Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

April 23, 2019
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. March 26, 2019 DRAFT Minutes - Planning Commission Regular Meeting

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials, April 23, 2019 meeting

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

A. USE2019 0007: A Conditional Use Permit for an accessory apartment on an undersized lot

B. USE2019 0008: A Conditional Use Permit to allow a portion of an additional story on top of an existing below grade structure

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

A. CSP2019 0003: A review of a request to amend a lease for a wireless communications site

XII. STAFF REPORTS

A. Title 53 Lease Review Process Presentation

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. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
March 26, 2019

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Ken Alper, Shannon Crossley, Dan Hickok, Andrew Campbell, Travis Arndt

Commissioners absent: Ben Haight, Chairman

Staff present: Alex Pierce, Planning Manager; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner; Tim Felstead, Planner II, Amy Liu, Planner I; Jane Mores, Assistant Municipal Attorney

Assembly members: Wade Bryson, Assembly Liaison to the Planning Commission

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

III. APPROVAL OF MINUTES

MOTION: *by Mr. LeVine, to approve the February 19, 2019 regular Planning Commission meeting minutes and the February 26, 2019, regular Planning Commission meeting minutes with any minor changes by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

Mr. Voelckers recused himself from USE2019 0005 due to a conflict.

Mr. Arndt said he is working on another project with this applicant, but the Commission and public found no conflict.

USE2019 0005:	A Conditional Use Permit for Legacy Suites, a 15-room, 30-bed assisted living facility
Applicant:	Alaska Legacy Partners LLC
Location:	9290 Hurlock Avenue

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and approved the requested Conditional Use Permit. The permit would allow the development of a 15-room, 30-bed, assisted living home. The approval is subject to the following conditions:

1. The encroachment of the accessory structure must be resolved prior to the issuance of a temporary certificate of occupancy for the assisted living facility.

2. As a condition of approval, staff recommends that prior to the issuance of a building permit the applicant shall submit a site plan showing a minimum of 7,224 square feet of vegetated cover. The vegetated cover plan shall be reviewed and approved by CDD staff prior to issuance of a building permit for the assisted living facility. The vegetative cover areas shown on the approved plans shall be maintained with live vegetative cover as shown and approved.

3. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

MOTION: *by Mr. Dye, to approve USE2019 0005, beginning condition two with "Prior to the issuance" and deleting the preceding words of the condition.*

The motion passed with no objection.

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USE2019 0003: A Conditional Use Permit for Airport Terminal Reconstruction, Phase 2
Applicant: Juneau International Airport
Location: Juneau International Airport Terminal

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of Juneau International Airport Terminal, Phase 2 in an Industrial zoning district.

The approval is subject to the following conditions to ensure the project satisfies the requirements of the Land Use Code:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan prepared by a professional engineer illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements at 49.40.230(d).

2. Prior to the issuance of a building permit, the applicant shall submit a landscape plan identifying the wetland garden near the main entrance, the dog park (Service Animal Relief Area), and other existing landscaped areas proposed to remain. Identification shall also be included for new landscaped and/or hardscaped areas that comply with FAA Wildlife Hazard Management programs for any replacement landscaping, and the CBJ Land Use Code, to create a welcoming experience for visitors and staff.

3. Prior to issuance of a building permit, unless an exemption request to the LEED certification requirement (CBJ 49.35.800) is approved by the City Manager, the applicant shall describe how the credits, which will be pursued for the building, aim to meet minimum LEED certification.

CSP2018 0015: A review of the Juneau Airport Terminal Reconstruction Project, Phase 2
Applicant: Juneau International Airport
Location: Juneau International Airport Terminal

Staff Recommendation

Staff recommends that the Planning Commission recommend the Assembly APPROVE City CSP2018 0015, the reconstruction of Juneau International Airport Terminal, Phase 2. In addition to the submitted plans and narrative, incorporating these recommendations into the design would ensure the development is consistent with adopted plans. These recommendations have been written as conditions of the associated Conditional Use Permit.

To improve consistency with adopted plans, the following recommendations are advised:

1. Bicycle parking continue to be provided by covered bike racks which should be installed in a prominent location that is convenient for airport staff and away from congested areas for the traveling public. The rack(s) should be permanently affixed to the ground, building, or other permanent fixture, and they should be located so that parked bicycles do not encroach into a pedestrian walkway or vehicle area [the 2009 Juneau Non-Motorized Transportation Plan requires them to be compatible with locking the bike frame with a u-lock with two points of contact for a bicycle to lean against (i.e. a 'staple' or 'loop and post' design)].

2. The overall terminal building should have changing and showering facilities for Airport staff, as well as the staff of tenants leasing airport space, to use in order to provide an incentive to cycle to work.

3. The Airport integrates the Recycling, Reuse, and Waste Reduction Plan goals and initiatives into both the design and construction of the Phase 2 development. In particular, the design should incorporate recycling facilities in the terminal building including, but not limited to, the existing recycling receptacles that are placed throughout the terminal.

4. New CBJ buildings should aim to halve their energy use per square foot compared to existing buildings. Energy use targets for the overall terminal should ensure compliance with the intent of the Juneau Climate Action Implementation Plan.

5. All plumbing fixtures should meet a recognized water efficiency standard.

6. Any design should be capable of tracking energy and water use in the terminal. The Airport will use tenant meters if/where appropriate. Prior to issuance of a building permit, the Airport will describe the systems that will be installed to do such monitoring.

7. The Airport should continue to work with Capital Transit on improving transit facilities at the airport, such as providing a four-sided, lit, waiting facility that balances the needs of transit users and the operational requirements of Capital Transit.

MOTION: *by Mr. Dye, to approve USE2019 0003 and CSP2018 0015 accepting staff's findings, analysis and recommendations.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

AME2019 0002: A rezone of 3 lots, 8479, 8477, and 8476 Thunder Mountain Road, from D5 to D18
Applicant: Wright Services Inc.
Location: 8479, 8477, and 8476 Thunder Mountain Road

Staff Recommendation
Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone request to change 41,985 square feet located at 8479, 8477, 8476 Thunder Mountain Road from D5 to D18.

Ms. Liu told the Commission that the applicant is requesting a rezone to address some nonconforming uses, with the possibility of addressing higher density development in the future.

The assessor's database shows a discrepancy because it combines lot 10 and a fraction lot 11, said Ms. Liu. The remainder of lot 11 is its own lot, she said. These discrepancies date back to a document in 1964, she said. That 20-foot portion on the west side of lot 11 was reserved for lot 10, she said. This may have been done to address an encroachment of an existing structure, she said. This does not meet Title 49 for a lot line adjustment, she said. The staff accepts the recording made in 1963 as the acceptable record, she said.

D18 is an adjacent zone to this D5 piece of land, she said. Lot 10 has storage and a single-family dwelling or an apartment above the garage, she said. It has one former plumbing and electrical shop and four connexes, said Ms. Liu. The shop is not operational. It is used for storage for equipment that serves the park, she said. Lot 11 has a laundry facility and wells which supply water to the mobile home park, said Ms. Liu. The laundry facility is not operational, she said. Lot 12 has one office and one mobile home, she added. The office and mobile home are owned by the applicant and office is used to support the park, she said.

Many of the uses are nonconforming for both D5 and D18, said Ms. Liu. Most buildings appear to be in conformance with current dimensional standards. The mobile home setback is undetermined due to the structure not appearing on site plans or CBJ area imagery from 2013. The shop encroaches onto lot 11 and therefore is nonconforming, she said.

While the requested rezone to D18 does not address all of the nonconforming uses, the applicants are requesting this because it either sets them up for a conditional use permit to incorporate uses into the park, or to terminate nonconforming uses and pursue something that is allowed in the D 18 zoning district, Ms. Liu said.

A developer or property owner may only make rezone requests during the months of January and July, said Ms. Liu. Notice of a neighborhood meeting regarding the rezone request was

mailed to all property owners within 500 feet of the subject parcel, said Ms. Liu. Notice of the public hearing was mailed to the same owners advising them of the March 26, 2019, hearing date, she said. Public notice was also provided in the March 5, and March 15, 2019 issues of the Juneau Empire, she said. A public notice sign was posted as well on the site on March 13, and it was visible from the right-of-way, which was at least two weeks prior to the scheduled Planning Commission hearing, she said.

The rezone request meets the requirement that the land is adjacent to an existing zone that is requested, she said. It is adjacent to a D18 zone, she added. The adjacent mobile park is a D18 zone, she said.

The Planning Commission and Assembly are required to meet the findings of the Comprehensive Plan land use map, said Ms. Liu. The Commission and the Assembly have the discretion to base findings in conformance with the Plans' recommended policy, she said. Rezones should also result in the best use of land and be in conformance with the Comprehensive Plan, said Ms. Liu.

The rezone does not substantially conform to the land use maps, said Ms. Liu. The property is under the Urban Low Density Residential (ULDR) portion located in Subarea Four of the Comprehensive Plan Map G, she said. The D18 zone of the mobile park corresponds to Medium Density Residential (MDR), said Ms. Liu. In this area there is a policy guideline that states that it is important to maintain the density of existing neighborhoods while encouraging in fill development for low to moderate income affordable housing, said Ms. Liu.

There are policies relevant to the proposed rezone such as policies 3.2, 4.1, 4.8, 10.1 and 10.2, said Ms. Liu. Policy 3.2 promotes compact urban development within the designated urban service area. Policy 4.1 is to facilitate the provision and maintenance of affordable housing. Policy 4.8 is for the protection and preservation of the character and quality of life of the neighborhood. Policy 10.1 is to promote the availability of sufficient land with adequate public facilities and services for a range of affordable housing. Policy 10.2 recommends flexibility and creative solutions in residential development.

The findings can be based on both maps and policies, said Ms. Liu. The proposed rezone does not conform to the land use maps. However, a guideline for the land use map of the area also supports in fill development of low to moderate income affordable housing, she said. The previously mentioned five policies also support diverse and affordable housing, she said.

The Table of Permissible Uses supports multifamily structures such as rooming houses and mobile home parks, said Ms. Liu.

These lots could be served with City water and are served with City sewer, said Ms. Liu. They could be upgraded to meet the utility demands of more intense uses, she said.

D5 lots are typically larger than D18 lots, said Ms. Liu. However, some of the setbacks and dimensional standards are similar, she said. These lots conform to both D5 and D18 dimensional standards, said Ms. Liu. A lot zoned D5 could have one single family home with an accessory apartment, or a duplex or a common wall structure, she said. D18 zoning supports 18 units per acre. This zoning would allow each lot to have six units or 18 units for the combined three lots, she said.

The proposed zoning would not generate enough daily trips to require a Traffic Impact Analysis, said Ms. Liu. The engineering department indicated that more intense development would require an upgrade of the utilities, said Ms. Liu.

Three people attended the public meeting, said Ms. Liu. It was brought up at this meeting by the staff that the rezone itself would not generate changes to the lots. Further action would be required by the administration, said Ms. Liu. No one expressed disfavor with the rezone request, said Ms. Liu.

Commission Comments and Questions
Mr. LeVine asked what the ineffective boundary change has to do with the Commission's consideration.

The conveyance to which Mr. LeVine refers does not affect the rezone, said Ms. Liu. That issue may come up at a later point should the applicant apply for a building permit, she added.

Mr. LeVine said he had concerns over the Commission recommending a rezone of lots hat the owners think are different, he said. He said it appears the staff is confident that the conveyance in 1964 is ineffective and that the legal definition for these three lots is in accordance with the original plat and that it should not be concerned about that, he said.

Ms. Liu said she concurred with Mr. LeVine's analysis.

Mr. LeVine asked about the composition of the adjacent lots.

Ms. Liu said the majority of the adjacent lots have single-family homes.

Mr. LeVine asked if the lots which appear to be wooded have homes in the front or if they are undeveloped.

Ms. Liu said those lots are developed with single-family homes.

Mr. Alper said if the area is served by City water and sewer how that fits with the mention that the mobile home park is served by wells. He asked if the wells are still functional.

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Ms. Liu said the wells currently serve the mobile home park. The engineering department has advised that the applicants hire an engineer to further assess if any changes to the water service would be necessary with further development, said Ms. Liu.

Mr. Alper asked if those City services would be accessible by the mobile home park.

Ms. Liu said that would be for the applicant to explain.

Mr. Voelckers asked what the actual purpose of the rezone request is.

The applicants are interested in using the shop for another use, said Ms. Liu. It was brought to their attention by CDD staff that nonconformities need to be resolved prior to any new development, said Ms. Liu.

Mr. Dye asked why a small triangle of land was conditioned for traffic for Valley Boulevard and Mendenhall Loop road, and what the "T's" stood for. He asked how the utility service and pedestrian access on that portion of land was to be used.

Ms. Liu said she did not currently have those details.

Applicant
Applicant Charles Collins said he is the general manager of Wright Services and the owner of Thunder Mountain Mobile Park. Wright Services purchased the park several years ago, he said. They have five working wells that serve the park, he said. They keep the heavy equipment in the shop, he said. Mr. Collins said it is his goal to get all of the lots attached to the park. They do have a future plan of hooking up to the City water service, he said. His goal for the immediate future is to have everything in compliance and in accordance with the park, he said.

Commission Comments and Questions
Mr. Hickok asked who owns the property.

Mr. Collins said that Wright Services is a property management company set up by the owners. The trailer park was sold to Wright Services, said Mr. Collins.

Mr. LeVine clarified with the applicant that they do not currently have plans to expand the park, but at some point, in the future, may want to engage in future development.

Mr. Collins agreed with this assessment. At some point, they may want to add apartments. He said he understood that a Conditional Use Permit would be required for this, even if the lots were rezoned to D18. He said at this stage he just wants to bring the lots into conformance for their actual use.

Mr. Voelckers said the staff report mentioned there was some precipitating reason the applicant wanted to rezone the lots. He asked what this was.

Mr. Collins said for example he wanted to add on to the old laundry building for added workspace, but was told by CDD that was not an allowed use. He said everything he considered for this area was not an accepted use.

Mr. LeVine asked if there was a title search performed when Wright Services purchased the property, and if so, if it revealed the problems with the zone at that time.

Mr. Collins said he did not know why the zoning of the lots was never an issue before. He said they do not actually own the lot with the shop on it. They have a contract to take it over as soon as they can rectify the zoning.

Mr. Campbell asked when the current zoning of the lots was initiated.

Mr. Collins said he does not know. He said the lots have always been a part of the park.

Ms. Liu said the current zoning was put into effect in 1987.

Mr. Campbell asked if the D5 zoning was an error.

Ms. Liu said the current zoning does not correspond with the existing use.

Mr. Dye asked if the staff knows the history of the zoning of the lots in question.

Ms. Liu said she does not have an exact answer but that the zoning of the lots was enacted to what is now known as D5.

Mr. Campbell asked if the owner would have been notified in the 1980's that the use of their property was nonconforming, or if it could have been put into effect without their knowledge.

The previous zone of the lots still would have not allowed a commercial use, she said.

Mr. Campbell said since there was a commercial operation going on at the property, if permits were put in place for the use.

Ms. Liu said the laundromat does not have a permit, and that she was not sure if the shop had a permit.

Ms. Crossley asked if the property was ever attached to the mobile park, or if it was just adjacent property.

Ms. Liu said the lots were never attached to the park.

Mr. LeVine asked Mr. Collins if he knew if the lots have had the same use since the inception of the trailer park.

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Mr. Collins said this property has always had the same use, as far as he is aware. He said he is not aware if the shop was ever permitted or legal. The shop existed in 1989, he said, and the laundromat was in operation at that time, he said.

Mr. Alper asked if the mobile park is connected to the City sewer.

Mr. Collins said it was connected to the City sewer.

Mr. Alper asked if there were structures on the part of the lot that protrudes.

Mr. Collins said there were not structures at that location, but some rotting timber. They do not plan on expanding the park into that area at this time, he said.

Public Comment
There was no public comment.

In answer to a question by Mr. Alper, Mr. Voelckers said the action required of the Commission on this item was to approve or deny the request, which would then go to the Assembly for final approval.

Ms. Mores clarified that the applicant could appeal the Commission's decision to the Assembly, should it not approve the rezone request.

Mr. LeVine said several years ago the Commission approved both a rezone and also a change to the Comprehensive Plan Map to bring it into compliance for property containing the Catholic Diocese in town. He said he cannot recall how the Commission accomplished this action procedurally.

Ms. Boyce said as part of the rezone the Commission recommended that a concurrent Comprehensive Plan Map amendment move forward as well.

Mr. Voelckers asked if that action by the Commission several years ago established a precedent for its potential action on this item before them this evening, since the circumstances were similar.

Ms. Boyce said the Commission also approved a rezone in Douglas with a Comprehensive Plan Map amendment, so the zone and the map would match.

Mr. Dye said he recalled the Douglas rezone was sent to the Assembly for approval, and it came back to the Commission several months later with the request that the map be amended so that it would match the new zone.

Ms. Mores said the actions are separate procedures.

Mr. LeVine said the Comprehensive Plan states that a procedure be developed for amending the maps in conjunction with rezones, but that this has not occurred at this time. He said he feels the Diocese rezone was similar to this situation, in which there is a clear error in the zoning. He said if someone had actually looked at the lots up for a rezone this evening that it would have been clear they should be zoned the same as the mobile home park. Mr. LeVine said this use should clearly be allowed. He said this is an error in the underlying Comprehensive Plan map.

Ms. Mores said the Commission does have the ability to review and direct change in the Comprehensive Plan maps.

Mr. LeVine said he thought the Commission could direct both actions; the rezone to D18 and recommend the Comprehensive map change to the Assembly to reflect the new zone. The Assembly could ask for more analysis and request public comment when the rezone was before it for approval, he added.

Mr. Arndt said he would like to see the recommendation to amend the Comprehensive Plan map go with the rezone request, but that he did not want to hold up the rezone process for the applicant.

Mr. Campbell said he would hate to see the application for a rezone delayed for a map amendment.

Mr. LeVine said he thought that they should have the rezone accompanied by a request for an underlying change to the Comprehensive Plan maps. He said he felt they were contingent upon each other.

Mr. Dye said he agreed with Mr. LeVine, that the two actions of a rezone request and Comprehensive Plan map amendment should be tied together.

Mr. Voelckers said he agreed that the two actions should happen contemporaneous with each other. The line is simply drawn in the wrong place, he said.

Mr. Campbell asked if the Commission recommends the Comprehensive Plan map be amended to match the rezone, if that would make a future Conditional Use permit request by the applicant more difficult to obtain in the future.

Ms. Mores said she was not sure how much accompanying information the Assembly might want for both actions to be presented to it simultaneously.

MOTION: *by Mr. LeVine, to recommend to the Assembly that it amend the Comprehensive Land Use Map (g) to designate lots 8479, 8477 and 8476 as MDR and recommend that the Assembly approve the rezone request to change those same lots from D5 to D18.*

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Speaking in favor of his motion, Mr. LeVine said he feels there is an error in Comprehensive Land Use map (g). These three lots have been used to support the mobile home park as long as anyone can recall, and these lots are necessary and integral to the operation of the park. Mr. LeVine said he does not agree with the analysis in the staff report that they could approve this rezone without changing the underling map. Therefore, said Mr. LeVine, his motion does not rely upon staff findings but instead thinks the underlying Comprehensive Land Use map should be amended to match the rezone to MDR.

Mr. Arndt asked if this could be taken care of during this meeting, or if it would have to go back to the staff for another report.

Mr. Voelckers said he feels it is simply one more condition on the action the Commission is approving.

Mr. LeVine said he feels the Commission has sufficient justification based upon the information in the staff report and the information supplied by the applicant this evening. He said he feels the record clearly indicates the zoning of these lots was a mistake. The Assembly could request further analysis and public comments if it felt that was necessary, said Mr. LeVine. He said he does not feel the Commission needs to do that.

Mr. Dye said he agreed with the findings of Mr. LeVine, and that this item would be an ordinance at the Assembly level, with further opportunity for public comment at that time. It was a mistake, and should have carried an MDR use with D18 zoning, he said.

Mr. Hickok agreed with the motion. He asked if the Commission has in the past-approved rezones without accompanying amendments to the land use maps.

Mr. Voelckers said previous recommendations of the Commission for a rezone with map amendments to match have created a precedent for future action of the Commission in these instances.

Mr. LeVine said there are rezone requests that are in alignment with the Comprehensive Land Use maps, so the second action would not be necessary. In this instance, he said, it is best to bring the maps into alignment with the rezone, since it was a mistake.

The motion passed with no objection.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Auke Bay
Ms. Pierce reported that the Auke Bay neighborhood meeting to discuss zoning is on April 10, (2019). At the last meeting, the decision was made to recap the zoning process at 6:30, take a ten minute break and then the regular meeting will start at 7:00 p.m. Those who are familiar with the issues can come to the meeting at 7:00 p.m., she noted. Alison is scheduling the Auke Bay Ad Hoc Committee meeting, said Ms. Pierce.

Blueprint Steering Committee
The Blueprint Steering Committee meets April 3, (2019) at the Fire Hall at 6:00 p.m.

Title 49
The Title 49 Committee is scheduled to meet April 11, (2019) at noon.

Mountainside Estates Appeal
There has been an appeal on the Mountainside Estates preliminary plat approval, said Ms. Pierce. The Assembly will decide on April 1, (2019) if they will hear it.

Comprehensive Plan Update Funding
The funding for the Comprehensive Plan update remains in the budget, currently.

XII. COMMITTEE REPORTS

Rules Committee
Mr. LeVine reported that the Rules committee met. They discussed some of the changes to the operating procedure, said Mr. LeVine. They discussed testimony and presentations, and went through the process of red lining some of those changes. The Rules Committee should be meeting again the week of April 1, (2019). Following that meeting, the committee should have some amended rules and procedures to present to the Commission. They tried to weed out inconsistencies and typographical errors, said Mr. LeVine. They are working on making the rules clearer for both the Commission and the public, and are working on some rules for decorum for the public, so the public understands when it is appropriate to speak. They are also working on time limits, not only for public testimony but for applicants as well. They are also working on some suggested time limits for staff presentations, said Mr. LeVine. Deadlines for PowerPoint presentations were discussed.

Mr. Campbell attended the Public Works and Facility meeting, during which the CIP was discussed. They discussed how some cuts can be made, and it has moved to the Assembly for review, said Mr. Campbell.

XIII. LIAISON REPORTS

Mr. Bryson reported that on March 13, (2019) the Assembly and the School District Joint

Facilities met. They are looking for space within the school district for childcare. On March 14, (2019), the Assembly and the School Board had a joint meeting. They discussed the budget at great length. There has been $11 million in cuts to the school district since 2011. On March 18, there was the Public Works and Facilities meeting which Mr. Bryson also attended. There was a joint Airport and Assembly meeting on March 21, (2019) during which they discussed the Airport remodel at great length. That project is 95 percent funded with federal funds. On March 22, (2019) there was a special Assembly meeting where the lawsuit between the City and the cruise ship industry was concluded.

Mr. Voelckers asked if the way the City uses its passenger fee funds will now change.

Mr. Bryson said the City maintains total control and decision-making. He said $9.3 million will go to the Statter Harbor rebuild project. All of the legal fees are paid out of marine passenger fees, he said.

Mr. Dye asked if the Assembly has made any decision on the leasing of Pocket Park to food trucks.

Mr. Bryson said there was a special Assembly meeting on that topic on March 19, (2019). He does not know of the outcome of that meeting but will find out and report back to the Commission.

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

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Additional Materials

Regular Planning Commission Meeting

Assembly Chambers, 7:00pm
Meeting Date: April 23, 2019

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1. **USE2019 0007:**
   a. Public comment from Jim Donaghey, received 4.3.10

2. **Title 53 Lease Review Process Presentation**
   a. Memo re: Planning Commission Review of CBJ Land Conveyances

From: Jim Donaghey <jmdjnu@outlook.com>
Sent: Wednesday, April 03, 2019 10:11 AM
To: PC_Comments
Cc: James Donaghey
Subject: Case No. USE2019 0007

This has reference to the above subject Case No. USE2019 0007 which concerns a Conditional Use Permit for and accessory apartment.
The one concern being called to your attention is the limited on street parking in this area.
On this dead-end portion of 11th Street there is a major shortage of street parking.
Consider:
300 W ELEVENTH ST Has no off street parking.
315 W ELEVENTH ST 1 rental and living quarters of owner – parking provided.
316 W ELEVENTH ST Girl Scouts of America and one rental with parking provided
319 W ELEVENTH ST Has no off street parking and 2 vehicles.
327 W ELEVENTH ST Has no off street parking with 4 rental units and all have at least one vehicle.
The structure at the southwest corner of 11th St and Capitol Ave has a driveway that holds two vehicles, however they have 4 vehicles.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

[DRAFT] MEMORANDUM

DATE: March 4, 2019
TO: Planning Commission and Docks and Harbors Board
FROM: Assembly
SUBJECT: Planning Commission Review of CBJ Land Conveyances

The Assembly has identified potential regulatory amendments to make conveying CBJ land more practical and less confusing.

As described in CBJC 53.09.260 and following the practice of the Assembly, the current process for conveying CBJ land has unnecessary layers of review and process. The Assembly proposes eliminating steps four and five below:

(1) **Public Meeting 1**: The Assembly Lands Committee reviews the application and makes a recommendation to the Assembly. The Chair has discretion to accept oral public comments at a committee meeting.
(2) **Public Meeting 2**: The Assembly decides whether the application should be considered and how. Interested people are free to provide written comments.
(3) **Manager Negotiations**: The Manager, with the assistance of the Lands Division and upon consultation with interested departments, negotiates terms with the applicant.
(4) **CDD Staff Report (1)**: The Community Development Department drafts a staff report to recommend more or different land conveyance terms than what the Manager proposes.
(5) **Public Meeting 3**: The Planning Commission reviews—not for regulatory purposes but as a property owner—and makes a recommendation to the Assembly whether to convey the CBJ property.
(6) **Public Meeting 4:** The Assembly Lands Committee then reviews the draft negotiated land conveyance proposal to make a final recommendation for the Assembly.
(7) **Public Meeting 5:** An ordinance is introduced to authorize the land conveyance. The purpose of this meeting is to provide public notice of the topic and to schedule the subsequent public hearing.
(8) **Public Meeting 6:** The Assembly holds a public hearing to decide whether to adopt the ordinance.
(9) **Public Meeting 7:** If a conditional use permit is required, the Community Development Department drafts another staff report and the Planning Commission determines if the proposed use complies with Title 49. *E.g.*, Zenk v. CBJ, S-16118, 2017 WL 2825797 (Alaska 2017).

There are multiple reasons to change the review process.

- **Separation of Power**: The Community Development Department and Planning Commission function best as regulators and not as quasi-property owners conveying land. The Lands Division is the real estate arm of the CBJ and is best suited to negotiate land conveyance terms on behalf of the Manager, who takes direction from the Assembly.

- **Reduce Confusion:** The vast majority of the Planning Commission duties are as a quasi-judicial body, granting, denying or conditioning development permits. The public, staff, and applicants are typically perplexed when the Commission reviews a land conveyance. Many conveyances have associated development reviews that must later go to the Commission for review. At that time, it is appropriate for the Commission to grant, deny, or condition development.

- **Clarify Land Conveyances are a Policy Decision:** All parties will more easily understand that granting or denying a land conveyance is a policy decision by the Assembly. Public comments will be more appropriately directed to the Assembly.

- **Efficiency**: The time required for Community Development Staff to draft a staff report and for the Planning Commission to hold a public hearing is unnecessary and duplicative of the Assembly process.

- **Preserve Public Notice and Comment Opportunities**: The draft ordinance would amend the Planning Commission's review of CBJ land conveyances in Title 49, Title 53, and Title 85 to codify the Assembly's existing practice of having the Assembly Lands Committee review the conveyance applications and relieve the Planning Commission of that burden.

- **Clarify Regulatory Review**: The draft ordinance clarifies that land conveyances are legislative matters for the Assembly and not a regulatory matter. If the proposed use of the land also needs a conditional use permit, then the Planning Commission would still hold a public hearing to determine if the development complies with Title 49. This proposed process would clarify some of the confusion that led to litigation in the past.

In summary, the attached draft ordinance is an opportunity to make the process for conveying CBJ land more efficient and to clarify roles. Consistent with CBJ Charter 3.16(c), the Assembly requests comments from the Planning Commission and the Docks and Harbors Board.

DRAFT

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-_____

An Ordinance Amending the CBJ Codes Related to Planning Commission Review of CBJ Real Property Transactions

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 of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.10.170 is amended to read:

49.10.170 Duties.

(a) *Comprehensive plan review.* The commission shall undertake a general review of the comprehensive plan two years after the adoption of the most recent update, and shall recommend appropriate amendments to the assembly. Proposed map changes shall be reviewed on a neighborhood or community basis as directed by the planning commission.

(b) *Review of the capital improvements program.* Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the assembly.

(c) *City and borough ~~land acquisitions, disposals and~~ projects.* The commission shall review and make recommendations to the assembly on ~~land acquisitions and disposals as prescribed~~

~~by title 53, or~~ capital improvement project<u>s</u> by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.

(d) *Development code amendments.* The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan.

(e) *Land use actions.*

(1) All plats approved by the platting board prior to adoption of Serial No. 87-49 are ratified, notwithstanding the use of the commission seal or resolution.

(2) The commission shall hear and decide all major development permit applications, density bonus requests, and appeals of decisions made by the director.

Section 3. Amendment of Section. CBJ 53.09.260 is amended to read:

53.09.260 Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, and payment of a $500.00 fee<u>,</u> a person or business entity~~,~~ may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon

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

(b) *Review and approval process* ~~*Planning commission review, final assembly approval*~~. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, ~~and~~ after review by the assembly lands committee ~~planning commission,~~ and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, ~~or~~ exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

Section 4. Amendment of Section. CBJ 53.09.300 is amended to read:

53.09.300 Easements.

(a) *Authorized.* The manager may convey or lease an easement in City and Borough owned land upon approval by the assembly. Easements shall be nonexclusive unless otherwise provided in the easement document.

(b) *Application and fee.* The applicant for an easement shall apply to the manager on a form prescribed by the manager. The application shall be accompanied by plans, reports, a narrative, and other material sufficient to permit the City and Borough to evaluate need for and the use to be made of the requested easement. The application shall also be accompanied by a base fee of $15.00 plus an amount determined by the manager to cover the cost of an

appraisal of the value of the easement. From time to time, the manager shall adjust the base fee to reflect changes in the cost of municipal services.

(c) *Review process* ~~*Departmental and planning commission action*~~. The application for the easement shall be referred to the planning department and public works department for comment. The manager may refer the application to other departments which may have an interest in the parcel subject to the proposed easement. Upon receipt of the comments of other departments, the planning department shall refer the application and departmental comments to the assembly lands committee ~~planning commission~~ for its recommendation to the assembly. The assembly lands committee ~~planning commission~~ may hold a public hearing on the application prior to making its recommendation.

(d) *Assembly action.* Upon receipt of the assembly lands committee ~~planning commission~~ recommendation, the assembly may, by resolution, authorize the manager to execute the easement under such terms and conditions as are authorized by the assembly.

(e) *Survey.* Prior to the execution of an approved easement, the applicant shall provide a survey of the easement to the standards required by the manager.

(f) *Easement price.* The sale or lease price of an easement shall be the appraised value established not more than 90 days prior to assembly authorization of the easement. Upon execution of the easement by the City and Borough, the applicant shall pay to the City and Borough the market value of any marketable materials, timber, or other resources within the easement area which will be destroyed, cut, or removed. The manager shall determine the value of resources of any marketable materials, timber, or other resources within the easement area which will be destroyed, cut, or removed.

(g) *Improvements and changes.* No improvements or changes to improvements may be made within an easement unless first approved by the manager.

(h) *As-built plans.* Immediately upon completion of the construction of any improvements within the easement area, the easement holder shall provide the manager with accurate, complete, and legible as-built drawings of such improvements. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

(i) *Relocation.* The assembly, by resolution, may direct the holder of an easement granted under this section to relocate the holder's improvements within the easement or to relocate the improvements to a new easement granted by the City and Borough for that purpose. Such relocation shall be at the sole expense of the easement holder, and the City and Borough shall not be liable to the easement holder for reimbursement of any expenses or compensation for any losses or damages suffered by the easement holder or others arising out of the relocation. Unless the assembly, in the resolution directing the relocation of the improvements, permits otherwise, the easement holder shall remove all improvements he or she has constructed in the area to be vacated. No compensation shall be due the City and Borough for the value of resources which must necessarily be cut, damaged, or removed to permit the relocation, nor shall the easement holder be liable for the cost of any survey required to describe a new easement area.

(j) *Restoration.* The manager may require restoration and the posting of such security for restoration as he or she determines necessary.

Section 5. Amendment of Section. CBJ 53.09.310 is amended to read:

53.09.310 Use permits.

(a) *Purposes.* Permits for less than one year for the use of City and Borough owned land may be granted by the manager after review and an opportunity to comment by the assembly lands committee ~~planning commission~~ for nonconsumptive uses which do not cause or require significant damage to the property when it is certain that the use can be completed within one year or when an application is pending for an easement, sale, or lease of the parcel to the permit applicant. Permits shall be nonexclusive unless otherwise provided in the permit.

(b) *Application and fee.* An application for a use permit shall be filed with the manager and shall be accompanied by plans, reports, a narrative, and other material sufficient to permit evaluation of the proposed activities of the applicant in the permit area. The application shall be accompanied by a base fee of $15.00 plus an amount determined by the manager to be sufficient to cover the cost of an appraisal of the permit right requested.

(c) *Review process* ~~*Departmental and commission comment.*~~ The completed application shall immediately be referred to ~~the planning commission,~~ the engineering department, the planning department, and such other departments as the manager determines may have an interest in the land or proposed activities. Unless the manager determines that the issuance of the permit would be contrary to the public interest, the manager, upon full consideration of the departmental comments and consistent with the assembly lands committee's recommendation ~~commission comments~~, may issue a permit to the applicant with such restrictions and conditions as appropriate. ~~If any department or the commission has submitted a written objection to the issuance of the permit, or has submitted a requested restriction which the manager's designee does not propose to include in the permit, the~~

~~manager's designee shall deliver written notice of the decision to the director of that department or the planning commission, as appropriate, at least three working days before the permit is issued. The commission or the director of such department may appeal the matter to the manager~~.

(d) *Permit fee.* The permit fee shall be the appraised value of the permit. Prior to issuance of the permit, the applicant shall pay to the City and Borough an amount equal to the value of any materials, timber, or other resources which will be damaged, cut, or removed from the permit area. The manager shall determine the value of resources of any marketable materials, timber, or other resources within the easement area which will be destroyed, cut, or removed. If the manager determines that a survey of the permit area should be made, the permittee shall provide such a survey prior to making any use of the permit.

(e) *Improvements and changes.* No improvements or changes to improvements may be made in a permit area unless first approved by the manager.

(f) *As-built plans.* Upon the construction of any improvements in the permit area, the permittee shall immediately provide the manager with complete, accurate, and legible as-built drawings of the improvement. Upon making any changes or additions to such improvements, the permittee shall provide the manager with as-built drawings showing such changes or additions.

(g) *Revocability.* Use permits issued under this section are revocable at the sole discretion of the manager. Upon issuing a notice of revocation to the permit holder, the manager may also require the permit holder to remove any improvements placed within the permit area and to restore the permit area to its original condition or such lesser condition as the

manager may authorize. The City and Borough shall not be liable to the permit holder or any other person for any costs, losses or damage arising out of the revocation or order to remove improvements and restore the permit area.

(h) *Security for restoration.* The manager may require such security for restoration as appropriate.

Section 6. Amendment of Section. CBJ 85.02.060, General Powers is amended to read:

(a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:

***

(5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the Assembly by resolution as subject to Docks and Harbors Board Administration, subject to the following limitations:

(A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands committee ~~planning commission~~ and approval by the Assembly by resolution.

(B) Unless otherwise designated in advance by the assembly by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.

(C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.

(i) Land shall be leased as provided in chapter 53~~.20~~, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.

(ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by Title 53 of the manager may be performed by the port director.

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

_____
Beth A. Weldon, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

DATE: April 9, 2019

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

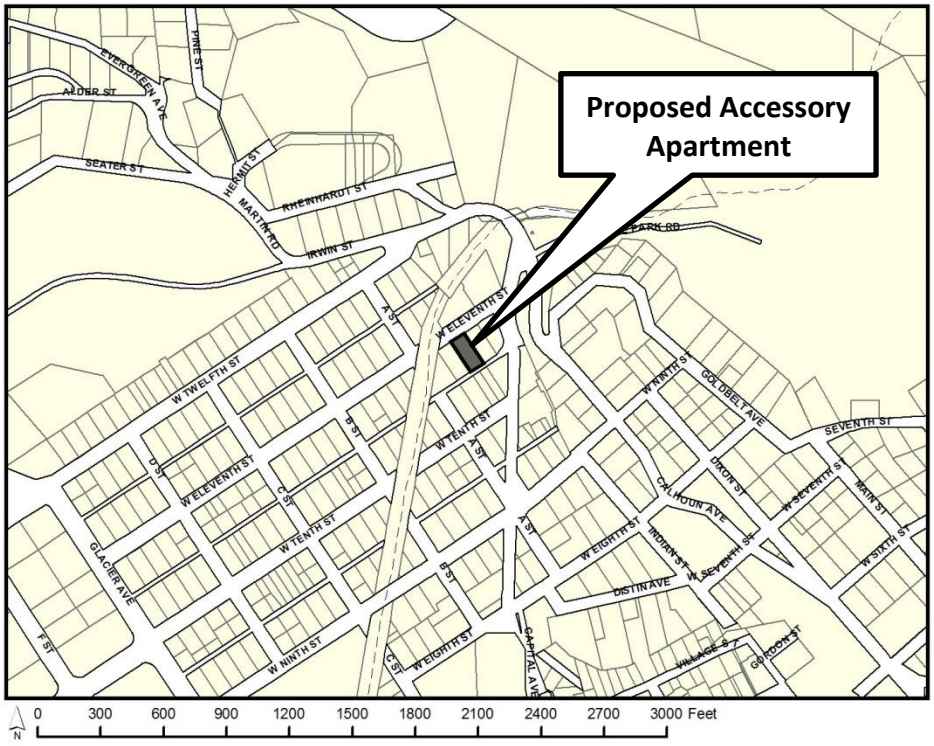
CASE NO.: USE2019 0007

PROPOSAL: A Conditional Use Permit for an accessory apartment on an undersized lot.

GENERAL INFORMATION

Applicant:	Jake & Bridget Lapenter
Property Owner:	Jake & Bridget Lapenter
Property Address:	319 W. Eleventh Street
Legal Description:	Casey Shattuck Block 204, Lot 3
Parcel Code Number:	1C030C040020
Site Size:	3,600 sq. ft.
Comprehensive Plan Future Land Use Designation:	Medium Density Residential Single Family (MDR-SF)
Zoning:	D5
Utilities:	Public Water & Sewer
Access:	W. Eleventh Street
Existing Land Use:	Single-Family Dwelling
Surrounding Land Use:	Northwest - Office (D18) Northeast - Single Family Dwelling & Accessory Apartment (D5) Southwest - Four-plex (D5) Southeast - Single-Family Dwelling (D5)

VICINITY MAP



ATTACHMENTS

Attachment A – Application Packet
Attachment B – Public Comment

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 320 square foot accessory apartment within a single-family home on a lot that does not meet the minimum lot size (substandard lot) for the D5 zoning district.

BACKGROUND

The subject parcel was originally platted in 1913 through the Casey Shattuck Addition to Juneau, Alaska platting action. The house on the subject parcel was built in 1920 according to the CBJ Assessors database and measures 1,348 square feet.

According to CBJ 49.25.510(k)(2)(e)(ii)(a), the Commission may approve an application for an accessory apartment on a substandard lot for the zoning district through the Conditional Use

Permit process if the proposed apartment does not exceed 600 square feet.

ANALYSIS

Project Site & Design – The subject parcel measures 3,600 square feet and is located in the D5 zoning district. The minimum lot size for the D5 zoning district is 7,000 square feet. As the parcel was platted in 1913, it is considered legally non-conforming. The subject parcel has frontage on West Eleventh Street and has vehicle access through an unnamed alley running between Eleventh and Tenth streets.

The existing single-family dwelling on the parcel was built in 1920 according to the CBJ Assessors database. The setbacks for the D5 zoning district are: 20' front; 20' rear; and 5' side. The existing single-family home does not meet the required front-yard setback and is considered legally non-conforming. The proposed accessory apartment will not aggravate this non-conformity as it will be located within the existing footprint of the single-family home.

The proposed accessory apartment will measure 320 square feet and consist of a bedroom, bathroom, small living area, and kitchen. The proposed accessory apartment will be located in the basement of the existing single-family dwelling.

CBJ 49.25.510(k) requires that accessory apartments must:

Meet all setback requirements.

The home on the subject parcel is legally non-conforming to the setback requirements listed in CBJ 49.25.400. The accessory apartment will be located inside of the single family home. The development will not further encroach into the required setbacks.

Not exceed the maximum lot coverage.

There is no proposed change in lot coverage. The home on the parcel currently does not exceed the maximum of 50% lot coverage allowed in the D5 zoning district.

Not violate vegetative cover requirements.

There is no proposed change in vegetation. The parcel appears to be meeting the vegetative cover requirement for the D5 zoning district, which is 20%.

Meet the parking standards.

As discussed below, there is adequate space on the parcel for 3 parking spaces.

Be connected to public sewer or the existing wastewater disposal system has adequate capacity.

The parcel is served by public sewer and water. According to CBJ Engineering & Public Works, a water meter will be required and this will be reviewed during the building permit process.

Parking Traffic – Three (3) on-site parking spaces are required, one for the accessory apartment and two for the single-family home. Per CBJ 49.40.210(a), single-family homes require two (2) parking spaces and accessory apartments require one (1) parking space.

According to the Trip Generation Manual, published by the Institute of Transportation Engineers, an apartment generates 6.65 average vehicle trips per day, and a single-family home generates 9.52 average vehicle trips per day. The addition of 6.65 average vehicle trips per day is not expected to have any significant impacts on traffic in the neighborhood. Per CBJ 49.40.300(a)(1), a traffic impact analysis is not required for projects that are projected to generate fewer than 500 average daily trips.

Noise – Noise levels are not expected to be out of character with the existing residential neighborhood.

Public Health or Safety – There is no evidence that the proposed accessory apartment will pose a threat to public health or safety.

Habitat – There are no known habitat concerns on the subject parcel.

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence that the proposed accessory apartment would negatively affect property values or neighborhood harmony.

Agency & Public Comment – This proposal was sent to the Building Code Official, CBJ Assessor, Capital City Fire & Rescue, and CBJ Engineering & Public Works. No concerns were raised through this agency review.

At the time of writing this report, staff received two (2) public comments; one is in support of the proposal and the other concerns parking (Attachment B).

March 22, 2019, Pagan Hill – Ms. Hill wrote in support of the proposed development, stating that she lived next door and has no objections.

April 3, 2019, Jim Donaghey – Mr. Donaghey expressed concerns with the limited street parking in the area. The applicant has demonstrated on their site plan that the required 3 parking spaces can be placed on the site.

Conformity with Adopted Plans

2013 Comprehensive Plan - The 2013 Comprehensive Plan addresses housing and development patterns in Chapter 3, Policy 3.2, which specifically addresses compact development:

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.

The proposed accessory apartment will be within the Urban Service Area and be connected to public utilities. There will be no negative impacts on natural resources or impacts on habitat.

Chapter 4 of the 2013 Comprehensive Plan addresses the need for various types of housing:

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.

2016 Housing Action Plan - The 2016 Housing Action Plan identifies a need for various housing types in Juneau. An action item identified in the plan to help solve this problem is to *create housing for workforce, seniors, and young families*. The proposal is consistent with the Plan as it would add a year-round rental to the housing stock in Juneau.

FINDINGS

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

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

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

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

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,

3. Not be in general conformity with the Comprehensive Plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (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?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.130 for the D5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 12, 2019, and April 22, 2019, issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way.

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

No. There is no evidence that the proposed development 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?

No. There is no evidence that the proposed development will substantially decrease the value of or be out of harmony with 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?

Yes. The proposed development is found to comply with Title 49 and CBJ adopted plans, specifically with the 2013 CBJ Comprehensive Plan and the 2016 Housing Action Plan.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

NA

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on a substandard lot in the D5 zoning district.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Proposed 320 sq ft basement studio apartment in basement within existing footprint of existing wood-framed single-family home.

PROPERTY LOCATION

Street Address	City/Zip
319 W 11th Street	Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
CASEY SHATTUCK BL 204 LT 3

Assessor's Parcel Number(s)
1C030C040020

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
JAKE AND BRIDGET P LAPENTER	BRIDGET	586-6400
Mailing Address 319 W 11th Street	**Home Phone:** 500-4170	**Fax Number:**
E-mail Address bridget.lapenter@gmail.com	**Other Contact Phone Number(s):** Jake: 500-4148	

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 — Date _____

X _____ Landowner/Lessee Signature — Date 3-8-19

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" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
SAME		586-6400
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X _____ Applicant's Signature — Date of Application 3-8-19

---OFFICE USE ONLY BELOW THIS LINE---

STAFF APPROVALS

✔	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			Use 19-07
	City/State Project Review and City Land Action			AAP 19-0002.
	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)			
	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)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: LEB

Attachment A - Application

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

Basement studio apartment within existing footprint of home in the Federal Flats neighborhood, not to exceed 320 sq ft. Apartment intended for year-round rental.

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 3600 square feet Total Area of Existing Structure(s) 993 (Includes wood shed) square feet

Total Area of Proposed Structure(s) w/in exst footprint 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	$ 350.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50.00			
Pub. Not. Sign Deposit	$ 100.00			
Total Fee	$ 500.00			

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
USE20190007, AAP20190002	3/8/19 UEB

Attachment A - Application

Conditional Use Permit Narrative
Proposed Basement Studio Apartment at 319 W 11th Street

Currently, 319 W 11th Street is used as a single-family residence.

The proposed project includes finishing a 320 sq ft portion of the existing basement, within the existing footprint of the existing wood-framed home. This portion of the basement will be finished as a studio apartment intended for long-term, year-round rental to one (1) or possibly (2) people.

This will not be the first accessory apartment on our block. Our property is flanked by a 4-unit apartment complex (327 W 11th St) and a single-family residence with accessory apartment (315 W 11th Street). Other dwellings on our block include a multi-family seasonal apartment building (300 W 11th Street) and an office space with accessory apartment (316 W 11th Street).

The apartment will be accessed from the W 11th Street side of the property. Three (3) off-street parking spaces are available on the property currently, with vehicle access from the alley between 10th and 11th Streets.

This project complies with the Juneau Comprehensive Plan by making additional affordable housing available in the downtown area.

RECEIVED
MAR 0 8 2019
PERMIT

RECEIVED
MAR 0 6 2019
PERMIT CENTER

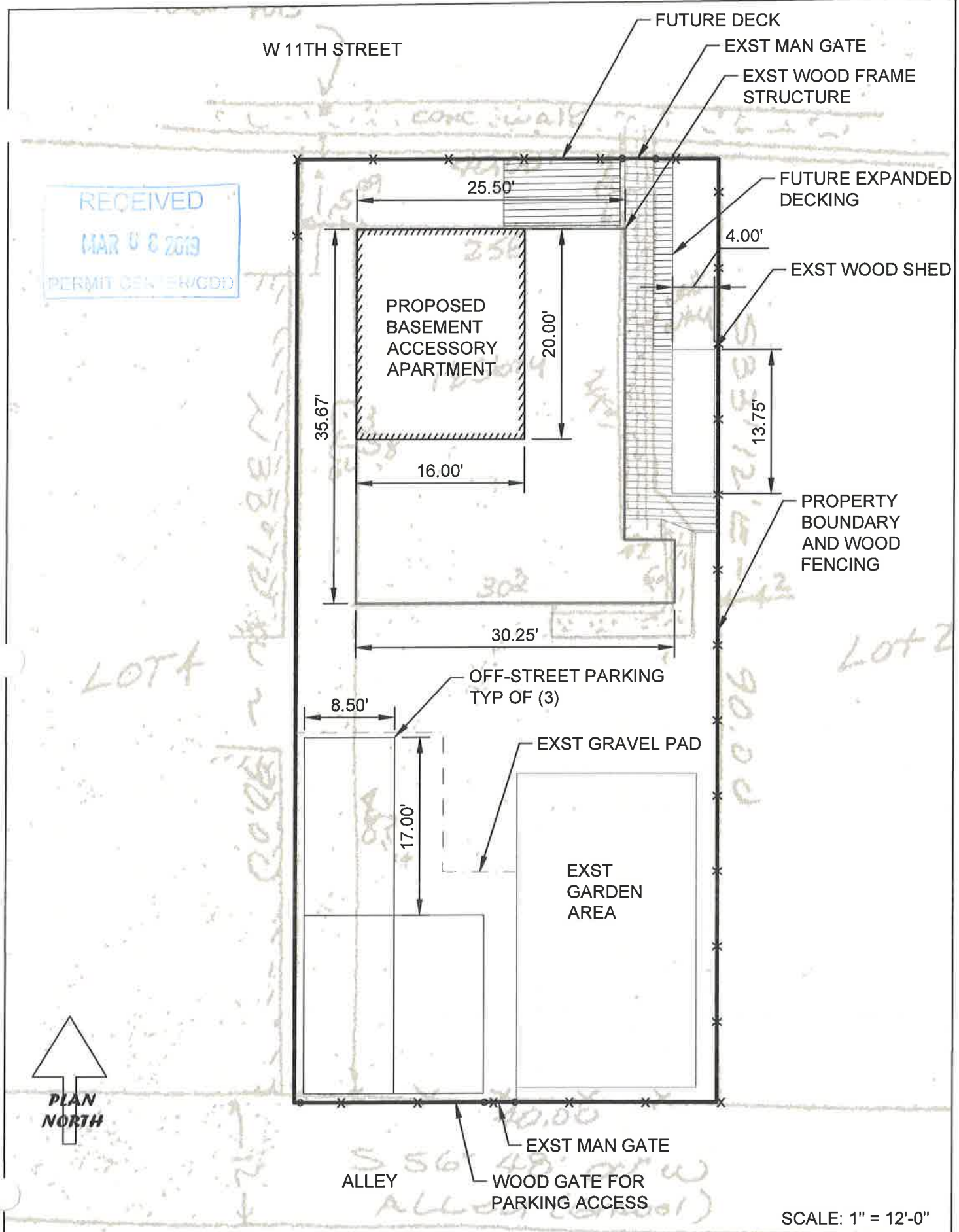
PLAN NORTH

319 W 11TH STREET - APT PLAN

B. LAPENTER 500-4170

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

Attachment A - Application



RECEIVED
MAR 0 8 2019
PERMIT CENTER/CDD

Attachment A - Application

319 W 11TH STREET - SITE PLAN B. LAPENTER 500-4170

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

Lapenter accessory apartment

Case Number: PAC20190010

Applicant: Bridget Lapenter

Property Owner: Jake & Bridget Lapenter

Property Address: 319 W Eleventh St

Parcel Code Number: 1C030C040020

Site Size: 3,600 Sq Ft

Zoning: D5

Existing Land Use: Single family residence

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MAR 0 6 2019
PERMIT CENTER

Conference Date:	2/27/2019
Report Issued:	3/6/2019

List of attendees

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

Name	Title	Email address
Bridget Lapenter	Applicant	Bridget.lapenter@gmail.com
Amy Liu	Planning	Amy.liu@juneau.org
Eddie Quinto	Permit Specialist	Edward.quinto@juneau.org
Adrienne Scott	Permit Tech	Adrienne.scott@juneau.org

Conference Summary

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

Planning Division:

1. **Zoning** – Standard D5 lot is 7000 sf. Given that the existing lot is lesser, the apartment is limited to 600 sf.
2. **Setbacks** – Dwelling is legally nonconforming, and apartment is in basement. No setbacks issues are expected, though standard setbacks are 20' from the front, 20' from the rear, and 5' from each side.
3. **Height** – Maximum height for permissible uses is 35', and for accessory structures is 25'.
4. **Access –** Lot is accessed from Eleventh St.
5. **Parking** – Three spaces total are required. Two are for the single family, one is for the apartment. Standard space is 8.5' x 17'. In application, show number of spaces and their dimensions.
6. **Lot Coverage –** Maximum coverage is 50%. In application, show all existing structures and their footprint dimensions.
7. **Vegetative Coverage** – Minimum coverage is 20%.
8. **Lighting –** Any exterior lighting must have shades that minimize glare onto neighboring properties.
9. **Noise –** NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – (Eagle – remind applicant to check with Feds; Riparian, etc.) – NA
14. **Plat or Covenant Restrictions** – NA

Building Division:

15. **Building** – Fire/sound separation required between dwellings. Building inspectors will review plans during the building permit review. A second egress from the living area, preferably in the sleeping area is required and may not pass through another room.

    Ceiling height must be 7' per IRC section 305, however some allowance in the bathroom above fixtures as low as 6' 8" and the fixture is usable. We checked however there is no code allowance for ceiling height reduction in the rest of the apartment. If a beam intrudes into the head space, a code mod can be applied for and approved or denied at the discretion of the Building Code Official.

16. **Outstanding Permits** - None

General Engineering/Public Works:

17. **Engineering** – N/A
18. **Drainage** – N/A
19. **Utilities** – (water, power, sewer, etc.) – The change from one dwelling unit to two requires a water meter to be installed.

Fire Marshal:

20. **Fire Items/Access** – N/A

Other Applicable Agency Review:

NA

List of required applications

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

1. Development Permit application
2. Conditional Use application (after CU for use is approved, a separate building permit and utility permits will be required)

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.

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.

NA

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. Development Permit; $0.00
2. Conditional Use; $500.00 total, consisting of $350.00 for the application, and $150.00 for public notice ($100 refundable if public notice sign returned on time)

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 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) 586-4529
Web: www.juneau.org/cdd

From: Pagan Hill <hillpagan@gmail.com>
Sent: Friday, March 22, 2019 8:13 AM
To: PC_Comments
Subject: 319 West 11th street

Hi,
I am writing to comment on the proposed accessory apartment at 319 West 11th street. I live next door and I have no objection. Our street has multiple units in most structures and an accessory apartment in the house at 319 makes perfect sense.
Regards,
Pagan Hill
315 West 11th street

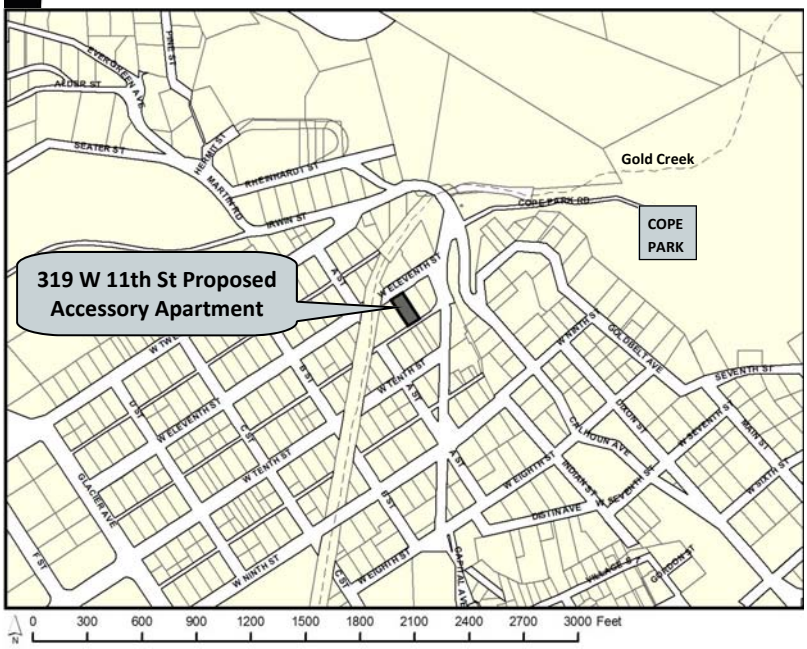
From: Jim Donaghey <jmdjnu@outlook.com>
Sent: Wednesday, April 03, 2019 10:11 AM
To: PC_Comments
Cc: James Donaghey
Subject: Case No. USE2019 0007

This has reference to the above subject Case No. USE2019 0007 which concerns a Conditional Use Permit for and accessory apartment.
The one concern being called to your attention is the limited on street parking in this area.
On this dead-end portion of 11th Street there is a major shortage of street parking.
Consider:
300 W ELEVENTH ST Has no off street parking.
315 W ELEVENTH ST 1 rental and living quarters of owner – parking provided.
316 W ELEVENTH ST Girl Scouts of America and one rental with parking provided
319 W ELEVENTH ST Has no off street parking and 2 vehicles.
327 W ELEVENTH ST Has no off street parking with 4 rental units and all have at least one vehicle.
The structure at the southwest corner of 11th St and Capitol Ave has a driveway that holds two vehicles, however they have 4 vehicles.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for an **accessory apartment on an undersized lot** located at **319 W 11th Street** in a **D5 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, April 15** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through April 1, 2019

Comments received during this period will be sent to the Planner, **Laurel Bruggeman,** to be included in the staff report.

April 2 through 12 noon, April 19

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

HEARING DATE & TIME
7:00 pm, April 23, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

April 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 March 20, 2019

Case No.: USE2019 0007
Parcel No.: 1C030C040020
CBJ Parcel Viewer: http://epv.juneau.org

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 23, 2019
Case No.: USE2019 0007

Jake and Bridget Lapenter
319 W. Eleventh Street
Juneau, AK 99801

Proposal: A Conditional Use Permit for an accessory apartment on an undersized lot.

Property Address: 319 W. Eleventh Street

Legal Description: Casey Shattuck Block 204, Lot 3

Parcel Code No.: 1C030C040020

Hearing Date: April 23, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 9, 2019, and approved the Conditional Use Permit for an accessory apartment on an undersized lot to be conducted as described in the project description and project drawings submitted with the application.

Attachments: April 9, 2019, memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding USE2019 0007.

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 23, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or October 23, 2020, if no building permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Laurel Bruggeman, Planner
Community Development Department

Paul Voelckers, Vice-Chair
Planning Commission

Filed With Municipal Clerk

4/25/2019
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.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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

DATE: April 11, 2019

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

FILE NO.: USE2019 0008

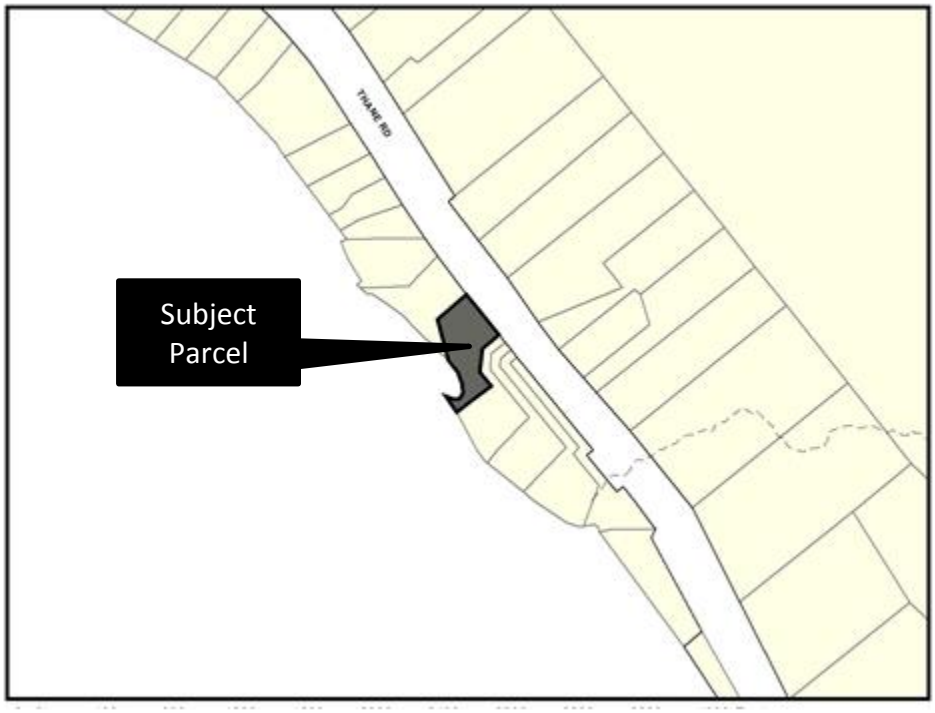
PROPOSAL: A Conditional Use Permit to allow a portion of an additional story on top of an existing below grade structure.

GENERAL INFORMATION

Applicant:	Edward Coffland
Property Owner:	Lawrence & Susan Cotter
Property Address:	5980 Thane Road
Legal Description:	Thane Landing Lot 3A
Parcel Code Number:	1B0201030030
Site Size:	36,006 Square Feet
Comprehensive Plan Future Land Use Designation:	Rural Dispersed Residential (RDR)
Zoning:	D1
Utilities:	Private
Access:	Thane Road
Existing Land Use:	Single-Family Dwelling

Surrounding Land Use:
North - D1 Single-Family Dwelling
South - Gastineau Channel
East - D1 Single-Family Dwelling
West - D1 Single-Family Dwelling

VICINITY MAP



ATTACHMENTS

Attachment A – Application Packet
Attachment B – Maps
Attachment C – VAR98-000002 Notice of Decision and Staff Report

PROJECT DESCRIPTION

The applicant requests an Up Fill Conditional Use Permit to add a portion of an additional story to a below grade existing structure that received a variance to be within a required setback. This would allow the applicant to heat an existing arctic entry. Per CBJ 49.25.430(4)(c)(ii) unheated arctic entries are allowed to encroach into setbacks up to 65 square feet, as long as they are no closer than 5 feet from any property line. The applicant would like to install heated floors in the arctic entry, and are requesting this Up Fill Conditional Use Permit to allow heat in the arctic entry, which would be considered living space rather than an "Unheated Structure".

BACKGROUND

The subject parcel was platted in 1996 through the Thane Landing Subdivision. The parcel contains a single-family dwelling. The parcel contains slopes that are greater than 37% (Attachment B). In 1998, the Planning Commission issued a variance *to reduce the required setback from 25' to approximately 15' for a 250-square foot portion of a dwelling; and to reduce the required setback from 25 feet to approximately five feet for an approximately 28-square-foot-portion of a deck on the same dwelling* (Attachment C).This variance was approved with

the following condition: *The proposed deck shall have a width of not more than 5 feet measured perpendicular to the adjoining wall.*

The garage on the subject parcel sits approximately 5 feet from the front lot line, and was allowed without a variance in 1998 under CBJ49.25.430(4), which allowed a garage less than 600 square feet to project into the front yard setback. An as-built survey is attached with the application packet in Attachment A. If this garage were built today, it would be allowed in its location with the setback exception 49.25.430(4)(H) *Carports and Garages* for lots where topography makes construction a hardship.

In 2019, the applicant was issued a building permit to convert the existing covered porch to an unheated artic entry (BLD2019 0023). Per CBJ 49.25.430(4)(c)(ii) unheated arctic entries are allowed to encroach into setbacks up to 65 square feet, as long as they are no closer than 5 feet from any property line. Unheated structures are not considered living space, and under certain circumstances are allowed to encroach into setbacks; setback exceptions are found in CBJ 49.25.430. The applicant would like to install heated floors in the arctic entry, which would turn the arctic entry into livable space.

Title 49 does not have a definition of "arctic entry", however, for setback exceptions it falls under the "structures unheated" category (49.25.430(4)(c)). The building code also does not have a definition of arctic entry. By adding heat to the arctic entry, it becomes livable space and may be considered an additional story on top of the existing below grade structure. The addition will be at grade level, adjoining the single-family dwelling and garage.

According to CBJ 49.25.430(4)(M), additional stories are allowed to be within the required setbacks if they are placed on a structure that is legally non-conforming, or was issued a variance, and after the issuance of a Conditional Use Permit. This process is called an Up Fill Conditional Use Permit. As discussed above, the structure on the property received a variance for daylight basement-level living space to be within the required setback. By heating the artic entry, the applicant will essentially be adding a portion of an additional story to an existing structure. The below image shows the existing story and the portion that will be enclosed:

ANALYSIS

Project Site – The subject parcel is located in a D1 Zoning District and is 36,006 square feet in size. On the subject parcel is an existing single-family dwelling. The parcel meets the minimum lot dimensions for the zoning district. The parcel contains slopes that are greater than 37% (Attachment B). Additionally, the parcel has multiple easements along the water-side of the parcel, which restrict building area (Attachment D).

Project Design – As discussed above, the applicant would like to convert an unheated arctic entry into heated living space on top of a lower level of existing heated living space. The living space will be approximately 20' from the front yard lot line. In the D1 Zoning district, the required setbacks are 25' front, 25' rear, and 10' on each side. The additional living space will not encroach further than the garage on the subject parcel, see the above image.

Up Fill Impacts – CBJ 49.25.430(4)(M) states: *The commission may deny such request if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.*

As demonstrated in the above image, the addition would be on top of an existing below grade structure, and would not block views more than the existing dwelling and garage on the parcel. This addition would not restrict light or air unreasonably, as the lots are large and there are currently no structures on the lots directly adjacent to this parcel. Additionally, as stated above, the arctic entry would be allowed to exist in this location unheated.

Traffic – No additional dwelling units are being added, therefore no change in traffic will occur. Additionally, as demonstrated on the below aerial imagery, the existing dwelling on the parcel is set back from the travel way for vehicles, and site distance is not a concern. This parcel has frontage on Thane Road, which in this section has an approximately 130 foot wide Right-of-Way (ROW).

Noise – Noise generated by this proposal is not expected to be out of character with the existing single-family neighborhood.

Public Health or Safety – Based on the above analysis, the proposal is not expected to materially endanger public health or safety.

Habitat – There are no known habitat concerns on the subject parcel.

Property Value or Neighborhood Harmony – Based on the above analysis, the proposal is not expected to decrease property values or be out of character with the existing neighborhood.

Agency & Public Comment – This proposal was sent to the Alaska Department of Transportation, CBJ Engineering & Public Works, the CBJ Building Code Official, and Capital City Fire & Rescue. No issues were raised during this review.

At time of writing this report, staff has received no public comments regarding this proposal.

Conformity with Adopted Plans –

2013 Comprehensive Plan – The subject parcel has a future land use designation of Rural Dispersed Residential. The proposal will not be out of character with the purpose of the Rural Dispersed Residential Land Use:

> *Rural Dispersed Residential (RDR): These lands are characterized by dispersed, very low density development not provided with municipal sewer or water. Densities are intended to permit one dwelling unit per acre or larger lot sizes, based on existing platting or the capability of the land to accommodate on-site septic systems and wells. Uses may also include small-scale, visitor-oriented, seasonal recreational facilities.*

Additionally, the proposal is consistent with the following policies from the Comprehensive Plan:

> *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.*

FINDINGS

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

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

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

CBJ 49.15.330 (f), *Commission Determinations*, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based

upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

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

Per CBJ 49.15.330 (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?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.110 for the D1 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 12, 2019 and April 22, 2019 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public ROW.

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

No. There is no evidence that the proposed development 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?

No. There is no evidence that the proposed development will substantially decrease the value or be out of harmony with the neighboring area.

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

Yes. The proposed development will be in conformance with the CBJ 2013 Comprehensive Plan.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

N/A

8. Per CBJ 49.25.430(4)(M) Will the structure, with the addition, result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

No. Based on the above analysis, there is no evidence that the proposed development will result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development and heating of a portion of an additional story on top of an existing below grade structure.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

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: 5980 Thane Road, Juneau, Alaska, 99801

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Lot 3A Thane Landing Subdivision

Parcel Number(s): 1B0201030030

☐ This property located in the downtown historic district
☐ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner: Lawrence & Susan Cotter | Contact Person: Lawrence Cotter

Mailing Address: 5980 Thane Rd. Juneau 99801 | Phone Number(s): 907-723-1920

E-mail Address: lcotter37.1@aol.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.

X _____ Landowner/Lessee Signature — Date: 2/20/19

X _____ Landowner/Lessee Signature — Date: 2/20/19

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: Edward Coffland | Contact Person: Edward Coffland

Mailing Address: 3371 Douglas Hwy Juneau 99801 | Phone Number(s): (907) 209-2254

E-mail Address: Coffland007@gmail.com

X _____ Applicant's Signature — Date of Application: 3/9/2019

DEPARTMENT USE ONLY BELOW THIS LINE

USE20190008. New case type. Please move fee.

WITHDRAWN VAR20190001

Intake Initials	
LEB	
Case Number	**Date Received**
USE19-08	3/20/19

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.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

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 UP FILL CONDITIONAL USE PERMIT FOR ADDITIONAL LIVING SPACE ON TOP EXISTING LOWER LEVEL.

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: 4925.430(4)(m)

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 36,006 square feet Total Area of Existing Structure(s) 2963 square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain NA ○ 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

☒ **Plans including:**

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover NA
- ☐ Existing and proposed parking areas and proposed traffic circulation NA
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas) See Plat

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

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

ALLOWABLE/CONDITIONAL USE FEES

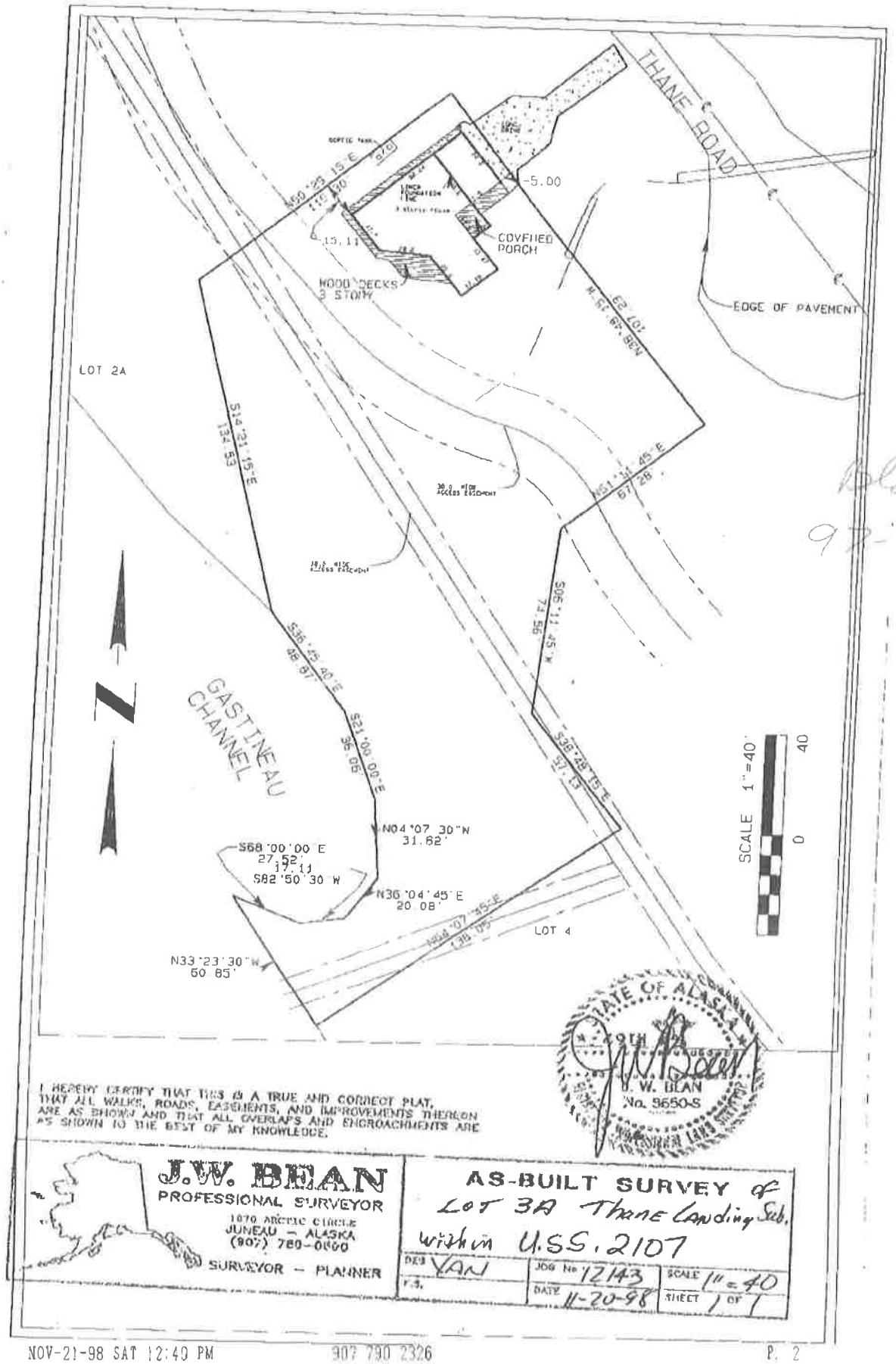
	Fees	Check No.	Receipt	Date
Application Fees	$ 350.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50.00			
Pub. Not. Sign Deposit	$ 100.00			
Total Fee	$ 500.00			

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
USE 19-08	3/28/19


THANE ROAD
-5.00
COVERED PORCH
WOOD DECKS 3 STORY
EDGE OF PAVEMENT
LOT 2A
S14°21'15"E 134.53'
N61°44'45"E 67.28'
GASTINEAU CHANNEL
S35°45'40"E 48.97'
S21°00'00"E 96.05'
N04°07'30"N 31.82'
S68°00'00"E 27.52'
17.11
S82°50'30"W
N36°04'45"E 20.08'
LOT 4
N33°23'30"W 60.85'
SCALE 1"=40'
0
40
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS, AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.
STATE OF ALASKA
J. W. BEAN
No. 9650-S
J.W. BEAN
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 780-0900
SURVEYOR - PLANNER
AS-BUILT SURVEY of
LOT 3A Thane Landing Sub.
within U.S.S. 2107
DES YAN
JOB No 12143
SCALE 1" = 40
DATE 11-20-98
SHEET 1 OF 1

Bld. 97-852

1B0201030030
02/14/2008

Up Fill Conditional Use Permit Narrative

The home of Larry and Susan Cotter at 5980 Thane Road in Juneau, Alaska is situated on a very steep lot at the end of Thane Road. When the house was built in 1998 a variance was granted to allow the house to be construct within the front setback limit. Please see attached site plan.

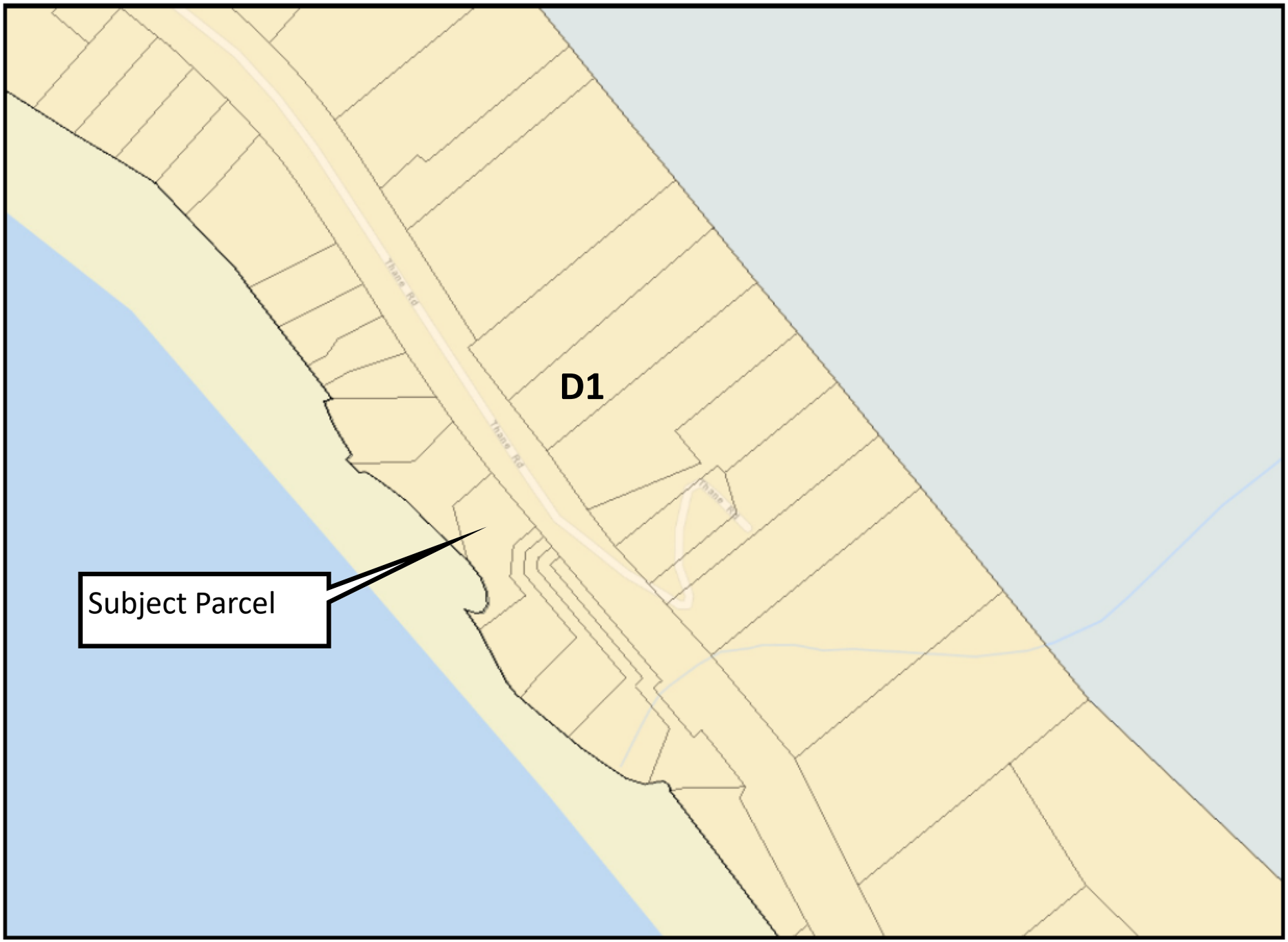
The project started when an effort was made to stop water from leaking into the laundry room on the lower level of the home. It was discovered that rainwater was leaking under the elevated concrete porch slab on the covered front porch and into the laundry room walls. Significant water damage had occurred, and wall framing, sheathing, and sheetrock in the laundry room was badly deteriorated. It was decided that a good solution to stop further water leakage would be to remove the slab and enclose the area under the porch roof with exterior walls, creating an arctic entry.

Now we are requesting an Up Fill Conditional Use Permit to allow the existing arctic entry to be heated. The arctic entry is currently being built under building permit BLD20190023. Please note that living space directly below the arctic entry is heated.

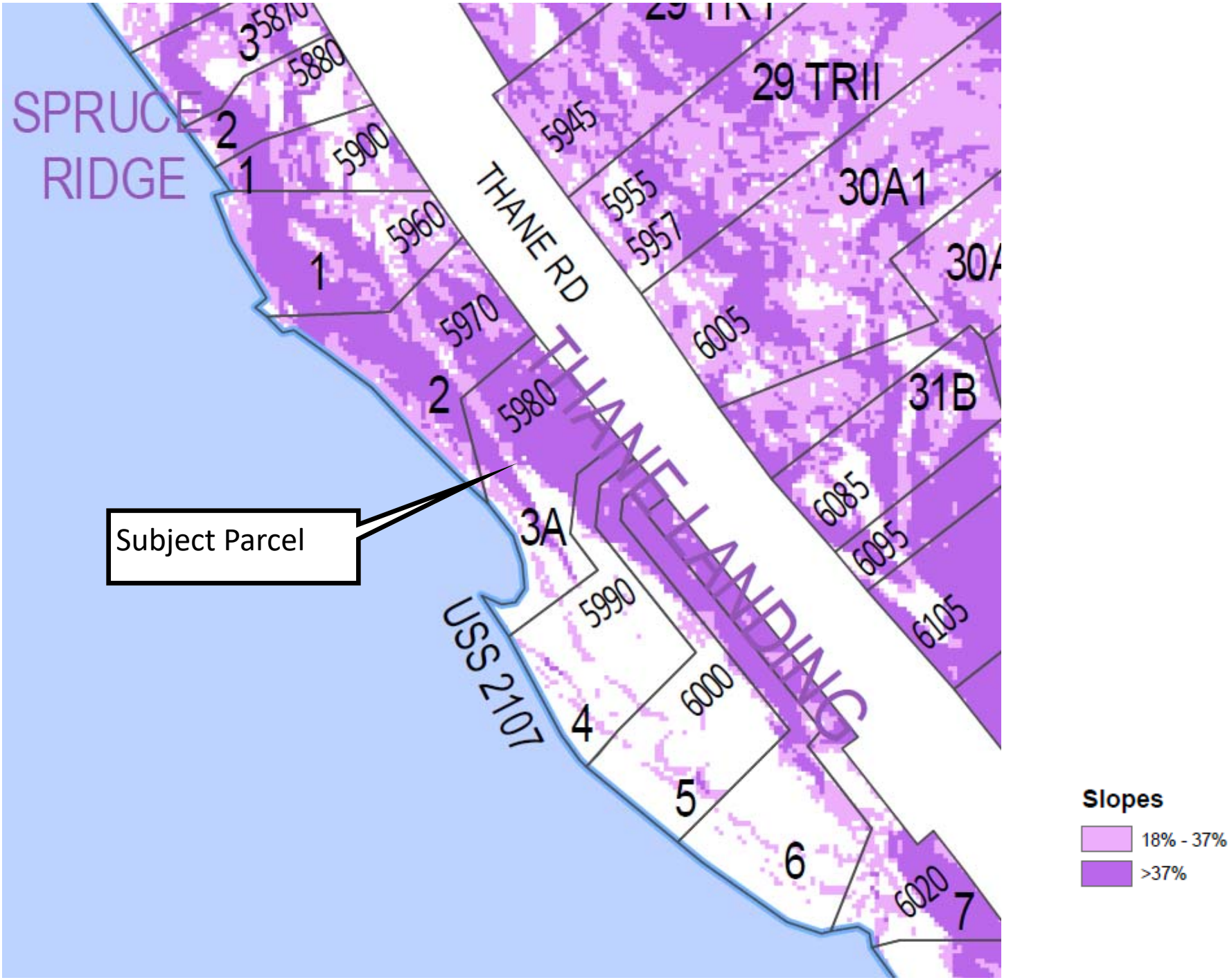
Please note:

1. The lot is very steep and there are easements that further restrict where a house could be situated on the lot. That is why the original variance was granted when the home was built. These restrictions still exist.
2. This project does not increase the footprint of heated space since there is existing heated space directly below the new arctic entry.
3. If the space is not allowed to be heated freezing temperatures would occur inside enclosed, insulated space, restricting what could be stored in the space and making it uncomfortable to change clothes during cold weather.

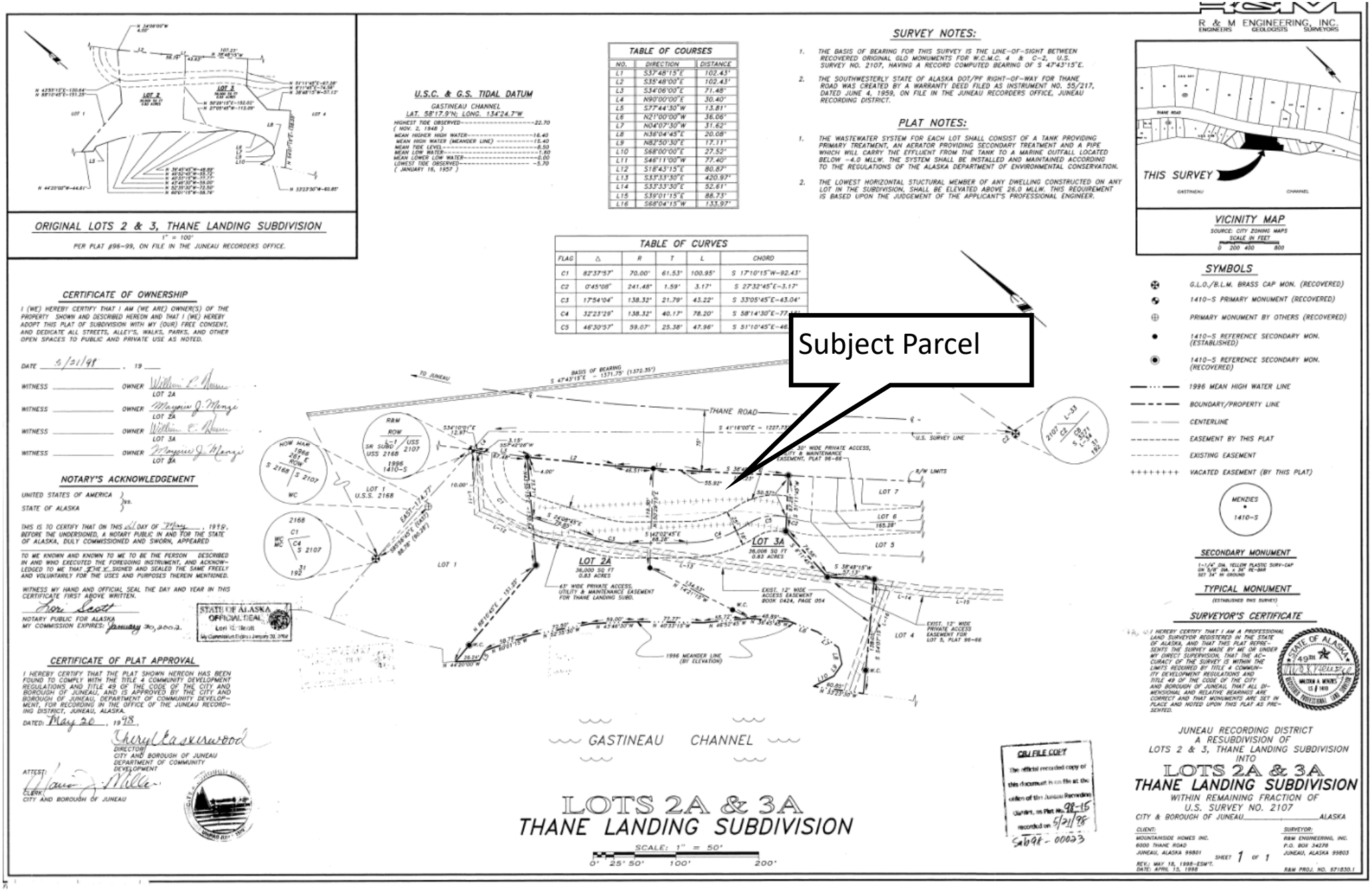
Attachment B - Maps



Attachment B - Maps



Attachment B - Maps



Attachment B - Maps

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: February 11, 1998

File No.: VAR98-00002

William Heumann
6000 Thane Road
Juneau, Alaska 99801

Application For: Variance to reduce the required setback from 25 feet to approximately 15 feet for a 250-square-foot portion of a dwelling; variance to reduce the required setback from 25 feet to approximately five feet for an approximately 28-square-foot-portion of a deck on the same dwelling.

Legal Description: Lot 3, Thane Landing Subdivision

Parcel Code No.: 1-B02-0-103-003-0

Hearing Date: February 10, 1998

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 4, 1998, and granted variances 1) to reduce the required setback from 25 feet to approximately 15 feet for a 250-square-foot portion of a dwelling; and 2) to reduce the required setback from 25 feet to approximately five feet for a portion of a covered deck on the same dwelling, subject to the following condition:

> The proposed deck shall have a width of not more than five feet measured perpendicular to the adjoining wall.

Attachment: February 4, 1998, memorandum from Community Development to the CBJ Planning Commission regarding VAR98-00002.

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

Effective Date: The permit is effective upon approval by the Commission, February 10, 1998.

Expiration Date: The permit will expire 18 months after the effective date or August 11, 1999, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days before the permit expires.

Project Planner: Tom Korosei for
Department of Community Development

Johan Dybdahl
Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk (Deputy)
Evelyn T. Stott
February 13, 1998

cc: Plan Review

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

MEMORANDUM

CITY & BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: February 4, 1998

TO: Planning Commission

FROM: Community Development Department

FILE NO.: VAR98-00002

PROPOSAL: Variance to reduce the required setback from 25 feet to approximately 15 feet for a 250-square-foot portion of a dwelling; variance to reduce the required setback from 25 feet to approximately five feet for an approximately 28-square-foot portion of a deck on the same dwelling.

GENERAL INFORMATION

Applicant:	William Heumann
Property Owner:	William Heumann and Marjorie Menzi
Property Address:	5980 Thane Road
Legal Description:	Lot 3, Thane Landing
Parcel Code Number:	1-B02-0-103-003-0
Site Size:	36,000 Square Feet
Zoning:	D1, Single-Family/Duplex Residential
Utilities:	On-lot water supply and private waste water disposal
Access:	Thane Road
Existing Land Use:	Undeveloped
Surrounding Land Use:	North - Residential South - Undeveloped East - Residential West - (Gastineau Channel)

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant proposes a single-family dwelling with attached garage, to be built on a relatively steep site (approximately 50 percent slope). The applicant requests variances for two elements of the proposed structure: A covered deck that would exceed the allowable four-foot width within the front setback, and a portion of the lower level of the house that would project approximately ten feet into the front setback. The lower level projection would be beneath the garage, while the upper level of the house would meet the 25-foot standard setback requirement.

The front setback for the garage is proposed to be five feet, as allowed by the CBJ code in the case of topographic or other physical constraints.

The applicant's responses to the variance criteria are attached.

BACKGROUND

Subdivision -- The subject lot is part of a subdivision approved by the Planning Commission in 1996. Because of the steep topography, the developer indicated feasible building sites on each lot. On the subject lot, the proposed building site was at a lower elevation on the lot. Practical vehicular access including emergency access to the structures was proposed to be by a driveway and easement parallel to the Thane Road right-of-way along the upper portion of the subdivision. More recently, the developer has determined that the upper part of certain lots provides a more practical building site for the dwellings, and that adequate vehicular access can be provided directly from the Thane Road right-of-way.

Land Use Code -- CBJ 49.25.430 provides that certain unheated structures "providing access to and around the primary permitted use on the property" may project up to four feet into a required setback. The deck has been determined to provide such access and as such may project four feet into to setback. The applicant proposes to build a covered deck which exceeds this dimension.

Other provisions of this section allow certain porches, terraces, patios, and decks to project six to fifteen feet into required yards, depending on factors such as the height of the projection above the finished elevation. None of these exceptions seems to apply to the proposed deck.

Basic improvements within a setback such as walk or stairway are customarily permitted to facilitate basic access to structures. This type of improvement is characteristically low to the adjoining ground and is not obtrusive.

The Land Use Code allows a reduced setback for some architectural features and structures, such as garages, under CBJ 49.25.430(4). The garage provisions were adopted to give greater flexibility to homeowners in building improvements for safe and convenient vehicular access specifically where topography makes complying with the general setback standard difficult. That section of the code provides specific limits on the scale of the development allowed, including the limitation on the number of stories, height, and floor area. The allowable floor area for a garage projecting into the setback is 600 square feet. The area of the proposed garage is approximately 512 square feet. In generally the same configuration, the proposed garage could be about 4.9 feet wider and not meet the 600 square feet area limit.

(An ordinance has been drafted for future consideration by the Planning Commission to amend the code to allow additional types of structures to extend to a property line. The amendment would allow structures similar to the deck proposed, but with some limitations such as in width.)

ANALYSIS

Variance Requirements

Under CBJ 49.20.250 as amended by Ordinance Serial No. 95-33, where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a variance in harmony with the general purpose and intent of Title 49. A variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

1. ***That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

With respect to the proposed deck, the applicant suggests that an earth-supported structure could be constructed to provide access to the upper level of the house as desired. The applicant believes, however, that that method would not be economically feasible to construct.

The Land Use Code now would allow access improvements that would provide pedestrian access through the garage or to the lower level (close to grade level) of the house. The proposed elevated deck, on the other hand, could be reduced in width from six to approximately four feet, and thus meet the setback requirement for the part adjacent to the house, and present a smaller encroachment into the setback for the part adjacent to the garage. The narrower deck nevertheless would provide the desired outside entrance to the upper floor of the house.

The CDD has recently learned that decks of five-foot width are desirable to reduce barriers to persons with physical disabilities. We have prepared a code amendment which accommodates this recommendation. Accordingly, we recommend that the Planning Commission consider a lesser relaxation (from six feet to five feet). We believe this would provide relief to the owner and be more consistent with justice other property owners.

With respect to the proposed house encroachment, the encroaching room area could be reduced, and thus would require a lesser relaxation of the code (smaller variance). The size of the encroaching room, however, would not necessarily have a direct relationship to the visual impact on the neighborhood. The code does not, for example, prohibit enclosure of crawl space or other unused areas under structures for weather protection and vermin control. If the area under the garage were lawfully enclosed for reasons other than to create habitable floor space, it may have a greater visual impact compared to the proposed basement extension. Thus, we do not believe that the requested variance would be inconsistent with justice to other property owners.

Therefore we recommend that the Board of Adjustment determine that this criterion is ~~not~~ met.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

The purpose and intent of Title 49, the Land Use Code, are stated as follows (CBJ 49.05.100):

> (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;
> (2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;
> (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
> (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and
(6) To recognize the economic value of land and encourage its proper and beneficial use.

Setback requirements and other dimensional standards are among the tools that are applied to help assure that development is consistent with these purposes. Under the current code, the variances requested for the subject house would not appear to significantly diminish the character of the neighborhood, since the subject lot and neighboring lots are large, little other development presently adjoins the subject site, and the proposed encroachments would be substantially obscured by the proposed garage, which is in a permissible location. Moreover, CDD is proposing a code amendment to allow encroachments similar to the proposed deck.

We do not find that the requested variances would adversely affect public safety.

Therefore we recommend that the Board of Adjustment determine that this criterion is met.

3. That the authorization of the variance will not injure nearby property.

We do not find that the authorization of the variance would injure nearby property.

Therefore we recommend that the Board of Adjustment determine that this criterion is met.

4. That the variance does not authorize uses not allowed in the district involved.

The proposed structures are related to permissible residential use of the property.

Therefore we recommend that the Board of Adjustment determine that this criterion is met.

5. That compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

With respect to the proposed deck, a grade-level stairway could provide access to a dwelling, and would comply with current code. (Although that type of access improvement is common and not unreasonable, the Community Development Department believes that in many cases other types of access improvements, some similar to the present case, would also be reasonable; the CDD has drafted a proposed amendment for the Commission to consider allowing such improvements.) A somewhat smaller dwelling (2,260 square feet compared to 2,500 square feet) would still be a reasonable use of the property, and would meet the setback standard for the front wall.

Therefore we recommend that the Board of Adjustment determine that this criterion is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

A grade-level stairway is a permissible alternative that would provide reasonable access to the dwelling. A narrower (five-foot-wide) deck would allow reasonable access, as well, would be generally consistent with other development, and would require a lesser variance. The size of the dwelling without the proposed encroachment would be comparable to other dwellings. However, since the code allows the enclosure of the area below the garage, arguably it is reasonable to allow some of the enclosed space to be used as part of the adjoining dwelling.

We recommend that the Board of Adjustment determine that, considering a lesser variance for the deck, this criterion would be met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

Although the site is steep, the slope bears little on the feasibility of complying with current standards. As noted above, a grade-level stairway or smaller deck could provide reasonable access, possibly at lower cost than an elevated deck structure. The result of meeting the setback on the lower level of the house would be a reduction in floor area of about 240 square feet, from a total proposed floor area of about 2,500 square feet. It may be possible to modify the floor plan to meet the 2,500-square-foot design objective in a different configuration.

We recommend that the Board of Adjustment determine that this criterion is not met.

or

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

No preexisting nonconforming conditions exist on the subject parcel, so we find that this criterion does not apply to the present situation.

We recommend that the Board of Adjustment determine that, criterion 5 is met subject to the

condition that the proposed deck width be reduced to five feet.

6. That a grant of the variance would result in more benefits than detriments to the neighborhood.

We find no evidence that the requested variances would result in more benefits than detriments to the neighborhood, since essentially the same dwelling could be built in compliance with current standards. At the same time, we do not find that the requested variances would cause particular detriment to the neighborhood.

The applicant argues that the requested variances would allow the highest and best use of the property, and that the house built according to the plan made possible by the variances would be better for the neighborhood than a house built with greater restrictions.

If the Board of Adjustment agrees with the applicant's statement, the Board of Adjustment may determine that this criterion is met.

JUNEAU COASTAL MANAGEMENT PROGRAM

We find that the provisions of the JCMP do not apply to the requested variance. Proposed and actual construction on the subject property would be reviewed during building permit and construction process to assure site work would not cause excessive erosion.

FINDINGS

CBJ 49.20.240, Board of Adjustment Action, states that the Board of Adjustment shall hear all variance requests and shall either approve, conditionally approve, modify or deny the request based on the criteria in CBJ 49.20.250.

Under CBJ 49.20.220, Scheduling and Fee, the director makes the following determination:

1. Is the application for the requested variance complete?

Yes; the application is complete and contains information necessary to approve, conditionally approve, modify, or deny based on criteria found in CBJ 49.20.250.

Under CBJ 49.70.900(b)(3), General Provisions, the director makes the following Juneau Coastal Management Program consistency determination:

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

The provisions of the Juneau Coastal Management Program do not specifically apply to the variance request.

3. Does the variance as requested, meet the criteria of Section 49.20.250 Grounds for Variances?

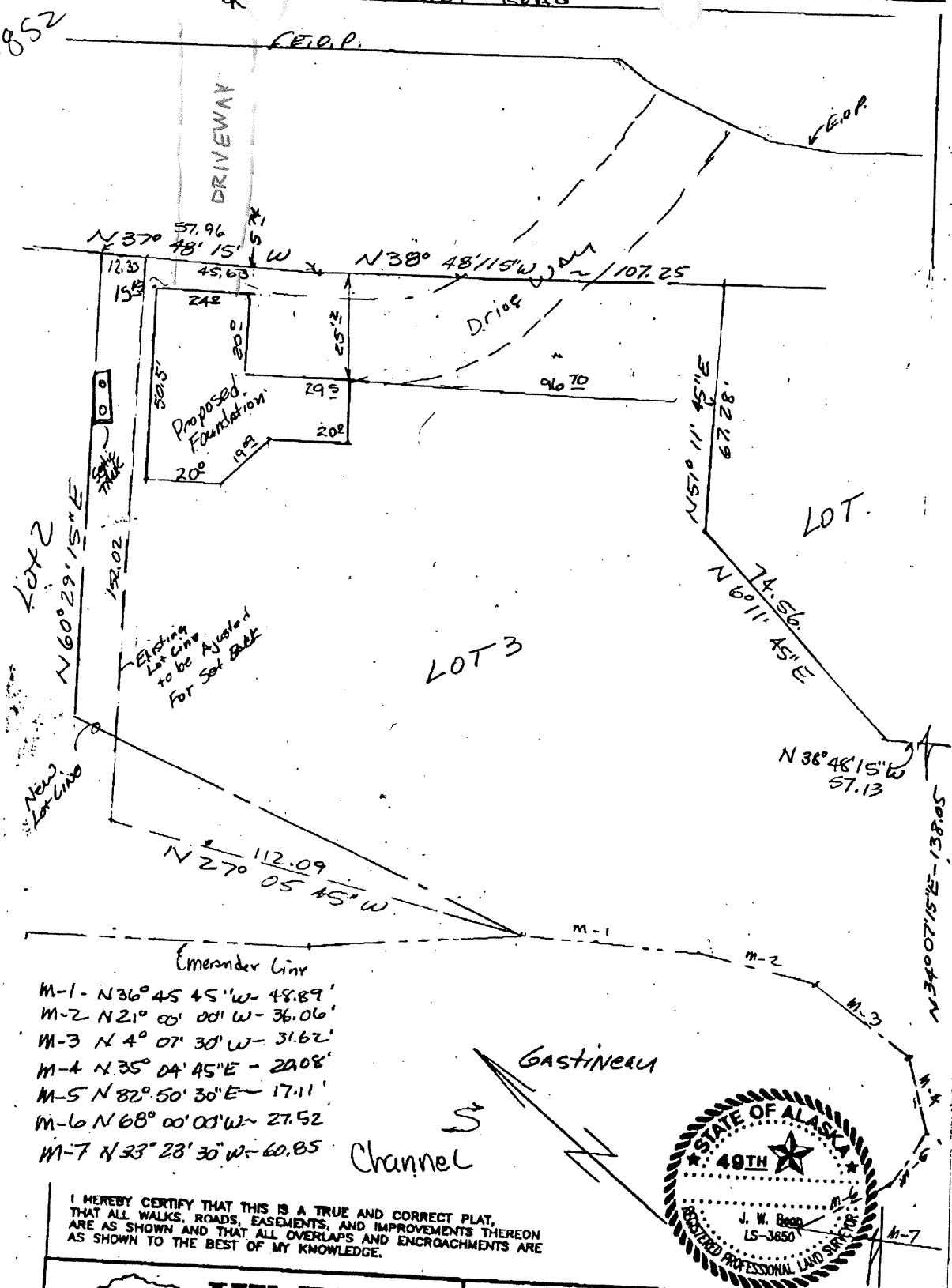
Subject to the recommended condition, and if the Board of Adjustment finds that the variances would result in more benefits than detriments to the neighborhood, the Board may find that the variances requested meet the above criteria.

RECOMMENDATION

We recommended that the Board of Adjustment consider a lesser variance than that requested for the deck. Further, we recommend that if the Board determines that the benefits to the neighborhood for granting the variances would outweigh the detriments, that the variances be granted with the following modification:

> The proposed deck shall have a width of not more than five feet measured perpendicular to the adjoining wall.

BL097-852



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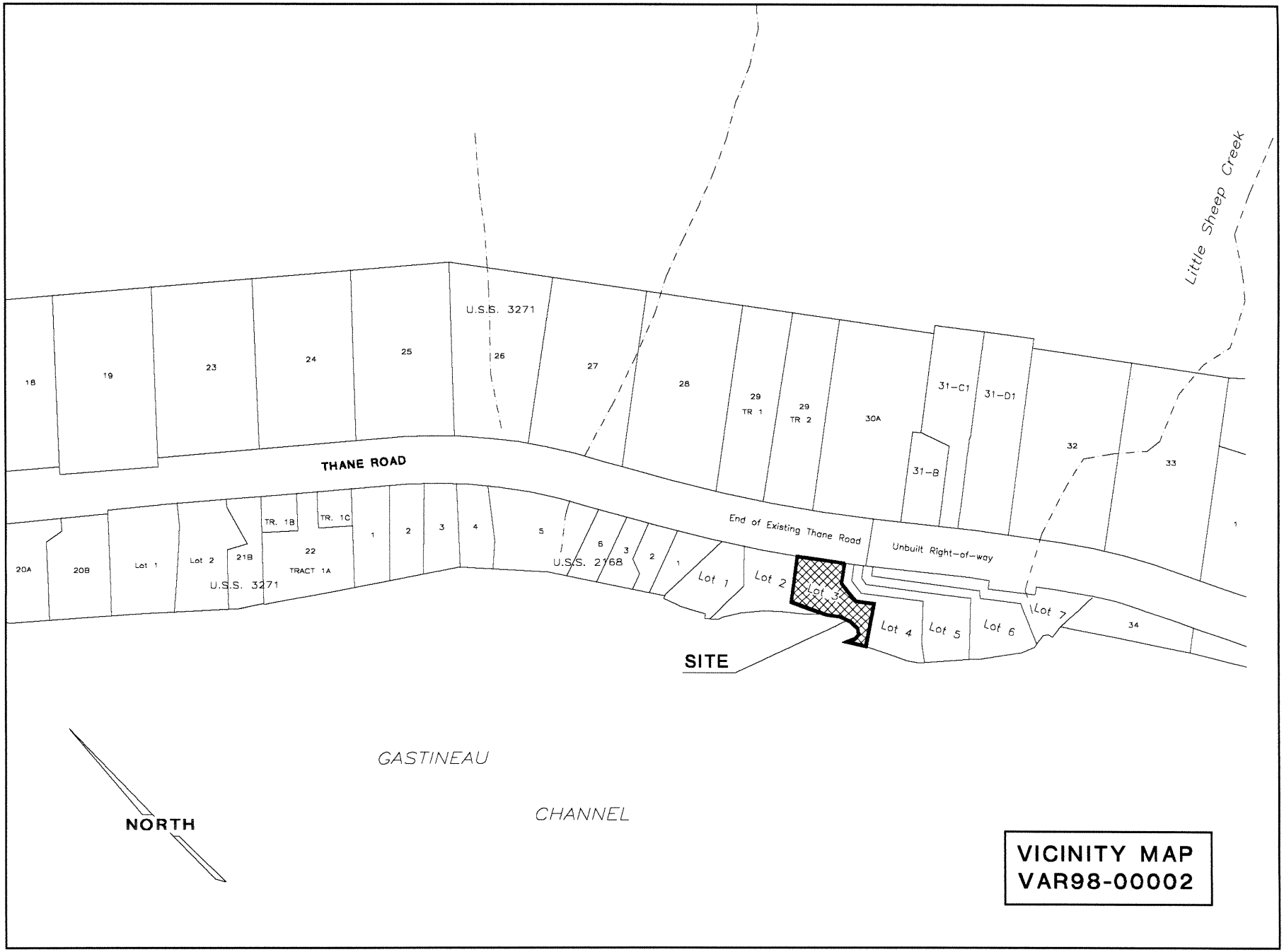
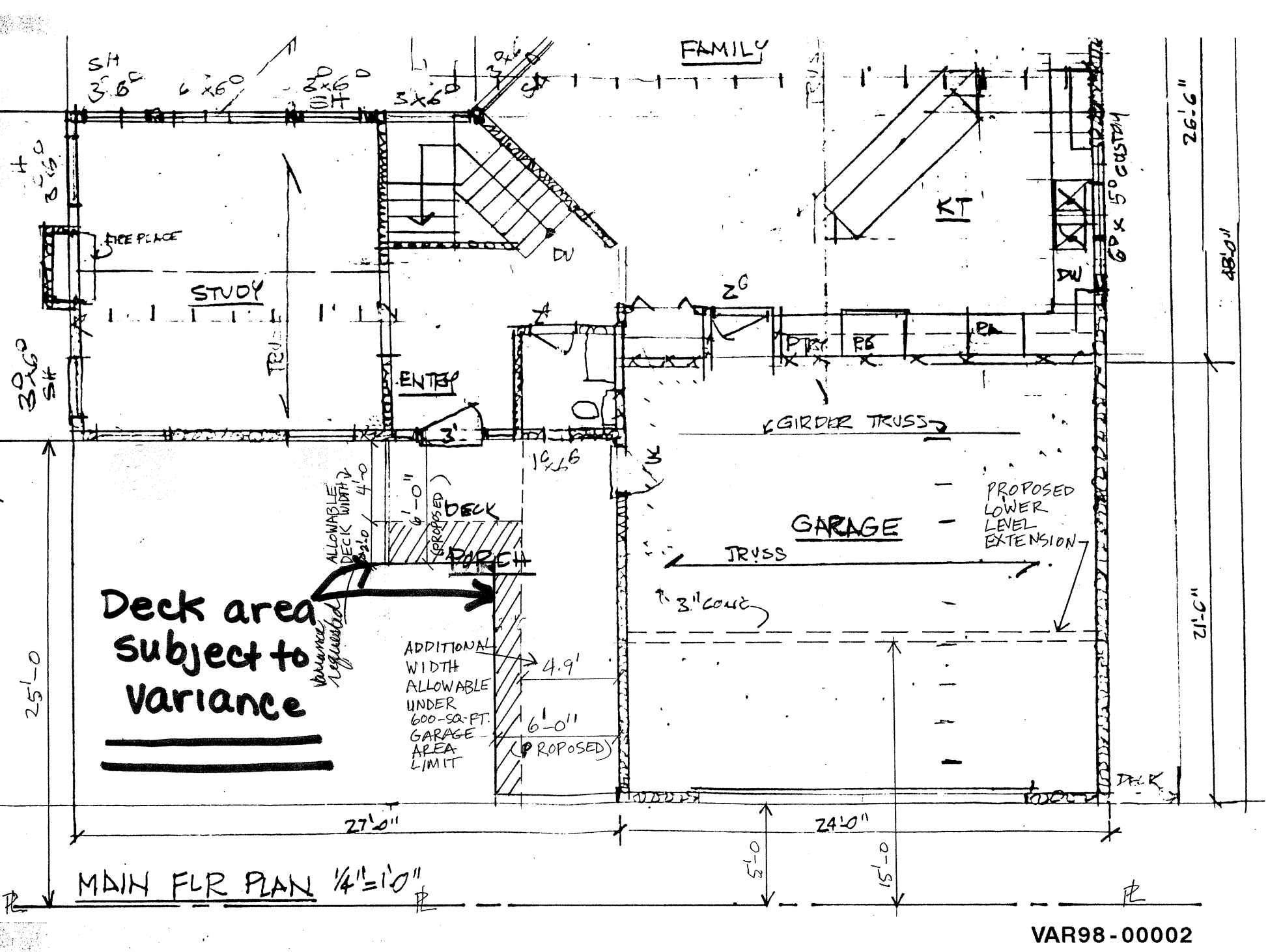
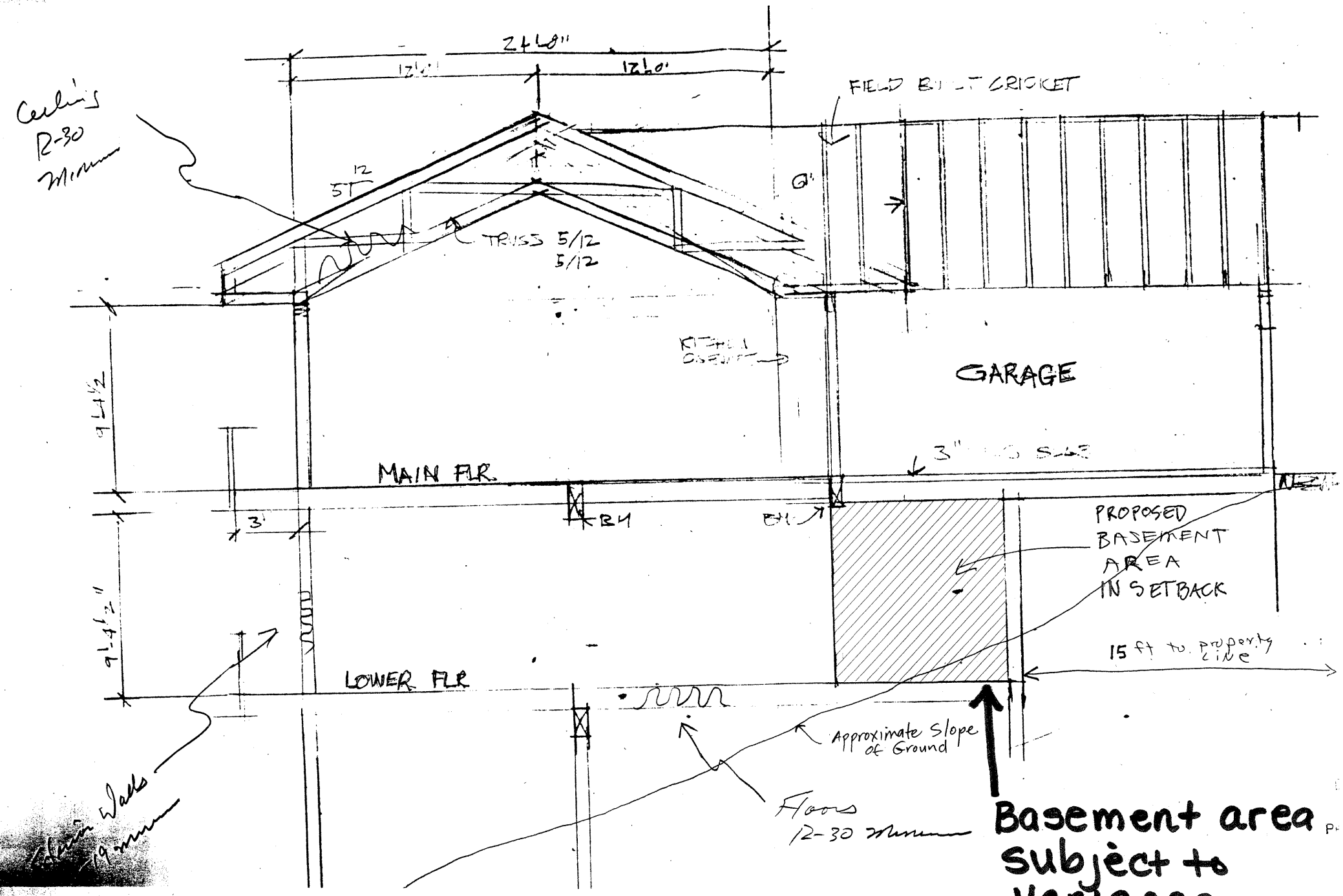
J.W. BEAN
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU — ALASKA
(907) 789-0590
SURVEYOR — PLANNER

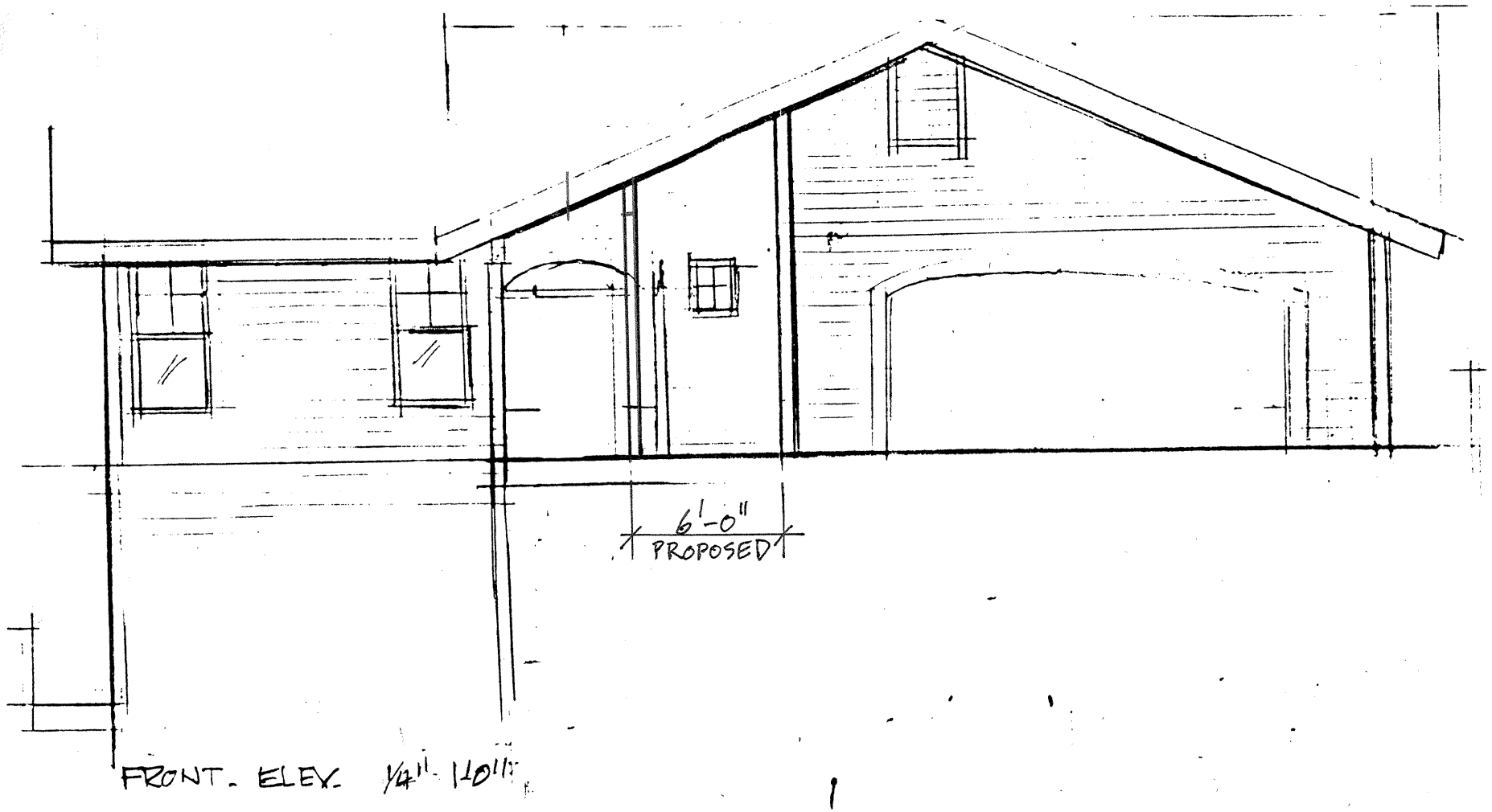
AS-BUILT SURVEY of
Proposed Foundation on
Lot 3, Thane Landing Subd.
within U.S.S. 2107

DRN JWB	JOB No 12143	SCALE 1"=30
F/A 486H (VAN)	DATE 12-12-97	SHEET 1 OF —

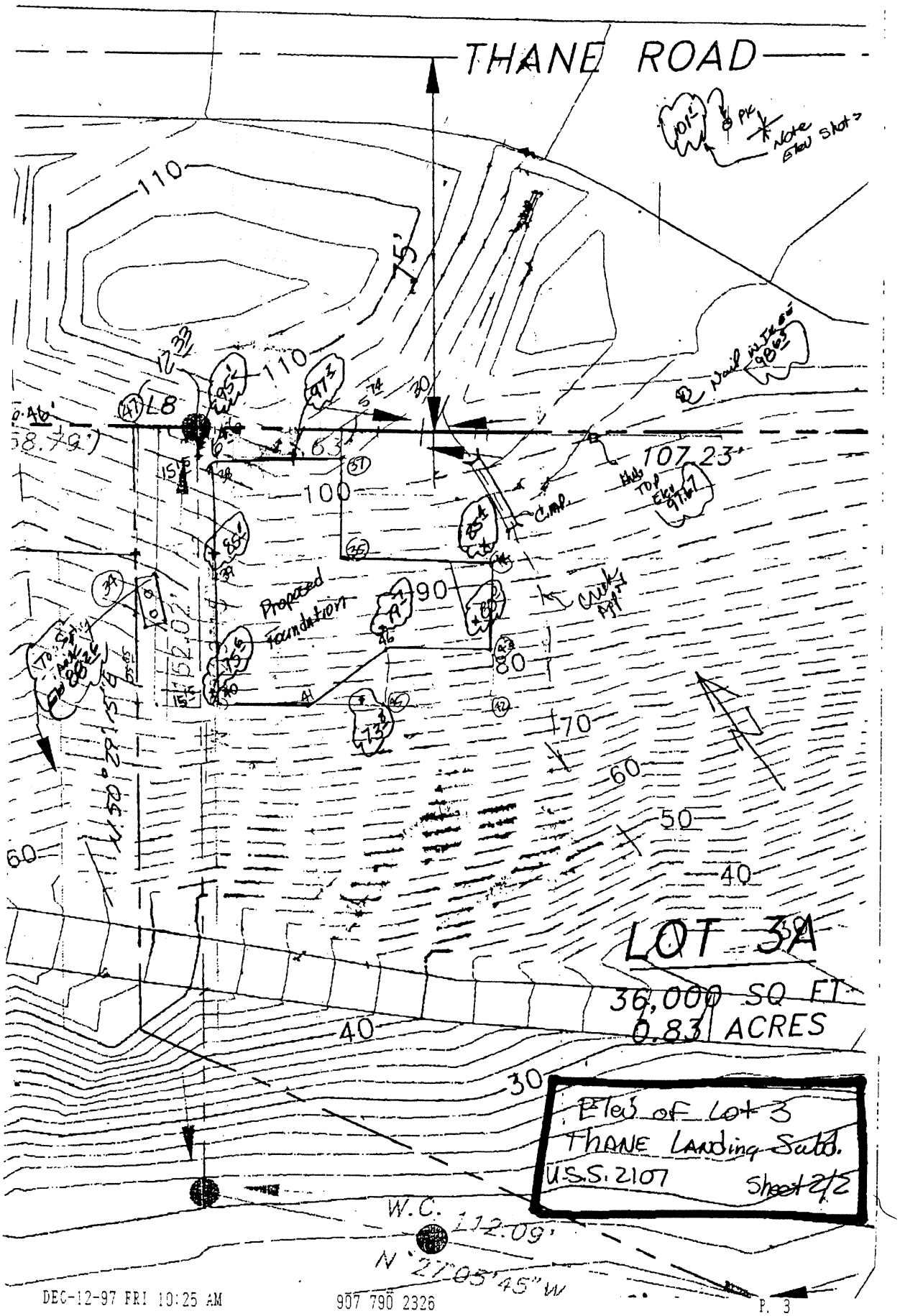

Little Sheep Creek
U.S.S. 3271
18
19
23
24
25
26
27
28
29
TR 1
29
TR 2
30A
31-C1
31-D1
31-B
32
33
1
THANE ROAD
End of Existing Thane Road
Unbuilt Right-of-way
20A
20B
Lot 1
Lot 2
21B
TR. 1B
TR. 1C
22
TRACT 1A
U.S.S. 3271
1
2
3
4
5
6
3
2
1
U.S.S. 2168
Lot 1
Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
34
SITE
GASTINEAU
CHANNEL
NORTH
VICINITY MAP
VAR98-00002


FAMILY
STUDY
FIRE PLACE
ENTRY
GIRDER TRUSS
GARAGE
PROPOSED LOWER LEVEL EXTENSION
DECK
PORCH
ALLOWABLE DECK WIDTH
(PROPOSED)
Deck area subject to variance
Variance requested
ADDITIONAL WIDTH ALLOWABLE UNDER 600-SQ-FT. GARAGE AREA LIMIT
4.9'
6'-0" (PROPOSED)
27'-0"
24'-0"
25'-0
MAIN FLR PLAN 1/4"=1'0"
VAR98-00002


Ceilings R-30 Minimum
24'0"
12'0"
12'0"
FIELD BUILT CRICKET
5/12
TRUSS 5/12
5/12
GARAGE
MAIN FLR.
3'
BH
BH
PROPOSED BASEMENT AREA IN SETBACK
15 ft to property line
LOWER FLR
Approximate Slope of Ground
Basement area subject to Variance



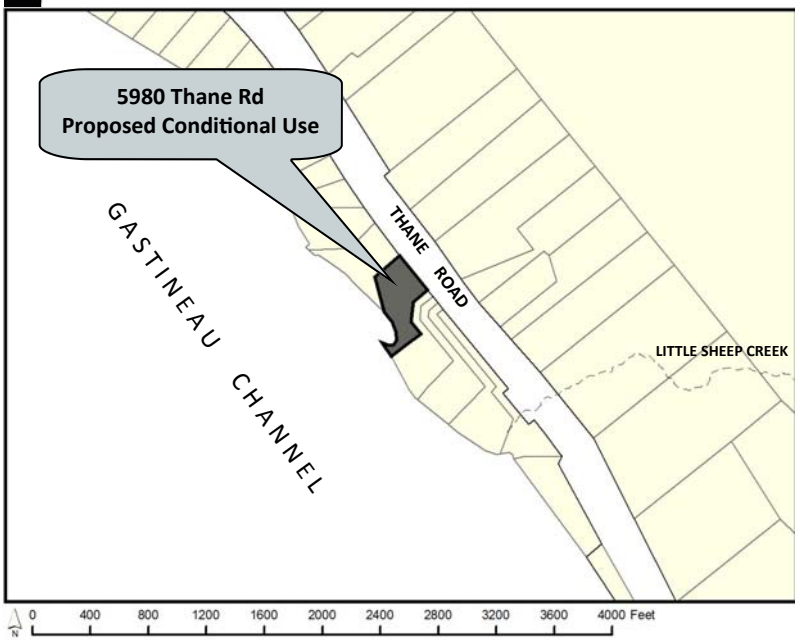
FRONT. ELEV. 1/4" = 1'0"


THANE ROAD
110
100
90
80
70
60
50
40
30
LOT 3A
36,000 SQ FT
0.83 ACRES
Proposed Foundation
107.23
L8
W.C. 112.09'
N 27°05'45" W
Plat of Lot 3
THANE Landing Subd.
U.S.S. 2107
Sheet 2/2

Revised Notice

On a proposal to be heard by the CBJ Planning Commission

Case-type Modification



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Originally, an application was submitted for consideration and public hearing by the Planning Commission for a **Variance** Permit. The case-type has been modified to become a **Conditional Use Permit** and the description has been clarified to **allow a portion of an additional story on top of an existing below grade structure.**

TIMELINE

Staff Report expected to be posted **Monday, April 15** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas** Find hearing results, meeting minutes and more here as well.

April 2 through 12 noon, April 19

Comments received during this period will be sent to the Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, **Laurel Bruggeman**, will also read any written comments that are received. You may also contact her via the phone number listed below.

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

Printed April 1, 2019

HEARING DATE & TIME
7:00 pm, April 23, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

April 24

The results of the hearing will be posted online.

Case No.: USE2019 0008
Parcel No.: 1B0201030030
CBJ Parcel Viewer: http://epv.juneau.org

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 23, 2019
Case No.: USE2019 0008

Edward Coffland
3371 Douglas Highway
Juneau, AK 99801

Proposal: A Conditional Use Permit to allow a portion of an additional story on top of an existing below grade structure.

Property Address: 5980 Thane Road

Legal Description: Thane Landing Lot 3A

Parcel Code No.: 1B0201030030

Hearing Date: April 23, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 11, 2019, and approved the Conditional Use Permit to allow a portion of an additional story on top of an existing below grade structure to be conducted as described in the project description and project drawings submitted with the application.

Attachments: April 11, 2019, memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding USE2019 0008.

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 23, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or October 23, 2020, if no building permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Laurel Bruggeman, Planner
Community Development Department

Paul Voelckers, Vice-Chair
Planning Commission

Filed With Municipal Clerk

4/25/2019
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.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
The Lands Office has received a request from Vertical Bridge Holdings LLC to amend the existing ACS Wireless, Inc. communications site lease which was signed August 22, 2012 by the City and Borough of Juneau Manager. Vertical Bridge is requesting the additional 5% increase to the lease area equivalent to 144 square feet. Vertical Bridge has also requested that an additional five year renewal term. Rent Schedule will be revised as part of this

Street Address	City/Zip
3000 Jackson Road	West Juneau

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
USS 3853 LT 1 FR

Assessor's Parcel Number(s)
3D0501000021

Property Owner's Name	Contact Person:	Work Phone:
CBJ	Dan Bleidorn	586-0224
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward		
E-mail Address	**Other Contact Phone Number(s):**	
dan.bleidorn@juneau.org		

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. employees of the City and Borough of Juneau to inspect my property as needed for purposes of this

X Daniel Bleidorn _____ 04/11/2019
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's Name	Contact Person:	Work Phone:
SAME		
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X _____ _____
Applicant's Signature Date of Application

----------OFFICE USE ONLY BELOW THIS LINE----------

STAFF APPROVALS

	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit	[redacted]		
	City/State Project Review and City Land Action	[redacted]		
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	[redacted]		
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)	[redacted]		
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)	[redacted]		
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP	

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

☑ City Project Review ☑ City Land Acquisition /Disposal ☐ State Project Review

DESCRIPTION OF PROJECT

The Lands Office has received a request from Vertical Bridge Holdings LLC to amend the existing ACS Wireless, Inc. communications site lease which was signed August 22, 2012. Vertical Bridge is requesting the additional 5% increase to the lease area equivalent to 144 square feet. Vertical Bridge has also requested that an additional five year renewal term be added to Section 4 of the lease. Market rent will also be updated with this proposed amendment. Rent Schedule will be revised as part of this proposed amendment

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

The current use is for the west Juneau reservoir as well as a number of communications towers

PROPOSED USE OF LAND OR BUILDING(S):

An additional 144 square feet is being requested in order to add ground equipment to this lease.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ **No** ☐ **Yes** **Case No.:** _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $_____

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.

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	$_____	_____	_____	_____
Total Fee	$_____	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY* DEVELOPMENT PERMIT APPLICATION *FORM

&

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org (907) 586-0224

TO: **Planning Commission**

FROM: **Dan Bleidorn, Deputy Lands Manager**

SUBJECT: **Planning Commission Review of the Vertical Bridge Request to Enlarge the 2012 Communications Tower Site Lease 5%**

DATE: **April 12, 2019**

The Lands Office has received a request from Vertical Bridge Holdings LLC to amend the existing ACS Wireless, Inc. communications site lease. The lease was signed August 22, 2012. This tower is located on Douglas Island at the end of Jackson Road within the fenced area of the West Juneau municipal water reservoir.

Vertical Bridge is working to co-locate an additional sub-lease onto the tower. In order to accommodate the new sublessee's ground equipment, Vertical Bridge is requesting a ~5% increase to the lease area for an additional 144 square feet bringing to total leased area up to roughly 2,644 square feet.

Originally the applicant wanted to add the ground equipment within their existing lease however, because of the proximity of the lease to the drinking water reservoir; staff requested that they add the equipment in a location that was farther from the reservoir. This resulted in a small increase in the lease area. The additional sublease will be mutually beneficial because the City receives a percentage of the sublease rent. It has been a goal of the Assembly and Planning Commission to encourage co-location on towers.

Vertical Bridge has also requested that an additional five year renewal term be added to Section 4 of the lease, bringing the total lease term to twenty five years. An extra term is being requested to allow for amortizing costs of the new equipment and sublease infrastructure.

Market rent will also be updated with this proposed amendment. The Lessee commissioned an appraisal to determine the market rent for the first renewal term, at Lessee's expense. Pursuant to the Appraisal, the Parties have agreed the rent for each month of the first renewal term shall be eight hundred dollars ($800.00). The Base Rent shall increase by three percent (3%) per year, with an appraisal every fifth year.

> 53.09.260 (b) states that:
> Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, **and after review by the planning commission** and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land...

Lands staff requests that the Planning Commission provide comments on these proposed amendments as required by 53.09.260(b)

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
LANDS & RESOURCES