Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

January 22, 2019
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- **A.** Additional Materials January 22, 2019 Meeting

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

- **A.** CSP2018 0016: A City/State Project for CBJ lease and sale of easements to the Department of Transportation & Public Facilities for culvert rehabilitation located on Glacier Highway
- **B.** CSP2018 0017: A City Project for CBJ land disposal to private purchase
- **C.** CSP2018 0014: A city project to lease land for a composting facility
- **D.** USE2018 0022: An extension of USE2017 0008 for Statter Harbor development

VIII. BOARD OF ADJUSTMENT - CONSENT

- **A.** FZE2018 0002: An extension of FZE2017 0001 for Statter Harbor development including construction of a public restroom below the Base Flood Elevation

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- **A.** **THIS CASE HAS BEEN POSTPONED** CSP2018 0015: A review of the Juneau Airport Terminal Reconstruction Project, Phase 2
- **B.** USE2018 0011: A Conditional Use Permit for the use of a single family residence as a boarding house

XI. BOARD OF ADJUSTMENT

XII. OTHER BUSINESS

XIII. STAFF REPORTS

XIV. COMMITTEE REPORTS

- **A.** Presiding Officer Report, APL2018 0004 Motion to Dismiss

XV. LIAISON REPORT

XVI. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVII. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVIII. EXECUTIVE SESSION

XIX. ADJOURNMENT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: January 22, 2019

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1. **REVISED AGENDA FOR 1/22/19 MEETING**

2. **USE2018 0022:**
   a. Public comment from Jim Ayers, emailed 1/10/19
   b. Public comment from Mike Allen, emailed 1/18/19

3. **USE2018 0011:**
   a. Public comment from Patti Carlson, emailed 1/8/19
   b. Public comment from Tom & Suzanne Ainsworth, emailed 1/11/19
   c. Public comment from Mark & Carol Stauffer, emailed 1/13/19
   d. Public comment from Lisa Arehart, emailed 1/16/19
   e. Public comment from Don Koch, emailed 1/16/19
   f. Memo from staff re: condition revision
   g. Public comment from Jim Praise, presented at meeting 1/22/19
   h. Public comment from Rosita Worl, presented at meeting 1/22/19
   i. Public comment from Frances Jones, presented at meeting 1/22/19

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From: Jim Ayers <jimayers04@gmail.com>
Sent: Thursday, January 10, 2019 11:20 AM
To: PC_Comments
Subject: Conditional Use Permit Use2018 0022

Dear Planning Commission Members and Staff,

I am a resident and homeowner in Auke Bay. Several people, including me, have previously discussed Auke Bay Harbor and management issues with you; and testified about concerns regarding various specifics for an "extension" of the Conditional Use Permit for Statter Harbor. You must realize that you are continuing to exacerbate the problems of unsustainable development construction and activities in Auke Bay. Without some clear guidelines and principles for the expansion of the tourism industry; and review of the incredible impact you are having on the ecosystem, you are indeed killing the golden goose- the Auke Bay Ecosystem including neighborhoods.

The noise alone is a cacophony that destroys the very "Peace and Harmony" you refer to in the Comp Plan. I have many examples from the constant bus roar with drive in; drop off; sit running; pick up and take off clouding and crowding highways; to the cacophony of the ridiculous inconsiderate tour boats like the Dophin tour boats that seem to have no care for other living things or effort to find alternative to their engine roar (particularly Orca Odyssey). Not to mention, the past two years of the many boats horrifying behavior of surrounding limited Whales when they're so outnumbered and calves outmaneuvered.

I hear some of you saying, "oh, thats not our responsibility". Well then, I ask you, who will be responsible for what you are doing to Juneau ecosystem, neighborhoods and Auke Bay in particular?

You must begin to develop some basic principles as other major sustainable tourism communities have done. Owners and operators must be held accountable for the health and biodiversity of the ecoystem and that includes the surrounding neighborhoods. I urge you to accept your responsibility. It cannot be done 1 permit at a time without some guiding principles for this industry. I implore you to take a look at cumulative impacts and take a broader in depth look.

Yes, you and this industry are creating jobs, but at what costs to our community and ecosystem (though they are one in the same)? Take the time to talk to some of the young people who on the one hand want their jobs, and on the other, talk about what you are doing to Juneau and this precious ecosystem. I will be so bold as to also suggest there are business owners who also see whats happening and are caught in cognitive dissonace at your making.

Here are three specific recommendations:

1. Delay this permit until you have had a much more thorough conversation about how youre going forward in a manner consistent with the committment of maintaining the health, biodiversity and harmony of Auke Bay neighborhood.

2. Business decisions need more thought:
a. No business should be developed on CBJ property that is clearly going to interfere and possibly wipe out an existing business.

b..Fuel docks should be as far away from homes and gatherings as possible. And there must be noise restrictions. (There is no reason boats like Dolphin's Orca Odyssey should be allowed near communities or wildlife).

3. Set a process in motion to engage the community in development of some guiding principles for Visitor industry; so as to maintain some of the character and culture, liviability as well as health and biodiversity of Juneau before its too late.

If you dont figure this our very soon in the face of 8 billion people, climate change, and mass trash, it will be too late.

Thanks for this and maintaining the opportunity and hopefully the interest in community imput.

Jim Ayers
Unit 105
11909 Glacier Highway
Juneau, Ak 99801

From: Mike Allen <cmallen@alaska.net>
Sent: Friday, January 18, 2019 10:07 AM
To: PC_Comments
Subject: Comments Case No. USE 2018 0022

January 14, 2019

CBJ Planning Commission
155S. Seward St.
Juneau, AK 99801

To the Planning Commissioners,

I have a couple of comments on the proposed extension of the conditional use permit for the Statter Harbor improvements, Case No. USE 2018 0022.

Most of the development is positive. One thing I would like to not be allowed is construction of two story buildings on the waterfront. The harbor, water and territorial views in this area are highly regarded by residents and visitors alike and should be protected from future obstructions. New two story buildings would definitely interfere with the existing views.

Another thing I do not want allowed is further landscaping of the area. The landscaping phase of the new parking lot construction planted over 70 little leaf linden trees where there were none before. These trees have the potential to grow over 25 feet tall when mature. The owner of the Squirez building had a view variance over the old parking lot property. That was revoked before new construction began there. The planting of those trees compromises the views seen from that building, so the reason for the variance not being renewed is obvious. The views from Glacier Highway and buildings along it should be a major consideration in future development so impacts are minimum.

Thank you for allowing me to comment on this project.

Respectfully,

Mike Allen

PO Box 211122

Auke Bay, AK 99821

907-790-4118

Patti Carlson
8013 Magnolia Court
Juneau, AK 99801

January 8, 2019

To Whom It May Concern or Allison Eddins:

This letter is written to strongly recommend the Planning Commission denies the Conditional Use Permit that would allow a single family residence to be used as a boarding house in the Montana Creek Subdivision **(Case No.: USE2018 0011; Parcel No.: 4B2901310030).**

This summer, while walking by this home on several occasions, I was aghast at the condition of this property. There was trash strewn in the yard (a definite bear hazard), pieces of furniture in the yard in various states of disrepair, the lawn was not maintained, in short, the place was a mess. I just couldn't believe how awful it was and wondered what was going on. At the time I had no idea it had become a boarding home. In addition, I took note of people coming and going who were not part of the neighborhood or seemingly connected to its well-being. It is evident that this property was not meeting the expectations of the neighborhood per Montana Creek Subdivision Covenant #8 which states: "No noxious or offensive activity shall be carried on upon any lot, nor shall anything done thereon which may be or may become an annoyance or nuisance to the neighborhood."

A further Montana Creek Subdivision Covenant, #2 states: "No Lot shall be used except for residential purposes. With the exception of a accessory apartment as allowed by CBJ code, only **single family** dwelling shall be constructed on each lot." A boarding home would most definitely be in violation of this Covenant.

Please consider the interests of the majority of the Montana Creek community, and the proper implementation of the Montana Creek Subdivision Covenants as you consider the request of a Conditional Use Permit that would permit a boarding home to take the place of a single family residence. A rejection of this request is strongly recommended and requested.

Sincerely,

Patti Carlson

From: ainsworth@acsalaska.net
Sent: Friday, January 11, 2019 11:29 AM
To: PC_Comments
Subject: Ainsworth's at 1020 Debbie Ln. DO NOT support application for boarding house at 9119 Wolfram Wy.

Importance: High

Reference: Case No.: USE2018 0011
Parcel No: 4B2901310030

Dear City Commissioners - My husband and I live in the neighbor were this boarding house is located.

I feel strongly that the city SHOULD NOT approve of this application because:

1.) The house design was for a single family and not a boarding house.
2.) Residence parking in driveway and in the street does NOT support multiple vehicles.
3.) If the home owners would like a boarding house they should sell 9119 Wolfram Wy.
and build a boarding house in an area zoned for multiple families.

Thank you for asking for the neighborhood to comment on this application.

I sincerely hope that you will determine a boarding house will not be approved in this neighborhood.

Sincerely,
Tom and Suzanne Ainsworth
Homeowners at: 1020 Debbie Ln.
Home phone: 907-463-3790

Mark and Carol Stauffer
9116 Wolfram Way
Juneau, AK 99801

11 January, 2019

City and Borough of Juneau
Community Development

Dear Commissioners,

We live directly across the street from the proposed boarding house on 9119 Wolfram Way.

We are astonished that the Conditional Use Permit is recommended to be approved, given the unanimous opposition to it by the residents of the neighborhood, who turned out in force in the October meeting. The written reports contain only one person in favor, and that person does not live in the neighborhood, is not a stakeholder, and has not been living with the problem for the last five, now six years. Why would CBJ hold a neighborhood meeting and the Director summarily dismiss/disregard all the recommendations and desires of the neighborhood residents/stakeholders? Did the Director not read the objections?

The Director's recommendations section reads:

4. Will the proposed development materially endanger the public health or safety?
The Director answered "No."

The public health and safely risks are well outlined in the residents' written objections. These risks are in part summarized below:

- Endangerment of neighborhood children from increased traffic, as well as potential exposure to drug culture and crime. Documented evidence exists regarding this house. In addition, our neighbor told us after the October meeting about an alleged attempted rape at that residence. The victim was found hiding in their yard.
- Increase in crime. Documented evidence exists regarding this house.
- Increase in trash and bear problems. Documented evidence exists.
- "House rules" posted on the wall are highly unlikely to change entrenched behavior of residents, as attested by anyone who has ever housed in university housing, dormitories, or frat houses. There has to be a common bond and

common values of the housemates to even begin to approach a degree of cooperation. They are not stakeholders in the home or neighborhood, and levying fines will likely be cumbersome and ineffective, especially given the well-documented track record of this owner.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area? The Director answered "No."

- There are no other boarding houses or apartment buildings in this area. A boarding house is without question out of harmony with the single family dwellings in the neighboring area, regardless of how it is zoned.
- Please read the written objections of the stakeholders/neighbors at the October meeting. Many, if not most of the complaints, include concerns about the decrease in the desirability of the neighborhood to potential home buyers, affecting home values.
- The property is already an eyesore. Poor upkeep by the current owner, with a well documented five year track record, is unlikely to change. How would this not decrease the value of neighboring properties?
- Parking – the proposed parking area is a congested eyesore and not paved. They are parking on the lawn, which is a mud pit. No other home in the neighborhood has a 5+ car parking lot in front, again out of harmony with the neighborhood, and would tend to decrease property values.

And finally:

What are the advantages of a boarding house in the neighborhood?

- Financial gain for the owner at the expense of the entire neighborhood.
- Affordable housing for 7 residents who are not stakeholders in the neighborhood and will not likely care about the safety, well-being, value or appearance of the neighborhood. What is the likelihood they will contribute to the community?

Boarding houses and other apartment-like housing should be provided in areas specifically designed for such, or where the neighborhood residents approve and welcome such developments. They should not be thrust upon our neighborhood residents who have already located here specifically because of the existing neighborhood covenants, appearance, safety, and value for our investment of a lifetime.

We implore you to reject this proposal.

Sincerely,
Mark and Carol Stauffer

Dear Mr.Haight, Mr. Voelckers, Mr, LeVine, Mr. Dye, Mr. Campbell, Mr. Miller, Mr. Hickok, Mr. Green and Mr. Percy,

I am writing in hopes that you are able to set aside time prior to the Tuesday 1/22 Planning Commission meeting at 7pm to read over the staff report regarding Conditional Use Permit - Boarding house in a D5 zoning district-USE2018 0011 . (78 pages)

It has taken me several days to read and reread the CBJ staff reports and letters of public comment.

Thank you in advance for the consideration of setting aside time to examine all the documents.

Sincerely,

Lisa Arehart

Juneau resident since 1975

Greetings

On your docket for January 22, 2019 is Item USE2018 0011, a request for a Conditional Use Permit for an existing, unpermitted boarding house operating in a five-bedroom residence located in the Montana Creek subdivision.

I am opposed to the granting of this Conditional Use Permit. I live 6 doors away from the boarding house. The owners and occupants of residences in a subdivision have a vested financial and personal interest in the residence. Occupants of a boarding house generally do not. Occupants are generally not transitory but that is not necessarily true of boarders. Introduction of boarders can change the texture of a neighborhood and can impact the value of other dwellings in the subdivision. I believe that this is not a good precedent.

Don P. Koch
dkoch@alaskan.com
(302) 743-8445 (cell)(Alaska time zone)

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

MEMORANDUM

DATE:	January 22, 2019
TO:	Planning Commission
FROM:	Allison Eddins, Planner Community Development Department
CASE NO.:	USE2018-0011
SUBJECT:	Condition revision

Upon further review and analysis, staff is revising the staff report to delete conditions 8, 9, and 10 and replace them with the following new condition:

Condition 8: The applicant will submit, maintain, and enforce house rules to preserve public health and safety and ensure harmony with the property in the neighboring area. Such rules shall include rules that address unreasonable noise, litter, and the handling and disposal of garbage. Applicant may assign enforcement responsibilities to the property manager living onsite but will remain responsible for tenant compliance with the house rules and for the property's compliance with CBJ Code.

Parise, Jim

From: Parise, Jim
Sent: Tuesday, January 22, 2019 8:12 AM
To: 'pc_comments@juneau.org'
Subject: Opposition to Boarding House at 9119 Wolfram Way

Planning Commission,

My family has been a resident of the Montana Creek Subdivision since 2001. I am adamantly opposed to the proposed boarding house at 9119 Wolfram Way. That house, under the current owner, has been riddled with crime and has been kept in a substandard way relative to other houses in the neighborhood. These concerns were well laid out to the city at a 10/11/18 neighborhood meeting that was called because of the outcry from the neighborhood relating to the proposed boarding house. It is appalling, after that meeting, that this proposal could be seriously considered and may actually come to fruition. The neighborhood is full of kids that run around all summer long on their bikes and play in each other's yards. It would be devastating to force them to have "play dates" so they can be constantly monitored. This would eliminate the freedom they currently have to be kids with unencumbered play, which is what we value most about the neighborhood. Please respect the concerns of the residents of our neighborhood, which the owner is not one of, and reject this proposal. Thank you.

Jim Parise
Montana Creek Neighborhood Resident
9017 Ninnis Dr.
Juneau, AK 99801

To: CBJ Planning Commission

Date: January 22, 2019

From: Rosita Worl, Ph.D., 9048 Ninnis Drive

Re: Opposition to Boarding House Permit, 9119 Wolfram Way

I support my neighbors in opposition to the referenced Boarding House Permit and concur with the opposition points raised by my neighbors. I respectfully request the permit be denied for the following reasons:

- CBJ does not appear to have formulated or adopted adequate policies, regulations and methods for their compliance and oversight as well as addressing the health & public safety requirements for boarding houses & Air BnB.

- Converting the residence to multi-family housing may be in violation of "Montana Creek Conditions, Covenants and Restrictions"

- The boarding house is not compatible with the increasing values in Montana Creek subdivision and may negatively impact current values in this neighborhood.

- The applicant does not appear to have acted in good faith to respect CBJ regulations and permitting processes and the value and harmony of the neighborhood:

  o The applicant, who is a Broker and owns multiple properties in CBJ, has failed to follow the permit application process to run a boarding house and operates an unpermitted boarding house.

  o In the past six years, the tenants have been disrespectful and disrupted the harmony of the neighborhood. JPD reports indicate that they have had drug-related incidents, noise complaints, trash violations and underage drinking. The applicant has failed to resolve the ongoing complaints as letters from neighbors indicate.

- The applicant has not honored the covenants written for our neighborhood.

To the Planning Commission: January 22, 2019

I am writing in opposition of the conditional use permit application for a boarding house at 9119 Wolfram Way. I have a couple of points I would like you to consider before your review and determination on this permit request:

- Do you feel that CBJ has adequate policies, regulations and oversight on this form of housing? (Boarding house & Air BnB) My understanding based on the November 6, 2018 email from Scott Ciambor, Chief Housing Officer is that while the concept of the boarding house isn't bad, the concerns of registration, compliance, and health & public safety concerns are legitimate without CBJ oversight.

- In the November 19, 2018 email from Robin Potter, CBJ Assessor, concern was expressed that converting the residence to multi-family housing may be in violations of "Montana Creek Conditions, Covenants and Restrictions, specifically in Plat 90-60 where the Alaska Department of Environmental Conservation approval was based on single family residential development." Has that been researched?

- In the November 19, 2018 email from Robin Potter, CBJ Assessor, she directly says "In my opinion, a boarding house is not conducive to increasing values in Montana Creek subdivision and would be an inappropriate location for one." Please consider this in your review and determination!

- I ask that you consider the past documented information as a predictor for future behavior/performance:
    - The applicant is a Broker, owns multiple properties in CBJ and is presumably experienced in CBJ regulations in relation to real estate but she neglected to follow the process of applying for a permit to run a boarding house and has run it as an unpermitted boarding house for quite some time.
    - The tenants selected by the applicant that have occupied the home have been disruptive, disrespectful of the neighborhood, have had drug-related incidents per JPD, several noise complaints, several trash violations, underage drinking, etc. Despite **many** complaints, the applicant did nothing to resolve/improve the situation. The 6 past years of use (if not more) have absolutely disrupted the harmony of the entire neighborhood. The applicant has admitted and proven that she lacks skill in selecting desirable tenants.

o Read through the letters from neighbors – the applicant has made no real effort to ensure that the harmony of the neighborhood hasn't been disrupted.

- The rules the applicant has established for the boarding house are similar (if not identical) to the rules she's had for this property for some time. Those rules have not been enforced.

- In considering the application, does CBJ/Planning Commission make their determination based on the applicants history, the property and the neighborhood? Or is the decision solely based on 'does this application meet minimum requirement'?

- The sole person that wrote in support of approval of this project doesn't live in the neighborhood so she/he has no relevant experience in the nature of this particular neighborhood and the already-established (without permit!) boarding house.

- The applicant suggests that she will perform background checks on tenants but doesn't specify what would impact the findings would have on the tenants approval. (ie- are her background checks to identify tenants with criminal background or are they to identify past evictions?) If the background checks would identify people with criminal backgrounds, what is the determining factor for approving/denying a tenant? If the applicant intends to use this property for transitional housing for inmates, what information is she hoping to get from running their background check…

- The Covenants written for our neighborhood are not being honored by the applicant.

- The intentions behind converting this from a single-family home to a boarding house ("affordable housing") are profit-seeking, not altruistic. (This is proven by her cost per room: $650-$1150 per month.)

I respectfully request that you deny this application for conditional use as the design of the applicants boarding house business has proven to totally be out of harmony with the neighboring area.

Frances Jones
9167 Wolfram Way

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: January 11, 2019

TO: Planning Commission

FROM Amy Liu, Planner
Community Development Department

FILE NO.: CSP2018 0016

PROPOSAL: A City/State Project for CBJ lease and sale of easements to the Department of Transportation & Public Facilities for culvert rehabilitation

GENERAL INFORMATION

Applicant:	City and Borough of Juneau
Property Owner:	City and Borough of Juneau
Property Address:	NA
Legal Description:	USS 1861, ATS 868
Parcel Code No.:	NA
Site Size:	21,072 square feet total
Comprehensive Plan Future Land Use Designation:	NA
Zoning:	NA
Utilities:	NA
Access:	NA
Existing Land Use:	NA
Surrounding Land Use:	North - Glacier Highway, single family residential South - Twin Lakes, Egan Drive East - Glacier Highway, single family residential West - Twin Lakes, Egan Drive

VICINITY MAP

ATTACHMENTS

Attachment A – Application

PROPOSAL

CBJ seeks to lease two temporary access easements, one temporary construction easement, and sell four permanent easements. The need for acquiring easements is to ensure the continued maintenance of those culverts included in the Twin Lakes Drive-Lemon Road culvert rehabilitation project. Easements range between 200-500 square feet. The replacement of the culverts and drainage inlet would require either detours or partial closures for up to 12 days during the project's construction period, which is anticipated to occur during the summer of 2019.

BACKGROUND

TAE-5, 2,707 square feet, and TAE-2, 16,732 square feet, would be leased as temporary access easements.

TCE-12,478 square feet, would be leased as a construction easement.

E-5 is 218 square feet. E5-A is 245 square feet. E5-D is 469 square feet. E5-E is 223 square feet. These easements would be sold to the Department of Transportation & Public Facilities (DOT&PF).

The DOT&PF requested these easements be donated at no cost and with no appraisal. There is not yet a Memorandum of Agreement defining terms for property donations. The DOT&PF is

currently charging CBJ market value for access to the DOT&PF rights-of-way. The CBJ Lands Manager recommends charging the DOT&PF market value for the leases and disposals.

AGENCY REVIEW

Staff contacted CBJ Engineering/Public Works, Alaska Department of Environmental Conservation, Alaska Department of Natural Resources, and Alaska Department of Fish and Game to review CSP2018 0016. Staff received no comments or recommendations.

PUBLIC COMMENTS

CDD Staff received no public comments regarding the lease and sale of easements.

ANALYSIS

Title 49 and Title 53

CBJ 49.10.170(c) *City and borough land acquisitions, disposals and projects.*

> *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 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.*

CBJ 53.09.300 *Easements.*

> *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) 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 planning commission for its recommendation to the assembly. The planning commission may hold a public hearing on the application prior to making its recommendation.*

(d) Assembly action. Upon receipt of the 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.

Conformity with Adopted Plans

2013 Comprehensive Plan

Chapter 12 of the CBJ 2013 Comprehensive Plan addresses Public and Private Utilities and Facilities. The proposed sale will allow for the construction and maintenance of culverts essential for storm drainage. This is consistent with the following policies:

> POLICY 12.1 *TO PLAN FOR THE TIMELY AND EFFICIENT PROVISION OF AN APPROPRIATE LEVEL OF PUBLIC FACILITIES AND SERVICES IN ALL DEVELOPED AND DEVELOPING AREAS WITHIN THE URBAN SERVICE AREA.*
>
> POLICY 12.2 *TO EXTEND PUBLIC WATER, SEWER, STORM DRAINAGE, AND EARTH RETENTION FACILITIES TO ALL AREAS WITHIN THE URBAN SERVICE AREA.*

2016 Lands Management Plan

There are 4 goals identified in the 2016 CBJ Land Management Plan:

- *Continue the land disposal program which systematically places CBJ land into private ownership.*
- *Provide direction on the best use of CBJ owned land for both development and preservation.*
- *Conduct CBJ land disposals in a manner that promotes compact urban growth and efficient expansion of municipal utilities and services.*
- *Maintain the Land Management Plan as required under CBJ§53.09.180 as a comprehensive reference document, updated every two years, that establishes CBJ land management policy and provides a framework for developing regulations concerning CBJ property.*

CBJ 53.09.010 Land Management Policies are also referenced within the CBJ Lands Management Plan:

> *It is the policy of the City and Borough to manage its real property as a municipal resource and to use,* ***retain and dispose of both improved and unimproved land to realize the maximum benefit of the municipality and its residents****, including encouraging beneficial private economic activity and facilitating the provision of public services, guiding a rational growth pattern, preserving land for public and private use for present and future generations of City and Borough residents, meeting the need of City and Borough residents for private ownership, and stabilizing land values without making land available for purposes of speculation" (emphasis added).*

Habitat

There are no habitat concerns on the subject properties.

FINDINGS

Staff finds the sale of the subject property to be consistent with Title 49 and CBJ adopted plans.

RECOMMENDATION

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to lease access easements TAE-5 and TAE-2, lease construction easement TCE-12, dispose easements E-5, E5-A, E5-D, and E5-E to DOT&PF, all at market value.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 12/4/18
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
The ADOT & PF is preparing to rehabilitate culverts on the Juneau area in order to improve drainage. Existing culverts are nearing the end of their service life and have shown signed on deterioration which could lead to failure. The ADOT&PF is requesting easements from the City, which requires a Planning Commission recommendation to the Assembly.

PROPERTY LOCATION

Street Address	City/Zip
Glacier Highway	

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): USS 1861, ATS 868,

Assessor's Parcel Number(s):

PROJECT / APPLICANT

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
City and Borough of Juneau	Dan Bleidorn	586-0224
Mailing Address	**Home Phone:**	**Fax Number:**
155 S. Seward Street		
E-mail Address	**Other Contact Phone Number(s):**	
dan.bleidorn@juneau.org	586-5252	

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 Daniel Bleidorn — Landowner/Lessee Signature — 12/04/2018 Date

X _____ Landowner/Lessee Signature — _____ Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

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			
	City/State Project Review and City Land Action		12/4/18	CSP 18-016
	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: no fees - below $2-5m

Permit Intake Initials: TJR

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 2018-016	12/4/14

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

The ADOT & PF is preparing to rehabilitate culverts on the Juneau area in order to improve drainage. Existing culverts are nearing the end of their service life and have shown signed on deterioration which could lead to failure. The ADOT&PF is requesting easements from the City, which requires a Planning Commission recommendation to the Assembly.

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):

Vacant with existing ADOT&PF drainage easements adjacent to the requested easements.

PROPOSED USE OF LAND OR BUILDING(S):

Drainage culverts

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) 586-5252

RECEIVED
DEC 04 2018
PERMIT CENTER/CDD

TO: **The Assembly Lands Committee**

Daniel Bleidron

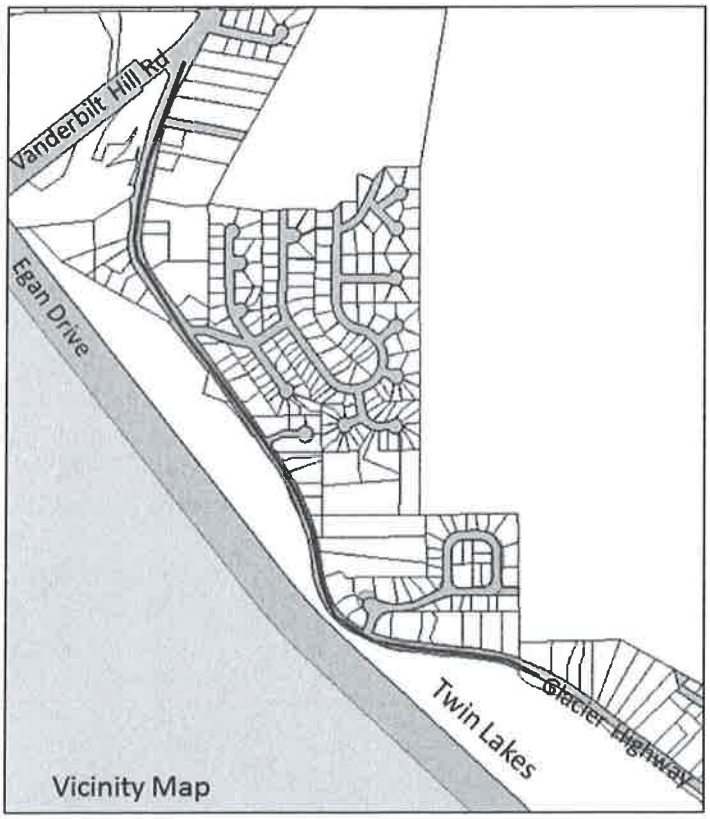
FROM: **Dan Bleidorn, Deputy Lands Manager**

SUBJECT: **Alaska Department of Transportation and Public Facilities: Glacier Highway Twin Lakes Drive-Lemon Road Culvert Rehabilitation Easement Request**

DATE: **October 11, 2018**

Overview

The State of Alaska Department of Transportation and Public Facilities (DOT&PF) has submitted an application to the Lands and Resources Office for the Twin Lakes Drive-Lemon Road culvert rehabilitation project. The DOT&PF will be replacing culverts and is requesting that the City donate two temporary access easements, four permanent easements and a temporary construction easement.



DOT&PF is requesting two temporary access easements which will allow for persons and equipment to traverse the area to and from the culvert that is being improved (TAE-2 & TAE-5). Said parcels contain about 2,707 square feet and 16,372 square feet respectively. The four permanent easements are for existing culverts where the culverts extend beyond the existing recorded easements. There will be no construction activity in the permanent easements during this project. The square footage is 218 square feet for E-5, 245 square feet for E5-A, 469 square feet for E5-D and 223 square feet for E-5E. The DOT&PF is also requesting a temporary construction easement (TCE-12) for maneuverability, with a total area of 478 square feet.

Land Disposal of CBJ Property

CBJ§53.09.200 - General

(e) *Sale Price.* Except as provided in CBJ 53.09.270, *Disposals for Public Use*, the sale price for City and Borough land shall not be less than market value as determined by the manager.

53.09.270 - Disposals for public use.

(a) *Disposal to governmental agency.* The lease, sale, or other disposal of municipal land or resources may be made to a state or federal agency for less than the market value provided the assembly approves the terms and conditions of such disposal by ordinance.

Title 53.09.300 – Easements states that "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 planning commission for its recommendation to the assembly."

The ADOT&PF has requested these easements be donated by the City at no cost and with no appraisal. After previous easements and use permits for the ADOT&PF project "Egan Drive; 10th Street to Main Street" were completed at fair market value, there was discussion about creating a Memorandum of Agreement (MOA) which could include terms for property donations and a streamlined process for granting small leases and easements for road construction and rehabilitation projects. However, the terms of the agreement have not been worked out or adopted. DOT continues to charge CBJ market value for access to DOT rights-of-way. Therefore until the terms of a mutually appropriate MOA are adopted by both parties, the manager recommends charging DOT market value for access through CBJ property.

Staff recommends that the Lands Committee pass a motion of support for two temporary access easements, four permanent easements, and a temporary construction easement to be granted to ADOT&PF for fair market value.

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities
SOUTHCOAST REGION
6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99811-2506
Main: (907) 465-4444
Toll free: (800) 575-4540
Fax: (907) 465-8485
TTY-TDD: (800) 770-8973
dot.state.ak.us

October 2, 2018

Certified Mail: 7001 1140 0004 7888 7082

RECEIVED
DEC 04 2018
PERMIT CENTER/CDD

CITY AND BOROUGH OF JUNEAU, (CBJ)
Attn: Dan Bleidorn, Deputy Manager
CBJ Lands &Resources
155 South Seward Street
Juneau, Alaska 99801

Letter of Offer

Re: JNU-GLACIER HWY: TWIN LAKES DRIVE-LEMON RD.
CULVERT REHABILITATION
Project No.SFHWY00083
FHWA No. 0955019
Parcels Numbered: TAE-2, TAE 5, E-5, E-5A,
E-5D, E-5E and TCE-12

Dear Mr. Bleidorn,

The State of Alaska, Department of Transportation and Public Facilities (DOT&PF) is preparing to rehabilitate culverts in the Juneau, Alaska area. The purpose of the project is to improve the drainage system. The existing culverts are nearing the end of their service life and have shown signs of deterioration that could eventually lead to problems, including culvert failure.

DOT&PF will need two temporary access easements for access, (TAE-2 & TAE-5). The temporary easements for access will allow persons and equipment to traverse the area to and from the culvert that is being improved. In addition, DOT&PF requests four permanent easements for existing culverts where the culverts extend beyond the recorded easements. There will be no construction activity in the permanent easements during this project (E-5, E5-A, E5-D & E-5E). A temporary construction easement,

(TCE-12) is also being requested for maneuverability. All the interests in the Easements: Access Permanent and Temporary, lie adjacent to the DOT&PF right of way.

DOT&PF is required to do our best to identify the fair market value of any property that must be acquired in relation to our project. It is my understanding that the City and Borough of Juneau decided to donate these real property interests, both permanent and temporary to expedite this project, and a donation form has been enclosed.

If you are in agreement with the conveyance, all documents to be executed are enclosed: Donation Agreement, the Memorandum of Agreement and the conveyances for the Temporary Access Easements, Easements, and Temporary Construction Easement. Please sign the documents indicated in front of a notary public and return the signed documents to my attention in the enclosed self-addressed stamped envelope.

Please call me at (907) 465-4519 if you have any questions. I can also provide notary services for the State at our Juneau office at 6860 Glacier Highway, the building behind the Marine Highway Building. My e-mail is lee.ault@alaska.gov.

Sincerely,

Lee D. Ault
Right of Way Agent

Enclosures

DONATIONS

City and Borough of Juneau (CBJ) has been informed under code of Federal Regulations 23 C.F.R.710.505 – 23 C.F.R. 710.507 CBJ is entitled to receive just compensation for the property being donated and CBJ has waived the right to an appraisal of the property by a qualified appraiser.

CBJ's donation for the JNU Glacier Highway Twin Lakes Culvert Project #SFHWY00083 Parcel #'s TAE-2 & 5; E-5, E-5A, E-5D, E-5E; & TCE-12 to DOT&PF is made voluntarily and with full knowledge of the City & Borough of Juneau's entitlement to receive just compensation. CBJ also releases DOT&PF from the obligation of preparing an appraisal of these donated parcels.

Dated this _____ day of _____, 2018

CITY AND BOROUGH OF JUNEAU

By: _____
Duncan Rorie Watt, City Manager

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES **MEMORANDUM OF AGREEMENT**	**PROJECT NAME: JNU-GLACIER HWY: TWIN LAKES DRIVE-LEMON RD. CULVERT ASSESSMENT** **STATE PROJECT #: SFHWY00083** **FEDERAL-AID PROJECT #: 0955019** **PARCEL #S: TAE 2 & 5, E-5, 5A, 5D, 5E & TCE-12**

AGREEMENT has been reached this _____ day of _____, 2018, between the owner or owners of the below designated parcel or parcels and the DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, for the purchase of said parcel or parcels. The amount to be paid and other considerations to be given in full satisfaction of this Agreement are as follows:

Right-of-Way Acquisition: $ _____
Retention Value $ _____
Total Compensation $ DONATED

Fixtures and improvements purchased: $ _____
Land purchased: Donated (sq.ft.) _____ (acres)
Damages are a consideration: ☐ yes ☒ no Amount of Damages $_____ included in total compensation

Other Conditions: None

1. Taxes and Special Assessments, if any, delinquent from former years, and Taxes and Special Assessments for the current year, if due and/or payable, shall be paid by the vendor or vendors.
2. This Memorandum embodies the whole Agreement between the parties hereto as it pertains to the real estate, and there are no promises, terms, conditions or obligations referring to the subject matter hereof, other than as contained herein.
3. The vendor or vendors hereby agree that the compensation herein provided to be paid includes full compensation for their interest and the interests of their life tenants, remaindermen, reversioners, liens and lessees, and any and all other legal and equitable interest that are or may be outstanding and said vendor or vendors agree to discharge the same.
4. THIS AGREEMENT shall be deemed a CONTRACT extending to and binding upon the parties hereto and upon the respective heirs, devisees, executors, administrators, legal representative, successors and assigns of the parties, only when the same shall have been approved by the Regional Chief Right-of-Way Agent on behalf of the Department.

Of the total amount of compensation hereinabove agreed upon, the sum of $ Donated shall be paid upon execution and delivery of a good and sufficient: ☐ Warranty Deed ☒ Easement ☒ Temporary Construction Easement or ☒ Other Temporary Access Easement, and the balance of the compensation amounting to $ n/a shall be paid upon compliance by the vendor or vendors with the terms hereof.

No disbursement of funds will be made.

Vendor	Amount of Payment
City and Borough of Juneau	Donated

The Vendor or Vendors certify that there are no known hazardous materials on the property.

The terms of this Agreement are understood and assented to by us and payment is to be made in accordance with the above. The Vendor occupants will be allowed a thirty-day rent-free period after receipt of the warrant and legal occupants will not be required to vacate the premises without at least ninety days written notice.

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

DESIGN PROJECT MANAGER Date
Note: Design Project Manager or Designee must sign when construction consideration is involved

BY:
Right-of-Way Agent Date

APPROVED FOR PAYMENT AS ABOVE

REGIONAL CHIEF RIGHT-OF-WAY AGENT Date
Region: SOUTHCOAST

CITY AND BOROUGH OF JUNEAU

By:
Duncan Rorie Watt, City Manager Date

25A-R605 (Rev 03/10/03)

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES **TEMPORARY ACCESS EASEMENTS** (Standard/Partial Property)	PROJECT NAME: JNU-GLACIER HWY: TWIN LAKES DRIVE-LEMON RD. CULVERT ASSESSMENT STATE PROJECT #: SFHWY00083 FEDERAL-AID PROJECT #: 0955019 PARCEL #: TAE-2 & TAE-5

The GRANTOR, **CITY AND BOROUGH OF JUNEAU, (CBJ)**, whose mailing address is 155 South Seward Street, Juneau, Alaska 99801 for and in consideration of **charitable donation** and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES**, whose mailing address is **PO Box 112506, Juneau, Alaska 99811-2506** its successors and assignees, unrestricted temporary access easements, to traverse over, and across the following-described tracts of land:

PARCEL TAE-2: Portions of United States Survey 1861 and Alaska Tidelands Survey 868 according to the official plats thereof, Juneau Recording District, First Judicial District, State of Alaska; and

PARCEL-TAE-5: A portion of Alaska Tidelands Survey 868 according to the official plats thereof, Juneau Recording District, First Judicial District, State of Alaska

which lies adjacent to right-of-way lines of Alaska Project No SFHWY00083, delineated as to said tracts of land on the plats attached hereto and made a part of hereof as page three and four of this instrument and designated as Parcel Numbers TAE-2 & TAE-5. Said parcels, containing about 2,707 square feet and 16,372 square feet respectively and are hereby granted to the State of Alaska for the purpose of:

Access over, across and along the specified areas for construction crew and equipment associated with project activities on adjacent properties.

The Grantor hereby covenants with the State of Alaska that the Grantor has good title to the above-described tract of land, and covenants that the State of Alaska shall have quiet and peaceable possession thereof and use thereof during the period of the temporary access. The Temporary Access Easement will be in effect for a period beginning on the starting date of construction and ending upon project completion at which time this temporary access easement shall expire and be of no force and effect.

The Grantee, the State of Alaska, shall leave said premises in a clean and presentable condition when said construction has been completed.

Dated this _____ day of _____, 2018

CITY AND BOROUGH OF JUNEAU

By: _____
Duncan Rorie Watt, City Manager

CITY ACKNOWLEDGMENT

STATE OF ALASKA)
: ss
FIRST JUDICIAL DISTRICT)

On this _____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Duncan Rorie Watt, the City Manager for the City and Borough of Juneau, known to me to be the person who executed the foregoing instrument, and who acknowledged to me that he or she executed the same as their free and voluntary act and with full knowledge of its contents, for the uses and purposes therein mentioned on behalf of the City and Borough of Juneau

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

_____
Notary Public in and for the State of Alaska
My Commission Expires: _____

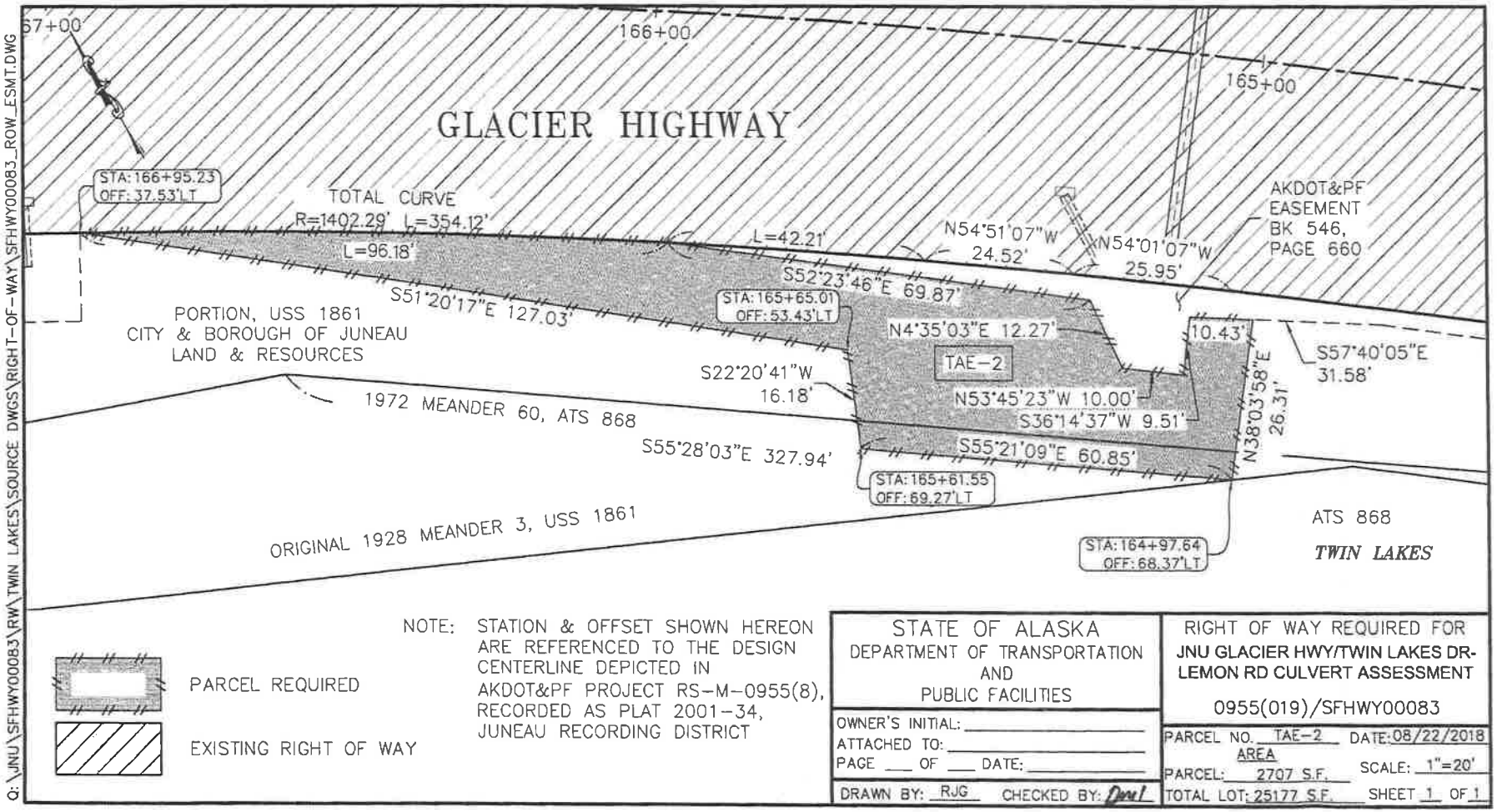
CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

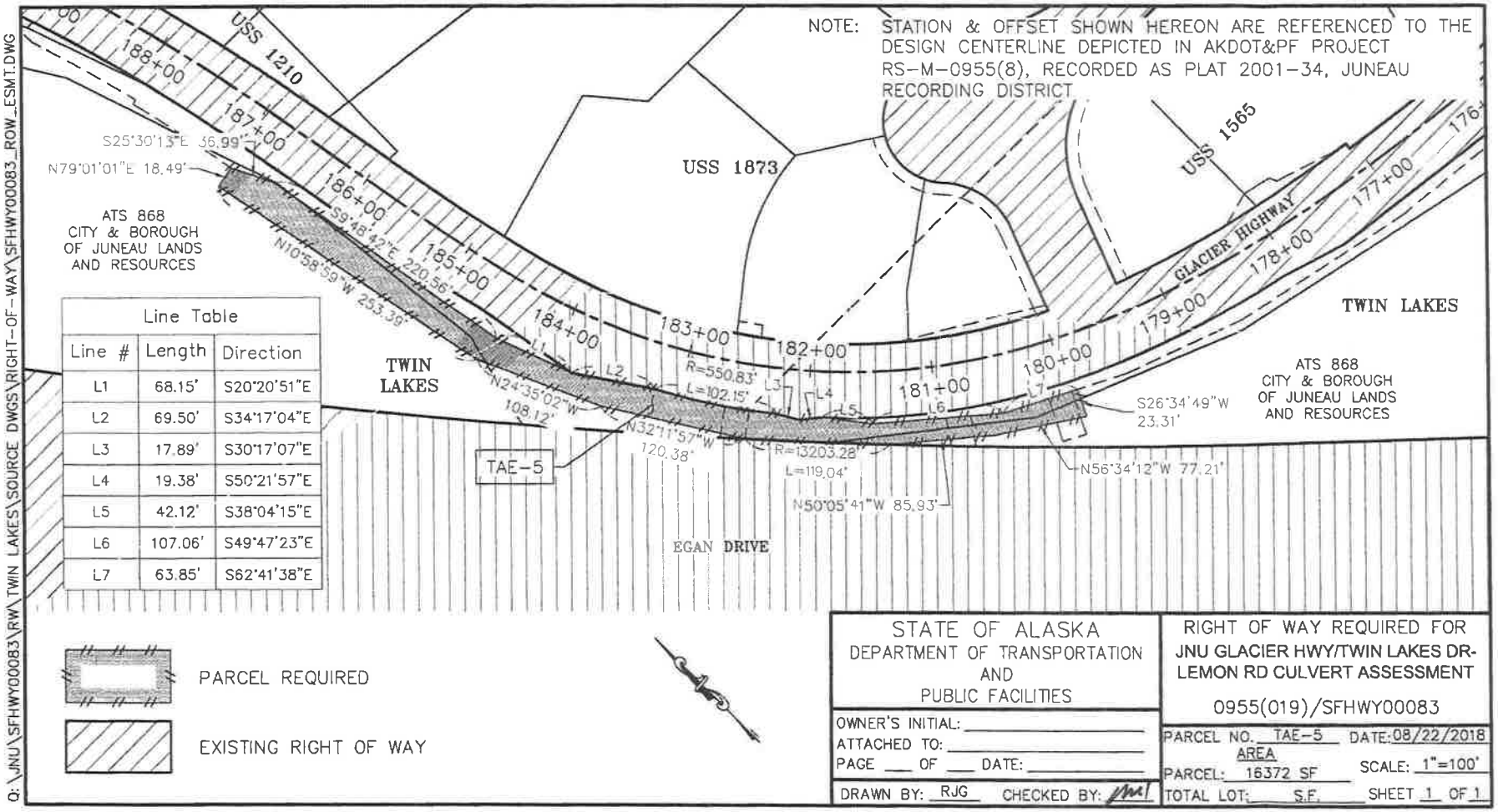
IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 2018

THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

By: _____
FOR THE COMMISSIONER



Attachment A - Application



Line Table		
Line #	Length	Direction
L1	68.15'	S20°20'51"E
L2	69.50'	S34°17'04"E
L3	17.89'	S30°17'07"E
L4	19.38'	S50°21'57"E
L5	42.12'	S38°04'15"E
L6	107.06'	S49°47'23"E
L7	63.85'	S62°41'38"E

Attachment A - Application

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES **EASEMENTS** (Standard/Partial Property)	PROJECT NAME: JNU-GLACIER HWY: TWIN LAKES DRIVE-LEMON RD. CULVERT ASSESSMENT STATE PROJECT #: SFHWY00083 FEDERAL-AID PROJECT #: 0955019 PARCEL #: E-5, E-5A, E-5D & E-5E

The GRANTOR, **CITY AND BOROUGH OF JUNEAU ALASKA(CBJ)**, whose mailing address is **155 South Seward Street, Juneau, Alaska 99801** for and in consideration of **charitable donation** and other other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES**, whose mailing address is **PO Box 112506, Juneau, Alaska 99811-2506** its successors and assignees, a perpetual, full and unrestricted easement and right-of-way along, over, and across a portion of the following-described tract of land:

A portion of Alaska Tidelands Survey 868, Records of the Juneau Recording District, First Judicial District, State of Alaska,

which lies within the easement of right-of-way lines of Alaska Project No SFHWY00083, delineated as to said tracts of land on the plat attached hereto and made a part hereof as page 3 of this instrument, as the overview of said parcels. Parcel No. E-5, (218SF), and Parcel E-5A, (345SF), are shown on page 4 of this instrument; Parcel E-5D, (469SF,) and Parcel E-5E, (223SF), are on Page 5. Said easement parcels, contain an aggregate of one thousand and two hundred and fifty five square feet, (1,255SF), more or less, in addition to existing right-of-way, are hereby granted to the State of Alaska for the purpose of:

an easement area for activities associated with rehabilitation, repair, maintenance, and protection of existing drainage culverts including sloping and grading, but not limited to, installation of culvert pipe lining and for all highway and utility purposes.

The Grantor hereby covenants with the State of Alaska that the Grantor has good title to the above-described tract of land and covenants that the State of Alaska shall have quiet and peaceable possession thereof; and shall have a free and unrestricted right to maintain said facilities as long as the right-of-way of which this easement area is a part, remains a public way.

Dated this _____ day of _____, 2018

CITY AND BOROUGH OF JUNEAU

By: _____
Duncan Rorie Watt, City Manager

ACKNOWLEDGMENT OF GRANTOR

STATE OF ALASKA)
: ss
FIRST JUDICIAL DISTRICT)

On this _____ day of _____, 2018 before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Duncan Rorie Watt, City Manager of the City and Borough of Juneau, known to me to be the identical persons who executed the foregoing instrument and who acknowledged to me that he signed the same freely and voluntarily with full authority for the City and Borough of Juneau, and knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]

_____
Notary Public in and for the State of Alaska
My Commission Expires: _____

CERTIFICATE OF ACCEPTANCE

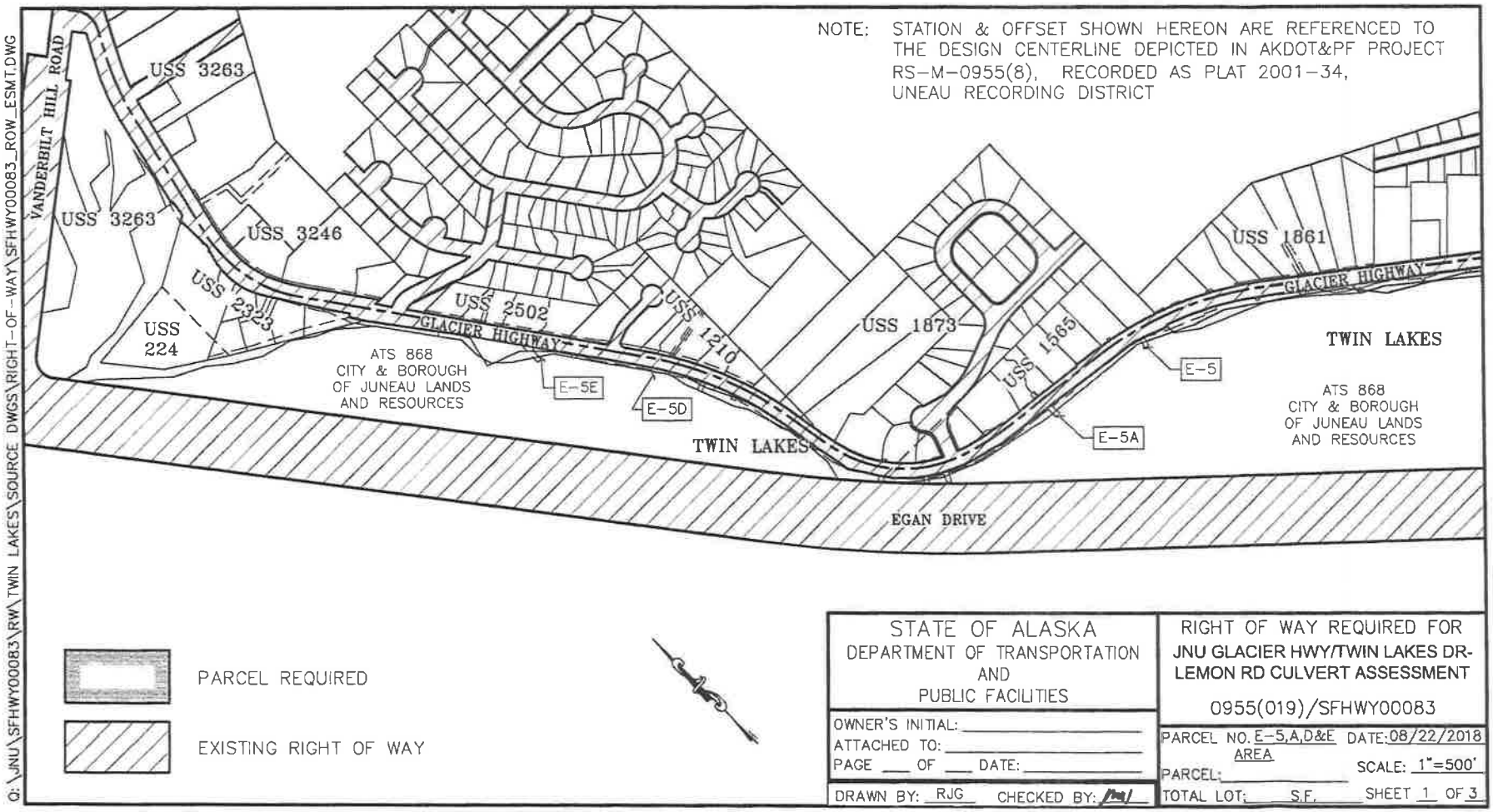
THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 2018

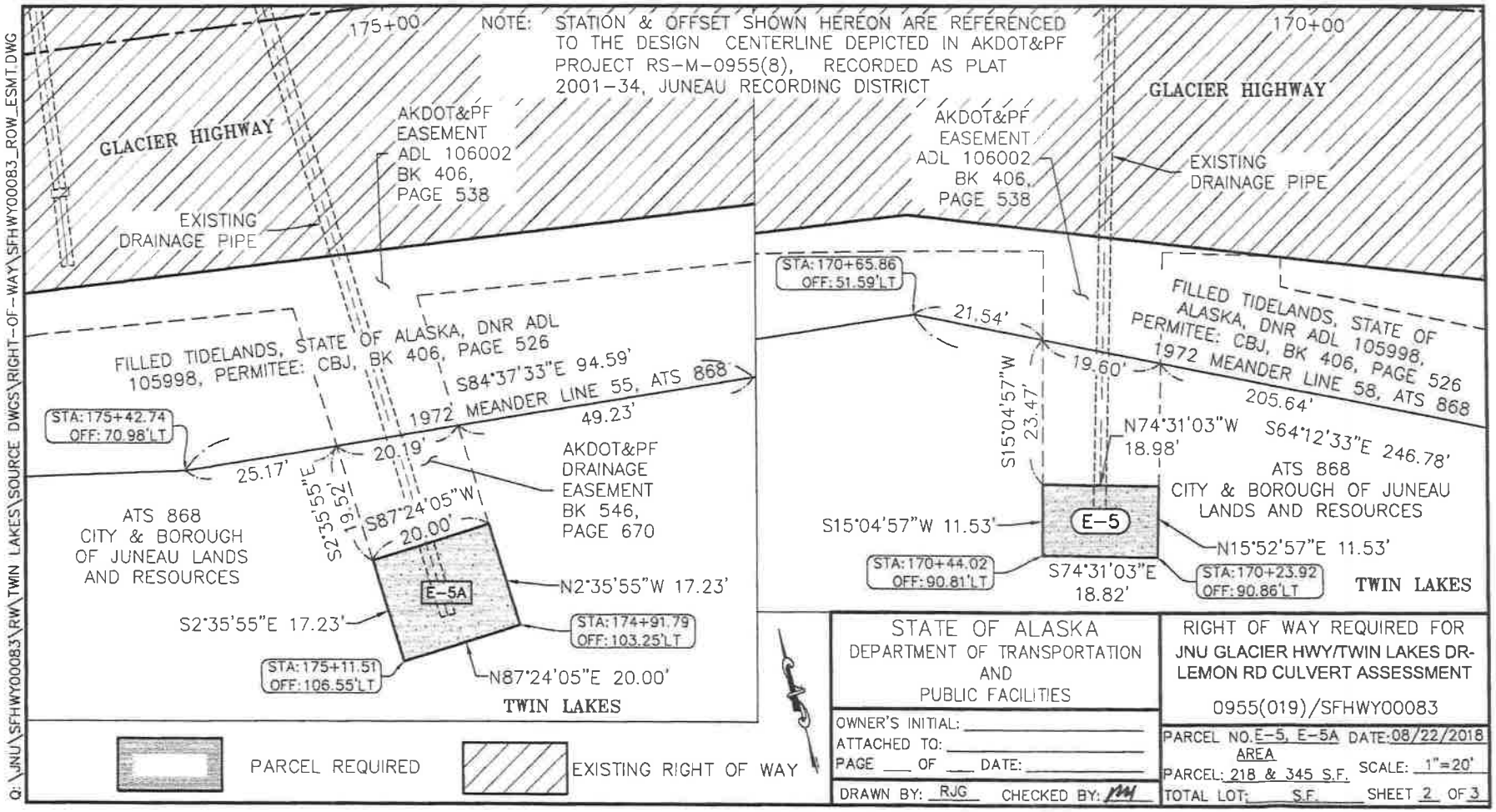
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

By:

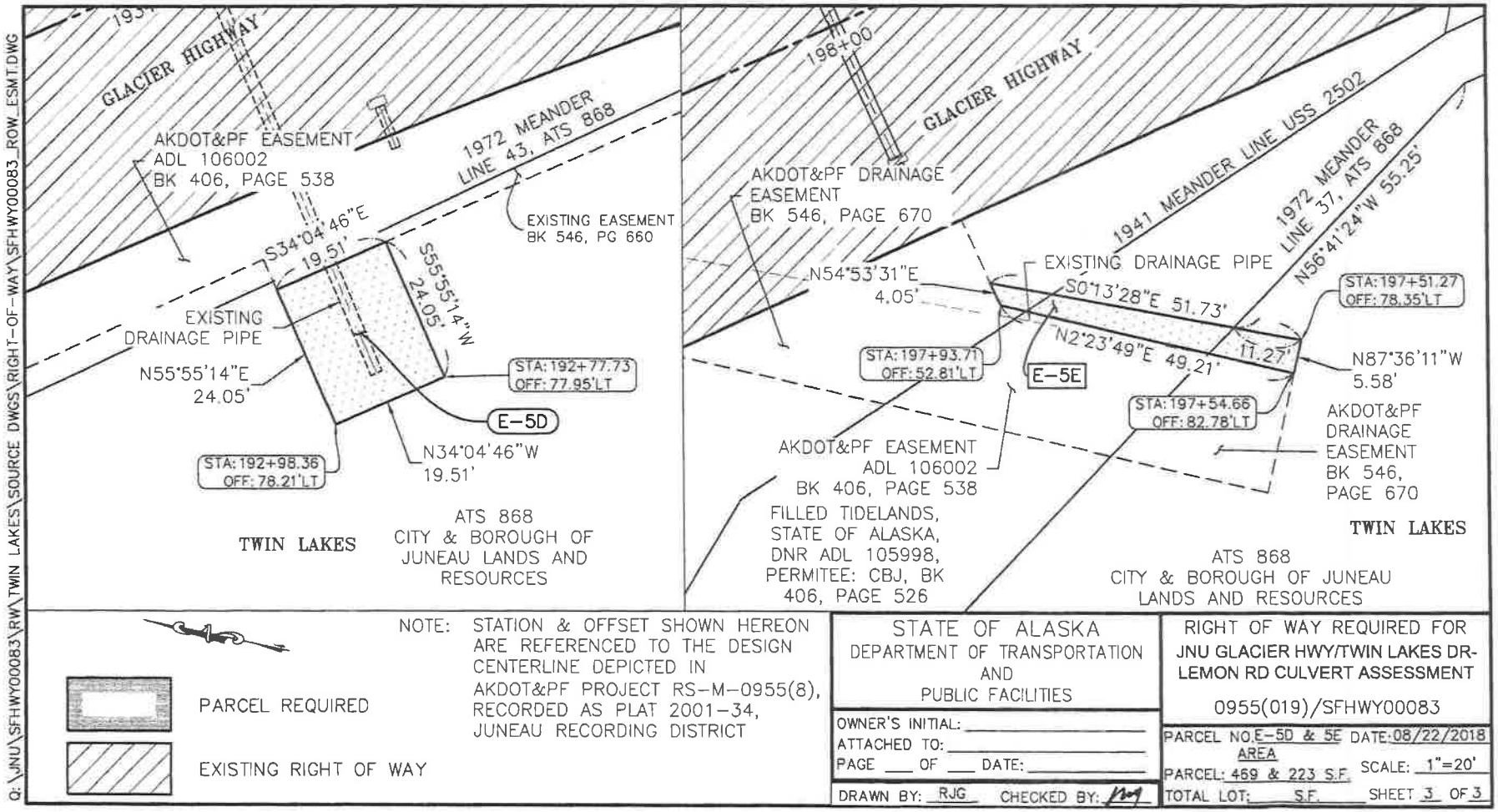
_____
FOR THE COMMISSIONER



Attachment A - Application



Attachment A - Application



Attachment A - Application

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES **TEMPORARY CONSTRUCTION EASEMENT** (Standard/Partial Property)	PROJECT NAME: JNU-GLACIER HWY: TWIN LAKES DRIVE-LEMON RD. CULVERT ASSESSMENT STATE PROJECT #: SFHWY00083 FEDERAL-AID PROJECT #: 0955019 PARCEL #: TCE-12

The GRANTOR, **CITY AND BOROUGH OF JUNEAU, (CBJ)**, whose mailing address is **155 South Seward Street, Juneau, Alaska 99801** for and in consideration of **charitable donation** and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, **STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES**, whose mailing address is **PO Box 112506, Juneau, Alaska 99811-2506** its successors and assignees, unrestricted temporary construction easements, to traverse over, and across the following-described tract of land:

A portion of U.S. Survey 1210 according to the official plat thereof, Juneau Recording District, First Judicial District, State of Alaska,

which lies adjacent to right-of-way lines of Alaska Project No SFHWY00083, delineated as to said tracts of land on the plats attached hereto and made a part of hereof as page three of this instrument and designated as Parcel Number TCE-12. Said parcel, containing four hundred and eighty seven square feet more or less is hereby granted to the State of Alaska for the purpose of:

a work area for all project activities associated with improvement and protection of drainage system by sloping, grading and installation of drainage pipe lining.

The Grantor hereby covenants with the State of Alaska that the Grantor has good title to the above-described tract of land, and covenants that the State of Alaska shall have quiet and peaceable possession thereof and use thereof during the period of the temporary construction easement. The Temporary Construction Easement will be in effect for a period beginning on the starting date of construction and ending upon project completion at which time this temporary construction easement shall expire and be of no force and effect.

The Grantee, the State of Alaska, shall leave said premises in a clean and presentable condition when said construction has been completed.

Dated this _____ day of _____, 2018

CITY AND BOROUGH OF JUNEAU

By: _____
Duncan Rorie Watt, City Manager

CITY ACKNOWLEDGMENT

STATE OF ALASKA)
: ss
FIRST JUDICIAL DISTRICT)

On this _____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Duncan Rorie Watt, the City Manager for the City and Borough of Juneau, known to me to be the person who executed the foregoing instrument, and who acknowledged to me that he or she executed the same as their free and voluntary act and with full knowledge of its contents, for the uses and purposes therein mentioned on behalf of the City and Borough of Juneau

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

_____
Notary Public in and for the State of Alaska
My Commission Expires: _____

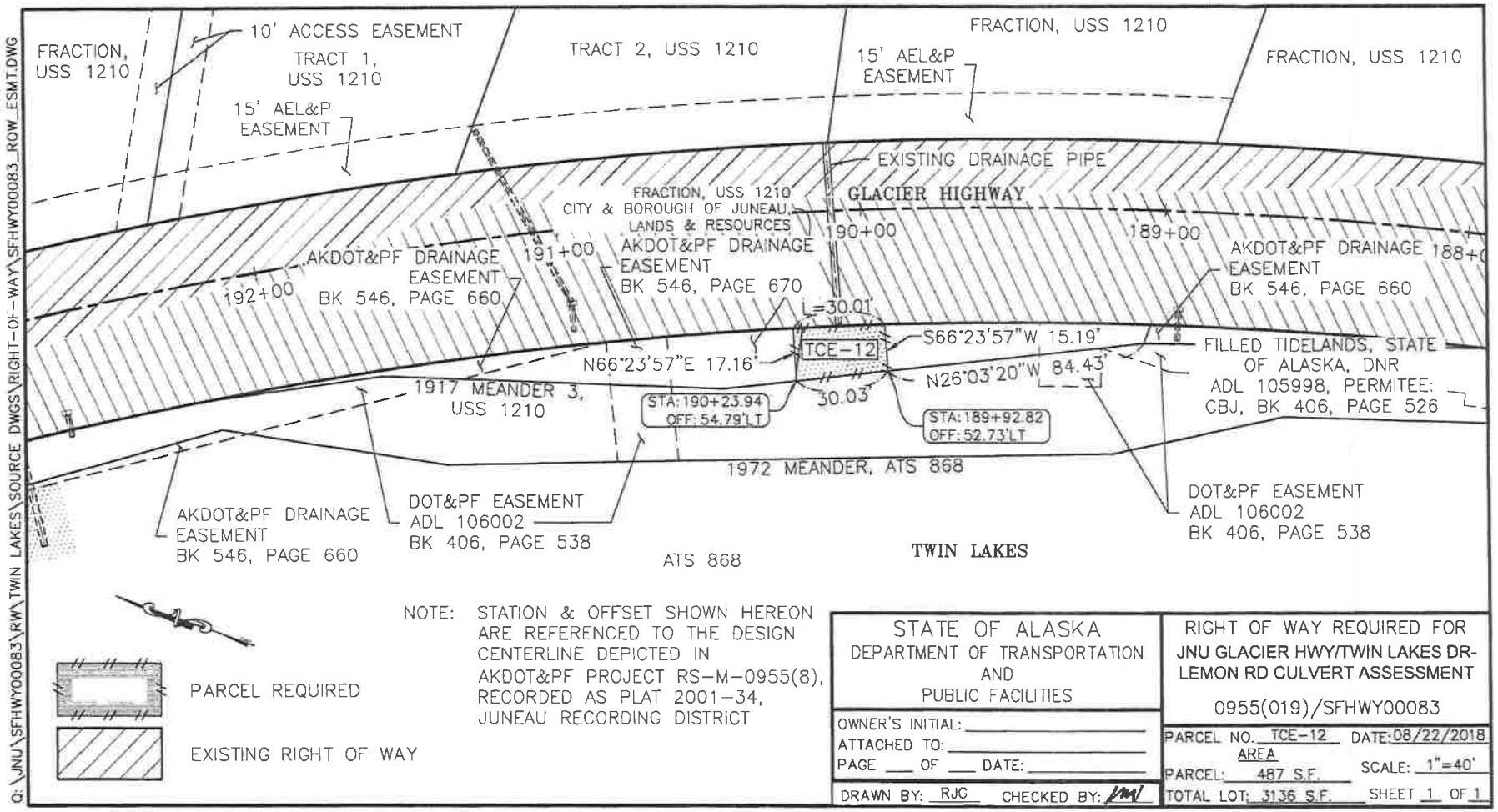
CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, Grantee herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this __ day of _____, 2018

THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

By: _____
FOR THE COMMISSIONER



NOTE: STATION & OFFSET SHOWN HEREON ARE REFERENCED TO THE DESIGN CENTERLINE DEPICTED IN AKDOT&PF PROJECT RS-M-0955(8), RECORDED AS PLAT 2001-34, JUNEAU RECORDING DISTRICT

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OWNER'S INITIAL: _____
ATTACHED TO: _____
PAGE ___ OF ___ DATE: _____
DRAWN BY: RJG CHECKED BY: MW

RIGHT OF WAY REQUIRED FOR
JNU GLACIER HWY/TWIN LAKES DR-LEMON RD CULVERT ASSESSMENT
0955(019)/SFHWY00083

PARCEL NO. TCE-12 DATE: 08/22/2018
AREA
PARCEL: 487 S.F. SCALE: 1"=40'
TOTAL LOT: 3136 S.F. SHEET 1 OF 1

Attachment A - Application

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 **City/State Project** for **CBJ lease and sale of easements to the Department of Transportation & Public Facilities for culvert rehabilitation** located on **Glacier Highway.**

TIMELINE

Staff Report expected to be posted **Monday, January 14, 2019** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 31, 2018

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

Jan. 1, 2019 through 12 noon, Jan. 18

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, January 22, 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.

January 23

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 December 21, 2018

Case No.: CSP2018 0016
Parcel No.: 0
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 RECOMMENDATION

Date: January 25, 2019
File No.: CSP2018 0016

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a City/State Project for CBJ lease and sale of easements to the Department of Transportation & Public Facilities for culvert rehabilitation

Property Address: N/A

Legal Description or ROW name: USS 1861, ATS 868

Parcel Code No.: N/A

Hearing Date: January 22, 2019

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 11, 2019, and forward the proposal to the Assembly with a recommendation of approval to lease access easements TAE-5 and TAE-2, lease construction easement TCE-12, and dispose easements E-5, E5-A, E5-D, and E5-E to DOT&PF, all at market value.

Attachments: January 11, 2019, memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding CSP2018 0016.

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

Project Planner: _____ _____

Amy Liu, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ 1/29/2019

Filed With Municipal Clerk

Date

cc: Plan Review

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

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: January 9, 2019

TO: Planning Commission

FROM: Amy Liu, Planner
Community Development Department

FILE NO.: CSP2018 0017

PROPOSAL: CBJ Land Disposal for Private Purchase

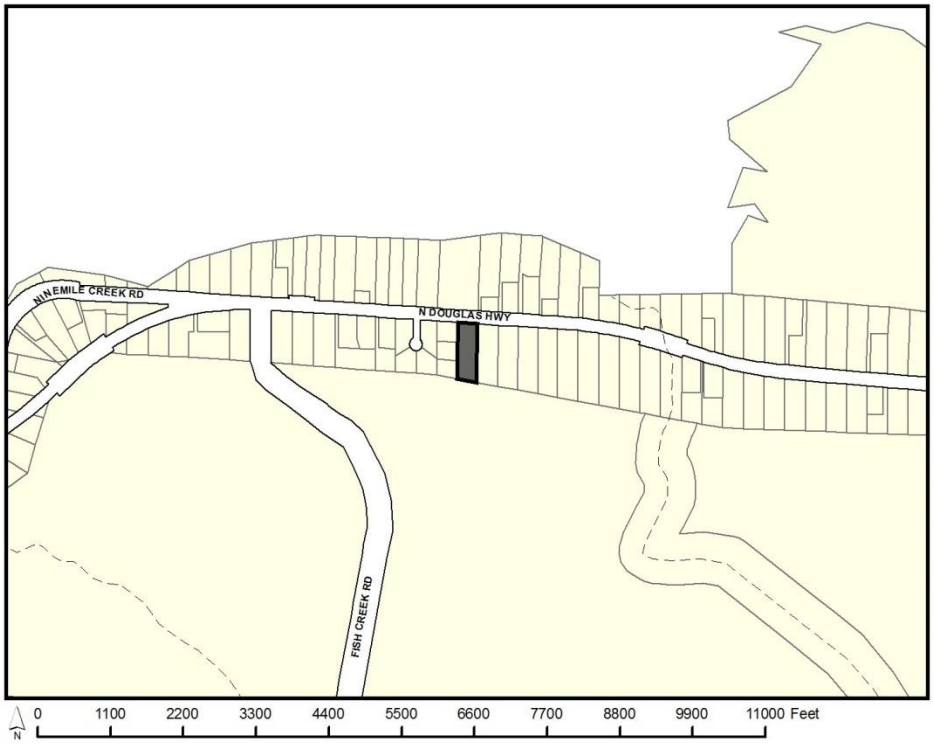
GENERAL INFORMATION

Applicant:	City & Borough of Juneau
Property Owners:	City & Borough of Juneau and Thomas Daugherty & Lisa Ouellette
Property Addresses:	Fish Creek Road (city property) and 9223 North Douglas Highway (Dougherty property)
Legal Descriptions:	USS 3559, Lot 1 and USS 3544, Lot 182
Parcel Code Nos.:	6D1011000010 and 6D1001030130
Site Sizes:	1096 acres (47,741,760 sq. ft.) and 1.64 acres (71,438 sq. ft.)
Comprehensive Plan Future Land Use Designation:	Rural Dispersed Residential
Zoning:	Rural Reserve (RR)
Utilities:	Public water, onsite septic
Access:	North Douglas Highway
Existing Land Use:	Single family residential

Surrounding Land Use:

North	-	Single family residential
South	-	Single family residential
East	-	Single family residential
West	-	Single family residential

VICINITY MAP



ATTACHMENTS

Attachment A – Application for CSP2018 0017

PROPOSAL

The applicant, CBJ Lands and Resources, requests approval for a city land disposal of 530 square feet to adjacent land owners at 9332 North Douglas Highway, zoned D1. The property will be sold at market value according to city processes established in regulation, per CBJ 53.09.200(e).

BACKGROUND

The owners would like to subdivide in order to create two D1 lots, each 36,000 square feet. The subject parcel is managed by the Lands and Resources Division, which is recommending the

land be sold to the owners.

ANALYSIS

Project Site

9223 North Douglas Highway is low grade near the right-of-way, transitioning to approximately 20% grade in the middle of the lot, and flattening toward the rear. The lot is currently occupied by a 480 square foot single-family home built in 1961.

Title 49 and Title 53

The Planning Commission is required to review the disposal of CBJ Property per CBJ 49.10.170(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 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.*

Additionally, CBJ 53.09.260(b) requires Planning Commission review of negotiated sales, leases, and exchanges of CBJ property:

> *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 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.*

Conformity with Adopted Plans

2013 Comprehensive Plan

Rural Dispersed Residential land is *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.*

2016 Lands Management Plan

There are 4 goals identified in the 2016 CBJ Land Management Plan:

- *Continue the land disposal program which systematically places CBJ land into private ownership.*
- *Provide direction on the best use of CBJ owned land for both development and preservation.*
- *Conduct CBJ land disposals in a manner that promotes compact urban growth and efficient expansion of municipal utilities and services.*
- *Maintain the Land Management Plan as required under CBJ§53.09.180 as a comprehensive reference document, updated every two years, that establishes CBJ land management policy and provides a framework for developing regulations concerning CBJ property.*

CBJ 53.09.010 Land Management Policies are also referenced within the CBJ Lands Management Plan:

> *It is the policy of the City and Borough to manage its real property as a municipal resource and to use, retain and dispose of both improved and unimproved land to realize the maximum benefit of the municipality and its residents, including encouraging beneficial private economic activity and facilitating the provision of public services, guiding a rational growth pattern, preserving land for public and private use for present and future generations of City and Borough residents, meeting the need of City and Borough residents for private ownership, and stabilizing land values without making land available for purposes of speculation.*

The CBJ owned parcel has a Retention Status of "Retain/Dispose" in the 2016 Lands Management Plan.

LND-1420	**6D1011000010** **6D1011000011** **6D1011000012** **6D1011000013**	Lot 1, USS 3559	1121.59	8 mile North Douglas Hwy, Fish Creek Road; Neilson Creek; Hendrickson Creek; Ninemile Creek; Bench Road alignment; trailhead, future residential subdivision	Lands & Resources and Parks & Recreation	Retain / Dispose

According to the Plan, lands with the status of *"Retain/Dispose" are appropriate for disposal, but there are sections (such as stream corridors, high value wetlands, etc.) that may be retained for a public purpose. This designation is particularly common for larger parcels.*

Habitat

There are no habitat issues.

FINDINGS

Staff finds that the proposed land disposal of 530 square feet of USS 3559, Lot 1 to be consistent with CBJ adopted plans. The disposal will open potential for a subdivision creating two standard D1 lots.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2018 0017 to be consistent with adopted local plans and policies, and forward to the Assembly a recommendation for approval to allow for the sale of 530 square feet of USS 3559, Lot 1 to the owners of USS 3544, Lot 182.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 12/10/18
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
The Division of Lands and Resources received an application to purchase City property from Thomas Dougherty who owns the property located at 9223 North Douglas Highway. Dougherty has requested to purchase a small fraction of City owned property in order to have enough square footage to subdivide his existing lot into two residential lots. Currently the applicant's lot is 71,438 square feet which is 512 square feet sort from the minimum.

PROPERTY LOCATION

Street Address	City/Zip
9223 North Douglas Highway	Juneau

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
USS 3559, Lot 1 (city owned)

Assessor's Parcel Number(s)
6D1001030130 (Dougherty owned) → 6D1011000010 Fish Creek Rd.

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
City & Borough of Juneau USS 3544 LT 182	Dan Bleidorn	586-0224
Mailing Address	**Home Phone:**	**Fax Number:**
55 S. Seward street		
E-mail Address	**Other Contact Phone Number(s):**	
dan.bleidorn@juneau.org	Greg 586-5252	

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 Daniel Bleidorn — Landowner/Lessee Signature — Date: 12/07/2018

X _____ — Landowner/Lessee Signature — Date: _____

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

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

X Daniel Bleidorn — Applicant's Signature — Date of Application: 08/27/18

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

STAFF APPROVALS

✔	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action		12/10/18	CSP 18-017
	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

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 18 - 017	12/10/18

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

The Division of Lands and Resources received an application to purchase City property from Thomas Dougherty who owns the property located at 9223 North Douglas Highway. The City property has the legal description of USS 3559, Lot 1; and consists of a very large parcel of over 1,100 acres. Thomas Dougherty has requested to purchase a small fraction of City owned property in order to have enough square footage to subdivide his existing lot into two residential lots. Currently the applicant's lot is 71,438 square feet which is 512 square feet sort from the minimum size needed to subdivide. The property that Mr. Dougherty has requested to purchase is a small strip of City land along the back property line

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):

Currently the City owned property is vacant.

PROPOSED USE OF LAND OR BUILDING(S):

The applicant plans on subdividing the property after acquiring property from the CBJ in oder to build a house.

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: $ $0.00

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	$ Ø			
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) 586-5252

TO: **The Assembly Lands Committee**

FROM: Daniel Bleidorn
Dan Bleidorn, Deputy Lands Manager

SUBJECT: **Request to Purchase a fraction of City Property Located within USS 3559, Lot 1**

DATE: **November 15, 2018**

The Lands and Resources Office received an application to purchase City property from Thomas and Lisa Daugherty who own the property located at 9223 North Douglas Highway. The City property has the legal description of USS 3559, Lot 1 and consists of a very large lot of over 1,100 acres. This parcel is designated in the Land Management Plan as LND-1420. The applicant has requested to purchase a small fraction of this property in order to meet minimum lot size requirements to subdivide their property. The 2016 Land Management Plan designated this property as Retain/Dispose as portions could be used for future development and disposal; and portions of the lot should be retained as valuable habitat and streamside buffers. The application description states that the applicants would like to purchase about 530 square feet of City land. This would be completed by minor subdivision and would adjust the applicant's back property line by about 3.5 feet onto what is currently City property.

53.09.260 (a) *Application, initial review, assembly authority to negotiate.*

Upon application, approval by the manager, and payment of a $500.00 fee a person or business entity, may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

If the Assembly approves working with the original applicant, the Planning Commission will review the application before an ordinance is drafted and brought before the Assembly for review and public hearing.

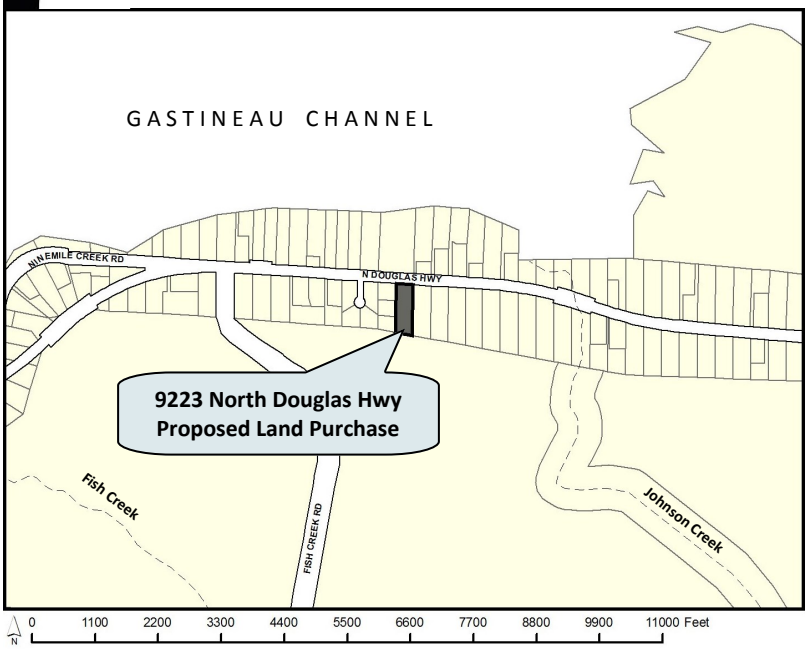
Since the proposed area is so small and directly adjacent to the applicant's property, it seems reasonable to work with the original applicant to purchase this property and not seek competition for further proposals to purchase this land.

Staff recommends that the Lands Committee pass a motion of support to the Assembly to work with the original applicant and dispose of roughly 530 square feet of CBJ property

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 **City Project** for **CBJ land disposal to private purchase** located at **9223 North Douglas Highway** in a **D1 Zone**.

TIMELINE

Staff Report expected to be posted **Monday, January 14, 2019** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 31, 2018

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

Jan. 1, 2019 through 12 noon, Jan. 18

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, January 22, 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.

January 23

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 December 20, 2018

Case No.: CSP2018 0017
Parcel No.: 6D1001030130
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 RECOMMENDATION

Date: January 25, 2019
File No.: CSP2018 0017

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly Regarding CBJ Land Disposal for Private Purchase

Property Address: Fish Creek Road (city property) and 9223 North Douglas Highway (Daugherty property)

Legal Description: USS 3559, Lot 1 and USS 3544, Lot 182

Parcel Code Nos.: 6D1011000010 and 6D1001030130

Hearing Date: January 22, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 9, 2019, and recommended that the Assembly approve the sale of 530 square feet of USS 3559, Lot 1 to the owners of USS 3544, Lot 182.

Attachments: January 9, 2019, memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding CSP2018 0017.

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

Project Planner: _____ _____

Amy Liu, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ 1/29/2019

Filed With Municipal Clerk Date

cc: Plan Review

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

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: January 10, 2019

TO: Planning Commission

FROM: Beth McKibben, AICP, Senior Planner
Community Development Department

FILE NO.: CSP2018 0014

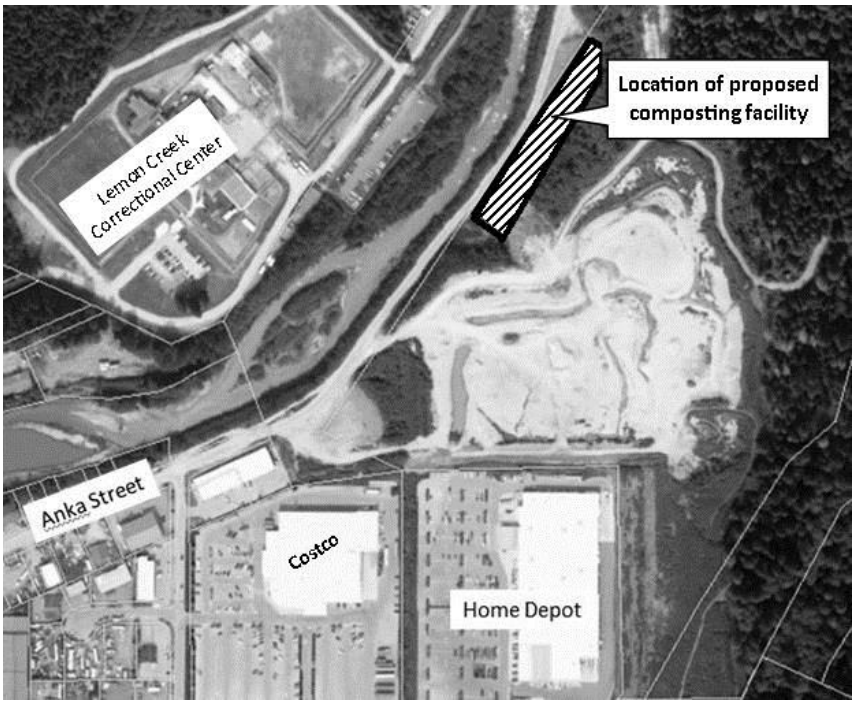
PROPOSAL: Lease of City land for a composting facility adjacent to the South Lemon Creek Material Source (gravel pit)

GENERAL INFORMATION

Applicant:	City & Borough of Juneau
Property Owner:	City & Borough of Juneau
Property Address:	N/A
Legal Description:	HDK Lot 4
Parcel Code No.:	5B1201360021
Site Size:	171.16 acres (7,455,805 sq. ft.)
Comprehensive Plan Future Land Use Designation:	Resource Development (RD)
Zoning:	Industrial (I)
Utilities:	On-site water and waste water
Access:	Unnamed haul road – extension of Anka Street
Existing Land Use:	Vacant (site of lease proposal)

Surrounding Land Use: North - RR - Vacant
South - I - South Lemon Creek Material Source (gravel extraction)
East - RR - Vacant
West - D5 - Lemon Creek/Lemon Creek Correctional Center

VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – Agency Comments
Attachment C – Applicant's Response to Alaska Department of Fish & Game Comments
Attachment D – Minutes from October 22, 2018 Lands and Resources Committee Meeting

PROPOSAL

Juneau Composts! LLC has requested to lease city property adjacent to the South Lemon Creek Material Source (gravel extraction site). The exact area of the lease has yet to be determined, but will be less than one acre of the 171+ acre parcel. The site would serve as a composting facility.

BACKGROUND

The site was selected by the CBJ under the Municipal Land Entitlement Act. In the 1980's, the CBJ and the Alaska Department of Transportation & Public Facilities (ADOT&PF) negotiated and entered into a joint agreement to extract sand and gravel from the pit also located on the parcel. In 1995, the ADOT&PF's extraction rights expired and the CBJ obtained exclusive rights to extract material from the pit, although the ADOT&PF has been allowed to continue extraction operations in the pit on an as-needed basis. A number of contractors have conducted sand and gravel extraction operations at the pit over the years to produce material for CBJ projects. The most recent CBJ sand and gravel permit, USE2008 0061, was approved in January 2009 and is valid for a ten-year period. In 2006, approximately 10.7 acres were sold to Home Depot USA Inc. for the development of their commercial facility.

At their October 22, 2018 meeting, the CBJ Lands and Resources Committee considered the Juneau Composts! LLC lease request. The Committee passed a motion in support of the lease to Juneau Composts! LLC.

AGENCY REVIEW

Staff contacted CBJ Engineering/Public Works, Fire, Police, Parks and Recreation, Streets, Assessor, Lands & Resources, the Alaska Department of Environmental Conservation, Alaska Department of Natural Resources, and the Alaska Department of Fish and Game (ADF&G), and Fish and Wildlife Service. The Alaska Department of Environmental Conservation, Solid Waste program notes the expected operation is not large enough to need a Waste Treatment Permit. However, if the composting program grows, a permit may be needed in the future. The ADF&G staff has concerns regarding the potential impacts to fish and wildlife resources resulting from the operation of a composting facility at this location. These concerns are addressed in the *Habitat* analysis.

PUBLIC COMMENTS

CDD staff received no public comments regarding the proposed lease of the subject property.

ANALYSIS

The Planning Commission is required to review the disposal of CBJ Property per CBJ 49.10.170(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 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.*

Additionally, CBJ 53.09.260(b) requires Planning Commission review of negotiated sales, leases, and exchanges of CBJ property:

> *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 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.*

CBJ Title 49 does not specifically identify composting as a land use, nor does it define composting. *The Latest Illustrated Book of Development Definitions* defines composting as "*A controlled process of degrading organic matter by microorganisms.*" CDD has considered composting to be "*Light Manufacturing" which is defined by CBJ 49.80 as "the processing and/or fabrication of materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties.*" The proposed lease site is zoned Industrial. According to the CBJ Land Use Code Table of Permissible Uses (CBJ 49.25.300), the composting facility may require a Conditional Use Permit, depending on the size of the lease (Use 4.050 Light Manufacturing). If the site is one acre or larger an approved conditional use permit will be necessary.

Conformity with Adopted Plans

<u>2013 Comprehensive Plan</u>

The requested lease of the subject property to Juneau Composts! LLC for the development of a composting facility is consistent with the following policies of the Comprehensive Plan:

Policy 2.1 *To build a sustainable community that endures over generations and is sufficiently far-seeing and flexible to maintain the vital and robust nature of its economic, social and environmental support systems.*

Policy 5.1 *To develop and sustain a diverse economy, providing opportunities for employment for all residents.*

> Implementing Action: 5.1 – IA1 *Work with private-sector industries and businesses and public sector agencies that are interested in locating or expanding within the City and Borough of Juneau, and consider offering land, tax incentives, or other benefits to encourage new development.*

Policy 5.11 *To encourage the location and growth of locally-based basic sector industries that provide year-round, full time employment and provide tax revenues that support public services.*

Policy 5.18 *To encourage and support entrepreneurship and innovation in the economy of Juneau and Southeast Alaska.*

Policy 12.4 *To facilitate the reduction of waste materials generated and disposed by households and businesses through promotion of an aggressive solid waste diversion program including activities facilitating waste prevention, reuse and recycling.*

Policy 12.6 *To encourage waste reduction, reuse and recycling activities that have positive economic impact and/or environmental benefits.*

Policy 17.2 *To hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.*

2016 Lands Management Plan

There are 4 goals identified in the 2016 CBJ Land Management Plan:

- *Continue the land disposal program which systematically places CBJ land into private ownership.*
- *Provide direction on the best use of CBJ owned land for both development and preservation.*
- *Conduct CBJ land disposals in a manner that promotes compact urban growth and efficient expansion of municipal utilities and services.*
- *Maintain the Land Management Plan as required under CBJ§53.09.180 as a comprehensive reference document, updated every two years, that establishes CBJ land management policy and provides a framework for developing regulations concerning CBJ property.*

CBJ 53.09.010 Land Management Policies are also referenced within the CBJ Lands Management Plan:

> *It is the policy of the City and Borough to manage its real property as a municipal resource and to use,* ***retain and dispose of both improved and unimproved land to realize the maximum benefit of the municipality and its residents****, including encouraging beneficial private economic activity and facilitating the provision of public services, guiding a rational growth pattern, preserving land for public and private use for present and future generations of City and Borough residents, meeting the need of City and Borough residents for private ownership, and stabilizing land values without making land available for purposes of speculation" (emphasis added).*

The 2016 Land Management Plan indicates that the retention status of the particular parcel

proposed for lease as 'retained/disposed'. The requested lease of less than an acre of the 171+ acre site is consistent with the Land Management Plan.

2018 Lemon Creek Area Plan

The proposed lease site is located within the boundary of the Lemon Creek Area Plan. The requested lease of the subject property to Juneau Composts! LLC for the development of a composting facility is consistent with the following policies of the Lemon Creek Area Plan:

Chapter 3, Land Use - Goal 2: *Identify and develop waste management strategies that decrease the impacts on the Lemon Creek Area.*

> Action: *Decrease reliance on a landfill by implementing a mandatory borough-wide recycling program.*

While composting is not recycling, it does reduce the volume of material delivered to the land fill, which in turn may reduce the impacts of the landfill on the area.

Chapter 7, Economic Development – Goal 2: *Create thriving commercial and industrial areas that support industry and neighborhood businesses.*

2015 Economic Development Plan

While composting is not specifically related to the top ten initiatives identified in this plan, one of the elements of the framework to support economic development is "*Support the ability of local entrepreneurs to take advantage of trending opportunities, innovation, and creativity (particularly related to Juneau's unique assets and competitive advantages)*." The requested lease to Juneau Composts! LLC will facilitate the expansion of successful local business developed by a local entrepreneur.

Habitat

Lemon Creek is a cataloged anadromous stream and is subject to the 50-foot, no-disturb buffer. This does not affect the proposed lease area as the creek is across the haul road and more than 50 feet from the creek. The ADF&G has expressed concern with the composting facility potentially attracting bears and other wildlife. They have requested that electric fencing be a requirement of the lease. Electric fencing is the most effective deterrent to bears. The ADF&G is also concerned about run off from the composting facility into Lemon Creek. The working materials will be covered, minimizing runoff. Additionally, the haul road helps to prevent runoff from reaching Lemon Creek. The ADF&G expressed concern with the applicant having free roaming dogs and cats at the composting facility. The applicant clarified that she does not intend to have any dogs or cats at the Lemon Creek location.

Flood Hazard Zones

The proposed lease area is outside the mapped flood hazard zone.

FINDINGS

Staff finds requested lease of less than one acre of city property adjacent to the South Lemon Creek Material Source (gravel extraction site) to be consistent with Title 49 and CBJ adopted plans, specifically the 2013 Comprehensive Plan, 2015 Economic Development Plan, and the 2018 Lemon Creek Area Plan. The sale is also consistent with the 2016 Land Management Plan.

RECOMMENDATION

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval with the following conditions:

1. The composting facility will be fenced. Fencing will include electric fencing that will be installed along the perimeter of the composting facility in accordance with the recommendations of the Alaska Department of Fish and Game.
2. Best management practices will be used to minimize runoff from the site.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 11/29/18
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
Lands received an application for a fraction of a City lot in order to use the site as a small composting facility. All leases of City property must be reviewed by the Planning Commission as per 53.09.200. This site is adjacent to the South Lemon Creek Material Source and does not have water, sewer or electricity to to lot line.

PROJECT / APPLICANT

PROPERTY LOCATION

Street Address	City/Zip
NA	99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): HDK LT 4

Assessor's Parcel Number(s): 5B1201360021

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
City & Borough of Juneau	Dan	586-0224
Mailing Address	**Home Phone:**	**Fax Number:**
155 S. Seward Street C/O Lands & Resources		
E-mail Address	**Other Contact Phone Number(s):**	
Dan.Bleidorn@Juneau.org	586-5252	

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 Daniel Bleidorn
Landowner/Lessee Signature — Date

X
Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

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			
	City/State Project Review and City Land Action		11/29/18	CSP20180014
	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

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 20180014	11/29/18

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 & Resources Office received an application to lease City property for a small composting facility. See the attached request for additional information

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):

Currently the area being requested for lease is vacant, but this area is adjacent to the South Lemon Creek Material Source

PROPOSED USE OF LAND OR BUILDING(S):

It is being proposed to use this vacant property for a composting facility.

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: $ 5000

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	$ N/A			
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

CITY/STATE PROJECT REVIEW REQUIREMENTS

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

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

Forms: A completed City/State Project Review Application form and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: No fee required for projects that cost less than $2.5 million. For projects costing more than this amount, the fee is $1,600.00. All fees are subject to change.

Project Description: A detailed letter or narrative describing the project.

Plans: All plans are to be drawn to scale and clearly show the items listed below:

A. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
C. Proposed traffic circulation within the site including access/egress points and traffic control devices;
D. Existing and proposed lighting (including cut sheets for each type of lighting);
E. Existing and proposed vegetation with location, area, height and type of plantings; and,
F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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

A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif .xlm, .rtf or other formats pre-approved by the Community Development Department.
B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved by the Community Development Department).

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

The City and Borough of Juneau is not responsible and shall not be liable to the user for damages of any kind arising out of the use of data or information provided by the City and Borough of Juneau, including the installation of the data or information, its use, or the results obtained from its use. ANY DATA OR INFORMATION PROVIDED BY THE City Borough of Juneau IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Data or information provided by the City Borough of Juneau shall be used and relied upon only at the user's sole risk, and the user agrees to indemnify and hold harmless the City Borough of Juneau, its officials, officers and employees from any liability arising out of the use of the data/information provided. NOT FOR ENGINEERING PURPOSES.

N

Attachment A - Application

MEMORANDUM

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

TO: **Assembly Lands Committee**

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

SUBJECT: **Juneau Composts! LLC request to lease City Property**

DATE: **October 16th, 2018**

Attachments:
Attachment 1 - Juneau Composts! Request
Attachment 2 - Juneau Composts! Operating Plan
Attachment 3 - Juneau Composts! Lease Site Diagram

The Division of Lands and Resources has received an application to lease City property from Juneau Composts! LLC for an area of land adjacent to the South Lemon Creek Material Source (gravel pit) which is located on the City property north of the Home Depot. The purpose and need for this lease states that it will help conserve limited landfill space and help promote recycling; both of which are goals of the City Assembly. Originally the applicant requested a lease for another location but after discussing the application with the Gravel Pit and Rock Quarry Manager and the Recycle Works Operations Manager the proposed lease location was moved to the Lemon Creek location.

53.09.260 - Negotiated sales, leases, and exchanges.

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

and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) *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 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.

If a favorable motion to work with the original applicant is provided by the Assembly, this lease application will be forwarded to the Planning Commission for review. Upon review by the Planning Commission this lease will be brought back before the full Assembly for consideration by ordinance.

As directed by CBJ§53.09.260(a) at this stage in the review of Juneau Composts! LLC's application to lease a portion of the old Lemon Creek gravel pit, the Lands Committee needs to provide a recommendation to the Assembly concerning whether it would be appropriate to negotiate directly with the original applicant, Juneau Composts!, or to seek further proposals through a competitive process.

Staff's Recommendation:

Due to the proven track record of the applicant to operate a composting facility and the important opportunity to divert food waste from the landfill, it seems appropriate to work directly with the original applicant to develop a lease.

Lands staff recommend that the Lands Committee pass a motion of support to work with the original applicant to develop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC for fair market value.

Hello and Good Day to whom it may concern at CBJ! August 2, 2018

On behalf of Juneau Composts! LLC I would like to inquire about leasing land from the CBJ. The parcel of interest is 6D1011000010, which is the rock pit site off of Fish Creek Road. The access is via the gravel road on 6D1011000020. It has come to my attention that this rock pit is nearing the end of its life as a rock pit, and since it has already been altered from its natural state it seemed like a perfect fit. Below I will outline my current operation then share my vision for the new site.

The Current Setup

Juneau Composts collects food scraps and yard debris from 130 accounts in town. We serve households and businesses in nearly all neighborhoods. We process all the material on my private property in Rural Reserve. There are several series of pallet bins and platforms and a small canvas shed for carbon storage. All organic material is covered at all times by a biofliter and a wooden lid, tarp, or waterproof fleece fabric, so there is no runoff from the rain.

Reasons for a New Space

While state and CBJ regulations work for my current site, I feel that the Fish Creek site would help my business and the community in many ways.

1. Many people inquire about yard debris drop off. For most people the site at 25 mile is too far to warrant the trip. Also, I don't feel comfortable having many people coming and going from the site with truckloads of debris since I have very close neighbors.

2. In order to compost all the food scraps I need to mix them with a carbon source. This is a challenge in Juneau as there are not large lumber mills or farms. My current site does not allow ample room to stockpile vast amounts of carbon, which typically becomes available in large loads or only seasonally. The Fish Creek site is huge and could easily accommodate large piles of wood chips, leaves, brush, and other organics. Many municipalities ban yard debris from landfills altogether, and CBJ could consider moving toward that to conserve landfill space.

3. Snow management presents significant challenges at the current site. Being able to have all my active piles under one snow-shedding roof would greatly reduce my shoveling and plowing time. The snow load Out The Road is quite a bit more than on Douglas.

4. The Fish Creek site has been worked over and has a large, solid pad. It would take very little to get it to the ideal grade and setup for a compost site, and all the material is at hand. While my current site works, it is restricting in many ways. As business continues to grow I worry about being able to accommodate larger volumes of material. I have turned down inquiries from larger generators so that my current site does not get overwhelmed. The CBJ has some real waste management issues to tackle, and the Fish Creek site has ample room for serving the entire city.

The Vision

Below is the vision I have for the Fish Creek site in my compost dream world. All of these things are not necessary, nor would they happen all at once. I am open to alternative ideas, plans, or sites the CBJ may have.

I would use the bowl of the pit as my workspace. I would have a temporary shelter, such as a Farmtek Ponywall building sitting on top of moveable concrete blocks. The shelter would house the bays where the compost material would first be processed. Once the compost has completed the thermophilic process it would be moved into windrows outside the shelter and would be covered by waterproof fleece covers (the industry standard). There would be a smaller portable shelter for carbon storage, and a small portable greenhouse or high tunnel to conduct the grow trials for the finished product. Equipment on site would include a front-end loader, and a chipper. The facility would be gated off just like the gravel pit is now. I would like to hold special event days where community members could drop off yard debris or pick up finished compost, which I would of course supervise.

Thinking on a more long-term scale, I dream that the site could also serve as a community space for gardening and composting workshops for both school children and adults. Home compost demonstration sites are popular across the country and can really help expand the reach of landfill diversion and successful home composting. Another idea for community involvement is a commercial community garden. This would be open to growers who are producing food to sell locally. The CBJ Commission on Sustainability outlines food security as a top priority, yet the city has few lots suitable for farming. The Fish Creek site is sunny and flat, and it could easily house some serious raised beds. A commercial community garden would be a great way to enable people to grow more food for market.

The Conclusion

The community is already accustomed to this Fish Creek parcel being used industrially. The shift from rock pit to compost site would hardly be noticeable. The sound of a loader working compost material would be less than one working rock. Traffic would likely remain the same. Smell is not an issue with proper composting technique. If anything, the place would likely be improved since there would be more of a presence in the area. Perhaps all the dumping, launching of fireworks, and shooting of firearms would diminish. If, after granting the lease, CBJ plans shifted and the site was to be repurposed all of my buildings could be moved off site since they will not be permanent structures. Please consider leasing the site to me so Juneau Composts can ramp up its landfill diversion, soil building, and gardening. The environmental impacts and economic opportunity for composting in Juneau has great potential. From my current assessment every 300 households composting can create one job at $15/hr at my company. I've attached my Path to Prosperity proposal, which goes into more detail about my company and the impacts it could have on our community.

I am happy to expand more on the ideas above and give more detailed information on the composting process. While large scale composting is a relatively new concept in Juneau, it has been sweeping across the country for several decades. As municipalities and states struggle with closing landfills and incinerators and the high cost of dealing with solid waste, landfill diversion has become a focal point of waste management. Recycling has become commonplace in recent years, but with China's ban on accepting our plastics and the collapse of the recycling market it seems as though organics recycling (composting) might make more economic sense for our community.

Sincerely,

Lisa Daugherty
Owner of Juneau Composts! LLC
www..juneaucomposts.com
907-419-5763
juneaucomposts@email.com

Path To Prosperity Concept Description
For Juneau Composts

Business concept or company description:

What is the product or service to be provided by the business?

Juneau Composts provides Juneau with the opportunity to recycle food scraps and yard debris, which decreases landfill usage, minimizes carbon and methane emissions, and creates a wonderful soil amendment necessary for the growth of local fruits and vegetables. Individuals, businesses, and organizations sign up for weekly curbside pick up and processing service. They sort their organics into provided containers, which are set at the curb on collection day. Materials collected include pre- and post-consumer food scraps, spent grain, shredded paper, yard debris, paper towels, and bioplastic plates, cups, and cutlery. The contents of the containers are collected 1-2 times a week and are taken to our centralized compost facility where we use hot composting methods to create the finished compost product. Members of the service receive shares of the finished compost as it becomes available. Additional compost is sold to non-members during the spring and fall. We have over 120 customer accounts and have diverted more than 56,000 pounds of organics from the landfill in our first year of operation. Our clientele is diverse: we serve schools, restaurants, breweries, nonprofits, and government organizations. Our residential customers also also varied, hailing from virtually every neighborhood, and living in houses, condos, and apartments. Our variable price scale ($7-25/month) accommodates nearly every budget.

In addition to our convenient compost processing service, Juneau Composts does community outreach by providing technical assistance, by giving presentations, and, generally, by talking compost to anyone who is interested. We have seen an outpouring of interest and support over the past year, and we are working on plans for significant expansion. By creating a larger and more efficient compost site, and by hiring employees we aim to fulfill Juneau's demand for organics recycling and finished compost. We are proud to help individuals and businesses strive for a high standard of environmental sustainability.

Describe the problem, need or opportunity you want to solve or take advantage of.

There are two main problems Juneau Composts can help solve: 1. Juneau lacks sustainable and responsible organic waste management practices. 2. Juneau lacks tillable soil and a source of local soil amendments.

People and businesses are becoming increasingly concerned about the environment and their own contributions to its degradation. Juneau dumps 33,000 tons of material in the landfill each year.[1] The EPA reported in 2013 that organic materials such as paper, yard

[1] http://www.juneau.org/pubworks/projects/SWMS/documents/FINAL_CBJ_Solid_Waste_Mgt_Strategy_

trimmings, and food were the largest component of the waste stream, comprising 54% of "trash."[2] That translates to 16,000 tons of potential compost feedstock for Juneau. This is a vast environmental and economic resource that is going untapped.

Recycling of food and yard scraps is gaining popularity in communities across the country as an economically sound environmental solution to reduce the cost of landfill operations, to reduce odor and greenhouse gas emissions, and to produce a sellable compost product. Nationwide, 24 states have banned the landfilling of key organic waste streams, such as yard debris. Perhaps even more telling of the future of waste management, five states (Vermont, Massachusetts, Connecticut, Rhode Island, and California) have passed legislation calling for a total ban on landfilling organics, each with its own incremental steps toward reaching that goal in the next several years.[3] Alaskan communities, such as Anchorage, Fairbanks, Petersburg, and Gustavus, have taken steps to align their waste management practices with those of the Lower 48. While Juneau is behind the curve in organics recovery, it is also showing great interest in composting, land stewardship, and food security, and Juneau Composts is ready to serve the community. Curbside composting service for food and yard waste offers a rare win-win environmental solution by helping businesses and communities reduce their environmental impact, while creating both employment and a safe and marketable end product. There are more than 200 U.S. communities with curbside collection of food scraps, and the composting sector is projected to grow.

With diminishing landfill space and growing public concern, composting is a great economic and environmental solution. It is being said that the landfill in Lemon Creek will only last another 20 years at the current rate of use. Why should we fill it with things that do not need to be there, especially when those things are local commodities? Once the landfill closes, the CBJ is considering barging our trash to the Lower 48. We need to take responsibility for our own waste. Washington's environment does not need our trash, and Juneau's economy cannot afford to ship resources like organic waste out of state. The Earth can not handle unlimited fossil fuel use, and Juneau's citizens should not have to carry the burden of having a diet that travels a thousand miles to us only to have much of it shipped a thousand more miles away as trash. The USDA states that in 2010 31% of food was wasted at the retail and consumer level, so that would be about a third of Juneau's imported food riding the barge through the Southeast Passage twice.

The cost of imported bagged compost and garden soil ranges from $5-25 for one cubic foot. A local composting facility can viably compete with those prices. The production of local soil amendments has the potential to drastically change the local gardening and farming scene. Currently, growing medium is a barrier to entry and expansion, and Juneau Composts aims to serve as a cornerstone in Juneau's growing local food industry.

Feb_2008.pdf

[2]https://archive.epa.gov/epawaste/nonhaz/municipal/web/html/

[3] https://www.biocycle.net/2016/11/10/fresh-look-organics-bans-waste-recycling-laws/

In a pie chart delegating 2006 domestic systems-based greenhouse gas emissions, the EPA lists the provision and disposal of food and goods as generating 42% of all greenhouse gases.[4] Composting reduces emissions of the greenhouse gas methane compared to landfilling, and compost additions to land help build soil carbon. When thinking about reducing our carbon footprint composting should therefore be one of our top priorities. Composting can be a solution for many of Juneau's problems–from conserving landfill space, to reducing emissions, to helping create more food security.

How is your product or service different and better relative to other products or services addressing the same problem or need?

There are currently no other food scrap composting services in Juneau. The CBJ listed composting as a solution to the landfill problem in the late 1990s, though nothing has been implemented. The Recycleworks division has been taking recent steps to create a city-sponsored compost program and has reached out to Juneau Composts as a potential partner in the project.

The bagged and bulk compost that is sold in town is all shipped in from elsewhere, and there is a a large waitlist for Juneau Composts's product. Customers include garden supply centers, landscapers, and individuals. In germination and seedling test trials this spring Juneau Composts' product outperformed DR Earth's Organic Compost, which many consider to be a premium product. The CBJ Commission on Sustainability outlines food security as a top priority, and Juneau Composts is poised to support our community's growing agricultural sector.

Social & Conservation Concepts

How will the business contribute to the conservation and sustainable use of natural resources and how will this be measured?

Juneau's "trash" is actually one of its resources. By transforming local organics into finished compost we can build soil for our gardens and farms, which is a commodity in high demand. Composting goes beyond conserving what we have: it actually produces something that was not even there to begin with! We live in a precariously food insecure place, and small scale gardening can significantly supplement fish, wild game, and foraged plants in the quest for local food. Many crops can be grown in a simple mix of compost and sand in pots or raised beds.

Perhaps the biggest obstacle to commercially producing food in Juneau is the lack of land and soils available. Most of Southeast is not like the Interior of Alaska, where simply removing existing vegetation reveals a soil bed suitable for farming. Even when land is

[4] https://www.epa.gov/sites/production/files/signpost/cc.html

cleared here, there is nothing for a farmer to start planting in. Juneau's food production relies primarily on raised bed and high tunnel construction, both of which use expensive imported soil, compost, and fertilizers. Locally manufactured compost would significant increase accessibility and opportunity for small scale farming ventures.

Composting also indirectly benefits our natural resources by decreasing landfill usage. This means less methane gas would be produced and fewer foul odors would emanate through Lemon Creek. Since most paper could be composted rather than recycled in the lower 48 or abroad, our fossil fuel dependence would also decrease. Moreover, less garden soil and fertilizer would have to be shipped in to Juneau, and in turn fewer heads of lettuce and and bags of carrots as well. Composting is starting to feel like the gift that keeps on giving!

Through a more general lens, the process of composting is a regenerative process. It uses microbial life as fuel, builds and enhances soil, protects our watersheds, and even has bioremediation capabilities.

To measure Juneau Composts' conservation and sustainability, data is recorded all along the way: volume and weight for all organics collected, and volume and weight for finished compost produced. Running totals of all material diverted from the landfill are provided to customers each month. Customers can feel and know the impact of their efforts and may be inspired to encourage others to participate in the program. Businesses receive their own personalized set of numbers that reflects their actual waste diversion. They can use that data to analyze their waste stream in the quest for waste reduction, and also use it as a tool to advertise their commitment to sustainability.

How will you ensure that revenue from the business stays in the local economy?

Currently, the money generated from food scraps supports the trash haulers and the landfill manager. While those companies have local employees, neither of them is locally owned, so much of the waste stream revenue is leaving the city. Juneau Composts is a 100% locally owned family business. While it is currently a small operation, we are looking to hire more local employees as we expand. We pay CBJ sales tax and buy our supplies from local hardware stores and gas stations. While our revenue is modest at this point, as the company grows so will our staff and expenditures.

With a composting service in our community the lifespan of the landfill will be extended. Constructing a new landfill or barging waste out would be delayed. Saving tax dollars on these things could be considered money earned for the community. Additionally, the compost manufactured will keep money circulating in our community, It will also have a ripple effect as the number of food producers and processors grows.

As Alaska looks to diversify its economy and curb its reliance on fossil fuel and other resource extraction, Juneau Composts is ready to assist through expansion and provision of useful, year-round, living wage jobs. Based on our current calculations, every 300 households enrolled could support 1 full time position at $15/hr. Looking at long-term

expansion goals, if all of Juneau's 11,500 households were enrolled in composting service, upwards of 38 jobs could be created at Juneau Composts. Even more promising is the additional jobs that would be created in the local foods and landscape industries.

How will your business contribute to the development of leadership and self-determination in your community?

As part of the pilot project I did a lot of community outreach. From doing presentations at schools to writing articles for the Master Gardeners newsletter, to keeping a blog of my own adventures in composting and sustainability. Juneau Composts has continued in that vein by providing compost consultation and education to dozens of individuals, businesses, organizations, and schools. Last fall I worked with the Lemon Creek Correctional Facility to set up a compost system for their garden. Over the winter I mentored a middle school student who set up composting for the Juneau Community Charter School, and together we ran a booth at the STEM Coalition's Family STEM Night. I have been invited to give "how-to" talks on home and community composting in both Juneau and Haines. Juneau Composts has a strong online presence maintains a Facebook page for to highlight landfill diversion numbers, provide environmental insight, and share national compost news, all with the aim of urging people to scrape their plates in the right direction.

Juneau Composts aims to work with local food producers of all scales. We are currently working with the Juneau Community Garden to improve their onsite composting. We are also providing space for Panhandle Produce, a local food producer, to erect a high tunnel so they can expand their operation.

Additional information

Current state of development

Juneau Composts launched its compost processing service April 1, 2017. We have grown to 120 customer accounts, 10% of which are businesses/organizations. We collect and process material twice a week, manage materials two days a week, and periodically work on developing the compost site. The summer-time goals for 2018 are to put up infrastructure to allow for more efficient composting times and to accrue more customers so we can commit to regular employee position. We also want to put the final touches on the school fundraiser program so it can begin in the 2018 school year.

Ownership and management team composition and relevant experience.

The business is owned and operated by me, Lisa Daugherty. I have experience with the logistical and financial aspects of running a business, as my husband and I are self-employed commercial fishermen. I have sustainable agriculture research experience as a student

employee at the University of Maine. It is there that I learned the value of trial and error and experimentation in agriculture. In 2012 I designed and ran a community composting cooperative for my Master Gardener community service project in Juneau, where I successfully composted nearly 20,000 pounds of food scraps. I kept data on everything, from materials collected, to finished compost produced, to time spent. It is from my experiences during this year long project, along with much research, that I formed the business plan for Juneau Composts. Juneau Composts began service in April 2017 and has collected and processed more than 56,000 pounds of food scraps and yard debris.

While I am currently a team of one, I am supported by peers within the growing compost industry. The US Composting Council, The Maine Compost School, and the Institute for Local Self-Reliance are all organizations that provide ample networking and professional development. I look forward to furthering my knowledge and expanding Juneau Composts by attending yearly training sessions, and by continuing to tour compost facilities across the state and country.

Juneau Composts! LLC
Juneau, AK
Lisa Daugherty, owner
juneaucomposts@email.com
907-419-5763
9223 N Douglas Hwy,
Juneau, AK 99801

Juneau Composts! LLC
Operating Plan
October, 2018

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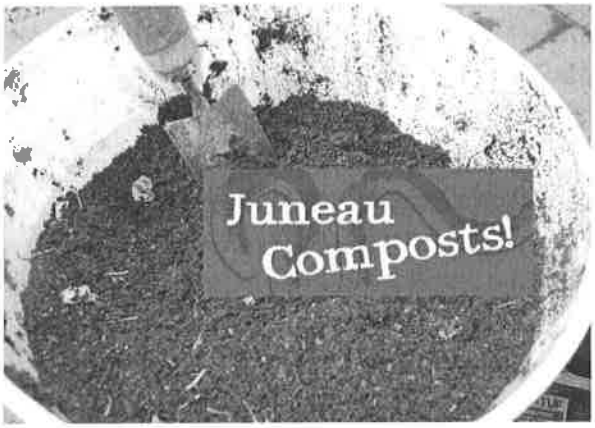

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Purpose and Need.....1
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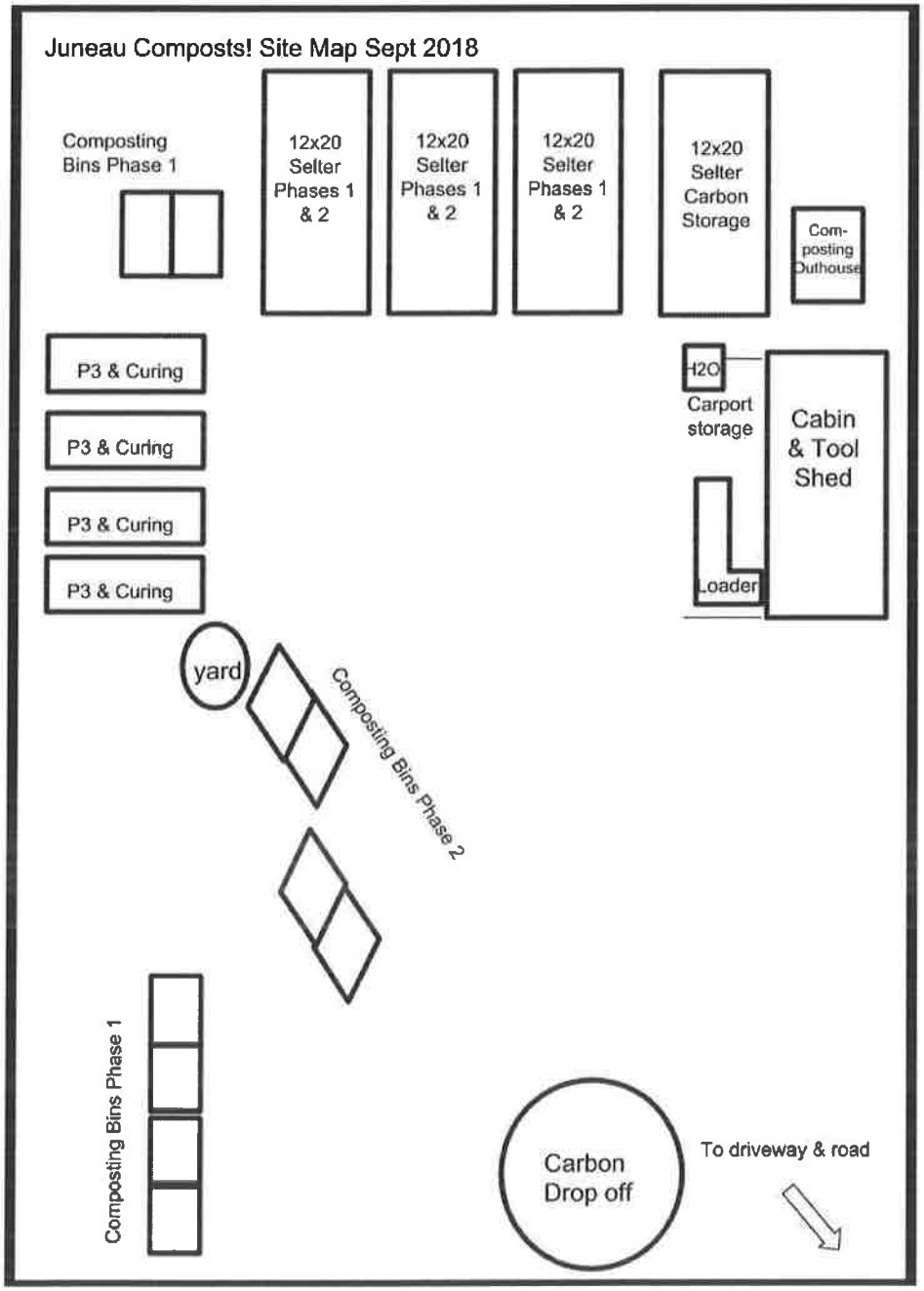

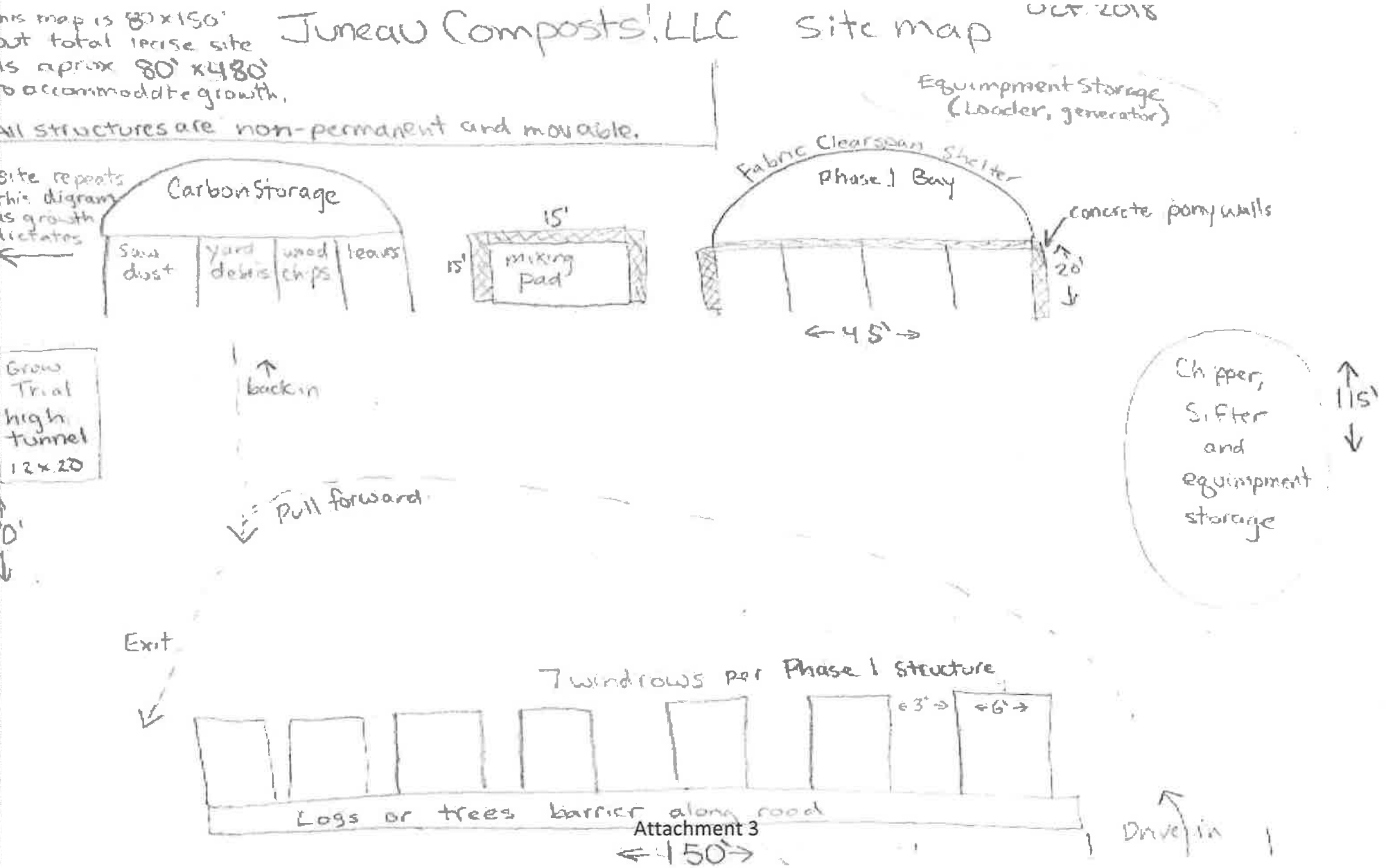

Attachment 3

Attachment A - Application

Process Description

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The driver collects compost door-to-door, emptying the 5-32 gallon buckets/cans into the 45 gallon cans in the truck. Volume is estimated as each receptacle is dumped, then recorded. The material is brought to the site, where it is weighed and processed. The truck is backed up to the active Phase 1 bin. Lids and biofilter material are pulled back and the day's organics are dumped and layered into the bin along with on-hand carbon. Caron sources include leaves, moss, paper, sawdust, wood shavings, wood chips, straw, and "overs" from previous batches of finished compost. Carbon is also used to create a "nest," which lines the edges of the bin so food scraps do not protrude. A final addition of carbon is added to the top to act as a biofilter. The lids are replaced and shimmed as necessary, and plastic mesh fencing is used to cover exposed portions of the pile as needed. The driver returns the truck and bins to the owner's residence, where the buckets and cans are washed and stored. Residual scraps are caught in a filter and composted in a tumbler bin on-site.

A Phase 1 bin is added to until it is full, which is typically 2-3 weeks. It quickly heats to 140 degrees F and is allowed to compost thermophilically for 1-2 months. Piles are built with passive aeration in mind, so turning is not necessary for the initial breakdown of food. Keeping turning to a minimum keeps odors down and lowers the chance of problems with neighbors and wildlife. As the pile cools it is actively aerated by using a piece of rebar to create a grid pattern of holes into all accessible sides of the pile. Temperature rises again. As room in Phase 2 bins allows, the pile is forked into the front end loader (some bins allow for direct scooping) then dumped into a wire-sided Phase 2 bin. There it reheats to 140 degrees F and undergoes another round of thermophilic composting. After about 1 month in Phase 2 it is turned onto a raised windrow to reheat for Phase 3. After several weeks to in Phase 3 the pile is turned one last time onto another windrow area for final curing. It will remain there as long as needed or required by time, weather conditions, and season.

After a pile has completed it's thermophilic composting process and aged for several months a small test batch is sifted. It undergoes a Solvita respiration test, which tests compost maturity by analyzing ammonia and carbon emissions. The results can be used to determine how to next process the material or, if it is mature, what its ideal end-use may be. If the results are in the high-value end-use range a bioassay is performed to ensure proper plant growth. The compost is placed in a seedling flat, where a variety of crops are trialed, including leafy greens, brassicas, tomatoes, and cucurbits. Flats of two other brands of compost are are also trialed under the same conditions to provide comparison. Turf King and

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Composting Challenges and Solutions

Wildlife:
Birds, bears, and rodents could potentially get into the piles and create sanitation and safety problems. All piles are covered with several inches of biofilter on all sides so as not to attract animals in the first place. Windrows are covered with ComposTex covers, which are waterproof yet breathable. Bins are covered with wooden lids and mesh fencing. Dogs and cats are kept on site and have established their territory. They deter scavenging animals and keep wild rodent populations in check. Electric fencing has been purchased but has not been installed since the site has evolved and sprawled constantly. The new shelters should be completed by winter, afterwich the western part of the site will no longer be needed a simple, rectangular fence can be installed.

Rain and snow:
Precipitation is kept off of the compost at all stages, from the initial collected organics to the final delivered product. This minimizes leachate and runoff, fosters prime composting conditions, and creates a primo product. Snow is cleared using the loader, shovels, and a shop broom. One consolidated building that sheds snow would be ideal.

Freezing temperatures:
If most of the food scraps are frozen at collection time, starting a brand new pile can be challenging. Material from an active hot pile can be used to seed a new batch and kickstart the thermophilic process. Freezing temperatures have little effect on initial compost processing once temperatures begin to rise. Piles that are older and cooled will freeze nearly solid in the winter, so turning is restricted and even delayed well into spring depending on where the pile is situated. Freezing temperatures mean the hose line freezes, so washing buckets becomes a feat in hauling water. In less severe conditions the hose can be drained and kept indoors until needed. When the main line is frozen three 15-gallon totes are filled with water and bleach solutions and set up into a rinse, wash, rinse line outside.

Contamination:
Contamination is minimal. Residential customers are paying for a service that is not required, so they tend to be people who are highly motivated to manage waste responsibly. Food scraps from business and events tend to have plastic contamination. "Paper" cups, fruit and vegetable stickers/bands, and utensils (plastic and metal) are the most prevalent items. They are sorted out when spotted and convenient--mostly at sifting time.

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Aerobic composting typically has a mild odor, which is more farm than landfill. Generally the compost site has no odor except on turning days, which always occur on weekdays to avoid neighborhood disturbances. Nuisance odors can occur when piles become anaerobic or if there is insufficient carbon or biofilter. This typically can be avoided. When trialing new compost recipes test batches are kept small as to potentially avoid large problems that are harder resolve.

Location:
The site is situated in Rural Reserve, which is permitted by the CBJ. Having residential neighbors is less than ideal, however, so compost management is tailored to minimize odor and noise encounters. We also want to limit traffic to the site, so we do not offer drop-off of material unless it is by the large truck load and has been prearranged.

The distance from town deters carbon producers from delivering material that otherwise gets landfilled or stockpiled with no end-use. Because of this we sometimes have to purchase carbon shipped in from Washington. We have offered to pay large producers for delivery with limited success. We have recently partnered with Waste Management and the CBJ Recycleworks to have a fall "leaf event." The landfill is acting as a transfer station for leaves: residents drop them off for free and we collect them once a week.

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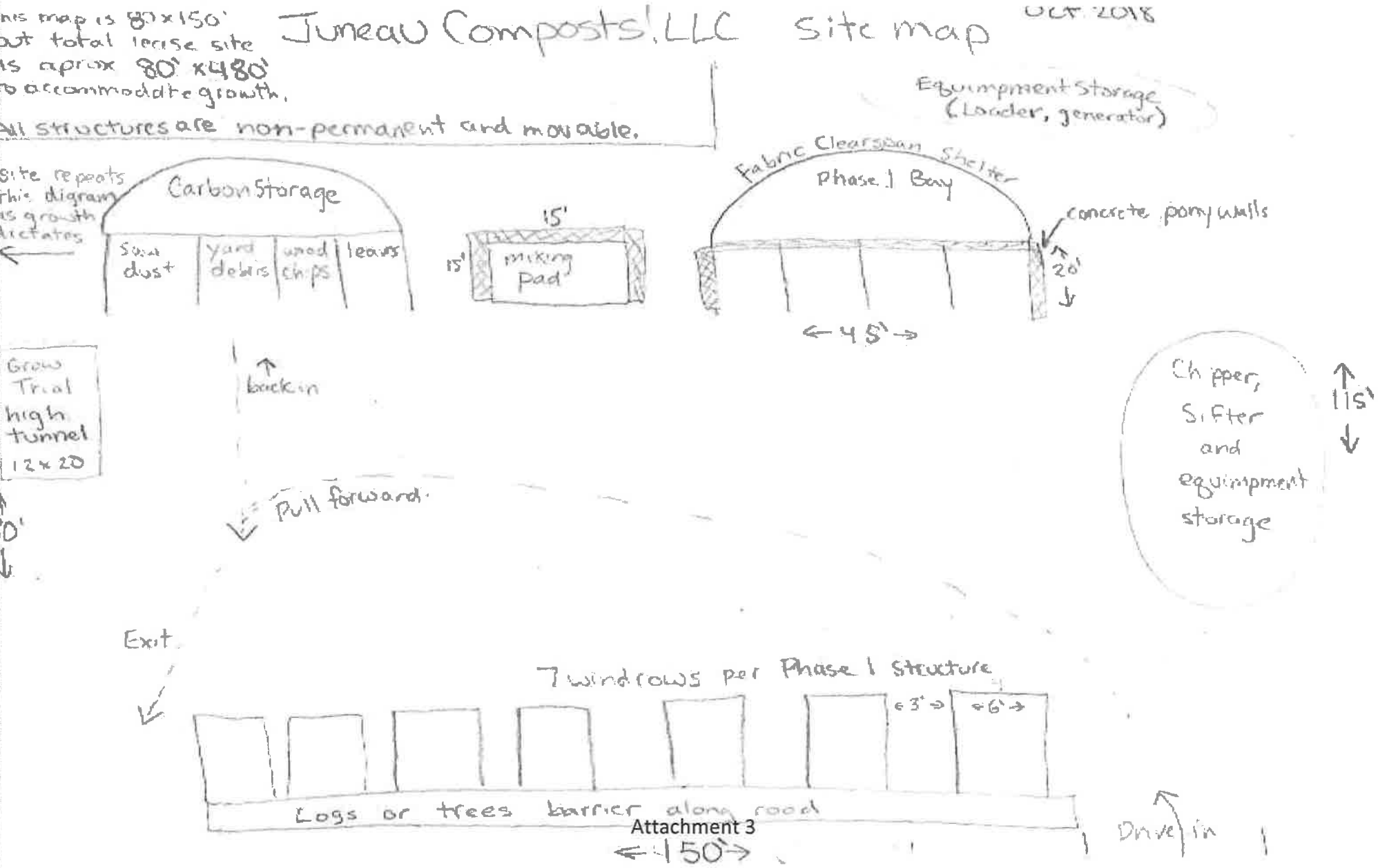

Attachment 3

Attachment A - Application

Juneau Composts! LLC
Operating Plan
October, 2018

Prepared by
Lisa Daugherty, Owner, Operator
www.juneaucomposts@email.com
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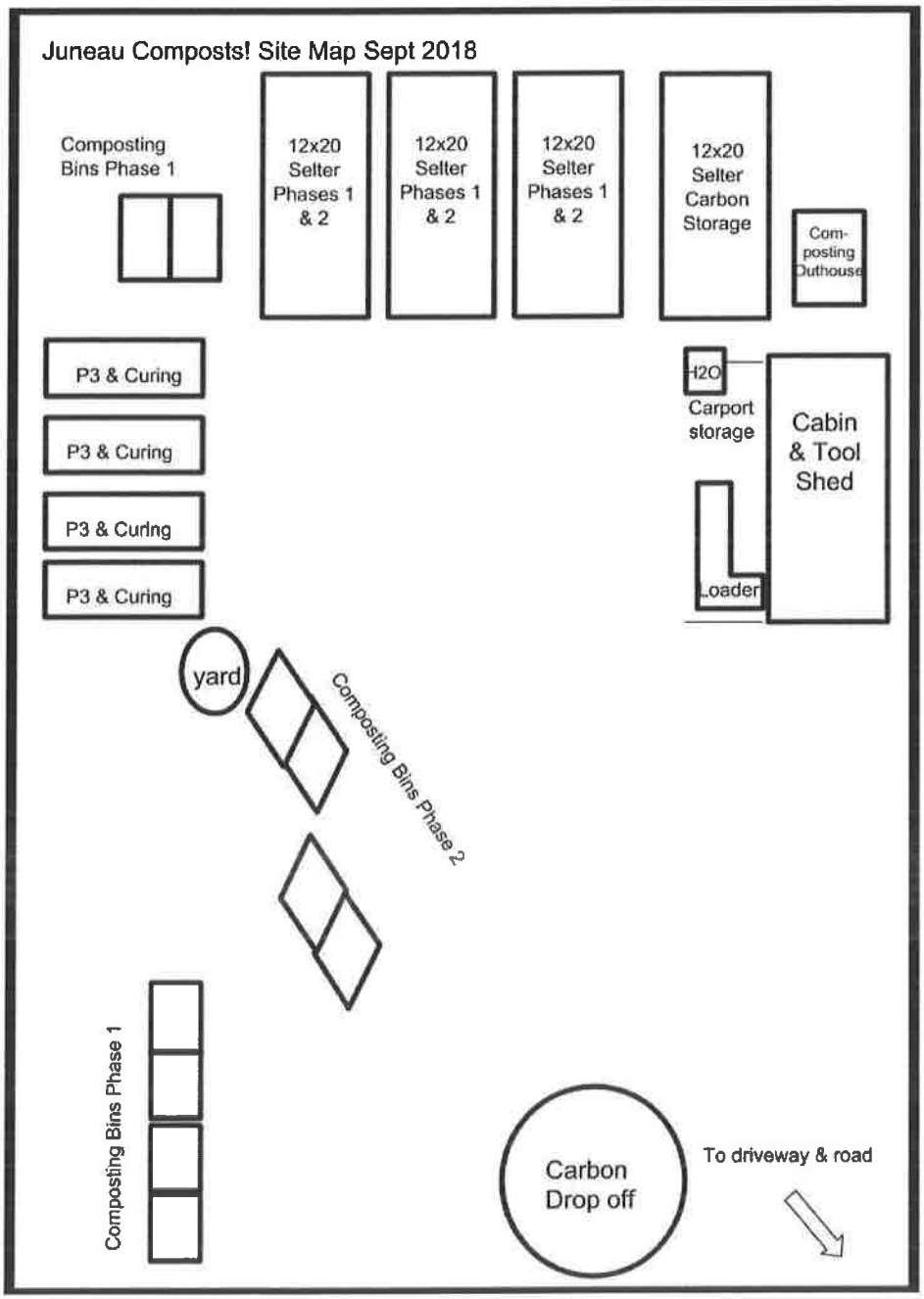

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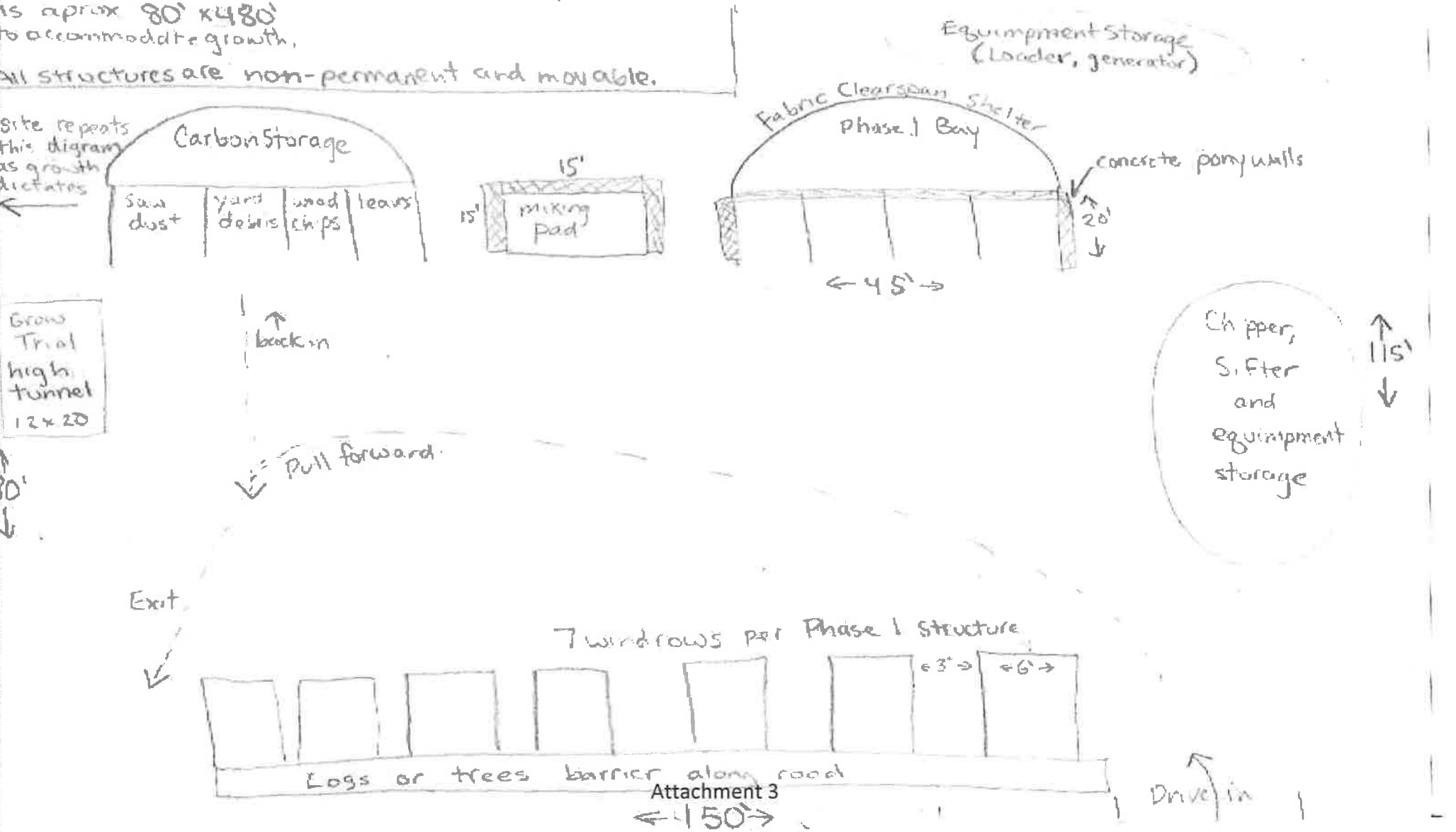
Juneau Composts! LLC Site map

OCT. 2018

his map is 80x150'
but total lease site
is aprox 80' x480'
to accommodate growth.

All structures are non-permanent and movable.



Attachment 3

Attachment A - Application

From: Robin Potter
To: Beth McKibben
Subject: RE: Agency Review Request CSP2018-14
Date: Tuesday, December 18, 2018 5:04:01 PM
Attachments: image002.png

No comments. I think it's a great idea.

Robin Potter
Robin Potter ACAA V
CBJ Assessor
155 S. Seward Rm 14
Juneau, Alaska 99801
907.586.0330
http://www.juneau.org/financeftp/assessor_main.php

From: Beth McKibben
Sent: Tuesday, December 18, 2018 4:06 PM
Subject: Agency Review Request CSP2018-14

Hello All

CDD has received an application for a City Project Review. The proposal is a new lease of CBJ land for a composting facility. The area has yet to be decided but will be less than one acre. The site is located adjacent to the South Lemon Creek Material Source and is accessed from the haul road.

Please return any comments or concerns to me no later than January 2nd.

Beth McKibben, AICP | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

From: Greg Chaney
To: Beth McKibben
Cc: Dan Bleidorn
Subject: RE: Agency Review Request CSP2018-14
Date: Tuesday, December 18, 2018 5:20:54 PM

The Lands Division thinks this is an excellent use of Industrially zoned land.

Thank you for the opportunity to comment.

- Greg Chaney

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From: Pikul, Gretchen M (DEC)
To: Beth McKibben
Subject: FW: Agency Review Request CSP2018-14
Date: Wednesday, December 19, 2018 8:38:39 AM
Attachments: image002.png
APP_CSP18-14.pdf

Good morning Beth,
The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the CBJ Development Permit Application for a composting facility at HDK LT 4 (Assessor's Parcel 5B1201360021) adjacent to the South Lemon Creek Material Source.

Thank you for the review opportunity.

Gretchen Pikul
Environmental Program Specialist
Alaska Dept. of Environmental Conservation
Division of Water, Non-Point Source Section
http://www.dec.alaska.gov/water/wqsar/index.htm

Office 907.465.5023
410 Willoughby Avenue | Juneau, AK 99811
gretchen.pikul@alaska.gov

From: Beth McKibben [mailto:Beth.McKibben@juneau.org]
Sent: Tuesday, December 18, 2018 4:06 PM
Subject: Agency Review Request CSP2018-14

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Office: 907.586.0465

From: Sullivan, Hannah L (DEC)
To: Beth McKibben
Cc: Pikul, Gretchen M (DEC)
Subject: Agency Review Request CSP2018-14
Date: Thursday, December 20, 2018 2:10:54 PM
Attachments: image003.png
image002.png
APP_CSP18-14.pdf

Good Morning Beth

I work with DEC's Solid Waste Program. Gretchen Pikul forwarded this application to me just in case I had any information to provide. The DEC Solid Waste Program has no objections or issues with this application. At this point Juneau Compost! LLC is far too small for her to need any kind of permit from us. Reading thought the provided application it looks like she has big aspirations to expand. She has a long way to go before meeting the threshold for needing a permit but at some point she may need a Waste Treatment permit.

"18AAC60.200 : (a) Except as otherwise provided in this section, a person may treat or dispose of solid waste, or construct, modify, or operate a solid waste facility only in accordance with a waste disposal permit issued by the department under 18 AAC 60.215, an authorization under (c), (d), or (e) of this section, or a research, development, and demonstration permit issued under 18 AAC 60.213. However, a permit or authorization under this chapter is not required for…
(10) a solid waste treatment works or a solid waste treatment facility that is designed to treat less than five tons of waste daily, unless the treatment works or facility…"

According to the information she provided in this application Juneau Compost! LLC processed about 28 tons of organics this year, about 0.5 tons a day. She can process about 1,800 tons of organics in a year before needing a permit from the DEC Solid Waste program. Like I said, Juneau Compost! LLC has a lot of room for growth before she gets to that point. I just wanted to make sure that it is on hers or the City's radar for future reference.

Please let me know if you have any questions.

Thank you
Hannah Sullivan
Environmental Program Specialist
ADEC Solid Waste Program
Juneau, AK
Phone: 907-465-5318
Email: Hannah.Sullivan@alaska.gov

Good morning Hannah and William,
I'm forwarding this CBJ application in case it is of interest to you.
Thanks.

Gretchen Pikul
Division of Water
(907) 465-5023

From: Beth McKibben [mailto:Beth.McKibben@juneau.org]
Sent: Tuesday, December 18, 2018 4:06 PM
Subject: Agency Review Request CSP2018-14

Hello All

CDD has received an application for a City Project Review. The proposal is a new lease of CBJ land for a composting facility. The area has yet to be decided but will be less than one acre. The site is located adjacent to the South Lemon Creek Material Source and is accessed from the haul road.

Please return any comments or concerns to me no later than January 2nd.

Beth McKibben, AICP | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

From: Ed Foster
To: Beth McKibben
Subject: RE: Agency Review Request CSP2018-14
Date: Friday, December 21, 2018 4:17:28 PM

Beth,
Streets and Fleet has no issues with this application at this location.

Ed

From: Beth McKibben
Sent: Tuesday, December 18, 2018 4:06 PM
Subject: Agency Review Request CSP2018-14

Hello All

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Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

From: David Campbell
To: Beth McKibben
Subject: RE: Agency Review Request CSP2018-14
Date: Thursday, December 27, 2018 3:46:39 PM

Hi Beth,

I reviewed the attachment and it appears as though the proposed composting site will be across the river from the JPD Impound Lot. The lot is locked and someone would have to cross the bridge to get to it. Therefore, I do not have any issues with the proposal.

Thanks,

David

From: Beth McKibben
Sent: Thursday, December 27, 2018 3:10 PM
To: David Campbell
Subject: FW: Agency Review Request CSP2018-14

Hi David

Because of the proximity of the requested lease site to the impound yard its important that we receive your comments. I'm working on the staff report now and will need to wrap it up next week.

Thanks and please give me a call if you have any questions.

Beth McKibben, AICP | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

From: Beth McKibben
Sent: Tuesday, December 18, 2018 4:06 PM
Subject: Agency Review Request CSP2018-14

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Beth McKibben, AICP | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

From: Dan Bleidorn
To: Beth McKibben
Cc: "Lisa Daugherty"; Greg Chaney
Subject: RE: ADF&G Response: CSP2018-14
Date: Friday, January 04, 2019 11:46:52 AM

Hi Beth,
We received the following response from Lisa with Juneau Composts!
Thanks,
Dan

From: Lisa Daugherty [mailto:lisamaybehere@yahoo.com]
Sent: Friday, January 4, 2019 11:11 AM
To: Dan Bleidorn; Greg Chaney
Subject: Re: ADF&G Response: CSP2018-14

Hello,

I would like to clarify a few things in response to Adam Dubour's comments on Juneau Composts's lease application.

While I understand ADF&G's concerns about wildlife, I think it is important to realize that the compost process itself is not inherently a bear attractant. There are many ways to handle and process materials for composting, and I take the utmost care to assure that all food scraps are are secure. I have composted over 130,000 pounds of food scraps without negative wildlife encounters. The current site is located Out the Road, which has many bears, including brown bear. The site of the pilot project was out North Douglas, which has frequent bear/trash encounters, yet my compost piles have always been secure without a fence. Proper compost management is key to attracting wildlife. That said, electric fence is already in the plan for the new facility at proposed lease site. A tall fence, however, seems excessive and cost prohibitive.

In regard to dogs and cats on site, that was mentioned about the *current* site. The pets are not free-roaming and acting as compost guardians; they just happen to live with their owners at the compost site. I believe that them simply living there and marking their territory helps deter wildlife from approaching the area. They have never chased or harassed wildlife other than by barking from their enclosure. Pets will not be housed at the proposed lease site.

In regard to runoff from the facility, all compost will be covered at all times, so there will be none. The Anadromous Fish Act is not applicable to the project since will not alter or affect the natural flow or bed of Lemon Creek. My understanding is that the site has already been graded to drain away from the creek to a holding pond. The way our materials are handled at the current site, we have created no runoff or leachate, and I anticipate that to be the case at the proposed lease site as well.

I hope this helps to clarify some of the issues brought up in the ADF&G response. I am happy to discuss plans, modifications, or anything compost-related if there are still some lingering questions or concerns.

Thanks,
Lisa

On Wednesday, January 2, 2019, 2:27:02 PM AKST, Dan Bleidorn <Dan.Bleidorn@juneau.org> wrote:

From: Beth McKibben
Sent: Wednesday, January 2, 2019 2:23 PM
To: Dan Bleidorn
Subject: FW: ADF&G Response: CSP2018-14

Beth McKibben, AICP | Senior Planner

Community Development Department ¦ City & Borough of Juneau, AK

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

Office: 907.586.0465

From: Dubour, Adam J (DFG) [mailto:adam.dubour@alaska.gov]
Sent: Wednesday, January 02, 2019 2:20 PM
To: Beth McKibben
Cc: Schumacher, Tom V (DFG); Churchwell, Roy T (DFG); Harris, David K (DFG); Teske, Daniel J (DFG); Love, David C (DFG); Kanouse, Kate M (DFG); Fink, Mark J (DFG); Carter, Marla M (DFG)
Subject: ADF&G Response: CSP2018-14

Greetings,

The Alaska Department of Fish and Game (ADF&G) has reviewed the application for a lease of City and Borough of Juneau (CBJ) lands for a composting facility. The applicant, Lisa Daugherty (doing business as Juneau Composts!), currently serves 120 clients within the Juneau area and operates out of a private residence with a permit from CBJ. The applicant desires to lease CBJ land in order to expand operations. The proposed site will occupy less than one acre of the South Lemon Creek Material Source Site (Tax Parcel 5B1201360021), located within the NW ¼ Section 35, T40S, R66E, C.R.M. The applicant has provided a detailed plan and ADF&G supports the reduction of organic materials entering local landfills; however, we have several comments and concerns regarding the potential impacts to fish and wildlife resources resulting from the operation of a composting facility at this location.

ADF&G receives numerous calls about bears in the Lemon Creek area due to unsecured trash and other attractants. Additionally, wolves and coyotes are often observed in the area. The applicant states that they will use the best management practices to minimize the odor emanating from the composting materials which will go a long way in reducing wildlife conflict. However, bears have an acute sense of smell and will be attracted by the faintest of odors. Having a physical barrier, such as a tall fence, around the compound would help to deter wildlife. However, bears are adept at climbing over or digging under fences. ADF&G considers the use of an electric fence as essential for the operation of a composting facility and suggest that it should be a requirement. Information about the proper set up, maintenance and operation of electric fences to deter bears can be found on ADF&G's website:

(http://www.adfg.alaska.gov/index.cfm?adfg=livingwithbears.bearfences). Any wildlife encounters and conflicts should be reported to ADF&G Division of Wildlife Conservation at (https://www.adfg.alaska.gov/index.cfm?adfg=reportwildlifeencounter.main).

Additionally, the applicant states that they will have multiple dogs and cats on site to deter wildlife. For several reasons, ADF&G advises against this. Dogs have been known to harass bears and then retreat to their owners, with agitated bears close behind. This could pose a safety concern for employees, customers and other members of the public. Any dog on site should be leashed or under direct supervision and voice control by the animal's keeper. While cats may be effective at reducing rodents, if left unrestrained cats will impact surrounding wildlife populations as well. A single outdoor cat is estimated to kill between 12 and 1,000 small mammals and birds annually. Cats which have not been spayed or neutered may contribute to the formation of a feral cat colony.

Finally, the proposed lease site is within approximately 100' of Lemon Creek, a waterbody cataloged by ADF&G as supporting chum, coho and pink salmon and Dolly Varden (AWC # 111-40-10100). ADF&G is concerned about the potential for organic runoff from the composting facility entering Lemon Creek. However, based on the project description, these concerns appear to be minimal as the 'working' material is planned to be under cover and water is not added into the process. If potential drainage from the composting material is assessed and a contingency plan is in place to prevent drainage water with a high level of organic content from flowing directly into Lemon Creek, we have no concerns. Additionally, best practices should be employed to prevent any petrochemicals from the heavy equipment used and stored onsite from entering the waters of Lemon Creek.

Thank you for the opportunity to review and comment on this proposed lease of CBJ land. Please feel free to contact me regarding these comments.

Adam DuBour
Access Defense Program
Alaska Department of Fish and Game
Division of Wildlife Conservation 333
Raspberry Road
Anchorage, Alaska 99518
(907)267-2292
adam.dubour@alaska.gov

From: Beth McKibben <Beth.McKibben@juneau.org>
Sent: Tuesday, December 18, 2018 4:06 PM
Subject: Agency Review Request CSP2018-14

Hello All

CDD has received an application for a City Project Review. The proposal is a new lease of CBJ land for a composting facility. The area has yet to be decided but will be less than one acre. The site is located adjacent to the South Lemon Creek Material Source and is accessed from the haul road.

Please return any comments or concerns to me no later than January 2nd.

Beth McKibben, AICP | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0465

ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES
October 22, 2018 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

Chair Mary Becker called the meeting to order at 5:00 pm.

Members Present: Mary Becker, Chair; Michelle Hale; Wade Bryson;

Members Absent: Maria Gladziszewski

Liaisons Present: None

Other Assembly Members Present: Loren Jones

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Bhagavati Braun, Lands & Resources Specialist

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

The August 27, 2018 minutes were approved as written.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items**.**

V. AGENDA TOPICS

A. Alaska Sustainable Seafoods LLC dba *Deckhand Dave's* Application to Purchase Gunakadiet Park

Mr. Chaney noted that the Applicant, Dave McCasland, was in attendance and will give a brief presentation. Mr. Chaney introduced the location of the park, at the corner of Front Street and South Franklin, and gave some history of the park stating that it was once an improved park and has since been graded. Mr. Chaney noted that the park is located next to a large vacant property and it could be advantageous for the two to be purchased by the same buyer though that is not the question tonight. Mr. Chaney noted that the Lands Committee heard this issue on August 6th and sent the issue to the Parks and Recreation Advisory Committee (PRAC). The PRAC issued their recommendation on October 8. The PRAC unanimously approved a motion on October 8 recommending the Lands Committee:

> Retain Gunakadeit Park as a Special Use Area and request that staff develop options for future development or disposal.

Mr. Chaney noted that there is an active application from Mr. McCasland that the Lands Committee is reviewing and that the Assembly will have to make a determination about this topic, he then introduced Mr. McCasland.

Mr. McCasland introduced himself as the owner of *Deckhand Dave's Fish Tacos*, he noted that he is requesting that the Lands Committee forward a recommendation preferably to sell or secondarily to lease the parcel to Mr. McCasland. He stated that his intention is to create a space for a food truck park area to replace the one that has been located in the Archipelago Lot which he and other vendors have been told will no longer be available for food vendors starting summer 2019. Mr. McCasland stated that this opportunity would create a community area where people can gather and eat and drink together, noting other communities where this model has proven successful. Mr. McCasland noted how difficult it was to set up his food truck initially and stated that the "plug-and-play" infrastructure that he is proposing would bring economic opportunities and ease the startup hassle for businesses. He stated that if this moves forward it will create a place for gathering that will provide a hub and an attraction to bring more tourists further north to locations where more local businesses are.

Mr. Bryson asked about the measurements on the diagram, noting that the 12'x16' and 12'x20' spaces might be small for both the business and room for customers. He also asked if the restrooms will be permanent with hand washing facilities. Mr. McCasland noted that the diagrams were worked up by Northwind Architects and are to scale, and may be subject to change. He noted that his truck is smaller than the space on the diagram and that there would be a gathering/eating area in the center for customers. He also noted that the restrooms would be permanent with handwashing facilities.

Mr. Bryson asked if the entire Archepelago Lot (where food trucks are currently) will be closed to food trucks starting next summer. Mr. McCasland answered as a tenant that the property manager told him that they would have to be off the property. Mr. Chaney added that the City hasn't had final confirmation but it is clear that that is the direction they are headed in, noting that the exact timeline is unclear to the City.

Ms. Hale asked if the project images show Gunakadiet Park as well as the adjacent vacant lot. Mr. McCasland answered that the concept relies on having both properties.

Mr. Chaney continued, noting that the Parks & Recreation Department is creating a new Parks & Recreation Comprehensive Plan that has not yet been finalized; additionally the Downtown Blueprint is a new plan that is underway through the Community Development Department, both of these plans may have something to say about the disposal or retention of Gunakadiet Park. Mr. Chaney noted that having these plans in process, it is not a good time to sell park land in the downtown area. He stated that staff's recommendation is that:

> The Assembly decline Alaska Sustainable Seafoods LLC dba *Deckhand Dave's* application to purchase Gunakadiet Park and return the $500 application fee. If using the lots for a food court is desired, a temporary annual lease should be explored.

Mr. Chaney noted that if the Assembly decides to sell the lot, it will be sold. Noting that doing so while planning efforts are underway might be short-sighted.

Ms. Hale stated her concern about the lack of food cart areas in the downtown area, noting that this might not be the correct time to bring this concern up. Ms. Becker stated that she heard the lot would continue to have spaces for food trucks ongoing, noting that she might have misheard.

Mr. Bryson asked if restrooms are available at the Gunakadiet Park lot. Staff noted that there are no restrooms. Mr. Bryson asked if the City were to do a lease, how long would the lease be for. Mr. Chaney responded that the City has a range of lease options, all of which would have to be approved by the Assembly, a lease could be as short as a few months to years.

Ms. Becker noted that she has other concerns, but would be willing to postpone discussion of them to a meeting with the full Assembly.

Ms. Hale moved:

> The Lands Committee recommends that the Assembly decline Alaska Sustainable Seafoods LLC dba *Deckhand Dave's* application to purchase Guna-ka-deit Park and return the $500 application fee. Emphasizing that if using the lot for a food court is desired and is necessary, a temporary annual lease should be explored.
>
> **Motion Passed Unanimously.**

B. Juneau Composts! Application to Lease City at South Lemon Creek Material Source

Mr. Bleidorn introduced the application from Juneau Composts! LLC; submitted by Lisa Dougherty, who was available to answer questions. Mr. Bleidorn noted that the area is just under an acre of land, is adjacent to the South Lemon Creek Material Source (Gravel Pit),is relatively unused, and doesn't have water, sewer, or electricity and thus is not very desirable for other leases. Mr. Bleidorn continued that the application states that the project will help divert waste from the landfill and promote recycling which are both goals of the Assembly. There have been no objections from CBJ Pits and Quarries Manager and RecycleWorks Manager. The application states that the facility will likely be open to the public on Saturdays, and there will be no permanent structures so it would be easy to return the property to its current condition after the terms of the lease are completed.

Mr. Bleidorn outlined the options that are available via Title 53 to the Committee: *work with the original applicant; do not lease the property; or open it up for other lease options*. Mr. Bleidorn stated the staff recommends that:

> The Lands Committee pass a motion of support to work with the original applicant to develop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC for fair market value.

Ms. Hale asked for some clarification as there was a street name discrepancy on the application. Mr. Bleidorn noted that the applicant initially requested a lease on Fish

Creek Road but it was determined that the Lemon Creek area was more desirable through discussions internally and with the applicant.

Mr. Bryson asked what lease term will be offered. Mr. Bleidorn stated that staff hasn't made a recommendation on this yet as the Lands Division must receive authority from the Assembly before negotiating leases. Noting that the terms, value, and timeframe have not been discussed, he continued that an appropriate timeframe for this lease could easily be around 5 years.

Ms. Hale asked if there has been any other recent interest in leasing this property. Mr. Bleidorn stated that there has been interest in other areas of the rock and gravel pit, but not for this specific area, he added that this helped lead to the conclusion that this would be a preferred spot.

Mr. Bryson moved to:

Pass the motion to lease the property to the original applicant to delvelop a lease of City property at the South Lemon Creek Material Source to Juneau Composts! LLC.

Motion Passed Unanimously

VI. STAFF REPORTS

A. Lands Division Overview

Mr. Chaney presented a Lands & Resources Division overview which covered the following:

- Lands & Resources Division and its members
- Title 53, the code that guides the Division
- Land Management Plan
- Land Management Plan Implementation Strategy
- Lands Fund
    - Funding the Lands Fund
        - Land disposals
        - Interest from land
        - Resources such as rock
    - Funded by the Lands Fund
        - Staff salaries
        - Operation of quarries
        - Land subdivision and preparation for sale
- Parcel Viewer
- Housing
    - Lena subdivision
    - Pederson Hill subdivision
    - Switzer area
        - Jackie Street
    - Norway Point
    - Bonnie Brae

DRAFT

    - 6th Street in Douglas
    - Auke Bay area
    - Home Build Program
    - Work with Chief Housing Officer and Affordable Housing Commission
    - Types of Sales
        - Sealed competitive bids
        - Over the counter sales
        - Block sales
        - Fixed price lottery
- Industrial Property
    - Leasing to Juneau Composts!
- Hazardous Tree Management
- Film Permits
- Air Quality Monitoring
- Communication Tower Leases
- Water Quality Monitoring for AJ Mine
- Quarry Operations
- Pioneer Road on West Douglas

Ms. Hale asked if staff salaries were paid by the Land Fund. Mr. Chaney answered that they are. Ms. Hale thanked Mr. Chaney for the overview and asked if there is any affordable housing happening in the Pederson Hill subdivision. Mr. Chaney noted that the lots are small with the intent to keep the price of the property low, he continued that the City is required by code to sell for fair market value. Mr. Chaney added that the Assembly could consider subsidizing the lots.

B. Air Quality Monitoring Season Update

Mr. Bleidorn stated that the Air Quality Monitoring Season began on October 1 and runs through April 30. He outlined the boundaries of the area that is monitored in the Mendenhall Valley. The Lands & Resources Division works with the State of Alaska Department of Environmental Conservation Division of Air Quality, and Community Service Officers. Mr. Bleidorn continued that the air quality is monitored hourly 24/7 via State data from a monitoring station on top of Floyd Dryden Middle School.

Mr. Bleidorn outlined some of the causes for poor air quality, including weather patterns such as air inversions that cause pollutants from wood burning to concentrate near ground level which leads to higher concentrations of pollutants and eventually can reach an unhealthy level. He stated that air emergencies are called when air quality reaches, or is predicted to reach an unhealthy level. The program started with the Clean Air Act and unhealthy levels of pollutants are determined by the standards on pollution published by the Federal Environmental Protection Agency (EPA). Mr. Bleidorn noted that the Division follows rules set forth by City ordinance to determine when to call an air emergency.

Mr. Bleidorn noted that we are lucky that citizens of the Valley are responsive to the emergency calls and generally are appreciative of the program. He outlined some of the methods the Division uses to alert the public of an air emergency including the Lands webpage, Facebook, radio announcements, the wood smoke hotline, text alerts, and burn ban signs.

Mr. Bryson asked if there is a temperature limit or are exceptions allowed when the temperature is very low. Mr. Bleidorn stated that there are legal limits established by the EPA that cannot be exceeded without being out of compliance with the clean air act.

Ms. Hale stated her understanding that this program is governed by the EPA and the City has to follow EPA rules. Mr. Bleidorn stated that that was correct, the EPA sets the standards, the State monitors the air quality and notifies the City if found to be in violation, and the City takes the data provided by the state, uses guidelines set by the EPA and helps to enforce the rules. Mr. Bleidorn noted that this program has been very successful.

VII. COMMITTEE MEMBER / LIASION COMMENTS AND QUESTIONS

Ms. Hale thanked staff for their good work on the Air Quality program, stating that the CBJ and the citizens of Juneau have stepped up and done a great job on this. Mr. Chaney noted that our program is one of the most successful air quality monitoring programs in the country, much due to the responsiveness of residents.

VIII. ADJOURNMENT

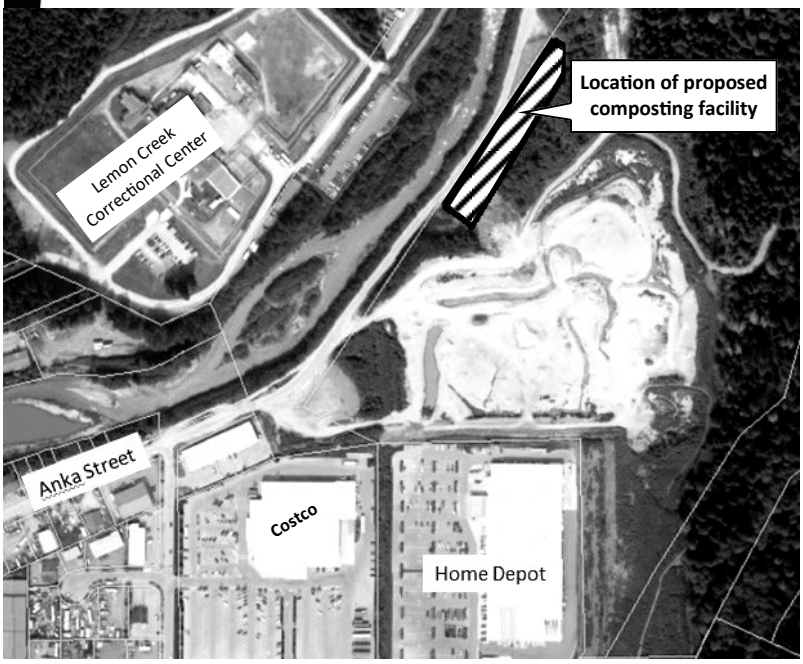
There being no further business, the meeting was adjourned at 5:54 PM.

DRAFT

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 to **lease city land for a composting facility** adjacent to the **South Lemon Creek Material Source (gravel pit).**

TIMELINE

Staff Report expected to be posted **Monday, January 14, 2019,** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 30, 2018

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

Dec. 31 through 12 noon, January 18

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, January 22, 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.

January 23

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 December 19, 2018

Case No.: CSP2018 0014
Parcel No.: 5B1201360021
CBJ Parcel Viewer: http://epv.juneau.org

Juneau Composts! LLC Request for a Lease of City Property

Juneau Composts! LLC Request for a Lease of City Property

- Request for an area of land adjacent to the South Lemon Creek Material Source
- Application states this will help conserve limited landfill space and help promote recycling
- No objections from the Gravel Pit and Rock Quarry Manager and the Recycle Works Operations Manager
- No permanent structures
- Facility will be open to the public for limited hours on Saturdays

Juneau Composts! LLC Request for a Lease of City Property

- 53.09.260 - Negotiated sales, leases, and exchanges.

"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."

Juneau Composts! LLC Request for a Lease of City Property

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval with the following conditions:

1. The composting facility will be fenced. Fencing will include electric fencing that will be installed along the perimeter of the composting facility in accordance with the recommendations of the Alaska Department of Fish and Game.
2. Best management practices will be used to minimize runoff from the site.

Planning Commission

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

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: January 25, 2019
File No.: CSP2018 0014

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding the lease of city land for a composting facility adjacent to the South Lemon Creek Material Source (gravel pit)

Property Address: N/A

Legal Description or ROW name: HDK Lot 4

Parcel Code No.: 5B1201360021

Hearing Date: January 22, 2019

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 10, 2019, and recommended that the City Manager direct CBJ staff to enter into a contract with Juneau Composts! LLC for the lease of less than one acre of city property adjacent to the South Lemon Creek Material Source (gravel extraction site) with the following conditions:

1. The composting facility will be fenced. Fencing will include electric fencing that will be installed along the perimeter of the composting facility in accordance with the recommendations of the Alaska Department of Fish and Game.

2. Best management practices will be used to minimize runoff from the site.

3. Lease terms will include provisions for future lease.

4. Site planning will consider substantial growth potential.

Attachments: January 10, 2019, memorandum from Beth McKibben, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding CSP2018 0014.

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

Project Planner: _____ _____

Beth McKibben, AICP, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ 1/29/2019

Filed With Municipal Clerk Date

cc: Plan Review

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

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: January 10, 2019

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

CASE NO.: USE2018 0022

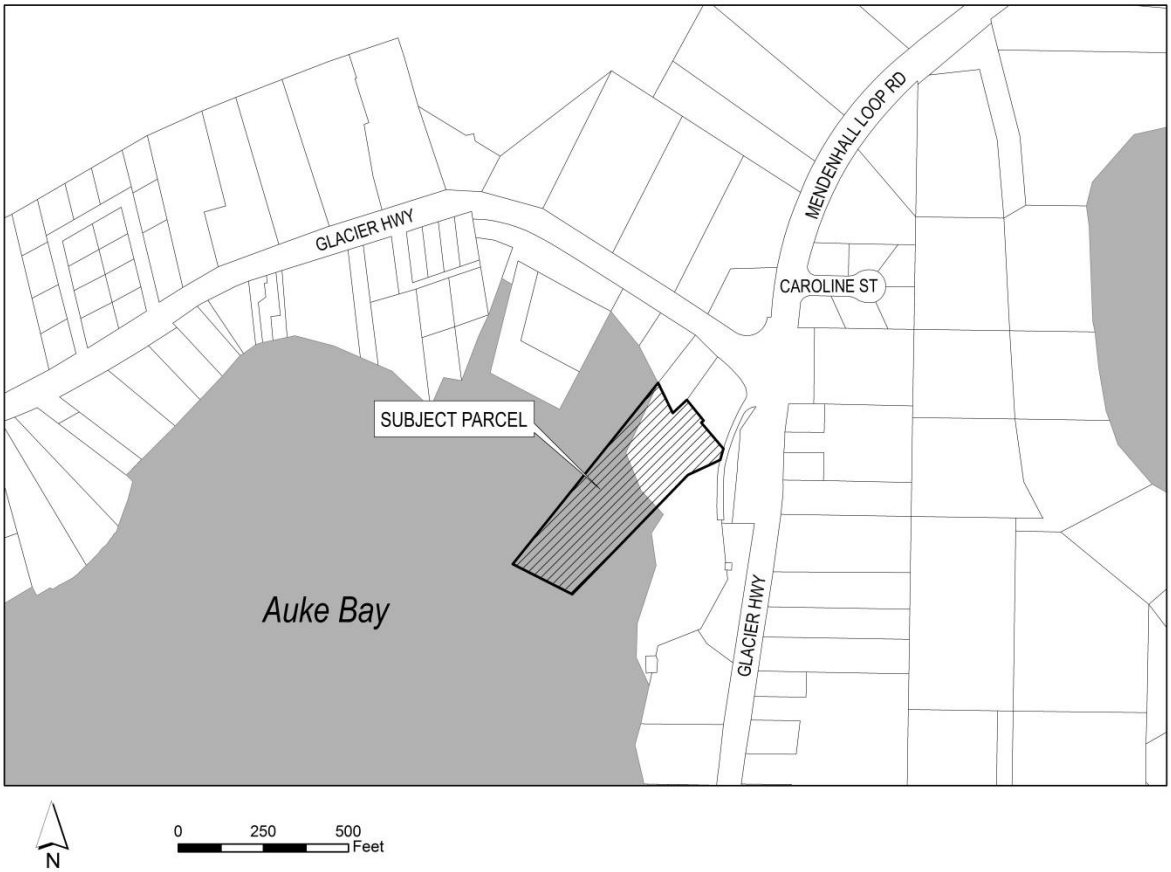
PROPOSAL: An extension of USE17-08 for Statter Harbor development including a public restroom and shelter facilities, new moorage and loading floats, a kayak ramp, an additional fuel dispensary, and potential retail space

GENERAL INFORMATION

Applicant:	City & Borough of Juneau, Docks and Harbors
Property Owner:	City & Borough of Juneau
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	USS 2664 & ATS 16, Lot 3C
Parcel Code Number:	4B2801010032
Site Size:	60,874 square feet
Comprehensive Plan Future Land Use Designation:	Marine Mixed Use
Zoning:	Waterfront Commercial (WC)
Utilities:	CBJ Water and Sewer
Access:	Glacier Highway
Existing Land Use:	Statter Harbor
Surrounding Land Use:	North - Glacier Highway; General Commercial

South - Auke Bay
East - Statter Harbor Upland Facility; Waterfront Commercial
West - Bay Creek; Auke Bay Towers Condominiums; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – USE2017 0008 Staff Report
Attachment C – USE2017 0008 Notice of Decision

PROJECT DESCRIPTION

Due to delays in obtaining state and federal permits, the applicant, CBJ Docks and Harbors,

requests an extension to the Conditional Use Permit for Statter Harbor Improvements (USE2017 0008). Improvements include development of new moorage and loading floats, uplands development, a kayak launch ramp, a restroom and covered shelter area with potential second floor commercial space, and removal and replacement of a section of the moorage facility. The proposed project is Phase III and IV of the Statter Harbor Master Plan, except for removal and replacement of part of the moorage facility, which is labeled as "Future Phase" on plan drawings. The applicant is not seeking any modifications to the Conditional Use Permit.

BACKGROUND

The Planning Commission approved a Conditional Use Permit (USE2017 0008), effective June 27, 2017, to allow construction of new mooring and loading floats, uplands development, a kayak launch ramp, restrooms and a covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility with the following condition:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

Construction of the restrooms also requires approval of FZE2018 0002, an extension of the Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor (FZE2017 0001).

ANALYSIS

CBJ 49.14.240 establishes the requirements for Development Permit Extensions, which are:

- An application to extend a development permit must be submitted at least 30 days before the expiration of an existing major development permit.

The application for extension of USE2017 0008 was received on November 9, 2018, more than 30 days prior to the December 27, 2018, expiration date.

- The burden of proof of the justification for a permit extension rests with the applicant.

The applicant has stated that the need for an extension is because of delays in obtaining required state and federal permits, as explained in the Project Narrative, Attachment A.

- A maximum of two 18 month extensions are allowed.

This is the first extension request for this permit. If this extension is granted, the applicant is eligible for one more 18 month extension request.

- At least ten days prior to the hearing, notice of the extension request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Public notice of this project was provided in the January 11, 2019, and January 21, 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 on December 21, 2018.

- Conditions contained in the permit cannot be changed.

No requests to modify the project have been made. The applicant understands that the project must comply with the conditions of approval. If the project does not comply with the conditions of approval, a new permit will be required.

PUBLIC COMMENTS

No comments have been received to date.

FINDINGS

Per CBJ 49.15.250, Development Permit Extension, the director makes the following findings on the criteria for granting the requested conditional use permit extension:

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

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

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

Yes. The applicant has explained in the application that the need for an extension is due to delays in obtaining required state and federal permits.

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

Yes. CBJ 49.15.250 allows no more than two 18 month extensions. This is the first permit extension application for USE2017-0008.

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

Yes. Public notice of this project was provided in the January 11, 2019, and January 21, 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 on December 21, 2018.

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

Yes. As stated in the staff analysis for USE2017 0008, the development has minimized intertidal fill, implements stormwater management measures, and does not affect any sensitive marine habitat.

6. Have conditions on the permit been changed?

No. The applicant has not requested any amendments.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit extension. The permit would allow the development of new moorage and loading floats, uplands development, a kayak launch ramp, a restroom and covered shelter area with potential second floor commercial space, and removal and replacement of a section of the moorage facility. The approval is subject to the following condition:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
Extension of USE17-08 to allow construction of new moorage and loading floats; uplands development; kayak launch ramp; restroom and covered shelter area.

PROPERTY LOCATION

Street Address	City/Zip
11520 Auke Bay Harbor Road	Juneau, 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Statter Harbor - USS 2664 & ATS 116 LT 3C

Assessor's Parcel Number(s)
4B2801010032

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature — Date: 11/8/2018

X _____ Landowner/Lessee Signature — Date: _____

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

X _____ Applicant's Signature — Date of Application: 8 NOV 18

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

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	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			
X	Other (Describe) Extension of CU		11/9/18	USE2018 0022

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

Comments:

Permit Intake Initials: TC

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

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Attachment A - Application

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		USE20180022	11/9/18

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: 9.600

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Extension of USE17-081 to allow construction of new mooring and loading floats; uplands development; kayak launch ramp; restrooms and covered shelter; potential 2nd floor commercial space.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case #

CURRENT USE OF LAND OR BUILDING(S):

Temporary parking

PROPOSED USE OF LAND OR BUILDING(S):

Charter Fleet Facility

UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 60,984 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 2,800 / 5,600 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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- ☐ Site Plan
- ☐ Floor Plan of proposed buildings
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed Vegetative Cover
- ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
- ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

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.

ALLOWABLE/CONDITIONAL USE FEES

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

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

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VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VSE 20180022	11/9/18

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)

☒ Variance to Dimensional Standards (VDS)

☐ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Extension of FZE2017-0001an exception to flood hazard standards for a new building at Statter Harbor.

Previous Variance Applications?

☒ YES ☐ NO Date of Filing: _____

Previous Case Number(s): FZE2017-0001

Was the Variance Granted? ☒ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

Exception relates to construciton of new building below the base flood elevation for the site.

UTILITIES AVAILABLE:

WATER: ☒ Public ☐ On Site *SEWER:* ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

Base flood elevations apply to the area not a particular property and would be applicable to any owner.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

If an exception were not granted public restrooms would not be able to be built on the site.

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.

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____	_____	_____	_____
Adjustment	$_____	_____	_____	_____
Total Fee	$_____	_____	_____	_____

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

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Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Application for an Extension of Conditional Use Permit (USE17-08) and Flood Zone Exception (FZE17-01)

For

Statter Harbor Improvements

Phase III (Charter Fleet Facility)
Phase IV (Permanent Moorage)
Future Phase ("Horseshoe" Replacement)

PERMIT EXTENSION NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary.gillette@juneau.org

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USE 18-22

November 9, 2018

INTRODUCTION

On June 27, 2018 the City and Borough of Juneau (CBJ) Planning Commission (PC) approved a Conditional Use Permit (USE17-08) and a Flood Zone Exception (FZE17-01) for construction of new mooring and loading floats; uplands development; kayak launch ramp; restrooms and covered shelter with potential second floor retail space; and removal and replacement of a section of the existing moorage facility (see Attachment A).

In accordance with stipulations of the Notice of Decisions (NOD), the permits are to expire on December 27, 2018 as no Building Permit has been issued and substantial construction progress has not been made (see Attachment B & C).

BACKGROUND

In addition to the required CBJ permits, Federal and State permits are needed to implement the project. Most significantly is the Army Corps of Engineers (ACOE) Permit for development in waters of the United States. Issuance of the ACOE permit will not be made without an Alaska Department of Environmental Conservation (ADEC) Clean Water Certificate and consultation with NOAA US Fish and Wildlife Service (USFWS) relative to potential impacts to marine mammals as regulated under the Marine Mammals Protection Act (MMPA). Due to the complexity of meeting the permitting requirements, particularly the provisions of the MMPA, the project has been stalled such that construction would not begin prior to expiration of the current Conditional Use Permit and Flood Zone Exception.

No significant changes to the project have occurred subsequent to approval of the Conditional Use Permit and Flood Zone Exception referenced above.

SCHEDULE

Phase III of the project is anticipated to be constructed under three contracts. The first contract would complete dredging and disposal of dredged material which is anticipated to begin in late winter 2018. A second contract would be bid to manufacture and install the float system which is anticipated to begin spring 2019. In this scenario the charter float system would be operational in spring of 2020. The third contract would begin in fall 2019 and be completed in spring 2020. This work will include a gangway to the floats; development of the restroom/shelter building; and construction of the parking/staging area. Work of Phase IV and the Future Phase is dependent on available funding thus does not have a specific schedule at this time.

REQUEST FOR ACTION

Docks and Harbors requests that the PC grant an extension of the current Conditional Use Permit (USE17-08) and Flood Zone Exception (FZE17-01).

ATTACHMENTS

A. Proposed Project
B. Planning Commission Notice of Decision (USE17-08)
C. Planning Commission Notice of Decision (FZE17-01)

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ATTACHMENT A

Proposed Project

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ATTACHMENT B

Planning Commission Notice of Decision (USE17-08)

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

PLANNING COMMISSION
NOTICE OF DECISION

Date: July 5, 2017
File No.: USE2017 0008

CBJ Docks and Harbors
155 S Seward St
Juneau, AK 99801

Proposal:	A Conditional Use Permit for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility.
Property Address:	11520 Auke Bay Harbor Road
Legal Description or ROW name:	Lot 3C, USS2664 and ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 19, 2017 and approved the Conditional Use Permit for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility to be conducted as described in the project description and project drawings submitted with the application with the following conditions:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

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Attachments: June 19, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2017 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, June 27, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or December 27, 2018, 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:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With City Clerk

July 5, 2017
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.

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ATTACHMENT C

Planning Commission Notice of Decision (FZE17-01)

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USE 18-22

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

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: June 27, 2017
File No.: FZE2017 0001

CBJ Docks and Harbors
ATTN: Gary Gillette
155 S. Seward Street
Juneau, AK 99801

Proposal:	A request for a Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	Lot 3C, USS 2664 & ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 16, 2017 and approved the Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

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Attachment: June 16, 2017 memorandum from Teri Camery, Community Development, to the CBJ Board of Adjustment regarding FZE2017 0001.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, June 27, 2017

Expiration Date: The permit will expire 18 months after the effective date, or December 27, 2018, 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:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With City Clerk

July 5, 2017
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.

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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: June 19, 2017

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2017 0008 and CSP2017 0006

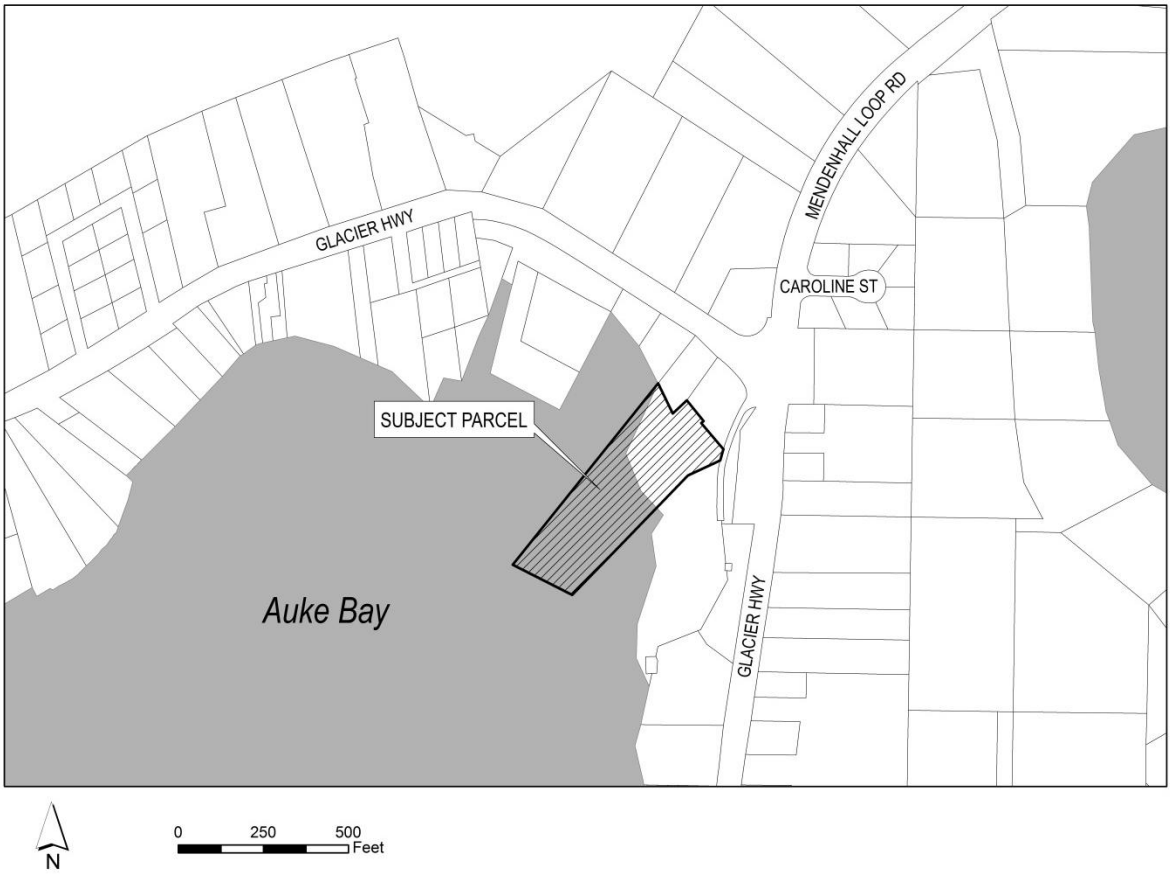
PROPOSAL: A Conditional Use Permit and City Project Review for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility

GENERAL INFORMATION

Applicant:	City & Borough of Juneau, Docks and Harbors
Property Owner:	City & Borough of Juneau
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	Lot 3C, USS 2664 & ATS 16
Parcel Code Number:	4-B28-0-101-003-2
Site Size:	60,874 square feet
Comprehensive Plan Future Land Use Designation:	Marine Mixed Use
Zoning:	Waterfront Commercial
Utilities:	CBJ Water and Sewer
Access:	Glacier Highway

Existing Land Use:	Statter Harbor	
Surrounding Land Use:	North -	Glacier Highway; General Commercial
	South -	Auke Bay
	East -	Statter Harbor Upland Facility; Waterfront Commercial
	West -	Bay Creek; Auke Bay Towers Condominiums; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment 1 - Development Permit Application
Attachment 2 - Conditional Use Permit Application
Attachment 3 - Project Narrative
Attachment 4 - Statter Harbor Plans:

4A Statter Harbor Master Plan Development Phases
4B Statter Harbor Master Plan Proposed Project—Phases III, IV, and Future Phase
4C Phase III Project Components
4D Phase IV Project Components
4E Future Phase Project Components
(NOTE: there is no 4F Attachment)
4G Phase III Tour Vehicle Circulation and Staging
4H Phase III Parking
4I Phase III Vegetative Cover/Landscaping
Attachment 5 - Restroom/shelter/commercial space site plans

PROJECT DESCRIPTION

The applicant, CBJ Docks and Harbors, requests a Conditional Use Permit for the development of new moorage and loading floats, uplands development, a kayak launch ramp, a restroom and covered shelter area with potential second floor commercial space, and removal and replacement of a section of the moorage facility. The proposed project is Phase III and IV of the Statter Harbor Master Plan, except for removal and replacement of part of the moorage facility, which is labeled as "Future Phase" on plan drawings. Site plans demonstrating the details of each of these phases are included in Attachments 4C-4G. Drawings of the restroom/shelter facility with potential commercial space are included in Attachment 5.

As in previous phases, the goals of these projects are to improve safety, reduce congestion, and increase efficiency at the facility. The proposed development improves pedestrian and vehicular access and further separates user groups to reduce conflict.

The development consists of a series of improvements including new loading floats for the charter fleet that serves cruise ship passengers on whale-watching and fishing tours; an upland staging area for charter bus loading and unloading; and an upland building with an open shelter, restrooms, and potential second floor commercial space. The charter fleet facility would include approximately 866 lineal feet of side tie moorage as well as a new fuel dispensary. A separate kayak ramp will also be constructed to reduce conflicts with boaters. Lastly, the development provides a new "Bay Walk," a continuation of the seawalk that was developed in the previous phase along the perimeter of the parking area (Attachments 4B-4D).

The "Future Phase" moorage replacement would remove and replace the oldest section of Statter Harbor moorage floats, known as the Horseshoe Area (Attachment 4E). This section of the harbor is near the end of its useful life.

Construction of the project is contingent on full funding and is anticipated to be conducted under three contracts. Dredging and fill disposal would begin in the fall of 2017. Concurrently, a second contract would be established to manufacture and install the float system, beginning in

the winter of 2017. The third contract, for constructions, restroom/shelter building, and parking/staging area, would begin in the fall of 2018. Phase IV and the Future Phase would construct additional moorage stalls and remove and replace existing ones. No funds have yet been identified for this work.

BACKGROUND

Page 2 of the Project Narrative (Attachment 3) provides background on the history of the project and previous phases of development. USE2013-0005, a Conditional Use Permit for construction of a two-lane boat ramp and associated parking, was approved in June, 2013.

The applicant notes that in 2015, the Docks and Harbors Board decided to move the boat service yard at Statter Harbor to the Auke Bay Loading Facility at Auke Nu Cove to allow more efficient use of Statter upland areas for the charter fleet floats and bus staging. The current proposal was presented to the public at special Docks and Harbors meetings on January 13, 2016, and July 21, 2016. Docks and Harbors held four more public meeting meetings at the Docks and Harbors Operations Planning Committee (June 22, 2016 and November 9, 2016) and at the Docks and Harbors Board Meetings (June 30, 2016 and November 17, 2016).

Staff notes that the proposed restroom is within a special flood hazard zone. This component of the proposed development is contingent on approval of a Flood Zone Exception, FZE 2017 0001, which will also be before the Commission at the June 27, 2017 hearing.

Staff further notes that CSP2017 0002, A City Project Review for acquisition of submerged lands, also before the Commission on June 27, 2017, does not relate to the current USE permit. These submerged lands are for construction of the two-lane boat launch ramp, which was approved in June 2013. Ramp construction was completed in May 2017.

CDD staff conducted an Agency Review Period from March 29, 2017 through April 14, 2017. No comments were received from the CBJ Lands Division, CBJ Building Division, CBJ Assessors Office, CBJ Fire Department, CBJ Streets Division, the U.S. Fish and Wildlife Service, or the Alaska Department of Transportation.

CBJ Engineering and Public Works stated, “General Engineering has no issues or negative findings in reference to the CUP application.”

The Alaska Department of Environmental Conservation Wastewater Discharge Program responded with information on permitting requirements, however these requirements were pertinent to previous Statter Harbor Phases, rather than the current ones. Permitting requirements will be addressed in the Habitat Section.

The Alaska Department of Fish and Game stated, “We have no comments on this proposal and

no fish habitat permits will be required for work."

Alaska Electric Light & Power (AEL&P) stated that they do not see any issues with power in the application.

ANALYSIS

Project Site and Design -

The charter float moorage facilities would be constructed similarly to recent improvements at Aurora and Douglas Harbors. Electrical power and lighting, water, and fire suppression systems would be included. The floats would provide loading and unloading during the day and overnight moorage during the summer season. During the winter, the area could be used for general moorage. The fueling station would serve only the charter fleet, thereby reducing congestion at the main fuel float. A close-up of this section of the proposal has been provided in Attachment 4D.

The uplands adjacent to the charter fleet facility would accommodate bus staging for loading and unloading of charter passengers. Some new parking spaces would be developed to serve the charter fleet employees. The new 14,400 square foot restroom and shelter, with potential second floor commercial space, would serve the charter fleet facility as well as users of the new launch ramp facility, recently completed under Phase II of the Statter Harbor Master Plan (Attachments 4C and 5).

The new "BayWalk" section would connect the recently completed "BayWalk" that was part of the launch ramp project. The walkway would connect along the remaining perimeter of the harbor to the Harbor Office.

The new at-grade kayak launch ramp would be developed to replace the current launch ramp that is now closed. The ramp would be a similar design to the kayak ramp at Amalga Harbor, with concrete pavers extending into the water to allow access at lower tidal ranges.

The area adjacent to the Dehart's property would be developed for better access to the fuel tanks and construction of a storage building. The building would replace existing shipping containers that provide space for spill response equipment and harbor-related storage (Attachment 4C).

Traffic, Parking and Circulation –

Vehicular Access and Circulation. Phase III and IV improvements are not expected to generate a significant amount of new traffic, because these improvements are accommodating existing uses at the harbor. All vehicular traffic will be routed through a single access point, at the

recently constructed driveway across from Squires Rest. The applicant has explained that the driveway location was coordinated with and supported by the Alaska Department of Transportation and Public Facilities (ADOT/PF) through the development of the Statter Harbor Master Plan. ADOT/PF will soon enter the construction phase of a project that would create a center turn lane from Glacier Highway into the new harbor facility, which will significantly improve egress. The existing driveway access to Statter Harbor, next to Deharts and leading to harbor offices, will continue to serve the general moorage area but will not provide vehicular access to launch ramp areas and the main parking area across from Squires Rest. The Attachment 4G site plan provides more details on tour vehicle circulation and staging. The ADOT/PF did not provide comments during the agency review period for this application, as noted in the Background section.

Pedestrian Access. The Phase II development of the two-lane boat launch ramp and parking area created a BayWalk pathway along the water's edge, with viewpoints. Phase III will extend this BayWalk through the next section of the harbor to connect with the moorage area so as to provide a safe pedestrian way to connect the various elements of the full Statter Harbor facility.

Vessel Access. The applicant's Project Narrative explains that one of the primary goals of the Statter Harbor Master Plan has been to separate uses so congestion is reduced on both land and water. Accordingly, the fairways for all harbor facilities provide for safe vessel maneuvering and exceed minimum recommended engineering standards for vessel navigation. Phase III development provides a separate launch ramp and moor location for charter fleet vessels and also a second fueling station to further reduce congestion.

Parking. The applicant has provided a detailed parking analysis on page six of the Project Narrative (Attachment 3). This table addresses CBJ code requirements for moorage and retail space and references general parking standards for boat launch ramps, which CBJ code does not provide. The table demonstrates that the Statter Harbor facility provides 310 parking spaces with the three zones, while 278 spaces are required and/or recommended according to CBJ code and boating standards. The harbor also meets all code requirements for ADA accessible spaces. Staff agrees with the applicant's analysis. Attachment 4H shows these parking spaces in detail.

Noise –

The proposed development will not generate noise that is significantly different from existing sound at the site. As noted earlier, an active boat yard existed at the site until recently, when it was moved to the Auke Bay Loading Facility. Daily noise will consist of uses that have always been conducted at the site, such as vehicle and marine vessel traffic, loading, and unloading.

During the Docks and Harbors public meetings, the public expressed concern regarding the back-up alarms on buses. The proposed plan reduces this noise by allowing a pull-through configuration staging plan, thereby limiting back-up maneuvers that trigger the alarms.

Construction activity, including dredging, filling, truck hauling, and pile-driving for the floats, will generate significant short-term noise in the area. Construction activities must comply with the CBJ Noise Ordinance, which limits construction hours to 7:00 a.m. through 10:00 p.m., Monday through Friday, and 9:00 a.m. through 10:00 p.m., Saturday and Sunday,

Lighting –

Page 8 of the applicant's Project Narrative (Attachment 3) provides a description of the lighting proposed for Phase III and IV developments. Lighting would be controlled by photo cells, and focused downward to reduce glare.

Staff recommends the following condition, which was included in the Notice of Decision for USE2013-0005, Phase Two Statter Harbor Development for the two-lane boat launch ramp and parking:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

Public Health or Safety –

The proposed development may provide public safety benefits by separating user groups, by improving pedestrian and vehicular access, and by reducing marine vessel congestion. The fairways to current and planner harbor facilities exceed the minimum recommended engineering standards for vessel navigation. No evidence indicates that the proposed development will negatively affect public health or safety.

Habitat –

The project requires a U.S. Army Corps of Engineers permit to dredge approximately 24,000 cubic yards of material to achieve a depth of -16 feet in the float basin, off-shore disposal of dredge materials, and approximately 10,000 cubic yards of fill for upland development. The development also requires an Alaska Department of Environmental Conservation (ADEC) Clean Water Certificate, which ADEC addresses through the Corps' permitting process. ADEC also requires a Stormwater Pollution Prevention Plan (SWPPP) at the time of construction.

Stormwater management will be addressed through a system of oil/water separators on the site, as recommended in the CBJ Manual of Stormwater Best Management Practices. ADEC will also review the stormwater management plan through its Permanent Stormwater Management Control Plan review process.

The proposed development does not affect any sensitive marine habitat and is not adjacent to any salmon streams. Because of this, CDD did not take the project to the CBJ Wetlands Review Board for their advisory review.

CBJ Land Use Code Habitat Policies. The project is located in a Special Waterfront Area (SWA). These areas are designated in the Juneau Coastal Management Plan for commercial and industrial development. (The Juneau Coastal Management Plan is still in effect in the CBJ Land Use Code, even though the state program no longer exists.) SWAs are exempt from the prohibition on intertidal fill for expansion of upland areas per CBJ Code (49.70.905(13)), however the fill footprint must be limited to the size necessary for the use, per the following section:

> ***49.70.960(2).*** *Fill proposals within the special waterfront areas are not subject to the fill prohibition of subsection 49.70.905(13) relating to coastal development. Each fill proposal shall be individually reviewed to ensure that configuration, timing, composition and construction practices will minimize impacts on habitats and meet the water quality standards and other Juneau Coastal Management Plan provisions. The size of any fill shall not exceed that necessary for the use unless a larger fill is needed to maintain integrity of the fill, maintain or enhance habitat values, or to fulfill other enforceable provisions of this section.*

The fill footprint was minimized significantly, by approximately 14,500 square feet, by the Docks and Harbors' decision to move the boat yard to the Auke Bay Loading Facility. The current fill footprint is the minimum necessary to address parking and circulation needs for this phase.

Other habitat policies from the CBJ Land Use Code under review include the following:

> ***49.70.950 (C)(3)*** *Wetlands and tideflats shall be managed so as to ensure adequate waterflow, nutrients, and oxygen levels, to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;*

Impacts to intertidal wetlands have been minimized, and the fill does not exceed the necessary size. Based on this analysis, the project substantially conforms with CBJ Land Use Code Policies 49.70.960(2) and 49.70.950(c)(3).

Property Value or Neighborhood Harmony –

Statter Harbor is zoned Waterfront Commercial. The Waterfront Commercial zoning district encompasses all properties on the water side of Glacier Highway from the UAS Anderson Building (adjacent to the former NOAA Lab) to properties beyond the former Fishermen's Bend store. The proposed charter floats, additional moorage, additional parking, and harbor-related amenities are consistent with Waterfront Commercial uses. The previous phase of Statter Harbor development, construction of the two-lane boat launch ramp and parking area, was located immediately adjacent to residential uses, the Auke Bay Towers Condominiums. This phase, in contrast, is in the central area of the harbor, surrounded by harbor uses on all sides.

The development will utilize non-glare lighting in conformance with standard CBJ lighting conditions. Traffic will not increase as a result of the development; instead it will be more efficiently routed. Noise will temporarily increase during construction; however construction must comply with the CBJ Noise standards as noted in the previous section. Lastly, staff notes that the CBJ Assessor's Office did not provide comments during the agency review. Staff concludes that there is no evidence that the proposed development will have any significant impacts on property value or neighborhood harmony.

<u>CONFORMITY WITH ADOPTED PLANS</u>

2015 Auke Bay Area Plan

Both the 2013 Juneau Comprehensive Plan and 2015 Auke Bay Area Plan designate Statter Harbor as Marine Mixed Use, defined as follows:

> *These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium- and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.*

The proposed development substantially conforms to this designation as a harbor that serves many diverse user groups. Potential second floor commercial space above the restroom and shelter facility further implements elements of this designation by creating an option for food and beverage services or retail space.

The Auke Bay Area Plan contains the following goals and policies relevant to this development:

Chapter One, Land Use and Facilities

- **Goal 1:** Develop Auke Bay into a community to live, learn, work, shop and recreate within.
- **Goal 3:** Coordinate and support the development of an Auke Bay hub that serves the needs of the University, the harbors, businesses, and residents.
- **Goal 8:** Preserve unique views that make the Auke Bay area a truly special place.
  Policies
  8.1 Identify, map, and preserve key view points in the Auke Bay area, as depicted in Appendix C.

  8.2 Limit and manage development on public lands that may block the view points as shown in the viewpoints map, located in Appendix C.

  8.3 New development should be evaluated for its impact on the viewpoints shown on the map.

Chapter Two, Natural Resources, Habitat, and Hazards

- **Goal 1:** Maintain healthy water quality in Auke Bay and Auke Lake.
- **Goal 2:** Protect and restore marine habitat in Auke Bay.
- **Goal 3:** Preserve natural areas along the shoreline and in publicly-owned uplands.
  Policy
  3.3 Develop the seawalk with consideration for protecting and preserving natural functions and characteristics of the shoreline where appropriate and feasible.

Chapter Four, Recreation

- **Goal 1** Seek opportunities to connect hiking and biking trails to provide for longer, interconnected loop systems that include connections to Auke Lake and beyond.
  Policies
  1.1 Provide direct and visible pedestrian connections at trailheads and street crossings.

  1.2 Provide signage for pedestrian routes.

  1.3 Seek pathways in the Auke Bay area to be ADA accessible during all seasons and properly maintained.

  1.4 Develop a seawalk that connects Statter Harbor's Seawalk system to Auke Creek.

  1.5 Ensure that future development enhances pedestrian access.

Chapter Five, Transportation

- **Goal 2:** Create an appropriately scaled seawalk along the waterfront, linking residential, commercial, and recreational uses to the Statter Harbor Facility.
  Policies
  2.1 Encourage public and private partnerships to accomplish an Auke Bay seawalk for the common enjoyment of the community.

  2.2 Encourage marine education, safety, artistic and cultural exhibits along the seawalk whenever feasible.

  2.3 Encourage properties fronting on the seawalk to connect to the seawalk and to provide connections from seawalk to public rights-of-ways for pedestrian cross circulation.

  2.4 The seawalk design should encourage and celebrate the bay's role in education, creativity, cultural heritage, and industry in the region.

The proposed development complies with these policies by developing the Statter Harbor facility to accommodate a wide variety of local and commercial user groups. The potential second floor commercial space above the restroom/shelter facility promotes key goals of the Auke Bay plan regarding promotion of mixed uses and new restaurant/shopping developments.

The proposal expands the "BayWalk" seawalk to extend along the full perimeter of the harbor and provides viewpoints and accessibility to the shore. The proposed development will not block the viewpoints noted in Appendix C of the plan. Lastly, the development protects water quality and marine habitat in Auke Bay through the Stormwater Pollution Prevention Plan required by ADEC and compliance with the CBJ Manual of Stormwater Best Management Practices.

<u>2015 Juneau Economic Development Plan</u>

The 2015 Juneau Economic Development Plan is incorporated into the Comprehensive Plan in CBJ Code 49.05.200(b)(1)(N).

The Plan does not specifically address Statter Harbor facilities in any of its chapters. However the project indirectly addresses the economic development initiative to "Enhance Essential Infrastructure." Page three of the plan identifies outdoor recreation opportunities and "popular cruise and independent visitor destination" as two of "Juneau's Assets and Competitive Advantages." Outdoor recreation opportunities are directly addressed and promoted through Statter Harbor facilities, and the facility also supports many visitor-related activities, including many independent travelers.

2013 Juneau Comprehensive Plan

As noted earlier, the 2013 Juneau Comprehensive Plan designates Statter Harbor as Marine Mixed Use. The 2015 Auke Bay Area Plan has the same designation. The previous analysis indicates substantial conformance with this designation.

The 2013 Juneau Comprehensive Plan, Chapter Five, Economic Development, includes the following Policies, Development Guidelines, and Implementing Actions related to the proposed development:

> **Policy 5.9** To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, commercial fishing, seafood processing, recreation, public access to the shoreline, and enjoyment of the waterfront through development of well-designed port facilities.
>
> **Development Guideline 5.9 – DG 1.** Assure public access to the shoreline and water when reviewing development applications.
>
> **Development Guideline 5.0 DG 2.** To the greatest extent practicable, orient new structures and facilities located on the waterfront in such a way as to preserve views of the water from public roadways and vista points.
>
> **Implementing Action 5.9 -1A3.** Assist with coordination of cruise ship traffic and commercial fishing operations minimize conflicts.
>
> **Implementing Action 5.9 1A5.** Docks & Harbors should work closely with the commercial fishing and seafood packaging industries to ensure that the unique needs of these groups are met at local facilities.

The proposed development addresses these policies and actions by developing Statter Harbor in a manner that promotes safe and efficient use by a variety of user groups, by providing viewpoints and walkways along the shoreline, and by separating commercial fishing, tourists, and local recreational users.

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 9.600 for the Waterfront Commercial 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 June 16, 2017 and June 26, 2017 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. A second notice was made to all property owners within 500 feet with a revised project description.

Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right-of-way. Furthermore, the proposed development will comply with CBJ 49.70.960(2) and 49.70.950(c)(3)

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

No. No evidence indicates that the proposed development will materially endanger public health or safety. The development will facilitate separation of uses to reduce congestion and improve safety.

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

No. No evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The development is surrounded by other Waterfront Commercial uses and will not impact views or generate significant new noise or traffic.

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 conforms to the 2013 Juneau Comprehensive Plan, the 2015 Juneau Economic Development Plan, and the 2015 Auke Bay Area Plan by safely accommodating different users groups, by developing a seawalk and coastal viewpoints, and expanding basic harbor infrastructure.

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?

Yes. The development has minimized intertidal fill, implements stormwater management measures, and does not affect any sensitive marine habitat.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor commercial space, and removal and replacement of a section of the moorage facility, subject to the following conditions:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

Staff recommends that the Planning Commission find that the proposed city project for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor commercial space, and removal and replacement of a section of the moorage facility, is consistent with adopted plans of the CBJ, and to endorse the city project as required by CBJ Code 49.15.540 and AS 35.30.010, with the following conditions:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

DEVELOPMENT PERMIT APPLICATION

Project Number USE 2017 - 0008	CITY and BOROUGH of JUNEAU	Date Received: 3/21/17
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Construction of new moorage and loading floats; uplands development; kayak launch ramp; restroom and covered shelter area.

PROPERTY LOCATION

Street Address	City/Zip
11520 Auke Bay Harbor Road	Juneau, 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Statter Harbor Lot 3C, USS 2664 : ATS 16

Assessor's Parcel Number(s)
4B2801010032

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Acting — Landowner/Lessee Signature — Date: 3/20/17

X _____ Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

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			
	City/State Project Review and City Land Action		3/21/17	CSP17-006
	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)		3/21/17	USE17-008
	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: TJF

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		USE17-008	3/21/17

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: 9.600

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Construction of new mooring and loading floats; uplands development; kayak launch ramp; restrooms and covered shelter; potential 2nd floor commercial space.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES – Case #

CURRENT USE OF LAND OR BUILDING(S):

Temporary parking

PROPOSED USE OF LAND OR BUILDING(S):

Charter Fleet Facility

UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 60,984 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 2,800 / 5,600 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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- ☐ Site Plan
- ☐ Floor Plan of proposed buildings
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed Vegetative Cover
- ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
- ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

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.

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$750			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$50			
Pub. Not. Sign Deposit	$100			
Total Fee	$900	Visa pAC		3/22/17

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

TO BE COMPLETED BY THE APPLICANT

Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Application for a Conditional Use Permit and City/State Project Review

for

Statter Harbor Improvements

Phase III (Charter Fleet Facility)
Phase IV (Permanent Moorage)
Future Phase ("Horseshoe" Replacement)

PROJECT NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary.gillette@juneau.org

June 6, 2017

INTRODUCTION

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes improvements at Don D. Statter Harbor to include new charter fleet loading floats; new moorage floats; new restrooms and shelter structure; improved bus staging and circulation; kayak launch ramp; a pedestrian access "BayWalk;" and potential commercial space above shelter structure. The proposed project is Phase III and IV of the Statter Harbor Master Plan. A future phase would remove and replace existing infrastructure at the current "horseshoe" section of the moorage facility. See Attachment A for Master Plan and Phased Construction.

BACKGROUND

Improvements at Statter Harbor have been a topic of the Docks and Harbors Board and the community at large for many years. The planned improvements have been phased in accordance with available funding. Completed in 2014, Phase I removed the former DeHart's Marina and fuel float which was then replaced with new moorage slips and a new fuel float. Phase II was completed in 2016 and includes a two lane launch ramp; associated parking lot; "BayWalk;" and covered shelter. Phase III, subject of this permit, will develop a new charter fleet facility. Phase IV would develop additional permanent moorage. A future phase will remove and replace the "horseshoe" area of the existing harbor facility.

In 2015 the Docks and Harbors Board decided to move the boat service yard at Statter Harbor to the Auke Bay Loading Facility at Auke Nu Cove. This action allows more efficient use of the Statter upland areas for the charter fleet floats and bus staging. The proposed project was presented to the public at special meetings on January 13, 2016 and July 21, 2016. Public comments received were considered in further development of the plan and presented to the public at four subsequent meetings: D&H OPS/Planning Committee (June 22, 2016 and November 9, 2016); and D&H Board (June 30, 2016 and November 17, 2016).

SCOPE OF PROPOSED PROJECT

The proposed project, subject of this permit application, is to continue upgrading Statter Harbor to improve safety, reduce congestion, and increase efficiency at the facility (see Attachment B). The goals are to provide safe vehicular access to the facility; improve pedestrian access; provide adequate onsite staging and parking; and reduce conflicts between various uses. The proposed development consists of a series of improvements including: Phase III (see Attachment C) - new loading floats for the charter fleet that serve cruise ship passengers experiencing whale watching, fishing, or other marine based activities; an upland staging area for charter vehicle loading and unloading; an upland building featuring an open air shelter, restrooms, and potential second level commercial space; a kayak launch ramp; and continuation of the Statter Harbor "BayWalk;" Phase IV (see Attachment D) - additional permanent moorage slips tied to the existing Statter Harbor facility; and a Future Phase (see Attachment E) – remove and replace "Horseshoe" area of existing facility.

The charter fleet facility (Phase III) would include approximately 866 lineal feet of side tie moorage; new fuel dispensary; upland bus staging and vehicular parking; public restrooms and covered pedestrian area; a new kayak launch ramp; "BayWalk;" and support area for storage, fuel tanks, and

associated uses. There is also the potential to include commercial space for restaurant or water related retail use on a second level above the restrooms and shelter structure.

The new moorage floats (Phase IV) would be developed as funding allows providing approximately eleven new forty-two foot slips and approximately 234 lineal feet of side tie moorage and/or loading space. The "Horseshoe area (Future Phase) would remove and replace the oldest section of Statter Harbor moorage floats that is nearing its end of useful life.

PROJECT DESCRIPTION

The charter float system (Phase III) would be constructed similar to other recent harbor facility improvements at Statter, Aurora and Douglas Harbors. Electrical power and lighting; domestic water; and fire suppression system would be included. The floats would provide loading and unloading during the day and overnight moorage for the charter fleet during the summer season. During the winter it could be used for general moorage. A fuel dispensary outlet would be located at the end of the most seaward float. This fueling station would serve the charter fleet thereby reducing congestion at the main fuel float.

The uplands immediately adjacent to the charter fleet facility would be developed to accommodate bus staging for loading and unloading of charter passengers. Some new parking spaces would be developed to serve the charter fleet employees. A new public restroom facility would be developed to serve the charter fleet facility as well as the new launch ramp facility. An open air shelter would be constructed for use by charter passengers waiting to load vessels and the general public to use for observing harbor activities. A new "BayWalk" section would be constructed to connect the recently completed "BayWalk" that was part of the launch ramp project and continue to the existing "BayWalk" adjacent to the moorage facility and harbor office.

A new at-grade kayak launch ramp would be developed to replace the current launch ramp that is now closed. The kayak ramp would be similar in design as Amalga Harbor with concrete pavers extending into the water thus accessible at a variety of tidal ranges. The area adjacent to the DeHart's property would be developed for better access to the fuel tanks and construction of a storage building. The building would replace existing shipping containers that provide space for spill response equipment and harbor related storage.

PERMITTING

The proposed project requires a number of permits and reviews prior to construction including an Army Corps of Engineers (ACOE) permit; an Alaska Department of Environmental Conservation (ADEC) clean water certificate; a City and Borough of Juneau (CBJ) City/State Project Review; a CBJ Conditional Use Permit; and CBJ Building Permit. Due to shoreline construction work a Stormwater Pollution Prevention Plan (SWPPP) will be required at the time of construction.

The ACOE permit has been applied for and is currently under review. The work covered under this permit would be dredging approximately 24,000 cubic yards to achieve a depth of -16 foot elevation in the float basin; off shore disposal of dredge materials; deposit of approximately 10,000 cubic yards of clean fill for uplands development; and installation of piles for floats. Concurrent with the ACOE process, ADEC would review the project for potential impacts to water quality.

PND Engineers has performed environmental sampling and submitted the information to ACOE who, in turn, has determined the dredge material is eligible for off shore disposal. The exact location, method of disposal, and other considerations will be determined through the ACOE permitting process. ACOE will also review and analyze potential impacts resulting from fill material being deposited in tidal areas at the shore side edge of the project.

The Planning Commission would review the project for a CBJ Conditional Use Permit and a City/State Project Review. A local building permit would be sought once final design is completed and prior to construction of the facility. The elevation of the lowest floor of the proposed restroom building would be below the base flood elevation as currently established by Federal Emergency Management Administration (FEMA). After discussion with CDD, planners advised seeking an exception to the flood elevation standard. A separate exception application (FZE2017 0001) has been submitted for this project.

NEIGHBORHOOD HARMONY

The proposed launch ramp project is allowed with a conditional use permit and found in the Table of Permissible Uses at 9.600 - Marine commercial facilities including fisheries support, commercial freight, and passenger traffic. One of the conditional use permit standards of review for development projects is whether the project substantially decreases the value of or is out of harmony with property in the neighboring area.

The proposed project is within an area that has a land use designation of Marine Mixed Use (M/MU). The Comprehensive Plan identifies these lands as being characterized by high density residential and nonresidential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. The proposed charter fleet floats and additional moorage are consistent with the MMU land use designation of the Comprehensive Plan.

Zoning of the project property is Waterfront Commercial (WC) which encompasses all properties water side of Glacier Highway extending from the UAS Anderson Building (adjacent to the former NOAA Lab) to two properties beyond the former Fishermen's Bend Store. Generally uses in this zoning district require a conditional use permit approved by the Planning Commission and must be water-dependent, water-related, or water-oriented. The proposed charter fleet floats and additional moorage are consistent with the WC zoning district.

AUKE BAY AREA PLAN

The CBJ Assembly adopted the *Auke Bay Area Plan* in 2015. The plan envisions a cohesive community on the shores of Auke Bay and adjacent uplands. A certain level of community currently exists in the area with private, state, federal, and city infrastructure serving higher education; recreation; retail businesses; an active harbor; offices; and residences all contributing to vitality of this popular and naturally beautiful area. Docks and Harbors endeavors to build on the sense of community as new projects are developed. A pedestrian "BayWalk" is being developed that will provide vital links to harbor facilities from Glacier Highway through the site along the water's edge and onto the publically accessible float system.

The Phase III proposed project has the potential to provide a unique opportunity for commercial development. The covered gathering area and restroom building proposed for the project may include a second story for water related commercial uses (see Attachment F). The size of the facility would be approximately 2,800 square feet on each floor. The waterfront commercial zone allows a variety of water-dependent, water-related, or water-oriented uses including restaurant, retail, office, or community oriented space. Based on the parking calculations discussed above there would be adequate parking available within the Statter Harbor complex to support a second story use. Docks and Harbors is investigating the potential to provide the commercial space to support goals of the Auke Bay Area Plan and thereby contributing to the overall vitality of the community at Auke Bay. Funding for such development might include public private partnerships; leasing developable air rights; D&H developed space for lease, or other options.

VESSEL ACCESS

One of the primary goals of the Statter Harbor Master Plan from its beginning in 2005 has been to separate uses so congestion is reduced both on land and on water. The fairways to current and planned harbor facilities are adequate for safe vessel maneuvering and exceed the minimum recommended engineering standards for vessel navigation. The proposed project provides a separate location for charter fleet vessels with adequately designed access and maneuverability. A fueling station to serve the charter vessels is planned as shown on the site plan.

VEHICULAR and PEDESTRIAN ACCESS

The Statter Harbor Master Plan identified primary access to the new launch ramp and bus loading area to be the recently constructed driveway at Glacier Highway across from Squires Rest and the former UAS Bookstore (see Attachment G). This driveway location was coordinated with and supported by the Alaska Department of Transportation and Public Facilities (ADOT/PF) through the development of the Statter Harbor Master Plan. ADOT/PF is entering into the construction phase of a project that would create a center turn lane from Glacier Highway into the new boat launch facility thereby significantly improving ingress to this facility. The existing driveway access to Statter Harbor (adjacent to DeHart's Store) will continue to serve the general moorage area.

During public comment an issue was raised regarding the number of buses transiting through the boat launch area and in front of the adjacent residence. The commenter preferred that the buses use the existing entry as is currently used. AutoTurn, a computer modeling program, was used to analyze maneuvering requirements for a variety of vehicles. The program was used to model maneuvering configurations for the largest of the motor coaches that frequent Statter Harbor in the transfer of passengers from cruise ships to charter activities. The modeling shows that large motor coaches ($45^{+/-}$ feet) are not able to make safe ingress or egress from the existing driveway entrance to Statter Harbor. While smaller vans and buses (25 feet or less) may be able to maneuver through the existing "S" curve driveway, limited sight distances and the close proximity of the roundabout causes concerns for safe use of the existing driveway for transfer buses and vans. It is planned that all commercial transfer buses use the entry/exit across from Squires Rest.

The launch ramp project created a dedicated pedestrian BayWalk which would be extended along the water's edge through this project and connect to the moorage area. This will create a safe pedestrian way connecting the various elements of the overall Statter Harbor facility.

PARKING

With the completion of Phase II of the Statter Harbor Master Plan (Launch Ramp) the number of parking spaces has increased dramatically. The former truck/trailer spaces near the Harbormaster's Building have been converted to regular vehicle spaces thereby increasing parking capacity for the overall Statter Harbor facility. Parking for Statter Harbor is provided in three zones (see Attachment H): 1) Zone A is adjacent to the Harbormaster's Building; Zone B is located at the Launch Ramp; and Zone C is located at the proposed charter fleet facility. An analysis was performed using requirements of the CBJ zoning code and general harbor engineering standards from States Organization for Boating Access (SOBA).

The table below shows existing and proposed facilities; the parking requirement or engineering standard for each use; and the number of spaces provided for each use. The analysis shows that the number of spaces provided at Statter Harbor exceeds the requirements/standards.

Existing Facilities:			Parking Required/Recommended:	
Permanent Moorage Stalls	70		Requirement for Permanent Moorage (2)	23.3
Side Tie Transient Moorage (1)	286		Requirement for Transient Moorage (2)	95.3
Launch Ramps	2		Truck/Trailer Parking Recommended (3)	100
Launch Ramps	2		Car Parking Stalls for Launch Ramp (4)	30
Proposed New Facilities:				
Permanent Moorage Stalls	11		Requirement for Permanent Moorage (2)	3.6
Side Tie Transient Moorage (6)	7		Requirement for Transient Moorage (2)	2.3
Side Tie Charter Float Moorage (7)	28		Requirement for Charter Float Moorage (2)	9.3
Potential 2nd Floor Commercial (8)	2,800 sq.ft.		Potential 2nd Floor Commercial (5)	14
			Total Parking Required/Recommended	**277.8**
Parking Provided				
Zone A				
Vehicle Spaces				115
ADA Van Spaces				1
ADA Spaces				4
Zone B				
Truck/Trailer Spaces				95
Vehicle Spaces				78
ADA Van Spaces				1
ADA Spaces				5
Zone C				
Vehicle Spaces				10
ADA Van Spaces				1
			Total Parking Provided	**310**
Notes:	(1) 10,000 Ln. Ft. / 35' Average Vessel Length			
	(2) CBJ Code Requires 1 Parking Space for Every Three Moorage Stalls			
	(3) SOBA Recommends 50 stalls per launch lane			
	(4) SOBA Recommends 30% of Truck/Trailer Stalls			
	(5) CBJ Code Requires 1 Parking Space for Every 200 Square Feet			
	(6) 234 Ln. Ft. / 35' Average Vessel Length			
	(7) 866 Ln. Ft. / 35' Average Vessel Length			
	(8) 2,800 sq. ft. / 200 sq. ft. per space			

STORMWATER MANAGEMENT

The proposed project includes upland development of impervious surfaces for pedestrian walkways, pedestrian plazas, and asphalt paving in the staging and parking areas. Landscape features within the project area will catch rainwater and filter through the soils below. Storm water management of the impervious areas (walkways, plazas, parking, and staging) would be through a system of oil/water separators. The proposed oil/water separators will be part of stormwater management for the project site. ADEC will review the stormwater management plan through its Permanent Stormwater Management Control Plan Review process. This is similar to what has occurred in past projects such as the new Launch Ramp.

The CBJ Manual of Stormwater Best Management Practices recommends oil/water separators as a BMP for addressing oil control in stormwater management systems. The proposed project will be designed with oil/water separators in accordance with best management practices.

VEGETATIVE COVER

In the Waterfront Commercial zoning district Title 49 of the City Code requires 10% of the project area to be retained in vegetative cover. This particular project consists of uplands and submerged lands. The project area for vegetative cover purposes was calculated on the area of uplands only (see Attachment I). The uplands area of the proposed project is approximately 74,922 square feet. The total vegetative cover shown on the plan is approximately 7,553 square feet or 10.1% thus meeting the code requirement. In addition, there is approximately 3,500 square feet of landscaped plaza area which will feature planters and other amenities such as benches and tables.

SOUND

Activities associated with the proposed charter fleet float project are not expected to generate sounds dissimilar from those that exist today. Until recently an active boat yard existed on the site. The boat yard has since been moved to the Auke Bay Loading Facility thus sound generated by that activity no longer occurs on the site.

During public comments a concern was raised regarding the sound of back-up alarms on buses that would be staging at the proposed charter fleet facility. Two options for orientation of the bus staging area were considered. One had head-in angled spaces for buses while the other provided pull-through spaces. The pull-through configuration was chosen to reduce the need for back-up maneuvers that would trigger back-up alarms.

During construction it is anticipated that sound levels would increase relative to current background conditions. Trucks and equipment performing construction of the facility would be expected to increase the duration of sound but the levels would likely not rise significantly. Distinct sound generators during construction would be activities associated with dredging; hauling and placing rock for fill; and driving of piles for the floats. Probably the highest level of sound during construction would be the back-up signals on equipment and trucks. These signals are required by OSHA and must not be disconnected.

Measures would be taken to minimize generation of sound during construction. Piling would be vibrated or drilled first then only driven with impact hammers for the last portion to reach final loading capacity. CBJ code provides guidance on working hours for certain sound generating activities[1] and it is planned that work would take place within these hours unless certain construction activities that may be tide related requiring construction outside the normal working day.

LIGHTING

The proposed charter fleet float facility will include site lighting and lighting on the floats to provide safe operations during dark conditions. The lighting design has not been completed at this time but the overall concept is to provide adequate lighting for safe and convenient operations during dark periods of the day but not cause glare or light pollution onto adjacent properties.

Lighting would be controlled by photo cells thus only lit when dark conditions occur. D&H embraces a concept of adequate but not over lighting a facility. Luminaires would be mounted on light standards at a height for adequate light distribution and would be focused downward so not to cause glare beyond the areas to be illuminated. Light standards would be painted flat black so not to cause undesirable light reflection and glare. Specific fixtures have not been selected at this point in the design process but will be submitted with a building permit for the facility. Lighting for the proposed development would be similar to those used at the newly completed launch ramp.

SCHEDULE

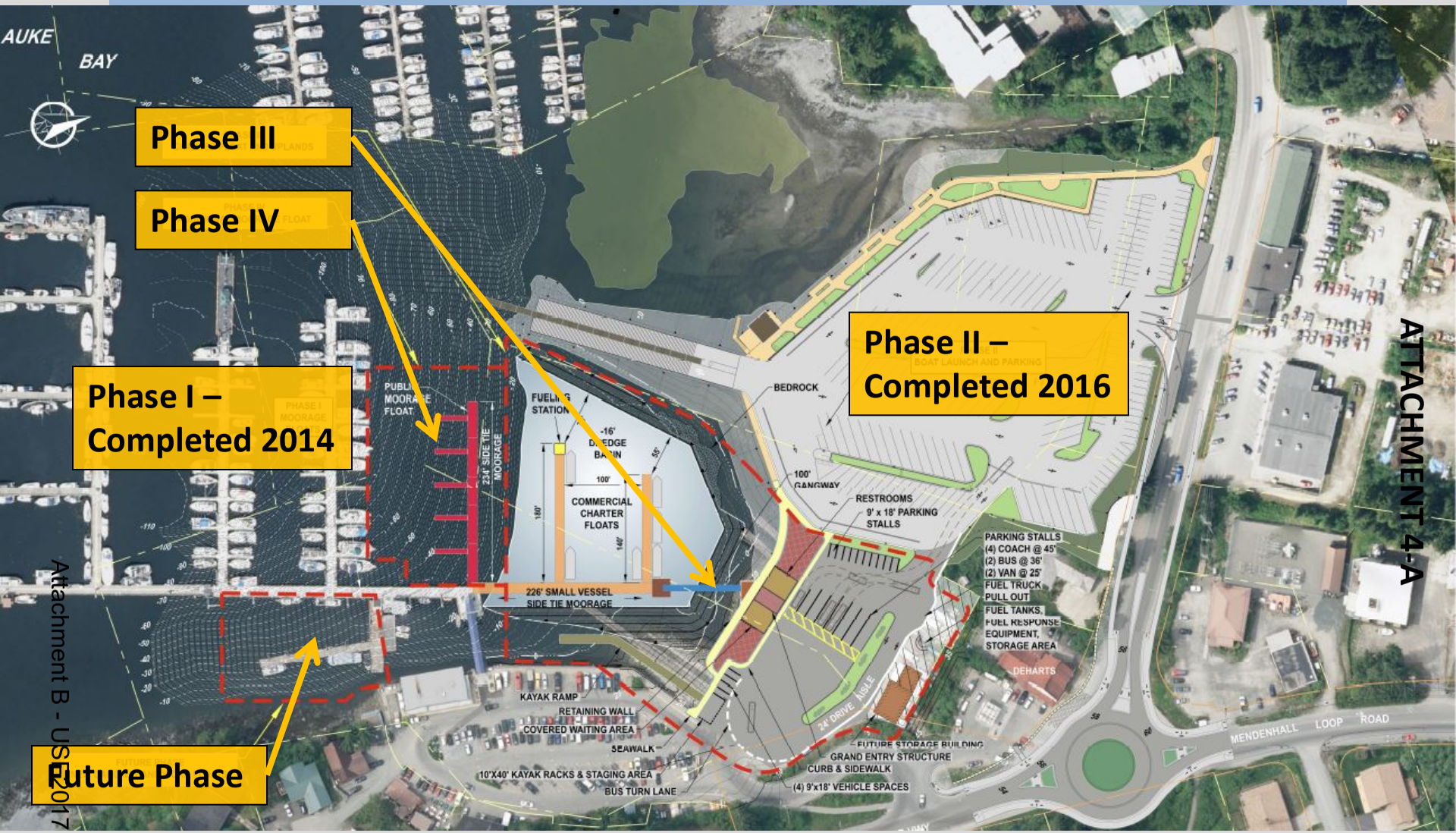
Phase III of the project is anticipated to be constructed under three contracts. The first contract would complete dredging and disposal of dredged material to begin in fall 2017. Concurrently a second contract would be let to manufacture and install the float system beginning in winter 2017. In this scenario the charter float system would be operational in spring of 2018. The third contract would begin in fall 2018 and be completed in spring 2019. This work will include a gangway to the floats; development of the restroom/shelter building; and construction of the parking/staging area. Work of Phase IV and the Future Phase is dependent on available funding thus does not have a specific schedule at this time.

ATTACHMENTS

A. Statter Harbor Master Plan
B. Proposed Project
C. Phase III – Project Components
D. Phase IV – Project Components
E. Future Phase – Project Components
F. Building Concept Drawings
G. Tour Vehicle Circulation and Staging
H. Parking Zones
I. Vegetative Cover and Landscaping

[1] 42.20.095 - Disturbing the peace. (b) *Construction of buildings and projects.* It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.

Statter Harbor Master Plan



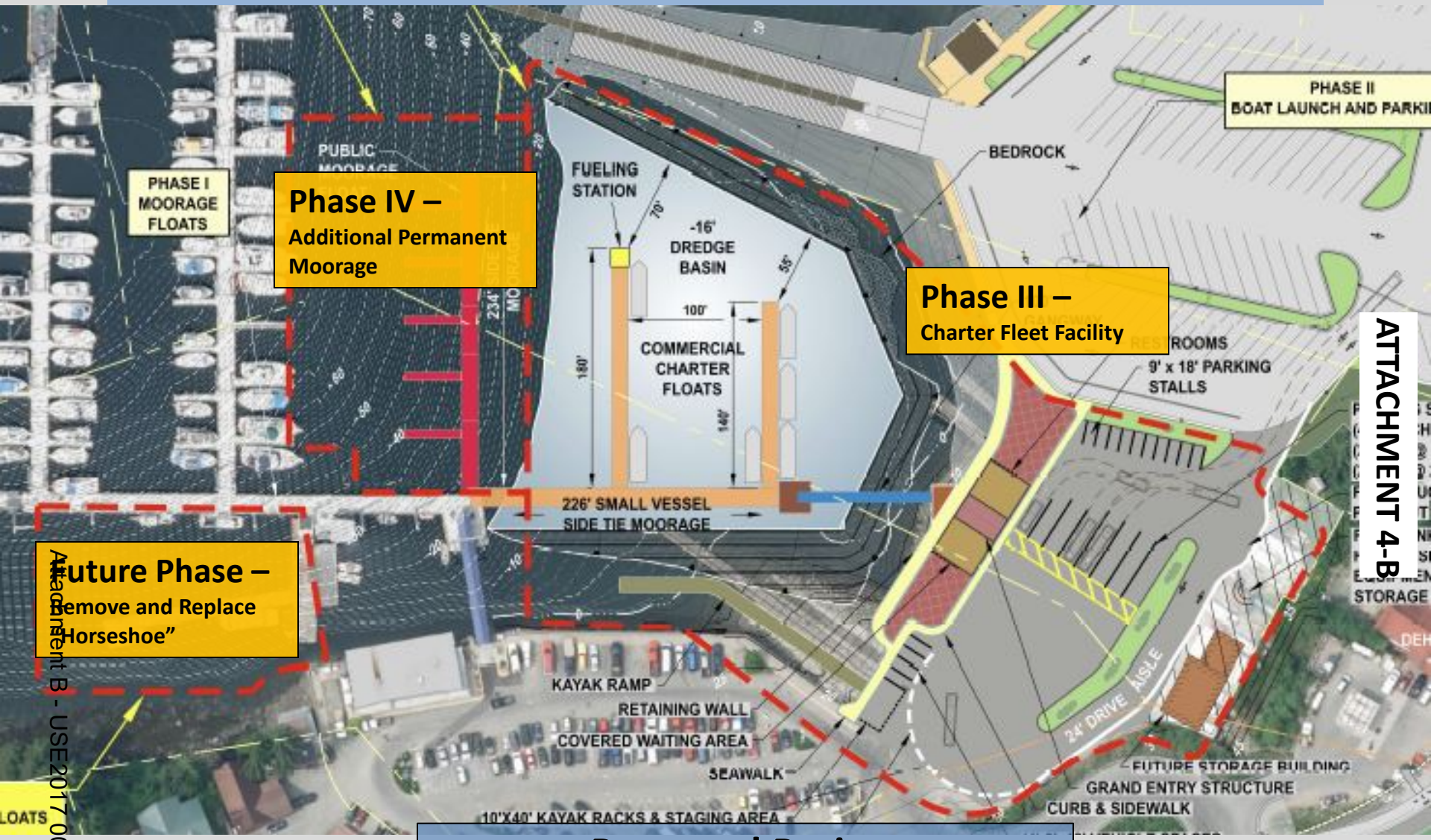
Development Phases

ATTACHMENT 4-A

Attachment B - USFS 2017 0008

Attachment 4

Statter Harbor Master Plan



Phase IV –
Additional Permanent Moorage

Phase III –
Charter Fleet Facility

Future Phase –
Remove and Replace "Horseshoe"

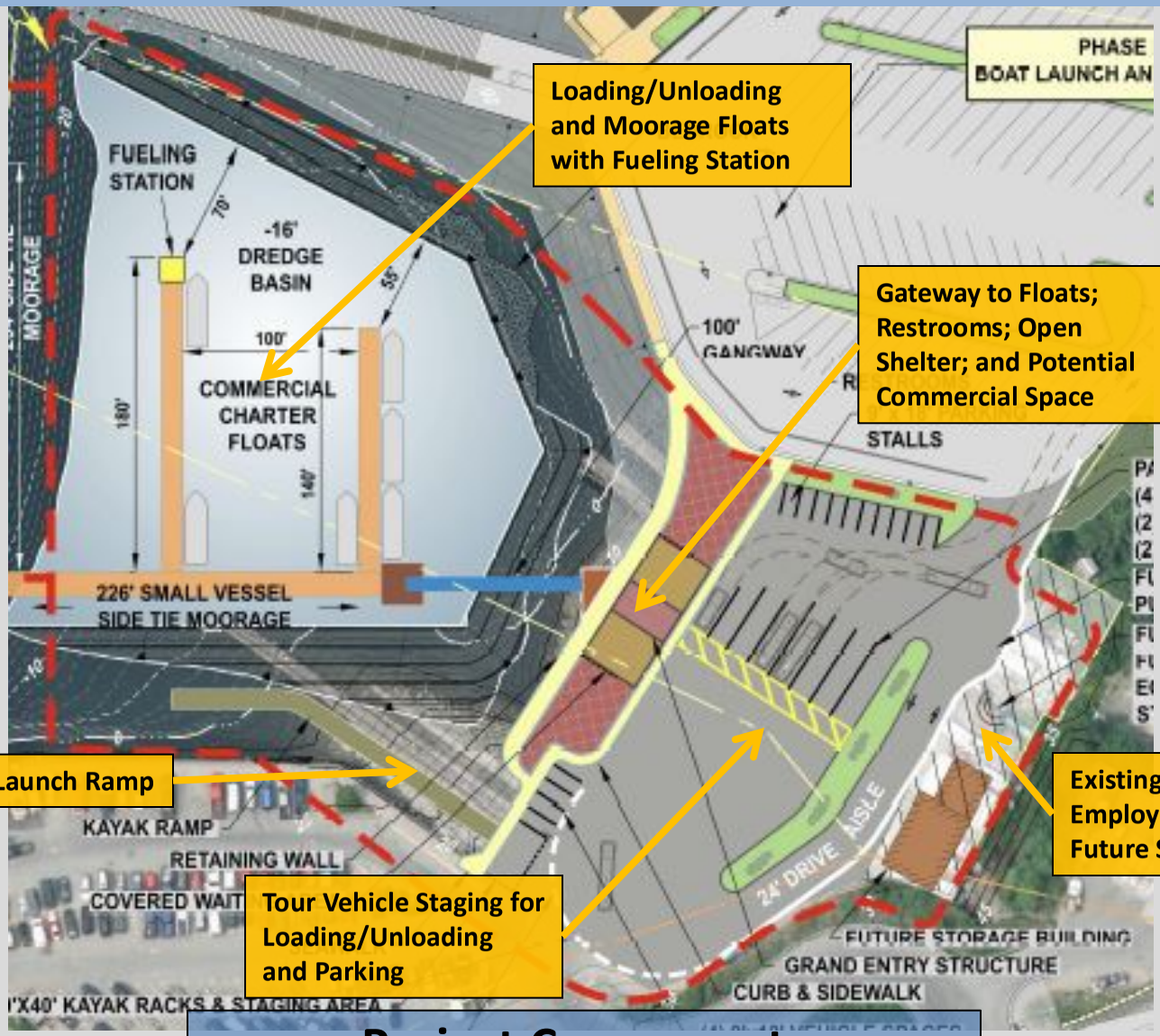
ATTACHMENT 4-B

Attachment B - USE2017-0008

Attachment 4

Proposed Project

Statter Harbor Improvements – Phase III



Loading/Unloading and Moorage Floats with Fueling Station

Gateway to Floats; Restrooms; Open Shelter; and Potential Commercial Space

Kayak Launch Ramp

Tour Vehicle Staging for Loading/Unloading and Parking

Existing Fuel Tanks; Employee Parking; and Future Storage Building

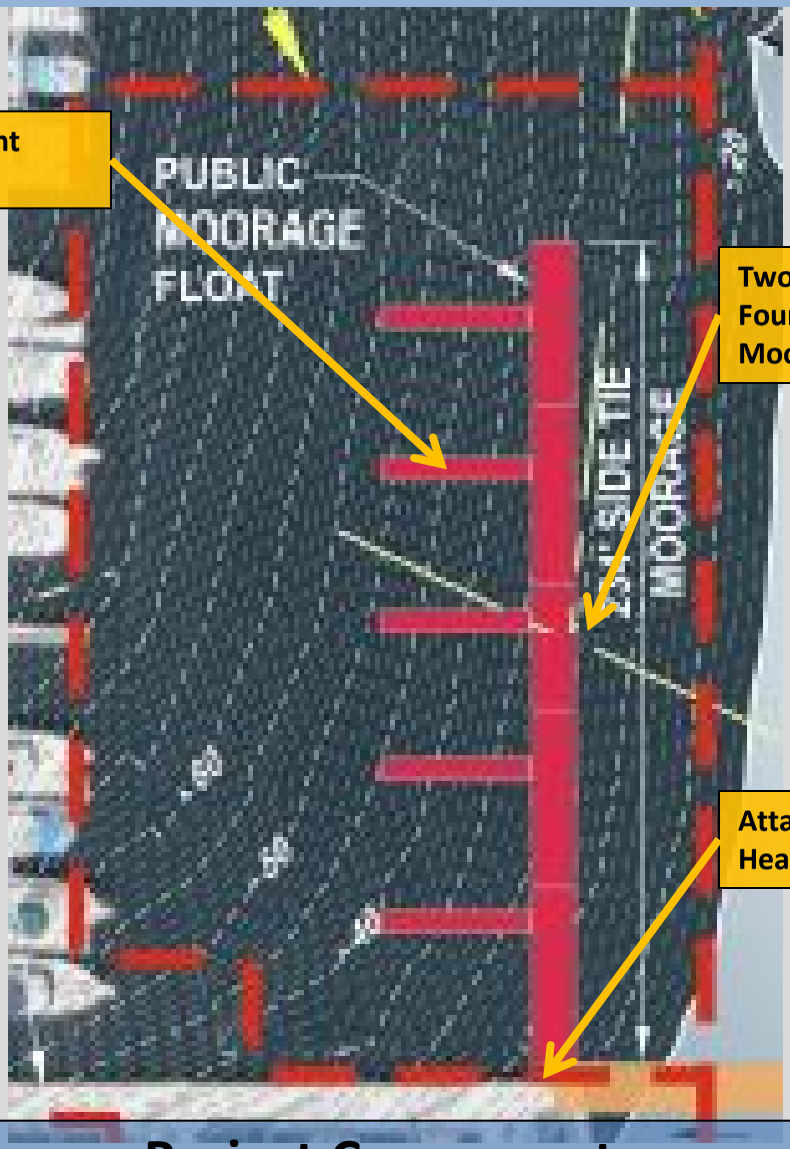
Project Components

ATTACHMENT 4-C

Attachment B - USE2017 0008

Attachment 4

Statter Harbor Improvements – Phase IV



Eleven Permanent Moorage Slips

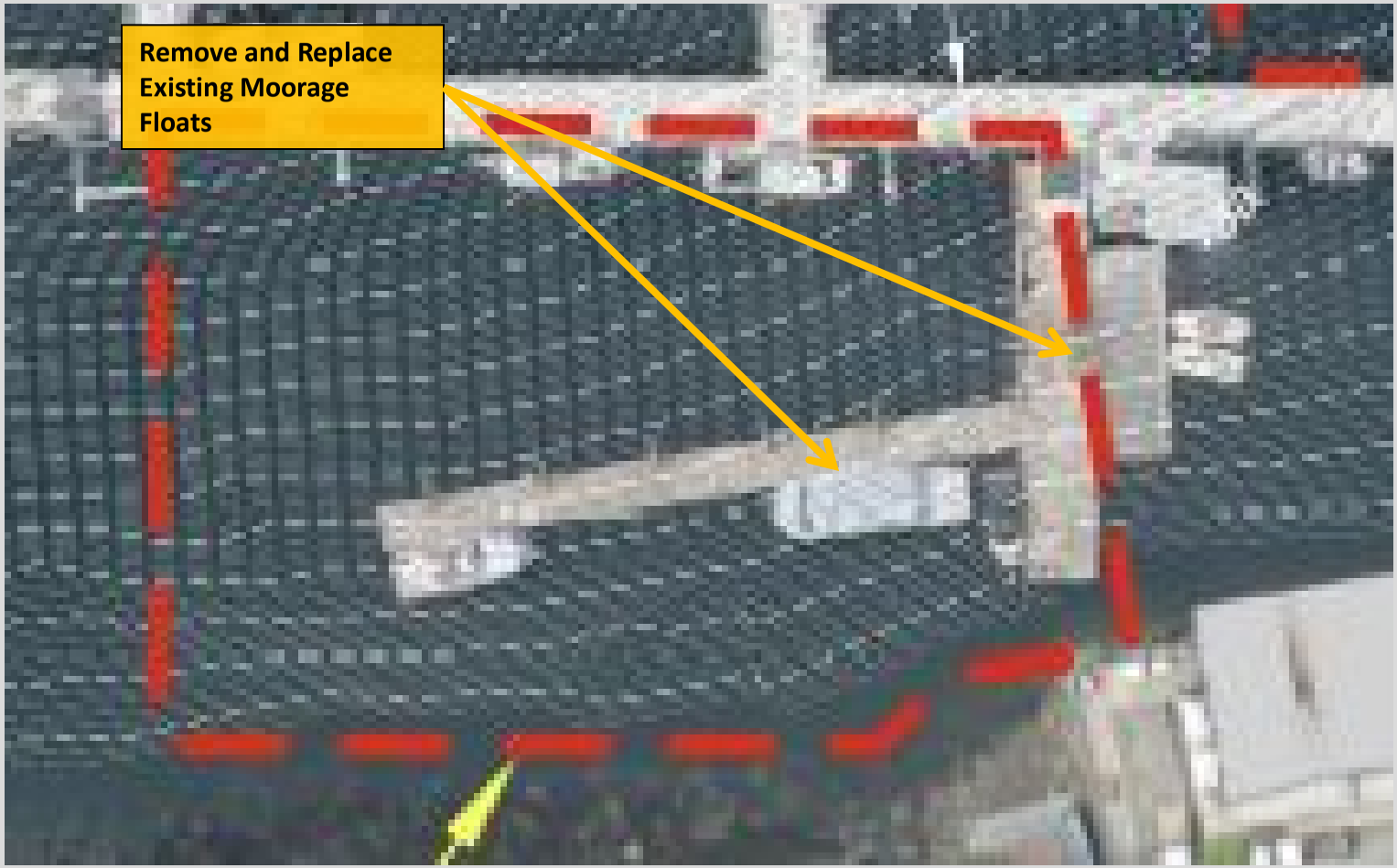
Two Hundred Thirty Four Feet of Side Tie Moorage

Attached to Existing Headwalk System

Project Components

ATTACHMENT 4-D

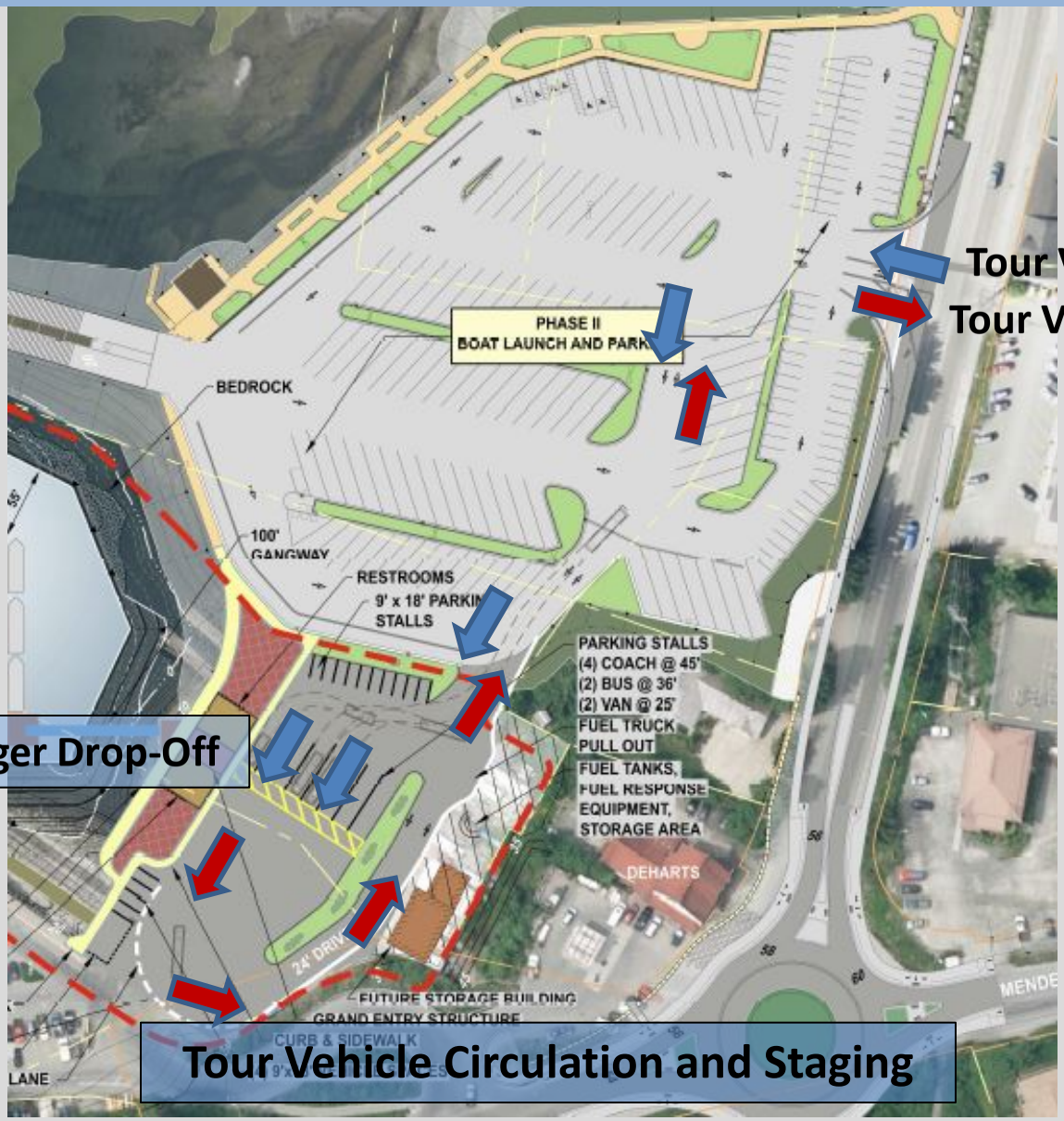
Statter Harbor Improvements – Future Phase



Project Components

ATTACHMENT 4-E

Statter Harbor Improvements – Phase III



Ingress

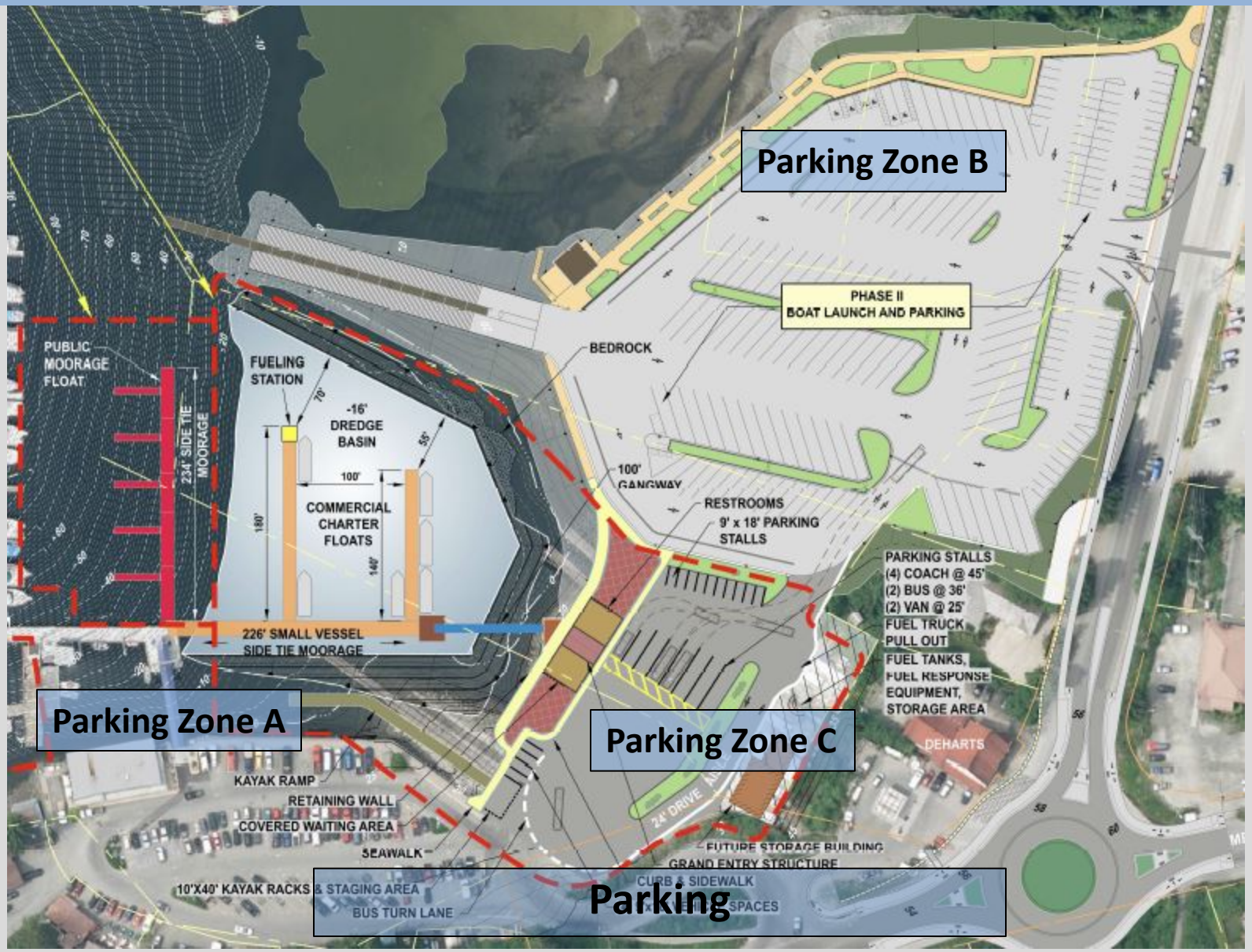
Egress

ATTACHMENT 4-G

Attachment B - USE2017 0008

Attachment 4

Statter Harbor Improvements – Phase III

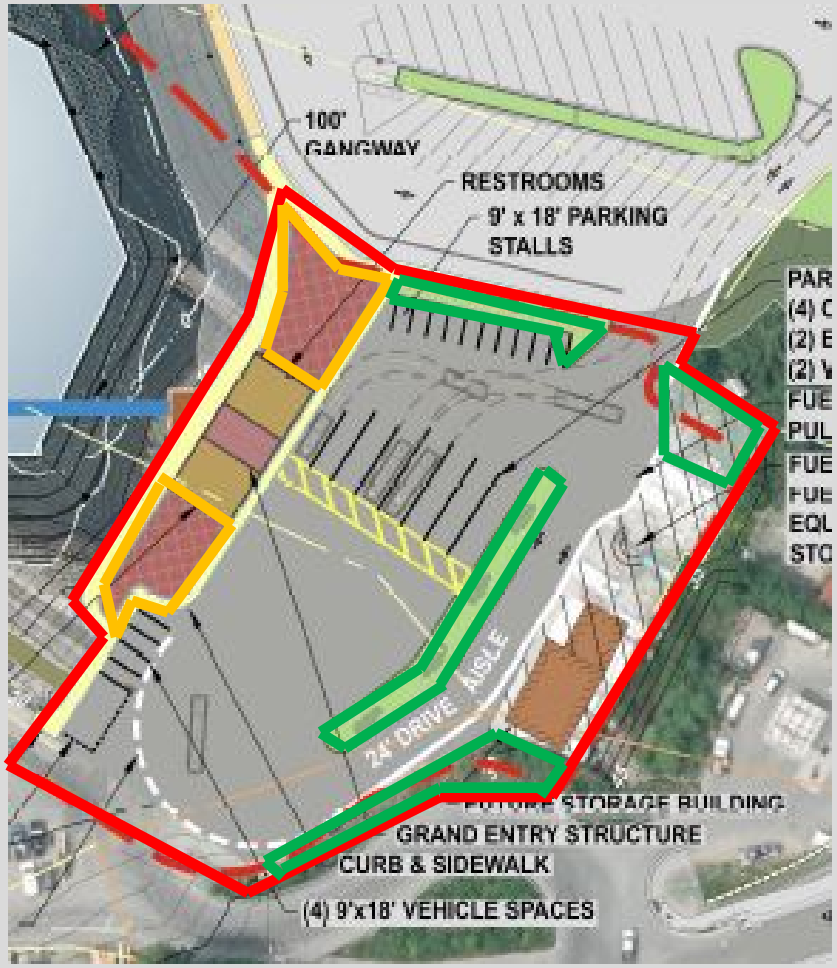


ATTACHMENT 4-H

Attachment B - USE2017 0008

Attachment 4

Statter Harbor Improvements – Phase III



Uplands Area

Vegetative Cover

Landscape Plaza

Uplands Area = 74,922 Square Feet
Vegetative Cover = 7,553 Square Feet
Landscape Plaza = 3,500 Square Feet

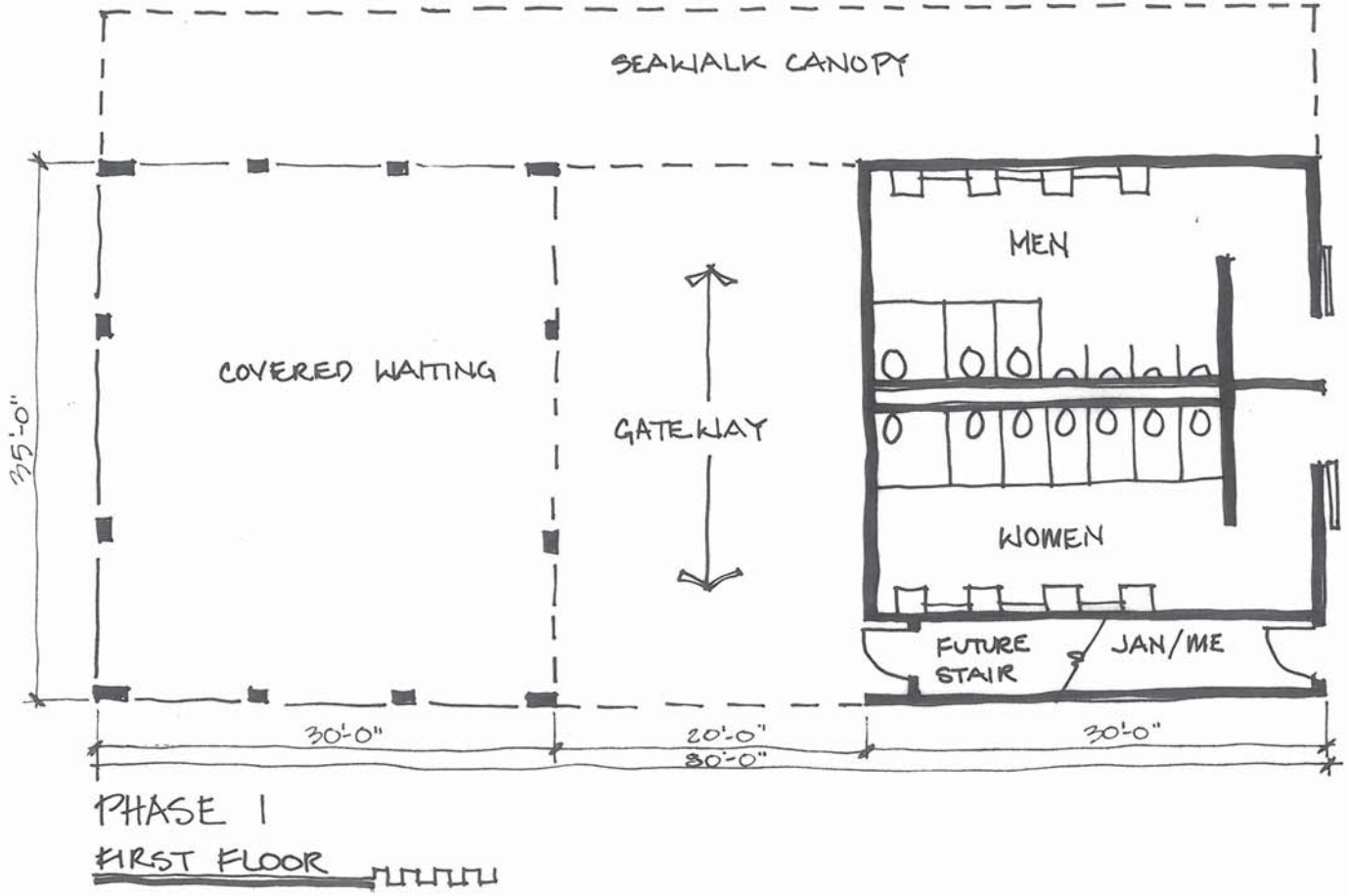
Vegetative Cover / Landscaping

ATTACHMENT 4-I

Attachment B - USE2017 0008

Attachment 4

ATTACHMENT F

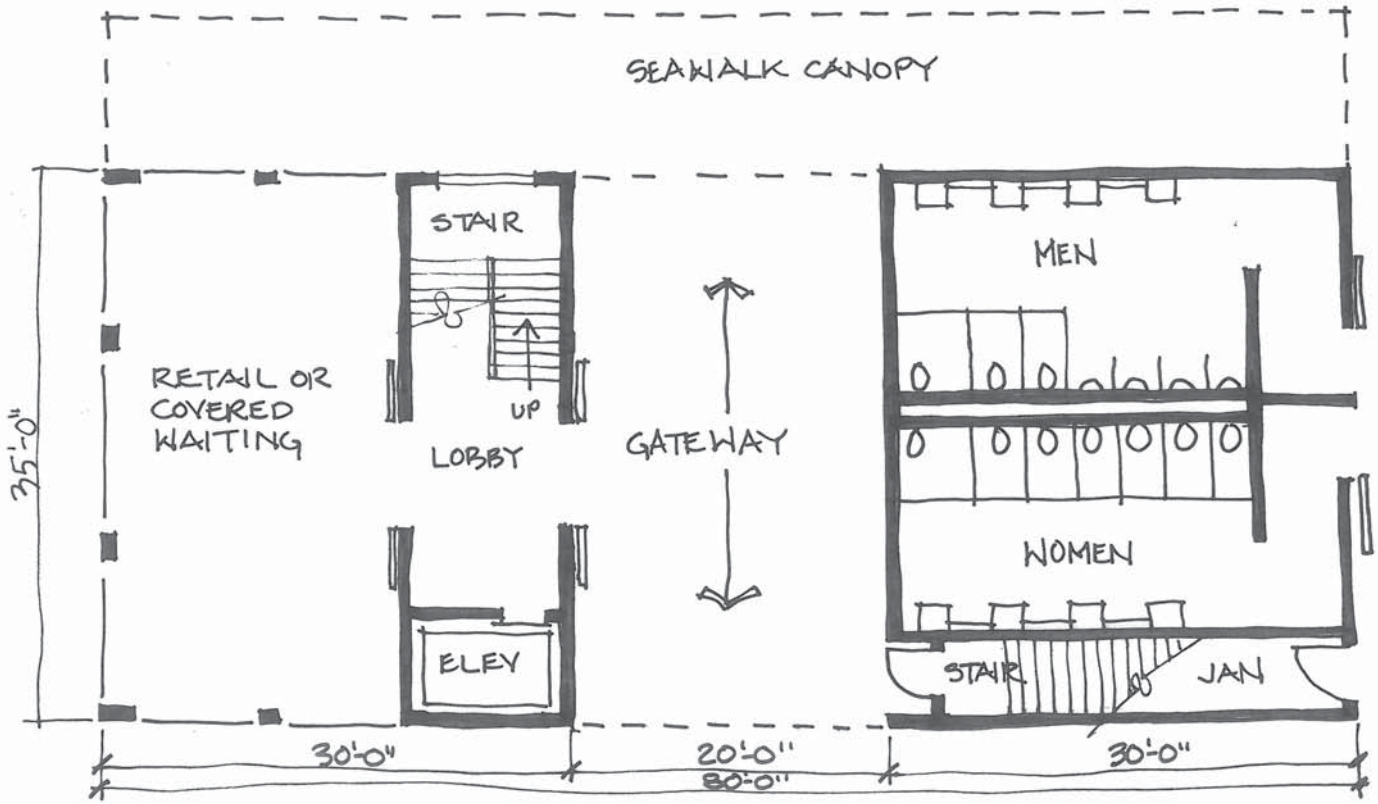


Jensen Yorba Lott inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT
522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-1959
jensenyorbalott.com

CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

DRAWING NO:
DATE: 7-28-16
DRAWING FILE: 16027

A1



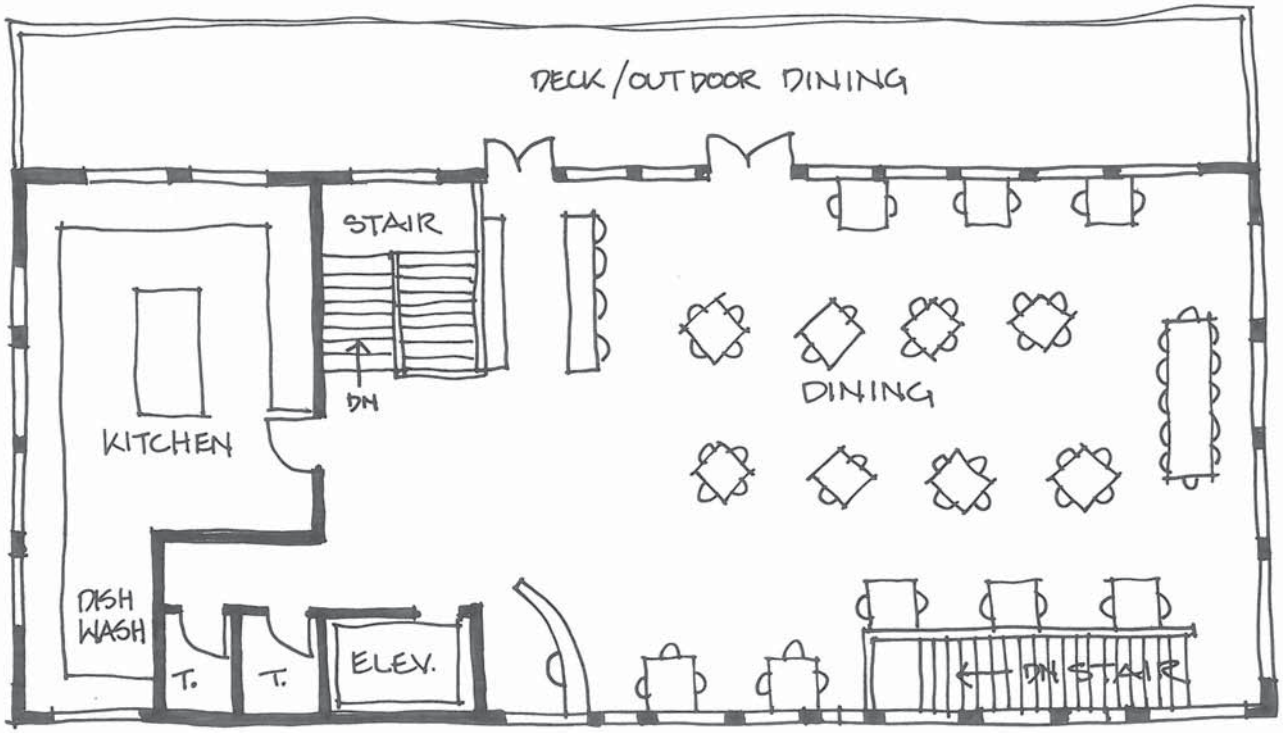
PHASE 2

FIRST FLOOR

Jensen Yorba Lott Inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT
523 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3959
jensenyorlabott.com

CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

DRAWING NO: A2
DATE: 7-28-16
DRAWING FILE: 16027



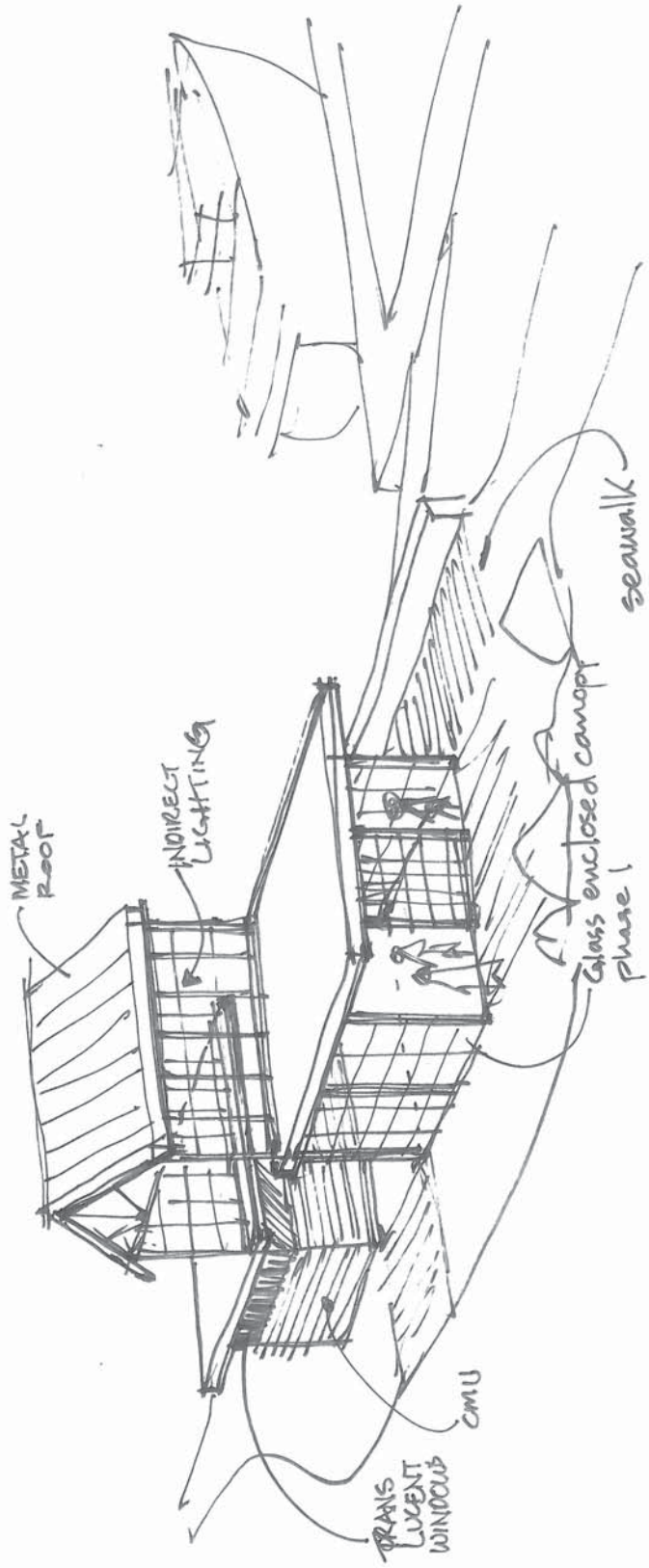
PHASE 2

FUTURE SECOND FLOOR

Jensen Yorba Lott Inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT
522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3959
jensenyorlabott.com

CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

DRAWING NO: A3
DATE: 7-28-16
DRAWING FILE: 16027



Simple Gable

GRATTER HARBOR GATEWAY
JYL

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

PLANNING COMMISSION
NOTICE OF DECISION

Date: July 5, 2017
File No.: USE2017 0008

CBJ Docks and Harbors
155 S Seward St
Juneau, AK 99801

Proposal:	A Conditional Use Permit for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility.
Property Address:	11520 Auke Bay Harbor Road
Legal Description or ROW name:	Lot 3C, USS2664 and ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 19, 2017 and approved the Conditional Use Permit for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility to be conducted as described in the project description and project drawings submitted with the application with the following conditions:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

Attachments: June 19, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2017 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, June 27, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or December 27, 2018, 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: _____ _____

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ _____

Filed With City Clerk

July 5, 2017
Date

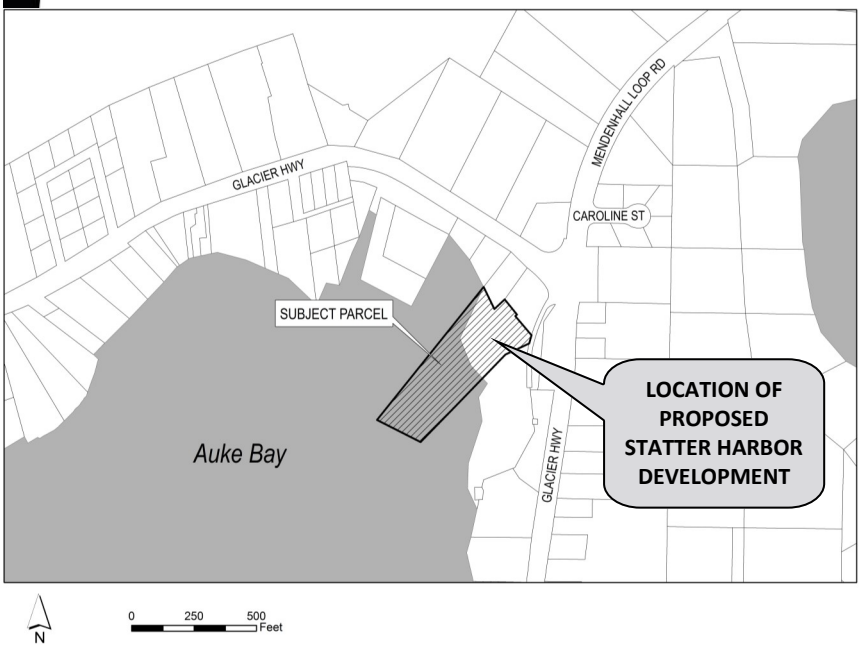
cc: Plan Review

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.

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 an extension of a Conditional Use Permit and a Flood Zone Exception for **Statter Harbor development including a public restroom and shelter facilities, new moorage and loading floats, a kayak ramp, an additional fuel dispensary, and potential retail space** located in a **Waterfront Commercial zone.**

TIMELINE

Staff Reports expected to be posted **Monday, January 14, 2019**, at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 31, 2018

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

January 1 through 12 noon, January 18

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, January 22, 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.

January 23

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 December 21, 2018

Case No.: USE2018 0022 & FZE2018 0002
Parcel No.: 4B2801010032
CBJ Parcel Viewer: http://epv.juneau.org

USE2018 0022 and FZE 2018 0002

A Conditional Use Permit and Flood Zone Extension of USE2017 0008 and FZE2017 0001 for Statter Harbor development

Planning Commission Meeting
January 22, 2019

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Statter Harbor Master Plan

ATTACHMENT A

Statter Harbor Proposed Project

Statter Harbor Phase III

Statter Harbor Phase IV

ATTACHMENT D

Statter Harbor Future Phase

ATTACHMENT E

Tour Vehicle Circulation

Parking

Vegetative Cover/Landscaping

ATTACHMENT I

USE2018 0022/FZE20180002 Analysis

CBJ 49.14.240 requirements for extensions

1) Application to extend must be submitted 30 days before expiration

Application was received on 11/9/18, more than 30 days before the 12/27/18 expiration

2) Burden of proof for justification is with the applicant

Applicant has cited delays in obtaining required state/federal permits

3) Maximum of two 18 month extensions are allowed.

This is the first extension

USE2018 0022/FZE20180002 Analysis

CBJ 49.14.240 requirements for extensions continued

4) Notice of the extension must be mailed to adjacent property owners at least 10 days before the hearing; general notice shall be printed in the newspaper

Notice was mailed to property owners within 500 feet of the property on 12/21/18. Notice was posted in the 1/11/19 and 1/21/19 Juneau Empire.

5) Conditions in the permit cannot be changed.

The applicant is not requesting any modifications.

USE2018 0022/FZE2018 0022 Findings

1. The application is complete and received on time.
2. The applicant submitted justification for the permit extension.
3. The extension is within the allowable number of extensions.
4. Public notice requirements have been met.
5. Complies with the Juneau Coastal Management Plan.
6. Conditions have not been changed.

USE2018022/FZE2018 0002 Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit extension; subject to the following conditions:

1) 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

USE2018 0022/FZE20180002 Recommendation

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and grant the requested Flood Zone Exception extension, FZE2018 0002. The Flood Zone Exception would allow construction of a public restroom in a Velocity Flood Zone, subject to the following conditions:

1) Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough’s currently adopted Flood Insurance Study.

2) Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

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: January 25, 2019
Case No.: USE2018 0022

CBJ Docks and Harbors
155 S. Seward Street
Juneau, AK 99801

Proposal: An extension of USE2017 0008 for Statter Harbor development including a public restroom and shelter facilities, new moorage and loading floats, a kayak ramp, an additional fuel dispensary, and potential retail space

Property Address: 11520 Auke Bay Harbor Road

Legal Description: USS 2664 & ATS 16 Lot 3C

Parcel Code No.: 4B2801010032

Hearing Date: January 22, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 10, 2019, and approved an extension of USE2017 0008 for Statter Harbor development including a public restroom and shelter facilities, new moorage and loading floats, a kayak ramp, an additional fuel dispensary, and potential retail space to be conducted in accordance with previously approved USE2017 0008 conditions.

Attachments: January 10, 2019 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2018 0022.

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, January 22, 2019

Expiration Date: The permit will expire 18 months after the effective date, or July 22, 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:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With Municipal Clerk

1/29/2019
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: January 10, 2019

TO: Board of Adjustment

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: FZE2018 0002

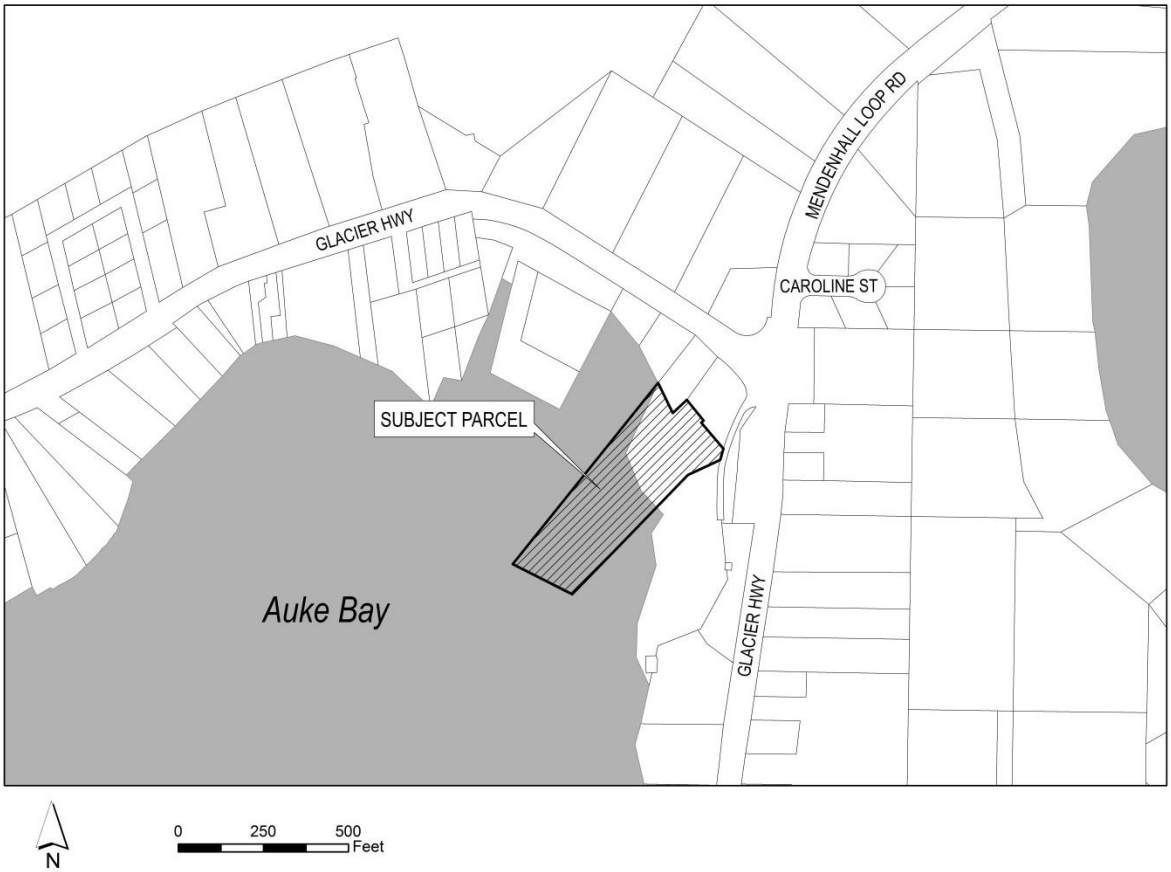
PROPOSAL: An extension of FZE2017 0001 for Statter Harbor development including construction of a public restroom below the Base Flood Elevation

GENERAL INFORMATION

Applicant:	City & Borough of Juneau, Docks and Harbors
Property Owner:	City & Borough of Juneau
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	USS 2664 and ATS 16, Lot 3C
Parcel Code Number:	4B2801010032
Site Size:	60,874 square feet
Comprehensive Plan Future Land Use Designation:	Marine Mixed Use
Zoning:	Waterfront Commercial (WC)
Utilities:	CBJ Water and Sewer
Access:	Glacier Highway
Existing Land Use:	Statter Harbor

Surrounding Land Use:	North -	Glacier Highway; General Commercial
	South -	Auke Bay
	East -	Statter Harbor Upland Facility; Waterfront Commercial
	West -	Bay Creek; Auke Bay Towers Condominiums; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment A – Application
Attachment B – FZE2017 0001 Staff Report
Attachment C – FZE2017 0001 Notice of Decision

PROJECT DESCRIPTION

Due to delays in obtaining state and federal permits, the applicant, CBJ Docks and Harbors, requests an extension to the Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor (FZE2017 0001). The applicant is not seeking any modifications to the Flood Zone Exception.

BACKGROUND

The Planning Commission approved a Flood Zone Exception (FZE2017 0001) effective June 27, 2017, to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

In association with FZE2017 0001, the Planning Commission approved USE2017 0008, effective June 27, 2017, to allow construction of new mooring and loading floats, uplands development, a kayak launch ramp, restrooms and a covered shelter with potential second floor retail space and removal and replacement of a section of the moorage facility with the following condition:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

The applicant has also submitted a request for an extension to USE2017 0008, under concurrent review.

ANALYSIS

CBJ 49.14.240 establishes the requirements for Development Permit Extensions, which are:

- An application to extend a development permit must be submitted at least 30 days before the expiration of an existing major development permit.

The application for extension of FZE2017-01 was received on November 9, 2018, more than 30 days prior to the December 27, 2018, expiration date.

- The burden of proof of the justification for a permit extension rests with the applicant.

The applicant has stated that the need for an extension is because of delays in obtaining required state and federal permits, as explained in the Project Narrative, Attachment A.

- A maximum of two 18 month extensions are allowed.

This is the first extension request for this permit. If this extension is granted, the applicant is eligible for one more 18 month extension request.

- At least ten days prior to the hearing, notice of the extension request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Public notice of this project was provided in the January 11, 2019, and January 21, 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 on December 21, 2018.

- Conditions contained in the permit cannot be changed.

No requests to modify the project have been made. The applicant understands that the project must comply with the conditions of approval. If the project does not comply with the conditions of approval, a new permit will be required.

PUBLIC COMMENTS

No comments have been received to date.

FINDINGS

Per CBJ 49.15.250, Development Permit Extension, the director makes the following findings on the criteria for granting the requested conditional use permit extension:

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

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

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

Yes. The applicant has explained in the application that the need for an extension is due to delays in obtaining required state and federal permits.

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

Yes. CBJ 49.15.250 allows no more than two 18 month extensions. This is the first permit extension application for FZE2017 0001.

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

Yes. Public notice of this project was provided in the January 11, 2019, and January 21, 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 on December 21, 2018.

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

Not applicable. Juneau Coastal Management Program policies do not apply to the proposed development.

6. Have conditions on the permit been changed?

No. The applicant has not requested any amendments.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Flood Zone Exception extension. The exception would allow construction of a public restroom below the Base Flood Elevation at Statter Harbor. The approval is subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
Extension of USE17-08 to allow construction of new moorage and loading floats; uplands development; kayak launch ramp; restroom and covered shelter area.

PROPERTY LOCATION

Street Address	City/Zip
11520 Auke Bay Harbor Road	Juneau, 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Statter Harbor - USS 2664 & ATS 116 LT 3C

Assessor's Parcel Number(s)
4B2801010032

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature — Date: 11/8/2018

X _____ Landowner/Lessee Signature — Date: _____

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

X _____ Applicant's Signature — Date of Application: 8 NOV 18

STAFF APPROVALS

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

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	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)			FZE 2018 0002
	Wetlands Permits			
	Zone Change Application			
X	Other (Describe) Extension of CU		11/9/18	USE2018 0022

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

Comments:

Permit Intake Initials: TC

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

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ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		USE20180022	11/9/18

TO BE COMPLETED BY THE APPLICANT

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)

☒ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: 9.600

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Extension of USE17-081 to allow construction of new mooring and loading floats; uplands development; kayak launch ramp; restrooms and covered shelter; potential 2nd floor commercial space.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S):

Temporary parking

PROPOSED USE OF LAND OR BUILDING(S):

Charter Fleet Facility

UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 60,984 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 2,800 / 5,600 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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- ☐ Site Plan
- ☐ Floor Plan of proposed buildings
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed Vegetative Cover
- ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
- ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

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.

ALLOWABLE/CONDITIONAL USE FEES

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

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

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VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VSE 20180022	11/9/18

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)

☒ Variance to Dimensional Standards (VDS)

☐ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Extension of FZE2017-0001an exception to flood hazard standards for a new building at Statter Harbor.

Previous Variance Applications?

☒ YES ☐ NO Date of Filing: _____

Previous Case Number(s): FZE2017-0001

Was the Variance Granted? ☒ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

Exception relates to construciton of new building below the base flood elevation for the site.

UTILITIES AVAILABLE:

WATER: ☒ Public ☐ On Site *SEWER:* ☒ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

Base flood elevations apply to the area not a particular property and would be applicable to any owner.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

If an exception were not granted public restrooms would not be able to be built on the site.

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.

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____	_____	_____	_____
Adjustment	$_____	_____	_____	_____
Total Fee	$_____	_____	_____	_____

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

USE 18-22
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Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Application for an Extension of Conditional Use Permit (USE17-08) and Flood Zone Exception (FZE17-01)

For

Statter Harbor Improvements

Phase III (Charter Fleet Facility)
Phase IV (Permanent Moorage)
Future Phase ("Horseshoe" Replacement)

PERMIT EXTENSION NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary.gillette@juneau.org

November 9, 2018

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INTRODUCTION

On June 27, 2018 the City and Borough of Juneau (CBJ) Planning Commission (PC) approved a Conditional Use Permit (USE17-08) and a Flood Zone Exception (FZE17-01) for construction of new mooring and loading floats; uplands development; kayak launch ramp; restrooms and covered shelter with potential second floor retail space; and removal and replacement of a section of the existing moorage facility (see Attachment A).

In accordance with stipulations of the Notice of Decisions (NOD), the permits are to expire on December 27, 2018 as no Building Permit has been issued and substantial construction progress has not been made (see Attachment B & C).

BACKGROUND

In addition to the required CBJ permits, Federal and State permits are needed to implement the project. Most significantly is the Army Corps of Engineers (ACOE) Permit for development in waters of the United States. Issuance of the ACOE permit will not be made without an Alaska Department of Environmental Conservation (ADEC) Clean Water Certificate and consultation with NOAA US Fish and Wildlife Service (USFWS) relative to potential impacts to marine mammals as regulated under the Marine Mammals Protection Act (MMPA). Due to the complexity of meeting the permitting requirements, particularly the provisions of the MMPA, the project has been stalled such that construction would not begin prior to expiration of the current Conditional Use Permit and Flood Zone Exception.

No significant changes to the project have occurred subsequent to approval of the Conditional Use Permit and Flood Zone Exception referenced above.

SCHEDULE

Phase III of the project is anticipated to be constructed under three contracts. The first contract would complete dredging and disposal of dredged material which is anticipated to begin in late winter 2018. A second contract would be bid to manufacture and install the float system which is anticipated to begin spring 2019. In this scenario the charter float system would be operational in spring of 2020. The third contract would begin in fall 2019 and be completed in spring 2020. This work will include a gangway to the floats; development of the restroom/shelter building; and construction of the parking/staging area. Work of Phase IV and the Future Phase is dependent on available funding thus does not have a specific schedule at this time.

REQUEST FOR ACTION

Docks and Harbors requests that the PC grant an extension of the current Conditional Use Permit (USE17-08) and Flood Zone Exception (FZE17-01).

ATTACHMENTS

A. Proposed Project
B. Planning Commission Notice of Decision (USE17-08)
C. Planning Commission Notice of Decision (FZE17-01)

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ATTACHMENT A

Proposed Project

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ATTACHMENT B

Planning Commission Notice of Decision (USE17-08)

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

PLANNING COMMISSION
NOTICE OF DECISION

Date: July 5, 2017
File No.: USE2017 0008

CBJ Docks and Harbors
155 S Seward St
Juneau, AK 99801

Proposal:	A Conditional Use Permit for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility.
Property Address:	11520 Auke Bay Harbor Road
Legal Description or ROW name:	Lot 3C, USS2664 and ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 19, 2017 and approved the Conditional Use Permit for construction of new mooring and loading floats, uplands development, kayak launch ramp, restrooms and covered shelter with potential second floor retail space, and removal and replacement of a section of the moorage facility to be conducted as described in the project description and project drawings submitted with the application with the following conditions:

1. 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a "full cutoff" design.

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Attachments: June 19, 2017 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2017 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, June 27, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or December 27, 2018, 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:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With City Clerk

July 5, 2017
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.

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USE 18-22

ATTACHMENT C

Planning Commission Notice of Decision (FZE17-01)

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USE 18-22

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

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: June 27, 2017
File No.: FZE2017 0001

CBJ Docks and Harbors
ATTN: Gary Gillette
155 S. Seward Street
Juneau, AK 99801

Proposal:	A request for a Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	Lot 3C, USS 2664 & ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 16, 2017 and approved the Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

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US 18-22

Attachment: June 16, 2017 memorandum from Teri Camery, Community Development, to the CBJ Board of Adjustment regarding FZE2017 0001.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, June 27, 2017

Expiration Date: The permit will expire 18 months after the effective date, or December 27, 2018, 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:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With City Clerk

July 5, 2017
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.

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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: June 16, 2017

TO: Board of Adjustment

FROM: Teri Camery, Senior Planner
Community Development Department

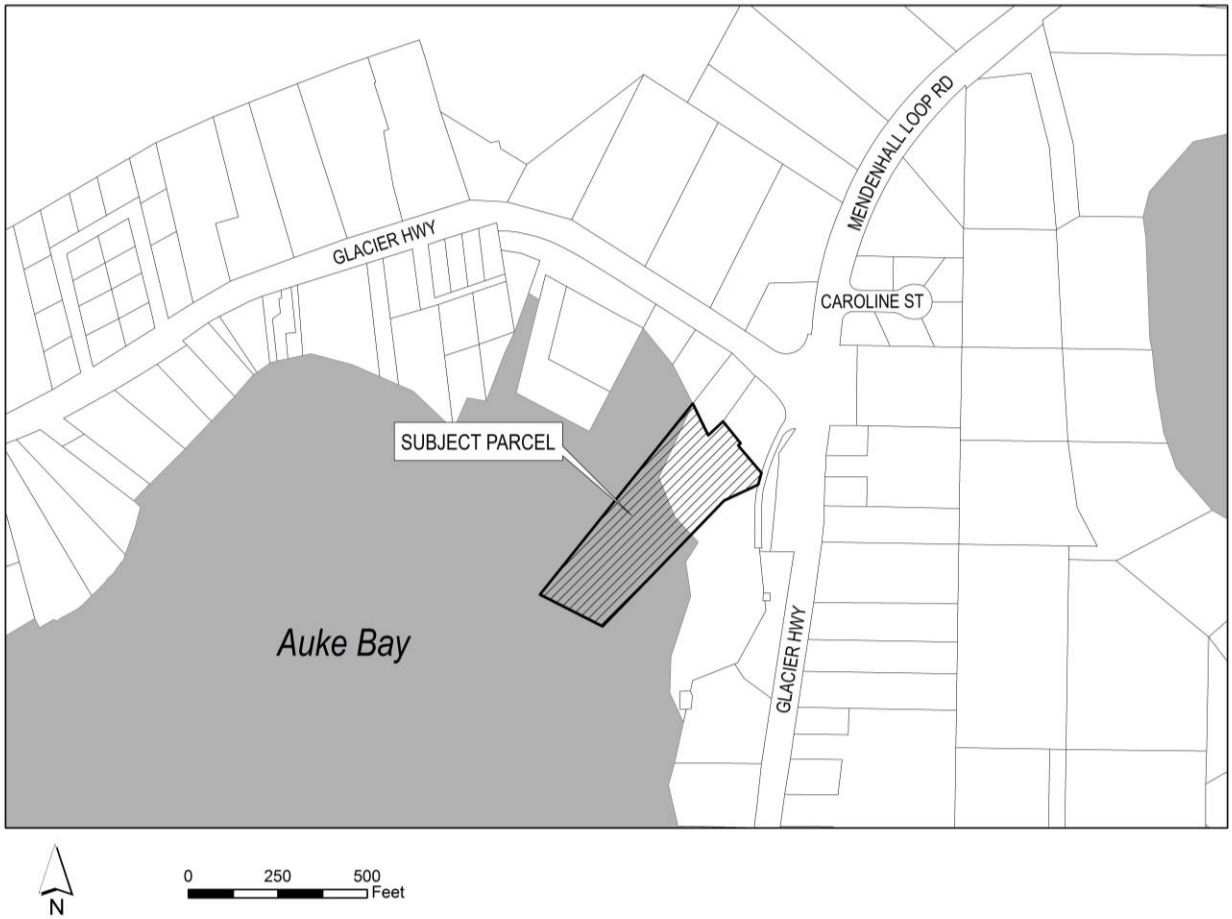
FILE NO.: FZE2017 0001

PROPOSAL: A request for a Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor

GENERAL INFORMATION

Applicant:	CBJ Docks and Harbors
Property Owner:	CBJ Docks and Harbors
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	Lot 3C, USS2664 & ATS 16
Parcel Code Number:	4-B28-0-101-003-2
Site Size:	3.36 Acres
Comprehensive Plan Future Land Use Designation:	Marine Mixed Use
Zoning:	Waterfront Commercial
Utilities:	CBJ Water and Sewer
Access:	Glacier Highway
Existing Land Use:	Statter Harbor
Surrounding Land Use:	North - Glacier Highway; General Commercial South - Auke Bay East - Statter Harbor Upland Facility; Waterfront Commercial West - Bay Creek; Auke Bay Towers Condominiums; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment 1 Development Permit Application
Attachment 2 Flood Zone Exception Application
Attachment 3 Project Narrative
Attachment 4 Statter Harbor Master Plan
Attachment 5 Statter Harbor Master Plan Phase III
Attachment 6 Restroom structure site plans
Attachment 7 November 30, 2016 Planning Commission minutes
Attachment 8 Email message from applicant clarifying elevation 6/13/17

PROJECT DESCRIPTION

The applicant, CBJ Docks and Harbors, requests a Flood Zone Exception, per CBJ 49.40.410, to allow a public restroom to be constructed below the Base Flood Elevation at Statter Harbor. The proposed project is in Phase III of the Statter Harbor Master Plan.

The 12,500 square foot structure includes a shelter and potential second floor retail space. However only the 30' x 35' restroom facility requires a Flood Zone exception; the open shelter is not subject to the flood zone restrictions, and the second floor is above the Base Flood Elevation.

The Federal Emergency Management Agency (FEMA) flood maps categorize the project area as Zone VE with a velocity flood elevation of 27 feet above Mean Lower Low Water (MLLW). Zone VE indicates an area with a one percent annual chance flooding with velocity hazard (wave action). This categorization is shown in the map below:

The existing project area has an elevation of approximately 25 feet above MLLW, two feet below the Base Flood Elevation.

CBJ 49.70.400(g)(2) prohibits habitable construction in areas seaward of the reach of mean high tide in velocity flood zones due to the increased potential for damage from a 100-year storm event. However with an approved flood zone exception, habitable construction may exist in this area. The proposed restroom meets the FEMA definition of a habitable structure, as follows:

> *Finished (habitable) area means an enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking or vehicles, building access, or storage.*

The elevation of the top of the newly completed launch ramp is 25 feet, and the adjacent area near the Statter Harbor Office and boat launch ramp is also 25 feet. The applicant states that raising the grade of the proposed project by over two feet to be above the 27 foot Base Flood Elevation is impractical, due to the substantial cost of filling the existing property to that height. In addition, raising the area of the proposed project would elevate the grade to be higher than surrounding areas and building, thus creating difficult maneuvering on the site. This would cause drainage issues; it would increase the length of the gangway to the floats in order to maintain ADA standards; and it would be unsightly in relationship to the surrounding areas of the harbor facility.

BACKGROUND

The proposed restroom and shelter, with potential second floor retail space, is a component of Phase III of the Statter Harbor Master Plan. Phase III and IV of the Statter Harbor Master Plan are under review by the Planning Commission as USE2017 0008, to be heard at the June 27, 2017 Planning Commission meeting. The design of the Statter Harbor development proposed in USE2017 0008 is contingent upon approval of this Flood Zone Exception. If the Flood Zone Exception is not approved, USE2017 0008 will have to be amended.

USE2013 0005, a Conditional Use Permit for construction of a two-lane boat ramp and associated parking, was approved in June 2013 as Phase II of the Statter Harbor Master Plan.

Staff further notes that CSP2017 0002, A City Project Review for acquisition of submerged lands, also before the Commission on June 27, 2017, does not relate to USE2017 0008 or the Flood Zone Exception application. Those submerged lands are for construction of the two-lane boat launch ramp, which was approved in June 2013. The ramp was completed in September 2016.

CDD staff conducted an Agency Review Period from May 24, 2017 through June 1, 2017. No comments were received from the CBJ Lands Division, CBJ Building Division, AELP, or the Alaska Department of Transportation and Public Facilities.

CBJ Engineering and Public Works stated, "As long as the structure is plumbed with safeguards that would not allow floodwater to enter the wastewater system there should be no problem. The bathrooms will be unoccupied during a flood event. Water and electric would be shut-off in advance of any forecasted flooding. The structural stability of the wall will require a special inspection and the approval by others prior to acceptance by CBJ." CDD requested specific recommendations from CBJ Engineering and Public Works regarding project conditions to ensure public safety. Engineering replied with a recommendation regarding backflow prevention, which will be addressed in the Analysis section of this report.

The Alaska Department of Environmental Conservation stated, "The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with this Flood Zone Exception for construction of restrooms at Statter Harbor."

ANALYSIS

The potential flood event of this coastal area is from wave action. CDD planning staff have had discussions with FEMA in the past regarding how the flood study for the Statter Harbor property did not consider the potential protective benefits of the floating breakwater or the floating moorage facility in establishing the flood elevation.

Furthermore, the applicant states that the coastal benchmarks in the Auke Bay area have not been resurveyed for many years, and it is likely that the Auke Bay area has risen between one and two feet due to isostatic rebound, based on local observations in other areas. CDD and FEMA have discussed a new flood study for the area, however a study has not yet been undertaken or scheduled.

The applicant has explained that the project has two elements that might be impacted by velocity flood levels. One is the Mechanically Stabilized Earth (MSE) retaining wall constructed to support fill and grading for the restroom/shelter/commercial structure and the uplands staging and parking area. The finished elevation of the retaining wall and first floor of the structure would be approximately two feet below the FEMA base flood elevation.

The MSE wall would be similar to the block-faced wall at the recently completed Statter Harbor Launch Ramp, the primary two-lane launch ramp completed in Phase II of the Statter Harbor Master Plan. The wall will be designed with angular shot rock fill, geotextile reinforcement fabrics, concrete blocked faced MSE walls, and heavy armor rock shore protection materials designed to withstand a 100 year storm event. Where inundated by tide and flooding, final surfaces would be designed with heavy reinforced concrete slabs, asphalt paving, and foundations to protect from flood-caused erosion.

The second element that could be impacted by velocity flood forces is the actual structure, the

restroom/shelter building with potential second floor commercial space. The building would be constructed on a concrete foundation that would be protected by the MSE wall. Half of the lower floor area would be open with no walls, as shown in the project design (Attachment 6). This portion of the structure is not considered a habitable structure by FEMA because it is not enclosed and is therefore not a part of this Flood Zone Exception request. The first floor restroom side of the building would be constructed with flood and vandal resistant materials such a concrete floor, concrete walls, stainless steel fixtures, and steel doors. The first floor structure would be designed to carry the loads of the potential second floor commercial use. The second floor of the building is outside of the VE zone and is therefore not a part of this Flood Zone Exception request. If the FZE request is not approved, the second floor commercial space could still be located at this site if the first floor is entirely open.

If flooding occurred, water would flow over the open shelter area and around the restroom portion of the building. The concrete plaza around the building would protect the area from erosion. The uplands parking and bus staging area would be paved with asphalt, thereby offering erosion protection.

As noted earlier, the structure is part of Phase III of the Statter Harbor Master Plan. The Statter Harbor Master Plan has been in various stages of development since 2008. The many features of the plan, including parking, launch ramps, vessel and vehicular circulation patterns, pedestrian pathways, structures, and user amenities, have all been developed through extensive collaborative efforts among the public and state and federal agencies. Specifically, the intertidal fill footprint for the development was dictated through an extensive federal review process that required minimizing the fill to the greatest extent while meeting the project purpose.

Other locations for the restroom were considered, however locations were limited due to a view plain restriction along the northwest portion of the project area. Moving the restroom outside of the VE zone to another area could potentially violate this restriction. However the most critical reason to locate the shelter and restroom on the water side is for pedestrian safety. Tour boat passengers gather along the harbor side at the beginning and end of the tours, and these passengers would be forced to walk through internal traffic routes and bus staging areas, across the parking lot, if the restroom was not located on the water side.

These review processes have cumulatively led to placement of the proposed structure at its location along the waterfront. Placement in other areas would require a major reassessment of circulation and parking patterns and potentially alter the carefully mandated project footprint.

<u>49.70.400 Floodplain</u>

CBJ Code 49.70.400(a) states the purpose of the CBJ flood regulations, which may provide

guidance for the Planning Commission in its review.

> *<u>Purpose.</u> The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:*
> *(1) Reserved;*
> *(2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;*
> *(3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;*
> *(4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;*
> *(5) Reserved;*
> *(6) Ensure that potential buyers are notified that property is in a special flood hazard area; and*
> *(7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.*

Section 49.70.410 (b) lists 11 evaluation criteria for the Board of Adjustment to consider in its review of Flood Zone Exceptions, which will be reviewed below. Section 49.70.410(d) states:

> *Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article*.

At the November 30, 2016 Planning Commission meeting, Commissioners had an extensive discussion regarding whether all eleven criteria must be met, or just considered. This discussion occurred during deliberations on FZE2016 0001, a flood zone exception for an outdoor restaurant structure. Final minutes indicate that the Commission concluded that all criteria needed to be considered, but not met. These minutes are included here for reference (Attachment 7).

49.70.410 Exceptions.

(a)The board of adjustment shall hear all applications for an exception from the provisions of this article, and shall be limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.

(b) In passing upon such application, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

(1) The danger that materials may be swept onto other lands and cause injury to other persons or property;

The proposed restroom structure is located at 25 feet MLLW, two feet below the Base Flood Elevation. The application indicates that potential wave forces will be dissipated by the breakwater and moorage facilities. Also, the armored rock wall and additional concrete plaza around the structure will further eliminate risk. The application indicates that the restroom will be engineered and constructed to withstand the 100-year storm force, therefore minimizing the likelihood of materials being swept away during a flood event. Finally, the Base Flood Elevation may be in error due to incorrect survey data and the effects of isostatic rebound.

Though already noted in the applicant's project description, staff recommends an additional condition to confirm that the structure will be built to withstand a velocity flood, as follows:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the retaining wall and the structure will be designed to withstand the 100-year storm force which is described in the City and Borough's currently adopted Flood Insurance Study.

To specifically address wastewater from the restroom, staff recommends the following condition as suggested by the CBJ Engineering:

2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

With acceptance of recommended conditions, no evidence indicates that there is any significant danger that materials may be swept onto other lands and cause injury to other persons or property.

This criterion is met.

(2) The danger to life and property due to flooding or erosion damage;

With the proposed project design and recommended conditions, no evidence indicates that granting the Flood Exception will endanger life or property.

This criterion is met.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

With the proposed project design and recommended conditions, no evidence indicates that the restroom or its contents will be susceptible to flood damage. The Statter Harbor facility

includes many features, such as the breakwater and moorage facility, that may reduce the flood risk. The proposed structure is supported by a protective Mechanically Stabilized Earth retaining wall and half of the lower floor of the building is an open shelter. Final surfaces would be designed with heavy reinforced concrete slabs.

This criterion is met.

(4) The importance of the services provided by the proposed facility to the community;

The restrooms and shelter structure, with potential second floor commercial space, is an integral piece of the Statter Harbor facility and Statter Harbor Master Plan. The Statter Harbor Master Plan and its project components comply with the CBJ Comprehensive Plan, Auke Bay Area Plan, and Juneau Economic Development Plan. The harbor facility provides an important service to the community.

This criterion is met.

(5) The necessity to the facility of a waterfront location, where applicable;

The necessity of locating the restroom on the waterfront has been explained in the Analysis section. In brief, the Statter Harbor Master Plan has been developed through extensive collaborative efforts among the public and state and federal agencies since 2008. Specifically, the intertidal fill footprint for the development was dictated through an extensive federal review process. Changing the location of the restroom at this stage would require a significant alteration of these plans and potentially open up a new review process that would involve changing areas that have already been constructed.

Other locations for the restroom were considered, however locations were limited due to a view plain restriction along the northwest portion of the project area. However the most critical reason to locate the shelter and restroom on the water side is for pedestrian safety. Tour boat passengers gather along the harbor side at the beginning and end of the tours, and these passengers would be forced to walk through internal traffic routes and bus staging areas, across the parking lot, if the restroom was not located on the water side.

These review processes have cumulatively led to placement of the proposed structure at its location along the waterfront. Placement in other areas would require a major reassessment of circulation and parking patterns and potentially alter the carefully mandated project footprint.

The harbor facility is obviously required to be at the waterfront location. In addition, evidence indicates the necessity of placing the restroom/shelter/commercial space at the water's edge.

This criterion is met.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

As addressed in the Analysis section and Criterion Five, alternative locations for the restroom were evaluated. There are few locations, or perhaps none, that are not at risk for flooding or erosion damage since the restroom needs to be near passenger loading areas to avoid other issues, including pedestrian safety as previously described. Furthermore, the risk of flood and erosion damage is expected to be minimal because of construction methods and because the other half of the foundation, the shelter, is open and water would flow freely in the event of a flood event.

This criterion is met.

(7) The compatibility of the proposed use with existing and anticipated development;

The proposed structure is compatible with existing and anticipated development and is necessary to support it.

This criterion is met.

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

The site is located in the Marine Mixed Use land use designation of the Comprehensive Plan and the Auke Bay Area Plan. This designation is appropriate for the proposed structure. The 2013 Juneau Comprehensive Plan does not have any flood-related policies specifically relating to development along Velocity flood zones. Recommended staff conditions will ensure that the structure is built to withstand a 100-year flood force, consistent with general flood-related policies in the Comprehensive Plan that call for regulation of development in floodplains.

This criterion is met.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

Access to the property is provided from Glacier Highway through the Statter Harbor parking lot. The proposed restroom can be accessed safely during a flood event.

This criterion is met.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

According to the project design and with staff's recommendation, the project will be designed to withstand 100-year flood forces. The restroom is only two feet below base flood elevation for a one percent per year event. The engineered restroom incorporates measures to reduce erosion and thereby reduces sediment transport. Approval of the project will have no impact on expected heights, velocity, duration, rate of rise, sediment transport of floodwaters, or effects of wave action.

This criterion is met.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

The applicant has indicated that any flood waters would flow through the open shelter portion of the building and would not infiltrate the restroom. The engineered project design incorporates measures to reduce, if not eliminate, erosion. The recommended project condition to require additional backflow prevention within the plumbing disposal system will ensure further protection of CBJ water systems. The Statter Harbor Facility is insured. No evidence indicates that the costs of providing governmental services during and after flood conditions will be significant.

This criterion is met.

Criterion B, numbers 1-11, has been met.

(c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.

The restroom portion of the structure, the only portion subject to the Flood Zone Exception, is 30' x 35', or 1,050 square feet. The entire structure has a footprint of approximately 2800 square feet and is located on a 3.36 acre parcel. The code states that "as the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases."

Staff analysis indicates that all sub-criterion of subsection (b)(1-11) have been met. The applicant has provided significant technical justification to support the exception. Subsections (b)(1-11) have been fully considered and staff analysis indicates they have been met. Furthermore, municipal harbor development can scarcely be accommodated on parcels of a half-acre or less as required in this section. All other elements of the Statter Harbor facility comply with CBJ's flood requirements; only the 1,050 feet of the proposed restroom is not in full compliance.

Staff concludes that there is sufficient evidence to recommend compliance with this criterion despite the larger parcel acreage.

This criterion is met.

(d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.

Staff analysis indicates that all sub-criterion of (b)(1-11) have been met, with approval of recommended staff conditions.

This criterion is met.

(e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

The proposed development is not located on the National Register of Historic Places.

This criterion is not applicable.

(f) Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

There are no floodways along Auke Bay.

This criterion is not applicable.

(g) Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.

Evidence indicates that the proposed structure must be in its current location to protect public

welfare and safety, as determined through many years of development of the Statter Harbor Master Plan and its project components. Extensive engineering measures have been put in place to ensure the long-term protection and stability of the structure. Only the restroom, which is 1,050 square feet, requires a Flood Zone Exception. The requested exception is the minimum necessary to afford relief.

This criterion is met.

(h) Exceptions shall only be issued upon:
(1) A showing of good and sufficient cause;

The applicant has demonstrated that the raising the structure above the base flood elevation would be costly, would not blend with surrounding developments, and would cause issues with drainage, vehicle maneuvering on the site, and compliance with ADA standards. The applicant has explained that the engineering retaining wall and structure will be built to withstand any flood forces and resist erosion. Additionally, the applicant has shown that the restroom location is necessary to protect pedestrian safety. Furthermore, staff has recommended conditions that require that the 1,050 square feet of restroom will be engineered to withstand a 100-year flood event and measures to protect the public water and sewer system.

This criterion is met.

(2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and

As explained above, failure to grant the exception will result in exceptional hardship to the applicant, because it would require raising the structure with two feet of additional fill. In addition to the expense, this height increase would impact drainage, site maneuvering, ADA compliance, and would not be compatible with other harbor features. The only other option would be to move the structure outside of the flood zone to another area of the harbor, which would create pedestrian safety issues and/or require a re-evaluation of the Statter Harbor layout, which has been developed over a period of approximately eight years through an extensive local, state, and federal review process.

This criterion is met.

(3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.

With the recommended conditions, the project will not increase flood heights, threats to public

safety, extraordinary public expense, or create nuisances. If the Board of Adjustment grants the requested exception the project will not conflict with existing local laws or ordinances.

This criterion is met.

FINDINGS

Staff concludes that Section 49.70.410 (b), (c), (d), (e), and (f) Exception criteria have all been met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Flood Zone Exception, FZE2017 0001. The Flood Zone Exception would allow construction of a public restroom in a Velocity Flood Zone, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.
2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

DEVELOPMENT PERMIT APPLICATION

Project Number FZE17-01 ~~VAR2017 0003~~	CITY and BOROUGH of JUNEAU	Date Received: 3/21/17
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Construction of new moorage and loading floats; uplands development; kayak launch ramp; restroom and covered shelter area.

PROPERTY LOCATION

Street Address	City/Zip
11520 Auke Bay Harbor Road	Juneau, 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Statter Harbor Lot 36, USS 2664 : ATS 16

Assessor's Parcel Number(s)
4B2801010032

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****

I am (we are) the owner(s)or lessee(s) of the property subject to this application and I (we) consent as follows:
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X [signature] Active — Landowner/Lessee Signature — Date 3/20/17

X _____ Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
CBJ Docks and Harbors	Gary Gillette	586-0398
Mailing Address	**Home Phone:**	**Fax Number:**
155 S Seward St, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
gary.gillette@juneau.org		

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			
	City/State Project Review and City Land Action			
	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)		3/21/17	~~VAR17 063~~ FZE17-001
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: TJR

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

FLOOD ZONE EXCEPTION APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		FZE 2017-001	4/10/17

DESCRIPTION OF ACTIVITY REQUIRING A FLOOD EXCEPTION:
Construction of public restroom below base flood elevation at Statter Harbor

Base Flood Elevation _____ Flood Insurance Rate Map _____

Elevation of Lowest Floor of all Structures Including Basement X

Elevation to which ANY Structure has been Floodproofed _____

WILL THE BASE FLOOD ELEVATION CHANGE AS A RESULT OF THE PROPOSED ACTIVITY:

☐ YES ☒ NO If Yes, please explain.

PROPOSED USE OF LAND OR BUILDING(S):
Public Restroom

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
Coastal land subject to FEMA flood elevations.

WHY WOULD A FLOOD EXCEPTION BE NEEDED FOR THIS PROPERTY/STRUCTURE REGARDLESS OF THE OWNER? This is publically owned property not likely to ever be owned by another party. The physical characteristics of the property remain no matter who owns the property

WHAT HARDSHIP(S) WOULD RESULT IF THIS EXCEPTION WAS NOT GRANTED?
Would be unable to construct public restroom at Statter Harbor to serve Launch Ramp and new charter fleet facility.

TO BE COMPLETED BY THE APPLICANT

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.

FLOOD ZONE EXCEPTION FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 320			
Admin. of Guarantee	$			
Adjustment	$			
Total Fee	$ 320	PAC	4/10/17	

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Application for an Exception to Flood Elevation
for
Statter Harbor Improvements

NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary.gillette@juneau.org

March 21, 2017

BACKGROUND

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes improvements at Statter Harbor to include a new charter fleet loading float; new moorage floats; new restrooms and shelter structure; improved bus staging and circulation; kayak launch ramp; and pedestrian BayWalk. The proposed project is Phase III and IV of the Statter Harbor Master Plan.

PROPOSED PROJECT

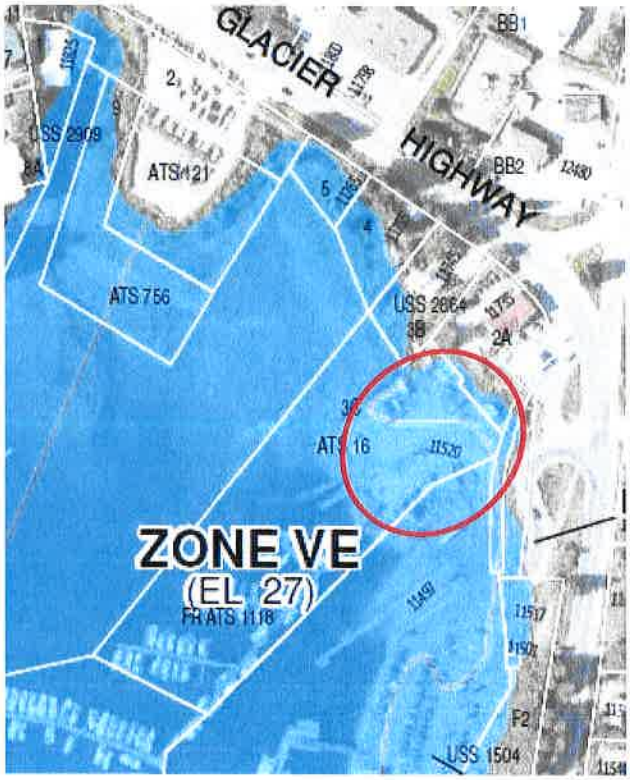
The proposed project, subject of the accompanying Conditional Use Permit and City/State Project Review, is to continue making improvements at Statter Harbor to enhance safety, reduce congestion, and increase efficiency at the facility. The goals are to provide safe vehicular access to the harbor; improve pedestrian access; provide adequate onsite staging and parking; and reduce conflicts between various uses. The proposed development has two primary features: 1) a new charter fleet float facility, and 2) new moorage slips (see Attachment A).

The charter fleet facility would include approximately 866 lineal feet of side tie moorage; new fuel dispensary; upland bus staging and vehicular parking; public restrooms and covered pedestrian area; a new kayak launch ramp; BayWalk; and support area for storage, fuel tanks, and associated uses. There is also the potential to include commercial space for restaurant or water related retail use on a second level above the restrooms and shelter structure.

The new moorage facilities would be developed at the current moorage facility. The plan is to provide about eleven new forty-two foot slips and approximately 234 lineal feet of side tie moorage and/or loading space.

FLOOD ZONE INFORMATION

The Federal Emergency Management Agency (FEMA) flood maps (see map right) categorize the project area as Zone VE with a velocity flood elevation of 27 feet above Mean Lower Low Water (MLLW). The existing project area has an elevation of approximately 23 feet above MLLW. The elevation of the top of the newly completed launch ramp is 25 feet and the adjacent area near the Statter Harbor Office is at 25 feet elevation. Raising the grade of the proposed project by approximately 4 feet to meet the flood elevation of 27 feet is impractical for a couple of reasons.



First, there would be a substantial cost associated with filling the existing property to the full 27 foot elevation. In addition, raising the area of the proposed project would elevate the grade to be much higher than surrounding areas and buildings thus creating difficult maneuvering on the site; causing drainage issues; increase the length of gangway to the floats in order to maintain ADA standards; and be unsightly in relationship to the surrounding areas of the harbor facility.

FLOOD HAZARD

The proposed project is located within a VE flood hazard area as identified in "The Flood Insurance Study" and maps dated August 19, 2013. The potential flood event for this coastal area is from wave action. The base flood elevation is 27 feet above MLLW. Docks and Harbors understands that CBJ Community Development Department (CDD) has had discussions with FEMA personnel where it was determined that the flood zone study for the Statter Harbor property did not consider the potential protective merits of the floating breakwater or the floating moorage facility in establishing the flood elevation. The indication was the FEMA would perform a new study for the Statter Harbor area if requested by CDD. At this point we are not aware that such a request has been submitted. It is likely that completion of a new flood study would require a significant amount of time and would not be complete in a timely fashion relative to the design schedule for this proposed project. Based on the existing situation regarding the flood zone map designations, it was CDD's recommendation that an exception be sought to allow this project.

The proposed project features two elements that might be impacted by velocity flood levels (27 feet). They include a Mechanically Stabilized Earth (MSE) retaining wall constructed to support fill and grading for the restroom/shelter structure and the uplands staging and parking area. The finish elevation of the retaining wall and the first floor of the proposed restroom/shelter structure would be approximately 2 feet below the FEMA flood elevation for this area. Further, it is believed that the coastal benchmarks in the Auke Bay area have not been resurveyed for many years. It is likely that the Auke Bay area has risen between one and two feet due to isostatic rebound since the last survey based on local observations in other areas.

The MSE wall would be constructed similar to the new block faced wall of the Statter Harbor Launch Ramp project recently completed (see photo right). The wall will be designed with angular shot rock fill, geotextile reinforcement fabrics, concrete block faced MSE walls, and heavy armor rock shore protection materials designed to withstand a 100 year storm event. Where inundated by tide and flooding, final surfaces would be designed with heavy reinforced concrete slabs, asphalt paving, and foundations to protect from flood caused erosion.

The other element that might be impacted by velocity flood forces is the restroom/open shelter building. This building would be constructed on a concrete foundation that would be protected by the MSE wall. The building is unique in that half of the floor area is open with no walls. The restroom side of the building would be constructed with flood and vandal resistant materials such as: concrete floor; concrete block walls; stainless steel fixtures; and steel doors. A second story commercial use space may be constructed if interest and funding is attained. The first floor structure would be designed to carry the loads of the potential second story.

If flooding were to occur in this area the water would flow over the open shelter area and around the restroom portion of the building. In addition, a concrete plaza around the building will be constructed that would help protect the area from erosion. The uplands parking and bus staging area would be paved with asphalt thereby offering erosion protection.

FLOOD HAZARD STANDARDS

CBJ Code *Section 49.70.400 - Floodplain* was established to promote public health, safety and general welfare to minimize public and private losses due to flood conditions in specific areas. The Code contains standards for development in flood areas which address two general flood hazard types. One is re-occurring flood events caused by rising creek and river levels during high rain or high snow melt periods. The other type is during more singular catastrophic events caused by high wave action due to greater than normal storm events. The proposed project is in a VE flood zone which relates to the flood velocity caused by higher than normal wave action.

REQUEST FOR EXCEPTIONS

CBJ Code *Section 49.70.410 - Exceptions* allows the Planning Commission to make exceptions to the flood hazard standards. CBJ Docks and Harbors requests an exception to the flood hazard standards to allow construction of a new restroom and open air shelter building with potential future second level for commercial space.

Specifically the requested exception relates to the standard to construct the base floor level of a building at the currently mapped flood elevation of 27 feet above mean lower low water. The first floor elevation of the proposed building would be at approximately 25 feet above mean lower low water. Raising the elevation to 27 feet would result in significantly higher construction costs for the project. The building site is between two existing elements of the overall Statter Harbor facility. The new work needs to blend with the adjoining uses to avoid abrupt grade changes to meet ADA access standards and adequate maneuvering space for the intended use.

The proposed project represents a unique situation that does not easily fit the general flood hazard standards. The building would be constructed on a site that currently does not exist. The site would be created with the installation of an engineered wall that would protect the uplands from erosion with its concrete mass and capping of the immediate grade surrounding the building.

The foundation for the building would be integral with the protective wall thus as a whole would withstand wave action velocity forces. The base elevation of the lower floor of the building would be below the recommended base flood elevation. However, the building foundation design would provide protection for the building through integral design with the protective MSE and coastal armor rock wall along the shore side of the project. Embankments and retaining wall structures placed for the building would be designed with angular shot rock fill, geotextile reinforcement fabrics, concrete block faced MSE walls and heavy armor rock to protect the structure and building during 100 year storm events.

Given the information provided in this document it appears that the project meets the criteria under CBJ Code *Section 49.70.410(h) – Exceptions shall only be issued upon:*

(1) *A showing of good and sufficient cause;* The exception requested would allow needed facilities to be constructed to serve the new launch ramp and the proposed charter fleet facility. The project addresses important goals and objectives of the overall Statter Harbor Master Plan. The development is consistent with the Comprehensive Plan; the Auke Bay Area Plan; and is allowed in the Waterfront Commercial zoning district.

(2) *A determination that failure to grant the exception would result in exceptional hardship to the applicant;* The exception requested would result in a base floor elevation approximately two feet below the recommended elevation. Any amount less than that requested would cause additional expense to the project; result in difficulty to attain ADA access standards to the moorage and loading floats; impact drainage patterns; and result in undulating parking and staging surfaces relative to surrounding harbor facilities that would impact maneuvering on the site for users and maintenance operations.

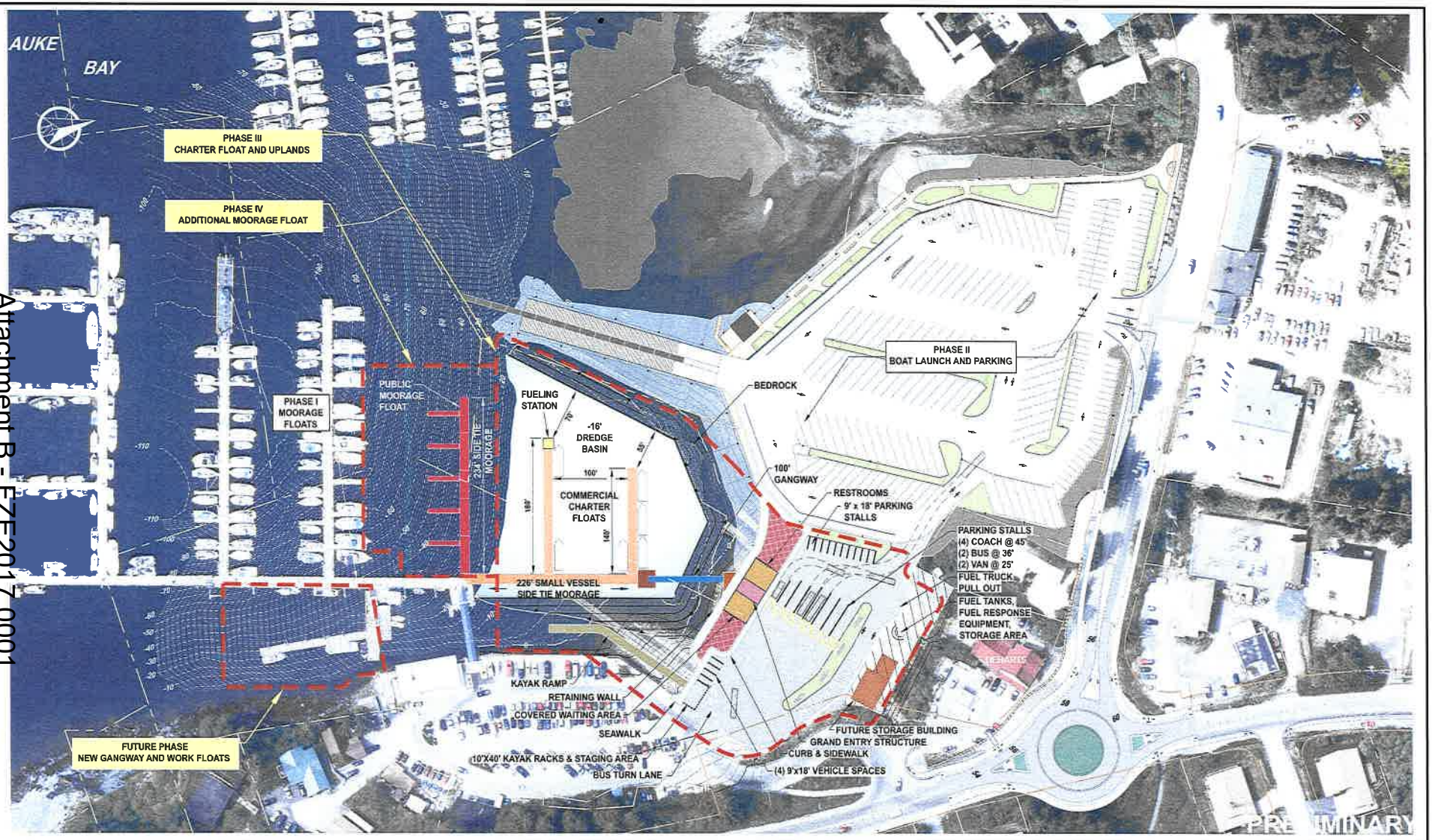
(3) *A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.;* Currently the shore line is not protected such that high wave action could cause erosion and damage the uplands portion of the site. The new engineered wall and armor rock placement will provide additional protection in this area from flooding caused by higher than normal wave action. The proposed building will be open-air on one side and enclosed on the restroom side. The restroom is planned to be concrete block construction that would provide protection if water breaches the engineered wall. The building would divert flood waters around the building and onto the paved parking and staging area however it is not expected to cause damage to the building due to its construction type. The new site elevation will be raised approximately two feet above the existing condition.

Raising the site to the flood elevation would be a costly activity due to the amount of fill material needed. In addition, raising the site would not blend with the immediately surrounding area and cause issues with drainage; maneuvering on the site; and meeting ADA grading standards. The completion of the project with an exception granted would not be in conflict with other zoning and ordinances pertaining to the proposed project.

ATTACHMENTS

A. Proposed Project Site Plan

ATTACHMENT A – Proposed Project Site Plan



REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

ATTACHMENT A

P N D ENGINEERS, INC.

9360 Glacier Highway Ste 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: BMI CHECKED: CRS
DRAWN: PJD APPROVED: CRS
SCALE: SCALE IN FEET 0 60 120 FT.
DATE: MARCH 2017

CITY & BOROUGH OF JUNEAU, ALASKA
STATTER HARBOR IMPROVEMENTS PH III
CBJ PROJECT - DH16-XXX

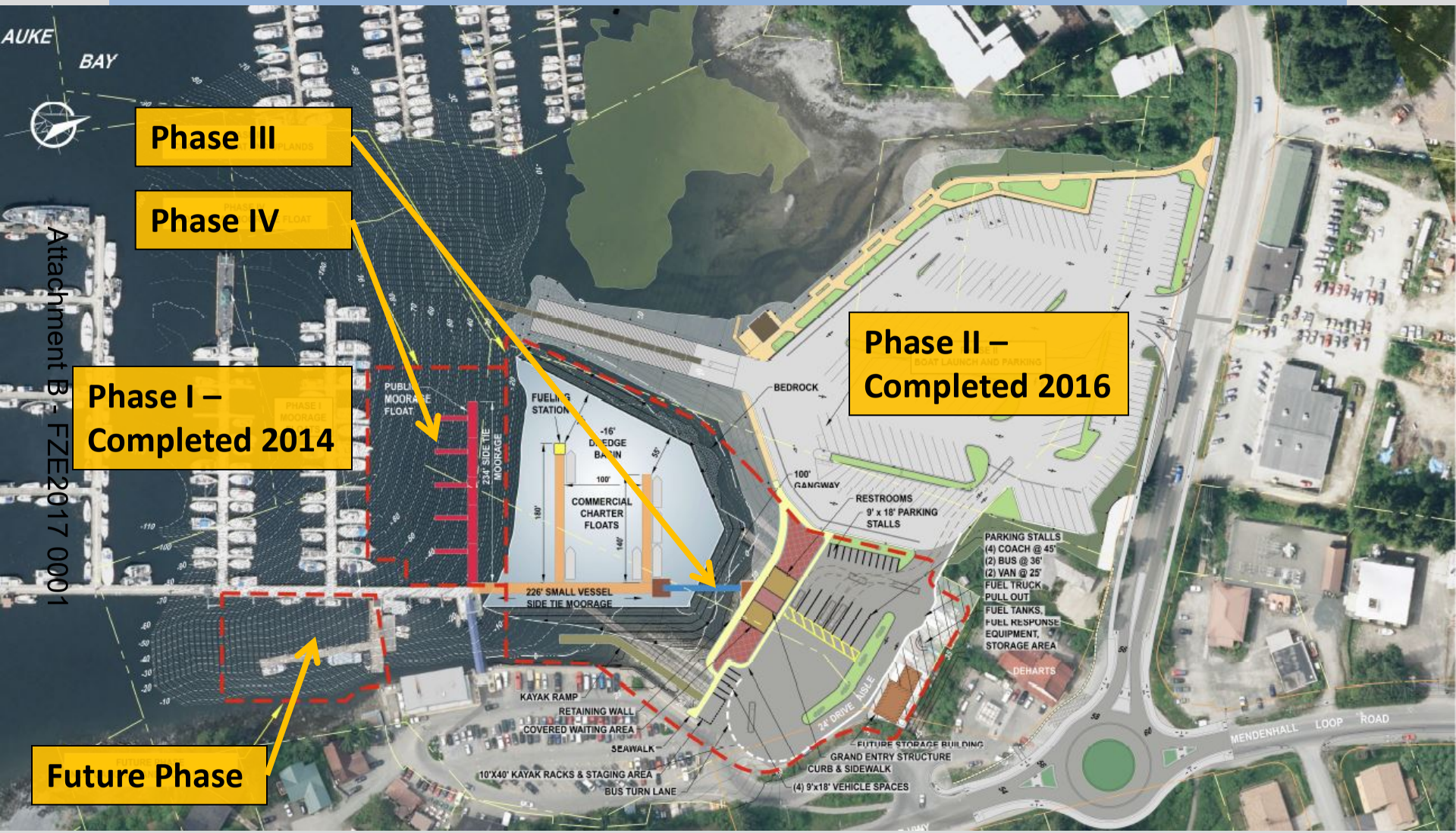
SHEET TITLE:
SITE PLAN CONCEPT NO.7
ALL IMPROVEMENTS

PND PROJECT NO.: 152069

SHEET 12 OF 12

12

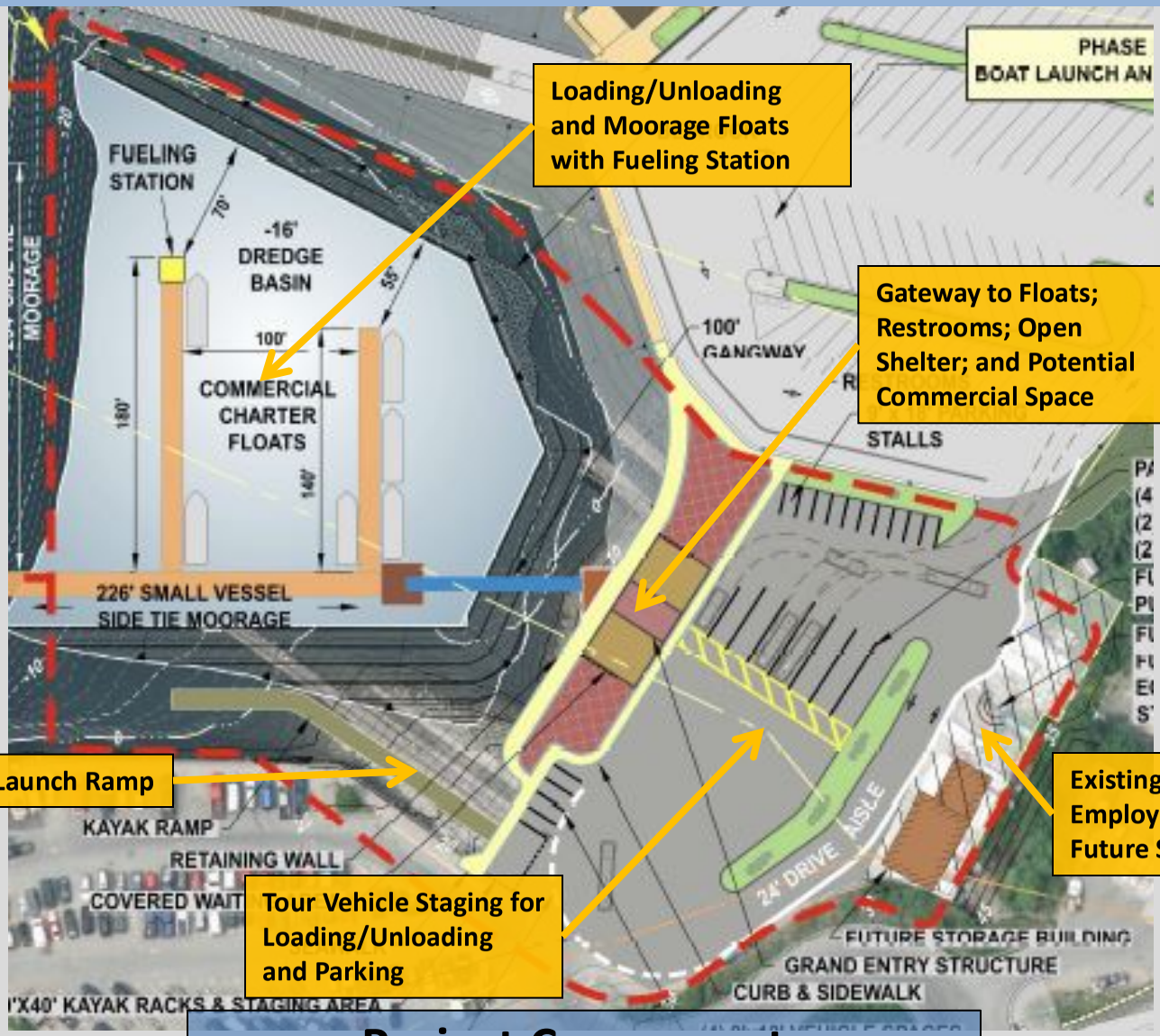
Statter Harbor Master Plan



Development Phases

Attachment B - FZE2017 0001

Statter Harbor Improvements – Phase III



Loading/Unloading and Moorage Floats with Fueling Station

Gateway to Floats; Restrooms; Open Shelter; and Potential Commercial Space

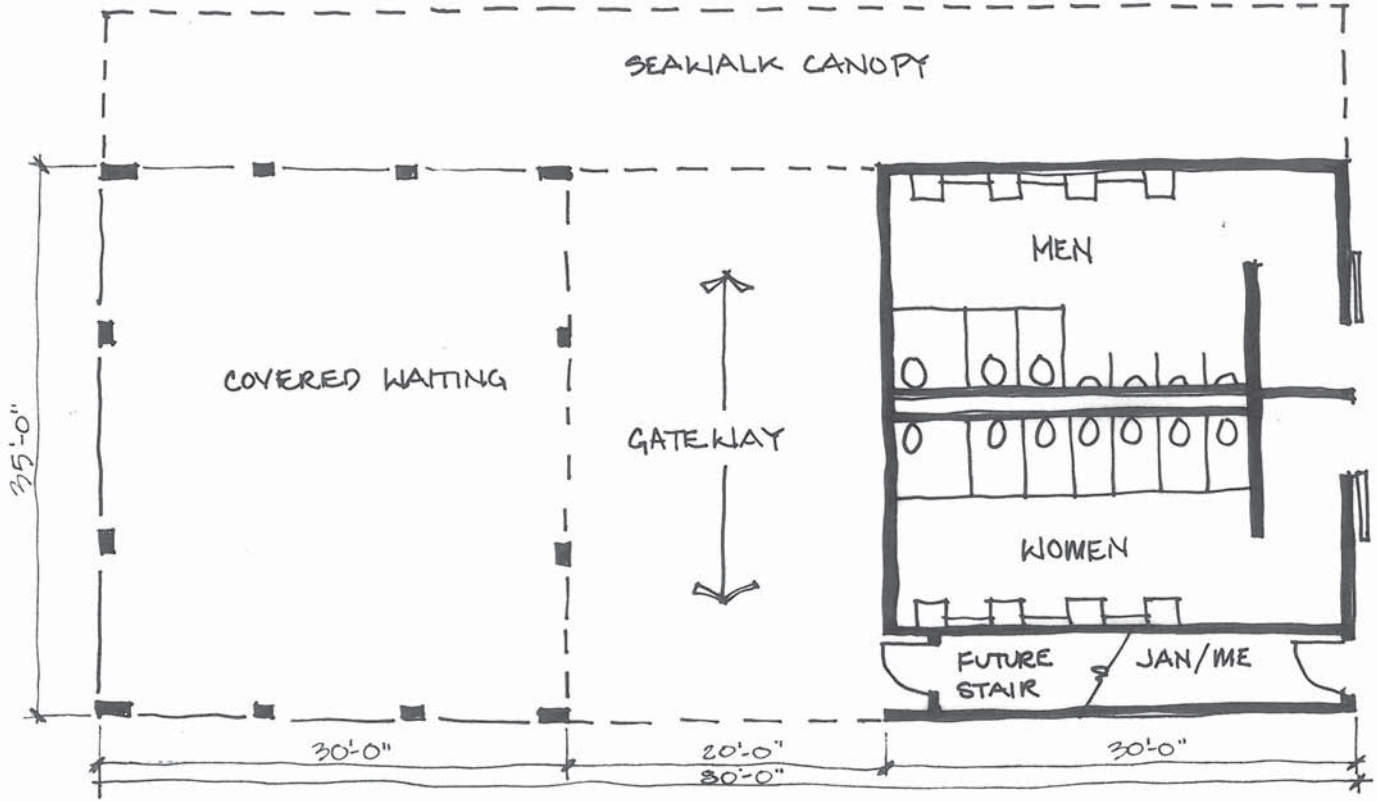
Kayak Launch Ramp

Existing Fuel Tanks; Employee Parking; and Future Storage Building

Tour Vehicle Staging for Loading/Unloading and Parking

Project Components

ATTACHMENT F



PHASE 1

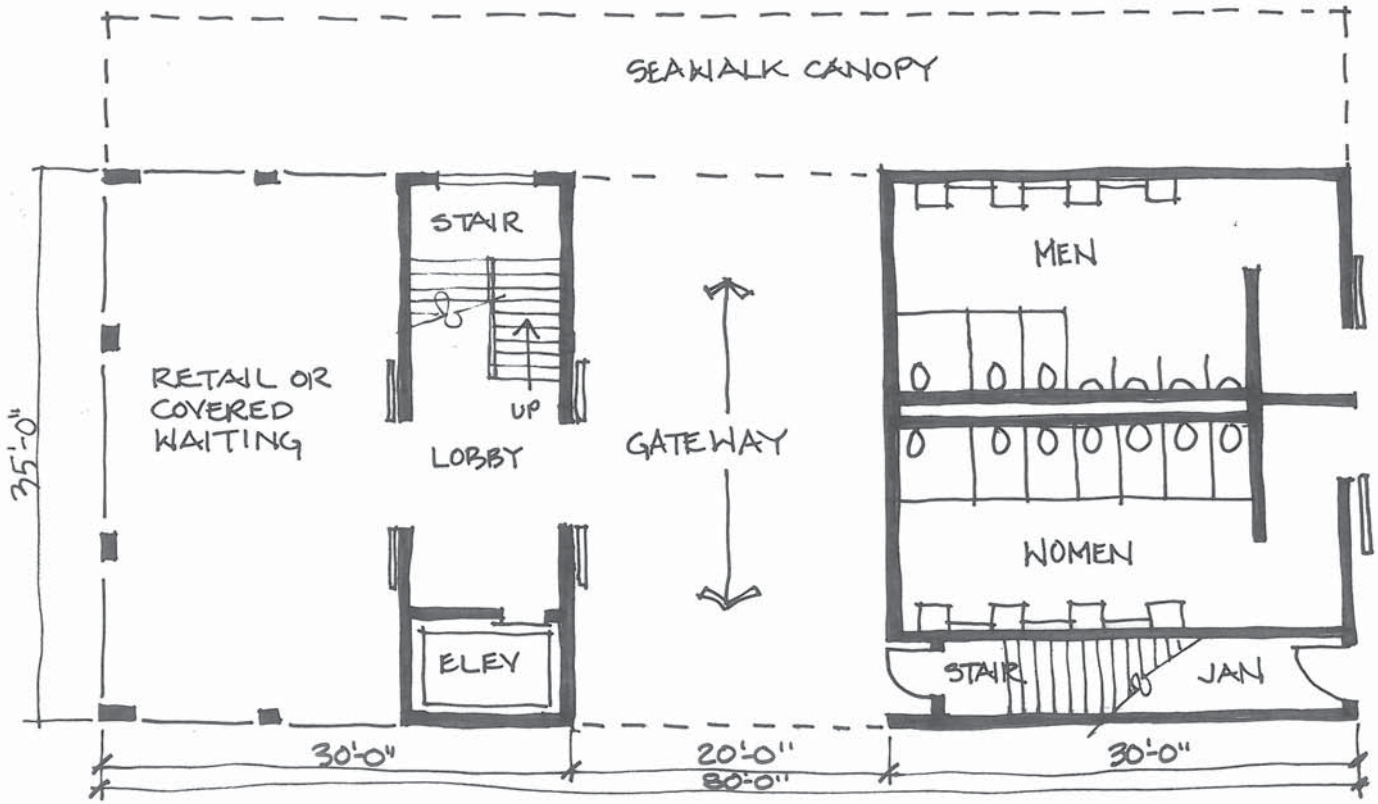
FIRST FLOOR

Jensen Yorba Lott inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT
522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-1959
jensenyorbalott.com

CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

DRAWING NO:
DATE: 7-28-16
DRAWING FILE: 16027

A1



PHASE 2

FIRST FLOOR

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523 West 10th Street
Juneau, Alaska 99801
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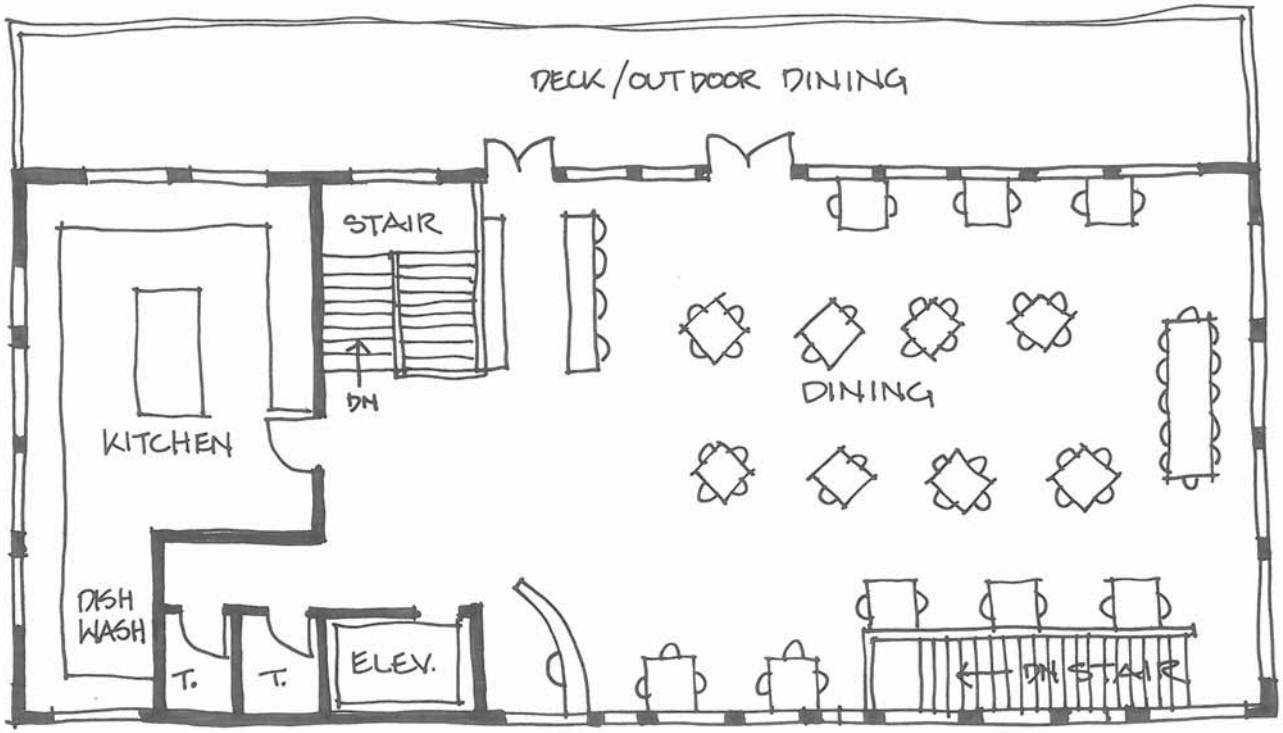
CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

DRAWING NO: A2
DATE: 7-28-16
DRAWING FILE:16027



PHASE 2

FUTURE SECOND FLOOR

Jensen Yorba Lott Inc.
ARCHITECTURE
INTERIOR DESIGN
CONSTRUCTION MANAGEMENT
522 West 10th Street
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phone 907-586-1070
fax 907-586-3959
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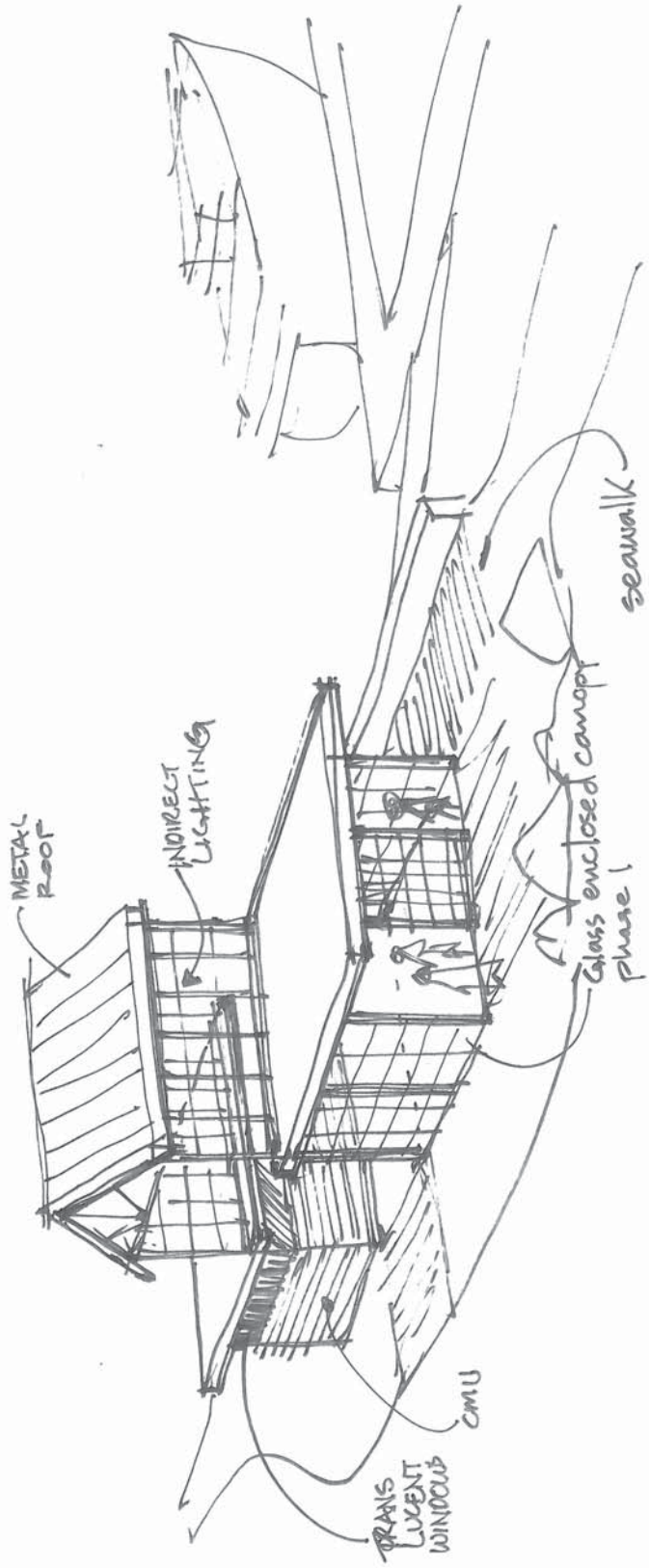
CBJ
DOCKS & HARBORS
STATTER HARBOR IMPROVEMENTS
GATEWAY STRUCTURE

DRAWING NO: A3
DATE: 7-28-16
DRAWING FILE: 16027



Simple Gable

GRATTER HARBOR GATEWAY
JYL

Public testimony – none.

MOTION: *by Mr. Levine, to approve AME2016 0018 accepting the staff's analysis and findings.*

Mr. Frisby seconded the motion.

The motion passed with no objection.

Mr. Haight recessed the body as a Planning Commission and took up business as the Board of Adjustment at 9:15 pm.

X. BOARD OF ADJUSTMENT

A. **FZE2016 0001:** A Flood Zone Exception to allow new restaurant buildings to be built on a dock seaward of the man high tide in a Velocity flood zone.
Applicant: James Bibb
Location: 406 South Franklin Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001.

If the Board of Adjustment makes findings to grant the applicant's project, staff recommends the following conditions:

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.
2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.
3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Feldt explained that the proposal before the commission is similar to a variance but is not through the land use code. Rather it is a variance of the flood zone regulations.

The reason why the flood zone exception is brought to the commission at this time is that the structures of the previous restaurant on this deck were smaller and substantially different from the new proposed structures. This requires a new flood zone exception to be filed, reviewed and taken action upon.

The focal point of the review was that the proposed buildings are located on an area seaward of mean high tide and the property is in a velocity flood zone, which means that during a 100-year storm event the shoreline would experience either a combination of three-foot tall waves or higher or a wave of lesser height that, when it hits the shoreline, has a high wave run up. There are more stringent building

regulations in such an area to withstand the greater wave force as compared to a building located near a river.

Mr. Feldt presented a PowerPoint of the project and staff's findings. He noted that there were three findings in the flood zone exception of the land use code that were found to be unmet. One of these would be met automatically if the other two were found to be met. There are 11 items to consider under CBJ 49.70.410(b). Staff found items 4 and 5 unmet:

(4) The importance of the services provided by the proposed facility to the community
(5) The necessity to the facility of a waterfront location, where applicable

Because of these unmet conditions, staff recommends denial. But if the Board of Adjustment makes findings to grant the applicant's proposal, staff recommends three conditions. Staff reviewed these conditions with the applicant, who in turn had a conversation with their clients, and they found it would be viable to meet conditions 1 and 2.

Board of Adjustment questions and comments:
Mr. Voelckers remembers seeing this exemption a few years ago and recollects one of the reasons there was favorable sympathy to the applicant in granting this was because there had not been FEMA loading criteria established yet for how strong a dock had to be to survive a 100-year event. Has this been clarified any more, he asked?

Mr. Feldt said the FEMA regulations were in place in 2014 when the exception was heard. In order for the community to have flood insurance for business owners and property owners, the city has to adopt very specific flood regulations through FEMA to participate in the national flood insurance program. The program is the tool where flood insurance is enabled for the local community. When a mortgage is issued or when a property is involved with a lender, the lender is the mechanism that triggers flood insurance. FEMA regulations that are in CBJ's land use code were established well before 2014. There were different findings to get to the approval of the flood zone exception by the previous Board of Adjustment instead of being explained by FEMA regulations being flexible.

Mr. Voelckers asked if Mr. Feldt could describe how the features being added are treated as a building. Would they remain permanently on the dock? Mr. Feldt said the structures are enclosed areas, but he deferred the question to the applicant.

Mr. Voelckers said he does not understand the logic regarding Criteria 6, which the staff report said had been met in the review. There is a burden on proving that there is not an alternative location for the proposed use which is not subject to flooding or erosion damage. The conclusion in the report is that it is non-applicable because the restaurant is sitting on top of dock, above the high water mark. He said it seems like faulty logic because of the vulnerability of a dock to wave action below. Mr. Feldt said once the fact that the deck will be able to withstand a 100-year storm force, there will likely be some degree of erosion and damage, but structurally the deck will be intact because of the conditions on the permit, if the flood zone exception is approved.

Mr. Levine asked if the intent of the criterion is more narrowly focused. Mr. Feldt said staff's focus was on the improvement seaward of mean high tide. Once structural integrity is established, strong enough to withstand a 100-year storm force, anything on top would not be damaged. Furthermore, the decking and the lowest horizontal members of the deck itself are above the base foot elevation, meaning that if a 100-year storm event were to impact the property it would only surround the piers, the waves would not impact the deck itself.

Mr. Levine asked if the natural extension of this logic would be that they don't need the flood zone exception at all. Mr. Feldt said the origin of the requirement to not build seaward of mean high tide is along more open shore lines and where fill is brought in to raise the starting point of the foundation, which could erode away in a storm event. Juneau's South Franklin development does not have that amount of fill projecting out into the channel. There are piers instead. There are shoreline areas consisting of fill that is decades old and have withstood a lot of storm force.

Mr. Voelckers said there was some narrative about the new 16-B dock adding greater buffering. He wonders if this is considered; does FEMA make this sort of subjective determinations? Mr. Feldt said the second dock will create some buffering. The process to prove to FEMA to change the maps behind the loading dock will have to go through a map amendment. Staff can pursue this with FEMA and work with Docks & Harbors and their engineers, etc. Mr. Voelckers said he doesn't understand how FEMA could allow one to make subjective judgements about whether an area was more or less dangerous. He thought it was just a question of vertical height. Mr. Feldt said they do draw the line which they say that the community has some given flexibility through a flood zone exception, so long as all the findings are met. Certainly you have to build above the base foot elevation, but along a velocity flood zone, it also adds another limitation above and behind the mean high tide line.

Mr. Haight said it seems we have come to a technical review of what we think the velocity condition might present to the site in determining this exception. That is correct, said Mr. Feldt.

Mr. James Bibb of Northwind Architects, the applicant representing his client who is the restaurant owner, came forward to speak along with Kate Nichols of Numan Development, the design consultant on the project specifically the container portion of the project.

Mr. Bibb said that the engineer on the project was not present but can answer questions and follow up as necessary. Mr. Bibb said he wanted to follow up regarding the two unmet criteria on the exception and address these similarly to how they were addressed two years ago when Northwind Architects represented the previous client/restaurant owner and the board ruled in favor. The question is for the community, where does Juneau see the waterfront going? A goal for the city is to become more pedestrian-oriented along the waterfront, as evidence by the development of the sea walk and the long-range waterfront plan. Therefore, development along that edge is critical to economic success and needs to be done in a manner according to the Comprehensive Plan, building codes, and so forth. This project is a verification of that.

Mr. Bibb shared a handout to commission members that included his bullet points. His points go to the question of why waterfront development is taking place and why that is critical in supporting Juneau's visitation industry. The growth of this industry puts some pressure on us to make sure that amenities along the sea walk, specifically along South Franklin Street, are encouraged.

The reason why this project is critical in this location is because that is the success or failure of businesses. A seafood restaurant marketing local product has to be near the waterfront, that makes sense and the market itself, the private sector, is making that determination. Location is critical for this, said Mr. Bibb.

Regarding number 5, Mr. Bibb said the reason why two years ago they proposed the dock had a lot to do with the operation of the restaurant. There are very few locations with dock waterfront south-facing venues and that character and atmosphere. Also, he said, one would not expect fresh, local seafood to be served internally; the success of that is the ability to go out on deck and have that connection to the waterfront. This is how you market the main asset.

Mr. Bibb pulled up the graphic he had handed out, which compared the previous restaurant layout to the proposed one. He noted that for the most part, they tried to pull the structures back from the flood zone line but their final plan reflects the best way that a restaurant operates. They also had a structural engineer do an assessment of the existing dock. Upgrades were done to the dock two years ago and so they leveraged the existing qualities of the dock itself, finding the best places that make the most structural sense. This gets to the idea that the dock is going to maintain a design that supports the resistance for the loading criteria based on a 100-year flood zone or seismic occurrence. This is similar to the criteria that they had to meet last time, and they were successful in arguing these points then.

Kate Nichols spoke and stated that she is an engineer by education and has been involved in all of the discussion with Bruce Berryhill regarding this project. She spoke to comments regarding the 100-year flood concern and the mean tide issue. It has been determined that the criteria can be met for the pier to withstand a 100-year storm which means that since the mean tide is beneath the pier that anything above the pier would be safe. She believes this is the key requirement being looked at for the FEMA requirement. Also if trying to elevate the waterfront to a world class status, she said she has yet to be in a place better suited for a marriage of this method of architecture and an environment. Structurally and operationally the modules that are beyond the mean high-tide line need to be there. The combination of the fact that the pier can withstand a 100-year storm event, that no one is being put in harm's way and that it is required for the project to proceed successfully and capitalize on the magnificent nature of Juneau's waterfront are key points.

Mr. Voelckers asked if the intent is that the structures would not move seasonally. Ms. Nichols said although they could be moved, the intent is not to move them seasonally. Are they heavier than what was there before, asked Mr. Voelckers? Yes, said Ms. Nichols, but those lateral loads and their effects come more into play in a seismic situation than in a storm situation. They will be adequately addressed in the building permit process. There should be no concern there.

Public testimony – none.

Commission Comments and Questions:
Mr. Voelckers said he had staff questions, perhaps best directed to law staff. He said he buys the focus on a vital waterfront but he was having trouble reconciling the criteria the board is supposed to review. He wondered who takes the liability from what might happen from this decision.

Mr. Palmer took the floor. He referred the board to CBJ 49.75.10(J). There is a wording and disclaimer of liability specifically in code, "This article shall not create liability on the part of the city and borough or in the office thereof or the Federal Insurance Administration." Hopefully that resolves the question about liability. Liability, if it exists, is with the users and/or owners of the property. Mr. Voelckers asked if the lender is satisfied that the applicant has made appropriate corrections to take this design load then everybody is cool. On the private market side, yes, said Mr. Palmer. Mr. Voelckers asked if there was any cautionary in terms of precedent setting, similar to issues raised with variances about making sure all of the readings can be justified because of further legal consequences or the potential of something being overturned. There could be, said Mr. Palmer. The general guidance is what is specific about this application as evaluated by the criteria. He said that Mr. Feldt has provided one set of proposed analysis, but the board can make a change if they believe there is something else that is more unique or that needs to be emphasized.

Mr. Levine said he was also conflicted about this application. He wondered how previous findings of this body which granted the exemption two years ago might bind this board. And, if so, what were those conclusions? Mr. Palmer said they are not bound by the previous approval; however they can look to those conclusions for precedential value. One of the inherent reasons why this applicant came before the board is because staff determined that this application is significantly different from the prior application. If the board wants to address that finding tonight, and if the board articulates that this applicant is not so significantly different, then the board might determine that the presumption in the staff report that a prior land use permit goes with the land, not the applicant, does not apply here. The board might determine that this application is so similar to the past that there is no need for this application tonight.

Mr. Levine asked Mr. Feldt how this application is different. Mr. Feldt said the differences lie in the amount of enclosed versus un-enclosed structures and there are more enclosed structures seaward of mean high tide than other project. These are the two primary differences that led to staff's conclusion. Mr. Levine asked if the board decides the projects are substantially similar, then would they eliminate the obligation to address the Conditional Use permit that is also before the other body of the Planning Commission.

Mr. Palmer said the answer is yes. The Community Development Department has focused on the use above the dock. The board might also consider whether the use below the dock has changed and whether or not that is the focal point for this application or if it may also be the focal point for the CUP.

Mr. Voelckers said it seems the fundamental difference is that the last project did not involve wholesale dock strengthening and additional lateral and seismic upgrades while this one does.

Mr. Feldt spoke to the Conditional Use permit. He said that regardless of the similarity to the previous restaurant, this is new development and new structures which trigger the need for obtaining a new CUP for development in a mapped landslide and avalanche hazard zone.

Mr. Levine said he just heard two different answers to the question. Ms. McKibben said that Mr. Feldt explained the rationale for the CUP application. You are not evaluating the use; you are evaluating the development within the hazard era, which is required. She said that what Mr. Palmer said, and which she agrees with, is if it is determined that the use is substantially similar and the flood exception evaluation is substantially the same, then the same would be true for the development within the hazard area.

MOTION: *Mr. Peters moved to adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001, recognizing that criteria B, 4 & 5 are not met. Looking at the plans before the board, the use has substantially changed in design and elements on the deck.*

Mr. Haight said that he felt the applicant has proposed modifications and upgrades to the dock to offset the increased loading to the dock in a manner that would bring it back into a compliance to meet that exception. In that manner, he opposed Mr. Peters' motion.

Mr. Levine said he remains conflicted. He said he thinks there ought to be a restaurant in this location but he finds himself beholden to the criteria and is still not fully confident that this satisfies the criteria. He also feels beholden to the previous grant of the exception. Therefore, he will vote reluctantly in favor of Mr. Peters' motion.

Mr. Dye asked to clarify that the two items not met are not regarding the structural aspects of the dock. Items 4 and 5 are about land use, correct? He asked Mr. Haight if he had any language for 4 and 5 to find in the affirmative. Mr. Haight said with regard to 4, the economics and use of the area would be broadened with more diversity of market that brings and holds visitors in that area. He said that if the city is reliant on singular types of stores then he thinks the people will move on through. In this respect it becomes an important service to that part of the community. The necessity of being on the waterfront falls into the same argument. We want to hold visitors to this area. The other part of it, as the applicant has brought forward, is that the project works well with the sea walk that the city is promoting. Mr. Haight said that from his perspective those two criterion are met.

Mr. Voelckers said that he is conflicted but will oppose the motion and agree with the chair. This is a good use with the city's new, revitalized sea walk and would add pedestrian usage to this area. He did not think item 6 and maybe item 10 are technically met, however he took satisfaction from Mr. Palmer's remarks that imply that this is not the same level of rigorous point-of-the-knife issue that the board might have in some other type of variance. There is a little bit of figuring out relative to FEMA

regulations which, he thinks, have been structured too oppressively. He is satisfied that the dock itself is going to be taken care of.

Mr. Bell stated he was also torn trying to justify supporting this application. He said he sees economic value in the rejuvenation of the area. The dock is a critical issue, he said. It is a substantial investment on the community's part. It has the opportunity to create a pleasant atmosphere for the area, yet all criteria are not met.

Mr. Steedle asked a technical question of Mr. Palmer. Are these to be treated as criteria all of which must be met or does the board simply have to consider each of them and if the general intent is met, would that be sufficient? Mr. Palmer read the introductory language and said ultimately it is a question for the board. "In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and then it lists the eleven criteria and they are in the conjunctive with the 'and' between 10 and 11." Mr. Palmer said that if the board wants to say all must be met to pass, there is basis for that. If the board wants to go to a different conclusion, there may be a basis for that but the board would have to articulate it.

Mr. Levine said Mr. Steedle's question changes the way the board might think about this. He paraphrased what Mr. Palmer read and asked if his understanding was correct. He said that the way he read the staff report, it has been treated the way a variance criteria works, where the applicant has to meet all 5 of the things or a variance cannot be granted. He believes Mr. Palmer is suggesting that if the board wants to interpret the code, the board could interpret their obligation to consider the 10 or 11 factors and make their own determination based on a consideration of those factors. Mr. Palmer said that is a fair representation. He emphasized that there is an easier basis for him to say that the board has to bind all 11 to be found in the positive. If the board wants to articulate some reason that means there is an 'or', it is for this body to do so.

Mr. Frisby said he would disagree with the motion on the floor for the same reasons that Mr. Levine agreed. He wondered if the board could table this as he feels they are talking about issues that they don't really have answers to regarding load and structural integrity. He said he thinks the board needs more information. He said he feels they would be making a decision with insufficient information.

Mr. Peters made a point of order in terms of precedence. His question to staff was what is the past history in terms of looking at these 11 criteria? He said he believes in the past all 11 had to be met. He raised the issue that they will be setting precedent moving forward as to how the board considers these criteria.

Mr. Feldt explained that in the past they have treated it very similar to a variance and have put variance findings in addition to the flood zone exception findings in the same report. This is the first one that staff has not done this because of the different interpretation staff has made recently about the use of variances. Ultimately staff concluded to remove the variance findings and depart from past practices

and, now, only has the flood exception findings in this report. The two are very different even though they sound kind of similar.

Mr. Haight restated that there was a motion on the floor.

Mr. Bell asked if the board would consider tabling this for further evaluation. Mr. Haight said yes if the board is looking for additional information. If so, what is that information that we would hand to the staff to bring back to the board.

Mr. Voelckers said the board has had information from Mr. Palmer and staff that this is different from the normal variance that is explicit that the board has to find in the affirmative for all criteria. He said in the language that a couple of times it talks about 'upon consideration' which implies that this is different.

Ms. McKibben pointed out some other language that she felt might provide guidance. She directed the board's attention to 49.70.410(d): *Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article*.

She directed the board's attention to 49.70.400(a) *Purpose. The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:*
2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
(3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
(6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
(7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.

Ms. McKibben said this section is followed by a whole section on interpretation the board might want to read. She quoted from 49.70.400(b); 1) . . . *provisions shall be considered as the minimum requirements and shall be liberally construed in favor of the governing body*. She quoted other points in this section of the code regarding the purposed of the chapter.

Mr. Haight said that there was still have a motion on the floor. He asked for a roll call vote.

Yes Votes	**No Votes**
Mr. Dye	Mr. Levine
Mr. Peters	Mr. Frisby
	Mr. Voelckers
	Mr. Bell
	Mr. Haight

The motion failed.

MOTION: *Mr. Levine moved as follows: The Board of Adjustment has considered all relevant factors including those set forth in 49.70.410(b). Upon such consideration, the board grants FZE2016 0001 and includes staff's recommended conditions:*

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.

2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.

3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Levine said he now reads the provision of the language as allowing the board to award this exception upon fully considering all of those factors and, when alleviated of the responsibility of having to find that all of them were affirmatively met, he concurs that this project is one that ought to go forward. He said he is satisfied that it qualifies for the flood zone exception.

Mr. Dye asked for clarification that the board will not find different findings for 4 or 5 or try and fix 6 or 10. No, said Mr. Levine.

Mr. Frisby seconded the motion.

Mr. Voelckers spoke in favor of the motion. He said it was a well-phrased way to finesse the problem where it gets away from trying to look at the 11 issues individually but, on balance, the board believes public safety and welfare and the general good of community has been met.

Mr. Peters wanted to renew his concern and acknowledge that not 11 items under (b) have been met. He was concerned that the board would pass this, acknowledging that comments have been put in the record that 6 and 10 may or may not be met. He said he will oppose the motion.

Mr. Levine said that he agrees that not all criteria have been strictly met, but it is his reading that they do not need to be.

Mr. Dye asked if this decision will carry over to the board's on-going struggles with variances and their interpretation or are we leaving that well enough alone. Mr. Palmer responded that if this motion passes with the analysis that was done in this case, it could be used for persuasive authority in similar cases in the future.

Mr. Voelckers asked Mr. Palmer if he was talking about a FEMA determination, not broadly in other land use categories. Mr. Palmer said specific to the analysis and requirements of 49.70.410.

Mr. Haight called the motion with a roll call vote.

Yes Votes	No Votes
Mr. Levine	Mr. Peters
Mr. Frisby	
Mr. Voelckers	
Mr. Bell	
Mr. Haight	
Mr. Dye	

The motion passed.

Mr. Haight adjourned the Board of Adjustment at 10:24 pm and reconvened the body as the Planning Commission.

A. **USE2016 0029:** A Conditional Use Permit request for a new outdoor seasonal restaurant in a landslide and avalanche zone
Applicant: James Bibb
Location: 406 South Franklin Street

Staff 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 outdoor restaurant uses within a mapped landslide hazard zone.

Mr. Feldt said he did not prepare a presentation but was happy to go over the findings. He asked if the commission wished for staff to provide a presentation but the commissioners did not want this.

Mr. Haight asked for questions from commissioners for staff or for the applicant. There were none.

Public comments – none.

MOTION*: by Mr. Voelckers to approve USE2016 0029 accepting the staff's analysis and findings and asked for unanimous consent.*

The motion passed with no objection.

XI. OTHER BUSINESS

Mr. Voelckers said that they are on track with the CIP Ad Hoc Committee meeting at 5:30 on December 1 in Assembly Chambers. Mr. Steedle said that Mr. Healy and Mr. Watt will be present at that meeting. If that meeting is brief, Mr. Steedle said there will be time to make it to the Lemon Creek Steering Committee meeting at 6:00 at Gruening Park Community Hall.

From: Gary Gillette
Sent: Tuesday, June 13, 2017 9:30 AM
To: Teri Camery
Cc: Erich Schaal
Subject: Re: question on FZE staff report

Teri
I confirmed with Dick Somerville this morning that the final elevation of the new uplands of Statter III will be at 25 foot elevation. This will match the existing elevation at the Harbor Building and gangway to moorage as well as the elevation at the new launch ramp just completed.

The 23 foot elevation is the existing Statter III site thus will be brought up 2 feet to 25. This means we are asking for the exception to be 2 feet below the flood elevation of 27 feet. Sorry for the confusion - it appears I was confused as well.

From: Teri Camery
Sent: Tuesday, June 13, 2017 9:00 AM
To: Gary Gillette
Cc: Erich Schaal
Subject: RE: question on FZE staff report

Hi Gary,

I need a response on this, please. I have to wrap up all final details on the staff report this morning. I'll cc Erich in case you're out.

Thanks,
Teri

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801
(907) 586-0755

From: Teri Camery
Sent: Monday, June 12, 2017 11:41 AM
To: Gary Gillette
Subject: question on FZE staff report

Hi Gary,

In your comments you asked me to correct this statement, "The proposed restroom structure is located at 23 feet MLLW, four feet below the Base Flood Elevation" to say 25 feet MLLW, two feet below Base Flood Elevation.

However the 23 feet, four feet below MLLW, was taken directly from your narrative. Two feet versus four feet below base flood elevation is an important difference. Could you please clarify? I will add language in that criteria about the likely inaccuracy of the survey data, but I can't change the numbers, unless there's a typo or I am missing something somewhere.

Also, you had noted that the boat launch ramp was completed in September 2016. I just wanted to double-check on that, because I thought you told me on the phone that it was only just completed in May 2017. I may have heard you wrong. I have that incorrect in all three staff reports, uggh, so please clarify and I'm glad you caught it.

Thanks!
Teri

Teri Camery, Senior Planner
City and Borough of Juneau
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155 S. Seward
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(907) 586-0755

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

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: June 27, 2017
File No.: FZE2017 0001

CBJ Docks and Harbors
ATTN: Gary Gillette
155 S. Seward Street
Juneau, AK 99801

Proposal:	A request for a Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	Lot 3C, USS 2664 & ATS 16
Parcel Code No.:	4B2801010032
Hearing Date:	June 27, 2017

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 16, 2017 and approved the Flood Zone Exception to allow construction of a public restroom below the Base Flood Elevation at Statter Harbor to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

2. Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

Attachment: June 16, 2017 memorandum from Teri Camery, Community Development, to the CBJ Board of Adjustment regarding FZE2017 0001.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, June 27, 2017

Expiration Date: The permit will expire 18 months after the effective date, or December 27, 2018, 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:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With City Clerk

July 5, 2017
Date

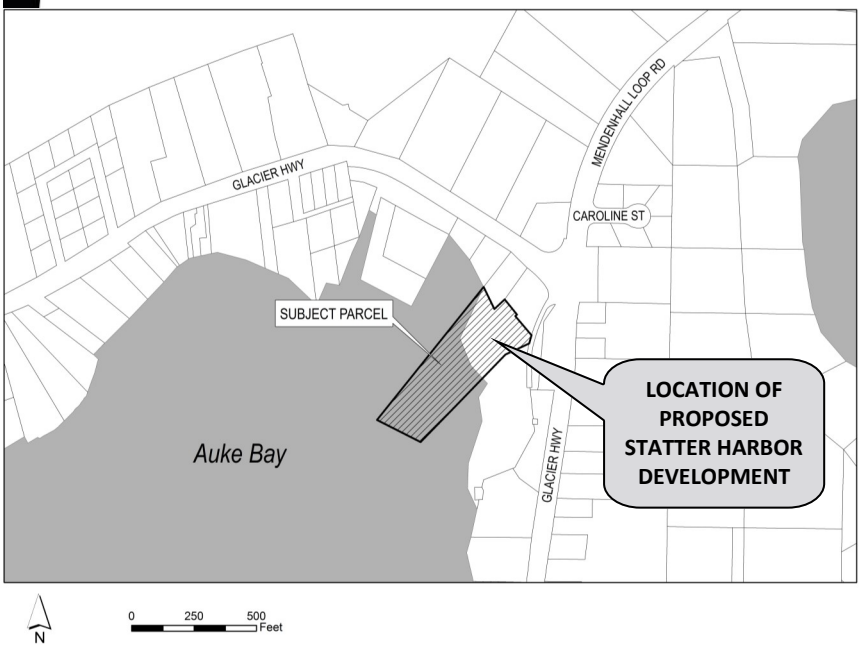
cc: Plan Review

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.

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 an extension of a Conditional Use Permit and a Flood Zone Exception for **Statter Harbor development including a public restroom and shelter facilities, new moorage and loading floats, a kayak ramp, an additional fuel dispensary, and potential retail space** located in a **Waterfront Commercial zone.**

TIMELINE

Staff Reports expected to be posted **Monday, January 14, 2019**, at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 31, 2018

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

January 1 through 12 noon, January 18

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, January 22, 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.

January 23

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 December 21, 2018

Case No.: USE2018 0022 & FZE2018 0002
Parcel No.: 4B2801010032
CBJ Parcel Viewer: http://epv.juneau.org

USE2018 0022 and FZE 2018 0002

A Conditional Use Permit and Flood Zone Extension of USE2017 0008 and FZE2017 0001 for Statter Harbor development

Planning Commission Meeting
January 22, 2019

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Statter Harbor Master Plan

ATTACHMENT A

Statter Harbor Proposed Project

Statter Harbor Phase III

Statter Harbor Phase IV

ATTACHMENT D

Statter Harbor Future Phase

ATTACHMENT E

Tour Vehicle Circulation

Parking

Vegetative Cover/Landscaping

ATTACHMENT I

USE2018 0022/FZE20180002 Analysis

CBJ 49.14.240 requirements for extensions

1) Application to extend must be submitted 30 days before expiration

Application was received on 11/9/18, more than 30 days before the 12/27/18 expiration

2) Burden of proof for justification is with the applicant

Applicant has cited delays in obtaining required state/federal permits

3) Maximum of two 18 month extensions are allowed.

This is the first extension

USE2018 0022/FZE20180002 Analysis

CBJ 49.14.240 requirements for extensions continued

4) Notice of the extension must be mailed to adjacent property owners at least 10 days before the hearing; general notice shall be printed in the newspaper

Notice was mailed to property owners within 500 feet of the property on 12/21/18. Notice was posted in the 1/11/19 and 1/21/19 Juneau Empire.

5) Conditions in the permit cannot be changed.

The applicant is not requesting any modifications.

USE2018 0022/FZE2018 0022 Findings

1. The application is complete and received on time.
2. The applicant submitted justification for the permit extension.
3. The extension is within the allowable number of extensions.
4. Public notice requirements have been met.
5. Complies with the Juneau Coastal Management Plan.
6. Conditions have not been changed.

USE2018022/FZE2018 0002 Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit extension; subject to the following conditions:

1) 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 and located to minimize offsite glare. All exterior lighting fixtures shall be of a “full cutoff” design.

USE2018 0022/FZE20180002 Recommendation

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and grant the requested Flood Zone Exception extension, FZE2018 0002. The Flood Zone Exception would allow construction of a public restroom in a Velocity Flood Zone, subject to the following conditions:

1) Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough’s currently adopted Flood Insurance Study.

2) Prior to issuance of a building permit, the applicant shall provide additional backflow prevention within the plumbing disposal system to prevent floodwaters from infiltrating the CBJ wastewater system, to be approved by the CBJ Engineering Department.

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

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: January 24, 2019
File No.: FZE2018 0002

CBJ Docks and Harbors
155 S. Seward Street
Juneau, AK 99801

Proposal:	An extension of FZE2017 0001 for Statter Harbor development including construction of a public restroom below the Base Flood Elevation
Property Address:	11520 Auke Bay Harbor Road
Legal Description:	USS 2664 & ATS 16 Lot 3C
Parcel Code No.:	4B2801010032
Hearing Date:	January 22, 2019

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 10, 2019, and approved an extension of FZE2017 0001 for Statter Harbor development including construction of a public restroom below the Base Flood Elevation to be conducted as described in the project description and project drawings submitted with the application in accordance with previously approved FZE2017 0001 conditions.

Attachment: January 10, 2019, memorandum from Teri Camery, Community Development, to the CBJ Board of Adjustment regarding FZE2018 0002.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, January 22, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or July 22, 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: _____
Teri Camery, Senior Planner
Community Development Department

_____
Benjamin Haight, Chair
Planning Commission

_____
Filed With Municipal Clerk

1/29/2019
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: January 11, 2019

TO: Planning Commission

FROM: Allison Eddins , Planner
Community Development Department

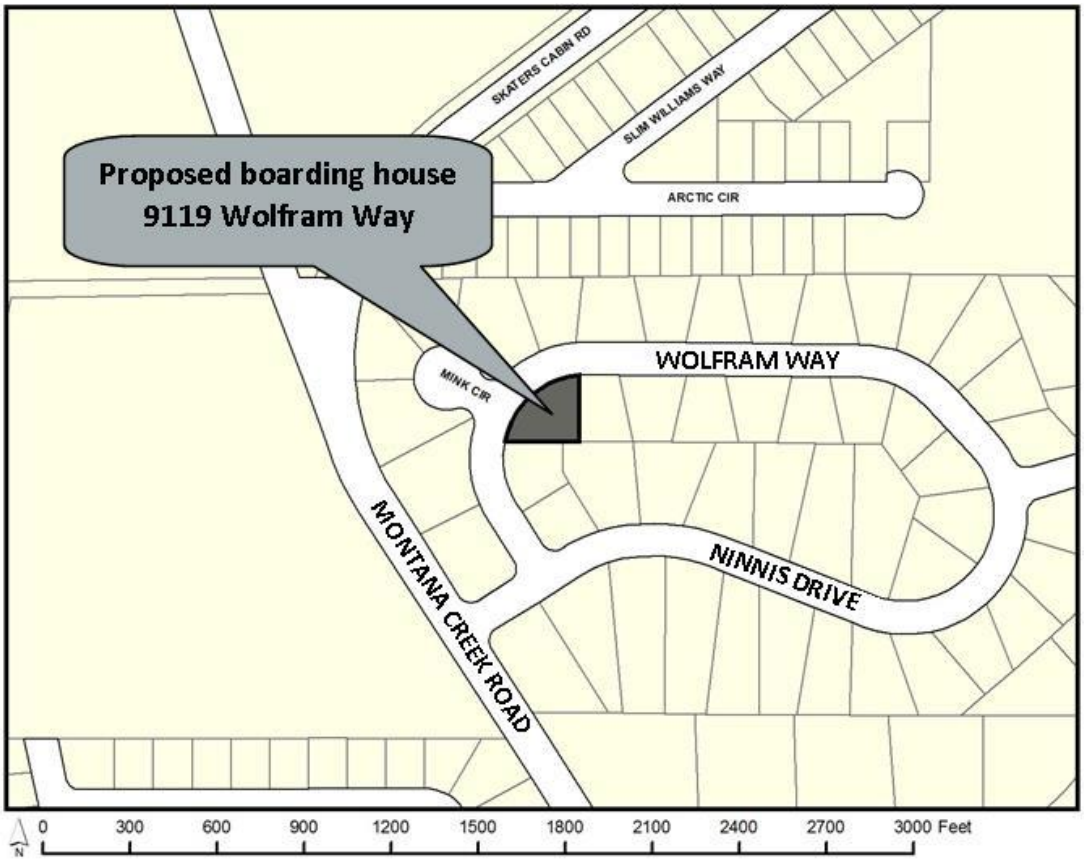
CASE NO.: USE2018 0011

PROPOSAL: A Conditional Use Permit for the use of a single family residence as a boarding house

GENERAL INFORMATION

Applicant:	Kelli Dindinger
Property Owner:	Kelli Dindinger
Property Address:	9119 Wolfram Way
Legal Description:	Lot 1, Block B, Montana Creek I
Parcel Code Number:	4B2901310030
Site Size:	11,965 sq. ft.
Comprehensive Plan Future Land Use Designation:	(ULDR) Urban Low Density Residential
Zoning:	D5
Utilities:	City water & sewer
Access:	Wolfram Way
Existing Land Use:	Single family residence
Surrounding Land Use:	North - (D5) Single family residence South - (D5) Single family residence East - (D5) Single family residence West - (D5) Single family residence

VICINITY MAP



ATTACHMENTS

Attachment A – Development Permit and Conditional Use Permit Applications
Attachment B – Project Narrative
Attachment C – Boarding house "House Rules"
Attachment D –Parking Plan and Aerial Image of Parking Area
Attachment E – Agency Comments
Attachment F – Code Compliance Activity Report
Attachment G – Public Comment
Attachment H – October 11, 2018 Neighborhood Meeting Sign-in Sheet
Attachment I – Public Notices

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for an existing, unpermitted boarding house operating in a five-bedroom residence located in a D5 zoning district. CBJ 49.80 defines a

boarding house as "*a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site".* A boarding house is a permissible use in a D5 zoning district with a Conditional Use Permit, per *CBJ 49.25.300 Table of Permissible Uses*. CBJ 49.15.330 describes the purpose of the Conditional Use Permit and the standards to which an application will be reviewed.

USE DESCRIPTION	**D5**
1.000 Residential	
1.110 Single family detached, one dwelling per lot	1
1.600 Miscellaneous rooms for rent	
1.610 Rooming, **boarding houses**, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	**3**

BACKGROUND

The subject lot, Lot 1, Montana Creek Subdivision, was platted in 1995. The existing home was constructed in 1996, originally as a three bedroom dwelling. A fourth bedroom was added in 2005. The building permit for the fourth bedroom (BLD2005-00765) is still open. The applicant is renting the "study" as the fifth bedroom. The applicant is currently operating the property as a boarding house in violation of CBJ 49.25.300.

The applicant purchased the home in 2005 and resided there until 2013. The home became a rental property in 2013. The entire home was rented under one lease to multiple families and groups of roommates between 2013 and 2017. Renting the entire home under one lease is considered a single-family use that is allowed outright in a D5 zoning district.

In January 2018, the applicant began posting rooms for rent on Facebook, which is how the Community Development Department (CDD) became aware of the situation. On January 30, 2018, an Enforcement Case (ENF2018 0012) was opened due to the operation of a boarding house without a Conditional Use Permit and the applicant was contacted. The applicant had a pre-application conference with CDD staff on April 4, 2018, and applied for a Conditional Use Permit in August 2018 (See Attachment F). The applicant was charged a double fee for an after-the-fact permit application.

CDD held a neighborhood meeting at Mendenhall River Community School on October 11, 2018. The applicant/owner, the boarding house manager, and over 40 neighbors attended the meeting (See Attachment H). The purpose of the meeting was for staff and the applicant to

provide information, respond to questions, and to get a sense of the neighbors' concerns. In response to the meeting, staff has received numerous emails from neighbors expressing their opposition to this Conditional Use Permit. Public comments are discussed in more detail, below.

ANALYSIS

Public Comment – Over 40 residents of the neighborhood attended the October 11th neighborhood meeting (See Attachment G). Residents expressed their frustrations with the applicant's property management. Neighbors cited multiple calls to the Juneau Police Department for drug activity, loud parties, and trespassing. The applicant acknowledged these issues.

At the time this report was written, staff has received 26 emails from residents of the neighborhood; 25 are opposed to this application. The residents cite loud parties, a heavy amount of traffic and parking, garbage cans being left outside and becoming bear attractants, tenants not picking up the trash, drug activity, and domestic issues as reasons for their opposition. The residents are also concerned that permitting a boarding house in the neighborhood would drive down property values.

Staff received one email in support of this application citing affordable housing as their reason for support.

Agency Comment –

Juneau Police Department: JPD stated that that on-street parking is problematic at this location and that they have received 10 calls for service at this residence. Eight calls were initiated by resident complaints and two calls were officer initiated. The breakdown of calls is as follows:

- 3 calls for litter
- 2 calls for civil issues
- 2 follow-up calls
- 1 police assist
- 1 drug activity
- 1 trespass

CBJ Streets Department: The CBJ Streets Department has concerns with on-street parking and the conflict this causes when crews are snow plowing. The Streets Superintendent noted that Wolfram Way is not currently signed to restrict parking on the street, but signage is an option if on-street parking does become a problem.

CBJ Building Department: The CBJ Building Official noted the open building permit (BLD2005-00765) and supports a condition requiring the applicant to schedule a final inspection and receive a Certificate of Occupancy for the fourth bedroom.

Capital City Fire and Rescue: The CBJ Fire Marshal was asked to provide comments for this case. According to the Building Code's Fire Safety Standards, a bedroom must have at least one egress window and a smoke detector. The study, which is being rented as the fifth bedroom, has two egress windows and a smoke/CO2 detector. The Marshal does not have any Fire Code concerns.

CBJ Chief Housing Officer: The CBJ Chief Housing Officer noted that this application touches on a few housing topics that have come up recently in Juneau: preserving existing affordable housing; the need for a blighted property ordinance; the need for Airbnb registration/regulations. Mr. Ciambor noted that from an affordable housing perspective, the boarding house model is not a bad concept. If these types of housing situations become more popular, CBJ should look at other communities that have boarding house/short-term rental regulations in place. Mr. Ciambor also noted that the applicant's "House Rules" and the manager's duties seem weak. He recommended expanding the property manager's responsibilities as a way to increase accountability.

CBJ Assessors Office: The CBJ Assessor was contacted to comment on this case. Her comments are discussed in detail in the Property Value and Neighborhood Harmony section of this report.

Project Site – The subject property is 11,965 square feet and is located in the Montana Creek Subdivision, which is zoned D5. The single family home is 2,428 square feet. The Montana Creek Subdivision has neighborhood covenants that restrict the use of homes in the subdivision to a single family residence. Neighborhood covenants are civil agreements. They do not necessarily reflect the requirements of the CBJ Land Use Code and are not enforced by the CBJ.

As mentioned above, the 2005 Building Permit (BLD2005-00765) to construct the fourth bedroom has not received a final inspection and remains open. As a condition of approval, the applicant should be required to schedule a final inspection for BLD2005-00765 within 10 business days of the date of the Notice of Decision for this Conditional Use Permit, regardless of whether the permit is approved or denied.

Project Design – The residence has four bedrooms and a study that are being rented under individual leases. One of the bedrooms is rented by the night as an Airbnb. The other four rooms have longer term leases. The applicant charges $650-$1150 per month per bedroom. The living room, kitchen, and dining room are considered common space that the tenants share. The applicant has established a maximum occupancy of seven tenants. The applicant states that each tenant is given a background check and a copy of the "House Rules" (See Attachment C). Staff recommends as a condition of approval limiting the boarding house's occupancy to seven tenants, including the property manager.

The boarding house does have a property manager who rents a room in the home. The

property manager is responsible for enforcing the house rules and is the point of contact for neighbors. As a condition of approval, a property manager or the property owner must live on-site per CBJ 49.25.300. CDD should be provided with accurate and up-to-date contact information for the property manager and property owner. If/when the property manager must be away from the boarding house for more than one week, another resident will be the temporary property manager. The applicant has stated that contact information for the property manager will be made available to the neighbors.

The home currently has the outward appearance of being used as a single family home. As a condition of approval, the boarding house shall not display signs or any advertisements of a boarding house visible from the right of way per CBJ 49.80.120.

Traffic – In order to estimate traffic counts staff uses The Institute of Transportation Engineers (ITE) Manual. The ITE Manual does not provide traffic estimates for a boarding house-type use. When the ITE Manual does not have an estimate for a particular use, the parking requirement in CBJ 49.40 has been used to estimate traffic counts. For a boarding house, the parking requirement is based on the number of bedrooms rented, which in this case is five. However, the applicant has stated that she intends to limit the number of tenants to seven. Using this information, staff estimates the tenants will generate an average of 14 vehicle trips per day. Assuming at least one guest to the house per day, staff estimates that guests of the tenants will likely generate an average of 2 vehicle trips per day. This brings the total estimated average daily trips to 16 per day. The ITE Manual's estimate for a single family home with an accessory apartment is 16 trips per day. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 vehicle trips per day.

Parking and Circulation – The parking requirement for the boarding house is provided in the table below. Residential parking lots with fewer than 10 spaces are not required to provide an ADA accessible parking space.

Use	Parking Requirement	# of Bedrooms	Total
Rooming houses, boarding houses, single room occupancies w/ shared facilities, bed and breakfasts, halfway houses, and group homes	1 per bedroom	5	5

Parking for the boarding house tenants is provided on the driveway and on a roughly 1,500 square foot portion of the lot directly adjacent to the driveway on the lot's east side lot line. Tenants use the driveway as a parking aisle for maneuvering in and out. CBJ 49.40 does not allow for back out parking or stacked parking for uses other than a single-family home or duplex. The applicant has submitted a parking plan that shows the minimum parking requirements for a boarding house have been met (See Attachment D). The parking plan,

however, does not address guest parking. As a condition of approval, the applicant must submit a revised parking plan that addresses guest parking within 10 business days of this permit, if approved.

Noise – Noise is a concern for neighbors. The applicant is aware of these concerns and addresses noise in the "House Rules" that each tenant must sign. The CBJ Penal Code *42.20.095 - Disturbing the peace*, provides regulations regarding noise.

CBJ 42.20.095 - Disturbing the peace

> *(a) Policy. The purpose of this section is to protect the health, welfare and safety of the City and Borough's residents by regulating the time, place, and manner of unreasonable noise. It is the intent of this section to secure the health, safety, comfort, convenience, and peaceful enjoyment of all public places, such as public streets and public parks, as well as the City and Borough's residents' homes, by prohibiting unreasonable noise.*

As a condition of approval, the boarding house must comply with *CBJ 42.20.095 – Disturbing the peace*. Violations of the CBJ Title 42 noise regulations will be treated as a violation of this Conditional Use Permit, and enforcement will be taken. A copy of CBJ 42.20.095 shall be posted in the common area of the boarding house. A copy of the "House Rules" shall also be posted in the common area.

Public Health or Safety –The structure meets the zoning requirements for height and setbacks and meets all applicable building code requirements for fire safety. Fire vehicle access to the property is via Wolfram Way. As a condition of approval, the applicant should be required to schedule a final inspection for BLD2005-00765 within 10 business days of the date of the Notice of Decision for this Conditional Use Permit, regardless of whether the permit is approved or denied.

Public health and safety concerns have been raised by this proposal, including litter, drug activity, trespassing, lack of snow removal at the property, and on-street parking. The boarding house rules, established by the applicant, intend to address these issues.

> *House Rule II. Garbage: A 64 gallon can is provided as well as a recycle can. When the recycle can is full, trash must be disposed of in the main garbage can for pick up. Tenants are responsible for putting the cans on the street Tuesdays. If tenants fail to get the garbage out and the can overflows, then all tenants will be charged a prorated amount for extra pickups or dump fees. No garbage may be stored outside the garbage can and the lid must close. No personal belongings may be stored outside the building without permission. A $100 fine will be assessed for each offense. Keeping the premises clean is a high priority. (See Attachment C)*

As a condition of approval, *House Rule II Garbage* shall be revised to state that it is the

responsibility of the property manager to take the garbage to the street on the appropriate pick-up morning and remove it that same evening. If any trash is in the yard, it is the responsibility of the property manager to remove it.

> *House Rule III. Safe Access: Residents need to ensure safe access for themselves and their guests. Walkways must be kept clear and slip free. All tenants are responsible to ensure that the driveway is safe. The owner is not responsible for adding gravel or salt or any additional service to ensure the access is safe. All tenants should pay attention to the condition of the driveway where their guests and they will be walking. If a problem arises, notify Kelli immediately. It is critical that you aren't complacent about shoveling, or applying a de-icing agent so that you are safe. This also pertains to the back deck and stairs if people wish to use them. (See Attachment C)*

The applicant stated in an email to staff that she now has a contract for professional snow removal for the driveway and snow berm.

As a condition of approval, *House Rule III Safe Access* shall be revised to inform the residents of the snow removal contract. The individual residents are not responsible for snow plowing the driveway.

Staff recommends as an advisory condition that the property manager be responsible for maintaining safe access along the walkway. The sentence "The owner is not responsible for adding gravel or salt or any additional service to ensure the access is safe" should be revised to say "The property manager is responsible for adding gravel or salt or any additional service to ensure the access is safe."

> *House Rule V. Noise: Residents will respect the quiet enjoyment of all residents in the house and neighborhood and will abide by the city noise ordinance. Tenants agree to ask their neighbors to quiet down before calling the police.*

As a condition of approval, *House Rule V Noise* shall be revised to state that residents shall abide by *CBJ 42.20.095 - Disturbing the Peace*. A copy of CBJ 42.20.095 shall be posted in a common space in the boarding house.

> *House Rule I. Parking Assignments: Street parking for residents and their guests on Wolfram Way, for duration longer than 15 minutes, is strictly prohibited. Only one parking space per room is provided. All parked vehicles must be operable, in use and insured. (See Attachment C)*

As a condition of approval, the applicant must provide one on-site guest parking space.

With proper management and specific conditions, the public health and safety issues may be mitigated.

Property Value or Neighborhood Harmony – The subject property and the surrounding neighborhood are zoned D5. The Lupine Acres Subdivision, just south of the subject property, is zoned D1 and the Montana Creek West Subdivision, just west of the subject property, is zoned D3. The CBJ Assessor provided comments for this case and stated that she has concerns with a boarding house use in this location. The Assessor states that a boarding house-type use is typically located in areas with a dense mixture of uses, services, and employment opportunities. The Assessor describes the Montana Creek Subdivision as "high end" and a "premier neighborhood within in CBJ" and concludes that a boarding house is not conducive with increasing property values in the Montana Creek Subdivision.

Neighbors have also expressed a concern that the boarding house would decrease their property values. These concerns, while valid, seem to focus on the applicant's property management and not necessarily the use. The CBJ Assessor states "if the applicant is able to maintain the exterior of the structure, limit parking and activities (no criminal or loud parties), there may be no adverse effect to the neighborhood values". With proper management and specific conditions, the external impacts of a boarding house can be minimized.

Conformity with Adopted Plans –

<u>2013 Juneau Comprehensive Plan</u>

The 2013 Comprehensive Plan identifies the subject lot as Urban Low Density Residential (ULDR). ULDR is described as *…lands characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with single-family residential neighborhoods, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

Chapter 4 Housing Element describes the policies and procedures related to housing issues within the CBJ.

> **POLICY 4.2** TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZS TO ACCOMODTE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.
>
> **POLICY 4.4** TO FACILITATE THE PRESERVATION AND REHABILITATION OF EXISTING HOUSING, PARTICULARYLY HOUSING AFFORDABLE TO LOW-INCOME RESIDENTS.
>
> > **4.4 IA3** The CBJ government should investigate ways to encourage property owners to maintain habitable rental dwelling units in residential use.
> >
> > **4.4 IA5** Improve the quality of housing and neighborhoods by educating landlords, tenants and property owners about health and safety code requirements, property

maintenance Best Management Practices, and by enforcing code compliance when necessary.

The CBJ Housing Action Plan

The CBJ Housing Action Plan was adopted by resolution in December 2016. The Plan describes Juneau's housing challenges and identifies solutions and recommendations for implementation. The plan's recommendations may serve as a guide for current housing-land use cases.

Solution #4: Production Targets

- Implementation - Develop housing choices to accommodate Juneau's workforce needs. The Housing Action Plan considers $500-$750 per month as a good target for workforce housing rent.

Solution #5: Preservation Targets

- Implementation - Create a CBJ requirement that all rental property:
  - Be registered with the CBJ and each property list a registered agent/manager/24-7 reachable point of contact
  - Be subject to periodic inspections
- Establish prohibitive fines for code enforcement violations. These not only create safe housing for the lowest income residents in Juneau but also lead to building improvements and/or ownership changes when meeting "code" becomes cumbersome for current owner.

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 1.610 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 January 11, 2019 and January 21, 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. Based on the above analysis the proposed boarding house, with conditions, will not 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. The proposed development of a boarding house is a residential use that is allowed in the D5 single family/duplex zoning district. Based on the above analysis, the proposed boarding house, with conditions, will not 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. Based on the above analysis, staff finds that the proposed development is in general conformity with the CBJ Land Use Code, the 2013 Comprehensive Plan, and the Juneau 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?

N/A.

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 boarding house in a D5 zoning district.

The approval is subject to the following conditions:

1. As a condition of approval, the applicant should be required to schedule a final inspection for BLD2005-00765 within 10 business days of the date of the Notice of Decision for this Conditional Use Permit, regardless of whether the permit is approved or denied.

2. The boarding house's occupancy is limited to seven tenants, including the property manager.

3. A property manager or the property owner shall live on-site. The Community Development Department will be provided with accurate and up-to-date contact information for the property manager and property owner.

4. The boarding house shall not display signs or any advertisements of a boarding house visible from the right of way.

5. The applicant must submit a revised parking plan within 10 business days of this permit being approved that addresses guest parking.

6. Residents and guests shall park in the on-site parking spaces.

7. The applicant must provide one on-site guest parking space.

8. The boarding house must comply with *CBJ 42.20.095 – Disturbing the peace*. A copy of CBJ 42.20.095 shall be posted in the common area of the boarding house. A copy of the "House Rules" shall also be posted in the common area.

9. *House Rule II. Garbage* shall be revised to state that it is the responsibility of the property manager to take the garbage to the street on the appropriate pick-up morning and remove it that same evening. If any trash is in the yard, it is the responsibility of the property manager to remove it.

Advisory Condition:

10. The property manager should be responsible for maintaining safe access along the walkway from the front door to the driveway. *House Rule III. Safe Access* should be revised to say "The property manager is responsible for adding gravel or salt or any additional service to ensure the access is safe."

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
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: 9119 Wolfram Way

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Montana Creek I, Block B, Lot 1

Parcel Number(s): 4B2901310030

☐ This property located in the downtown historic district

☐ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner: Kelli Dindinger (Grummett)

Contact Person: Kelli Grummett

Mailing Address: 11435 Glacier Highway 2B

Phone Number(s): 907-632-8895

E-mail Address: Kelli.Grummett@gmail.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 Kelli Grummett — Landowner/Lessee Signature — Date: 8/9/18

X _____ — Landowner/Lessee Signature — Date _____

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME"

Applicant: SAME

Contact Person:

Mailing Address:

Phone Number(s):

E-mail Address:

X Kelli Grummett — Applicant's Signature — Date of Application _____

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials	
ANE	
Case Number	Date Received
USE2018 0011	8/9/18

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

Property located at 9119 Wolfram Way to be used as a boardinghouse

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 _____ square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ 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	$ 800			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50 ✓			
Pub. Not. Sign Deposit	$ 100 ✓			
Total Fee	$ 950.00			

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
USE2018 0011	8/9/18

Tongass House

I, Kelli Grummett, propose to offer affordable housing at 9119 Wolfram Way, Juneau Alaska 99801. The purposed use meets the definition of a boarding house, with five rooms being rented by unrelated parties who share the common areas of the house, including entryway, living room, family room, kitchen, dining room, bonus space, a fully fenced back yard, and two common bathrooms. House rules will be implemented – attached here. The common areas of the house will be cleaned twice per month, and residents will be responsible for the cleanliness of their own rooms and cleaning up after themselves. All personal belongs are to be stored in their own room. Personal item storage in common space, including outdoors, will be strictly prohibited unless written approval is obtained, or stored within pre-approved, shelving and cabinetry which is labeled with the associated bedroom number.

A resident manager will remain in place. The manager is responsible for ensuring order and compliance with the house rules, among all residents. The manager will have knowledge of the mechanical systems of the house, so that he or she can monitor the condition and assist in troubleshooting any problems, should the need arise. He or she will be the contact person for any immediate concerns or needs with the house and will have the authority to communicate with any administrative officials or neighbors, so that maximum effort is made to promote quiet enjoyment of all residents in the house and that of the neighbors. The manager will not have access to any other resident room. The room keys may be accessed with owner approval at Doaks Lock and Key, or directly through the owner only. All keys will be made on do not duplicate blanks. Rooms will each have deadbolt locks and will be rented separately, as follows:

Maximum occupancy for the house will be limited to 7 people.

Bedroom 1. Owner's Suite with full private bath, utility and walk in closet, on second floor.

Bedroom 2. Large bedroom with walk in closet, on second floor.

Bedroom 3. Small bedroom with standard closet, on second floor.

Bedroom 4. Large bedroom with standard closet, on second floor.

Bedroom 5. Large bedroom with armoire closet on first floor.

Tongass House Information

Welcome to this Home. I hope that your stay here will be great. As you may have noticed, the House has many upgrades and enhancements. I take great pride in this house and want to keep it looking good. The purpose of this letter is to communicate house rules and provide some other useful information. In the event you encounter any problems, including the need for maintenance or repairs, do not hesitate to call 907-632-8895 or email kellidindinger@icloud.com. The resident manager is Patterson Edenshaw and can be reached at 907-723-6006.

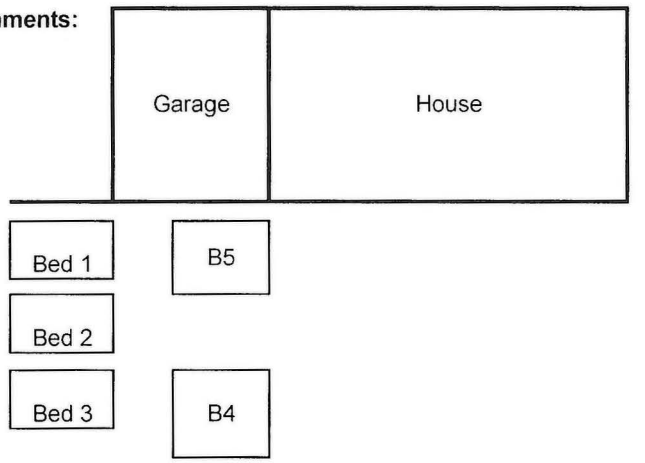
Important Information and Rules:

1. ***EMERGENCIES*- In the event of ANY Emergency requiring medical or law enforcement help, call 911 immediately. Your address is 9119 Wolfram Way. Then, call me at (907) 632-8895.**
2. ***Lock the Doors*- Always lock the front/back doors and your room door when you leave and come back to the house. The code for the front door lock is 0306. Do not lock the knob at the front door because you will get locked out.**
3. ***Lock*-outs – If you get locked out a $50 fee will be charged to let you in.**
4. ***Evacuation Routes*- Please familiarize yourself with the 2 exits. Front & back door.**
5. ***Water shutoff valve - is in the crawl space, access under the stairs* – in case of flood.**
6. **Quiet Time** is **10 pm** – This means TVs and Voices are lowered.
7. **Alcohol** – Permitted in your rooms ONLY. NO alcohol in common spaces.
8. **Smoking** – Permitted outside ONLY. No smoking is permitted within 10 feet of the front and back doors to eliminate smoke from entering the house. Clean up all cigarette butts.
9. **Pets and Guests**- No pets are allowed, unless it's in the lease. Guests are permitted only in the presence of a paying resident and may not spend the night without pre-approval.
10. **Laundry**- Machines are open to all tenants. Do not leave the premises while doing laundry. Empty lint trap after each use of the dryer and keep the washing machine door open when not in use. Do not leave your laundry in the bathroom.
11. **KITCHEN- Clean up your mess after making meals. Ensure the dishwasher gets emptied after running it. No dishes or food or other personal belongings may be left on the counter tops or in the sink. Sweeping the floor and wiping down counters and stove are required after using the kitchen. THIS IS VERY IMPORTANT!**
12. **Refrigerator**- Store your food on a shelf with your room # labeled on it.
13. **Pantry & Cabinets** – Unlabeled shelves are for common food and supplies, donated by residents. Items that could spoil should not be stored there, except for cooking oil which can be kept in the cabinet next to the refrigerator. Use shelving and cabinets labeled with your room number for your stuff, through the common areas of the house.
14. **Bathrooms - Keep all personal items in your bedroom when not using them in the bathroom, or store them in your labeled areas.**
15. **Garage** – It is not a common area and is only to be used by the owner or her agents. It is also the access point for vacation rental guests, so that the door code can remain.
16. **Trash**- Trash day is on Tuesday. Residents must ensure that the garbage gets taken out.
17. **Common Areas**- Must be cleaned regularly by the residents and are cleaned the second and fourth Tuesdays of the month professionally. Always clean up after yourself to avoid consequences up to and including possible termination of the lease. **No sleeping is permitted in common areas.**
18. **WIFI**- Network is **Grummett** and Password is **9073210306D**
19. **Windows** – should only be open if there is no heat running, so should be limited to the summer months. It is expensive to heat the house. If you need fresh air, go outside.
20. **Remove shoes at the door.** Floors are easily scratched by residue from shoes.
21. **Snow Removal.** The driveway will be plowed. The residents are responsible for clearing the walkways, back deck, and snow berm when needed.
22. **Parking.** Street parking on Wolfram Way is prohibited. Adhere to assigned parking spots. Guests may not park on Wolfram Way due to neighbor concerns.

Signature: _____ Printed name: _____

Parking Assignments and Rules and Regulations

I. Parking Assignments:



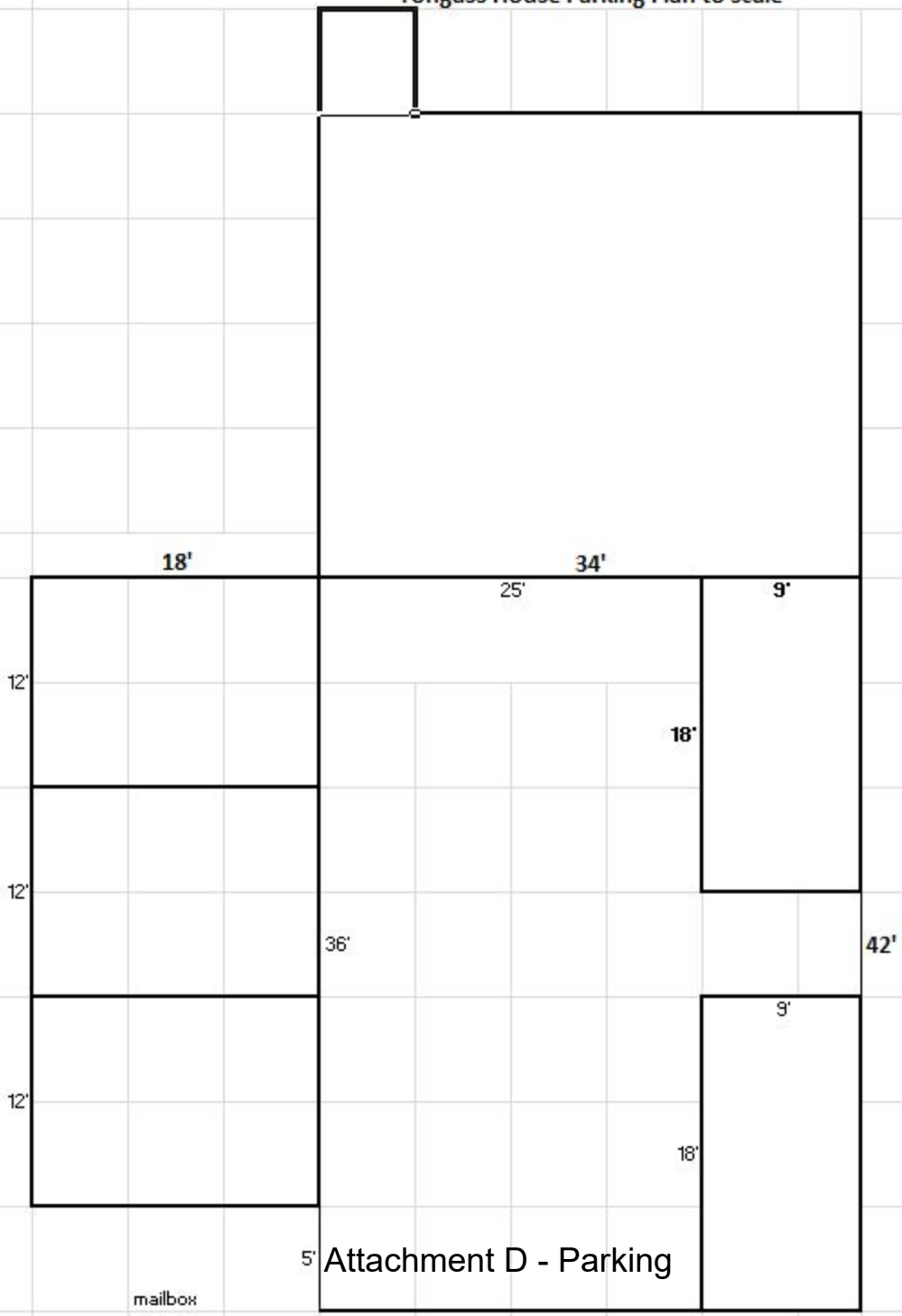
THERE WILL BE A $100 FINE FOR ANY VIOLATION OF ANY HOUSE RULES, UNLESS OTHERWISE STATED.

II. Garbage	A 64 gallon can is provided as well as a recycle can. When the recycle can is full, trash must be disposed of in the main garbage can for pick up. Tenants are responsible for for putting the cans on the street Tuesdays, properly spaced appart and facing the right directionfor pick up according garbage company procudures. Recycle is picked up every other Tuesday. If tenants fail to get the garbage out and the can overflows, then all tenants will be charged a prorated amount for extra pickups or dump fees. No garbage may be stored outside the garbage can and the lid must close. No personal belongings may be stored outside the building without permission. $100 fine will be assessed for each offense. Keeping the premesis clean is a high priority!
III. Safe Access	Residents need to ensure safe access for themselves and their guests. Walkways must be kept clear and slip free. All tenants are responsible to ensure that the driveway is safe. The owner is not responsible for adding gravel or salt or providing any additional service to ensure the access is safe. All tenants should pay attention to the condition of the driveway where their guests and themselves will be walking. If a problem arises, notify Kelli immediately. It is critical that you aren't complacent about shoveling, or applying a deicing agent so that you are safe. This also pertains to the back deck and stairs if people wish to use them.
IV. Vehicles	Street parking for residents and their guests, for a duration longer than 15 minutes, on Wolfram Way is strictly prohibited. Only one parking space per room is provided. All parked vehicles must be operable, in use, and insured.
V. Noise	Residents will respect the quiet enjoyment of all residents in the house and neighborhood and will abide by the city noise oridinance. Tenants agree to ask their neighbors to quiet down before calling the police.
VI. Cleaning	All tenants are responsible for cleaning up after themselves at all times and will keep counter tops wiped down and clear of food, supplies, and personal belongings. Floors must be kept swept. All personal belongings should be stored within the rented room or on shelving or in cabinetry labeled with their room nunber, including outdoor items, unless written approval is obtained.
VII. Windows	Windows will be left closed at all times during the months of October through March, and should not be open at other times of the year at the same time the heat is running. There will be a $25 fine if the window is left open when it shouldn't be.
VIII. Smoking	Smoking of any kind is not permitted in the property. Smoking outside is permitted as long as it does not disturb the quiet enjoyment of other residents and is at least 10 feet away from the entryways.

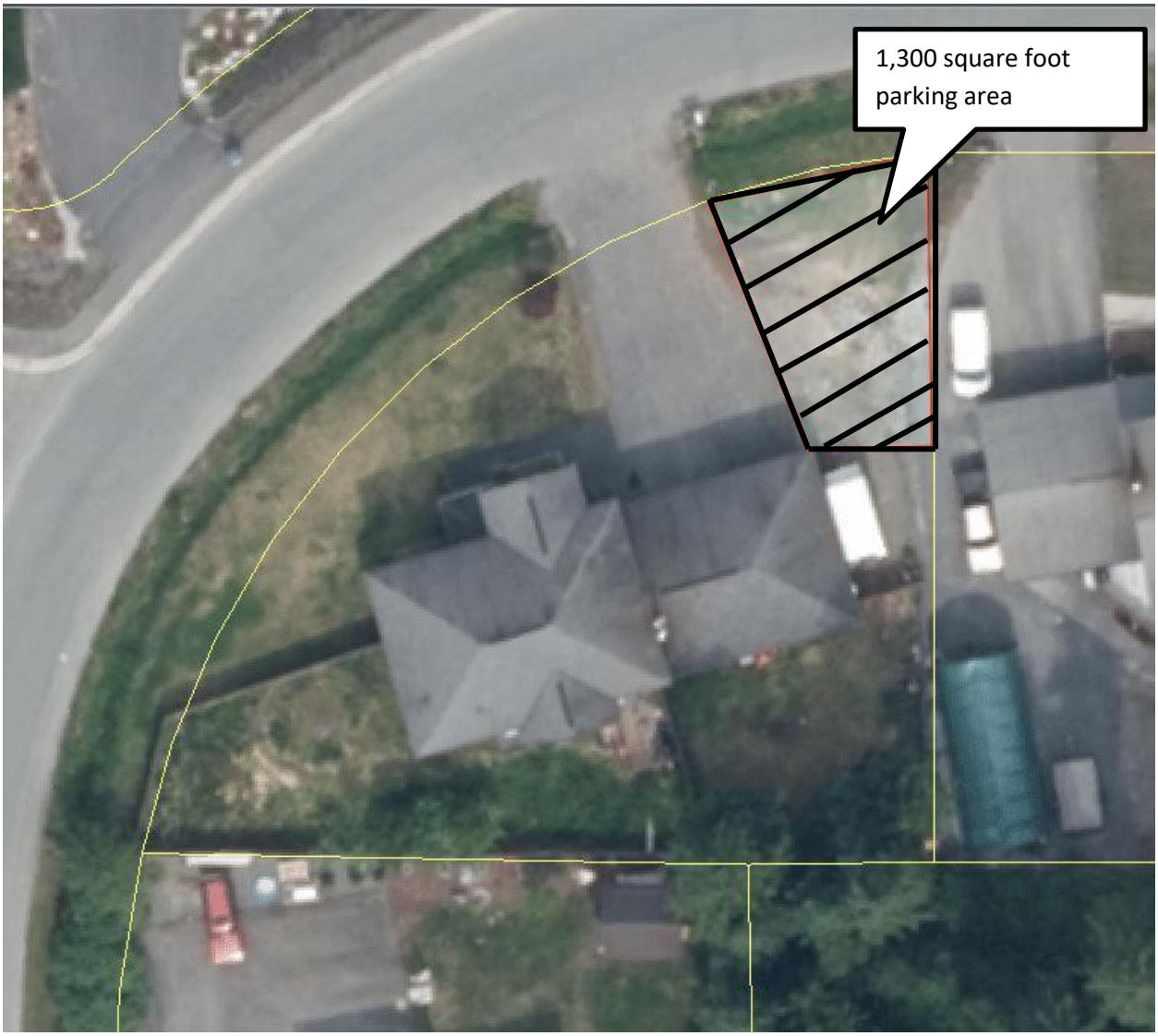
I understand the above rules and fines associated should I not conply and agree to abide by the above rules.
I understand that violating the rules could result in warnings, fines, and/or termination of the lease.

Printed Name _____ Signature _____ Date: _____

Tongass House Parking Plan to scale



Attachment D - Parking



Attachment D - Parking

From: David Campbell
To: Allison Eddins
Subject: RE: Comments on Proposed Boarding House on Wolfram Way
Date: Monday, November 19, 2018 2:05:30 PM
Attachments: image001.png

Hi Alison,

2016 no calls from April through the end of the year.

2017 had five calls: 2 Follow-ups, 1 Assist, 1 Drug, and 1 Trespass.

2018 had five calls: 3 Litter and 2 Civil.

Hope this helps,

David

From: Allison Eddins
Sent: Monday, November 19, 2018 11:02 AM
To: David Campbell
Subject: RE: Comments on Proposed Boarding House on Wolfram Way

Hi Chief Campbell,
Thank you again for this information. Can you tell me how many of these calls were received in 2018? The boarding house began operating in January 2018 and I am wondering how many of these calls are related to that use.
Thank you,
Allison

From: David Campbell
Sent: Wednesday, November 7, 2018 3:47 PM
To: Allison Eddins
Subject: RE: Comments on Proposed Boarding House on Wolfram Way

Hi Allison,

Since April, 2016 the Juneau Police Department has received 10 calls for service at this residence. 8 calls were initiated by citizen complaints and 2 calls were officer initiated. The breakdown of calls are as follows:

3 Litter
2 Civil
2 Follow-ups
1 Assist
1 Drug
1 Trespass

The house is located on a corner and on-street parking is problematic in the area.

Thanks,

Deputy Chief Campbell

From: Allison Eddins
Sent: Tuesday, November 06, 2018 8:25 AM
To: Ed Foster; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; 'officerwood@ghspets.org'; Charlie Ford; Dan Jager; Sven Pearson; Robin Potter
Subject: Comments on Proposed Boarding House on Wolfram Way

Good Morning, All,
I am requesting department comments on a pending Conditional Use application for a boarding house within an existing five bedroom residence at 9119 Wolfram Way, in the Montana Creek Subdivision, zoned D5. The applicant proposes a boarding house with all five bedrooms rented individually. The rental agreements will be a mixture of short and long term. The applicant would like to reserve one bedroom to rent on Airbnb, mostly in the summer. Over the years the home has been rented to families and roommate situations. The police and animal control have been called to the residence in the past. This is a concern for the neighbors. There have also been complaints about residence of 9119 Wolfram Way parking on the street, blocking the line of sight and making snow plowing difficult.
An approved Conditional Use Permit would change the use from "single family residence" to "boarding house". Boarding houses are required to have an owner or a manager live on site. The applicant is proposing to have a manager living in one of the bedrooms. Some of you have already been contacted and have provided comments. If you haven't yet but would like to please have your **comments to me by November 16th**. This application is scheduled for the December 11th Planning Commission meeting. If you need more information on this application, just let me know.
Thank you,
Allison

Allison Eddins | Planner II
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0758

From: Ed Foster
To: Allison Eddins; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; "officerwood@ghspets.org"; Charlie Ford; Dan Jager; Sven Pearson; Robin Potter
Subject: RE: Comments on Proposed Boarding House on Wolfram Way
Date: Tuesday, November 13, 2018 3:15:14 PM
Attachments: image001.png

Allison,
The only concern Streets would have is the increased number of vehicles parking on the street. We already have vehicles parking on the opposite side of the street and if this residence added to that it would make for very difficult snow plowing. The street is not currently signed to restrict parking on the street, but that is an option if it becomes a problem.

Ed

From: Allison Eddins
Sent: Tuesday, November 6, 2018 8:25 AM
To: Ed Foster; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; 'officerwood@ghspets.org'; Charlie Ford; Dan Jager; Sven Pearson; Robin Potter
Subject: Comments on Proposed Boarding House on Wolfram Way

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Thank you,
Allison

Allison Eddins | Planner II
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0758

From: Charlie Ford
To: Allison Eddins
Subject: RE: Comments on Proposed Boarding House on Wolfram Way
Date: Tuesday, November 6, 2018 3:04:24 PM
Attachments: image002.png

No as long as they keep the occupant load to 10 or fewer it's considered a single family dwelling.

Charlie Ford | Building Official
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0767

From: Allison Eddins
Sent: Tuesday, November 6, 2018 2:37 PM
To: Charlie Ford
Subject: RE: Comments on Proposed Boarding House on Wolfram Way

Thanks Charlie! So no fire or sound separation required?

From: Charlie Ford
Sent: Tuesday, November 6, 2018 8:53 AM
To: Allison Eddins; Ed Foster; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; 'officerwood@ghspets.org'; Dan Jager; Sven Pearson; Robin Potter
Subject: RE: Comments on Proposed Boarding House on Wolfram Way

Hi Allison,
The International Residential Code defines a boarding house as a structure housing "10 or fewer occupants".
Sounds like this fits.
Buildings has no issues.

Charlie Ford | Building Official
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0767

From: Allison Eddins
Sent: Tuesday, November 6, 2018 8:25 AM
To: Ed Foster; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; 'officerwood@ghspets.org'; Charlie Ford; Dan Jager; Sven Pearson; Robin Potter
Subject: Comments on Proposed Boarding House on Wolfram Way

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Thank you,
Allison

Allison Eddins | Planner II
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0758

From: Dan Jager
To: Allison Eddins
Subject: RE: Comments on Proposed Boarding House on Wolfram Way
Date: Tuesday, November 6, 2018 3:47:03 PM
Attachments: image002.png
image003.png
image004.png

Hi Allison, I do not see any fire code issues with this. Thanks.

Daniel M. Jager EFO, CFO
Fire Marshal

From: Allison Eddins
Sent: Tuesday, November 06, 2018 8:25 AM
To: Ed Foster; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; 'officerwood@ghspets.org'; Charlie Ford; Dan Jager; Sven Pearson; Robin Potter
Subject: Comments on Proposed Boarding House on Wolfram Way

Good Morning, All,
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Thank you,
Allison

Allison Eddins | Planner II
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0758

From: Scott Ciambor
To: Allison Eddins
Cc: Jill Maclean
Subject: RE: Comments on Proposed Boarding House on Wolfram Way
Date: Tuesday, November 6, 2018 11:48:45 AM
Attachments: image004.png
lodginghousereg.pdf
image003.png

Hi Allison –
This proposal touches on a few topics that have come up recently.

Here are the main areas:

- **Housing Action Plan:** *Preserving Affordable Housing* section notes looking at rental registration for multi-family, affordable housing –- boarding types likely included;
- **Blighted Property Ordinance: (Code Enforcement & Nuisance Abatement**) Depending on how these proposals go, owner and manager contact information would be collected, some sort of rental registration.
- **AIR BNB**: This too is a growing concern with some registration/regulation likely needed to keep track of the market and be available for community/nuisance complaints, safety, etc. Here is a good idea of another communities efforts. Note the effort on Air BNB short-term rental policy taken by Rossland, British Columbia. This is the article where I found it.

But, it doesn't seem like there are these type of CBJ policies in place to apply to this application. I did look at some other more developed models of boarding house/short-term rental regulation and found the attached Salem, Massachusetts policy. I do think it has a number of good regulations to aspire too based on Mass state and Salem municipality statutes.

License and register boarding houses
Designate agent
Mandatory training for licensee & agent on safety and operating a boarding house
    Health
    Building
    Fire and Police
    Fine of $300 for non-compliance
Register, keep card files of residents
No minors
Minimum standards (even for furnishings)
Model House rules
Housekeeper provision
Details of all building, fire and safety compliance regulations
Annual inspection

Developing a training for boarding houses might be aspirational and a good way to cultivate relationships – outside of enforcement; and to be continuously updated on status of property.
If anything, looking at Kelli's rules; I think it would need to ramp up the registration requirements & contact info for manager and residents and clean-up responsibilities seem to be a little slack;

probably need to beef up responsibility of resident manager. (Lots of scolding in this Housing Information)

From an affordable housing, in-fill & more dense housing perspective, this isn't a bad concept. The registration, compliance, and health and public safety concerns are likely legitimate without any oversight in place at CBJ. The on-site manager seems weak.

Those are initial thoughts; I'll talk with you and Jill some more – if you want official comments or not.
Thanks
scott

Scott Ciambor | /SKAHT CHAM-bor/
Chief Housing Officer | ph 907.586.0220
155 S. Seward Street | Juneau, Alaska 99801
Scott.Ciambor@Juneau.org

From: Allison Eddins
Sent: Tuesday, November 06, 2018 8:25 AM
To: Ed Foster; Breckan Hendricks (Kibby); Scott Ciambor; David Campbell; Nate Watts; 'officerwood@ghspets.org'; Charlie Ford; Dan Jager; Sven Pearson; Robin Potter
Subject: Comments on Proposed Boarding House on Wolfram Way

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Thank you,
Allison

Allison Eddins | Planner II
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0758

From: Robin Potter
To: Allison Eddins
Subject: RE: RE: 9119 Wolfram Way conditional use permit status
Date: Wednesday, November 21, 2018 12:55:43 PM
Attachments: image001.png

Based on available literature I have been able to obtain, the negative perceptions of affordable housing potentially outweigh research suggesting that affordable housing does not negatively impact property values.
I understand the concerns of the neighbors, but I will not speculate on this without having documented evidence to support an opinion.

Negative impacts upon residential property values are considered characteristics which may affect the property owner's right to peaceful, quiet enjoyment. Noise, high traffic, odors, visual impairments such as blight or junkyards, accessibility, illegal conduct are negative factors. So is a neighborhood with a high level of foreclosures or properties for sale.

I note there are more than 170 properties in the Borough currently listed on Air BNB for rentals ranging from a single room to an entire dwelling. I am unaware of any restrictions in effect locally unless it is in HOA agreements. A good portion of these rentals are on waterfront or higher end homes and I've had no complaints nor have market sales indicated an impact to values.

Effectively, if the applicant is able to maintain the exterior of the structure, limit parking and activities (no criminal or loud parties), there may be no adverse effects to the neighborhood values.

Robin Potter
Robin Potter ACAA V
CBJ Assessor
155 S. Seward Rm 14
Juneau, Alaska 99801
907.586.0330
http://www.juneau.org/financeftp/assessor_main.php

From: Allison Eddins
Sent: Wednesday, November 21, 2018 11:59 AM
To: Robin Potter
Subject: RE: RE: 9119 Wolfram Way conditional use permit status

Hi Robin,
Thank you for this and I'm sorry. My description in the original email may not have been clear about the number of bedrooms. So, I'm in the middle of writing my staff report and you've ready enough of our reports to know that we can recommend conditions that help mitigate negative external impacts to the surrounding neighborhood. Do you think that even with conditions regarding parking, noise, resident manager, no outward appearance of the boarding house use, etc. that property values will be impacted?
Thank you for all your help,
Allison

From: Robin Potter
Sent: Monday, November 19, 2018 3:51 PM
To: Allison Eddins
Subject: RE: RE: 9119 Wolfram Way conditional use permit status

Hi Allison,

I'm sorry. I understood Wolfram Way to be planning to rent 5 bedrooms with the owner or manager residing in bedroom # 6. I re-read the proposal and noted the owner/manager will reside in bedroom 5 so I will correct that.

Insofar as Haven House having the same zoning as Montana Creek, I should have clarified the neighborhood including Tall Timbers is a mix of zoning whereas Montana Creek is not. The intent is to show the differences between the two locations as one being more appropriate for affordable housing than the other.

Below I made a few edits to the letter to correct the verbiage. Please let me know if this is adequate.

Robin Potter
Robin Potter ACAA V
CBJ Assessor
155 S. Seward Rm 14
Juneau, Alaska 99801
907.586.0330
http://www.juneau.org/financeftp/assessor_main.php

From: Allison Eddins
Sent: Monday, November 19, 2018 1:56 PM
To: Robin Potter
Subject: RE: RE: 9119 Wolfram Way conditional use permit status

Hi Robin,
I just want to clarify two things: 1)The boarding house is a five bedroom; and 2) Haven House neighborhood is zoned D5, the same zoning as Montana Creek. Haven House is a few blocks away from D15. I don't know if that makes a difference in your assessment or not.
Thank you,
Allison

From: Robin Potter
Sent: Monday, November 19, 2018 1:47 PM
To: Allison Eddins
Subject: RE: 9119 Wolfram Way conditional use permit status

To Whom This May Concern,

I received a request for comments regarding the property known as 9119 Wolfram Way being granted a conditional use permit to convert the property from a single family residence to a five bedroom boarding house.

I do have several concerns and would like to answer some questions in this regard.

Personally, I have no objection of creative ways to provide affordable housing. The primary issue in this case is not the use, it is the location.

I also have a concern regarding Montana Creek Conditions, Covenants and Restrictions, specifically in Plat 90-60 where the Alaska Department of Environmental Conservation approval was based on single family residential development. Converting the Subject residence to multi-family housing may be in violation of the restrictions.

Across most of the metropolitan Northwest these basic homes are currently forbidden or rendered unprofitable by local code. Considered well below middle class, boarding houses have all but disappeared from use in recent years. Residents for this type of housing are generally poor, working class, the young and in some cases seniors.

This type of housing, known as single room occupancy (SRO) is typically located in downtown areas with a dense mixture of retail establishments, services and employment within walking distance. Studies have shown parking is a big concern as is the increase in traffic through a residential neighborhood. There is little to no parking available, particularly in the proposed location.
Another concern is the increase in noise levels. Beyond having seven different residents living together, there will likely be non-resident visitors which increase the number of people drawn to the location.

The Montana Creek neighborhood is comprised of only high end single family detached residences. Considered one of the premier neighborhoods within the CBJ, there are no other types of housing permitted or existing within this neighborhood. In my opinion, a boarding house is not conducive to increasing values in Montana Creek subdivision and would be an inappropriate location for one.

I was asked why I had a different opinion, when the Haven House, a transitional housing property located 3202 Malissa Drive in the Southeast Valley, was being considered for conditional use permit. At that time there were several impact studies conducted on transitional housing and not a single one reported an adverse impact.

There is a big difference between the two locations. Haven House neighborhoods have mixed zoning from D5 to D15-D18 which is multi-family housing. Residential structures in the area range from mobile homes, condos, apartments, duplexes, zero lots, low income subsidized housing and single family dwellings below the median housing price to begin with. Property values for this working middle class neighborhood with diverse housing types more appropriate than the Montana Creek neighborhood.

Robin Potter
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CBJ Assessor
155 S. Seward Rm 14
Juneau, Alaska 99801
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http://www.juneau.org/financeftp/assessor_main.php

Compliance Activities Report
9119 Wolfram Way

In January of 2018, CDD Code Compliance Officer became aware of the boarding house by viewing a posting on Facebook offering rooms for rent posted by the owner Kelli Grummett. Several neighbors had posted in frustration and were upset about the circumstances and conditions that were tolerated by the owner in relationship to her tenants. Upon learning this, I reached out to Kelli to learn more about her intent to rent the house. The following chain of events took place in regards to enforcement.

- January 30th 2018 An Enforcement Case was created – ENF20180012
- February 6th 2018 a short message on Facebook requesting her to contact me was sent.
- After some discussion and email exchange, we confirmed with Kelli that a Pre-application meeting and CUP would be required for this type of USE. It was scheduled for April 4, 2018
- This case was progressing towards compliance, and placed in waiting.
    - Kelli was also working with CDD's Building Department after acquiring a condemned property at 3101 Nowell Ave formerly owned by Ron Hohman.
    - Significant repairs were needed at that location, and our discussions with Kelli were focused on that property from May 2018 –July 2018.
- August 8th, CDD received another complaint about an RV parked on the property for residential purposes, adding more concern regarding the density issues.
- The Compliance Officer discovered we still haven't received the application for a Conditional Use Permit as discussed in April.
- August 8 2018 a site visit to Kelli's residence was conducted to discover the status of her permit, and possibly issues a citation for non-compliance.
    - Kelli claimed she didn't receive her Pre-application meeting notes was expecting it via regular mail service, which is why she was still waiting. Standard protocol is for CDD to email the document, but also had no record of the Pre-application meeting report being sent.
    - Due to the possible miscommunication, no citation was issued. The Notes were sent via email that same day on August 8th.
- Kelli applied for the permit the following day August 9 2018.
- ENF20180012 – was placed back in waiting status.
- Additional Complaints were filed with CDD regarding bear attractions on August 29th, September 12th and September 29th with unsecured garbage. Several weeks in a row there were photos sent in to our department with garbage in the yard. All bear attraction nuisances were forwarded to JPD.

This Enforcement Case remains open and under review until a notice of decision or denial letter is issued. At that time the case will be closed following the completion of all requirements within the notice following the decision of the meeting.

USE 2018-0011 Public Comments

Date	Name	Address	Comment
9/19/2018	Eileen Nally		Opposed
9/24/2018	Chris Gilberto	8019 Poppy Ct.	Opposed
9/25/2018	Todd Styrwold		Opposed
9/28/2018	Mark Stauffer	9116 Wolfram Way	Opposed
10/2/2018	Sara Peacock		Opposed
10/8/2018	Tim and Luann Powers	1026 Artic Circle	Opposed
10/8/2018	Ethan and Brandi Billings	9195 Black Wolf Way	Opposed
10/8/2018	Karen Paulick	9550 Moraine Way	Opposed
10/11/2018	Savona Kiessling	1024 Debbie Lane	Opposed
10/11/2018	Maten Haavig and Mark Neidhold	9168 Black Wolf Way	Opposed
10/11/2018	Mark and Erin Smith	9196 Wolfram Way	Opposed
10/11/2018	Luke and Frances Jones		Opposed
10/11/2018	Megan Orsi		Opposed
10/12/2018	Dianna Pierson		Opposed
10/14/2018	Trisha and Thomas Buckwald		Opposed
10/14/2018	Jon and Vicki Torrella		Opposed
10/14/2018	Mitch Deely and Connie McKenzie		Opposed
10/19/2018	Kathleen Samalon		In favor
11/13/2018	Erin Lupro	9140 Wolfram Way	Opposed
11/13/2018	Diane Hoover		Opposed
11/14/2018	Daniel Garner	9164 Wolfram Way	Opposed
11/16/2018	Bennett		Opposed
11/16/2018	Conway		Opposed
11/19/2018	Lisa Arehart		Opposed
11/20/2018	Krebsbach		Opposed
11/21/2018	Sharon Cameron	9089 Ninnis Drive	Opposed

From: eileen nally <enally05@gmail.com>
Sent: Wednesday, September 19, 2018 8:53 PM
To: PC_Comments; Nate Watts
Subject: Complaint against Permit Application for 9119 Wolfram Way Case # ENF20180012

Dear/Madam:

I've just found out that Kelli L. Dindinger who owns 9119 Wolfram Way (Parcel #4B2901310030) has applied for a permit to allow her to rent rooms from her home on a monthly basis. I live nearby and have witnessed Ms. Dindinger management of her home rental arrangement for many years and it has not been a positive experience. I do not agree with allowing this permit to go forward for the following:

1. Ms Dindinger is an absent landlady and does not live on site to manage her home's rental clientele. She does not employ a manger or supervisor to take care of the home and manage the rentals clientele or property. There have been several occasions of trash all over the yard near the home, cars parked all over the front yard as they don't fit in the driveway, unattended yard, and occasional loud late night party that required police response. When she did live there, she left a large dog in the back yard barking all the time and alone. She has cleaned up the yard some recently but the driveway still fails to support the number of cars parked at the residence.

2. The home was built for a single family with one kitchen and a few bathrooms. It was never intended to be a boarding house or dormitory situation where strangers share a kitchen and bathroom.

3. This is a family neighborhood where kids do ride bikes, play ball, and folks walk their dogs. There is a concern that running a boarding home in a family neighborhood where the landlady is not onsite to manage it (or pay a supervisor to manage it), that it will attract a clientele that isn't of a decent character or a status. This arrangement only brings down the neighborhood. I'm uncertain if Ms. Dindinger asks for references or does checks on her rental applicants.

I implore you to not allow the granting of this permit (Case #ENF20180012) unless Ms. Kelli Dindinger resides on the property to manage it properly.

Sincerely,

Eileen Nally

From: Chris Gilberto
To: Allison Eddins
Subject: Case no. USE2018 0011
Date: Monday, September 24, 2018 8:18:43 PM

Hi Allison,
I'm going to be out of town the night of the neighborhood meeting that will be discussing this owners desire to open their rental home up as a boarding house.

I'm very much pro development and want the best for our community, however this request does not fit the area. In my opinion it will likely reduce the values of the adjoining single family homes, and in return decrease the level taxes received by the city due to the reduce values of these homes. This request is not a win win for the adjoining property owners, CBJ or the owner of the property.

Our community already has multiple locations that can cater to these needs and for a business or a property owner to devalue adjoining properties for their own personal gain is not in the best interest of their community.

The placement of a boarding house should take into consideration the location of the home and its proximity to support services such bus lines, healthcare, possible opportunities for employment and groceries.

This request does not meet any reasonable justification, except the home owners desire for probability at the cost of their fellow neighbors.

I appreciate community developments due diligence in looking into this matter and taking in the public concerns.

Sincerely
Chris Gilberto
8019 Poppy Ct
Juneau, AK. 99801

Sent from my iPad

From: T Styrwold
To: Allison Eddins
Subject: Application: Boarding house at 9119 Wolfram Way
Date: Tuesday, September 25, 2018 1:05:15 PM

Hello Allison,

I received your mailer today, I'm currently at my vacation home in Florida but still own the home as my primary residence at 1000 Mink Circle, Juneau. I have a military couple currently renting it out.

I have serious reservations about the application for the boarding house. This home as been neglected over the years, rented out to several large groups, put up for sale for a excessive amount, in fact an employee of mine checked out the house in 2016 to possibly rent and reported it was in bad shape inside.

Regardless of that short history, my major concern is that Montana Creek is a highly desired family friendly residential area, allowing the permit or the multi-family boarding home would be a serious deviation to the idyllic and family neighborhood with young children and the current safety and serenity. A boarding house would likely have much more traffic and has the possibility for challenges of increased crime, reduced desirability to move into neighboring homes.

Why would zoning and pricing not be more beneficial in other areas within Juneau?

Thanks for the opportunity to comment, I really am not in favor of this proposal.

regards- Todd Styrwold
(907) 419-7336

From: Mark Stauffer
Cc: Allison Eddins; staufferfamily@acsalaska.net
Subject: Re: Neighborhood Meeting Oct 11 re: Boarding House
Date: Wednesday, October 3, 2018 8:24:09 PM

Ms. Eddins,

Thank you for the information. I wish they would sell the house to a responsible owner who would keep it up. The home adjacent to ours is a rental, and we have had similar problems with the upkeep of that home. Fortunately, the current renters are doing a much better job.

I was able to delay my meeting until 7:15 PM, so I can stay until 7 PM on 10/11, but then I really have to leave. My wife Carol will be present the whole time.

Mark Stauffer

On 10/3/18 1:51 PM, Allison Eddins wrote:
> Good Afternoon, Mark,
> Thank you for taking the time to submit such a detailed comment. I do apologize for missing your phone calls. I was out of the office and returned today. I did call you back this morning and left you a voicemail. If the applicant is approved for the operation of a boarding house it would mean a continuation of the situation in the sense that a group of unrelated people will be able to rent rooms inside the home. The owner or a property manager is required to live on site. Again, if this is approved, there will be conditions that must be met in order for the boarding house to continue operation. The conditions are meant to address the neighbor's concerns and to make sure the operation is in harmony with the surrounding neighborhood. I will discuss this process in detail at the Oct. 11th meeting. The property owner and the property manager will also attend the meeting. I hope you can make it.
> Kindly,
> Allison
> -----Original Message-----
> From: Mark Stauffer [mailto:markstauffer@acsalaska.net]
> Sent: Friday, September 28, 2018 6:35 PM
> To: Allison Eddins; staufferfamily@acsalaska.net
> Subject: Neighborhood Meeting Oct 11 re: Boarding House
>
> Greetings Ms. Eddins,
>
> Having left two messages on your voicemail in the last three days with
> no response, I will try this email.
>
> My wife and I received in our snail mail your notice of a community
> meeting on October 11 re an application to operate a boarding house in a
> single-family residence at 9119 Wolfram Way.
>
> We are not sure what is meant by a boarding house. I am writing you to
> clarify what that means, and what would be the oversight and potential
> impact on the neighborhood and the value of our home. We intend to sell
> our home next year, and have concerns about how a boarding house across
> the street might influence the sale of our home.
>
> The residence in question is directly across the street from our house.
> We have lived at 9116 for over 17 years. The prospective boarding house
> has been rented to seasonal workers and other very temporary residents
> over the last several years.

>
> We have had difficulties sharing a mailbox post with residents of that
> house. The post has been knocked down three times over the years by the
> residents backing out of their drive. We have had to appeal to the
> landlady multiple times to get it fixed, or else we have funded the
> fixing of it ourselves. The residents do not contribute to shoveling
> it out in the winter. After the propped-up mail post was blown over
> again into the ditch, this time destroying our mailbox, we finally went
> to getting our mail at a PO Box at the Post Office.
>
> Whenever we try to discuss such matters with the residents, they are
> less than helpful, and usually reply as if they don't know what's going
> on, since they are short-term renters and about to move on.
>
> The yard is not kept up. Encouragement from us to the residents to mow
> it, especially when covered with dandelions about to parachute, is not
> heeded.
>
> It was once one of the nicest homes in the neighborhood. Now the
> exterior is deteriorating. There are insufficient parking spaces in the
> drive. The residents park on the lawn (hence the mailbox problems),
> creating a muddy side yard. Or the residents park on the narrow street,
> packing the narrow street with beat up cars, making an eyesore, and
> making it difficult to back out of our own drive. Earlier this month, a
> non-bear-proof garbage can was left out, and garbage was strewn all over
> the street. We found a resident at home, and notified him of the
> event. In spite of at least one resident being home during working
> hours that day, garbage remained on the street until that evening. I
> spotted a bear in their yard sometime in the week before or after that
> event. Currently they have an unusual lumber structure sitting under
> the eaves of their driveway.
>
> As I mentioned above, I don't know what is meant by a boarding house,
> and am requesting more information from you about that. But if it means
> more of the same, we at 9116 Wolfram Way strenuously object to that
> proposal. This is a residential neighborhood, not a neighborhood for a
> tenement. In view of the number of break-ins in the area, we have
> installed a security system.
>
> I will come to the meeting if I can reschedule a previously arranged
> meeting for that evening.
>
> Please respond to this inquiry by email or by my cell phone
> 907-957-1625. Afternoons are best.
>
> Thank you ,
>
> Mark Stauffer
>
> 9116 Wolfram Way
>
>

From: Sara Peacock
To: Allison Eddins
Subject: Proposed Boarding House at 9119 Wolfram Way
Date: Tuesday, October 2, 2018 8:29:54 AM

Ms. Eddins --

I am unable to attend the Neighborhood Meeting, but wanted to express my objection to this application. This home has essentially been operating as a boarding house for the last six years, apparently without City authorization. During that time there have been many different individuals living in the house. This is a single-family neighborhood and some of the houses have apartments, but these have been long-term rentals. For the most part people know each other and look out for each other, and there are a number of young children living in homes in the immediate vicinity of this property. I have observed over the years multiple instances of late night noise, animal neglect, and a general disregard for the rest of the neighborhood by the tenants. I am not in favor of allowing this to continue, nor would I want to see additional homes in the neighborhood being used for this purpose.

Thank you for offering me the opportunity to comment.

Sara Peacock.

From: Sara Peacock
To: Allison Eddins
Subject: Additional comments re: 9119 Wolfram Way
Date: Tuesday, October 2, 2018 3:14:15 PM

Ms. Eddins: I wanted to add some additional concerns about the house. Apparently there have been multiple renovations over the last 8 years to increase the number of bedrooms available, although I am not aware that any of this work was permitted by the City and Borough. In addition, I understand that rooms are being offered on a day to day basis through Air BNB. Again, this isn't consistent with the neighborhood zoning, and I don't think it is appropriate or perhaps even legal. I do not want the existing situation to continue, and I hope the City and Borough will take these issues into consideration before making any decisions about the application. Thank you. Sara Peacock.

From: Tim & Luann Powers
To: Allison Eddins
Subject: No to Montana Creek boarding house
Date: Monday, October 8, 2018 2:52:18 PM

Please accept this email as a resounding NO to the proposal at 9119 Wolfram Way. This neighborhood is not an area intended for daily, weekly, or monthly hotel rooms! Please deny this request and keep our neighborhood from becoming a revolving door of boarders.

Tim and Luann Powers
1026 Arctic Circle
Sent from my phone, please expect and excuse typos

From: Ethan Billings
To: Allison Eddins
Subject: 9119 Wolfram Way - Proposed Boarding House Comment
Date: Monday, October 8, 2018 6:57:21 PM

Hi Allison,
We, as a family, are very against this proposal to re-zone the property at 9119 Wolfram Way to allow a boarding house. The Montana Creek subdivision which includes Wolfram Way, Ninnis Drive, Black Wolf Way, Debbie Lane, Poppy Court, Pond Vista Drive, and Magnolia Court represent one of Juneau's finest if not THE finest neighborhoods in Juneau.

To allow one property to effect the neighborhood is unacceptable! Not only could property values be effected, the quality of the life in the neighborhood could and most likely will be effected if a boarding house is allowed. Rooms for rent by the day, week, or month will invite transient occupancy to the neighborhood. A boarding house with constant occupant turnover is not a good idea in a neighborhood where we currently know and trust our neighbors and where we put our kids safety as the #1 priority. There is no guarantee that neighborhood trust and safety will continue if 9119 Wolfram Way is allowed to become a boarding house.

Thank you,

Ethan and Brandi Billings
9195 Black Wolf Way
907-321-5725

From: Allison Eddins
To: "Karen Paulick"
Subject: RE: Conditional Use Permit for a boarding house at 9119 Wolfram Way
Date: Tuesday, October 9, 2018 8:09:42 AM

Good Morning, Karen,
Thank you for your comments regarding this Conditional Use Permit application for a boarding house. All of the comments that I receive will be sent to the property owner prior to the Oct. 11th meeting. I would like to clarify that a boarding house is an allowed use in the D5 zoning district, but it does require a Conditional Use Permit approved by the Planning Commission. The Planning Commission hearing date for this application has not been scheduled yet. I will be in touch next week with more information. In the meantime, please let me know if you have any questions.
Kindly,
Allison

From: Karen Paulick [mailto:kmpaulick@gci.net]
Sent: Monday, October 8, 2018 10:33 PM
To: Allison Eddins
Subject: Conditional Use Permit for a boarding house at 9119 Wolfram Way

I have reviewed the proposal for a Conditional Use Permit for 9119 Wolfram Way and I am opposed to this type of housing in a residential area.
I believe it is inappropriate to have a Boarding House in the middle of mostly single family residences for the following reasons:

1. Even with an "on-site" manager (which hasn't been fully described in the proposal), the care to the property, building and exterior structures are not maintained to the same degrees as individual property owners. This could lead to substandard upkeep and reduced property value in the neighborhood.

2. Although parking is shown "hand-sketched" on the property plan. It really doesn't look adequate for 5 or more boarders and their guests. Overflow will end up on the street causing problems with snow removal and safety hazards particularly for children biking and playing nearby.

3. Single family neighborhoods thrive on long term residents who form a community bond and seek to improve their properties and neighborhood. This type of transient housing (boarding house) in a residential area sets a precedent that does nothing to improve the quality of the neighborhood nor provide any benefits to current residents, but rather negatively impacts the homes and people who live in the area.

I would strongly urge you to disapprove this conditional use permit and allow only the current D-5 zoning in the neighborhood.

Karen Paulick
9550 Moraine Way, Juneau, AK 99801

From: Allison Eddins
To: "Savona Kiessling"
Subject: RE: 9119 Wolfram Way
Date: Thursday, October 11, 2018 11:51:26 AM
Attachments: image001.png

Hi Savona,
Thank you for taking the time to comment and for participating in this public process. I do want to clarify that boarding houses are an allowed use in the D5 zoning district. They are allowed but in order to operate one, the property owner must receive an approved Conditional Use Permit from the Planning Commission. This proposal to operate a boarding house in a D5 neighborhood does not require a re-zone. Let me know if you have any questions or concerns regarding this concept or the proposal.
Allison

From: Savona Kiessling [mailto:savona.l.kiessling@gmail.com]
Sent: Thursday, October 11, 2018 10:24 AM
To: Allison Eddins
Subject: 9119 Wolfram Way

HI Allison,

We spoke on the phone a week or so ago regarding the house located at 9119 Wolfram Way. I will be unable to attend the neighborhood meeting this evening - the TMHS band concert begins at 6pm and I have two musicians at TMHS who will be participating in the concert.

I would like the Community Development Department to know that my husband (Mark Kiessling) and I **oppose** allowing the house to be operated as a boarding house. Our neighborhood (Montana Creek) is zoned D-5 (single-family and duplex). To allow a boarding house would require a change in zoning. I do not support spot zoning in my neighborhood, nor do I support any changes to zoning within Montana Creek. Allowing such a change would only benefit one home owner's business plan but negatively impact property values within the entire neighborhood.

According to the Land Use Code (49.75.120 - Restrictions on rezoning):

"Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan".

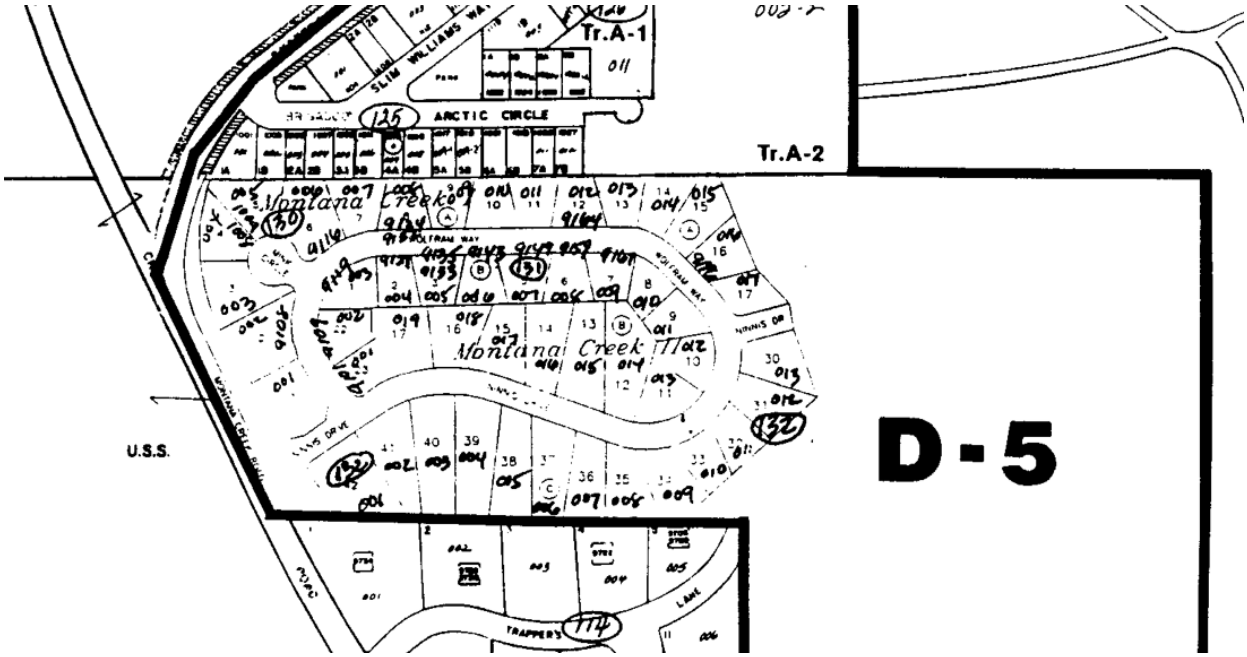
It therefore appears that spot zoning this residence is not allowed per the code. Therefore, the rezoning would have to extend beyond the property into neighboring properties. Rezoning a portion of the Montana Creek neighborhood in order to meet the needs of one homeowner seems wasteful and unnecessary. I would suspect that it would also be heavily fought by the homeowners within the community.

Thanks you for taking the time to read my email and thank you for asking for our feedback. We really appreciate it.

Yours Truly,

Savona Kiessling
1024 Debbie Lane
Juneau AK 99801

PS - it appears that the zoning maps need to be updated on-line since the Montana Creek map doesn't include the entire neighborhood.



From: Mark Alaska
To: Allison Eddins
Cc: Maren Haavig
Subject: Request Denial for Proposed Boarding House at 9119 Wolfram Way - Case USE2018 0011
Date: Thursday, October 11, 2018 11:31:14 AM

Dear Allsion,

My wife, Maren Haavig, and I are property owners and residents at 9168 Black Wolf Way.

Maren and I respectfully request City and Borough of Juneau (CBJ) Planning Commission deny the request to operate a boarding house in the single family residence at 9119 Wolfram Way.

The proposed use is inconsistent with CBJ's D5, Single Family and Duplex Residential Land Use Zoning. The proposed use as a boarding house presents a risk to materially endanger public safety, will substantially reduce adjacent property values and fundamentally conflict with the property in the neighboring area, and will conflict with CBJ's officially adopted land use plan for Montana Creek Phase II Subdivision.

Materially Endanger Public Safety - We have already experienced a break-in/burglary on Black Wolf Way where a grade school aged female child who was home alone, was confronted by the burglar in her family's home. Although the burglar fled the residence without harming the child, the family lost personal belongings and their child is forever affected by the violation of her privacy, safety, and welfare. Allowing a boarding house, with transient residents, will substantially increase the potential for break-ins. With the family make-up of the residential neighborhood, the increased potential for break-ins materially endangers public safety through the corresponding risk a break-in will expose our neighborhood adult and children residents to increased threat of emotional trauma related to their privacy and of non-violent or violent contact with the individual or individuals who may break into the neighborhood homes.

Substantially Reduce Adjacent Property Values – With location as a primary consideration in home purchase, the commercial nature and itinerant occupancy within the subdivision will change the location consideration from the current residential condition. In addition to the broader location being changed to a commercial nature, the itinerant occupancy would also affect the location property value consideration. The combination of these changes would significantly reduce the property values in the immediate area of the proposed boarding house and, to some degree, within the entire area of all phases of Montana Creek Subdivision.

Fundamentally Conflict with the Property in the Neighboring Area - Allowing just one boarding house would fundamentally conflict with the residential property in the neighboring area. As single family and duplex residential use, the families in the neighborhood, and their expectation of safety and family interaction would be fundamentally changed. Due to the typical itinerant nature of a boarding house resident, the families and children in the area would not feel as safe and would no longer reasonably expect to build the lasting and confident relationships with their neighbors.

Thank you for your consideration on this issue. Please deny the boarding house request.

Sincerely Maren Haavig and Mark Neidhold
9168 Black Wolf Way
Juneau, Alaska 99801

From: MARK-ERIN SMITH
To: Allison Eddins
Subject: Boarding House
Date: Thursday, October 11, 2018 3:02:54 PM

Good afternoon,

We are writing in protest of the proposed boarding house at 9119 Wolfram Way. We live down the street and have been concerned the last couple of years about the high turnover of tenants at this location. We do not feel that this single family neighborhood is the place for a boarding house that has that kind of turnover. The traffic alone generated by 7(or more) individuals is too much for a street that is often filled with children playing out in their yards and spilling over, at times, in to the street. We also would be interested to know what kind of screening process the current owner has in place. We know for a fact that she has had tenants in there that have gotten in trouble with the law regarding drugs. If a boarding house is approved, what would the screening requirements be and how would they be enforced. The safety of the people in the neighborhoods has got to be a priority. We bought a single family house in a single family housing development for a reason. Please do not let this boarding house continue.

Mark and Erin Smith

9196 Wolfram Way

907-789-1293

From: Luke and Frances Jones
To: Allison Eddins
Subject: 9119 Wolfram Way
Date: Thursday, October 11, 2018 8:34:56 PM

Hello,

Due to travel schedules, we were unable to attend the meeting tonight for the permit requested by Kelli Dindinger to have the property at 9119 Wolfram Way zoned to operate as a boarding house. We are very opposed to having a boarding house established in this single-family neighborhood and request that this application be denied.

That property appears to have been run as a boarding house for as long as we have lived in the neighborhood and is currently being marketed as a short-term, multi-tenant rental on AirBnB. During the summer, that property has been used as a boarding house for people employed by seasonal/tourist operations. Based on the number of people that appeared to have rented at the residence in recent summers and the information posted on her various rental listings, up to 10 people rent rooms within the residence at one time. One summer the house had parties described by neighbors as "frat parties" nearly every weekend and some weeknights. The impact on the neighborhood was very loud music throughout the evening/early morning, trash strewn across the property, road and surrounding ditches, cars parked up and down the street, drivers exceeding the speed limit, and very loud party-attendees wandering through the neighborhood. One evening/early morning, we had an inebriated & belligerent woman shrieking and sobbing in front of our house – we assume she was underage since she was being picked up by her father who was loudly yelling at her for sneaking out to attend the party. As recent as this summer, we have seen numerous changes in tenants and the volume of vehicles at the residence. Garbage is consistently stored outside and recently a bear tore their trash all over the driveway and road. Neighbors watched the tenants leave the residence without cleaning up the mess – they literally drove over the trash to leave for the day… These are just some examples of the negative impact on the neighborhood. I understand that other neighbors have submitted additional examples.

Again, we are requesting that the application for a permit to operate a boarding house in this single-family neighborhood be denied. We thank you for your time and consideration.

Luke & Frances Jones

From: Megan Orsi
To: Allison Eddins
Subject: Montana Creek Boarding House
Date: Thursday, October 11, 2018 9:28:57 PM

Dear Allison,

Thank you for taking your time to host the Montana Creek Neighborhood Meeting. I live in the neighborhood and attended the meeting and after hearing the owners proposed idea to operate a boarding house in a single-family residence I do not support this plan.

With the possibility of numerous transient residents in and out of the dwelling and the potential for pets I am concerned about the neighbor's public safety. This home was intended for a single family, which may have a few cars, not numerous vehicles traveling in an out of a small neighborhood. The possibility of multiple pets is also concerning if the pets are let out of the house without a leash and not cleaned up after. The boarding house would not be in harmony with the neighborhood. This is a safe neighborhood with families raising children. Young kids seem to enjoy running up and down the sidewalks. A home with the potential of 12 residents a night is not what homeowners in this neighborhood anticipated when buying a house in this subdivision. This project would be directly out of harmony with property in the neighborhood. When reviewing the owner's proposed plan to operate a boarding house in a single-family residence I hope you will take these ideas into consideration and deny the application. Thank you for your time.

Sincerely,

Megan Orsi

From: Dianna Pierson
To: Allison Eddins
Subject: Neighborhood meeting re:9119 Wolfram
Date: Friday, October 12, 2018 6:12:43 PM

Hello.

I am a resident on Black Wolf Way. I understand there is a home on Wolfram that is pursing zoning for a boarding house.

I've heard the argument that it is hard to find affordable housing as a single person in town for a season. I'm sorry for that challenge, but it is more difficult to find a home in Juneau affordable for a family w/ 4 kids!!

We did not set out to live in a traditional neighborhood. Coming from the lower 48, we anticipated keeping an open mind to find a home, any home, knowing the limitations of the community. We are grateful that we found our home & that we were able to make it work for us financially in this neighborhood and have settled into the community of Juneau.

I like knowing who my neighbors are. I like knowing my kids are safe to ride their bikes around the block. We weren't going to have that on Glacier Hwy, or out Douglas. If a homeowner wants to operate a boarding house, enforce our current zoning rules and the homeowner can then find a home not embedded in a close knit neighborhood - where the coming and goings of young adults doesn't disturb young families or disrupt the home values. Boarders who aren't likely to take any ownership in property values can then enjoy their experience in Juneau and those of us caring for our homes and neighbors can enjoy the stability we desire by living where we do.

Please don't make a neighborhood change the way they live because one homeowner can't honor the current zoning laws.

Thank you for meeting with the neighborhood.

Dianna

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From: Trisha Buchwald
To: Allison Eddins
Subject: Board House @ 9119 Wolfram Way
Date: Sunday, October 14, 2018 9:04:45 PM

Hi Allison,
Our family is 100% opposed to the conditional use permit for 9119 Wolfram Way in any form.
I was able to attend the Neighborhood Meeting last week. Thank you for providing details on the application & ensuring the meeting remained civil & informative for all parties. I echo the concerns of many of my neighbors who outlined how this proposal would impact the surrounding property values. It is a significant concern for us, but not our only one.
Operating this property as a boarding house poses a serious safety risk to our family.
We live at 9016 Ninnis Drive & share a property line with the location of the proposed boarding house. Safety is a critical issue in our home. We are a family of 4, including two small children ages 2 & 3, one of whom has special needs. My husband recently retired from the military & stays at home with the children during the day. They spend a significant amount of time outdoors. We have lived here for the last 7+ years & have had numerous incidents with this property that have created dissonance in our neighborhood and safety concerns for us.

1. A few months ago out of concern for our children, one of our neighbors notified us that this location has failed to secure their trash. We have seen an unusual increase in regular bear activity ever since, including a couple early morning close calls with myself & our dog.

2. We found a lock box filled with RX drugs with the names blacked out in our backyard. The box was turned over to JPD. We suspected it came from this property & as the owner has stated, there have been numerous tenants that were known drug dealers who have been arrested. I have also contacted the CBJ Sharps department to pick up syringes in the area. The property owner has admitted to failing to vet tenants properly time & again over the past decade. I fail to see how continuously adding additional tenants into the mix is a solution to the problem.

3. A few years back the owner had rented her property out to ATA employees. There were frequent loud late night parties. One of my neighbors had suggested I make a noise complaint (which I did not do) & alerted me to the fact that renting to ATA was against the neighborhood conveyance. A few of the ATA tenants failed to secure a large amount of trash while working near West Glacier & made no attempts to pick it up. These incidents were brought to the attention of management at ATA, which I believe included the property owner, and were not addressed.

The best predictor of future behavior is past behavior. As our experiences demonstrate, the property owner is willing to ignore agreements they've entered into (conveyance), shown an

inability to properly manage their tenants and has a blatant disregard for the safety & harmony of the residents of the Montana Creek neighborhood.

During the meeting, the property owner stated the tenants will not be parking on Wolfram & would need to find somewhere else, but did not offer a specific viable alternative. My fear is that tenants from the boarding house will choose nearby Ninnis to park on. The Montana Creek Neighborhood has a single road access via Ninnis. Street parking on Ninnis may create issues with emergency vehicle access & snow removal.

One final point I wanted to address was the issuance of a permit with conditions. You had eluded that doing this may help to alleviate some of the issues that the neighborhood had experiences over the years. I respectfully & wholeheartedly disagree. By her own admission the property owner has failed to find suitable tenants since she moved out in 2005 & her property has suffered from it. She stated that rather than make the improvements while the home is vacant she would raise the capital for improvements by renting out rooms while she did the repairs. Putting my family at risk with a revolving door of poorly vetted tenants in attempt regain the losses of one property owner's poorly managed investment is unacceptable.

The owner stated she was able to raise her children in this great neighborhood. I'm asking for the opportunity to safely do the same. Please help us do this by ensuring this permit request is denied.

Best,

Trisha & Thomas Buchwald

Ms. Eddins,

We are writing to express our opposition to the proposed boarding house to be located at 9119 Wolfram Dr. We do not live directly in this particular neighborhood but the house in question is visible from our back yard/windows and we were able to hear the noises that emanated from there.

As noted by the many neighbors at the meeting on October 11, 2018 there have been many problems with this residence. This is not in harmony with the neighboring area per 49.15.330 (f) (2).

Note that the Alaska Court records indicate more that just one or two evictions/attempted evictions by Ms. Grummett (please note some were under the last name of Dindinger).

To us this displays the characteristics of an undesirable landlord in that she doesn't' seem to have the ability to discern trustworthy tenants from not-trustworthy tenants. With so many poor choices how are we guaranteed this trend will not continue even with a resident manager.

The Tongass House Information lists Patterson Edenshaw as the manager. At the meeting Ms. Grummett introduced “Russ” as the manager. Who will be the manager? Parking assignments as depicted on the attachment seem to indicate that parking will be on the lawn. Is this in with the harmony of the neighborhood? We think not.

Additionally, it was also revealed at the meeting that Ms. Grummett has already been operating a boarding house at this location without the necessary Conditional Use Permit. Another RED FLAG that she is not to be trusted. This has the outward appearance of not being willing to comply with CBJ code requirements and the only way she was caught was by a report of non-compliance by a neighbor.

Another concern we have is that if approved, this conditional use permit will exist in perpetuity. How do you ensure that continued use in the future as a boarding house a resident manager will be on site?

Thank you,
Jon and Vicki Torrella

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	1JU-14-00536SC	Small Claims (1JU)	11/06/2014	Grummett, Kelli	Defendant		Closed	
	1JU-14-00641CI	Eviction District Court (1JU)	05/05/2014	Grummett, Kelli	Plaintiff		Closed	
	1JU-14-01004CI	Civil District Court (1JU)	12/17/2014	Grummett, Kelli	Defendant		Closed	
	1JU-16-00598CI	Eviction District Court (1JU)	04/15/2016	Grummett, Kelli	Plaintiff		Closed	
	1JU-18-00456CI	Eviction District Court (1JU)	01/04/2018	Grummett, Kelli	Plaintiff		Closed	
	1JU-18-00645CI	Eviction District Court (1JU)	04/10/2018	Grummett, Kelli	Plaintiff		Closed	
	1JU-18-01971MO	Minor Offense (1JU)	08/30/2018	Grummett, Kelli	Defendant	07/29/1971	Closed	
	3AN-13-10983CI	Eviction District Court (3AN)	12/12/2013	Grummett, Kelli	Plaintiff		Closed	
	1JU-15-00766CI	Dissolution w/out Children (1JU)	07/08/2015	Grummett, Kelli L	Co-Petitioner	07/29/1971	Closed	
	1JU-18-00056SC	Small Claims (1JU)	02/15/2018	Grummett, Kelli L	Defendant		Closed	
	3AN-14-00580MO	Minor Offense (3AN)	01/30/2014	Grummett, Kelli L	Defendant	07/29/1971	Closed	
Pay	1JU-16-00856CR	Crim Dist Ct Misd (1JU)	08/22/2016	Grummett, Kelli Leanne	Defendant	07/29/1971	Closed	
	1JU-17-00718CI	Eviction District Court (1JU)	06/12/2017	Grummett, Kelli Leanne	Plaintiff	07/29/1971	Closed	

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	3AN-02-05897CI	Eviction District Court (3AN)	04/08/2002	Dindinger hill, Kelli	Plaintiff		Closed
Pay	1JU-12-02139MO	Minor Offense (1JU)	09/28/2012	Dindinger, Kelli	Defendant	07/21/1971	Closed
Pay	1JU-12-02155MO	Minor Offense (1JU)	10/01/2012	Dindinger, Kelli	Defendant	07/21/1971	Closed
Pay	1JU-12-02157MO	Minor Offense (1JU)	10/01/2012	Dindinger, Kelli	Defendant	07/21/1971	Closed
Pay	1JU-13-00908MO	Minor Offense (1JU)	03/08/2013	Dindinger, Kelli	Defendant	07/21/1971	Closed
	3AN-02-11387CI	Dissolution with Children (3AN)	09/27/2002	Dindinger, Kelli	Petitioner		Closed
	3AN-03-10322CI	Eviction District Court (3AN)	08/12/2003	Dindinger, Kelli	Plaintiff		Closed
	3AN-04-11918CI	Eviction District Court (3AN)	10/19/2004	Dindinger, Kelli	Plaintiff		Closed
	3AN-06-11746CI	Civil Superior Ct (3AN)	09/22/2006	Dindinger, Kelli	Defendant		Closed
	3AN-07-09575CI	Eviction District Court (3AN)	08/29/2007	Dindinger, Kelli	Plaintiff		Closed
	3AN-09-00711SC	Small Claims (3AN)	02/23/2009	Dindinger, Kelli	Plaintiff		Closed
	3AN-09-00712SC	Small Claims (3AN)	02/23/2009	Dindinger, Kelli	Plaintiff		Closed
	1JU-07-J531418	Minor Offense (1JU)	04/20/2007	Dindinger, Kelli L	Defendant	07/29/1971	Closed
	1JU-08T1318307	Minor Offense (1JU)	01/23/2008	Dindinger, Kelli L	Defendant	07/29/1971	Closed
Pay	1JU-09-J554474	Minor Offense (1JU)	05/14/2009	Dindinger, Kelli L	Defendant	07/29/1971	Closed
	1JU-89-01077SC	Small Claims (1JU)	07/02/1989	Dindinger, Kelli L	Plaintiff		Closed
	1JU-89-J202629	Minor Offense (1JU)	07/08/1989	Dindinger, Kelli L	Defendant	07/29/1971	Closed
	1JU-08-00984CI	Divorce without Children (1JU)	11/26/2008	Dindinger, Kelli Leanne	Defendant		Closed
	3AN-01-00190WI	Will Registration (3AN)	01/01/2001	Dindinger-hill, Kelli	Testator (Will)	07/29/1971	Open
	1JU-99-U996599	Minor Offense (1JU)	04/02/1999	Dindingerhill, Kelli	Defendant		Closed
	3AN-03A1349497	Minor Offense (3AN)	09/09/2003	Dindingerhill, Kelli L	Defendant	07/29/1971	Closed
	3AN-99A1170621	Minor Offense (3AN)	02/24/1999	Dindingerhill, Kelli L	Defendant	07/29/1971	Closed

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From: Connie
To: Allison Eddins
Subject: Boarding House Application 9119 Wolfram Way
Date: Sunday, October 14, 2018 8:58:17 PM

Dear Allison,

We are opposed to an allowable/conditional use permit for a boarding house at 9119 Wolfram Way. We believe it is inconsistent with 49.25.210 "The following districts are established to provide a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities".

We reside nearby on the same street and have watched, since the owner purchased it in 2005, the deterioration of the home and the impact on the surrounding homes. The yard is not kept up; cars park in the yard and in the road; garbage is strewn about by bears and/or ravens; and in the winter plowing is always an issue due to cars in the street.

Neighborhood Harmony. The owner has been operating the home in the manner for which she now seeks a permit, for some time, and has proven that the operation is incompatible with the harmony of this single-family neighborhood:

- 49.15.330 (d) Director's review procedure. (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
    - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area;
- Testament to this was apparent at the public meeting on 11- Oct-18, at which it appeared all in attendance (i.e., over 40 neighbors) raised their hands in opposition to the application. Participants at the meeting represented homes throughout the neighborhood and not just those adjacent to the applicant property.
- Many verbal accounts were shared at the meeting that highlighted the extremely negative impacts to neighboring properties.
    - These included the property's tenants, their associates, animals and/or property impacting other neighbors' property.
    - One of the facts brought to the attention of participants at the meeting was a lengthy police summary report for calls to this home, which spanned most of the years that it has been rented.

Tenant Track Record. In her discussion with neighbors at the meeting, the owner lamented about all of the bad tenants she has had over the years and how none of it was anything that she could control. Short term tenants have shown and will continue to have no incentive to follow the list of rules that have been outlined in the permit application, as enforcing any fines will take legal action at the discrepancy of the owner. According to her remarks, tenants have consistently disrespected her property and ignored impacts of their behaviors on other neighbors. Though claiming to fully vet potential tenants, the owner has consistently been unable to find a tenant that does not have some sort of serious family, financial and/or criminal issue in their life. This current application presents

no strategy to curtail repeating the past and in fact only exacerbates the situation since up to four 'vetted' tenants would need to be obtained instead of just one. The owner's self-described past inability to find good, reliable tenants when she rented the home to just one person or one family should be weighed when considering her operational plans.

On-site Manager. The application indicates that there will be an on-site manager. However, CBJ has no requirements for how often that person must be present at the home and how long that position can be vacant should the manager no longer be employed by the owner. Providing a manager to oversee tenant activity without any ability for enforcing rules will not be affective. At the 11-Oct meeting the applicant introduced her proposed manager and provided that he works a regular 40-hr/week job in addition to the manager duties. In light of the past challenges with the applicant's tenants it seems unlikely that he will have the time available to track other tenants and resolve neighborhood concerns.

Parking. The owner proposes that all tenants must park on site and not in the street and outlines five parking spaces on the permit application. However, it appears that the space is not large enough to allow access to the street by all five vehicles without daily coordination among the residents. This can be challenging even when all cars belong to one family and would be very difficult with individual tenants. The proposed set up may encourage those parking parallel to the curb to access the street through the neighboring driveway. We have also noticed that one of the cars that at times parks in the driveway, also parks on Ninnis Street causing the impacts of this home to spread even to the next block.

- According to 49.40.210 the parking spaces in the driveway must by 8 ½ x 17' and the ones parallel to the curb must by 6 ½ x 22' and it does not appear that the parking area is sufficient for this.
- Also the proposed parking plan may be in violation of 49.40.230, which states "In the case of single-family residences … in a residential district, only a single parking space per dwelling unit may be a stacked parking space." Stacked parking space is defined in 49.80.120 as "Parking space, stacked, means a parking space that is separated from a driving aisle or lane by one or more additional parking spaces. In a line of stacked parking spaces, the space with direct access to a driving aisle is not a stacked parking space. This parking arrangement is commonly utilized for valet parking or other situations where immediate access to a particular vehicle is not required, and is sometimes referred to as "tandem" parking."

CBJ Community Development staff attending the neighborhood meeting indicated they and the Planning Commission would be looking at how this use would or would not be compatible with the harmony of the neighborhood, "a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities". The neighborhood is low density with primarily owner occupied, single-family homes and some homes with accessory apartments. The neighborhood is known and desired for the family atmosphere, and respectful nature by neighbors. Allowing multi-family, transient living in homes in this neighborhood creates higher density, traffic, and other attributes not conducive to the intent of this D-5 residential neighborhood and as already demonstrated at this home.

Thank you for the opportunity to comment.
Mitch Deely and Connie McKenzie

From: Kathleen Samalon
To: Allison Eddins
Subject: Tongass Boarding House ... support for the project on Wolfram Way
Date: Wednesday, October 17, 2018 3:49:53 PM

I do not live in the Tongass House area so my comments are not tainted by what I see as a "not in my backyard" attitude of neighbors. My support of the Tongass House is based on what I read in the Juneau media, supporting documentation and my experiences as a long-time resident of the city.

- there is a severe housing shortage in Juneau and this shortage was a key campaign issue in many a candidate's platform. Housing needs are not just for the middle class or families with children. Residents in need of affordable housing or those just moving to Juneau also need a place to live, especially short term. A well managed boarding house is an ideal solution - and there should be more of them. The fact that there is a resident house manager is amazing in that there are only 5 tenants.

- this boarding house does not use any taxpayer money. It is a solution to a problem that does not require government funding in the short or long term. If the city is honest about their desire to support private enterprise to help solve city-wide problems in the housing situation in Juneau, Tongass House should be a no-brainer.

- Tongass House is not a low-end property in an otherwise middle-class neighborhood. It was not built for this purpose, but already existed. It is on par or better than all other homes in the area.

It seems to me from the comments in the KINY article (attached) that the neighbors simply are closed minded. Apparently, they did not take the time to read the supporting documentation from the owner/applicant that I believe would ease many if not all of their concerns. The owner is obviously quite aware and anxious to be a "good neighbor."

Neighbors were concerned about traffic and parking: The rules and regulations of the house state that "Street parking for residents and their guests, for a duration longer than 15 minutes, on Wolfram Way is strictly prohibited. Only one parking space per room is provided. All parked vehicles must be operable, in use, and insured... Guests may not park on Wolfram Way due to neighbor concerns."

Neighbors were concerned about garbage: Of course, this is a concern, as it is for a single family dwelling that does not follow good garbage practices. The difference with Tongass House is that the house

rules fine residents that do so. I wish that was the case with neighbors who own single family homes. The rules state: "If tenants fail to get the garbage out and the can overflows, then all tenants will be charged a prorated amount for extra pickups or dump fees. No garbage may be stored outside the garbage can and the lid must close. No personal belongings may be stored outside the building without permission. $100 fine will be assessed for each offense. Keeping the premises clean is a high priority!"

Neighbors were concerned about loud parties: Well, loud parties don't need a boarding house to happen. Do the neighbors really believe that five independent people living together in the same house would really tolerate loud parties by other residents? Be realistic. They will want peace and quiet as much as anyone. The house rules state: "Residents will respect the quiet enjoyment of all residents in the house and neighborhood and will abide by the city noise ordinance." The description of Tongass House also states "a maximum effort is made to promote quiet enjoyment of all residents in the house and that of the neighbors."

Neighbors were concerned about dilapidated vehicles parked on the property: Even if there are what some would describe as "dilapidated" vehicles parked on the property, there are those kind of vehicles parked on many private home properties. When I was young, I know I drove a dilapidated vehicle, but I was still a good neighbor. The rules of the house state "all parked vehicles must be operable, in use, and insured."

Neighbors are concerned about the safety of their kids: Really? Child molestation, if that is what they are talking about, knows no social-economic barrier. Quite the contrary. Just read the Juneau Empire or national news. Any home owner in the area could be a problem with children. Would they say a renter would be dangerous if the renter is a recent college graduate just starting out or a new resident to Juneau with a job just trying to get oriented for a while ... highly likely tenants of Tongass House?

I was not able to attend the earlier public meeting, but I hope the Community Development Department and Planning Commission approves this application for a conditional use permit. Please take into consideration the needs of the entire community rather than pandering to stereotypical fears of a few. Recall the early days of Juneau, when boarding houses were the norm, not the exception.

Allison, would you please acknowledge receipt of this email? Thank you.

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Opposition to Montana Creek plan

Opposition to Montana Creek plan

Juneau, Alaska (KINY) Residents objected to a boarding house proposed on Wolfram Way.

Kathleen Samalon
907-789-7219

From: Erin Lupro
To: Allison Eddins
Subject: Conditional Use Permit application for boarding house on Wolfram Way
Date: Tuesday, November 13, 2018 3:06:34 PM

Dear Members of the Juneau City and Borough Planning Commission,

I am writing to voice my concern about the proposed conditional use permit for the boarding house on Wolfram Way. I would like to share with you my experience with the proposed location

I would like to start with the fact that I am a resident on wolfram way who is only a couple houses away from the proposed location. I am a mother of three children ages 4, 8, 15. We moved into the neighborhood 4 years ago hoping to invest in a quiet safe neighborhood for our family.

It became apparent very quickly that we had a house on the street that had renters and the owner did not actually live on site. It started pretty simple the odd police cars for noise or animal complaints. Then the real issues.

In December of 2016 a family moved into the neighborhood, they happened to have lived right near my in-laws on North Douglas. My in-laws had concerns about the amount of cars, people in and out of their area at all hours. When my in-laws were told they moving into our neighborhood, they warned us of activities that were taking place around them because we have kids.

It was a slow trickle of strange vehicles that started to make their way through the neighborhood. Random strangers would knock on our door or ring our door bell in the middle of the night looking for the house. Our neighbor a single mother had a woman pounding on her door until she opened it for her to find a half dressed girl without shoes on looking for the house. This is not a healthy environment or safe for anyone opening the door.

At one point we came across some information that they were dropping packages of stolen items to be shipped by air down to the lower 48 and that the police were tracking packages and at one point had waited till she dropped her daughter off at school before they stopped her. After this incident it was clear that Kelli didn't have any idea what was happening in her house so I informed the neighbor who knows Kelli and she contacted her. She denied knowing any goings on because they always paid rent. She must have changed her mind and ended up giving them an eviction notice. They silently disappeared out of the neighborhood. Then to find that two men were now squatting at the house. The police and animal control were at this house for many days for which I can only suspect was collecting evidence and dealing with the animals that were living in a bedroom.

This past winter while walking the dog with the kids, a not shoveled/ plowed driveway was obviously an issue for a tenant who couldn't get out of the driveway. They got stuck then slammed it into drive and crashed into the garage. This is not safe.

In the spring when the snow pile they had pushed across the street started to melt it was clogging the city sewer as it had created a thick layer of ice and no melting water could get into the drain. I spent two hours chipping the ice so that the street could drain. This could create icy roads when it refreezes and create an accident. Not safe.

Also in the spring/ summer we had different neighbors that loved to scream in the streets at each other. Revving the car engines and peeling off down the street. While outside with my youngest they decided to bring it out into yard where he was trying to get into the car and drive away and she was screaming at him and trying to open the door. The door opened he got out but the car was still in drive, we watched it with the door open reverse into the street until he noticed it and jumped in and peeled away from the screaming woman. NOT SAFE!

This is not an environment that is safe for neighborhood patrons or healthy for children to be around. The neighborhood is filled so with many children that love to play outside, how can we let this become more toxic? The fact that Kelli a parent herself would want a boarding house that could put children at risk is unfathomable to us.

Considering the house that is directly across the street from Mrs. Grummets potential boarding house is a rental and has zero issues in the four years we have lived on Wolfram Way, says a lot about the process at which she uses to find renters.

Kelli repeatedly tells us that she would have better control over people's behavior if this was a boarding house. You cannot control people's behaviors. A proposed 7 individuals(strangers) with varying values, beliefs and ideas sharing the same space can and will create conflict. Also the fact that she keeps telling everyone that it just started renting the rooms as boarding house, which living on the street and being aware of what goes on, that is not the truth. She has been using that house for boarding since the fall of 2017. The amount of issues this residence has had is very clearly stated on the JPD incident report.

They don't plow, they don't mow the lawn, they put out trash to early and bears get into. They don't have the level of care or respect for the neighborhood as the rest of us because we have invested ourselves into it.

How is this going to make our neighborhood safer? How is this going to make this a harmonious neighborhood when it is causing stress among all neighbors?

How can this even be an option in a D5 zoning area?

The only positive thing that has come out of this entire thing is that all the rest of the neighbors are standing together and pleading that this not happen in our neighborhood.

Sincerely

Erin Lupro
9140 Wolfram Way

From: Diane Hoover <dhoover@gci.net>
Sent: Monday, November 12, 2018 8:59 PM
To: PC_Comments
Cc: Allison Eddins
Subject: Case no: USE20180011 parcel No.: 4B2901310030

Dear members of the City and Borough of Juneau Planning Commission,

I am writing to voice my concerns about the proposed conditional use permit for the boarding house on Wolfram Way. I would like to share with you my experience with the proposed location since I have lived across the street since the neighborhood was built.

The Bicknells were the first owners of that house and then sold it to Kelli Dindinger(Grummett).

Kelli lived there for a few years and then moved to another location in Juneau. The first round of renters that I remember were when she rented it out to employees of hers or as I was told the river rafting guides. There were numerous young people living there and coming and going and having parties several nights each week. There were loads of cars parked there at any given time. You could hear cars revving their engines and ripping up and down the street till all hours. My bedroom window is right on the street and I remember many sleepless nights and being very frustrated because I had to get up early to a pretty demanding job. Years later I ran into one of the tenants and it was inferred that there was plenty of cocaine at that house at that time.

The next renters that I remember were four young adults. They also had parties and numerous cars in the driveway. I remember calling the police twice and one of those times someone came to my door late at night looking for this house in question. Another time, there was a drunk man rolling around in the ditch in front of my house and another man wandering through my yard. I had two young boys at home at the time and it was pretty scary.

The next renters that were problematic I heard from multiple sources were drug dealers. There were many cars, people coming and going all the time, and

I was told the police had an eye on this house due to drug activity. I contacted Kelli and told her about this and that I had heard a rumor that they have dogs that were pooping inside the house. She said at that time she hadn't been there in a while. I have now heard that someone from that house has been arrested and is in jail for some sort of drug misconduct. I'm not sure how factual this is, but I did hear it from multiple sources. Usually where there's smoke there's fire.

Another time, a nurse who lives in the neighborhood was walking with her husband and found a coat in the ditch there. She picked it up and hung it on the mailbox. The next time her and her husband were out walking the coat was still hanging so she reached in the pocket to find some ID. Instead, she found illegal drugs. Imagine if one of the many young children who live next to that house had found that. I am guessing that Kelli would not have wanted to deal with these kinds of people when she was raising her young girls in this neighborhood.

At the first meeting last month for this, somebody brought in a 10 page printout of the phone calls to the police during the times I mentioned above.

I've had many sleepless nights and did not feel safe during those times. From the owners actions in the past, I can only imagine what would lie ahead for us. Especially renting it out to multiple people for a low price. It doesn't take a rocket scientist to know what kind of people that is going to attract.

I can't even fathom that the city is even going to entertain this proposed plan. A boarding house in a neighborhood with multiple small children? And we also know what this will do to property values. The owners of the house next to the house in question, who bought it fairly recently and did not know about all this, want to sell their home, they have a young girl who likes to play outside. This really saddens me because they are good people. This has caused them undue anxiety and fear and I believe our city is responsible for making sure that this doesn't happen.

This proposal has upset the entire neighborhood, the neighborhood we love dearly.

Please take into account the multiple stories and incidences you are hearing about from everyone concerned.

Thank you very much for your time,

Diane Hoover

Sent from my iPad

November 14th, 2018

Allison Eddins, CDD Planner
Community Development Department
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

Re: 9119 Wolfram Way - Boarding House Conditional Use Permit Application

Dear Ms. Eddins:

Please provide the following comments along with the enclosed photograph for the Planning Commission to consider in their analysis of this boarding house application located in a D-5 Zoning District:

- A boarding house is an incompatible land use for the Montana Creek Subdivision, a subdivision zoned in a D-5 zoning district, which by definition is primarily for single family homes and duplexes. Since there are no duplexes in the Montana Creek Subdivision, it should be abundantly clear that this is solely a single family home subdivision.

- It appears there has never been a "boarding house" conditional use permit issued in a D-5 zoning district. For many good reasons. It is important to understand that once the first permit for a "boarding house" in a D-5 zoning district is issued, CBJ will be legally compelled to issue any others that follow. This truly is a precedent setting decision with far reaching consequences.

- The Montana Creek subdivision's individual property values will be depressed and diminish, perhaps significantly. The assessed value of these properties will certainly drop along with the associated tax revenues. The eventual loss of tax revenue will could be on the order of tens of thousands of dollars – perhaps more. Consider six beater cars in the middle of the lawn, transients renting by the day, week, and month, coming and going at all hours - tell me how can property values not decline? I've attached a recent picture that shows what 6 cars parked on the lawn at 9119 Wolfram Way looks like. Apparently there could be 7 or more vehicles allowed. I've never seen even one car parked on the lawn on any other property in this subdivision.

- There simply aren't any conditions I can see that could be placed on this permit that would remediate what I've mentioned above or that would result in neighborhood acceptance.

Sincerely,

Dan Garner
9164 Wolfram Way

Enclosure

From: Steve B <h45wt@runbox.com>
Sent: Friday, November 16, 2018 1:56 PM
To: PC_Comments
Subject: case use2018 0011

I live in the Montana Creek subdivision where the subject property is located. I am very much against the use of subject property as a boarding house. There are many negatives to this proposed use and few if any positives. Deny this proposed use permit.

--
Steve Bennett
5037 Pond Vista Dr

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From: Carlene Conway <takuconways@ak.net>
Sent: Friday, November 16, 2018 11:56 AM
To: PC_Comments
Subject: Conditional Use Permit Montana Creek

Re: Conditional Use Permit Montana Creek
Case No.: USE2018 0011
Parcel No.: 4B2901310030

Our family would like to go on record as opposing the proposed Conditional Use Permit for use as a boarding house at 9119 Wolfram Way. We are original property owners, having purchased and built our house on Ninnis Drive in 1985.
To our knowledge, these were to be single family homes with the option of a mother in law apartment option as desired. We understood this is how it was originally zoned.

The original owners of the property (Bicknells), kept the property immaculate. However, since the purchase of the home by Ms. Grummett, the property has been in visible disrepair.
While used as a rental house for Alaska Travel Adventures employees, the property was not kept in what the neighbors would consider acceptable condition for the neighborhood. The grass was let to grow long, and derelict cars began to pile up in the
driveway and on the street. There is not sufficient parking for a multiple family dwelling at the location as was stated by Ms. Grummet.

Numerous responses were made by JPD for complaints of noise and parking. In the winter months, snowplowing became an issue as the cars were not moved for plowing accommodations. It was not uncommon to hear loud parties and music when
walking the block in the evening. I personally found a coat near the mailbox of the residence that no one claimed for days. Upon inspection, I found drugs of undisclosed type in the pocket that were not of the over the counter type. Our concern is whether
a child in the neighborhood may have found the same thing with detrimental results.

We are opposed to having this property as a step down facility for criminals leaving the the prison system. Our property values are potentially affected by the type of renters proposed. The resident manager who is proposed to care for the site has a full
time job of his own and intends to continue with it as stated at the recent neighborhood meeting.

We understand that Ms. Grummett has attempted to open such facilities in her current properties in other neighborhoods without success and understand that the City of Juneau has not approved a conditional use permit for this in the past. I implore them
not to allow this now.

Please, for the sake of family and safety of our neighbors, do not allow this permit to come to fruition!

Thank You,

David F. Conway
Marla C. Conway

9056 Ninnis Drive
Juneau, Alaska 99801
takuconways@ak.net

907-789-9737

From: Scot & Lisa Arehart <juneaurocks@gci.net>
Sent: Monday, November 19, 2018 8:49 PM
To: PC_Comments
Subject: Case No.:USE20180011 Attn. Allison Eddins

Dear Allison Eddins,

Please take into consideration the two covenant statements below of which homeowners agreed to when purchasing property in the Montana Creek Subdivision as part of your staff report :Case No. use20180011 - 9119 Wolfram Way.

Below are 2 of the Montana Creek Subdivision Covenants that were written to protect the intentions of the neighborhood and it's residents from Conditional Use Permit like this one being sought on December 11, 2018, which are not in line with the covenants. As a homeowner I place great value on the established covenants as a means of maintaining the "harmony" of the intentions for the *Montana Creek Subdivision* neighborhood.

#2). "No Lot shall be used except for residential purposes. With the exception of a accessory apartments as allow by CJB code, only one single family dwelling shall be constructed on each lot".

#8). "No noxious or offensive activity shall be carried on upon any lot, nor shall anything done thereon which may be or may become an annoyance or nuisance to the neighborhood".

The Montana Creek Subdivision Covenants are recorded and accessible for full content view at the District Recorder's Office First Judicial District at Juneau, Alaska, State of Alaska. Book 0140 page 799.

Thank you for your time and consideration,

Lisa Arehart

John and Elizabeth Krebsbach
9024 Ninnis Drive
Juneau, AK 99801

Allison Eddins
Community Development
155 S. Seward Street
Juneau, AK 99801

Case Number: USE2018 0011
Parcel Number: 4B2901210030

Ms Eddins,

We are opposed to the Conditional Use Permit for the property at 9119 Wolfram Way.

The Montana Creek subdivision is a highly desirable neighborhood of upper middle class single family homes. To allow a boarding house in this area would be out of harmony with the rest of the neighborhood. This type of the house does not conform to the rest of the homes in this D5 zoned district.

The transient type residents that will be using this property are not consistent with the rest of the neighborhood. People that reside in this area are permanent families who feel safe in the neighborhood and get to know their neighbors. A boarding house in not consistent with the neighborhood we strive to maintain. As residents who reside behind the property in question, we have endured many negative and unsafe situations since the Grummett family has moved out.

Ms Grummett has a business named “Aunt Margaret’s House” that included a plan for re-entry housing for people exiting the prison system and seasonal workers. A concern of ours would be Ms Grummett would operate her boarding house in this manner. She has a history of selecting poor renters that included criminal activity and numerous loud parties by apparent seasonal employees of her company. We cannot expect her proposal to be an improvement in the trouble this house has previously caused in our neighborhood.

For these reasons we encourage you to not approve Ms. Grummett’s request to operate a boarding house in our neighborhood.

John and Elizabeth Krebsbach

From: Sharon Cameron <akbmdmom@yahoo.com>
Sent: Wednesday, November 21, 2018 7:01 AM
To: PC_Comments
Subject: Case #USE2018 0011

Commissioners and Planners,

I'm writing in regards to a Conditional Use Permit request at 9119 Wolfram Way. I have many concerns about this request I would like you to consider in order to make your decision about the home owner's request. Ultimately, my hope is that you will deny the request as so many who reside in the neighborhood are strongly against this with no one wanting this to come to our neighborhood.

First, I'd like to point out the home owner's history of allowing highly undesirable renters live in the subject property. There are many other rental properties in the area and none have had nearly the number of issues as this property has had. Drugs, loud parties, minors consuming, animal waste and an over abundance of vehicles on the street have all been problems at this home. The owner has a "track record" of allowing these types of people to continue to live on this property; why would we have reason to believe things will change if she is issued this permit? She has also already stated she wants to allow recently released criminals to rent from her and has already been operating the home as a boarding house without a permit!

It is stated in the CBJ codes that this type of house needs to be able to operate within the "harmony" of the neighborhood. These types of activities are hardly within the harmony of this neighborhood. This is a quiet, upper middle class, family neighborhood with $500,000+ homes. Allowing a low income boarding house style permit is hardly harmonious with the area.

I have one last point I'd like you to consider, would you want YOUR children or grandchildren growing up next door to this house?

Thank you for your consideration and please listen to the majority in this request and deny this permit.

Respectfully,
Sharon Cameron
9089 Ninnis Dr
Juneau, AK

USE Case 2018-0011 Neighborhood Meeting 10/11/18

Name	Mailing Address/Email Address (your preference)
CHAD MOUNTCASTLE	MOUNTCASTLE@YAHOO.COM 1000 DEBBIE LN
Jon & Vicki Torrella	PO Box 34006 usa-someone@gci.net
Trisha Buchwald	9016 Winnis Dr. trishabuchwald@gmail.com
Jerry & Pam Beasley	9001 Winnis Dr. foxfire@gci.net
DAVE & CARLENE CONWAY	9056 NINNIS DR. takuconway@ak.net
Nick Neely	1000 Mink Cr the.neelys@gmail.com
Kelli Grummett	11435 Glacier Hwy 2B Kelli.Grummett@gmail.com
Mark Staulfer	PO Box 35516 markstaulfer@acsalaska.net
Jim & Kelly Parise	9017 Winnis Dr. Juneau, AK JKNParise@hotmail.com
Fiora Jones	POB 35434 Juneau 99803 kfb@acsalaska.net

Attachment H - Neighborhood Meeting

USE Case 2018-0011 Neighborhood Meeting 10/11/18

Diane Hoover	Diane Hoover 9148 Wolfram Way dhoover@gci.net
Arthur J. Edwards	9109 Wolfram Way ~~ajinakatak~~ ajinakatlast@~~a~~me.com
Chris Umbs	8106 Magnolia Court
Abigail Scott	9200 Black Wolf Way Juneau AK 99801 Juneacitylights@gmail.com
Gannie Ganulo	9156 Wolfram Way · gannie@yahoo.com

Kelly Pawsie 9017 Minnis Dr.

Ricardo Worl 9159 Wolfram Way rworl2014@gmail.com

DAN GARNER 9164 Wolfram Way

Thomas M. Deely 9188 Wolfram Way

USE Case 2018-0011 Neighborhood Meeting 10/11/18

Name	Mailing Address/Email Address (your preference)
CHAD BROWN	9073 NINNIS DR. LDSPHI@YAHOO.COM
CORINNE ORSBORN	1112 SLIM WILLIAMS WAY CORINNE ORSBORN@AOL.COM
Elizabeth Krebsbach	9024 NINNIS Dr. LKrebsbach@me.com
John Krebsbach	9024 NINNIS Dr. LKrebsbach@me.com
Shane Miller	8112 Magnolia CT. Smiller99801@yahoo.com
Carol Stauffer	9116 Wolfram Way P.O. Box 35516 Juneau, AK stafferfamily@acsalaska.net
KEITH WALKER	POB 35886 JUNEAU 99803
RUSS Bullock	907-321-0920, 9119 Wolfram
Ethan Billings	9195 Buck Wolf Way, 321-5725
TODD WEEK	5036 BAD VISTA Dr. tlucker13@yahoo.com

Attachment H - Neighborhood Meeting

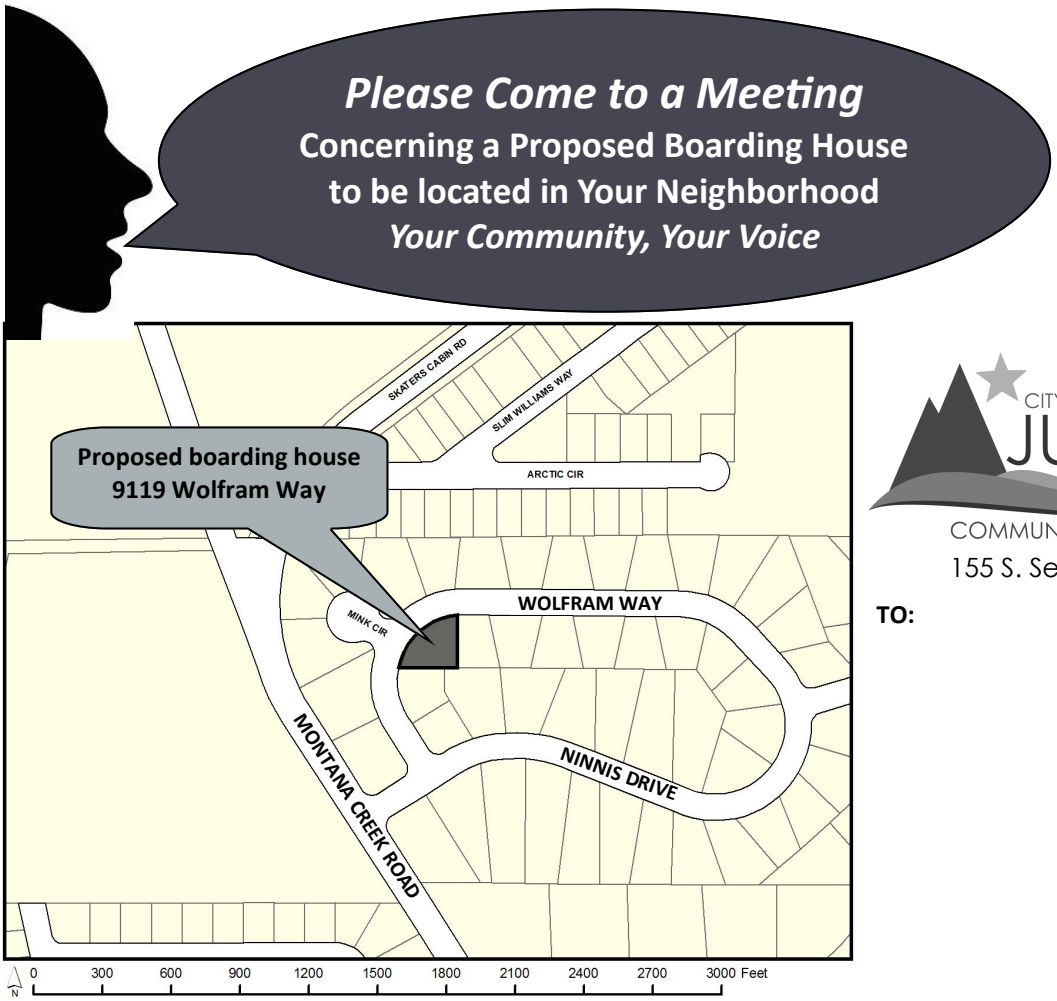
USE Case 2018-0011 Neighborhood Meeting 10/11/18

Jack & Evelyn Maloney	9127 Wolfram Way
Erin Lupro	9140 Wolfram Way erinlupro@hotmail.com
Megan & Nick Orsi	9081 Ninnis Dr. orsimegan@yahoo.com
Sharon & Todd Cameron	9089 Ninnis Dr.
Charles M. Murphy	3161 Channel Dr. [illegible]@abcstations.com

Connie McKenzie 9188 Wolfram connie-mitch@gci.net

* Lisa Arehart 9184 Black Wolf Way juneaurocks@gci.net

Attachment H - Neighborhood Meeting



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

The Community Development Department is hosting an opportunity for the community to **discuss an application to operate a boarding house in a single-family residence at 9119 Wolfram Way**. You are encouraged to come share your questions and comments about this proposal and learn about the permitting process.

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

NEIGHBORHOOD MEETING
October 11, 2018, 6 to 7:30 pm
Mendenhall River Community School Library

If you are not able to attend this meeting but have questions or comments, please contact Allison Eddins, CDD Planner, at (907) 586-0758 or allison.eddins@juneau.org.

When this project is scheduled for review by the Planning Commission, you will receive a separate notice with details on how and where to submit comments or testify before the Commission.

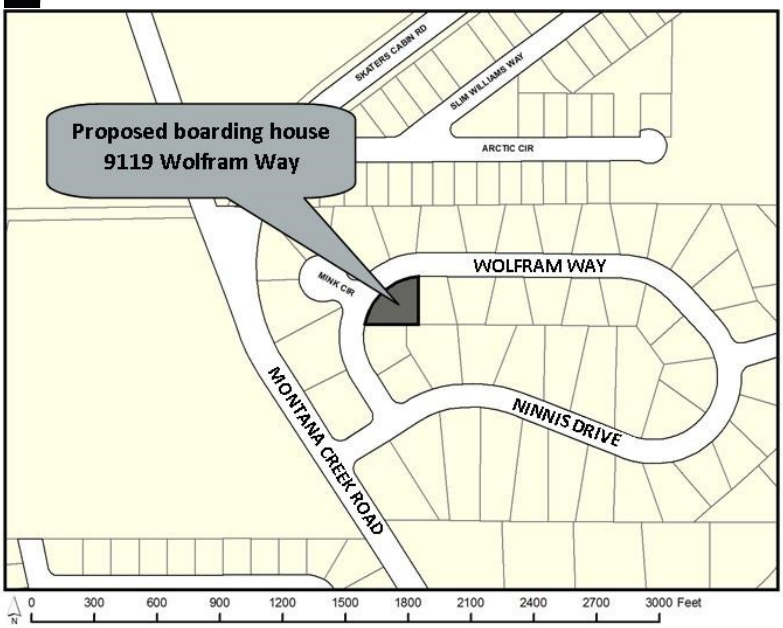
Case No.: USE2018 0011
Parcel No.: 4B2901310030
CBJ Parcel Viewer: http://epv.juneau.org

Printed September 21, 2018

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 the **use of a single family residence as a boarding house** located at **9119 Wolfram Way** in a D5 Zone.

TIMELINE

Staff Report expected to be posted **Monday, December 3, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through November 19, 2018

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

Nov. 20 through 12 noon, Dec. 7

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, December 11, 2018

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.

December 12

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**

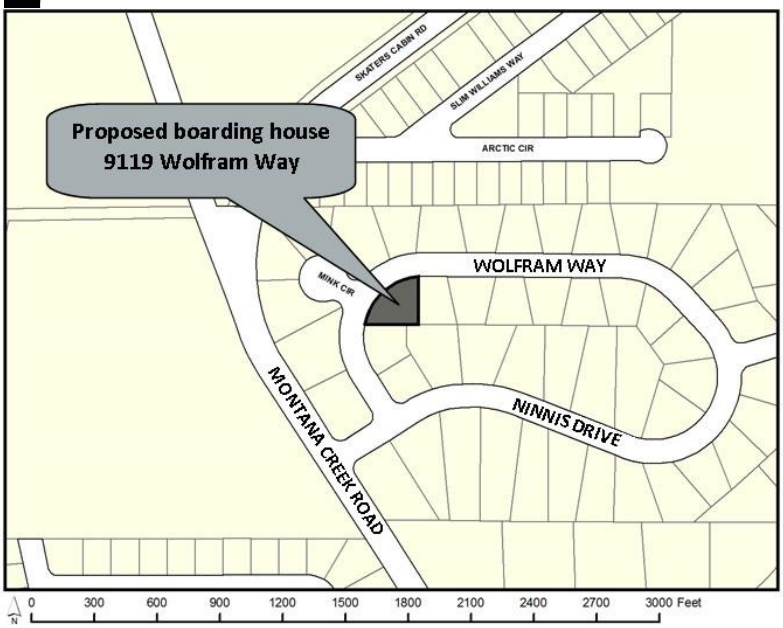
Printed November 8, 2018

Case No.: USE2018 0011
Parcel No.: 4B2901310030
CBJ Parcel Viewer: http://epv.juneau.org

Revised Notice

Re: Boarding House at 9119 Wolfram Way

Hearing Rescheduled



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

POSTPONED

You are receiving this notice regarding an application being heard by the Planning Commission for a Conditional Use Permit for the use of a single family residence as a boarding house located at 9119 Wolfram Way in a D5 Zone. Originally the hearing was set for December 11, 2018.

The hearing has been rescheduled for January 8, 2019.

TIMELINE

Staff Report expected to be posted **Monday, December 31, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 17, 2018

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

December 18 through 12 noon, January 4

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, January 8, 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.

January 9

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**

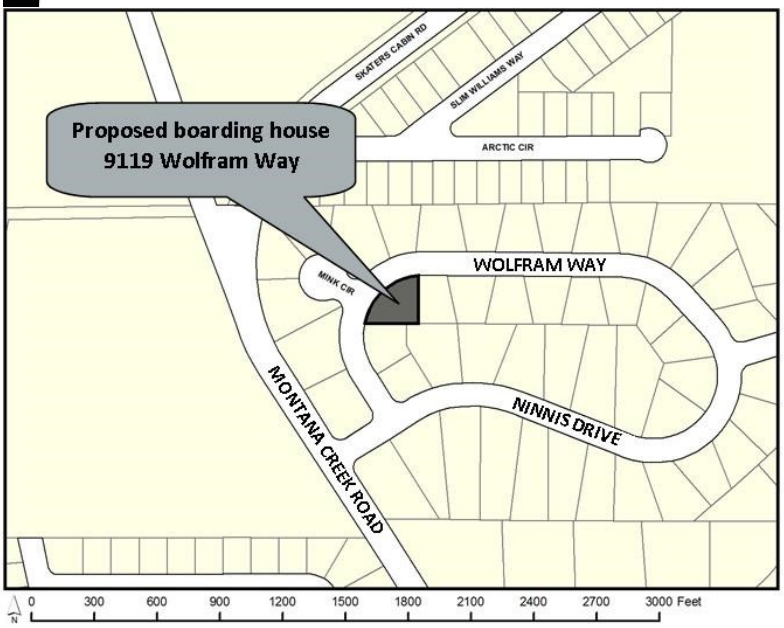
Case No.: USE2018 0011
Parcel No.: 4B2901310030
CBJ Parcel Viewer: http://epv.juneau.org

Printed December 3, 2018

2nd Revised Notice

Re: Boarding House at 9119 Wolfram Way

Hearing Rescheduled Again



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

Our apologies! Due to unforeseen circumstances, the hearing for case USE2018 0011 has been postponed again. This case is regarding an application for a Condition Use Permit for the use of a single family residence as a boarding house located at 9119 Wolfram Way in a D5 Zone. **The hearing will now be held January 22, 2019.**

TIMELINE

Staff Report expected to be posted **Monday, January 14, 2019** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through December 31, 2018

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

January 1 through 12 noon, January 18

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, January 22, 2018

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.

January 23

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**

Case No.: USE2018 0011
Parcel No.: 4B2901310030
CBJ Parcel Viewer: http://epv.juneau.org

Printed December 7, 2018

USE2018 0011
Conditional Use Permit for a boarding house in a single-family residence in a D5 zoning district

CBJ Planning Commission Presentation

January 22, 2019

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

USE2018 0011 CBJ 49.25.300 Table of Permissible Uses

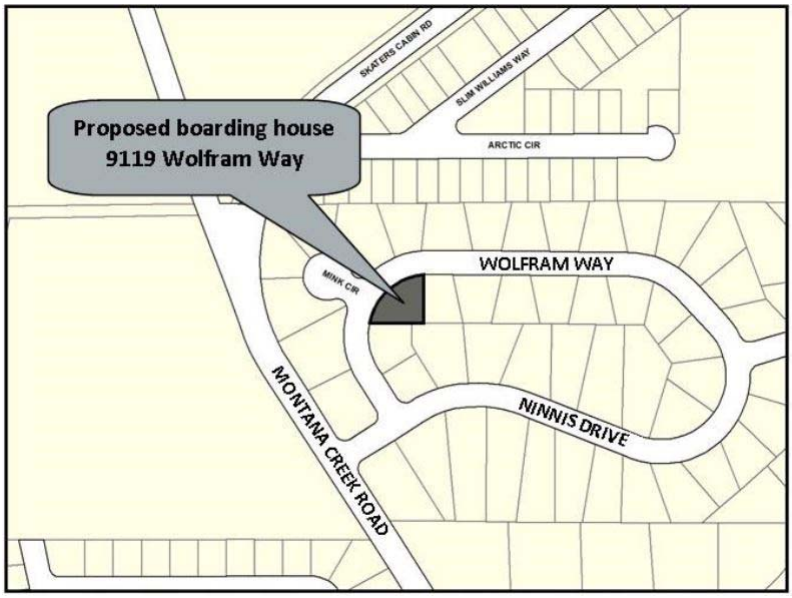
USE DESCRIPTION	D5
1.000 Residential	
1.110 Single family detached, one dwelling per lot	1
1.600 Miscellaneous rooms for rent	
1.610 Rooming, **boarding houses**, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	**3**

Boarding House – a dwelling in which more than two bedrooms are used for commercial lodging by the owner or operator who lives on site.

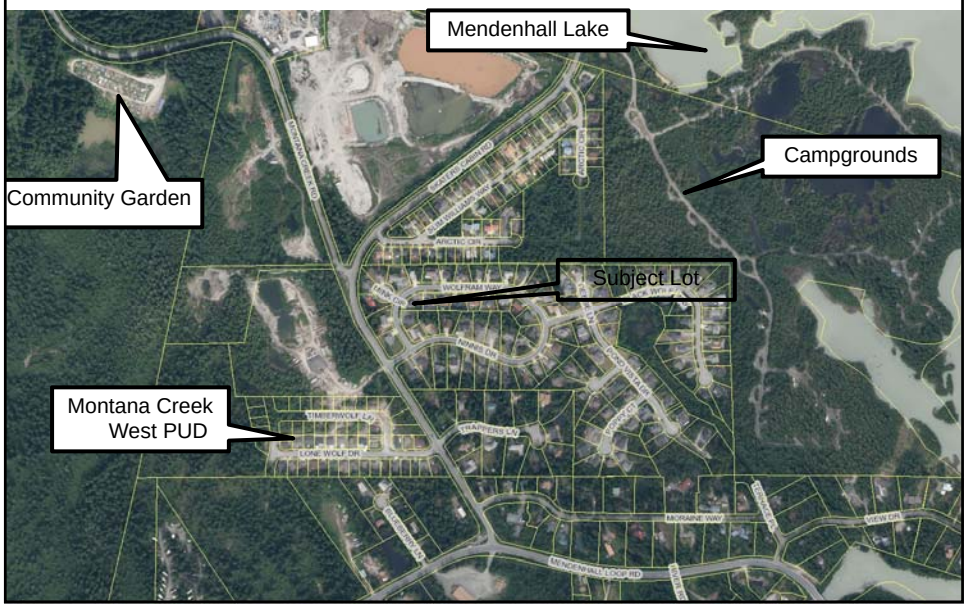
USE2018 0011 General Information

Property Owner:	Kelli Dindinger
Property Address:	9119 Wolfram Way
Legal Description:	Lot 1, Block B, Montana Creek I
Parcel Code Number:	4B2901310030
Site Size:	11,965 square feet
Comp. Plan Future Land Use Designation:	Urban Low Density Residential (ULDR)
Zoning:	D5 (Single-family/duplex)
Utilities:	City water & sewer
Access:	Wolfram Way
Existing Land Use:	Un-permitted boarding house

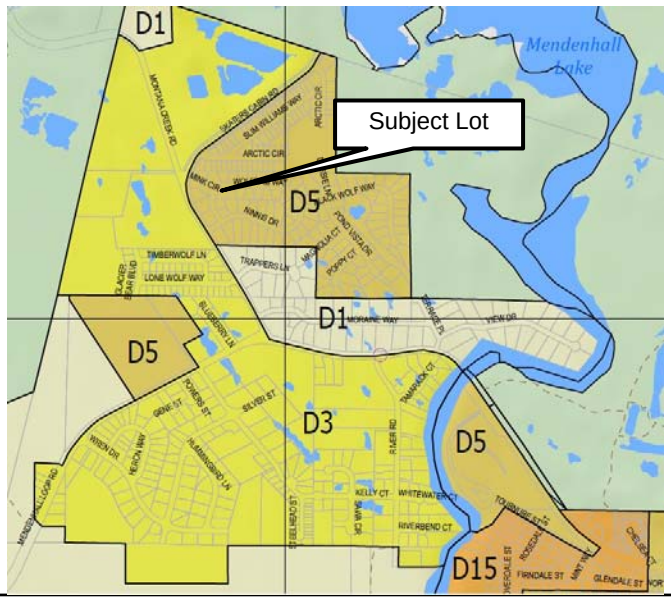
USE2018 0011 Parcel Map



USE2018 0011 Aerial Vicinity Map



USE2018 0011 Zoning Map



USE2018 0011 Background

- January 30, 2018 - Enforcement Case was opened and the owner/applicant was contacted by CDD
- April 4, 2018 – Owner/applicant and CDD staff had pre-application conference
- August 9, 2018 – Owner/applicant submitted Conditional Use Permit application
- October 11, 2018 – CDD held neighborhood meeting. 40+ residents and the owner/applicant attended
- October/November 2018 – CDD and the owner/applicant coordinated the earliest possible Planning Commission hearing date. Originally scheduled for January 8, 2019 meeting.
- January 2, 2019 – Public Notice sign deadline was missed. Case was re-scheduled for January 22nd meeting.

USE2018 0011 Project Site

USE2018 0011 Project Design

USE2018 0011 Project Site

USE2018 0011 Public Comment

- Numerous emails and phone calls from neighbors
- All opposed except one
- Neighbors cite illegal activity, litter, on-street parking, garbage, and trespassing

USE2018 0011 Agency Comment

Juneau Police Department

- 10 calls since 2016
- 8 initiated by residents
- 2 follow-up calls

CBJ Streets Department

- Wolfram Way is not currently marked as “No Parking”
- If on-street parking becomes a problem parking restrictions can be added

CBJ Building Department

- The original three bedroom home meets the IBC and did receive a Certificate of Occupancy
- Supports condition #1 requiring BLD2005-00765 for the fourth bedroom to receive a final inspection and Certificate of Occupancy

USE2018 0011 Agency Comment

Capital City Fire & Rescue

- All bedrooms must have a smoke/CO detector and one egress window
- All five bedrooms meet this requirement

CBJ Chief Housing Officer

- Housing topics: preserving existing affordable housing; the need for a blighted property ordinance; the need for Airbnb regulations
- If boarding houses become more popular, CBJ may want to consider short-term rental regulations
- Recommends expanding the Property Manager's responsibility as a way to ensure accountability

CBJ Assessor's Office

-

USE2018 0011 Agency Comment

CBJ Assessor's Office

- Does have concerns with a boarding house in this location
- Boarding houses are typically located in dense neighborhoods near transit lines with a mixture of uses and services
- A boarding house is not conducive with increasing property values in the Montana Creek Subdivision
- If the applicant is able to maintain the exterior of the structure, limit parking and nuisance activity there may be no adverse affect on property values

USE2018 0011

Public Health & Safety and Neighborhood Harmony

Revised Condition: #8

The applicant will submit, maintain and enforce house rules to preserve public health and safety, and ensure harmony with the property in the neighboring area. Such rules shall include rules that address unreasonable noise, litter and the handling and disposing of garbage. Applicant may assign enforcement responsibilities to the property manager who lives on-site, but will remain responsible for tenant compliance with the house rules and the property's compliance with CBJ Code.

USE2018 0011

Public Health & Safety and Neighborhood Harmony

Revised Condition: #8

The applicant will submit, maintain and enforce house rules to preserve public health and safety, and ensure harmony with the property in the neighboring area. Such rules shall include rules that address unreasonable noise, litter and the handling and disposing of garbage. Applicant may assign enforcement responsibilities to the property manager who lives on-site, but will remain responsible for tenant compliance with the house rules and the property's compliance with CBJ Code.

USE2018 0011 — Public Health & Safety and Neighborhood Harmony

Revised Condition: #8

The applicant will submit, maintain and enforce house rules to preserve public health and safety, and ensure harmony with the property in the neighboring area. Such rules shall include rules that address unreasonable noise, litter and the handling and disposing of garbage. Applicant may assign enforcement responsibilities to the property manager who lives on-site, but will remain responsible for tenant compliance with the house rules and the property's compliance with CBJ Code.

USE2018 0011 — 2013 comprehensive Plan

Urban Low Density Residential (ULDR)

lands characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with single-family residential neighborhoods, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

USE2018 0011 — 2013 comprehensive Plan

Chapter 4 Housing Element describes the policies and procedures related to housing issues within the CBJ.

- **POLICY 4.2** TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZS TO ACCOMODTE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS
- **POLICY 4.4** TO FACILITATE THE PRESERVATION AND REHABILITATION OF EXISTING HOUSING, PARTICULARYLY HOUSING AFFORDABLE TO LOW-INCOME RESIDENTS

USE2018 0011 — Housing Action Plan

Solution #4: Production Targets

- Implementation - Develop housing choices to accommodate Juneau's workforce needs. The Housing Action Plan considers $500-$750 per month as a good target for workforce housing rent.

USE2018 0011 — Housing Action Plan

Solution #5: Preservation Targets

- Implementation - Create a CBJ requirement that all rental property:
  - Be registered with the CBJ and each property list a registered agent/manager/24-7 reachable point of contact
  - Be subject to periodic inspections
- Establish prohibitive fines for code enforcement violations. These not only create safe housing for the lowest income residents in Juneau but also lead to building improvements and/or ownership changes when meeting "code" becomes cumbersome for current owner.

USE2018 0011 — 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 a boarding house within an existing single-family residence in a D5 zoning district.

Recommended the approval is subject to the following conditions:

USE2018 0011 Recommendations

1. As a condition of approval, the applicant should be required to schedule a final inspection for BLD2005-00765 within 10 business days of the date of the Notice of Decision for this Conditional Use Permit, regardless of whether the permit is approved or denied.

2. The boarding house's occupancy is limited to seven tenants, including the property manager.

3. A property manager or the property owner shall live on-site. The Community Development Department will be provided with accurate and up-to-date contact information for the property manager and property owner.

USE2018 0011 Recommendations

4. The boarding house shall not display signs or any advertisements of a boarding house visible from the right of way.

5. The applicant must submit a revised parking plan within 10 business days of this permit being approved that addresses guest parking.

6. Residents and guests shall park in the on-site parking spaces.

7. The applicant must provide one on-site guest parking space.

USE2018 0011 Recommendations

8. The applicant will submit, maintain and enforce house rules to preserve public health and safety, and ensure harmony with the property in the neighboring area. Such rules shall include rules that address unreasonable noise, litter and the handling and disposing of garbage. Applicant may assign enforcement responsibilities to the property manager who lives on-site, but will remain responsible for tenant compliance with the house rules and the property's compliance with CBJ Code.

USE2018 0011

QUESTIONS?

Planning Commission

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

PLANNING COMMISSION
NOTICE OF DECISION

Date: January 28, 2019
Case No.: USE2018 0011

Kelli Dindinger
11435 Glacier Highway, Unit 2B
Juneau, AK 99801

Proposal:	A Conditional Use Permit for the use of a single family residence as a boarding house
Property Address:	9119 Wolfram Way
Legal Description:	Lot 1, Block B, Montana Creek I
Parcel Code No.:	4B2901310030
Hearing Date:	January 22, 2019

The Planning Commission, after considering the analysis and findings listed in the staff report memorandum dated January 11, 2019, and the oral and written testimony presented at its January 22, 2019, regular public meeting, DENIED the Conditional Use Permit for a boarding house at 9119 Wolfram Way, for the reasons stated by the individual Planning Commission members at the meeting.

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).

Project Planner: _____ _____

Allison Eddins, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ 1/29/2019

Filed With Municipal Clerk

Date

cc: Plan Review

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

BEFORE THE PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU

FLORENCE & DALE MCFARLIN, Appellant, vs. CBJ COMMUNITY DEVELOPMENT, Appellee.	APL2018 0004 Appeal of: VAR2018 0001: CDD Directors Decision dated August 23, 2018

ORDER ON MOTION TO DISMISS

On December 27th, 2018, the Appellee, CBJ Community Development ("CDD"), moved to dismiss this appeal based on the Appellant's failure to file an opening brief within the time period set forth under Section 6 of the Pre-Hearing Order. On December 28th, the Appellants, Florence & Dale McFarlin, responded via email. Pertinent to the appeal process, Appellants indicated that they intended not to pursue their appeal against CDD.

It is therefore recommended that this appeal be **DISMISSED**. Pursuant to CBJ 01.50.140(c), a party may file a written objection to this Order within five days of service. If no objection is filed, this order will be considered by the Planning Commission at its next regular meeting.

DATED this 2nd day of January, 2019.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By:
Presiding Officer
Commissioner Nathaniel Dye