randal Vigil at (907) 790-4490 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Richard Harris, R.H. Development LLC, PO Box 32403, Juneau, AK 99803.

LOCATION: The project site is located within Section 32, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.360434° N., Longitude 134.544145° W.; USS 1568, TR B1, 7400 Glacier Highway, in Juneau, Alaska.

PURPOSE: The applicant's stated purpose is to "to construct higher density housing to help alleviate the demand in Juneau."

PROPOSED WORK: The applicant requests authorization to discharge approximately 1,200 cubic yards of crushed rock and 4,000 cubic yards of shot-rock fill material into approximately 1.6 acres of waters of the United States consisting of forested wetlands and perennial streams in order to construct eight duplex housing units and six fourplex housing units. The work would include the relocation of the lower reach of two streams to allow drainage off the property. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated 12/18/2015.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: "We have searched for quality buildable land available in the Juneau area, which has the least amount of wetlands. In Juneau there is little to no land available that is not encompassed with wetlands, there is much less expensive lands that entail much more wetlands per acre than the site we have chosen."

b. Minimization: "Our project team has avoided impacts to wetlands through a long and costly process of changing the housing density of our project site, allowing for many more housing units to be created on less acreage. Example: A housing development to the west of our site has used 10 acres of land to develop 24 housing units. Our Project will provide 24 housing units on 1.75 acres of land, minimizing the impacts to wetlands and the environment."

c. Compensatory Mitigation: No compensatory mitigation is proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

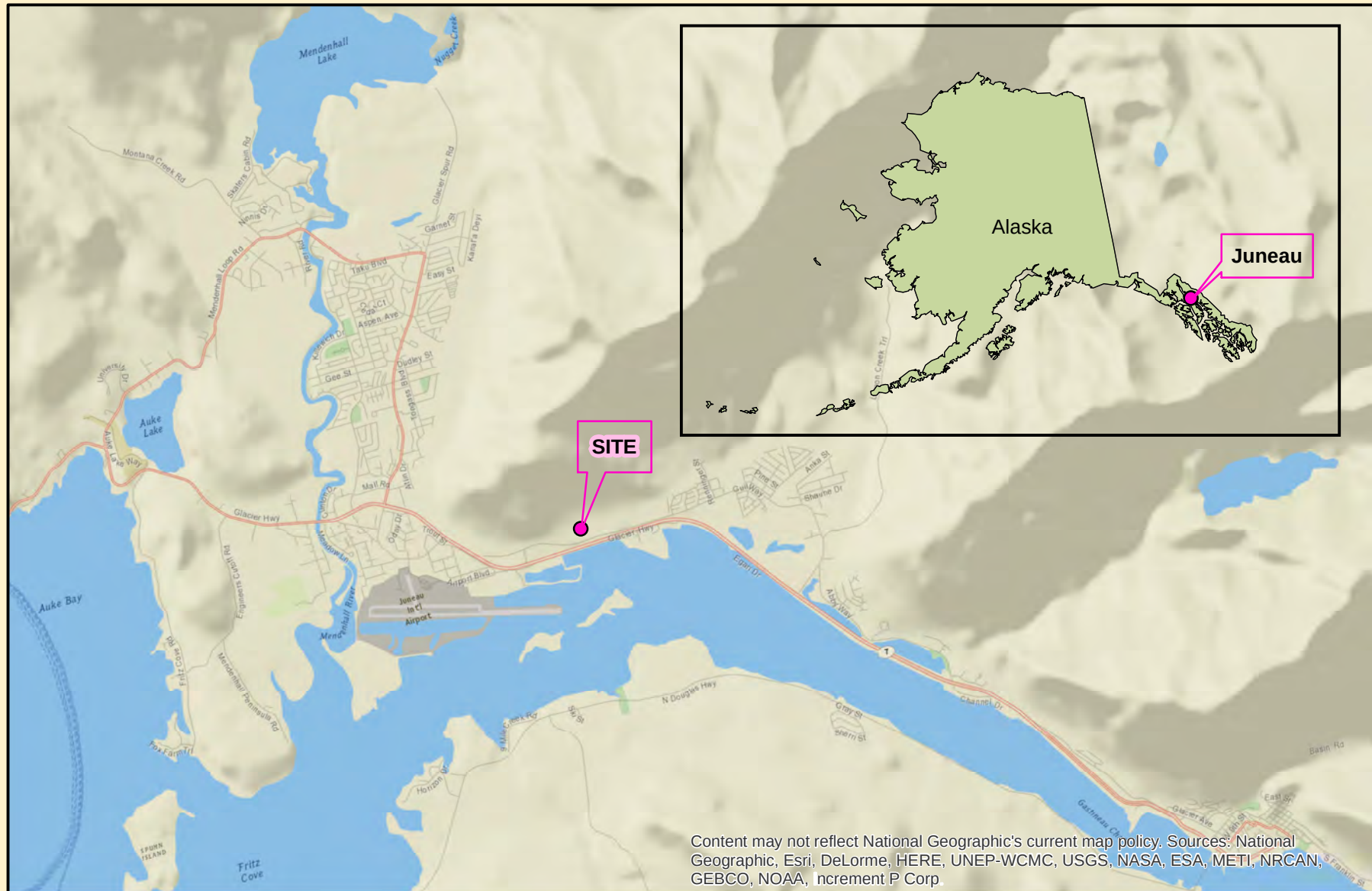
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2016-12, Gastineau Channel**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

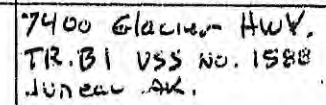
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



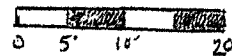
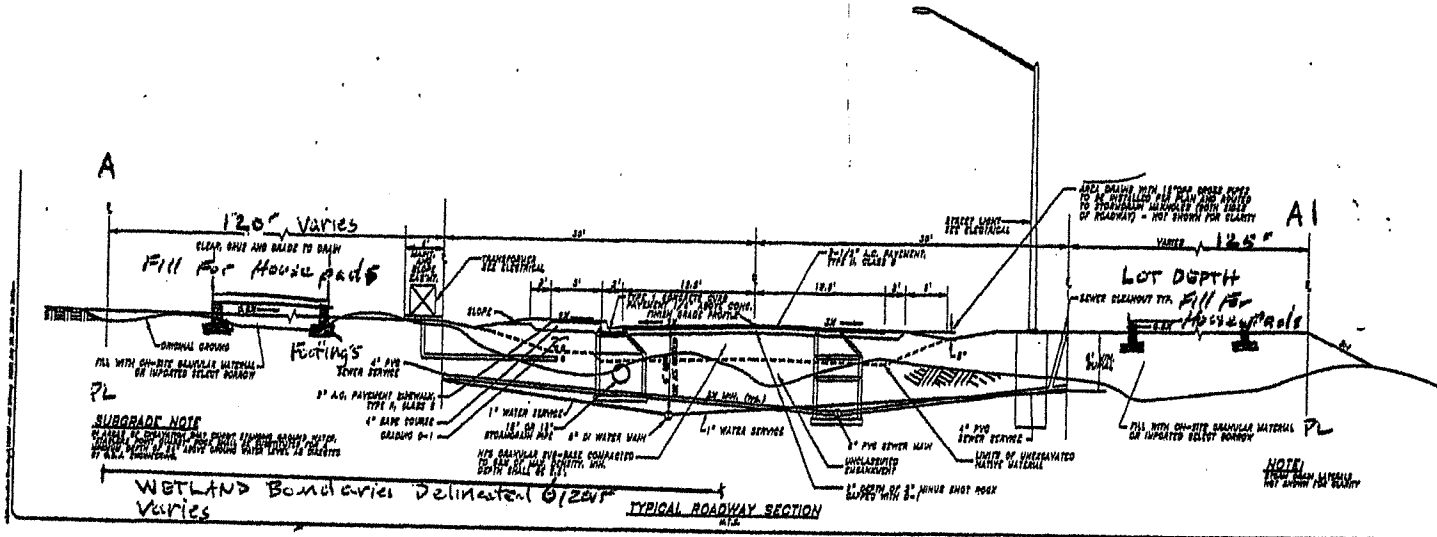
Project Location

POA-2016-12, Gastineau Channel
Richard Harris
R.H. Development LLC
Housing Construction

WETLAND FILL - PLAN VIEW



RESIDENTIAL WETLAND FILL
CROSS SECTION A-A1



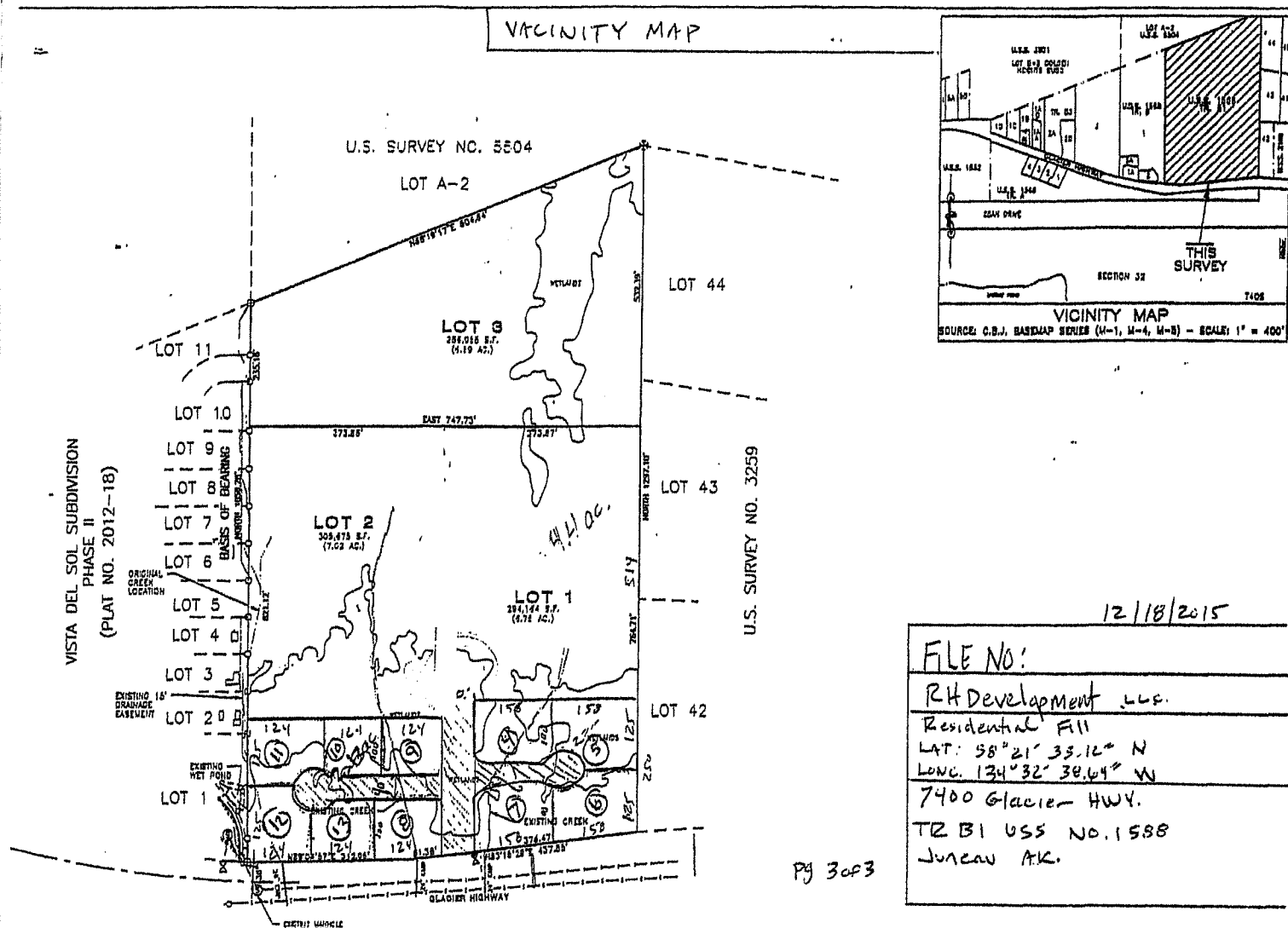
Juneau AK. Head WEST on EGAN PR.
Turn right on Glacier Hwy. access RD. Then
left on Glacier Hwy. Property is located
approx 1 mile on the right side.

PG 2 OF 3

12/19/2015

FILE NO:
RH DEVELOPMENT
Residential FILL
LAT: 58° 21' 33.12" N
LONG: 134° 32' 38.61" W
7400 Glacier Hwy
TR B1 USS NO 1588
Juneau AK

Attachment D - 2016 Staff Report and Attachments



MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Jill Maclean, CDD

DATE: March 29, 2016

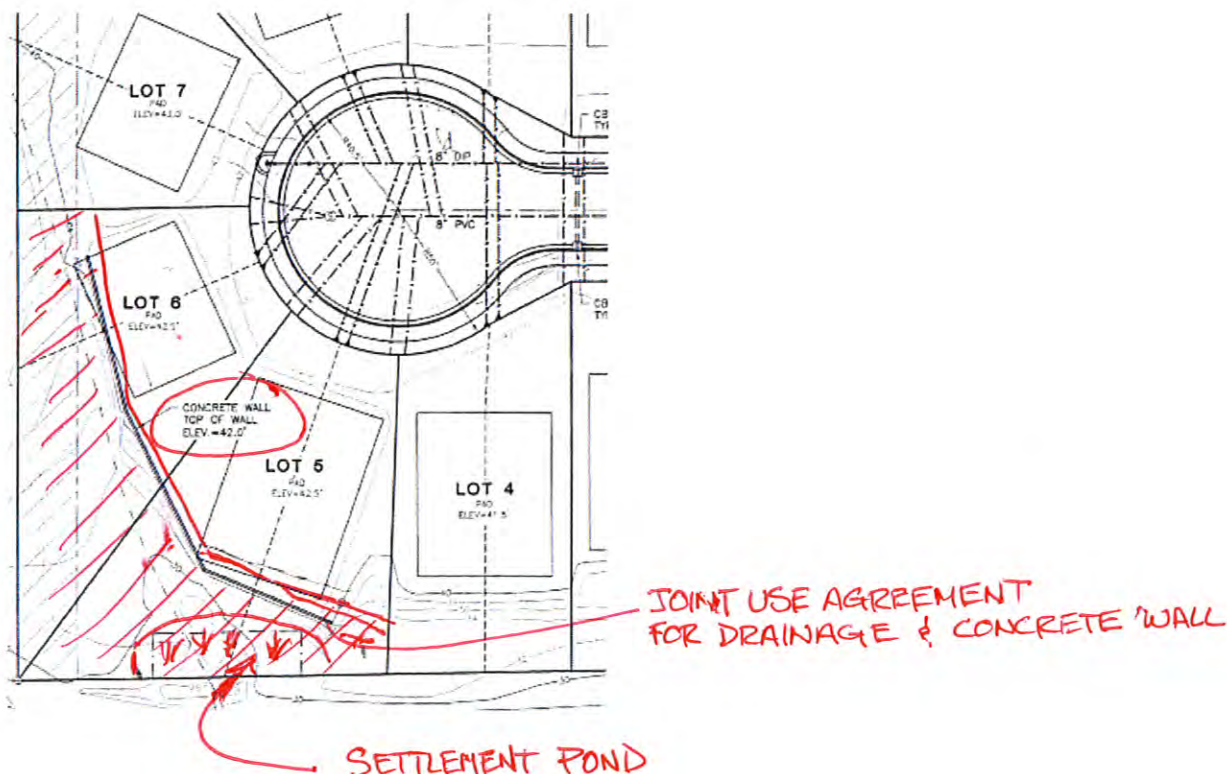
FROM: Ron King, General Engineering *RD King*

FILE: Ridgeview Subdivision
SMP2016-01(2)

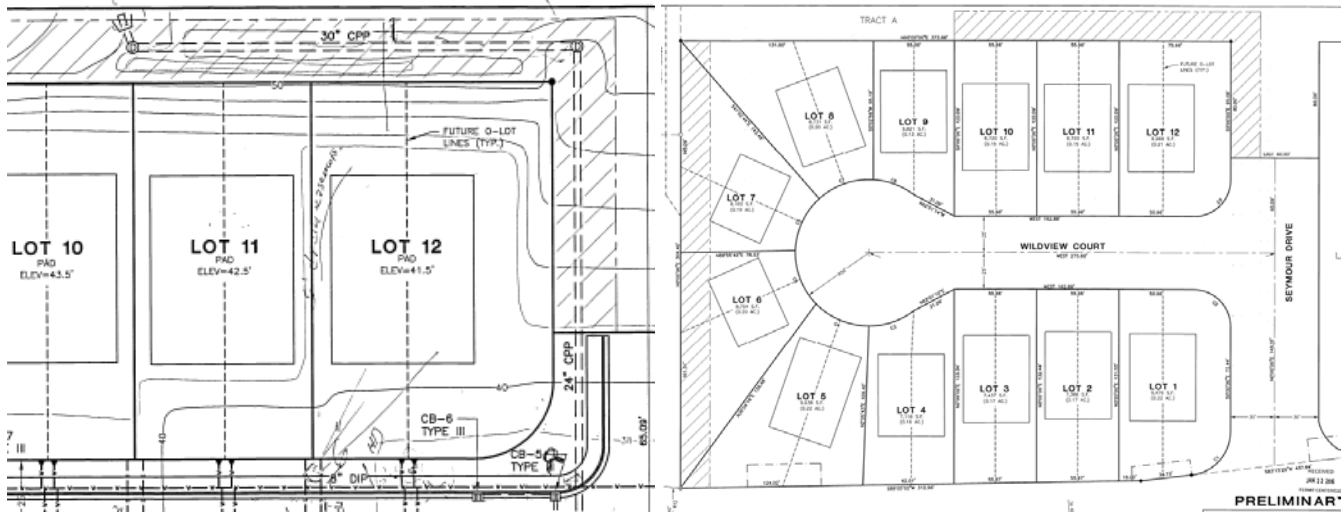
Ridgeview Subdivision is a rectangular subdivision most suitable for a flat piece of property not a hillside development. The property has 3 large drainages that traverse the hillside from north to south. Generally topographic features are taken into account when proposing a hillside development. Cuts and fills are balanced and drainways designed as open channels reducing infrastructure costs and enhancing runoff quality. However even with the restrictions of the terrain and the substantial drainages this plan can be designed to CBJ Standards including the future commonwall subdivisions proposed.

I have reviewed the plat and limited engineering submittals for the Ridgeview Subdivision. The submitted plans will require substantial changes before final approval. I am unable to complete the preliminary review due to inadequate storm drain pipe sizing which will change drainages, catch basins and pipe clearances to other utilities.

The plat delineates an unknown width easement for the existing drainway that runs along the west border of the property. The grading plan shows a common drainage and a joint retaining wall on Lots 5, 6 & 7. All of the drainage area and concrete wall within Lots 5, 6 & 7 requires an easement along with a joint use hold harmless agreement for maintenance and reconstruction of the wall. In addition the drainage below the wall will have to be reconstructed (Title 19.12) and a settlement basin installed at the cross culvert intake. All the drainage and concrete wall must be within a private drainage easement and maintained by the property owners.



Also the plat shows an easement (Tract A below) intended for a rerouted storm drainage through a 30"CPP into a 24" CPP. The plan includes an overflow berm and channel in case of catastrophic failure. The CBJ will not accept that drainage and it shall the responsibility of the property owners to provide maintenance and liability if there is a drainage failure.



One item that is missing from the preliminary plat submittal is phasing for the remainder of the property to be developed. If there is going to be future subdivisions it weights the issues relating to total runoff and traffic impact. In addition the stormwater calculations state that the plat as submitted is phase 1. Also, ADOT may have additional requirements to verify capacities of the existing cross culverts and total trip count for the new street intersection.

(f) A preliminary plat shall contain the following information:

(3) Boundary lines:

(D) 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.

Heitzlman Ridge runs above this development and there have been several slides that occurred below the ridge, mainly above the 2000ft level. At present there is no data on this property that references the types and depth of existing soils. A soils report is required for preliminary plat approval. **“The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.”**

With the exception of a phasing plat and soils report the submittals are adequate and will allow CBJ to move forward to preliminary approval once we receive the missing items.

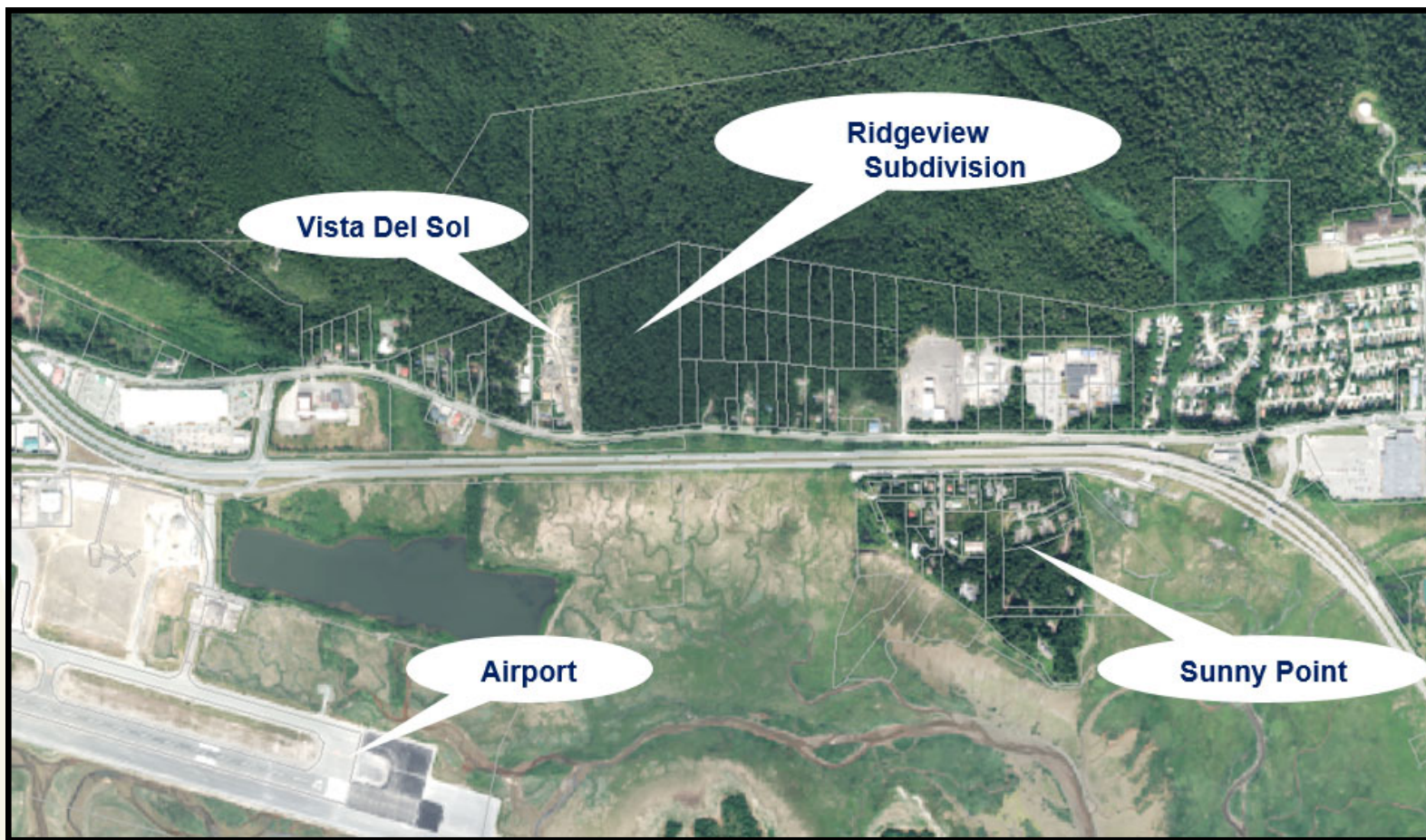
It shall be noted that no subdivision infrastructure construction may begin without the appropriate permits, deposits, bond, complete construction plans, final approval and recording of the final plat.

SMP2016-0001

18 month extension of an approved preliminary plat for Ridgeview Subdivision

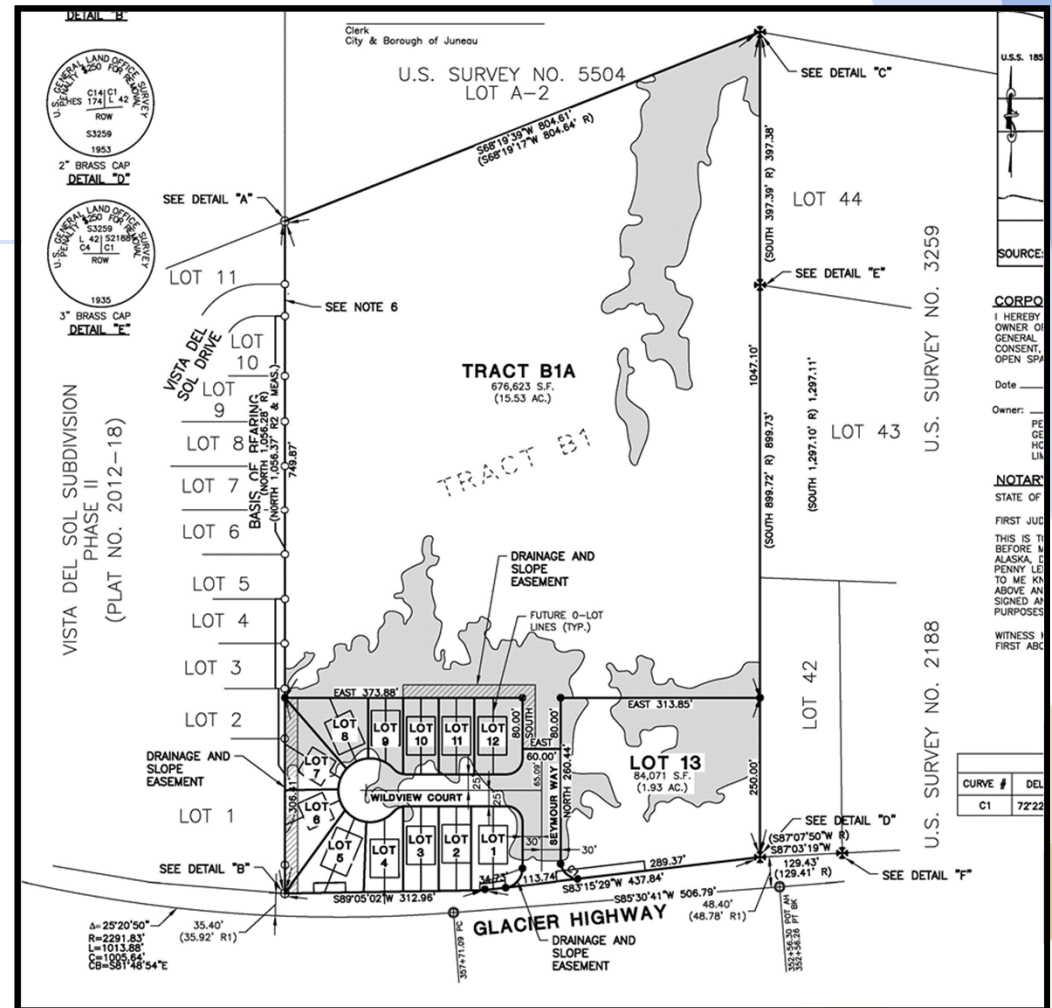
Regular Planning Commission Hearing
April 13, 2021

Staff is recommending APPROVAL of the 18 month extension.



Project Description

- Ridgeview Subdivision preliminary plat consists of 24 common wall lots, one large lot and one large tract.
- The site is 19 acres zoned D18 multi-family residential.



Key Considerations

- The Planning Commission approved the preliminary plat on April 26, 2016 (SMP2016-0001)
- The applicant is not seeking any modifications to the approved preliminary plat

Findings

1. Was the application for the requested development permit extension complete and received on time? – YES.
2. Has the applicant submitted justification for the permit extension? – YES.
3. Is the extension within the allowable number of permit extensions? – YES.
4. Have notices of the extension request been mailed to adjacent property owners at least 10 days prior to the hearing and has a general notice been printed in the newspaper for at least two days? – YES.
5. Have conditions on the permit changed?- NO.

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** an 18-month extension of the Ridgeview Subdivision preliminary plat.

- This extension allows the applicant to submit for the final plat.
- Expires on October 13, 2023.

Questions?

SMP 2016-0001 Conditions of Approval

1. The applicant must submit a revised preliminary plat with all required revisions for approval by staff prior to the submittal of a final plat.
2. A Traffic Impact Analysis may be required at the development of Lot 13 and/or Track B1A to ensure adequate road capacity and design to meet forecasted use resulting from the proposed subdivision per CBJ 49.40.300.

SMP2016-0001 Conditions of Approval

3. Per CBJ 49.35.210(a)(2), and CBJ 49.15.401(c)(4)(E)(ii), and the 2013 Comprehensive Plan Policy 10.4 Design Guidelines 1 and 2, the applicant must provide for street connectivity as development progresses from Track B1A and Lot 13 to adjacent undeveloped properties.
4. Per the Director's findings, the ROW for Wildview Court may be reduced from 60 ft. in width to 50 ft. in width, providing the applicant constructs a sidewalk on the southern side of Wildview Court from Seymour Way through the extent of Lot 3.

SMP2016-0001 Conditions of Approval

5. The findings in the memo from General Engineering dated March 29, 2016 and found in Attachment H will be addressed to meet the Code. (This is now Attachment D in your packet.)
6. Per the Wetlands Review Board recommendation, the applicant must adhere to the CBJ Stormwater Manual of Best Management Practices, and that the applicant must submit a Stormwater Management Plan for approval by staff prior to the submittal of the final plat.

SMP2016-0001 Conditions of Approval

7. Per CBJ 49.15.411, the preliminary plat requires the following revisions, in addition to those listed above:

- a. (f)(2)(J) Setbacks must be shown on each lot;
- b. (f)(5)(D, E, F) Easements must include ownership;
- c. (f)(5)(I) Site access, circulation, and utilities – as phasing is proposed, the preliminary plat must submit a sketch plat of the prospective street system of Lot 13 and Tract B1A;
- d. (i)(4) Drainage report and calculations must be revised to meet the requirements of the Code;
- e. (i)(6) Erosion control report must be submitted for approval prior to submittal of the final plat.



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: April 16, 2021
File No.: SMP2016 0001 Extension

Richard Harris
P.O. Box 32403
Juneau, AK 99803

Proposal: Request for an 18-month extension of an approved preliminary plat for Ridgeview Subdivision

Property Address: 7400 Glacier Highway

Legal Description: USS 1568 TR B1

Parcel Code No.: 5B1401010010

Hearing Date: April 13, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 5, 2021, and approved the preliminary plat to be conducted as described in the project description and project drawings submitted with the application.

Attachment: April 5, 2021 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding SMP2016 0001.

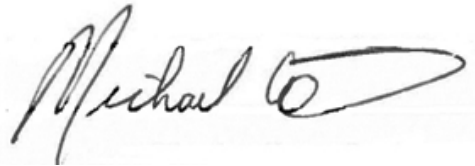
This Notice of Decision does not authorize any construction. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance to 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, April 13, 2021.

Richard Harris
File No.: SMP2016 0001 Extension
April 16, 2021
Page 2 of 2

Expiration Date: The permit extension will expire 18 months after the effective date, or October 13, 2023 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.



Michael LeVine, Chair
Planning Commission

April 20, 2021

Date



Filed With City Clerk

April 20, 2021

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this subdivision. 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.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

USE2021 0002: Conditional Use Permit for the addition of 11 new condo units - APPROVED

AGENDA ITEM:

Case No.: USE2021 0002
Applicant: R&S Construction LLC
Location: 3005 Clinton Drive
Proposal: Conditional Use Permit for the addition of 11 new condo units

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the modification of USE2018-0007 for the development of 11 new boat condo units at 3011 Clinton Drive in a Light Commercial zoning district.

The approval is subject to the following conditions:

Condition #1: Prior to the issuance of a building permit, the applicants shall submit a revised site plan that shows the location of trash receptacles.

Condition #2: Prior to the issuance of a temporary certificate of occupancy (TCO) for the first dwelling unit, a homeowners' association agreement shall be submitted to CDD. The agreement shall specify how the HOA will address snow removal and snow storage in common areas.

Condition #3: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, the applicant must submit to CDD a homeowners' association agreement that addresses the on-going maintenance of parking spaces, ADA spaces, loading zone and circulation aisles that comply with the requirements of CBJ 49.40.

Condition #4: Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows one off-street loading zone that complies with the requirements of CBJ 49.40.

Condition #5: The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.

Condition #6: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a homeowners' association agreement shall be submitted to CDD. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path. Maintenance includes snow removal from the path.

Condition #7: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk including snow removal.

ATTACHMENTS:

	Description	Upload Date	Type
☐	Staff Report for USE2021 0002	3/31/2021	Staff Report
☐	Presentation for USE2021 0002	4/12/2021	Presentation
☐	Notice of Decision for USE2021 0002	4/20/2021	Notice of Decision



PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2021 0002
HEARING DATE: APRIL 13, 2021

(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/CDD

155 S. Seward Street • Juneau, AK 99801

DATE: March 31, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Allison Eddins, Planner II *A. Eddins*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit for the construction of 11 condominium units with residential and commercial space in a Light Commercial zoning district.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- The condominium units will have large garages on the ground floor with residences above (boat condos).
- Certain commercial uses may be permissible to operate in / out of the garages.
- Commercial development totaling 1/2 acre of land or more is considered major development in LC zoning district.

GENERAL INFORMATION	
Property Owner	R&S Construction LLC
Applicant	R&S Construction LLC
Property Address	3011 Clinton Drive
Legal Description	VINTAGE PARK II BL C LT 8A1
Parcel Number	5B1601441000
Zoning	Light Commercial (LC)
Land Use Designation	Traditional Town Center (TTC)
Lot Size	40,273 square feet
Water/Sewer	Public water and sewer
Access	Clinton Drive
Existing Land Use	Vacant

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 49.15.330
 - o 49.25.300
 - o 49.40.210
 - o 49.40.300
 - o 49.80

The Commission shall hear and decide the case per 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	LC; Retail and office space
South	Egan Drive right-of-way (DOT)
East	LC; Vintage Park Condos
West	Mendenhall River

SITE FEATURES	
Anadromous	Mendenhall River
Flood Zone	Zone X (0.2% annual flood chance)
Hazard	None known
Hillside	N/A
Wetlands	N/A
Parking District	N/A
Historic District	N/A
Overlay Districts	N/A

BACKGROUND INFORMATION

Site History – In 1984, the Vintage Park area was rezoned from R-7 (residential) to C-2 (Central Commercial) by CBJ Ordinance 84-03(am) (ZC 83-14). This ordinance also included a number of conditions including building and site design. Later, the conditions were amended by a series of CBJ ordinances [85-33, 85-55, 85-89, 86-54(am) and 86-72]. As part of the 1987 major rewrite of the CBJ Land Use Code, the area was rezoned to Light Commercial (LC). The rezone to LC removed the conditions imposed through the earlier rezone to C-2. There are private covenants for the area related to building and site design requirements, however the CBJ does not enforce private covenants.

Project Description – The applicants are requesting a Conditional Use Permit for the construction of an 11 unit condominium complex on Lot 8A1, adjacent to the Vintage Park Condominiums. The units would be "boat condos" with each consisting of an oversized garage space on the ground floor with a residence above. The site's Light Commercial zoning designation allows certain commercial and light manufacturing uses to operate out of the garages, which may or may not require additional permitting.

The new condominium units will look similar to the Vintage Park Condominiums, and are being designed as a separate and independent development with a separate Homeowners' Association (HOA). The applicants no longer own the adjacent Vintage Park Condominiums—it is owned and managed by a separate HOA.

Project Background – The Vintage Park area (a fraction of USS 1193) was subdivided into three lots in 1984. In 2013, the lot was subject to a right-of-way acquisition, which resulted in approximately 14,000 square feet of land being incorporated into the Egan Drive right-of-way. The lot was further subdivided in 2014 (Plat 2014-04) into its current configuration.

The table below summarizes relevant history for the project and proposed development.

Item	Summary
PAC2021-0004	Pre-application conference for this development
Plat 2014-04	Subdivision creating Lot 8A1
Plat 2013-19	Right-of-way acquisition
Plat 1984-117	Three lot Vintage Park Subdivision

AGENCY REVIEW

CDD conducted an agency review comment period from February 22, 2021 to March 5, 2021. Agency review comments can be found in Attachment C.

Agency	Summary
CBJ Engineering	CBJ General Engineering attended and provided comments during the pre-application meeting. CBJ Engineering has no concerns with this project as proposed. The drainage and utility plan will be reviewed during the building permit process.
CBJ Building	The CBJ Building Official attended and provided comments during the pre-application meeting. The CBJ Building Department has no concerns with this project as proposed. The construction plans will be reviewed during the building permit process.
Capital City Fire and Rescue	The Fire Marshal attended and provided comments during the pre-application meeting. The Fire Marshal has no concerns with this project as proposed. The construction plans will be reviewed during the building permit process.
CBJ Assessor's Office	The CBJ Assessor's Office does not anticipate any negative impacts to neighborhood harmony or property values as a result of this project.

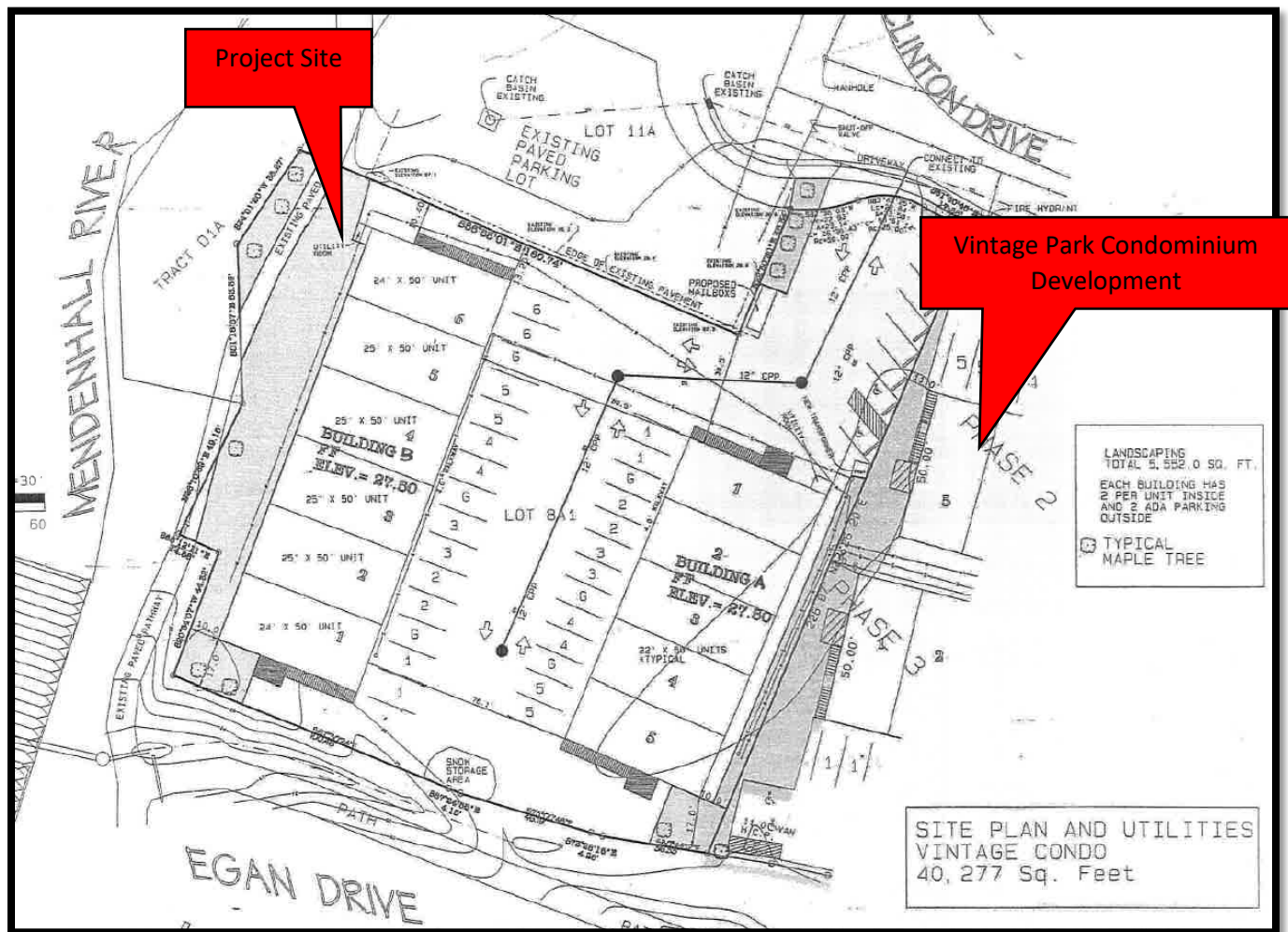
PUBLIC COMMENTS

CDD conducted a public comment period from February 22, 2021 to March 5, 2021. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. CDD has received three written comments at time of writing this staff report. Any public comments that come in after March 22, 2021 will be provided to the Planning Commission prior to the April 13, 2021 meeting. Public comments can be found in Attachment D.

Name	Summary
Marina Lindsey and Shawn Carey	Concerns about pedestrian access to the Mendenhall River walking/bike path; snow storage and trash/recycling enclosure locations; 25' No Disturbance setback along Mendenhall River; would like to see green infrastructure incorporated into the development.
Bob Deering	Concerns about access to and maintenance of the Mendenhall River walking/bike path, the setback requirements along the Mendenhall River;

	Referenced CBJ Ordinance 86-54am and the Vintage Park private covenants.
Vintage Park Condo Association	Concerns about access and maintenance of the Mendenhall River walking/bike path and the maintenance of the trees along the path; would like to see a sidewalk installed on the project site that would provide safe access to the path.

SITE PLAN



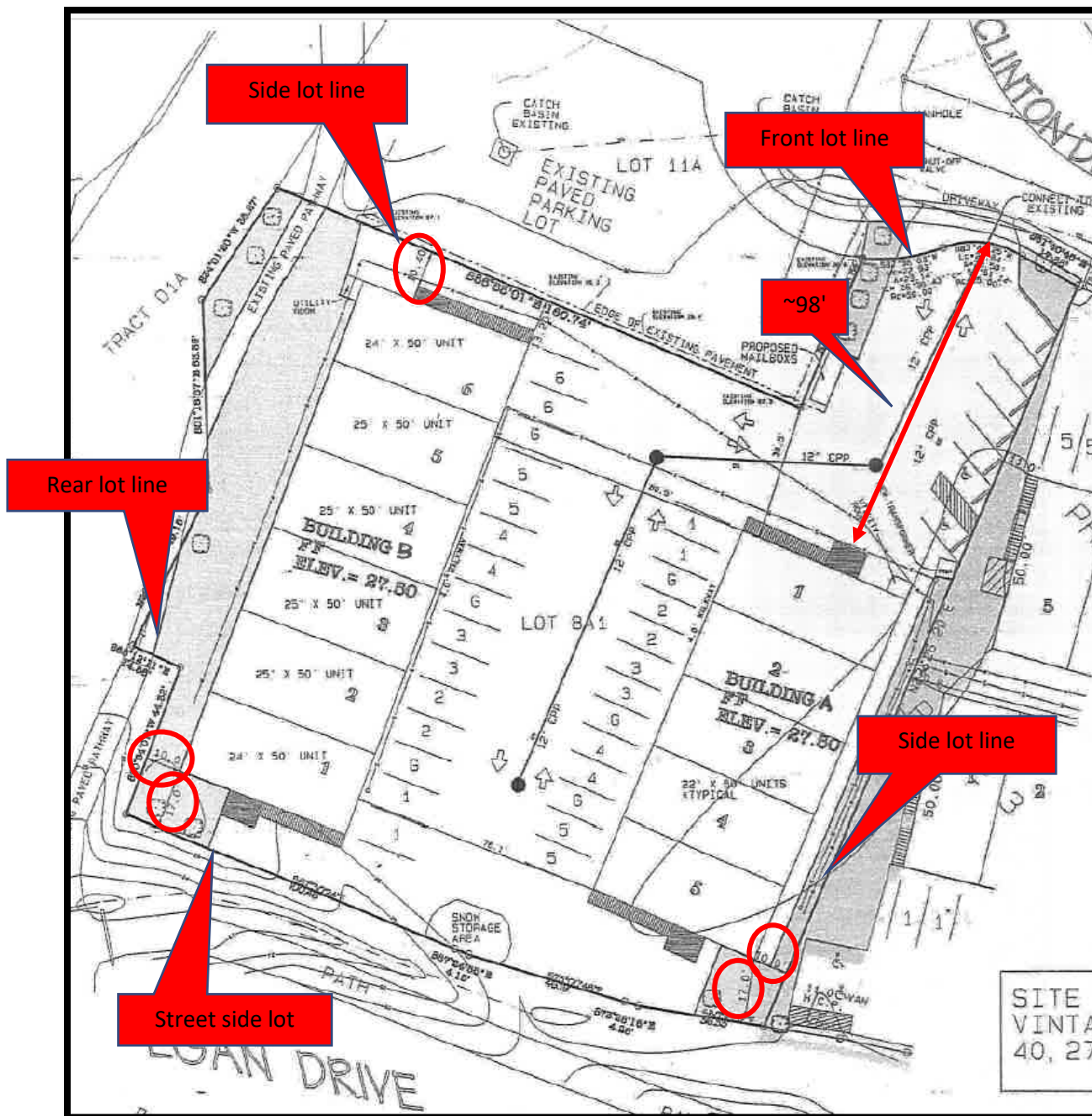
ZONING REQUIREMENTS

The required setbacks for the LC zoning district and the development's proposed setbacks are displayed in the image and table below. The front lot line is along Clinton Drive. The street side lot line is along Egan Drive. The side lot line is along the east and the rear lot line is along the west. CBJ 49.80 defines the rear lot line and street side lot lines as follows:

CBJ 49.80 Definitions.

Lot line, rear, means the property line opposite and most distant from the front lot line, except in the case of a corner lot.

Lot line, street side, means the property line separating the lot from a street right-of-way, other than an alley or the front lot line.



Standard – Light Commercial Zoning District		Requirement	Proposed	Code Reference
Lot	Size	2,000 square feet	40,273 square feet	49.25.400
	Width	20'	65'	49.25.400
	Depth	80'	213'	49.25.400
Setbacks	Front	25'	100'	49.25.400
	Rear	10'	10'	49.25.400
	Side	10'	10' (north)	49.25.400
	Side	10'	10'(northwest)	49.25.400
	Street Side (Egan Drive)	17'	17'	49.25.400
	Streamside (Mendenhall River)	50'	~67'	49.70.310
Lot Coverage Maximum		None	34%	49.25.400
Vegetative Cover Minimum		15%	16%	49.50.300
Height	Permissible	45'	35'	49.25.400
	Accessory	35'	~8' (Condo mailboxes)	49.25.400
Maximum Dwelling Units (30/Acre)		27 dwelling units	11 dwelling units	49.25.500
Use		Multi-family Residential and Commercial		49.25.300

ANALYSIS

Project Site – The project site is a 40,273 square foot vacant lot located directly west of the Vintage Park Condominium Development and bordered by two rights-of-way, Clinton Drive to the north and Egan Drive to the south. The site will be accessed from one existing 32-foot-wide driveway off Clinton Drive, and will provide for both ingress and egress traffic.

Condition: None recommended.



Project Design – The project will consist of 11 condominium units in two structures, A and B. Structure A will have five units and Structure B will have six units. Each unit will consist of a garage measuring 22 ft. x 50 ft. x 16 ft. high for a total of 1,110 square feet. There will be a 1,100 square foot, two-bedroom residence directly above each garage. The end units will be accessed via external staircases. Internal apartments will be accessed via internal staircases. Each residence will have a deck above the garage doors. Structures A and B will be built to the same architectural style as the Vintage Park Condominium Development.

March 31, 2021
USE2021 0002
Page 8 of 20

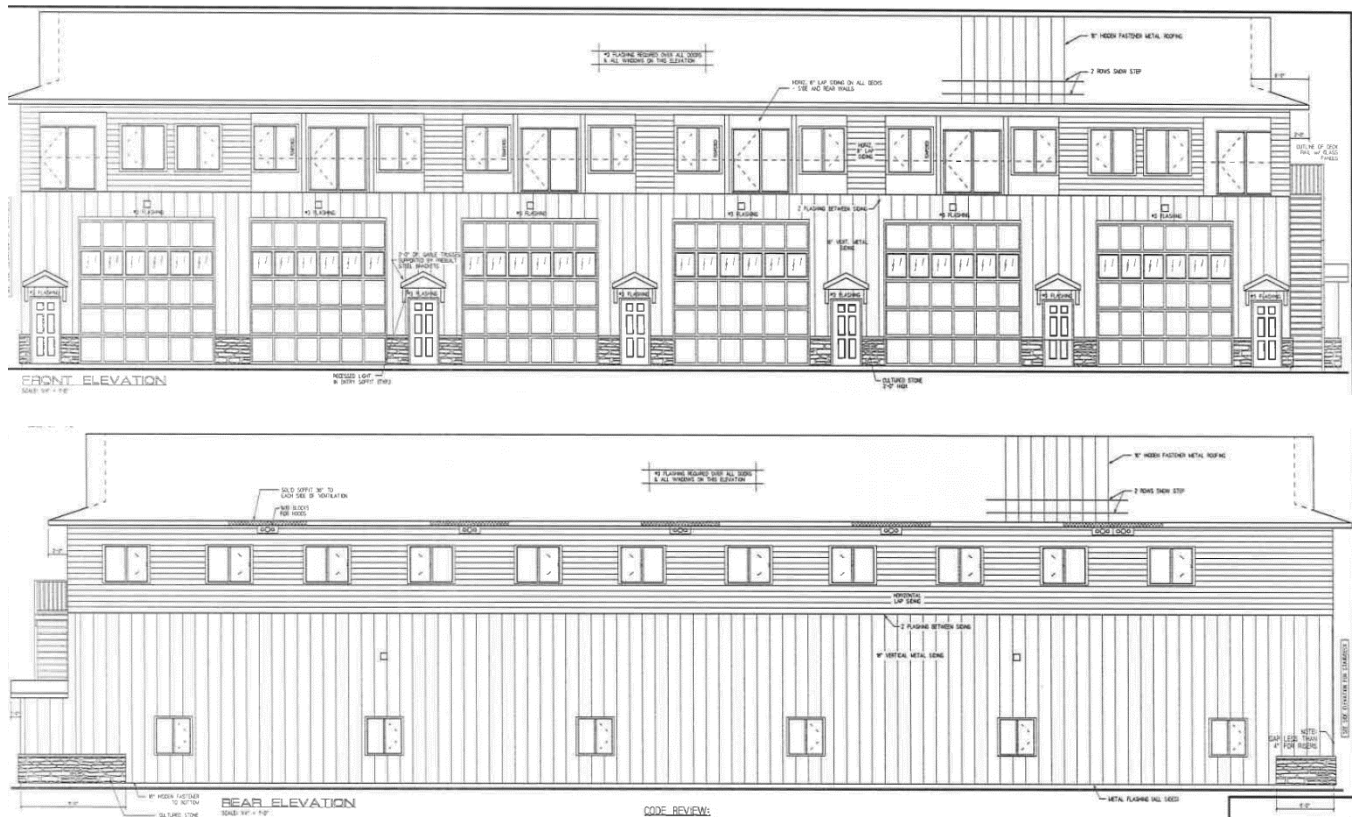
Structure A will be constructed along the east side property line and Structure B will be along the west rear property line. The rear of Structure A will facing the existing Vintage Park Condominiums and the rear of Structure B will be facing the Mendenhall River. The structures will be facing each other with parking and access aisles separating them.

The garage spaces will be appropriately fire separated from the residences to allow commercial uses in the garage. Certain commercial and light manufacturing uses are allowed in the Light Commercial zoning district.

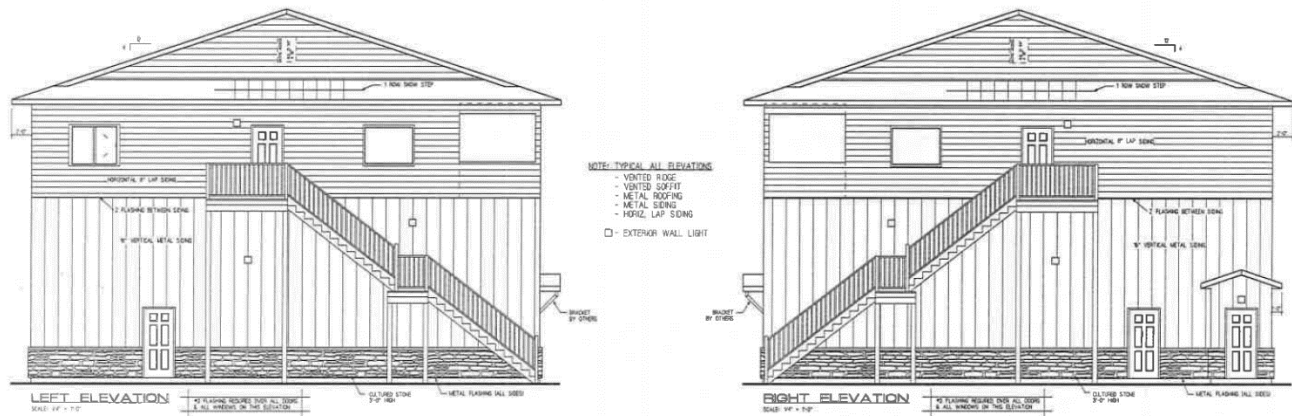
The site plan indicates where the mailboxes and snow storage will be located. It does not indicate where the trash receptacle will be located.

Condition #1: Prior to the issuance of a building permit, the applicants shall submit a revised site plan that shows the location of trash receptacles.

Condition #2: Prior to the issuance of a temporary certificate of occupancy (TCO) for the first dwelling unit, a homeowners' association agreement shall be submitted for review by CDD. The agreement shall specify how the HOA will address snow removal and snow storage in common areas.



March 31, 2021
USE2021 0002
Page 9 of 20



Traffic – As mentioned above, the Light Commercial zoning district allows for certain commercial and light manufacturing uses. Each garage will have the required fire separation that would allow for commercial and manufacturing use occupancy. Based on similar situations, the most likely uses for the garages will be light manufacturing or warehousing.

Staff must use full build-out projections when calculating traffic impacts. The traffic calculation in the table below assumes all 11 garages will be used for a commercial use. Combined with the residential uses, the traffic estimate is 108 average vehicle trips per day. According to CBJ 49.40.300(a) a traffic impact analysis is not required.

Although the current project is a separate development from the Vintage Park Condominiums, the combined traffic impacts have been analyzed to understand the cumulative impacts of the developments. According to staff's calculations for USE2018-0007 (approved 23 units Vintage Park Condos), the traffic count for Vintage Park Condominiums is 133 average daily trips. The 2018 traffic calculation assumed that residential would be the only use on site. Factoring in light manufacturing/warehousing uses, the Vintage Park Condominiums likely generate 226 average daily trips.

A Traffic Impact Analysis (TIA) is mandatory when a development is project to generate 500 or more average daily trips. If a development is projected to generate between 250 and 500 trips, the Director can determine if an analysis is necessary. Based on the type of development and the unlikelihood of future expansion, the Director has determined that a TIA is not required.

Use	Total Units / Sq. Ft.	Trips Generated	Total Trips
Residential	11 units	5.78 trips per unit	63.58
Light Mfg. / Warehousing	12,100 total square feet (11 garages at 1,100 sq. ft.)	3.69 trips per 1,000 sq. ft.	44.64
Total ADTs:			108.22
Vintage Park Condominiums ADT:			133 (23 residential units at 5.78 trips per unit) 226 (mix of residential and commercial)

Use	Total Units / Sq. Ft.	Trips Generated	Total Trips
Total ADT for both developments:			241 (mix of residential and commercial for current project only)
			334 (mix of residential and commercial for current project and Vintage Park)

Condition: None

Vehicle Parking & Circulation – The site will be accessed via a 32-foot-wide driveway off of Clinton Drive. The driveway meets the CBJ standard for driveway curb cuts. The site plan also shows a 32-foot aisle width for vehicle circulation within the site. The minimum standard is 24 feet wide for two-way traffic. The proposed traffic aisles are wide enough to provide for two-way traffic throughout the site.

The parking requirements are shown in the table below. The applicants have provided a parking and circulation plan that shows 35 parking spaces with two ADA spaces, including one ADA van space. The site plan shows all standard and ADA parking spaces meeting the minimum dimensional standards required in CBJ 49.35.

As part of the building permit approval process, the applicants will be required to stripe all parking spaces and provide the appropriate signage for the two ADA spaces.

Condition #3: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, the applicant must submit to CDD a homeowners' association agreement that addresses the on-going maintenance of parking spaces, ADA spaces, loading zone and circulation aisles that comply with the requirements of CBJ 49.40.

Manufacturing and warehousing requires one off-street loading zone for areas between 5,000 – 24,999 square feet in gross floor area. Loading zones have a dimensional requirement of 30 feet by 12 feet and 14.6 feet of unobstructed height. Loading spaces must remain permanently available for loading.

Use	Total Units and Bedrooms	Spaces Required	Total Spaces
Mix of Residential multi-family and light manufacturing / commercial storage	11 – two bedroom units	1.75 per two bedroom &	19.25
	11 – 1, 100 square foot garages	1 per 1,000 square feet	12.1
Total Parking Requirement:			31
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2

Condition #4: Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows one off-street loading zone that complies with the requirements of CBJ 49.40.

Non-motorized Transportation – As part of a 1984 re-zone from R7 Residential to C2 Commercial, the developers of Vintage Business Park were required to install a 5-foot-wide walking/bike path along the Mendenhall River. The path is located entirely on private property except for a small portion that is in the Egan Drive right-of-way. Since its development, the Vintage Park Business Association has maintained the majority of the walking/bike path. AKDOT maintains the portion within their right-of-way.

The path provides pedestrian and cycling connections to transit stops along Glacier Highway, Brotherhood Bridge Trail, and the Radcliffe Road area south of Egan Drive.

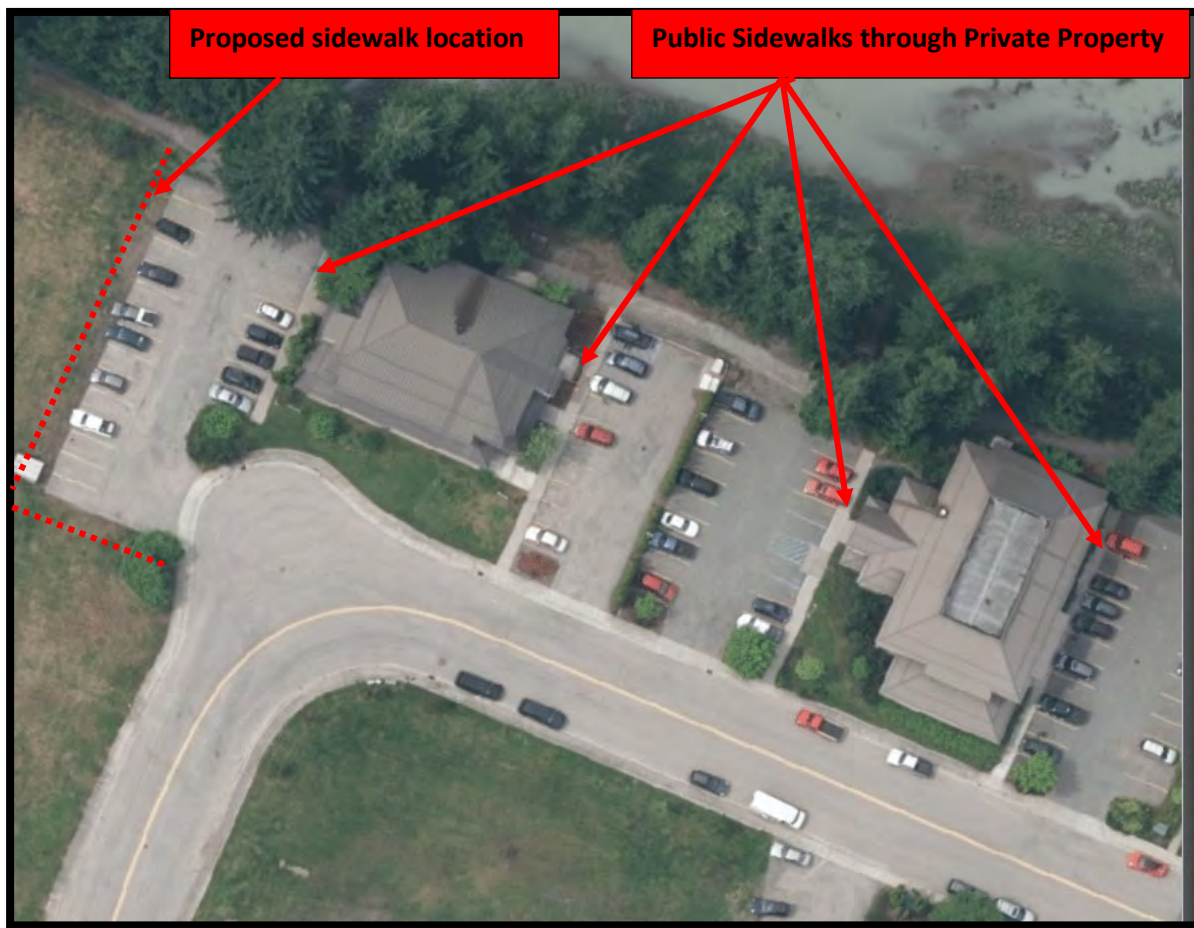
Approximately 60 linear feet of the path is located on the project site. The applicants, and subsequently the HOA are responsible for the continued maintenance of the 60 feet of pathway, which must remain open to the public, per CBJ 49.35.630.

Condition #5: The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.

Condition #6: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a Homeowners Association Agreement shall be submitted to CDD. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path. Maintenance includes snow removal from the path.



Clinton Drive has a 5-foot paved sidewalk along the west side of the right-of-way. Individual businesses that are located along the west side of Clinton Drive provide 5-foot-wide paved public sidewalks across their private property. These sidewalks of private property connect to the sidewalks along Clinton Drive and provide the public with safe access to the Mendenhall River walking/bike path.



Condition #7: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk, including snow removal.

Proximity to Transit – Egan Drive is a transit corridor. There are bus stop locations near the intersection of Egan Drive and Wildmeadow Lane, near the Mendenhall Mall, and at the corner of Radcliff Road and Glacier Highway.

March 31, 2021
USE2021 0002
Page 14 of 20



Condition: None recommended.

Noise – The proposed uses are not expected to generate any noise impacts beyond what would be expected in a Light Commercial zoning district.

Condition: None recommended.

Lighting – The Land Use Code requires parking areas "to be suitably lit." This is interpreted to mean exterior lighting should be provided in parking areas and immediately adjacent to structures. All exterior lighting should be of full cut-off design. This design helps to ensure that all lighting is directed only on the lot to minimize impact to adjacent neighborhoods. The applicants have proposed lighting fixtures that meet the required full cut-off design. The lighting fixtures are the same fixtures that were approved for installation in the Vintage Park Condominium Development. The applicants have provided architectural drawings that show the location of the light fixtures. There will be two exterior lights along the back side of Structures A and B. Fixtures will also be placed above each garage door and each residential entryway.

Condition: None recommended.

Vegetative Cover & Landscaping – The Light Commercial zoning district has a 15% vegetative cover requirement. The project site, at 40,277 square feet, has a vegetative cover requirement of 6,040 square feet. The site plan submitted shows 6,424 square feet. The landscaping will consist of grass and strategically planted maple trees. The site plan includes grass landscaping between the front property line and the edge of the Clinton Drive sidewalk. This is consistent with the vegetative and landscaping requirement for Vintage Park Condominiums.

Condition: None recommended.

Habitat – The western lot line abuts the Mendenhall River. The Mendenhall River is classified as an anadromous water body in the 2013 Comprehensive Plan. CBJ 49.70 Article III requires development be set back at least 50 feet from the Ordinary High Water (OHW) mark from all anadromous water bodies. CDD Staff, along with a Habitat Biologists from Alaska Department of Fish and Game, visited the site to determine the OHW and confirm that the location of the 50-foot setback. The image below shows the OHW line in red. The orange boxes show the distance from the OHW to the side property line. There is a 10-foot setback requirement from the side property line. Staff has determined that the 50-foot stream side setback will be met.

March 31, 2021
USE2021 0002
Page 15 of 20

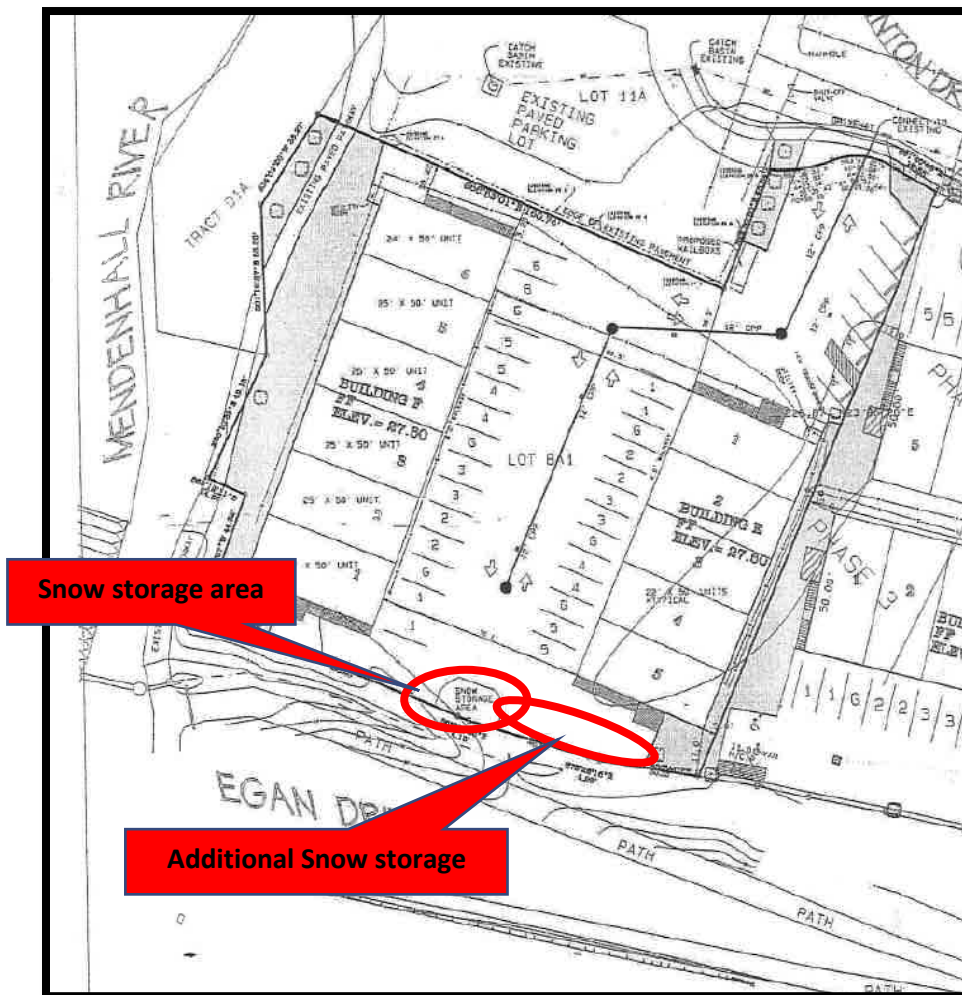
The applicant will be required to submit a stamped as-built survey prior to the issuance of a temporary certificate of occupancy for the first dwelling unit as part of the building permit approval process. The as-built survey will show the location of the 50-foot stream side setback.



Condition: None recommended.

Drainage and Snow Storage – The applicants have identified one snow storage located along the southern lot line of the project site. Staff received one written comment from a nearby resident concerned about the location of snow storage and the relatively small amount of space for snow storage shown on the site plan. There is additional space for snow storage along the property line abutting Egan Drive.

The applicants will submit a proposed drainage plan in conjunction with the first building permit application. The drainage plan will be reviewed by CBJ General Engineering. As part of the review for approval of the building permit, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a developer's obligations are. Stormwater management during construction is also reviewed as part of the CBJ Building Permit.



Public Health, Safety, and Welfare – The structures meet zoning requirements for height and setbacks and will meet applicable building code requirements for fire safety. The Fire Marshal reviewed the proposed site plan and building plans as part of the pre-application process and has no concerns with the development as proposed. The CBJ Building Official has no concerns with the development as proposed.

Condition: None recommended.

Property Value or Neighborhood Harmony – Surrounding land uses are primarily commercial and office space, with some residential uses. The CBJ Land Use Code [49.25.230 (a)] states commercial zoning districts are established to accommodate commercial activities and, more specifically, that Light Commercial zoning districts are:

...intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with the surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed-and-sine-use developments in the light commercial district.

The proposed residential use and associated garages that may be used for commercial purposes is allowed in the Light Commercial zoning district and is consistent with the description of the zoning district.

Condition: None recommended.

CONFORMITY WITH ADOPTED PLANS

The proposed development, with recommended conditions, is in general conformity with the 2013 Comprehensive Plan, the 2001 Area Wide Transportation Plan and the 2009 Juneau Non-Motorized Transportation Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	11	156	Land Use Designation	Complies with the Traditional Town Center land use designation for the lot.
	4	37	Policy 4.2	Facilitate provision of various housing types and sizes to accommodate housing needs for all economic groups.
	4	41	Policy 4.8	Maintain existing character and quality of life of existing neighborhoods while providing a mixture of new housing types.
	10	129	Policy 10.1	Enable the public and private sectors to develop on suitable land with adequate utilities and services in order to provide increased housing options.
	10	130	Policy 10.2	Allow flexible and creative solutions in residential and mixed use development within the Urban Service Area.
	10	131	Policy 10.3	Facility the development of various housing types and densities that are located near public facilities and transportation systems.
	10	140	Policy 10.13	Encourage mixed use development near shopping centers, along transit routes and in other suitable areas.
2001 Area Wide Transportation Plan	Recommendations for Land Use and Zoning	32	Recommendation	Support increased density near existing transit routes. Support mixed land uses. Provide for multi-modal access and circulation.

PLAN	Chapter	Page No.	Item	Summary
2009 Non-Motorized Transportation Plan	7	50	High Priority Infrastructure Improvements	Improve the Mendenhall Mall area for non-motorized users by providing crosswalks, bike facilities and sidewalks.
	8	70	Policy 5	In new neighborhoods, install facilities for non-motorized transportation, such as paths that connect to the broader trail system.
Note that the 2015 Juneau Economic Development Plan and the 2016 Housing Action Plan promote the development of workforce housing and are not included in this analysis.				

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 boat condos that will include a mix of residential and commercial uses allowed in the Light Commercial zoning district. The uses is listed at CBJ 49.25.300, Sections 1.300, 2.200 and 4.050 for the Light Commercial 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: The proposed site design complies with off-street parking, lot coverage, lighting, and vegetative cover requirements. Drainage compliance will be confirmed during the building permit process.

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

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

Analysis: The structures meet zoning requirements for height and setbacks and will meet applicable building code requirements for fire safety.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested Conditional Use

Permit for 11 boat condos in a Light Commercial 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: The surrounding land uses are primarily commercial and office space. The CBJ Assessor's Office does not anticipate any negative impacts to neighborhood harmony or property values as a result of this project.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested Conditional Use Permit for 11 boat condos in a Light Commercial zoning district will substantially decrease the value 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: The proposed development will be in conformity the adopted plans.

Finding: Yes. The proposed boat condos, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan, 2001 Area Wide Transportation Plan and the 2009 Juneau Non-Motorized Transportation Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the modification of USE2018-0007 for the development of 11 new boat condo units at 3011 Clinton Drive in a Light Commercial zoning district.

The approval is subject to the following conditions:

Condition #1: Prior to the issuance of a building permit, the applicants shall submit a revised site plan that shows the location of trash receptacles.

Condition #2: Prior to the issuance of a temporary certificate of occupancy (TCO) for the first dwelling unit, a homeowners' association agreement shall be submitted to CDD. The agreement shall specify how the HOA will address snow removal and snow storage in common areas.

Condition #3: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, the applicant must submit to CDD a homeowners' association agreement that addresses the on-going maintenance of parking spaces, ADA spaces, loading zone and circulation aisles that comply with the requirements of CBJ 49.40.

Condition #4: Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows one off-street loading zone that complies with the requirements of CBJ 49.40.

Condition #5: The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.

Condition #6: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a homeowners' association agreement shall be submitted to CDD. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path. Maintenance includes snow removal from the path.

Condition #7: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk including snow removal.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Public Comments



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 3005 Clinton Drive		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Vintage Park II ABLC & LT 8A1		
	Parcel Number(s) 5B1601441000		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner R&S Construction LLC	Contact Person Rob Worden	
	Mailing Address po box 211574	E-mail Address roblisa@ak.net	Phone Number(s) 907-321-5015
	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	Landowner/Lessee Signature	Feb 10th 2021 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	E-mail Address	Phone Number(s)	
X	Applicant's Signature	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.

Intake Initials JPM	Case Number USE 2021-0002	Date Received 2/17/21
------------------------	------------------------------	--------------------------



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

We are proposing a 5 unit building "E" and a 6 unit building "F" on lot 8A1 at 3005 Clinton Drive to be part of Vintage Park Condos Association

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: _____

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 40,277 square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) 12,900 square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☐ No
☐ No

☐ 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

☒ 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

If this is a modification or extension include:

- ☐ 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	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total 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

Date Received

USE2021-0002

2/17/21

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline 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.

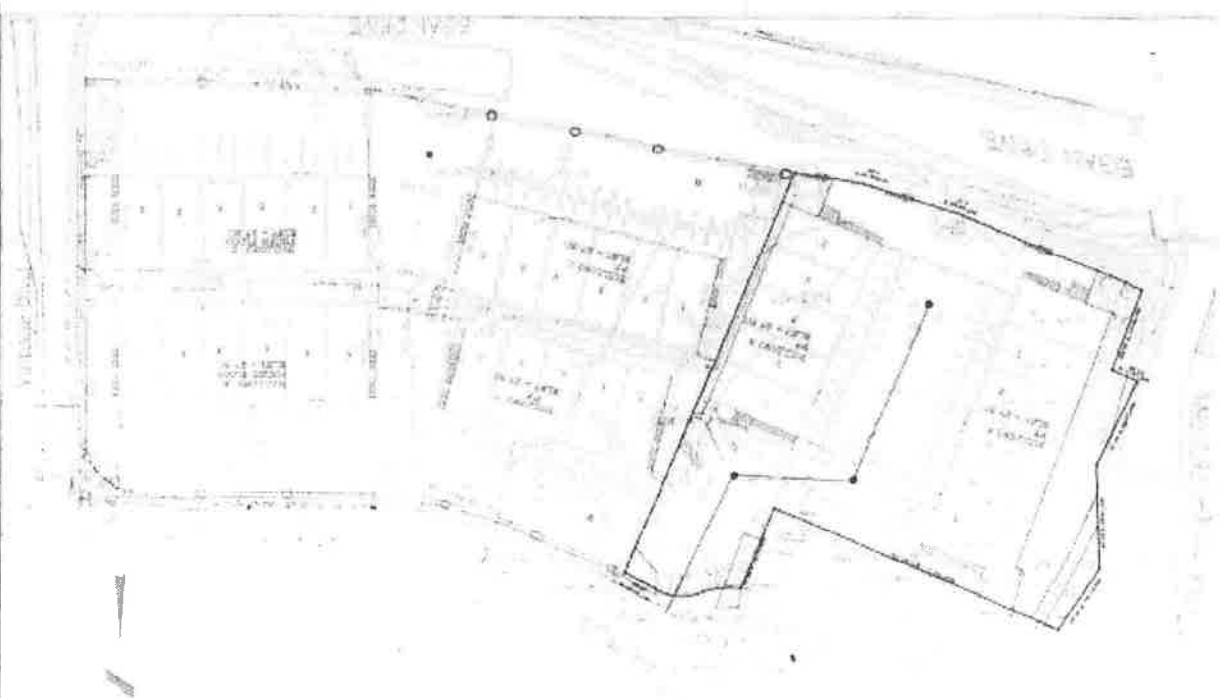
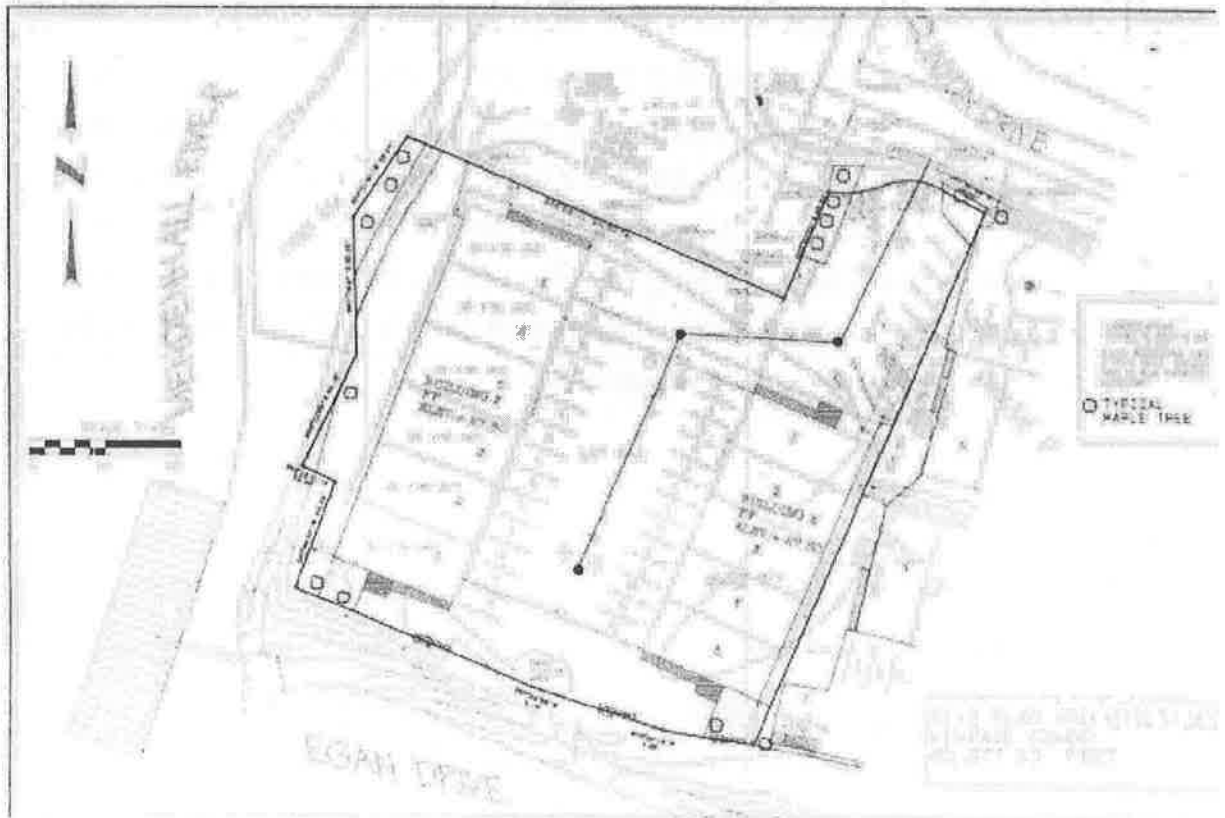
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Vintage Park Condos Proposed Buildings (E and F)

This Lot is currently vacant as we have all services to it and it is currently ready for the construction and final phase of building E and F for Vintage Park Condos. These condos are primarily residentially used but are zoned for businesses as well. The units have a 22x50 ft residential unit on the top floor and a large 22x50 ft shop/garage area below on the first floor. We have a site plan that shows parking requirements. We show the required vegetation and will be using the existing HOA as this will become part of the current Vintage Park Condo Association.

John Bean
vintage
February 2, 2021 at 9:20 AM
Lisa Worden
scott jenkins

attached bldg e & f changes and a full condo area



Lumark

DESCRIPTION

The patented Lumark Crosstour™ LED Wall Pack Series of luminaires provides an architectural style with super bright, energy efficient LEDs. The low-profile, rugged die-cast aluminum construction, universal back box, stainless steel hardware along with a sealed and gasketed optical compartment make the Crosstour impervious to contaminants. The Crosstour wall luminaire is ideal for wall/surface, inverted mount for façade/canopy illumination, post/bollard, site lighting, floodlight and low level pathway illumination including stairs. Typical applications include building entrances, multi-use facilities, apartment buildings, institutions, schools, stairways and loading docks test.

SPECIFICATION FEATURES

Construction

Slim, low-profile LED design with rugged one-piece, die-cast aluminum hinged removable door and back box. Matching housing styles incorporate both a small and medium design. The small housing is available in 12W, 18W and 26W. The medium housing is available in the 38W model. Patented secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes three half-inch, NPT threaded conduit entry points. The universal back box supports both the small and medium forms and mounts to standard 3-1/2" to 4" round and octagonal, 4" square, single gang and masonry junction boxes. Key hole gasket allows for adaptation to junction box or wall. External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Minimum 5" wide pole for site lighting application. Not recommended for car wash applications.

Optical

Silicone sealed optical LED chamber incorporates a custom engineered mirrored anodized reflector providing high-efficiency illumination. Optical assembly includes impact-resistant tempered glass and meets IESNA requirements for full cutoff compliance. Available in seven lumen packages; 5000K, 4000K and 3000K CCT.

Electrical

LED driver is mounted to the die-cast housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 12W, 18W, 26W and 38W series operate in -40°C to 40°C [-40°F to 104°F]. High ambient 50°C models available. Crosstour luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Three half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized

Catalog #	Type
Project	
Comments	Date
Prepared by	

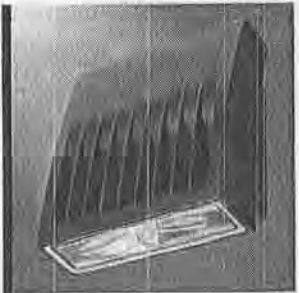
electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz or 347V 60Hz models.

Finish

Crosstour is protected with a Super durable TGIC carbon bronze or summit white polyester powder coat paint. Super durable TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

Warranty

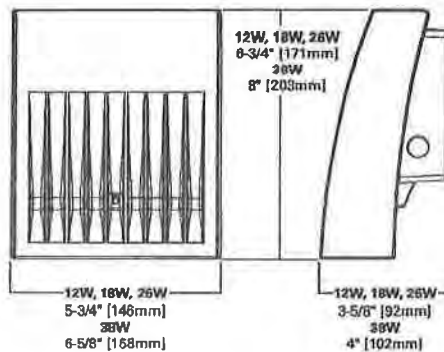
Five-year warranty.



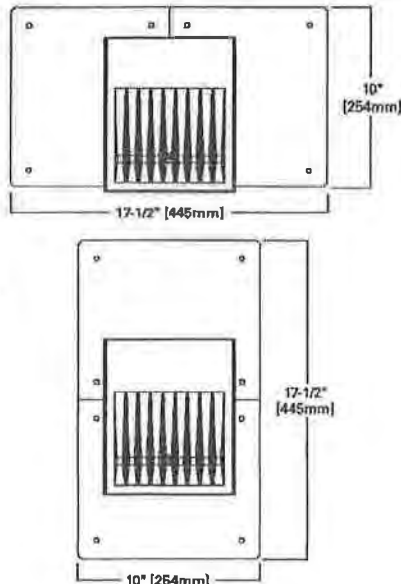
XTOR CROSSTOUR LED

APPLICATIONS:
WALL / SURFACE
POST / BOLLARD
LOW LEVEL
FLOODLIGHT
INVERTED
SITE LIGHTING

DIMENSIONS



ESCUTCHEON PLATES



CERTIFICATION DATA

UL/cUL Wet Location Listed
LM79 / LM80 Compliant
ROHS Compliant
ADA Compliant
NOM Compliant Models
IP68 Ingressed Protection Rated
Title 24 Compliant
DesignLights Consortium® Qualified*

TECHNICAL DATA

40°C Maximum Ambient Temperature
External Supply Wiring 90°C Minimum

EPA

Effective Projected Area (Sq. Ft.):
XTOR1B, XTOR2B, XTOR3B=0.34
XTOR4B=0.45

SHIPPING DATA:

Approximate Net Weight:
3.7 - 5.25 lbs. [1.7 - 2.4 kgs.]

XTOR CROSSTOUR LED

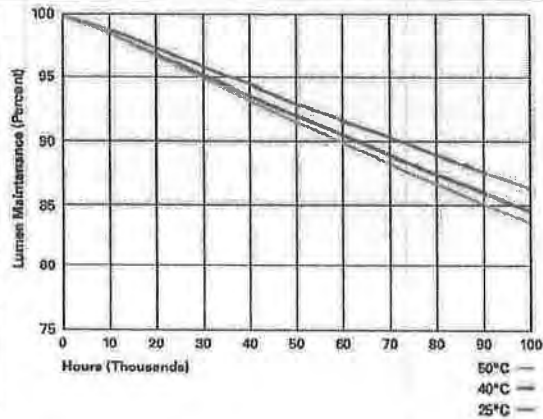
POWER AND LUMENS BY FIXTURE MODEL

LED Information	XTOR1B	XTOR1B-W	XTOR1B-Y	XTOR2B	XTOR2B-W	XTOR2B-Y	XTOR3B	XTOR3B-W	XTOR3B-Y	XTOR4B	XTOR4B-W	XTOR4B-Y
Delivered Lumens (Wall Mount)	1,418	1,396	1,327	2,135	2,103	1,997	2,751	2,710	2,575	4,269	4,205	3,995
Delivered Lumens (With Flood Accessory Kit) ¹	1,005	990	940	1,495	1,472	1,399	2,099	2,068	1,965	3,168	3,121	2,965
B.U.G. Rating ²	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B2-U0-G0	B2-U0-G0	B2-U0-G0
CCT (Kelvin)	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000
CRI (Color Rendering Index)	70	70	70	70	70	70	70	70	70	70	70	70
Power Consumption (Watts)	12W	12W	12W	16W	16W	16W	26W	26W	25W	38W	38W	38W

NOTES: 1 Includes shield and visor. 2 B.U.G. Rating does not apply to floodlighting.

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (72,000 Hours)	Theoretical L70 (Hours)
XTOR1B Model		
25°C	> 90%	255,000
40°C	> 89%	234,000
50°C	> 88%	215,000
XTOR2B Model		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	198,000
XTOR3B Model		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	198,000
XTOR4B Model		
25°C	> 89%	222,000
40°C	> 87%	198,000
50°C	> 87%	184,000



CURRENT DRAW

Voltage	Model Series			
	XTOR1B	XTOR2B	XTOR3B	XTOR4B
120V	0.103A	0.15A	0.22A	0.34A
208V	0.060A	0.09A	0.13A	0.17A
240V	0.053A	0.08A	0.11A	0.17A
277V	0.048A	0.07A	0.10A	0.15A
347V	0.039A	0.06A	0.082A	0.12A



Powering Business Worldwide

Eaton
1121 Highway 74 South
Foothill City, CA 90260
P. 770-455-4800
www.eaton.com/lighting

Specifications and dimensions subject to change without notice.

TD514013EN
2017-07-25 12:21:59

XTOR CROSS TOUR LED

ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PC1

Series ¹	LED Kelvin Color	Housing Color	Options (Add as Suffix)	Accessories (Order Separately)
XTOR1B=Small Door, 12W XTOR2B=Small Door, 18W XTOR3B=Small Door, 26W XTOR4B=Medium Door, 38W	[Blank]=Bright White (Standard), 5000K W=Neutral White, 4000K Y=Warm White, 3000K	[Blank]=Carbon Bronze (Standard) WT=Summit White BK=Black BZ=Bronze AP=Grey GM=Graphite Metallic DP=Dark Platinum	PC1=Photocontrol 120V ² PC2=Photocontrol 208-277V ^{2,3} 347V=347V ⁴ HA=50°C High Ambient ⁴	WG/XTOR=Wire Guard ⁵ XTORFLD-KNC=Knuckle Floodlight Kit ⁶ XTORFLD-TRN=Trunnion Floodlight Kit ⁶ XTORFLD-KNC-WT=Knuckle Floodlight Kit, Summit White ⁶ XTORFLD-TRN-WT=Trunnion Floodlight Kit, Summit White ⁶ EWP/XTOR=Escutcheon Wall Plate, Carbon Bronze EWP/XTOR-WT=Escutcheon Wall Plate, Summit White

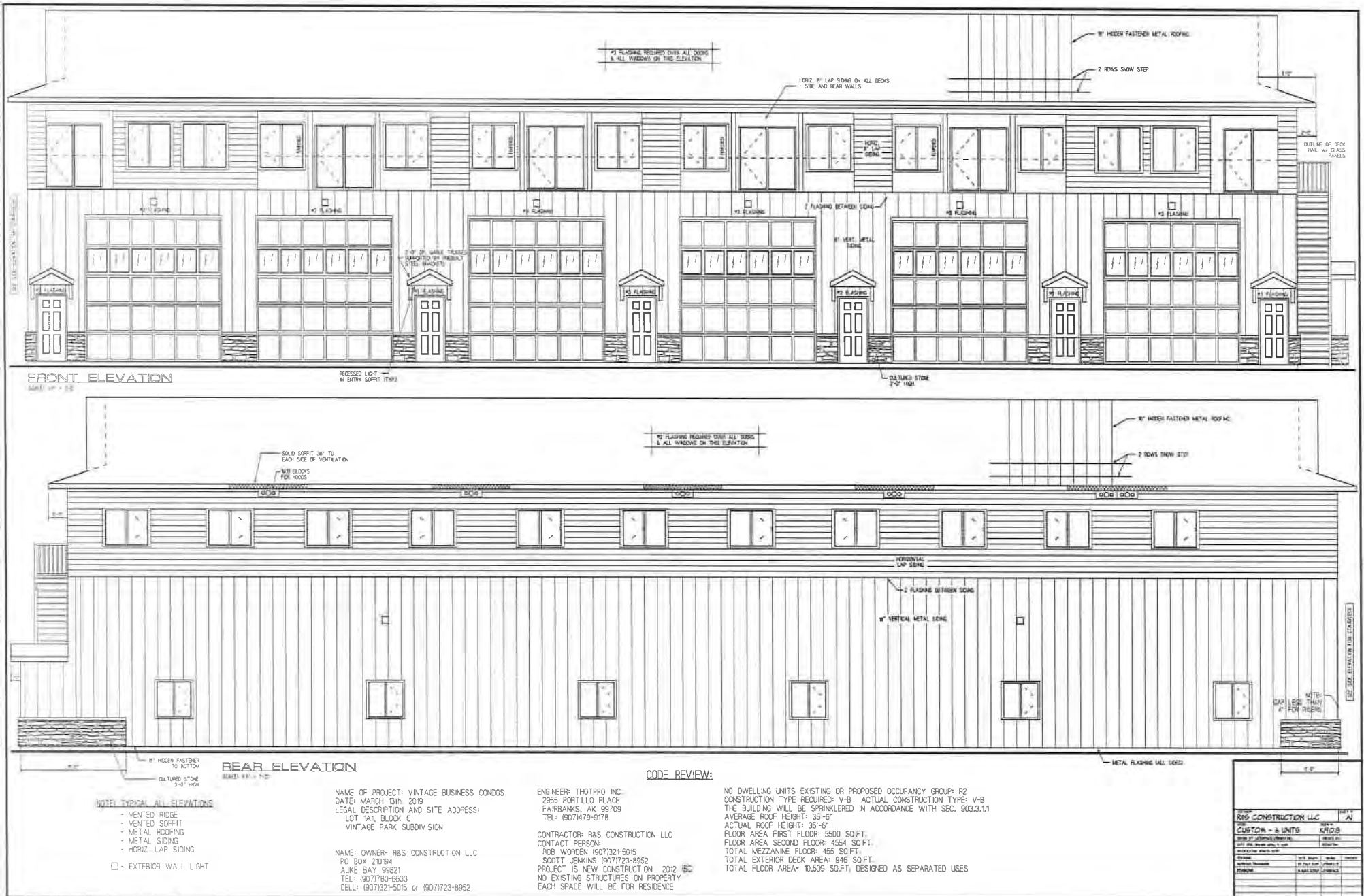
NOTES:

- DesignLights Consortium® Qualified and classified for both DLC Standard and DLC Premium, refer to www.designlights.org for details.
- Photocontrols are factory installed.
- Order PC2 for 247V models.
- Thru-branch wiring not available with HA option or with 347V. XTOR3B not available with HA and 347V or 120V combination.
- Wire guard for wall/surface mount. Not for use with floodlight kit accessory.
- Floodlight kit accessory supplied with knuckle (KNC) or trunnion (TRN) base, small and large top visors and small and large impact shields.

STOCK ORDERING INFORMATION

12W Series	18W Series	26W Series	38W Series
XTOR1B=12W, 5000K, Carbon Bronze	XTOR2B=18W, 5000K, Carbon Bronze	XTOR3B=26W, 5000K, Carbon Bronze	XTOR4B=38W, 5000K, Carbon Bronze
XTOR1B-WT=12W, 5000K, Summit White	XTOR2B-W=18W, 4000K, Carbon Bronze	XTOR3B-W=26W, 4000K, Carbon Bronze	XTOR4B-W=38W, 4000K, Carbon Bronze
XTOR1B-PC1=12W, 5000K, 120V PC, Carbon Bronze	XTOR2B-WT=18W, 5000K, Summit White	XTOR3B-WT=26W, 5000K, Summit White	XTOR4B-WT=38W, 5000K, Summit White
XTOR1B-W=12W, 4000K, Carbon Bronze	XTOR2B-PC1=18W, 5000K, 120V PC, Carbon Bronze	XTOR3B-PC1=26W, 5000K, 120V PC, Carbon Bronze	XTOR4B-PC1=38W, 5000K, 120V PC, Carbon Bronze
XTOR1B-W-PC1=12W, 4000K, 120V PC, Carbon Bronze	XTOR2B-W-PC1=18W, 4000K, 120V PC, Carbon Bronze		XTOR4B-W-PC1=38W, 4000K, 120V PC, Carbon Bronze

Attachment A - Application Packet



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

STAR DETAIL
SCALE: 3/4" = 1'-0"

NOTE: TYPICAL ALL ELEVATIONS

- VENTED RIDGE
- VENTED SOFFIT
- METAL ROOFING
- METAL SIDING
- HORIZ. LAP SIDING

□ - EXTERIOR WALL LIGHT

STAR NOTES:

- 7 3/4" MAX. RISE
- 10" MIN. TREAD INCLUDING TO NOSING
- 10" MIN. BAL. HEIGHT AT LANDINGS
- SLOPED DRIPABLE HANDRAIL TO BE 34" MIN. ABOVE SLOPED PLANE OF RAILING
- 3/4" STAR NOSE
- HANDRAIL TO WALL OR POST DIMENSION MAX. 1 1/2"
- HANDRAILS MUST RETURN TO WALL OR END AT POST- NO PROJECTING ENDS
- POCKETS: LESS THAN 4" BETWEEN

NOTES:

- ALL EXTERIOR DECK AND STAR WOOD MUST BE FACTORY PRESSURE TREATED, CEDAR, REDWOOD OR OTHER APPROVED MATERIALS WITH RESISTANCE TO DECAY

NOTE:

- 3 FT. LANDINGS REQUIRED AT TOP AND BOTTOM AND INTERMEDIATE SO THAT NO FLIGHT OF STAIRS EXCEEDS 12 FT. BETWEEN LEVELS EXCEPT AT TOP OF INTERIOR STAIRS WHERE DOOR DOES NOT SWING OVER STAIRS

NOTE:

- STAR REQUIREMENTS UNDER THE 2012 INTERNATIONAL RESIDENTIAL CODE. SEE IRC SECTIONS R310 AND R312 FOR ADDITIONAL DETAILED REQUIREMENTS & EXCEPTIONS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

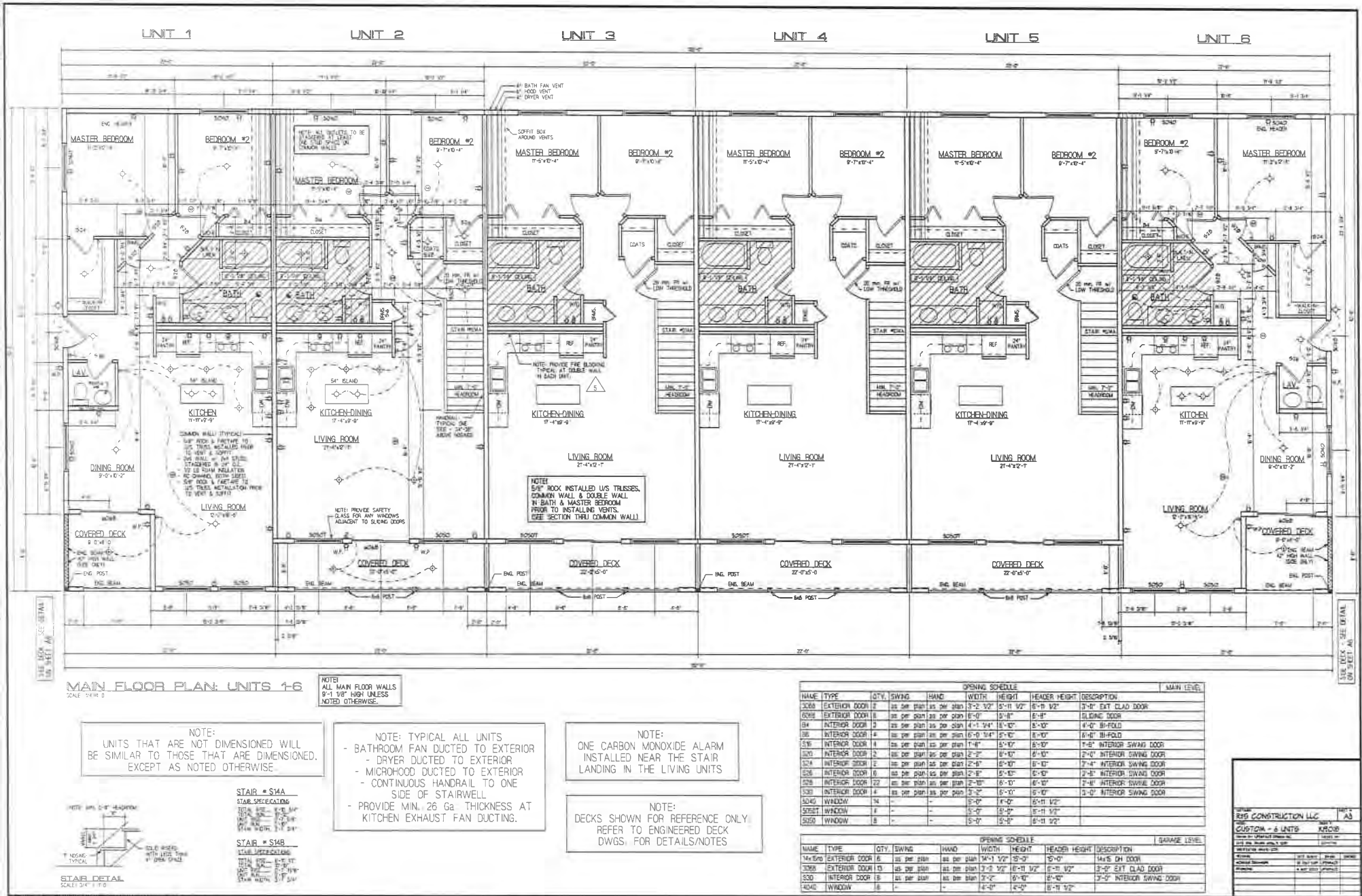
LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BRACKET BY OTHERS

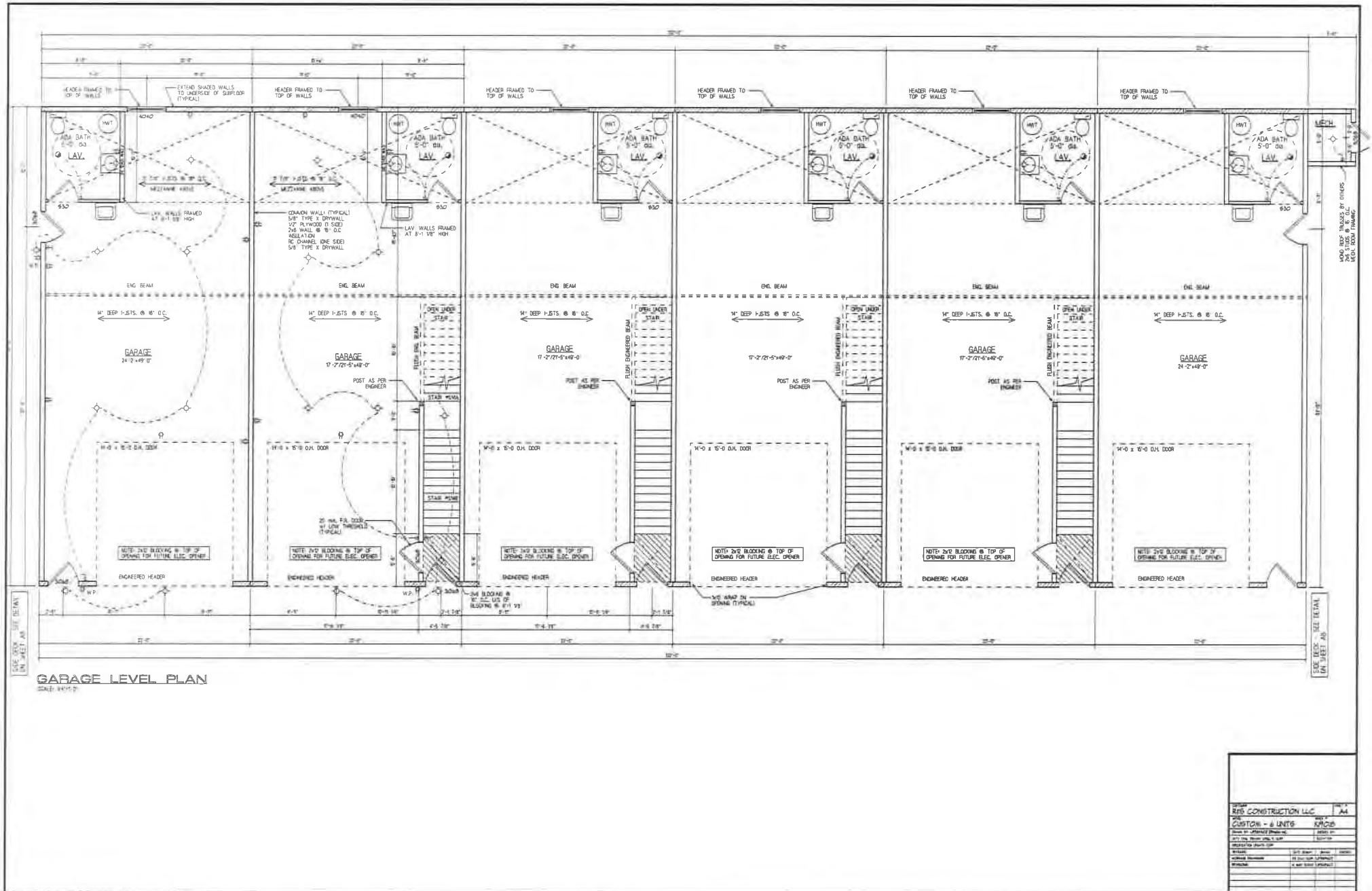
LEGEND:

- 1 NON-SNOW STEP
- HORIZONTAL LAP SIDING
- 2 FLASHING BETWEEN SIDING
- 1" VERTICAL METAL SIDING
- CULTURED STONE 3'-0" HIGH
- METAL FLASHING (ALL SIDES)
- BR

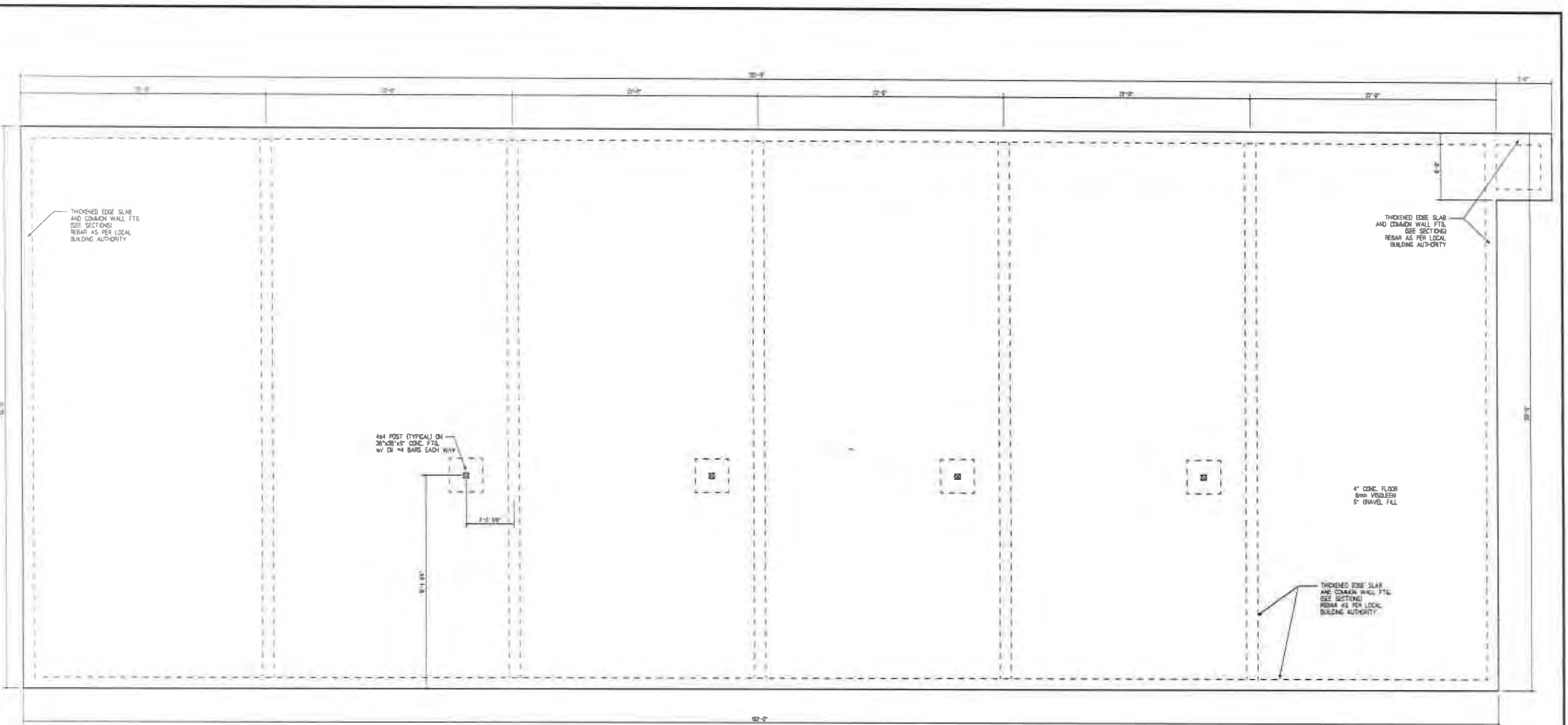
Attachment A - Application Packet



Attachment A - Application Packet



Attachment A - Application Packet

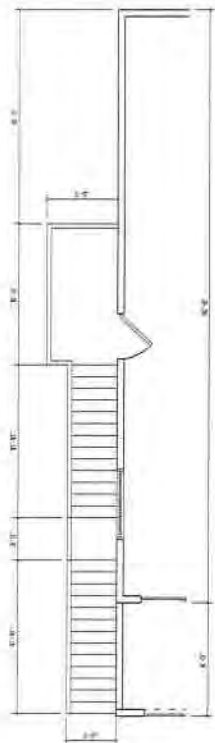


FOUNDATION PLAN
SCALE: 1/8"=1'-0"

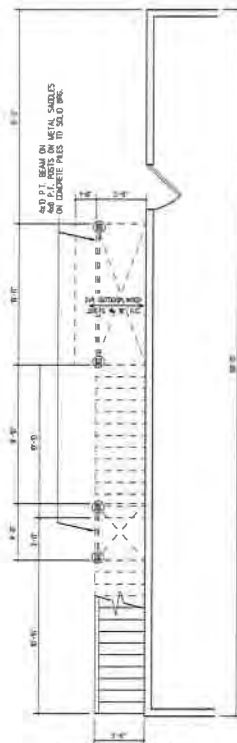
NOTE:
STRUCTURAL AS PER STAMPED
ENGINEERED DRAWINGS

[illegible]

Attachment A - Application Packet

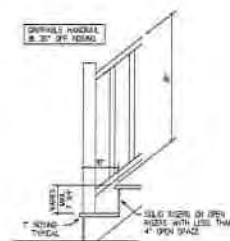


LEFT DECK DETAIL
(MAIN FLOOR PLAN)
SCALE: 1/4"=1'-0"



LEFT DECK DETAIL
(GARAGE LEVEL PLAN)
SCALE: 1/4"=1'-0"

NOTE:
DECKS SHOWN FOR REFERENCE ONLY.
REFER TO ENGINEERED DECK
DWGS FOR DETAILS/NOTES



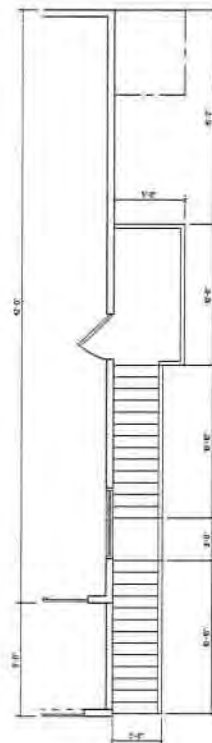
STAIR DETAIL
SCALE: 3/4" = 1'-0"

STAIR NOTES:
7 3/4" MAX. RISE
10" MIN. TREAD DEPTH TO NOBING
36" MIN. RAIL HEIGHT AT LANDINGS
GRIPPABLE SLOPED HANDRAIL TO BE 36-38" ABOVE SLOPED PLANE OF NOBING
2x2 STAIR HERRSE
HANDRAIL TO WALL OR POST DIMENSION MIN. 1 1/2"
HANDRAILS MUST RETURN TO WALL OR END AT POST- NO PROJECTING ENDS
PROJECTS LESS THAN 4" BETWEEN

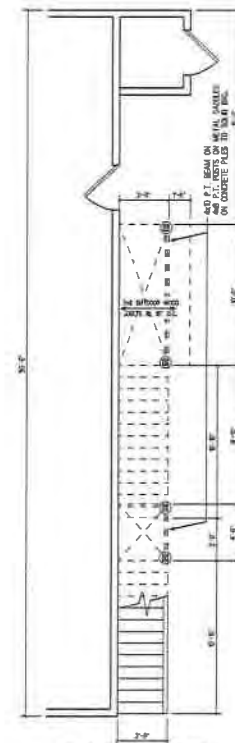
NOTE:
ALL EXTERIOR DECK AND STAIR WOOD MUST BE FACTORY
PRESSURE TREATED CEDAR, REDWOOD OR OTHER
APPROVED MATERIALS WITH RESISTANCE TO DECAY

NOTE:
3 FT. LANDINGS REQUIRED AT TOP AND BOTTOM AND
INTERMEDIATE SO THAT NO FLIGHT OF STAIRS EXCEEDS
12 FT. BETWEEN LEVELS EXCEPT AT TOP OF INTERIOR STAIRS
WHERE DOOR DOES NOT SWING OVER STAIRS.

NOTE:
SPARK REQUIREMENTS UNDER THE 2012 INTERNATIONAL
RESIDENTIAL CODE, SEE IRC SECTIONS R301 AND R302
FOR ADDITIONAL DETAILED REQUIREMENTS & EXCEPTIONS



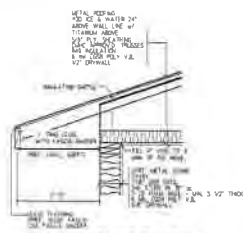
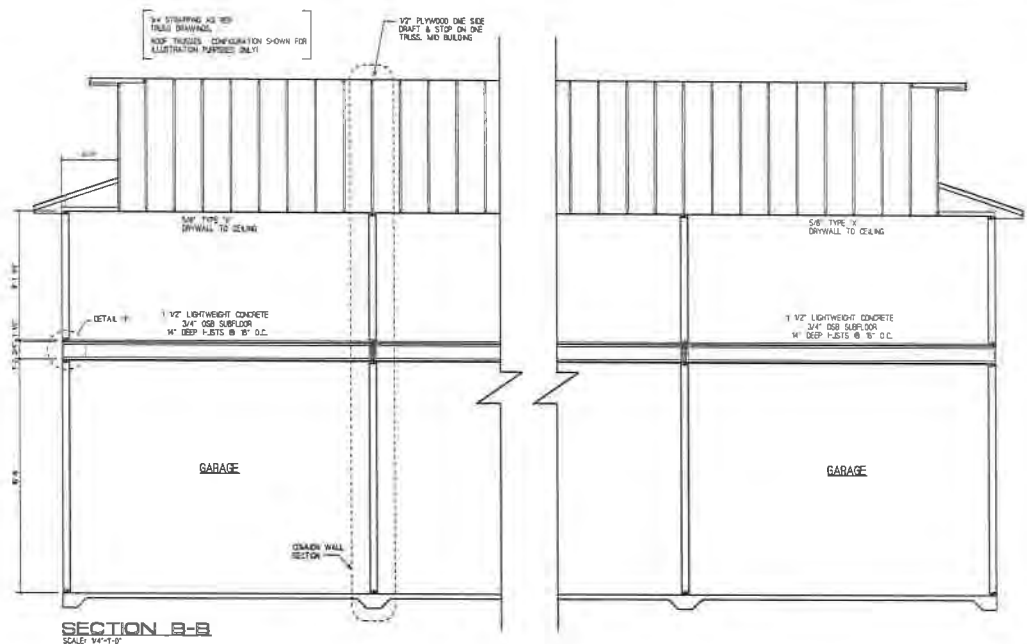
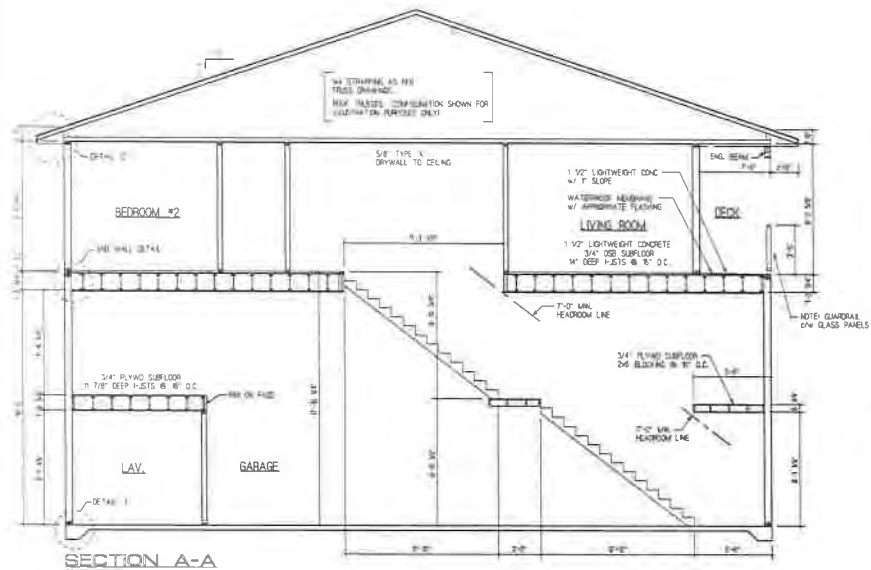
FIGHT DECK DETAIL
(MAIN FLOOR PLAN)
SCALE: 1/4"=1'-0"



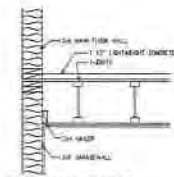
**RIGHT DECK DETAIL
(GARAGE LEVEL PLAN)**
SCALE: 1/4"=1'-0"

[illegible]

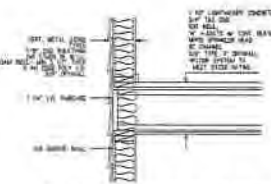
Attachment A - Application Packet



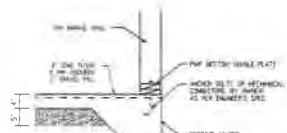
SECTION THROUGH RAVE 210' ON
DETAIL C
SCALE 1/4" = 1'-0"



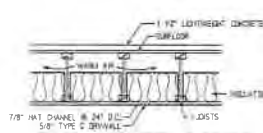
END WALL DETAIL



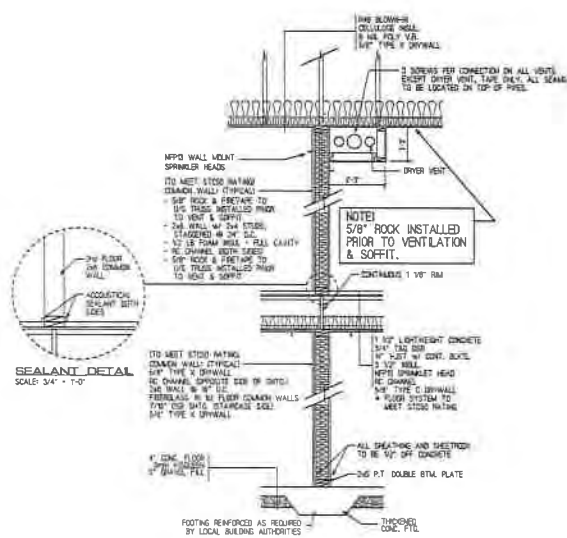
DETAIL F DETAIL GROUND WALL



DETAIL 1



FLOOR OVER GARAGE DETAIL



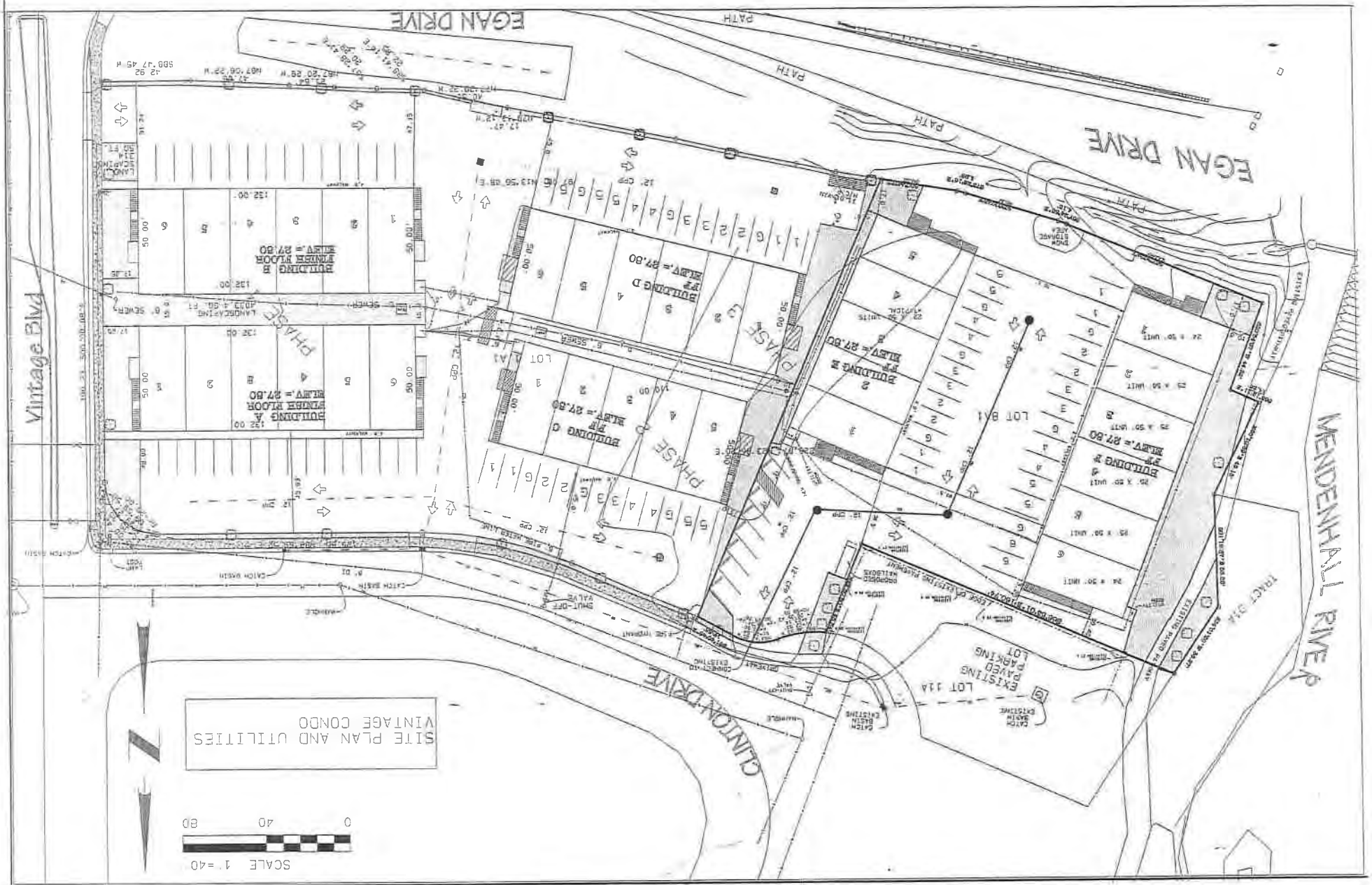
SECTION THRU COMMON WALL
SCALE: 1/2" = 1'-0"

FOOTING

- ALL FOUNDATIONS TO BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE LATEST NATIONAL, CITY, PROVISIONAL AND NATIONAL BUILDING CODES AND AUTHORITY HAVING JURISDICTION.
- THE FOUNDATION REQUIRED USING SINKING, DRIVING, PRACTICE, AND CONFORMING TO THE INTENT OF THE CODE. IT IS PRESUMED THAT LOCAL AUTHORITIES MAY REQUIRE AN ENGINEER REPORT TO CONFIRM THIS DESIGN. REPORT MUST BE SUBMITTED TO THE SATISFACTION OF THE OWNER OR INSURER TO PROTECT THE REPORT.
- FOUNDATION AND FOOTING DESIGN IS TO BE DESIGNED TO LOCAL SOIL CONDITIONS AND LOAD REQUIREMENTS.
- FOUNDATION IS TO BE DESIGNED TO ENSURE FOOTING AND RAIL PILES EXIST BELOW PROTECT LEVEL.
- DIMENSIONS TO BE CHECKED BY INSTALLING CONTINUOUSLY AND ANY DISCREPANCY TO BE VERIFIED BY OWNER.

[illegible]

Attachment A - Application Packet





REVISED 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

We are proposing a 5 unit building "A" and a 6 unit building "B" on lot 8A1 on Clinton Drive to be a new Condo Association **REVISED PROJECT SUMMARY**

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: _____

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 40277 square feet

Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) 12900 square feet

EXTERNAL LIGHTING

Existing to remain

No

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

Proposed

No

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ 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

If this is a modification or extension include:

- ☐ 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	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ _____			
Pub. Not. Sign Deposit	\$ _____			
Total 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

Date Received

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline 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.

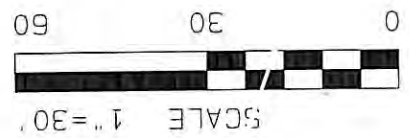
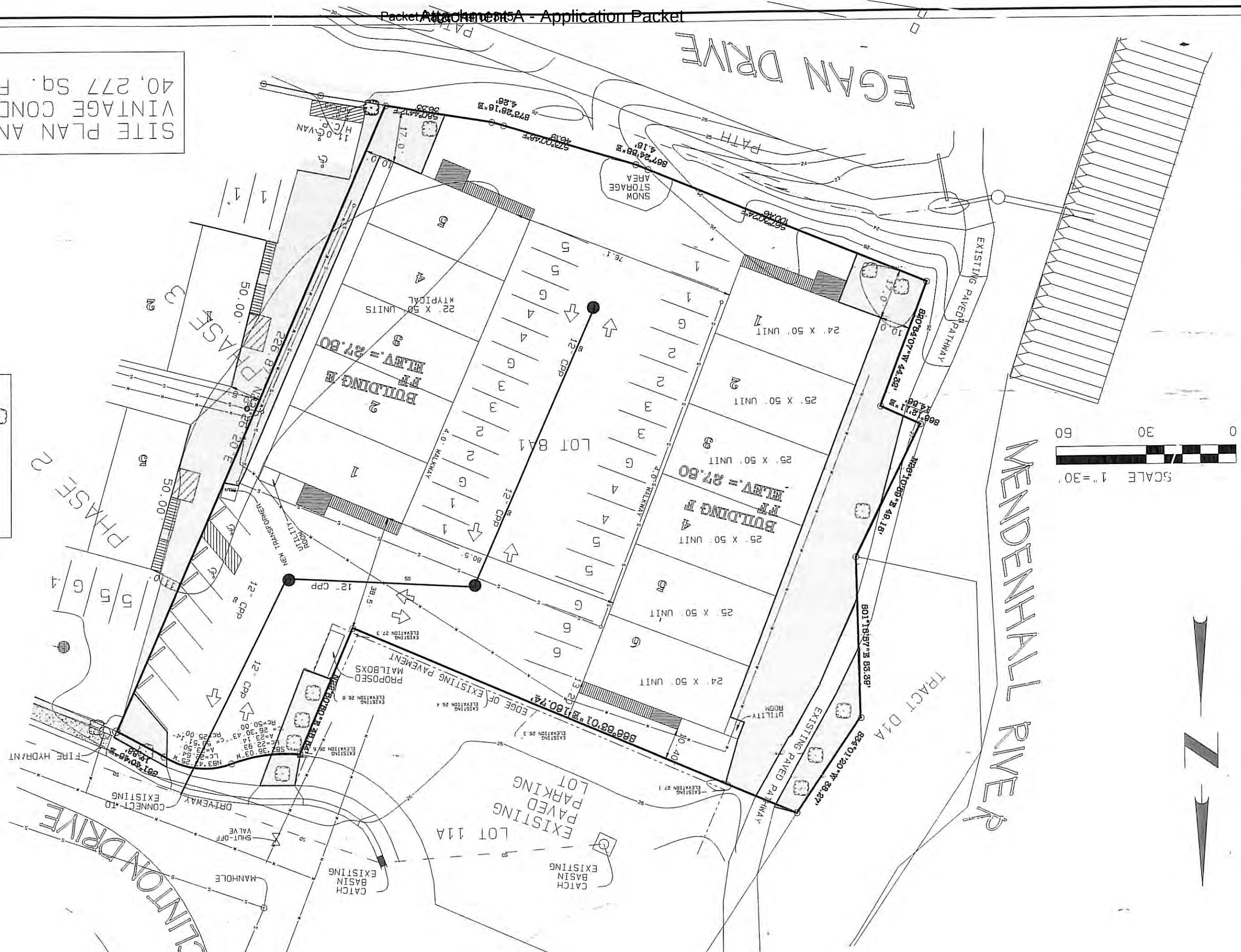
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Lot 8A1 New Condo Project

This lot is currently vacant as we have all the services to it and it is currently ready for construction to build a new 5 unit condo and a 6 unit condo in similar resemblance to 3005 Clinton drive Condos. These condos are primarily residentially used but are zoned for light commercial as well. The units will have approximately a 22x50 ft residential living area on the top floor with approximately a 22x50 ft garage area on the first floor. We have submitted a site plan that meets parking requirements with handicap parking. We are showing drainage and snow storage as well as a lighting plan. Our site plan meets the required vegetation to be allowed for the 2 structures on lot 8A1. This project meets all the city requirements and setbacks under the current zoning and will fit in with the neighboring buildings.

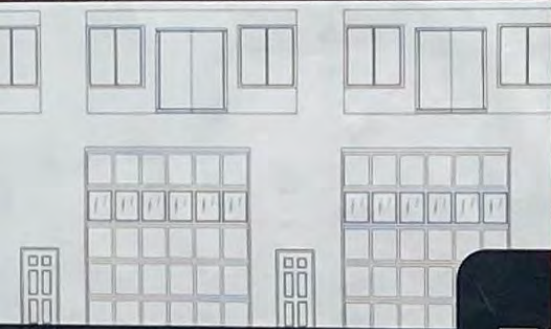
SITE PLAN AND UTILITIES
40,277 Sq. Feet

LANDSCAPING
TOTAL 5,552.0 SQ. FT.
EACH BUILDING HAS
2 PER UNIT INSIDE
AND 2 ADA PARKING
OUTSIDE
TYPICAL
MAPLE TREE



ts Over Your Business
UNITS WITH TWO BE

v.vintageparkcondo



NOTICE For more information 586-0715
pc_comments@juneau.org

**PERMIT FOR CONDO
DEVELOPMENT WITH
COMMERCIAL SPACE**

USE21-02: Conditional Use Permit for the
construction of 11 condominium units
with residential and commercial space
with a Light Commercial zoning district.

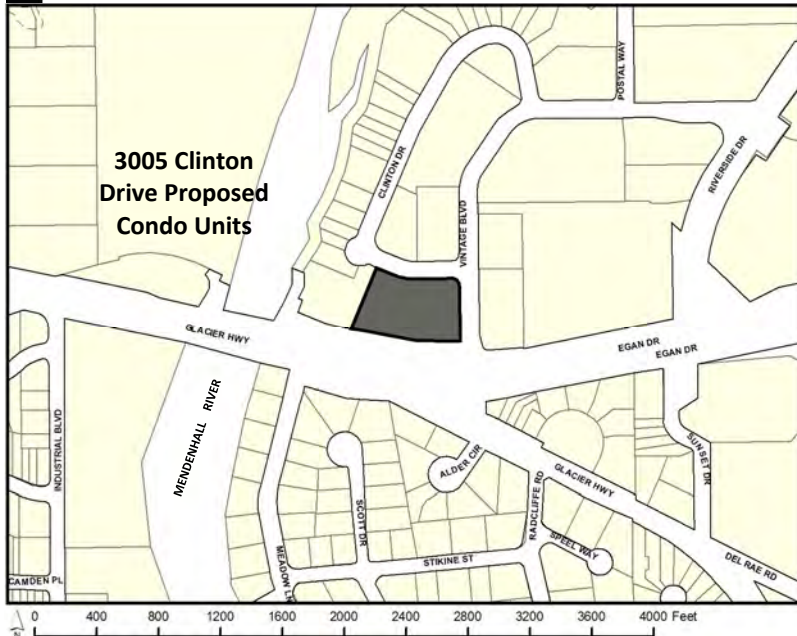
HEARING DATE: 4/13/21

723-8952 OR 521-5015

FOR M

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



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 for the addition of 11 new condo units at 3005 Clinton Drive** in a **Light Commercial Zone**.

TIMELINE

Staff Report expected to be posted **Monday, March 15, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through March 5

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

Mar. 6 — noon, Mar. 22

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

HEARING DATE & TIME: 7:00 pm, March 23, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/98118003735>. The Webinar ID is: 981 1800 3735. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

March 24

The results of the hearing will be posted online.

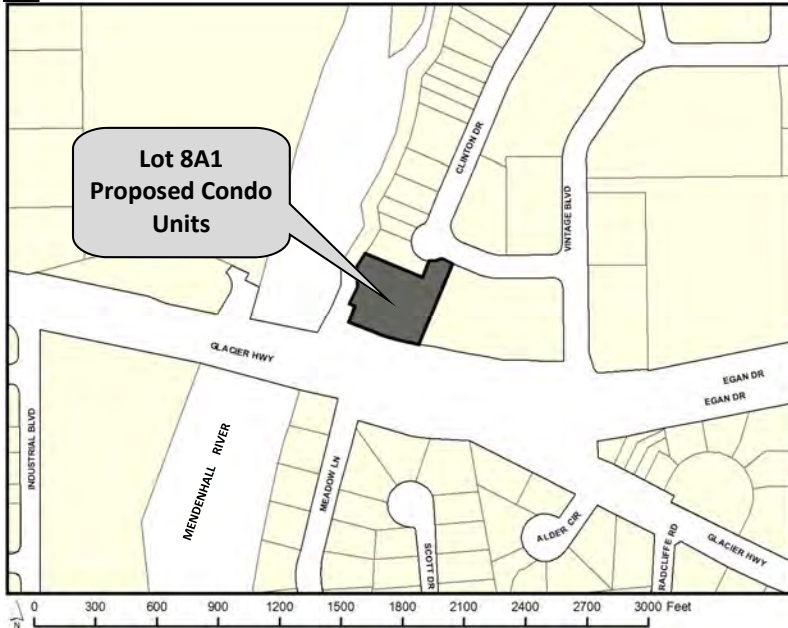
Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
 Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed February 22, 2021

Case No.: USE2021 0002
 Parcel No.: 5B1601441000
 CBJ Parcel Viewer: <http://epv.juneau.org>

Revised Notice

11 New Condo Units in the Vintage Park Subdivision
Amended Hearing Date



155 S. Seward Street Juneau, Alaska 99801

TO:

You are receiving this notice regarding an application being heard by the Planning Commission for a **Conditional Use Permit for the construction of 11 new condo units at 3005 Clinton Drive** in a **Light Commercial Zone**. This revised notice is to provide amended hearing date and Webinar information, given below.

TIMELINE

Staff Report expected to be posted **Monday, April 5, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through March 22

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

Mar. 23 — noon, Apr. 12

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

HEARING DATE & TIME: 7:00 pm, April 13, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/95201900876>. The Webinar ID is: 952 0190 0876. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

April 14

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed March 9, 2021

Case No.: USE2021 0002
Parcel No.: 5B1601441000
CBJ Parcel Viewer: <http://epv.juneau.org>

From: [Mary Hammond](#)
To: [Allison Eddins](#)
Subject: RE: Agency Comments: Addition of 11 boat condos to Vintage Park Condo Development
Date: Thursday, March 4, 2021 3:41:02 PM
Attachments: [image001.png](#)

Hi Allison,

I do not foresee any negative impacts on surrounding property values from the development of the additional 11 units.

Mary Hammond

Assessor

City & Borough of Juneau

(907) 586-0330

From: Allison Eddins

Sent: Thursday, March 4, 2021 3:14 PM

To: Mary Hammond

Subject: Agency Comments: Addition of 11 boat condos to Vintage Park Condo Development

Hi Mary,

The developers have applied for a Conditional Use Permit to add 11 boat condos to the vacant lot next to the 23 unit Vintage Park Condos. The 11 units will be located in two buildings – five units in Building E and six units in Building F. The architecture for these new buildings will be the same as the existing buildings. This will be the last addition bringing the total number of condos to 34. The CBJ Assessor's Office provided comment with the first CUP for the 23 units. Those comments are below.

The CBJ Assessor has stated that they do not foresee any negative impacts on surrounding property values from the development. They also stated the development might actually provide a beneficial buffer from Egan Drive for other properties on the interior of Vintage Park. However, they suggested a larger vegetative strip with shrubs or a privacy fence along Clinton Drive providing a visual buffer would be beneficial but were aware of the potential need for a larger paved turning area to allow boats to be more easily parked. The buffer would have limited impact on vehicle noise.

Would you say these comments are true for the 11 additional units?

Thank you!

Allison Eddins | Planner II

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

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

Office: 907.586.0758



From: [Charlie Ford](#)
To: [Allison Eddins](#)
Subject: RE: Agency Comments: Addition of 11 boat condos to Vintage Park Condo Development
Date: Thursday, March 4, 2021 3:43:49 PM
Attachments: [image003.png](#)

Hi Allison,

The Building Department has no issues with this project at this time.
Thank you,

Charlie Ford | Building Official

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

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

Office: 907.586.0767



From: Allison Eddins <Allison.Eddins@juneau.org>
Sent: Thursday, March 4, 2021 3:41 PM
To: Charlie Ford <Charlie.Ford@juneau.org>
Subject: Agency Comments: Addition of 11 boat condos to Vintage Park Condo Development

Hi Charlie,
The developers have applied for a Conditional Use Permit to add 11 boat condos to the vacant lot next to the 23 unit Vintage Park Condos. The construction will be the same for the two new buildings as it was for the first four. The application is attached. Do you have any concerns or comments about this project?
Thanks,
Allison

Allison Eddins | Planner II

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

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

Office: 907.586.0758



From: [Autumn Sapp](#)
To: [Allison Eddins](#)
Subject: RE: USE21-02: Addition of 11 boat condos at Vintage Park
Date: Wednesday, February 24, 2021 9:05:56 AM
Attachments: [image001.png](#)

Good morning,

There are no further comments regarding this project than what Mark put in his preapp report. Let me know if you have any questions.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Allison Eddins <Allison.Eddins@juneau.org>
Sent: Monday, February 22, 2021 10:01 AM
To: Autumn Sapp <Autumn.Sapp@juneau.org>
Subject: USE21-02: Addition of 11 boat condos at Vintage Park

Hi Autumn,
Attached is an application to add 11 boat condos to the existing 23 condos. Mark did the pre-app. Attached is the application. The as-built is the last page. The pre-app notes are attached as well. If you could get any comments back to me by March 2nd that would be great. I know that's not a lot of time but we are trying to make the March 23rd PC meeting. Let me know if you need more information or more time.
Thanks,
Allison

Allison Eddins | Planner II

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

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

Office: 907.586.0758



From: Robert Deering <rcdeering@gmail.com>
Sent: Wednesday, March 17, 2021 10:24 AM
To: PC_Comments
Subject: Re: Comment: Conditional Use Permit for new condos on Clinton Drive
Attachments: Dec of Covenants Vintage Business Park rec09.22.1997.pdf; ATT00001.txt

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I'm also including a copy of the Vintage Park covenants that were adopted during the development of the park and apply to all future development and ownership within the park. These clearly align with Ordinance 86-54am regarding setbacks and a recognition of common areas such as the trail.

BOOK 0479 PAGE 443

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS,
RESTRICTIONS AND RESERVATIONS FORVINTAGE BUSINESS PARK
JUNEAU, ALASKA

Table of Contents

	<u>Page Number</u>
RECITALS	1
ARTICLE I	DEFINITIONS
	1
ARTICLE II	DECLARATION AND EXPANSION
	4
ARTICLE III	CONSTRUCTION OF IMPROVEMENTS
	6
ARTICLE IV	IMPROVEMENTS STANDARDS
	10
ARTICLE V	REGULATION OF OPERATIONS AND USES
	12
ARTICLE VI	AMENDMENT AND REPEAL
	16
ARTICLE VII	VINTAGE BUSINESS PARK OWNERS ASSOCIATION
	18
ARTICLE VIII	MANAGEMENT OF ASSOCIATION
	21
ARTICLE IX	FUND FOR REGULAR AND SPECIAL ASSESSMENTS
	25
ARTICLE X	INSURANCE
	27
ARTICLE XI	INDEMNIFICATION OF BOARD MEMBERS
	28
ARTICLE XII	REMEDIES
	29
ARTICLE XIII	CONSTRUCTIVE NOTICE AND ACCEPTANCE
	32
ARTICLE XIV	WAIVER AND RELEASE
	32
ARTICLE XV	RUNS WITH LAND
	33

BOOK 0479 PAGE 444

ARTICLE XVI	RIGHTS OF BENEFICIARIES	33
ARTICLE XVII	CAPTIONS; OTHER WORDS	33
ARTICLE XVIII	EFFECT OF VALIDATION	34
ARTICLE XIX	COUNTERPARTS	34

BOOK 0479 PAGE 445

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS,
RESTRICTIONS AND RESERVATIONS FOR

VINTAGE BUSINESS PARK
JUNEAU, ALASKA

This Declaration of Covenants, Conditions, Easements, Restrictions and Reservations (this "Declaration") made this ____ day of August, 1997, by BBS Enterprises and is made with reference to the following facts:

RECITALS:

A. BBS Enterprises is the owner of that certain real property in the City and Borough of Juneau, State of Alaska, described in Part I of Exhibit A attached hereto and by this reference incorporated herein.

B. Vintage Business Park is being developed as a planned business park. It is the desire and intention of BBS Enterprises to subject the real property in said business park to certain covenants, conditions and restrictions for the benefit of the property, Vintage Business Park, and the purchasers of the Lots in the business park. It is intended that said covenants, conditions and restrictions bind and benefit not only said purchasers, but also their respective successors, heirs and assigns and that all Lots in the Vintage Business Park should be held, used, leased, sold and conveyed subject to the covenants, conditions and restrictions set forth in this Declaration.

ARTICLE I

DEFINITIONS

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, as used in this Declaration, have the meaning herein set forth:

1.1 Association. The term "Association" shall mean the association of the property owners of Vintage Business Park as hereinafter created, known as "Vintage Business Park Owners Association".

1.2 Beneficiary. The term "Beneficiary" shall mean a mortgagee under a mortgage as well as a beneficiary under a deed of trust.

BOOK 0479 PAGE 446

1.3 Board. The term "Board" shall mean the Board of Directors of the Association, who shall be elected by the Association from among its members.

1.4 Park. The term "the Park" shall mean all of the real property in Vintage Business Park now or hereafter subjected of record to this Declaration.

1.5 Common Area or Common Areas. The term "Common Areas" shall mean those portions of the Park including easements which are designated as such on the Plat and are dedicated for the common use and benefit of the owners and occupants of the Park.

1.6 Declarant. The term "Declarant" shall mean Vintage Business Park and, to the extent identified as such in an instrument executed by BBS Enterprises and recorded in the Department of Records and Election of The City and Borough of Juneau, its successors and assigns.

1.7 Declaration. The term "Declaration" shall mean this Declaration of Covenants, Conditions, Easement, Restriction and Reservations for Vintage Business Park as it may from time to time be amended or supplemented.

1.8 Deed of Trust. The term "Deed of Trust" shall mean a mortgage as well as a deed of trust.

1.9 Development Standards. The term "Development Standards" shall mean the procedures, goals, objectives and standards set forth in ordinance serial number 86-54 of the City and Borough of Juneau, and any other ordinances, rules or regulations of the City and Borough of Juneau applicable to the Park.

1.10 First Class. When used in this Declaration in connection with the development, maintenance, operation or condition of the Park, or any portion thereof, the term "First Class" shall refer to comparative standard of quality judged in accordance with other similar well maintained corporate business parks within the City and Borough of Juneau.

1.11 Improvement-Improvements. The term "Improvement" or "Improvements" shall include buildings, outbuilding, roads, driveways, parking areas, fences, screening walls and barriers, retaining walls, stairs, decks, water lines, sewers, electrical and gas distribution facilities, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas and all other structures, installations and landscaping of every type and kind, whether on, above or below the land surface.

BOOK 0479 PAGE 447

1.12 Lot. The term "Lot" shall mean a fractional part of the Park with a numerical designation on the plat for Vintage Business Park in the Office of Records and Elections of the City and Borough of Juneau, State of Alaska.

1.13 Master Plan. The term "Master Plan" shall mean the plan submitted to and approved by the City and Borough of Juneau for the development of the Park, as reflected in Ordinance Serial Number 84-03 (AM) of the Planning and Community Development Department of the City and Borough of Juneau, as hereafter amended from time to time.

1.14 Mortgage. The term "Mortgage" shall mean and include a mortgage, a Deed of Trust and a sale and leaseback transaction, and the making of any such relationship; "mortgagee" shall mean a mortgagee under a Mortgage, the trustee and Beneficiary under a Deed of Trust, and the leaseback lessor in a sale and leaseback transaction. The term "Mortgagee" shall not refer to any of the foregoing persons, when and to the extent in possession of all or any of the Parcel of a Party.

1.15 Occupant. The term "Occupant" shall mean a lessee or licensee or an Owner, or any other person or entity other than an Owner in lawful possession of a Lot, or any portion thereof, with the permission of the Owner.

1.16 Owner or Owners. The term "Owner" shall mean and refer to any person or entity which is the record Owner of fee simple title to any Lot (except any entity or person who holds such interest as security for the payment of an obligation) and the purchaser under a real estate contract in actual possession of a Lot.

1.17 Person or Persons. The term "Person" shall mean and include any individual, partnership, firm, association, corporation, trust, or any other form of business entity.

1.18 Plat. The term "Plat" shall mean the Binding Site Plan of Vintage Business Park filed May 5, 1985 under Vintage Subdivision recording number 85-58.

1.19 Proportionate Share. The term "Proportionate Share" shall mean the ratio which the acreage of a Lot bears to the acreage of all Lots subjected to this Declaration at the time, as such acreage is shown on the Plat.

1.20 Record-Recorded-Recordation. The terms "Record," "Recorded," "Recording," or "Recordation," shall mean with respect to any document, the recordation of said document in the Office of Records and Elections of the City and Borough of Juneau, State of Alaska.

BOOK 0479 PAGE 448

1.21 Sign. The term "Sign" shall mean any structure, device or contrivance, electric or non-electric, upon or within which any poster, bill, bulletin, printing, lettering, painting, business name, information or advertising device of any kind whatsoever is used, placed, posted, tacked, nailed, pasted, painted or otherwise fastened or affixed.

1.22 Street or Streets. The term "Street" or "Streets" shall mean any street, highway, road, or thoroughfare within or adjacent to the Park and shown on any recorded subdivision or parcel map, or record or survey, whether designated thereon as street, boulevard, place, drive road, court, terrace, way, lane, circle, or otherwise.

1.23 Subject Property. The term "Subject Property" shall mean the Vintage Business Park.

1.24 Transition Date. The term "Transition Date" shall have the meaning set forth in Section 8.1.

1.25 Utility or Utilities. The term "Utilities" shall mean all common water, sanitary and storm sewer lines and related facilities, water mains, conduits or systems, telephone lines, electrical utilities or systems, and other utilities and services, wherever located within the Park to the point where such line, system or facility crosses a line of a building area, together with all improvements, replacements, modifications, additions, extensions, or new construction, whether such system, line or facility now or hereafter exists on the Park.

ARTICLE II

DECLARATION AND EXPANSION

2.1 General Declaration. BBS Enterprises hereby declare that all of that real property located in the City and Borough of Juneau, State of Alaska, and more particularly described in Exhibit A is, and shall be, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration. All of the covenants, conditions and restrictions set forth herein are declared and agreed to be in furtherance of a general plan for the subdivision, improvement and sale of said real property and are established for the purpose of enhancing and protecting the value, desirability and attractiveness of the Park and every part thereof. All of said covenants, condition and restrictions shall run with all of the Park for all purposes and shall be binding upon and inure to the benefit of BBS Enterprises, and all Owners, Occupants, and their

BOOK 0479 PAGE 449

successors in interest as set forth in this Declaration. Declarant reserves for itself, until the Transition Date, the right to initiate any and all studies, sign any and all agreements, and otherwise take any and all actions which it deems necessary or desirable to satisfy the City and Borough of Juneau in connection with Development Standards and/or the Master Plan.

2.2 Expansion. Declarant reserves the right, until the Transition Date, to expand the Park onto other property (each, the "Expansion Area") adjacent to the Park, which such expansion shall be accomplished by Recording (i) an amendment to this Declaration that specifies the Expansion Area being added and subjects all such Expansion Area to this Declaration (ii) an amendment or supplement to the Plat covering the Expansion Area and setting forth the acreage of each Lot therein. From and after the Recording thereof, all of the land originally subjected and subsequently subjected to this Declaration shall constitute the Park as a single project pursuant to the provisions of this Declaration. Declarant shall complete, or cause to be completed, all Common Area Improvements required by the City of Juneau in connection with all Expansion Area hereafter subjected to this Declaration. All costs of Common Area Improvements in the Expansion Area shall be the sole responsibility of Declarant; and neither the Association nor any Lot Owner shall have any liability for such costs. In addition to general easements reserved in other sections of this Declaration, there is reserved a nonexclusive easement in favor of Declarant and its successors and assigns over and across all roads and driveways that may exist from time to time on the Subject Property for ingress and egress and over and across easements and utility lines specified or established in and for adjacent land now or hereafter acquired by declarant prior to the Transition Date, and the right to connect thereto; provided that, such can be accomplished (a) without cost to any Lot Owner of the Subject Property, (b) without material interference with the use or operation of the Subject Property, and (c) without reduction in the quality of the utility service to the Subject Property. Such reservations are for the purpose either of completing common area improvements to be subjected to this Declaration or otherwise developing adjacent land if not completed as a part of the Park; provided, however, that Declarant shall bear the cost of tie-ins to said utilities and roads and will not connect with said utilities in a manner that impairs or significantly reduces the quality of the utility service to the Subject Property. The provisions of Section 6.2 shall apply to this Section 2.2.

BOOK 0479 PAGE 450

ARTICLE III

CONSTRUCTION OF IMPROVEMENTS

3.1 Approval of Plans Required. No Improvements shall be erected, placed, altered, maintained or permitted to remain on any Lot by any Owner or Occupant until final plans and specifications shall have been submitted to and approved in writing by Declarant. Such final plans and specifications shall be submitted with the authorized signature of the Owner or Occupant, or the authorized agent thereof. Such plans and specifications shall be in such form and shall contain such information as may be required by the Declaration, but shall in any event include the following:

(a) A site development plan of the Lot showing the nature, grading scheme, kind, shape, composition and location of all structures with respect to the particular Lot (including proposed front, rear and side setback lines), and with respect to structures on adjoining Lots, and the number and location of all parking spaces and driveways on the Lot;

(b) A landscaping plan for the particular Lot;

(c) A plan for the location of signs and exterior lighting which conforms to the Sign Plan and Lighting Plan for the Park, as required by the City and Borough of Juneau; and

(d) Building elevations and plans, showing dimensions, materials and external color scheme in no less detail than required by the appropriate governmental authority for the issuance of a building permit or design review approval. Material changes in approved plans must be similarly submitted to a approved by Declarant and the City and Borough of Juneau.

3.2 Basis for Approval. Approval shall be based, among other things, upon adequacy of site dimensions, conformity and harmony of external design with neighboring structures, effect of location and use of proposed Improvements upon neighboring Lots, proper facing of main elevation with respect to nearby streets, adequacy of screening of mechanical, air conditioning or other roof top installations, and conformity of the plans and specifications to the purposes and general plan and intent of this Declaration. No plans will be approved which do not provide for the underground installation of power, electrical, telephone and other utility lines from the

BOOK 0479 PAGE 451

property line buildings. Declarant shall not arbitrarily or unreasonably withhold its approval of any plans and specifications. Except as otherwise provided in this Declaration, Declarant shall have the right to disapprove or require any modification in any plans and specifications submitted hereunder on any reasonable grounds including, but not limited to, the following:

(a) Failure to comply with any of the restrictions set forth in this Declaration;

(b) Failure to comply with either the Development Standards, or the design guidelines promulgated by Declarant from time to time;

(c) Failure to include information in such plans and specifications as may have been reasonably requested by Declarant;

(d) Objection to the exterior design, the appearance of material or materials employed in any proposed structure;

(e) Objection on the grounds of the incompatibility of any proposed structure or use with existing structures or uses upon other Lots, or other property in the vicinity of the Park;

(f) Objection to the grading or landscaping plan for any Lot;

(g) Objection to the color scheme, finish, proportions, style or architecture, height, bulk or appropriateness of any structure;

(h) Objection to the number or the size of parking spaces, or to the design of the parking area;

(i) Any other matter which, in the judgement of the Declarant, would render the proposed improvements or use inharmonious with the general plan for improvements of the Park or with improvements located upon other Lots or other property in the vicinity.

3.3 Review Fee. An architectural review fee of Five Hundred Dollars (\$500) shall be paid to Declarant at such time as plans and specifications are submitted to it.

3.4 Result of Inaction. If Declarant fails either to approve or disapprove plans and specifications submitted to it within forty-five (45) days after the same have been submitted, it shall be conclusively presumed that Declarant

BOOK 0479 PAGE 452

has disapproved said plans and specifications; provided, however, that if within the forty-five (45) day period Declarant gives written notice of the fact that more time is required for the review of such plans and specifications, there shall be no presumption that the same are disapproved until the expiration of such reasonable period of time as is set forth in the notice.

3.5 Approval. Declarant may approve plans and specifications as submitted, or altered or amended, or it may grant its approval to the same subject to specific conditions. Upon approval or conditional approval by Declarant of any plans and specifications, together with any conditions, shall be deposited for permanent record with Declarant, and a copy of such plans and specifications, bearing such approval together with any conditions, shall be returned to the Owner of Occupant submitting the same.

3.6 Proceeding with Work. Upon receipt of approval of the final construction documents from Declarant, The Owner, or Occupant, or both, to whom the same is give, shall, as soon as practicable, satisfy any and all conditions of such approval and shall diligently proceed with the commencement and completion of all approved excavation, construction, refinishing and alterations. In all cases, work shall commence within one (1) year from The date of approval, and if work is not so commenced approval shall be deemed revoked unless Declarant, pursuant to written request made and received prior to the expirations of said one (1) year period, extends the period of time within which work must be commenced.

3.7 Completion of Work. Any Improvement commenced pursuant hereto shall be completed within one (1) year from the date of commencement of work except for so long as such proposed Improvements would impose a great hardship or upon the occurrence of a the strike, fire, national emergency, natural disaster or other supervening force beyond the control of Owner of Occupant. Declarant may, upon written request made and received prior to the expiration of the on (1) year period, extend the period of time within which work must be completed. Failure to comply with this Section 3.7 shall constitute a breach of this Declaration and subject the party in breach to the enforcement procedures set forth in Article VII.

3.8 Declarant Not Liable. Declarant shall not be liable for any damage, loss or prejudice suffered or claimed by any Person on account of:

- (a) The approval or disapproval of any plans, drawings and specifications, whether or not in any way defective;

BOOK 0479 PAGE 453

(b) The construction of any Improvement, or performance of any work, whether or not pursuant to approved plans, drawing and specifications; or

(c) The development of any Lot within the Park.

Declarant shall not be liable to any Owner or Occupant of the Park by reason of any mistake in judgement, negligence, nonfeasance, action or inaction or for the enforcement or failure to enforce any provision of this Declaration; provided, that Declarant shall be liable for gross negligence, fraud or willful or wanton misconduct. Every Owner or Occupant of any of the Park by acquiring its interest therein agrees that it will not bring any action or suit against Declarant to recover any such damages or to seek equitable relief because of same.

3.9 Construction Without Approval. If any Improvement shall be erected, placed or maintained upon any Lot, or any new use commenced upon any Lot, other than in accordance with the approval by the Declarant pursuant to the provisions of this Article III, such alteration, erection, placement, maintenance or use shall be deemed to have been undertaken in violation of this Declaration, and upon written notice from Declarant any such Improvement so altered, erected, placed, maintained or used upon any Lot in violation of this Declaration shall be removed or altered so as to conform to this Declaration. Should such removal, or alteration, of cessation or amendment or use not be accomplished within thirty (30) days after receipt of such notice, then the party in breach of this Declaration shall be subject to the enforcement procedures set forth in Article VII.

3.10 Termination of Declarant's Control. Declarant may at any time, prior to the Transition Date, relinquish authority under all or any of this Article III, Article IV and/or Article V to the Association. The Association may thereafter delegate its duties and rights under this Article III to an Architectural Committee consisting of at least three (3) Owners in the Park, or their designated representatives, whereupon The Architectural Committee shall exercise all power and authority of Declarant under this Article; provided, however, that the Architectural Committee or any member may be removed at any time by vote of a majority of the Owners at an annual or special meeting of the Association called for that purpose.

BOOK 0479 PAGE 454

ARTICLE IV

IMPROVEMENTS STANDARDS

4.1 Minimum Setback. No Improvements of any kind, and no part thereof, shall be placed closer than permitted by the City and Borough of Juneau to an Interior Property Line, except as otherwise provided in Section 4.2. "Interior Property Line" shall mean the boundary between any Lot within The Park and all other Lots bordering upon said Lot. Minimum setbacks shall be as described in Exhibit B.

4.2 Exceptions to Setback Requirements. The following Improvements, or parts of Improvements, are specifically excluded from The setback requirements set forth in Section 4.1:

(a) Roof overhang, subject to approval in writing from Declarant, provided said overhang does not extend more than thirty (30) inches into the setback area;

(b) Steps and walkways;

(c) Fences, subject to the requirements set forth in Section 4.4;

(d) Landscaping;

(e) Planters, not to exceed three (3) feet in height, except that planters of greater height may be built within the setback area with the prior written approval of Declarant;

(f) Business park identification Signs, directional and parking Signs and Signs identifying the Owner or Occupant of a Lot, subject to the prior written approval of Declarant;

(g) Lighting facilities, subject to the prior written approval of Declarant; and

(h) Underground utility facilities and sewers.

4.3 Signs. All Signs shall be subject to applicable law and ordinances of the City and Borough of Juneau including the Development Standards. No Sign shall be permitted on any Lot unless approved by Declarant in Writing. No Sign shall be approved other than reasonable and non-obstructive; business park identification Signs, information and vehicular control Signs, Signs identifying the building or the business of the Owner or Occupant of a Lot, and Signs offering the Lot for sale or lease, and

BOOK 0479 PAGE 455

temporary development signs; provided, however, Declarant shall have the right to advertise the Park and any Lot for sale or lease by signs displayed to the public until all Lots within The Park have been sold or leased by Declarant.

4.4 Fences. No fences or walls shall be permitted on any Lot unless such fence or wall is necessary for security or screening purposes. Declarant reserves the right to approve the location and design of all fences, and no fence shall be constructed without a letter of approval from the Declarant. No chain link fences will be permitted.

4.5 Parking Areas. Off-street parking must be adequate to accommodate the parking needs of the Owner or Occupants. Parking for the employees and visitors thereof shall be provided by the Owner or Occupant of each Lot. If parking requirements increase as a result of a change in the use of a Lot or in the number of persons employed by the Owner or Occupant, additional off-street parking shall be provided so as to satisfy the intent of this section. All parking and loading areas shall conform to applicable Development Standards of the City and Borough of Juneau and the following requirements:

(a) Required off-street parking shall be provided on the Lot, on a contiguous Lot, or within such distance from the Lot as Declarant deems reasonable. Where parking is provided other than upon the Lot concerned, Declarant shall be given a certified copy of a Recorded Instrument, duly executed and acknowledged by the Person or Persons holding title to the Lot or other Property upon which the parking area is located, stipulating to the permanent reservation of the use of the Lot or other Property for such parking area.

(b) Parking areas shall be paved so as to provide dust-free, all-weather surfaces. Each parking space provided shall be designated by lines painted upon the paved surface and shall be adequate in area. All parking areas shall provide, in addition to parking spaces, adequate driveways and space for the movement of vehicles.

4.6 Storage and Loading Areas. Storage, maintenance and loading areas must be constructed, maintained and used in accordance with applicable Development Standards and the following conditions:

(a) Outside storage of materials, supplies or equipment, including trucks or other motor vehicles, shall be permitted only if approved in writing by Declarant.

BOOK 0479 PAGE 456

(b) Provision shall be made on each lot for any necessary vehicle loading and no on-street vehicle loading shall be permitted.

(c) Loading areas shall be set back, recessed or screened so as to be minimally visible from neighboring property or streets.

4.7 Drainage Control. All Lots shall be responsible to control drainage within said Lot as may be required to assure compliance with the Development Standards of The City and Borough of Juneau and as required by the applicable agencies. Each Lot shall construct a storm facility that services the collection of impervious surfaces i.e., roofs, walks, parking areas, and will connect such runoff areas to the storm connections provided or as required to assure these water do not enter the natural draining outfall. All pervious areas, i.e., lawn and landscape features shall direct surface and subsurface collection systems to the subdrains installed, or as may be modified to receive said water. This provision is to assure that each Lot Owner will recharge the natural ground water as much as possible. No landscaping or regrading of said Lots shall preclude the surface water from entering the required storm draining systems. Maintenance of all systems within private property shall be the individual Lot Owner's responsibility, except the easements as may be required for transporting impervious area storm run-off from dedicated public right-of-ways, or owned by public agencies. The agency having to maintain said storm facility shall have the right to enter each Lot as may be required to repair, reconstruct or maintain said system as deemed necessary.

4.8 Vacant Lots. Any vacant Lot shall be maintained in an orderly condition and debris, weeds and any waste materials shall be removed or controlled on a regular basis.

ARTICLE V

REGULATION OF OPERATIONS AND USES

5.1 Permitted Uses. Only uses allowed by the Master Plan shall be permitted in the Park. Any use shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other Lots or property, such as, but not limited to, vibration, sound, electro-mechanical disturbances, radiation, air or water pollution, dust or the emission of odorous, toxic or non-toxic matter (including steam). Certain activities which cannot be carried on within a building may be permitted, provided Declarant specifically consents to such activity in

BOOK 0479 PAGE 457

writing, and further provided such activity is screened so as not to be visible from neighboring property and streets. All lighting for exterior business activities other than parking and landscaping, shall be shielded so as not to be visible from neighboring property.

Nothing contained herein shall preclude an Owner from recovering from any Person liable therefor, damages to which such Owner might be entitled for any act or omission to act requiring an expenditure by the Owner for the maintenance and repair of the parking area, driveway, walkway and/or landscaping on his Lot.

5.2 Nuisances. No nuisance shall be permitted to exist or operate upon any Lot so as to be offensive or detrimental to any adjacent Lot of site of neighboring property or to its occupants. A "nuisance" shall include, but not be limited to any of the following conditions:

(a) Any use of the Lot which emits smoke, dust, dirt, or other particulates into the atmosphere. Any discharge of contaminated water, oil, grease, detergents or other improper liquids, solid wastes, or other harmful matter into the storm sewer system, or other waterway which, in the opinion of Declarant, may adversely affect the health, safety, or comfort of Person within the area, or intended use of their property, or cause negative impacts to the downstream receiving waters. No toxic waste, deleterious substance or improper materials of any kind shall be discharged into any public sewer serving the Park or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer.

(b) The escape or discharge of any fumes, odors, gases, vapors, steam, acids or other substance into the atmosphere which discharge, in the opinion of Declarant may be interfere with comfort of Person within the area or which may be harmful to property or vegetation;

(c) The radiation or discharge of intense light, glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the point exterior to the site or Lot upon which the operation is conducted;

(d) Excessive noise, being any noise level which unreasonably disturbs the peace of the area taking into consideration the nature of the uses permitted in the

BOOK 0479 PAGE 458

Park, or any noise level which violates any applicable law;

(e) Excessive emissions of smoke, steam, or particulate matter. Visible emissions of smoke or steam will not be permitted (outside any building) which exceed Ringlemann No. 1 on the Ringlemann Chart of the United States Bureau of Mines, or as determined by opacity limitations established by the State of Alaska. This requirement shall also be applied to the disposal of trash and waste materials. Wind-borne dust, sprays and mists are not permitted.

(f) Ground vibration. Buildings and other structures shall be constructed, and machinery and equipment installed, and insulated on each Lot so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point exterior to any Lot.

5.3 Condition of Property. The Owner of any Lot shall at all times keep it and the Improvements and appurtenances thereon in a safe, clean and wholesome condition and comply, at its own expense, in all respects with applicable governmental, health, fire and safety ordinances, regulations, requirements and directives, and shall at regular and frequent intervals remove at its own expense any rubbish of any character whatsoever that may accumulate upon such Lot.

5.4 Maintenance of Grounds. Except to the extent, from time to time, Declarant or, after the Transition Date, the Association, elects, by notice in writing, to sweep or clean driveways and parking lots, mow lawns or maintain sidewalks or grass areas between the curbs and sidewalks as if they were Common Areas, each Owner shall be responsible for the maintenance and repair of all parking areas, driveways, walkway, snow removal systems and landscaping on its Lot. Such maintenance and repair shall include, without limitation:

(a) Maintenance of all parking areas, driveways, curbs and walkways in a clean and safe condition, including the paving and repairing or resurfacing of such areas when necessary with the type of material originally installed thereon or such substitute therefor as shall, in all respects, be equal in quality, appearance and durability; the removal of debris and waste material and the washing and sweeping of paved areas as required; painting and repainting of striping markers and directional signals as required; and

BOOK 0479 PAGE 459

(b) Cleaning, maintenance and relamping of any external lighting fixtures except such fixtures as may be the property of any public utility or government body; and

(c) Except to the extent performed by Declarant or the Association pursuant to this Section 5.4, performance of all necessary maintenance of all landscaping including the trimming, watering and fertilization of all grass, ground cover, shrubs or trees, removal of dead or waste materials, replacement of any dead or diseased grass, ground cover, shrubs or trees.

(d) Installation, maintenance, repair and operation of the irrigation system on all landscaped areas of the Lot.

5.5 Taxes and Assessments. Owners shall pay taxes and assessments on their Lots before such taxes or assessments become a lien on the Lot or on any portion of the Park.

5.6 Refuse Collection. No refuse collection area shall be permitted between a street and the front of a building.

5.7 Repair of Building. No building or structure upon any Lot shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

5.8 Public Utilities. Declarant reserves the sole right to grant consents for the construction and operation of public utilities including, but not limited to, underground lines for cable television antenna, electricity, telephone or telegraph, and gas pipes in and upon any and all streets now existing or hereafter established upon which any portion of the Park may now or hereafter front or abut. Declarant reserves the exclusive right to grant consents and to petition the proper authorities for any and all street improvements such as grading, seeding, tree planting, sidewalks, paving, sewer and water installation, whether it be on the surface or subsurface, which in the opinion of Declarant are necessary on or to the Park. Notwithstanding the provisions of Section 3.2, Declarant reserves the exclusive right to approve above ground utility lines across the Park or any portion thereof (excluding Lots owned by other Owners) on a temporary basis for the purpose of construction, and such lines shall be permitted when required by a government agency.

BOOK 0479 PAGE 460

5.9 Utility Lines and Antennas. No sewer, drainage or utility lines or wires or other devices for the communication or transmission of electric current, power or signals, including telephone, television, microwave or radio signals, shall be constructed, placed or maintained anywhere in or upon any portion of the Park other than within buildings or structures unless the same shall be contained in conduit or cables constructed, placed or maintained underground or concealed in or under buildings or other structures. Antenna for the transmission or reception of telephone, television, microwave or radio signals placed on any Lot, shall be appropriately screened so as to have minimum visual impact on surrounding streets, public spaces and common open space. The final location and configuration of such antenna must be approved in writing by the Declarant. Nothing contained herein shall be deemed to forbid Declarant from allowing, by written approval, the erection or use of temporary above ground power or telephone facilities incidental to the construction or repair of buildings on the Park.

5.10 Mechanical Equipment. All mechanical Equipment, utility meters, storage tanks, air conditioning equipment and similar items shall be screened with landscaping or attractive architectural features integrated into the structure itself.

5.11 Mineral Exploration. No portion of the Park shall be used in any manner to explore for or to remove any steam, heat, oil or other hydrocarbons, gravel, earth, or any earth substances or other minerals of any kind, provided, however, that this shall not prevent the excavation of earth in connection with the grading or construction of Improvements within the Park.

ARTICLE VI

AMENDMENT AND REPEAL

6.1 Procedure. Except as otherwise provided in Section 6.2, this Declaration or any provision hereof, or any covenant, condition, easement, restriction or reservation contained herein, may be terminated, extended, modified or otherwise amended, as to the whole of the Park or any portion thereof, with the written consent of the Owners of eighty percent (80%) of the voting power in the Association, based upon each Lot having a vote equal to its Proportionate Share; provided, however, that until the Transition Date, no such termination, extension, modification or other amendment shall be effective without the written approval of Declarant. No such termination, extension, modification or other amendment shall be

BOOK 0479 PAGE 461

effective until a proper instrument in writing has been executed, acknowledged and recorded.

6.2 Amendment by Declarant. Until the Transition Date, Declarant acting alone may (i) modify or amend the provisions of Articles III, IV, V and (ii) correct, clarify, amend, adjust or complete legal descriptions on any exhibit hereto and/or on the Plat, including adjusting Lot lines or (iii) add other property, as permitted by Section 2.2 hereof; provided, however, that (A) any such modification or amendment conform to the intent set forth herein; (B) prior to any such modification or amendment Declarant shall obtain the approval of any governmental agency to such modification or amendment where such approval is necessary; and (C) any modification or amendment shall not provide for any type of Improvements or use not presently permitted by the Declaration or authorize Declarant to transfer any cost of Common Area Improvements in the Expansion Area to the Association of any Lot Owner. No such modification or amendment shall be effective until the Owners have been given thirty (30) days' prior written notice of the proposed change, and a proper instrument in writing has been executed, acknowledged and recorded. No material modification or amendment shall be effective until approved by the Owners. If Declarant, in its sole discretion, determines that it is necessary to amend this Declaration or the Plat, as permitted by this Section 6.2, then Declarant, on behalf of itself, the Association, and each and every Owner, is hereby authorized to execute and have recorded said required amendment or amendments. The Association, by the act of recording of this Declaration, and each and every Owner by the act of accepting or Recording a conveyance (including by real estate contract) of any interest in a Lot or any other Improvements thereon, shall be deemed thereby to grant to Declarant a full and complete and unconditional power of attorney which is and shall be deemed coupled with an interest, to take any and all actions to effectuate and record or file said amendment or amendments and agrees that any such amendment or binding upon their respective interests in Lots, the Association, and upon each of them personally and their heirs, representatives, tenants, successors and assigns, to the same extent as if they and each of them had personally executed and acknowledged amendment or amendments. The power of attorney reserved herein or arising out of this Section 6.2, however, shall expire on the Transition Date; from and after the Transition Date, this Declaration may be amended only pursuant to the provisions of Section 6.1.

6.3 Governmental Regulation. All Development Standards, including the Master Plan, are deemed to be a part of this Declaration and to the extent that they conflict with any

BOOK 0479 PAGE 462

provision, covenant, condition or restriction hereof, said conflicting Development Standards, including the Master Plan, shall control and the provision, covenant, condition or restriction hereof in conflict therewith shall be either: (i) deemed amended to the extent necessary to bring the same into conformity with said Development Standards, including the Master Plan, while still preserving the intent and spirit of the provision, covenant, condition or restriction; or (ii) stricken herefrom should no amendment conforming to the Development Standards, including the Master Plan, be capable of preserving the intent and spirit of said provision, covenant, condition or restriction.

ARTICLE VII

VINTAGE BUSINESS PARK OWNERS ASSOCIATION

7.1 Form of Association. There is hereby created the Vintage Business Park Owners Association. Initially, the Association may be an unincorporated association. The Board, or Declarant until such time as the initial Board is selected, may at any time if deemed advisable in the exercise of Declarant's sole discretion, without necessity of prior approval or other action by the members being necessary, cause such unincorporated association to be converted to a non-profit corporation, the rights and duties of the members and of such corporation, the rights and duties of the members and of such corporation shall continue to be governed by the provisions of this Declaration.

7.2 Membership.

7.2.1 Qualification. Each Owner shall be a member of the Association and shall be entitled to one membership for each Lot so owned.

7.2.2 Transfer of Membership. The Association membership of each Owner shall be appurtenant to the Lot giving rise to such membership, and shall not be assigned, transferred, pledged, hypothecated, conveyed or alienated in any way except upon the transfer of title to said Lot or tract and then only to the transferee of title to such Lot or tract. Any attempt to make a prohibited transfer shall be void. Any transfer of title to a Lot or tract shall operate automatically to transfer the membership in the Association appurtenant thereto to the new Owner.

BOOK 0479 PAGE 463

7.3 Voting.

7.3.1 Number of Votes. The total voting power of all Owners shall be the number of acres (and fraction thereof) of all Lots in Vintage Business Park subject to this Declaration; each Lot shall be entitled to earn the number of votes (including fraction thereof) equal to its Proportional Share thereof.

7.3.2 Voting Owner. There shall be one voting representative of each Lot. If a Person owns more than one (1) Lot, he shall have the votes for each Lot owned. The voting representative shall be designated by the Owner or Owners of each Lot by written notice signed by all Owners and filed with the Board. a voting representative need not be an Owner. The designation shall be revocable at any time by any one of The Owners of a Lot upon written notice filed with the Board, or when the board receives actual notice of the death or judicially declared incompetence of an Owner of a Lot or by the conveyance of such Owner of his Lot. This power of designation and revocation may be exercised by the guardian, administrator or executor of an Owner's estate. Where no designation is made, or share a designation has been made, the voting representative of each Lot shall be the group composed of all of its Owners.

7.3.3 Joint Owner Disputes. The vote for a Lot must be cast as a single vote. In the event that joint Owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. In the event more than the vote to which a particular Lot is entitled is cast for a particular Lot, then all such votes for such Lot shall be deemed void and shall not be counted.

7.4 Meetings, Audits, Notices of Meetings.

7.4.1 Annual Meetings. There shall be an annual meeting of the Owners in the first quarter of each fiscal year at such reasonable place and time as may be designated by written notice of the Board delivered to the Owners no less than ten (10) days prior to the date fixed for said meeting. At the annual meeting, the Board shall present a summary of the common expenses, receipts and disbursements for the preceding fiscal year, and the allocation thereof to each Owner, and the estimated common expenses for the coming fiscal year. Within ten (10) days after the annual meeting, a copy of said summary shall be delivered or mailed to the Owners not present at said meeting.

BOOK 0479 PAGE 464

7.4.2 Audits. The Board at any time, or upon the written request of Owners having at least forty percent (40%) of the total voting power, may require that an audit of the Association and management books be presented at any special meeting. An Owner, at his own expense, may at any reasonable time make an audit of the books of the Board and Association.

7.4.3 Special Meetings. Special meetings of the Owners may be called at any time for the purpose of considering matters which by the terms of this Declaration require the approval of all or some of the Owners, or for any other reasonable purpose. Such meetings shall be called by written notice of the president of the Association upon the president's decision or upon a request signed by a majority of the Board, or by written request by Owners having forty percent (40%) of the total voting power, which notice shall be delivered not less than ten (10) days prior to the date fixed for said meeting. The notice shall specify the date, time and place of the meeting, and in general the matters to be considered.

7.5 Bylaws of Association.

7.5.1 Adoption of Bylaws. Bylaws for the administration of the Association and the Park, and for other purposes not inconsistent with the intent of this Declaration, shall be adopted by the Association by a majority of the voting power of the voting Owners at a regular or special meeting. Notice of the time, place and purpose of such meeting shall be delivered to each Lot Owner at least ten (10) days prior to such meeting. Amendments to the Bylaws may be adopted by the same vote at a regular or special meeting similarly called.

7.5.2 Bylaws Provisions. The Bylaws shall contain provisions identical to those provided in this Article VII, and may contain supplementary, not inconsistent, provisions regarding the operation and administration of the property. The Bylaws shall establish such provisions for quorum, ordering of meetings, and varying the size of the Board and details as may be required for the proper administration of the Association and the Property.

7.5.3 Availability of Reports, Documents. The Association shall make available to Lot Owners and any first Mortgagee, current copies of this Declaration, Articles of Incorporation, if any, Bylaws, and other rules concerning the Association and the books, records

0479 465

and financial statements of the Association. "Available" means available for inspection upon request, during normal business hours or under other reasonable circumstances.

ARTICLE VIII

MANAGEMENT OF ASSOCIATION

8.1 Management of Declarant. "Transition Date" shall mean a date one hundred twenty (120) days after the date on which Declarant shall have closed the sale of the last unsold Lot or the date on which Declarant elects to permanently relinquish all of its authority under this Section 8.1 by written notice to all Owners, whichever date first occurs. Until the Transition Date occurs, the Park shall be managed in the exercise of the sole discretion of the Declarant, as follows:

8.1.1 Declarant or a managing agent selected by Declarant shall have the power and authority to exercise all the rights, duties and function of the Board. To carry out this provision, Declarant may, from and after the date of Recording hereof, adopt and enforce temporary bylaws, rules and regulations for the Association of Owners; may give notices and call meetings, determine, assess, collect, receive and expend assessments and Association funds; hire a manager or other employees or service agencies as required; purchase supplies and for required services, property and insurance; set up and establish Association books and accounts; and generally exercise all powers necessary to carry out the provisions of the Declaration and itself or through a managing agent manage the Park. Acceptance of an interest in a Lot described in this Declaration evidences acceptance of this management authority in Declarant for the initial period of operation indicated and in carrying out the same, the Declarant is entitled to the benefits of all powers, indemnities and protections set forth in this Declaration for the Board.

8.1.2 These requirements and covenants are made in order to insure that the Park will be adequately administered in the initial phases of development, and to insure an orderly transition of Association operations.

8.1.3 Until the Transition Date, any reference in this Declaration to the "Association" or the "Board" shall be deemed to mean and refer to Declarant. From and after the Transition Date, any reference in this

BOOK 0479 PAGE 468

Declaration to "Declarant" shall be deemed to mean and refer to the Association.

8.2 Management by Board. From and after the Transition Date, administrative power and authority shall vest in a Board of not less than three nor more than seven directors of such other number as may be provided in the Bylaws, elected from among the Owners. The board may delegate all or any portion of its administrative duties to a manager, managing agent, or officer of the Association, or in such manner as may be provided by the Bylaws. All Board positions shall be open for election at the first annual meeting. The Board shall elect officers of the Association from among its members, which shall include a president who shall preside over meetings of the Board and the meetings of the Association.

8.3 Authority of the Board.

8.2.1 Regular Assessments. The Board for the benefit of the Owners shall enforce the provisions of this Declaration and of the Bylaws, and shall acquire and shall pay for out of the Common Expense Fund, provided for in Article IX of the Declaration, all goods and services requisite for the proper functioning of the Park, including but not limited to the following:

(a) Water, sewer, garbage collection, electricity, telephone, gas and any other necessary Utility service as required for the Common Area.

(b) Policies of insurance coverage for hazards, liability for personal injury and property damage, and for fidelity bonds for Association officers and other employees, as the same are more fully required hereafter and/or in the Bylaws.

(c) The services of persons or firms as required to properly manage the affairs of the Park to the extent deemed advisable by the Board as well as such other personnel as the Board shall determine are necessary or proper for the operation of the Common Area, whether such personnel are employed directly by the Board or are furnished by the manager of management firm or agent; provided that the fees paid for any services shall be reasonable.

(d) Legal and accounting services necessary or proper in the operation of the Association affairs, administration of the Common Area, or the enforcement of this Declaration.

BOOK 0479 PAGE 467

(e) Planting, maintenance, repair and all landscaping and gardening work for the Common Areas, and such furnishings and equipment for the Common Area as the Board shall determine are necessary and proper, and the Board shall have the exclusive right and duty to acquire the same for the Common Area.

(f) Any other materials, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes or assessments which the Board is required to secure by law or which in its opinion shall be necessary or proper for the operation of the Common Area or for the Enforcement of this Declaration; provided that if for any reason such materials, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes or assessments are provided for particular Lots or their Owners, the cost thereof shall be specially assessed to the Owner of such Lots.

(g) Maintenance and repair of any Lot, its appurtenances and Improvements, if such maintenance or repair is reasonably necessary in the discretion of the Board to protect the Common Area or preserve the appearance and value of the Park, and the Owner of Owners of said Lot have failed or refused to perform said maintenance or repair as required by Article V.

(h) The Board may also pay any amount necessary to discharge any lien or encumbrance levied against the Common Areas rather than merely against the interest therein of particular Owners. Where one or more Owners are responsible for the existence of such lien, they shall be jointly and severally liable for the cost of discharging it, and any costs and expenses (including court costs and attorneys' fees) incurred by the Board by reason of such lien or liens shall be specially charged against the Owners and the Lots responsible to the extent of their responsibility.

(i) The Board's power hereinabove enumerated shall be limited in that the Board shall have no authority to acquire and pay for out of the Common Expense Fund capital additions and Improvements (other than for purposes of restoring, repairing or replacing portions of the Common Areas) having a total cost in excess of Two Thousand Five Hundred Dollars (\$2,500.00) in any one fiscal year, without first obtaining the affirmative vote of the Owners holding a majority of the voting power present or represented at an annual meeting or a special meeting called for such purpose, or voting by mail; provided that any expenditure or

0479 PAGE 468

contract for capital additions or Improvements in excess of Twenty-Five Thousand Dollars (\$25,000.00) must be approved by Owners having not less than two-thirds (2/3) of the voting power present or represented at such a meeting or voting by mail. This Section 8.3.1(1) shall not apply to assessments arising out of Section 8.3.2.

(j) Nothing herein contained shall be construed to give the Board authority to conduct an active business for profit on behalf of all of the Owners or any one of them.

(k) The Board shall have the exclusive right to contract for all goods and services, payment of which is to be made from the Common Expense Fund. The Board may delegate such powers subject to the terms hereof.

(l) The Board may, from the Common Expense Fund, acquire and hold in the name of the Association, for the benefit of the Owners, tangible and intangible personal property and real property and interests therein, and may dispose of the same by sale or otherwise; and the beneficial interest in such property shall be owned by the Owners in the same proportion as their respective Proportionate Shares, and such property shall thereafter be held, sold, leased, rented, mortgaged or otherwise dealt with for the benefit of the Association as the Board may direct. The Board shall not, however, in any case acquire real property or personal property at a cost in excess of Two Thousand Five Hundred Dollars (\$2,500.00) without first obtaining the affirmative votes of the Owners holding a majority of the voting power present or represented at an annual meeting or a special meeting called for such purpose, or voting by mail; provided that any acquisition by lease or purchase of real or personal property valued in excess of Ten Thousand Dollars (\$10,000.00) must be approved by Owners having not less than two-thirds (2/3) of the voting power present at such meeting or voting by mail.

8.3.2 Special Assessments. Each Owner shall be responsible for paying its Proportionate Share of the cost of Off-site improvements and on-site improvements not benefitting the Park exclusively, which such improvements relate to proportional cost sharing by the Park with other affected properties in the City and Borough of Juneau, including such things as roadway extensions, traffic lights and utilities. Such improvements, if constructed, may be funded through a local improvement district ("LID"), or other means as

BOOK 0479 PAGE 469

then determined by the City. Unless otherwise stipulated through a LID process, each Owner shall pay his Proportionate Share of such costs as follows: To the extent the Association elects to pay, or to the extent Declarant or any one or more of the Lot Owners elects to advance to the Association the cost of certain off-site and on-site improvements, the full amount of any such costs advanced shall constitute a loan which shall be repaid in forty (40) equal quarterly installments including interest, accruing on the unpaid principal balance, at the rate of twelve percent (12%) per annum or at the prime rate then charged plus two percent (2%), whichever is higher. The loan shall be evidenced by a Note substantially in the form of Exhibit B attached hereto. After the Transition Date, the Board may enter into such borrowing, under terms and conditions as shall be acceptable to it. Each Owner's Proportionate Share shall be assessed pursuant to Article IX and in the event an Owner fails to timely pay amounts due the Association pursuant to this Section 8.3.2, the lien provisions of Section 12.3 shall apply. Any Owner may prepay the entire remaining balance of such Owner's Proportionate Share of all special assessments arising out of this Section 8.3.2, at any time without penalty, and Declarant or the Board shall execute and deliver to the prepaying Owner a recordable instrument removing the special assessment arising out of this Section 8.3.2 from the Lot in question.

ARTICLE IX

FUND FOR REGULAR AND SPECIAL ASSESSMENTS

9.1 Estimated Expenses. Within thirty (30) day prior to the beginning of each fiscal year the Board shall prepare a budget and an estimate of the charges (including regular expenses, and any special assessments for particular Lots) to be paid during such year; shall make provisions for creating, funding and maintaining reasonable reserves for contingencies, operations, repairs, replacements, improvements and acquisition of Common Areas and facilities (the "Common Expense Fund"); and shall take into account any expected income and any surplus available from the prior year's operating fund. The Board may create and maintain from regular monthly assessments a reserve fund for replacement of those Common Areas which can reasonably be expected to require replacement. The estimated requirement shall be assessed among all Lots subject to this Declaration based upon their relative acreage as shown on the Plat. If the sum estimated and budgeted at any time proves inadequate for any reason (including nonpayment for any reason of

BOOK 0479 PAGE 470

Owner's assessment), the Board may at any time levy a further assessment, which shall be assessed to the Owners in like proportions. Within ninety (90) days after the end of each fiscal year, the Board shall furnish to each Owner a certified statement, in reasonable detail, of all expenditures during such period, prepared by the Association's accountant. If such certified statement shows that expenditures exceed estimated installments paid to the Association, then the Lot Owner shall pay the Association the excess with ten (10) day of receipt of such statement; if such certified statement shows that the contrary is the case, then the overpayment to the Association shall be a credit to the next amounts due from the Lot Owner to the Association pursuant to this Article IX.

9.2 Payment by Owners. Each Owner shall be obligated to pay assessment made pursuant to this Article to the treasurer of the Association in equal quarterly installments in advance on or before the first (1st) day of each calendar quarter during such year, or in such other reasonable manner as the Declarant of Board shall designate. Any unpaid assessments shall bear interest at the rate of twelve percent (12%) per annum or such other rate as provided in the Bylaws from due date until paid. In addition, the Board shall have the power to assess against an Owner a late fee of Fifty Dollars (\$50.00), or such other sum as may be provided in the Bylaws, for each installment which is unpaid for a period of ten (10) days after it is due. Assessments for all Lots shall begin upon the closing of the first sale of a Lot by Declarant.

9.3 Contribution to Common Expense Fund. Each Owner may be required by the Board to make an initial, one time contribution of up to twelve (12) months' estimated common expense assessment. The contribution shall be in lieu of payment of regular quarterly assessments for the first year.

9.4 Purpose. All funds collected hereunder shall be expended for the purposes designated in this Declaration.

9.5 Separate Accounts. After Declarant's management authority under Section 9.1 expires, the Board may require that the Association maintain separate accounts for current operations, reserves, and a special separate reserve account for payment of insurance. All assessment and charges shall be collected and held in trust for, and administered and expended for the benefit of the Owners.

9.6 Based on Percentage. Except for certain special charges which may be levied against particular Lots under the provision of this declaration, all assessments for

BOOK 0479 PAGE 471

common expenses shall be divided among all Lots subject to this Declaration in accordance with their relative Proportionate Shares.

9.7 Omission of Assessment. The omission by the Board or the Association before the expiration of any fiscal year to fix the estimate and assessments and charges hereunder for that or the next fiscal year, shall not be deemed a waiver or modification in any respect of the provisions of this Declaration, or a release of any Owner from the obligation to pay the assessments and charges, or any installment thereof for that or any subsequent fiscal year; but the assessment fixed for the preceding fiscal year shall continue until a new assessment or charge is fixed.

9.8 Records. The Board shall cause to be kept detailed and accurate records, in the form established by the Association's accountant, if any, of The receipts and expenditures of the Association, specifying and itemizing the maintenance and repair expenses of the Common Area and any other expense incurred. such records and any resolution authorizing the payments involved shall be available for examination by any Owner at convenient hours of week days.

9.9 Certificate of Assessment. A certificate executed and acknowledged by the treasurer or the president of the Board or an authorized agent thereof if neither the president nor treasurer is available, stating the indebtedness for assessments and charges or lack thereof secured by the assessment lien upon any Lot shall by conclusive upon the Board and the Owners as to the amount of such indebtedness on the date of the certificate, in favor of all persons who rely thereon in good faith. Such a certificate shall be furnished to any Owner or any encumbrancer of a Lot within a reasonable time after request, in recordable form, at a reasonable fee. Unless otherwise prohibited by law, any encumbrancer holding a lien on a Lot may pay any unpaid assessments or charges payable with respect to such Lot, and, upon such payment, such encumbrancer shall have a lien on such Lot pursuant to Section 12.3 hereof, for the amounts paid of the same rank as the lien of his encumbrance.

ARTICLE X

INSURANCE

10.1 Insurance Coverage. The Board shall obtain, maintain and pay the premiums as a common expense a policy or policies of insurance and bonds written by companies licensed to do business in Alaska required to provide:

BOOK 0479 PAGE 472

10.1.1 A Master of blanket type of property insurance covering all of the Common Areas, including common fixtures and equipment and personal property and supplies owned by the Association. The insurance policy shall afford, as a minimum, protection against loss or damage by fire and other peril normally covered by the standard extended coverage endorsements and all other perils which are customarily covered with respect to similar projects, including all peril normally covered by the standard "all risk" endorsement, where such is available.

10.1.2 General comprehensive liability insurance insuring Declarant, the Board, the Association, the Owner and managing agent, if any, against any liability to the public or to the Owners of Lots and their guests, invites, or tenants, incident to the ownership, maintenance and use of the Common Areas and legal liability arising out of lawsuits related to employment contracts of the Association. The liability insurance policies shall include such protection as the Board deems necessary. Coverages and policy limits shall be reviewed at least annually by the Board. The policies of liability insurance shall contain a severability of interest endorsement or equivalent coverage which shall preclude the insurer from denying the claim of Owner because of the negligent acts of the Association or other Owners.

10.1.3 Workmen's compensation insurance to the extent required by applicable law.

10.1.4 Insurance against loss of personal property of the Association by fire, theft and other losses with deductible provisions as the Board deems advisable.

10.1.5 Such other insurance as the Board deems advisable, including directors and officers liability insurance covering the Board and officers of the Association.

ARTICLE XI

INDEMNIFICATION OF BOARD MEMBERS

Each Board member of Association committee member, or Association officer shall be indemnified by the Owners against all expenses and liabilities, including attorney's fees, reasonable incurred by or imposed in connection with any proceeding to which he may be a party, or in which he may become involved, by reason of being or having held such position, or any settlement thereof, whether or not he holds

BOOK 0479 PAGE 473

such position at the time such expenses or liabilities are incurred, except in such cases wherein such Person is adjudged guilty of willful misfeasance of malfeasance in the performance of his duties; provided, that, in the event of a settlement, the indemnification shall apply only when the Board approves such settlement and reimbursement as being for the best interests of the Association.

ARTICLE XII

REMEDIES

12.1 (a) Remedies for Failure to Maintain and Repair. If any Owner shall fail to perform the covenants and condition required by Article V, then Declarant or the Association shall, after fifteen (15) days' prior written notice to such delinquent Owner, and in addition to the other enforcement remedies provided herein, have the right, but not the obligation, to cure such default, and to charge the delinquent Owner with the cost of such work plus a fifteen percent (15%) coordination fee except for payments made pursuant to Section 5.5, together with interest thereon at the rate of twelve percent (12%) per annum from the date of Declarant's advancement of funds to the date of reimbursement of Declarant by Owner. If the delinquent Owner shall fail to reimburse Declarant for such costs within ten (10) days after demand therefor, Declarant for such costs within ten (10) days after demand therefor, Declarant may, at any time within two (2) years after such advance, file for record in the Department of Records and Elections of the City and Borough of Juneau, Alaska, a claim of lien signed by Declarant for the amount of such advances and interest thereon. The lien created by this section shall be effective to establish a lien against the interest of the delinquent Owner and its Lot, together with interest at twelve percent (12%) per annum on the amount of such advance from the date thereof, in addition to recording fees, cost of title search obtained in connection with such lien or the foreclosure thereof and court costs and reasonable attorneys' fees which may be incurred in the enforcement of such a lien.

(b) Foreclosure of Lien. A lien created pursuant to Section 12.1(a), when so established against the Lot described in said claim, shall be prior or superior to any right, title, interest, lien, or claim which may be or may have been acquired in or attached to the real property interests subject to the lien subsequent to the time of filing such claim for record. Such lien shall be for the benefit of Declarant and may be enforced and foreclosed in a like manner as a real estate mortgage is foreclosed in the State of Alaska.

BOOK 0479 PAGE 474

(c) Cure. If any Owner's failure to perform the obligations required by Article V is cured, and all amounts, including accrued interest, due and owing, to Declarant or the Association as a result of said failure to perform is paid, then Declarant of the Association shall file or Record a rescission of such notice, upon payment by the defaulting Owner of the costs of preparing and filing or Recording such rescission, and other reasonable costs, interest, and fees, including attorneys' fees which have been incurred.

(d) Nonexclusive Remedy. The foregoing lien and the rights to foreclose thereunder shall be in addition to, and not in substitution for, all other rights and remedies which any party may have hereunder and by law, including any suit to recover a money judgement for unpaid assessments. If any Owner shall fail to perform such maintenance and repair and, notwithstanding such failure, Declarant should fail to exercise its rights and remedies hereunder, then, any other Owner, after fifteen (15) days' prior written notice to Declarant and such delinquent Owner, shall have the right, but not the obligation to perform such maintenance and repair and shall have the same rights and remedies with respect thereto as are provided herein to Declarant.

12.2 Abatement and Suit. The Owner of each Lot shall be primarily liable, and the Occupant, if any, secondarily liable for the violation or breach of any covenant, condition or restriction herein contained. Violation or breach of any covenant, condition or restriction herein contained shall give to Declarant, following thirty (30) days' written prior notice to the Owner of Occupant in question, the right, privilege and license to enter upon the Lot where said violation or breach exists and to summarily abate and remove, at the expense of the Owner of Occupant thereof, any improvement, structure, thing or condition that may be or exists thereon contrary to the intent and meaning of the provisions hereof, or to prosecute a proceeding at law or in equity against the Person or Persons who have violated or are attempting to violate any of these covenants, conditions or restrictions to enjoin or prevent them from doing so, to cause said violation to be remedied, or to recover damages for said violation. No such entry by Declarant or its agent shall be deemed a trespass, and neither Declarant nor its agents shall be subject for liability to the Owner of Occupant of said Lot for such entry and any action taken to remedy or remove a violation. The cost of any abatement, remedy or removal hereunder shall be a binding personal obligation on any Owner or Occupant in violation of any provision of this Declaration, as well as a lien (enforceable in the same manner as a Mortgage) upon the Lot in question. The lien provided for in this section shall not be valid as against a bona fide purchaser for

BOOK 0479 PAGE 475

value or a bona fide Beneficiary for value of the lot in question, unless a suit to enforce said lien shall have been filed in a court of record in the City and Borough of Juneau, Alaska, prior to the Recordation of the Deed of Mortgage conveying or encumbering the Lot in question to such purchaser or Beneficiary, respectively.

12.3 Creation of Lien and Personal Obligation for Assessments.

Each Owner of a Lot with the Park, by acceptance of the Deed to or other conveyance of that Lot, shall be deemed to covenant and agree to pay all costs and all assessments provided for herein. Any costs or assessment, or any portion thereof, not paid when due, together with interest payable hereunder, and all costs and attorney's fees incurred in connection with collection, shall be a continuing lien upon the Lot, which lien may be foreclosed by the Declarant, the Association or other Owner in the manner provided by law for the foreclosure of a Mortgage on real property. Each Lot Owner shall also be personally obligated to pay the amount of any assessment levied against the Owner's Lot during the time that the Lot Owner is the Owner thereof, together with all other amounts due and payable pursuant to this Section. The personal obligation shall not be released by any transfer of the Lot subsequent to the effective date of any particular assessment. Any lien arising out of this Article XII, shall be established by the Recordation of a claim of lien in the Records of the Department of Records and Elections of the City and Borough of Juneau, Alaska, signed by the Association, Declarant or other Owner. Such lien shall also secure Recording costs, costs of title search obtained in connection with the lien or the foreclosure thereof and court costs and reasonable attorneys' fees as may be incurred in the Lot described in the claim, shall be prior to and superior to any right, title, interest, lien, or claim which may be or may have been acquired in or attached to the real property interests for record. Such lien shall be for the benefit of Declarant, the Association or other Owner and may be enforced and foreclosed in a like manner as a real estate Mortgage is foreclosed in the State of Alaska.

12.4 Right of Entry. During reasonable hours and upon reasonable notice, and subject to reasonable security requirements, Declarant, or its agents, shall have the right to enter upon and inspect any Lot and the Improvements thereon covered by this declaration for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and neither declarant nor its agents shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.

BOOK 0478 PAGE 478

12.5 Deemed to Constitute a Nuisance. The result of every act or omission whereby any covenant, condition or restriction herein contained is violated in whole or in part is hereby declared to be and constitute a nuisance, and every remedy allowed by law or in equity against an Owner or Occupant, either public or private, shall be applicable against every such result and may be exercised by Declarant.

12.6 Attorneys' Fees. In any legal or equitable proceeding for the enforcement of this Declaration or any provision hereof, whether it be an action for damages, declaratory relief of injunctive relief, or any other action, the losing party or parties shall pay the attorney's fees of the prevailing party or parties, which shall be fixed by the court in such proceedings or in a separate action brought for that purpose. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

12.7 Failure to Enforce No Waiver. The failure of Declarant to enforce any requirement, restriction or standard herein contained shall in no event be deemed to be a waiver of the right to do so thereafter or in other cases, nor of the right to enforce any other restriction.

ARTICLE XIII

CONSTRUCTIVE NOTICE AND ACCEPTANCE

Every Person who now or hereafter owns, occupies or acquires any right, title or interest in or to any portion of the Park is and shall be conclusively deemed to have consented and agreed to every covenant, condition and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which such Person acquired an interest in the Park.

ARTICLE XIV

WAIVER AND RELEASE

Neither Declarant nor its successors or assigns shall be liable to any Owner or Occupant of the Park by reason of any mistake in judgment, negligence, nonfeasance, action or inaction or for the enforcement or failure to enforce any provision of this declaration. Every Owner or Occupant of any of the Park by acquiring interest therein: (1) agrees that it will not bring any action or suit against Declarant to recover any such damages or to seek equitable relief because of same; and (2) hereby releases any claims it may have against Declarant or Declarant's successors or assigns.

BOOK 0479 PAGE 477

ARTICLE XV**RUNS WITH LAND**

All covenants, conditions, restrictions and agreements herein contained, or hereafter created pursuant to this Declaration, are made for the direct, mutual and reciprocal benefit of each and every Lot of the Park; shall create mutual equitable servitudes upon each Lot in favor of every other Lot; shall create reciprocal rights and obligations between respective Owners and Occupants of all Lots and privity of contract and estate between all grantees of said Lots, their heirs, successors and assigns; and shall, as to the Owner and Occupants of each Lot, their heirs, successors and assigns, operate as covenants running with the land, for the benefit of all other Lots, except as provided otherwise herein.

ARTICLE XVI**RIGHTS OF BENEFICIARIES**

No breach of any covenant, condition or restriction herein contained, or any enforcement thereof, shall defeat or render invalid the lien of any Mortgage now or hereafter executed upon the Park or a portion thereof; provided, however, that if any portion of the Park is sold under a judicial or nonjudicial foreclosure of any Mortgage, any purchaser at such sale and its purchased subject to all of the covenants, conditions and restrictions contained in this Declaration.

ARTICLE XVII**CAPTIONS; OTHER WORDS**

The captions of articles and sections herein are used for convenience only and are not intended to be a part of this Declaration or in any way to define, limit or describe the scope and intent of the particular article or section to which they refer. Any reference in this Declaration to the singularly shall include the plural, and vice versa, and any reference to one gender shall include the other genders. The locative adverbs "herein", "hereunder", "hereto", "hereby", "hereinafter", etc., shall mean and refer to this Declaration in its entirety and not to any specific Article, Section or other part thereof.

BOOK 0479 PAGE 478

ARTICLE XVIII**EFFECT OF INVALIDATION**

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

ARTICLE XIX**COUNTERPARTS**

This Declaration may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same agreement. The execution and delivery of one counterpart by any party shall have the same force and effect as if that party had signed all other counterparts.

BOOK 0479 PAGE 479

BBS ENTERPRISES, an Alaska
limited partnership

By: Its General Partner

Wm. J. Bauer

By Lawrence J. Bauer

William J. Bauer, by
Lawrence Bauer, his
attorney-in-fact

BOOK 0479 PAGE 480

STATE OF ALASKA

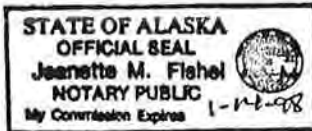
) ss.

FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this 28 day of August, 1997, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Lawrence Bauer, attorney-in-fact of William J. Bauer**, to me known and known to me to be the person named in and who executed the within and foregoing instrument, and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned as attorney-in-fact of William J. Bauer the general partner of BBS Enterprises, an Alaska limited partnership.

WITNESS my hand and official seal the day and year in this certificate first above written.

Jeanette M. Fisher
 Notary Public, State of Alaska
 My commission expires: _____



BOOK 0479 PAGE 481

EXHIBIT A

Lots 1-13, inclusive, and Lots 20-40, inclusive, Block "C",
Lots R-1, R-2, R-3/4 and R-5 and Tract "D", VINTAGE II
SUBDIVISION, according to Plat 85-58, Juneau Recording
District, First Judicial District, State of Alaska, and

Lots 14A and 16B, Block "C", VINTAGE II SUBDIVISION, according
to Plat 96-34, Juneau Recording District, First Judicial
District, State of Alaska, and

Lot 17A, Block "C", VINTAGE II SUBDIVISION, according to Plat
96-15, Juneau Recording District, First Judicial District,
State of Alaska, and

Lot 41A, Block "C", VINTAGE II SUBDIVISION, according to Plat
88-1, Juneau Recording District, First Judicial District,
State of Alaska, and

Tract A-1A and Tract A-1B, VINTAGE III SUBDIVISION, according
to Plat 96-33, Juneau Recording District, First Judicial
District, State of Alaska.

After recording return to:

Baxter, Bruce, Brand & Douglas
P.O. Box 32819
Juneau, Alaska 99803

006862 129
JUNEAU
RECORDING DISTRICT cc

1997 SP 22 AM 11:34

REQUESTED BY BBB4D

From: Robert Deering <rcdeering@gmail.com>
Sent: Tuesday, March 16, 2021 8:57 PM
To: PC_Comments
Subject: Comment: Conditional Use Permit for new condos on Clinton Drive

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

Please consider these comments/questions in your deliberations regarding the conditional use permit.

There is an existing paved bike trail that intersects the subject property in several locations along the Mendenhall River greenbelt to the west of the property. This trail, which predates the development of Vintage Park in the mid-80's, is an important access feature to local residents for recreation, exercise, and to connect to other trails and community resources (schools, library, parks, shopping...). Many of us are concerned about the degradation of the trail due to adjacent development, and want to see it protected as a public resource.

An attractive and well-maintained trail improves the value of the nearby properties and reduces crime and other nefarious activity in the area.

CBJ Ordinance Serial Number 86-54am dated 07/07/1986 stipulates public access of the trail as well as certain setbacks from the trail for development purposes. I've attached a copy of the ordinance to this email.

How will this new development accommodate setbacks from the trail?

Will the development damage or impede access to the trail in any way during or after construction?

Will the trail be impacted by snow removal storage from the development parking areas?

Will trees or other features of the greenbelt fronting the river be affected by the development?

Thank you,

Bob Deering

2319 Meadow Lane
Juneau
957-1077

Attachment D - Public Comments

Packet Page 193 of 345

Post-it® Fax Note	7671	Date	# of pages ▶
To	LAUREN MACVAY	From	WATKINS
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Presented by: The Manager
 Introduced: 07/07/86
 Drafted by: B.J.B.

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 86-54am

AN ORDINANCE AMENDING ORDINANCE SERIAL NO. 84-03(am), AS AMENDED BY ORDINANCE SERIAL NOS. 84-35, 85-33, 85-55, AND 85-89, TO PROVIDE FOR THE APPROVAL OF A REVISED DEVELOPMENT PLAN FOR VINTAGE BUSINESS PARK.

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. Repeal and Reenactment of Section. Section 3 of Ordinance Serial No. 84-03(am), as amended by Ordinance Serial Nos. 84-35, 85-33, and 85-55, is repealed and reenacted to read:

* Section 3. Approval of Plan. (a) The site plan entitled "Vintage Business Park" by Thomas and Greiner, Architects, dated December 9, 1983, subject to the conditions set out in Exhibit "A" attached hereto and incorporated by reference herein, is approved as the development plan for the subject property; provided, the site plan is amended as follows:

(1) To include a twenty foot building setback from the easterly and the southerly boundaries of the subject property;

(2) To include a ten foot building setback for frontage on internal rights-of-way;

(3) To include as the development setback line from the Mendenhall River, the inland, easterly edge of the asphalt bike path as such path existed on September 9, 1986.

Attachment D - Public Comments

Packet Page 194 of 345

(b) In those areas where the bike path is located more than twenty feet from the inland edge of Tract D (between Lots 22 through 35 of Block C, Vintage Park Subdivision), as set forth on Plat 85-58, recorded in the Juneau Recording District on May 1, 1985, the developer may relocate the bike path to any location outside of the inland side of Tract D, provided the developer has obtained a permit from the Army Corps of Engineers and any other necessary permits. Upon such relocation of the bike path, the new development setback line shall be the inland, easterly edge of the relocated asphalt bike path.

(c) Exhibit "A" further provides for an expedited process for review of certain adjustments to the development plan in the course of completing the project, pursuant to CBJ 49.25.502(e)(2). The authority to conduct such review is delegated by Exhibit "A" to the appropriate municipal agency and procedures are established, including that if the adjustments are resolved to the satisfaction of the agency and the applicant, review by a higher authority is not required.

* Section 3. Effective Date. This ordinance shall become effective on the later of:

(a) Thirty days after the date of its adoption, or

(b) The date upon which the director of the planning department certifies

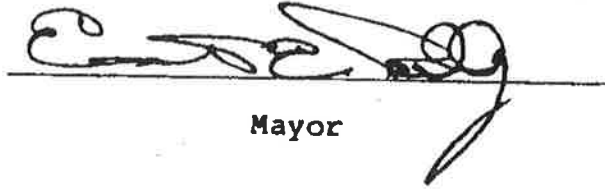
(1) that the amended site plan for Vintage Business Park has been approved by the planning director, and

(2) that condition G, Slope Protection, set forth in Exhibit "A" to this ordinance has been resolved to the satisfaction of the applicant, the planning department, the Alaska Department of Fish and Game, and the Army Corps of Engineers.

Attachment D - Public Comments

Packet Page 195 of 345

Adopted this 9th day of September, 1986.



Mayor

Attest:



Clerk

Attachment D - Public Comments

Packet Page 196 of 345

EXHIBIT "A"

TO

ORDINANCE SERIAL NO. 86-54am

A. TRAFFIC

1. Site Access and Egress

- (a) Intersection of Haul Road and Egan Drive - Access from Egan Expressway shall be limited to a right turn in and a right turn out only. No other access from Egan Drive shall be allowed.
- (b) Intersection of Vintage Boulevard and Riverside Drive - Access from Riverside Drive and Vintage Boulevard is allowed, subject to the applicant entering into an agreement with the City and Borough of Juneau and Glacier Village Super Market Inc., requiring the three parties to bear equally the cost of Riverside Drive-Vintage Road signalization less state and federal funding at such time as the State of Alaska or the City and Borough of Juneau determines such signalization is required.
- (c) Internal Circulation - To provide future access for adjoining property, two access easements shall be provided along the southeastern boundary of the site.

An eight (8) foot wide paved pedestrian/bicycle path shall be constructed along the southern boundary of the site and shall be approved by the Alaska State Department of Transportation and Public Facilities.

B. BUILDING

Buildings will be limited to one, two, and three story structures consistent with the style of the established buildings within Vintage Business Park. Preferred building materials will be stained wood siding. All mechanical systems will be architecturally concealed. Building height shall not exceed forty-five (45) feet, provided an additional three feet in height may be allowed in order to ensure architectural consistency with existing buildings. Any exceptions to the height restrictions must be approved by the planning department.

Attachment D - Public Comments

C. LANDSCAPING

1. Greenbelt Area - Every effort shall be made to preserve existing stands of spruce trees; however, selective pruning along the greenbelt is allowed subject to planning department approval. Landscaping shall be required to create a visual separation from adjoining properties or bike path when a building or parking lot is proposed to be constructed abutting, or in the greenbelt area and shall be subject to approval by the Design Review Board prior to any tree cutting or removal in this area.
2. Commercial Area Adjacent to Egan Drive - A twenty (20) foot wide landscaped area has been designated along Egan Drive. No tree cutting or removal is allowed without planning department approval.

D. SIGNAGE

Two free-standing main entry signs shall be allowed within the limits of the site. Design Review Standards shall govern on-site signage.

E. LIGHTING

Design Review Standards shall apply.

F. MENDENHALL RIVER GREENBELT

A greenbelt along the entire length of the Mendenhall River where it forms the boundary of the site shall be established. Improvements to the greenbelt area, including the activity centers, shall be reviewed by the department of parks and recreation.

G. SLOPE PROTECTION

The issue of the provision and placement of Class II rip rap at a maximum slope of 1:1 at the northerly five hundred (500) feet of the property along the Mendenhall River and the southerly seventy-five (75) feet as shown on the plan prepared by R & M Consultants entitled "River Bank Protection, FR U.S.S. 1193" dated December 7, 1986, shall be resolved between the applicant, the planning department, the Alaska Department of Fish and Game, and the Army Corps of Engineers as soon as possible and with the intention of having the rip rap in place prior to occurrence of erosion problems.

H. MODIFICATIONS TO PLAN

Attachment D - Public Comments

Packet Page 198 of 345

The development of uses on the site shall be as shown on the site plan entitled "Vintage Business Park" by Thomas and Greiner Architects, dated December 9, 1983, as amended by Ordinance Serial No. 86-54am.

Any changes to said site plan, including building design, signage, parking areas, loading areas, internal circulation, landscaping, and lighting, but not including changes in use or building location, must be submitted to and approved by the Design Review Board.

All other amendments must be approved by the Planning Commission, whose decision shall be final unless appealed by staff or the applicant.

Notwithstanding, staff may present any proposed development plan or change in plan to the Planning Commission for approval if deemed necessary by staff.

APPENDIX TO EXHIBIT "A"

ORDINANCE SERIAL NO. 86-54am

ORIGINAL GUIDELINES AND CONDITIONS OF
APPROVAL: COMPLETED OR COVERED ELSEWHERE BY EXISTING CODE

A. TRAFFIC

1. Site Access and Egress

- (a) A traffic control island shall be constructed at the intersection and shall be approved by the Alaska State Department of Transportation and Public Facilities. A deceleration lane shall be constructed extending from the Riverside Drive acceleration lane on Egan Drive to the proposed intersection and shall be approved by the Alaska State Department of Transportation and Public Facilities.
- (b) In addition individual right, left, and through lanes shall be constructed on Vintage Boulevard where it intersects with Riverside Drive subject to CBJ engineering department approval of design.
- (c) Vintage Boulevard and Bauer Street shall be constructed to city and borough standards with concrete or asphalt curbing on both sides of both streets. A five (5) foot wide concrete or asphalt sidewalk on the westerly side of Vintage Boulevard shall be constructed for its entire length. A

Attachment D - Public Comments

traffic median shall be constructed in the center of Vintage Boulevard to the northerly property line and shall be sodded and planted with occasional trees or shrubs.

An eight (8) foot wide trail shall be constructed along the western and northern portion of the site, adjacent to the Mendenhall River and shall be approved by the parks and recreation department.

- (d) Parking shall be as shown on the plan, subject to individual site plan review when buildings are proposed to be permitted by the building department. Parking areas shall be landscaped with a combination of buffers and islands and shall be approved by the Design Review Board prior to construction.

B. BUILDING

With a northwest contemporary architectural style. Building materials will be limited to wood siding with a semi-transparent stain, cedar roofs, and glazed exterior windows. The Vintage Business Park development plan includes a total of four hundred ten thousand (410,000) square feet of building area. The recommended relocation of the greenbelt area may result in the loss of square footage of the building area as proposed. Should this be the case, the loss of building area may be compensated in other structures by the allowance of an exception to the maximum height of thirty-five (35) feet on a square foot for square foot basis. Where buildings abut the greenbelt, an adequate landscape buffer shall be installed to provide a visual separation between the uses and shall be approved by the Design Review Board prior to the issuance of any building permit.

C. LANDSCAPING

1. The commercial area located on the southwestern portion of the site shall be landscaped with a double row of spruce along Egan Drive for a minimum of twenty (20) feet in width to minimize the visual impact of the development. Landscaping may be accomplished through a combination of infill or replacement of existing spruce trees. Replacement or infill trees shall be stipulated in subsection 2, "Street Trees," below. The existing stand of spruce, adjacent to Egan Drive, shall be preserved to the greatest extent possible. Prior to any tree cutting or removal in this area, the applicant must receive approval from the Design Review Board.
2. Street Trees - Street trees shall be planted as shown on the Vintage Business Park site plan dated December

Attachment D - Public Comments

Packet Page 200 of 345

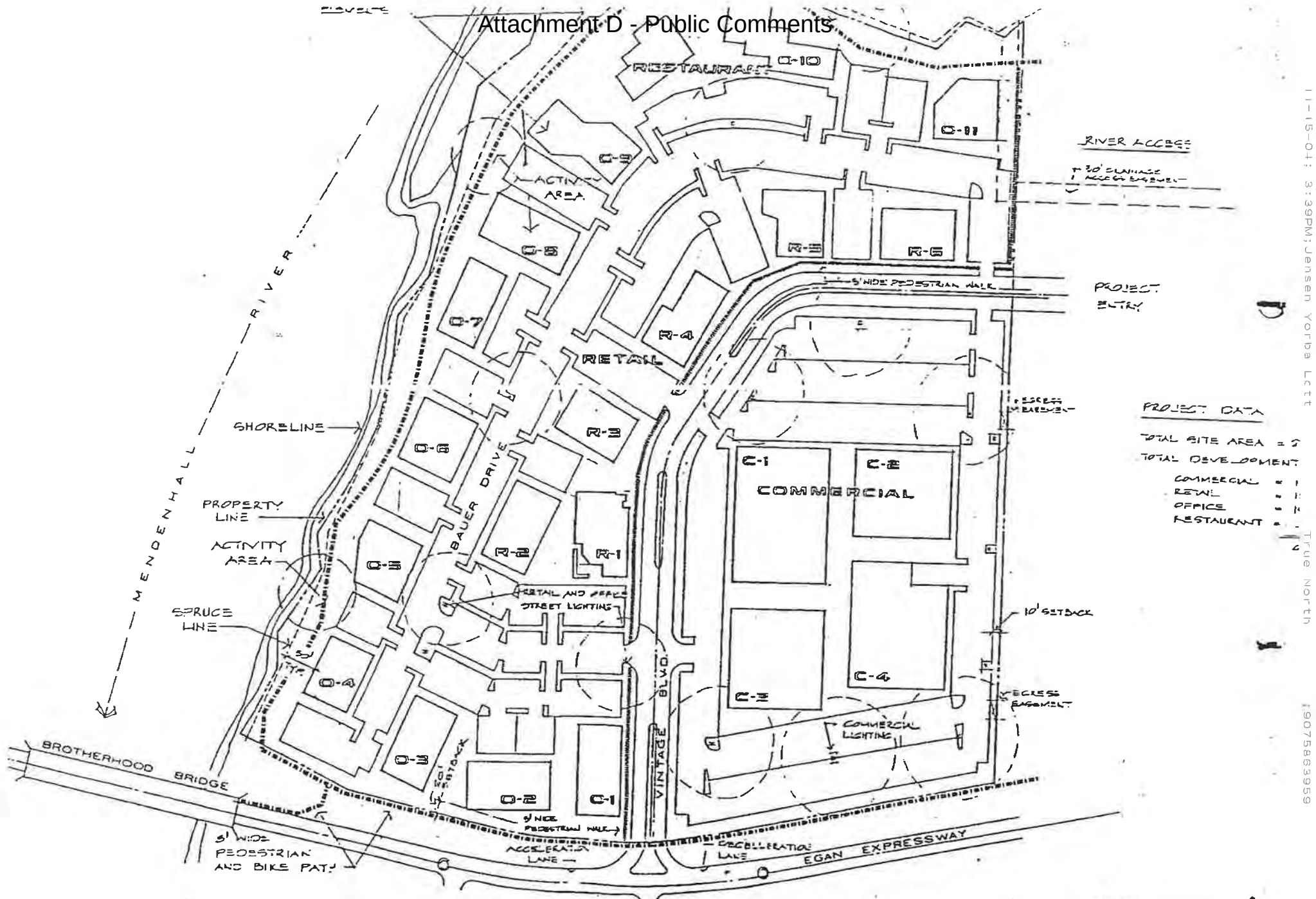
9, 1983. Trees shall alternate with six (6) to twelve (12) foot evergreens interspersed within fifteen (15) to twenty (20) foot deciduous trees.

D. SITE IMPROVEMENTS

Prior to the construction of any buildings, the following site work shall be completed: bank stabilization, fill, drainage, street and sidewalks, and utility installation. The aforementioned site improvements shall be completed no later than one year from the date of the zone change approval. The pedestrian trail along the greenbelt, the installation of benches on the greenbelt, and the pedestrian/bicycle path along Egan Drive shall be completed within one year from the date of the zone change approval.

E. MENDENHALL RIVER GREENBELT

The greenbelt shall vary in width from forty (40) to sixty (60) feet and shall be measured from the spruce line along the river inland subject to planning department approval. In some instances, buildings may be placed closer than forty (40) feet from the spruce line subject to planning department site inspection and approval. As part of the individual review of each building, the planning department shall consider the effect of the location of the building on the greenbelt and the major vegetation in the greenbelt; and if necessary, the planning department may require additional setbacks.



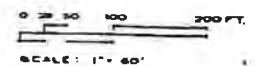
ORIGINAL
APPROVED SITE DEVELOPMENT PLAN



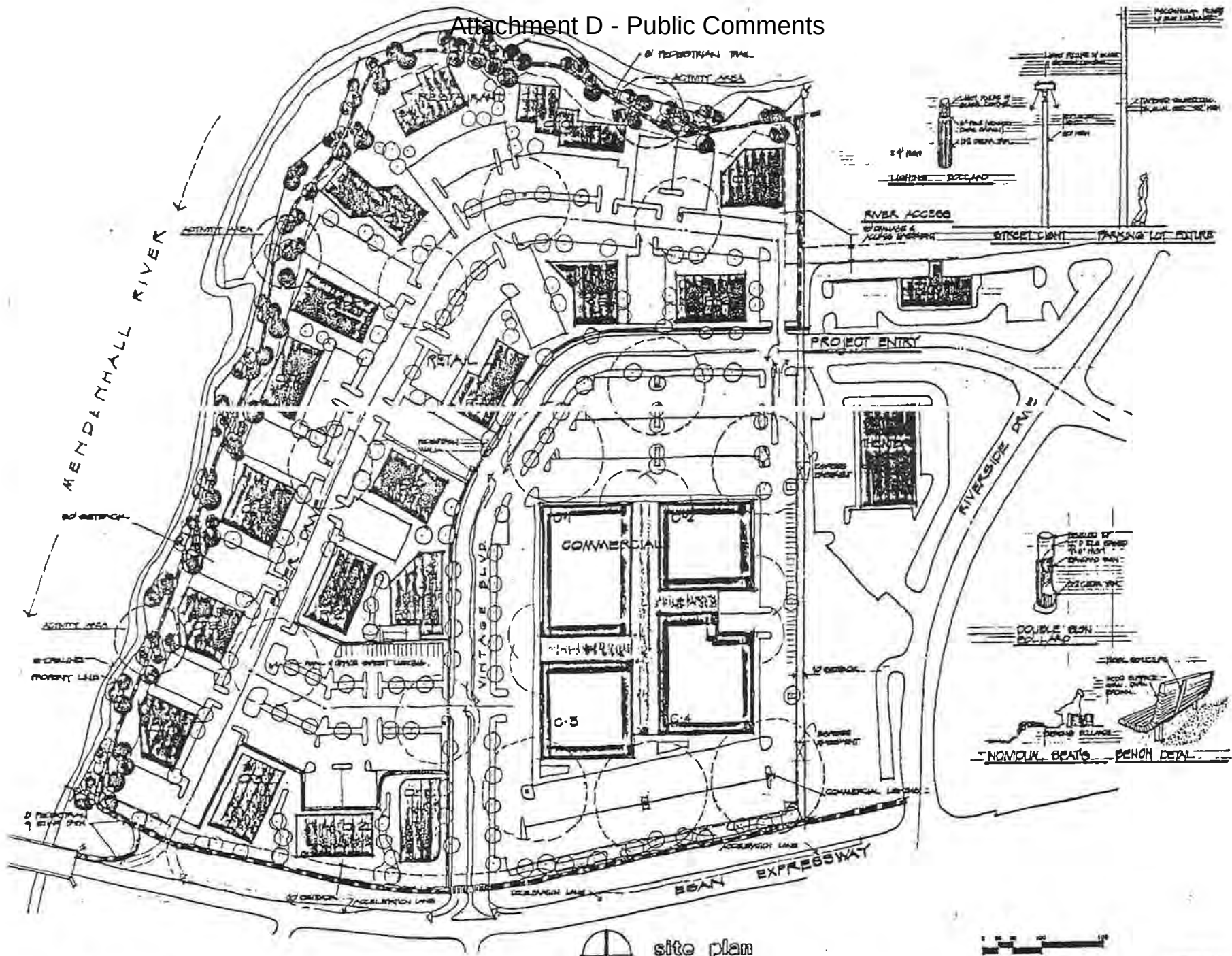
site plan

Robert Deering Public Comment Attachment

Vintage Business Park



Attachment D - Public Comments



thomas c greiner architects
BUREAU WASHINGTON 20005-0000

site plan
vintage business park CITY OF JUNEAU, ALASKA
VINTAGE CONSTRUCTION CO. INC JUNEAU, ALASKA
DECEMBER 8, 2003

2

Robert Deering Public Comment Attachment

To: Community Development Department

Re: Conditional Use Permit for the Addition of 11 New Condo Units at 3005 Clinton Drive

From: Marina Lindsey and Shawn Carey, Vintage Park Condominium,

3005 Clinton Drive, Unit C5, Juneau, AK 99801

Date: March 4, 2021

We are writing to comment on the proposed condo units at 3005 Clinton Drive. Our concerns and questions are as follows:

Sidewalk Access to Mendenhall River Path: As residents of the adjacent condominiums in the Vintage Park Condominium Association (VPCA), we walk frequently along the Mendenhall River path and would like a sidewalk or paved path included in the plans for the new condo units, so that all residents of VPCA have safe access to the Mendenhall River path. Every other building along the river trail includes sidewalk to access the river trail. People from the Vintage Park area residences and offices, and the Meadow Lane neighborhood walk to and from work, walk dogs, and walk to Safeway, the banks and the post office, and recreate along the river path. Many of the current VPCA residents and other path users cut across the lots where the proposed units will be built or cut through Rejuvenation Salon's parking lot. People will walk and bike through the new condo driveway and parking areas, if there is not a sidewalk or pathway established. Having a sidewalk or path would lessen the chances of people being hit by vehicles as the new condo residents turn into and out of their units with potentially large trucks and boats along the proposed new development driveway which includes two turns to/from the units.

Trash and Recycling: The location of trash and recycling enclosures is not designated on the site plans filed with CBJ. Where would a recycling enclosure be on this proposed development, and where will the trash enclosures be located? As neighbors in the unit next door to the proposed development, we have a vested interest in their locations. Additionally, we would like to request that the trash dumpster enclosures are constructed as bear-proof. Last summer there was a bear in the area regularly. Vintage Park Condominium Association owners had to retrofit the Association's trash enclosures at significant cost. It should not be the responsibility of the condo unit owners to purchase or rent more expensive bear-proof dumpsters or retrofit recently built enclosures. The enclosures should be bear-proof when the developers build. We would also like the city to require developers to include and designate enclosures in their plans for recycling containers or better yet a recycling dumpster as Juneau Waste has talked about introducing that option for commercial pick up. Our landfill is rapidly reaching capacity.

Snow Storage: What are the developers' plans for snow storage? Will the snow from this new area be pushed towards the southwest, Egan Highway side, of the units? Is there enough land there for snow storage or is the CBJ paved path that goes up the slope to the Egan Highway CBJ

trail too close? Additionally, is that SW side strip of land a CBJ required landscaped area that will be destroyed annually by snow storage or is it not part of the property? As VPCA owners, we have a financial interest in what the developers' snow storage plan is because the Association owners will have to cover the costs of snow removal once the developers have sold all the units – the maximum number they can fit on the property to sell. If there is not proper snow storage included in the property development plans, the Association owners will incur the added cost of a loader to move snow and/or a dump truck to haul it away.

Maintenance of River Path: The developers' property includes part of the Mendenhall river path. Will that mean that the Vintage Park Condominium Association will be responsible for maintaining that section of the river path? Do the developers have any responsibility to repair or improve the path while they have equipment on the property? Additionally, will path access be restricted at all during construction?

Trees in Setback: The property includes several large, old evergreen trees along the river and within the 25' setback. We would like to clarify that CBJ regulation 49.70.310 (b) states that all trees cannot be disturbed (removed, cut, trimmed) despite blocking the views of the proposed condos.

City and Borough of Juneau 49.70.310 (a) Development is prohibited ... (4) within fifty feet of the banks of designated stream corridors; and (5) within fifty feet of designated lakeshores. (b) ... there shall be no disturbance ... (1) within twenty-five feet of designated stream corridors; and (2) within twenty-five feet of designated lakeshores.

Heat Pumps: CBJ has a goal to reach 80% renewable energy by 2045. Does the city incentivize new construction to incorporate heat pumps? Juneau's electricity is generated by clean hydro, but the less we use that electricity for things that can be otherwise powered, the more hydro power there will be for electric vehicles, cruise ships, and other things that could be switched to electricity to reduce air pollution and fossil fuel consumption. The 3005 Clinton Drive developers could also benefit from using heat pumps and marketing their condos as green and less costly to heat, which is significant for shops with 16' ceilings and living spaces with 9' ceilings.

Wiring for Electric Vehicles: Again, to meet CBJ's goal to reach 80% renewable energy by 2045, I would suggest that the city require new development be pre-wired for a future electric vehicle charger.

Thank you for considering our comments.

From: VPC Condos <vpccondos@gmail.com>
Sent: Friday, March 19, 2021 12:58 PM
To: PC_Comments
Subject: conditional use permit for construction of 11 new condo units at 3005 Clinton Dr.
Attachments: Ordinance of the City and Borough of Juneau Serial 86-54am.pdf; Covenants-Vintage-Business- Park09.22.1997.pdf

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Attn: Community Development Department Planners and Planning Commission Commissioners

Re: Conditional Use Permit for the Addition of 11 New Condo Units at 3005 Clinton Drive

From: Vintage Park Condominium Association Board, 3005 Clinton Drive, Unit C5, Juneau, AK 99801

Date: March 19, 2021

Many residents of the Vintage Park Condominium Association (VPCA) walk, run, bike, and exercise dogs along the Mendenhall River path, or use the path to access nearby CBJ trails, the swimming pool, library, and two schools. The Covenants of the Vintage Park (attached) stipulate easements and common areas for the use and benefit of the owners and occupants of the park. VPCA would like CBJ to require that R&S Construction add a sidewalk or gravel path along the proposed development's driveway, so that residents of VPCA and the new condominium units can safely access the river path without navigating the vehicles of residents driving to and from the new units. All of the other riverside Vintage Park buildings have sidewalks to/from the river path.

Additionally, many residents, including children, of the nearby Meadow Lane neighborhood use the river path to access Vintage Park businesses and Safeway. They currently cut across the empty lots, that R&S Construction is proposing to develop, to access the Clinton Drive sidewalk. Since the City and Borough of Juneau (CBJ) has put significant resources and time into improving trails and connector trails in the area, it would be reasonable for CBJ to require a sidewalk or pathway along the new condo driveway to provide a safe option for Meadow Lane neighborhood Mendenhall path users to walk or ride bikes to/from the path to shop and conduct other business in the area.

CBJ Ordinance Serial Number 86-54 from July 1986 (attached) outlines public access to the trail and setbacks for development. Do R&S Construction's plans incorporate both public access and the setback requirements? When Trillium Landing was built in 2019, they repaired and upgraded the Mendenhall River path. Will R&S be encouraged to repair or improve the path while they have equipment on site, and when they pave the driveway and parking areas for the new development? Will the trees along the path be affected by the

development? Will the condo association that is formed by the condominium owners be responsible for maintaining the path after R&S has finalized the project?

Thank you for considering our comments and addressing our questions.

Vintage Park Condo Association Board of Directors

John Hayes, *President*

Hill Lewis, *Vice President*

Charles Gerbi, *Treasurer*

Marina Lindsey, *Secretary*

Dave Spargo, *Member*

USE2021 0002

Recommend **APPROVAL with conditions** for 11 condo units with residential and commercial space in Light Commercial zoning



Key considerations

- The condominium units will have large garages on the ground floor with residences above.
- Certain commercial uses may be permissible to operate in / out of the garages.
- Commercial development totaling 1/2 acre of land or more is considered major development in LC zoning district.

Vicinity map



Agency Comments

Agency	Summary
CBJ Engineering	CBJ General Engineering attended and provided comments during the pre-application meeting. CBJ Engineering has no concerns with this project as proposed. The drainage and utility plan will be reviewed during the building permit process.
CBJ Building	The CBJ Building Official attended and provided comments during the pre-application meeting. The CBJ Building Department has no concerns with this project as proposed. The construction plans will be reviewed during the building permit process.
Capital City Fire and Rescue	The Fire Marshal attended and provided comments during the pre-application meeting. The Fire Marshal has no concerns with this project as proposed. The construction plans will be reviewed during the building permit process.
CBJ Assessor's Office	The CBJ Assessor's Office does not anticipate any negative impacts to neighborhood harmony or property values as a result of this project.

Public Comments

Name	Summary
Marina Lindsey and Shawn Carey	Concerns about pedestrian access to the Mendenhall River walking/bike path; snow storage and trash/recycling enclosure locations; 25' No Disturbance setback along Mendenhall River; would like to see green infrastructure incorporated into the development.
Bob Deering	Concerns about access to and maintenance of the Mendenhall River walking/bike path, the setback requirements along the Mendenhall River; Referenced CBJ Ordinance 86-54am and the Vintage Park private covenants.
Vintage Park Condo Association	Concerns about access and maintenance of the Mendenhall River walking/bike path and the maintenance of the trees along the path; would like to see a sidewalk installed on the project site that would provide safe access to the path.

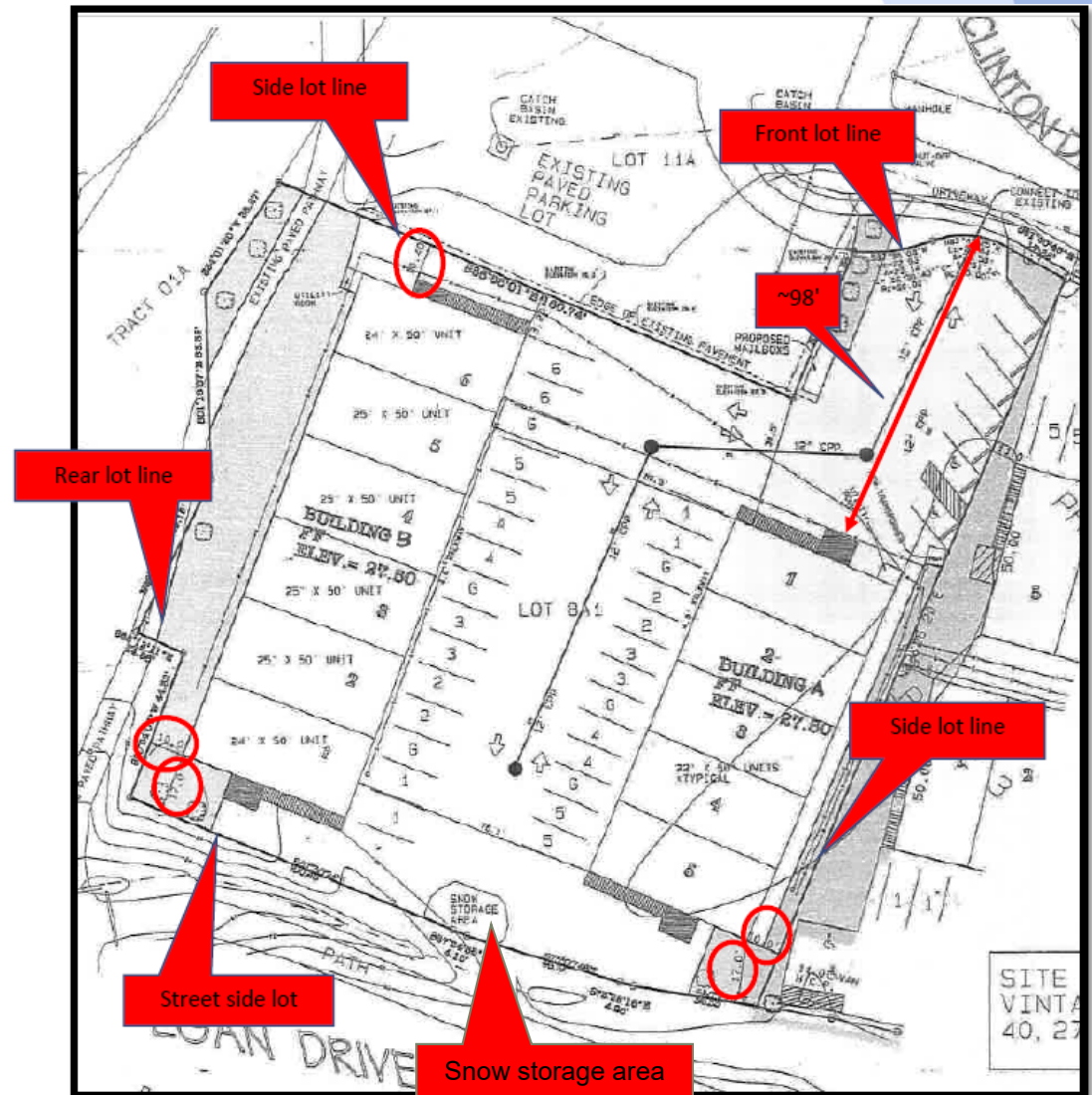
Project Site



Site Plan

Condition #1: Prior to the issuance of a building permit, the applicants shall submit a revised site plan that shows the location of trash receptacles.

Condition #2: Prior to the issuance of a temporary certificate of occupancy (TCO) for the first dwelling unit, a homeowners' association agreement shall be submitted for review by CDD. The agreement shall specify how the HOA will address snow removal and snow storage in common areas.



Project Site

Example of how the mailboxes and trash receptacle structure may look.

Site plan must specify the location of both.

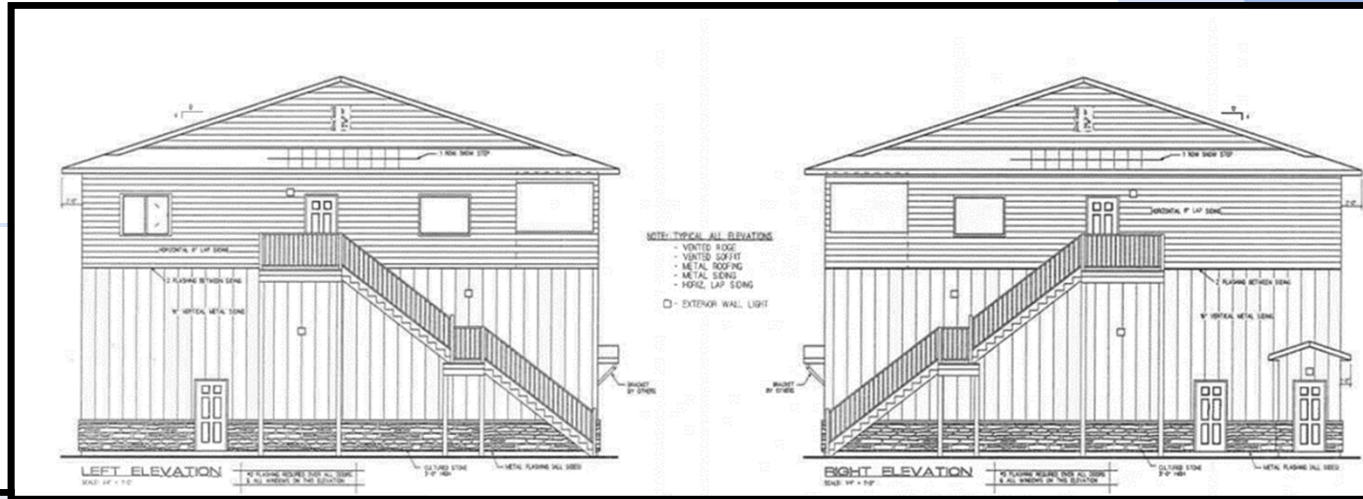
The location must not impede the safe flow of vehicular and pedestrian traffic.



Photo of Vintage Park for comparison



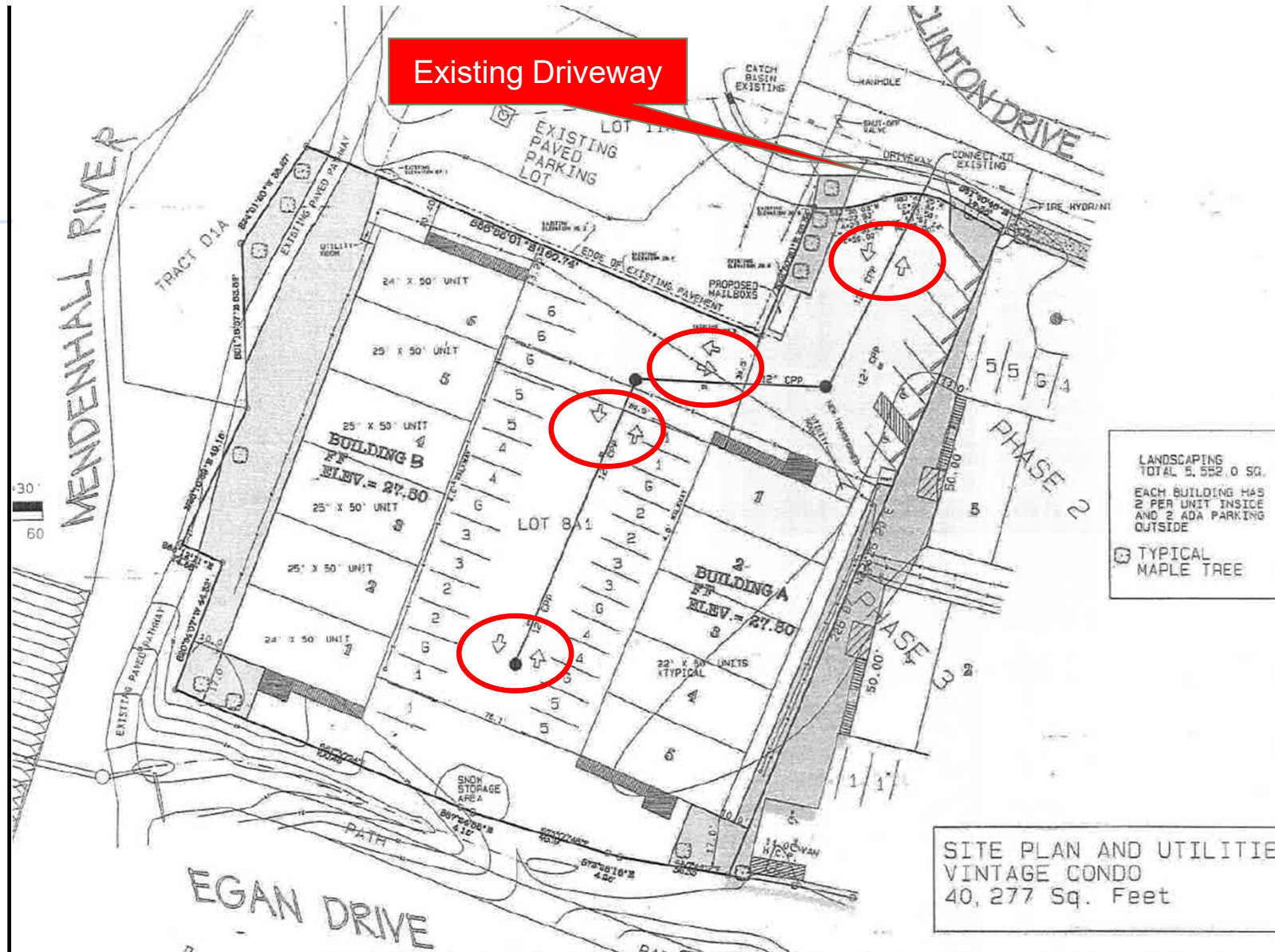
Project Design



Traffic

Use	Total Units / Sq. Ft.	Trips Generated	Total Trips
Residential	11 units	5.78 trips per unit	63.58
Light Mfg. / Warehousing	12,100 total square feet (11 garages at 1,100 sq. ft.)	3.69 trips per 1,000 sq. ft.	44.64
Total ADTs:			108.22
Vintage Park Condominiums ADT:			133 (23 residential units at 5.78 trips per unit) 226 (mix of residential and commercial)
Total ADT for both developments:			241 (mix of residential and commercial for current project only) 334 (mix of residential and commercial for current project and Vintage Park)

Vehicular Circulation



Parking

Use	Total Units and Bedrooms	Spaces Required	Total Spaces
Mix of Residential multi-family and light manufacturing / commercial storage	11 – two bedroom units	1.75 per two bedroom &	19.25
	11 – 1, 100 square foot garages	1 per 1,000 square feet	12.1
Total Parking Requirement:			31
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2



The site plan submitted shows 35 parking spaces, not including the garages.

The site plan does not show a loading space.

Non-motorized Transportation

Condition #5: The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.

Condition #6: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a Homeowners Association Agreement shall be submitted to CDD. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path. Maintenance includes snow removal from the path.

Pages 102 and 103 of your packet



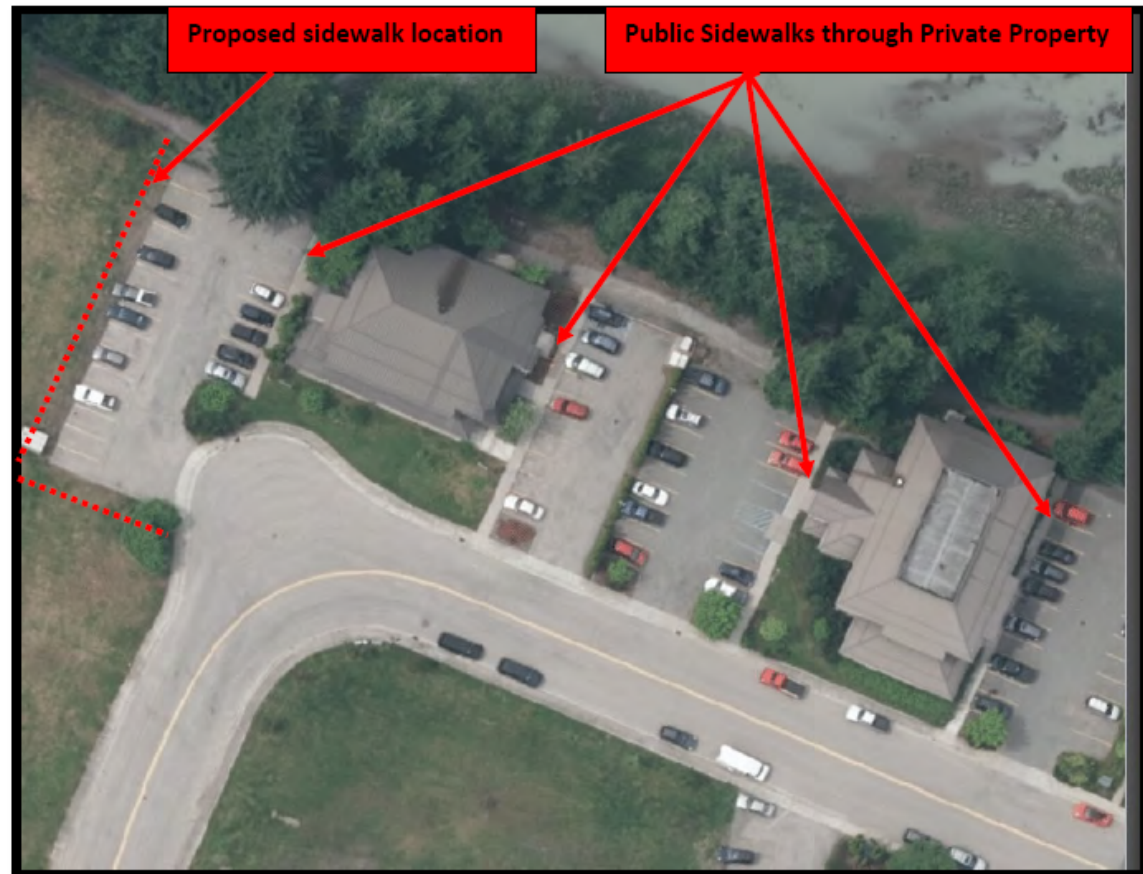
Non-motorized Transportation

Article IV. Public Access

49.35.630 – Trailhead dedications and easements.

The developer shall convey such easements or make such dedications as may be necessary in order to provide public access to existing trails.

Condition #7: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk, including snow removal.



Proximity to Transit



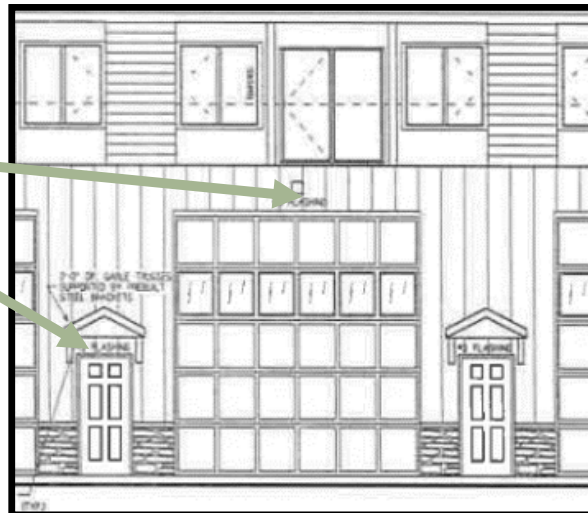
Noise and lighting

- No noise out of character for LC zone.
- Lighting – 36 exterior façade lights will meet the requirements of a “suitably lit” parking area and will be full cut-off design



Proposed exterior lights
XTOR Crosstour LED

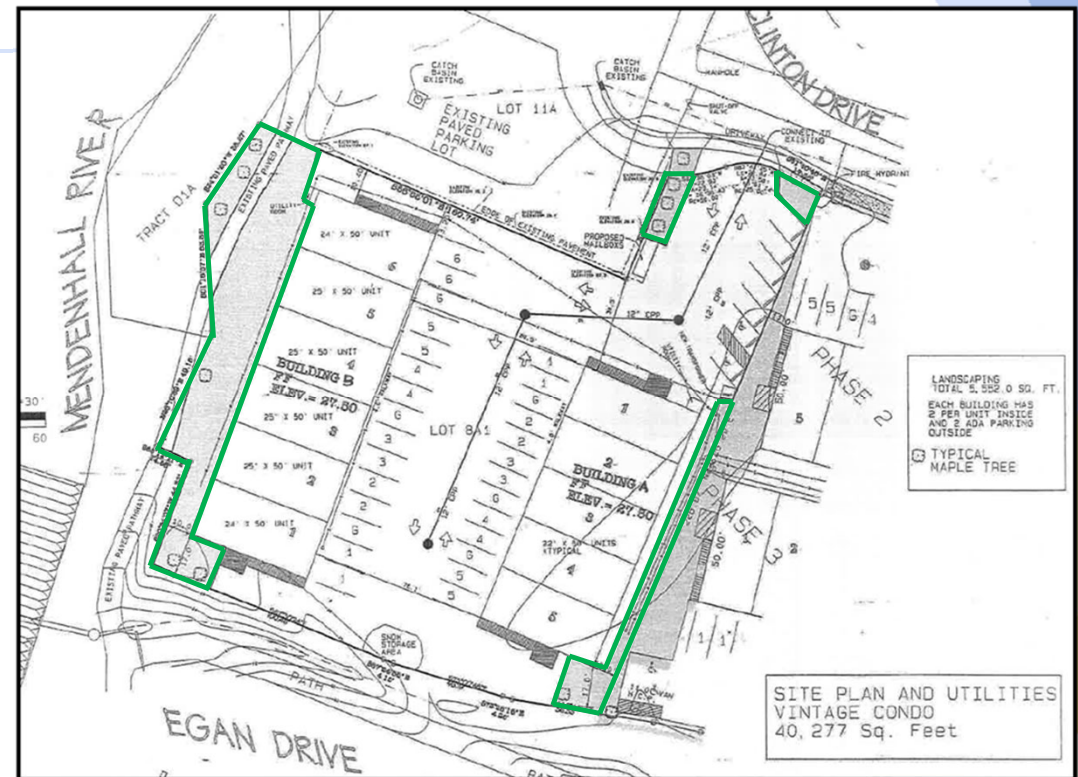
Light locations



Vegetative Cover

40,227 square foot lot x 15% = 6,040 sq. ft. of vegetative cover required

Vegetative cover can include landscaping, required open space or other required natural areas.



Habitat

CBJ 49.70.310 prohibits development within 50 feet of an anadromous water body as measured from Ordinary High Water (OHW).

Alaska Fish and Game Wildlife Biologist assisted staff in identifying the OHW mark.



Public Health, Safety and Welfare

- Structures will meet Building and Fire Code requirements.
- There are no concerns that this development will negatively impact the public's health, safety and welfare.

Property value and neighborhood harmony

21

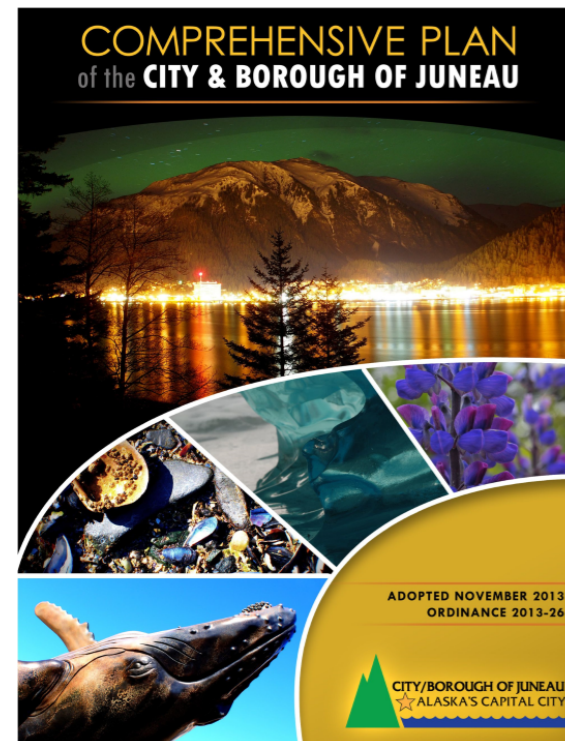
Surrounding land uses include multi-family residential, commercial and office.

CBJ Assessor does not anticipate any negative impacts to property values or neighborhood harmony.



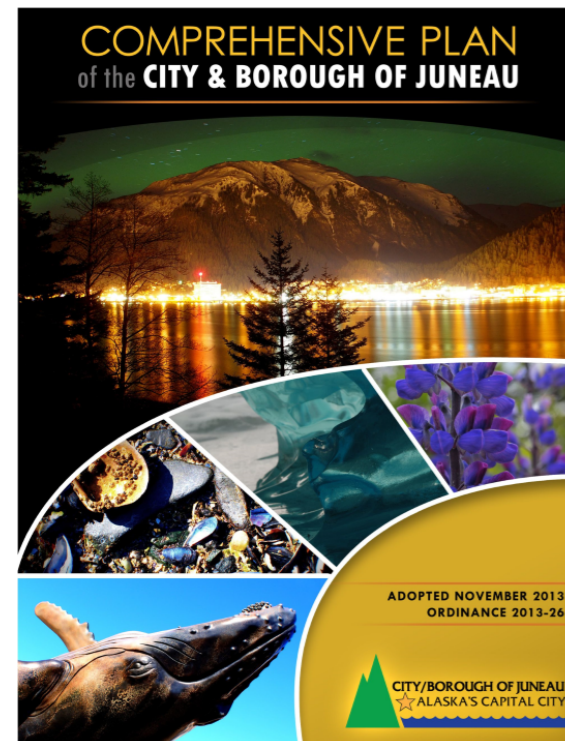
Conformity with 2013 Comprehensive Plan

- Policy 10.2 – Allow flexible & creative solutions in residential and mixed use development
- Policy 10.3 – Facilitate development of various housing types near public transit
- Policy 10.13 – Encourage mixed use development near public transit



Conformity with 2013 Comprehensive Plan (cont.)

- Chapter 11- Traditional Town Center Land Use Designation
- Policy 4.2 – Facilitate provision of various housing types & sizes
- Policy 4.8 – Maintain existing neighborhood character & quality of life
- Policy 10.1 – Enable development of suitable land for housing



Conformity with other adopted plans

- 2001 Area Wide Transportation Plan – Recommendations for land use and zoning: Support increased density & mixed use near transit routes.
- 2009 Non-Motorized Transportation Plan – Chapter 7: Improved Mendenhall Mall area for non-motorized users; Chapter 8: Install paths that connect to the broader trail system.

Findings

1. Application complete
2. In Table of Permissible Uses
3. Will comply with parking, lot coverage, drainage, vegetative cover requirements
4. Will not materially endanger public
5. Will not substantially decrease assessed value
6. Conforms with 2013 Comprehensive Plan, 2001 Area Wide Transportation Plan and 2009 Non-Motorized Transportation Plan

Recommend APPROVAL w/ conditions

For 11 condominium units with residential and commercial space in a Light Commercial zoning district.

- #1 – Revised site plan showing trash receptacle location.
- #2 – HOA agreement that address snow removal and storage
- #3 – HOA agreement that addresses maintenance of parking and circulation area
- #4 – Revised site plan showing one loading space
- #5 – Path must remain open to the public at all times
- #6 –HOA agreement that address maintenance of the path
- #7 – Installation and maintenance of a sidewalk for public access to the path

QUESTIONS?



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: April 16, 2021
Case No.: USE2021 0002

R&S Construction LLC
Attn: Rob Worden
P.O. Box 211574
Auke Bay, AK 99821

Proposal: Conditional Use Permit for the construction of 11 condominium units with residential and commercial space in a Light Commercial zoning district.

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park Condominiums

Parcel Code No.: 5B1601441000

Hearing Date: April 13, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 31, 2021, and approved the Conditional Use Permit to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a building permit, the applicants shall submit a revised site plan that shows the location of trash receptacles.
2. Prior to the issuance of a temporary certificate of occupancy (TCO) for the first dwelling unit, a homeowner's association agreement shall be submitted to CDD. The agreement shall specify how the HOA will address snow removal and snow storage in common areas.
3. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, the applicant must submit to CDD a homeowners association agreement that addresses the on-going maintenance of parking spaces, ADA spaces, loading zone and circulation aisles that comply with the requirements of CBJ 49.40.

R&S Construction LLC
Case No.: USE2021 0002
April 16, 2021
Page 2 of 3

4. Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows one off-street loading zone that complies with the requirements of CBJ 49.40.
5. The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.
6. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a homeowner's association agreement shall be submitted to CDD. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path on the subject lot. Maintenance includes snow removal from the path. The path maintenance schedule outlined in the HOA agreement will require coordination with the Vintage Business Park or other future entity responsible for path maintenance.
7. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5 foot wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk including snow removal.
8. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, bear proof trash receptacles for the use of future homeowners must be installed on the site in a location approved on the site plan.

Attachments: March 31, 2021, memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2021 0002.

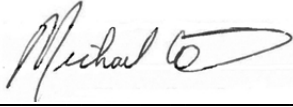
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

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, April 13, 2021.

Expiration Date: The permit will expire 18 months after the effective date, or October 13, 2023, 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.

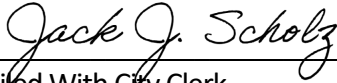
R&S Construction LLC
Case No.: USE2021 0002
April 16, 2021
Page 3 of 3



Michael Levine, Chair
Planning Commission

April 20, 2021

Date



Filed With City Clerk

April 20, 2021

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.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

VAR2021 0001: Variance to D18 lot depth from 80 to 78.2 feet for the purposes of a common wall subdivision - CONTINUED TO MAY 11, 2021 REGULAR PLANNING COMMISSION

AGENDA ITEM:

Case No.: VAR2021 0001

Applicant: Natalia Golovatiuk

Location: Peters Lane

Proposal: Variance to D18 lot depth from 80 to 78.2 feet for the purposes of a common wall subdivision

RECOMMENDATION:

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY requested non-administrative variance.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for VAR2021 0001	3/30/2021	Staff Report



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD

155 S. Seward Street • Juneau, AK 99801

DATE: March 30, 2021

TO: Michael LeVine, Chair, Board of Adjustment

BY: Beth McKibben, Senior Planner, AICP *Bmk*

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Non-administrative Variance for minimum lot depth from 80 to 76.23 (proposed Lot 5A) and 79.45 (proposed Lot 5B) feet for the purposes of a common wall subdivision.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- Variance would allow subdivision creating two lots with substandard depth. Lots would be considered compliant if variance is approved.
- Lot is vacant and can be developed with up to three units without a subdivision.
- Natural conditions of the lot do not create undue hardship.
- Similarly situated properties have the same constraints to subdivision and development.

GENERAL INFORMATION	
Property Owner	Natalia Golovatiuk
Applicant	Natalia Golovatiuk
Property Address	Peters Lane
Legal Description	Bellevue Block I Lot 5
Parcel Number	1D050L140050
Zoning	D18
Lot Size	7,900 square feet
Water/Sewer	City water; sewer to be extended by developer
Access	Peters Lane
Existing Land Use	Vacant
Associated Applications	NCC2021 0017

ALTERNATIVE ACTIONS:

1. **Approve:** approve the permit and adopt new findings for items 1-2 below that support the approval. Approval may require conditions.
2. **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 49.15.420
 - o 49.20.230(b)
 - o 49.20.240
 - o 49.20.250(b)
 - o 49.20.260
 - o 49.25.400

The Commission shall hear and decide the case per 49.20.240. The board of adjustment shall hear all variance requests except administrative variances, and shall either approve, conditionally approve, modify or deny the request based on the criteria in section 49.20.250(b).

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D18)	Vacant/residential
South (D18)	Residential
East (D18)	Residential
West (D18)	Residential/vacant

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

BACKGROUND INFORMATION

Project Description – The applicant requests a variance to reduce D18 minimum lot depth for the purposes of a common wall subdivision (**Attachment A**).

A variance changes the standards and regulations that apply to a lot. If the Board of Adjustment (board) grants this variance, the resulting lots will be considered compliant, despite the substandard lot depth.

In order to grant a variance, the board must determine that [CBJ 49.20.250(b)]:

- (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
- (B) The unusual or special conditions of the property are not caused by the person seeking the variance;
- (C) The grant of the variance is not detrimental to public health, safety, or welfare; and
- (D) The grant of the variance is narrowly tailored to relieve the hardship.

The need for the variance must be based on a naturally-occurring peculiarity of the lot. A variance provides a “relief valve” for a land owner who would suffer undue hardship from literal application of zoning rules.

The table on page 3 summarizes relevant history for the lot and proposed development.

Background – The applicant submitted the building permits for a common wall development at which time it was realized that the average lot depth is less than the required 80-foot minimum. The nonconforming lot depth was overlooked in the pre-application.

March 30, 2021
 VAR2021 0001
 Page 3 of 7

History

The existing lot was platted in 1963 as part of the Bellevue Subdivision, with Platting Resolution 150. The area was not zoned at the time, and no minimum lot area, lot width or lot depth requirements were required. The area was zoned D18 in 1987.

The table below summarizes relevant history for the lot and proposed development.

Item	Summary
PAC2020 0043	Pre-application Conference Report (PAC)
NCC2021 0017	A nonconforming certificate review for lot.
Platting Board minutes October 29, 1963	Approving platting resolution 150 for the Bellevue Plat.
BLD20200723 & BLD2020724	Building permits to construct two units with the intent to subdivide as common wall; includes associated engineering required for the hillside endorsement.

ANALYSIS

Project Site – The site meets or exceeds the minimum lot area and lot width of the D18 zoning. Proposed lot 5A would have a lot depth of ~76.3 feet, and proposed lot 5B would have a lot depth of ~79.5 feet.

Standard (Common wall)	Requirement	Existing	Requested		Code Reference
			<i>Lot 51A</i>	<i>Lot 5B</i>	
Lot Size, square feet	2,500	7,9000	4,078	3,782	49.25.400
Lot Width, linear feet	20	~107	59.3	47.83	49.25.400
Lot Depth, linear feet	80	78.12	~76.3	~79.5	49.25.400

Platting

If the board grants the variance, the owner could subdivide the existing lot into two common wall lots with substandard lot depth. Resulting lots would be considered compliant for lot depth. A subdivision application has not been received nor reviewed; other applicable platting standards would apply. This variance approval is separate from a common wall subdivision approval.

Lot Dimensional Standards -

If the board grants this variance, the owner could subdivide the existing into two common wall lots with substandard lot depth. Lot 5A would have a depth of approximately 78.12 feet. Lot 5B would have a depth of approximately 79.5 feet.

To summarize the proposal [CBJ 49.15.420]:

	Required	Existing	Proposed Lot 5A	Proposed Lot 5B
Lot Depth	80	78.12*	76.3	79.5
Minimum lot area – common wall (square feet)	2,500	7,900	4,078	3,782

*Existing nonconforming lot (Attachment E)

“Lot depth” means the average distance measured from the front lot line to the rear lot line [CBJ 49.80]. Lot depth can be determined by adding the lot depth at one end to lot depth at the other, and dividing by two. Using this method, the lot’s current nonconforming depth is 78.12 linear feet.

Subdivided lots resulting from approval of this variance would have less-than-required lot depth, and would be considered compliant with a new lot depth specialized for this situation. They would not qualify for setback reductions for substandard lots.

The proposed common wall development would meet or exceed other dimensional standards.

Alternatives Reviewed – A number of other alternatives to the variance process were evaluated for this site.

Permissible Development Options

D18 zoning requires a minimum of 2,420 square feet per dwelling unit. With a lot area of 7,900 square feet, the lot has a density of up to three units. The two-unit structure, as designed, may be used as a duplex. Additionally, the project could use a condominium ownership structure, allowing each unit to be owned individually, with the land owned in common with a Homeowners’ Association.

The lot may support up to three units, attached or detached, if dimensional standards are met; or one single-family dwelling, or a single-family dwelling with an accessory apartment.

Non-permissible Development Options

CBJ 49.25.510(g) provides for a conditional use permit for a common wall or duplex development on a lot less than the required lot size. The applicant must demonstrate that the same number of units exist or may be lawfully created as a result of nonconforming development provisions. This lot exceeds the minimum lot area. This option is not available to the applicant.

CBJ 49.25.510(h) provides for a conditional use permit for a two-unit common wall structure on less than the required lot area. The lot must have been legally platted prior to 1987 and the subdivision designed specifically for two-unit common wall structures. No information is available to indicate that the subdivision was created specifically for two-unit common wall development, and the lot exceeds the minimum lot size. This option is not available to the applicant.

CBJ 49.70 Article XII, Alternative Residential Subdivision was evaluated. However, this process would result in the creation of three new lots: the parent lot and two unit lots. This would be an aggravation of the nonconforming situation.

VARIANCE STANDARDS

Pursuant to CBJ 49.20.200, a non-administrative variance may be granted to provide an applicant relief from the requirements of this Title 49, the Land Use Code. A variance cannot vary requirements or regulations of Title 49 concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35 (Public and Private Improvements), or requirements in chapter 49.65 (Specified Use Provisions).

Per CBJ 49.20.250(b), a non-administrative variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the board has determined that:

A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

Analysis: The applicant must establish that adhering to the code creates hardship that is distinct from similarly situated properties. Hardship must be due to peculiarities of the land.

“Hardship” means that the land cannot be used as intended. Pecuniary difficulties cannot be considered hardship.

The lot was platted prior to zoning. It is located in a district intended for multi-family development. The lot is vacant and may be developed with up to three units without a subdivision. Reasonable use of the property is not prohibited.

There are no mapped anadromous streams and no mapped wetlands on the lot. The lot is not in a FEMA mapped flood zone. The lot is steeply sloped similarly to surrounding properties, and a hill side endorsement is required regardless of the proposed subdivision.

The ability to develop the property with up to three units on the land demonstrates the land does not have peculiarities that deny use.

Finding: This criterion **has not** been met.

B. The unusual or special conditions of the property are not caused by the person seeking the variance.

Analysis: No unusual conditions of the property exist, caused by the applicant or otherwise.

The owner’s desire to subdivide the land creates the need for a variance. The need for a variance is not due to a natural condition of the land.

Finding: This criterion **has not** been met.

C. The grant of the variance is not detrimental to public health, safety, or welfare.

Analysis: The applicant is required to complete site engineering through the required hillside endorsement process, which is reviewed and approved by the Director, through the building permit process. This process is intended to protect the site, and the area both during and after construction.

Finding: This criterion **has** been met.

D. The grant of the variance is narrowly tailored to relieve the hardship.

Analysis: The variance cannot be considered narrowly tailored.

- There is no proven hardship to which to tailor the variance.
- The subdivision would self-create a hardship.

This variance request is based on the most restrictive lot depth required for the proposed subdivision.

Finding: This criterion **has not** been met.

Pursuant to CBJ 49.20.260, the board may attach to a non-administrative variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

Condition: None recommended.

AGENCY REVIEW

CDD conducted an agency review comment period between March 8, 2021 and March 16, 2021. Comments received are found in Attachment C and are summarized below.

Agency	Summary
CCFR	No fire code or fire department concerns from the project as proposed. Public concerns regarding emergency vehicle access is a longer term challenge. Emergency apparatus requires a minimum of a 20-foot wide drivable surface, which does not have to be paved (per fire standards).
CBJ Streets	No concerns with the variance request provided the developer installs driveways in accordance with CBJ standards. Peters Lane is signed for no parking but signage isn't obvious. Streets will improve this signage when weather allows. Concerns from neighbors were a result of a 100 year storm event and a non-permitted driveway with an undersized culvert. Properly sized driveways culverts will help prevent this from happening in the future.

PUBLIC COMMENTS

In accordance with 49.20.230(b) public notice was mailed to property owners within 500 feet of the lot, a public notice sign was posted on-site two weeks prior to the hearing, and ads were placed in the Juneau Empire. Public comments received at time of writing this staff report can be found in Attachment D and are summarized below.

Name	Summary
Frank & Nancy Baxter	Concern with drainage from an unnamed creek; narrow unpaved street, poorly drained, emergency vehicle access when vehicles are parked on the street, safety of proposed structure in the event of an earthquake; requirement for off-street parking; no sidewalks on the street and need for accommodations for handicapped people; and danger to pedestrians.
Julie Costello	Concern for consideration of the stability of hillside supporting existing condominiums uphill from proposed development; culverts, ditches, and roadway during and after construction. Road needs maintenance. Concern for ability of narrow roadway to support additional development.
Ann House	Questions about the building design; and how construction will be monitored; concerns about impacts of development because of damage incurred during storms in 2019. Expressed concurrence with the variance request, but would like to see improvement to the neighborhood.

FINDINGS

1. *Is the application for the requested variance complete?*

Analysis: No additional analysis required.

Finding: Yes. The application for the required variance is complete.

2. *Does the variance as requested meet the criteria of Section 49.20.250(b)(1), Non-Administrative Variances?*

Analysis: As discussed above, the Applicant has not established that:

- A peculiarity of the land causes hardship.
- The land cannot be used as intended.
- The lot is different than similarly-situated properties.
- A natural condition creates hardship.

Finding: No. The requested variance does not meet all of the criteria of Section 49.20.250(b)(1), Non-Administrative Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY requested non-administrative variance.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	NOD NCC2021 0017
Attachment F	PAC2020-0043 report



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address Peters Ln, Douglas AK		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) BELLEVUE BL I LT 5		
	Parcel Number(s) 1D050L140050		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner NATALIA GOLOVATIUK	Contact Person NATALIA GOLOVATIUK	Phone Number(s) (907)500-4756
	Mailing Address 7602 LUMBIS AVE UNIT 4, ANCHORAGE AK 99518		
	E-mail Address ODESSA.CLUB@YAHOO.COM		
	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.			
☒ <u>Natalia Golovatiuk</u> Landowner/Lessee Signature		06/24/2020 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 may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant SAME		Contact Person SAME	
Mailing Address SAME		Phone Number(s) (907)500-4756	
E-mail Address SAME			
☒ <u>Natalia Golovatiuk</u> Applicant's Signature		06/24/2020 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.

Intake Initials BMc
Case Number VAR2021 0001
Date Received 2.26.2021



VARIANCE 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.
Not to be used for Administrative Variances**

To be completed by Applicant	PROJECT SUMMARY			
	Subject Parcel's ID: 1D050L140050, D-18 zoned lot, area 7,900 sq ft, was determined not to meet a minimum lot depth to qualify for a common-wall subdivision of the subject lot into two parcels. An applicant is proposing a minor common-wall subdivision of the subject parcel to create two lots.			
	VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to) Variance is requested for the minimum lot depth requirement (80') stated in Table of Dimensional Standards 49.25.400			
	Previous Variance Applications?		YES	☒ NO
	Previous Case Number(s): _____		Date of Filing: <u>02/17/2021</u>	
	Was the Variance Granted? YES NO		Building Permit related to this variance? ☒ YES NO	
	UTILITIES AVAILABLE:		WATER ☒ Public On Site	SEWER: ☒ Public On Site
	ALL REQUIRED MATERIALS ATTACHED			
	Complete application per CBJ 49.65.210			
	Narrative including:			
	Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure			
	Why a variance would be needed for this property regardless of the owner			
	What hardship would result if the variance is not granted			
	Site Plan			

DEPARTMENT USE ONLY BELOW THIS LINE

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>400</u>			
Adjustment	\$ _____			
Total Fee	\$ <u>400</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
VAR	2.26.2021

Variance Application Instructions

Variances are outlined in CBJ 49.20 article II

Application: An application for a Variance will not be accepted by the Community Development Department (CDD) until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Variance Application and Development Permit Application forms.
2. **Fees:** The fee for a Variance Application is \$400.00. If the application is in conjunction with a major development permit, the Variance fee will be reduced by 20 percent. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Description:** A detailed letter or narrative describing the hardship that is the result of an unusual situation or physical feature affecting a specific parcel of land or structure. **Also include how the proposed project meets the variance criteria listed on the attached sheet.**
4. **Plans:** A site plan showing the following information:
 - A. The location of existing and proposed structures (i.e. buildings, fences, signs, parking areas, etc.); and
 - B. The location of 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).

Please consult with the Community Development Department to discuss whether additional information may be required for your application. The "Planner-On-Call" can be reached by contacting the Community Development Department at (907) 586-0715 or via email at Permits@juneau.org.

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:

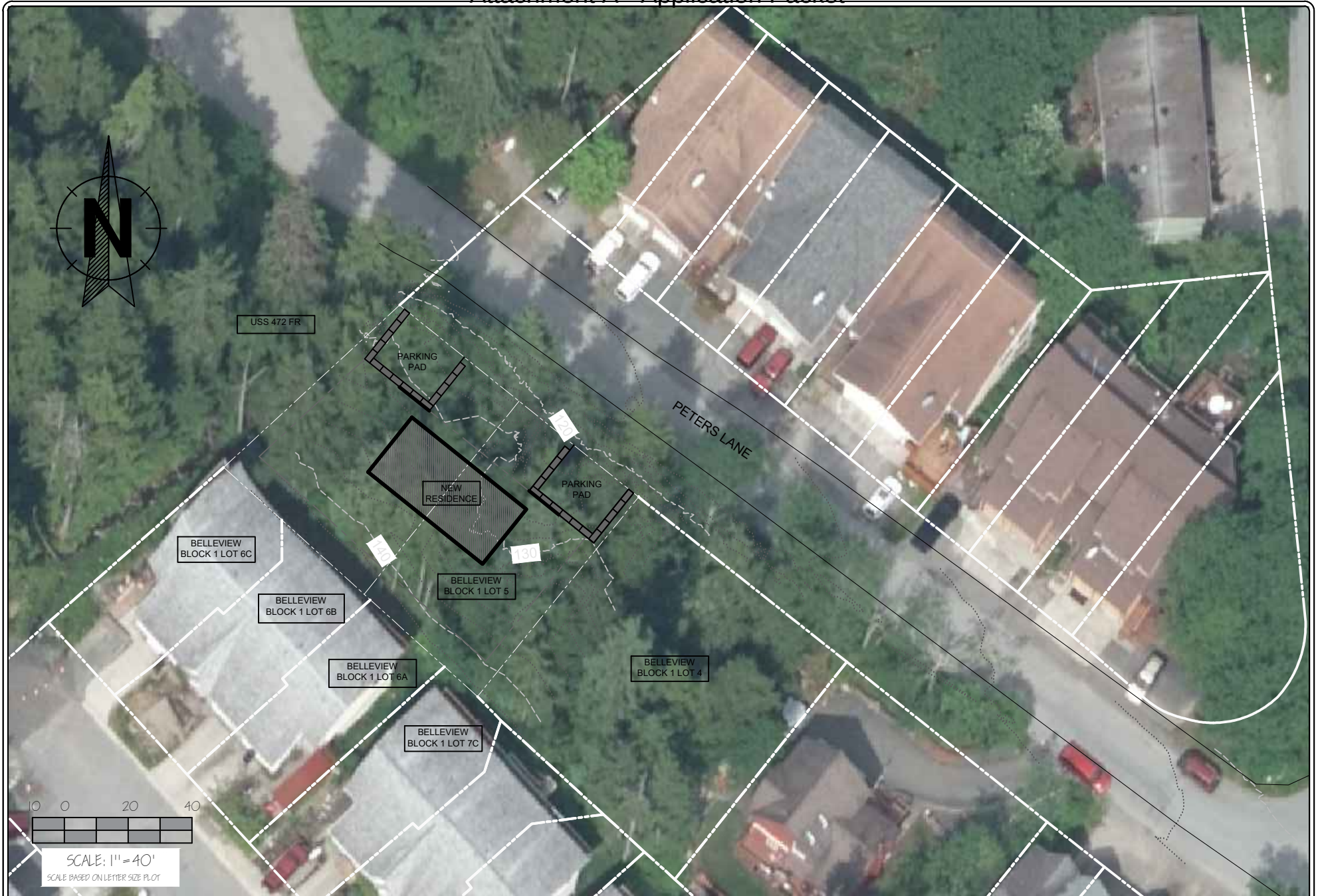
Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the Variance Application request the application may be required to be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

Hearing: All Variance Applications must be reviewed by the Board of Adjustment. 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: As part of the Variance process, all requests must be given proper public notice as outlined in 49.20.230 which consists of the following:

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, the department will mail abutters notices to all property owners within 500-feet of the project site. A "Public Notice Sign" is required to be posted on the site by the Applicant and the Community Development Department will create the sign to be posted.

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

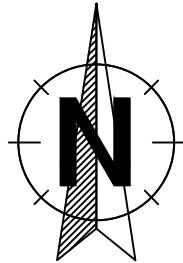
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Vicinity Map

DRAWN:
8/23/20
SHEET #
1/15

Attachment A - Application Packet



SECTION A-A

SECTION B-B

SECTION C-C

SECTION D-D

SECTION E-E

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW MINOR CONTOUR



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT

STRUCTURAL FILL BUILDING PAD.
TOP OF PAD DIMENSIONS 52'X28'

NEW 2-STORY ZERO-LOT LINE RESIDENCE.

UPSLOPE SURFACE
WATER SWALE

UPSLOPE
FRENCH DRAIN

18'X22' PARKING PAD

RETAINING
WALL #1

BUILDING
SETBACK LIMIT

PROPERTY LINE

PETERS LANE

22 FT WIDE DRIVEWAY
INSTALL AND PAVE DRIVEWAY
PER CBJ STANDARD 103A

CPP - 30 LF
INSTALL HEADWALL PER
CBJ STD DETAIL 104B

INCREASE DITCH DEPTH TO
24". 24" DITCH BOTTOM WIDTH.
MAINTAIN EXISTING DITCH
OVERALL WIDTH

22 FT WIDE DRIVEWAY
INSTALL AND PAVE DRIVEWAY
PER CBJ STANDARD 103A

24" CPP - 30 LF
INSTALL HEADWALL PER CBJ
STD DETAIL 104B

18'X22' PARKING PAD

RETAINING
WALL #2

CONNECT RETAINING
WALL AND UPSLOPE
FRENCH DRAINS (TYP)

NOTES:

- 1) ALL DEVELOPMENT ACTIVITIES SHALL COMPLY WITH CBJ MANUAL OF STORMWATER BEST MANAGEMENT PRACTICES - AUGUST 2010
- 2) APPROXIMATELY 250 CY OF ROCKFILL ARE TO BE IMPORTED TO SITE FOR USE AS BUILDING PAD ROCKFILL.
- 3) ALL DISTURBED GROUND SHALL BE STABILIZED WITH TOPSOIL AND SEEDING PER CBJ STDs 2709 & 2710 AT THE CONCLUSION OF PROJECT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

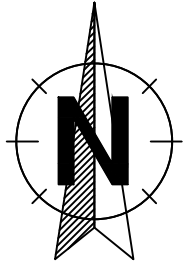
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Site Plan

DRAWN:
12/11/20
SHEET #
2/15

Attachment A - Application Packet



- 0%-12% ORIGINAL SLOPE
- 12%-30% ORIGINAL SLOPE
- 30% + ORIGINAL SLOPE

10 0 20 40



SCALE: 1" = 40'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

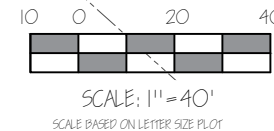
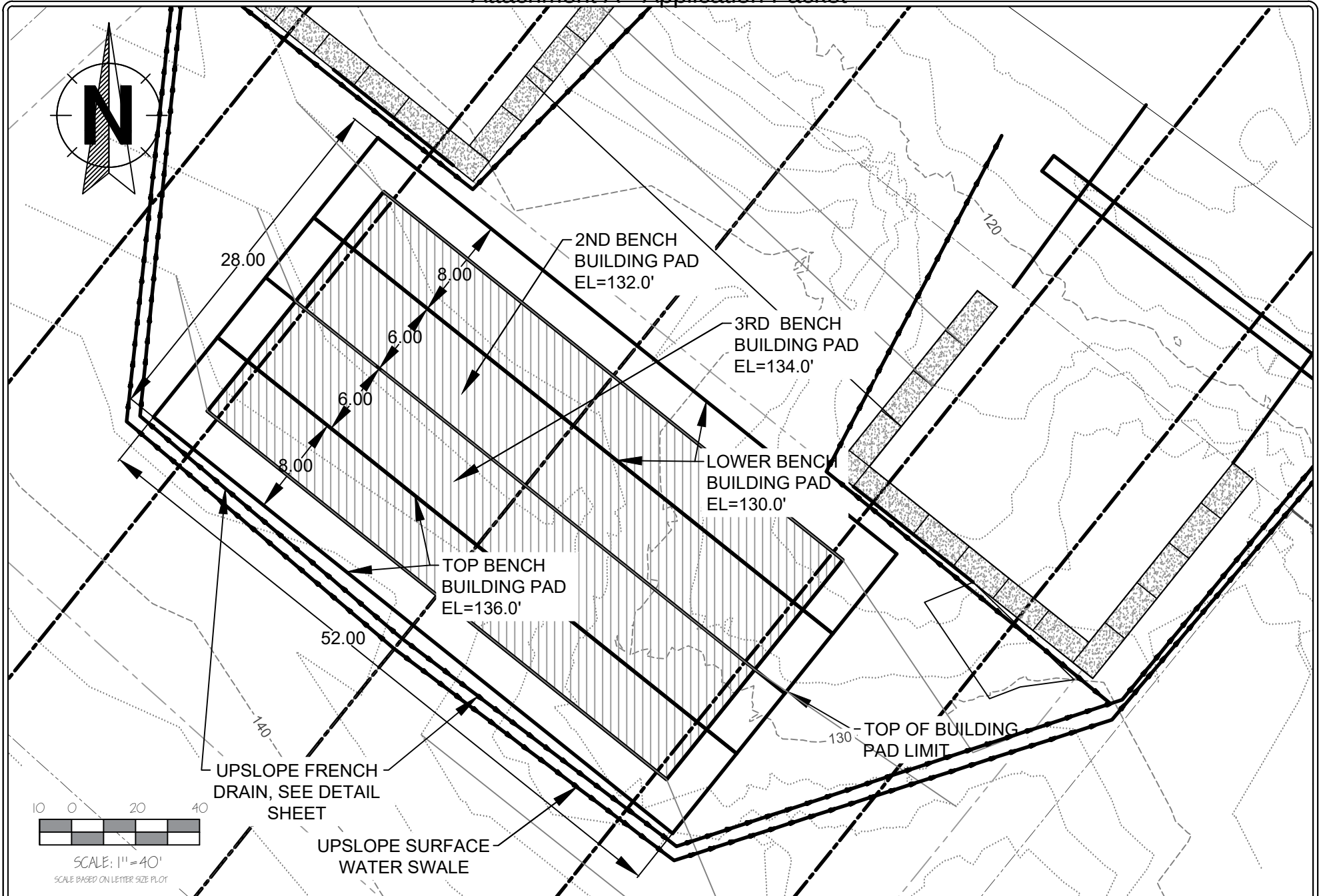
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Original
Slope Grades

DRAWN:
8/23/20
SHEET #
3/15

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

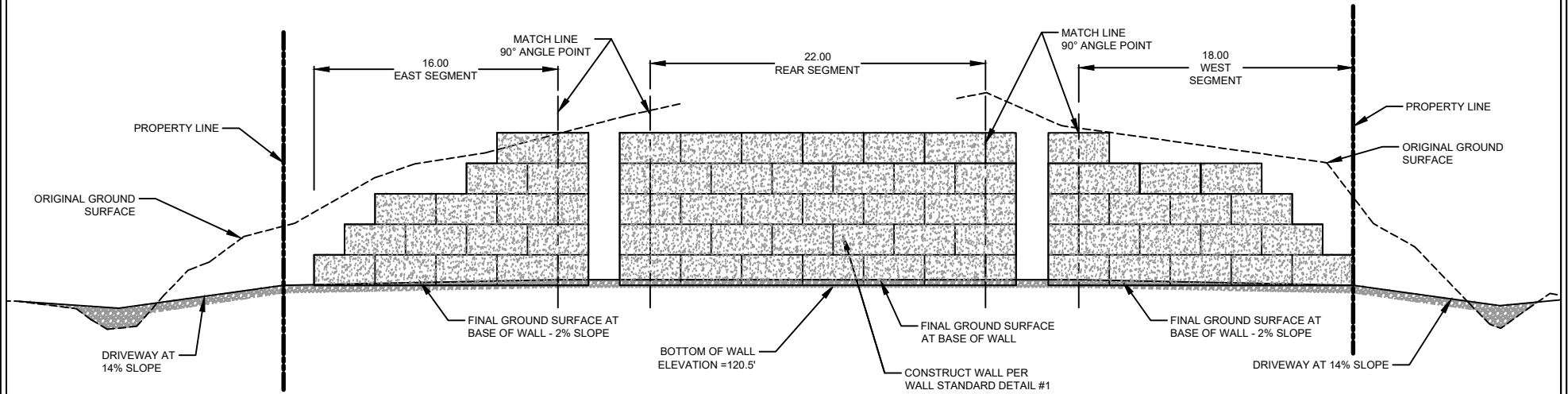
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Building Pad
Plan

DRAWN:
12/11/20
SHEET #
4/15

Attachment A - Application Packet



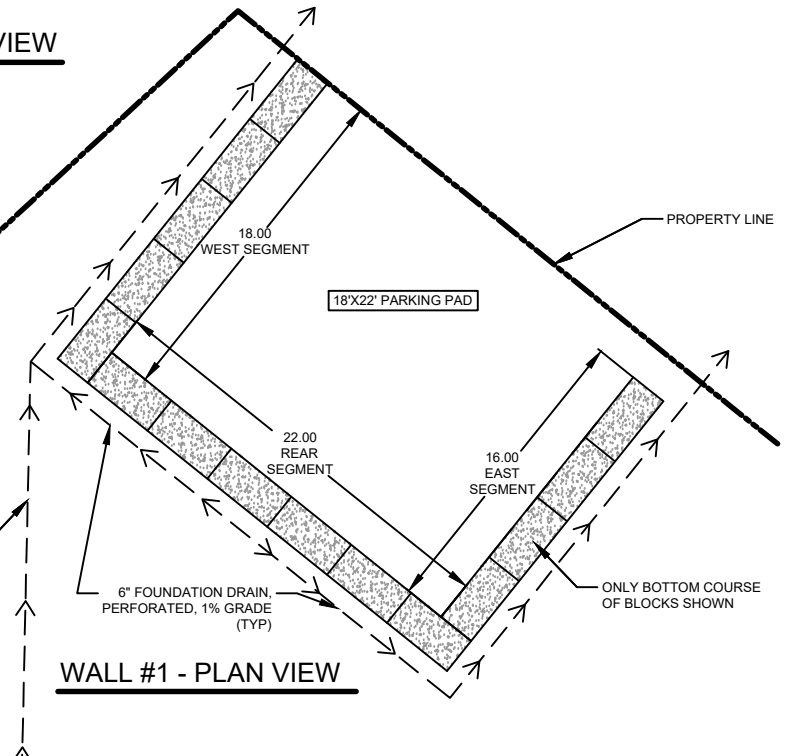
WALL #1 - ELEVATION VIEW



PRIMARY UPSLOPE FRENCH DRAIN. TIE INTO WALL FOUNDATION DRAIN AND DISCHARGE TO DITCH



SCALE: 1"=10'
SCALE BASED ON LETTER SIZE PLOT



WALL #1 - PLAN VIEW



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

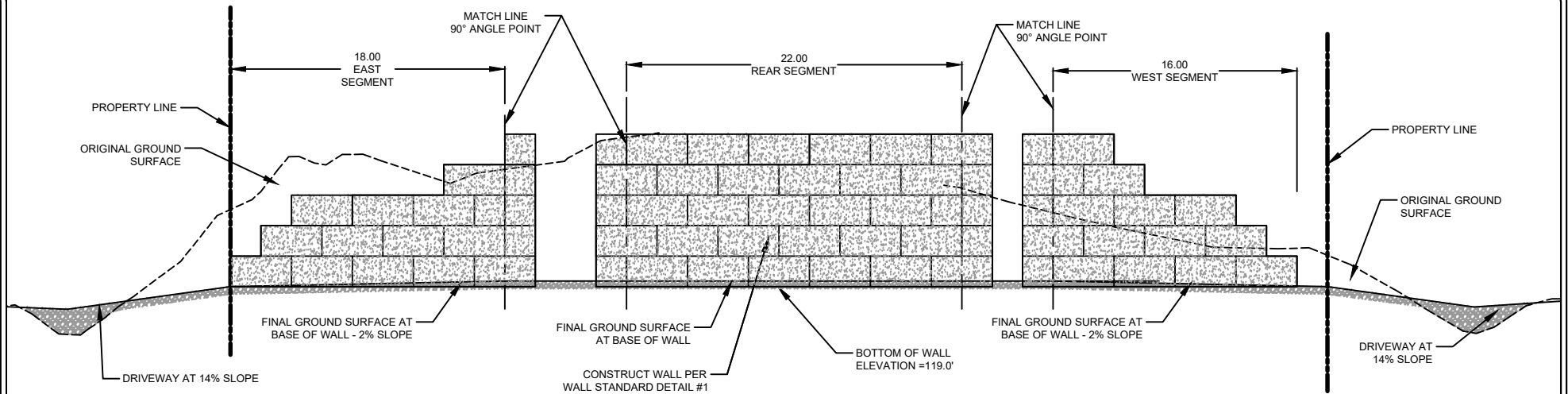
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

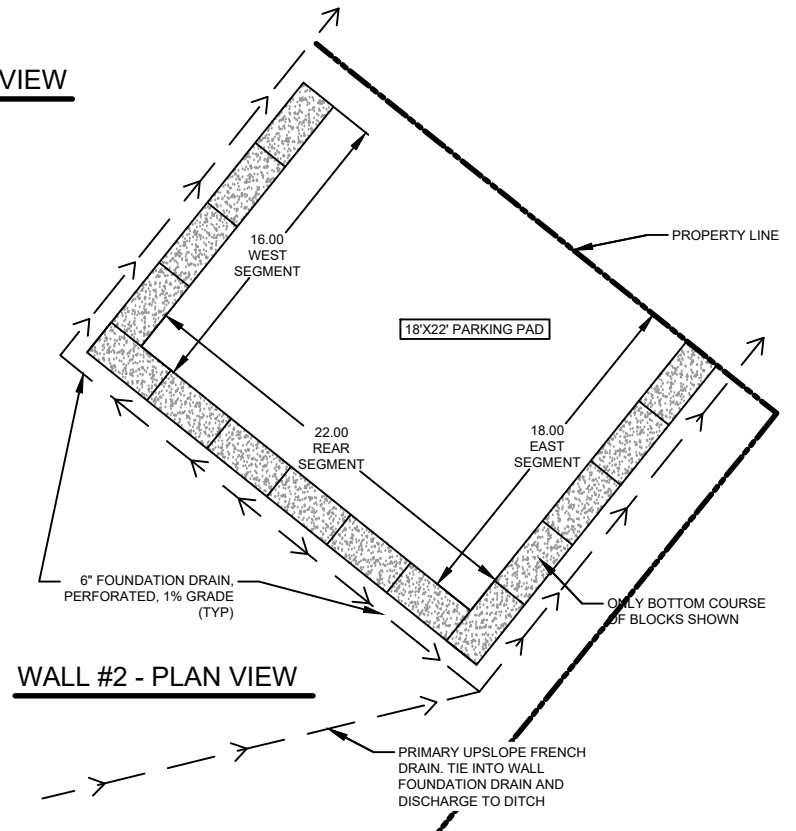
Retaining Wall #1
Plan & Elevation

DRAWN:
12/11/20
SHEET #
5/15

Attachment A - Application Packet



WALL #2 - ELEVATION VIEW



WALL #2 - PLAN VIEW

2.5 0 5 10



SCALE: 1"=10'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

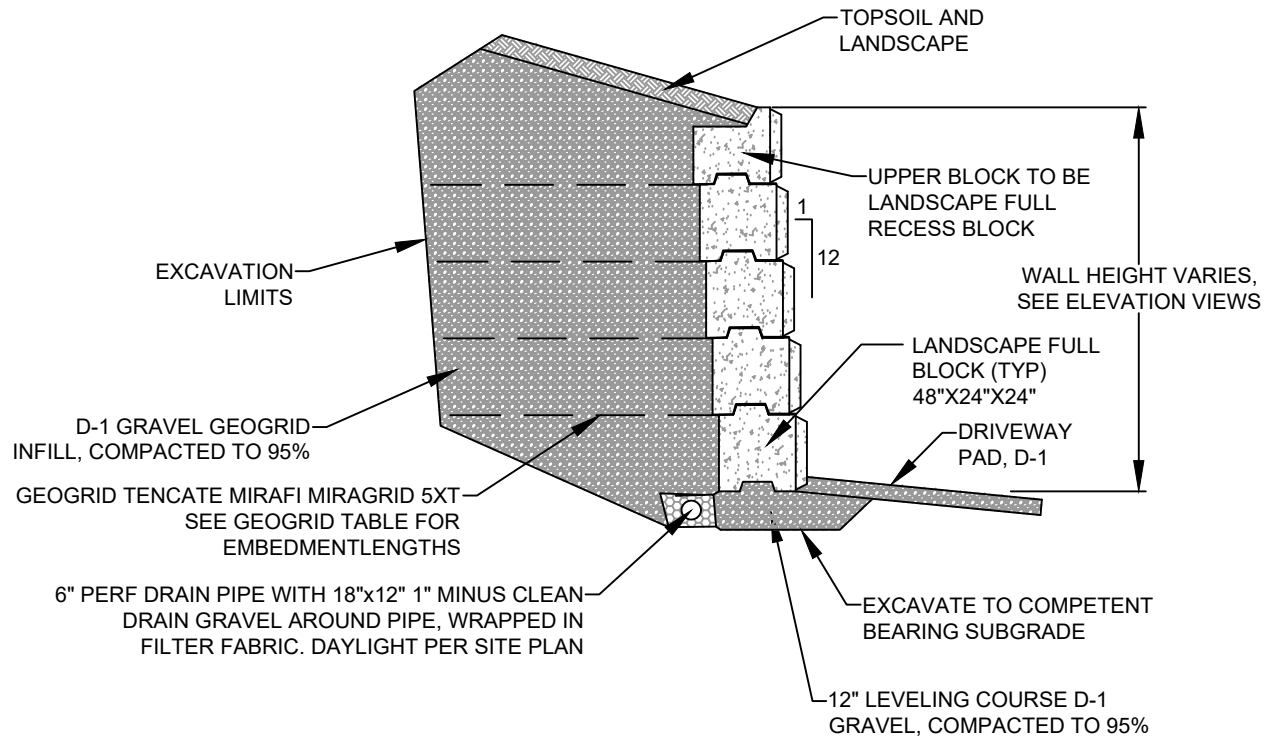
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Retaining Wall #2
Plan & Elevation

DRAWN:
12/11/20
SHEET #
6/15

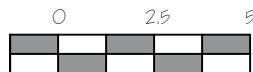
Attachment A - Application Packet



WALL STANDARD DETAIL

GEOGRID TABLE

# OF BLOCKS HIGH	TOTAL GEOGRID LENGTH	GEOGRID EMBEDMENT LENGTH
5	8	6
4	7	5
3	6	4
2 OR LESS	NO GEOGRID	



SCALE: 1" = 5'
SCALE BASED ON LETTER SIZE PLOT

NOTES:

- 1) INSTALL BLOCKS PER INSTALLATION GUIDELINES GIVEN IN 'WORLD BLOCK INSTALLATION AND ENGINEERING MANUAL' DOCUMENT. AVAILABLE AT <https://www.worldblock.com/world-block-installation-and-engineering-manual.html>
- 2) PURCHASE OFFSET BLOCKS FOR EAST/WEST SEGMENTS SO AS TO ACCOMMODATE FOR 2" STEPBACK PER COURSE



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

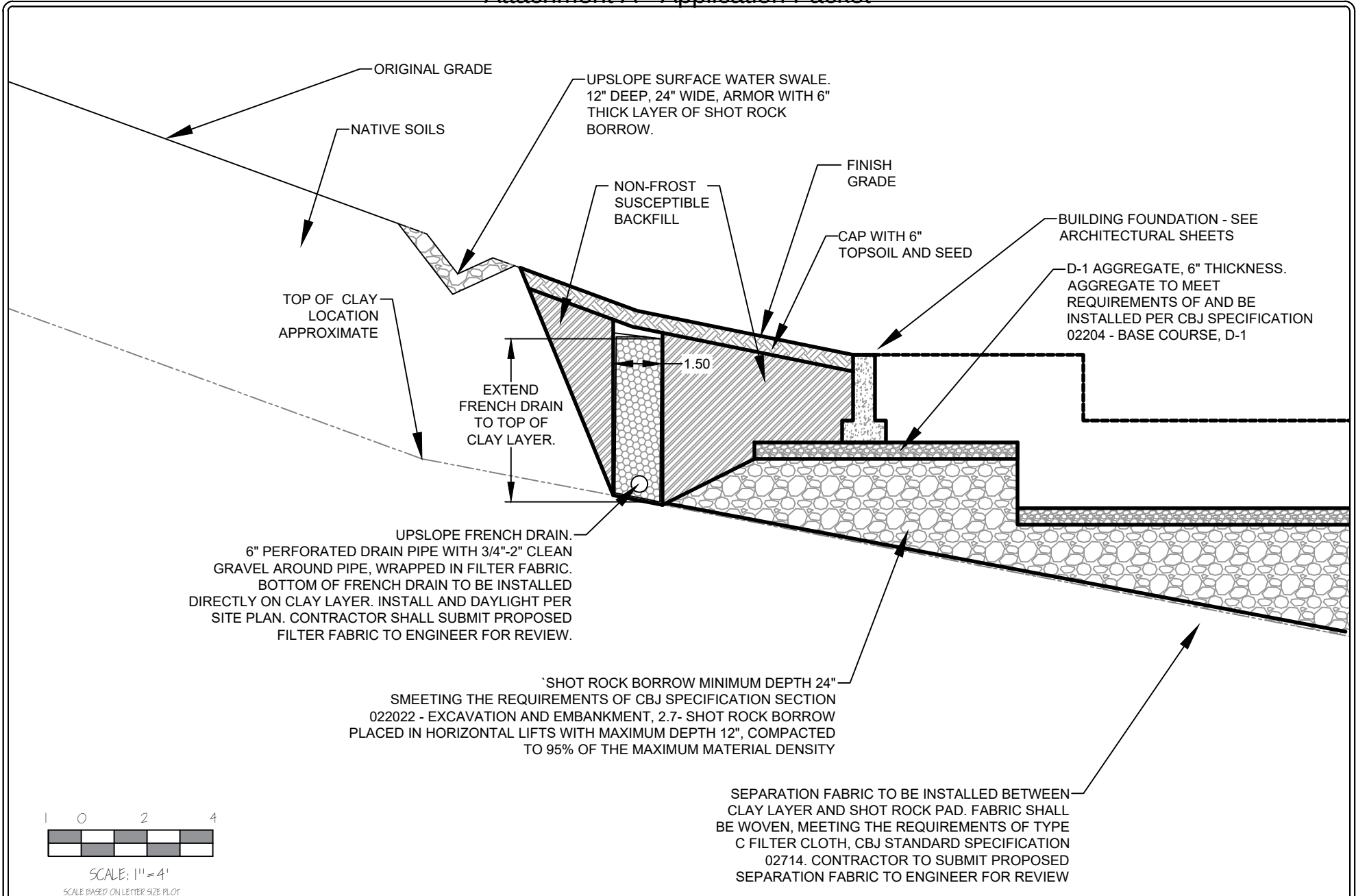
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Retaining Wall
Details

DRAWN:
8/23/20
SHEET #
7/15

Attachment A - Application Packet



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

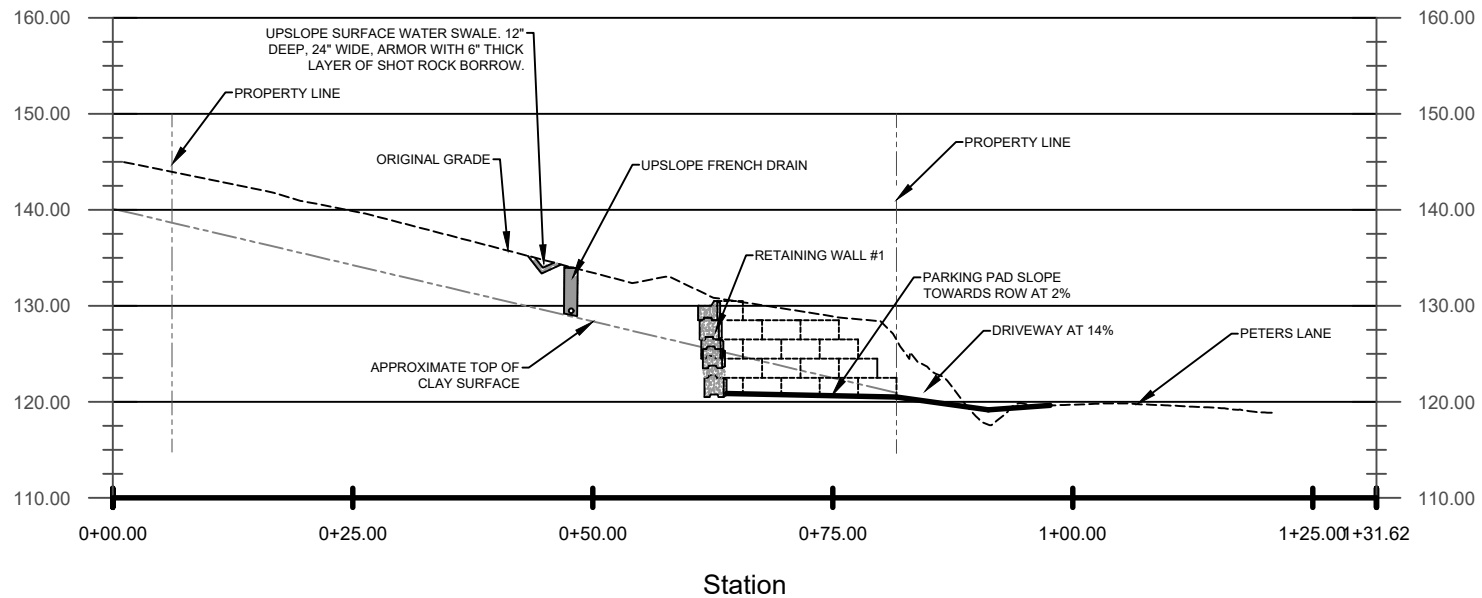
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Foundation Pad
Details

DRAWN:
8/23/20
SHEET #
8/15

Attachment A - Application Packet



Section A- A

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

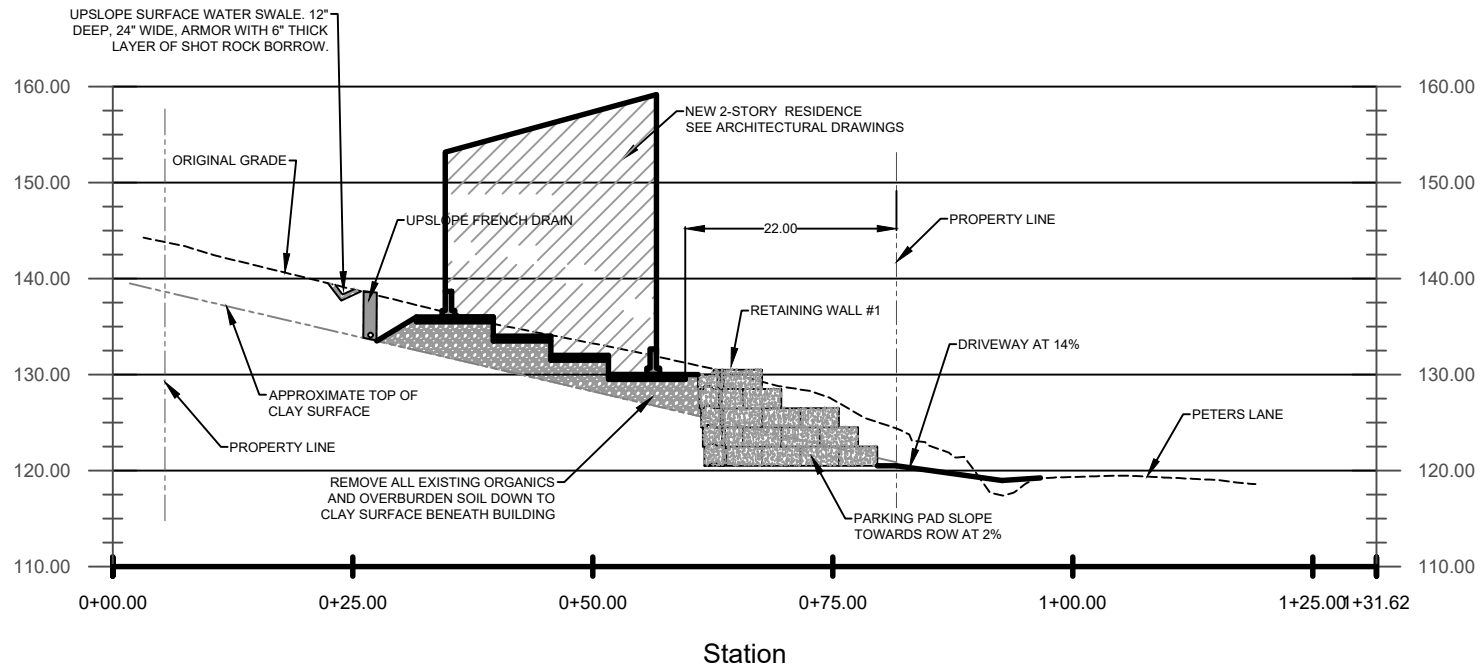
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section A-A

DRAWN:
12/11/20
SHEET #
9/15

Attachment A - Application Packet



Section B-B

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

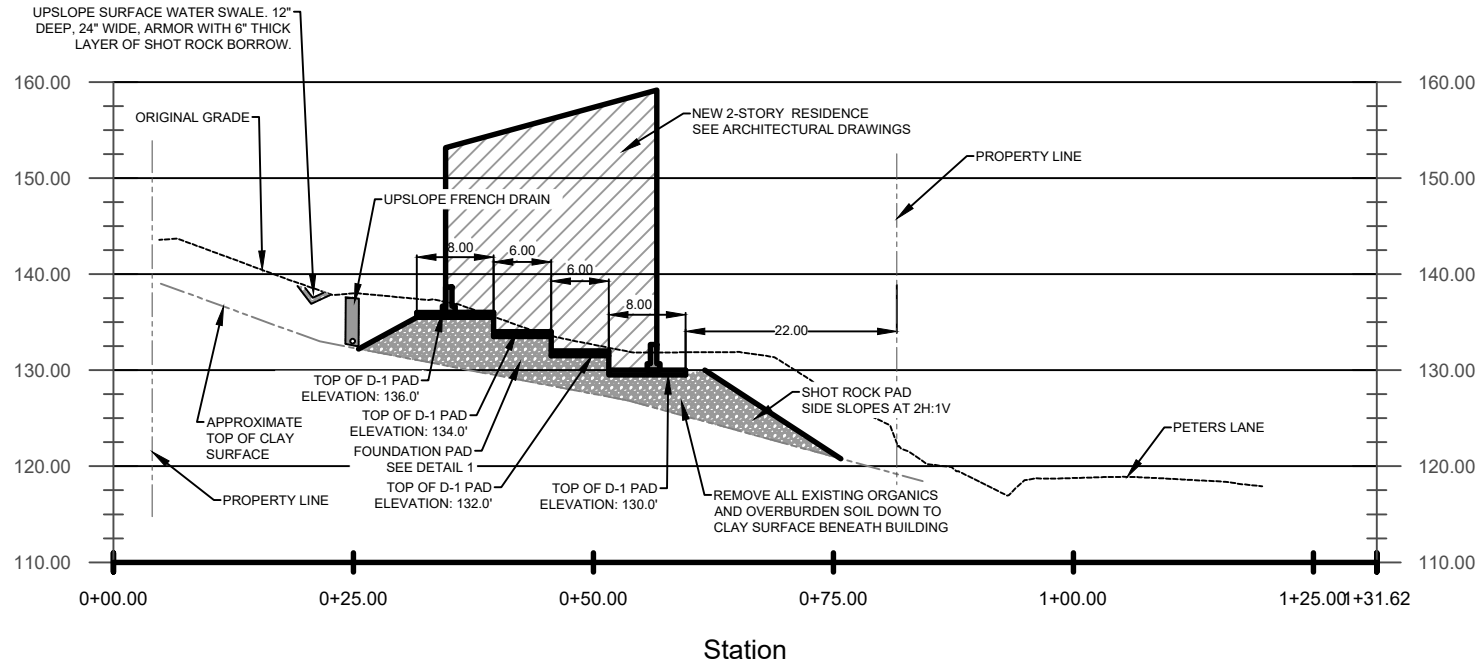
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section B-B

DRAWN:
12/11/20
SHEET #
10/15

Attachment A - Application Packet



Section C-C

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

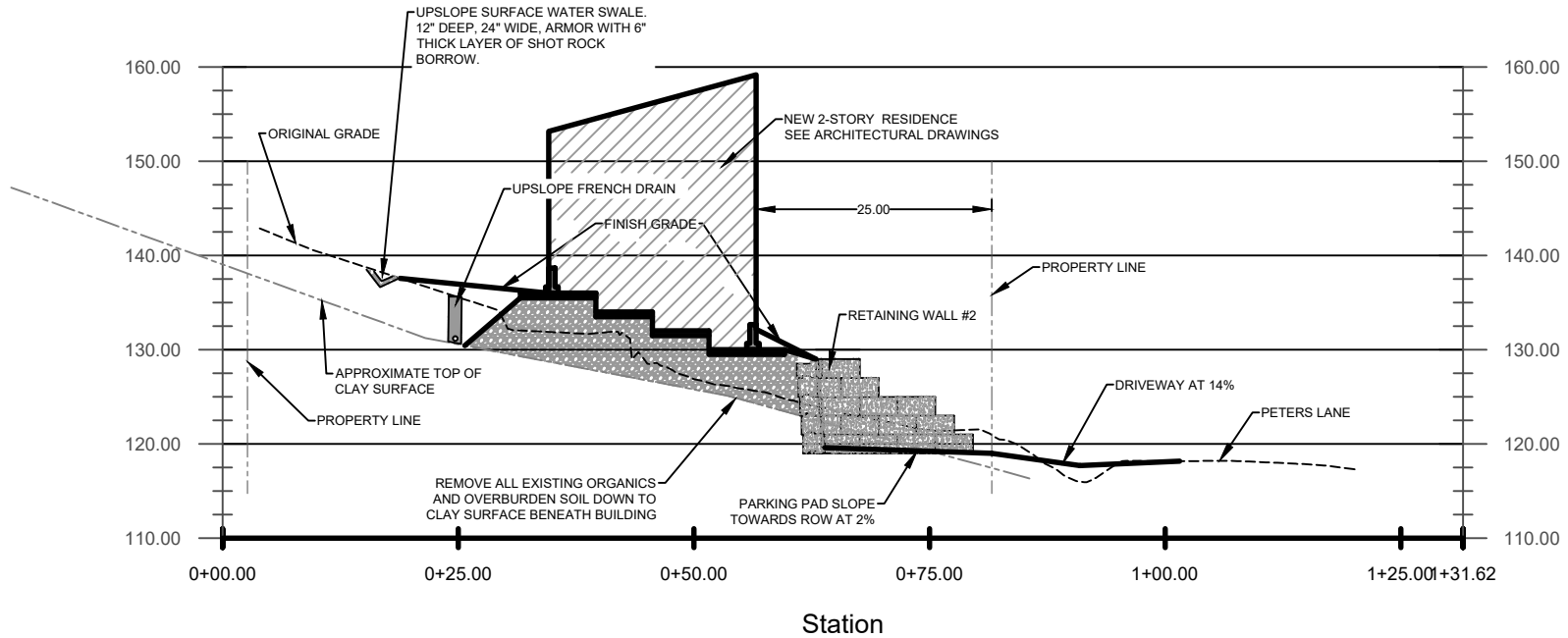
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

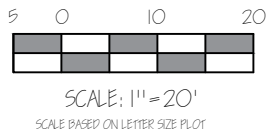
Section C-C

DRAWN:
12/11/20
SHEET #
11/15

Attachment A - Application Packet



Section D-D



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

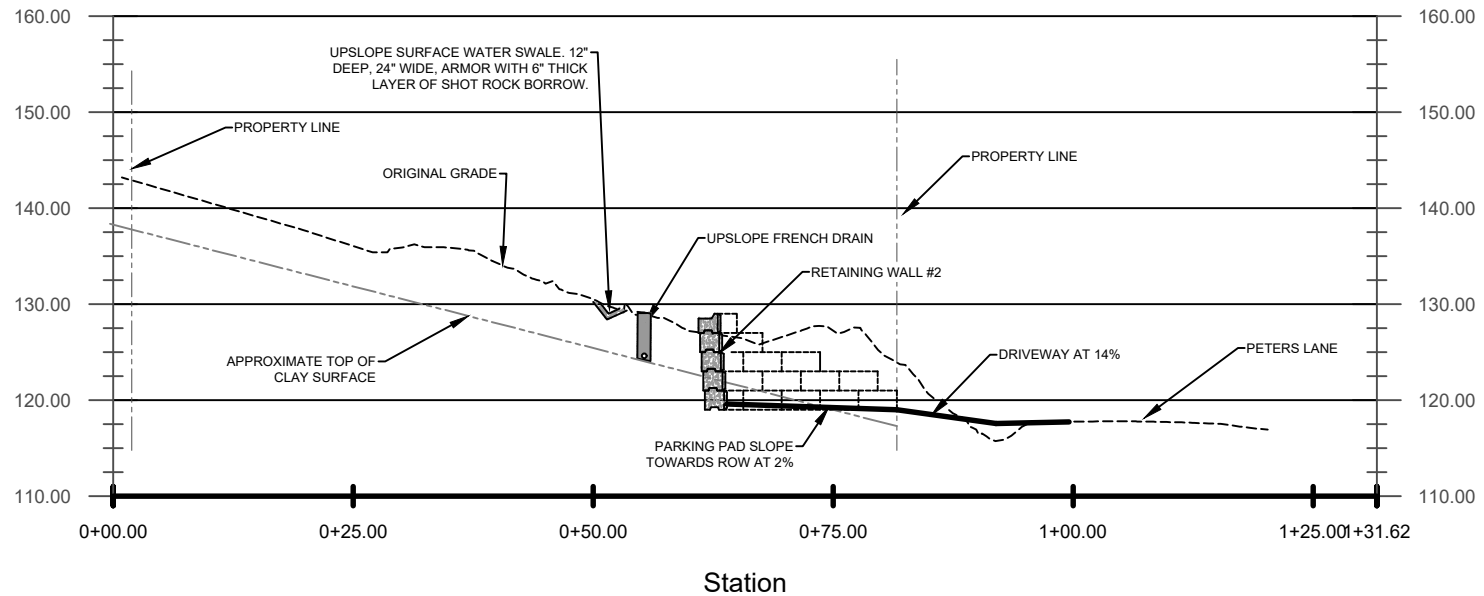
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section D-D

DRAWN:
12/11/20
SHEET #
12/15

Attachment A - Application Packet



Section E- E

5 0 10 20



SCALE: 1" = 20'

SCALE BASED ON LETTER SIZE PLOT



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

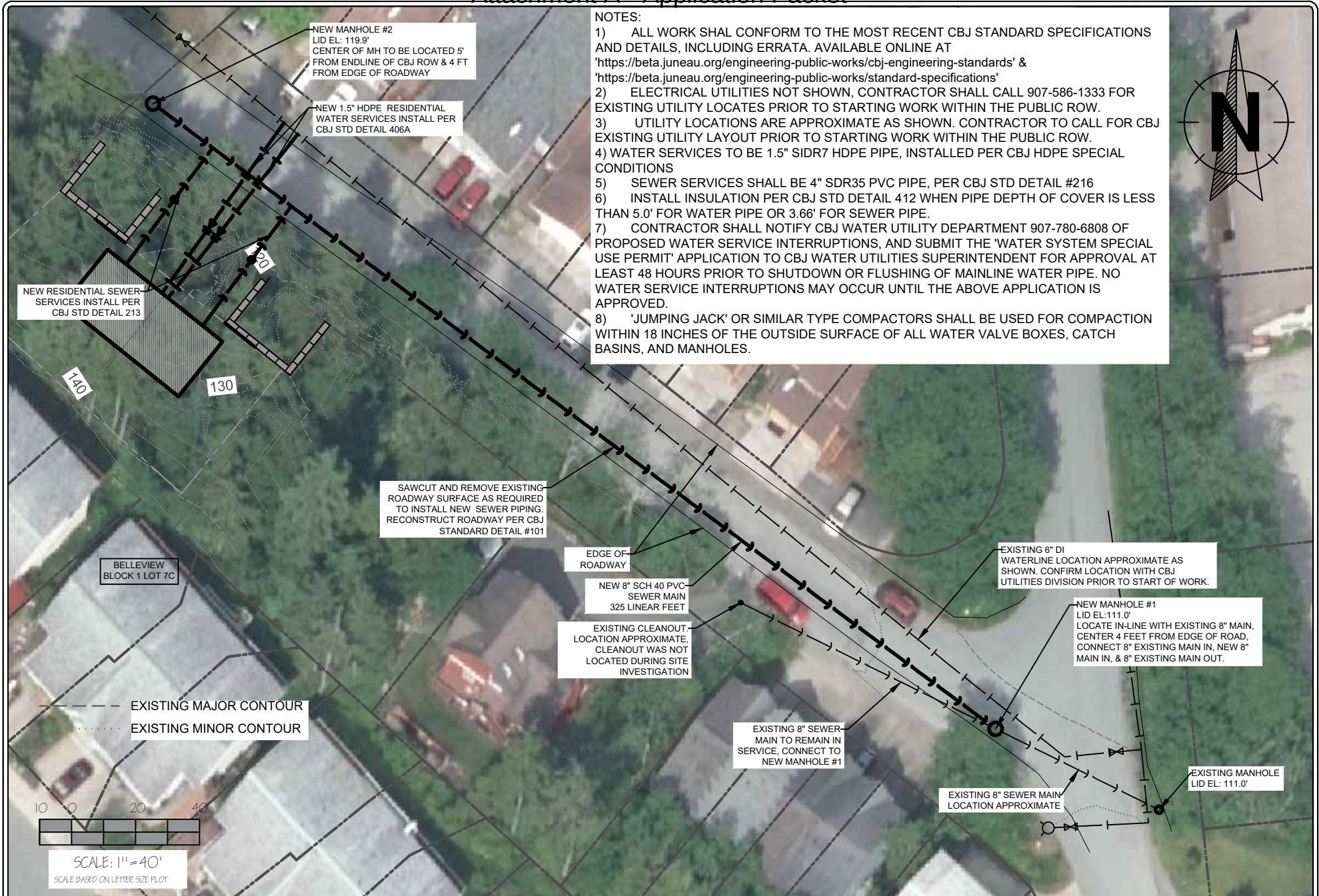
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Section E-E

DRAWN:
12/11/20
SHEET #
13/15

Attachment A - Application Packet



NOTES:

- 1) ALL WORK SHALL CONFORM TO THE MOST RECENT CBJ STANDARD SPECIFICATIONS AND DETAILS, INCLUDING ERRATA. AVAILABLE ONLINE AT <https://beta.juneau.org/engineering-public-works/cbj-engineering-standards> & <https://beta.juneau.org/engineering-public-works/standard-specifications>
- 2) ELECTRICAL UTILITIES NOT SHOWN, CONTRACTOR SHALL CALL 907-586-1333 FOR EXISTING UTILITY LOCATES PRIOR TO STARTING WORK WITHIN THE PUBLIC ROW.
- 3) UTILITY LOCATIONS ARE APPROXIMATE AS SHOWN. CONTRACTOR TO CALL FOR CBJ EXISTING UTILITY LAYOUT PRIOR TO STARTING WORK WITHIN THE PUBLIC ROW.
- 4) WATER SERVICES TO BE 1.5" SDR7 HDPE PIPE, INSTALLED PER CBJ HDPE SPECIAL CONDITIONS
- 5) SEWER SERVICES SHALL BE 4" SDR35 PVC PIPE, PER CBJ STD DETAIL #216
- 6) INSTALL INSULATION PER CBJ STD DETAIL 412 WHEN PIPE DEPTH OF COVER IS LESS THAN 5.0' FOR WATER PIPE OR 3.66' FOR SEWER PIPE.
- 7) CONTRACTOR SHALL NOTIFY CBJ WATER UTILITY DEPARTMENT 907-780-6808 OF PROPOSED WATER SERVICE INTERRUPTIONS, AND SUBMIT THE 'WATER SYSTEM SPECIAL USE PERMIT' APPLICATION TO CBJ WATER UTILITIES SUPERINTENDENT FOR APPROVAL AT LEAST 48 HOURS PRIOR TO SHUTDOWN OR FLUSHING OF MAINLINE WATER PIPE. NO WATER SERVICE INTERRUPTIONS MAY OCCUR UNTIL THE ABOVE APPLICATION IS APPROVED.
- 8) 'JUMPING JACK' OR SIMILAR TYPE COMPACTORS SHALL BE USED FOR COMPACTION WITHIN 18 INCHES OF THE OUTSIDE SURFACE OF ALL WATER VALVE BOXES, CATCH BASINS, AND MANHOLES.



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

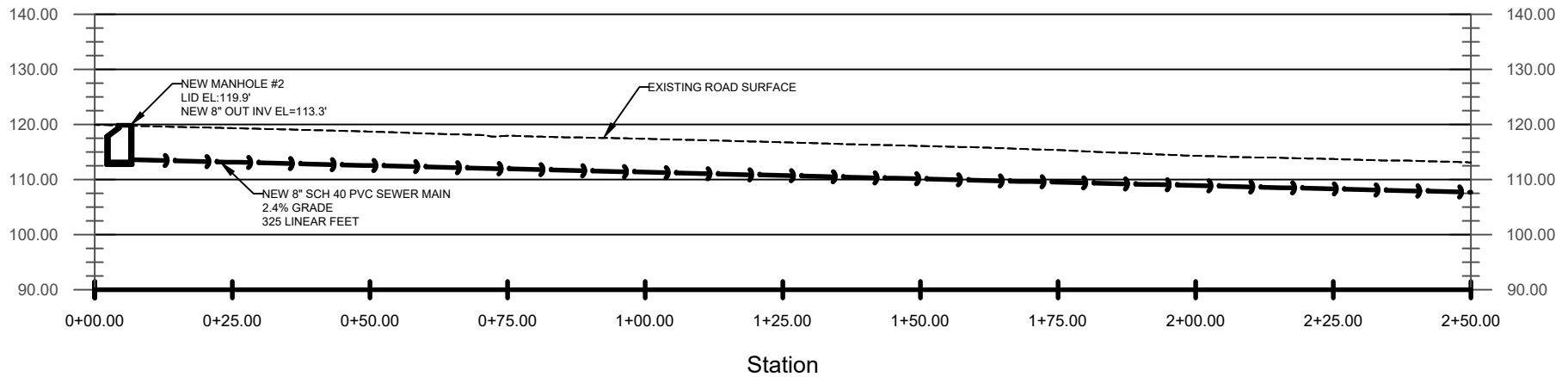
Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

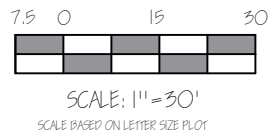
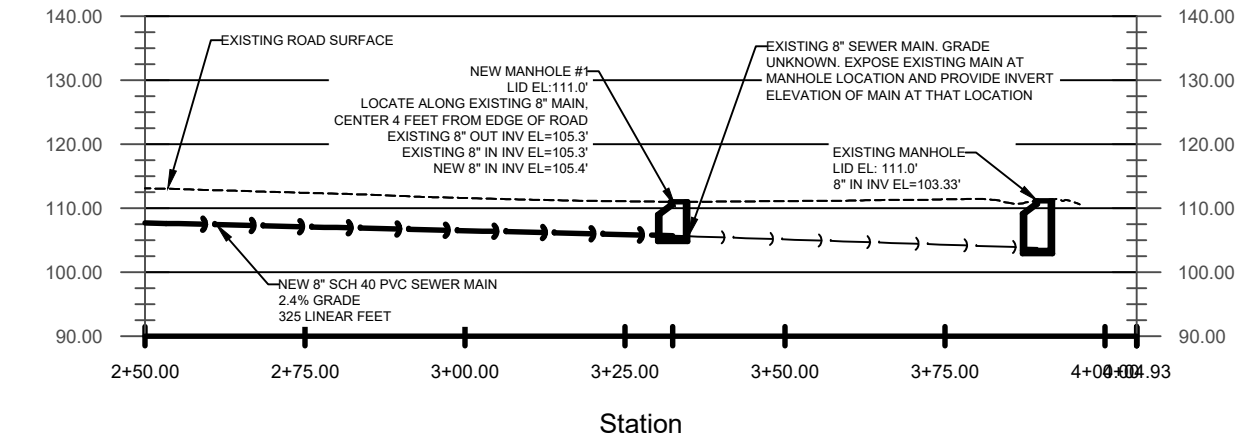
Utility Plan

DRAWN:
9/1/20
SHEET #
14/15

Attachment A - Application Packet



Section Sewer



Section Sewer



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-5579

Construction Drawings
Natalia Golovatiuk

Subdivision of
Lot 5 Block 1 Bellevue Sub
Peters Lane
Juneau, AK 99801

Sewer Profile

DRAWN:
9/1/20
SHEET #
15/15

#3. Narrative. Project Description:

A detailed letter or narrative describing the hardship that is the result of an unusual situation or physical feature affecting a specific parcel of land or structure. Also include how the proposed project meets the variance criteria listed on the attached sheet.

- Why the Variance is the most feasible option in order to develop the land.
- Why meeting the standard is not possible for the proposed use.

Subject parcel ID: 1D050L140050.

To allow for a minor common-wall subdivision of the subject parcel, the applicant is requesting variance for a minimum lot depth requirement, which per Table of Dimensional Standards 49.25.400, should be 80'.

The subject parcel's depth on south side, 81.31', meets the minimum lot depth requirement for the D-18 district common-wall subdivision.

Depth in the mid-area of the parcel is 77.58', whereas the parcel's depth on north side is 75'.

The subject lot area is 7,900 sq ft, while minimum lot area in the D-18 district is 2,500 sq ft.

(B) The unusual or special conditions of the property are not caused by the person seeking the variance.

The subject parcel features unusual and specials conditions which are explained below.

The parcel is categorized by an extremely high development cost due to:

1. Absence of the sewer service to the lot.

To construct a new residential dwelling on the lot, the owner/developer would be required to bring the sewer services to the lot. Per the CBJ Engineering, the sewer main installation costs will be responsibility of the developer.

A proposed engineered plan for extending a sewer main to the subject lot has been produced.

According to one of the lower bids by Howell Excavation LLC, the cost of sewer main installation to the lot, creates an additional cost to the developer of at least \$60,000.

2. Hillside Endorsement is required for the subject lot.

Per Hillside Endorsement requirement to develop the subject parcel, an engineered site plan, grading plan and drainage plan will be required when a developer applies for a building permit.

The engineered site plan, drainage plan and grading plans have been produced by an Alaska-licensed engineer. Consistent with civil engineer-recommended specifications, pre-construction site preparation costs for the subject lot result in a much higher than what's considered traditional and normal site preparation costs in Juneau.

One bid only for a pre-construction site preparation work, by Arete Construction, resulted in a dollar figure that is twice as high as the parcel's tax assessed value.

A) *Enforcement of the ordinance would create an undue hardship resulting from unusual or special conditions of the property.*

The two factors stated above already create unusually high cost, which results in a hardship to the lot owner for developing the subject parcel.

It is important to note, during the last several years, the subject lot changed several owners, who all chose to rather sell the lot because they were confronted with the same challenges - high cost of bringing sewer services to the lot and high site preparation cost.

These were the reasons which precluded previous owners of the subject parcel from building on it.

An appraised value of a newly built dwelling would not justify the high cost of:

- a. the site preparation work to comply with the Hillside Endorsement process.
- b. high cost of installing sewer services to the lot.

According to a professional opinion of a Juneau realtor, a resale value of the proposed newly built duplex on the subject lot will be as follows:

- I. *A newly built single-owner duplex on a subject parcel without the subdivision, - \$600,000.*

Under this option, a cost of bringing utilities to the lot, site preparation work, architectural and engineering fees, construction cost combined with the cost of purchasing the parcel will result in a higher than \$600,000 cost. This option is not a *financially viable option* for the developer because the appraised value of the single-owner duplex built on the subject lot ends up being lower than overall construction costs involved in this project.

- II. *Another option that was proposed by the CBJ Community Development was to create a two-unit condominium association without parcel's subdivision. The idea is to create two individual condo units, that could be sold individually and owned separately by independent owners.*

This option does not create a noticeable increase in the appraised value of the duplex-to be built, if compared with the Option I. The condominium route, however, does create an additional expense to the developer with an estimated \$20,000 of legal and attorney fees, as well as costs associated with managing the Condo Association.

Yet, an appraised market value for the two resulting condo units does not justify particularly high development and construction costs, as well as legal fees involved in creating a Condo Association. This makes the creating a "condominium" option not *commercially viable* for the developer.

- III. *With a minor common-wall subdivision option of the subject D-18 parcel approved per Code 49.65.710, a newly built duplex will result in creation of two separate residential units.*

Overall, development plus construction cost of the proposed new duplex building remain to be unusually high. However, an appraised value of the two resulting individual townhome units (each half of the duplex) is substantially higher under this option.

Per realtor's assessment, the resale value of each side of the duplex under this option, will be around \$360,000 for each independent unit, making a combined project resale value around \$720,000 for both units. This is the only financially viable option for the developer.

(C) The grant of the variance is no detrimental to public health, safety or welfare.

A proposed common-wall subdivision of the subject parcel does not create any detriment to public health, safety or welfare.

1. The subject lot is surrounded by common-wall townhome units situated on individual lots. Majority of housing units in the immediate neighborhood (Peters Ln and Simpson Ave), are townhome-style units created through a common-wall subdivision process in the D-18 district. For majority of these housing units tax assessed value is just under \$300,000.
2. Approval of the requested variance to allow subdivision does not result in a higher density of units per acre.
3. A bordering parcel (**ID: 1D050L140062, 2961 Simpson Ave**) on west-side of the subject lot, features a common-wall townhome unit. It is noteworthy, three bordering lots to the west side of the subject parcel, became a product of subdivision of the bigger 7,532 sq ft. lot. A parent lot was subdivided into three parcels via a common-wall subdivision process for D-18 district, while each of newly created lots resulted in around 2,500 sq ft. area.
Depth of parcel **ID: 1D050L140062**, on north side of the lot, is 72.59 feet, which is a few feet under a minimum lot depth required for the D-18 district, while this parcel's area is 2,527 sq. ft.
4. The subject lot area is 7,900 sq ft, while minimum lot area in the D-18 district is 2,500 sq ft. With grant of variance and approval of the proposed common-wall subdivision for the subject lot, area of each of the two resulting lots, will be approximately 3,950 sq ft. This area of each newly created lot is still about 58% higher if compared to a minimum lot area of 2,500 sq ft in the D-18 district.
5. A proposed common-wall subdivision of the subject parcel into two separate lots will be a more suitable fit for this particular D-18-zoned neighborhood and for its existing housing pattern. If each resulting duplex-half together with a land parcel under this half was owned separately, this would create a higher assessed property value for the owner, as well as for the City. Put differently, CBJ property tax will be assessed based on an overall higher value of each individual unit, creating a benefit for the City.

In contrary, a single owner duplex within a D-18 neighborhood, with its' \$600,000 price range, situated on a 7,900 sq ft will be more of an outcast in this neighborhood.

(D) The grant of the variance is narrowly tailored to relieve the hardship.

Project Background: Subject parcel ID: 1D050L140050.

A pre-application conference for the subdivision of the subject parcel was conducted on 07/08/2020. During the pre-application conference, the developer was led to believe, the common-wall subdivision was a viable option for the subject D-18 lot. Pre-application conference notes, PAC20200043, served as reassurance to the developer that the subject lot was meeting criteria for minor common-wall subdivision of the subject parcel.

Relying on the information received during and after the pre-application conference, the lot owner proceeded with contracting an Alaska-licensed architect to produce architectural plans for a common-wall duplex building.

To comply with the CBJ recommendations which were provided following the Pre-Application Conference in the Notes PAC20200043, the developer also contracted with a civil engineer who produced an engineered design of the water/sewer connection to the parcel. A civil engineer also produced a site plan, grading plan, drainage report which were all required consistent with the pre-application conference notes.

The developer diligently took these necessary steps, while incurring significant costs in architectural and civil engineering fees (\$19,000) to fulfill requirements for obtaining a building permit, as was recommended in the PAC20200043.

The developer was informed, the subject lot would be suitable for a construction of a single owner triplex on the parcel. Yet, the triplex option is not financially feasible for the developer, because it triggers a need for a new architectural and structural-engineered design, as well as it would require a revision of already created civil engineered site plan, grading plan and drainage plan for the lot.



NOTES:

- 1) THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:10000.
- 2) ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
- 3) RECORD INFORMATION DERIVED FROM THE OFFICIAL PLAT OF US SURVEY 472, DATED 12 March 1917; US SURVEY 1956, DATED 27 JANUARY, 1931; US MINERAL SURVEY 262 DATED 24 NOVEMBER 1896; BELLEVIEW SUBDIVISION PLAT 472 DATED OCTOBER 29 1963; LOT 6 BLOCK I BELLEVIEW SUBDIVISION PLAT 96-52 DATED 23 AUGUST 1996; LOT 7A, BLOCK I BELLEVUE SUBDIVISION PLAT 96-38 DATED 31 MAY 1996; TREADWELL TOWNHOUSE SUBDIVISION PLAT 81-79 DATED 6 NOVEMBER 1981; PLAT OF LOTS 7 & 8, BLOCK I BELLEVIEW SUBDIVISION PLAT 96-21 DATED 16 SEPTEMBER 1996; ON FILE WITH ALASKA DEPARTMENT OF NATURAL RESOURCES RECORDER'S OFFICE JUNEAU RECORDING DISTRICT.
- 4) WHERE DIFFERENT FORM MEASURED OR CALCULATED RECORD DIMENSIONS ARE SHOWN IN PARENTHESES.
- 5) DOMESTIC WATER & SANITARY SEWER PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
- 6) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S 51°15'30" E BETWEEN FOUND 2" J.W. BEAN ALUMINUM CAP ON 5/8" REBARS, DELINEATING THE NORTHERLY CORNERS OF LOT 5, DATE OF ESTABLISHMENT UNKNOWN. NO RECORD OF SURVEY OR MONUMENT RECORDS LOCATED WITHIN THE JUNEAU RECORDING DISTRICT, ANCHORAGE, ALASKA.

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HERON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: _____, 2020 Packet Page 267 of 345

OWNER: NATALIA GOLOVATUIK

NOTARY ACKNOWLEDGEMENT

UNITED STATES OF AMERICA)
)SS
STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2020, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED NATALIA GOLOVATUIK TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARY 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 _____ MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, JOSHUA IVANISZEK, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: _____, 2020

CERTIFICATE OF PLAT APPROVAL

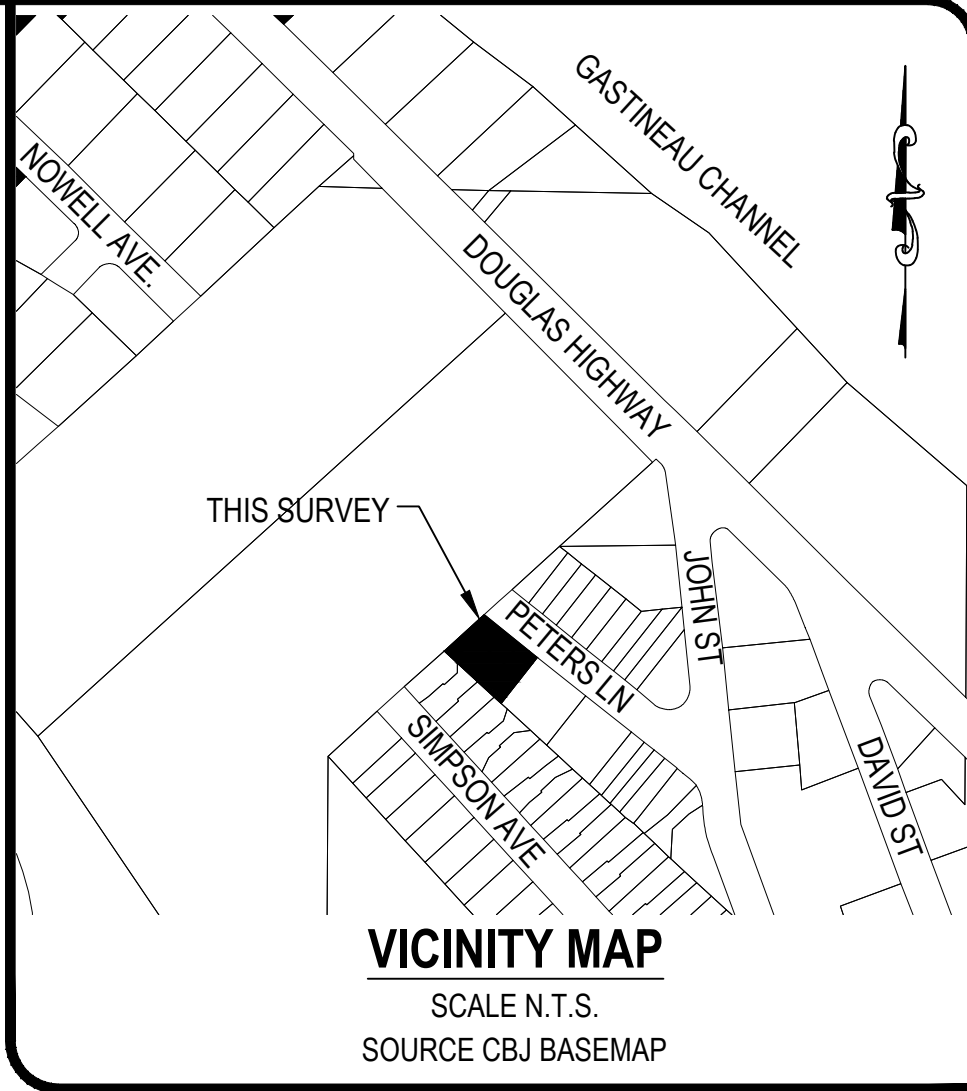
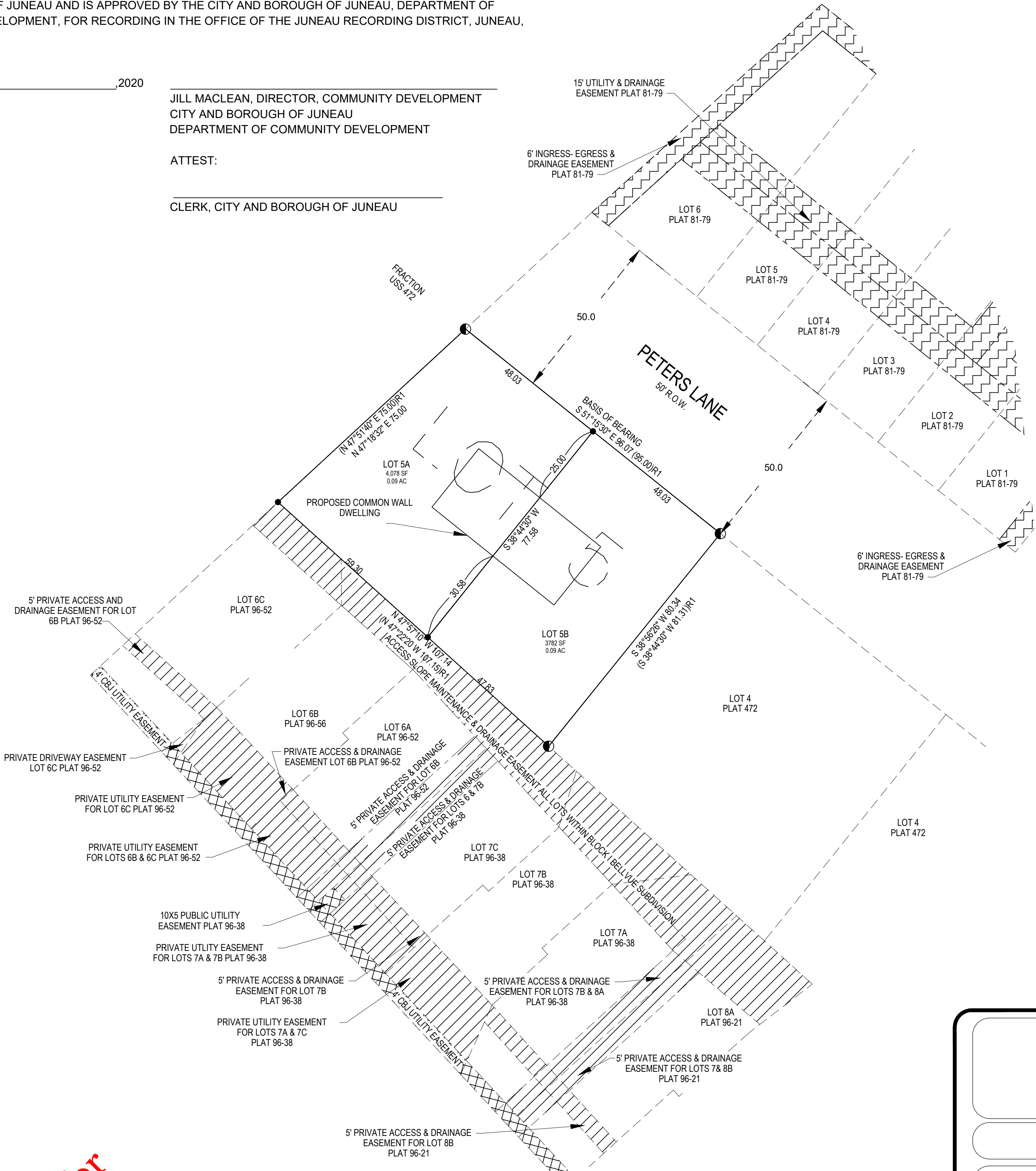
I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DATED _____, 2020

JILL MACLEAN, DIRECTOR, COMMUNITY DEVELOPMENT
CITY AND BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:

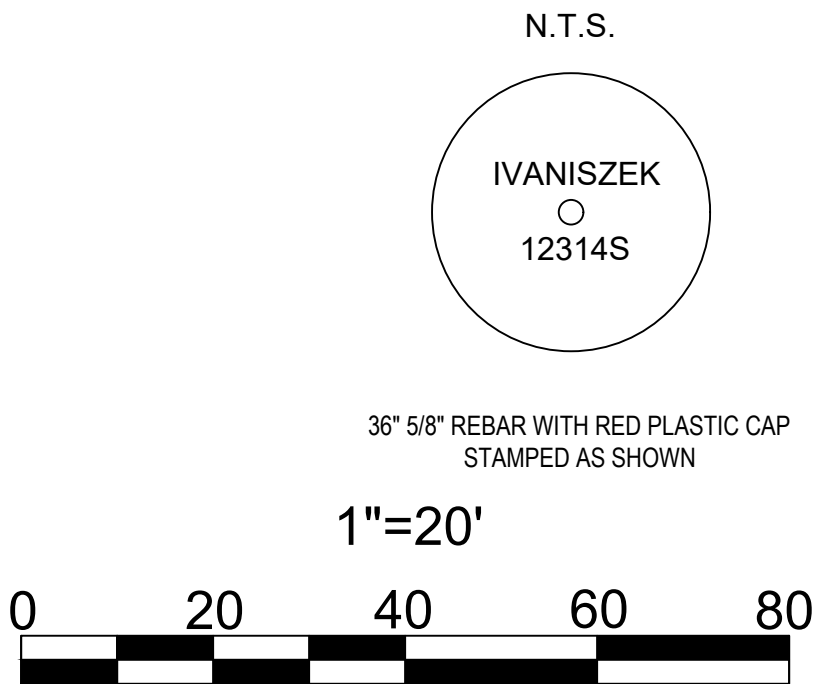
CLERK, CITY AND BOROUGH OF JUNEAU



LEGEND:

- 3650-S SECONDARY MONUMENT RECOVERED
- 12314-S SECONDARY MONUMENT SET
- PROPERTY LINES
- - - UNSURVEYED LINES
- [Hatched Box] EXISTING PUBLIC UTILITY EASEMENTS
- [Diagonal Lines Box] EXISTING PRIVATE ACCESS & UTILITY EASEMENTS
- [Zigzag Box] EXISTING EASEMENTS PLAT 81-79
- (N 45°11' W)R1 RECORD INFORMATION FROM PLAT 472
- (N45°04'15" W)R2 RECORD INFORMATION FROM PLAT No. 84-110

TYPICAL SET MONUMENT DETAIL



PLAT OF LOT 5 A & LOT 5 B A SUBDIVISION OF LOT 5 BLOCK I BELLEVIEW SUBDIVISION WITHIN THE CITY AND BOROUGH OF JUNEAU, ALASKA JUNEAU RECORDING DISTRICT		
STATE RECORDER'S OFFICE AT ANCHORAGE		
CHILKAT SURVEYING & MAPPING, LLC 10654 PORTER LANE JUNEAU, ALASKA 99801 907-957-1908 LIC		
OWNERS NATALIA GOLOVATUIK 7602 LUMBIS AVE UNIT 4, ANCHORAGE, ALASKA 99518		
SCALE: 1" = 20'	DATE: 30 SEPTEMBER 2020	SHEET NO. 1 OF 1



SPECIAL INSPECTION PROPOSAL FORM

Note: This form must be completed by the Owner or Architect/Engineer of Record and approved by the Building Official prior to issuance of a Building Permit. The qualified individual special inspector must be identified along with their firm.
Special Inspector may not be employed by the Contractor or anyone responsible for the construction work.

PROJECT Subdivision of Lot 5 Block 1 Bellevue Sub

PERMIT APPLICATION NO.:

OWNER Natalia Golovatiuk

DATE: 12/11/20

PROPOSED SPECIAL INSPECTOR Firm: Katabatic Engineering and Individual: Gabe Hayden

(Please fill out one of these forms for each Special Inspector on this project. Attach proposed inspector's qualifications.)

PROPOSED TESTING AGENCIES

(Specify which category they are testing.)

The use of a special inspector does not negate the need to call for and have all normal required CBJ inspections inspected and approved by CBJ Inspectors. Report requirements shall comply with the 2006 IBC Section 1704.1.2

TYPES OF INSPECTIONS REQUIRED:

Check each type of inspection required by Architect/Engineer of Record as indicated on the approved building plans and specifications.

☐

1. CONCRETE

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

☐

2. BOLTS INSTALLED IN CONCRETE

Inspection Scope & Schedule* _____

☐

3. SPECIAL MOMENT - RESISTING CONCRETE FRAME

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

☐

4. REINFORCING STEEL AND PRESTRESSED STEEL TENDONS

Inspection Scope & Schedule* _____

Method of Testing _____

5. WELDING

☐

A. SPECIAL MOMENT - RESISTING STEEL FRAMES

Inspection Scope & Schedule* _____

Type of non-destructive testing _____

Frequency of Tests _____

☐

B. STRUCTURAL WELDING INCLUDING REINFORCING STEEL

Inspection Scope & Schedule* _____

Type of non-destructive testing _____

Frequency of Tests _____

☐

6. HIGH-STRENGTH BOLTING

Inspection Scope & Schedule* _____

Method of Testing _____

Frequency of Testing _____

☐

7. STRUCTURAL MASONRY

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

☐

8. REINFORCED GYPSUM CONCRETE

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

OVER →

**9. INSULATING CONCRETE FILL**

Inspection Scope & Schedule* _____

Frequency of Sampling Materials _____

Frequency of Testing _____

**10. SPRAYED-ON FIREPROOFING**

Inspection Scope & Schedule* _____

Method of Inspection _____

Frequency of Sampling Materials _____

Frequency of Testing _____

**11. PILING, DRILLED PIERS AND CAISSONS**

Inspection Scope & Schedule* _____

Method of Inspection _____

**12. SHOTCRETE**

Inspection Scope & Schedule* _____

Method of Inspection _____

Frequency of Sampling Materials _____

Frequency of Testing _____

**13. SPECIAL GRADING, EXCAVATION AND FILLING**

Inspection Scope & Schedule* _____

The engineered slopes and wall shall be constructed in accordance with the approved plan, applicable CBJ codes and shall be stable and not create a hazard to public or private property. Submit a letter from an Alaskan licensed engineer to the CBJ General Engineering Division stating the work has been inspected and completed in accordance with the design, is stabilized, and capable of withstanding the forces for which it was designed. The letter must include the engineer's professional stamp with signature.

**14B. SPECIAL CASES****TYPE:** _____

Inspection Scope & Schedule* _____

Method of Inspection _____

Other _____

**14C. SPECIAL CASES****TYPE:** _____

Inspection Scope & Schedule* _____

Method of Inspection _____

Other _____

SPECIAL INSPECTOR CERTIFICATION:

I hereby certify that I am qualified to perform the special inspection items marked above, that I will perform the special inspections at the appropriate times scheduled by the contractor and that I will submit weekly and final reports.

Special Inspector: _____*Gabriel Hayden***Date:** _____

12/11/20

OWNER CERTIFICATION: (May be signed by Architect /Engineer of Record on Owner's behalf.)

I hereby certify that I will employ the aforementioned Special Inspector to perform the inspections shown above.

Owner: _____**Date:** _____**BUILDING OFFICIAL'S APPROVAL OF PROPOSAL OF SPECIAL INSPECTION:****Building Official:** _____**Date:** _____**Note:**

Special Inspection weekly reports must be submitted to the owner and to the Building Official within 5 working days of the last day of the week being reported to avoid Suspension of the Building Permit and possible Stop Work Order.

A monthly summary letter is required for overall status including any outstanding items that require followup. The final special inspection approval letter(s) must be submitted before use or occupancy. Any variation to the special inspection proposal requires prior approval of the Building Official.

* (extent of work inspected; continuous or periodic, frequency)



SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs 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

Subject Lot: Lot 5 Block 1 Belleview Subdivision, Peters Ln, Douglas, AK. Parcel ID: 1D050L140050. Current zoning: D-18. Area of the subject lot: 7,900 sq ft Applicant is requesting a minor "zero-lot-line" subdivision of the subject lot to create two parcels.

Number of Existing Parcels 1 Total Land Area 7,900 Number of Resulting Parcels 2

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO ☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR DEVELOPMENT

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
- ☐ Final Plat (MIF)
- ☐ Panhandle Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
- ☐ Bungalow Lot Subdivision
- ☒ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR DEVELOPMENT

(changing or creating 14 or more lots)

- ☐ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Preliminary Development Plan – PUD (PDP)
- ☐ Final Development Plan – PUD (PDF) Preliminary
- ☐ Development Plan – ARS (ARP) Final
- ☐ Development Plan – ARS (ARF)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☒ Pre-application conference notes
- ☒ Narrative including:
 - ☒ Legal description(s) of property to be subdivided
 - ☒ Existing structures on the land
 - ☒ Zoning district
 - ☒ Density
 - ☒ Access
 - ☒ Current and proposed use of any structures
 - ☒ Utilities available
 - ☒ Unique characteristics of the land or structure(s)

☒ Preliminary Plat checklist

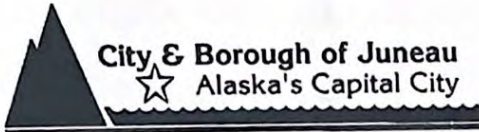
-----DEPARTMENT USE ONLY BELOW THIS LINE-----

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ _____			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received



Community Development & Engineering Departments
 Mail: 155 South Seward Street
 Juneau, Alaska 99801
 Telephone: 586-0770 FAX: 586-3365

JUNEAU PERMIT CENTER, 4TH FLOOR MARINE VIEW CENTER, 230 South Franklin Street

Water Line Information

To be provided for any new building, addition, or remodel with added plumbing fixtures

1. **NEW FIXTURES:** List the number of each type of fixture that is new to this building.
 (Where no fixtures were before—this does not include fixtures being replaced.)

No. of Fixtures		No. of Fixtures	
WFU		WFU	
1	Bathtub (w/ or w/o showerhead)	1	Dishwasher
0	Bathtub with 3/4" valve	1	Clothes washer hook-up
0	Bidet	0	Bar Sink
3	Lavatory (bathroom sink)	1	Kitchen Sink
1	Shower	0	Laundry Sink
3	Toilet	1	Hose Bibb (for hose connection)
0	Urinal		

STAFF USE Total Additional WFU:	
--	--

2. **EXISTING FIXTURES:** List the number of each type of existing fixture in the building.
 (Fixtures to be left unchanged or replaced.)

No. of Fixtures		No. of Fixtures	
WFU		WFU	
	Bathtub (w/ or w/o showerhead)		Dishwasher
	Bathtub with 3/4" valve		Clothes washer hook-up
	Bidet		Bar Sink
	Lavatory (bathroom sink)		Kitchen Sink
	Shower		Laundry Sink
	Toilet		Hose Bibb (for hose connection)
	Urinal		

STAFF USE Total Existing WFU:	
STAFF USE Grand Total WFU:	
STAFF USE Appendix C Total WFU:	

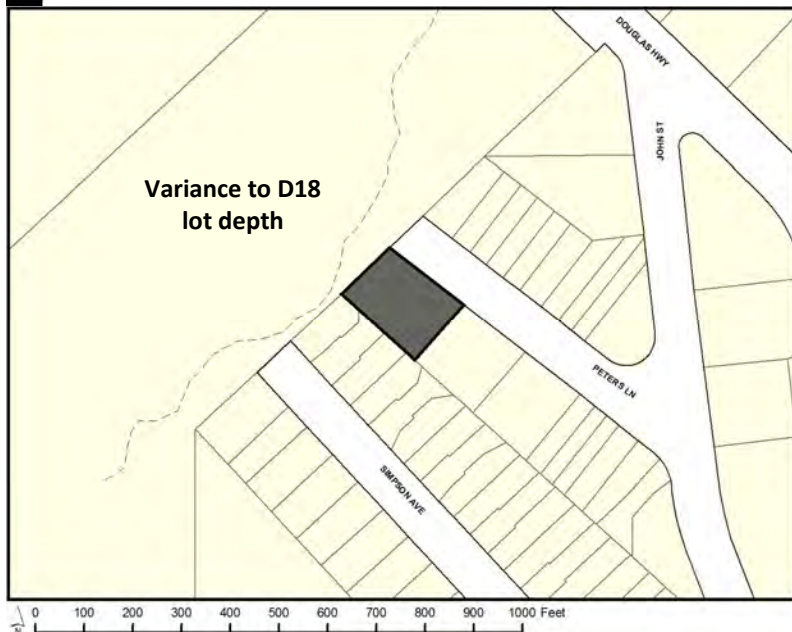
3. What is the **size** of the incoming water street service line? (pipe size from city main to curb-stop at property line.) TBD by City Engineering Dept. Inches
4. What is the **size** of the building service line? (pipe size from curb-stop entering the building.) N/A Inches
5. What is the **distance** from the water shutoff box at the property line or well pump to the farthest plumbing fixture fed by this water service? N/A Feet
6. If known, what is the water **pressure** at the house, or low water pressure setting on the well pump? N/A PSI
7. What is the **height** measured vertically (above + or below -) of the highest fixture (new or existing) measured from the street level at the water shutoff box or well pump? 33 Feet

STAFF USE Hydrant PSI:		STAFF USE PSI Adjustment:		STAFF USE Total PSI:	
-------------------------------	--	----------------------------------	--	-----------------------------	--

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **variance to D18 lot depth from 80 to 78.2 feet for the purposes of a common wall subdivision at Peters Lane in a D18 zone.**

TIMELINE

Staff Report expected to be posted **Monday, April 5, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through March 22

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

Mar. 23 — noon, Apr. 12

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

HEARING DATE & TIME: 7:00 pm, April 13, 2020

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/95201900876>. The Webinar ID is: 952 0190 0876. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

April 14

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed March 9, 2021

Case No.: VAR2021 0001
Parcel No.: 1D050L140050
CBJ Parcel Viewer: <http://epv.juneau.org>



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

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Fire Marshal Daniel Jager, Capital City Fire Rescue

STAFF PERSON/TITLE: Beth McKibben, Senior Planner

DATE: March 8, 2021

APPLICANT: Natalia Golovatiuk

TYPE OF APPLICATION: variance to minimum lot depth

PROJECT DESCRIPTION:

Applicant seeks a variance to the required minimum lot depth in the D15 zoning district. If approved the applicant would subdivide the lot into two common wall lots.

LEGAL DESCRIPTION: Belleview Block I Lot 5

PARCEL NUMBER(S): 1D050L140050

PHYSICAL ADDRESS: no number Peters Lane Douglas

SPECIFIC QUESTIONS FROM PLANNER:**AGENCY COMMENTS:**

This project, as proposed, on the lots identified does not bring up any fire code or fire department concerns. Any public concerns regarding fire or emergency apparatus access is going to be a longer term challenge that will most likely require other agency review and comment than just the fire code. As long as there is at least a 20 foot wide drivable surface, not necessarily paved, then emergency apparatus can drive down Peters Lane. the 20 foot width does not have to be continuous as on street parking may be intermittent and not necessarily solid along one or both sides of the street.

The application in question is for Lot 5 to be allowed to subdivide and have two common wall lots. This project does not cross a threshold where additional fire or emergency apparatus access requirements would come into review at this time. Any concerns regarding access should be addressed in a different format and again, with other agency stakeholders.

AGENCY COMMENTS (CONTINUED):



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

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: PW/Eng
STAFF PERSON/TITLE: Ed Foster, Ops Superintendent II
DATE: March 8, 2021
APPLICANT: Natalia Golovatiuk
TYPE OF APPLICATION: variance to minimum lot depth

PROJECT DESCRIPTION:

Applicant seeks a variance to the required minimum lot depth in the D15 zoning district. If approved the applicant would subdivide the lot into two common wall lots.

LEGAL DESCRIPTION: Bellevue Block I Lot 5
PARCEL NUMBER(S): 1D050L140050
PHYSICAL ADDRESS: no number Peters Lane Douglas

SPECIFIC QUESTIONS FROM PLANNER:**AGENCY COMMENTS:**

Street Maintenance has no issues with this request for variance, providing the developer installs driveways in accordance with CBJ Standards.

The concerns voiced by neighboring residents were based on a flooding event caused during a 100 years storm. At which time we experienced major water shed through a drainage ditch just North of this property. That water shed caused a minor land slide that plugged the culvert running under Peters Lane and redirected the water to flow down Peters Lane ditch towards John St.. Recently before this storm the developer of this property had installed a non-permitted driveway with an under sized culvert. That culvert also plugged from debris washing down the hill and caused water to flow over Peters Lane into the homes across the street. Not to say this will never happen again, but properly sized and properly installed culverts will help prevent it.

Peters Lane is signed "No Parking Anytime" on the up hill side and "No Parking Nov thru April" on the down hill side. However the signage isn't obvious so we will be improving on it as soon as weather allows.

AGENCY COMMENTS (CONTINUED):

From: [John Bohan](#)
To: [Autumn Sapp](#); [Beth McKibben](#); [Ed Foster](#)
Subject: RE: Agency Review VAR21-01
Date: Wednesday, March 10, 2021 7:24:31 AM

No concerns from my end.

Thanks

John Bohan, PE

CBJ Chief CIP Engineer

155 S. Seward St

Juneau AK 99801

(907)586-0876 fax 463-2606

From: Autumn Sapp <Autumn.Sapp@juneau.org>
Sent: Wednesday, March 10, 2021 7:12 AM
To: Beth McKibben <Beth.McKibben@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

I think the same response still applies. NA for GE.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Tuesday, March 9, 2021 3:51 PM
To: Autumn Sapp <Autumn.Sapp@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

Correction

The variance is to lot depth (not width).

Thank you.

From: Autumn Sapp <Autumn.Sapp@juneau.org>
Sent: Tuesday, March 9, 2021 2:53 PM
To: Beth McKibben <Beth.McKibben@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>

Subject: RE: Agency Review VAR21-01

Good afternoon,

GE does not have an issue with the reduced width of the properties in question.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>

Sent: Tuesday, March 9, 2021 1:45 PM

To: John Bohan <John.Bohan@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>; Mary Hammond <mary.hammond@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Ed Foster <Ed.Foster@juneau.org>; Dan Jager <Dan.Jager@juneau.org>

Subject: Agency Review VAR21-01

Hello

Attached is an application for a variance to minimum lot width. If approved the applicant would be allowed to subdivide the lot into two common wall lots, each with a single family home. The lot does not meet the minimum lot depth for the D15 zoning district.

Please return your comments by March 16th.

Thank you

Beth McKibben, AICP | Senior Planner

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

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

Office: 907.586.0465



Fostering excellence in development for this generation and the next.

From: [Autumn Sapp](#)
To: [Beth McKibben](#); [John Bohan](#); [Ed Foster](#)
Subject: RE: Agency Review VAR21-01
Date: Wednesday, March 10, 2021 7:11:39 AM

I think the same response still applies. NA for GE.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Tuesday, March 9, 2021 3:51 PM
To: Autumn Sapp <Autumn.Sapp@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

Correction

The variance is to lot depth (not width).

Thank you.

From: Autumn Sapp <Autumn.Sapp@juneau.org>
Sent: Tuesday, March 9, 2021 2:53 PM
To: Beth McKibben <Beth.McKibben@juneau.org>; John Bohan <John.Bohan@juneau.org>; Ed Foster <Ed.Foster@juneau.org>
Subject: RE: Agency Review VAR21-01

Good afternoon,

GE does not have an issue with the reduced width of the properties in question.

Thanks,

Autumn Sapp
City and Borough of Juneau
Engineering & Public Works
Business Manager
907-586-0917

From: Beth McKibben <Beth.McKibben@juneau.org>

Sent: Tuesday, March 9, 2021 1:45 PM

To: John Bohan <John.Bohan@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>; Mary Hammond <mary.hammond@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Ed Foster <Ed.Foster@juneau.org>; Dan Jager <Dan.Jager@juneau.org>

Subject: Agency Review VAR21-01

Hello

Attached is an application for a variance to minimum lot width. If approved the applicant would be allowed to subdivide the lot into two common wall lots, each with a single family home. The lot does not meet the minimum lot depth for the D15 zoning district.

Please return your comments by March 16th.

Thank you

Beth McKibben, AICP | Senior Planner

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0465



Fostering excellence in development for this generation and the next.

City and Borough of Juneau

155 S Seward Street

Juneau, Alaska 99801

Re Case Number VAR2021 0001

Parcel 1D959L140050

To whom it may concern

We reside across the street from the proposed development and believe that several situations need to be remedied prior to the approval of the Variance.

While we have only lived here since November, we have seen pictures of the flood that occurred in May of 2020 caused by an unnamed creek coming down the side of the mountain. It appears to us from the drawing that the development is proposed either at the border of this creek or adjacent to the border. Any variance for this parcel should have significant improvement to the drainage of this creek for the 100-year rainfall occurrence.

Our second concern is that this portion of Peters Lane is an unfinished roadway, that would appear to be non-conforming to the density suggested by the development. It is unpaved, poorly drained, and very narrow. When there is parking on this street, I believe that fire trucks or any other emergency vehicle could not get through.

In addition, the slope of the mountain at this location is severe, with the condos above being build on concrete piles. It is unclear to me whether this construction has been approved for severe earthquakes, but the projected development would be in their path.

Parking is a severe issue on this small road, and any approval of any variance should include the requirement for at least one garage and one parking spot completely off the road.

There are no sidewalks on this road, and there should be some accommodation for the handicapped people. It is a heavily used road for dog walkers, and right now is dangerous because people cannot get out of the road safely.

Thank you for considering these serious issues in the review process.

Sincerely

Frank and Nancy Baxter

2814 Peters Lane

Juneau, Alaska 99801

P O Box 240012, Douglas, Alaska 99824

fhbaxter@msn.com

From: Boheme <an1898inn@aol.com>
Sent: Friday, March 19, 2021 4:54 PM
To: PC_Comments
Subject: Peters Lane Variance proposal.

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Beth and Juneau Community Development and planning commission,

I am a resident of Peters Lane and have lived here for the past 20 plus years. I am concerned with the proposed new building on Peters Lane. I understand there is a variance that needs to be considered, and I appreciate having knowledge of this. I have questions about the design of the building and how the construction is being planned and monitored. I had damage in the amount of \$14,000.00 to my home in 2019 because of ill planned non permitted lot clearing in combination with heavy rain that year. I want neighborhood improvements, but I have concerns about my home preservation as I have endured costly damage and repairs that were not covered by insurance. I am in concurrence with the variance that is being requested, and at the same time I would like to see improvement to our neighborhood.

Sincerely,

Ann House

Boheme
907-586-2050
175 S Franklin St
Juneau Alaska 99801

From: [PC_Comments](#)
To: [Beth McKibben](#)
Subject: FW: Comments to Planner Beth McKibben re: Variance request on Peters Lane
Date: Friday, March 19, 2021 10:20:24 AM

Hey Beth,

Here's the email.

Jack Scholz | Administrative Assistant I

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

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

Main Line: 907.586.0715 | Personal Line: 907.586.0736



Fostering excellence in development for this generation and the next.

From: Julie Costello <juneautwins@hotmail.com>
Sent: Friday, March 19, 2021 9:54 AM
To: PC_Comments <PC_Comments@juneau.org>
Cc: Julie Costello <juneautwins@hotmail.com>; Boheme <an1898inn@aol.com>
Subject: FW: Comments to Planner Beth McKibben re: Variance request on Peters Lane

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Sent from [Mail](#) for Windows 10

From: [Julie Costello](#)
Sent: Friday, March 19, 2021 8:50 AM
To: Beth McKibben
Subject: Comments to Planner Beth McKibben re: Variance request on Peters Lane

Hello Beth McKibben and the Juneau Community Development Planning Commission,

Thank you for the opportunity to submit a comment before the upcoming hearing for a variance to D18 lot depth 80 to 78.2 feet for the purposes of a common wall subdivision at Peters Lane in a D18 zone.

I am the townhome and property owner across the street from the proposed variance. I have resided at 2812 Peters Lane for the past 20 years. I have serious concerns about the new construction that is planned on the uphill side of Peters Lane where the building of duplex's are currently being considered. My concerns are that the stability of the hillside supporting the existing condos above the proposed construction site on Simpson Street, supporting ditches, culvert and roadway on Peters Lane are being very well considered. I understand that a variance isn't going to change the building process but I also have previously endured costly home repair (not covered by my homeowners insurance) that was caused by the lack of proper lot prep without permitting and a heavy rainstorm season. I am submitting a series of photos to share with you that were taken October of 2019.

In addition to my house concerns I would like to point out the road conditions on Peters Lane. The road has not been properly repaired since the flood of 2019 and parking on our street is at a minimum. The uphill side of Peters Lane has no parking signage as the Lane should be kept clear for emergency responders, this is the same side of the street where new construction is proposed. I feel the general maintenance of the road, parking, ditches and culvert will be seriously impacted by the new construction and I have concerns how this little street is going to support so much.

I believe the existing homes and property need to be at the forefront of consideration during this process. I personally cannot afford to fix my home out of pocket again. Thank you for your time in reviewing my comments and looking at photos supporting my concerns.

Sincerely,

Julie Costello

2812 Peters Lane
Juneau, AK
99801

Sent from [Mail](#) for Windows 10



Attachment D - Public Comments

Attachment D - Public Comments





Attachment D - Public Comments

Attachment D - Public Comments



Attachment D - Public Comments





Attachment D - Public Comments

Attachment D - Public Comments



Attachment D - Public Comments



Attachment D - Public Comments





Attachment D - Public Comments

Attachment D - Public Comments



Attachment D - Public Comments





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

NONCONFORMING CERTIFICATE

Date: March 26, 2021
File No.: NCC2021 0017

Natalia Golovatiuk
7602 Lumbis Avenue Unit 4
Anchorage, AK 99518

Proposal: A Nonconforming Certification Review for lot.

Property Address: Peters Lane
Property Legal Description: Bellevue Block I Lot 5
Property Parcel Code No.: 1D050L140050

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated March 26, 2021, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Lots (49.30.260):
 - Lot depth of 78.12 feet

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed.

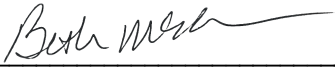
If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

File No.: NCC2021 0017

March 26, 2021

Page 2 of 2

Project Planner:


Beth McKibben, Senior Planner, AICP
Community Development Department


Jill Maclean, Director, AICP
Community Development Department

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.



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

Peters Lane Commonwall

Case Number: PAC2020 0043

Applicant: Natalia Golovatiuk

Property Owner: same

Property Address: N/A

Parcel Code Number: 1D050L140050

Site Size: 7,900 square feet

Zoning: D18 (18 DU/acre)

Existing Land Use: Vacant

Conference Date:	July 8, 2020
------------------	--------------

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.

Natalia Golovatiuk	Applicant	Odessa.club@yahoo.com
Beth McKibben, AICP	Senior Planner	beth.mckibben@juneau.org
Kyle Paw	Permit Tech	Kyle.paw@juneau.org
Autumn Sapp	General Engineering	Atuumn.Sapp@juneau.org

Pre-Application Conference Final Report

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.

Planning Division

1. **Zoning – D18**
 - a. Minimum lot size of 5,000 square feet; minimum lot size for common wall 2,500 sq. feet; Multifamily (3 units +) 2,420 sq. ft. per unit – this lot max units of 3.2
 - b. Minimum lot width 50 ft.; Minimum lot depth 80 ft. 49.65.750 Dimensional standards for common wall development – min lot width of 20 ft.; Common wall shall extend at least 15 ft. along the common property line.
 - c. 49.25.300.1.910 Common wall development 2 units –allowed use building permit only
 - d. 49.25.300.1.920 Common wall development 3 or more units – 1, 3 – use permit required when more than 9 units. NOTE –this lot is NOT large enough to support more than 3 common wall units.
 - e. 49.65.730 requires all common wall dwellings to be served by individual public water and sewer service.
2. **Setbacks** – Front 20 ft.; Rear 10ft; side 5 ft.; street side 13 ft.; Common wall side yard 5 ft with note 7: zero foot setback for the portion of the dwelling with a common wall, five foot setback or five foot easement for the portion of the dwelling at the common lot line without a common wall, and five foot setback for the remaining side yards of the lot.
 - a. 49.65.755 prohibits architectural features other than roof eaves authorized to project into required yard setbacks by 49.24 article IV may from projecting into required side yards. No architectural features may project into the neighboring lots.
3. **Height** –35 ft. primary structure; 25 ft accessory structures – see attached handout for calculating building height
4. **Access – Peters Lane – local residential**
5. **Parking & Circulation**–Minimum of 2 off street parking spaces per dwelling unit; back out parking is permissible. 49.65.735 Parking and access for common wall developments will apply if commonwall subdivision is pursued. Required parking must be off-street.
6. **Lot Coverage** –50% maximum lot coverage (structures/rooflines)
7. **Vegetative Coverage** – Minimum vegetative cover of 30% Vegetative cover should be shown on site plan
8. **Lighting** – No off site glare
9. **Noise** – No impacts expected from residential use
10. **Flood** – N/A

Pre-Application Conference Final Report

11. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – Not in mapped hazard area – The majority of the lot has a grade in excess of 18% a hillside endorsement will be required for new development. *A grading and site plan stamped by an Engineer is required. See attached section of code for Hillside Endorsements for the application requirements. Hillside endorsement applies only to any areas where slopes exceed 18% or where new slopes are being created in excess of 18% for the following:*

- a. Removal of vegetative cover; excavation of any slope in excess of 18%; creation of new slope in excess of 18% for a vertical distance of at least 5 feet;*

As a minor development the hillside endorsement may be reviewed by the Director of CDD. The hillside endorsement will be submitted with the grading permit for site work prior to, or concurrently with the building permit.

Test holes for the purpose of gathering information for the Hillside Endorsement do not require a hillside endorsement. They may require a grading permit.

12. Wetlands – n/a

13. Habitat – None noted. If an active eagle's nest is discovered, contact the US Fish and Wildlife Service.

14. Plat or Covenant Restrictions – none found

15. Traffic – Traffic impact analysis not required, expected average trips per day approximately 10 per unit.

16. Nonconforming situations – None noted

17. Common wall Process 49.65 Article 7

- a. Common wall development (residential) 49.25.300 Table of Permissible Uses 1.920; minor development is Director review, major development is PC review; 8 dwelling units or less in a multifamily district is considered minor development and requires a common wall subdivision (a minor subdivision):

b. First Step:

- i. Development Permit: submit the sketch plat (site plan) depicting the existing parcels, and the proposed common walls, setbacks, access, parking etc. per 49.65.710

and

- ii. Building Permit: obtain a building permit – a condition will be included that the lots are to be common walls prior to the issuance of any C.O.s

c. Second Step:

- i. Minor subdivision process creating the common wall lots once the foundations are poured and the exact location of the common wall lot lines are known

Common Wall Development (will be Department Review – minor development)

49.65.710 - Development permits.

Pre-Application Conference Final Report

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) Department review.

(A) Application submittals. The following submittals are required with an application for department approval:

(i) Building plans that meet the requirements of this chapter and Title 19.

(ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.

(iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) Application review. The application shall be reviewed by the director in accordance with CBJ 49.15.310.

49.65.720 - Common wall subdivision.

(a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:

*(1) **Preliminary plat.** The following additional items will be submitted with the preliminary plat:*

(A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.

(B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.

(C) Final common wall agreements and/or homeowners' agreements suitable for recording.

*(b) **Final plat.** After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.*

General Engineering/Public Works

18. Engineering –

- a. **Driveway:** Driveway grades in excess of 14% are beyond what is allowed by code. For driveway grades steeper than 14%, the driveway will need to be designed and inspected by an Alaskan licensed civil engineer at cost to the developer.

Pre-Application Conference Final Report

- b. **Easements:** Site plan (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. For plats include the width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary.
 - c. **Agreements:** A maintenance and hold harmless (of CBJ) agreement will need to be drafted, signed, and recorded for all shared infrastructure for the development, e.g. driveway, water, sewer, etc.
19. **Drainage** – Submit a drainage plan indicating how drainage from the proposed subdivision will join an established drainage channel or structures. The plan must be designed by an Alaskan licensed engineer due to the hillside endorsement requirements of Title 49. All drainage and site development will also need to be inspected by an Alaskan licensed engineer at no cost to CBJ. Easements must be provided on the plat for all established drainage ways or any proposed drainage ways that cross any current or future abutting property lines.
20. **Utilities** – (water, power, sewer, etc.) A minimum of 1" water service and 4" sewer service will need to be installed to the property line of each newly created lot within one-year of recording of the plat. At the time of preliminary plat submittal, please submit a construction plan for the new utilities. The submittals must meet current CBJ Standards and Specifications. The plan needs to include pipe locations, type, sizing, for both water and sewer and grades for sewer to indicate appropriate fall will be achieved. The construction plan can be shown on an existing as-built drawing that also includes existing features such as structures and other existing utilities.

The following permits will need to be obtained to provide utilities to the property line of the newly created lot:

- a. **CBJ right-of-way (ROW) permit-** Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will allow the tapping of the water and sewer mains, water and sewer service installation, and road restoration within the right-of-way. Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application.

Once within the private property the following utility permits are required:

- a. **Water Utility permit** – for the water/fire line to be installed to the new structure. The line sizing is determined by the engineer. If there is more than one dwelling unit installed on one property then a meter is required to be installed prior to any branches in the plumbing line. The meter location and sizing shall be shown on the mechanical plans. See the attached CBJ Standard Detail 420, Meter Installation, for meter clearances and conduit installation requirements for the remote read-out (MIU) installation. The meter installation and conduit installation is the responsibility of the applicant. A water assessment will need to be paid and will be determined after sizing of meter (if required) and domestic line are identified.
- b. **Sewer Utility permit** – for the sewer line to be installed to the new structure. The line sizing is determined by the engineer. The mechanical plans shall include a drainage fixture

Pre-Application Conference Final Report

unit (DFU) count. A sewer assessment and inspection fees will need to be paid and will be determined after review of the DFU's and the configuration of the underground sewer line.

Sewer options:

- a. For a duplex with no subdivision - Minimum 6" sewer service may be installed within the Peters Lane right-of-way within the roadway to the existing 8" mainline. To determine if this will be feasible it is advised to work with an Alaskan licensed mechanical engineer to determine if the existing pipe will provide the capacity required. Please be aware that the property owner is responsible for maintenance, repair, or replacement or any or all of the sewer line and service from the structure to the point of connection at the main line.
- b. For subdivided property with zero-lot line structure - Extend the 8" mainline, install a manhole, install two minimum 4" sewer services to the newly created lots, and one minimum 4" sewer service to neighboring lot 4. CBJ Engineering & Public Works has offered to provide the materials, pipe, fittings and manhole, and inspection for the work within the Peters Land right-of-way. CBJ Engineering & Public Works is also willing to design this option, but will only commence the design after the option of extending the mainline is selected.

Other Applicable Agency Review

21. 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. Grading permit
2. Building Permit
3. Development Permit: submit the sketch plat (site plan) depicting the existing parcels, and the proposed common walls, setbacks, access, parking etc. per 49.65.710
4. Minor subdivision application *to create lot line at the common wall after foundations are poured and exact location of the common lot line is known.*
5. Final Plat
6. Hillside Endorsement

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. Preliminary plat check list
3. If shared driveway is proposed –draft maintenance agreement for shared driveway

Pre-Application Conference Final Report

4. Additional materials as required by 49.65 Article 7 – as-built, common wall and homeowner agreements, easements etc.
5. Additional materials as required by 49.70 Article 2 – vicinity map, site maps, site plan, engineered drawings, etc.

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. Test holes for purposes of gathering information for the hillside endorsement application do not require a hill side endorsement.

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. Building permit fees – Will be determined at time of application
2. Minor subdivision Fee - \$400 plus \$25 for each resulting lot (\$450.00 total),
3. Hillside endorsement – gross hourly rate for professional review and inspection. Developer shall deposit 1% the value of the site development, excluding the portion of the site determined by the engineer to be subject to public transmission facility permit, in a specialty reserve account, which the CBJ may bill its documented time and expenses. Developer shall promptly replenish the amount when requested. No endorsement shall be issued if there is a deficiency in the reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of the development or when the engineer is satisfied the work under the endorsement is complete and the requirements met.
4. Water Utility Permit (work within private property):
 - a. Water assessment fee based on the domestic line size and will be determined during plan review. Covers the cost of permit issuance, issuance of meter, and MIU installation.
5. Sewer Utility Permit (work within private property):
 - a. Based on DFU and will be determined at time of plan review.
 - b. \$60.00 per inspection or trip, will be determined at time of construction plan review.
6. ROW Permit (work within the ROW):
 - a. \$10 permit fee
 - b. Inspection fees - \$60 per inspection trip or hour, will be determined at time of construction plan review (if the sewer mainline extension option is selected this fees will only apply to the water installation).
 - c. Refundable bond – will be determined at time of construction plan review. Can be paid in the form of cash, check, surety, or conveyance.
 - d. Bond fee – dependent on type of bond payment.

Pre-Application Conference Final Report

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:

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

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Notice of Appeal: APL2021 0001, an appeal of Director's determination regarding ENF2021 0015 -
consideration whether to hear appeal per CBJ 49.20.110 - VOTED TO HOLD A HEARING TO
DISCUSS APPEAL PROCEDURE

AGENDA ITEM:

Case No.: APL2021 0001

Applicant: A & S Rentals

Location: 1506 2nd Street, 1510 2nd Street, 1508 3rd Street

Proposal: An appeal of Director's determination regarding ENF2021 0015 - consideration whether to hear
appeal per CBJ 49.20.110

ATTACHMENTS:

Description	Upload Date	Type
☐ Application for APL2021 0001	4/6/2021	Application



NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

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

APPELLANT'S CONTACT INFORMATION

A & S RENTALS

AandSrentals907@gmail.com

(907) 723-6473

Appellant's Name (please print)

E-mail Address

Phone

PO Box 32684

Juneau

AK 99803

Mailing Address

City

State

Zip

X

Todd A. Araujo
Appellant's Signature

DECISION THAT IS BEING APPEALED*

Zoning Compliance Orders issued for Case No. ENF20210015

Date of Director's Determination March 10, 2021

Attach a copy of the Director's Decision (E-mail, Notice of Decision, Letter, etc.).

* Notice must be submitted within 20 days of the date of the decision being appealed.

APPEAL SPECIFICS (please fill in all that apply)

Parcel Number 2D04020D0020, 2D04020A0140, 2D04020D0030

Zoning District

D18

Case Number ENF20210015

Title 49 Code Section

49.10.620

Current Use of Land or Buildings Multi-family apartments

Proposed Use of Land or Buildings

Other

ALL REQUIRED MATERIALS ATTACHED

☒ Complete Application

☒ Appeal Decision

☒ Narrative including:

☒ Grounds for Appeal

☐ Specific questions you would like the Planning Commission to address

To be completed by Appellant

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

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	\$ <u>200.00</u>			
Refund (Yes/No)	\$ <u> </u>			
Total Fee	\$ <u>200.00</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/Intake Initials

APL 2-1-CC1

3/30/21 *[Signature]*

Appeal Submittal Information

Appeals of Director's Determination is outlined in CBJ 49.20.110

Notice of Appeal Submittal Date: Review by the Planning Commission of the decision of the Director, may be requested by filing a notice of appeal stating with particularity the grounds therefore with the Community Development Department **within 20 days of the date of the decision appealed.**

Notice of Appeal Submittals: These items are needed for the Planning Commission to make a determination:

1. **Forms:** A completed Notice of Appeal form including the appellant's signature.
2. **Fees:** The fee for an Appeal of Director's Determination is \$200. The fee will be refunded if the applicant prevails.
All fees are subject to change.
3. **Appeal Description:** A detailed letter or narrative describing the findings, issues, concerns, grounds for appeal, and what you want the Planning Commission to specifically address
4. **Submittals:**
 - A. Document stating the date of the Director's Determination
 - B. Copy of the Director's Determination
 - C. Photos/plans relating to the appeal (if applicable)

Document Format: All information submitted shall be either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department
- B. Paper copies may not be larger than 11" X 17" in size (Unless an alternate paper size is preapproved by the Community Development Department)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

49.20.110 - Appeals to the Planning Commission.

- (a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefor with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.
- (b) If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof and whether review shall be de novo or on the record. If the commission decides to hear the appeal, it shall give public notice thereof in a newspaper of general circulation in the municipality. The department shall prepare the record on appeal, which shall consist of the original application and supporting materials, written public comment thereon, and all notes, memoranda, minutes and other department material in relation thereto. The burden of proof in the appeal shall be on the party challenging the decision of the director. In a hearing de novo, proof shall be established by a preponderance of the evidence. If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein. The commission may confirm, reverse, or modify the director's decision, or change the conditions which the director placed on approval. The commission shall support its action with written findings.
- (c) Upon its own motion, the commission may certify a case directly to the assembly without review, hearing or recommendation.

(Serial No. 87-49, § 2, 1987; Serial No. 92-10, § 3, 1992; Serial No. 95-35, § 4, 1995; Serial No. 97-01, § 6, 1997)

CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

A & S RENTALS LLC,
Appellant.

CBJ CASE NO.: ENF20210015

Appeal No. _____

NOTICE OF APPEAL/REQUEST FOR HEARING

Pursuant to CBJ 49.10.620, Appellant A & S Rentals, through counsel Simpson, Tillinghast, Sheehan & Araujo, P.C., hereby appeals and requests a hearing relative to the Zoning Compliance Orders issued by City & Borough of Juneau ("CBJ") Community Development Department ("CDD") dated March 10, 2021 and mailed on March 11, 2021¹ on Case No. ENF20210015.²

1. The name, mailing address, telephone number and email address of the Appellant is set forth on the attached Notice of Appeal of Director's Determination.

2. The Appellant is represented by Simpson, Tillinghast, Sheehan & Araujo, P.C., and this Notice of Appeal provides verification that attorneys James J. Sheehan and Todd J. Araujo are authorized to sign and file this Notice of Appeal on behalf of Appellant.

3. A copy of the Compliance Orders are attached as Exhibit 2.

4. The grounds for appeal are as follows:

- a. CDD's decision regarding the zoning compliance orders is not supported by substantial evidence;
- b. CDD's decision regarding the zoning compliance orders is arbitrary and capricious;
- c. CDD's decision regarding the zoning compliance orders does not take into consideration CBJ's Housing Action Plan and Comprehensive Plan as it

¹ See USPS Tracking History enclosed hereto as Exhibit 1.

² Pursuant to CBJ 69.10.620(d), Appellant has 15 days within which to request a hearing before the planning commission to review the zoning compliance orders. And because the zoning compliance orders were served by mail, Appellant is entitled to three additional extra days within which to make such a request. See CBJ 01-50.250(b). And if the filing date falls on a Saturday, Sunday, or a legal holiday, the filing due date runs until the next business day. See CBJ AS 01-50.250(a). Given that the zoning compliance orders were sent out on March 11, 2021, the request for a hearing must be filed by March 30, 2021. See CBJ 01.50.250 (the 18th day falls on March 29, 2021 (Seward's Day) which is a legal holiday, thereby establishing that the notice to request a hearing is due on the next business day, March 30, 2021).

relates to the removal of 5 residential housing units for residents of Juneau;
and

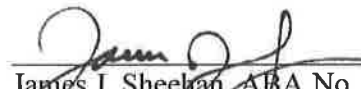
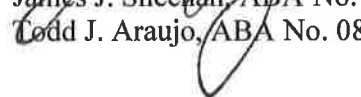
d. CDD is barred from enforcing the subject zoning compliance orders based on the doctrines of (i) laches, (ii) waiver, and (iii) equitable estoppel.

5. In accordance with CBJ 49.10.620(e), the relief requested by the Appellant is the rescission of the subject zoning compliance orders.

Appellant respectfully rejects CDD's compliance order determinations and reserves its right to supplement its legal arguments and grounds for appeal either in written briefs filed in advance of the hearing and/or at the hearing.

DATED at Juneau, Alaska this 30th day of March, 2021.

SIMPSON, TILLINGHAST, SHEEHAN & ARAUJO, P.C.
Attorneys for Appellant


James J. Sheehan, ABA No. 0506056

Todd J. Araujo, ABA No. 0806040

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 30, 2021, a true and correct copy of this document was served on the following by email:

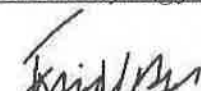
City & Borough of Juneau:

Nate Watts, Code Compliance Officer
Nate.Watts@juneau.org;

Jill Maclean, CDD Director
jill.maclean@juneau.org

Charlie Ford, Building Code Official
Charlie.Ford@juneau.org

Sherri Layne, Assistant City Attorney
Sherri.Layne@juneau.org


Tania Wesser

SIMPSON, TILLINGHAST, SHEEHAN & ARAUJO, P.C.
One Sealaska Plaza, Suite 300
Juneau, Alaska 99801
Phone: (907) 586-1400 Fax: (907) 586-3065

3/23/2021

USPS.com® - USPS Tracking® Results



FAQs >

Track Another Package +

Tracking Number: 70173380000045804246

Remove X

Your item was delivered to an individual at the address at 12:20 pm on March 12, 2021 in JUNEAU, AK 99801.

 Delivered

March 12, 2021 at 12:20 pm
Delivered, Left with Individual
JUNEAU, AK 99801

Feedback

Get Updates 

Text & Email Updates	
Tracking History	

March 12, 2021, 12:20 pm
Delivered, Left with Individual
JUNEAU, AK 99801
Your item was delivered to an individual at the address at 12:20 pm on March 12, 2021 in JUNEAU, AK 99801.

March 12, 2021, 6:30 am
Out for Delivery
JUNEAU, AK 99801

3/23/2021

USPS.com® - USPS Tracking® Results

March 12, 2021, 6:19 am
Arrived at Post Office
JUNEAU, AK 99803

March 11, 2021, 3:29 pm
USPS in possession of item
JUNEAU, AK 99803

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

Feedback

FAQs



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

March 10, 2021

Certified Mail Receipt Number
7017 3380 0000 4580 4246

A & S Rentals LLC
2339 Meadow Lane
Juneau, AK 99801

Parcel No: 2D04020D0020
Case No.: ENF20210015

Subject: Zoning Compliance Order
1506 Second Street, Capital View Block D Lot 2

On November 5, 2020, the City & Borough of Juneau (CBJ) issued a *Nonconforming Certificate* for 1506 Second Street to Glenn Bo, the owner and trustee of the Asbjorn and Marit Bo Trust. Based on staff's analysis and findings, the certificate was issued to determine nonconforming residential density and parking. The findings included analysis for the number of dwelling units and parking that are certified nonconforming. The remaining situation, two dwelling units, was not certified and deemed noncompliant. A & S Rentals LLC is being notified as the owner listed on the attached Deed of Trust, recorded on February 10, 2021, and the responsible party to bring the structure into compliance. This Compliance Order requires your immediate attention and action. You are on notice that the CBJ intends to pursue legal action to secure your compliance with the order and with CBJ Title 49, as necessary.

Relevant Facts

The nonconforming certification application was for a six-unit dwelling. The 1972 building permit application located in the parcel file approved construction of a four-unit dwelling, as was the maximum permissible under the zoning district at the time of the 1972 application. Current zoning regulations allow for three dwelling units. One unit is legally nonconforming per the 1972 building permit application. The current and historical zoning regulations would not permit the construction of a six-unit apartment building on this property, and there is no record granting approval to construct or alter the structure to create two additional dwelling units. Please see the attached November 5, 2020 Nonconforming Certificate, NCC2020 0066 containing the full details and findings provided by the Director.

Violation

CBJ 49.25.400, the Table of Dimensional Standards sets the required dimensional standards for properties according to the zoning district. A minimum of 2,500 square feet is required per dwelling unit for the property located in a D18 zoning district. The lot is approximately 7,000 square feet, which allows three units. One additional unit was approved in 1972 with Building Permit 8841, and found nonconforming and certified with NCC2020 0066. The additional two dwellings remain in violation and are noncompliant.

A & S Rentals LLC
Case No.: ENF2021 0015
March 10, 2021
Page 2 of 3

Enclosed Public Record

Enclosed are copies of the public records that establish your ownership of the property, as well as your ownership of the licensed business represented on the Deed. Also included are the CBJ's GIS parcel details, verifying the property location in a D18 zoning district and other relevant information.

1. Warranty Deed, Capital View Block D Lot 2, according to the official plat, filed under plat number 448, records of the Juneau Recording District, file no.: 0231-3636274
2. CBJ GIS Parcel Tax ID 2D04020D0020 Detail
3. A & S Rentals, LLC Entity 10149162 Details, State of Alaska, Dept. of Commerce, Community & Economic Development, Division of Corporations, Business & Professional Licensing

As the legal owner of 1506 Second Street, you are directed to comply with CBJ 49.25.400.

YOU ARE SPECIFICALLY ORDERED TO:

On or before the close of business on March 19, 2021

- Provide a proposed Action Plan and Schedule to Community Development Department that will:
 - Identify two units that you select for decommissioning.
 - Communicate the lease termination date or lease run out date for affected tenants.
 - Specify the renovation / demolition and completion schedule.

On or before the close of business on July 30, 2021

- Upon approval of your proposed Action Plan and Schedule, submit a demolition application to the Community Development Department, and provide a before and after floorplan of the decommissioned dwelling units.
- Schedule an inspection upon completion in compliance with CBJ 19.01.110 Certificate of Occupancy.

This office may accept the proposed Action Plan and Schedule with or without modification or request for more information, or may issue its own Action Plan and Schedule. In any event, the approved Action Plan and Schedule will be considered a separate, binding and independently enforceable Compliance Order.

This Compliance Order is a lawful order of the Community Development Department under CBJ 49.10.620.

A & S Rentals LLC
Case No.: ENF2021 0015
March 10, 2021
Page 3 of 3

You may appeal this order to the Planning Commission, as provided below, by completing and filing a Notice of Appeal of the Directors Determination **within 15 days** of receipt of this order. The failure to file a notice of appeal within this timeframe waives your right to appeal this order.

Right to Appeal this Compliance Order.

CBJ Title 49.10.620

(d) Within 15 days after receipt, the recipient may request a hearing before the commission to review the compliance order. Failure to request a hearing within 15 days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.

(e) The commission shall hold a hearing within 20 days after receipt of a request for one under subsection (d) of this section. After the hearing, the commission may rescind, modify or affirm the compliance order.

(f) Appeal from a decision of the commission shall be to the assembly in accordance with the provisions of section 49.20.120.

(g) The city attorney may seek enforcement of a compliance order.

You are also advised that while this enforcement action is directed at CBJ Title 49 Land Use violations, nothing in this order preclude the CBJ from separately enforcing Title 19 Building Regulations and/or Title 36 Health and Sanitation code violations if the conditions of the property present additional violations.

If you have questions regarding this Compliance Order, please contact me at 907-586-0752 between the hours of 8:00 AM and 4:30 PM Monday through Friday. If you do not reach me directly you may leave a voicemail and I will return your call.

Sincerely,



Nate Watts
Code Compliance Officer
(907) 586-0752
Nate.Watts@juneau.org

cc: Jill Maclean, AICP, Community Development Director
Charlie Ford, Building Code Official
Sherri Layne, Assistant City Attorney



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

NONCONFORMING CERTIFICATE

Date: November 5, 2020
File No.: NCC2020 0066

Asbjorn and Marit Bo Trust
ATTN: Glenn Bo
6748 North Point Drive
Fruitport, MI 49415

Proposal: A Nonconforming Certification Review for residential density and parking.

Property Address: 1506 Second St.
Property Legal Description: Capital View Block D Lot 2
Property Parcel Code No.: 2D04020D0020

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated November 5, 2020, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Residential Densities (49.30.240):
 - One dwelling unit is nonconforming
- Nonconforming Parking (49.30.270):
 - Number of off-street parking spaces: Six off-street parking spaces are provided; 9.5 are required

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

The Director of Community Development adopted the analysis and findings lists in the attached memorandum dated November 5, 2020, and has found the following situations on the lot to be NONCOMPLIANT to the Title 49 Land Use Code:

- Noncompliant Residential Densities (49.30.240):
 - Two unpermitted dwelling units are noncompliant. The property owner must bring the structure into compliance with the Land Use Code.

File No.: NCC2020 0066

November 5, 2020

Page 2 of 2

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:



Joseph Meyers, Planner
Community Development Department



Jill Maclean, Director, AICP
Community Development Department

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.



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

March 10, 2021

Certified Mail Receipt Number
7017 3380 0000 4580 4246

A & S Rentals LLC
2339 Meadow Lane
Juneau, AK 99801

Parcel No: 2D04020A0140
Case No.: ENF20210015

Subject: Zoning Compliance Order
1508 Third Street, Capital View Block A Lot 12

On November 5, 2020, the City & Borough of Juneau (CBJ) issued a *Nonconforming Certificate* for 1508 Third Street to Glenn Bo, the owner and trustee of the Asbjorn and Marit Bo Trust. Based on staff's analysis and findings, the certificate was issued to determine nonconforming residential density and parking. The findings included analysis for the number of dwelling units and parking that are certified nonconforming. The remaining single dwelling unit was not certified and was deemed noncompliant. A & S Rentals LLC is being notified as the owner listed on the attached Deed of Trust, recorded on February 10, 2021, and the responsible party to bring the structure into compliance. This Compliance Order requires your immediate attention and action. You are on notice that the CBJ intends to pursue legal action to secure your compliance with the order and with CBJ Title 49, as necessary.

Relevant Facts

The nonconforming certification application was for a six-unit dwelling. The 1972 building permit application located in the parcel file approved construction of a five-unit dwelling. Current zoning regulations allow for three dwelling units. Two units are legally nonconforming per the 1972 building permit application. The current and historical zoning regulations would not permit the construction of a six-unit apartment building on this property, and there is no record granting approval to construct or alter the structure to create the additional sixth dwelling unit. Please see the attached dated November 5, 2020 Nonconforming Certificate, NCC2020 0065 containing the full details and findings provided by the Director.

Violation

CBJ 49.25.400, the Table of Dimensional Standards sets the required dimensional standards for properties according to the zoning district. A minimum of 2,500 square feet is required per dwelling unit for the property located in a D18 zoning district. The lot is approximately 7,000 square feet, which allows three units. Two additional units were approved in 1972 with Building Permit 8575, and found nonconforming and certified with NCC2020 0065. The one additional dwellings remains in violation and is noncompliant.

A & S Rentals LLC
Case No.: ENF2021 0015
March 10, 2021
Page 2 of 3

Enclosed Public Record

Enclosed are copies of the public records that establish your ownership of the property, as well as your ownership of the licensed business represented on the Deed. Also included are the CBJ's GIS parcel details, verifying the property location in a D18 zoning district and other relevant information.

1. Warranty Deed, Capital View Block A Lot 12, according to the official plat, filed under plat number 448, records of the Juneau Recording District, file no.: 0231-3636274
2. CBJ GIS Parcel Tax ID 2D04020A0140 Detail
3. A & S Rentals, LLC Entity 10149162 Details, State of Alaska, Dept. of Commerce, Community & Economic Development, Division of Corporations, Business & Professional Licensing

As the legal owner of 1508 Third Street, you are directed to comply with CBJ 49.25.400.

YOU ARE SPECIFICALLY ORDERED TO:

On or before the close of business on March 19, 2021

- Provide a proposed Action Plan and Schedule to Community Development Department that will:
 - Identify one unit that you select for decommissioning.
 - Communicate the lease termination date or lease run out date for affected tenants.
 - Specify the renovation / demolition and completion schedule.

On or before the close of business on July 30, 2021

- Upon approval of your proposed Action Plan and Schedule, submit a demolition application to the Community Development Department, and provide a before and after floorplan of the decommissioned dwelling units.
- Schedule an inspection upon completion in compliance with CBJ 19.01.110 Certificate of Occupancy.

This office may accept the proposed Action Plan and Schedule with or without modification or request for more information, or may issue its own Action Plan and Schedule. In any event, the approved Action Plan and Schedule will be considered a separate, binding and independently enforceable Compliance Order.

This Compliance Order is a lawful order of the Community Development Department under CBJ 49.10.620.

A & S Rentals LLC
Case No.: ENF2021 0015
March 10, 2021
Page 3 of 3

You may appeal this order to the Planning Commission, as provided below, by completing and filing a Notice of Appeal of the Directors Determination **within 15 days** of receipt of this order. The failure to file a notice of appeal within this timeframe waives your right to appeal this order.

Right to Appeal this Compliance Order.

CBJ Title 49.10.620

(d) Within 15 days after receipt, the recipient may request a hearing before the commission to review the compliance order. Failure to request a hearing within 15 days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.

(e) The commission shall hold a hearing within 20 days after receipt of a request for one under subsection (d) of this section. After the hearing, the commission may rescind, modify or affirm the compliance order.

(f) Appeal from a decision of the commission shall be to the assembly in accordance with the provisions of section 49.20.120.

(g) The city attorney may seek enforcement of a compliance order.

You are also advised that while this enforcement action is directed at CBJ Title 49 Land Use violations, nothing in this order preclude the CBJ from separately enforcing Title 19 Building Regulations and/or Title 36 Health and Sanitation code violations if the conditions of the property present additional violations.

If you have questions regarding this Compliance Order, please contact me at 907-586-0752 between the hours of 8:00 AM and 4:30 PM Monday through Friday. If you do not reach me directly you may leave a voicemail and I will return your call.

Sincerely,



Nate Watts
Code Compliance Officer
(907) 586-0752
Nate.Watts@juneau.org

cc: Jill Maclean, AICP, Community Development Director
Charlie Ford, Building Code Official
Sherri Layne, Assistant City Attorney



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

NONCONFORMING CERTIFICATE

Date: November 5, 2020
File No.: NCC2020 0065

Asbjorn and Marit Bo Trust
ATTN: Glenn Bo
6748 North Point Drive
Fruitport, MI 49415

Proposal: A Nonconforming Certification Review for residential density and parking.

Property Address: 1508 Third St.
Property Legal Description: Capital View Block A Lot 12
Property Parcel Code No.: 2D04020A0140

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated November 5, 2020, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Residential Densities (49.30.240):
 - Two dwelling units are nonconforming
- Nonconforming Parking (49.30.270):
 - Number of off-street parking spaces: Six off-street parking spaces are provided

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

The Director of Community Development adopted the analysis and findings lists in the attached memorandum dated November 4, 2020, and has found the following situations on the lot to be NONCOMPLIANT to the Title 49 Land Use Code:

- Noncompliant Residential Densities (49.30.240):
 - One, unpermitted dwelling unit is noncompliant. The property owner must bring the structure into compliance with the Land Use Code.

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

File No.: NCC2020 0065

November 5, 2020

Page 2 of 2

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:



Joseph Meyers, Planner I
Community Development Department

Jill Maclean, Director, AICP
Community Development Department

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.



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

March 10, 2021

Certified Mail Receipt Number
7017 3380 0000 4580 4246

A & S Rentals LLC
2339 Meadow Lane
Juneau, AK 99801

Parcel No: 2D04020D0030
Case No.: ENF20210015

Subject: Zoning Compliance Order
1510 Second Street, Capital View Block D Lot 3

On November 5, 2020, the City & Borough of Juneau (CBJ) issued a *Nonconforming Certificate* for 1510 Second Street to Glenn Bo, the owner and trustee of the Asbjorn and Marit Bo Trust. Based on staff's analysis and findings, the certificate was issued to determine nonconforming residential density and parking. The findings included analysis for the number of dwelling units and parking that are certified nonconforming. The remaining two dwelling units were not certified and were deemed noncompliant. A & S Rentals LLC is being notified as the owner listed on the attached Deed of Trust, recorded on February 10, 2021, and the responsible party to bring the structure into compliance. This Compliance Order requires your immediate attention and action. You are on notice that the CBJ intends to pursue legal action to secure your compliance with the order and with CBJ Title 49, as necessary.

Relevant Facts

The nonconforming certification application was for a six-unit dwelling. The 1972 building permit application located in the parcel file approved construction of a four-unit dwelling, as was the maximum permissible under the zoning district at the time of the 1972 application. Current zoning regulations allow for three dwelling units. One unit is legally nonconforming per the 1972 building permit application. The current and historical zoning regulations would not permit the construction of a six-unit apartment building on this property, and there is no record granting approval to construct or alter the structure to create two additional dwelling units. Please see the attached dated November 5, 2020 containing the full details and findings provided by the Director.

Violation

CBJ 49.25.400, the Table of Dimensional Standards sets the required dimensional standards for properties according to the zoning district. A minimum of 2,500 square feet is required per dwelling unit for the property located in a D18 zoning district. The lot is approximately 7,000 square feet, which allows three units. One additional unit was approved in 1972 with Building Permit 8842, and found nonconforming and certified with NCC2020 0067. The additional two dwellings remain in violation and are noncompliant.

A & S Rentals LLC
Case No.: ENF2021 0015
March 10, 2021
Page 2 of 3

Enclosed Public Record

Enclosed are copies of the public records that establish your ownership of the property, as well as your ownership of the licensed business represented on the Deed. Also included are the CBJ's GIS parcel details, verifying the property location in a D18 zoning district and other relevant information.

1. Warranty Deed, Capital View Block D Lot 3, according to the official plat, filed under plat number 448, records of the Juneau Recording District, file no.: 0231-3636274
2. CBJ GIS Parcel Tax ID 2D04020D0030 Detail
3. A & S Rentals, LLC Entity 10149162 Details, State of Alaska, Dept. of Commerce, Community & Economic Development, Division of Corporations, Business & Professional Licensing

As the legal owner of 1510 Second Street, you are directed to comply with CBJ 49.25.400.

YOU ARE SPECIFICALLY ORDERED TO:

On or before the close of business on March 19, 2021

- Provide a proposed Action Plan and Schedule to Community Development Department that will:
 - Identify two units that you select for decommissioning.
 - Communicate the lease termination date or lease run out date for affected tenants.
 - Specify the renovation / demolition and completion schedule.

On or before the close of business on July 30, 2021:

- Upon approval of your proposed Action Plan and Schedule, submit a demolition application to the Community Development Department, and provide a before and after floorplan of the decommissioned dwelling units.
- Schedule an inspection upon completion in compliance with CBJ 19.01.110 Certificate of Occupancy.

This office may accept the proposed Action Plan and Schedule with or without modification or request for more information, or may issue its own Action Plan and Schedule. In any event, the approved Action Plan and Schedule will be considered a separate, binding and independently enforceable Compliance Order.

This Compliance Order is a lawful order of the Community Development Department under CBJ 49.10.620.

A & S Rentals LLC
Case No.: ENF2021 0015
March 10, 2021
Page 3 of 3

You may appeal this order to the Planning Commission, as provided below, by completing and filing a Notice of Appeal of the Directors Determination **within 15 days** of receipt of this order. The failure to file a notice of appeal within this timeframe waives your right to appeal this order.

Right to Appeal this Compliance Order.

CBJ Title 49.10.620

(d) Within 15 days after receipt, the recipient may request a hearing before the commission to review the compliance order. Failure to request a hearing within 15 days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.

(e) The commission shall hold a hearing within 20 days after receipt of a request for one under subsection (d) of this section. After the hearing, the commission may rescind, modify or affirm the compliance order.

(f) Appeal from a decision of the commission shall be to the assembly in accordance with the provisions of section 49.20.120.

(g) The city attorney may seek enforcement of a compliance order.

You are also advised that while this enforcement action is directed at CBJ Title 49 Land Use violations, nothing in this order preclude the CBJ from separately enforcing Title 19 Building Regulations and/or Title 36 Health and Sanitation code violations if the conditions of the property present additional violations.

If you have questions regarding this Compliance Order, please contact me at 907-586-0752 between the hours of 8:00 AM and 4:30 PM Monday through Friday. If you do not reach me directly you may leave a voicemail and I will return your call.

Sincerely,



Nate Watts
Code Compliance Officer
(907) 586-0752
Nate.Watts@juneau.org

cc: Jill Maclean, AICP, Community Development Director
Charlie Ford, Building Code Official
Sherri Layne, Assistant City Attorney



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

NONCONFORMING CERTIFICATE

Date: November 5, 2020
 File No.: NCC2020 0067

Asbjorn and Marit Bo Trust
 ATTN: Glenn Bo
 6748 North Point Drive
 Fruitport, MI 49415

Proposal: A Nonconforming Certification Review for residential density and parking.

Property Address: 1510 Second Street
 Property Legal Description: Capital View Block D Lot 3
 Property Parcel Code No.: 2D04020D0030

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated November 5, 2020, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Residential Densities (49.30.240):
 - One dwelling unit is nonconforming
- Nonconforming Parking (49.30.270):
 - Number of off-street parking spaces: Six off-street parking spaces are provided; 9.5 are required

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

The Director of Community Development adopted the analysis and findings lists in the attached memorandum dated November 5, 2020, and has found the following situations on the lot to be NONCOMPLIANT to the Title 49 Land Use Code:

- Noncompliant Residential Densities (49.30.240):
 - Two unpermitted dwelling units are noncompliant. The property owner must bring the structure into compliance with the Land Use Code.

File No.: NCC2020 0067

November 5, 2020

Page 2 of 2

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:



Joseph Meyers, Planner I
Community Development Department



Jill Maclean, Director, AICP
Community Development Department

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.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Notice of Appeal: APL2021 0002, an appeal of Director's determination regarding a Stop Work Notice - consideration whether to hear appeal per CBJ 49.20.110 - CERTIFIED THE APPEAL AND SENT IT DIRECTLY TO THE ASSEMBLY WITHOUT DISCUSSION

AGENDA ITEM:

Case No.: APL2021 0002

Applicant: TDLH LLC

Location: 3101 Mendenhall Loop Road

Proposal: An appeal of Director's determination regarding a Stop Work Notice - consideration whether to hear appeal per CBJ 49.20.110

ATTACHMENTS:

Description	Upload Date	Type
☐ Application for APL2021 0002	4/6/2021	Application



NOTICE OF APPEAL OF DIRECTOR'S DETERMINATION

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

APPELLANT'S CONTACT INFORMATION

TDLH LLC
Appellant's Name (please print)

10840 Lilac Drive
Mailing Address

constellation_dev@hotmail.com
E-mail Address

Juneau
City

(907) 321-3118
Phone

AK 99801
State Zip

X 
Appellant's Signature

DECISION THAT IS BEING APPEALED*

STOP WORK NOTICE

Date of Director's Determination March 10, 2021

Attach a copy of the Director's Decision (E-mail, Notice of Decision, Letter, etc.).

* Notice must be submitted within 20 days of the date of the decision being appealed.

APPEAL SPECIFICS (please fill in all that apply)

Parcel Number 5B2101030001 Zoning District D15

Case Number BLD20210039 Title 49 Code Section 49.20.110

Current Use of Land or Buildings _____

Proposed Use of Land or Buildings Bank stabilization of Duck Creek

Other _____

ALL REQUIRED MATERIALS ATTACHED

- ☒ Complete Application
- ☒ Appeal Decision
- ☒ Narrative including:
- ☒ Grounds for Appeal
- ☐ Specific questions you would like the Planning Commission to address

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

APPEAL FEES	Fees	Check No.	Receipt	Date
Notice Fees	\$ _____			
Refund (Yes/No)	\$ _____			
Total Fee	\$ <u>200.00</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 <u>APL21-02</u>	Date Received/Intake Initials <u>3/30/21 - JFM</u>
--------------------------------	---

Appeal Submittal Information

Appeals of Director's Determination is outlined in CBJ 49.20.110

Notice of Appeal Submittal Date: Review by the Planning Commission of the decision of the Director, may be requested by filing a notice of appeal stating with particularity the grounds therefore with the Community Development Department **within 20 days of the date of the decision appealed.**

Notice of Appeal Submittals: These items are needed for the Planning Commission to make a determination:

1. **Forms:** A completed Notice of Appeal form including the appellant's signature.
2. **Fees:** The fee for an Appeal of Director's Determination is \$200. The fee will be refunded if the applicant prevails.
All fees are subject to change.
3. **Appeal Description:** A detailed letter or narrative describing the findings, issues, concerns, grounds for appeal, and what you want the Planning Commission to specifically address
4. **Submittals:**
 - A. Document stating the date of the Director's Determination
 - B. Copy of the Director's Determination
 - C. Photos/plans relating to the appeal (if applicable)

Document Format: All information submitted shall be either of the following formats:

- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xml, .rtf or other formats pre-approved by the Community Development Department
- B. Paper copies may not be larger than 11" X 17" in size (Unless an alternate paper size is preapproved by the Community Development Department)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

49.20.110 - Appeals to the Planning Commission.

- (a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefor with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.
- (b) If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof and whether review shall be de novo or on the record. If the commission decides to hear the appeal, it shall give public notice thereof in a newspaper of general circulation in the municipality. The department shall prepare the record on appeal, which shall consist of the original application and supporting materials, written public comment thereon, and all notes, memoranda, minutes and other department material in relation thereto. The burden of proof in the appeal shall be on the party challenging the decision of the director. In a hearing de novo, proof shall be established by a preponderance of the evidence. If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein. The commission may confirm, reverse, or modify the director's decision, or change the conditions which the director placed on approval. The commission shall support its action with written findings.
- (c) Upon its own motion, the commission may certify a case directly to the assembly without review, hearing or recommendation.

(Serial No. 87-49, § 2, 1987; Serial No. 92-10, § 3, 1992; Serial No. 95-35, § 4, 1995; Serial No. 97-01, § 6, 1997)

Grounds for Appeal

1. The Stop Work Notice is not supported by substantial evidence;
2. The Stop Work Notice is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made;
3. The Stop Work Notice is unreasonable, not justified by the facts or the law/policy, and an abuse of discretion; and
4. The Stop Work Notice is arbitrary and capricious.

CITY AND BOROUGH OF JUNEAU

NOTICE

Date 3/10/2021

To the Owner, Agent, Contractor, Workers or any other person or person engaged in doing or causing work to be done on this building: Permit Bid 20210039

By authority of Section 19.01.090(b) of the Code of the City and Borough of Juneau, the Building Official has inspected these premises and has found work being carried on in violation of Section 19.01.110 of the Code. Pursuant to Section 19.01.090(d) it is therefore ordered that all parties concerned shall immediately

STOP WORK

Resumption of work and removal of this notice shall be authorized by the Building Official upon full compliance with the Building Codes.

Violation of this order is a misdemeanor punishable by a \$1,000 fine. Repeat offenders may also be punished by 90 days imprisonment. Violators are guilty of a separate offense for each and every day during any portion of which a violation is committed, continued or permitted.

Time of issuance: 11:30 AM

Received by: Ken

Date: 3/10/2021

By Charles Ford
Building Official

Todd Araujo

From: Robert Palmer <Robert.Palmer@juneau.org>
Sent: Wednesday, March 10, 2021 12:17 PM
To: 'kodzoff@alaskan.com'
Cc: Sherri Layne; Todd Araujo
Subject: Constellation/Arndt Stop Work order and email
Attachments: 2021-03-10 Constellation Stop Work Order.pdf

Hi Mr. Cohen,
 Thanks for the call this morning. Consistent with your public records request, attached is the formal stop work order/permit revocation and associated email from Monday.

I have included Sherri Layne, who is the attorney in my office that primarily works with the Community Development Department/Planning Commission. I have also included Todd Araujo, who is representing the property owners.

Thanks
 Rob

Robert Palmer
 CBJ Municipal Attorney
 907-586-0909
 Robert.Palmer@juneau.org

From: Charlie Ford <Charlie.Ford@juneau.org>
Sent: Monday, March 8, 2021 4:46 PM
To: 'constellation' <dev@hotmail.com>
Cc: Jill Maclean <Jill.Maclean@juneau.org>; Alexandra Pierce <Alexandra.Pierce@juneau.org>; Autumn Sapp <Autumn.Sapp@juneau.org>
Subject: Stop Work Order

Travis,

I have to issue a Stop Work Order for your Grading Permit BLD20210039.

Unfortunately CDD acted in error and applied the incorrect section of code. We are revoking the grading permit for bank stabilization, you can apply for a new grading permit that more accurately covers your current activities. We will refund your fee. In 2011, the Coastal Management Program was repealed and 49.70.950(f) was nullified. 49.70.310 applies, with the 25 foot no disturbance buffer and the 50 foot no development buffer.

Please consider this email a Stop Work Order. I will hand deliver an official order tomorrow.
 I apologize for the confusion.
 Please contact me with any questions.
 Thanks,

Charlie Ford | Building Official

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0767



CITY AND BOROUGH OF JUNEAU

NOTICE

Date 3/10/2021

To the Owner, Agent, Contractor, Workers or any other person or person engaged in doing or causing work to be done on this building: Permit Bid 20210039

By authority of Section 19.01.090(b) of the Code of the City and Borough of Juneau, the Building Official has inspected these premises and has found work being carried on in violation of Section 19.01.110 of the Code. Pursuant to Section 19.01.090(d) it is therefore ordered that all parties concerned shall immediately

STOP WORK

Resumption of work and removal of this notice shall be authorized by the Building Official upon full compliance with the Building Codes.

Violation of this order is a misdemeanor punishable by a \$1,000 fine. Repeat offenders may also be punished by 90 days imprisonment. Violators are guilty of a separate offense for each and every day during any portion of which a violation is committed, continued or permitted.

Time of issuance: 11:30 AM

Received by: Ken

Date: 3/10/2021

By Charles Ford
Building Official

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Additional Materials for April 13, 2021 Planning Commission

ATTACHMENTS:

Description	Upload Date	Type
Additional Materials for April 13, 2021 Planning Commission	4/12/2021	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: April 13, 2021

1. USE2021 0002:

- a. Public Comment – Nila & Albert Rinehart, received 3.31.21

2. VAR2021 0001:

- a. Public Comment – Eric Niewoehner, received 4.3.21

3. SMP2016 0001 Extension:

- a. Public Comment – Lot Santana, received 4.11.21
- b. Public Comment – Tim Storbeck, received 4.12.21

4. APL2021 0001:

- a. Joint Procedural Motion

From: Nila Rinehart <nrinehart@cditeam.org>
Sent: Wednesday, March 31, 2021 8:47 AM
To: PC_Comments
Cc: anrinehart@gci.net
Subject: Public Comments for addition of 11 new units RE: Case No.: USE2021 0002

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To Ms. Allison Eddins
Pc_comments@juneau.org

RE: Case No.: USE2021 0002
Parcel NO.: 5B1601441000

Dear Ms. Eddins:

I am a resident of the condominiums located at 3005 Clinton Drive, Unit D-1. My home is directly adjacent to the planned condominiums. As I understand, the planned 2 building condominium units will be nearly outside of our front door and deck area.

- I am concerned about the easement between the 2 developments. I have seen the drawings and I would like to make sure the set back from the property line is correct to CBJ code and that our unit set back was properly executed.
- The properties butt up against one another it would be a considerable improvement to provide some landscaping between the two separate developments.
- I also wonder about the flood plane in that area with spring thaws, is this area impacted? Would additional buildings be of concern?

P.S. On another matter, I also have noticed there is starting to be considerable erosion on the walking path from the Glacier Highway/bridge road down to the lower walking path – it will require maintenance to prevent more costly issues in the future.

Thank you for the opportunity to comment.

Nila and Albert Rinehart
3005 Clinton Drive, Unit D1
Juneau, AK 99801
720-219-6299

From: Eric M. Niewoehner <mailbox@niewoehners.name>
Sent: Saturday, April 03, 2021 12:30 PM
To: PC_Comments
Subject: Additional Comment on Proposed lot change
Attachments: mailbox.vcf

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Reference Case: VAR2021 0001

I realize that the time for receiving comments is beyond the March 22nd date. But the information in this e-mail will most likely be addressed at the meeting.

Personally, I am indifferent to the lot change. The larger issue that needs to be address is the impact of further development of Peters Lane without addressing the serious drainage issues on the downhill-side of the street. The landslide event of October 2019 dramatically demonstrated the vulnerabilities of many homeowners to any anomalies in the storm water drainage.

- There is no continuous drainage along the street. My driveway is over the culvert that extends up the street and little water is coming out of it. (2800A Peters Lane)
- Drainage from the duplex above our townhouses simply pours into the driveway of 2800D. This has caused considerable consternation with previous homeowners and was the principal cause of the landslide drainage cascading down that side of the townhouse complex, washing downhill a 250 gallon fuel tank.
- I have discussed some ideas with the engineers at the city and the following is clear from my perspective
 - The low-point on all the driveways is approximately the city right-of-way boundary.
 - The level of Peters Lane has slowly risen over the years, exacerbating an already challenging drainage issue.
 - Homeowners have done their part by maintaining positive grades from their garages.
 - The issue is drainage capacity -- the low point in the driveways are simply inadequate to handle the volume of water that is running on the surface (as noted above, there is no continuous drainage along the street.)

What I propose is that the city consider developing a plan that covers the length of the street and provides an affordable solution for the homeowners.

- An open-culvert with heavy grating -- this will facilitate snow melt from the driveways. The grates, being removable, would enable us to clean out the drainage as necessary.
- Removing some of the old plate from Peters Lane and lowering the level of the street.

Eric Niewoehner

907-523-1910

2800A Peters Lane

Dear CBJ Community Development
155 S. Seward St
Juneau, AK. 99801

April 11, 2021

Dear commissioner(s),

Re: Case No. SMP2016 0001; Parcel No: 5B1401010010

I live at 7519 Vista del Sol Drive. On Mach 17, 2021, at 2:23 PM, a tree fell from your adjacent property onto my home. I emailed and sent a certified letter (70201290000227067993) to Mr Richard Harris on March 27, 2021 but he never responded.

The previously land clearing activities, have created a funnel that channeled the wind to the trees behind my house and Vista del Sol Dr. Three tres have already fallen onto other lots/homes/fences on Vista del Sol and clearly a hazard still exists.

I am concerned that there are additional, unstable trees that continue to pose a threat to my home, especially the biggest trees directly to the rear of my house.

I am requesting that in your preliminary revision, under erosion control, you include the removal of hazardous trees that remain standing adjacent to Vista del Sol before your final approval.

I thank you for your time prompt attention to this important matter.

Lot Santana
7519 Vista del Sol Dr
Juneau, AK. 99801
(907) 500-8503
lotsantana@gci.net

From: tc storbeck <tcstorbeck@gmail.com>
Sent: Monday, April 12, 2021 7:39 AM
To: PC_Comments
Subject: 7400 Glacier Highway Plat

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good Day,

My name is Tim Storbeck and I am an owner/resident of 7515 Vista Del Sol Dr. With regards to the extension for the lots located at 7400 Glacier Highway, directly behind my house, I would like to express my and others' concerns regarding further development with the area. The most recent lot clearing efforts, finished approximately 2-3 years ago, created a tremendous wind tunnel which has adversely affected our neighborhood. The effects have been seen in the falling of several trees, and I am aware of two specific occasions where houses have been hit by these trees. Once in early December 2020 causing significant damage to the roof and ceiling of one house, and again in mid March 2021 hitting the roof of a different house. The current developer has been largely unresponsive to our concerns about the potential of these trees hitting our houses, and any further development of the lots would create additional issues. If development continues forward, the tree line between the Vista Del Sol development and the 7400 Glacier Highway Plats would have to be completely removed, as the current tree line separating the two, approximately 10-15 feet wide, creates a hazard to both property and the residents currently residing.

Thank you for your time and consideration in this matter.

Sincerely,
Tim Storbeck

CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

A & S RENTALS LLC,
Appellant.

CBJ CASE NO.: ENF20210015

Appeal No. 21-001

JOINT PROCEDURAL MOTION

Appellant, A & S Rentals LLC (hereinafter, “A & S”), by and through counsel Simpson, Tillinghast, Sheehan & Araujo, P.C., and Appellee, the CBJ Community Development Department (“CDD”), by and through counsel, CBJ Law Department, together request the procedural accommodations set forth below.

On March 10, 2021, CDD issued three zoning compliance orders against Appellant relative to case No. ENF20210015. On March 30, 2021, Appellant timely appealed CDD’s zoning compliance orders in conformance with CBJ 49.10.620. CBJ 49.10.620(e) provides that the Planning Commission is required to hold a hearing within 20 days after the appeal is received.

In light of the undefined/unspecified appeal procedures and the expedited appeal timeframes contained in CBJ 49.10.620, the parties desire to (i) waive the expedited appeal timeframes contained in CBJ 49.10.620; and (ii) meet with and before the Planning Commission to develop the procedures under which the instant appeal will be conducted and the timeframe for same.

Parties ask for an initial hearing date for clarification on procedure in early May. A proposed Order for the Planning Commission’s convenience is provided herewith.

Respectfully submitted this 5th day of April 2021.

Simpson, Tillinghast, Sheehan & Araujo, P.C.
Attorneys for APPELLANT

APPELLEE

By: Todd J. Araujo
Todd J. Araujo, Esq.
ABA No. 0806040

By: Sherri Layne
Sherri Layne, Esq.
ABA No. 1306042

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

Having reviewed the parties' Joint Procedural Motion and finding it supported by good cause, the motion is GRANTED. The parties will appear before the Planning Commission on the _____ day of _____, 2021, at which time the procedures under which the instant appeal will be conducted will be discussed and decided upon, as well as the timeframe for same.

Michael Levin, Chair
Planning Commission

SIMPSON, TILLINGHAUST, SHEEHAN & ARAUJO, P.C.
One Sealaska Plaza, Suite 300
Juneau, Alaska 99801
Phone: (907) 586-1400 Fax: (907) 586-3065