

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

December 11, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. November 13, 2018 DRAFT Minutes - Planning Commission Committee of the Whole
- B. November 13, 2018 DRAFT Minutes - Planning Commission Regular Meeting

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Materials for Regular Planning Commission Meeting, 12/11/18

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

- A. USE2018 0017: A Conditional Use Permit for a Tlingit and Haida Cultural Immersion Park
- B. ADP2018 0002: An Alternative Development Overlay District Permit for a reduced side setback
- C. ADP2018 0003: An Alternative Development Overlay District Permit for a reduced rear setback
- D. ADP2018 0004: An Alternative Development Overlay District Permit to reduce the north side setback for a window projection

VIII. UNFINISHED BUSINESS

- A. AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

IX. REGULAR AGENDA

- A. USE2018 0021: Modification of a Conditional Use Permit for a 23 dwelling unit condominium development
- B. **POSTPONED TO JANUARY 22, 2019 ** USE2018 0011: A Conditional Use Permit for the use of a single family residence as a boarding house

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

A. APL2018 0003 Harris Homes, LLC vs. CDD

XVIII. ADJOURNMENT

Agenda
Planning Commission
Committee of the Whole
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 November 13, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Committee of the Whole Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 6:06 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Dan Miller, Dan Hickok, Carl Greene, Michael LeVine

Commissioners absent: Andrew Campbell, Nathaniel Dye, Percy Frisby

Staff present: Jill Maclean, CDD Director; Tim Felstead, Planner I; Laura Boyce, Senior Planner

Assembly members: None

II. REGULAR AGENDA

Mr. Felstead addressed the committee, mentioning that at the previous Planning Commission meeting he provided materials regarding the upcoming Capital Improvement Program (CIP). In the materials was a memorandum in response to the Planning Commission's letter from last year regarding last year's CIP projects that was meant to describe how things have progressed on priorities of the Planning Commission. He also provided some background materials from discussions between the Planning Commission and the previous Director of CBJ Engineering and Public Works. Mr. Felstead introduced Mike Vigue, current Director of CBJ Engineering and Public Works, who was in attendance to answer any questions regarding the forthcoming CIP. Mr. Felstead also provided a draft letter that was put together by four of the commissioners that formed a small subcommittee to look at what the priorities might be for the forthcoming year for the Planning Commission. Mr. Felstead asked if the Committee would like to ask their questions now.

Commission Comments and Questions

Mr. LeVine welcomed Mr. Vigue and stated that finding meaningful ways to participate in the CIP process has been ongoing and evolving for the Planning Commission for quite some time.

Mr. LeVine asked about the value of the Planning Commission participating and starting early with the CIP and how what is submitted might get factored into the decisions made and what ideas Mr. Vigue has about that.

Mr. Vigue discussed how the process that has been followed for the last few years is new to him as well and how he is still learning how everything works. He has become more engaged in this process in the past month and that started with the email that was sent out to all of the departments, asking them to compile their prioritized list of projects and send them in to the Engineering and Public Works department to begin compiling the new program. The development of the CBJ CIP is, from what he has seen so far, pretty similar to what he has seen 4 or 5 different State DOT's, both from him working at the DOT or being an overseer with the Federal Highway Administration. Initially, what is going on seems appropriate. Mr. Vigue stated he doesn't have any preconceived ideas and is trying to look at the Planning Commission's position from a fresh perspective. He believes that whenever you want to be involved, through the CDD, that's a smart thing to do. From the perspective of our projects that are listed and approved adopted plans included in the CIP, that is a valuable exercise for us all to go through.

Mr. Voelckers stated that over the last 3 or 4 years the Planning Commission has tried to work together with CDD and brainstorm ways to be more useful to the process and have developed more of this front-loaded, more generalized sort of goals with a few reasonably specific things to work toward. One of the observations as a Commission, he believes they've noticed, is that the City, for better or worse, tends to be structured by department, which means some of those information streams can be a little siloed. There was a little concern that there wasn't necessarily enough voice that was more generalized or holistic that saw what was missing; there are some gaps. It also seemed appropriate that CDD and the Planning Commission worked together to be able to offer some reinforcement of things at a community-wide level that seemed to need more emphasis.

Mr. Vigue commented that Mr. Voelckers comments are spot on and the dynamic of the departments all working together, trying to pull this program together without having any gaps is not an easy task. Other organizations he has worked with have had the same dilemma. He believes that improved communication and more coordination are always beneficial. If you can keep that in the forefront of the process, he believes it will get better. While he was looking through the process, he noticed that the Planning Commission seemed to be involved at the end, before it went to the Finance Committee. He looked into how things have been done in the past and how we should move forward. The first step Mr. Vigue and his team do after pulling the draft plan together, after getting all the input from all the different departments, is

put it in front of the Public Works and Facilities Committee as an informational item. He believes what would be beneficial is, after it goes to the Public Works and Facilities Committee, the draft would come back to the Planning Commission for review, then go back to the Public Works and Facilities Committee as a final action item. That would give the Planning Commission an opportunity to see the draft, comment on the draft, and give the public an opportunity to comment on the draft, because it would be taken up at a full Planning Commission meeting. Mr. Vigue believes this would be a more meaningful timeframe for the Commissioners to be able to comment on what's there, identify gaps that you see, work with CDD to make sure that the specific projects that are in approved adopted plans are included in the CIP, then have it move through the rest of process.

Mr. Voelckers said he loved that progression sequence suggestion, especially the opportunity for a formal public comment.

Mr. Vigue commented about how it can be difficult to get the public to engage on a regular basis. When he looks through the process, he sees that there is a Public Works and Facilities Committee, the Finance Committee, and the Assembly meetings are open to public comment. He is not aware how much public comment has happened in the past, but he would guess that there is probably a group in Juneau that regularly identify with the Planning Commission, because of the work that they do, so there is a chance they could get a better turn out for public comment, if it was part of a Regular Planning Commission meeting.

Mr. LeVine wanted to flag that one of the frustrations felt in the past is that providing input and not knowing what happens to it or how it was, or was not, accepted. He believes that a list was sent in with the same 10 things on it for 7 years in a row, something would go up or down in priority, but they are trying to stop that process by participating earlier. He believes it would be valuable for the Committee to know how what the Planning Commission has identified as priorities for consistency with the Comprehensive Plan, and other plans, have either been considered, accepted, rejected, how they are reflected in the final plan. By drafting this letter, they tried to distill down the discreet projects and provide the rationales for them as they are tied to the Comprehensive Plan and other plans. That is the Planning Commissions way of asking you to tell us how the final version is consistent with the Comprehensive Plan. That would be useful to the Planning Commission as well. Having this opportunity to participate earlier in the process, when it comes back to them later, an explanation of how their comments were considered and why they were, or were not, accepted would be really helpful.

Mr. Vigue stated that is reasonable. One of the big challenges he's seen is there are too many needs, and not nearly enough resources. Whether you're talking about the local level, the state level, national level, everyone is dealing with that. You can look at the approved CIP that is out there now and there is an awful lot of work out there. You always hope that you can get more money, but it doesn't always come to be. You can look through the list and think about areas where you might be able to find other money, but that other money tends to come with strings attached to it. One of the examples is the State DOT just recently put out their solicitation for project proposals for their transportation alternatives program. There are several projects that would nicely align with that funding source, like the Lemon Creek Pedestrian Bike Trail. Whether we're successful with the grant application is something we will find out, but something to remember is that the federal money comes with strings and timelines that are more difficult to meet. Where our expectations are, we're doing projects with local money, you still have to meet certain federal requirements, but you don't have to follow all of the rules that the Federal Aid Program puts in place. It can be a double-edged sword. There are opportunities out there, but those opportunities sometimes come with a cost. That is part of what we have to balance when we're looking at how much money we have, what projects we can do, and what's the best way to pursue those projects. Sometimes extra money looks really good, until you look at the fine print and realize that the project you might have been able to deliver in a year or two is now going to take three, or four, or five years to deliver, because of all the extra work you will have to do.

Mr. Miller referenced the letter that was written and feels that it looks really good. At a previous Title 49 meeting, there was an item he thought they might like to add to the list on the letter. That item is energy efficient home construction. He mentioned that the Alaska Housing Finance Corporation actually gives more points for an oil boiler in an energy rating than they do for a heat pump in Juneau. The reasoning is that they don't trust our electric grid. He has been in meetings with officials from AHFC and there is concern due to avalanches in the past, so they don't count our electric systems as good enough system to give points to. Mr. LeVine suggested writing a letter. He is aware that energy raters from Juneau have argued with officials at AHFC and haven't had any luck. This is something that they have been trying to change for 4 or 5 years and just hits a road block. Maybe it takes more energy, but he doesn't believe it would take much as a CIP line item for a little bit of funding, or maybe this is something that needs to be taken up with CDD. He agrees with Mr. LeVine's comment that writing a letter would help to get things changed. Mr. Miller believes that heat pumps are truly more efficient than an oil boiler. Yes, there is potential for an avalanche to take out Juneau's grid system for some time, but the chances of avalanches are low enough that we can trust in our system. Is this something we can add onto our list?

Mr. Voelckers directed everyone's attention to the 3rd page of letter, 3rd bullet from the top, under Housing, it talks about energy efficiency programs and mentions heat pumps. Mr. Voelckers agrees with Mr. Miller. It may be that they just need to enhance the information that is already there. He attended a workshop on heat pumps that was at the UAS Tech building that previous weekend and there was quite a large turn-out. There was discussion on the Assembly looking at a way to under write heat pump programs. A lot of people were serious about taking up this topic, so adding some strength and possibly adding something about working with AHFC to this letter could be the way to move this forward.

Mr. Miller believes this would be great.

Mr. LeVine brought attention to the first sentence of the bullet Mr. Voelckers referenced and showed where in that sentence Mr. Miller could add strengthening language to enhance the item. He is in support of Mr. Miller's suggestion.

Mr. Miller believes Juneau has a solid electric grid, but feels it is important to get AHFC to recognize this and adjust their perspective on the sustainability of our electric grid, including reaching out to AHFC to gain perspective on their understanding of Juneau's system.

Mr. Haight, having worked in the world of energy and energy grids, he is interested to know more about AHFC's resistance to this, knowing that the RSA requires that AEL&P maintain firm energy, regardless, so they have to maintain one hundred percent supply of energy for all of the loads in Juneau, regardless of whether the transmission line goes down or not. So that is why we have all the additional back-up generators in Juneau. It's kind of an interesting issue that they pose, knowing that it's impossible to be without electricity.

Mr. Miller stated that the answer given to him was as soon as you go on to diesel generators, it's no longer the sustainable and efficient system that they would like to have reflected in their energy rating. Mr. Mill has spoken with Charlie Ford, an energy rater and building official for CDD. Mr. Miller believes Mr. Ford would know and has spoken with Mr. Ford specifically about this. It looks to be that it is more than reluctance with the HFC, they just won't do it. This discussion has been brought up with them for the past 5 or 10 years that Mr. Miller knows of. Mr. Miller is unsure how to get HFC on board, but believes that they would need to recognize our electric grid is sustainable and inexpensive.

Mr. Voelckers suspects that some language could be crafted and that the Manager's Office would not be reluctant to weigh in directly on this, because Mr. Watt has been very proactive in working with the Sustainability Commission's things and is not afraid to bring these sorts of issues up with state agencies. Mr. Voelckers believes having a letter come from the Manager's Office would strengthen this item.

Mr. LeVine brought up two other issues related to the letter, based on input received since it was drafted. The first is from the Juneau Commission on Sustainability; Steve Behnke was at a meeting and provided useful input on energy use and the heat pump topic. Mr. Behnke subsequently sent a note suggestion that the Planning Commission add a bullet about developing a program to make land available for community gardens and agriculture, so land that is not immediately available for development, making it available for gardening and agriculture. Mr. LeVine does not feel very strongly about this, but wanted to flag that the topic was raised and he would like to put it out for conversation.

Mr. Voelckers found this idea kind of appealing, because it doesn't have a lot of cost impact, but he is worried about feature creep in the letter. The intent was to keep it to 4 or 5 easy-to-identify, strong central pieces and now it's up to 3 pages and starting to get easier to dismiss in some respects. He doesn't believe it rises to a level of urgency.

Mr. LeVine believed it was okay to pass on this topic, as there wasn't much enthusiasm behind the item. Mr. LeVine moved on to the second topic of the ongoing conversation regarding the status on the block Capital Avenue between 9th Street and Willoughby. This is the one block that runs behind the Governor's Mansion. There are lots of potholes, it's dark, and it's a major commuter lane for walkers, bikers, and drivers. The downtown neighborhood associations and lots of families are asking what can be done to get this area fixed. Mr. LeVine suggested that they comment to the Planning Commission and to the Assembly on the CIP process, because that is the right time. The item is on the CIP list in out years, possibly next year, or the year after. Comments have been received from two different downtown residents highlighting that area, along with the need to fix the sidewalks past the Governor's Mansion. There is another block in that area as well that also needs to be done. In response to these comments, Mr. LeVine suggests that these items go with the bullet regarding the downtown circulator. He would like to see the Planning Commission on the community vitality side of this topic. Implement the downtown plan, including a circulator and other immediate road resurfacing needs. Mr. LeVine does not want to see this item fall off the CIP list and believes this would definitely improve the conditions about downtown and is willing to craft a short statement regarding this, if it would help.

Mr. Vigue stated that the Capital Avenue project is in 2020. It is being discussed and Mr. Vigue believes that the people who reached out to Mr. LeVine are probably the same people that came in to talk to him. It is a complicated road due to right-of-way ownership. Part of the road is on AEL&P land, part of it is on City property. One of things being discussed is when DOT starts doing their 10th domain project from the bridge around on Egan Drive, how much traffic detouring is going to go on through that area of town. If there is a project going on, on Capital Avenue and it becomes part of the detour, it could complicate congestion. There are discussions happening regarding all of this and it is on the radar, but no conclusion has been made yet.

Mr. Voelckers brought attention to the next to last bullet in the letter: Sustainability. That has worked in an issue that Andrew Campbell had raised, but Mr. Voelckers felt that there were two different issues. He believes they had an established energy base line, but that Mr. Campbell's thrust was that we had aging, buried infrastructure and we need to have a timeline of when things would need to be replaced and be more systematic.

Mr. LeVine tried to capture Mr. Campbell's points, but is unsure if he adequately captured what Mr. Campbell had been trying to portray. Due to Mr. Campbell being absent from the meeting, he would like to discuss this with Mr. Campbell to make sure he correctly portrayed what Mr. Campbell wanted captured.

Mr. Vigue stated that he has discussed this topic with Mr. Campbell. Mr. Campbell is also a member of the Utility Advisory Board. At the last Utility Advisory Board meeting, Mr. Vigue brought this topic up as an item of need for the utilitist to have a good asset inventory of what is in the ground, so we can develop a 10 year CIP that would also help develop a rate model, because you can't develop a rate model unless you know what your needs are going to be in order to keep the assets in a state of good repair. We have talked about this at the UAB and how to go about it. It has also been brought up with the City Manager a little and it is something that they will be working on going forward with, as far as trying to get that inventory of what is in ground, when was it put in the ground, what the material is, what the pipes are made out of. Mr. Vigue is not sure how they will get there. Going back through all of the as-builts will be a fairly labor intensive process. Ideally, they would be able to go through all the as-builts, pull that information out, and put it into a GIS database. Then they would have layers of GIS data they could use. That conversation is going to continue with the UAB, it is an item of interest for several members of that board and will be something that will be worked on over the next year.

Mr. Voelckers stated that it sounded like there are two slightly different issues here. There is operating energy, pumps, and other similar items, but it sounds like Mr. Vigue is talking about the physical inventory of how long pipes will last in the ground.

Mr. Vigue stated that both of those things are being discussed. When they are working to put the CIP together, they try to see where they need to do sewer and water improvements and tie that in with a road project, so they can gain efficiency. That is the way things have been working in the past. Knowing what's in the ground, when they're going to have to replace a sewer line, or water line, and you have to tear up a road, it makes sense to tie that in with the road project so you can both things done at the same time.

Mr. LeVine asked if Mr. Vigue felt that the bullet captured that understanding or if more wordsmithing was necessary. That understanding is what he tried to capture in the bullet, but is willing to rework it, if it needs more clarification.

Mr. Voelckers suggested they try a little wordsmithing and send it to Mr. Felstead for more review, in order to work everything into the item. Mr. Voelckers feels that there's a pretty good understanding of what the intent is, but there is room for improvement in the language.

Mr. Felstead asked how the Commission would like to try to take action on this letter. Does the Commission want to formally adopt the proposed letter at the subsequent regular meeting? Or does the Commission feel this subcommittee has enough authority to complete the letter at this meeting?

Mr. Haight believes there is enough authority to complete the letter within the committee, but if they take it to a Regular Planning Commission meeting, he believes they will have to take it to the next meeting and have proper advertisement for the public.

Mr. LeVine said they had discussed this previously. He asked Mr. Vigue if bringing the letter to him on November 27th would hinder Mr. Vigue's process.

Mr. Vigue stated it would not hinder his process.

Mr. LeVine recommended that they wordsmith this item and put it on the regular agenda on the 27th, so there is more opportunity for public input.

Mr. Haight stated the Planning Commission can work on this and bring it to the Regular Planning Commission meeting on November 27th.

Mr. Hickok asked if the community input is more involved in the budgeting process rather than this part of the process. It seems like the Assembly is asking for input from the Planning Commission, not necessarily input from the public.

Mr. LeVine stated this was a very good point. There was some discussion regarding this previously, so far as there's never really been any opportunity for meaningful public input into this process. He likes the suggestion of having the Planning Commission's input between the Public Works. There will be actual opportunity for the public to provide input on the substance of the CIP. He sees that we're asking the public to provide input on the Planning Commission's input for someone else's process right now, but he sees that it is reflective of the fact that the Commission is slowly playing catch up to allowing the public to have some input and there is going to be a weird process right now and hopefully they're getting better every time they do this.

Mr. Hickok asked if it is the job of the Planning Commission to get the public input, or is it the Assembly's job.

Mr. Haight stated that when there is a Planning Commission meeting, it is the Commission's job.

Mr. LeVine stated that his view, in part, is that by the time it gets to the Assembly, it is too late. If the Commission can facilitate public input now in the process, they can help before it gets to the Assembly. He believes the Commission has a role to play in encouraging public input while it is meaningful.

Mr. Voelckers believes this raises a good point. One might be able to say that the public input would be on the same things that the Planning Commission is trying to look at, like what is being missed. If it's on a specific construction item on the list, for example, that should be at the Assembly forum, not through the Planning Commission.

Mr. Vigue commented on one of the bullets under "Sustainability" regarding the development of a community-wide electric vehicle plan that supports the adoption of electric vehicles, stating that the portion of the item requiring that all CBJ construction and street projects plan for and incorporate electric vehicle charging infrastructure is not practical. He used examples

of how his department does a lot of projects that are just pavement preservation. They go out, mill the pavement, repave the road, and don't do any other work with that. That would be considered a CBJ construction project on a street. There would be no real advantage to high jacking a project like that in order to incorporate electric vehicle charging or infrastructure along those lines. Mr. Vigue believes the word "all" is a bit of an overreach and would like to see that brought back. He believes the concept is a good idea, but it wouldn't be applicable to all projects.

Mr. Haight asked Mr. Vigue if he was planning to bring this back to the Planning Commission after they proceed over the next couple months.

Mr. Vigue stated he thought it was a wise thing to do and would do that.

Mr. Voelckers asked if there was a sense of a timeline for that yet.

Mr. Vigue stated that it would probably be in February when he would return with everything. The way the schedule looks from past years, is the Public Works and Facilities Committee at the end of January would be where he would bring the draft to them as an informational item. Then the Planning Commission in February is where he would bring the draft before the Planning Commission. In March, the Public Works and Facilities Committee meeting would be the action item on that agenda. From there it would go to Finance by April 5th. This is a rough schedule of how things would play out.

Mr. Haight said as there were no other discussions brought up they would do some wordsmithing and have the draft ready for the next meeting.

III. OTHER BUSINESS

IV. ADJOURNMENT

The meeting was adjourned at 6:46pm.

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 November 13, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Dan Miller, Dan Hickok, Carl Greene

Commissioners absent: Andrew Campbell, Nathaniel Dye, Percy Frisby

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Allison Eddins, Planner II; Laurel Bruggeman, Planner I; Laura Boyce, Senior Planner

Assembly members: None

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

III. APPROVAL OF MINUTES - None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development

Applicant: The Jetty

Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

MOTION: *By Mr. Miller to approve reconsideration of USE2018 0016, a Conditional Use Permit for The Jetty, and continue the discussion at the next meeting.*

Mr. Voelckers recused himself from this item.

After Mr. Miller motioned to approve the reconsideration, Mr. Haight stated that five votes would be needed to approve this motion.

Ms. Maclean stated that due to Mr. Haight and Mr. LeVine being absent from the previous meeting, they needed to make sure they were prepared to vote at this meeting.

Mr. LeVine and Mr. Haight stated they had reviewed the staff report and the minutes from the October 23, 2018 Planning Commission meeting and were prepared to participate in the vote.

The motion was addressing two separate determinations, so Mr. LeVine suggested that two separate votes be taken; one vote to reconsider the case and one vote to decide to continue the discussion at the following Regular Planning Commission meeting.

Mr. Miller stated he was okay with separating the motion into two votes.

Roll Call Vote:

Yeas: Miller, LeVine, Hickok, Haight, Greene

The first motion to bring the case up for reconsideration passed with no objection.

Mr. Miller motioned to continue the hearing at the next Planning Commission meeting.

Mr. LeVine spoke in support of this motion.

Mr. Haight made it clear that it will require six commissioners to open the case up for public testimony at the next Planning Commission meeting, if they decide to do that.

Roll Call Vote:

Yeas: LeVine, Miller, Hickok, Greene, Haight

The second motion to continue the hearing at the next meeting passed with no objection.

VI. CONSENT AGENDA

Mr. LeVine requested that the Archipelago related cases including CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010 be pulled from the Consent Agenda for review by the staff.

USE2018 0019: A Conditional Use Permit for Juneau Makerspace, a community workshop and meeting space
Applicant: Juneau Makerspace
Location: 3915 N. Douglas Highway

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 operation of a shared community workshop and event space in a D18 zoning district.

The approval is subject to the following conditions:

1. The applicant must schedule a final inspection for the CBJ Grading and Drainage Permit within 10 business days of the date of approval for this Conditional Use Permit. Any required work must be completed before the permit can be closed out.
2. The applicant must schedule a final inspection for the three open Building Permits within 10 business days of the date of approval for this Conditional Use Permit. Any repairs or alterations required must be complete and the building must receive a Certificate of

Occupancy.

3. Prior to the issuance of a Certificate of Occupancy, the applicant must provide a parking plan for review and approval. Staff will conduct a site visit to ensure that all required parking and signage is present.
4. The use of woodworking tools outside may only occur between the hours of 7:00 am to 10:00 pm Monday through Friday and between 9:00 am to 10:00 pm Saturday and Sunday. The volume measured at the property line shall not exceed 55 dBA between the hours of 11:30 pm and 6:00 am and 70 dBA at other hours.
5. Any use of microphones, speakers, or any other loud devices that may be used for special events is strictly limited to indoor use only.
6. No new lighting may be added to the exterior of the building without an approved lighting plan.
7. A detailed drainage and snow storage plan will be required prior to the issuance of a Certificate of Occupancy.

The motion passed with no objection.

PDP2018 0001: Modification of an existing Planned Unit Development to include the creation of 12 individual lots within the PUD
Applicant: Douglas Island Development, LLC.
Location: 1011 Teufelshund Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested amendment to Planned Unit Development Permit PDF2015 0001. The permit would allow the amendment of an approved Planned Unit Development to allow for the creation of 12 residential individual lots and 1 parent lot. The approval is subject to the following conditions:

The conditions of Final PDP2018 0001 & PDF2018 0001 as amended are as follows:

1. The developer must install a sprinkler system in each unit, which will be reviewed during the building permit review process. (Also a condition of PDP2014 0001)
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons. (Also a condition of PDF2015 0001).
3. The developer must include the following plat note on all phases of development:
 "THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT OTHER THAN AS

APPROVED THROUGH VAR20140028". (Also a condition of PDF2015 0001, amended to include variance language).

4. With exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25 feet. (Also a condition of PDP2014 0001).
5. The homeowners' association documents shall be recorded with the each approved final plat, as required by state law, or both. (New Condition).
6. The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08 or CBJ 49.15 Article VI shall be prepared by a lawyer licensed to practice in the state. (Also a condition of PDP2014 0001).
7. The project shall incorporate the BMP's from the Manual of Stormwater Best Management Practices, produced by CBJ in partnership with USF&WS, 2008. (Also a condition of PDP2014 0001).

The motion passed with no objection.

PDF2018 0001: Modification of an existing Planned Unit Development to include the creation of 12 individual lots within the PUD.

Applicant: Douglas Island Development, LLC.

Location: 1011 Teufelshund Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested amendment to Planned Unit Development Permit PDF2015 0001. The permit would allow the amendment of an approved Planned Unit Development to allow for the creation of 12 residential individual lots and 1 parent lot. The approval is subject to the following conditions:

The conditions of Final PDP2018 0001 & PDF2018 0001 as amended are as follows:

1. The developer must install a sprinkler system in each unit, which will be reviewed during the building permit review process. (Also a condition of PDP2014 0001)
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons. (Also a condition of PDF2015 0001).
3. The developer must include the following plat note on all phases of development: "THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT OTHER THAN AS APPROVED THROUGH VAR20140028". (Also a condition of PDF2015 0001, amended to include variance language).
4. With exception of parks and public trails, all development within this PUD must be

setback from the exterior boundary of this development at least 25 feet. (Also a condition of PDP2014 0001).

5. The homeowners' association documents shall be recorded with the each approved final plat, as required by state law, or both. (New Condition).
6. The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08 or CBJ 49.15 Article VI shall be prepared by a lawyer licensed to practice in the state. (Also a condition of PDP2014 0001).
7. The project shall incorporate the BMP's from the Manual of Stormwater Best Management Practices, produced by CBJ in partnership with USF&WS, 2008. (Also a condition of PDP2014 0001).

The motion passed with no objection.

SMP2018 0001: Subdivision of one (1) lot into five (5) lots within a PUD
Applicant: Douglas Island Development LLC
Location: 1011 Teufelshund Way

Staff Recommendation

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

1. All changes requested by General Engineering, as discussed in a MEMO from Autumn Sapp, dated 10/23/2018.
2. Title Block
 - a. Revise title block (you could also shorten the name to just "SUNSET HEIGHTS"):

PLAT OF
SUNSET HEIGHTS PLANNED COMMUNITY
 A SUBDIVISION OF
LOT 7B1, U.S. Survey 2960
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

STATE RECORDER'S OFFICE AT JUNEAU

- b. Alternatively, the developer could also name the subdivision "SUNSET HEIGHTS" or "SUNSET HEIGHTS PHASE 1". The next plat iteration will be "SUNSET HEIGHTS PLANNED COMMUNITY II" or "SUNSET HEIGHTS PHASE 2".
- 3. Plat Graphic
 - a. Show the private drive and label it "TEUFELSHUND WAY"
 - b. Change the name of LOT 7B1 to "LOT 13", and use a dashed or ghost font to label previous LOT 7B1.
 - c. Prior to final plat recording, remove all structures from the plat.
 - d. Prior to final plat recording, remove phases two and three from the plat, only showing lots 1-4 and lot 13.
 - e. Prior to final plat recording, remove the note "DEVELOPMENT RIGHTS RESERVED IN PHASE 2&3 MAY BE WITHDRAWN. UNITS SHOWN HEREON ARE PROPOSED AND NEED NOT BE BUILT."
 - f. Remove the "Typical Foundation with Setbacks" graphic within the plat graphic.
- 4. Scale:
 - a. Check the verbal scales. It appears that they should be 1" = 20' instead of 1" = 40'.
- 5. Plat Notes:
 - a. Add the following plat note: "LOTS ONE THROUGH FOUR (1-4) OF THIS SURVEY ARE PERMITTED TO BE DEVELOPED WITH ONLY ONE (1) SINGLE FAMILY DWELLING UNIT ON EACH LOT. NO ADDITIONAL DWELLING UNITS ARE ALLOWED BEYOND WHAT IS INDICATED."

The motion passed with no objection.

CSP2018 0008: A City Project to trade CBJ uplands for a strip of private property on Fritz Cove
Applicant: City & Borough of Juneau
Location: 13010 Glacier Highway

Staff Recommendation

The Director recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to trade CBJ owned land located on the Mendenhall Peninsula, specifically portions of ASLS 78-171 LT 3A FR.

The motion passed with no objection.

CSP2018 0011: A City Project Review for disposal of 1.09 acres of city property and an amendment to the CBJ Land Management Plan 2016 Update
Applicant: City & Borough of Juneau

Location: 11031 Mendenhall Loop Road

Staff Recommendation

Staff recommends as follows:

1. The Planning Commission recommends the Assembly change the Land Management Plan designation of Parcel 0300 to be “retain/dispose” to achieve the recommended disposal below.
2. The Planning Commission find CSP2018 0011 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c) and CBJ 49.15.580, and forward to the Assembly a recommendation for approval for disposal of 1.09 acres of city property with the condition that prior to selling the property a 60’ wide public access easement will be dedicated to the City and Borough of Juneau.

The motion passed with no objection.

CSP2018 0009: A City Project Review for purchase and sale of portions of the Archipelago Property for a coordinated development by Archipelago Properties LLC and CBJ Docks & Harbors

Applicant: Archipelago Properties LLC and CBJ Docks and Harbors

Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission forward the proposal to the Assembly with a recommendation of approval to dispose of the CBJ property located on portions of Archipelago Lots 1, 2, 3, and 4.

FZE2018 0001: A Flood Zone Exception for development of a covered shelter with restrooms seaward of the mean high tide line

Applicant: Archipelago Properties LLC and CBJ Docks and Harbors

Location: 356 & 388 S. Franklin Street

Staff 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 pile-supported 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.

USE2018 0015: A Conditional Use Permit and City Project Review for downtown waterfront improvements
Applicant: Archipelago Properties LLC and CBJ Docks and Harbors
Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The approval is subject to the following conditions:

1. Plans submitted with the building permit application must show that the proposed structure conforms with the required setbacks per CBJ 49.25.400 Table of Dimensional Standards, unless a variance is approved.
2. Prior to issuance of a building permit, the applicant shall submit a landscaping plan illustrating the location and type of vegetation proposed for the development, to ensure conformance with vegetative cover requirements per CBJ 49.50.300.
3. The landscaped areas shown on the plans submitted shall be maintained with live vegetative cover.
4. 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. All exterior lighting fixtures shall be of a "full cutoff" design, and exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements at CBJ 49.40.230(d).
5. Exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
6. Construction of the shelter with restrooms is contingent on approval of FZE2018 0001, a flood zone exception to allow construction of a habitable structure seaward of the mean high tide line.

CSP2018 0010: A Conditional Use Permit and City Project Review for downtown waterfront improvements
Applicant: Archipelago Properties LLC and CBJ Docks and Harbors
Location: 356 & 388 S. Franklin Street

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and recommend approval of this City Project Review to the Assembly, with the following conditions:

1. Plans submitted with the building permit application must show that the proposed structure conforms with the required setbacks per CBJ 49.25.400 Table of Dimensional

Standards, unless a variance is approved.

2. Prior to issuance of a building permit, the applicant shall submit a landscaping plan illustrating the location and type of vegetation proposed for the development, to ensure conformance with vegetative cover requirements per CBJ 49.50.300.
3. The landscaped areas shown on the plans submitted shall be maintained with live vegetative cover.
4. 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. All exterior lighting fixtures shall be of a "full cutoff" design, and exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at CBJ 49.40.230(d).
5. Exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.
6. Construction of the shelter with restrooms is contingent upon approval of FZE2018 0001, a flood zone exception to allow construction of a habitable structure seaward of the mean high tide line.

Ms. Camery gave a short presentation regarding cases CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010.

Mr. LeVine asked for clarification on the ownership of the parcels, who was buying which portions, and who was selling which portions.

Ms. Camery felt that those questions could best be explained by the applicant.

Mr. LeVine felt that it was important to get the background of the project before voting on the individual issues.

Ms. Camery gave a back-up of the site plan and gave an overview of all cases at once for more clarification.

Mr. Miller directed attention to Attachment 6, page 231 of 379, which shows a good representation of what is being purchased and sold in these cases.

Ms. Camery went on to discuss the recommendations and conditions for approval of the cases.

Committee Discussion and Questions

Mr. Hickok asked about the dock access in the new plans and if the current dock access will be removed.

Ms. Camery said the project does require a driveway permit from DOT, which CBJ Docks and Harbors is in the process of getting.

Mr. Hickok noted the current dock access next to the parking garage and the access that goes to the waterfront from the dock. He wanted to know if this access will be removed with the new plans.

Ms. Camery stated the access in the new plans would be from South Franklin and felt the applicant would be able to better answer Mr. Hickok's questions.

Gary Gillette, CBJ Docks and Harbors Port Engineer

Mr. Gillette referred to page 228 of 379, showing the current ownership. Lots 1 and 2 are owned by Archipelago LLC and lots 3 and 4 are owned by CBJ. As Mr. Miller pointed out on page 231, this shows the different properties based on uplands versus tidelands that would have to be either bought or sold to get the final configuration of the lot, Mr. Gillette stated.

For background, when CBJ Docks and Harbors began working with Archipelago LLC on this project they agreed to not let the property lines limit the creativity in the project, Mr. Gillette stated. They wanted to make it work for both parties, then go back and adjust the lines. As for the existing dock structure with access to the waterfront, Mr. Gillette stated that it will be taken out and a new dock structure with access to the waterfront will be constructed. The idea is that the access would be greatly improved.

Mr. Hickok asked if there would be fill all the way to the dock.

Mr. Gillette stated it would all be decked over. There will be a retaining wall for the uplands portion and the rest will be built on pile structures. When completed, it will all be at the same grade, with basically free-flow pedestrian access throughout the entire property from both sides.

Mr. Miller asked if the Commission had seen this part of the overall concept before.

Mr. Gillette stated that what Mr. Miller may have seen before was probably the Marine Park to Taku Dock Urban Design Plan. That was a part of it and they had looked at the whole area to meet the needs they identified for the cruise industry with the staging and they heard public comments for more open space and the covered shelter. This is a piece of that overall plan. The whole plan may have been seen before, but now they are zeroing in on the Archipelago piece for the development.

Mr. LeVine stated that he appreciates all the creativity that has gone into this planning. He expressed concerns about the covered shelter being seasonal and how the Commission is

meeting its goals for creating a vibrant downtown by having things that are open during the winter. He feels that there is at least a component of this that looks like a prime piece of property is being taken and will only be used seasonally to benefit cruise ship passengers and not having something that is going to facilitate a vibrant downtown during the rest of the year.

Mr. Gillette pointed out that, in the winter time, other facilities Docks and Harbors has built in the downtown area, for example the parking areas, have generally been available. If there doesn't seem to be a need, they don't maintain things in the winter, but the parking areas people do use, so the lots are maintained. The open space can be used by the public. The building's intent is to meet the needs of the cruise ship industry. As you may be aware, there is currently a lawsuit going on regarding the use of those public funds, so while everyone has an interest in seeing those facilities used year-round and bringing activities to downtown, there may be limitation depending on the outcome of the lawsuit. The building is designed with a concept of being structured mostly of glass, so everyone is able to see through it. It will have large sliding doors that can open up for people to walk through, or wait inside for their busses. The doors can be closed down in inclement weather, summer or winter, and for security reasons. A mechanical system is being designed in a way that will allow them to maintain at least 60 degrees inside the building when it is down to 5 to 0 degrees outside. The primary purpose is to keep enough heat in the building to avoid freezing or mold development.

Mr. LeVine clarified that his understanding from this is, in part, the City's ability to construct facilities like this for multiple uses is hindered by the limitations on the cruise ship funds that are available. So there are concerns that if something the people would like to use year-round is built, it may fall victim to the cruise ship lawsuit.

Mr. Gillette stated that this is possible, yes.

Mr. Haight asked for public testimony on these cases.

Kirby Day, Princess Cruises and Tourism Best Management Practices, 1302 Tarn Court

Mr. Day stated he had been involved in working on this project with Docks and Harbors for a long time. He has lived in Juneau for many years and has seen the growth of downtown. He believes this would be a vast improvement to the waterfront and it is consistent with the waterfront plan. Mr. Day believes it will help to not only move passengers, visitors, and vehicles, but it will also serve to move pedestrians equally between Franklin Street and the Seawalk, which could alleviate some of the pressure off of the additional passenger counts that will be seen in the coming years. About 7 or 8 years ago, when the City decided to build the two cruise ship docks, he and many others felt it was great, but there was also a need for staging for vehicles. The old Alaska Steamship dock typically housed ships of 14, 15, 1600 passengers and once the docks were built they would have ships there carrying over 3,000 passengers with no expansion possible at Marine Park to move vehicles in and out to move people. What that translates to is going back to 20 years ago when you just had vehicles roaming around through

town, just waiting for a spot so they can pull in and pick up their guests, then leave. Mr. Day believes this would help to vastly improve that situation and that having someone come in and talk about developing one side of this lot privately is really good and would be a real plus for downtown.

Bob Janes, Gastineau Guiding, 4476 Mountainside Drive

Mr. Janes feels that these moments with waterfront don't come along very often. Waterfront is a very special thing in Juneau and when the moment comes together, such as it has with the Archipelago property and CBJ, we need to seize that moment. Mr. Janes believes that if this moment isn't seized, it will be regretted.

Mr. Voelckers spoke in favor of the approval of these cases, but also felt there is a bigger question to address with making sure that they are promoting a year-round environment and doing enough to make sure that downtown has a vitality that makes people want to come downtown.

MOTION: *By Mr. Voelckers to approve the cases related to the Archipelago project, CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010.*

Mr. LeVine spoke in favor of approving these cases, but strongly encourages everyone to think about what it means to have a downtown that works for everyone and is vibrant year-round; as cruise ship passenger numbers increase coming through town, we don't want to end up turning over more of the downtown area to them than is needed.

Mr. Haight asked for any objections to the motion. None were presented, so Mr. Haight stated that all four items were passed.

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

Ms. Maclean stated that Title 49 would be meeting on Monday at noon, and asked the commissioners to confirm their ability to attend. On the agenda will be Urban Walls and Agriculture.

At a previous meeting, it was asked that CDD work with Commissioner LeVine on the Comprehensive Plan. Ms. Maclean stated that Beth McKibben would be reaching out to Mr. LeVine soon with the intent in moving forward being to draft a scope of services for a full re-write of the Comprehensive Plan, including web-based and potentially looking at a 2-3 year timeframe. They will also be looking for quotes with the intention of getting a memo to the Manager's Office in time for the budget next year. They are hoping to have that wrapped up in February.

They are also continuing to work on the Stream Ordinance; the Stubb Street revision will be back to the Commission at either the following Regular Planning Commission meeting or the first one in December. Laura Boyce is continuing to work on the Downtown Zoning. Those neighborhood meetings will probably start in January as they are working on wrapping up some items for the Blueprint Downtown and information they received through the Blueprint meetings that lends itself to the zoning as well. Non-conforming is moving along as well, with some revisions being worked on, and will hopefully be wrapped and before the Assembly right after the New Year. The Alternative Residential Subdivision Ordinance is still before the Committee of the Whole for the Assembly. Ms. Maclean had met with them to discuss questions and the need for more information and they will be meeting again for the Committee of the Whole meeting.

Mr. Miller asked where things stood with accessory apartments.

Ms. Maclean stated that there are some ongoing revisions and they are working with their attorney to wrap things up.

Mr. Miller explained that he had been working with some clients that would like to build an accessory apartment. The accessory apartment code states that if you meet certain conditions you can have up to a 1,000 square foot net apartment. The clients were troubled, because in a fairly short amount of time, they feel they will be in need of wheelchair and walker assistance in their home. The clients were surprised that there isn't a provision in code where you could get extra floor space for purely ADA improvements. If the math was done, it would be easy to show that if you make a bathroom ADA compliant, it's going to take much more square footage to do it. There may be some good reasoning behind it. Mr. Miller was surprised that when they made the change from 600 to 1,000 square feet it never came up.

Mr. Voelckers asked if it would be useful for any of the commissioners to attend the Committee of the Whole meeting for the Assembly on Monday to help support some of this debate.

Ms. Maclean stated it could possibly be helpful. She believes that there are some concerns about private streets, with questions such as how many parcels throughout the Borough would qualify at the 150% minimum lot size and it turns out there are a great number of them. Without taking into account CBJ land or forest it was still close to 600, if not more. There were other questions regarding what everything looked like, so Laurel Bruggeman and Quinn Tracy worked on some numbers and diagrams to demonstrate a traditional subdivision versus the ARS, panhandles, and shared access for D1, D5, and D18. Ms. Maclean is unsure of how testimony will go at the Assembly's Committee of the Whole meeting and if commissioners will be allowed to speak, since it is not a public hearing.

Mr. Haight stated he was also unclear of the regulations, but believes it is up to the Assembly.

Mr. Voelckers stated it is not very common, but he has seen where there have been questions arise and it was useful to have commissioners there to speak on the questions.

Ms. Maclean believes it wouldn't hurt to have the commissioners there and mentioned that there were questions on the bonus section regarding excellence and design. The Sherwood Lane Rezone case will also be brought up at that meeting.

XII. COMMITTEE REPORTS

Mr. Miller reported that the ADHOC Implementation Committee met and they worked their way through the last portions of the overlay zoning district. Mr. Miller believes they have cut CDD loose to hold a neighborhood meeting and outreach to the public. The committee would take what is gained from the public and make adjustments, if necessary, and move forward with a possible ordinance that creates new zones. Or is it a rezone?

Ms. Maclean stated that this would likely be the ordinance, because it is creating new zoning districts and the overlay district as well.

So possibly an ordinance followed a rezoning that travels with it at the same time, Mr. Miller asked. He stated they only briefly touched on that process and had left things there, but they are making good progress with everything and feel that it was ready to send off to the public.

Mr. LeVine stated this was not a committee report, but more of an update for the Commission to know that they are proceeding with the Harris Homes appeal. The record has been produced and there is a dispute about the documents that are, and are not, included in that record. They are in the process of considering the briefing on that dispute. The appeal will be briefed through the fall. The date of the actual hearing has been pushed until after the new commissioners are seated. It was originally going to be scheduled for while this commission was

seated, but it can't be held then, so it will be pushed until at least February so the new commission is in place and caught up to speed.

Mr. Greene asked if the progress on the project is at a cease and desist state in the meantime.

Ms. Maclean stated that the project is not shut down and a new condominium plat was recorded in August. In the middle of August they began issuing building permits, TCOs, and COs, once that new plat was recorded.

XIII. LIAISON REPORTS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers offered comments regarding the Blueprint Downtown meeting on October 30th that was very well-received by the public. There was a large turn out with lots of engagement from everyone. They developed some hypothetical action items and let people vote with stickers on what their favorite things were. There was one where they gave everyone 10 pennies and let them vote with their pennies on the popular projects that had been discussed. The most popular project that people voted for was more expenditure on social services to deal with vagrancy and homelessness downtown, then things like the Seawalk, rehabilitation of under-utilized properties downtown. There was a lot of sentiment on how to make downtown livable and vital year round. That vitality and authenticity has come up a lot from people. It is a really engaged process and they are at about the three quarters completion point now and will have a last public meeting in January.

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT

The meeting was adjourned at 7:55p.m.

Additional Materials

Regular Planning Commission Meeting

7:00 pm, Assembly Chambers
Meeting Date: December 11, 2018

1. USE2018 0017:

- a. Thane Neighborhood Association comments, received 11/29/18

2. ADP2018 0002; 0003; 0004

- a. Staff memo re: erroneous sentence in staff reports

3. STAFF MEMO:

Response to public inquiry on hazard maps and an update on the Mass-Wasting (landslide and avalanche) Assessment

RE: USE2018 0017

Subject: FW: recommended response to Tlingit-Haida cultural center comments

From: Tony Yorba [<mailto:tony@jensenyorbalott.com>]
Sent: Thursday, November 29, 2018 3:06 PM
To: Amy Liu
Cc: Jodie Gatti; Emily Edenshaw; Corey Wall
Subject: FW: recommended response to Tlingit-Haida cultural center comments

Amy, below in **bold** and *italics* are the applicants response to the comments from the Thane Neighborhood Association to the Clutural Immersion Park planning application

Tony Yorba
 Principal Architect
 JENSEN YORBA LOTT, INC.
 522 West Tenth Street | Juneau, AK 99801
 D 907-789-4520 | C 907-209-9946 | O 907-586-1070 | F 907-586-3959
www.jensenyorbalott.com

From: Larri Spengler [<mailto:lspengler@ak.net><<mailto:lspengler@ak.net>>]
 Sent: Sunday, November 25, 2018 11:29 AM
 To: Amy Liu
 Cc: Emily Edenshaw; Jodie Gatti
 Subject: Tlingit-Haida cultural center comments

Hello, Amy:

The Thane Neighborhood Association is very much in support of the proposed Tlingit-Haida cultural immersion center. It will be an excellent addition to the Thane area, to the larger Juneau community, and to visitors to our city.

We have the following two requests and one informational comment that we would like the Juneau Planning Commission to consider when it discusses the conditional use permit.

Permit stipulation request: We ask that a stipulation be included in the conditional use permit that if the cultural immersion center thrives and eventually wishes to increase to doubling (or more) the original two 75-person pulses of visitors that the permit be reviewed again at that time by the city planning department and the planning commission, with an opportunity for public comment. Such growth may call for new conditions about traffic, for example.

This stipulation would be difficult to administer and would pose a hardship to the Applicant. Growth is generally organic and gradual. For instance, a wedding or special event may suggest that additional trips be made, although not necessarily by 75 passenger buses. Demand may such that

occasionally additional 75 passenger bus trips are desirable. Rather than set some sort of hard benchmark requiring a full planning commission review we recommend that open communications be maintained between the applicant and the Thane Neighborhood Association, and than any discussion of additional conditions in the future be handled on a staff level.

Permit stipulation request: We ask that a stipulation be included in the conditional use permit that non-breachable vehicle-barriers be required around the new parking area (which at the same time would allow pedestrian access to the beach and greensward). This would protect the area from the kind of erosion, dust, trash, and dangerous driving that used to dominate the Sheep Creek shore before our neighborhood association worked in 2005 in concert with AEL&P/AJT, the Ore House, ADF&G, the city, DNR, and DOT to address those issues.

We concur with this recommendation.

Informational comment: Thane Neighborhood Association has no position on this, or what, if anything, might be done about it. However, we wish to provide the information from our local knowledge that reserving five parking places for the public may not accommodate the recently increasing uses of the shore there by people fishing seasonally and the nearly year-round presence of the dredge-miners (as well as the occasional dog walkers and picnicking families).

We will take this information into consideration as the site design moves forward.

We look forward to the Tlingit-Haida cultural immersion center opening in our neighborhood, and we thank you for your attention to our requests.

Larri

Larri Irene Spengler, Secretary
Thane Neighborhood Association
4545 Thane Road
Juneau, Alaska 99801
907-586-9768 (phone/fax)
lspengler@ak.net<<mailto:lspengler@ak.net>>



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

MEMORANDUM

DATE: December 10, 2018
TO: Board of Adjustment
FROM: Amy Liu, Planner
Community Development Department
CASE NO.: ADP2018 0002, ADP2018 0003, ADP2018 0004
SUBJECT: Correction to staff report

A handwritten signature in black ink, appearing to read 'Amy Liu', is positioned to the right of the 'FROM' field.

The following phrase in the staff reports for ADP2018 0002, ADP2018 0003, and ADP2018 0004 should be disregarded:

"...and also allow for the construction of the proposed second story workshop for private use."

This phrase was erroneously added to the reports. I apologize for any confusion related to this writing.



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

TO: Planning Commission

FROM: Teri Camery, Senior Planner

DATE: December 5, 2018

SUBJECT: Response to public inquiry on hazard maps and an update on the Mass-Wasting (landslide and avalanche) Assessment

On November 28, 2018, an email was received in the PC_Comments inbox from a resident with a request to resolve issues associated with CBJ hazard maps (see attached email). The purpose of this memo is to address those issues and also to provide an update on the new CBJ Mass-Wasting (Landslide and Avalanche) Assessment, a project fully funded by the Federal Emergency Management Agency.

Resident Concerns

Ms. Tavel's property, 245 Irwin Street, is located in a severe landslide/avalanche area, as shown on CBJ's adopted Juneau Landslide and Avalanche Area maps. This map, along with other hazard maps and studies, may be found at <http://www.juneau.org/cddftp/GeophysicalHazards.php>.

This webpage shows which maps and reports have been adopted by CBJ and which have not. All reports are available to the public. The Juneau Landslide and Avalanche Area Map, which includes maps from both 1987 and 1972, is the adopted reference that CBJ uses to implement hazard regulations in the CBJ Land Use Code, at 49.70.300. Code section 49.70.300(a)(4) provides a process for changing the maps if there is a disagreement regarding the boundaries shown on the maps. This process includes submitting "site specific studies prepared by a civil engineer experienced in landslide and avalanche analysis." The process requires review by the CBJ Engineering and Public Works Department and approval by the CDD Director. As noted in the letter, Ms. Tavel has been informed about this process.

CDD is unaware of a CBJ or municipal policy, currently or in the past, regarding disclosure or non-disclosure regarding hazards. CDD uses the adopted maps to enforce the hazard regulations listed in CBJ Code 49.70.300. CDD does not play a role in private appraisals or in private insurance requirements. All public documents, both adopted and un-adopted, are posted on the web for public use.

Mass-Wasting Assessment

In September 2018, CDD received the final grant award for a new Mass-Wasting Assessment for downtown Juneau. This grant includes \$180,000 for an assessment that would develop new property-

Planning Commission

December 5, 2018

Page 2 of 2

specific maps for the downtown area that identify low, medium, and high hazard areas for landslides and avalanches. The grant also includes \$25,000 for development of mitigation options, such as engineering interventions and new policies and regulations. Adoption of new maps and/or mitigation options will go through a full public process including neighborhood meetings and public hearings before the Planning Commission and Assembly.

The assessment study is expected to begin in May 2019, following release of a Request for Proposals and selection of a contractor. Preliminary draft maps and draft reports will be released for internal and then public review in June-December 2020. Mitigation options will be developed through a separate bid and contract process. Preliminary and final mitigation options reports will be available in the spring of 2021. CDD will provide frequent updates to the Planning Commission and Assembly as these projects move along.

Attachment: Theresa Tavel email to Planning Commission, November 28, 2018

From: Theresa Tavel <tatavel@acsalaska.net>
Sent: Wednesday, November 28, 2018 9:56 PM
To: PC_Comments; Jesse Kiehl; Loren Jones; Mary Becker; Carole Triem; Maria Gladziszewski; Mayor
Cc: Rob Edwardson; Michelle Hale; Wade Bryson; Rorie Watt; Mila Cosgrove; Robert Palmer; Laura Boyce; Amy Liu
Subject: 245 Irwin Street & CBJ Geophysical Hazards map

CBJ Planning Commission
 155 S. Seward Street
 Juneau, Alaska 99801

November 28, 2018

Dear CBJ Planning Commission,

I am writing to request CBJ and Planning Commission action to resolve issues arising from the CBJ Geophysical Hazards map, which has directly impacted my property and ability to sell my home.

In October, my home was under contract to be sold. Just before the closing date, the appraiser noted in the appraisal that my home is listed on the CBJ Geophysical Hazards map as being in a “severe landslide/avalanche area.” This appraisal documentation immediately led the buyers to terminate the purchase of my house (and thereby also my purchase of a different property), as their lender required hazard insurance and they were unable to find an insurance company that would sell this insurance, allegedly due to the recent mudslides in Sitka.

I contacted the appraiser regarding his sources regarding the geophysical hazard. He informed me that since the CBJ maintains this map, his policy is to include the information in appraisals, even though the CBJ voted NOT to adopt this map for community homeowner and property evaluation.

I have owned this piece of property for 24 years. In the original appraisal as well as appraisals done in 2004 and 2007, this map and designation were not referenced, and I have never been previously notified or aware of this designation by the CBJ or anyone else, so the information was shocking to receive, in addition to the immediate adverse impact of effectively blocking the sale of my property.

When I inquired further regarding the situation from CBJ Community Development staff, I was told that the CBJ had considered and then decided not to adopt a policy of mandatory “hazard disclosure” on property deeds in such areas that would alert prospective buyers or disclosure of hazards by real estate agents. This decision was apparently due to community controversy when the CBJ considered the issue, as homeowners realized it would adversely impact their ability to sell their property. My situation is unfortunately a direct example of their concerns.

The CBJ staff suggested that one option would be to contact an engineer, request a study of my property and if the results of this study refute this designation, I could submit an amendment to the map request to change the designation of my property. This option is not available to me, as reportedly there are no engineers in the local area who are willing/able to address this issue.

My objections and request for CBJ action are directly related to these Geophysical Hazards maps (<http://www.juneau.org/cddftp/GeophysicalHazards.php>), specifically Map 2 of 7 - Central Downtown – 1987, which are allegedly the product of a 1972 study. In this study, the engineer responsible for the mass wasting hazard portion of the report stated specifically that *the report and mapping were general in nature and were not intended to be site specific. The overall intent of the report was to guide the City and Borough in the development of properties within these areas.*

In my situation, the Geophysical Hazards map shows properties directly to the east, west, and uphill from my property all in the “moderate” hazard zone, due to engineer certifications that removed their property from the hazard map.

I request that the Planning Commission and CBJ withdraw these outdated and unverified maps from the public domain and additionally instruct appraisers not to use them as official documents. I was told that the CBJ is aware there is a problem with the maps and that they will hopefully resolve it sometime “in the next 2-4 years.” This timeline does not work for me, as this issue directly and currently adversely impacts my ability to sell my property.

Please consider this request and make resolution of this issue a higher priority issue, and in the meantime discontinue providing this information to appraisers to be used without verification.

I can be contacted for further discussion of this issue at tatavel@acsalaska.net or 907-209-8764.

Thank you,

Theresa Tavel

Theresa Tavel
245 Irwin St
Juneau, AK 99801
907-209-8764
tatavel@acsalaska.net

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-xx PCv1_____

An Ordinance Amending the Land Use Code Related to Street Standards.

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

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

Section 2. Amendment of Section. CBJ 49.35.240, Improvement Standards, is amended to read:

(g) *Cul-de-sacs.*

(1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.

(2) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can practically logically be extended in the near future to provide for connecting streets into an adjoining undeveloped land, is located in a right-of-way or in an easement for public access, and if the following are met:

(A) The temporary portions of the cul-de-sac turnaround ~~shall must be shown on~~ easements as on the plat rather than as dedicated right-of-way. Such easements shall allow for public access and maintenance as if it were dedicated right-of-way until such time the easements are vacated. The easements shall not contribute to towards lot area.

(B) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (G) below.

- (C) The CBJ will record a release of the easements for the temporary portions of the cul-de-sac turnaround at the state recorder's office at Juneau at the time the turnaround is removed and the street improvements have been extended.
- (D) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.
- (E) All improvements, including utilities and private driveways, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties. The construction plans shall demonstrate those improvements connecting through a temporary cul-de-sac will still comply with CBJ standards after the temporary cul-de-sac is removed.
- (F) Temporary cul-de-sacs must provide required access and minimum frontage on a publically maintained right-of-way to all lots using the cul-de-sac as access. If the cul-de-sac is not extended to the adjoining property, the maximum length of an unconstructed right-of-way between the temporary cul-de-sac and the adjoining property shall be the minimum lot width for the zoning district. If the right-of-way is located in more than one zoning district, the shortest minimum lot width shall be used. The right-of-way between the constructed temporary cul-de-sac and the adjoining property shall be subject to the stub street requirements of this Title. be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul de sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 3).

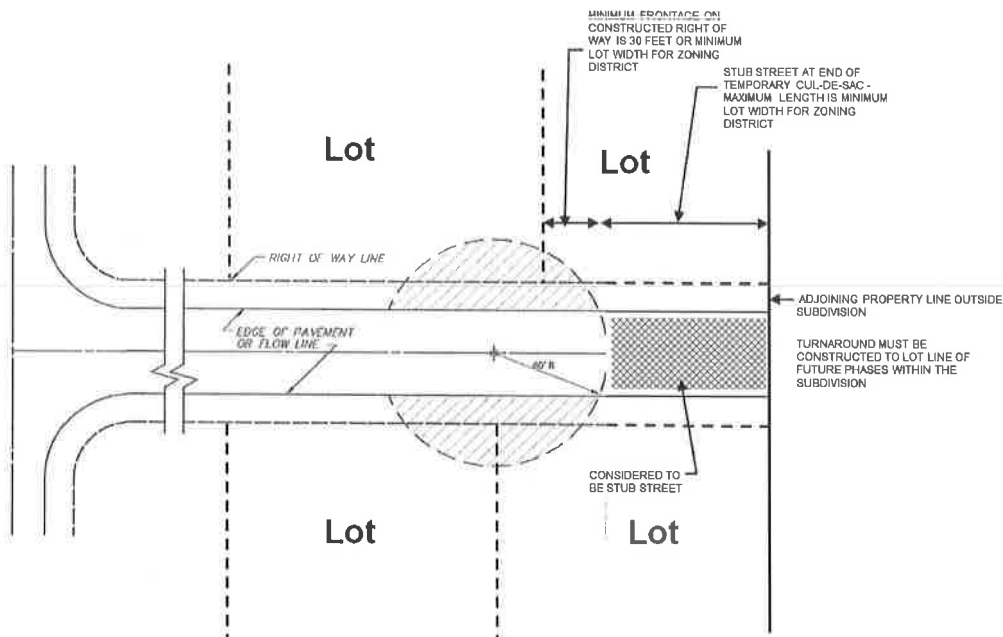


Figure 3 [Instruction for Municode, delete existing figure and insert new figure as depicted above]

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

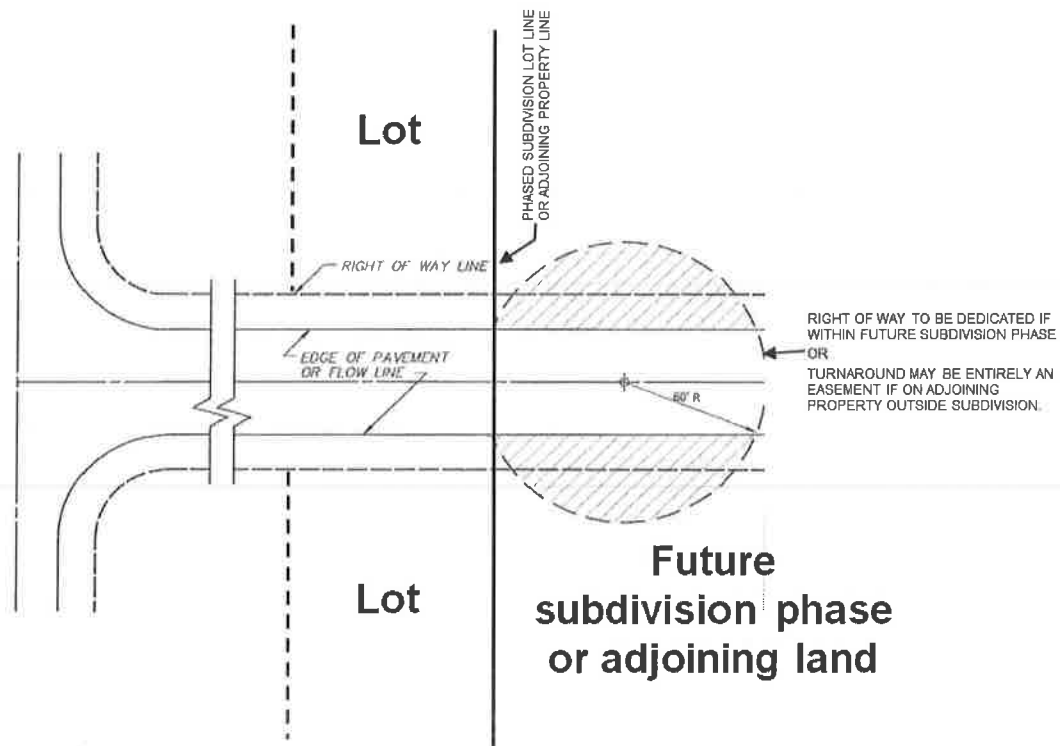


Figure 4

- (H) The plat shall include the following note "Temporary cul-de-sac easement shall be vacated on extension of street unless the Director determines the all or a portion of the cul-de-sac may remain." Before final acceptance of all improvements by the CBJ, the developer must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five year period, the developer can complete the reconstruction and extension, or the guarantee may be used by the CBJ for that purpose. If a right of way has not been dedicated on the

adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released.

(I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, the temporary portions of the cul-de-sac shall be removed. The Director—after considering public safety, costs, and recommendations from the Director of Engineering and Public Works and the Fire Marshall—shall determine if the developer may leave all or part of the temporary portions of the cul-de-sac. If any temporary cul-de-sac portion is removed, then the resulting constructed right-of-way shall conform to CBJ standards and the temporary cul-de-sac has not been extended as authorized by this section, then the developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards.

(3) *Hammerhead turnarounds.* Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.

(i) *Street waivers.* The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:

(1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a right-of-way, the director may waive all or some of the construction requirements under the following conditions:

(A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served.

(B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering and public works the feasibility of constructing a public street at the location of the relocated right-of-way.

(C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter.

(D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.

(E) No additional lots are being platted.

(2) *Stub streets.*

(A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. A developer requesting a stub street waiver shall demonstrate in the construction plans that a street can reasonably be constructed to CBJ standards in the right-of-way. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 54).



Figure 54

(B) Reserved.—In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five year period, the financial guarantee will be released.

(C) When the developer subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the developer subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

Section 3. Amendment of Section. CBJ 49.80.120, Definitions, is amended to read:

Cul-de-sac means a dead-end street that provides for a required vehicle turnaround the turnaround at the end of a dead-end street.

Adopted this _____ day of _____, 2019.

Attest:

, Municipal Clerk





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

DATE: December 3, 2018

TO: Planning Commission

FROM: Amy Liu, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'Amy Liu', is positioned to the right of the 'FROM:' field.

FILE NO.: USE2018 0017

PROPOSAL: Conditional Use Permit for Cultural Immersion Park

GENERAL INFORMATION

Applicant: Jensen Yorba Lott Inc.

Property Owner: City and Borough of Juneau Docks & Harbors

Property Address: 4400 & 4404 Thane Road

Legal Description: ATS 1328 Tracts B1 and B2; ATS 1570 Tract B3A & B3B

Parcel Code Number: 1B0301020030; 0041; 0043

Site Size: 1.28 acres

**Comprehensive Plan Future
Land Use Designation:** Waterfront Commercial Industrial

Zoning: Waterfront Industrial

Utilities: On-site Water and Waste Water

Access: Thane Road

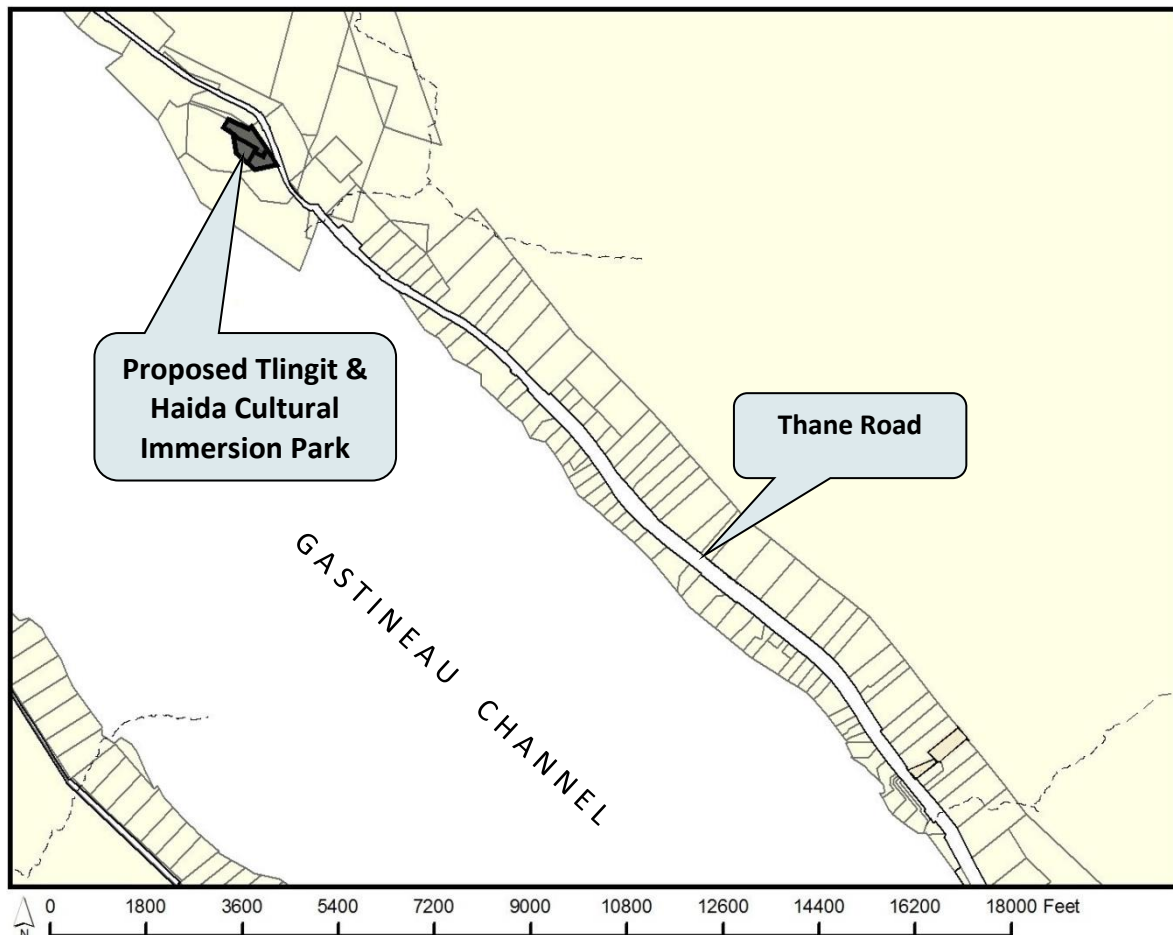
Existing Land Use: Vacant Commercial Building & Property

Surrounding Land Use: North – Vacant Waterfront Industrial (AJ Mining Co.)
and Rural Reserve (AJ Mining Co.)

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South – Vacant Waterfront Industrial (State of Alaska)
East – Vacant Reserve with AEL&P Electrical Substation
West – Vacant Waterfront Industrial (State of Alaska)

VICINITY MAP



ATTACHMENTS

- Attachment A – USE2018 0017 Application
- Attachment B – USE2016 0010 Notice of Decision
- Attachment C – Public Meeting Sign-in Sheet
- Attachment D – Public Notice
- Attachment E – Public Comment

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PROJECT DESCRIPTION

The applicant, Jensen Yorba Lott Inc. (JYL) on behalf of Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHITA), requests a Conditional Use Permit for the development of a Native Cultural Immersion Park at 4400 and 4404 Thane Road, which is zoned Waterfront Industrial (WI). Conditional Use Permit USE20160 0010 was approved on June 1, 2016 for the development of the Thane Ore House into a restaurant and cultural immersion park. The applicant did not meet all conditions in the Notice of Decision by the expiration date, December 14, 2017 (Attachment B).

This staff report will reassess whether the proposed use is appropriate in a Waterfront Industrial district according to the character, intensity, and size of this use and the surrounding uses. Should the requested Conditional Use Permit be granted, CCTHITA will lease the land from CBJ Docks & Harbors. The process for leasing CBJ owned land is laid out in CBJ Code 53.09.260. The lease agreement will come to the Planning Commission in the form of a City/State Project (CSP) case. The Planning Commission will review the CSP case and make a recommendation to the Assembly.

The existing Thane Ore House has been demolished and will be replaced with a building reminiscent of Tlingit beachfront village architecture. The development will include a restaurant, dance floor, gift shop, administration space, and light manufacturing of wood crafts and other art forms. Visitors would arrive at the site by bus, entering off Thane Road at a new driveway approximately 250 feet southeast of the existing driveway. The cultural experience will begin as guests walk through a multimedia presentation that narrates a history and culture of Southeast Alaska coastal tribes. The multimedia hallway will lead visitors to an exhibit of traditional arts and crafts, and an outdoor pavilion where master carvers and craftspeople work.

The existing former Echo Bay Mines warehouse adjacent to the existing Thane Ore House will be renovated to also function as a wood working space. The second floor of this building will have a 1,500 square foot apartment that is intended for up to five visiting carvers or other artists to stay overnight. The frequency and duration of the overnight stays will vary, depending on the availability of in town teaching skills available, duration, and frequency of classes. Apprentices and other guests will not stay overnight. Carvers will primarily use traditional hand tools to produce larger or longer term projects, such as totems and canoes. Visitors may observe wood working and canoe launches from the beach. The beachfront is located on state land and not on the subject site, so CCTHITA is in the process of obtaining the proper permit from the Department of Natural Resources (DNR) for the canoe exhibit and launch.

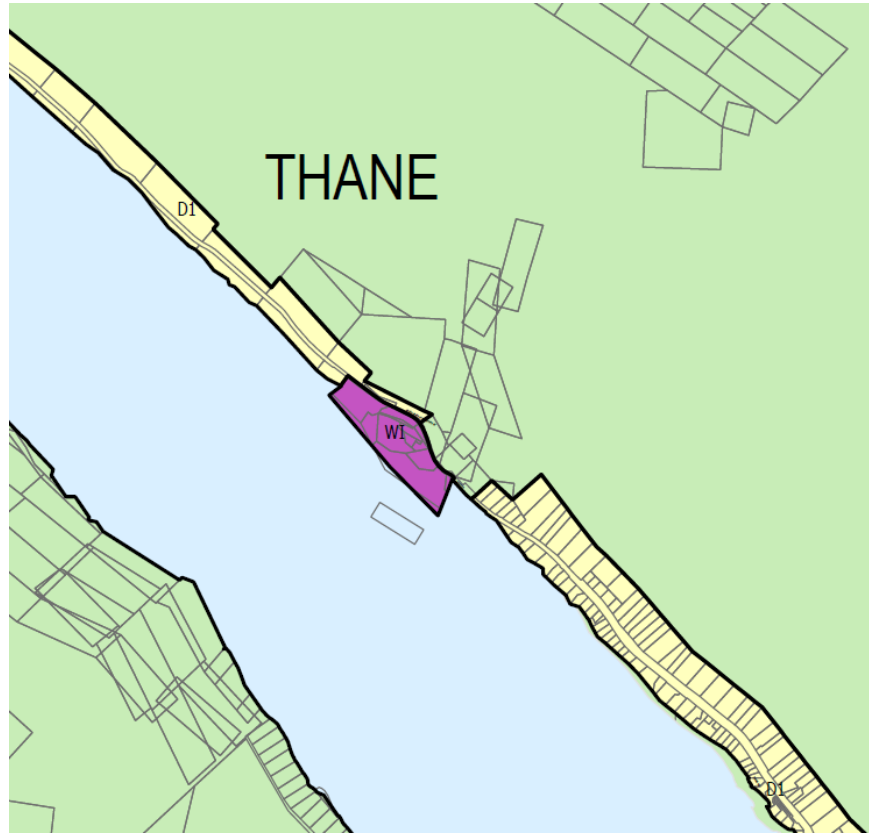
Apart from crafts, guests are invited to sit down for a salmon-bake style meal in the restaurant

and attend traditional dance, language, and storytelling. It is anticipated that the restaurant and performance building would only be used occasionally during the off season. Visitors will exit through the gift shop where they may buy goods handmade on site. Visitor transportation will be discussed in the traffic section of this report.

The current proposal for the Native Cultural Immersion Park has mostly been unchanged from the application for USE2016 0010. Changes are summarized below, and discussed later in the report:

- USE2018 0017: The second floor of this building will have a 1,500 square foot apartment that is intended for up to 5 master craftspeople to stay overnight. Overnight stays will occur when out-of-town artists need housing while they are leading apprentices in a class or skill building unit.
 - USE2016 0010 states that “CCTHITA is expecting the artists and apprentices to drive themselves to and from the site.”
- USE2018 0017: The applicant is evaluating methods of providing both domestic and firefighting water from onsite sources.
 - USE2016 0010: This was not an option at the time.
- USE2018 0017: The access easement on lot B3A will be developed to include a walking and bike path. This will eliminate the need for the public to enter the Immersion Park in order to access the beach.
 - USE2016 0010: CCTHITA was planning to remove as little vegetation as possible in regards to public access to the beach.
- USE2018 0017: On November 24, 2018, the CBJ Fire Department conducted a burn exercise to demolish the Thane Ore House.
 - USE2016 0010: The existing building was going to be repurposed.
- USE2018 0017: The existing driveway would be abandoned for public access and a new driveway would be established approximately 250 feet further southeast from the curve, which greatly reduces the risk of vehicle conflicts.
 - USE2016 0010: CCTHITA was in the early stages of discussing this with DOT.

AREA MAP



BACKGROUND

In 1985, Thane Ore House Corporation approached the Alaska State DNR with a request to lease a portion of Tract B along Thane Road in order to open a restaurant called The Thane Ore House Restaurant. The request prompted the State to subdivide a large parcel of land between the road and ordinary high water mark of Gastineau Channel. The survey created lots B1 through B5. Although Thane Ore House Corporation began leasing Lots B1 and B2 in 1986, the Tideland Survey was not recorded until 1994. In 2002, the State deeded ownership of Lots B1 and B2 to the City and Borough of Juneau and the property has been managed by CBJ Docks & Harbors. Sales tax records indicate that the restaurant closed sometime around December 2012 and the lease was not renewed.

Tract 3 is south of Lots B1 and B2, and was subdivided into Tract B3A and Tract B3B. Tract B3A is an undeveloped lot largely covered with trees. Tract B3B includes a former office and shop as well as a gravel paved parking and driveway connected to the Ore House driveway. All lots are zoned WI. The applicant is leasing all lots. In 2015, Docks & Harbors issued RFP No. DH16-002

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inviting interested parties to propose possible uses for Lots B1 and B2. CCTHITA responded to the RFP with the idea of a Native Cultural Immersion Park. Docks & Harbors selected CCTHITA's proposal.

In October 2015, CCTHITA filed a formal inquiry request with the Community Development Department (CDD) to explore which uses are allowed with department approval in a WI district, which uses require Conditional Use Permits, and which uses are not allowed in WI. CBJ 49.25.250 describes the intent of waterfront districts. CBJ 49.25.300 Table of Permissible Uses indicates that major light manufacturing that is water-related and in a WI district requires a Conditional Use Permit.

CBJ 49.25.250 Waterfront Districts (b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

CBJ 49.25.30(c)(3)(E), Minor Development in Industrial Districts – non-residential buildings of 15,000 square feet or less, or using less than one acre of land

CBJ 49.80.120 Definitions

- Water-dependent – a use or activity that can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.
- Water-related – a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.
- Water-oriented – Uses or mixtures of uses which would benefit from being near the water and are intrinsic to waterfront development, and which meet all of the following criteria:
 - (1) Uses must be part of a larger fully-planned development which also incorporates water-dependent or water-related uses;
 - (2) Uses which are not directly water-dependent or water-related must be necessary to the overall development of the project;
 - (3) Uses must be integrated functionally by architectural and site designs which are sensitive to the waterfront site;
 - (4) Uses must act as economic stimuli and anchor points to enable other forms of development, particularly public access improvements; and
 - (5) Uses must contribute to a diverse and healthy downtown core.

There are two principle uses being evaluated. The first use is an approximately 7,500 square

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foot carving building allowed outright, of which 3,000 square feet will be used for production of canoes and other artisan crafts. Carving and creation of art is considered light manufacturing and meets the definition of minor development. The use is regarded as water-dependent because of water's significance to canoes and Southeast Alaska Indigenous people. Water has been a key source of food, fishing-related traditions, and other aspects of culture.

The second use is an approximately 11,200 square foot restaurant, small gift store, and performance area required to have a conditional use permit. Given the zoning, CBJ 49.25.300 states that restaurants without drive through service are required to have a Conditional Use Permit. The proposed restaurant fits this description. Based on the Title 49 definition of water-oriented, the salmon-bake style restaurant component of the park meets the criteria to be considered water-oriented. The restaurant will feature foods that are specific to Southeast Alaska Indigenous cultures and sourced from the marine environment. As previously discussed, the restaurant is part of a larger development that is water-dependent. The applicant states that the restaurant will be necessary to the over-all success of the development.

The gift shop, which is 1,350 square feet and will account for approximately 28% of the building space, is considered accessory to the restaurant and light manufacturing, and therefore will not require a separate Conditional Use Permit. *CBJ 49.25.300 (a) (4) describes accessory uses as a use constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.*

Neighborhood Meeting – On October 16, 2018, CBJ hosted a neighborhood meeting to allow CCTHITA to explain their proposal and hear any concerns that neighbors may have about CCTHITA's proposed development. There were 14 Thane Residents participating in a discussion with 1-2 representatives from the following departments: CBJ Community Development, CBJ Fire, CBJ Docks & Harbors, CCTHITA, and JYL Community members were collectively supportive of the project, and further inquired about demolition of the dilapidated restaurant, increased safety measures, and the comparison between the previous and current project applications. These questions were addressed by CBJ staff and applicants (Attachment C).

Judy Sherburne, Thane resident and landscape designer, expressed concern about site aesthetics and conservation of the alder stands located at the location of the proposed parking lot. Ms. Sherburne recommends using the proposed access point, but returning the parking to the north side of the building complex, where there is existing road and parking. Ms. Sherburne would like to maintain the alder stands for recreational and conservation purposes (Attachment E).

Larri Spengler, Secretary of the Thane Neighborhood Association, recommended on behalf of the association three conditions of approval (Attachment E). Staff recommends that as a condition of approval, a barrier to vehicular traffic no less than 2 feet high shall be constructed

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along the border of the parking area, so as to define areas for vehicle traffic. This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the CDD. Staff also recommends as a condition of approval, if the applicant anticipates the site generating more traffic than is anticipated at this time, the applicant may be required to submit a traffic impact analysis for review through a new or modified conditional use application at the Director's determination.

Agency Comments – No comments were received from Alaska DNR, Department of Transportation (DOT), Department of Environmental Conservation (DEC), Alaska Electric Light & Power (AEL&P), or CBJ Docks & Harbors.

ANALYSIS

Project Site – The existing site is Lot B1, B2, B3A, and B3B of Alaska Tidelands Survey 1328. Electricity is delivered to the site via overhead AEL&P power lines. There is no City water or sewer to the site. Septic is planned for Lot B2.

Lot B1 is 51400.8 square feet, or 1.18 acres, and includes the Thane Ore House Restaurant. The building will be replaced with the Tlingit themed restaurant/performance and exhibit/gift shop space. On November 24, 2018, the CBJ Fire Department conducted a burn exercise to demolish the Thane Ore House. Lot B2 is 4443 square feet, or 0.102 acres, and includes a below grade septic system that served the restaurant.

Lot B2 has an underground septic system installed by Thane Ore House Corporation in 1986. At the time, the septic system met all the requirements and was properly permitted by DEC. Staff recommends as a condition of approval that prior to a Certificate of Occupancy being issued the applicant must obtain a new permit from DEC that certifies that the existing septic system is still safe to use and meets current safety and environmental standards.

Lot B3A is approximately 32,670 square feet, or 0.75 acres, is presently undeveloped and is earmarked for development for site access and parking. Lot B3B is approximately 33,105.6 square feet, or 0.76 acres and includes the existing former office and shop building which is proposed to be renovated into the carving building.

There is an existing surface water system that uses an unnamed stream near the site with water rights granted by the Alaska DNR for up to 2,500 gallons per day. Earlier this year, those water rights were transferred to CBJ. The applicant is evaluating methods of providing both domestic and firefighting water from onsite sources.

To the north of Lot B1 are three narrow lots that were once part of USMS 979 Homestead Lot No. 3. These narrow pieces of USMS 979 were separated from the rest of the lot when Thane

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Road was built and the lots are now owned by AJ Mining Company. Access and use easements were granted to the State of Alaska by the AJ Mining Company. When the State deeded ownership of Lots B1 and B2 to CBJ, the access and use easements transferred to the City.

The area is a popular destination for recreational fishing and most of the surrounding lots are undeveloped. CCTHITA is planning to maintain that access. The access easement on lot B3A will be developed to include a walking and bike path, and 5 parking spaces will be designated for anglers and other recreational users. This will eliminate the need for these individuals to enter the Immersion Park in order to access the beach.

Project Design –JYL proposes a circular drive and parking area on lot B3A. This configuration would allow busses to enter the site, drop visitors off, and exit the site without reversing. Walking trails will take visitors around the site to visit seasonal craft pavilions and waterfront.

The existing Thane Ore House has been demolished and will be replaced with a complex of building forms reminiscent of a waterfront Tlingit village. The former shop/office building will be modified with the removal of a lean-to shed that was added to the south end of the building. The exterior will be modified to reflect Haida architecture, including a house front and a traditional totem pole that would be visible from the water. The development will include a restaurant, dance floor, gift shop, administration space, and light manufacturing of wood crafts and other art forms.

CCTHITA plans to create a paid apprenticeship program where aspiring artists can learn from master craftspeople. CCTHITA is expecting to hire two master carvers, four apprentices, and four artists. Additionally, CCTHITA is expecting to employ a combined total of 24 seasonal kitchen staff, wait staff, cashiers, and tour guides. Employees will be encouraged to commute to the park on a CCTHITA bus that will have scheduled pick-up and drop-off at two locations around town.

Traffic – Thane residents expressed concern for the traffic impact on the surrounding area. Their concerns were focused on two general areas - vehicles safely entering and exiting the site, and the increase in traffic on Thane Road, particularly at the beginning and end of the work day. CBJ49.40.300(a)(2), development generating less than 250 average daily trips (ADT) is not required to have a traffic impact analysis.

CCTHITA is expecting most of the visitors to be cruise ship passengers. Applicants are planning to use two, 72-passenger busses to transport guests to and from the site. The intention is to have one lunch tour and one dinner tour. These passengers will be picked-up at the docks and bused to the site. The park is expected to operate two, 2.5 hour tours per day. Each tour will have about 140 visitors. The lunchtime tour is expected to begin at noon and end at 2:30pm. The dinnertime tour will begin at 4:00 and end at 6:30pm, depending on cruise ship schedules.

During May through September, the visitor pick-ups and drop-offs with two busses would result in 8 ADT; 2 busses making a total of 2 trips during the lunch tour and 2 trips during the dinner tour. CCTHITA is planning to transport employees to and from the site using a smaller bus. This will result in 2 ADT. CCTHITA is expecting the manager and the head chef to drive to work. They will generate 4 ADT. CCTHITA is expecting to employ two master carvers and four apprentices. The carvers and apprentices will make their own schedule and may not be driving to the site every day. It is expected that the proposed development will create, on average, 14 ADT between May through September. On days that the carvers and apprentices work, the trips are expected to increase to 28 ADT.

The number of vehicle trips per day will decrease during the fall and winter months because the restaurant and gift shop will not be operating and employees will not commute. The manufacturing and apprenticeship program will operate on the site year round. CCTHITA is expecting the artists and apprentices to drive themselves to and from the site. At this time, CCTHITA is expecting to hire two master carvers and four apprentices. This is estimated to create 12 vehicle trips per day during the fall and winter.

Parking and Circulation – The site will have a loop driveway that allows busses to exit the site without reversing. Thane residents expressed concern over the location of the existing driveway in relation to Thane Road. When traveling east along Thane, the existing driveway sharply curves to the south. The driveway is approximately 70 feet from the arc of the curve. Due to neighborhood concerns and risk posed by the sharp turn, the existing driveway would be abandoned for public access and a new driveway would be established approximately 250 feet further southeast from the curve.

The speed limit along Thane Road is 40 mph. According to Alaska Department of Transportation (AKDOT), if vehicles are abiding by the speed limit they would have enough time to slow down when a bus is making a left hand turn out of the driveway. CCTHITA has been communicating with the AKDOT concerning the driveway location and has applied for a driveway permit with AKDOT. The permit will allow AKDOT to examine the geometry of the existing driveway. Staff recommends as a condition of approval, any driveway improvements required by the AKDOT must be installed prior to the issuance of a Certificate of Occupancy.

Per *CBJ 49.40.210 Table of Minimal Parking Standards*, the site is required to have a total of 20 parking spaces, including 2 ADA accessible spaces and 1 loading space. Minimum parking standards are based on uses and gross floor space. ADA requirements are based on the total number of parking spaces required. When 1 to 25 parking spaces are required Title 49 requires one of those spaces to be ADA accessible.

Use	Parking per sq. ft. of gross floor space	Gross seating floor space	Spaces Required
Restaurant	1/200 sq. ft.	1,700 sq. ft.	9
Retail gift shop	1/300 sq. ft.	1,350 sq. ft.	8
Manufacturing	1/1,000 sq. ft.	3,000 sq. ft.	3
Total			26
ADA			1
Roadside Fishing*	*Required by CBJ Docks & Harbors		5

CBJ Docks & Harbors, as a result from a request from Alaska Department of Fish and Game, is requiring five parking spaces. These five spaces will be reserved for anglers and recreational users of the beach from May through the end of October. Staff recommends as a condition of approval, that the applicant submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.

Noise – The noise impacts to the surrounding neighborhood will be minimal. The restaurant activity and the dancing will take place inside. All of the carving and product manufacturing will be done using traditional techniques, so no loud machinery will be used. Most of the surrounding property is vacant land owned by the DNR or developed land that is owned by AEL&P. The closest residential lot is approximately 1,700 feet to the south. Staff recommends as a condition of approval, any heavy construction associated with the building rehab be limited to 7:00 am to 10:00 pm Monday through Friday, and 9:00 am to 10:00 pm Saturday and Sunday.

Exterior lighting – CCTHITA is planning for minimal exterior lighting since most of the activity will occur during the spring and summer. The only exterior lighting that is planned for the site will be in the parking area. Staff recommends as a condition of approval, prior to the issuance of a building permit, an exterior lighting plan, to be evaluated by the CDD, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.

Storage – 04 CBJAC 050.020 establishes performance standards for commercial and industrial uses. Section (g) requires that all open storage, excluding outside merchandising, meet the front yard setbacks of the district. This section also requires open storage to be enclosed by a sight obscuring fence or planting at least six feet high. The front setback for this site is 10 feet. According to information provided by the applicant, all storage will take place inside the existing building. No open storage is planned for this location.

Vegetative cover – CBJ 49.50.300 requires a minimum of five percent vegetative coverage in

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the WI zones. Lots B1, B2 B3-A, and B3-B are a total of 121,619.4 square feet and five percent of this is 6,076 square feet. Therefore, 6,076 square feet of vegetative coverage is required for this project. CCTHITA is planning to remove as little vegetation as possible. Staff recommends as a condition of approval, to the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent state land.

Public Health and Safety – The southern and eastern portions of Lot B1 and all of Lots B2 and B3 are in the AE flood zone delineated in the 2013 FEMA Special Flood Hazard Area Map adopted by CBJ. AE flood zones are areas that have a 1% probability of flooding every year. Properties in the AE flood zone are considered to be at high risk of flooding under the National Flood Insurance Program. The northern and western portions of Lot B1 are above base flood elevation and are in an X flood zone, which is an area that is at minimal risk of flooding. Preliminary surveys indicate that the existing carving building finish floor is above the flood elevation. The new buildings will be built with a finish floor above the FEMA flood level.



Title 49 sets requirements for development in flood hazard areas.

CBJ 49.70.400 (D) (1) All new construction and substantial improvements shall be designed, modified, and adequately anchored, to prevent flotation, collapse, or lateral movements of the structure.

CCTHITA plans to incorporate flood-proof design during the building permit stage. A CBJ

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Building Official will determine if the improvements made to the portion of the building in the AE flood zone qualify as substantial. If it is determined that they are substantial, the building would need to be inspected and certified by a licensed engineer or architect to ensure that the building is safe and is properly anchored.

Per CBJ 49.70.400(D)(3), On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding

The on-site septic system is located on Lot B2 which is completely within the AE flood zone. Prior to issuing any new building permits, CBJ will require CCTHITA receive certification from DEC that the septic system meets current safety and environmental standards. If DEC does not approve the septic system, CBJ will require the installation of a new system that meets current standards and outside of the AE flood zone. Staff recommends as a condition of approval that, prior to the issuance of a Certificate of Occupancy, the applicant must obtain the proper permit from DEC.

Habitat – CBJ49.70.310 requires all development to be at least 50 feet from the ordinary high water mark of anadromous streams. The mouth of Sheep Creek, which is classified as anadromous, is a little over 900 feet from the southeast corner of Lot B1.

Neighborhood Harmony – Although the area is zoned Waterfront Industrial, many of the surrounding lots are owned by the Alaska DNR and remain undeveloped. The area is popular with anglers and recreational miners. CCTHITA is willing to allow these users to park on the designated parking spots and use a new path in the existing access easement at the southeast end of the site for beach access.

As mentioned above, in March 2016, CDD and CCTHITA held a neighborhood meeting to gather input from nearby property owners. The greatest concern of the neighborhood is the bus traffic. After hearing CCTHITA explain that guests will only be brought to the site during certain times of the day that align with the lunch show and dinner show, most of the concerns over heavy traffic were allayed. The impact of traffic to the neighborhood is expected to be minimal.

Conformity with Adopted Plans – Chapter 5 of the 2013 Comprehensive Plan addresses economic development priorities for the Borough. Policy 5.6 specifically addresses tourism as an economic development tool.

POLICY 5.6 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED ACTIVITIES THROUGH THE DEVELOPMENT OF APPROPRIATE FACILITIES AND SERVICES, WHILE PROTECTING JUNEAU'S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND

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INDUSTRY CONCERNS.

Chapter 10 of the Comprehensive Plan sets policies for land use within the Borough for both residential and commercial uses.

POLICY 10.9 TO ENCOURAGE AND STRENGTHEN JUNEAU’S POSITION AS AN INTERNATIONAL VISITOR DESTINATION BY PROTECTING THE RESOURCES AND ASSETS THAT MAKE IT ATTRACTIVE TO VISITORS, INCLUDING IT’S NATURAL ENVIRONMENT, SCENIC BEAUTY, CULTURAL DIVERSITY, HISTORIC RESOURCES AND DIVERSITY OF ACTIVITIES AND EXPERIENCES. VISITOR DESTINATIONS SHOULD CONVEY AUTHENTIC JUNEAU WILDERNESS, RECREATION, HISTORY AND CULTURAL ARTS EXPERIENCES WHILE PROTECTING THOSE RESOURCES FROM OVERUSE AND DEPLETION.

According to Chapter 11 of the Comprehensive Plan, the area is designated Waterfront Commercial/Industrial (WCI). The Comprehensive Plan defines WCI as follows:

Land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and process plants, ice plants, marine hatcheries, and marine parks. Residential uses would not be allowed in WCI districts, with the exception of caretaker units.

Although, the two principle uses of the site, which are light manufacturing and a restaurant, are not water-dependent; it is determined that these uses are water-related and water-oriented. This determination is based on the inextricable connection between water and traditions of Southeast Alaska Indigenous cultures. Water related themes are prominent in numerous aspects of the project, including traditional canoe making and salmon dinners. The proposed canoe launch is predicated on approval from the DNR.

Chapter 11 breaks up the Borough into 11 subareas and proposes guidelines and considerations for each area. This area is part of Subarea 7: Thane. Guideline 4 states:

Maintain non-motorized recreational access to the Sheep Creek basin, creek and beach areas while minimizing impacts to the existing recreational, fish and wildlife habitat values of the area.

Chapter 16 of the 2013 Comprehensive Plan calls for recognizing and protecting Juneau’s unique cultural and historic resources.

POLICY 16.1 TO IDENTIFY, PRESERVE AND PROTECT JUNEAU’S DIVERSE HISTORIC AND CULTURAL RESOURCES, AND TO PROMOTE HISTORIC PRESERVATION AND ACCURATELY

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REPRESENT JUNEAU'S UNIQUE HERITAGE THROUGH PUBLICATIONS, OUTREACH AND HERITAGE TOURISM.

POLICY 16.4 TO PRESERVE AND PROTECT THE UNIQUE CULTURE OF JUNEAU'S NATIVE PEOPLES, INCLUDING BUILDINGS, SITES, ARTIFACTS, TOTEMS, TRADITIONS, LIFESTYLES, LANGUAGES, AND HISTORIES.

16.4 Standard Operating Procedure 1 – Implement programs to educate local residents and visitors to the community about the CBJ's indigenous peoples, through publications, museum outreach, interpretive exhibits, and other measures.

This area is outside the boundaries of the 2004 Long Range Waterfront Plan.

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;
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?***

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Yes. Prior to submitting a Conditional Use Permit application, CCTHITA had the required pre-application conference. The project and all applicable regulations were discussed with the applicant at that time. Staff finds the application contains the information necessary to conduct full review of the proposed operations and is considered a complete application. CDD followed the review procedures as laid out in CBJ 49.15.330 (d). 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 proposed uses are listed in CBJ §49.25.300, Sections 4.050 for light manufacturing, 8.100 for a restaurant/bar, and 2.120 for retail/commercial use in Waterfront Industrial zones.

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 November 30, 2018 and the December 10, 2018 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, there is no evidence that suggests that the development of a cultural immersion park, with the appropriate conditions, will materially endanger the public health or safety. All new development, or substantial redevelopment, on the site must meet current building and fire code standards, as well as any state requirements for environmental protection and safety. AKDOT will review the existing driveway location and, in the interest of protecting public health and safety, may require changes to the driveway geometry and/or location.

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

No. Based on the above analysis, there is no evidence to suggest that the development of a cultural immersion park, with the appropriate conditions, will decrease the value of surrounding property or be out of harmony with the surrounding neighborhood. Much of the neighborhood is undeveloped and the area is a popular destination for recreational fishing. CCTHITA is planning to remove as little vegetation from the site as possible and will reserve parking space for roadside fishing purposes.

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

Yes. Based on the above analysis, the proposed development of a Native Cultural Immersion Park is found to be in general conformity with the Land Use Plan and the Comprehensive Plan.

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

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a Native Cultural Immersion Park on land owned and managed by CBJ Docks & Harbors.

The approval is subject to the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved Land Use Permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on state property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.
4. In order to ensure the health and safety of travelers along Thane Road, any driveway improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive Department of Environmental Conservation approval for the on-site septic system.
6. Prior to the issuance of a building permit, an exterior lighting plan, to be evaluated by the CDD, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.
7. If substantial improvements to the building are required, an engineer or architect licensed in the state of Alaska must inspect and certify that the building is properly

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Case No.: USE2018 0017
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anchored and safe to be in a flood zone.

8. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent state land.
10. A barrier to vehicular traffic no less than 2 feet high shall be constructed along the border of the parking area, so as to define areas for vehicle traffic. This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the CDD. This barrier is intended to protect pedestrians and screen the parking.
11. If the applicant anticipates the site generating more traffic than is anticipated at this time, the applicant may be required to submit a traffic impact analysis for review through a new or modified conditional use application at the Director's determination.

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description Development of existing unused restaurant into a multi function facility dedicated to culturally enriching activities for tourists, locals and tribal members.		
	PROPERTY LOCATION		
	Street Address 4400 Thane Road + 4404 Thane	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tracts B-1, B-2, B3-A and B3-B of ATS 1570		
	Assessor's Parcel Number(s) ADL 103289		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBJ Docks and harbors	Contact Person: Carl Uchytel	Work Phone: 586 0292
	Mailing Address 155 S. Seward St, Juneau Ak	Home Phone: 586 0292	Fax Number:
	E-mail Address carl.uchytel@juneau.org	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits, not needed on Building/ Engineering Permits***		
PROJECT / APPLICANT	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
	X <u>Carl J Uchytel</u> Landowner/Lessee Signature		August 23rd, 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 Jensen Yorba Lott Inc		Contact Person: Tony Yorba
	Mailing Address 522 w 10th Street, Juneau, Alaska 99801		Work Phone: 789 4520
	E-mail Address tony@jensenyorbalott.com		Home Phone: 209 9946
	X <u>AL. Uchytel</u> Applicant's Signa		Other Contact Phone Number(s): 586 1070
			8 23 18 Date of Application

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)		8/31/18	use 18-017	
		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



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.

PROJECT SUMMARY

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: 4.050, 8.100, 2.120

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # USE2016 0010

☐ NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 120,356 square feet Total Area of Existing Structure(s) 6000 square feet

Total Area of Proposed Structure(s) 12,000 square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☒ No
☐ No

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☐ Current use of land or building(s)
☒ Description of project, project site, circulation, traffic etc.
☒ Proposed use of land or building(s)
☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
☐ Justification for the modification or extension
☐ Application submitted at least 30 days before expiration date

☒ Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ 500		
Admin. of Guarantee	\$		
Adjustment	\$		
Pub. Not. Sign Fee	\$ 50		
Pub. Not. Sign Deposit	\$ 100		
Total Fee	\$ 650		

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.

Attachment A - Application

Case Number	Date Received
USE 18-017	8/31/18

Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Edward Quinto

From: Tony Yorba <tony@jensenyorbalott.com>
Sent: Friday, August 31, 2018 9:45 AM
To: Permits
Cc: Emily Edenshaw; Allison Eddins
Subject: conditional use permit application
Attachments: ✓ DEVELOPMENT_PERMIT_APPLICATION.pdf; ✓ application narrative for new CU for immersion park.pdf; ✓ USE-Allowable-ConditionalUse.pdf; ✓ concept design narrative.pdf; ✓ Immersion Park Concept Set 08-03-2018.pdf

All: Please accept the attached documents for the conditional use permit application for the Immersion Park project at the former Thane Ore House site. The following are the documents submitted:

- Allowable/conditional use permit application signed by architect
- Development permit application signed by landowner
- CU application narrative
- Conceptual Design Narrative
- Conceptual Design Drawings

I understand that the fees required for the permit application are \$650. I would like to pay with a credit card. Please advise how I can do that over the phone. I can be reached at 789 4520.

Regards, Tony

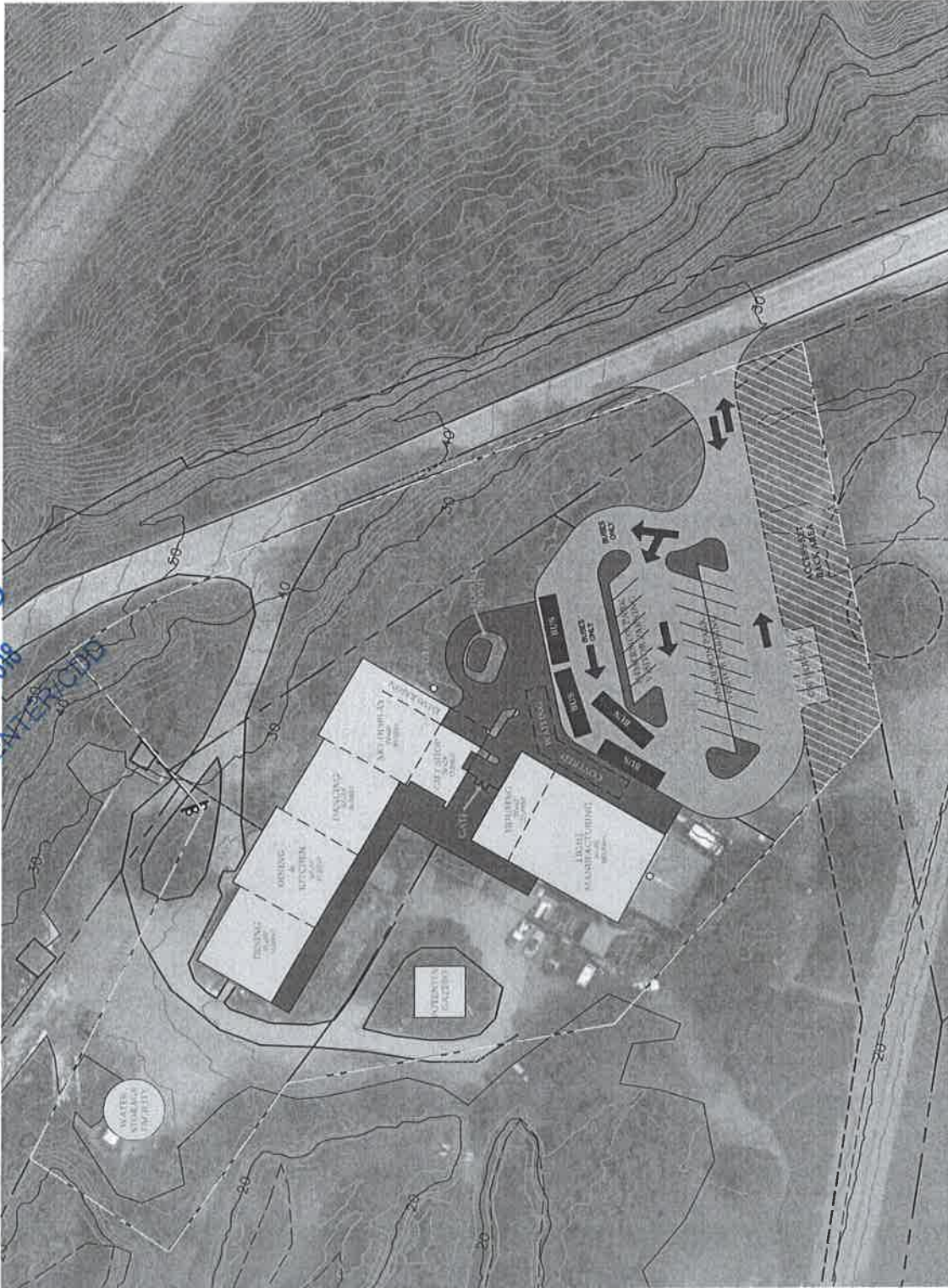
Tony Yorba
Principal Architect

JENSEN YORBA LOTT, INC.
Architecture Interiors Construction Management

522 West Tenth Street | Juneau, AK 99801
D 907-789-4520 | C 907-209-9946 | O 907-586-1070 | F 907-586-3959
www.jensenyorbalott.com

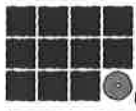
[Click here](#) to upload files.

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD



Attachment A - Application

OVERALL SITE MODEL



Jensen
Yorba
Lott
Inc.

522 West 10th Street
Juneau, Alaska 99801
Phone: 907-586-5959
Fax: 907-586-5959
jensenyorbалотт.com

CCHITA
IMMERSION PARK
JUNEAU, ALASKA



SCALE

0 10 20 30 40 50 60 70 80 90 100

FEET

0 10 20 30 40 50 60 70 80 90 100

FEET

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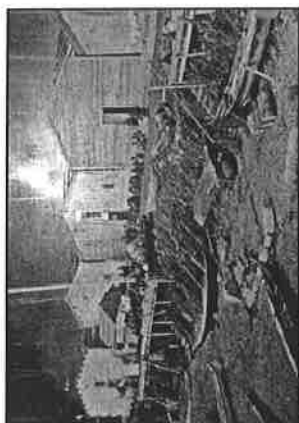
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DATE: SEPTEMBER 24, 2014

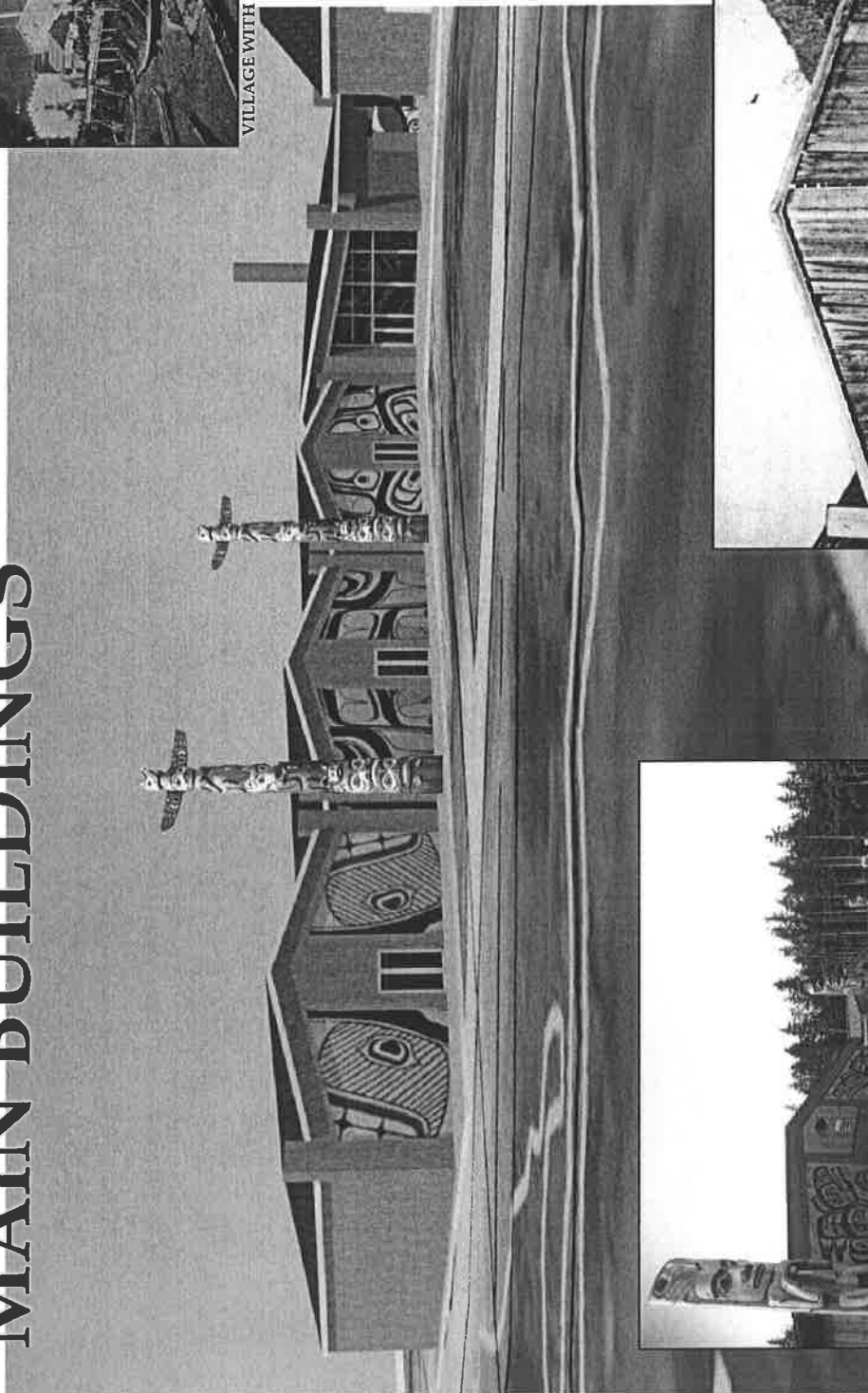
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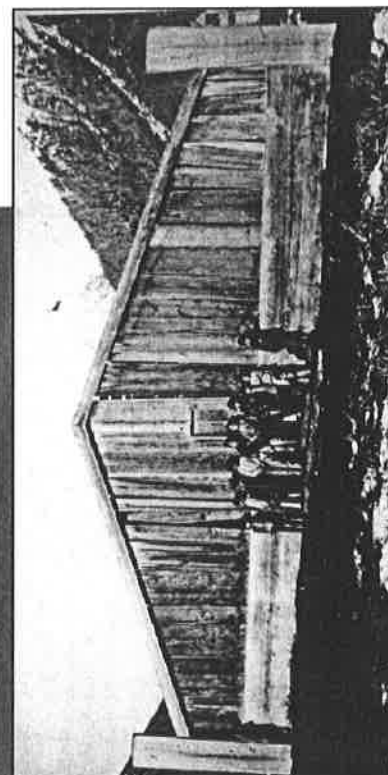
MAIN BUILDINGS



VILLAGE WITH HOUSES ATTACHED



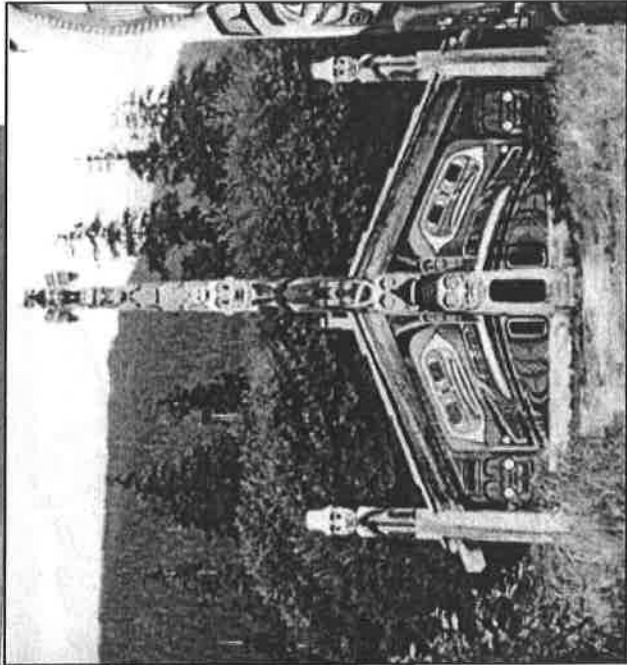
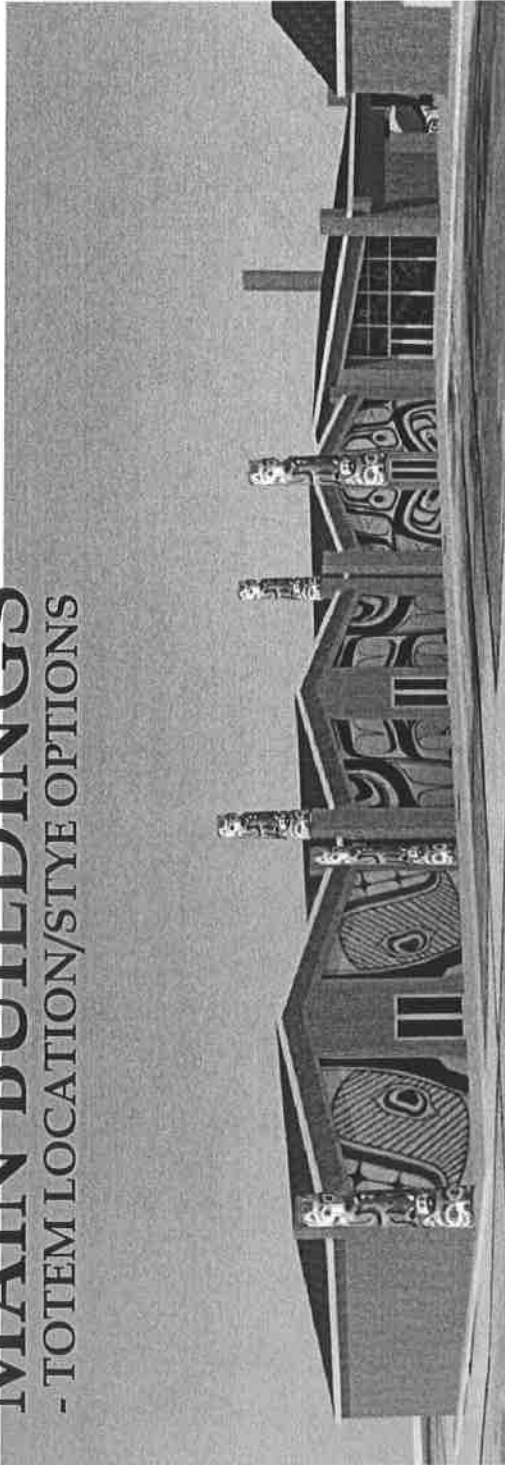
MODERN VILLAGE INTERPRETATION WITH TOTEMS



4-BEAM LONG HOUSE STRUCTURE

MAIN BUILDINGS

- TOTEM LOCATION/STYLE OPTIONS

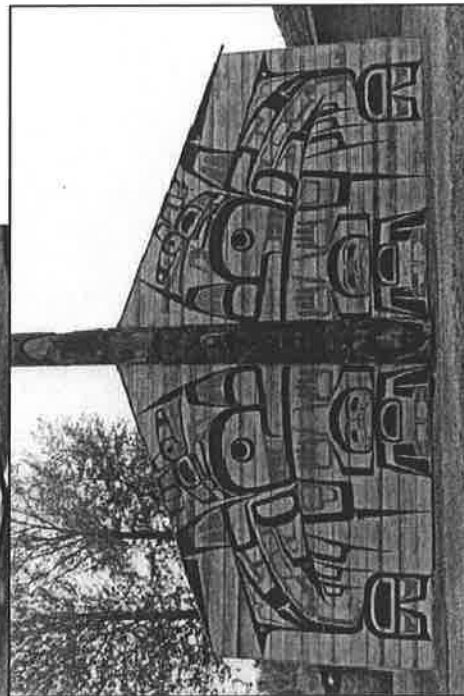
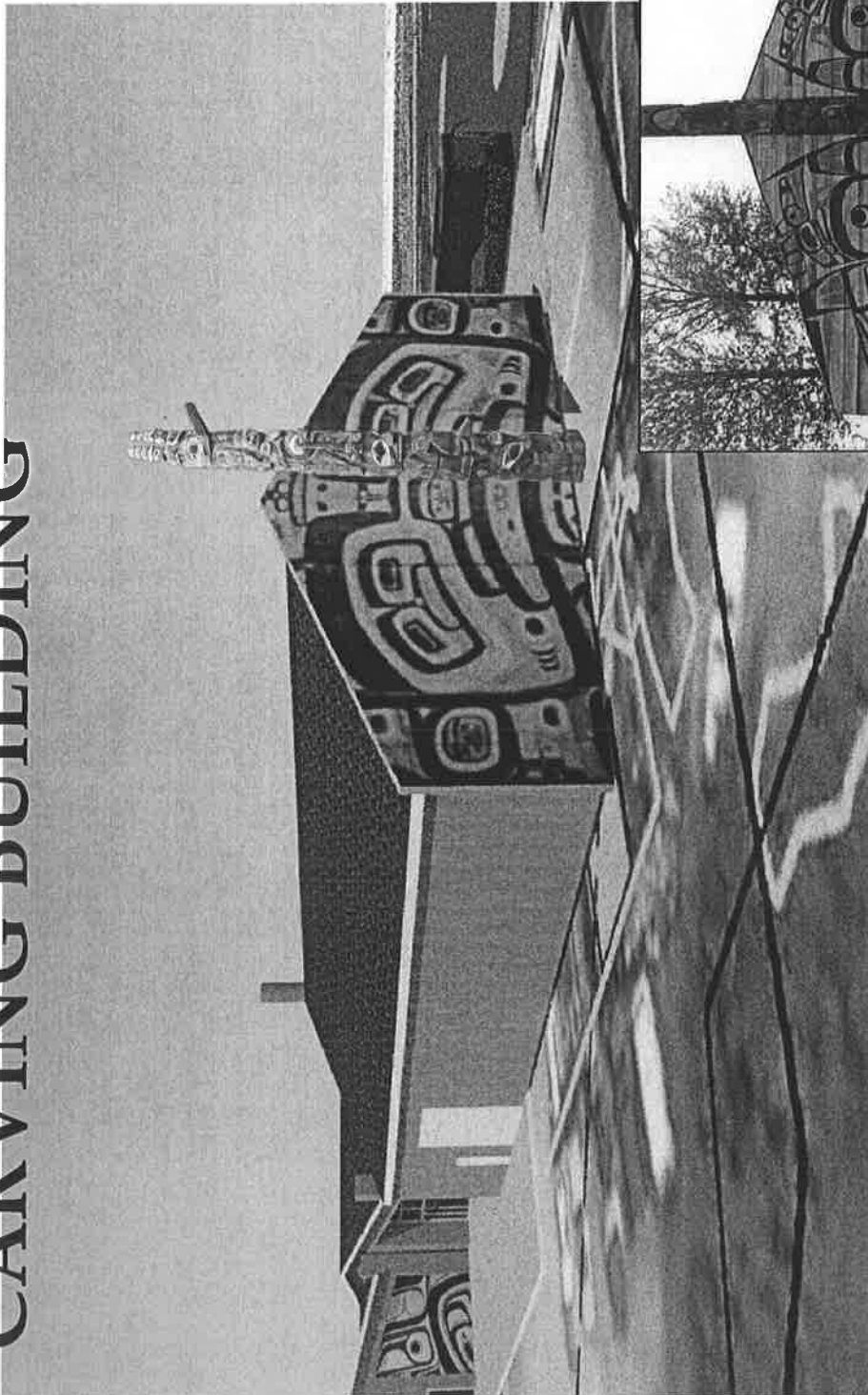


TOTEM ON TOP OF CORNER POST AND CENTER TOTEM ABOVE DOOR



TOTEM ON FACE OF CORNER POST

CARVING BUILDING



SYMMETRY WITH CENTER TOTEM



Community Development

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

DATE: August 31, 2018

TO: Planning Commission

FROM: Allison Eddins, Planner
Community Development Department

FILE NO.: USE2016 0010

PROPOSAL: Conditional Use Permit for the Re-development of the old Thane Ore House into a restaurant and cultural immersion park.

GENERAL INFORMATION

Applicant: Central Council Tlingit and Haida Indian Association

Property Owner: City and Borough of Juneau Docks and Harbors

Property Address: 4400 Thane Road

Legal Description: ATS 1328 Tracts B1 and B2

Parcel Code Number: 1-B03-0-102-003-0

Site Size: 1.28 acres

Comprehensive Plan Future Land Use Designation: Waterfront Commercial Industrial

Zoning: (WI) Waterfront Industrial

Utilities: On-site water and waste water

Access: Thane Road

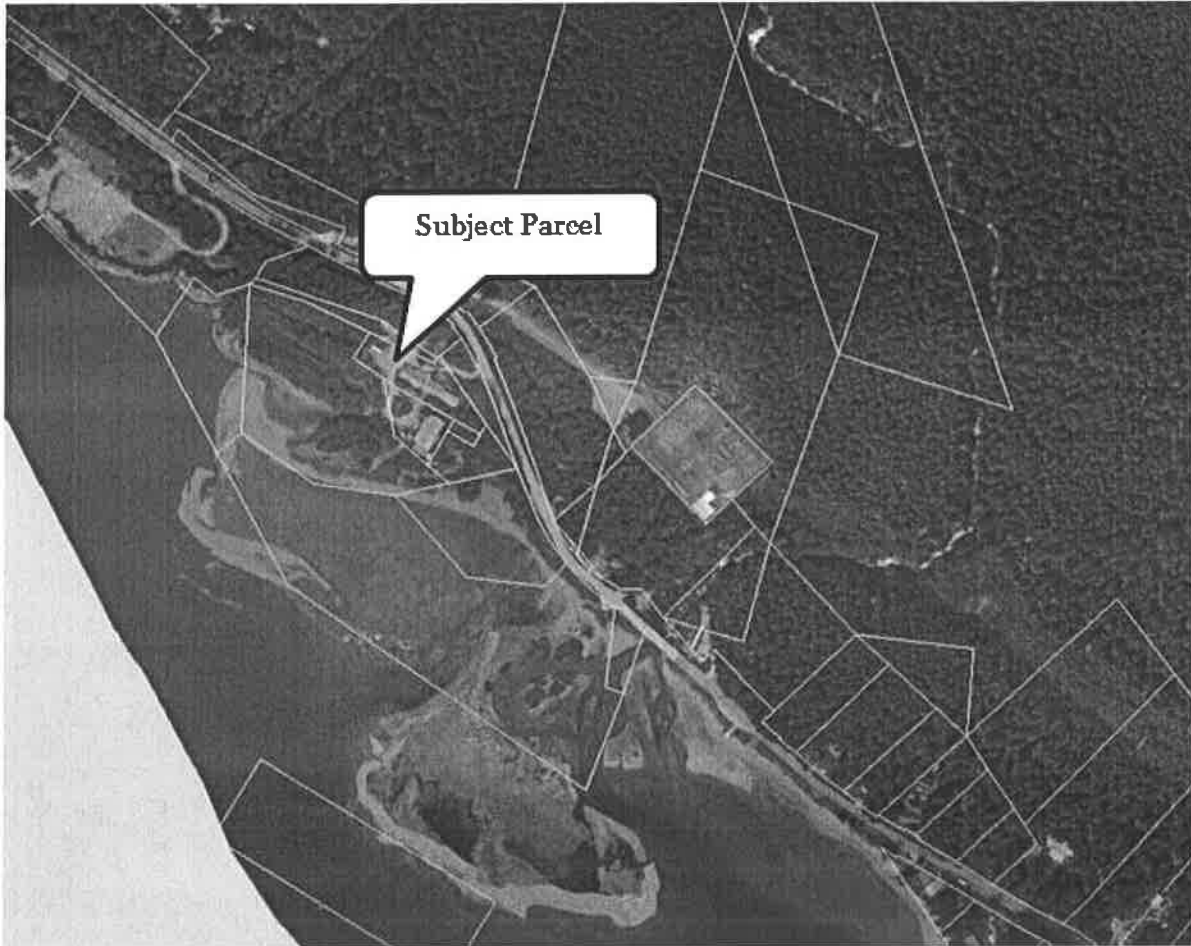
Existing Land Use: Vacant Commercial Building & Property

Surrounding Land Use: North - Vacant Waterfront Industrial (AJ Mining Co.)
and Rural Reserve (AJ Mining Co.)

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD

South - Vacant Waterfront Industrial (State of Alaska)
East - Rural Reserve with AEL&P electrical substation
West - Vacant Waterfront Industrial (State of Alaska)

Vicinity Map



ATTACHMENTS

- Attachment A – Conditional Use Permit Application
- Attachment B – Project Narrative
- Attachment C – Proposed Site Plan
- Attachment D – Plat
- Attachment E – Site Photos
- Attachment F – Public Meeting Sign-in Sheet
- Attachment G – Public Notice
- Attachment H – Zoning Inquiry Letter
- Attachment I – Pre Application Notes

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PROJECT DESCRIPTION

The applicant, Central Council Tlingit and Haida Indian Tribes of Alaska (CCTHITA), requests a Conditional Use permit for the development of a Native Cultural Immersion Park at the former Thane Ore House site at 4400 Thane Road, on a cluster of parcels zoned Waterfront Industrial (WI). The development will include a restaurant, a dance floor, small gift shop, administration space and light manufacturing of canoes, totem poles, basket weaving, traditional salves, etc. CCTHITA is also planning to create a paid apprenticeship program where aspiring artists can learn from master craftspeople. The products that are manufactured on-site by the master craftspeople will be sold in the gift shop. It is anticipated that space will be provided on site for a limited number of apprentices and /or master craftspeople to overnight on the site as part of the cultural immersion experience.

The existing Thane Ore House building will be demolished and replaced with a building reminiscent of Tlingit beachfront village architecture. It would hold the restaurant, dance/performance space and gift shop. Visitors would arrive at the site by bus, entering off Thane Road at a new driveway approximately 250 feet southeast of the existing Thane Orehouse driveway. The cultural experience will begin as guests walk thru a multi –media experience that describes the history and culture of SE Alaska coastal tribes. The multi media hallway will lead to an exhibit of traditional arts and crafts. From that point visitors will enter the cultural immersion experience, with the goal of providing visitors as authentic impression of traditional life- Visitors could experience outdoor crafts pavilion where they can visit with master carvers and craftspeople and watch them work. The existing former Echo Bay Mines warehouse adjacent to the existing Thane Orehouse will be renovated to serve as a Carving Building where larger or longer term projects such as traditional canoes, totems, bentwood boxes etc. could be fabricated using primarily traditional hand tools. They could see canoes being launched from the beach. (The beachfront is located on state land and not on the subject site. CCTHITA is in the process of obtaining the proper permit from the Department of Natural Resources for the canoe exhibit and launch.) Guests will sit down for a salmon-bake style meal in the restaurant. They could also witness traditional dance, language and storytelling. The visitor experience would end with a walk through the gift shop where guests can purchase handmade goods that will be made on site.

CCTHITA is expecting most of the visitors to be cruise ship passengers. CCTHITA is planning to use vans and/or busses to pick-up and drop-off visitors to the park. The park is expected to operate two tours per day, each lasting approximately 2.5 hours. The lunchtime tour is expected to begin at noon and end at 2:30pm. The dinnertime tour will begin at 4:00 and end at 6:30pm, depending on cruise ship schedules. Applicant expects up to 140 visitors per tour.

CCTHITA is expecting to employ 24 people at the park. These jobs include kitchen staff, wait staff, cashiers, and tour guides. These 24 employees will be seasonal workers. Employees will

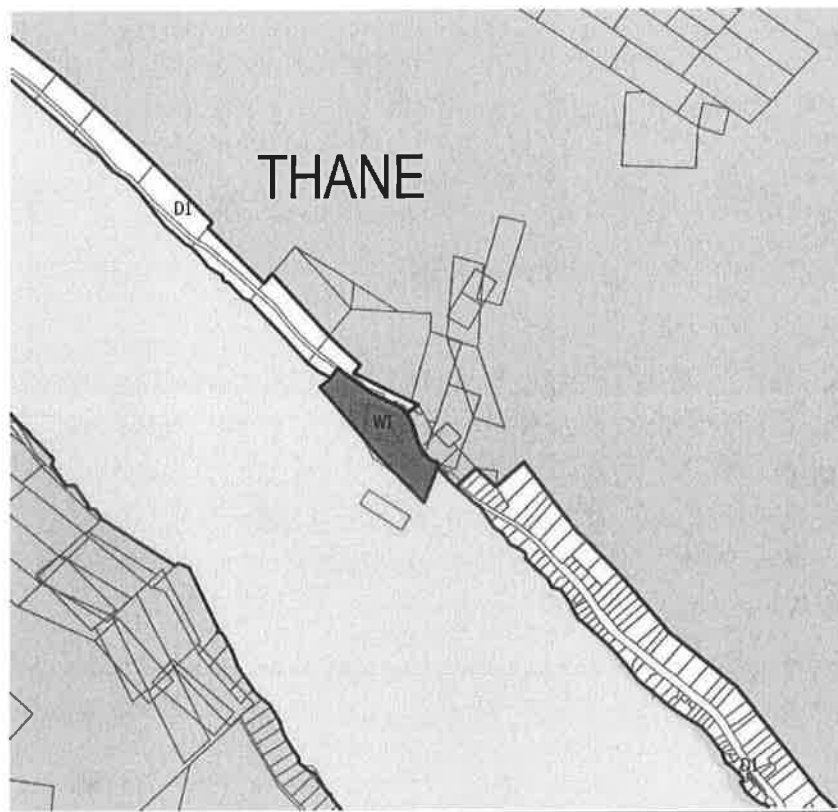
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be encouraged to commute to the park on a CCTHITA bus that will have scheduled pick-up and drop-off at two locations around town. At this time, CCTHITA is expecting to hire two master carvers and four apprentices. An estimate of four additional employees will be hired to produce hand-woven baskets, traditional masks, etc.

This report will focus solely on the Conditional Use Permit application and whether or not the proposed use is appropriate in a Waterfront Industrial district according to the character, intensity, and size of this use and the surrounding uses. Should the requested Conditional Use Permit be granted, CCTHITA will lease the land from CBJ Docks and Harbors. The process for leasing CBJ owned land is laid out in CBJ Code 53.09.260. The lease agreement will come to the

Planning Commission in the form of a City/State Project case, or CSP case. The Planning Commission will review the CSP case and make a recommendation to the Assembly.

ZONING MAP



BACKGROUND

In 1985, Thane Ore House Corporation approached the Alaska State Department of Natural

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Resources with a request to lease a portion of Tract B along Thane Road in order to open a restaurant called The Thane Ore House Restaurant. The lease request prompted the State to subdivide a large parcel of land between the road and ordinary high water mark of Gastineau Channel. The survey created lots B-1 through B-5. Although Thane Ore House Corporation began leasing Lots B-1 and B-2 in 1986, the Tideland Survey was not recorded until 1994. (See Attachment D) In 2002, the State deeded ownership of Lots B-1 and B-2 to the City and Borough of Juneau and the property has been managed by CBJ Docks and Harbors. Sales tax records indicate that the restaurant closed sometime around December 2012 and the lease was not renewed.

To the south of Lots B-1 and B-2 is Tract 3, which was divided into Tract B3-A and Tract B3-B. Tract B3-A is an undeveloped lot largely covered with deciduous trees. Tract B3-B includes a former office and shop as well as a gravel paved parking and driveway connected to the Orehouse driveway. It was originally built by Echo Bay Mining, and which has been most recently used as an auto body shop

The Applicant originally leased Lots B-1 and B-2 for use in the project, and subsequently leased Tracts B3-A and B3-B, for use in this development as well. All lots are zoned Waterfront Industrial (WI). In 2015, Docks & Harbors issued RFP No. DH16-002 inviting interested parties to propose possible uses for Lots B-1 and B-2. CCTHITA responded to the RFP with the idea of a Native Cultural Immersion Park. Docks & Harbors selected CCTHITA's proposal. In October 2015, Central Council filed a formal inquiry request with CDD to explore which uses are allowed with department approval in a WI district, which uses require Conditional Use Permits, and which uses are not allowed in WI (see Attachment H). CBJ 49.25.250 describes the intent of waterfront districts.

CBJ 49.25.250 Waterfront Districts (b)

- *The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline locations. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.*

One of the two principle uses of the site will be the production of hand-carved canoes and totem poles, hand-made woven baskets and other traditional products. Since these activities will not produce noise, vibration, air pollution, fire hazards or noxious emissions that will disturb or endanger neighboring properties, they are considered light manufacturing.

During the tourist season (May through September) master carvers, craftspeople and apprentices will be on-site to demonstrate their craft. This will take place in the carving building

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(the former Echo Bay Mines shop) and under temporary tents, (See Attachment C for the craft pavilion area) although the majority of the manufacturing will take place during the off season months (October through April).. CBJ 49.25.300 Table of Permissible Uses lists light manufacturing in waterfront industrial districts as follows:

Use Description	Waterfront Industrial
4.050 Light Manufacturing	1N, 3N

The 1N means that if the development is a minor development and is water-related, water-dependent, or water-oriented only departmental approval is required. The 3N means that if the development is a major development and is water-related, water-dependent, or water-oriented Planning Commission approval through a Conditional Use Permit is required.

CBJ 49.80.120 Definitions

- Water- dependent – a use or activity that can be carried out only on, in or adjacent to water areas because the uses require access to the water body.
- Water-related – a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.
- Water-oriented- uses or mixtures of uses which would benefit from being near the water and are intrinsic to waterfront development, and which meet all of the following criteria:
 - Uses must be part of a larger fully-planned development which also incorporates water-dependent or water-related uses;
 - Uses which are not directly water-dependent or water-related must be necessary to the overall development of the project;
 - Uses must be integrated functionally by architectural and site designs which are sensitive to the waterfront site;
 - Uses must act as economic stimuli and anchor points to enable other forms of development, particularly public access improvements;
 - Uses must contribute to a diverse and healthy downtown core.

Based on the above definition, the light manufacturing component meets the criteria of a water-related use. Although the carving of canoes and totem poles, and the production of other hand-made goods are not directly dependent upon access to the water, the cultural component of their production would be diminished if it were not located near the water. Upon approval from DNR, the canoes will be displayed along the shore on state property and launched during ceremonies. One of the goals of this project is to provide visitors with an experience that is unique to the Tlingit and Haida culture; a culture that is strongly tied to the water.

CBJ 49.80.120 Definitions

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- Minor Development in Industrial Districts – non-residential buildings of 15,000 square feet or less, or using less than one acre of land.
- Major Development – all development that is not minor development.

The combined restaurant/performance area and exhibition/gift area totals approximately 11,200 square feet. The existing warehouse building (now called the Carving Building and second floor apartment is approximately 7,500 square feet. The bulk of the manufacturing will take place inside the Carving building year round. The activities in the tented pavilions will only occur during the visitor season. It is anticipated that the restaurant and performance building would only be used occasionally during the off season. The area of the site (Lots B1, 2, 3A and 3B) is approximately 3 acres. the space that will be used for light manufacturing will be less than one acre, and therefore a Conditional Use Permit is not needed for the light manufacturing portion of the proposed development.

The second principle use of the site will be the salmon-bake style restaurant that will be open for lunch and dinner during the tourist season, which is typically May through September. The restaurant will be approximately 5,000 square feet of gross floor space including kitchen and storage areas.. CBJ 49.25.300 Table of Permissible Uses lists restaurants and retail in waterfront industrial districts as follows:

Use Description	Waterfront Industrial
8.100 Restaurant, bars without drive through service	3N
2.120 Sales and merchandise with less than 5,000 sq. ft. and less than 20% of the gross floor area of outside merchandising of goods; Miscellaneous goods	3N

The 3N indicates that the restaurant component of the proposed development requires an approved Conditional Use Permit from the Planning Commission and must be water-dependent, water-related, or water-oriented. Based on the Title 49 definition of water-oriented, the salmon-bake style restaurant component of the park meets the criteria to be considered water-oriented. The restaurant is part of a larger development that is water-dependent. The restaurant will be necessary to the over-all success of the development.

The gift shop is being considered an accessory use to the restaurant and light manufacturing, and therefore will not require a separate Conditional Use Permit. The gift shop will be approximately 1,350 square feet and will account for approximately 28% of the building space. As with the restaurant, the retail portion will only operate from May through September and is expected to have a minimum impact on the neighborhood. Title 49 describes accessory uses as follows:

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CBJ 49.25.300 (a) (4)

• Accessory uses – *uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.*

On March 24, 2016, CBJ hosted a neighborhood meeting to allow CCTHITA to explain their proposal and hear any concerns that neighbors may have about CCTHITA's proposed development. The meeting was held in the Assembly Chambers. All property owners along Thane Road were invited and approximately 15 people attended the meeting. (See Attachment F) Concerns expressed were about potential traffic impacts to the neighborhood and the location of the existing driveway so close to a sharp curve in Thane Road. Both of these issues are discussed in more detail in the analysis portion of this report.

Agency Comments – The Alaska Department of Natural Resources provided comments related to the existing water rights. DNR granted water rights of up to 2,500 gallons per day to CBJ Docks and Harbors, as the owners of the land. DNR also provided comments regarding the proposed walking trail and canoe beachfront exhibit. DNR has no objections to this idea but CCTHITA will need to obtain a land use permit from DNR. This will allow CCTHITA to use state land for exhibiting and launching canoes.

DOT will require a driveway permit in order to evaluate the existing driveway location along Thane Road. CCTHITA has applied for that permit and has been in contact with DOT's permitting office for the new driveway location.

AEL&P has 23 kilovolt electrical line on Lot B-1 just outside of the Thane Road right-of-way. The electrical line extends to another two utility poles that are directly adjacent to the existing building. In general, AEL&P has no concerns about the project. AEL&P will be consulted to ensure the electrical lines meet the clearance requirements of National Electrical Code.

The Department of Environmental Conservation provided comments regarding the on-site septic system and the surface water supply. The water rights to 2,500 gallons per day from an unnamed stream nearby have been transferred to CBJ Docks & Harbors. Prior to using the drinking water, DEC will require an approved Approval to Operate permit. If there are any modifications made to the existing water pumps, and the assumption is there will be, DEC approval will be required before any modifications are made.

As with all construction projects in SE Alaska, the US Army Corps of Engineers is being consulted to ensure wetlands issues, if any, are addressed early in the process. The Applicant is waiting for a determination from COE.

The CBJ Building Department and Capital City Fire and Rescue have no initial concerns with the

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project. Before a Certificate of Occupancy is issued for the proposed restaurant and gift shop, the building will have to comply with current building and fire standards. Those standards will be addressed when Central Council is ready to submit building plans.

ANALYSIS

Project Site – The existing site is Lot B-1, B-2, B3-A and B3-B of Alaska Tidelands Survey 1328. Lot B-1 is 48,677 square feet, or 1.12 acres, and includes the Thane Ore House Restaurant. It is planned to be replaced with the Tlingit themed restaurant/performance and exhibit/gift shop space. Lot B-2 is a little over 4,000 square feet, or 0.10 acres, and includes a below grade septic system that served the restaurant. Lot B3-A is approximately 32,670 square feet, or 0.75 acres, is presently undeveloped and is earmarked for development for site access and parking. Lot B3-B is approximately 33,105 square feet, or 0.76 acres and includes the existing former office and shop building which is proposed to be renovated into a Carving building.

Electricity is delivered to the site via overhead AEL&P power lines. Applicant plans to retain a similar configuration.

There is no City water or sewer to the site. There is an underground septic system located on Lot B-2 that was installed by Thane Ore House Corporation in 1986 when the restaurant opened. At the time, the septic system met all the requirements and was properly permitted by the Alaska Department of Environmental Conservation (DEC). Staff recommends as a condition of approval that prior to a Certificate of Occupancy being issued the applicant must obtain a new permit from DEC that certifies that the existing septic system is still safe to use and meets current safety and environmental standards.

There is an existing surface water system that uses an unnamed stream near the site with water rights granted by the Alaska Department of Natural Resources for up to 2,500 gallons per day. Earlier this year, those water rights were transferred to CBJ. The applicant is evaluating methods of providing both domestic and fire fighting water from on site sources.

To the north of Lot B-1 are three narrow lots that were once part of USMS 979 Homestead Lot No. 3. These narrow pieces of USMS 979 were separated from the rest of the lot when Thane Road was built and the lots are now owned by AJ Mining Company. Access and use easements were granted to the State of Alaska by the AJ Mining Company. When the State deeded ownership of Lots B-1 and B-2 to CBJ the access and use easements transferred to the City.



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The area is a popular destination for recreational fishing and most of the surrounding lots are undeveloped. CCTHITA is planning to maintain that access. The access easement on lot B3-A will be developed to include a walking and bike path, and 5 parking spaces will be designated for anglers and other recreational users. This will eliminate the need for these individuals to enter the immersion park in order to access the beach.

Project Design – CCTHITA hired Jensen, Yorba, Lott, Inc. to design the facility. JYL staff has been working closely with CCTHITA and CDD staff to develop a proposal that creates the cultural immersion park that CCTHITA envisions, and meets the requirements of the CBJ Land Use Code. CCTHITA is proposing a circular drive and parking area on lot B3-A that would allow busses to enter the property, drop visitors off and then exit the site without requiring the buses to reverse. Covered pick-up and drop off areas will be provided as bus drops, with direct access to entrance/exit to Immersion Park. Walking trails will take visitors around the site to visit seasonal craft pavilions and down to the beach to view the canoe exhibit. Accessing state property for the beach walking trail and the canoe exhibit is pending approval from DNR. Staff recommends as a condition of approval CCTHITA receive an approved land use permit from DNR.

CCTHITA plans to remove the existing Warehouse and replace it with a complex of building forms reminiscent of a waterfront Tlingit village. The former shop/office building will be modified with the removal of a lean-to shed was added to the south end of the building. The exterior will be modified to reflect Haida architecture, including a housefront and a traditional totem pole that would be visible from the water. Cedar siding will be installed on the exterior

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and the existing windows along the southwest side of the building will be replaced.

The Tlingit themed restaurant/performance/exhibition/gift building is approximately 11,200 square feet. The carving building will take up approximately 7,500 square feet of which approximately 3,200 square feet would be used for . office space storage and an apartment for occasional use by apprentices, instructors and others visiting for cultural immersion.

Traffic – One of the major concerns that Thane residents had about this proposed development was the impact of traffic on the surrounding area. Their concerns were focused on two general areas- vehicles safely entering and exiting the site, and the increase in traffic on Thane Road, particularly at the beginning and end of the work day. CCTHITA is expecting most guests to be cruise ship passengers. These passengers will be picked-up at the docks and bused to the site. CCTHITA is planning to use two 72 passenger busses to transport guests to and from the site. The intention is to have one lunch tour and one dinner tour. During the months of May through September, the visitor pick-up and drop-off with two busses would result in eight round bus trips per day; two busses making a total of four trips during the lunch tour and four trips during the dinner tour. CCTHITA is planning to transport employees to and from the site using a smaller bus. This will result in two additional round bus trips per day; one to bring the employees to the park and another to drop them off at one of two locations. CCTHITA is expecting the manager and the head chef to drive to work. This will create four additional vehicle trips per day along Thane Road. CCTHITA is expecting to employ two master carvers and four apprentices. The carvers and apprentices will make their own schedule and may not be driving to the site every day. It is expected that the proposed development will create, on average, 14 vehicle trips per day between May through September. On days that the carvers and apprentices work the total vehicles trips per day is expected to increase to 26 round trips per day.

The number of vehicle trips per day will decrease during the fall and winter months because the restaurant and gift shop will not be operating, therefore the bus that transports these employees to work will not be necessary. The manufacturing and apprenticeship program will operate on the site year round. CCTHITA is expecting the artists and apprentices to drive themselves to and from the site. At this time, CCTHITA is expecting to hire two master carvers and four apprentices. This is estimated to create 12 vehicle trips per day during the fall and winter.

Because the proposed development will generate less than 250 average daily vehicle trips (ADT), a traffic impact analysis will not be required.

CBJ49.40.300 (a) (2) A development projected to generate fewer than 250 ADT shall not be required to have a traffic impact analysis.

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Parking and Circulation – The site will have a generally circular driveway that will allow busses to exit the site without needing to reverse (see Attachment C). As previously mentioned, another major concern of nearby property owners is the location of the existing driveway in relation to Thane Road. When traveling east along Thane the road curves sharply to the south. The driveway is approximately 70 feet from the arc of the curve. The existing driveway would be abandon for public access and a new driveway established approximately 250 feet further southeast from the curve which greatly reduces the risk of vehicle conflicts. The speed limit along Thane Road is 40 mph. According to AKDOT, if vehicles are abiding by the speed limit they would have enough time to slow down when a bus is making a left hand turn out of the driveway.

CCTHITA has been communicating with the Alaska Department of Transportation (AKDOT) concerning the driveway location and has applied for a driveway permit with AKDOT. The permit will allow AKDOT to examine the geometry of the existing driveway. If the driveway location is determined to still pose hazards, the driveway permit will likely allow CCTHITA or Docks and Harbors to relocate the driveway apron within the AKDOT right-of-way. Staff recommends as a condition of approval, CCTHITA meet all AKDOT driveway improvement requirements.

Based on *CBJ 49.40.210 Table of Minimal Parking Standards* a total of 20 parking spaces, including two ADA accessible spaces and one loading space, are required. Minimum parking standards are based on uses and gross floor space. ADA requirements are based on the total number of parking spaces required. When 1 to 25 parking spaces are required Title 49 requires one of those spaces to be ADA accessible.

Use	Parking per sq. ft. of gross floor space	Gross seating floor space	Spaces Required
Restaurant	1/200 sq. ft.	1,700 sq. ft.	9
Retail gift shop	1/300 sq. ft.	1,350 sq. ft.	8
Manufacturing	1/1,000 sq. ft.	4,400 sq. ft.	5
Total			25
ADA			1
Roadside Fishing*	*Required by Docks & Harbors		5

Docks and Harbors, through a request from the Alaska Department of Fish and Game, are requiring five parking spaces. These five spaces will be reserved for anglers and recreational users of the beach from May through the end of October. Staff recommends as a condition of approval, that the applicant submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.

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Noise – The noise impacts to the surrounding neighborhood will be minimal. The restaurant activity and the dancing will take place inside. All of the carving and product manufacturing will be done using traditional techniques. No loud machinery will be used. Most of the surrounding property is vacant land owned by the Department of Natural Resources or developed land that is owned by AEL&P. The closest residential lot is approximately 1,700 feet to the south. Staff recommends as a condition of approval, any heavy construction associated with the building rehab be limited to 7:00 am to 10:00 pm Monday through Friday, and 9:00 am to 10:00 pm Saturday and Sunday.

Exterior lighting – CCTHITA is planning for minimal exterior lighting since most of the activity will occur during the spring and summer when daylight lasts long into evening. The only exterior lighting that is planned for the site will be in the parking area (see Attachment C). Staff recommends as a condition of approval, that the applicant submit a lighting plan showing not only the location, but the type of lighting proposed for the development.

Storage – 04 CBJAC 050.020 establishes performance standards for commercial and industrial uses. Section (g) requires that all open storage, excluding outside merchandising, meet the front yard setbacks of the district. This section also requires open storage to be enclosed by a sight obscuring fence or planting at least six feet high. The front setback for this site is 10 feet. According to information provided by the applicant, all storage will take place inside the existing building. No open storage is planned for this location. Staff would like to recommend as a condition of approval, the applicant's adherence to Title 4 Section (g).

Vegetative cover – CBJ 49.50.300 requires a minimum of five percent vegetative coverage in the Waterfront Industrial zones. Lots B-1, B-2 and B3 are a total of 121,532 square feet and five percent of this is 6,076 square feet. Therefore, 6,076 square feet of vegetative coverage is required for this project. CCTHITA is planning to remove as little vegetation as possible. Staff would like to recommend as a condition of approval, that all required vegetative cover be maintained and show on the submitted site plan.

Public Health or Safety – The southern and eastern portion of Lot B-1, all of Lots B-2 and B-3 are in the AE flood zone, as determined by FEMA. AE flood zones are areas that have a 1% probability of flooding every year. Properties in the AE flood zone are considered to be at high risk of flooding under the National Flood Insurance Program. The northern and western portion of the Lot B-1 is above base flood elevation and is in an X flood zone, which is an area that is at minimal risk of flooding. Preliminary surveys indicate that the existing carving building finish floor is above the flood elevation. The new buildings will be built with a finish floor above the Fema flood level.

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Title 49 sets requirements for development in flood hazard areas.

CBJ 49.70.400 (D) (1) All new construction and substantial improvements shall be designed, modified, and adequately anchored, to prevent flotation, collapse, or lateral movements of the structure.

Should the Conditional Use Permit be approved, CCTHITA would then apply for a building permit in order to make the needed improvements to the building. A CBJ Building Official will determine if the improvements made to the portion of the building in the AE flood zone qualify as substantial. If it is determined that they are substantial, the building would need to be inspected and certified by a licensed engineer or architect to ensure that the building is safe and is properly anchored.

The on-site septic system is located on Lot B-2 which is completely within the AE flood zone.

CBJ 49.70.400 (D) (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding

When the septic system was installed, Lots B-1 and B-2 were owned by the State and leased to

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the Thane Ore House Corporation. At the time of installation, the septic system received approval from the Alaska Department of Environmental Conservation (DEC). Prior to issuing any new building permits, CBJ will require CCTHITA receive certification from DEC that the septic system meets current safety and environmental standards. Should DEC not approve the septic system, CBJ would require the installation of a new system that meets current standards and will require the new system to be installed outside of the AE flood zone. Staff recommends as a condition of approval, that prior to the issuance of a Certificate of Occupancy the applicant must obtain the proper permit from DEC.

Habitat – CBJ49.70.310 requires all development to be at least 50 feet from the ordinary high water mark of anadromous streams. The mouth of Sheep Creek, which is classified as anadromous, is a little over 900 feet from the southeast corner of Lot B-1. Title 49 also restricts development within 330 feet of an active eagle's nest. There are no known active eagle's nests within 330 feet of the proposed development.

Neighborhood Harmony – Although the area is zoned Waterfront Industrial, many of the surrounding lots are owned by the Alaska Department of Natural Resources and remain undeveloped. The area is popular with anglers and recreational miners. CCTHITA is willing to allow these users to park on the designated parking spots and use a new path in the exiting access easement at the southeast end of the site for beach access.

As mentioned above, on March 2016, CDD and CCTHITA held a neighborhood meeting to gather input from nearby property owners. The greatest concern of the neighborhood is the bus traffic. After hearing CCTHITA explain that guests will only be brought to the site during certain times of the day (during the lunch show and dinner show), most of the concerns over heavy traffic were diminished. The impact of traffic to the neighborhood is expected to be minimal.

Conformity with Adopted Plans – Chapter 5 of the 2013 Comprehensive Plan addresses economic development priorities for the Borough. Policy 5.6 specifically addresses tourism as an economic development tool.

POLICY 5.6 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED ACTIVITIES THROUGH THE DEVELOPMENT OF APPROPRIATE FACILITIES AND SERVICES, WHILE PROTECTING JUNEAU'S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

Chapter 10 of the Comprehensive Plan sets policies for land use within the Borough for both

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residential and commercial uses.

POLICY 10.9 TO ENCOURAGE AND STRENGTHEN JUNEAU'S POSITION AS AN INTERNATIONAL VISITOR DESTINATION BY PROTECTING THE RESOURCES AND ASSETS THAT MAKE IT ATTRACTIVE TO VISITORS, INCLUDING ITS NATURAL ENVIRONMENT, SCENIC BEAUTY, CULTURAL DIVERSITY, HISTORIC RESOURCES AND DIVERSITY OF ACTIVITIES AND EXPERIENCES. VISITOR DESTINATIONS SHOULD CONVEY AUTHENTIC JUNEAU WILDERNESS, RECREATION, HISTORY AND CULTURAL ARTS EXPERIENCES WHILE PROTECTING THOSE RESOURCES FROM OVERUSE AND DEPLETION.

According to Chapter 11 of the Comprehensive Plan, the area is designated Waterfront Commercial/Industrial (WCI). The Comprehensive Plan defines WCI as follows:

Land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and process plants, ice plants, marine hatcheries, and marine parks. Residential uses would not be allowed in WCI districts, with the exception of caretaker units.

The two principle uses of the site, which are light manufacturing and a restaurant, are not water-dependent; it was determined by staff that these uses are water-related and water-oriented. The proposed canoe exhibit and launch is a water-dependent use. This water-dependent use is predicated on approval from the Department of Natural Resources.

Chapter 11 breaks up the Borough into 11 subareas and proposes guidelines and considerations for each area. This area is part of Subarea 7: Thane. Guideline 4 states:

Maintain non-motorized recreational access to the Sheep Creek basin, creek and beach areas while minimizing impacts to the existing recreational, fish and wildlife habitat values of the area.

Chapter 16 of the 2013 Comprehensive Plan calls for recognizing and protection Juneau's unique cultural and historic resources.

POLICY 16.1 TO IDENTIFY, PRESERVE AND PROTECT JUNEAU'S DIVERSE HISTORIC AND CULTURAL RESOURCES, AND TO PROMOTE HISTORIC PRESERVATION AND ACCURATELY REPRESENT JUNEAU'S UNIQUE HERITAGE THROUGH PUBLICATIONS, OUTREACH AND HERITAGE TOURISM.

POLICY 16.4 TO PRESERVE AND PROTECT THE UNIQUE CULTURE OF JUNEAU'S NATIVE PEOPLES, INCLUDING BUILDINGS, SITES, ARTIFACTS, TOTEMS, TRADITIONS, LIFESTYLES, LANGUAGES, AND HISTORIES.

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16.4 Standard Operating Procedure 1 – Implement programs to educate local residents and visitors to the community about the CBJ’s indigenous peoples, through publications, museum outreach, interpretive exhibits, and other measures.

This area is outside the boundaries of the 2004 Long Range Waterfront Plan.

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;
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. Prior to submitting a Conditional Use Permit application, CCTHITA had the required pre-application conference. The project and all applicable regulations were discussed with the applicant at that time. Staff finds the application contains the information necessary to conduct full review of the proposed operations and is considered a complete application. CDD followed the review procedures as laid out in CBJ 49.15.330 (d). The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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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 proposed uses are listed in CBJ §49.25.300, Sections 4.050 for light manufacturing, 8.100 for a restaurant/bar, and 2.120 for retail/commercial use in Waterfront Industrial zones.

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 3, 2016 and the June 13, 2016 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, there is no evidence that suggests that the development of a cultural immersion park, with the appropriate conditions, will materially endanger the public health or safety. All new development, or substantial redevelopment, on the site must meet current building and fire code standards, as well as any State requirements for environmental protection and safety. AKDOT will review the existing driveway location and in the interest of protecting public health and safety, may require changes to the driveway geometry and/or location.

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

No. Based on the above analysis, there is no evidence to suggest that the development of a cultural immersion park, with the appropriate conditions, will decrease the value of surrounding property or be out of harmony with the surrounding neighborhood. Much of the neighborhood is undeveloped and the area is popular destination for recreational fishing. CCHITA is planning to remove as little vegetation from the site as possible and will reserve parking space for roadside fishing purposes.

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

Yes. Based on the above analysis, the proposed development of a Native Cultural Immersion Park is found to be in general conformity with the land use plan and the Comprehensive Plan.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau

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Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Section of the CBJ Land Use Code?

Yes. Based on the above analysis, it is determined that the proposed development will not negatively impact the shoreline or the surrounding area and complies with *CBJ 49.70.900 Coastal Management*.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a native cultural immersion park on land owned and managed by CBJ Docks and Harbors.

The approval is subject to the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved land use permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on State property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.
4. In order to ensure the health and safety of travelers along Thane Road, any driveway improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive DEC approval for the on-site septic system.
6. Prior to the issuance of a building permit an exterior lighting plan, to be evaluated by the Community Development Department, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.
7. If substantial improvements to the building are required, an engineer or architect

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licensed in the State of Alaska must inspect and certify that the building is properly anchored and safe to be in a flood zone.

8. The applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent State land.
10. Per 04 CBJAC 050.020 all open storage shall conform to the 10 foot front yard setback requirement for a Waterfront Industrial zoning district and shall be enclosed by a sign obscuring fence or vegetation at least six feet high.



MEMORANDUM

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Date: August 31, 2018

To: Emily Edenshaw

From: Tony Yorba

RE: CCTHITA Immersion Park Concept Design Narrative

CC:

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD

Overview:

This narrative describes the proposal from Central Council Tlingit and Haida Indian Tribes of Alaska (CC) to re-purpose the former Thane Ore House property as a Native Cultural Immersion Park. The Immersion Park project was first proposed in response to an RFP issued by CBJ Docks and Harbors, RFP No. DH16-002. The Immersion Park project is proposed to be located on several lots totaling approximately 140,000 sf accessed via a new driveway on Thane Road, approximately 300 feet south of the existing driveway. The site includes the former Thane Ore House Restaurant and an existing high bay warehouse with a two story office/caretaker residence at one end. The project envisions tearing down the existing restaurant building and building a new visitor amenities building in approximately the same general footprint, and re-purposing the warehouse into a carving shop. The existing second floor section would be converted into an apartment for itinerant artist. The primary purpose of the facility is to create a cultural immersion experience available year round for tribal members, especially village youth. Participants would learn traditional life skills and crafts, as well as experience immersion in their traditional language and all aspects of traditional culture.

During the summer tourist season the facility would be open for a lunch and dinner high quality visitor experience. At least two 72 passenger buses would bring visitors to the facility for the mid-day session, and would repeat the cycle early in the evening for the dinner session. It is anticipated that the buses would be electric powered as soon as appropriate vehicles are available. Visitors could choose to observe traditional dance, partake in a meal served buffet style, wander the grounds where they could see traditional crafts, foods and medicines being prepared, and visit a high quality art display/gift shop featuring the work of the apprentices and master craftspeople. If

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Attachment A - Application

permitted by AKDNR, plans include a beachfront canoe exhibit, including canoe rides for visitors.

Buildings on the site would include:

The visitor amenities facility: designed to be reminiscent of a series of closely spaced traditional longhouses, with the front of the buildings facing the beach as was the traditional custom. The amenities would include:

- Dining area for 75 diners (3,750 sf)
- Full kitchen with walk in cooler and freezer, gas appliances (1,250 sf)
- Dance venue with space for dancers in the middle surrounded by audience of up to 75. The floor of the dance venue would be flat. (2,500 sf)
- Alaska Native gift shop (3,100 sf)
- Office/tickets/entry area (1,400 sf)
- "Immersion Hallway "with flat screen media presentations on all walls. The screens and media presentation is being developed directly by the owner.
- Support space such as toilet rooms, mechanical, storage etc.

Carving Shop and Apartment: located in the existing, remodeled warehouse. They would include:

- The second floor apartment for itinerant artist, approximately 1,500 sf.
- High bay shop area for light manufacturing of seagoing canoes and other traditional crafts. (4,500 sf) While some power tools will be used, it is anticipated that most work would be done using traditional tools and methods.

Site

The existing site (4400 Thane Road) includes Tract B-1 (1.181 acres), Tract B-2 (.102 acres), Tract B3-A (.73 acres) and Tract B3-B (.75 acres) of Alaska Tideland Survey ATS 1570. Total project area is 2.763 acres. Tract B-1 includes the existing former Thane Ore House and a driveway to Thane Road. Tract B-2 includes a below grade sewer treatment plant. Tract B3-A is undeveloped and Tract B3-B includes the former offices, caretaker residence and shop planned for re-use as a carving building. The existing driveway would become a service access only, and a new driveway installed approximately 300 foot to the southeast on a straighter section of Thane Road.

Tracts B-1 and B3-A border the Thane Road DOT right of way to the north, and is surrounded on the other three sides by the remainder of Tract B-3 which is under a separate lease and Tract B-5 which is owned by the State of Alaska. The remainder of Tract 3 and Tract 5 are undeveloped.

Utilities to the site include electrical power delivered via overhead AEL&P conductors. There is no municipal sewer service. There is an existing surface water system with water rights permitted by AK DNR for up to 2,500 gallons per day. See ADL 100287.

Zoning Analysis

The following is our analysis of the project-based on Juneau Land Use Code CBJ 49:

General: the site is zoned Waterfront Industrial, and is a major development due to the size of the property (in excess of 1 acre). The first primary use canoe building and exhibition is water related. The second primary use is restaurant/dance/retail functions. They appear to meet the Land Use code section 49.80.120 definition for a water oriented activity, which is described as follows:

- *Water-oriented* means uses or mixtures of uses which would benefit from being near the water and are intrinsic to waterfront development, and which meet all of the following criteria:

- (1) Uses must be part of a larger fully-planned development which also incorporates water-dependent or water-related uses;
- (2) Uses which are not directly water-dependent or water-related must be necessary to the overall development of the project;
- (3) Uses must be integrated functionally by architectural and site designs which are sensitive to the waterfront site;
- (4) Uses must act as economic stimuli and anchor points to enable other forms of development, particularly public access improvements; and
- (5) Uses must contribute to a diverse and healthy downtown core.

The restaurant/dance/retail uses are a component of the overall goal of a cultural immersion park celebrating traditional SE Native culture which is a predominately water oriented culture. It also supports the canoe building and apprenticeship program- revenue from the restaurant and sales in the retail space of products manufactured on site will help support the Immersion Park.

The following is a summary of use descriptions and anticipated approval procedures from CBJ 49.25.300 Table of Permissible Uses:

Use	Code Use Description	Code Approval Procedure
Canoe and crafts production	4.050 light manufacturing	Conditional Use (major Development)
Restaurant/dance area	8.100 restaurant/Bar	Conditional Use (water oriented major development)
Retail	2.120 storage or display	Accessory use to restaurant

	of goods less than 5,000sf and or 20% of gross floor area of outside merchandizing of goods	and light manufacturing- per CBJ 49.25.300 (a)(4)
--	---	---

The following describe specific aspects of the project:

CBJ 49.25.400 Setbacks: Front, rear and sideyard setbacks for the lot are 10 feet. Nearest point from the exiting building to a property line is 17 feet.

CBJ 49.25.430 (4)(A) Projections into the rear (south) setback: a roof overhang may project 40 inches into the rear yard setback. This will allow an approximately 10'-6" wide roof overhang to cover an outside activity adjacent to the existing building along the rear, southfacing wall. Seasonal structures may be within 3 feet of property line.

CBJ 49.50.300 vegetative cover: Vegetative cover in excess of 5% of the site area will be provided.

CBJ 49.40.210 Parking: Tabular parking is based on the various used of the building and is calculated as follows, based on the maximum tabular uses as well as special conditions of the lease between CCTHITA and CBJ Docks and Harbors:

Use	Parking stall per square foot gross area	Gross Area	Required Stalls
Restaurant/ Bar	1/200 sf	1,700 sf	8.5
Retail	1/300 sf	1,350 sf	7.8
Craft pavilions, 2 at 1,000 sf each, (estimated)	1/1000 sf	2,000 sf	2
Carving Building	1/1000 sf	4,500	4.5
Office	1/300	1,500	5
Stalls reserved for fishers			5
Total parking			33
Loading stall (30x12)			1
Total Parking			34

Parking count includes 2 accessible parking stalls

While the above is the tabular parking required, CC expects that virtually all visitors will be cruise ship passengers arriving via bus. The facility is being designed based on two- 72 passenger buses at the lunch session, and two -72 passenger buses at the evening session. Buses are anticipated to be electric powered. Bus arrival and departures for each session will be staggered, depending on cruise ship schedules and other factors during each session to minimize traffic, reduce crowding and ensure smooth flow through each of the venues. Likewise virtually all apprentices would arrive and leave on a van provided by CCTHITA. In light of the above, we believe the required parking can be significantly reduced.

Additional matters:

Property Elevation and Flood Zone: based on the attached flood map provide by CBJ Planning staff, the existing building is outside the 24 foot flood zone elevation. No new enclosed, permanent structures will be located within the mapped flood zone.

On Site Utilities: Existing overhead electrical power is provided to the facility and is suitable for the proposed project. Water rights and a water system is presently on site but will need to be re-habilitated to meet the needs of the planned facility. There is an existing jet pump sewer treatment plant on site. Condition of the system is not known at present time and is assumed to need rehabilitation/replacement.

Site Drainage: Changes to existing topography as a result of this project are anticipated to be minimal. Existing site drainage, primarily sheet flow, is expected to remain largely unchanged as a result of this project.

Demolition

Demolition activities would include:

- Demolition of the existing 8,700 sf un-insulated wood framed single story restaurant and concrete slab foundation. The work to be done by Tribal members under the terms of a project agreement between Capital Fire and Rescue which will include a burn permit.
- Demolition of a 1,500 sf shed roof addition on the waterfront side of the warehouse.
- Removal of existing metal roof and siding, doors etc from existing 6,000 sf total warehouse footprint. Excluding 1,500 sf first floor office area, square footage of warehouse is 4,500 sf
- Gut interior of the existing two story portion of the warehouse down to bare structure for renovation as a dorm (1,500 sf/floor, 3,000sf total)
- Excavation of approximately 53,00sf of the existing site, including removal of approx 6,000 cy of overburden.

- Removal of a surface water system permitted for up to 2,500 gallons per day and a sewer treatment plant.

Site Utilities

Water: No municipal water is available on the site, so a commercial water service would have to be developed on site. They could be located on the northwest corner of the site. It is assumed that it would include the following.

- Two water wells, a minimum of 300 feet deep
- Treatment facilities including filtration , chlorination and ozonator for up to 8,600 gallons per day.
- Water storage facilities on site for domestic water as well as the required automatic fire sprinkler system, approx 50,000 gallons in a corrugated steel tank
- Pump house, controls and related equipment

Sewer treatment: An onsite sewer treatment system would be required and is assumed to include the following:

- Package sewer treatment plant assumed to be sized for 8,000 gallons per day
- Vaulted leach field
- Lift pump system.

Power: On-site electrical service is available on site at 480 v 3 phase and is assumed to be adequate for the requirements of the facility.

Site Development:

Driveway: a new driveway would be provided visitor and employee access to the site. The new driveway would be located approximately 300 feet south of the existing driveway, along a straight section of road. We have reviewed the new driveway with DOT and they are in favor of the new location.

Earthwork: It is assumed that fill will be required to align the driveway with Thane Road, provide a stable base for buildings, drives and parking facilities. Fill is estimated at approximately 10,000 cy based on the conceptual site plan.

Site Paving: Site paving will include 6" of compacted D-1 paving under 4" of asphalt paving at the Drives. Parking would be similar except with 2" asphalt. Driveway and parking areas total approximately 27,000 sf.

Walkways: A paving surface such as D-1 with a consolidation additive such as Superior Roadbond 1000 or recycled asphalt is considered for walkway areas and can be assumed to be approx 12,000 sf

Totem Pole Park: Totems would be placed on the site, including Totems on DNR beachfront land once approval from that agency is obtained.

Buildings:

Visitor Amenities Building: this building would be a new building designed to reflect traditional village longhouse construction. It is envisioned that it would consist of 4 approximately equal 50 x50 modules, total area of about 12,000 sf. It would include the following general areas:

- Dining area for 75persons, (3,750 sf)
- Commercial Kitchen (1,250) with walk in cooler, freezer, gas appliances and dry storage
- Dance venue (2,500) flat floor with central dance space with perimeter audience seating
- Exhibition/Gift Shop (3,100) for artwork displays
- Office/Tickets (1,400)

Assumed included within the above areas are support spaces such as storage, mechanical, janitorial, restroom and similar spaces. The visitor amenities facilities are assume to be slab on grade, heavy timber structure with repetitious wood truss joist or similar roof framing, plywood roof sheathing with cedar shake roof finish and R35 fiberglass batt insulation. Walls are 2x6 wood studs batt filled, with structural plywood sheathing. 2" rigid insulation would be installed on the exterior side, with cedar plank exterior finish installed in a rain screen configuration. Ceiling finish will be cedar plank in finished areas. Suspended drywall or acoustic panels would be used elsewhere. Wall finish would be cedar plank with drywall in support spaces, FRP finish in kitchens, tile in toilet rooms. Floor finishes would be stained concrete or commercial vinyl plank flooring

Dorm/Shop Building: the existing warehouse would be fully renovated with conventional dorm finishes in the 3,000 sf dorm (two floors at 1,500 each) Two full bathrooms are assumed on each floor. The shop (4,500) is presently un-insulated. Work would include placement of new plywood and 4" rigid insulation on the existing plywood roof deck and installation of new metal roofing. Walls would include new plywood sheathing with 2" rigid insulation installed on the exterior side, with cedar plank exterior finish installed as a rain screen configuration. Walls and ceiling would be open structure.

Gazebo: an open covered area for special events such as weddings, presentations etc is desired on the site. It is envisioned to be reminiscent of traditional SE native architecture with carved house posts and traditional roof structure, but without enclosing walls.

There are potentially other structures on site, such as water storage tank, water system building and a building to house a biomass boiler system. These items are found elsewhere in this narrative.

Mechanical Systems:

Visitor Amenities Building

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Attachment A - Application

HVAC: As a baseline, heating is assumed to be conventional fuel oil fired baseboard heat, augmented by tempered mechanical ventilation.

Plumbing. Conventional domestic water and sewer system with in the building, connecting to on site utilities systems. Urinals are assumed to be waterless types.

Sprinklers: All areas would include conventional fire sprinkler coverage.

Dorm/Shop Building:

HVAC: As a baseline, heating is assumed to be conventional fuel oil fired baseboard heat, in the dorm. This area would be naturally ventilated from windows. Warehouse would have wall or ceiling hung unit heaters. Natural ventilation would be augmented by exhaust fans.

Plumbing. Conventional domestic water and sewer system with in the building, connecting to on site utilities systems. Urinals are assumed to be waterless types.

Sprinklers: All areas would include conventional fire sprinkler coverage.

Electrical Systems:

Power: Electrical power would be provided by local power authority. Assumed 480 v 3 phase power would be stepped down to 220 or 120 v power.

Signal: Fire alarms would cover all areas. Computer systems would be supported by wireless network coverage.

Lighting: All lighting is assume to be LED lighting.

Alternative Energy systems:

There is interest in exploring systems that use renewable resources as part of the proposed Cultural Immersion Park as envisioned by Central Council Tlingit and Haida Central Council. The following describes systems that could be used for HVAC (Heating, Ventilation and Air Conditioning) and for site illumination.

We first established a baseline demand for HVAC systems for this facility, using a conventional fuel oil fired heating system sufficient for this demand. We made design demand assumptions, at standard Juneau design temperatures. These were used to size the systems under consideration. We described a fuel oil fired HVAC system for the building using a boiler, baseboard heat distribution and mechanical ventilation with tempered make up air. Separate exhaust systems were assumed for kitchen, toilet rooms and shop. For the purposes of this analysis we assumed that the dorm and light industrial shop for carving seagoing canoes are fully heated and ventilated. The cost for this conventional system is included in the budget cost estimate.

There are at least three heating and ventilation systems using primarily renewable energy sources that have been successfully used in Juneau. The following describes those systems and how they could be applicable to this project:

Biomass boiler: A boiler system manufactured by Viessmann Inc. using wood pellets as fuel was recently brought on line at the Ketchikan Airport, and a similar system was installed at the Sealaska Building in Juneau. We consulted with the manufacturer of that system (Fink Machine Inc) for advice. The system includes a pellet storage enclosure with an auger that feeds the pellets to the boiler, as well as a large heating medium storage tank with a manifold that pipes the heating medium to the various demand points at the Immersion Park. The system takes a fair amount of space and should be located in its own dedicated space to ensure the pellets remain at optimum moisture content and to facilitate maintenance and operation. Biomass boilers are reliable and deliver heat at conventional temperatures, reducing the diameter of downstream piping and simplifying delivery of domestic hot water. To achieve the highest efficiency, the biomass boiler system is designed for approximately 60-70 percent of maximum anticipated heat load. This ensures that the burner system operates within its optimum range, increasing reliability and reducing maintenance and operating costs. However, this requires that a back up heat source be available when peak demand is reached. Installation of an electric stand by boiler is the most cost effective way to provide this back-up.

Air to Air Heat Pumps: Air to air heat pumps utilize a reverse refrigeration cycle to capture heat from the exterior air, consolidate it into usable quantities, and then distribute in the building via heating ventilators located throughout the buildings. We consulted with Juneau Refrigeration contractor John Howard for advice on such a system. John has installed such systems successfully in Juneau. He recommended a Daikin VRV4 system as the basis of the refrigeration cycle. This heat pump is connected to 208 volt, 3 phase power. We consider it to be part of a renewable energy system since electrical power to Juneau is virtually all hydroelectric power. Included with the VRV system is approximately 39 indoor wall hung warm air ventilator units and two outdoor units for distribution of the heat throughout the buildings. Because Juneau climatic conditions can sometimes exceed the operating efficiency range of an air to air heat pump system, a back-up heat system is usually advisable especially for domestic hot water.

Ground Sourced Heat Pumps: Ground sourced heat pump heating system can utilize much the same equipment as an air to air heat pump system except that instead of the a heat pump to pull heat from the air, it used a refrigeration cycle that pulls heat from the ground. We assumed that approximately 40- 250 foot deep wells, each connected to an HDPE pipe supply and return loop pipe filled with a thermally conductive medium, would draw sufficient heat from the ground for the demands of this facility. The pipe loop would be connected to a heat pump where the heat bearing thermally conductive medium would be harvested for use in the building. The cooled thermal medium would flow through the pipe loop back into the ground where the cycle

would begin again. This building is particularly suited for this type system because the heating demand on the system is not constant, so periods of low demand would allow the ground heat to re-charge. For a complete system the well field must be connected to heat pumps and a distribution system sized for larger diameter piping and heat distribution system needed for a ground sourced heat pump system. While the first costs are expensive for this type system, the ground sourced system is reliable and does not need a back up heat source as it can be sized for full demand, and will reliably deliver heat in conditions that an air to air heat pump system cannot. However, because of the low operating temperature point source hot water generators are usually advised to meet domestic water needs.

Site Lighting

Site lighting is another area where renewable energy sources can be harvested for use on this site. A manufacturer (Illumient) markets an area lighting system that harvests daylight with photovoltaic cells for parking and driveway lighting. It has been used in Alaska successfully.



Community Development

City & Borough of Juneau • Community Development
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PLANNING COMMISSION

NOTICE OF DECISION

Date: June 15, 2016

File No.: USE2016 0010

Central Council Tlingit-Haida Indian Association
320 W. Willoughby Avenue
Juneau, AK 99801

Application For: Conditional Use Permit for the re-development of the old Thane Ore House into a restaurant and cultural immersion park.

Legal Description: ATS 1328 Tracts B1 and B2

Property Address: 4400 Thane Road

Parcel Code No.: 1-B03-0-102-003-0

Hearing Date: June 14, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 6, 2016, and approved the Conditional Use Permit for a restaurant and cultural immersion park in a Waterfront Industrial district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved land use permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on State property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.
4. In order to ensure the health and safety of travelers along Thane Road, any driveway improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive DEC approval for the on-site septic system.
6. Prior to the issuance of a building permit an exterior lighting plan, to be evaluated by the Community Development Department, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.

Central Council Tlingit-Haida Indian Association

File No.: USE2016 0010

June 15, 2016

Page 2 of 2

7. If substantial improvements to the building are required, an engineer or architect licensed in the State of Alaska must inspect and certify that the building is properly anchored and safe to be in a flood zone.
8. The applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent State land.
10. Per 04 CBJAC 050.020 all open storage shall conform to the 10 foot front yard setback requirement for a Waterfront Industrial zoning district and shall be enclosed by a sight obscuring fence or vegetation at least six feet high.

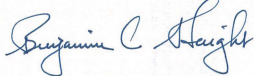
Attachments: June 6, 2016 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2016 0010.

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

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

Effective Date: The permit is effective upon approval by the Commission, June 14, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or December 14, 2017, 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:	 Allison Eddins, Planner Community Development Department	 Ben Haight, Chair Planning Commission
	 Filed With City Clerk	June 17, 2016 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.

SIGN-IN

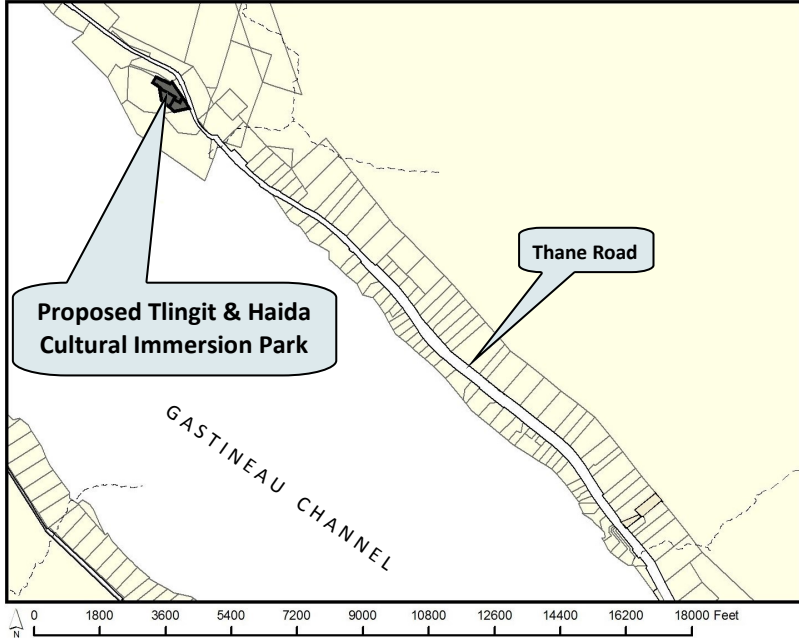
Neighborhood Meeting | CCTHITA Cultural Immersion Park

October 16, 2018 | Downtown Public Library | 5:30 PM

Name	Address	Phone Number	Email
CHRIS PRUSSING	4655 Thane Rd		headiste@gmail.com
DAVID BORG		907-586-5255	david.borg@lunenburg.org
CORET WALL	JENSEN YORBA LOTT	586-1070	C_Wall@jensenyorbatt.com
Patty Fiorella	Douglas	364-2498	xoots@yahoo.com
RICHARD HOFMANN	4970 THANE RD.	209-2285	PTERRREL@GMAIL.COM
Larry Spengler	4545 Thane Rd	586-9768	LSpengler@ak.net
Leslie Daugherty	4745 Thane Rd	723-0695	lesliwd40@gmail.com
Hal Daugherty	" " "	723-4020	akcanvasman@gmail.com
Jan Trigg	4660 Thane Rd	723 4178	jan.trigg@gmail.com
Peter Naoroz	"	723 5285	peter.naoroz@gmail.com
CARL Uchytel	PORT DIRECTOR		
CHRIS MERTL	4615 THANE RD	586-3232	chrtamertl@gmail.com
Bill Williams	8322 GRADSTONE ST	907 321 1606	willbill@ak.net
Alex McCumber	3956 Portage Blvd	304-476-9574	AlexMcC.KINY@gmail.com

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **Tlingit & Haida Cultural Immersion Park** located at **the old Thane Ore House property** in a WI 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, **Amy Liu** 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 0017
Parcel No.: 1B0301020030; -0041; -0043
CBJ Parcel Viewer: <http://epv.juneau.org>

-----Original Message-----

From: Judy Sherburne [<mailto:jlsherburne@gci.net>]

Sent: Monday, November 19, 2018 5:11 PM

To: PC_Comments

Subject: Tlingit Haida Cultural Immersion Park

Amy Lui

The following are comments on the Tlingit Haida Cultural Immersion Park at Thane. These comments have to do with site aesthetics and conservation of the beach strand/alder stand area where there is now proposed a parking lot. The latest proposed access point is great for solving safety and access issues. My recommendation, however, is to use this proposed access point but consider returning the parking to the north side of the building complex where there is existing road and parking. Inasmuch, a driveway would continue from the proposed access point off Thane Road, return along the foot of Thane Road, and intersect with the existing access drive in order to 1) use some of the north side of the building for parking 2) conserve the stand of alders as a visual filter between the beach and the parking lot and building complex.

The context for my thoughts are that Thane has no parks and no greenbelts. The mouth of Sheep Creek is very important to us as our local natural area for beach combing, walking, family picnics and bonfires, exercising dogs, and the like. The alder stand forms a significant natural beach strand feature that defines the upper beach, stabilizes the beach, and provides a visual buffer between the beach and the road. Removing some of the alder in that area to create a parking lot with cars and buses will dramatically alter the feel of the beach. Advantages to parking on the north side:

- o Maintains the beach aesthetic
- o Visitor vehicles and busses not visible from the beach
- o Takes advantage of open terrain and existing hardened substrates
- o Provides more long term options for parking and growth
- o Buildings would not lose the look of being visually nested in the natural landscape
- o Northern approach to building configuration provides a powerful entrance presentation

Please consider a driveway route from newly proposed access point to parking on the north side of the building complex. Thank you.

Judy Sherburne
Thane Resident
Landscape Designer

Amy Liu

From: Larri Spengler <lspengler@ak.net>
Sent: Monday, November 26, 2018 9:14 AM
To: Amy Liu
Cc: Emily Edenshaw; Jodie Gatti; Tony Yorba
Subject: RE: Tlingit-Haida cultural center comments

Thank you, Amy.

We intend these comments to be our comments to the planning commission, as well, so the members can see our support for the project (and our two requests). Please be sure they are included in the information the commission receives.

Larri

Larri Irene Spengler, Secretary

Thane Neighborhood Association

4545 Thane Road

Juneau, Alaska 99801

907-586-9768 (phone/fax)

lspengler@ak.net

----- Original Message -----

From:
 "Amy Liu"

To:
 "Larri Spengler"
Cc:
 "Emily Edenshaw" , "Jodie Gatti" , "Tony Yorba"
Sent:
 Mon, 26 Nov 2018 17:51:38 +0000
Subject:
 RE: Tlingit-Haida cultural center comments

Larri,

Thank you for the input below. I will discuss with CDD staff and the applicants. I'll keep you in the loop.

Amy Liu

From: Larri Spengler [<mailto:lspengler@ak.net>]
Sent: Sunday, November 25, 2018 11:29 AM
To: Amy Liu
Cc: Emily Edenshaw; Jodie Gatti
Subject: Tlingit-Haida cultural center comments

Hello, Amy:

The Thane Neighborhood Association is very much in support of the proposed Tlingit-Haida cultural immersion center. It will be an excellent addition to the Thane area, to the larger Juneau community, and to visitors to our city.

We have the following two requests and one informational comment that we would like the Juneau Planning Commission to consider when it discusses the conditional use permit.

1. Permit stipulation request: We ask that a stipulation be included in the conditional use permit that if the cultural immersion center thrives and eventually wishes to increase to doubling (or more) the original two 75-person pulses of visitors that the permit be reviewed again at that time by the city planning department and the planning commission, with an opportunity for public comment. Such growth may call for new conditions about traffic, for example.

2. Permit stipulation request: We ask that a stipulation be included in the conditional use permit that non-breachable vehicle-barriers be required around the new parking area (which at the same time would allow pedestrian access to the beach and greensward). This would protect the area from the kind of erosion, dust, trash, and dangerous driving that used to dominate the Sheep Creek shore before our neighborhood association worked in 2005 in concert with AEL&P/AJT, the Ore House, ADF&G, the city, DNR, and DOT to address those issues.

3. Informational comment: Thane Neighborhood Association has no position on this, or what, if anything, might be done about it. However, we wish to provide the information from our local knowledge that reserving five parking places for the public may not accommodate the recently increasing uses of the shore there by people fishing seasonally and the nearly year-round presence of the dredge-miners (as well as the occasional dog walkers and picnicking families).

We look forward to the Tlingit-Haida cultural immersion center opening in our neighborhood, and we thank you for your attention to our requests.

Larri

Larri Irene Spengler, Secretary

Thane Neighborhood Association

4545 Thane Road

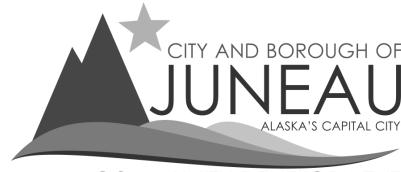
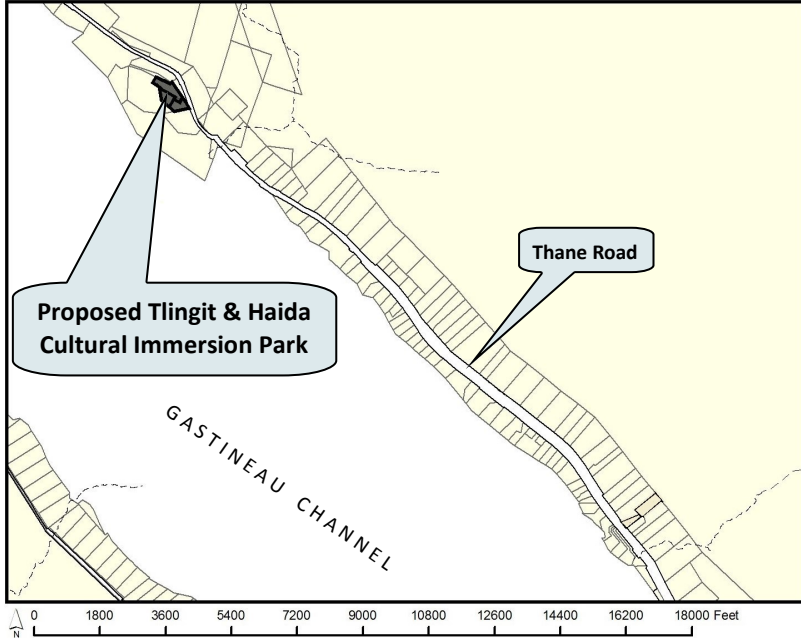
Juneau, Alaska 99801

907-586-9768 (phone/fax)

lspengler@ak.net

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **Tlingit & Haida Cultural Immersion Park** located at **the old Thane Ore House property** in a WI 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, **Amy Liu** 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**

Case No.: USE2018 0017
Parcel No.: 1B0301020030; -0041; -0043
CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: December 13, 2018
Case No.: USE2018 0017

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

Proposal: A Conditional Use Permit for Cultural Immersion Park
Property Address: 4400, 4404 Thane Road
Legal Description: ATS 1328 Tracts B1, B2; ATS 1570 Tracts B3A, B3B
Parcel Code No.: 1B0301020030; 0041; 0043
Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 11, 2018, and approved the Cultural Immersion Park to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved Land Use Permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on state property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.

Jensen Yorba Lott Inc.
Case No.: USE2018 0017
December 13, 2018
Page 2 of 3

4. In order to ensure the health and safety of travelers along Thane Road, any driveway improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive Department of Environmental Conservation approval for the on-site septic system.
6. Prior to the issuance of a building permit, an exterior lighting plan, to be evaluated by the CDD, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.
7. If substantial improvements to the remaining building are required, an engineer or architect licensed in the state of Alaska must inspect and certify that the building is properly anchored and safe to be in a flood zone.
8. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent state land.
10. A barrier to vehicular traffic no less than 2 feet high shall be constructed along the border of the parking area, so as to define areas for vehicle traffic. This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the CDD. This barrier is intended to protect pedestrians and screen the parking.
11. If the applicant anticipates the site generating more traffic than is anticipated at this time, the applicant may be required to submit a traffic impact analysis for review through a new or modified Conditional Use application at the Director's determination.

Attachments: December 11, 2018, memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding USE2018 0017.

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).

Jensen Yorba Lott Inc.
Case No.: USE2018 0017
December 13, 2018
Page 3 of 3

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).

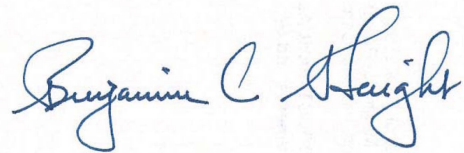
Effective Date: The permit is effective upon approval by the Commission, December 11, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or June 11, 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:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

12/21/2018

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.



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

DATE: November 29, 2018

TO: Board of Adjustment

FROM: Amy Liu, Planner
Community Development Department

FILE NO.: ADP2018 0002

PROPOSAL: Alternative Development Permit for reduced southeast side setback to accommodate 3 feet x 10 feet projection with windows

GENERAL INFORMATION

Applicant: Jill Ramiel & Kenneth Alper

Property Owner: Jill Ramiel & Kenneth Alper

Property Address: 526 Seward Street

Legal Description: Juneau Townsite Block 22, Lot 5, Front

Parcel Code Number: 1C070A220020

Site Size: 2447 sq. ft.

Comprehensive Plan Future Land Use Designation: Traditional Town Center

Zoning: D18

Utilities: City water and sewer

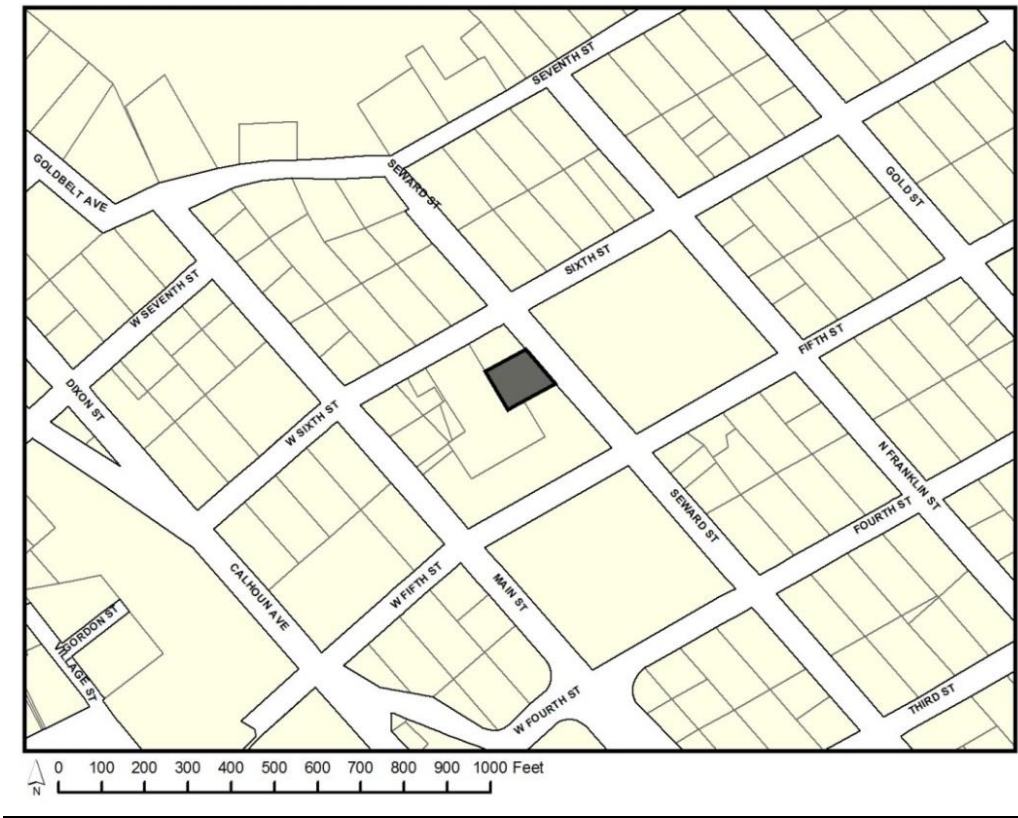
Access: Seward Street

Existing Land Use: Single family residential

Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
Page 2 of 8

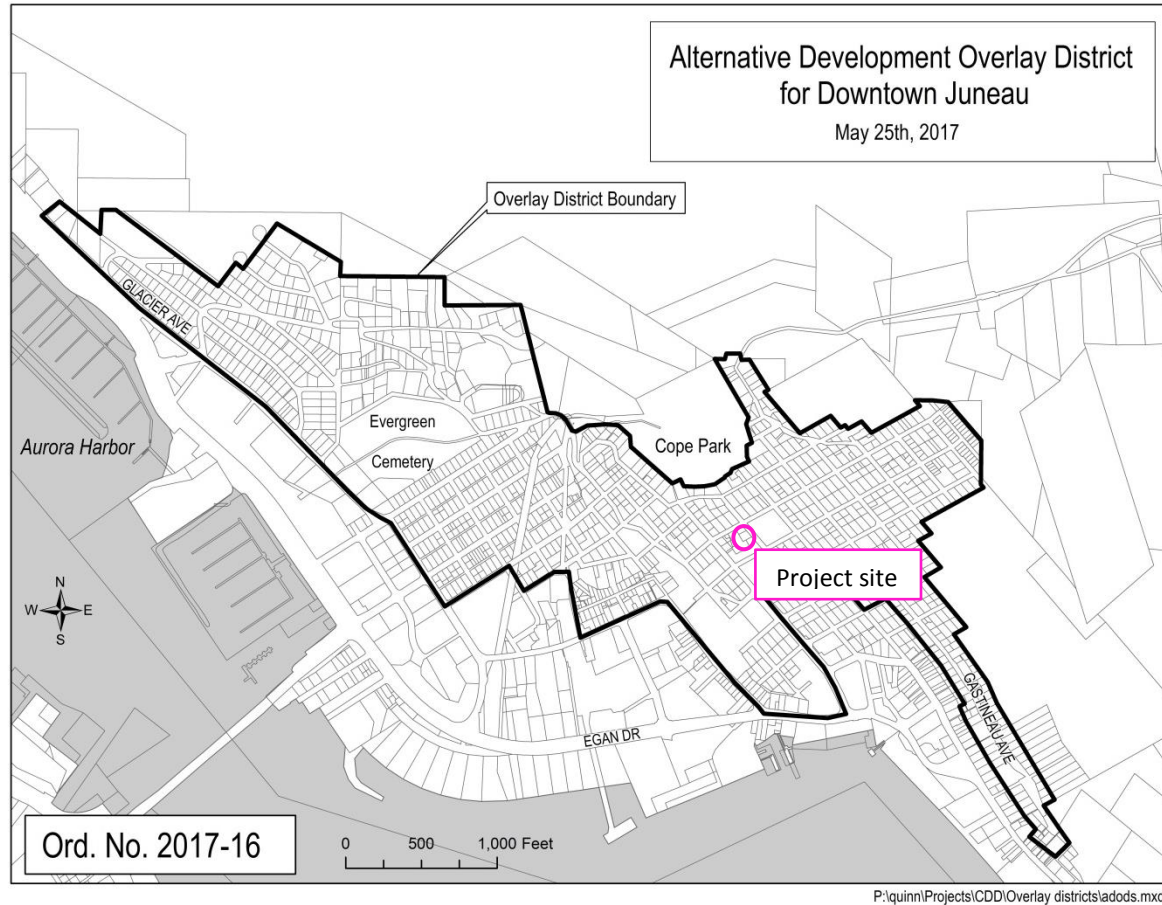
Surrounding Land Use:	North	-	Single family with accessory apartment
	South	-	Legislative Affairs Building
	East	-	Capital School Playground
	West	-	Legislative Affairs Building

VICINITY MAP



Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
Page 3 of 8

ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT MAP (Juneau)



ATTACHMENTS

Attachment A – Application
Attachment B – Public Notice
Attachment C – Assessor Office Correspondence
Attachment D – Assessor Office Photo

PROJECT DESCRIPTION

The applicant requests an Alternative Development Permit (ADP) for 4 inch side setback. The reduced setback would accommodate a 3 feet x 10 feet projection into the side setback at the southeast lot line. The projection has three windows and will continue from the first floor to the third floor. The development is located in the downtown Juneau Alternative Development Overlay District (ADOD).

Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
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The applicant has also submitted ADP2018 0003 for a reduced rear setback and ADP2018 0004 for a reduced northwest side setback.

PUBLIC COMMENT

At the time of writing this report, no public comment was received regarding this application.

AGENCY REVIEW

- Capital City Fire/Rescue – No concerns at this time.
- CBJ Building – No concerns at this time.
- City Assessor – No concerns at this time.

BACKGROUND

The existing home was constructed in 1910 and has a building footprint of 1356 square feet. The subject lot was platted in 1892 as part of the Juneau Townsite Subdivision. The City of Juneau adopted a Planning and Zoning Ordinance and a zoning map in 1969 showing the subject lot zoned Residential Medium Density Multi-Family (RMM). The minimum lot size for the RMM district was 4800 square feet, while the minimum lot area required for a home was 2400 square feet. The required setbacks were 15 feet for the front, 0 feet for the side, and 10 feet for the rear. Currently, required setbacks are 20 feet from the front, 5 feet from each side, and 1 foot from the rear. Maximum lot coverage is 50% and maximum height is 35 feet.

In addition to nonconforming lot size, the site exhibits nonconforming setbacks and lot coverage relative to past and current code. The setbacks are 0 feet from the front, 2 feet from one side, and 2.5 feet from the rear (Attachment A). The lot coverage is 55%. There are no variances or other documents showing CBJ approval of the existing setbacks and lot coverage. Lack of documentation is common for buildings constructed around that time.

Applicants are seeking approval for lateral expansion closest to the southeast side lot line, and a vertical expansion closest to the rear setback. Applicants are seeking Alternative Development Permits, ADP20180002 and ADP20180004 for reduced side setbacks, and ADP20180003 for a reduced rear setback. The primary dwelling is not parallel with the side lot line. The lateral expansion reviewed in this report will be no closer than 4 inches from this side lot line.

The purpose of the ADOD is to provide adequate minimum standards for the development of buildings while preserving the character of the neighborhoods. Approving a setback reduction through an ADP would deem the subject structure to be legally nonconforming and also allow

Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
Page 5 of 8

for the construction of the proposed second story workshop for private use. Under 49.70.1240, the Board of Adjustment has the authority to reduce the side yard setback by one of two methods:

1. Calculate the mean of corresponding side setbacks of residential buildings within a 150' radius. The average side setback of properties within a 150' radius is 4 inches. This would allow the proposed lateral expansion resulting in a 2.5 feet side setback.
2. Use the footprint of the existing building. Encroachment into a right-of-way or adjacent property would still be prohibited. This method may be used for granting the vertical expansion addressed in ADP2018 0003.

ANALYSIS

Project Site – The lot is sloping upward at about 13% grade. There is a three story, single family home. There is no onsite parking, which is a nonconforming situation allowed to continue per 49.30.100.

The adjacent Lot 5 has a single family home with an accessory apartment without onsite parking. The site is also nonconforming in lot area, setbacks, and lot coverage. Adjacent Lot 3 has the Legislative Affairs Building, which does not meet setbacks or lot coverage.

Project Design – Applicants are proposing a 3 feet x 10 feet projection on the southeast side of the building. The feature will continue from the ground floor to the deck. The projection will have windows on three sides (Attachment A). It is not considered a bay window per 49.25.430, as it increases livable space. Because the residential dwelling is not parallel to the southeast side lot line, the projection will not encroach onto the adjacent lot. ADP2018 0002 addresses the further encroachment into the setback. Per 49.70.1240(b), enlargement of building footprint is allowed as long as lot coverage does not exceed 60%. The proposed expansion would result in 56% lot coverage.

Traffic – The projection will not directly generate more traffic.

Parking and Circulation – *CBJ 49.40.210 –Table of Minimum Parking Standards* requires a single-family dwelling unit to have two off-street parking spaces. There is no onsite parking, which is a nonconforming situation allowed to continue per 49.30.100.

Noise – The proposed development is unlikely to generate additional noise.

Public Health or Safety – There is no evidence indicating that there are any public health or safety impacts from the proposed encroachment. Based upon the plans the structure meets

Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
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building and fire code requirements. Building and fire officials expressed no concerns at this time.

Habitat – There are no anadromous streams, wetlands, or other sensitive areas on site.

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence suggesting that neighboring property values or neighborhood harmony will be negatively affected by the proposal. The Assessor's Office did not have concerns at this time (Attachment C). In particular, there is no evidence that there would be excessive blockage of views, excessive restriction of light and air, or other deleterious impacts, particularly for the adjacent Legislative Affairs Building.

Conformity with Adopted Plans – The proposed development is consistent with the Traditional Town Center (TTC) land use designation outlined in the CBJ 2013 Comprehensive Plan. TTC is defined as high density residential and non-residential land uses in downtown areas including off-street parking.

Chapter 3 of the 2013 Comprehensive Plan addresses compact urban development.

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

Chapter 4 of the 2013 Comprehensive Plan addresses preservation of neighborhood character.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

FINDINGS

CBJ 49.70.1230 (e), Review of Director's Determinations, states that the Board of Adjustment shall review the Director's report to consider:

1. Whether the proposed development is appropriate according to the Alternative Development Overlay District;
2. Whether the application is complete; and,
3. Whether the development as proposed will comply with the other requirements of this title.

Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
Page 7 of 8

The Board of Adjustment shall adopt the Director's determination on each item set forth in paragraph one (1) of this subsection 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 49.70.1230 (f), Board of Adjustment Determinations, states that even if the Board of Adjustment adopts the Director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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. Lack general conformity with the Comprehensive Plan, Thoroughfare Plan, or other officially adopted plans.

Per CBJ 49.70.1240, Review of Director's & Board of Adjustment's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Alternative Development Permit complete?

Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.70.1200.

2. Is the proposed use appropriate according to the Alternative Development Overlay District?

Yes. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.130, for a single family detached dwelling unit with an accessory apartment in a D18 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 November 30, 2018 and December 10, 2018 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.

Board of Adjustment
File No.: ADP2018 0002
November 29, 2018
Page 8 of 8

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

No. The project site is located in a D18 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed development will materially endanger 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. As discussed above the development is in harmony with the neighboring properties. No evidence has been presented to indicate the proposed projection will decrease property values.

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

Yes. As discussed above, the development is in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Alternative Development Permit. The permit would allow a reduced southeast side setback to accommodate 3 feet x 10 feet projection with windows

The approval is subject to the following conditions:

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to Community Development Department.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received	Packet Page 121 of 376
Project Name (City Staff to Assign Name)			

INFORMATION

PROJECT / APPLICANT

Project Description

The project entails renovations with modest additions to the structure at 526 Seward street, a three story wood framed house to be renovated after a fire with modest additions. The renovation design entails reconfiguration of the existing footprint to include an Accessory Dwelling Unit in addition to the single family residence.

PROPERTY LOCATION

Street Address

526 Seward Street

City/Zip

Juneau, Alaska 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)

Juneau Townsite BL 22 LT 5 FR

Assessor's Parcel Number(s)

1C070A220020

LANDOWNER/ LESSEE

Property Owner's Name

Jill Ramiel and Kenneth Alper

Contact Person:

Jill Ramiel

Work Phone:

907-321-8787

Mailing Address

120 2nd Street, Juneau, Alaska 99801

Home Phone:

Fax Number:

none

E-mail Address

jill.ramiel@gmail.com

Other Contact Phone Number(s):

Ken Alper

907 209 6993

LANDOWNER/ LESSEE CONSENT

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

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

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

X

Landowner/Lessee Signature

Date

X

Landowner/Lessee Signature

Date

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

same

Contact Person:

Work Phone:

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			
		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)			ADP 2018 - 0002
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			ADP 2018 - 0003
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			ADP 2018 - 0004
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials AL 10/26/18

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

Attachment A - Application



ALTERNATIVE DEVELOPMENT 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.

TYPE OF ALTERNATIVE DEVELOPMENT PROPOSED (ONLY AVAILABLE TO ALLOWED RESIDENTIAL USES)

- ☒ Rebuild w/in Existing Footprint
 ☒ Setback Reduction
 ☒ Lot Coverage Reduction
 ☒ Vegetative Coverage Reduction

If requesting a Reduction of Setback(s), Lot Coverage, and / or Vegetative Coverage, the following must be provided:

- ☒ Map of properties w/in 150' radius
 ☒ Table demonstrating average corresponding setbacks located w/in 150' radius

PROJECT SUMMARY

The project entails renovations with modest additions to the structure at 526 Seward street, a three story wood framed house to be renovated after a fire with modest additions. The renovation design entails reconfiguration of the existing footprint to include an Accessory Dwelling Unit in addition to the single family residence.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ YES - Case #

☒ NO

Existing use of property: Single Family residence legally, unofficially multifamily or bed and breakfast.

Is this project an: ☒ Expansion ☒ Rehabilitation ☐ New Development

Has this property received a Variance in the Past? ☒ NO ☐ YES - Case #

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 2447 sf square feet Total Area of Existing Structure(s) 3684 sf on three floors square feet

Total Area of Proposed Structure(s) 3749 sf renovation and new square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☒ No
☒ No

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

ALL REQUIRED MATERIALS ATTACHED

- ☒ Complete Application
☒ Narrative including:
 ☒ Current use of land or building(s)
 ☒ Proposed setbacks, lot coverage, vegetative coverage
 ☒ How the proposed use complies with the Alternative Development Overlay District
☒ Plans (details on page 2)

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 800.00 (2x) \$400.00			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$			
Pub. Not. Sign Deposit	\$			
Total Fee	\$			

* 2 case #s
Thx!

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
AD P20160002	10/26/16

Planning Review for 526 Seward Street, Juneau, Alaska 99801

Owners: Jill Ramiel and Kenneth Alper
120 2nd Street, Juneau, Alaska 99801

Project Narrative:

Owners: Jill Ramiel and Kenneth Alper 120 2nd Street, Juneau, Alaska 99801

The existing house at address 526 Seward street was constructed in 1904 in another location on that block and relocated to its current site in the 1920's to make room for the Capital School (presently known as the Terry Miller Building, owned and operated by the State of Alaska as an office building supporting the State Capital.

526 Seward Street is a three story, wood framed house structure with gabled roof and dormers enclosing the top-most floor. It is situated on a sloping hillside lot with a "daylight" crawlspace. The difference of grade elevation on the site is less than 10' vertical, therefore the benchmark for determination of height limitation is a point on the uphill side of the building which places the first floor approximately 8" above grade.

Approximately 2 years ago the building was severely damaged by fire. The former owner sold the building as-is in the summer of 2018 to the current Owner, and the current Owner is undertaking the renovations of the burnt- out shell. A demolition permit has already been issued, and trash, burnt debris, and damaged interior finishes have already been removed this fall.

The renovation design proposed is comprised of two components: the 4 bedroom single family home the current owners would like to build for themselves, and an Accessory Dwelling unit they would like to construct. Knowing the high demand for housing in Juneau's Down Town and this buildings' favorable location, the Owner feel the addition of an Accessory Dwelling unit both serves the project and community in two ways:

- 1) Through future rents, it will help offset the high cost of renovation.
- 2) Will contribute to Juneau's downtown housing base.

The renovation proposes three items that need consideration by CBJ Planning:

- 1) Conditional Use permit for the Accessory Dwelling. The lot area is less than required for two dwelling units in this zoning.
- 2) Allowing the upward addition on the existing footprint. The owner intends to increase the area of usable building footprint on the third floor, which will require the removal of sloped roof areas and addition of full head-height construction.
 - a. Incidental to the upward expansion the owner would like to use a portion of the new flat roof as a roof terrace. The guardrail around this terrace is below the 35 foot building height limit in this zoning in the Table of Dimensional Standards 49.25.400, but the daylight and access Cupola on this rooftop exceeds the height limits. Section 49.25.420, c, 1 allows an exception for Cupolas, with no apparent height limit. This particular condition places top of cupola at approximate elevation of 41 feet.
- 3) Allow an encroachment of floor area into a side yard setback. This is in the form of a cantilevered projecting bay on three stories, noting the existing building already encroaches in to this same side yard setback to a greater extent.

The existing residential property does not have parking on site. As understood the single family residence would not need to add the otherwise required parking with the renovation, as it is not changing an existing condition. The understanding is that the Accessory Dwelling may be required to include a parking space. As there is clearly no room or access to the site for parking this requirement is proposed to be absorbed within the down town Juneau parking district.

Planning Review for 526 Seward Street, Juneau, Alaska 99801

Zoning Summary:

Legal Description Juneau Townsite BL 22 LT 5 FR
Year Built: 1904, relocated in the 1920's

Zoning: Residential D- 18 Per CBJ Zoning maps
And 49.25.210 (f)

(f) The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

With that definition it would be a good argument that adding two units in this half-acre lot is in the spirit of the property zoning.

49.25.400 Table of Dimensional Standards

Minimum lot size:	5000sf	Actual: 2,447 sf (.0562 Acres)
Minimum Lot Width:	50'	Actual: 50'
Minimum lot depth:	80'	Actual: 50'

Maximum Lot Coverage:	
Permissible use :	50%
Conditional Use:	50%

Maximum Height: 35 ft

Setbacks:

Front Yard:	20 ft
Side Street:	13 ft
Rear Yard:	10 ft
Side Yard:	5 ft* *reductions allowed with

Existing setbacks: see site plan.

Road System:	Yes
Fire Service:	Yes
Water:	Yes
Sewer:	Yes

Existing Building Footprint:	1356 gsf	
Gross Living Space:	Fl 1 1356 gsf	Proposed: 1370 gsf
	Fl 2 1229 gsf	Proposed: 1249 gsf
	Fl 3 1099 gsf	Proposed: 1130 gsf

Accessor Dwelling Unit:	600 sf allowed	598 sf proposed.
-------------------------	----------------	------------------

Title 49 Alternative Development Overly ADOD

Edward Quinto

From: Sean Boily <sean@northwindarch.com>
Sent: Tuesday, October 09, 2018 11:30 AM
To: Edward Quinto
Cc: Jill
Subject: Pre-app conference for 526 Seward Street.
Attachments: 526_SEWARD_PRINT SET 10_9_18.pdf; Asbuilt Survey Bowes Res. 2013.pdf

Mr. Quinto -

Attached are schematic design drawings for the renovation of the house at 526 Seward Street. These generally describe the proposed new configuration and additions, but don't go into a lot of detail with regards to finishes also attached is a site asbuilt by J. Bean.

This is a three story house. The new Owner as a part of this renovation is proposing a 600 sf accessory apartment on the first floor.

Is there further information you will need for a Pre-app conference?

Items we want to make sure are addressed:

Do we need a Conditional Use Permit for the Accessory Dwelling apartment. The particular issue is the lot is substandard size and the house is larger than the allowable area of site development (50%). Further, the original building had two dwelling units in it (two complete kitchens, two separate entries, correct?) If so, we are not altering the existing conditions from a use stand point. Reading through 49.30.300 (b) and (c): it looks like you can do this reconstruction of that pre-existing use. Question remains as to if parking is an issue.

Will we need a conditional use permit for upward expansion of the building on it's footprint? Aside with specifics of property line location between the buildings, still of particular concern is the back property line and corner facing the Terry Miller Building. The upward expansion is occurring within the side and rear yard setbacks (even though the existing building footprint established) 5' setback on the side yard and 10' setback from the rear yard. I hope I heard Beth correctly, the provision of the Alternative Development Overlay District will allow this. It may also be allowed with a variance or conditional use permit. If not it will take the addition on the back side of the house, third floor, out of the equation. That will impact your master bathroom and third bedroom on that level.

Height: we can get the height in as allowable - to the top of handrail. Getting the stair way access cupola accepted may perhaps be possible. Can include an Access "Cupola" up there in the CU application, but should have a backup plan in hand if it is not allowed.

I am copying the Owner with this correspondence.

NorthWind Architects, LLC

Sean M. Boily, AIA

Principal Architect

126 Seward Street

Juneau, AK 99801

p.907.586.6150, xt 201

f.907.586.6181

c.907.321.4131

www.northwindarch.com

SETBACK Reduction!

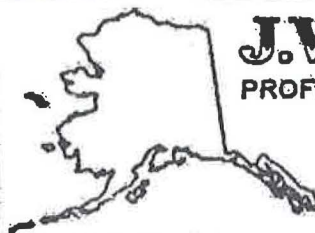
Parcel	Address	Actual side setback	Required side setback	Setback for ADOD
1C060A290010	108 Sixth St	0	5	0
1C060A290030	114 Sixth St	2	5	2
1C070A290010	128 Sixth St	0	5	0
1C070A290020	132 Sixth St	0	5	0
1C040A280010	202 Sixth St	0	5	0
1C070A220040	533 Main St	0	5	0
1C070A220050	525 Main St	0	5	0
1C070A220030	137 Sixth St	1	5	1
		Average		0.375

Parcel	Address	Actual rear setback	Required rear setback	Setback for ADOD
1C060A290010	108 Sixth St	1	10	1
1C060A290030	114 Sixth St	28	10	10
1C070A290010	128 Sixth St	52	10	10
1C070A290020	132 Sixth St	37	10	10
1C040A280010	202 Sixth St	35	10	10
1C070A220040	533 Main St	0	10	0
1C070A220050	525 Main St	0	10	0
1C070A220030	137 Sixth St	1	10	1
		Average		5.25





I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT,
THAT ALL WALKS, ROADS, EASEMENTS, AND IMPROVEMENTS THEREON
ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE
AS SHOWN TO THE BEST OF MY KNOWLEDGE.



4528 SAWA CIRCLE
JUNEAU - ALASKA
(907) 789-0590

SURVEYOR - PLANNER

AS-BUILT SURVEY of
SE 1/2 of Cor 5, Block 22
Juneau Townsite
within U.S.S. # 7

DES <u>W.B.</u>	JOB No <u>9221</u>	SCALE <u>1" = 30'</u>
P/E <u>21/48</u>	DATE <u>6-3-92</u>	SHEET <u>1</u> OF <u>1</u>

526 Seward St.
Juneau, AK 99801

ARCHITECT

Northwind Architects, LLC
126 Seward St.
Juneau, Alaska 99801
(907) 586-6150
Sean Boily, AIA

JUNEAU, AK

PROJECT LOCATION



APPLICABLE CODES

GENERAL NOTES:

1. THE CONTRACTOR IS RESPONSIBLE FOR THE FABRICATION AND INSTALLATION OF ALL MATERIALS AND EQUIPMENT IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE (IRC 2012 EDITION) AND ALL ITS RELATED DOCUMENTS AND AMENDMENTS. ALL MATERIALS SHALL BE STORED, HANDLED, AND INSTALLED PER MANUFACTURERS' OR MATERIAL ASSOCIATIONS' INSTRUCTIONS AND RECOMMENDATIONS.
2. THE CONTRACTOR SHALL COORDINATE AND VERIFY ALL CONDITIONS AFFECTING THE PROJECT SCOPE OF WORK, AND WILL NOTIFY THE OWNER OF ANY DISCREPANCIES, AND/OR VARYING CONDITIONS. THE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION RELATED ACTIVITIES WITH THE OWNER PRIOR TO EXECUTING ANY WORK OF THIS CONTRACT.
3. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO THE FABRICATION AND INSTALLATION OF ANY MATERIALS. CONTRACTOR SHALL PROTECT ALL WORK AREAS FROM DAMAGE DUE TO CONSTRUCTION, RELATED WORK, AND WEATHER. DAMAGED AREAS WILL BE RESTORED TO THEIR ORIGINAL CONDITION AT NO ADDITIONAL COST TO THE OWNER.
4. ALL ARCHITECTURAL ELEVATIONS ARE BASED FROM REFERENCE DATUM ELEVATION OF 0'-0" FROM TOP OF FINISH FIRST FLOOR. THE BUILDING MAY NOT BE LEVEL AND SOME DIMENSIONS AS THEY RELATE TO ELEVATIONS MUST BE COORDINATED AND VERIFIED.
5. CONTRACTOR IS RESPONSIBLE FOR THE DESIGN OF ALL ROOF, CEILING, AND FLOOR MOUNTED CONSTRUCTION RIGGING. AVOID STACKING ANY CONCENTRATED LOADS ON THE EXISTING ROOF. CONTRACTOR WILL BE RESPONSIBLE FOR ALL TEMPORARY SHORING AND ANY TEMPORARY WORK OPENINGS IN THE BUILDING ENVELOPE. ALL OPENINGS WILL BE REPAIRED WITH MATERIALS AND ASSEMBLIES TO MATCH EXISTING.
6. UTILITIES: OWNER WILL FURNISH ELECTRICAL POWER (120V AND 220V) FOR EQUIPMENT AND LIGHTING. CONTRACTOR IS REQUIRED TO FURNISH ALL TEMPORARY ACCESS TO CONSTRUCTION, LIGHTING AND HEAT. CONTRACTOR SHALL NOT USE OWNER PROVIDED ELECTRICITY FOR TEMPORARY HEAT. CONTRACTOR SHALL PROVIDE AND MAINTAIN SEPARATE TOILET FACILITIES DURING CONSTRUCTION, UNTILL WHICH TIME PLUMBING IN THE HOUSE MAY BE ACTIVATED. AT THAT TIME, A BATROOM ON THE FIRST FLOOR MAY BE USED BY THE CONTRACTOR, BUT MYUST BE IN AS-NEW CONDITION AT THE END OF THE PROJECT.
7. INSPECTION: THE CONTRACTOR IS TO NOTIFY OWNER OF UNEXPECTED DAMAGED MATERIALS OBSERVED DURING CONSTRUCTION. REPLACE DAMAGED MATERIALS AS DIRECTED AND AUTHORIZED BY THE OWNER. WORK OUTSIDE THE SCOPE OF THIS CONTRACT SHALL, ON THE AUTHORIZATION OF THE OWNER, BE REPLACED AT ADDITIONAL NEGOTIATED COST TO THE CONTRACT.
8. THE CONTRACTOR SHALL PROVIDE TO THE OWNER AT THE TIME OF CONTRACT CLOSE-OUT, THE PRODUCTS, SPARE PARTS, EXTRA STOCK, AND MAINTENANCE MATERIALS IN QUANTITIES SPECIFIED, IN ADDITION TO THAT USED FOR CONSTRUCTION OF THE WORK.
9. REMOVE OR SALVAGE ALL ACCESSORIES, LIGHTING, DEVICES AND EQUIPMENT PRIOR TO PROCEEDING WITH THE WORK. REINSTALL ALL ITEMS IDENTIFIED FOR SALVAGE AND REUSE AFTER COMPLETION OF THE WORK, UNLESS OTHERWISE NOTED OR DIRECTED BY OWNER. REPAIR/PATCH EXISTING FINISHES TO MATCH SURROUNDING WHERE ITEMS ARE REMOVED AND NOT REINSTALLED.
10. WHERE PIPE OR CONDUIT ARE IDENTIFIED FOR REMOVAL UP TO REMAINING, ENDS ARE TO BE CUT BACK BEHIND FACE OF FINISH, CAPPED OR SEALED, AND FINISH EXTENDED ACROSS PENETRATION.
11. THE CONTRACTOR SHALL ENSURE COORDINATION AND CONTINUITY BETWEEN TRADES, AND SHALL CONFIRM ALL CONDITIONS NECESSARY TO PROCEED WITH ANY COMPONENT OF THE WORK, INCLUDING PREPARATION OF ANY NEW OR EXISTING MATERIAL SUBSTRATE OR SURFACE TO RECEIVE FINISHES AND/OR EQUIPMENT.
12. ALL ITEMS IDENTIFIED IN THESE CONSTRUCTION DOCUMENTS ARE NEW AND TO BE PROVIDED AS A PART OF THIS CONTRACT, UNLESS OTHERWISE NOTED.
13. ALL ITEMS IDENTIFIED FOR SALVAGE BUT NOT REINCORPORATED IN THE WORK ARE TO BE TURNED OVER TO OWNER UNLESS OTHERWISE NOTED OR DIRECTED.
14. DRAWING SCALE: THIS SET OF DRAWINGS HAS BEEN PRODUCED WITH SCALE INDICATORS AND BARS TO PRINT FULL SIZE 22"x34" SHEET SETS. FOR THE PURPOSE OF CLARITY, 22"x34" DRAWING SETS WILL BE IDENTIFIED AS "FULL-SIZE" SETS, AND 11"x17" DRAWING SETS WILL BE REFERRED TO AS "HALF-SIZE" SETS. FOR THE PURPOSE OF ACCURACY, VERIFY ALL MEASURED DIMENSIONS WITH SCALE BARS PROVIDED FOR AND THE SCALE VERIFICATION BAR IN THE ARCHITECTURAL TITLE BLOCK.

SCOPE OF WORK SUMMARY

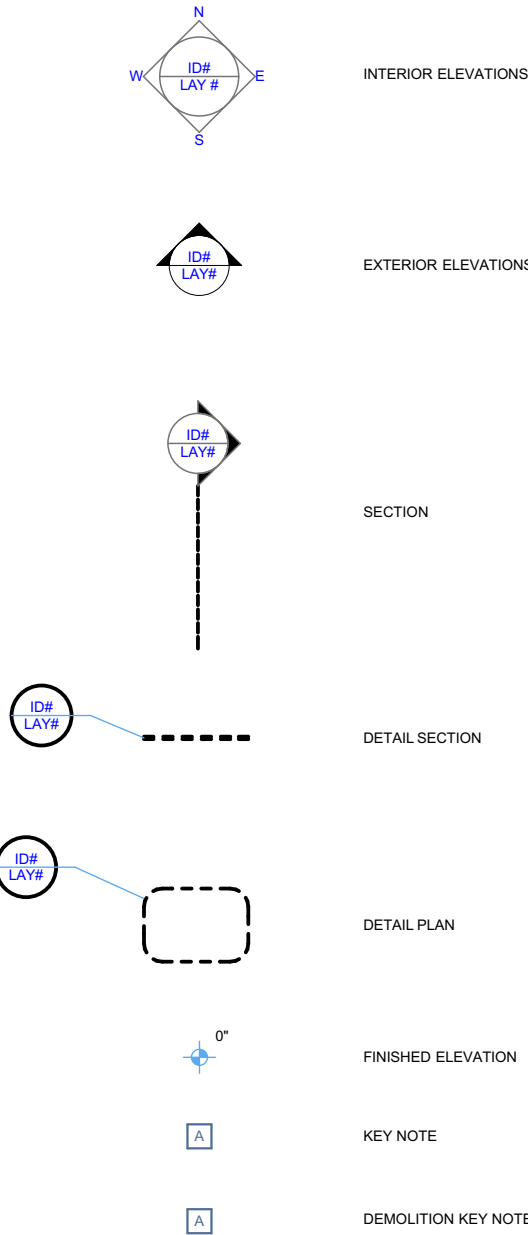
IN 2016 THE HOME AT 526 SEWARD STREET SUFFERED A SEVERE FIRE. THE PROPERTY WAS PORITINGALY CONSTRUCTED IN THEEARLY 20TH CENTRY AND WAS RELOCATED TO ITS PRESENT SITE IN THE 1920'S TO MAKE WAY FOR THE CONSTRUCTOIN OF CAPITAL sCHOOL, CUURRENTLY KNOWN AS THE TERRY MILLER OFFICE BUILDING. THE STRUCTURE IS ON RECORD AS A DUPLEX, BUT WAS MODST RECENTLY DEVELOPED AND UTILIZED AS BED-AND-BREAKFAST. THE CORRENT OWNERS ARE RECONSTRUCTING THE PROPERTY WITHAS A SINGEL FAMILY RESIDENCE WITH ACECESSORY DWELING UNIT.

ACCESSPRY DWELING UNIT AND ENTRY TO THE MAIN RESIDENCE SHLL BE ON THE FIRST FLOOR. PRIMARY PUBLIC SPACES OF THE SINGLE FAMILY DWELLING INCLUDING KITCHEN, LIVING ROOM AND GUEAT BATHROOM SHALL BE ON THE SECOND FLOOR. THE MASTER BEDROOM AND THREESMALL BEDROOMS SHALL BE ON THE THIRD FLOOR. THE FLAT ROOF TIP SHALL BE SERVED BY AN ACCESS STAIRWAY AND ATTICSPACE. THE FLAT ROOF TOP SHALL BE EQUIPPED WITH A GUARDRAIL.

THE BUILDING SHALL BE WOOD FRAMED WITH METAL AND WOOD CLADDING.

SHEET INDEX	
ID	Name
G0.0	TITLE SHEET / GENERAL INFO
G0.1	SPECIFICATION SHEET
G0.2	SITE PLAN
A1.0	1st FLOOR DEMO PLAN
A1.1	2nd FLOOR DEMO PLAN
A1.2	3rd FLOOR DEMO PLAN
A2.0	1st FLOOR PLAN
A2.1	2nd FLOOR PLAN
A2.2	3rd FLOOR PLAN
A2.3	ROOF DECK FLOOR PLAN
A3.0	BUILDING SECTION
A3.1	BUILDING SECTION
A3.2	BUILDING SECTION
A3.3	BUILDING SECTION
A4.0	NORTH ELEVATION
A4.1	EAST ELEVATION
A4.2	SOUTH ELEVATION
A4.3	WEST ELEVATION
A5.0	ROOF PLAN
A6.0	DOOR SCHEDULE
A6.1	WINDOW SCHEDULE
A7.0	ROOF DETAILS

SYMBOLS



126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823

Juneau, AK

SHEET TITLE:

TITLE SHEET /
GENERAL INFO

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

G0.0

PLOT DATE	11/15/2018
ISSUE DATE	11/15/2018

DIVISON 03 - CONCRETE

DIVISON 04 - MASONRY

DIVISON 05 - METALS

DIVISON 06 - WOOD AND PLASTICS

DIVISON 07 - THERMAL AND MOISTURE PROTECTION

DIVISON 08 - DOORS AND WINDOWS

DIVISON 09 - FINISHES

DIVISON 15 - MECHANICAL & PLUMBING

DIVISON 16 - ELECTRICAL

Packet Page 130 of 376



NorthWind
Architects LLC

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Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

← 1" ACTUAL →
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
SPECIFICATION
SHEET

CHECKED
DRAWN SAP, SMB

issue	mark	date	description

SHEET #

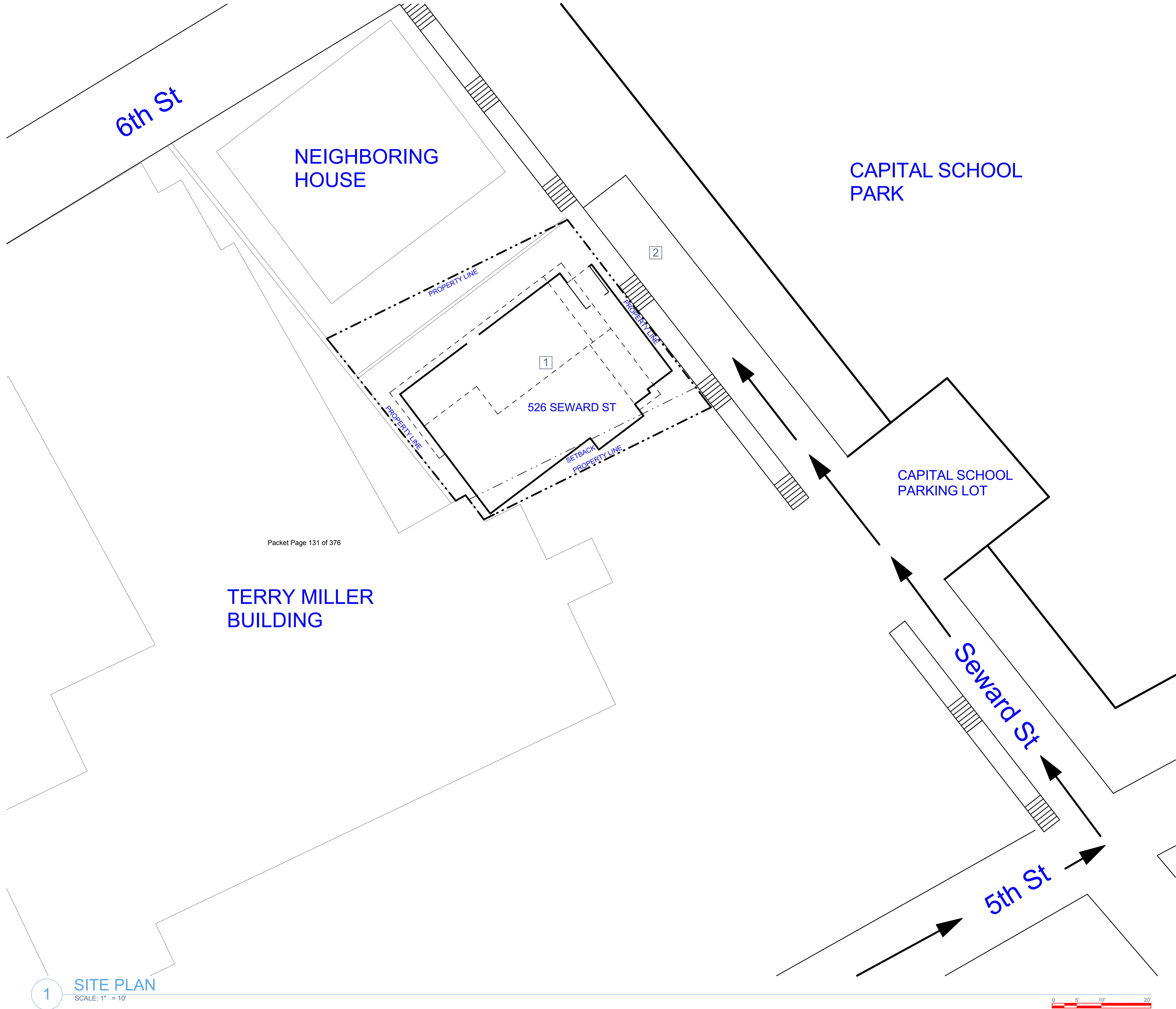
G0.1

PLOT DATE

11/15/2018

ISSUE DATE

11/15/2018



GENERAL SITE NOTES:

1. ALL CONSTRUCTION WASTE TO BE REMOVED FROM SITE DAILY
- 2.

SHEET NOTES:

- | | |
|---|-----------------------------------|
| 1 | WORK LIMITS, INSIDE PROPERTY LINE |
| 2 | STAGING AREA |



126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
SITE PLAN

CHECKED
DRAWN SAP, SMB

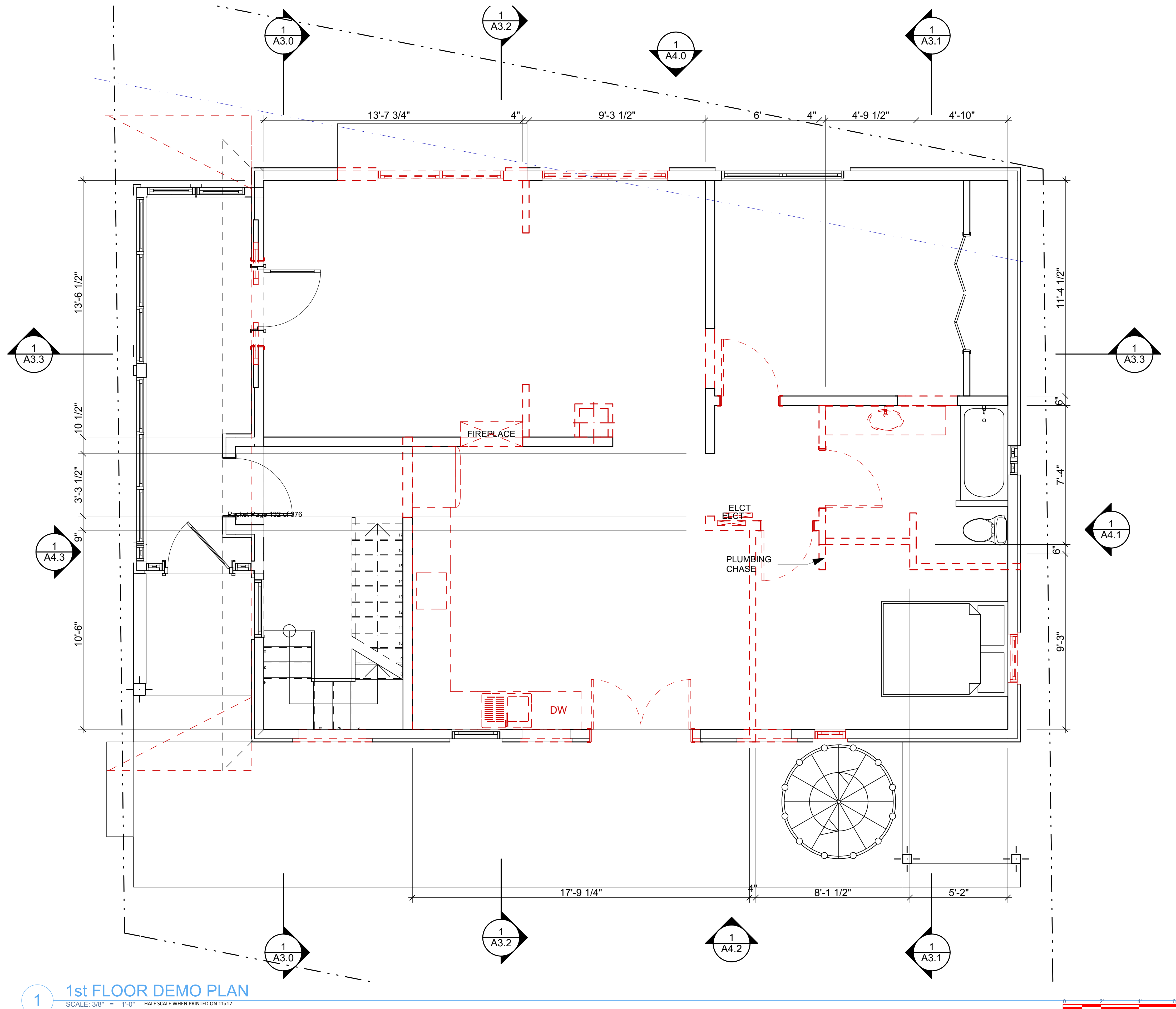
issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

G0.2

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 SITE PLAN
SCALE: 1" = 10'



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

W
N
NorthWind
Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
1st FLOOR DEMO
PLAN

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

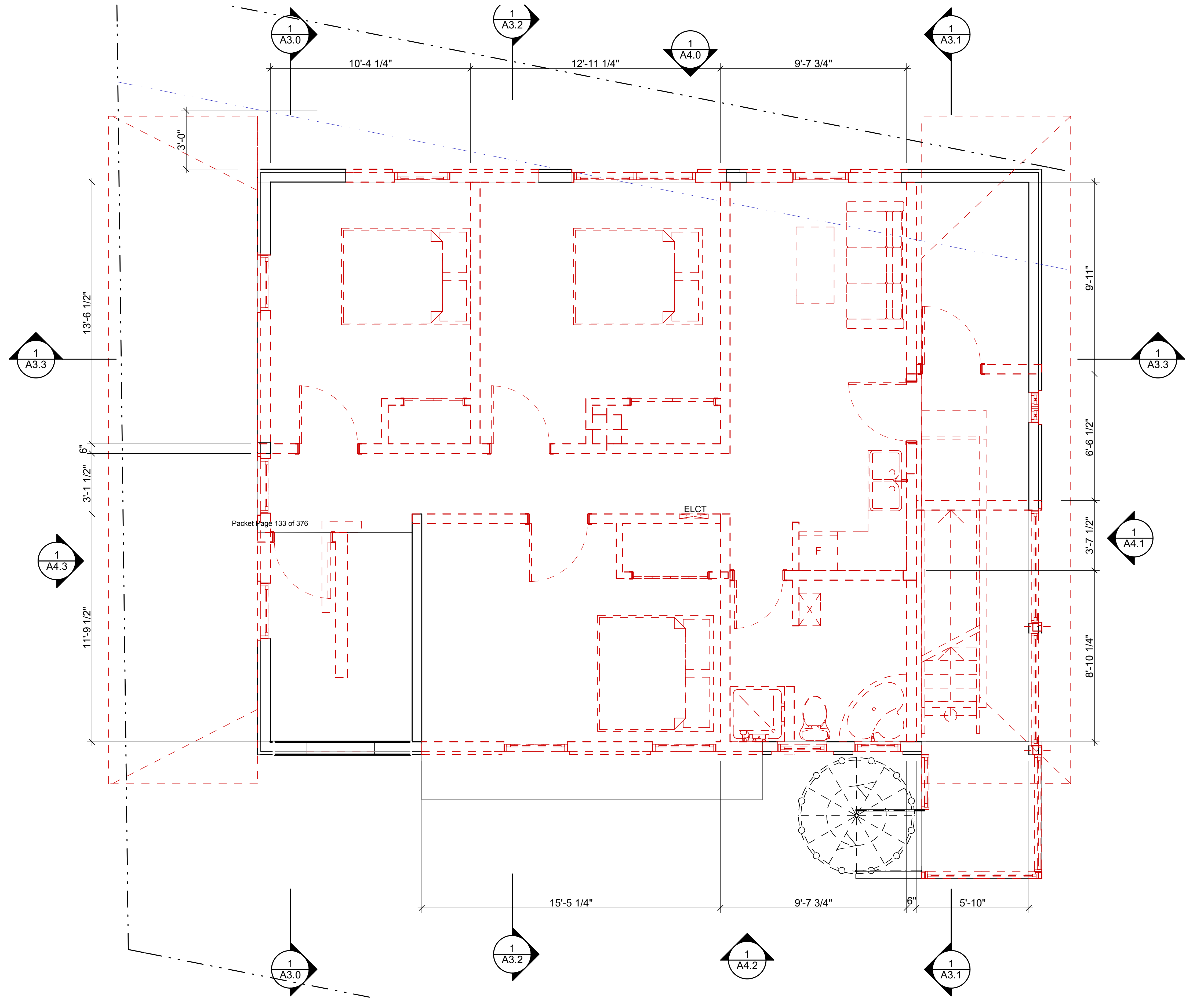
SHEET #

A1.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 1st FLOOR DEMO PLAN

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

W

N

NorthWind Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

2nd FLOOR DEMO PLAN

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A1.1

PLOT DATE

11/15/2018

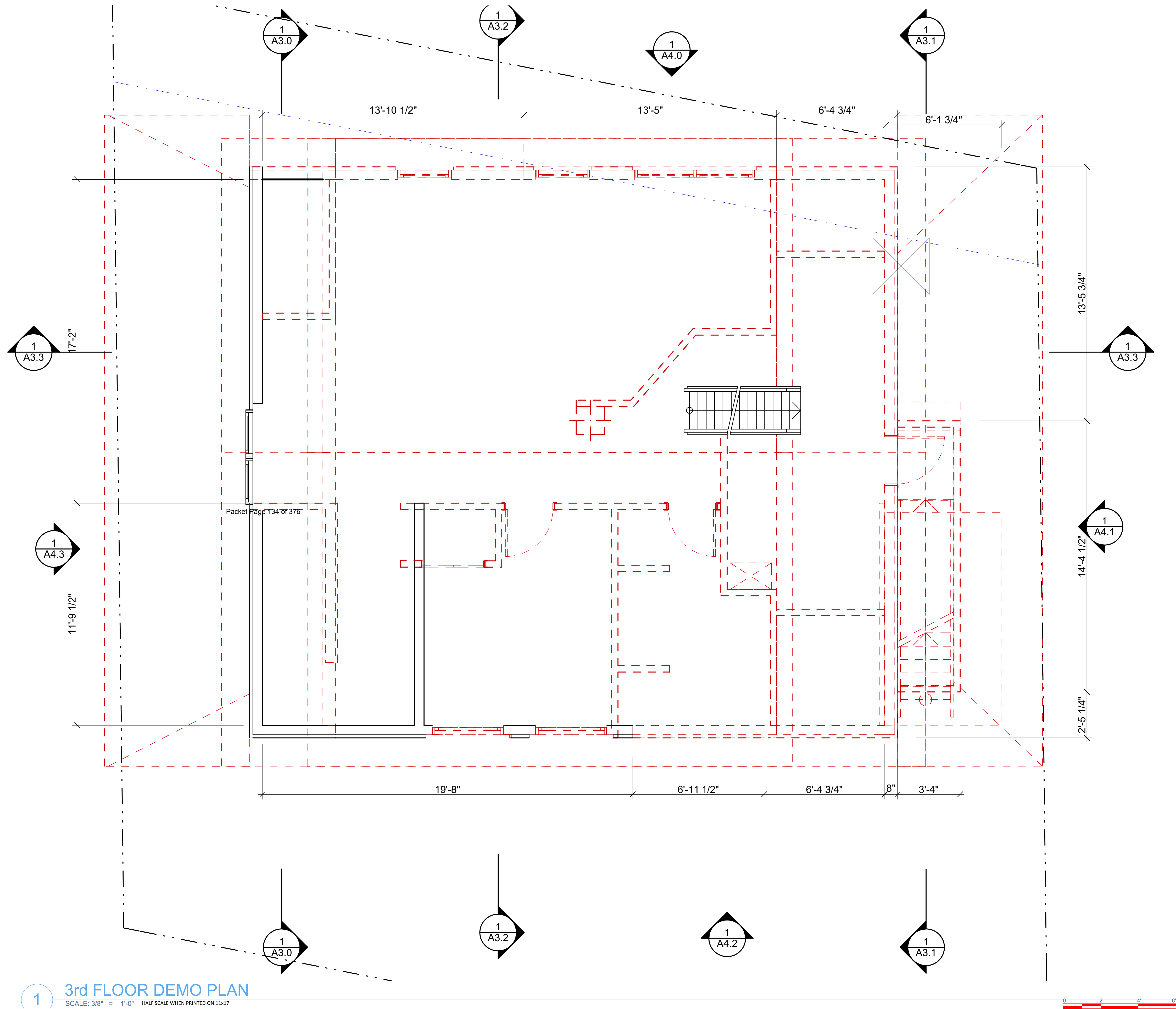
ISSUE DATE

11/15/2018

1

2nd FLOOR DEMO PLAN

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7



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Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
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1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

3rd FLOOR DEMO
PLAN

CHECKED

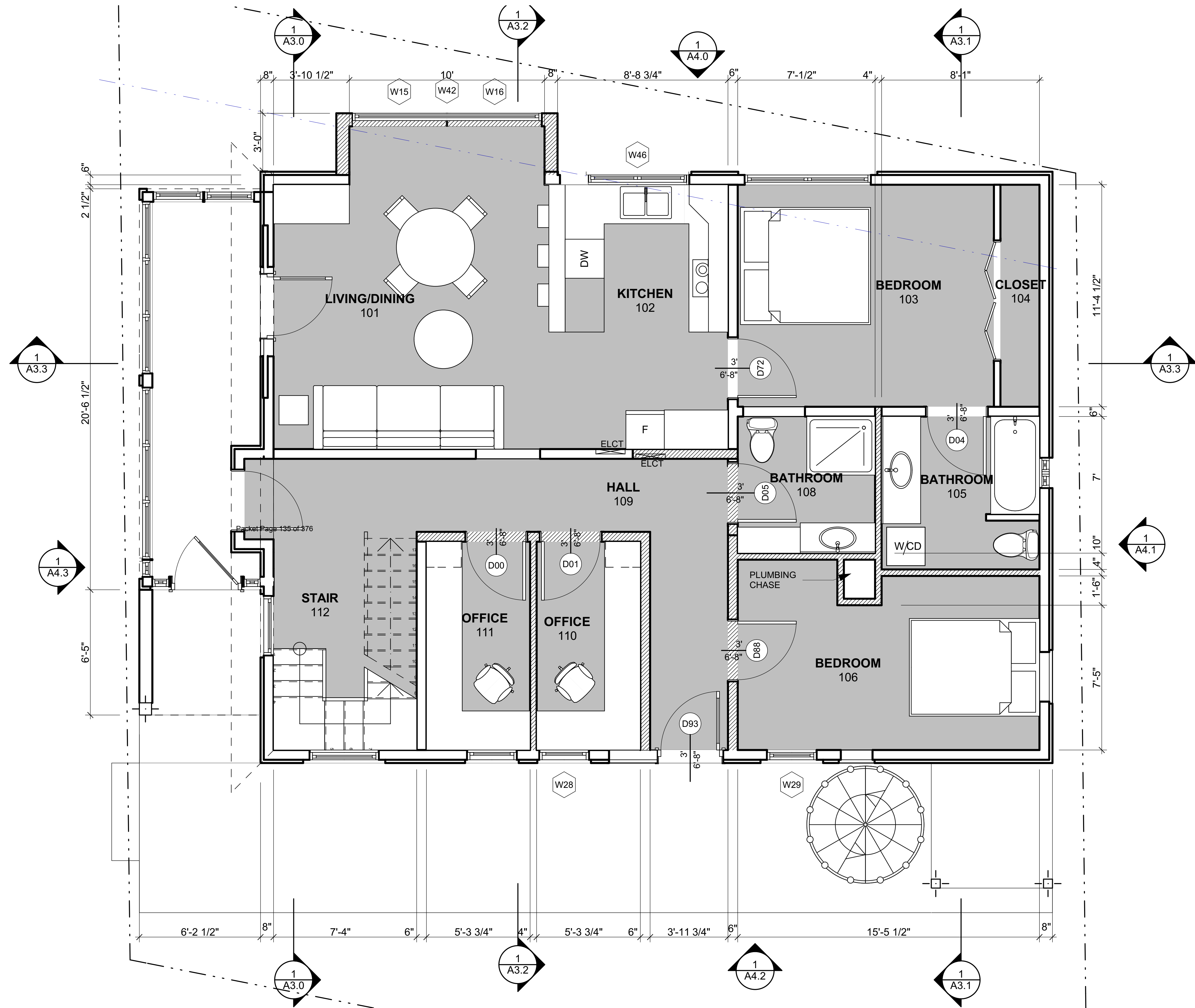
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issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A1.2

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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1" ACTUAL
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ALL LABELED SCALES.

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Juneau, AK

SHEET TITLE:

1st FLOOR PLAN

CHECKED

DRAWN SAP, SMB

issue mark date description

01 01 8/28/2018 Issue

SHEET

A2.0

PLOT DATE

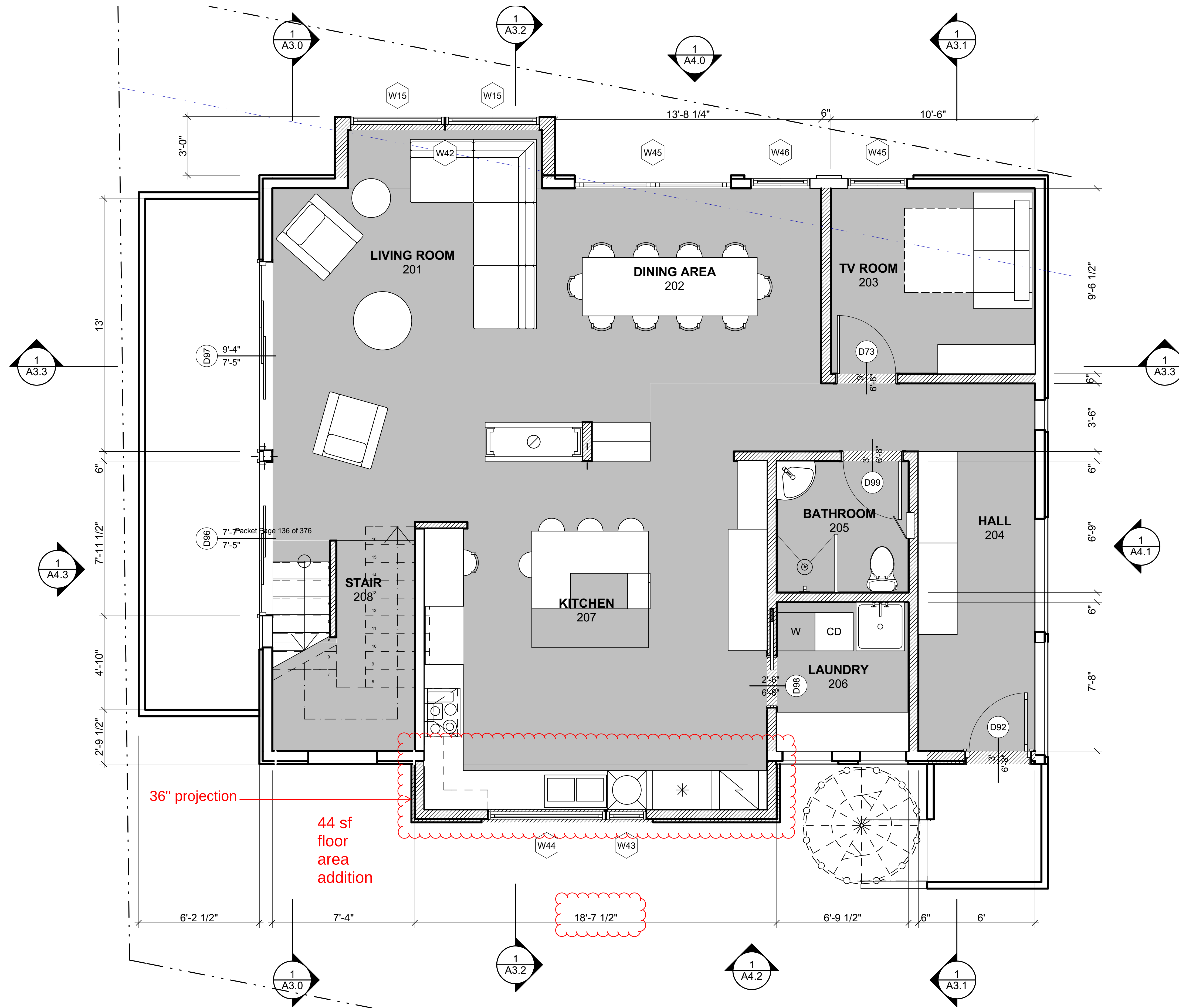
11/15/2018

ISSUE DATE

11/15/2018

1st FLOOR PLAN

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
2nd FLOOR PLAN

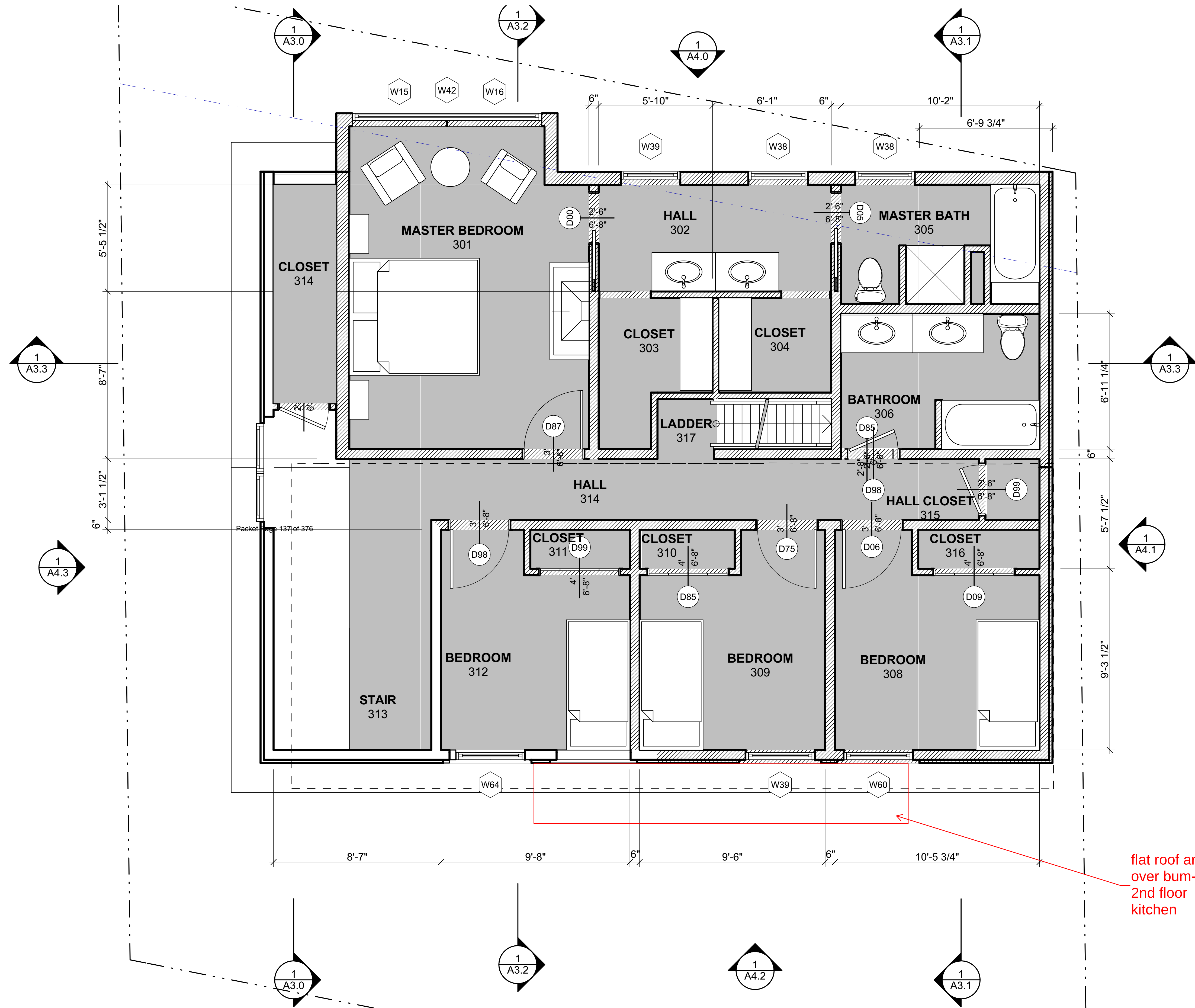
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DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A2.1

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



- GENERAL NOTES:
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- KEY NOTES:
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1" ACTUAL

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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

3rd FLOOR PLAN

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DRAWN

SAP, SMB

issue

mark

date

description

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8/28/2018

Issue

SHEET #

A2.2

PLOT DATE

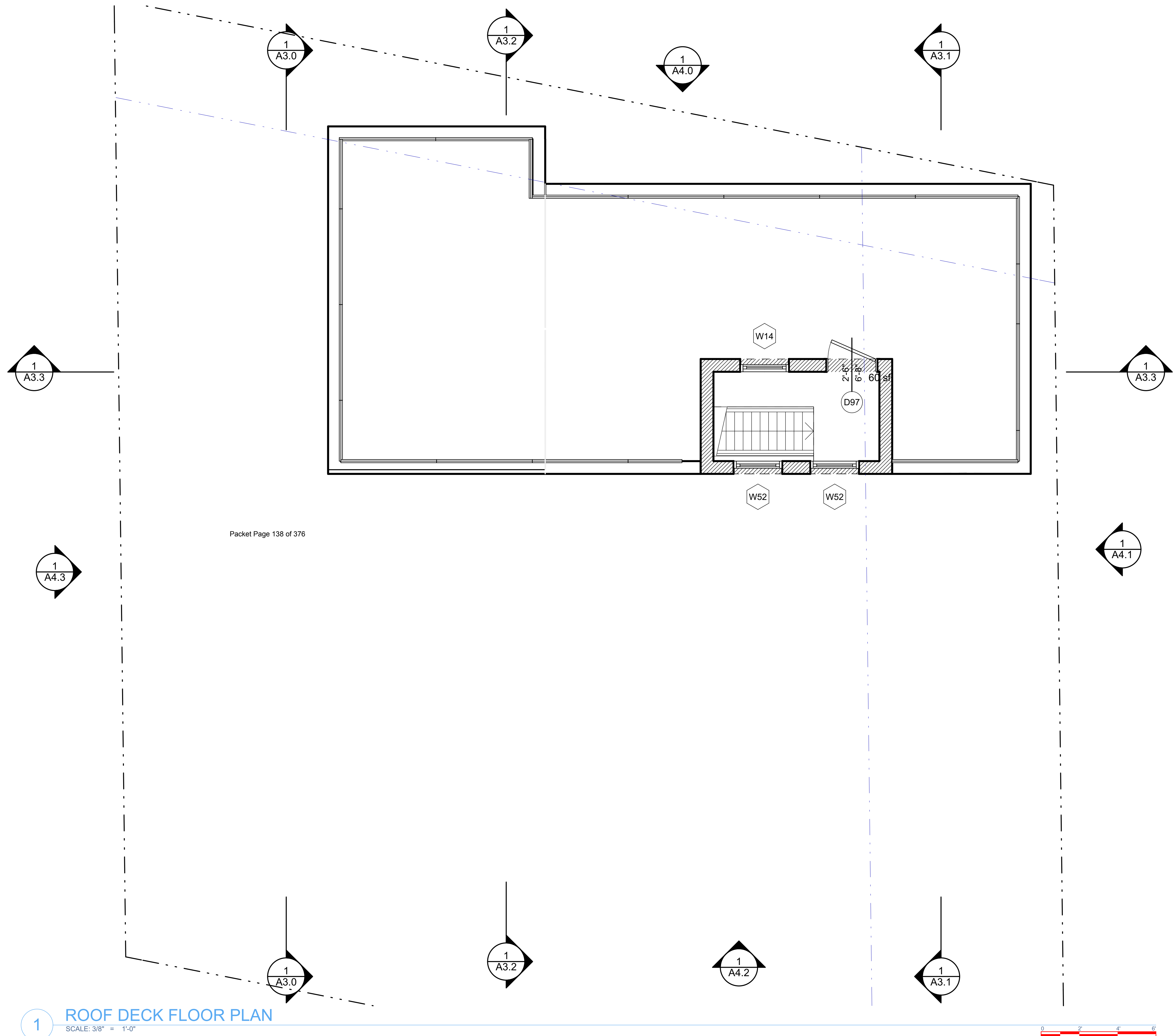
11/15/2018

ISSUE DATE

11/15/2018

1

3rd FLOOR PLAN
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



Packet Page 138 of 376

GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

ROOF DECK
FLOOR PLAN

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
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SHEET #

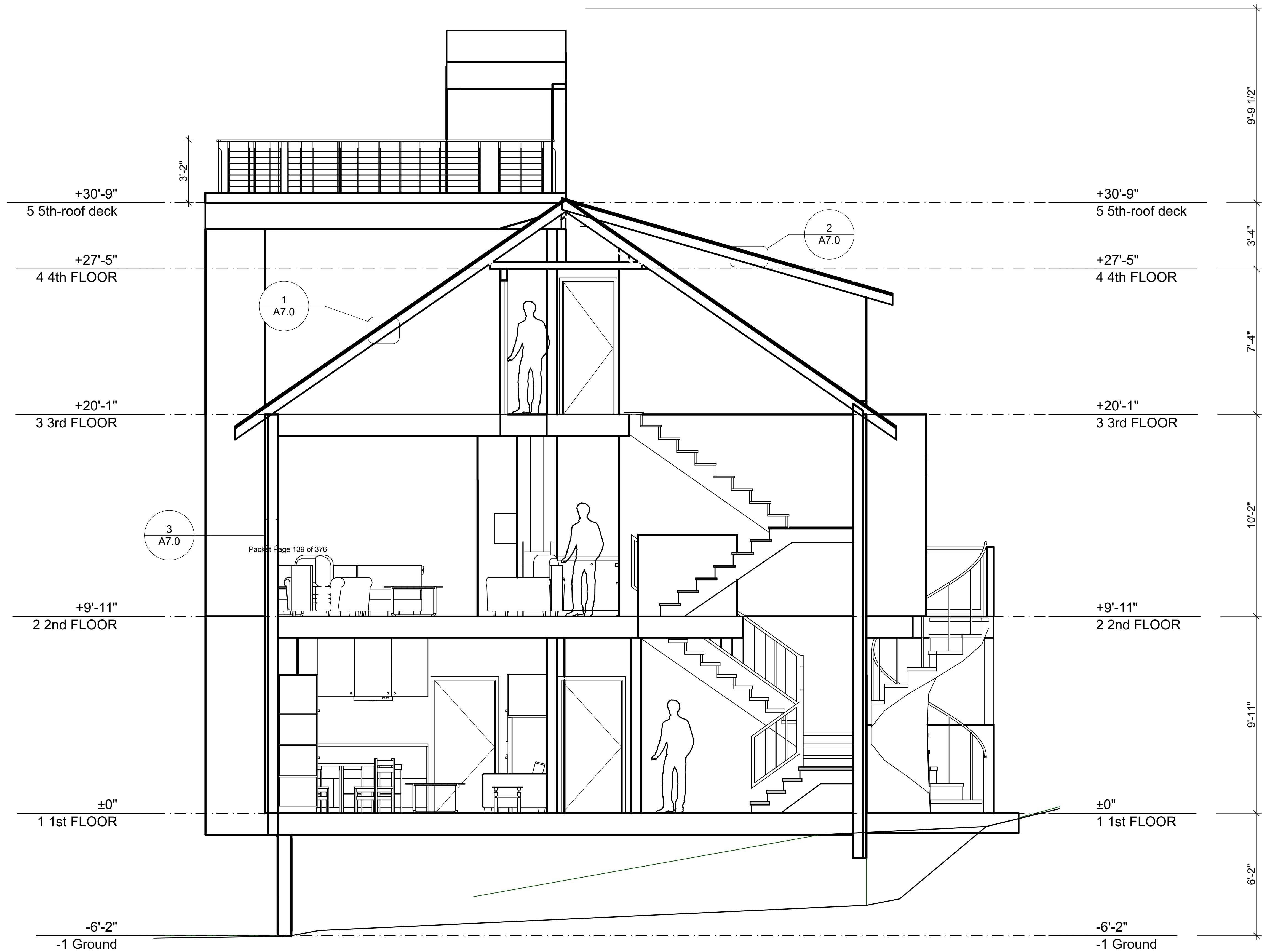
A2.3

PLOT DATE

11/15/2018

ISSUE DATE

11/15/2018



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
BUILDING SECTION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

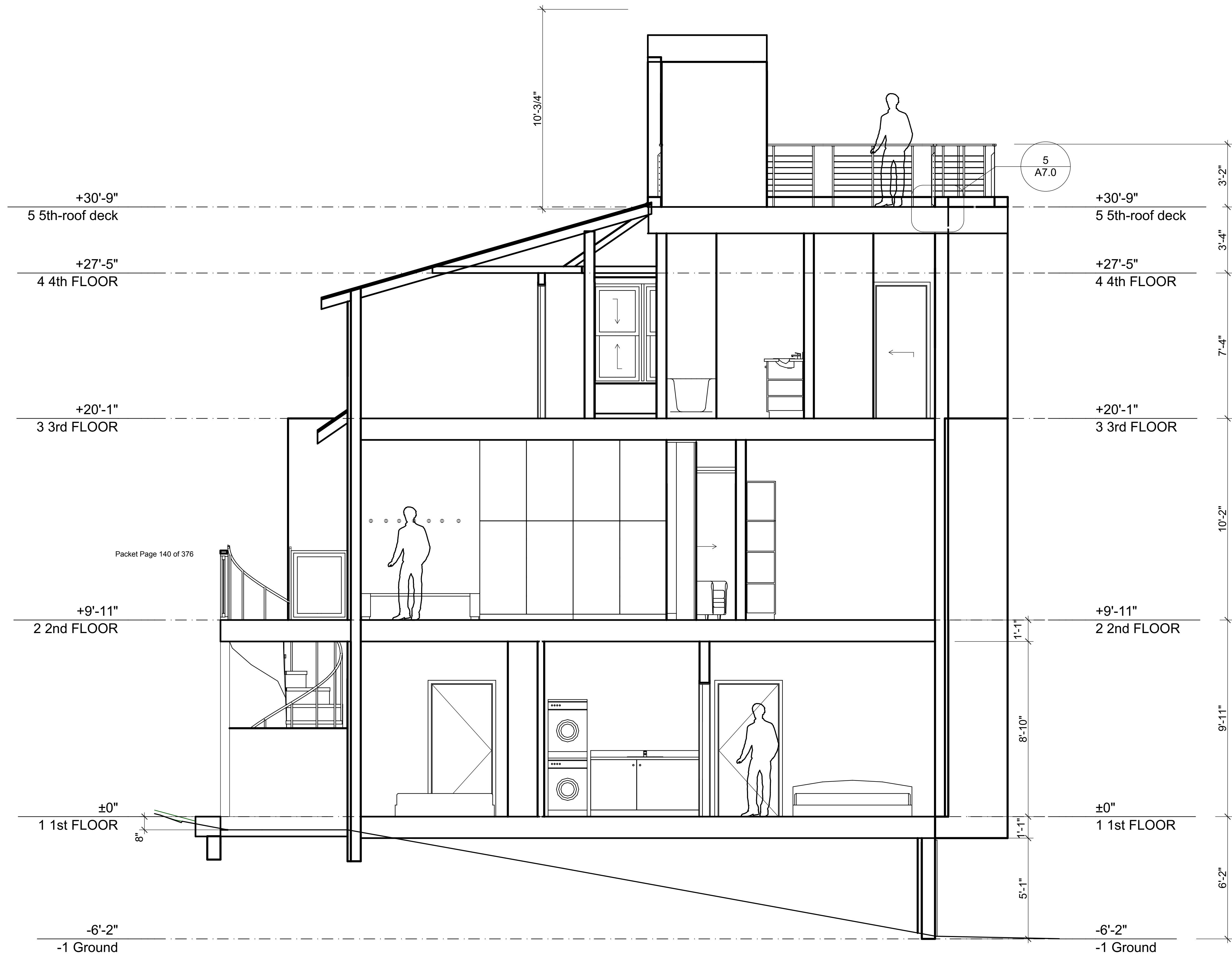
SHEET #

A3.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 SECTION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17





1 SECTION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

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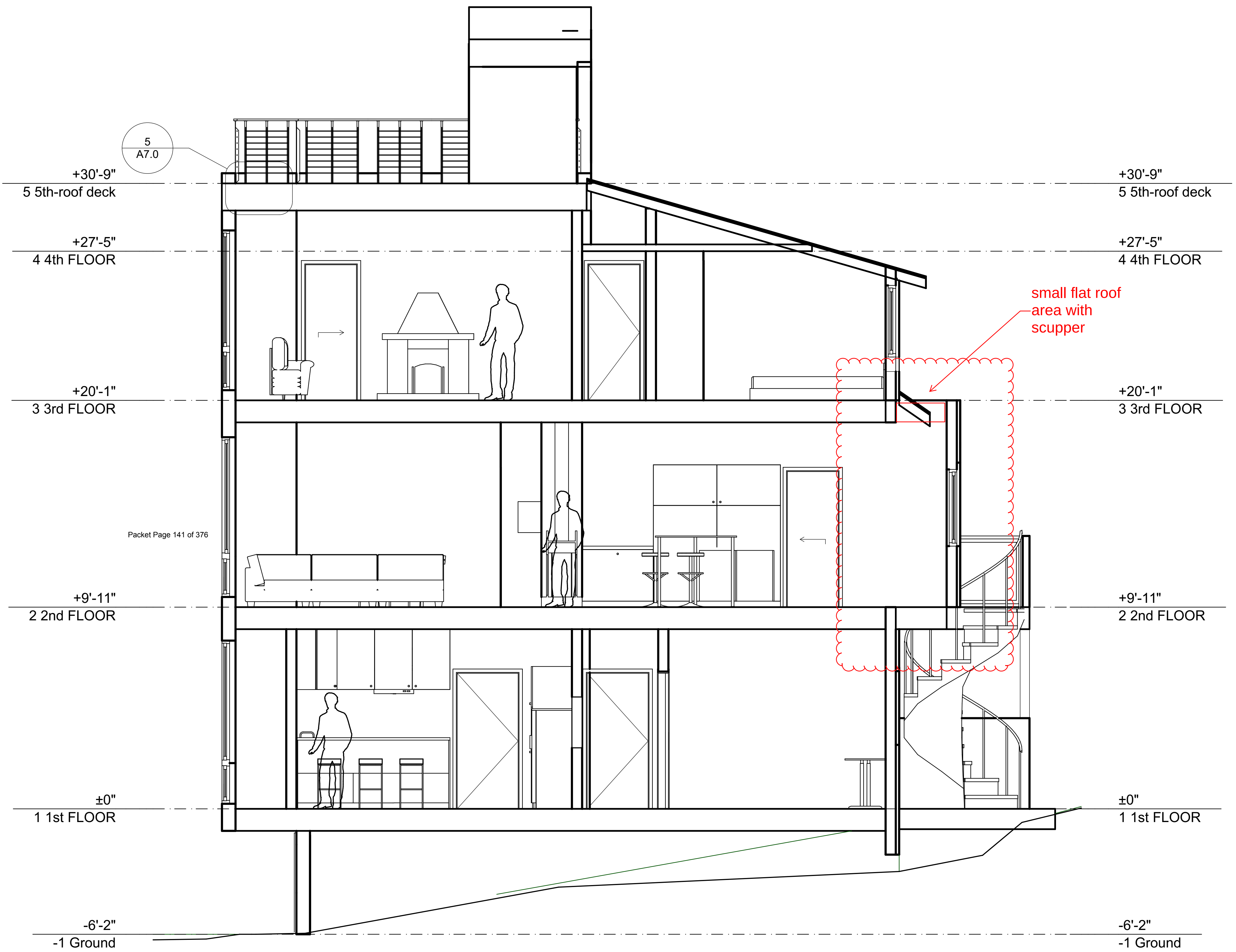
526 Seward st.
NWA- 1823
Juneau, AK

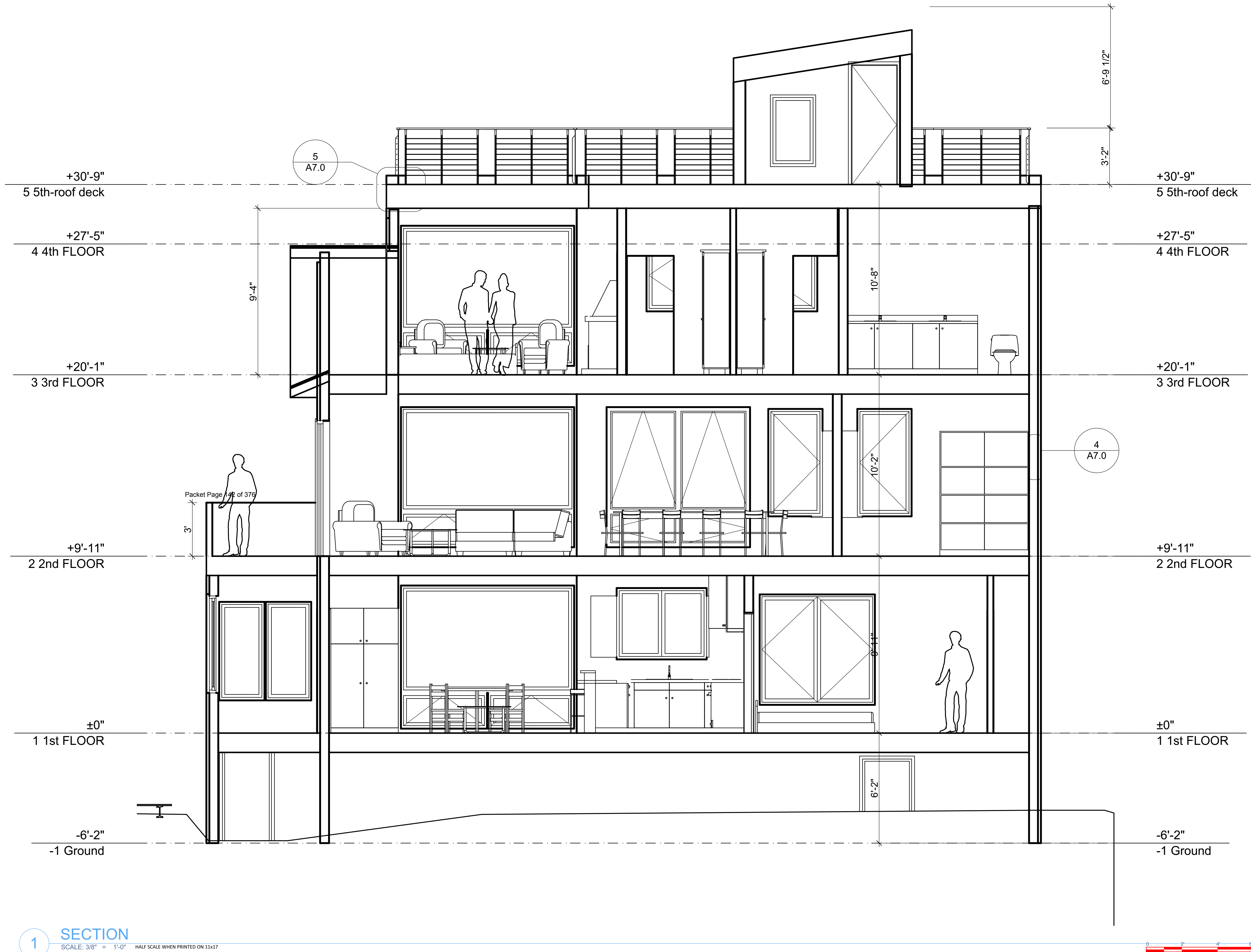
SHEET TITLE:
BUILDING SECTION

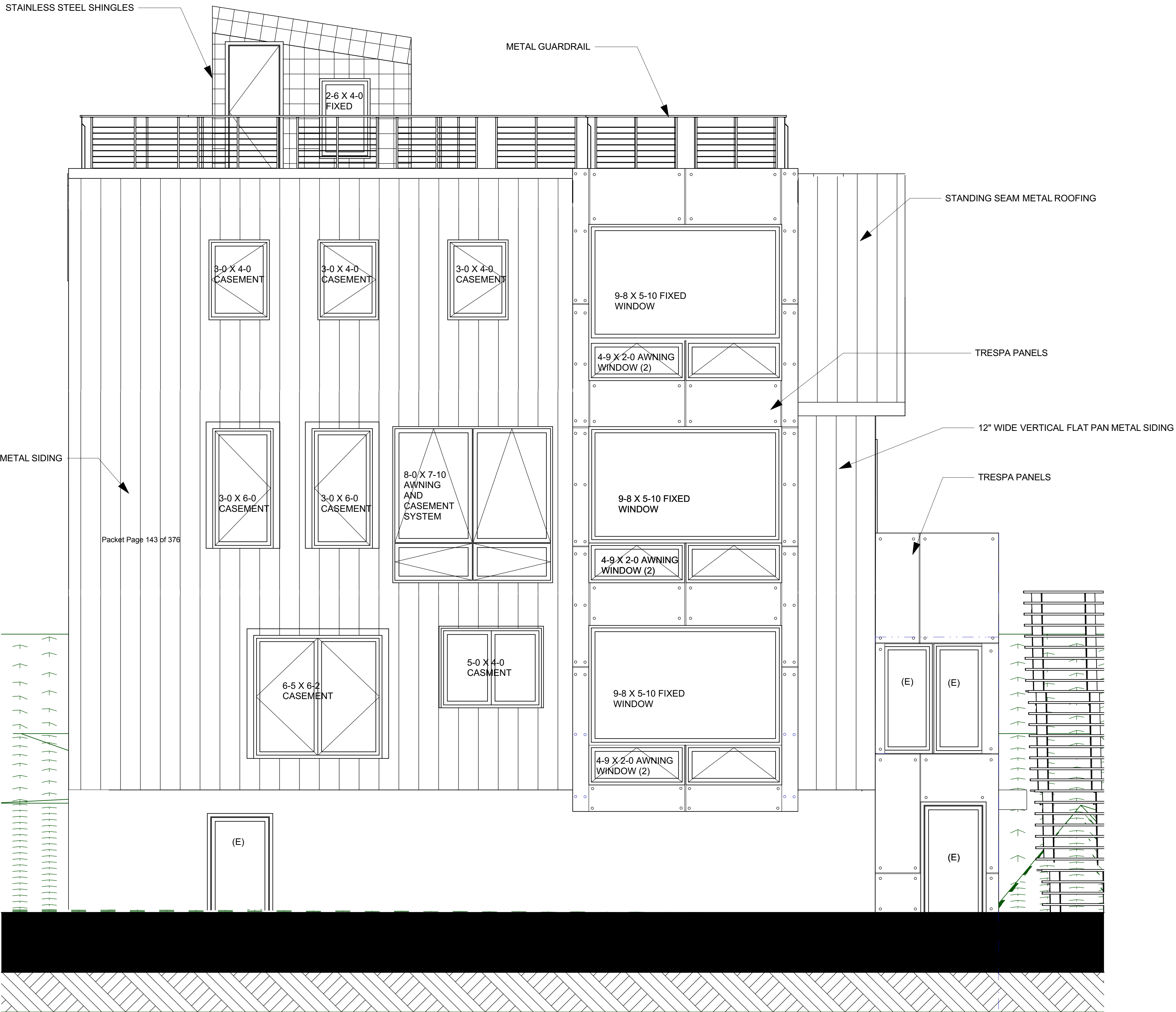
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DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #
A3.1
PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018







STAINLESS STEEL SHINGLES

METAL GUARDRAIL

2-6 X 4-0
FIXED

3-0 X 4-0
CASEMENT

3-0 X 4-0
CASEMENT

3-0 X 4-0
CASEMENT

3-0 X 6-0
CASEMENT

3-0 X 6-0
CASEMENT

8-0 X 7-10
AWNING
AND
CASEMENT
SYSTEM

6-5 X 6-2
CASEMENT

5-0 X 4-0
CASMENT

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

STANDING SEAM METAL ROOFING

TRESPA PANELS

12" WIDE VERTICAL FLAT PAN METAL SIDING

TRESPA PANELS

(E)

(E)

(E)

(E)

Packet Page 143 of 376

0 2 4 6

1 NORTH ELEVATION

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

Attachment A - Application

W
N
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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
NORTH ELEVATION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A4.0

PLOT DATE 11/15/2018

ISSUE DATE 11/15/2018



- TRESPA PANELS

TRESPA PANELS

6-1 X 5-2
GLASS RAILING

EXISTING GLASS BLOCK OPENING

North Wind
Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

Juneau, AK

HEET TITLE:
EAST ELEVATION

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

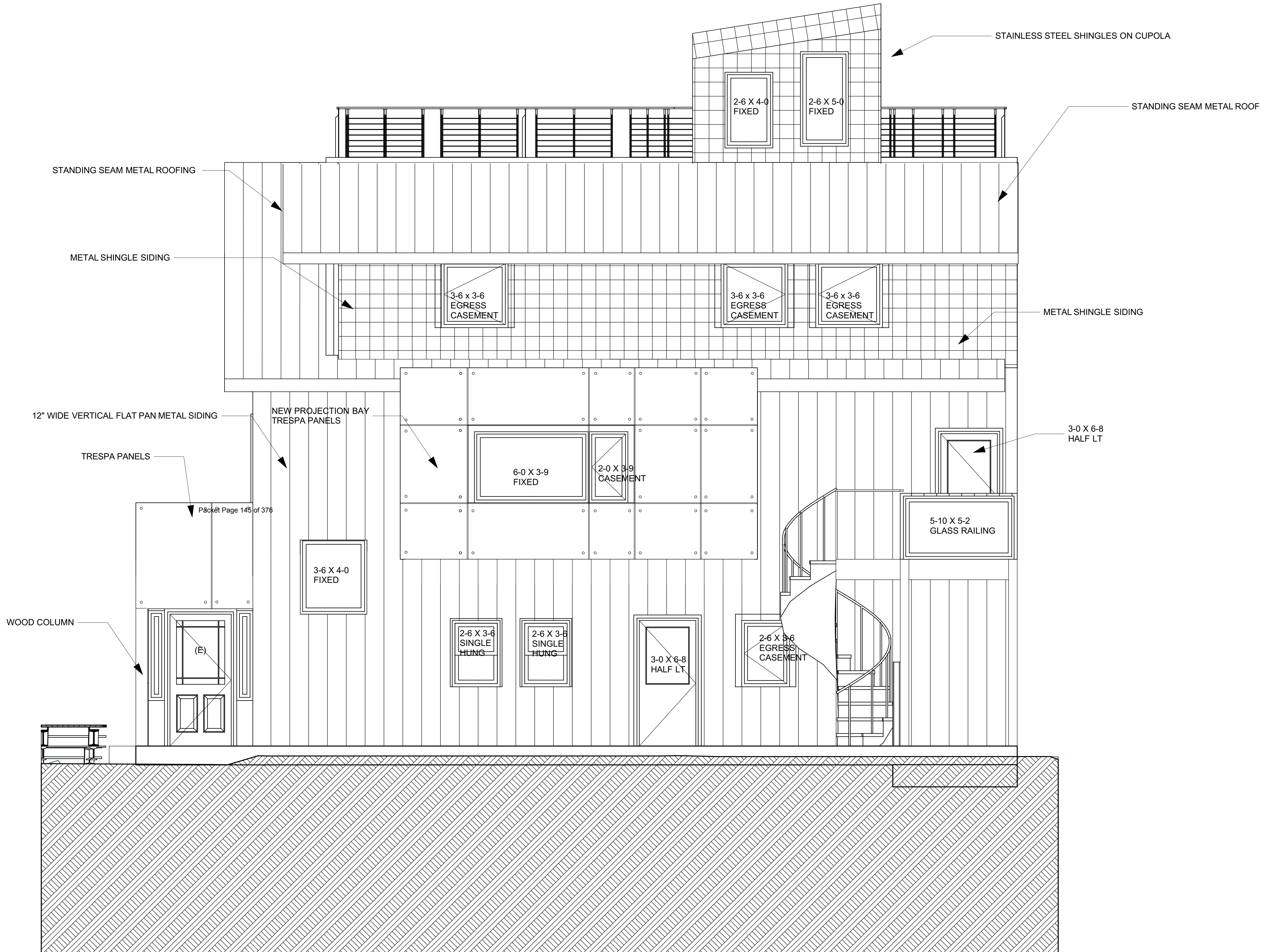
A4.1

LOT DATE	11/15/2018
ISSUE DATE	11/15/2018

EAST ELEVATION

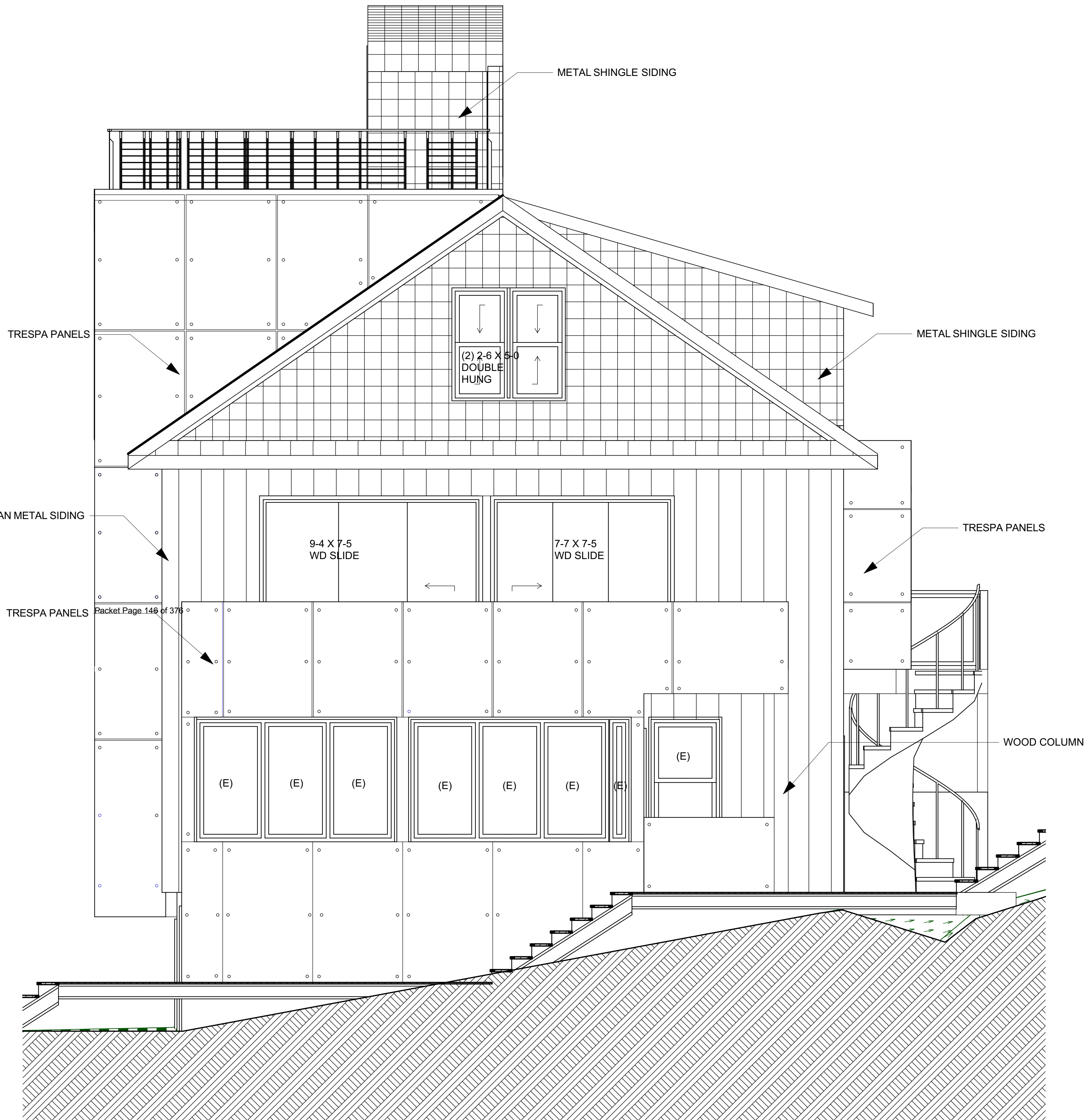
SCALE: $\frac{3}{8}" = 1'-0"$ HALF SCALE WHEN PRINTED ON 11x17





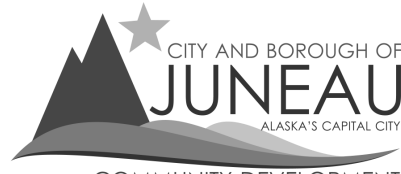
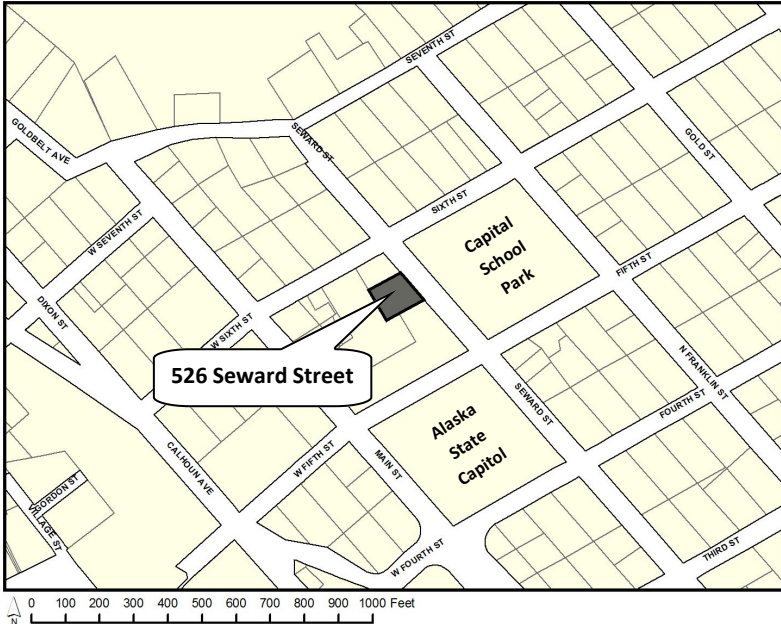
1 SOUTH ELEVATION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17





Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission to **allow an accessory apartment on an undersized lot, waive one residential parking space, and reduce rear and side setbacks at 526 Seward Street in a D18 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, **Amy Liu** 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 Nos.: USE2018 0020; PWP2018 0003;
ADP2018 0002; ADP2018 0003
Parcel No.: 1C070A220020
CBJ Parcel Viewer: <http://epv.juneau.org>

Amy,

I reviewed the permits and find no issues on them at this time.

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: Amy Liu

Sent: Thursday, November 1, 2018 11:55 AM

To: Robin Potter

Subject: Review ADP 18-02, ADP18-03, USE18-20, and PWP 18-03

Good morning,

Please see the 4 permits attached for 526 Seward. Do you find that any of the proposed development will adversely affect neighboring property values or be out of harmony with the neighborhood? In summary:

- Conditional Use for accessory apartment up to 600 sf on an undersized D18 lot
- Parking Waiver for one parking space generated by the apartment
- Alternative Development for reducing the side setback to 4" to allow a 3' x 10' projection into the side yard. Note that the projection will have three windows, and continue from the first floor to the third floor. The 4" is based off the average side setback of the surrounding properties within a 150 radius.
- Alternative Development for reducing the rear setback to 3' to allow a cupola. Per 49.25.420(c)(1), height restriction does not apply to cupolas. As such, the height of the building without the cupola is 27' 5", which is below the 35' height maximum in the zoning district.

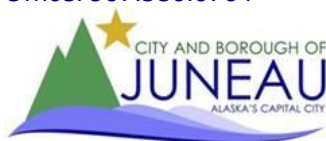
Let me know if you have questions. I'd like your feedback by November 15. Thanks!

Amy Liu | Planner

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0764

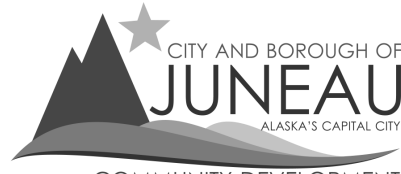
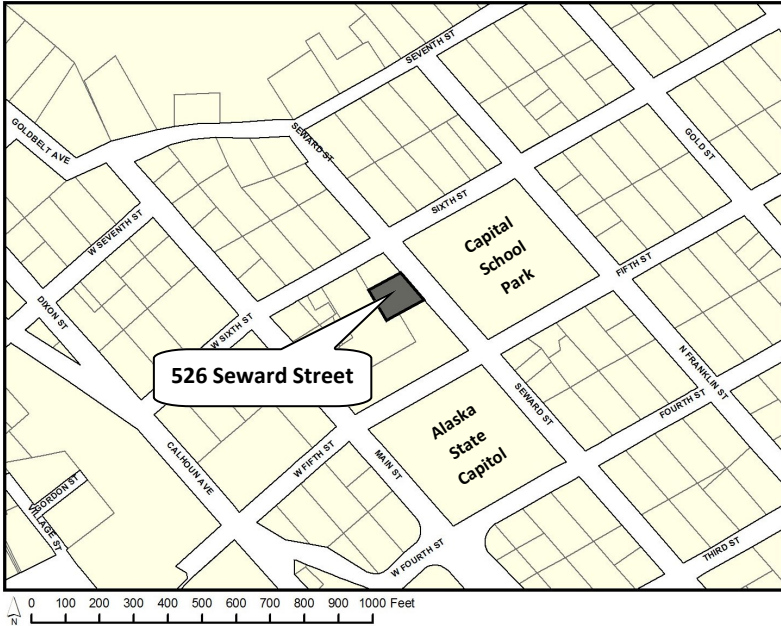




Attachment D - Assessor Office Photo

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

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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**

Case Nos.: USE2018 0020; PWP2018 0003;
ADP2018 0002; ADP2018 0003
Parcel No.: 1C070A220020
CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: December 13, 2018
File No.: ADP2018 0002

Jill Ramiel & Kenneth Alper
120 2nd Street
Juneau, AK 99801

Proposal: Alternative Development Permit for reduced southeast side setback to accommodate 3 feet x 10 feet projection with windows

Property Address: 526 Seward Street

Legal Description: Juneau Townsite Block 22, Lot 5, Front

Parcel Code No.: 1C070A220020

Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 11, 2018, and approved a reduced southeast side setback to accommodate 3 feet x 10 feet projection with windows to be conducted as described in the project description and project drawings submitted with the application. Approval is subject to the following condition.

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to the Community Development Department.

Attachments: December 11, 2018 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding ADP2018 0002.

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

Applicant
File No.: ADP2018 0002
December 13, 2018
Page 2 of 2

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).

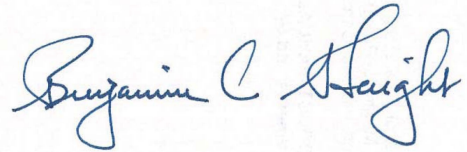
Effective Date: The permit is effective upon approval by the Commission, December 11, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or June 11, 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:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

12/21/2018

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.



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

DATE: November 29, 2018

TO: Board of Adjustment 

FROM: Amy Liu, Planner
Community Development Department

FILE NO.: ADP2018 0003

PROPOSAL: Alternative Development Permit for reduced rear yard setback to accommodate a 7 foot cupola

GENERAL INFORMATION

Applicant: Jill Ramiel & Kenneth Alper

Property Owner: Jill Ramiel & Kenneth Alper

Property Address: 526 Seward Street

Legal Description: Juneau Townsite Block 22, Lot 5, Front

Parcel Code Number: 1C070A220020

Site Size: 2447 sq. ft.

Comprehensive Plan Future Land Use Designation: Traditional Town Center

Zoning: D18

Utilities: City water and sewer

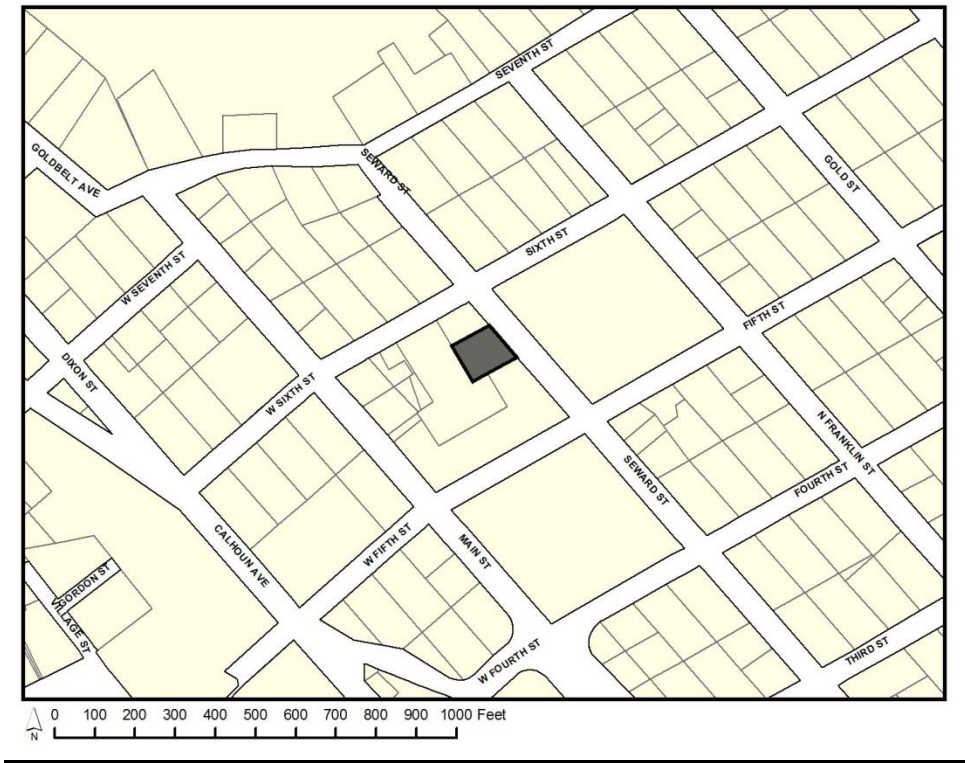
Access: Seward Street

Existing Land Use: Single family residential

Board of Adjustment
File No.: ADP 2018 0003
November 29, 2018
Page 2 of 8

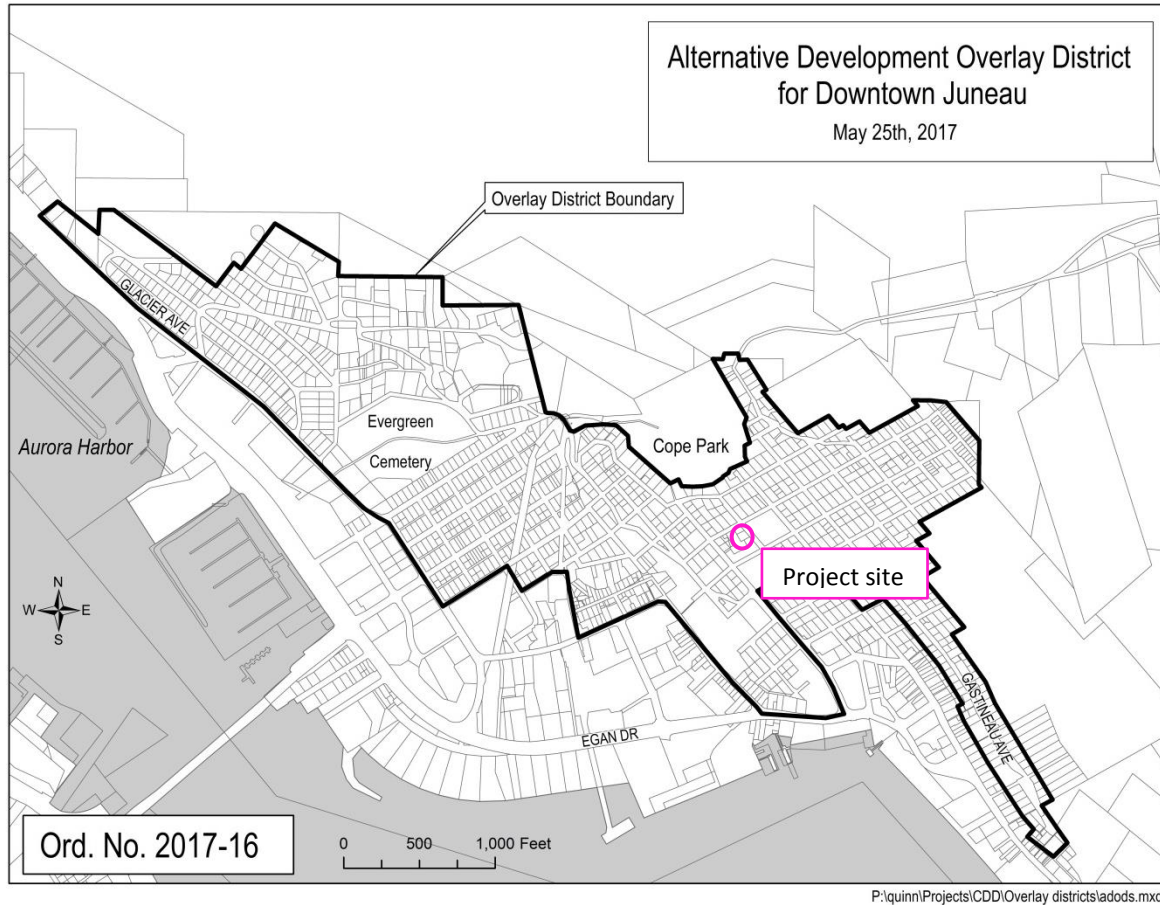
Surrounding Land Use:	North	-	Single family with accessory apartment
	South	-	Legislative Affairs Building
	East	-	Capital School Playground
	West	-	Legislative Affairs Building

VICINITY MAP



Board of Adjustment
File No.: ADP 2018 0003
November 29, 2018
Page 3 of 8

ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT MAP (Juneau)



ATTACHMENTS

Attachment A – Application
Attachment B – Public Notice
Attachment C – Assessor Office Correspondence
Attachment D – Assessor Office Photo

PROJECT DESCRIPTION

The applicant requests an Alternative Development Permit (ADP) for a 2.5 foot rear setback. The reduced setback would accommodate the addition of a 7 foot tall, 62 square foot cupola. The cupola will give access to a proposed 400 square foot deck above the third story.

PUBLIC COMMENT

At the time of the writing of this report, no public comment was received regarding this application.

Board of Adjustment
File No.: ADP 2018 0003
November 29, 2018
Page 4 of 8

AGENCY REVIEW

- Capital City Fire/Rescue – No concerns at this time.
- CBJ Building – No concerns at this time.
- City Assessor – No concerns at this time.

BACKGROUND

The existing home was constructed in 1910 and has a building footprint of 1356 square feet. The subject lot was platted in 1892 as part of the Juneau Townsite Subdivision. The City of Juneau adopted a Planning and Zoning Ordinance and a zoning map in 1969 showing the subject lot zoned Residential Medium Density Multi-Family (RMM). The minimum lot size for the RMM district was 4800 square feet, while the minimum lot area required for a home was 2400 square feet. The required setbacks were 15 feet for the front, 0 feet for the side, and 10 feet for the rear. Currently, required setbacks are 20 feet from the front, 5 feet from each side, and 1 foot from the rear. Maximum lot coverage is 50%.

In addition to nonconforming lot size, the site exhibits nonconforming setbacks and lot coverage relative to past and current code. The setbacks are 0 feet from the front, 2 feet from one side, and 2.5 feet from the rear (Attachment A). The lot coverage is 55%. There are no variances or other documents showing CBJ approval of the existing setbacks and lot coverage. Lack of documentation is common for buildings constructed around that time.

Applicants are seeking approval for lateral expansion closest to the southeast side lot line, and a vertical expansion closest to the rear setback. Applicants are seeking Alternative Development Permits, ADP20180002 and ADP20180004 for reduced side setbacks, and ADP20180003 for a reduced rear setback. The primary dwelling is not parallel with the side lot line. The lateral expansion reviewed in this report will be no closer than 2.5 feet from this side lot line.

The purpose of the Alternative Development Overlay District (ADOD) is to provide adequate minimum standards for the development of buildings while preserving the character of the neighborhoods. Approving a setback reduction through an ADP would deem the subject structure to be legally nonconforming and also allow for the construction of the proposed second story workshop for private use. Under 49.70.1240, the Board of Adjustment has the authority to reduce the street side yard setback by one of two methods:

1. Calculate the mean of corresponding street side setbacks of residential buildings within a 150' radius. This applies to the lateral expansion discussed in the staff report for ADP2018 0002.
2. Use the footprint of the existing building. Encroachment into a right-of-way or adjacent

Board of Adjustment
File No.: ADP 2018 0003
November 29, 2018
Page 5 of 8

property would still be prohibited. This method may be used for granting the vertical expansion addressed in ADP2018 0003.

ANALYSIS

Project Site – The lot is sloping upward at about 13% grade. There is a three story, single family home. There is no onsite parking, which is a nonconforming situation allowed to continue per 49.30.100.

The adjacent Lot 5 has a single family home with accessory apartment without onsite parking. The site is also nonconforming in lot area, setbacks, and lot coverage. Adjacent lot 3 has the Legislative Affairs Building, which does not meet setbacks or lot coverage.

Project Design – Applicants are proposing a 7 foot tall, 62 square foot cupola that is nearest to the rear property line. The cupola will give access to the proposed deck above the third story. The maximum allowed height in D18 zones is 35 feet (Attachment A).

The cupola is not included in the height calculation for the building. *Per 49.25.420(c)(1), Height limitations stipulated in this section shall not apply to tanks, church spires, belfries, cupolas, monuments, fire and hose towers, chimneys, flagpoles, masts, aerals, antennas, telecommunication and electrical transmission towers and other similar structures or facilities.*

The height of the building without the cupola is 27 feet and 5 inches. Per 49.25.420, *“The height of a building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.”* and *“The highest point within a horizontal distance of five feet from the exterior wall of the building, when such point is not more than ten feet above the lowest point within said five foot radius.”*

Traffic – The cupola will not directly generate more traffic.

Parking and Circulation – *CBJ 49.40.210 – Table of Minimum Parking Standards* requires a single-family dwelling unit to have two off-street parking spaces. There is no onsite parking, which is a nonconforming situation allowed to continue per 49.30.100.

Noise – The proposed development is unlikely to generate additional noise.

Public Health or Safety – There is no evidence indicating that there are any public health or safety impacts from the proposed cupola. Based upon the plans, the structure meets building and fire code requirements. Building and fire officials expressed no concerns at this time.

Habitat – There are no anadromous streams, wetlands, or other sensitive areas on site.

Board of Adjustment
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Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence suggesting that neighboring property values or neighborhood harmony will be negatively affected by the proposal. The Assessor's Office did not have concerns at this time (Attachment C). In particular, there is no evidence that there would be excessive blockage of views, excessive restriction of light and air, or other deleterious impacts, particularly for the adjacent Legislative Affairs Building.

Conformity with Adopted Plans – The proposed development is consistent with the Traditional Town Center (TTC) land use designation outlined in the CBJ 2013 Comprehensive Plan. TTC is defined as high density residential and non-residential land uses in downtown areas including off-street parking.

Chapter 3 of the 2013 Comprehensive Plan addresses compact urban development.

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

Chapter 4 of the 2013 Comprehensive Plan addresses preservation of neighborhood character.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

FINDINGS

CBJ 49.70.1230 (e), Review of Director's Determinations, states that the Board of Adjustment shall review the Director's report to consider:

1. Whether the proposed development is appropriate according to the Alternative Development Overlay District;
2. Whether the application is complete; and,
3. Whether the development as proposed will comply with the other requirements of this title.

The Board of Adjustment shall adopt the Director's determination on each item set forth in paragraph one (1) of this subsection 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.

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CBJ 49.70.1230 (f), *Board of Adjustment Determinations*, states that even if the Board of Adjustment adopts the Director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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. Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.70.1240, Review of Director's & Board of Adjustment's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Alternative Development Permit complete?

Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.70.1200.

2. Is the proposed use appropriate according to the Alternative Development Overlay District?

Yes. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.130, for a single family detached dwelling unit with an accessory apartment in a D18 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 November 30, 2018 and December 10, 2018 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. The project site is located in a D18 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed cupola will materially endanger public health or safety.

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

No. As discussed above, the development is in harmony with the neighboring properties. No evidence has been presented to indicate the proposed cupola will decrease property values.

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

Yes. As discussed above, the development is in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Alternative Development Permit. The permit would allow a reduced rear yard setback to accommodate a 7 foot cupola.

The approval is subject to the following conditions:

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to Community Development Department.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: Packet Page 161 of 376
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description
The project entails renovations with modest additions to the structure at 526 Seward street, a three story wood framed house to be renovated after a fire with modest additions. The renovation design entails reconfiguration of the existing footprint to include an Accessory Dwelling Unit in addition to the single family residence.

PROPERTY LOCATION

Street Address
526 Seward Street

City/Zip
Juneau, Alaska 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Juneau Townsite BL 22 LT 5 FR

Assessor's Parcel Number(s)
1C070A220020

LANDOWNER/ LESSEE

Property Owner's Name
Jill Ramiel and Kenneth Alper

Contact Person:
Jill Ramiel

Work Phone:
907-321-8787

Mailing Address
120 2nd Street, Juneau, Alaska 99801

Home Phone:

Fax Number:
none

E-mail Address
jill.ramiel@gmail.com

Other Contact Phone Number(s):
Ken Alper 907 209 6993

LANDOWNER/ LESSEE CONSENT

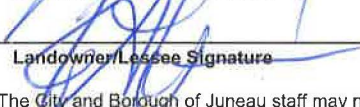
****Required for Planning Permits, not needed on Building/ Engineering Permits****

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 10/24/18

X 
Landowner/Lessee Signature

Date 10/26/18

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
same

Contact Person:

Work Phone:

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			
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)			ADP 2018 - 0002
Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			ADP 2018 - 0003
Variance Case (De Minimis and all other Variance case types)			
Wetlands Permits			ADP 2018 - 0004
Zone Change Application			
Other (Describe)			

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

Comments:	Permit Intake Initials AL 10/26/18
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NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

FORMS 2010 Applications

Revised November 2009

Attachment A - Application



ALTERNATIVE DEVELOPMENT 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.

TYPE OF ALTERNATIVE DEVELOPMENT PROPOSED (ONLY AVAILABLE TO ALLOWED RESIDENTIAL USES)

☒ Rebuild w/in Existing Footprint ☒ Setback Reduction ☒ Lot Coverage Reduction ☒ Vegetative Coverage Reduction

If requesting a Reduction of Setback(s), Lot Coverage, and / or Vegetative Coverage, the following must be provided:

☒ Map of properties w/in 150' radius ☒ Table demonstrating average corresponding setbacks located w/in 150' radius

PROJECT SUMMARY

The project entails renovations with modest additions to the structure at 526 Seward street, a three story wood framed house to be renovated after a fire with modest additions. The renovation design entails reconfiguration of the existing footprint to include an Accessory Dwelling Unit in addition to the single family residence.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ YES - Case #

☒ NO

Existing use of property: Single Family residence legally, unofficially multifamily or bed and breakfast.

Is this project an: ☒ Expansion ☒ Rehabilitation ☐ New Development

Has this property received a Variance in the Past? ☒ NO ☐ YES - Case #

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 2447 sf square feet Total Area of Existing Structure(s) 3684 sf on three floors square feet

Total Area of Proposed Structure(s) 3749 sf renovation and new square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☒ No
☒ No

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

ALL REQUIRED MATERIALS ATTACHED

☒ Complete Application

☒ Narrative including:

☒ Current use of land or building(s)

☒ Proposed setbacks, lot coverage, vegetative coverage

☒ How the proposed use complies with the Alternative Development Overlay District

☒ Plans (details on page 2)

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 800.00 (2x) \$400.00			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$			
Pub. Not. Sign Deposit	\$			
Total Fee	\$			

* 2 case #s
Thx!

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

AD P20160002

10/26/16

Planning Review for 526 Seward Street, Juneau, Alaska 99801

Owners: Jill Ramiel and Kenneth Alper
120 2nd Street, Juneau, Alaska 99801

Project Narrative:

Owners: Jill Ramiel and Kenneth Alper 120 2nd Street, Juneau, Alaska 99801

The existing house at address 526 Seward street was constructed in 1904 in another location on that block and relocated to its current site in the 1920's to make room for the Capital School (presently known as the Terry Miller Building, owned and operated by the State of Alaska as an office building supporting the State Capital.

526 Seward Street is a three story, wood framed house structure with gabled roof and dormers enclosing the top-most floor. It is situated on a sloping hillside lot with a "daylight" crawlspace. The difference of grade elevation on the site is less than 10' vertical, therefore the benchmark for determination of height limitation is a point on the uphill side of the building which places the first floor approximately 8" above grade.

Approximately 2 years ago the building was severely damaged by fire. The former owner sold the building as-is in the summer of 2018 to the current Owner, and the current Owner is undertaking the renovations of the burnt- out shell. A demolition permit has already been issued, and trash, burnt debris, and damaged interior finishes have already been removed this fall.

The renovation design proposed is comprised of two components: the 4 bedroom single family home the current owners would like to build for themselves, and an Accessory Dwelling unit they would like to construct. Knowing the high demand for housing in Juneau's Down Town and this buildings' favorable location, the Owner feel the addition of an Accessory Dwelling unit both serves the project and community in two ways:

- 1) Through future rents, it will help offset the high cost of renovation.
- 2) Will contribute to Juneau's downtown housing base.

The renovation proposes three items that need consideration by CBJ Planning:

- 1) Conditional Use permit for the Accessory Dwelling. The lot area is less than required for two dwelling units in this zoning.
- 2) Allowing the upward addition on the existing footprint. The owner intends to increase the area of usable building footprint on the third floor, which will require the removal of sloped roof areas and addition of full head-height construction.
 - a. Incidental to the upward expansion the owner would like to use a portion of the new flat roof as a roof terrace. The guardrail around this terrace is below the 35 foot building height limit in this zoning in the Table of Dimensional Standards 49.25.400, but the daylight and access Cupola on this rooftop exceeds the height limits. Section 49.25.420, c, 1 allows an exception for Cupolas, with no apparent height limit. This particular condition places top of cupola at approximate elevation of 41 feet.
- 3) Allow an encroachment of floor area into a side yard setback. This is in the form of a cantilevered projecting bay on three stories, noting the existing building already encroaches in to this same side yard setback to a greater extent.

The existing residential property does not have parking on site. As understood the single family residence would not need to add the otherwise required parking with the renovation, as it is not changing an existing condition. The understanding is that the Accessory Dwelling may be required to include a parking space. As there is clearly no room or access to the site for parking this requirement is proposed to be absorbed within the down town Juneau parking district.

Planning Review for 526 Seward Street, Juneau, Alaska 99801

Zoning Summary:

Legal Description Juneau Townsite BL 22 LT 5 FR

Year Built: 1904, relocated in the 1920's

Zoning: Residential D- 18 Per CBJ Zoning maps
And 49.25.210 (f)

(f) The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

With that definition it would be a good argument that adding two units in this half-acre lot is in the spirit of the property zoning.

49.25.400 Table of Dimensional Standards

Minimum lot size: 5000sf Actual: 2,447 sf (.0562 Acres)

Minimum Lot Width: 50' Actual: 50'

Minimum lot depth: 80' Actual: 50'

Maximum Lot Coverage:

Permissible use : 50%

Conditional Use: 50%

Maximum Height: 35 ft

Setbacks:

Front Yard: 20 ft

Side Street: 13 ft

Rear Yard: 10 ft

Side Yard: 5 ft* *reductions allowed with

Existing setbacks: see site plan.

Road System: Yes

Fire Service: Yes

Water: Yes

Sewer: Yes

Existing Building Footprint: 1356 gsf

Gross Living Space: Fl 1 1356 gsf Proposed: 1370 gsf

Fl 2 1229 gsf Proposed: 1249 gsf

Fl 3 1099 gsf Proposed: 1130 gsf

Accessor Dwelling Unit: 600 sf allowed 598 sf proposed.

Title 49 Alternative Development Overly ADOD

Edward Quinto

From: Sean Boily <sean@northwindarch.com>
Sent: Tuesday, October 09, 2018 11:30 AM
To: Edward Quinto
Cc: Jill
Subject: Pre-app conference for 526 Seward Street.
Attachments: 526_SEWARD_PRINT SET 10_9_18.pdf; Asbuilt Survey Bowes Res. 2013.pdf

Mr. Quinto -

Attached are schematic design drawings for the renovation of the house at 526 Seward Street. These generally describe the proposed new configuration and additions, but don't go into a lot of detail with regards to finishes also attached is a site asbuilt by J. Bean.

This is a three story house. The new Owner as a part of this renovation is proposing a 600 sf accessory apartment on the first floor.

Is there further information you will need for a Pre-app conference?

Items we want to make sure are addressed:

Do we need a Conditional Use Permit for the Accessory Dwelling apartment. The particular issue is the lot is substandard size and the house is larger than the allowable area of site development (50%). Further, the original building had two dwelling units in it (two complete kitchens, two separate entries, correct?) If so, we are not altering the existing conditions from a use stand point. Reading through 49.30.300 (b) and (c): it looks like you can do this reconstruction of that pre-existing use. Question remains as to if parking is an issue.

Will we need a conditional use permit for upward expansion of the building on it's footprint? Aside with specifics of property line location between the buildings, still of particular concern is the back property line and corner facing the Terry Miller Building. The upward expansion is occurring within the side and rear yard setbacks (even though the existing building footprint established) 5' setback on the side yard and 10' setback from the rear yard. I hope I heard Beth correctly, the provision of the Alternative Development Overlay District will allow this. It may also be allowed with a variance or conditional use permit. If not it will take the addition on the back side of the house, third floor, out of the equation. That will impact your master bathroom and third bedroom on that level.

Height: we can get the height in as allowable - to the top of handrail. Getting the stair way access cupola accepted may perhaps be possible. Can include an Access "Cupola" up there in the CU application, but should have a backup plan in hand if it is not allowed.

I am copying the Owner with this correspondence.

NorthWind Architects, LLC

Sean M. Boily, AIA

Principal Architect

126 Seward Street

Juneau, AK 99801

p.907.586.6150, xt 201

f.907.586.6181

c.907.321.4131

www.northwindarch.com

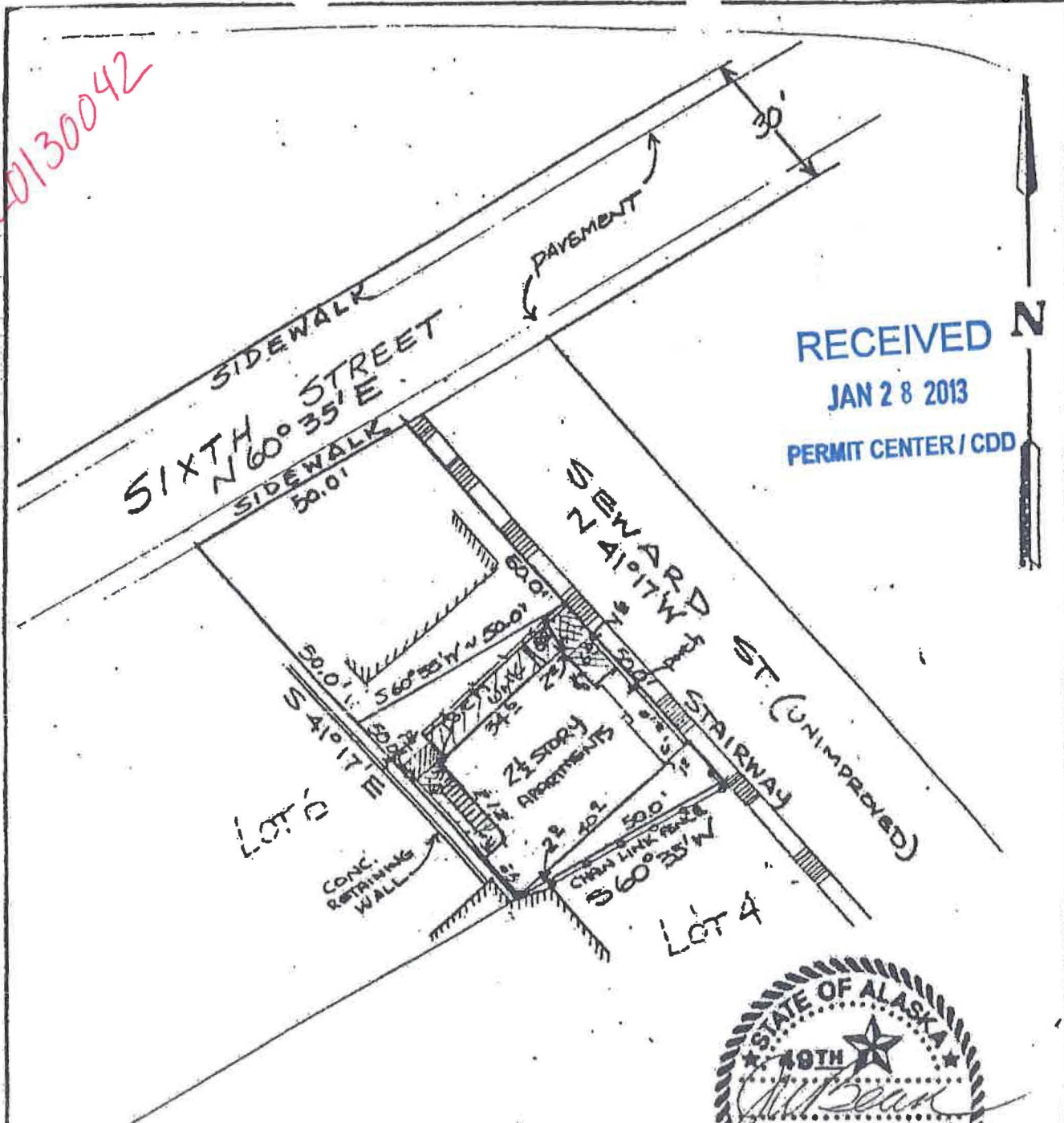
SETBACK Reduction!

Parcel	Address	Actual side setback	Required side setback	Setback for ADOD
1C060A290010	108 Sixth St	0	5	0
1C060A290030	114 Sixth St	2	5	2
1C070A290010	128 Sixth St	0	5	0
1C070A290020	132 Sixth St	0	5	0
1C040A280010	202 Sixth St	0	5	0
1C070A220040	533 Main St	0	5	0
1C070A220050	525 Main St	0	5	0
1C070A220030	137 Sixth St	1	5	1
Average				0.375

Parcel	Address	Actual rear setback	Required rear setback	Setback for ADOD
1C060A290010	108 Sixth St	1	10	1
1C060A290030	114 Sixth St	28	10	10
1C070A290010	128 Sixth St	52	10	10
1C070A290020	132 Sixth St	37	10	10
1C040A280010	202 Sixth St	35	10	10
1C070A220040	533 Main St	0	10	0
1C070A220050	525 Main St	0	10	0
1C070A220030	137 Sixth St	1	10	1
Average				5.25



Blk 20130042



RECEIVED
JAN 28 2013
PERMIT CENTER / CDD

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS, AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.





J.W. BEAN
PROFESSIONAL SURVEYOR

4528 SAWA CIRCLE
JUNEAU - ALASKA
(907) 788-0580

SURVEYOR - PLANNER

AS-BUILT SURVEY OF		
SE 1/2 of Lot 5, Block 22		
Juneau Townsite		
within U.S.S # 7		
DESIGNED BY JWB	JOB No 9221	SCALE 1" = 30'
FILED 21/48	DATE 6-3-92	SHEET 1 OF 1

526 Seward St.

Juneau, AK 99801

ARCHITECT

Northwind Architects, LLC
126 Seward St.
Juneau, Alaska 99801
(907) 586-6150
Sean Boily, AIA

JUNEAU, AK

PROJECT LOCATION



SOUTHEAST ALASKA
REGION

APPLICABLE CODES

GENERAL NOTES:

1. THE CONTRACTOR IS RESPONSIBLE FOR THE FABRICATION AND INSTALLATION OF ALL MATERIALS AND EQUIPMENT IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE (IRC 2012 EDITION) AND ALL ITS RELATED DOCUMENTS AND AMENDMENTS. ALL MATERIALS SHALL BE STORED, HANDLED, AND INSTALLED PER MANUFACTURERS' OR MATERIAL ASSOCIATIONS' INSTRUCTIONS AND RECOMMENDATIONS.
2. THE CONTRACTOR SHALL COORDINATE AND VERIFY ALL CONDITIONS AFFECTING THE PROJECT SCOPE OF WORK, AND WILL NOTIFY THE OWNER OF ANY DISCREPANCIES, AND/OR VARYING CONDITIONS. THE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION RELATED ACTIVITIES WITH THE OWNER PRIOR TO EXECUTING ANY WORK OF THIS CONTRACT.
3. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO THE FABRICATION AND INSTALLATION OF ANY MATERIALS. CONTRACTOR SHALL PROTECT ALL WORK AREAS FROM DAMAGE DUE TO CONSTRUCTION, RELATED WORK, AND WEATHER. DAMAGED AREAS WILL BE RESTORED TO THEIR ORIGINAL CONDITION AT NO ADDITIONAL COST TO THE OWNER.
4. ALL ARCHITECTURAL ELEVATIONS ARE BASED FROM REFERENCE DATUM ELEVATION OF 0'-0" FROM TOP OF FINISH FIRST FLOOR. THE BUILDING MAY NOT BE LEVEL AND SOME DIMENSIONS AS THEY RELATE TO ELEVATIONS MUST BE COORDINATED AND VERIFIED.
5. CONTRACTOR IS RESPONSIBLE FOR THE DESIGN OF ALL ROOF, CEILING, AND FLOOR MOUNTED CONSTRUCTION RIGGING. AVOID STACKING ANY CONCENTRATED LOADS ON THE EXISTING ROOF. CONTRACTOR WILL BE RESPONSIBLE FOR ALL TEMPORARY SHORING AND ANY TEMPORARY WORK OPENINGS IN THE BUILDING ENVELOPE. ALL OPENINGS WILL BE REPAIRED WITH MATERIALS AND ASSEMBLIES TO MATCH EXISTING.
6. UTILITIES: OWNER WILL FURNISH ELECTRICAL POWER (120V AND 220V) FOR EQUIPMENT AND LIGHTING. CONTRACTOR IS REQUIRED TO FURNISH ALL TEMPORARY ACCESS TO CONSTRUCTION, LIGHTING AND HEAT. CONTRACTOR SHALL NOT USE OWNER PROVIDED ELECTRICITY FOR TEMPORARY HEAT. CONTRACTOR SHALL PROVIDE AND MAINTAIN SEPARATE TOILET FACILITIES DURING CONSTRUCTION, UNTILL WHICH TIME PLUMBING IN THE HOUSE MAY BE ACTIVATED. AT THAT TIME, A BATROOM ON THE FIRST FLOOR MAY BE USED BY THE CONTRACTOR, BUT MYUST BE IN AS-NEW CONDITION AT THE END OF THE PROJECT.
7. INSPECTION: THE CONTRACTOR IS TO NOTIFY OWNER OF UNEXPECTED DAMAGED MATERIALS OBSERVED DURING CONSTRUCTION. REPLACE DAMAGED MATERIALS AS DIRECTED AND AUTHORIZED BY THE OWNER. WORK OUTSIDE THE SCOPE OF THIS CONTRACT SHALL, ON THE AUTHORIZATION OF THE OWNER, BE REPLACED AT ADDITIONAL NEGOTIATED COST TO THE CONTRACT.
8. THE CONTRACTOR SHALL PROVIDE TO THE OWNER AT THE TIME OF CONTRACT CLOSE-OUT, THE PRODUCTS, SPARE PARTS, EXTRA STOCK, AND MAINTENANCE MATERIALS IN QUANTITIES SPECIFIED, IN ADDITION TO THAT USED FOR CONSTRUCTION OF THE WORK.
9. REMOVE OR SALVAGE ALL ACCESSORIES, LIGHTING, DEVICES AND EQUIPMENT PRIOR TO PROCEEDING WITH THE WORK. REINSTALL ALL ITEMS IDENTIFIED FOR SALVAGE AND REUSE AFTER COMPLETION OF THE WORK, UNLESS OTHERWISE NOTED OR DIRECTED BY OWNER. REPAIR/PATCH EXISTING FINISHES TO MATCH SURROUNDING WHERE ITEMS ARE REMOVED AND NOT REINSTALLED.
10. WHERE PIPE OR CONDUIT ARE IDENTIFIED FOR REMOVAL UP TO REMAINING, ENDS ARE TO BE CUT BACK BEHIND FACE OF FINISH, CAPPED OR SEALED, AND FINISH EXTENDED ACROSS PENETRATION.
11. THE CONTRACTOR SHALL ENSURE COORDINATION AND CONTINUITY BETWEEN TRADES, AND SHALL CONFIRM ALL CONDITIONS NECESSARY TO PROCEED WITH ANY COMPONENT OF THE WORK, INCLUDING PREPARATION OF ANY NEW OR EXISTING MATERIAL SUBSTRATE OR SURFACE TO RECEIVE FINISHES AND/OR EQUIPMENT.
12. ALL ITEMS IDENTIFIED IN THESE CONSTRUCTION DOCUMENTS ARE NEW AND TO BE PROVIDED AS A PART OF THIS CONTRACT, UNLESS OTHERWISE NOTED.
13. ALL ITEMS IDENTIFIED FOR SALVAGE BUT NOT REINCORPORATED IN THE WORK ARE TO BE TURNED OVER TO OWNER UNLESS OTHERWISE NOTED OR DIRECTED.
14. DRAWING SCALE: THIS SET OF DRAWINGS HAS BEEN PRODUCED WITH SCALE INDICATORS AND BARS TO PRINT FULL SIZE 22"x34" SHEET SETS. FOR THE PURPOSE OF CLARITY, 22"x34" DRAWING SETS WILL BE IDENTIFIED AS "FULL-SIZE" SETS, AND 11"x17" DRAWING SETS WILL BE REFERRED TO AS "HALF-SIZE" SETS. FOR THE PURPOSE OF ACCURACY, VERIFY ALL MEASURED DIMENSIONS WITH SCALE BARS PROVIDED FOR AND THE SCALE VERIFICATION BAR IN THE ARCHITECTURAL TITLE BLOCK.

SCOPE OF WORK SUMMARY

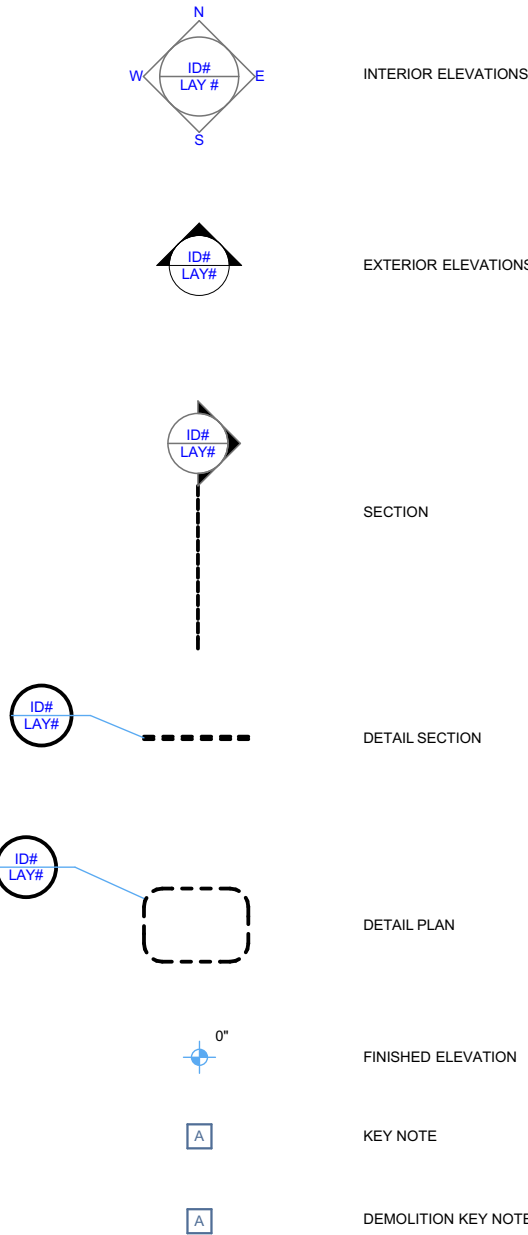
IN 2016 THE HOME AT 526 SEWARD STREET SUFFERED A SEVERE FIRE. THE PROPERTY WAS PORITINGALY CONSTRUCTED IN THEEARLY 20TH CENTRY AND WAS RELOCATED TO ITS PRESENT SITE IN THE 1920'S TO MAKE WAY FOR THE CONSTRUCTOIN OF CAPITAL sCHOOL, CUURRENTLY KNOWN AS THE TERRY MILLER OFFICE BUILDING. THE STRUCTURE IS ON RECORD AS A DUPLEX, BUT WAS MODST RECENTLY DEVELOPED AND UTILIZED AS BED-AND-BREAKFAST. THE CORRENT OWNERS ARE RECONSTRUCTING THE PROPERTY WITHAS A SINGEL FAMILY RESIDENCE WITH ACECESSORY DWELING UNIT.

ACCESSPRY DWELING UNIT AND ENTRY TO THE MAIN RESIDENCE SHLL BE ON THE FIRST FLOOR. PRIMARY PUBLIC SPACES OF THE SINGLE FAMILY DWELLING INCLUDING KITCHEN, LIVING ROOM AND GUEAT BATHROOM SHALL BE ON THE SECOND FLOOR. THE MASTER BEDROOM AND THREESMALL BEDROOMS SHALL BE ON THE THIRD FLOOR. THE FLAT ROOF TIP SHALL BE SERVED BY AN ACCESS STAIRWAY AND ATTICSPACE. THE FLAT ROOF TOP SHALL BE EQUIPPED WITH A GUARDRAIL.

THE BUILDING SHALL BE WOOD FRAMED WITH METAL AND WOOD CLADDING.

SHEET INDEX	
ID	Name
G0.0	TITLE SHEET / GENERAL INFO
G0.1	SPECIFICATION SHEET
G0.2	SITE PLAN
A1.0	1st FLOOR DEMO PLAN
A1.1	2nd FLOOR DEMO PLAN
A1.2	3rd FLOOR DEMO PLAN
A2.0	1st FLOOR PLAN
A2.1	2nd FLOOR PLAN
A2.2	3rd FLOOR PLAN
A2.3	ROOF DECK FLOOR PLAN
A3.0	BUILDING SECTION
A3.1	BUILDING SECTION
A3.2	BUILDING SECTION
A3.3	BUILDING SECTION
A4.0	NORTH ELEVATION
A4.1	EAST ELEVATION
A4.2	SOUTH ELEVATION
A4.3	WEST ELEVATION
A5.0	ROOF PLAN
A6.0	DOOR SCHEDULE
A6.1	WINDOW SCHEDULE
A7.0	ROOF DETAILS

SYMBOLS



126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

TITLE SHEET /
GENERAL INFO

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET

G0.0

PLOT DATE	11/15/2018
ISSUE DATE	11/15/2018

DIVISON 03 - CONCRETE

DIVISON 04 - MASONRY

DIVISON 05 - METALS

DIVISON 06 - WOOD AND PLASTICS

DIVISON 07 - THERMAL AND MOISTURE PROTECTION

DIVISON 08 - DOORS AND WINDOWS

DIVISON 09 - FINISHES

DIVISON 15 - MECHANICAL & PLUMBING

DIVISON 16 - ELECTRICAL

Packet Page 170 of 376



NorthWind
Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

← 1" ACTUAL →
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
SPECIFICATION
SHEET

CHECKED
DRAWN SAP, SMB

issue	mark	date	description

SHEET #

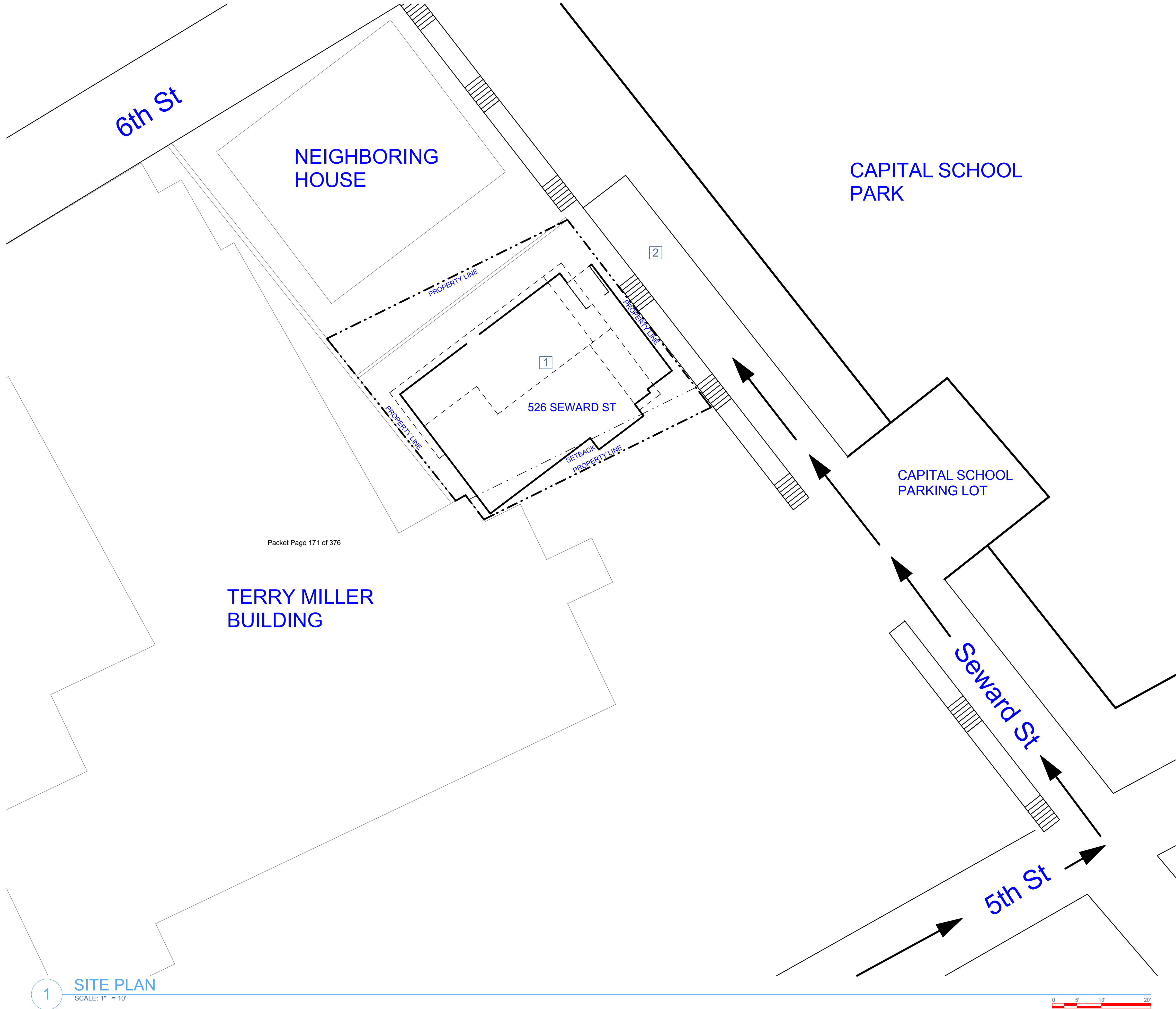
PLOT DATE

ISSUE DATE

G0.1

11/15/2018

11/15/2018



GENERAL SITE NOTES:

1. ALL CONSTRUCTION WASTE TO BE REMOVED FROM SITE DAILY
- 2.

SHEET NOTES:

- | | |
|---|-----------------------------------|
| 1 | WORK LIMITS, INSIDE PROPERTY LINE |
| 2 | STAGING AREA |



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
SITE PLAN

CHECKED
DRAWN SAP, SMB

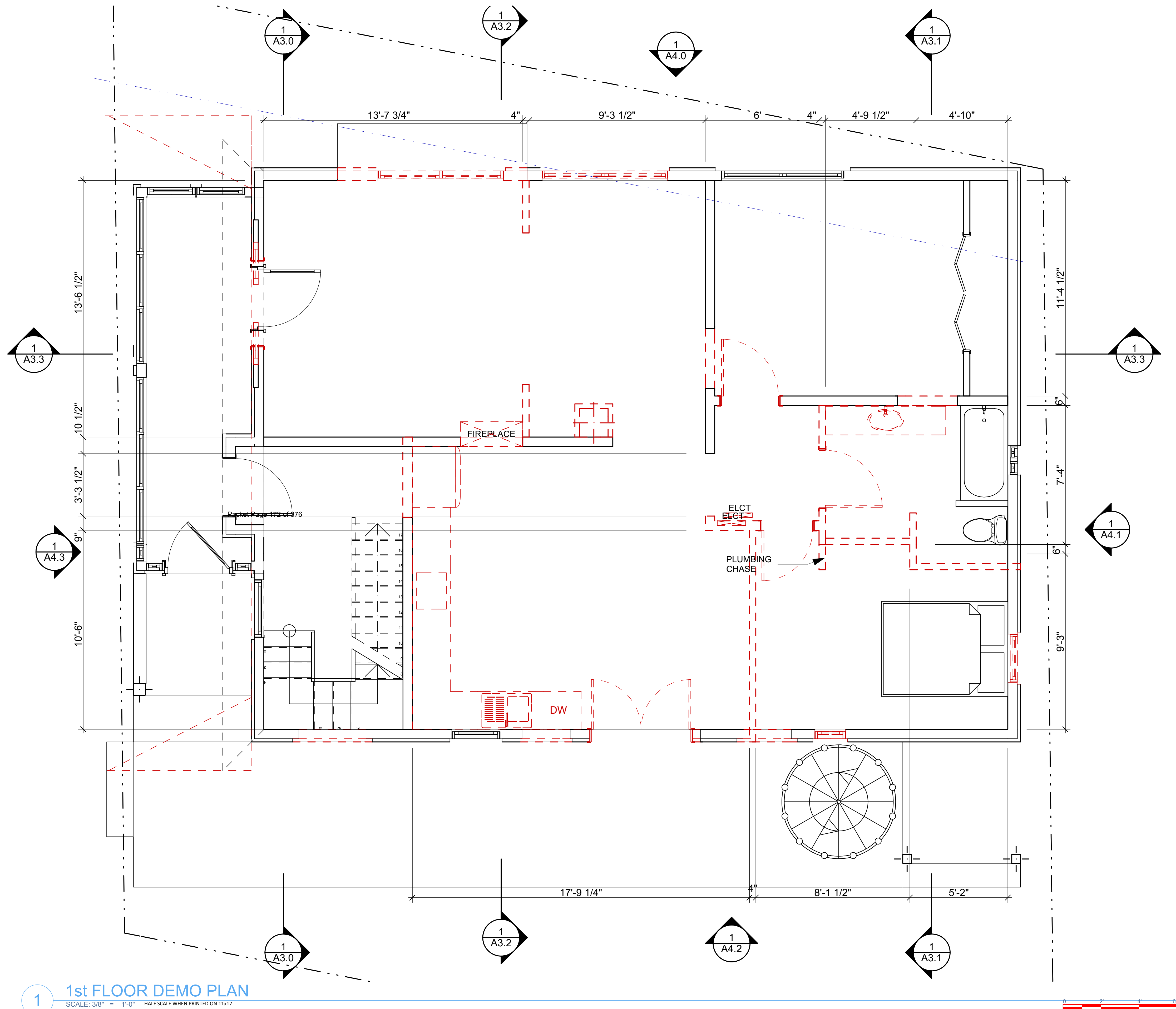
issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

G0.2

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 SITE PLAN
SCALE: 1" = 10'



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
1st FLOOR DEMO PLAN

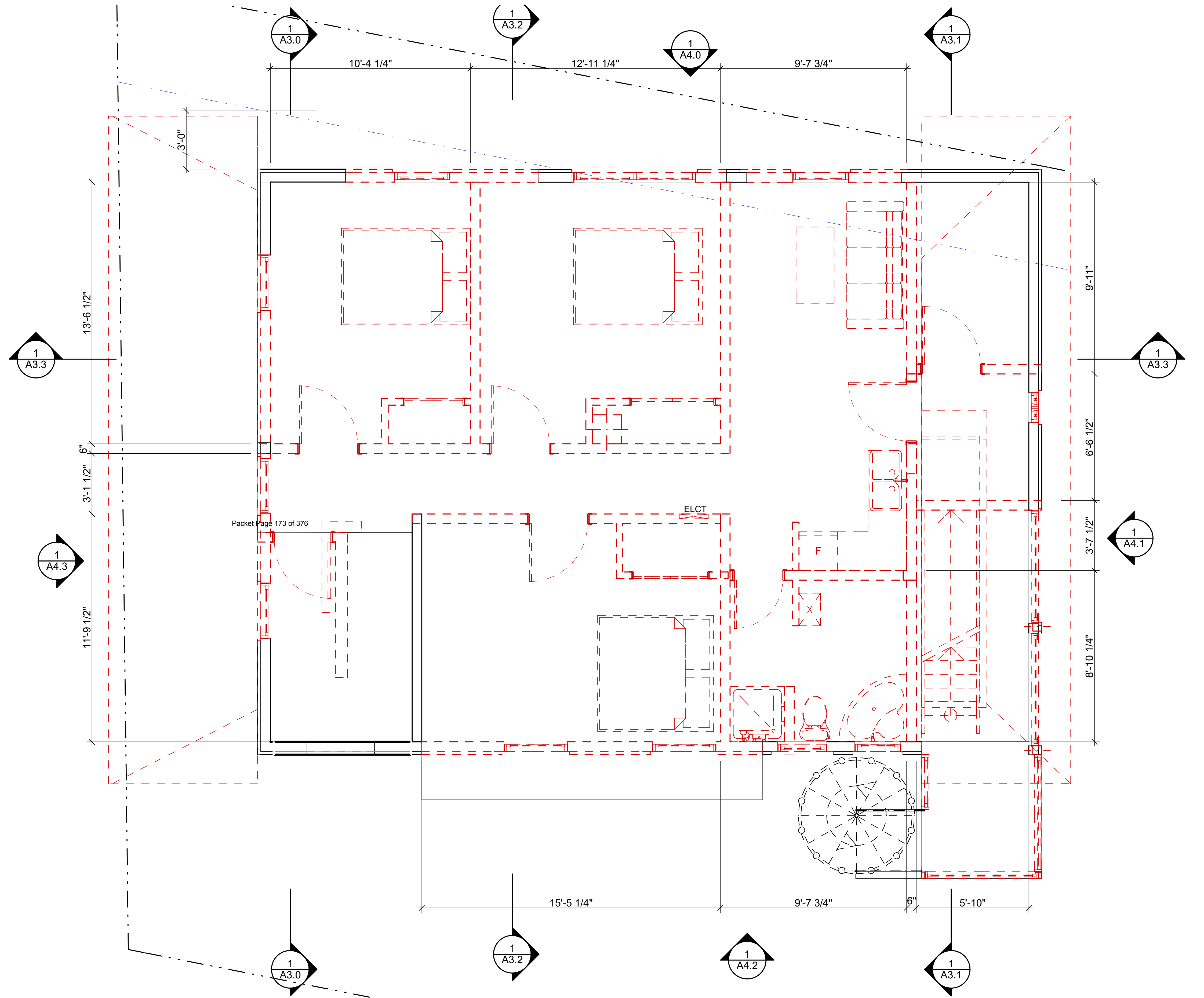
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DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A1.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

W

N

NorthWind
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1" ACTUAL
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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

2nd FLOOR DEMO
PLAN

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

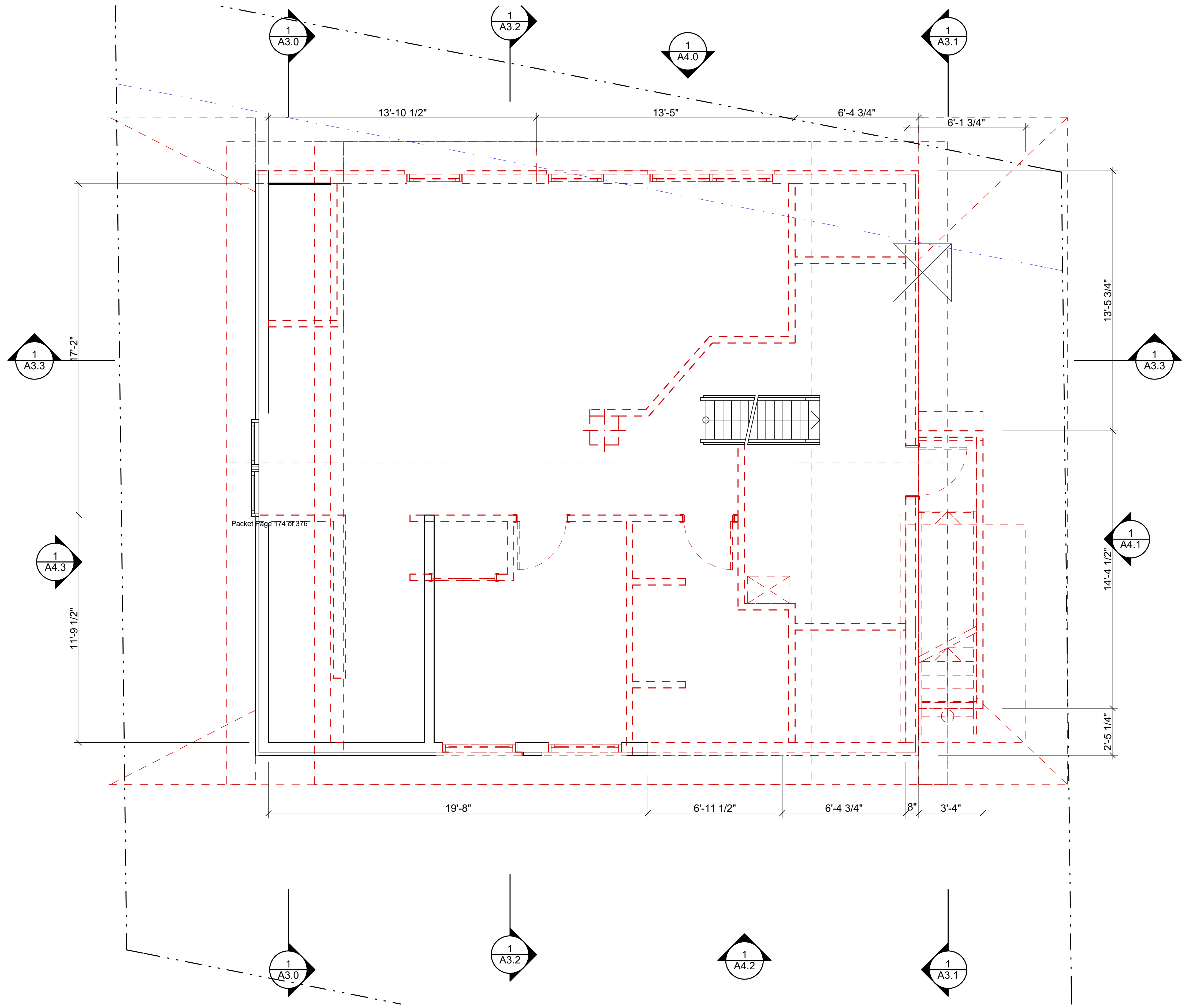
A1.1

PLOT DATE	11/15/2018
ISSUE DATE	11/15/2018

1

2nd FLOOR DEMO PLAN

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

3rd FLOOR DEMO
PLAN

CHECKED

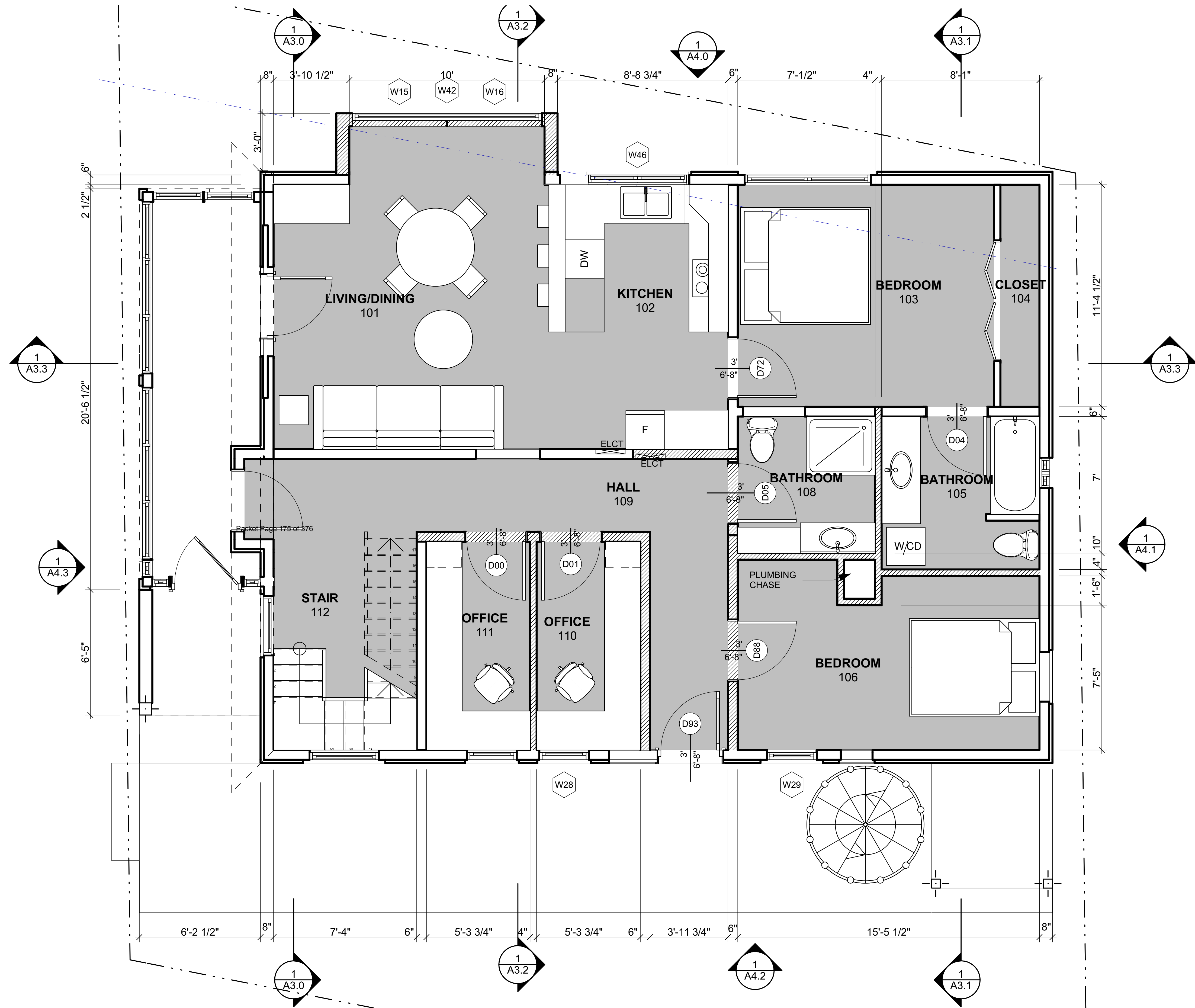
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A1.2

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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1" ACTUAL
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ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

1st FLOOR PLAN

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET

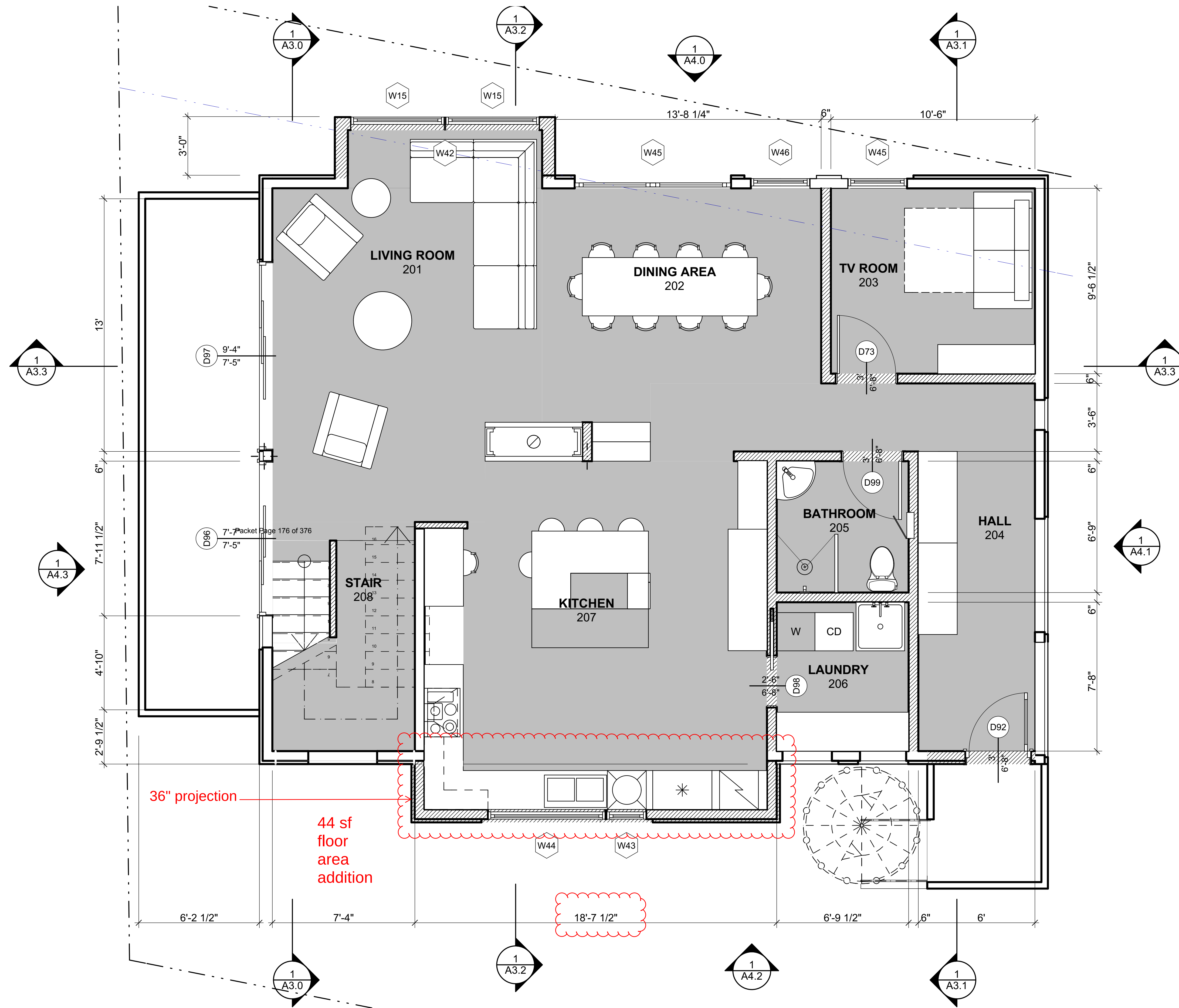
A2.0

PLOT DATE 11/15/2018

ISSUE DATE 11/15/2018

1st FLOOR PLAN

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

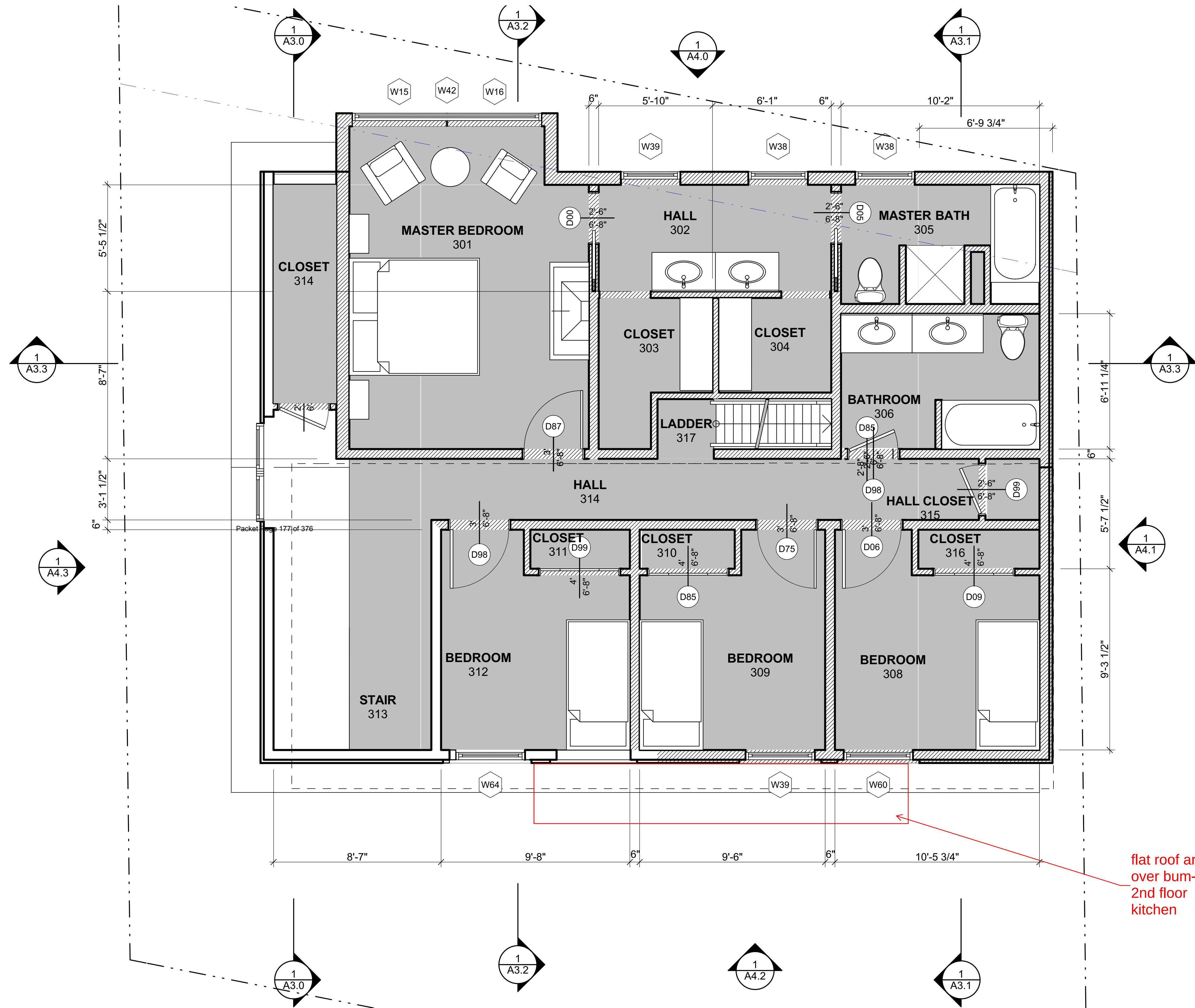


GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



GENERAL NOTES:

- 1.
- 2.
- 4.
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KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
3rd FLOOR PLAN

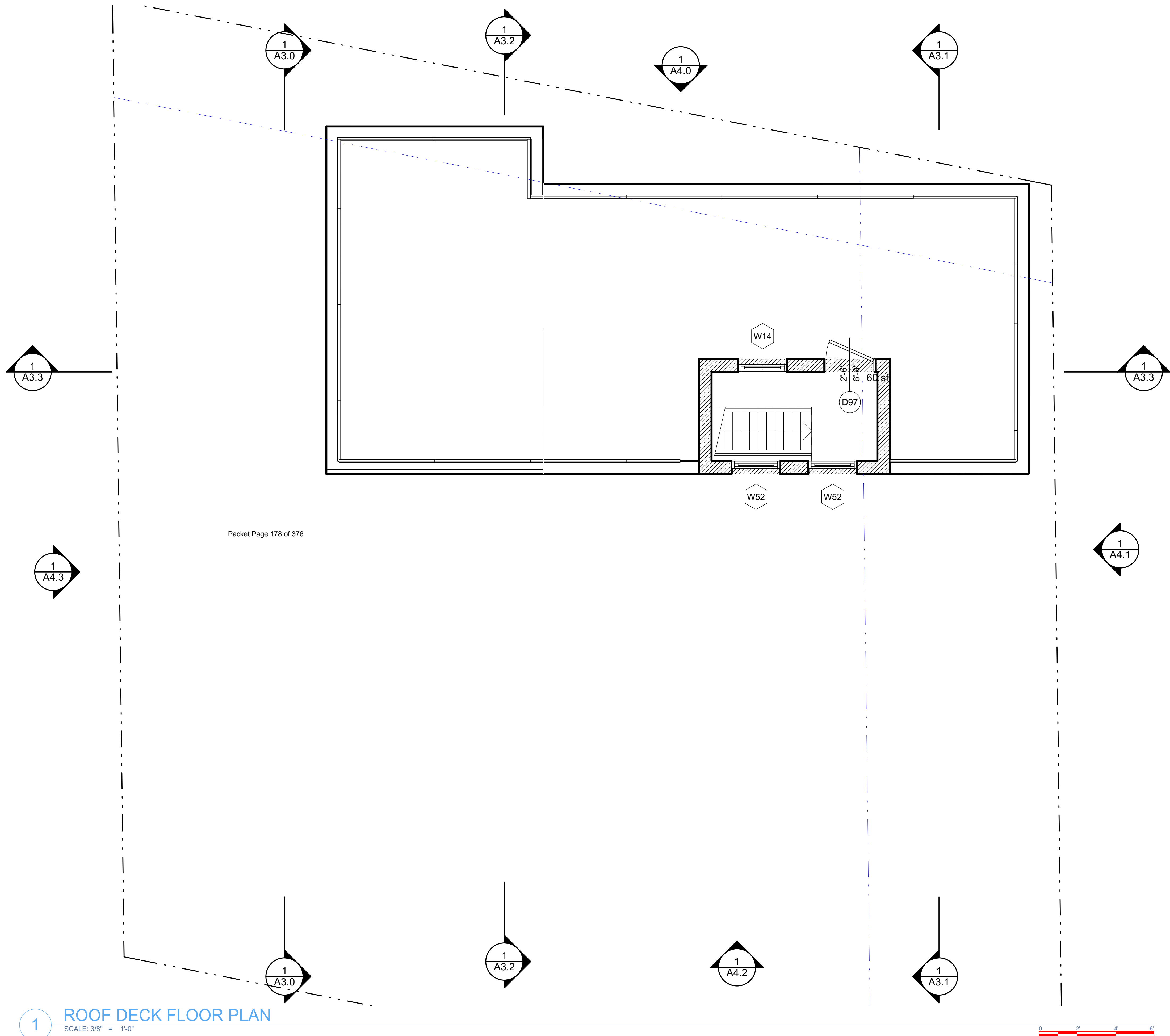
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issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A2.2

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

ROOF DECK
FLOOR PLAN

CHECKED

DRAWN SAP, SMB

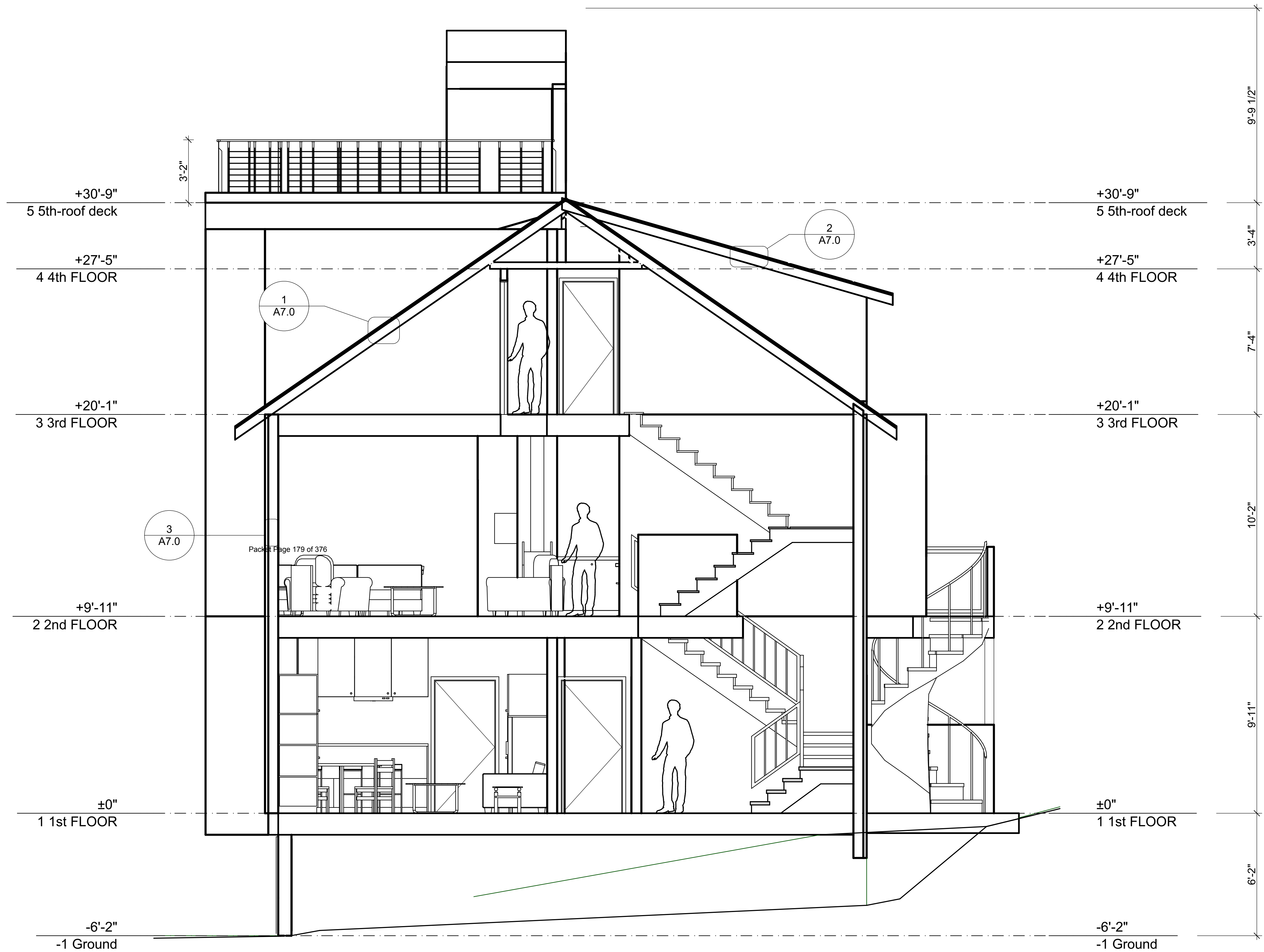
issue mark date description

SHEET #

A2.3

PLOT DATE 11/15/2018

ISSUE DATE 11/15/2018



526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
BUILDING SECTION

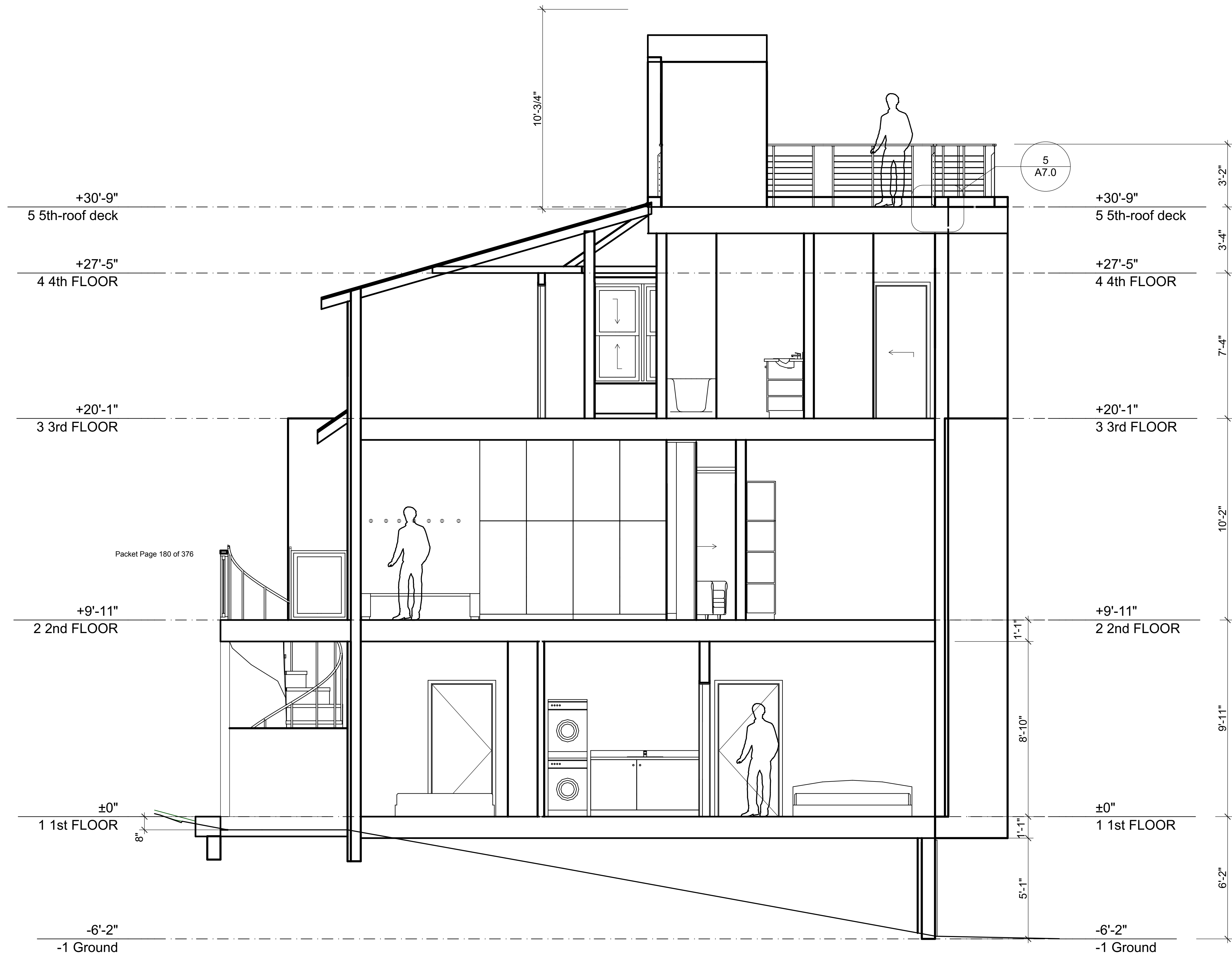
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DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A3.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



1 SECTION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

W
N
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Juneau, AK 99801
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1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

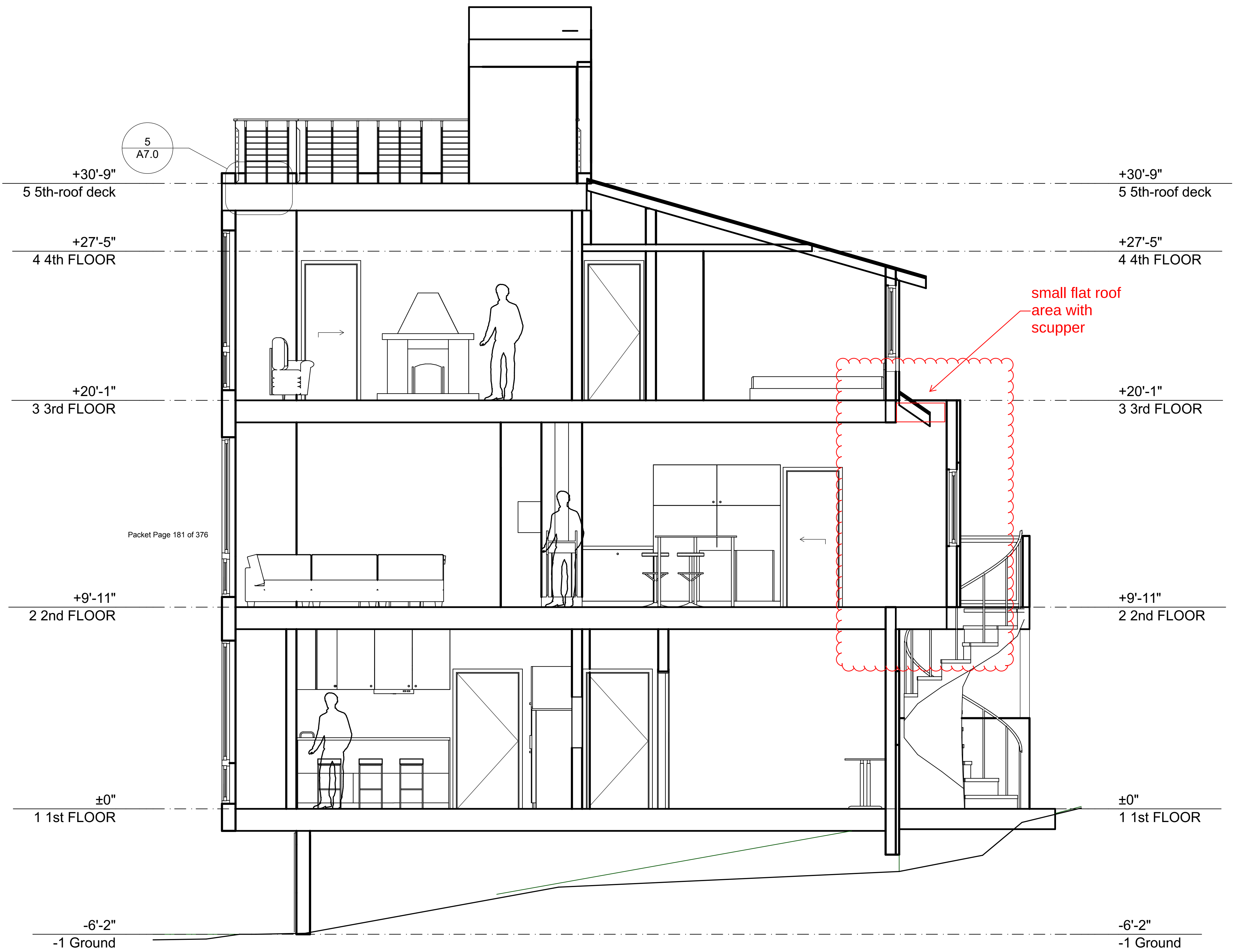
526 Seward st.
NWA- 1823
Juneau, AK

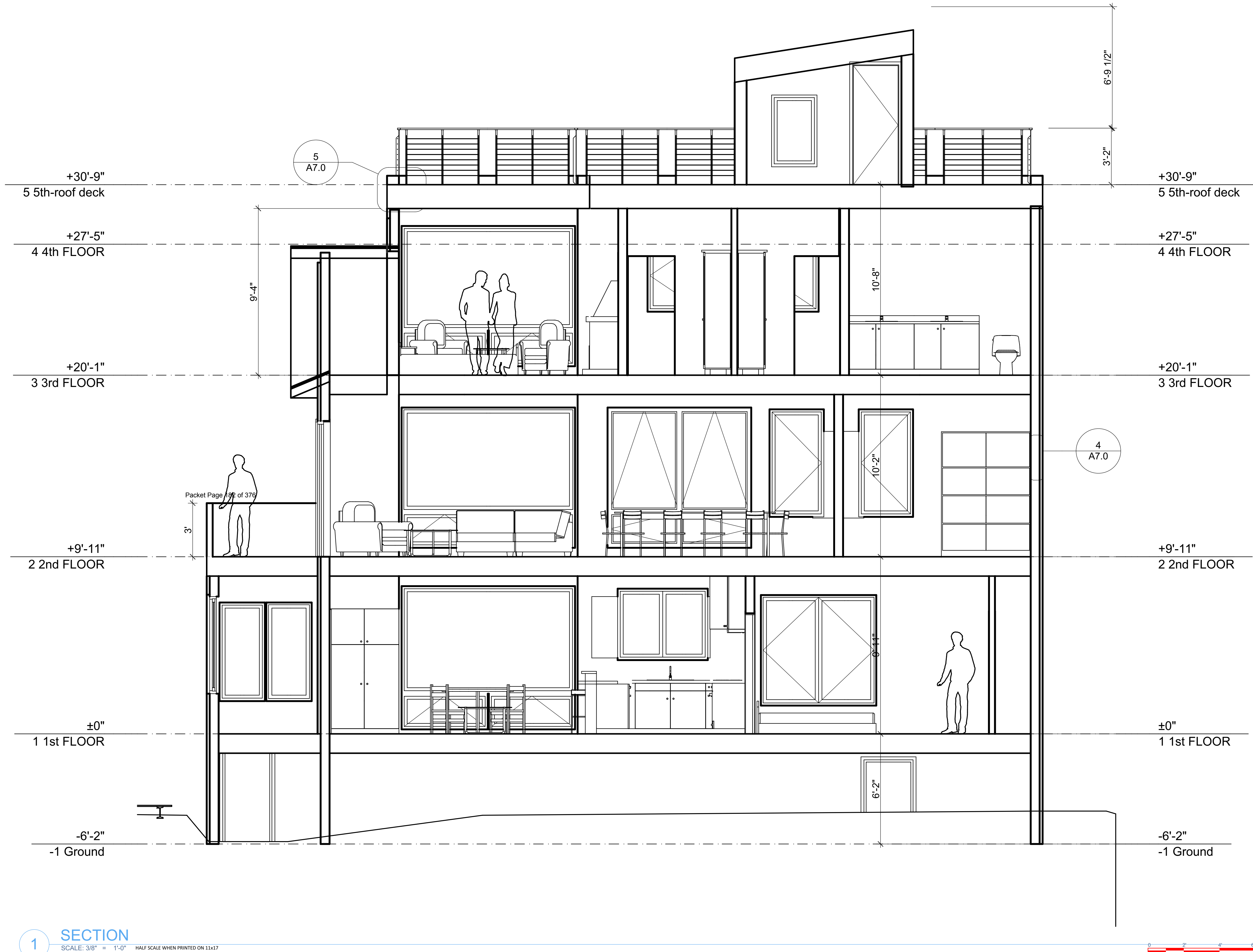
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BUILDING SECTION

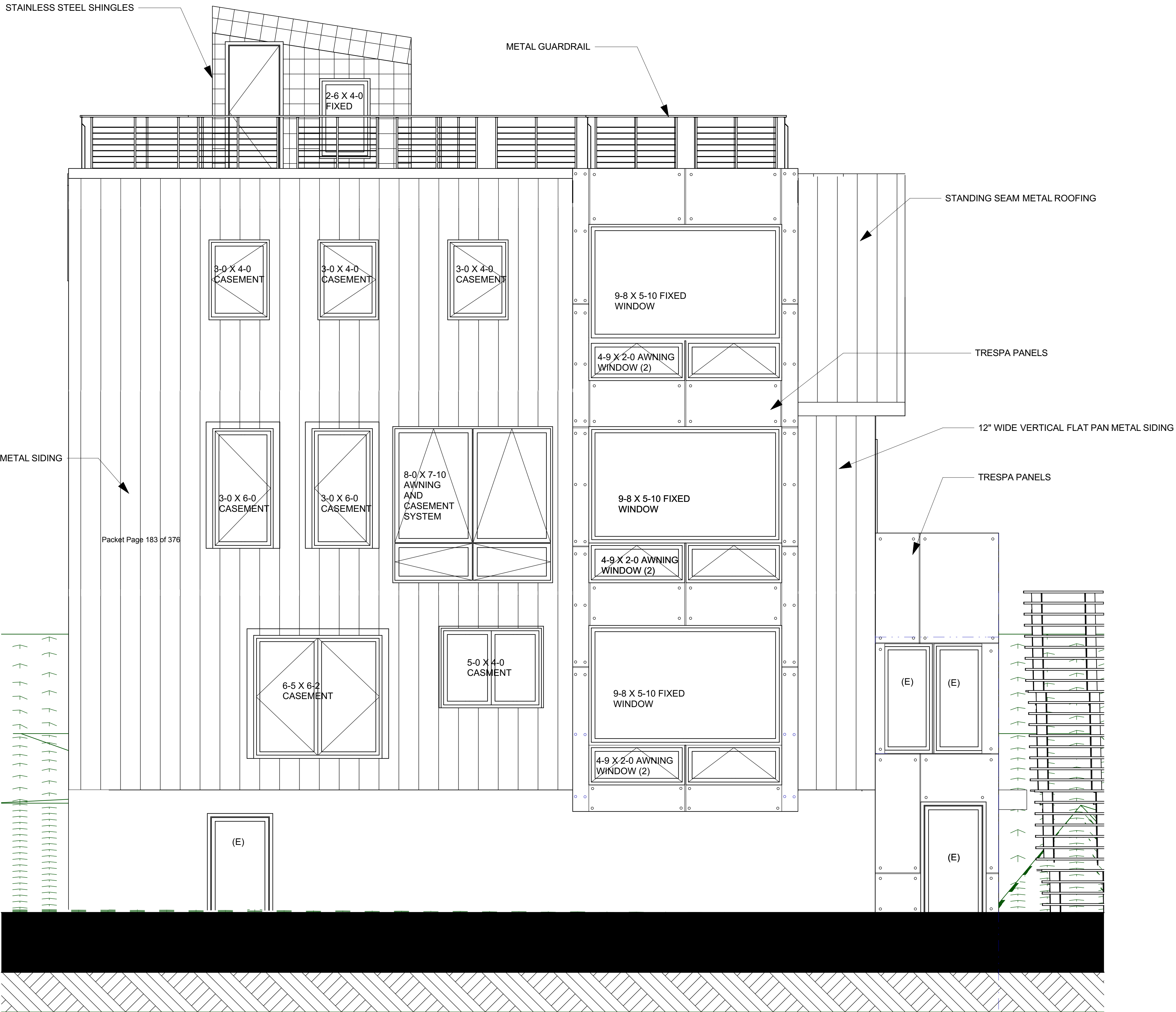
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01	01	8/28/2018	Issue

SHEET #
A3.1
PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018







STAINLESS STEEL SHINGLES

METAL GUARDRAIL

2-6 X 4-0
FIXED

3-0 X 4-0
CASEMENT

3-0 X 4-0
CASEMENT

3-0 X 4-0
CASEMENT

3-0 X 6-0
CASEMENT

3-0 X 6-0
CASEMENT

8-0 X 7-10
AWNING
AND
CASEMENT
SYSTEM

6-5 X 6-2
CASEMENT

5-0 X 4-0
CASMENT

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

STANDING SEAM METAL ROOFING

TRESPA PANELS

12" WIDE VERTICAL FLAT PAN METAL SIDING

TRESPA PANELS

(E)

(E)

(E)

(E)

Packet Page 183 of 376

1

NORTH ELEVATION

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

0 2 4 6

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
NORTH ELEVATION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A4.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

Packet Page 184 of 376

6-1 X 5-2
GLASS RAILING

12" WIDE VERTICAL FLAT PAN METAL SIDING

TRESPA PANELS

EXISTING GLASS BLOCK OPENING

STAINLESS STEEL SHINGLES

TRESPA PANELS

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
EAST ELEVATION

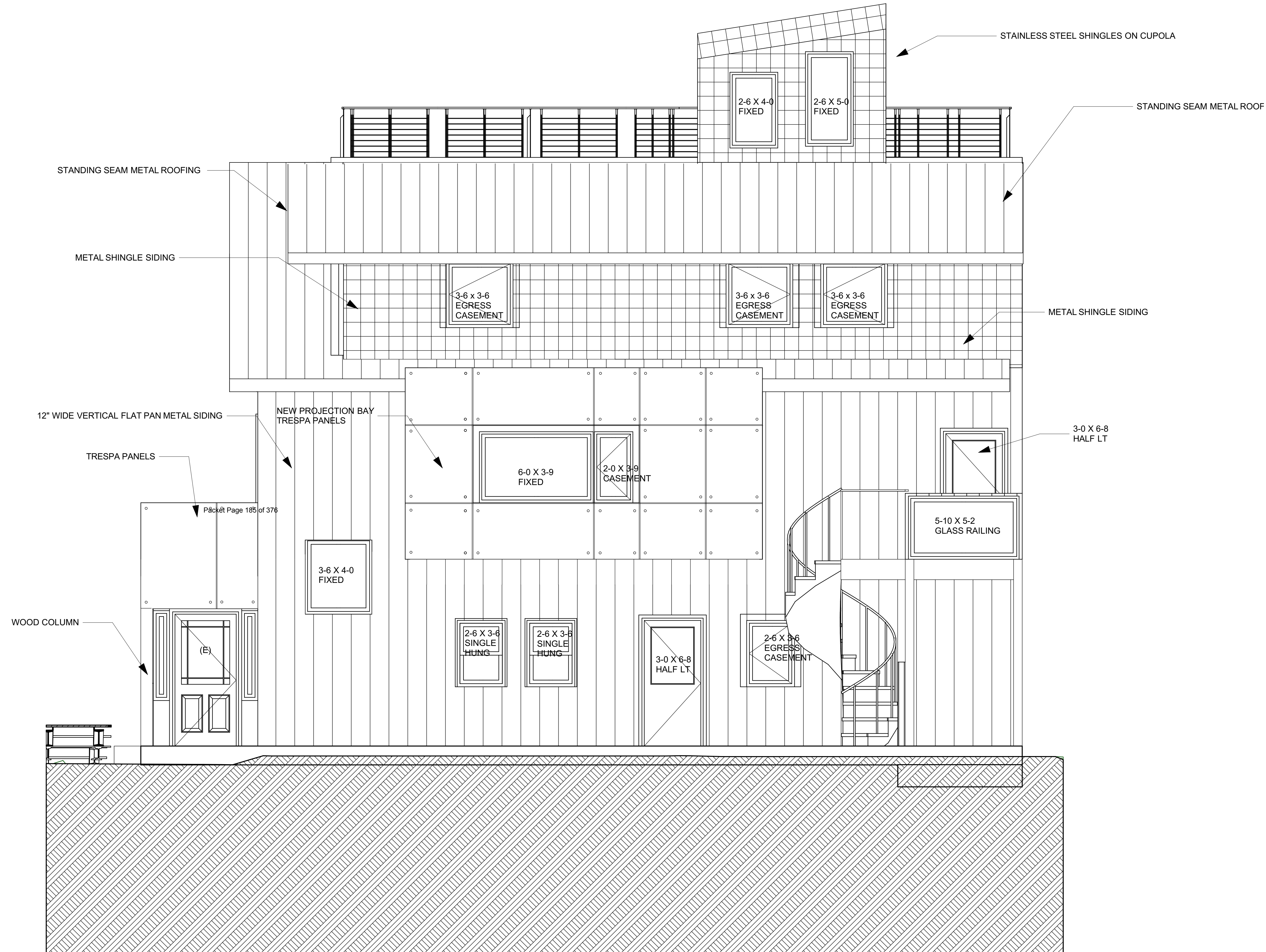
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DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A4.1

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



1 SOUTH ELEVATION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



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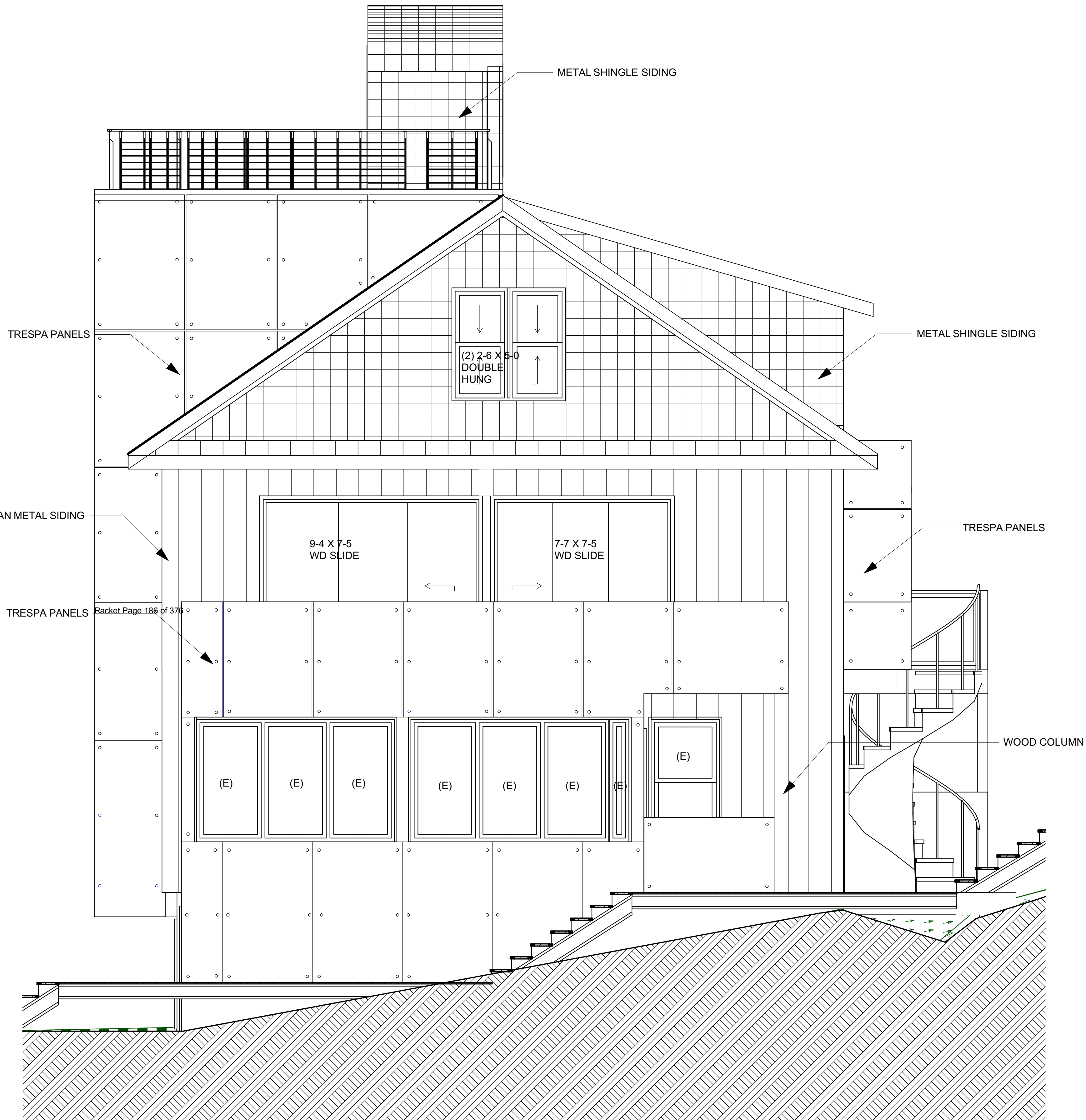
526 Seward st.
NWA- 1823
Juneau, AK

SHEET TITLE:
SOUTH ELEVATION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #
A4.2
PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



SHEET TITLE:
WEST ELEVATION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A4.3

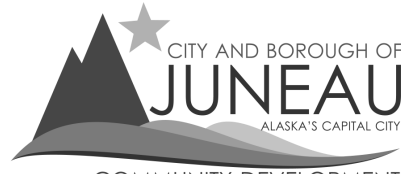
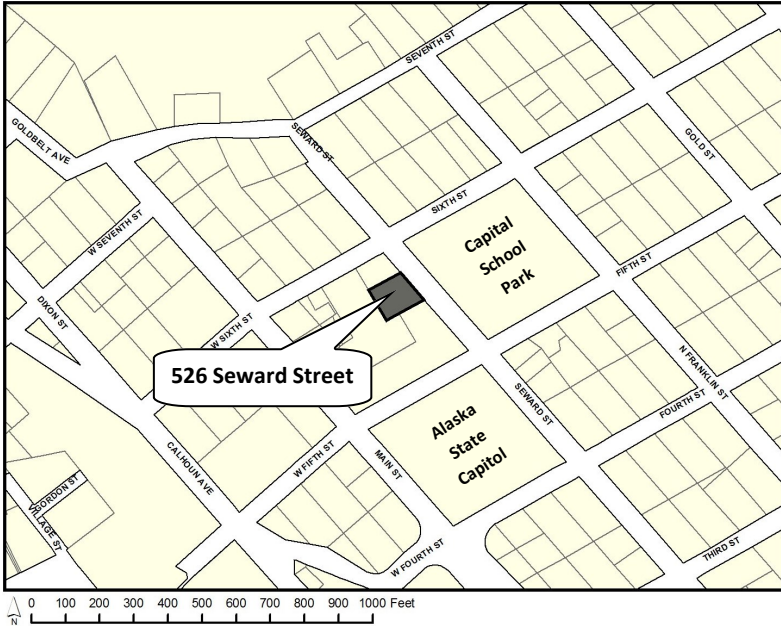
PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 WEST ELEVATION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission to **allow an accessory apartment on an undersized lot, waive one residential parking space, and reduce rear and side setbacks at 526 Seward Street in a D18 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, **Amy Liu** 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 Nos.: USE2018 0020; PWP2018 0003;
ADP2018 0002; ADP2018 0003
Parcel No.: 1C070A220020
CBJ Parcel Viewer: <http://epv.juneau.org>

Amy,

I reviewed the permits and find no issues on them at this time.

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: Amy Liu

Sent: Thursday, November 1, 2018 11:55 AM

To: Robin Potter

Subject: Review ADP 18-02, ADP18-03, USE18-20, and PWP 18-03

Good morning,

Please see the 4 permits attached for 526 Seward. Do you find that any of the proposed development will adversely affect neighboring property values or be out of harmony with the neighborhood? In summary:

- Conditional Use for accessory apartment up to 600 sf on an undersized D18 lot
- Parking Waiver for one parking space generated by the apartment
- Alternative Development for reducing the side setback to 4" to allow a 3' x 10' projection into the side yard. Note that the projection will have three windows, and continue from the first floor to the third floor. The 4" is based off the average side setback of the surrounding properties within a 150 radius.
- Alternative Development for reducing the rear setback to 3' to allow a cupola. Per 49.25.420(c)(1), height restriction does not apply to cupolas. As such, the height of the building without the cupola is 27' 5", which is below the 35' height maximum in the zoning district.

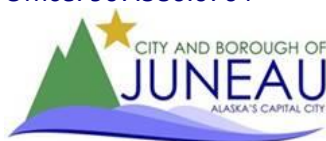
Let me know if you have questions. I'd like your feedback by November 15. Thanks!

Amy Liu | Planner

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0764

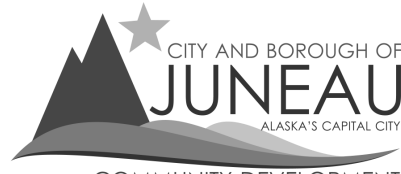
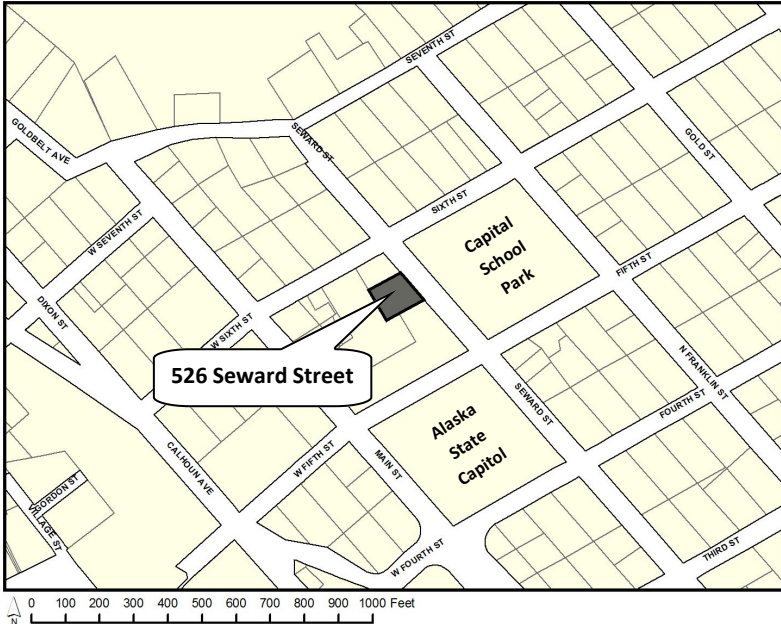




Attachment D - Assessor Office Photo

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

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TIMELINE

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Now through November 19, 2018

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Nov. 20 through 12 noon, Dec. 7

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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**

Case Nos.: USE2018 0020; PWP2018 0003;
ADP2018 0002; ADP2018 0003
Parcel No.: 1C070A220020
CBJ Parcel Viewer: <http://epv.juneau.org>



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: December 13, 2018
File No.: ADP2018 0003

Jill Ramiel & Kenneth Alper
120 2nd Street
Juneau, AK 99801

Proposal: Alternative Development Permit for reduced rear yard setback to accommodate a 7 foot cupola

Property Address: 526 Seward Street

Legal Description: Juneau Townsite Block 22, Lot 5, Front

Parcel Code No.: 1C070A220020

Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 11, 2018, and approved a reduced rear yard setback to accommodate a 7 foot cupola to be conducted as described in the project description and project drawings submitted with the application. Approval is subject to the following condition.

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to the Community Development Department.

Attachments: December 11, 2018 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding ADP2018 0003.

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.

Applicant
File No.: ADP2018 0003
December 13, 2018
Page 2 of 2

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).

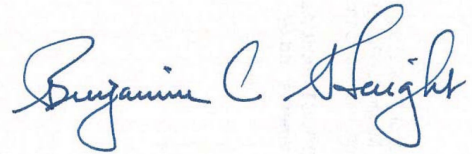
Effective Date: The permit is effective upon approval by the Commission, December 11, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or June 11, 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.

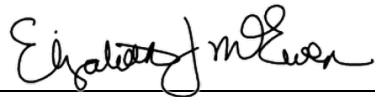
Project Planner:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

12/21/2018

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.



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

DATE: November 30, 2018

TO: Board of Adjustment *Amy Liu*

FROM: Amy Liu, Planner
Community Development Department

FILE NO.: ADP2018 0004

PROPOSAL: Alternative Development Permit for reduced northwest side setback for 3 feet x 19 feet window projection

GENERAL INFORMATION

Applicant: Jill Ramiel & Kenneth Alper

Property Owner: Jill Ramiel & Kenneth Alper

Property Address: 526 Seward Street

Legal Description: Juneau Townsite Block 22, Lot 5, Front

Parcel Code Number: 1C070A220020

Site Size: 2447 sq. ft.

Comprehensive Plan Future Land Use Designation: Traditional Town Center

Zoning: D18

Utilities: City water and sewer

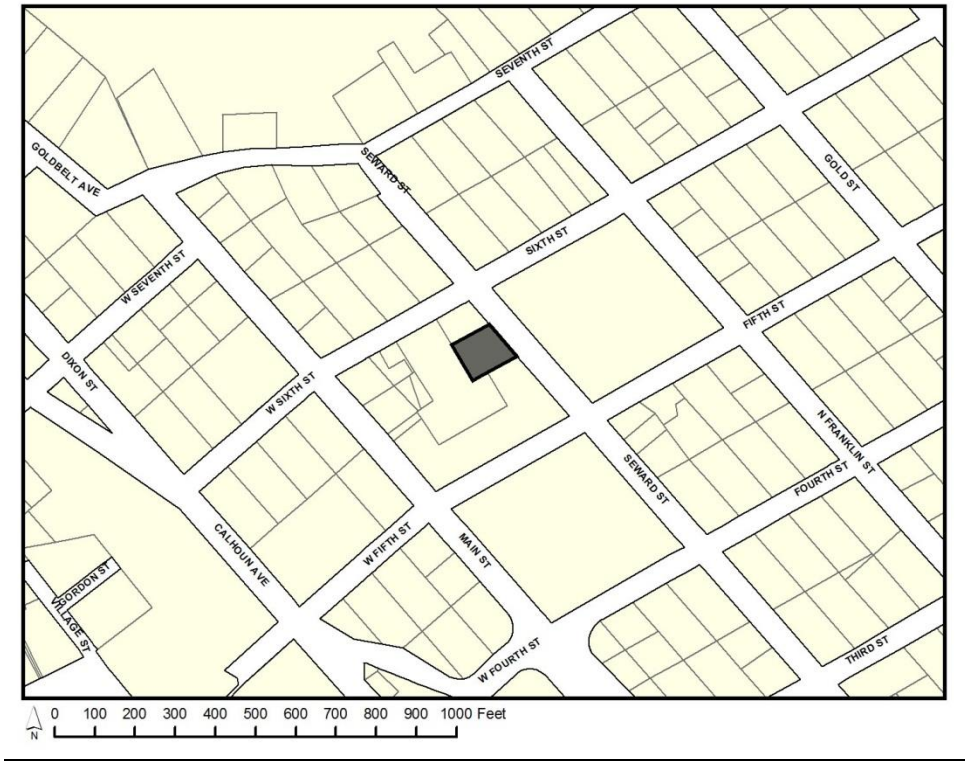
Access: Seward Street

Existing Land Use: Single family residential

Board of Adjustment
File No.: ADP 2018 0004
November 30, 2018
Page 2 of 8

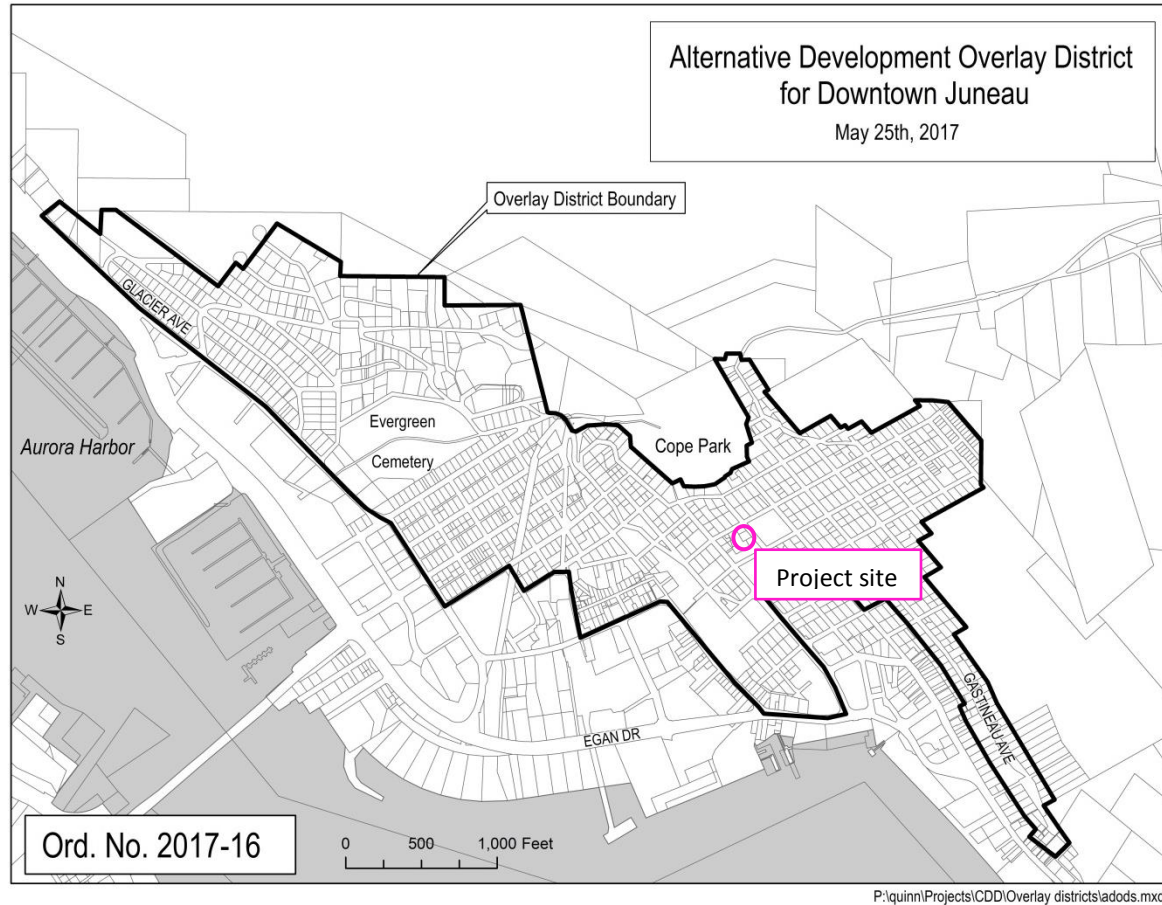
Surrounding Land Use:	North	-	Single family with accessory apartment
	South	-	Legislative Affairs Building
	East	-	Capital School Playground
	West	-	Legislative Affairs Building

VICINITY MAP



Board of Adjustment
File No.: ADP 2018 0004
November 30, 2018
Page 3 of 8

ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT MAP (Juneau)



ATTACHMENTS

Attachment A – Application
Attachment B – Public Notice
Attachment C – Assessor Office Correspondence
Attachment D – Assessor Office Photo

PROJECT DESCRIPTION

The applicant requests an Alternative Development Permit (ADP) for 4 inch side setback. The reduced setback would accommodate a 3 feet x 19 feet projection into the side setback at the northwest lot line. The projection has three windows and will continue from the second floor to the third floor on the north side of the building. The development is located in the downtown Juneau Alternative Development Overlay District (ADOD).

Board of Adjustment
File No.: ADP 2018 0004
November 30, 2018
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The applicant has also submitted ADP2018 0002 for a reduced southeast side setback and ADP2018 0003 for a reduced rear yard setback.

PUBLIC COMMENT

At the time of the writing of this report, no public comment was received regarding this application.

AGENCY REVIEW

- Capital City Fire/Rescue – No concerns at this time.
- CBJ Building – No concerns at this time.
- City Assessor – No concerns at this time.

BACKGROUND

The existing home was constructed in 1910 and has a building footprint of 1356 square feet. The subject lot was platted in 1892 as part of the Juneau Townsite Subdivision. The City of Juneau adopted a Planning and Zoning Ordinance and a zoning map in 1969 showing the subject lot zoned Residential Medium Density Multi-Family (RMM). The minimum lot size for the RMM district was 4800 square feet, while the minimum lot area required for a home was 2400 square feet. The required setbacks were 15 feet for the front, 0 feet for the side, and 10 feet for the rear. Currently, required setbacks are 20 feet from the front, 5 feet from each side, and 1 foot from the rear. Maximum lot coverage is 50% and maximum height is 35 feet.

In addition to nonconforming lot size, the site exhibits nonconforming setbacks and lot coverage relative to past and current code. The setbacks are 0 feet from the front, 2 feet from one side, and 2.5 feet from the rear (Attachment A). The lot coverage is 55%. There are no variances or other documents showing CBJ approval of the existing setbacks and lot coverage. Lack of documentation is common for buildings constructed around that time.

Applicants are seeking approval for lateral expansion closest to the northwest side lot line, southeast side lot line, and a vertical expansion closest to the rear setback. Applicants are seeking Alternative Development Permits, ADP20180004, ADP20180002, ADP20180003 respectively. The primary dwelling is not parallel with the side lot line. The lateral expansion reviewed in this report will be no closer than 2 feet from this side lot line.

The purpose of the ADOD is to provide adequate minimum standards for the development of buildings while preserving the character of the neighborhoods. Approving a setback reduction through an ADP would deem the subject structure to be legally nonconforming and also allow for the construction of the proposed second story workshop for private use. Under 49.70.1240,

Board of Adjustment
File No.: ADP 2018 0004
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the Board of Adjustment has the authority to reduce the street side yard setback by one of two methods.

1. Calculate the mean of corresponding side setbacks of residential buildings within a 150' radius. The average side setback of properties within a 150' radius is 4 inches. This would allow the proposed lateral expansion resulting in a 7 feet side setback.
2. Use the footprint of the existing building. Encroachment into a right-of-way or adjacent property would still be prohibited. This method may be used for granting the vertical expansion addressed in ADP2018 0003.

ANALYSIS

Project Site – The lot is sloping upward at about 13% grade. There is a three story single family home. There is no onsite parking, which is a nonconforming situation allowed to continue per 49.30.100.

The adjacent Lot 5 has a single family home with an accessory apartment without onsite parking. The site is also nonconforming in lot area, setbacks, and lot coverage. Adjacent Lot 3 has the Legislative Affairs Building, which does not meet setbacks or lot coverage.

Project Design – Applicants are proposing a 3 feet x 19 feet projection on the northwest side of the building. The feature will continue from the ground floor to the third floor. The projection will have windows on three sides (Attachment A). It is not considered a bay window per 49.25.430, as it increases livable space. Because the residential dwelling is not parallel to the northwest side lot line, the projection will not encroach onto the adjacent lot. ADP2018 0002 addresses the further encroachment into the setback. Per 49.70.1240(b), enlargement of building footprint is allowed as long as lot coverage does not exceed 60%. The proposed expansion would result in 56% lot coverage.

Traffic – The projection will not directly generate more traffic.

Parking and Circulation – *CBJ 49.40.210 –Table of Minimum Parking Standards* requires a single-family dwelling unit to have two off-street parking spaces. There is no onsite parking, which is a nonconforming situation allowed to continue per 49.30.100.

Noise – The proposed development is unlikely to generate additional noise.

Public Health or Safety – There is no evidence indicating that there are any public health or safety impacts from the proposed encroachment. Based upon the plans, the structure meets building and fire code requirements. Building and fire officials expressed no concerns at this time.

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Habitat – There are no anadromous streams, wetlands, or other sensitive areas on site.

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence suggesting that neighboring property values or neighborhood harmony will be negatively affected by the proposal. The Assessor's Office did not have concerns at this time (Attachment C). In particular, there is no evidence that there would be excessive blockage of views, excessive restriction of light and air, or other deleterious impacts, particularly for the adjacent Legislative Affairs Building.

Conformity with Adopted Plans – The proposed apartment is consistent with the Traditional Town Center (TTC) land use designation outlined in the CBJ 2013 Comprehensive Plan. TTC is defined as high density residential and non-residential land uses in downtown areas including off-street parking.

Chapter 3 of the 2013 Comprehensive Plan addresses compact urban development.

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

Chapter 4 of the 2013 Comprehensive Plan addresses preservation of neighborhood character.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

FINDINGS

CBJ 49.70.1230 (e), Review of Director's Determinations, states that the Board of Adjustment shall review the Director's report to consider:

1. Whether the proposed development is appropriate according to the Alternative Development Overlay District;
2. Whether the application is complete; and,
3. Whether the development as proposed will comply with the other requirements of this title.

The Board of Adjustment shall adopt the Director's determination on each item set forth in paragraph one (1) of this subsection unless it finds, by a preponderance of the evidence, that

Board of Adjustment
 File No.: ADP 2018 0004
 November 30, 2018
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the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.70.1230 (f), *Board of Adjustment Determinations*, states that even if the Board of Adjustment adopts the Director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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. Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.70.1240, Review of Director's & Board of Adjustment's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested Alternative Development Permit complete?

Yes. The application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.70.1200.

2. Is the proposed use appropriate according to the Alternative Development Overlay District?

Yes. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.130, for a single family detached dwelling unit with an accessory apartment in a D18 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 November 30, 2018 and December 10, 2018 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. The project site is located in a D18 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed

Board of Adjustment
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November 30, 2018
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development will materially endanger 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. As discussed above the development is in harmony with the neighboring properties. No evidence has been presented to indicate the proposed projection will decrease property values.

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

Yes. As discussed above, the development is in general conformity with the 2013 Comprehensive Plan.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Alternative Development Permit. The permit would allow a reduced side setback to accommodate 3 feet x 19 feet projection with windows

The approval is subject to the following conditions:

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to Community Development Department.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: Packet Page 201 of 376
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description The project entails renovations with modest additions to the structure at 526 Seward street, a three story wood framed house to be renovated after a fire with modest additions. The renovation design entails reconfiguration of the existing footprint to include an Accessory Dwelling Unit in addition to the single family residence.		
PROPERTY LOCATION		
Street Address 526 Seward Street	City/Zip Juneau, Alaska 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Juneau Townsite BL 22 LT 5 FR		
Assessor's Parcel Number(s) 1C070A220020		
LANDOWNER/ LESSEE		
Property Owner's Name Jill Ramiel and Kenneth Alper	Contact Person: Jill Ramiel	Work Phone: 907-321-8787
Mailing Address 120 2nd Street, Juneau, Alaska 99801	Home Phone:	Fax Number: none
E-mail Address jill.ramiel@gmail.com	Other Contact Phone Number(s): Ken Alper 907 209 6993	

PROJECT / APPLICANT

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 10/24/18
X	Landowner/Lessee Signature	Date 10/26/18
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 same	Contact Person:	Work Phone:
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			
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)			ADP 2018 - 0002
Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			ADP 2018 - 0003
Variance Case (De Minimis and all other Variance case types)			
Wetlands Permits			ADP 2018 - 0004
Zone Change Application			
Other (Describe)			
***Public Notice Sign Form filled out and in the file.			
Comments:			Permit Intake Initials AL 10/26/18



ALTERNATIVE DEVELOPMENT 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.

TYPE OF ALTERNATIVE DEVELOPMENT PROPOSED (ONLY AVAILABLE TO ALLOWED RESIDENTIAL USES)

☒ Rebuild w/in Existing Footprint ☒ Setback Reduction ☒ Lot Coverage Reduction ☒ Vegetative Coverage Reduction

If requesting a Reduction of Setback(s), Lot Coverage, and / or Vegetative Coverage, the following must be provided:

☒ Map of properties w/in 150' radius ☒ Table demonstrating average corresponding setbacks located w/in 150' radius

PROJECT SUMMARY

The project entails renovations with modest additions to the structure at 526 Seward street, a three story wood framed house to be renovated after a fire with modest additions. The renovation design entails reconfiguration of the existing footprint to include an Accessory Dwelling Unit in addition to the single family residence.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ YES - Case #

☒ NO

Existing use of property: Single Family residence legally, unofficially multifamily or bed and breakfast.

Is this project an: ☒ Expansion ☒ Rehabilitation ☐ New Development

Has this property received a Variance in the Past? ☒ NO ☐ YES - Case #

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 2447 sf square feet Total Area of Existing Structure(s) 3684 sf on three floors square feet

Total Area of Proposed Structure(s) 3749 sf renovation and new square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☒ No
☒ No

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

ALL REQUIRED MATERIALS ATTACHED

☒ Complete Application

☒ Narrative including:

☒ Current use of land or building(s)

☒ Proposed setbacks, lot coverage, vegetative coverage

☒ How the proposed use complies with the Alternative Development Overlay District

☒ Plans (details on page 2)

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 870.00 (2x) \$400.00			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$			
Pub. Not. Sign Deposit	\$			
Total Fee	\$			

* 2 case #s
Thx!

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
AD P20160002	10/26/16

Planning Review for 526 Seward Street, Juneau, Alaska 99801

Owners: Jill Ramiel and Kenneth Alper
120 2nd Street, Juneau, Alaska 99801

Project Narrative:

Owners: Jill Ramiel and Kenneth Alper 120 2nd Street, Juneau, Alaska 99801

The existing house at address 526 Seward street was constructed in 1904 in another location on that block and relocated to its current site in the 1920's to make room for the Capital School (presently known as the Terry Miller Building, owned and operated by the State of Alaska as an office building supporting the State Capital.

526 Seward Street is a three story, wood framed house structure with gabled roof and dormers enclosing the top-most floor. It is situated on a sloping hillside lot with a "daylight" crawlspace. The difference of grade elevation on the site is less than 10' vertical, therefore the benchmark for determination of height limitation is a point on the uphill side of the building which places the first floor approximately 8" above grade.

Approximately 2 years ago the building was severely damaged by fire. The former owner sold the building as-is in the summer of 2018 to the current Owner, and the current Owner is undertaking the renovations of the burnt- out shell. A demolition permit has already been issued, and trash, burnt debris, and damaged interior finishes have already been removed this fall.

The renovation design proposed is comprised of two components: the 4 bedroom single family home the current owners would like to build for themselves, and an Accessory Dwelling unit they would like to construct. Knowing the high demand for housing in Juneau's Down Town and this buildings' favorable location, the Owner feel the addition of an Accessory Dwelling unit both serves the project and community in two ways:

- 1) Through future rents, it will help offset the high cost of renovation.
- 2) Will contribute to Juneau's downtown housing base.

The renovation proposes three items that need consideration by CBJ Planning:

- 1) Conditional Use permit for the Accessory Dwelling. The lot area is less than required for two dwelling units in this zoning.
- 2) Allowing the upward addition on the existing footprint. The owner intends to increase the area of usable building footprint on the third floor, which will require the removal of sloped roof areas and addition of full head-height construction.
 - a. Incidental to the upward expansion the owner would like to use a portion of the new flat roof as a roof terrace. The guardrail around this terrace is below the 35 foot building height limit in this zoning in the Table of Dimensional Standards 49.25.400, but the daylight and access Cupola on this rooftop exceeds the height limits. Section 49.25.420, c, 1 allows an exception for Cupolas, with no apparent height limit. This particular condition places top of cupola at approximate elevation of 41 feet.
- 3) Allow an encroachment of floor area into a side yard setback. This is in the form of a cantilevered projecting bay on three stories, noting the existing building already encroaches in to this same side yard setback to a greater extent.

The existing residential property does not have parking on site. As understood the single family residence would not need to add the otherwise required parking with the renovation, as it is not changing an existing condition. The understanding is that the Accessory Dwelling may be required to include a parking space. As there is clearly no room or access to the site for parking this requirement is proposed to be absorbed within the down town Juneau parking district.

Planning Review for 526 Seward Street, Juneau, Alaska 99801

Zoning Summary:

Legal Description Juneau Townsite BL 22 LT 5 FR

Year Built: 1904, relocated in the 1920's

Zoning: Residential D- 18 Per CBJ Zoning maps
And 49.25.210 (f)

(f) The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

With that definition it would be a good argument that adding two units in this half-acre lot is in the spirit of the property zoning.

49.25.400 Table of Dimensional Standards

Minimum lot size: 5000sf Actual: 2,447 sf (.0562 Acres)

Minimum Lot Width: 50' Actual: 50'

Minimum lot depth: 80' Actual: 50'

Maximum Lot Coverage:

Permissible use : 50%

Conditional Use: 50%

Maximum Height: 35 ft

Setbacks:

Front Yard: 20 ft

Side Street: 13 ft

Rear Yard: 10 ft

Side Yard: 5 ft* *reductions allowed with

Existing setbacks: see site plan.

Road System: Yes

Fire Service: Yes

Water: Yes

Sewer: Yes

Existing Building Footprint: 1356 gsf

Gross Living Space: Fl 1 1356 gsf Proposed: 1370 gsf

Fl 2 1229 gsf Proposed: 1249 gsf

Fl 3 1099 gsf Proposed: 1130 gsf

Accessor Dwelling Unit: 600 sf allowed 598 sf proposed.

Title 49 Alternative Development Overly ADOD

Edward Quinto

From: Sean Boily <sean@northwindarch.com>
Sent: Tuesday, October 09, 2018 11:30 AM
To: Edward Quinto
Cc: Jill
Subject: Pre-app conference for 526 Seward Street.
Attachments: 526_SEWARD_PRINT SET 10_9_18.pdf; Asbuilt Survey Bowes Res. 2013.pdf

Mr. Quinto -

Attached are schematic design drawings for the renovation of the house at 526 Seward Street. These generally describe the proposed new configuration and additions, but don't go into a lot of detail with regards to finishes also attached is a site asbuilt by J. Bean.

This is a three story house. The new Owner as a part of this renovation is proposing a 600 sf accessory apartment on the first floor.

Is there further information you will need for a Pre-app conference?

Items we want to make sure are addressed:

Do we need a Conditional Use Permit for the Accessory Dwelling apartment. The particular issue is the lot is substandard size and the house is larger than the allowable area of site development (50%). Further, the original building had two dwelling units in it (two complete kitchens, two separate entries, correct?) If so, we are not altering the existing conditions from a use stand point. Reading through 49.30.300 (b) and (c): it looks like you can do this reconstruction of that pre-existing use. Question remains as to if parking is an issue.

Will we need a conditional use permit for upward expansion of the building on it's footprint? Aside with specifics of property line location between the buildings, still of particular concern is the back property line and corner facing the Terry Miller Building. The upward expansion is occurring within the side and rear yard setbacks (even though the existing building footprint established) 5' setback on the side yard and 10' setback from the rear yard. I hope I heard Beth correctly, the provision of the Alternative Development Overlay District will allow this. It may also be allowed with a variance or conditional use permit. If not it will take the addition on the back side of the house, third floor, out of the equation. That will impact your master bathroom and third bedroom on that level.

Height: we can get the height in as allowable - to the top of handrail. Getting the stair way access cupola accepted may perhaps be possible. Can include an Access "Cupola" up there in the CU application, but should have a backup plan in hand if it is not allowed.

I am copying the Owner with this correspondence.

NorthWind Architects, LLC

Sean M. Boily, AIA

Principal Architect

126 Seward Street

Juneau, AK 99801

p.907.586.6150, xt 201

f.907.586.6181

c.907.321.4131

www.northwindarch.com

SETBACK Reduction!

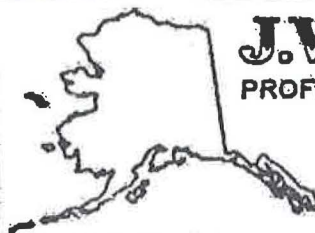
Parcel	Address	Actual side setback	Required side setback	Setback for ADOD
1C060A290010	108 Sixth St	0	5	0
1C060A290030	114 Sixth St	2	5	2
1C070A290010	128 Sixth St	0	5	0
1C070A290020	132 Sixth St	0	5	0
1C040A280010	202 Sixth St	0	5	0
1C070A220040	533 Main St	0	5	0
1C070A220050	525 Main St	0	5	0
1C070A220030	137 Sixth St	1	5	1
		Average		0.375

Parcel	Address	Actual rear setback	Required rear setback	Setback for ADOD
1C060A290010	108 Sixth St	1	10	1
1C060A290030	114 Sixth St	28	10	10
1C070A290010	128 Sixth St	52	10	10
1C070A290020	132 Sixth St	37	10	10
1C040A280010	202 Sixth St	35	10	10
1C070A220040	533 Main St	0	10	0
1C070A220050	525 Main St	0	10	0
1C070A220030	137 Sixth St	1	10	1
		Average		5.25





I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT,
THAT ALL WALKS, ROADS, EASEMENTS, AND IMPROVEMENTS THEREON
ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE
AS SHOWN TO THE BEST OF MY KNOWLEDGE.



4528 SAWA CIRCLE
JUNEAU - ALASKA
(907) 789-0590

SURVEYOR - PLANNER

DES. <i>W.B.</i>	JOB No. <i>9221</i>	SCALE <i>1" = 30'</i>
P.L. <i>21/48</i>	DATE <i>6-3-92</i>	SHEET <i>1 OF 1</i>

526 Seward St.

Juneau, AK 99801

ARCHITECT

Northwind Architects, LLC
126 Seward St.
Juneau, Alaska 99801
(907) 586-6150
Sean Boily, AIA

JUNEAU, AK

PROJECT LOCATION



SOUTHEAST ALASKA
REGION

APPLICABLE CODES

GENERAL NOTES:

1. THE CONTRACTOR IS RESPONSIBLE FOR THE FABRICATION AND INSTALLATION OF ALL MATERIALS AND EQUIPMENT IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE (IRC 2012 EDITION) AND ALL ITS RELATED DOCUMENTS AND AMENDMENTS. ALL MATERIALS SHALL BE STORED, HANDLED, AND INSTALLED PER MANUFACTURERS' OR MATERIAL ASSOCIATIONS' INSTRUCTIONS AND RECOMMENDATIONS.
2. THE CONTRACTOR SHALL COORDINATE AND VERIFY ALL CONDITIONS AFFECTING THE PROJECT SCOPE OF WORK, AND WILL NOTIFY THE OWNER OF ANY DISCREPANCIES, AND/OR VARYING CONDITIONS. THE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION RELATED ACTIVITIES WITH THE OWNER PRIOR TO EXECUTING ANY WORK OF THIS CONTRACT.
3. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO THE FABRICATION AND INSTALLATION OF ANY MATERIALS. CONTRACTOR SHALL PROTECT ALL WORK AREAS FROM DAMAGE DUE TO CONSTRUCTION, RELATED WORK, AND WEATHER. DAMAGED AREAS WILL BE RESTORED TO THEIR ORIGINAL CONDITION AT NO ADDITIONAL COST TO THE OWNER.
4. ALL ARCHITECTURAL ELEVATIONS ARE BASED FROM REFERENCE DATUM ELEVATION OF 0'-0" FROM TOP OF FINISH FIRST FLOOR. THE BUILDING MAY NOT BE LEVEL AND SOME DIMENSIONS AS THEY RELATE TO ELEVATIONS MUST BE COORDINATED AND VERIFIED.
5. CONTRACTOR IS RESPONSIBLE FOR THE DESIGN OF ALL ROOF, CEILING, AND FLOOR MOUNTED CONSTRUCTION RIGGING. AVOID STACKING ANY CONCENTRATED LOADS ON THE EXISTING ROOF. CONTRACTOR WILL BE RESPONSIBLE FOR ALL TEMPORARY SHORING AND ANY TEMPORARY WORK OPENINGS IN THE BUILDING ENVELOPE. ALL OPENINGS WILL BE REPAIRED WITH MATERIALS AND ASSEMBLIES TO MATCH EXISTING.
6. UTILITIES: OWNER WILL FURNISH ELECTRICAL POWER (120V AND 220V) FOR EQUIPMENT AND LIGHTING. CONTRACTOR IS REQUIRED TO FURNISH ALL TEMPORARY ACCESS TO CONSTRUCTION, LIGHTING AND HEAT. CONTRACTOR SHALL NOT USE OWNER PROVIDED ELECTRICITY FOR TEMPORARY HEAT. CONTRACTOR SHALL PROVIDE AND MAINTAIN SEPARATE TOILET FACILITIES DURING CONSTRUCTION, UNTILL WHICH TIME PLUMBING IN THE HOUSE MAY BE ACTIVATED. AT THAT TIME, A BATROOM ON THE FIRST FLOOR MAY BE USED BY THE CONTRACTOR, BUT MYUST BE IN AS-NEW CONDITION AT THE END OF THE PROJECT.
7. INSPECTION: THE CONTRACTOR IS TO NOTIFY OWNER OF UNEXPECTED DAMAGED MATERIALS OBSERVED DURING CONSTRUCTION. REPLACE DAMAGED MATERIALS AS DIRECTED AND AUTHORIZED BY THE OWNER. WORK OUTSIDE THE SCOPE OF THIS CONTRACT SHALL, ON THE AUTHORIZATION OF THE OWNER, BE REPLACED AT ADDITIONAL NEGOTIATED COST TO THE CONTRACT.
8. THE CONTRACTOR SHALL PROVIDE TO THE OWNER AT THE TIME OF CONTRACT CLOSE-OUT, THE PRODUCTS, SPARE PARTS, EXTRA STOCK, AND MAINTENANCE MATERIALS IN QUANTITIES SPECIFIED, IN ADDITION TO THAT USED FOR CONSTRUCTION OF THE WORK.
9. REMOVE OR SALVAGE ALL ACCESSORIES, LIGHTING, DEVICES AND EQUIPMENT PRIOR TO PROCEEDING WITH THE WORK. REINSTALL ALL ITEMS IDENTIFIED FOR SALVAGE AND REUSE AFTER COMPLETION OF THE WORK, UNLESS OTHERWISE NOTED OR DIRECTED BY OWNER. REPAIR/PATCH EXISTING FINISHES TO MATCH SURROUNDING WHERE ITEMS ARE REMOVED AND NOT REINSTALLED.
10. WHERE PIPE OR CONDUIT ARE IDENTIFIED FOR REMOVAL UP TO REMAINING, ENDS ARE TO BE CUT BACK BEHIND FACE OF FINISH, CAPPED OR SEALED, AND FINISH EXTENDED ACROSS PENETRATION.
11. THE CONTRACTOR SHALL ENSURE COORDINATION AND CONTINUITY BETWEEN TRADES, AND SHALL CONFIRM ALL CONDITIONS NECESSARY TO PROCEED WITH ANY COMPONENT OF THE WORK, INCLUDING PREPARATION OF ANY NEW OR EXISTING MATERIAL SUBSTRATE OR SURFACE TO RECEIVE FINISHES AND/OR EQUIPMENT.
12. ALL ITEMS IDENTIFIED IN THESE CONSTRUCTION DOCUMENTS ARE NEW AND TO BE PROVIDED AS A PART OF THIS CONTRACT, UNLESS OTHERWISE NOTED.
13. ALL ITEMS IDENTIFIED FOR SALVAGE BUT NOT REINCORPORATED IN THE WORK ARE TO BE TURNED OVER TO OWNER UNLESS OTHERWISE NOTED OR DIRECTED.
14. DRAWING SCALE: THIS SET OF DRAWINGS HAS BEEN PRODUCED WITH SCALE INDICATORS AND BARS TO PRINT FULL SIZE 22"x34" SHEET SETS. FOR THE PURPOSE OF CLARITY, 22"x34" DRAWING SETS WILL BE IDENTIFIED AS "FULL-SIZE" SETS, AND 11"x17" DRAWING SETS WILL BE REFERRED TO AS "HALF-SIZE" SETS. FOR THE PURPOSE OF ACCURACY, VERIFY ALL MEASURED DIMENSIONS WITH SCALE BARS PROVIDED FOR AND THE SCALE VERIFICATION BAR IN THE ARCHITECTURAL TITLE BLOCK.

SCOPE OF WORK SUMMARY

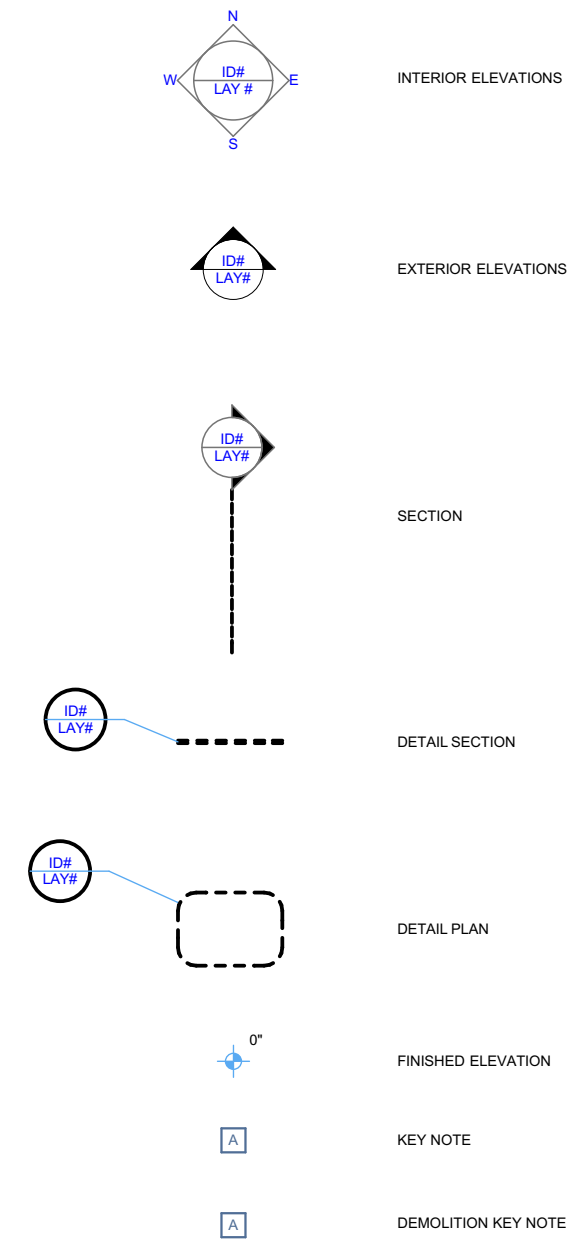
IN 2016 THE HOME AT 526 SEWARD STREET SUFFERED A SEVERE FIRE. THE PROPERTY WAS PORITINGALY CONSTRUCTED IN THEEARLY 20TH CENTRY AND WAS RELOCATED TO ITS PRESENT SITE IN THE 1920'S TO MAKE WAY FOR THE CONSTRUCTOIN OF CAPITAL sCHOOL, CUURRENTLY KNOWN AS THE TERRY MILLER OFFICE BUILDING. THE STRUCTURE IS ON RECORD AS A DUPLEX, BUT WAS MODST RECENTLY DEVELOPED AND UTILIZED AS BED-AND-BREAKFAST. THE CORRENT OWNERS ARE RECONSTRUCTING THE PROPERTY WITHAS A SINGEL FAMILY RESIDENCE WITH ACECESSORY DWELING UNIT.

ACCESSPRY DWELING UNIT AND ENTRY TO THE MAIN RESIDENCE SHLL BE ON THE FIRST FLOOR. PRIMARY PUBLIC SPACES OF THE SINGLE FAMILY DWELLING INCLUDING KITCHEN, LIVING ROOM AND GUEAT BATHROOM SHALL BE ON THE SECOND FLOOR. THE MASTER BEDROOM AND THREESMALL BEDROOMS SHALL BE ON THE THIRD FLOOR. THE FLAT ROOF TIP SHALL BE SERVED BY AN ACCESS STAIRWAY AND ATTICSPACE. THE FLAT ROOF TOP SHALL BE EQUIPPED WITH A GUARDRAIL.

THE BUILDING SHALL BE WOOD FRAMED WITH METAL AND WOOD CLADDING.

SHEET INDEX	
ID	Name
G0.0	TITLE SHEET / GENERAL INFO
G0.1	SPECIFICATION SHEET
G0.2	SITE PLAN
A1.0	1st FLOOR DEMO PLAN
A1.1	2nd FLOOR DEMO PLAN
A1.2	3rd FLOOR DEMO PLAN
A2.0	1st FLOOR PLAN
A2.1	2nd FLOOR PLAN
A2.2	3rd FLOOR PLAN
A2.3	ROOF DECK FLOOR PLAN
A3.0	BUILDING SECTION
A3.1	BUILDING SECTION
A3.2	BUILDING SECTION
A3.3	BUILDING SECTION
A4.0	NORTH ELEVATION
A4.1	EAST ELEVATION
A4.2	SOUTH ELEVATION
A4.3	WEST ELEVATION
A5.0	ROOF PLAN
A6.0	DOOR SCHEDULE
A6.1	WINDOW SCHEDULE
A7.0	ROOF DETAILS

SYMBOLS



126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

TITLE SHEET /
GENERAL INFO

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET

G0.0

PLOT DATE	11/15/2018
ISSUE DATE	11/15/2018

DIVISON 03 - CONCRETE

DIVISON 04 - MASONRY

DIVISON 05 - METALS

DIVISON 06 - WOOD AND PLASTICS

DIVISON 07 - THERMAL AND MOISTURE PROTECTION

DIVISON 08 - DOORS AND WINDOWS

DIVISON 09 - FINISHES

DIVISON 15 - MECHANICAL & PLUMBING

DIVISON 16 - ELECTRICAL

Packet Page 210 of 376



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← 1" ACTUAL →
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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
SPECIFICATION
SHEET

CHECKED
DRAWN SAP, SMB

issue	mark	date	description

SHEET #

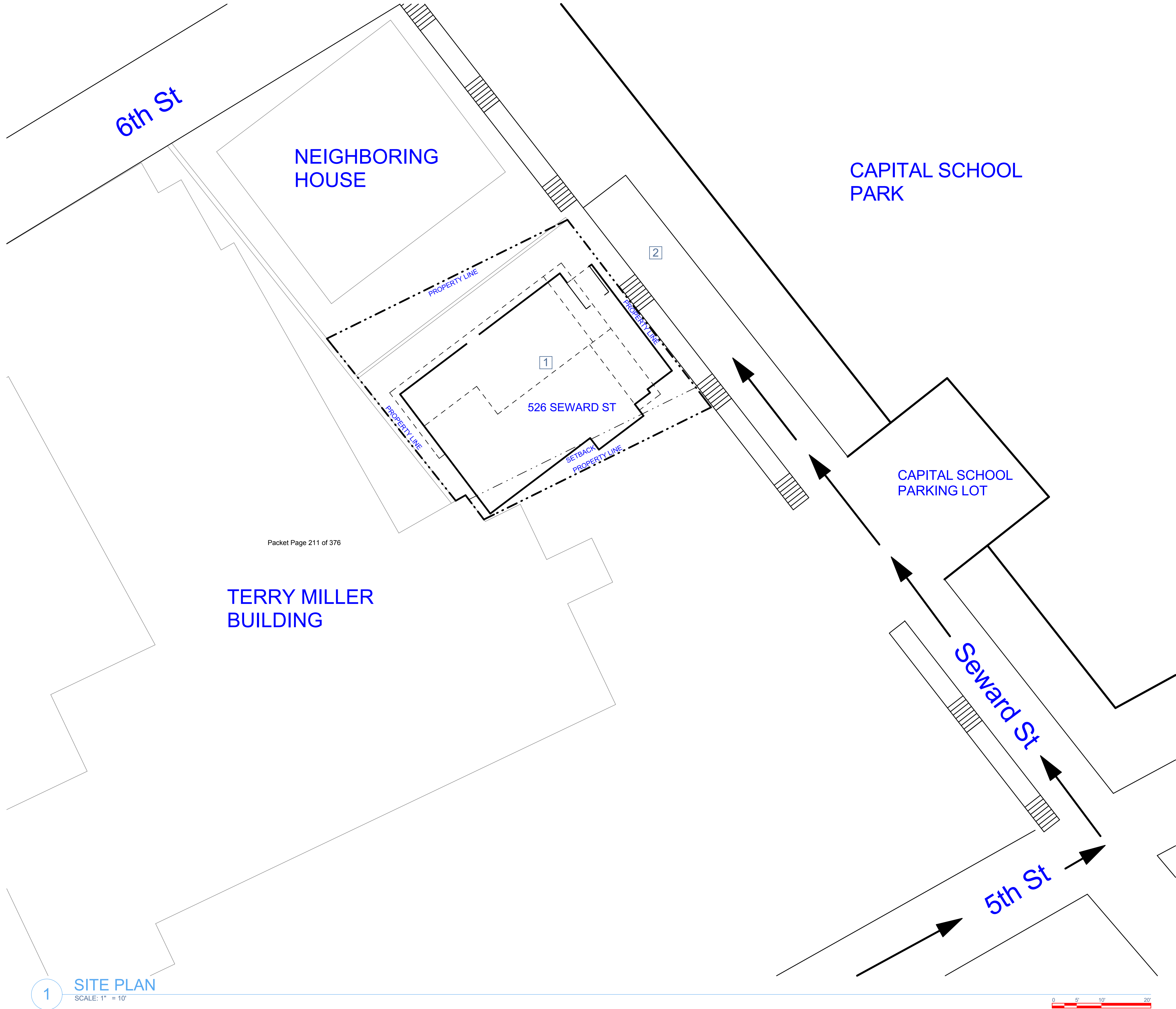
PLOT DATE

ISSUE DATE

G0.1

11/15/2018

11/15/2018



GENERAL SITE NOTES:

1. ALL CONSTRUCTION WASTE TO BE REMOVED FROM SITE DAILY
- 2.

SHEET NOTES:

- | | |
|---|-----------------------------------|
| 1 | WORK LIMITS, INSIDE PROPERTY LINE |
| 2 | STAGING AREA |



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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
SITE PLAN

CHECKED
DRAWN SAP, SMB

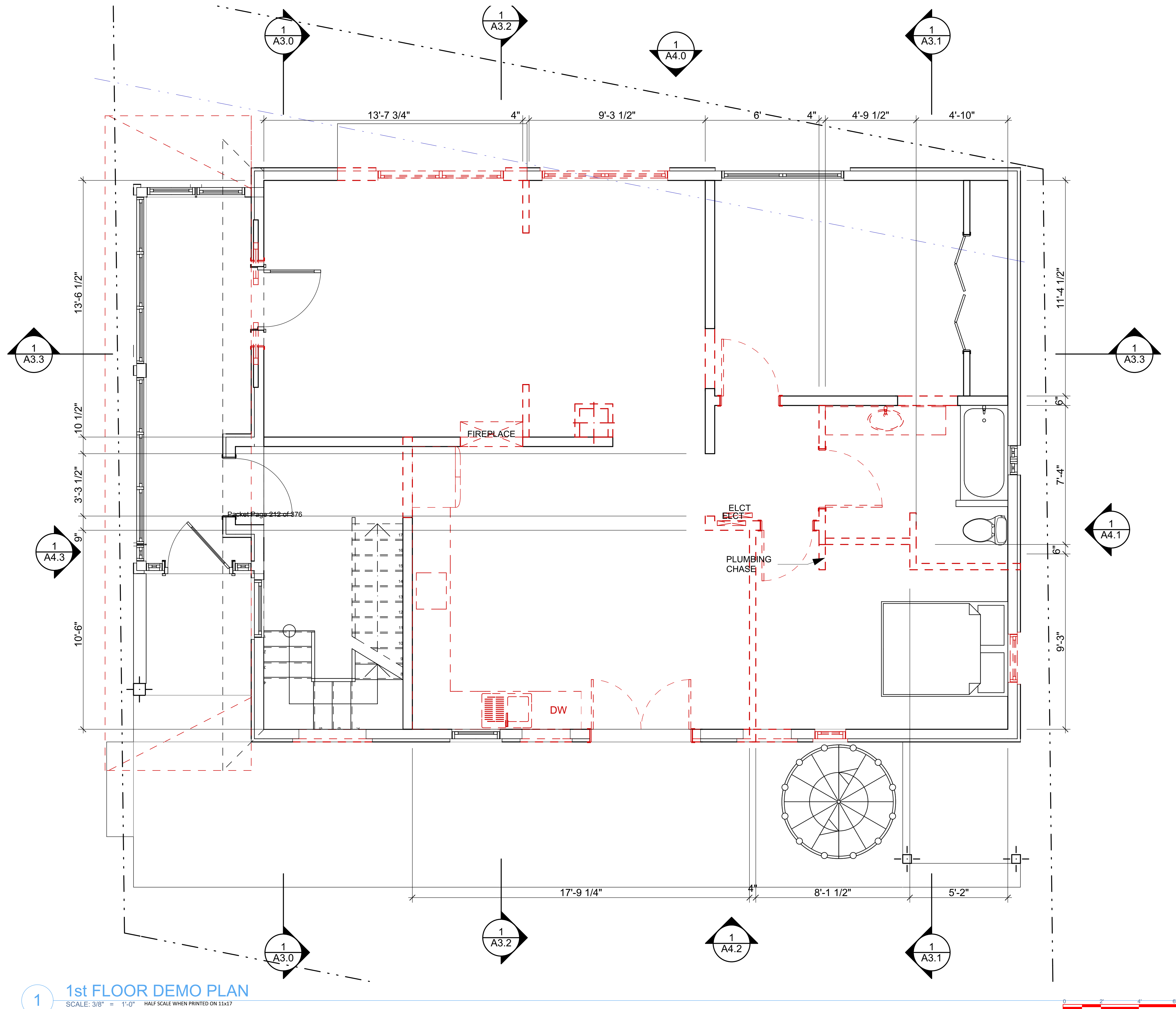
issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

G0.2

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 SITE PLAN
SCALE: 1" = 10'



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

W
N
NorthWind
Architects LLC
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Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL
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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
1st FLOOR DEMO
PLAN

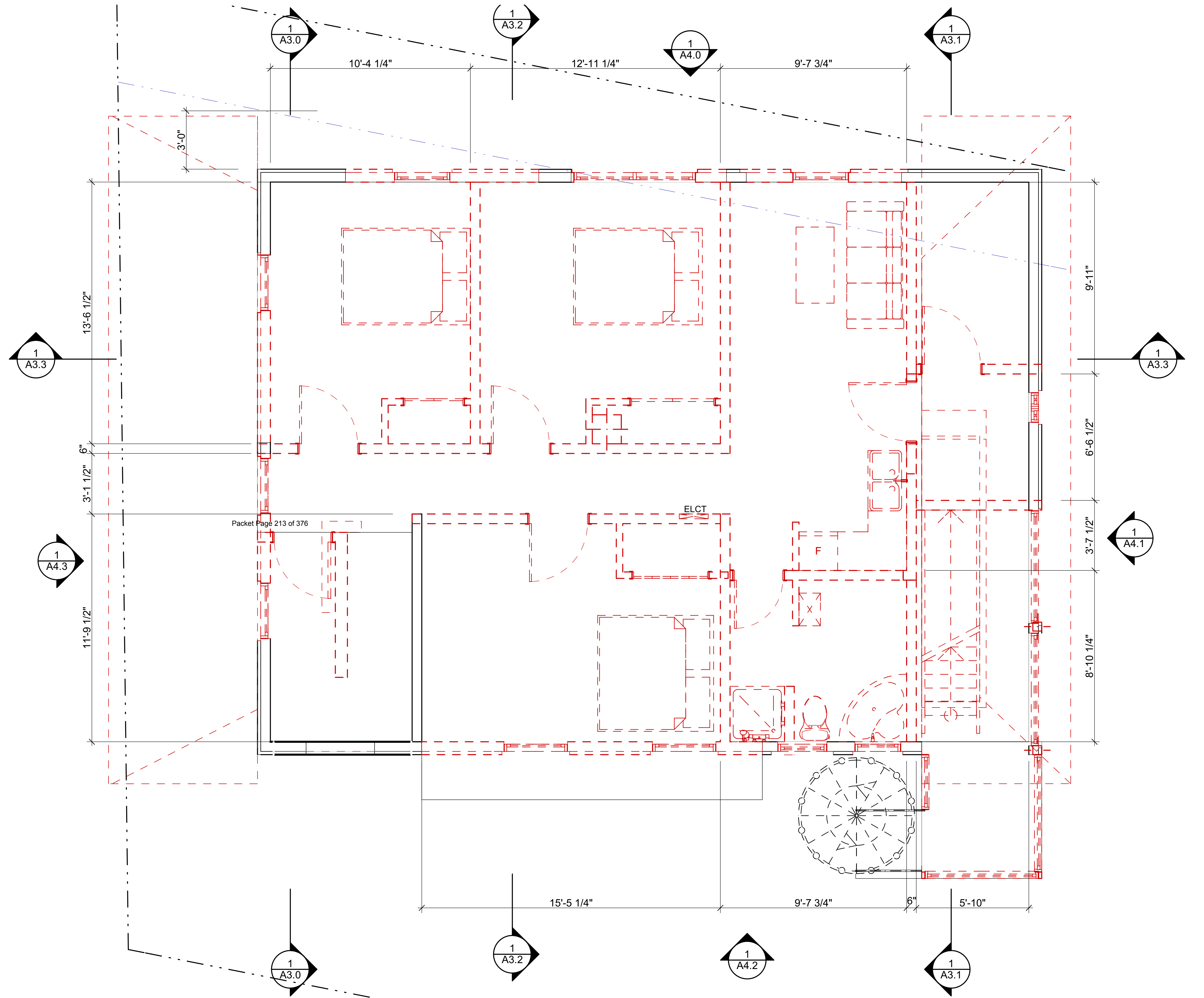
CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A1.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

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Ph #907.586.6150
www.northwindarch.com

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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

2nd FLOOR DEMO PLAN

CHECKED

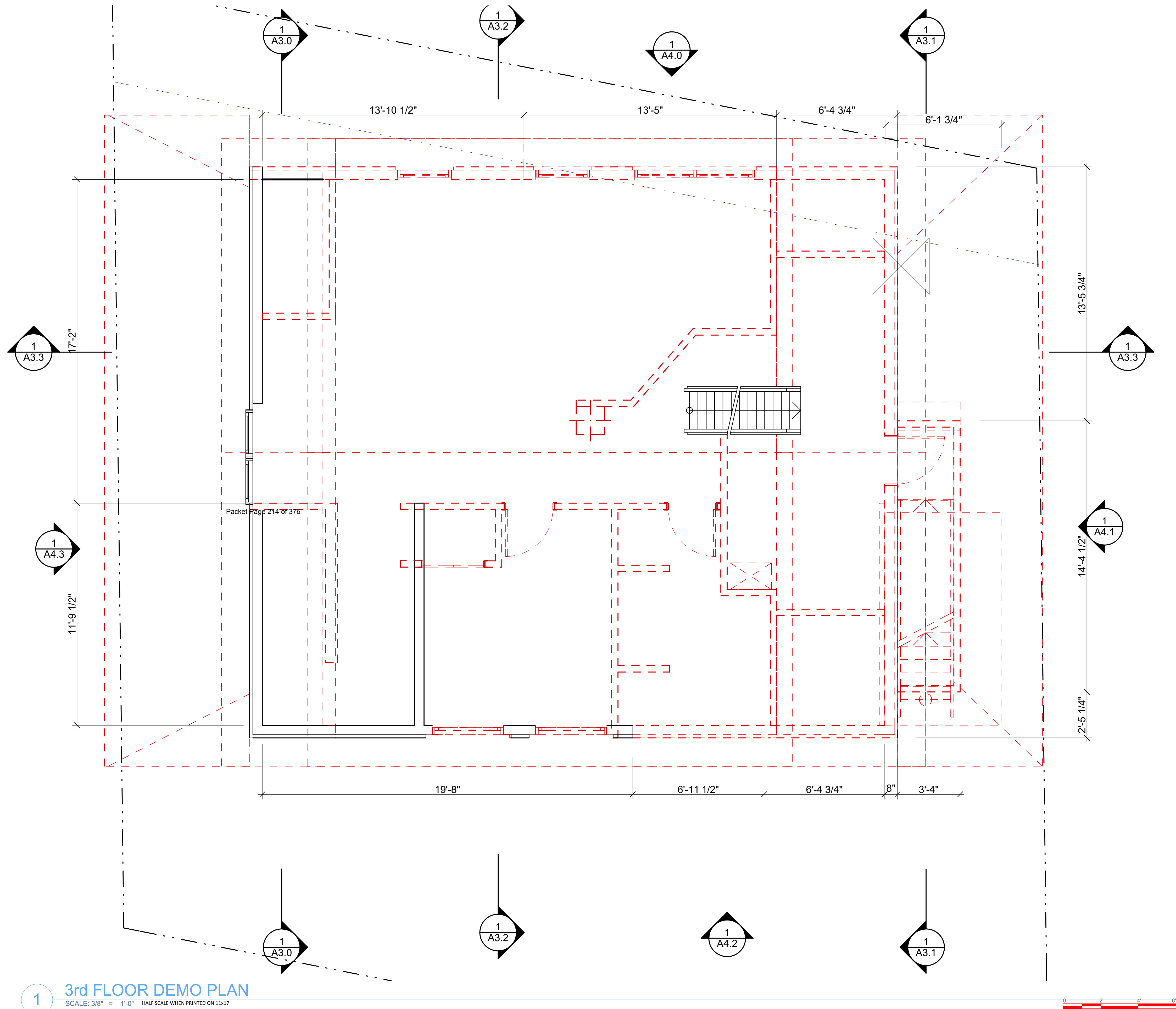
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A1.1

PLOT DATE	11/15/2018
ISSUE DATE	11/15/2018



GENERAL DEMOLITION NOTES:

- 1.
- 2.

DEMOLITION KEY NOTES:

- 1
- 2
- 3
- 4
- 5
- 6
- 7

W

N

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1" ACTUAL
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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:

3rd FLOOR DEMO
PLAN

CHECKED

DRAWN SAP, SMB

issue mark date description

01 01 8/28/2018 Issue

SHEET #

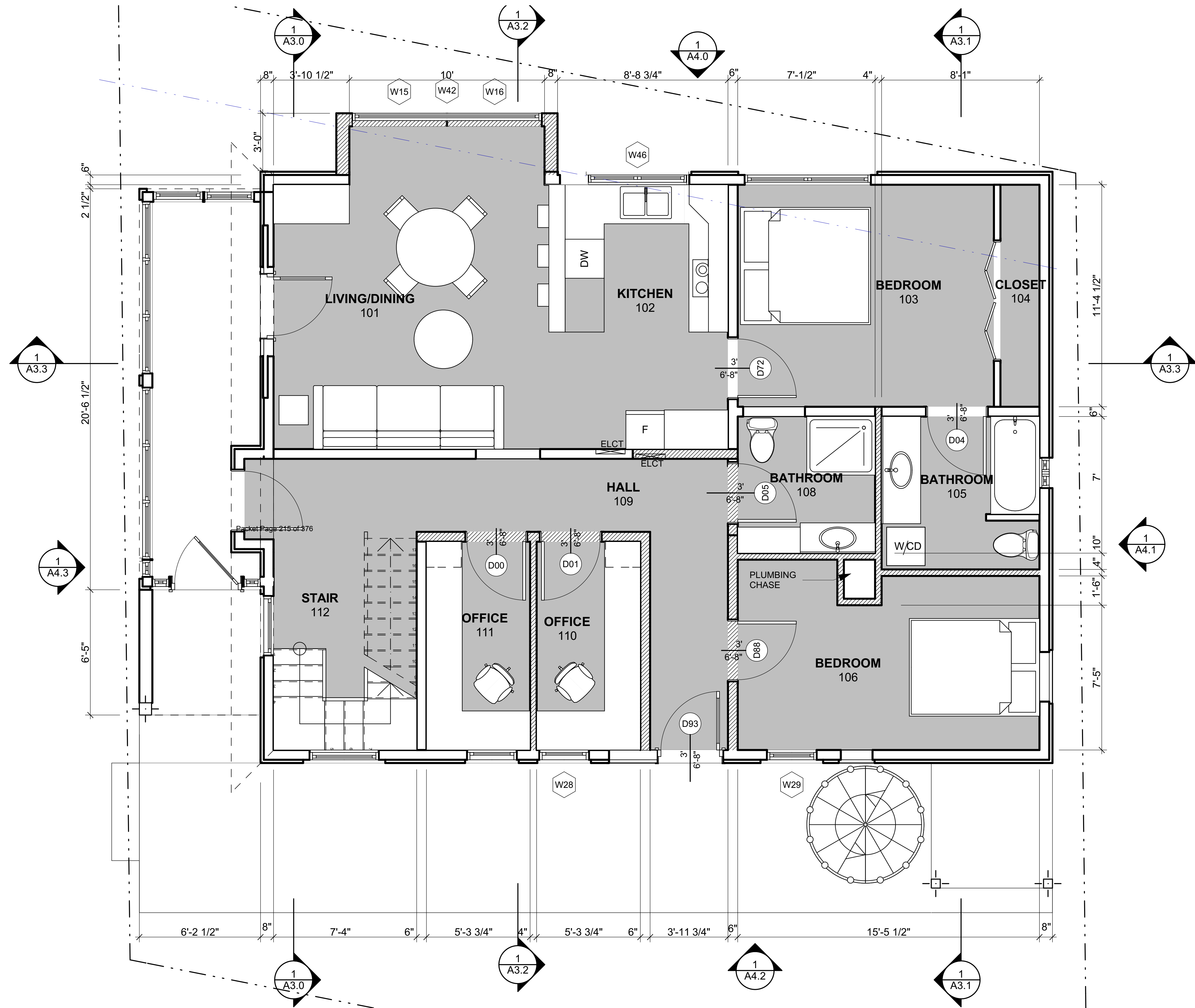
A1.2

PLOT DATE

11/15/2018

ISSUE DATE

11/15/2018



GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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1" ACTUAL
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NWA- 1823
Juneau, AK

SHEET TITLE:

1st FLOOR PLAN

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

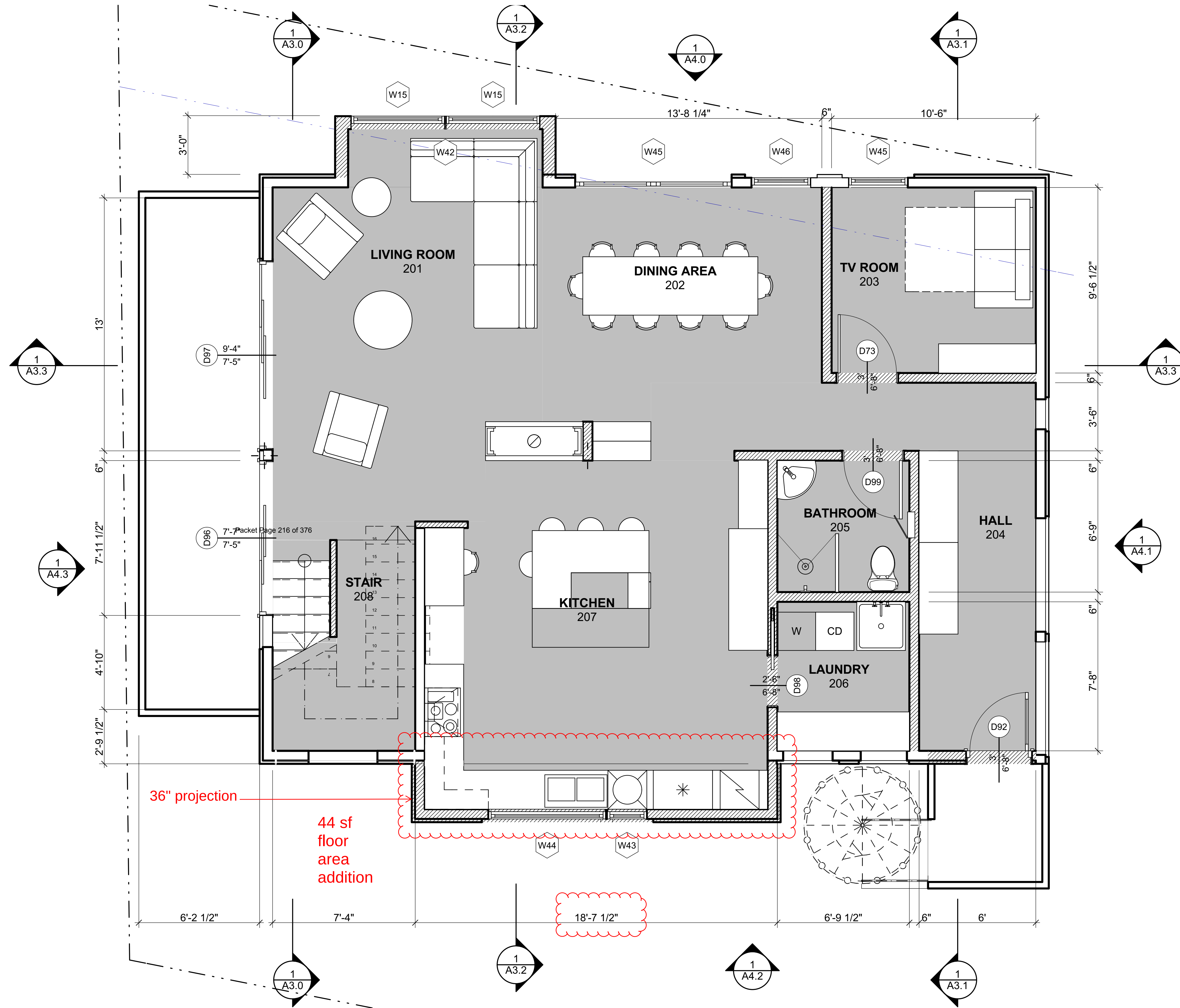
A2.0

PLOT DATE 11/15/2018

ISSUE DATE 11/15/2018

1 1st FLOOR PLAN

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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1" ACTUAL
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ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
2nd FLOOR PLAN

CHECKED
DRAWN SAP, SMB

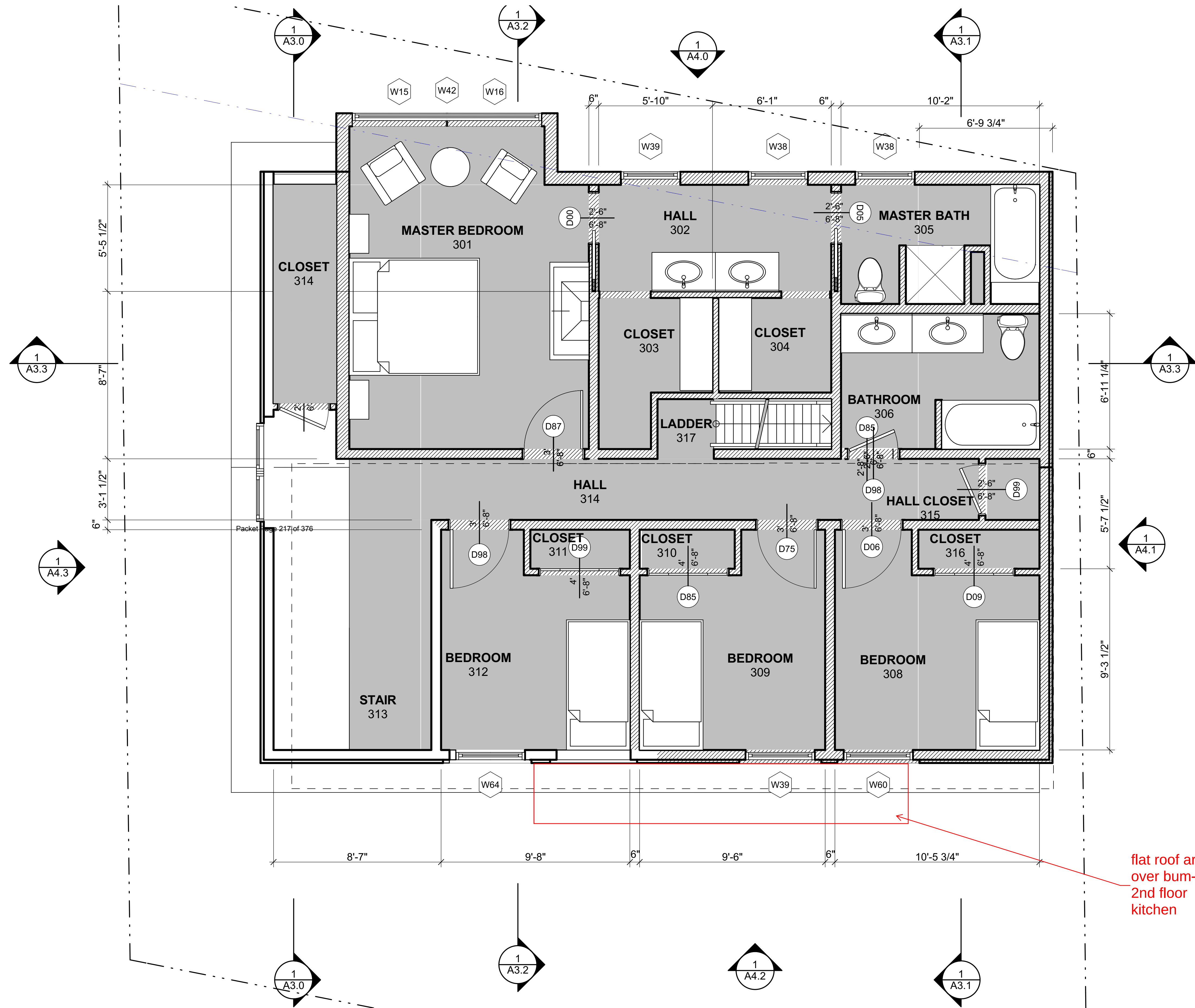
issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A2.1

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 2nd FLOOR PLAN
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



- GENERAL NOTES:
- -
 -
 -
 -

- KEY NOTES:
- -
 -
 -
 -

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1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

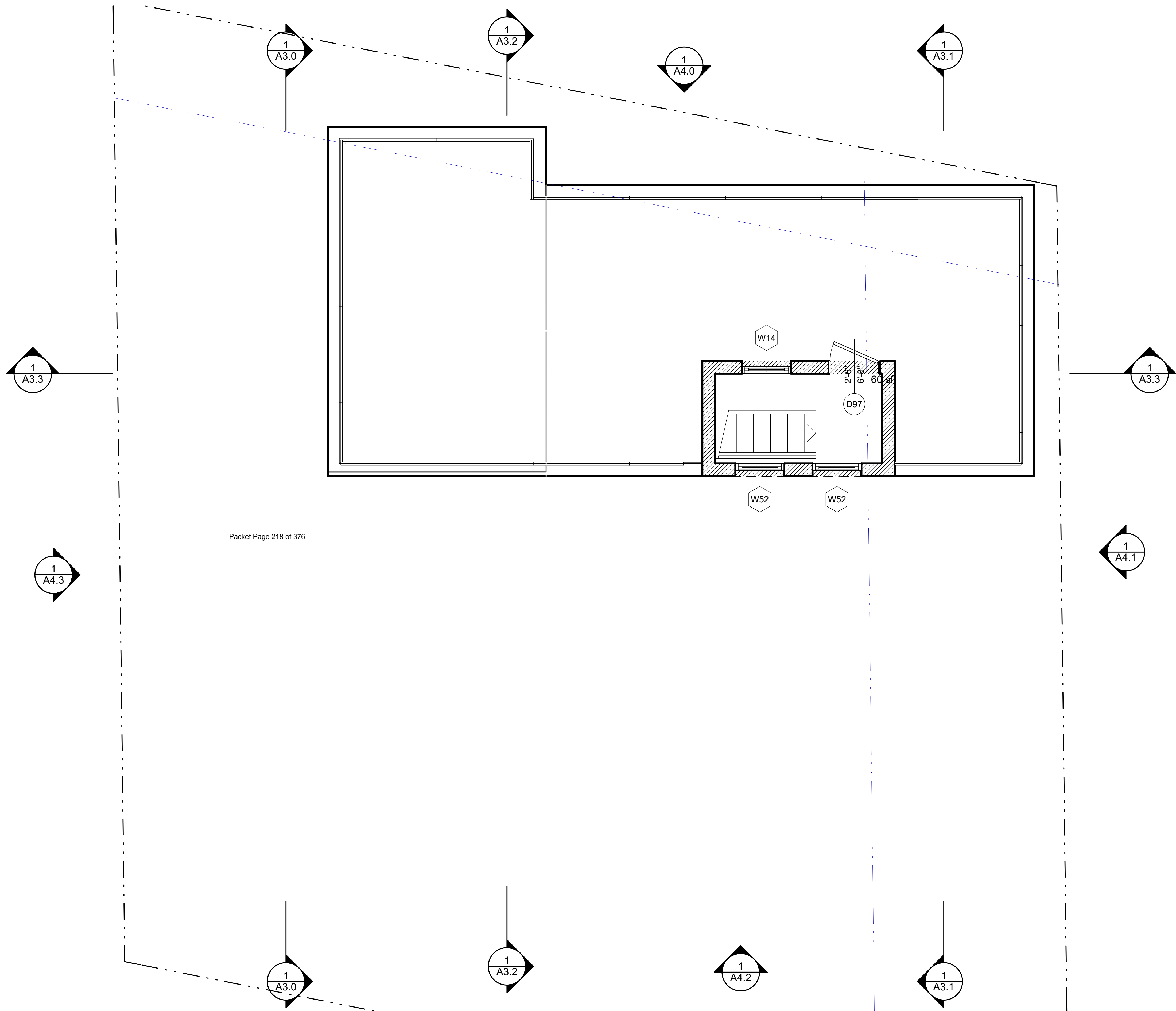
526 Seward st.
NWA- 1823
Juneau, AK

SHEET TITLE:
3rd FLOOR PLAN

CHECKED			
DRAWN SAP, SMB			
issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #
A2.2
PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

3rd FLOOR PLAN
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



Packet Page 218 of 376

GENERAL NOTES:

- 1.
- 2.
- 4.
- 5.

KEY NOTES:

- 1
- 2
- 3
- 4
- 5



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NWA- 1823
Juneau, AK

SHEET TITLE:

ROOF DECK
FLOOR PLAN

CHECKED

DRAWN SAP, SMB

issue	mark	date	description
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SHEET #

A2.3

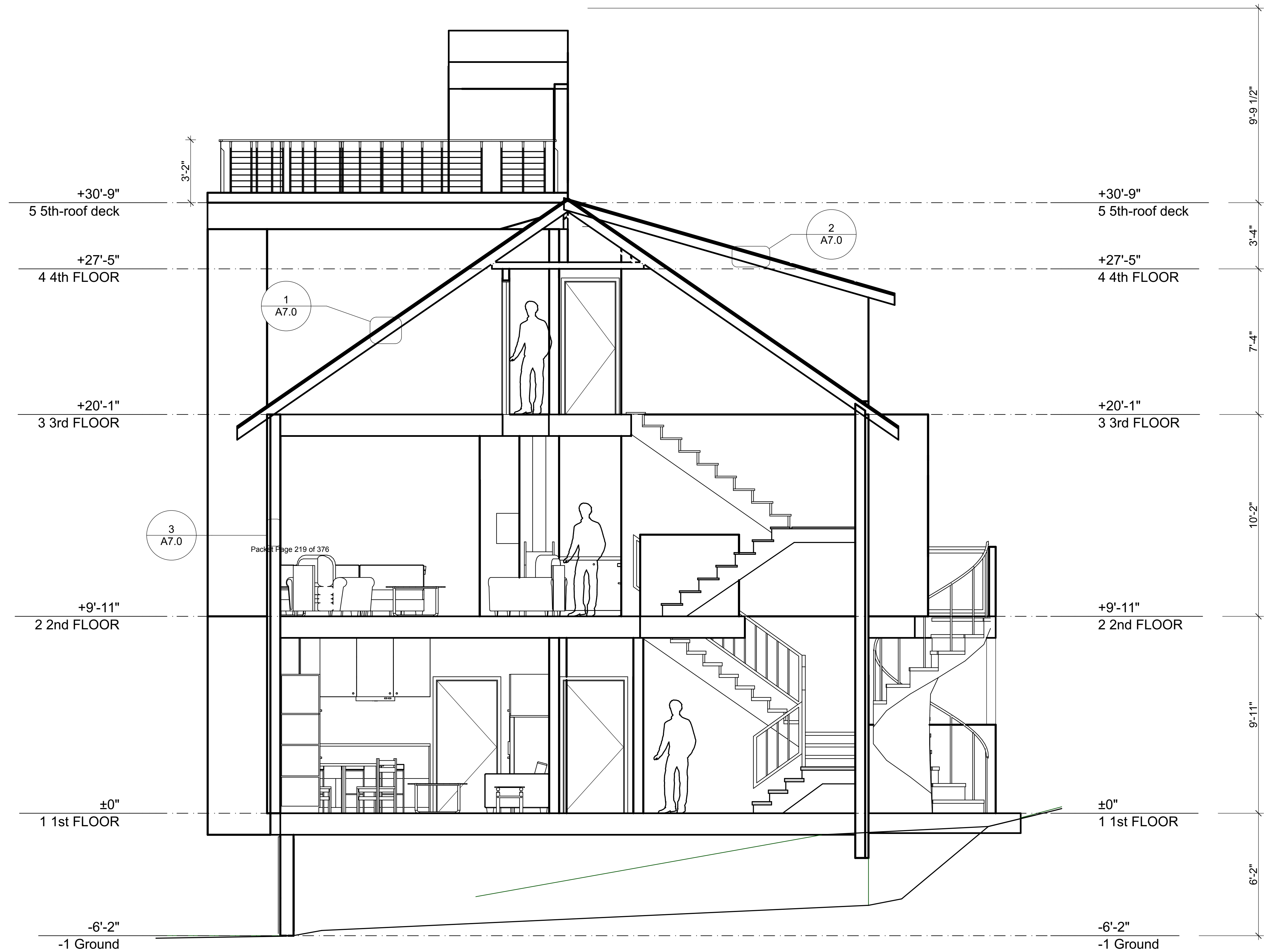
PLOT DATE 11/15/2018

ISSUE DATE 11/15/2018

1 ROOF DECK FLOOR PLAN

SCALE: 3/8" = 1'-0"

0 2' 4' 6'



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ALL LABELED SCALES.

526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
BUILDING SECTION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

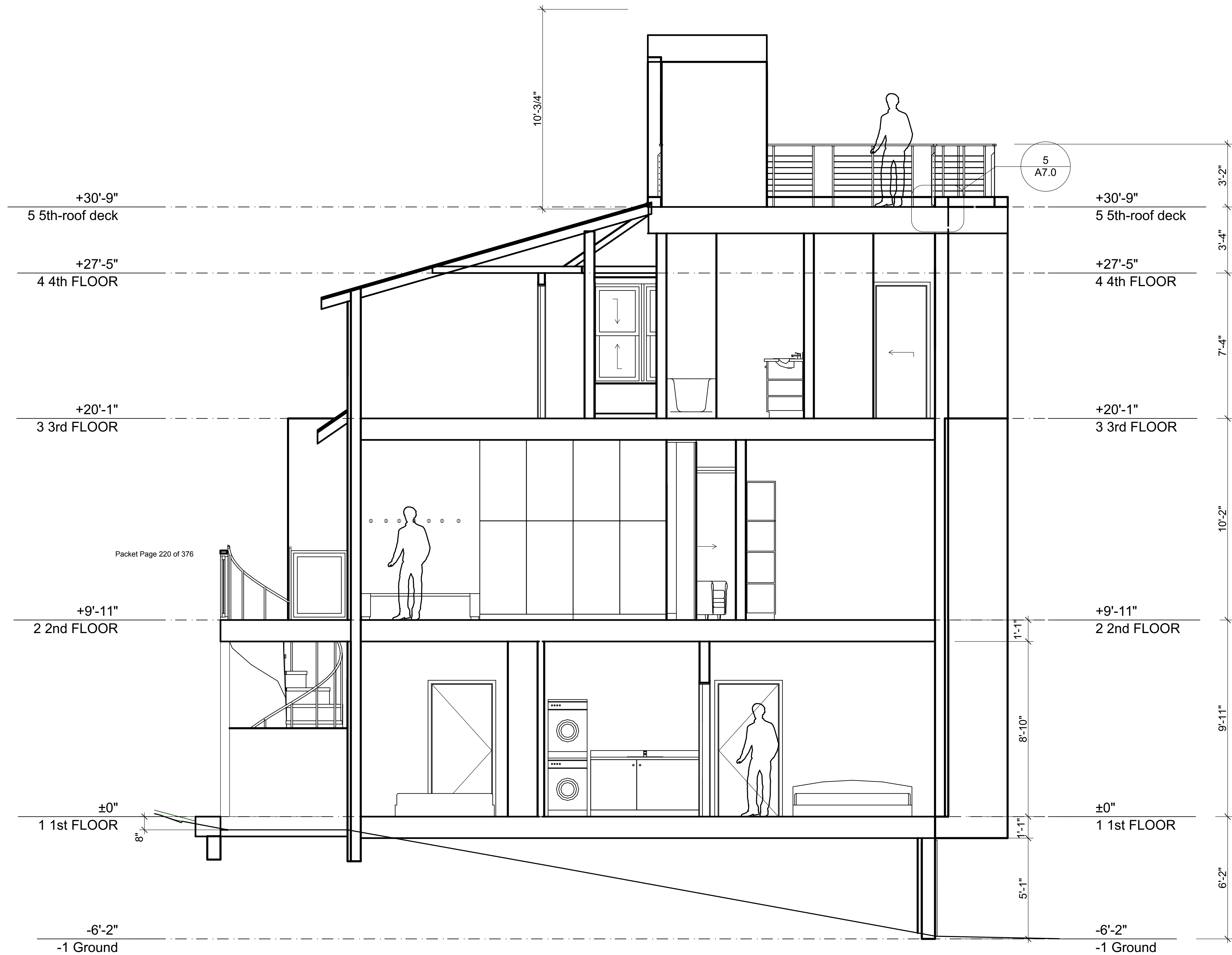
SHEET #

A3.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018

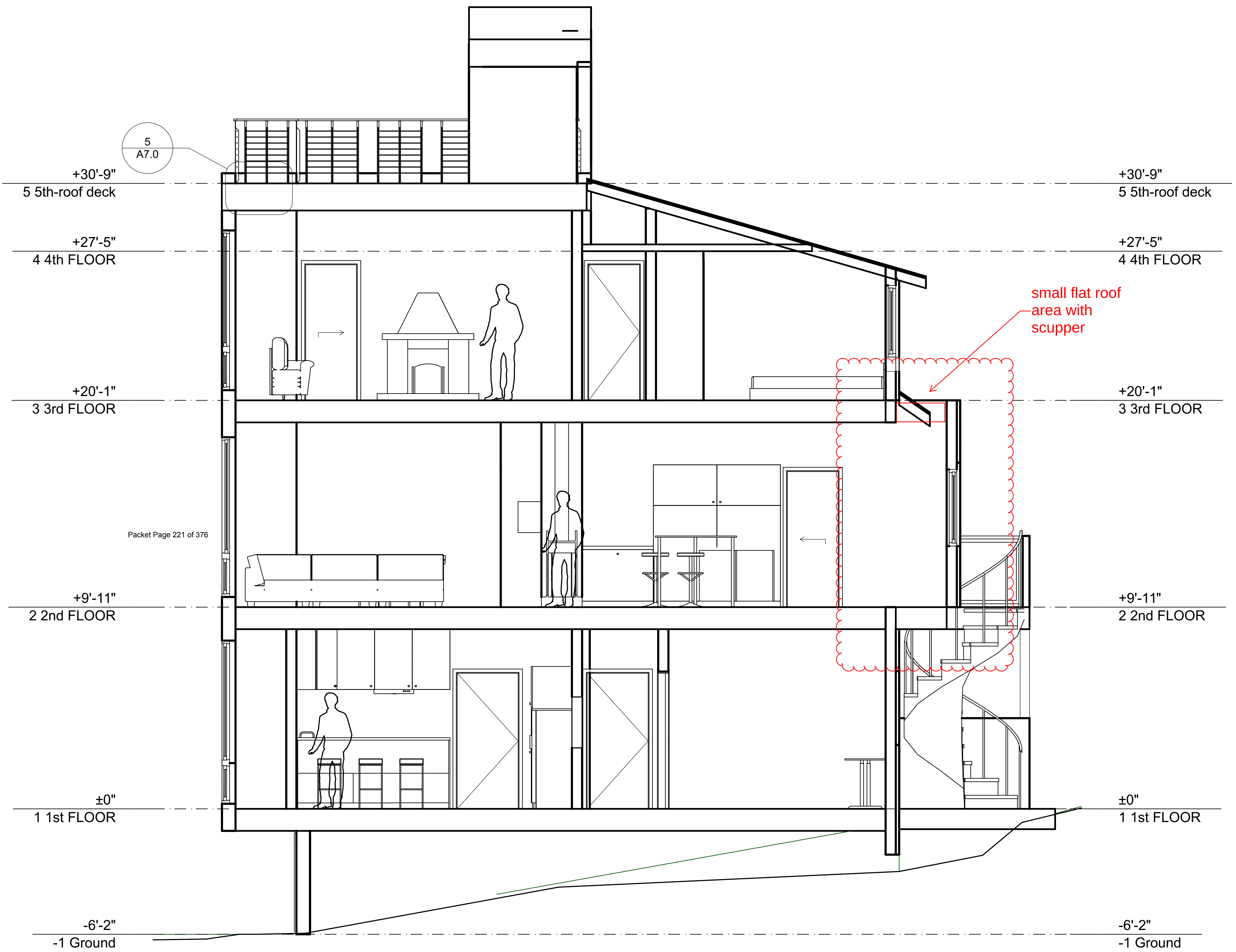
1 SECTION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17





1 SECTION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17





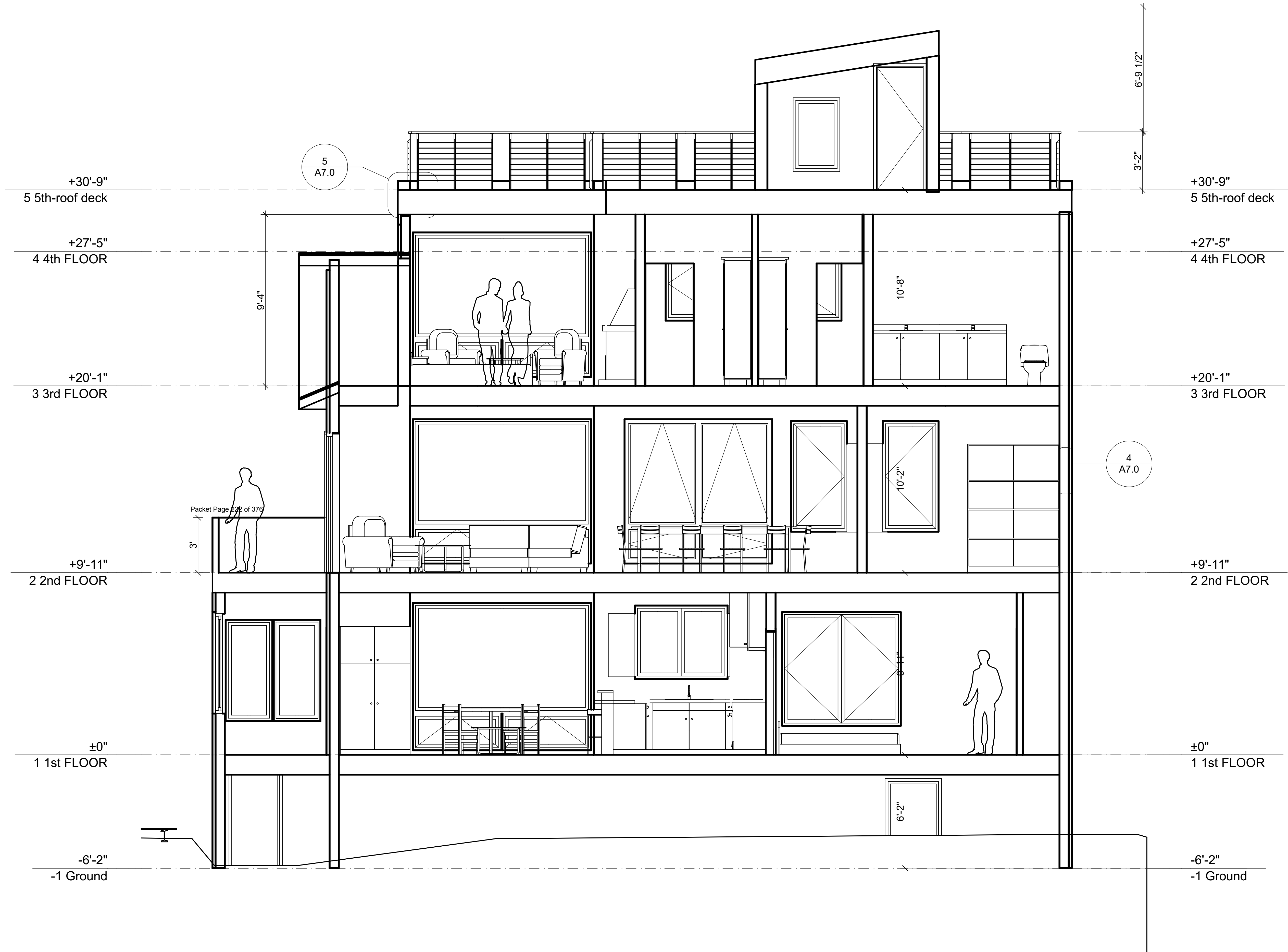
1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.
NWA- 1823
Juneau, AK

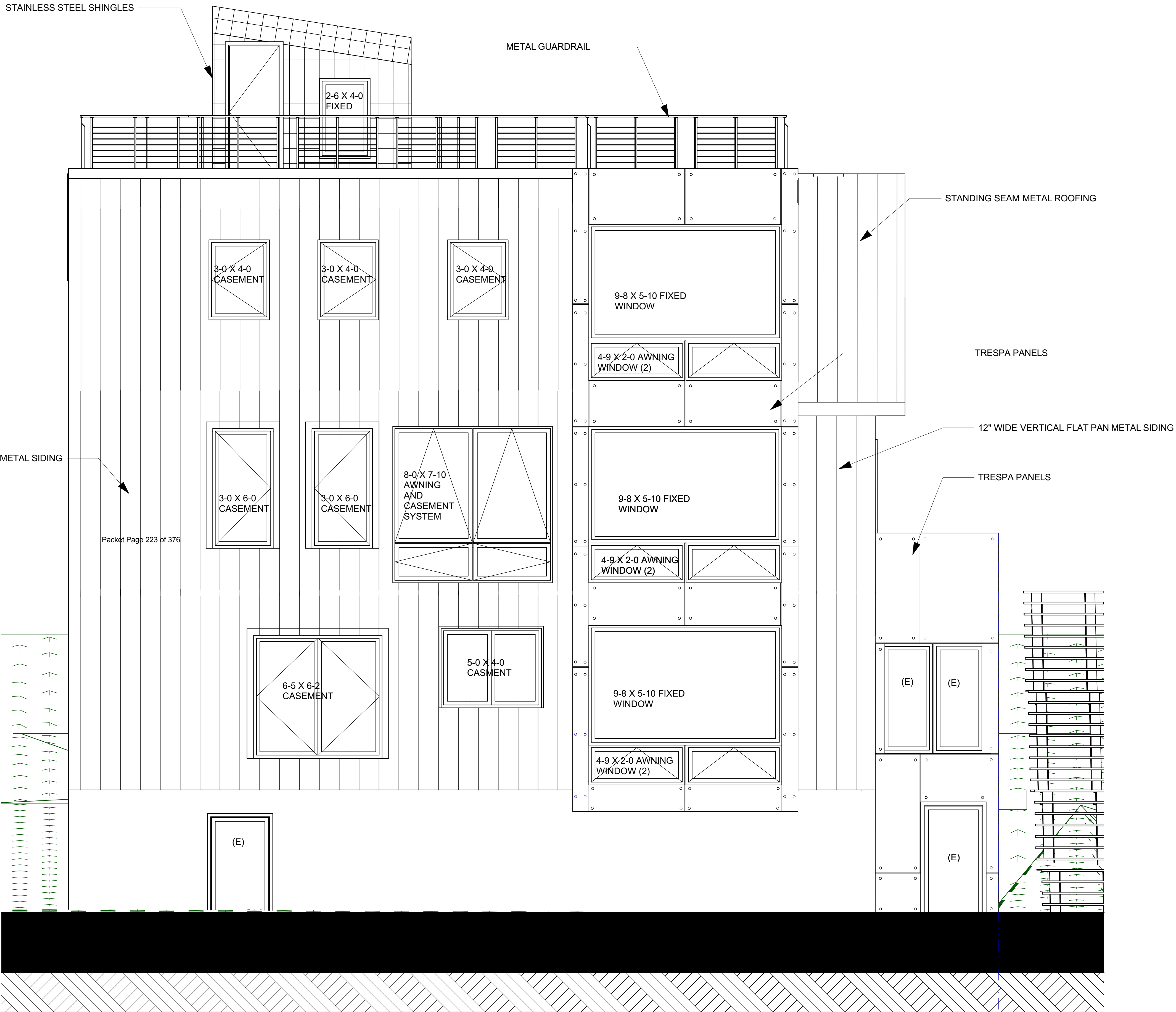
SHEET TITLE:
BUILDING SECTION

CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue



1 SECTION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17



STAINLESS STEEL SHINGLES

METAL GUARDRAIL

2-6 X 4-0
FIXED

3-0 X 4-0
CASEMENT

3-0 X 4-0
CASEMENT

3-0 X 4-0
CASEMENT

3-0 X 6-0
CASEMENT

3-0 X 6-0
CASEMENT

8-0 X 7-10
AWNING
AND
CASEMENT
SYSTEM

6-5 X 6-2
CASEMENT

5-0 X 4-0
CASMENT

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

9-8 X 5-10 FIXED
WINDOW

4-9 X 2-0 AWNING
WINDOW (2)

STANDING SEAM METAL ROOFING

TRESPA PANELS

12" WIDE VERTICAL FLAT PAN METAL SIDING

TRESPA PANELS

(E)

(E)

(E)

(E)

Packet Page 223 of 376

0 2 4 6

1 NORTH ELEVATION

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

Attachment A - Application

W
N
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Architects LLC
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Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL
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526 Seward st.

NWA- 1823
Juneau, AK

SHEET TITLE:
NORTH ELEVATION

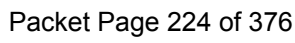
CHECKED
DRAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A4.0

PLOT DATE 11/15/2018
ISSUE DATE 11/15/2018



— TRESPA PANELS

TRESPA PANELS

6-1 X 5-2
GLASS RAILING

— EXISTING GLASS BLOCK OPENING

THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

526 Seward st.

Juneau, AK

HEET TITLE:
EAST ELEVATION

RAWN SAP, SMB

issue	mark	date	description
01	01	8/28/2018	Issue

SHEET #

A4.1

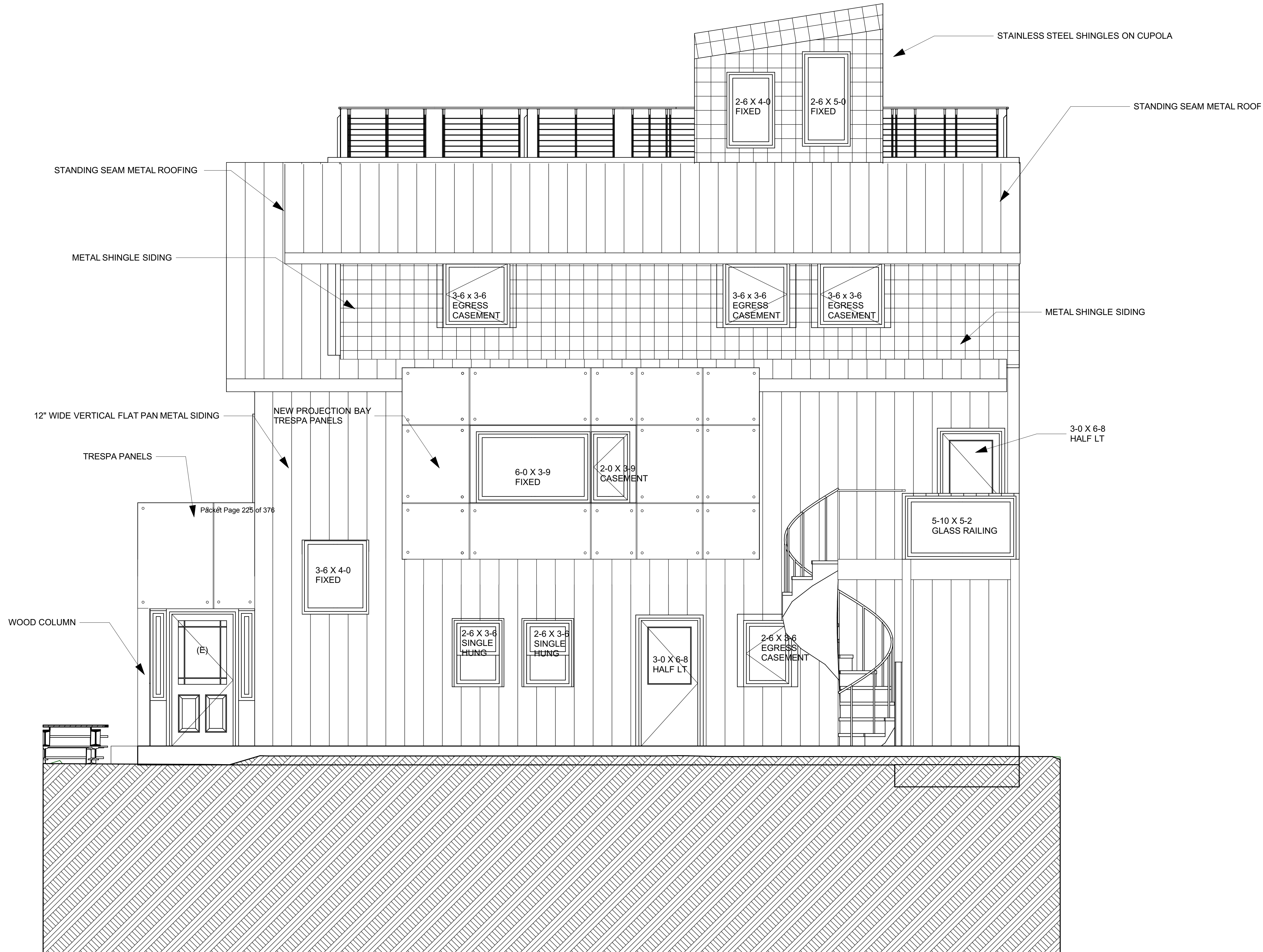
LOT DATE 11/15/2018
ISSUE DATE 11/15/2018

1 EAST ELEVATION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED

SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17

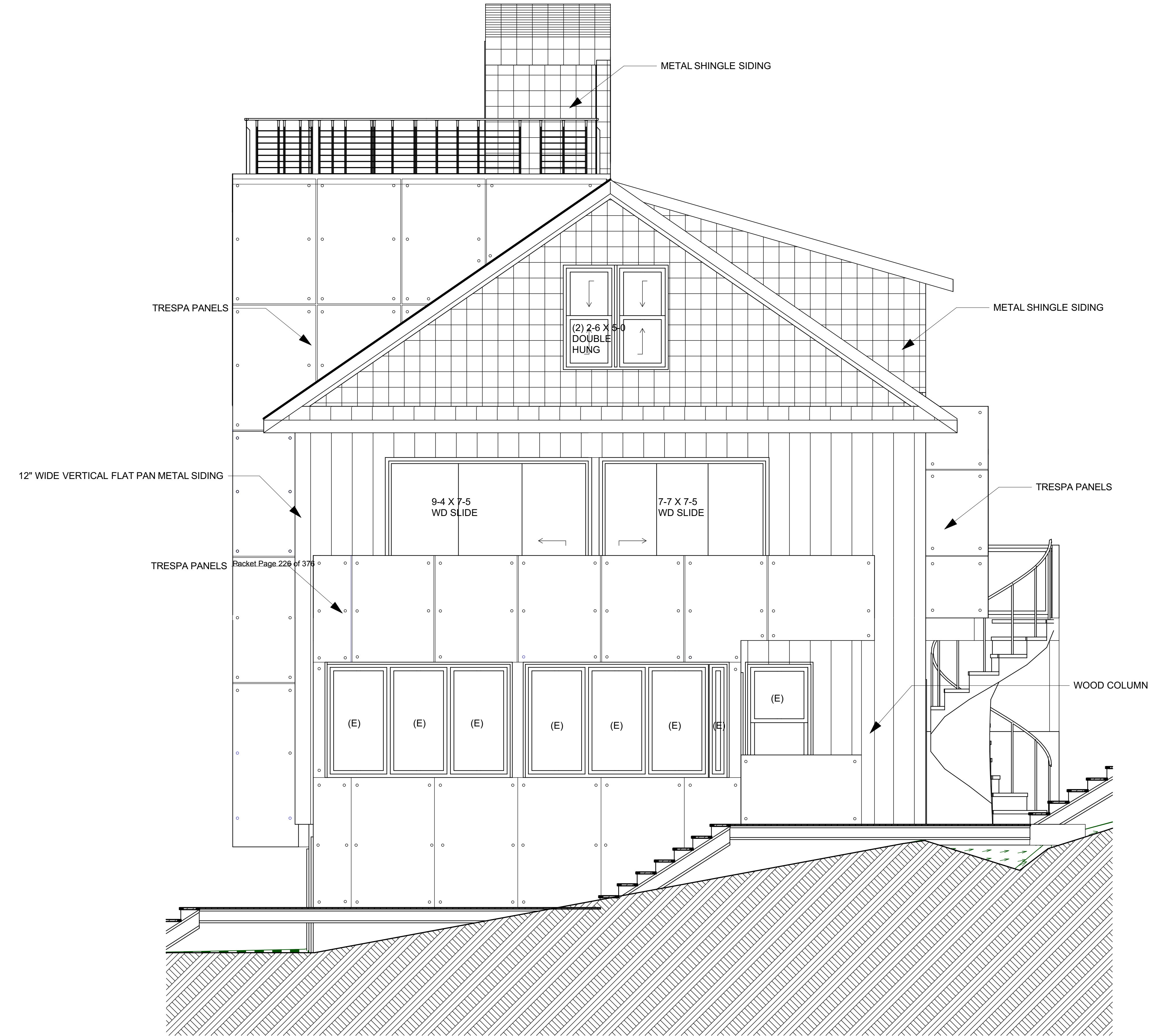
A horizontal line representing a 6' linear DNA molecule. Above the line, positions 0, 2', 4', and 6' are marked. A segment of the line between 0 and 2' is highlighted in red.

Attachment A - Application



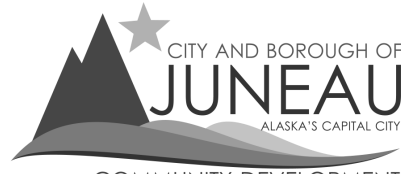
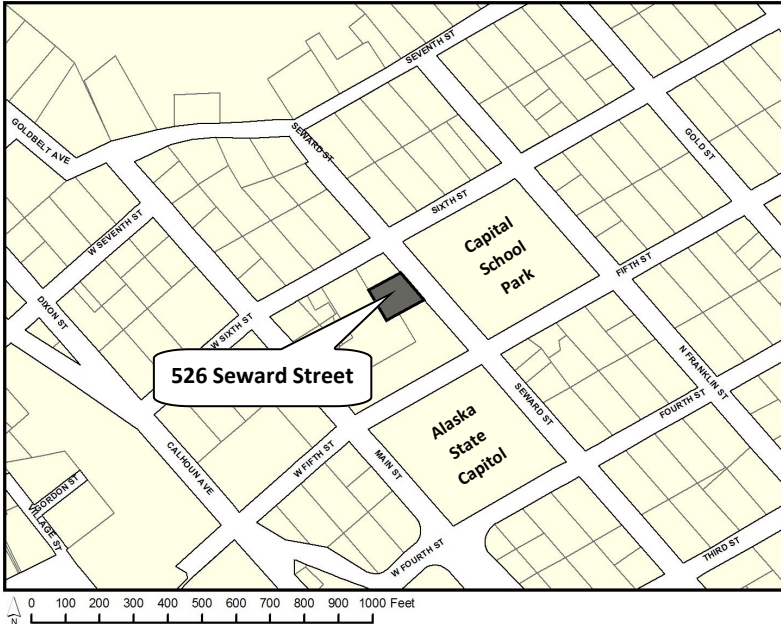
1 SOUTH ELEVATION
SCALE: 3/8" = 1'-0" HALF SCALE WHEN PRINTED ON 11x17





Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission to **allow an accessory apartment on an undersized lot, waive one residential parking space, and reduce rear and side setbacks at 526 Seward Street in a D18 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, **Amy Liu** 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 Nos.: USE2018 0020; PWP2018 0003;
ADP2018 0002; ADP2018 0003
Parcel No.: 1C070A220020
CBJ Parcel Viewer: <http://epv.juneau.org>

Amy,

I reviewed the permits and find no issues on them at this time.

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: Amy Liu

Sent: Thursday, November 1, 2018 11:55 AM

To: Robin Potter

Subject: Review ADP 18-02, ADP18-03, USE18-20, and PWP 18-03

Good morning,

Please see the 4 permits attached for 526 Seward. Do you find that any of the proposed development will adversely affect neighboring property values or be out of harmony with the neighborhood? In summary:

- Conditional Use for accessory apartment up to 600 sf on an undersized D18 lot
- Parking Waiver for one parking space generated by the apartment
- Alternative Development for reducing the side setback to 4" to allow a 3' x 10' projection into the side yard. Note that the projection will have three windows, and continue from the first floor to the third floor. The 4" is based off the average side setback of the surrounding properties within a 150 radius.
- Alternative Development for reducing the rear setback to 3' to allow a cupola. Per 49.25.420(c)(1), height restriction does not apply to cupolas. As such, the height of the building without the cupola is 27' 5", which is below the 35' height maximum in the zoning district.

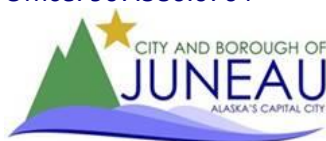
Let me know if you have questions. I'd like your feedback by November 15. Thanks!

Amy Liu | Planner

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0764





Attachment D - Assessor Office Photo



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: December 13, 2018
File No.: ADP2018 0004

Jill Ramiel & Kenneth Alper
120 2nd Street
Juneau, AK 99801

Proposal: Alternative Development Permit for reduced northwest side setback for 3 feet x 19 feet window projection

Property Address: 526 Seward Street

Legal Description: Juneau Townsite Block 22, Lot 5, Front

Parcel Code No.: 1C070A220020

Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 11, 2018, and approved a reduced northwest side setback for 3 feet x 19 feet projection to be conducted as described in the project description and project drawings submitted with the application. Approval is subject to the following condition.

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to the Community Development Department.

Attachments: December 11, 2018 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding ADP2018 0004.

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.

Applicant
File No.: ADP2018 0004
December 13, 2018
Page 2 of 2

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).

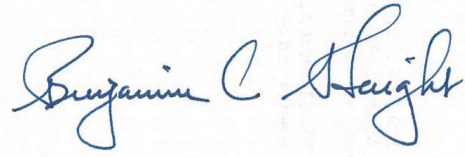
Effective Date: The permit is effective upon approval by the Commission, December 11, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or June 11, 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.

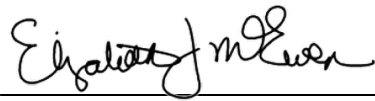
Project Planner:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

12/21/2018

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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CDD_Admin@juneau.org
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155 S. Seward Street • Juneau, AK 99801

DATE: December 4, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department
CASE NO.: AME2018 0015
PROPOSAL: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the printed name in the 'FROM' field.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

Applicant: City and Borough of Juneau
Legal Description: Borough wide

ATTACHMENTS

Attachment A Draft ordinance showing proposed changes
Attachment B Title 49 Committee meeting minutes regarding draft ordinance
Attachment C Extract of Planning Commission minutes June 9, 2009, regarding amendments to subdivision improvement requirements

BACKGROUND

The proposed ordinance would remove the requirement for a subdivision developer to provide a financial guarantee for a period of 5 years for construction of a type of platted right-of-way (ROW) referred to as a 'stub street' and also for removal of cul-de-sac turnarounds that are intended to be temporary.

When new subdivision proposals are reviewed, street connectivity and associated utility improvements to adjoining, 'unsubdivided lands' is required.

This is specifically supported by 49.35.120(a)...

49.35.120 - Improvements; generally.

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(a) The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to provide for future extension to adjoining lands.

And CBJ 49.35.210(a)...

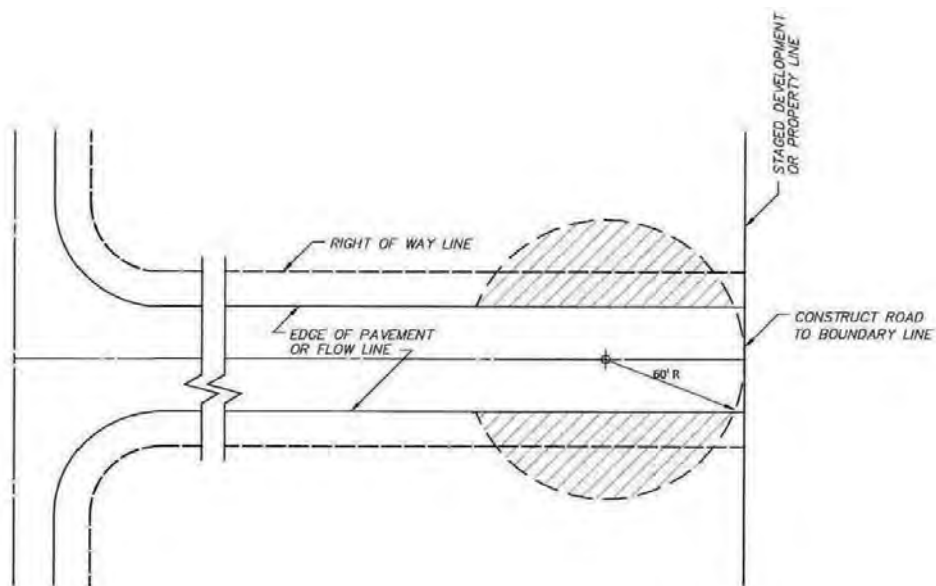
49.35.210 - Street system.

1. (a) [In general.] Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

This can result in streets with a dead end street since it is anticipated that they will be extended in the future to serve subsequent development such as a subdivision or a permissible land use. The Land Use Code provides two different mechanisms to address streets identified for future extension – stub streets and temporary cul-de-sacs.

Temporary cul-de-sacs (CBJ 49.35.240(G)(2)) – Where the ROW does provide frontage to lots within the new subdivision but extension of the road is logical in the ‘near future’, then temporary cul-de-sacs are allowable under the Land Use Code. This ensures vehicles (including emergency services and CBJ Streets operations) are able to turn around at the end of such streets. The temporary cul-de-sac provides for an easement on lots adjacent to the ROW to accommodate the turnaround. The Land Use Code requires the cul-de-sac to be placed at the exterior boundary of the subdivision. If that is not practicable, then any portion of ROW between the temporary cul-de-sac and the exterior property line must be constructed.



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Stub streets (CBJ 49.35.240(i)(2)) – When a ROW is required to be platted to provide connection to adjacent lands but is not used to meet access requirements for any lots within the subdivision, such a ROW is called a ‘stub street’. The Land Use Code allows the Planning Commission discretion for major subdivisions, or the Director of Community Development for minor subdivisions, as to whether the developer has to construct all, part, or none of the street improvements for the stubbed street. To allow waiver of the construction, it must be determined that the stub street does not provide required access to any lot within the subdivision. If full construction of the street is waived, *‘roadbed, utility line extensions, or other appropriate improvements’* can still be required, although there is no ‘standard’ as to when this partial construction should be required.



Financial guarantee requirements – The existing language for these two concepts is provided in the 2015 major overhaul of subdivision requirements (Ord. 2015-03(c)(am)). Both concepts require the subdivision developer to provide a financial guarantee for the removal of a temporary cul-de-sac or the construction of a stub street if it is required within 5 years of the date the subdivision plat was recorded. After that time, the responsibility for these improvements falls on the next developer.

Typical financial guarantees are either a performance bond for the full cost of construction or conveyance of lots equal to the value of full construction. The guarantee is returned when the street improvement is constructed. For a performance bond, a developer may choose to provide a full bond amount themselves or pay for a surety bond from a third party. The surety

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bond acts like an insurance policy and typically cost ~2% of the cost of the improvement being bonded for. However, recent experience has shown that a surety provider may be reluctant to issue a surety bond as they may be wary of the risk of having to pay out on the bond. The 5 year duration increases the risk that the developer may not be in existence. The trigger for cul-de-sac removal or street construction being based on the development plans of a third party is also something beyond the control of the parties involved in the surety bond. This leaves a developer with the option to post a cash bond and tie up capital for up to 5 years or reconvey a lot and be unable to sell the property for 5 years.

Origin of existing requirements - As background, the subdivision ordinance adopted in 2015 was written in two stages. In 2008 to 2009 changes were written by staff, in consultation with the Planning Commission, on subdivision improvement requirements (Chapter 35 of the Land Use Code) and included the new provisions for temporary cul-de-sacs and stub streets (TXT2007 00004). This first phase of the subdivision re-write was then put on hold until the future work was complete. Staff then began working on subdivision permit requirements (Chapter 15 of the Land Use Code) (TXT2009 00001) which was then combined with the previous work on the 'Improvements' section to form the combined 2015 Ordinance (Ord. 2015-03).

Prior to 2015, similar provisions for waiving construction of 'stub streets' were available (although not explicitly identified as 'stub streets', but staff working documents regarding TXT2007 00004 note that there was a recognized issue with the current waivers and how to 'make the connection of stub streets work').

In the review of staff working documents for the 2015 subdivision ordinance for both stub streets and temporary cul-de-sacs, the issue of fairness to the current subdivision developer, and the subsequent subdivision developer, was discussed. Specifically, in a 2008 working document staff noted the following as a question to put forward to the Planning Commission or Public Works and Facilities Committee ...

Is it equitable to put the cost of the connection of the stub street and the reconstruction of the temporary cul de sac all on the next developer.[sic]

One option would be to hold a bond from the original developer for 5 years for his share of the stub street and reconstruction of the cul-de-sac. The bond would be released after 5 years if there was no subdivision of the adjoining property requiring the connection.

In the case of temporary cul-de-sacs, the main issue was who should pay for the cost of removal of the temporary portions of the cul-de-sac turnaround when the road is extended. For stub streets, the issue was who should pay for the construction of the street when a subdivision or other development occurs on the 'unsubdivided' adjacent land.

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The same solution was used in both situations – the current subdivider would be required to provide a financial guarantee for a five year period for the cost of either the cul-de-sac removal or the construction of the stub street. This guarantee would be returned after five years with the subsequent developer then being responsible for these tasks.

However, as summarized in the table below, temporary cul-de-sacs and stub streets benefit the current and subsequent subdividers differently.

	Temporary cul-de-sac	Stub Street
Current subdivider	Enables current subdivider to build a dead end street used for access to lots while meeting connectivity requirements and street construction requirements. Buildings are setback from a temporary right of way edge which means they are further away when the cul-de-sac easement is returned. May prefer to build a permanent cul-de-sac and not provide a guarantee.	Required to provide land for ROW their subdivision does not directly benefit from. No lots in the subdivision are using the street for access or frontage
Subsequent developer on adjoining property (or subdivider)	Now has to remove a cul-de-sac that they did not build (although current subdivider guarantee may help with costs). New subdivision gets no direct benefit from the existence of the temporary turnaround except it enabled the street which serves the new subdivision to be built.	Platted ROW is now provided to their land and some of the street providing connection to the subsequent development is constructed – access improved to the new development where there was less access before.

Based on review of staff working drafts for the 2015 ordinance, the purpose of the 5 year financial guarantee is to ensure that the subsequent developer is not discouraged from their project by the additional cost of removal of the temporary turnaround or the construction of the stub street. The 5 year time limit also provides an incentive for the adjoining land owner to develop their land relatively quickly. On the other hand, this means the financial guarantee required from the current developer may serve as a disincentive, especially where the project is already providing a marginal return. It should also be noted that the purpose of the stub street may be to provide possible connection routes to future proposed arterial or collector streets such as the Douglas Bench Road whose construction horizon is beyond the 5 year period.

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Review by Planning Commission and Title 49 Committee - Financial guarantee requirements for both stub streets and temporary cul-de-sacs were first discussed by the Title 49 Committee on March 21, 2018. The committee directed that temporary cul-de-sac guarantees should remain as is, since this would not be a temporary cul-de-sac if the road would not be extended in the 'near future' (this is part of the determination to make it a temporary cul-de-sac rather than permanent).

For stub streets, two options were requested for further discussion:

OPTION 1) Reword CBJ 49.35.240(h)(i)(B) to allow the Director to waive the bonding requirements when development of the adjacent parcel is unlikely to occur. Factors leading to the Director waiving the decision to require bonding could include:

- a. Limitations on both construction of scale of further subdivision and access roads due to topography,
- b. Ownership by government agency, and
- c. Restricted development status of adjacent lot being connected to (e.g., Tongass Forest, Conservation Lot)

OPTION 2) Remove requirement for bonding completely, recognizing that the current subdivision developer has already provided some paved ROW and platted other ROW to a lot that was previously unconnected to the street system. The provision is already made that actual construction of the stub street may be waived by the Director if it is not needed for access for the lots within the subdivision.

At the May 16, 2018, Title 49 Committee meeting these two approaches were discussed. The Title 49 Committee recommended Option 2 as the preferred approach. A draft ordinance based on the committee's recommended changes was presented to the Commission on September 11, 2018. In preparation for that meeting, minutes were discovered regarding the 2009 Planning Commission discussion regarding temporary cul-de-sacs and to a lesser extent stub streets (see Attachment C for June 9, 2009, Planning Commission minutes). Staff has been unable to find any other minutes of Planning Commission or Assembly meetings (and their subcommittees) which evidence review of this particular change.

In the 2009 Planning Commission discussion, the issue of temporary cul-de-sacs was discussed extensively, but stub streets were discussed to lesser extent. There was also some discussion about portions of ROW that would be created if a temporary cul-de-sac could not be located at the exterior boundary of the subdivision boundary. The requirement to place the temporary cul-de-sac at the exterior subdivision property line or require construction of the additional ROW portion beyond the temporary cul-de-sac was specifically proposed by staff. The intent

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was to insure platted ROW beyond the temporary cul-de-sacs was constructed as part of the subdivision improvements. The Planning Commission requested that the construction of the remnant ROW be allowed a construction waiver in the same way as would be afforded to a stub street and with the requirement of a 5 year financial guarantee for construction. It is unclear as to whether those remnant portions were intended use for the stub street provisions as a mechanism to provide the guarantee option – there was no specific mechanism added to the temporary cul-de-sac section of code. This raised a question as to whether the cul-de-sac remnants should be considered as different situations to a standard stub street.

Following discussion at the September 11, 2018, Planning Commission meeting the Commission voted to send the ordinance back to the Title 49 Committee for further review.

On September 17, 2018 the Title 49 Committee reviewed the issue again with a more in-depth examination of the temporary cul-de-sac requirements. The committee agreed on the following:

- A ROW can be platted beyond the temporary turnaround to allow for future street connectivity and should be considered a stub street (i.e. may not need to be constructed provided it did not provide access to any lots within the subdivision.)
- There should be no financial guarantee requirement for the construction of stub streets. Any construction costs would be borne by the developer of adjoining property.
- All cul-de-sacs should be considered permanent. This removes the need for there to be a 5 year financial guarantee requirement for temporary cul-de-sac removal.
- Cul-de-sacs should be built no further from the exterior boundary of the subdivision than the minimum lot width for the zoning district.
- There should be no criteria that dictate when a cul-de-sac is allowed for a subdivision if all cul-de-sacs are permanent.

During that meeting it was recognized that the proposal should be reviewed by CBJ Engineering and Public Works (E&PW), which includes the CBJ Streets Division. In response to the CDD request for comment, Mike Vigue, Director of CBJ E&PW stated that keeping temporary cul-de-sac requirements in the Title 49 would be preferred for the following reasons:

- *Snow removal is complicated by leaving the temporary cul-de-sac in place. This is from a Streets perspective and a homeowner perspective. If Streets makes additional plow passes to move all the snow to the side, larger berms will result for those homeowners. This already is a source of complaint as it is frequently cast as a fairness issue between neighbors. If the snow plowing follows the straight line and leaves snow in the ROW at the edges of the “temporary” cul-de-sac, homeowners will be required to remove snow in the CBJ ROW to access the road from their driveways. This will not be a happy situation for most homeowners.*

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- *Leaving the temporary cul-de-sac in place after the road has been extended will complicate ditch drain function.*
- *Vacating the ROW strip that was once the edge curve of the cul-de-sac to the adjacent homeowner slightly increases lot size and could result in slightly higher property values.*
- *Leaving the temporary cul-de-sac in place with the expectation that it could be used as an intermediate turnaround for emergency vehicles probably is a false hope. Inevitably, the wide spot in the road will become a desired parking spot and will frequently not be available for turnaround use.*

With these E&PW preferences in mind, the proposed ordinance retained provisions for temporary cul-de-sacs, but does remove the 5 year financial guarantee requirement for their removal.

The proposed amendment was reviewed again by the Planning Commission on November 27, 2018. The Commission were broadly in support of the proposed amendments, but requested further discussion with CBJ E&PW regarding the removal of temporary cul-de-sacs and reasons for them to be removed. This discussion occurred on December 3, 2018 with the Title 49 Committee. Issues with snow plowing were described in more detail for the Committee by Mike Vigue and John Bohan of CBJ E&PW. Problems with matching driveways to a reconstructed street following cul-de-sac removal were also discussed. It was agreed that temporary cul-de-sacs should be removed but the Director should have the option of allowing them to remain after consultation with the Director of E&PW; the Fire Marshall has also been added to this consideration.

Summary of changes - The developer of adjoining property will be required to bear the cost of removing the temporary cul-de-sac as part of their public or private improvements. The term 'developer' has been used deliberately, since a future development of the adjoining land may not be a subdivision but could be a commercial or multifamily residential development.

As the proposed changes to the Land Use Code were drafted, some additional clarifications were added based on staff practical experience with this code section. The substantive changes in the proposed ordinance are as follows:

- i) Clarifies temporary cul-de-sacs are intended to facilitate practical road extensions at any time in the future and not just the "near" future as the current language states.
- ii) Clarifies the turnaround easements allow all the public access and maintenance that occurs with dedicated ROW until the easement is vacated.
- iii) Requires that temporary cul-de-sac turnarounds be reviewed by the Director, with input from the Director of E&PW and the Fire Marshall, to determine if they should remain once the street is connected to by development on adjoining property.

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- iv) The temporary cul-de-sac no longer counts to the lot area since they could effectively be permanent depending on the Director's determination.
- v) Any unconstructed but platted ROW that continues after a temporary cul-de-sac is considered a stub street and is subject to stub street provisions.
- vi) The temporary cul-de-sac stub street has a maximum length of the minimum lot width for the zoning district. There is no maximum length of other stub streets.
- vii) Clarifies that a temporary cul-de-sac has to be constructed up to, or be in any lot within, the subdivision that has been identified for a future subdivision phase. A stub street after the turnaround would not be allowed in this case.
- viii) Provides amended illustrations of temporary cul-de-sac configurations relative to lots within and outside of the subdivision.
- ix) Clarifies that the turnaround can be an easement on a lot outside of the subdivision. This was implied in the existing illustration and language but a new illustration and language makes this more clear.
- x) No requirement for a financial guarantee for temporary cul-de-sac turnaround removal or stub streets. Removal of a temporary turnaround and/or construction of an unconstructed stub street would be the responsibility of the next developer.
- xi) Added that it should be demonstrated that the any stub street alignment can be constructed to CBJ standards. For example, a stub street cannot be platted where it would have to exceed maximum ROW grades. Similarly, it should be demonstrated that driveways connecting to temporary cul-de-sacs can be extended to CBJ standards in order to meet the reconstructed street following temporary cul-de-sac removal.
- xii) Amended the cul-de-sac definition to be a street with a turnaround and not just the turnaround portion as is currently the case. A definition of what a temporary cul-de-sac is was also added.
- xiii) Adds a requirement for a specific plat note, that describes when the easement would be vacated and that it is dependent on a decision by the CDD Director.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The 2013 Comprehensive Plan recognizes the need to provide more affordable development opportunities while balancing the need to provide for future street connection.

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POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

Development Guidelines

8.5 - DG1 Require dedication of all rights-of-way and easements, including those for trails, roads and transit corridors and facilities on subdivision plats and development plans as determined to be appropriate by the Planning Commission for that development. Obtain commitments to construct trails and local and collector roadway improvements from private developers when projects are approved, and ensure that those improvements are complete prior to issuing building permits on adjacent properties within that development.

8.5 - DG2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

Discussion

The balance between appropriate and affordable development standards when requesting improvements that are of no direct benefit to a developer can be difficult. Requiring what is most appropriate for the community is not always the most affordable for a developer.

Access to previously land locked lands adjacent to new subdivisions and/or provision for future street development are good planning practices that provide for future land development and are supported by the Comprehensive Plan. However, it is difficult to know when that connectivity will be utilized in the future and so demonstrating the community purpose of the connection can be difficult.

Platting a ROW that is of no direct benefit to lots within the subdivision may be seen by the developer as equivalent to removing a lot that could be platted and sold in the subdivision. Not requiring temporary cul-de-sacs to be built any further to a subdivision boundary than is necessary to meet access and frontage requirements can save the current subdivider street construction costs. Furthermore, the allowance of a construction waiver for stub streets is a recognition that construction of such platted ROW are in the speculative in the immediate term and adds to the cost of a subdivision development with no immediate benefit to property owners in the subdivision or the wider community. However, requiring a financial guarantee to cover construction of a stub street or removal of a temporary cul-de-sac still adds to the immediate subdivision cost as it requires additional money or land to be held for 5 years.

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Removal of the requirement of a financial guarantee reduces immediate subdivision costs for a developer. However, it cannot guarantee the provision of affordable housing. The proposed amendment is an attempt to provide a more equitable way to encourage subdivisions while still providing the opportunity for access to adjacent lands.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The proposed amendment to Title 49 will not create any internal inconsistencies within the Land Use Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

- 1. To achieve the goals and objectives and implement the policies of the Juneau comprehensive plan and coastal management program;*
- 2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- 3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- 4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5. To provide adequate open space for light and air; and*
- 6. To recognize the economic value of land and encourage its proper and beneficial use.*

This amendment is not in conflict with any of these intent statements. If it is approved, then it will be found to be consistent with the above purposes, especially 2, 3, 4, and 6. However, as described above, the existing language can also be seen as consistent with the same purpose statements as it is trying to make development less costly for the next developer.

CBJ 49.35.210 states that the general purpose of subdivision street systems ...

'...shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

- (1) The street system shall provide for connecting streets into adjoining un-subdivided lands.*
- (2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic*

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and traffic delays on major streets ..., to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.

(3) Traffic calming should be taken into account in street layout and design.'

Discussion

Title 49 requires a connecting street system within the CBJ. Street connectivity requirements would not be hindered with the amendment as proposed. The removal of the requirement for a 5 year financial guarantee for stub streets and removal of temporary cul-de-sacs would reduce immediate costs for a subdivision developer, but potentially it would add to costs for a subsequent developer (although they would now benefit from access that they may not have had before).

As discussed above, the proposed waiver process amendment does not create any internal inconsistencies within Title 49.

HABITAT

Not applicable.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.

This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the auspices of the 2015 code revision for temporary cul-de-sac removal and stub street construction be returned to the appropriate developer.

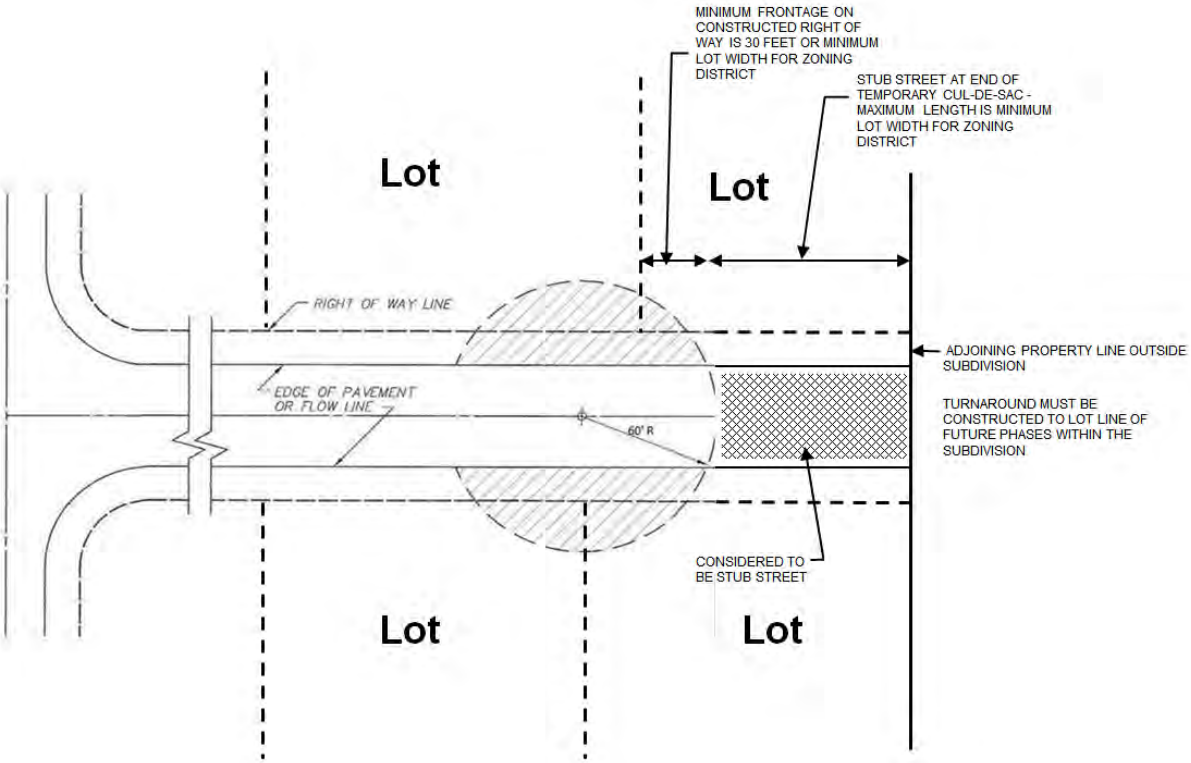
49.35.240 - Improvement standards.

(g) *Cul-de-sacs.*

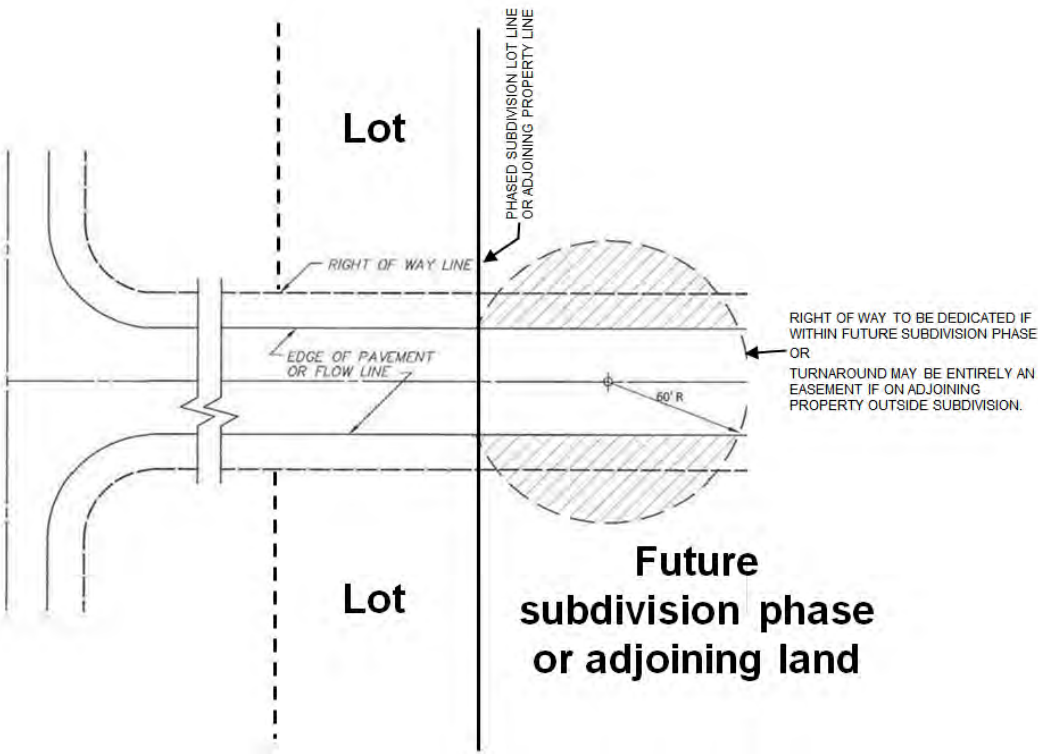
- (1) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.
- (2) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can practicably be extended in the future. They provide for connecting streets into a subdivision of adjoining unsubdivided lands. In addition the following shall apply:
 - (A) The temporary portions of the cul-de-sac turnaround shall be shown as easements on the plat rather than as dedicated right-of-way. Such easements shall allow for public access and maintenance as if it were dedicated right-of-way until such time the easements are vacated. The easements shall not contribute to towards lot area.
 - (B) All of the turnaround must be constructed to permanent street construction standards except as noted in (G) below.
 - (C) The CBJ will record a release of the easements for the temporary portions of the turnaround at the state recorder's office at Juneau at the time the turnaround is removed and the street improvements have been extended.
 - (D) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.
 - (E) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties.
 - (F) Temporary turnaround locations must provide required access and minimum frontage on a publically maintained right-of-way to all lots within the subdivision including lots identified for a future phase of the subdivision except as otherwise allowed by 49.35.250.

The maximum length of unconstructed roadway between the temporary turnaround and the adjoining property shall be the minimum lot width for the zoning district in which the right-of-way is located. Where a right-of-way is situated in more than one zoning district the shortest minimum lot width for those zoning districts shall be used. See Figure 3 – Option A.

OLD FIGURE DELETED



Option A above



Option B above

NEW FIGURE 3

- (G) The temporary turnaround may be located on property within the subdivision intended for future subdivision phases in conjunction with a platted right-of-way. It may also be located outside the subdivision boundary entirely within an easement. See Figure 3 – Option B. For temporary turnarounds located in this way curb, gutter, and sidewalks are not required for the temporary turnaround.
 - (H) Right-of-way between the constructed temporary turnaround within the subdivision and the adjoining property shall be subject to the stub street requirements in 49.35.240(i)(2).
 - (L) When the developer of adjoining property is required to connect to the temporary cul-de-sac, the Director, after considering the recommendations of the Director of the Engineering and Public Works department and the Fire Marshall, shall determine if the adjoining developer will be required to leave the temporary portions of the turnaround in place. Any temporary turnaround removal, street reconstruction, or required extension of the street shall be to CBJ standards.
 - (m) The subdivision plat shall include the following note: ‘Temporary cul-de-sac. Turnaround easement to be vacated on extension of street unless the Director of CDD determines the turnaround shall remain.’
 - (n) The approved subdivision construction plans shall demonstrate that driveways connecting to the temporary turnaround can be extended to CBJ standards when connecting to the reconstructed street after turnaround removal.
- (3) *Hammerhead turnarounds.* Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.
- (h) *Streets construction standards.*
- (1) *Arterials.* The subdivider is not responsible for the construction of arterial streets, but may be required to dedicate the necessary right-of-way during the platting process.
 - (2) *Other streets.* Other than arterials, street shall comply with the following:
- (i) *Street waivers.* The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:
- (1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a right-of-way, the director may waive all or some of the construction requirements under the following conditions:
 - (A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served.
 - (B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering and public works the feasibility of constructing a public street at the location of the relocated right-of-way.
 - (C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter.
 - (D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.
 - (E) No additional lots are being platted.
 - (2) *Stub streets.*

- (A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. It shall be demonstrated that the unconstructed roadway can be constructed to CBJ standards. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 4).



Figure 4

- (B) RESERVED

- (C) When the developer of adjoining property is required to connect to the stub street, then the developer of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

Definition:

Cul-de-sac is a dead-end street that provides for a required vehicle turnaround

Temporary cul-de-sac is a cul-de-sac that may be practicably extended in the future. The required vehicle turnaround of a temporary cul-de-sac shall be located partially or entirely in a public access and maintenance easement that shall be vacated upon future street extension.

Title 49 Committee Work Session
City & Borough of Juneau
March 21, 2018
Marine View Building, 4th Floor Conference Room, 230 S. Franklin Street
12:00 AM

I. ROLL CALL

Staff

Laura Boyce, Senior Planner, CDD
Beth McKibben, Planning Manager, CDD
Jill Maclean, Senior Planner, CDD
Tim Felstead, Planner, CDD
Bhagavati Braun, Administrative Assistant, CDD

Committee Members

Nathaniel Dye, Chair
Paul Voelckers
Michael Levine
Carl Greene

II. APPROVAL OF AGENDA

Agenda approved.

III. APPROVAL OF MINUTES

- a. **December 12, 2017 Draft Minutes** - Approved.

IV. AGENDA TOPICS

a. Election of Vice Chair

Mr. Dye stated that he was happy to not elect a Vice Chair, and in his absence the Committee can select someone to lead. All present agreed on this structure.

b. Code Update Overview

Ms. Boyce presented a status update on current Title 49 cases.

Mr. Voelckers suggested the Committee consider allowing energy efficiency improvements to encroach into setbacks for new construction, similar to the recent code amendment allowing exterior insulation encroachments into setbacks (AME2017 0017). Mr. LeVine questioned this idea, asking if new construction can encroach into setbacks maybe the Committee should analyze setbacks in general. He further stated that existing buildings cannot adjust their footprints, while new construction can take current knowledge on insulation and setbacks into account while planning. He suggested that other incentives for exterior insulation could be created that don't affect setbacks.

Mr. Levine asked what the focus of Street Names and Addressing was. Ms. Boyce answered that the department cartographer would like to clarify how we distinguish and name streets and assign house numbers.

Mr. Dye asked why vegetative cover was on the priority list, and suggested it might not need to be at the top of the list. Ms. Boyce replied that the list was created from priorities in the past. Mr. Greene asked who prioritized these items, Ms. Boyce answered that the Planning Commission and the Assembly determine priorities; the Planning Commission looked at the list most recently at their COW in December. Mr. Greene requested that a new column be added to this sheet to identify who prioritized each item and its priority level.

c. Proposed Canopy Code Changes

Ms. Maclean introduced this item. She spoke to Skye Stekoll in engineering to hear the concerns that the engineering department might have in addition to concerns already aired. She stated that some of

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the biggest problems are how to measure canopy heights with the topography of our town, clarifying which zoning districts the code should apply to, and determining whether we want to move sections of code that applies to canopies from title 4 into title 49. She stated that the department has been trying to move title 4 items into title 49 to clean the code up. Ms. Maclean talked with building side as well and intends to make the definitions in building code, title 49 and title 4 consistent, probably with what is currently in building code because it was the most recently updated.

Mr. Voelckers asked why code needs to stipulate height. He suggested that intent language might suffice, such as: “work harmoniously with adjacent canopies if they exist.” Mr. Dye brought up possible issues with basing code on adjacent canopies because some canopies, for example on South Franklin Street, are quite low, and we would like to encourage new development to have a minimum canopy height of eight feet. Ms. McKibben stated that the purpose of the section is to protect pedestrians from weather. If the canopy is too high it may not achieve that goal. Mr. Levine suggested wording that specifically calls out weather protection. Ms. Maclean stated that the current code has an eight foot minimum and a ten foot maximum. She added that eight feet is a good minimum, but there are many places where higher canopies were needed for practical purposes such as allowing truck access. She continued that their higher canopies still provide some weather protection, but flexibility is useful to accommodate for these unforeseen circumstances. Mr. Voelckers stated that he likes the idea of a minimum, but would like to consider some leeway allowing for consistency. He added that having a maximum height may be overreaching and may lead to unintended consequences. Mr. Voelckers stated his opposition to legislate weather protection saying that he hasn’t seen people willfully create canopies that do not protect from weather. Ms. Maclean stated that Mr. Stekoll also suggested using the term “may” for maximums and not “shall” allowing flexibility.

Mr. Dye asked if the eight foot minimum would align with parking signs, stating that there have been issues with canopies blocking parking enforcement signs downtown and suggesting that the new code be conscious of that and not create issues between the regulations.

The Committee members stated their general agreement that code should encourage canopies, and not create difficulties with this code.

Mr. Greene asked if the use of canopies for signage is addressed in code. Staff stated that signs on canopies are addressed in the sign code.

Ms. Maclean read 49.15.800, the purpose of this section, to the group:

It is the purpose of this chapter to authorize canopy and awning encroachments into public ways, to provide standards for construction of canopies and awnings, and to provide a permitting process. The CBJ requires canopies in the Historic District, and encourages the construction of canopy and awning treatments to protect pedestrians from the elements in all zoning districts.

Mr. Voelckers asked why construction of canopy and awning treatments is encouraged in all districts, citing D5 as a district that doesn’t seem compatible with canopies. Ms. Maclean brought up downtown Douglas, which is a quilt of zones, and might do well to have canopies in many places. Mr. Levine suggested that maybe it should be encouraged in all non-residential districts. Ms. McKibben stated that canopies are only desired if buildings abut the sidewalk, if homes have a setback they wouldn’t be

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encouraged to have a canopy because their building doesn't abut a right of way. Committee members voiced that they are OK with the purpose statement because of the word "encourage". It was clarified that canopies are encouraged on buildings that abut the seawalk in addition to sidewalks.

Ms. Maclean – value of \$25,000 – required canopy – no intention to change this

Ms. Maclean noted that there is an indemnity section in code (49.15.850) which includes "canopie[s], awning[s], cornice[s], or other encroachment[s] in the public way." Cornices here are sometimes overlooked. In 49.15.830(b) the code adds requirements for canopies or awnings in the MU zoning district, Ms. Maclean suggested that that be expanded to include all zoning districts, Mr. Voelckers suggested all commercial zoning districts. The group agreed that whatever language would be used in the purpose statement would be reiterated here. 49.15.830(b)(1) states "canopies and awnings shall span the entire frontage of a building." Ms. Maclean stated that both she and Mr. Stekoll suggested changing this wording from "shall" to "may" and to add "where practicable." Mr. Levine stated that awnings should span the frontage unless there is a reason they can't or shouldn't, Mr. Voelckers added that it should be encouraged but with room for contingencies.

49.15.830(b)(3) states that "for new construction, any clerestory must be located above any canopy or awning." Mr. Voelckers questioned the need for this line, and suggested that it could cause unforeseen problems. He stated that people constructing canopies will, for the most part, try to make something that is good; this code should keep it general allowing administrative flexibility so as not to deny reasonable requests.

Ms. Maclean suggested adding wording from the purpose section to the bonus section. Some of the bonus section is outdated and also found in Title 4, so should be moved into Title 49. Ms. McKibben stated that Title 4 is administrative code, not ordinance, and it doesn't have the same effect as Title 49, the department is working on incorporating applicable parts of Title 4 into Title 49, but it is important to ensure that they do not contradict one another.

Discussion about bonuses ensued, currently awnings are only required in the Historic District, the bonus is for outside the Historic District. Mr. LeVine suggested the new code should clarify that if a canopy is required bonuses do not apply.

Ms. Maclean gave an overview of the historic guidelines as they apply to canopies stating that no changes are proposed except to how height is measured. She warned the Committee to be careful here because a new preservation plan is being worked on and the guidelines may change. It's important to keep this portion flexible.

Ms. Maclean stated that in the Title 4 the zoning districts are outdated, if this portion of code should remain it must be updated, it could be moved into the canopy code or bonus section of Title 49. Ms. Maclean suggested that height requirements be consistent across the code. Mr. Voelckers pointed out that Title 4 gives the requirement of "two-thirds of the width of the sidewalk" and asked how this is measured. He further stated that it might be better to include a minimum width of the awning, with some wiggle room incorporated. Mr. LeVine asked why canopies are addressed in multiple places, Ms. Maclean answered that all of canopy-specific Title 4 could be moved into Title 49.

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Mr. Dye brought up under-canopy lighting, asking if it was being addressed, stating that recent lighting of canopies was put in where gutters would go, it seems they're in opposition to each other. Further, he pointed out that the quality of light in the Right-of-Way can be diminished by canopies, both by blocking sunlight, and by blocking street lighting. Some discussion ensued about transparent canopies, which seemed unreasonable, and it was noted that snow loads could create dark walkways even with transparent canopies. The Committee leaned toward lighting being a reasonable requirement, wanting lighting to create a friendly sidewalk in this winter city.

d. Proposed Stub Street Code Changes

Mr. Felstead gave an overview of stub streets. Bonding for stub streets was added to code in the 2015 subdivision changes, it is being discussed now to determine how to be most fair to the current and future developers. Currently the developer who is building out an area bonds for five years. After the five years subsequent developers would pick up the tab for the development. Mr. Felstead pointed out that in some places, Blueberry Hill for example, future developments are probably not going to be constructed due to topography or ownership of the land.

Mr. Voelckers asked Mr. Felstead to clarify what affect the bond will have on the developer. Mr. Felstead replied that the bond could tie up capital or property, or a developer could take out a surety which is like an insurance policy for the bond. Mr. Dye added that surety policies are inexpensive.

Mr. Felstead clarified that these streets are not being constructed to the developers' advantage. It was discussed that the purpose of stub streets was to allow and incentivize continued access. Ms. Maclean added that if the development can continue it is a good idea, but if not the bonding is difficult to justify.

After giving a bit more information on the current example of this in Blueberry Hills Mr. Felstead stated that there is no wiggle room in the code for this situation, or any in the future. Each developer would have to bond for a full street. Mr. Voelckers suggested a change so that the Director has discretion, taking into account access to further potentially developable land, possible future bench roads, etc.

Mr. Felstead outlined his suggestions.

The Committee voiced their preference for cul-de-sacs, versus stub streets that often gather undesired activity, adding that for plowing and fire requirements cul-de-sacs are a better option. Mr. Felstead asked when we want to put the developer on the hook for a stub street, the Committee voiced the opinion that if future development is likely in the next five years, possibly involving a study of grades or services available. Mr. Voelckers suggested a Directors decision with bullets regarding physical practicality, stating that if it seems reasonably or highly likely it would be good to create a stub street. Mr. LeVine suggested at a minimum, a Directors decision to waive the requirement based on some set of criteria. He added that generally people who live near stub streets don't really like them.

Ms. Maclean suggested the possibility of adding pedestrian access to trails on the stub street, to have some function. Mr. Voelckers voiced that it would be disadvantageous to tear the trees down and begin constructing the stub.

Committee members suggested staff draw up some wording for a Directors decision for multiple options, including the Director waiving the requirement, or the Director requiring the bond. Mr.

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Voelckers wanted to see who would make the decision that there is likely to be a further development, and also suggested an incentive for creating a stub street if there is a practical reason to create one. Mr. LeVine stated that the area of the street would need to be a platted Right of Way for the future, he also suggested the proposals include timing, stating that a bench road above Blueberry Hill was not likely to happen in the next five years.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Speaking to the priority list Ms. McKibben stated that when childcare was recently addressed adult day care centers were not addressed. She stated that generally these are kept together, and after reviewing the minutes it seems that leaving out adult day care was a decision that the Committee made. She suggested the Committee consider adding adult day care to the list.

VI. ADJOURNMENT

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, May 16, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Carl Greene, Dan Miller, Ben Haight

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Bhagavati Braun (CDD Admin)

I) Call to Order

Meeting called to order at 12:04 pm.

II) Approval of Minutes

April 18, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the April 18, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Review of Bonding for Stub Streets

Mr. Felstead gave an overview of the Stub Streets memo, including details about a subdivision which would benefit from a change in the stub streets rules; the subdivision abuts forest service land that will probably not be developed. He outlined the options discussed in the memo – either creating a provision for the Director to waive the requirement (option 1), or deleting the bonding requirement entirely (option 2).

Mr. Voelckers asked Mr. Felstead what his recommendation would be. Mr. Felstead stated that both options are agreeable. Ms. Boyce added that option two was in the code until around 2015. Mr. Felstead noted that he had found comments in notes from the last subdivision code change that stated the Commission wanted to ease the burden on subsequent developers, of building access to their property behind a subdivision. Mr. Voelckers added that the goal was to strike a balance of not creating a burden to the current or next developer. Mr. Dye noted that if it's making problems in the three years since it was adopted he would prefer to return to option 2.

Ms. Maclean added that developers currently have to set aside a platted right-of-way even if they bond for the street. Mr. Miller commented that setting aside that right-of-way could be a significant outlay for the developer even without bonding or street construction. Mr. Dye suggested that the criteria to waive, if used, could also include a criteria to waive the need of platting a right-of-way. Mr. Felstead clarified that the CBJ would not require a right-of-way to be platted if it wouldn't be feasible to construct.

Mr. Voelckers asked if Mr. Felstead would elaborate on option 2 and how it would affect different parties. Mr. Felstead replied that the current code puts the burden on the current sub-divider; the current sub-divider gets no benefit from platting the right-of-way.

Committee members discussed the costs of bonding and street construction and the lost income from platting a right-of-way, as well as both options presented by staff.

MOTION: *by Mr. Voelckers to adopt option 2 and use the language was proposed in the packet.*

The motion passed with no objections.

b) Common Wall Revisions

Ms. Maclean outlined the changes made since the previous meeting noting that most of the revisions requested, as well as some more updates, were made. Mr. Voelckers asked Ms. Maclean to refresh the Committee on incentives for more dense development, mentioning encouraging three or more units. Ms. Maclean stated that in the way the code was originally written two unit common walls did not get the minimum lot size and in order to incentivize developments of three units or more the reduced lot would be applied. Recently staff discovered that the code was not being applied correctly. The options in front of the Committee, she continued, are to use code as written (not as it has been applied), or to fix the code to reflect the practice that has been used. Current use is to apply the reduced lot size regardless of how many units are being built. She added that the Committee had stated they did not want common walls in Mixed Use (MU) zoning districts (common walls are still recommended in Mixed Use 2 (MU2), Light Commercial (LC), General Commercial (GC), and D5, D10, D10 SF, D15 and D18 zoning districts).

Mr. Voelckers voiced concern about allowing the same incentives for two lots as for three or more. Mr. Dye and Mr. Green voiced their support for reduced lot size for all common walls. Ms. Maclean clarified that three or more common walls receive a reduction in lot size because they provide more density; this may require agreements between neighbors for access to utilities etc. She added that it was her impression that the Committee wanted to extend the reduced lot size to two-unit common walls in the code change, adding that she fixed the numbers on the Table of Dimensional Standards included in the packet.

Mr. Dye asked if common walls would be allowed in the D-3 zoning districts as well – stating that there are currently 138 lots in D-3 zoning districts that have zero-lot lines, and if the property is on city water more common walls should be allowed, with lot size reductions available. Ms. Maclean clarified that D-3 is similar to D-5 and D-10SF in which only two unit common walls are permitted as these are single-family duplex zoning districts.

Mr. Miller asked if a smaller minimum lot size (under 5,800 square feet) would be good in the D-5 zoning district. Mr. Voelckers voiced his support for Mr. Miller's idea.

Mr. Voelckers asked if there were any consequences the Committee and staff hadn't considered regarding the D-3 zoning district, Ms. Maclean noted that there seems to be anecdotal information that when common walls were put into code there was some trepidation about having them in the D-3 zone. She stated she didn't see any more evidence that would preclude common walls from being allowed in the D-3 zoning districts, adding that there are many already throughout the borough.

Mr. Miller requested a smaller lot size for common walls in the D-10SF zoning district. He noted some small lots that could build a common wall instead of only one dwelling, thus increasing density. Mr. Voelckers stated that this seems in character with the mission for the D-10SF zoning district. Ms. Maclean expressed some concern about how this change could affect the upcoming rezone of downtown, but stated that staff would look into this idea. Staff and Commissioners discussed the character of the Flats neighborhood and how this change could affect the character of the neighborhood, weighing the benefits and possible down-sides of allowing common walls in the area. Mr. Haight voiced his support for allowing more options or "more tools in your tool belt" and letting the developers choose. Mr. Dye added that two unit common walls would reduce the cost to developers and encourage infill. Ms. Maclean added that common walls are sometimes preferred (over bungalows) because they allow more square footage.

Ms. Maclean outlined the changes in the notes for the superscripts in the Table of Dimensional Standards (see packet). She noted that in the proposed changes two unit common walls would not be allowed in the Light Commercial (LC), General

Commercial (GC), and MU2 zoning districts to encourage infill, stating that higher density should be encouraged where allowed. Mr. Dye questioned this, suggesting that there may be lots that are too small for a three unit common wall, but which would accommodate a two unit common wall. He stated that if a two unit common wall is the only thing available to a developer the ability to construct one would be encouraging infill, he stated that the market will determine what gets built. Ms. Maclean stated that she was not in favor of allowing too much flexibility in these districts because they're primarily commercial areas. Mr. Dye responded that the common wall units could have multiple uses, parking and retail on the bottom and housing on top, for example.

Mr. Voelckers posited that it could be possible to allow two unit common walls but only for small or otherwise limited lots. He stated his preference, in general, to steer toward higher density, but stated he didn't want to preclude a small lot that would remain undeveloped, stating further that large standard lots should not be able to do under-scaled development. He stated he didn't want to orphan lots because of strong encouragement toward higher density.

Mr. Miller summarized that he agreed with Mr. Dye and Mr. Voelckers, stating that the Committee is supposed to be planning for the community, that incentivizing more units is good, but if there are small lots where a two unit common wall would be the only option the code should be flexible enough to allow that.

Discussion ensued about which common wall developments would allow mixed use development. Staff stated that the underlying zoning districts (49.25) descriptions could be the basis for what uses would be permissible within a common wall structure, this should illuminate the appearance of arbitrariness. Committee members suggested they look at this more closely to check for unintended uses and to be thorough. Ms. Maclean stated that she would draft information for the Committee to review at a future meeting.

The Committee commented on the wording in V2 Attachment A (included in the packet) specifically under 49.65.700 – Purpose. The committee wanted the last clause to be moved closer to the other residential uses portion of the section.

There was some discussion about the advantages of a common wall development compared to a condo-ized development for financing purposes.

Mr. Voelckers pointed out 49.65.735 Parking and Access refers to single family dwellings; he suggested that this gets changed to reflect mixed use development as well. He also suggested adding a period after “zoning districts” in 49.65.745 – Zoning Districts.

Ms. Maclean recommended that the Committee delete density and dimensional standards from the ordinance language in 49.65 so they are all in the Table of Dimensional Standards. Ms. Maclean also mentioned that the variances code change was adopted with minor changes (Ms. Boyce will forward the changes to the Committee) and will be in effect in a few weeks. She stated that having dimensional standards in this portion of code could be tricky. She recommended that the dimensional standards be housed in the Table of Dimensional Standards for this and for future changes.

IV) Next Meeting

Monday, June 18, 12:00 pm.

Common Walls

It was requested that Rob Palmer be in attendance

Mr. Dye asked that the Committee use the next meeting to look at the priorities list and work plan.

Mr. Voelckers asked for an updated on downtown zoning.

VI) Adjournment

The meeting adjourned at 1:26 pm.

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Monday, September 17, 2018
Community Development Department
Large Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Michael Levine, Carl Green

Members Absent:

Dan Miller

Staff Present:

Laura Boyce (CDD Planner)
 Jill Maclean (CDD Director)
 Teri Camery (CDD Planner)

Marjorie Hamburger (CDD Admin)
 Nate Watts (Code Compliance Officer)

Members of the Public:

Patty Wahto (CBJ Airport)

I. Call to Order

Meeting called to order at 12:05 pm.

II. Approval of Agenda

The agenda was approved as is.

III. Agenda Topics

A. Review of Financial Guarantee Requirements for Stub Streets & Temporary Cul-de-Sacs

Ms. Boyce said that this case, AME2018 0015, was presented at the September 11, 2018, Planning Commission meeting but was referred back to the Title 49 Committee for more discussion.

Tim Felstead's memo was reviewed. Page 2 of the memo asked if there should be a link between a temporary cul-de-sac and a stub street. Mr. Voelckers said there seems to be an obvious link between the intent language for cul-de-sacs and the option for a pseudo-stub street. Mr. Miller said he thought the cul-de-sac should be put in no further than needed and not be required to extend to the edge of the property if not needed. How does staff recommend this be dealt with?

Ms. Boyce said the code now says that temporary cul-de-sacs are to be built as close to property line as possible. She sees that the street extension is a stub, foreseeing that a road will need to be extended in the future. The cul-de-sac is needed for fire access. With a stub street, there is not any purpose except for a future extension. Mr. Voelckers asked if staff had any historical information. Ms. Boyce said that in 2015, temporary cul-de-sacs were added to the code and since then only one temporary cul-de-sac was built, on Blueberry Hill. Mr. Dye asked if that project was bonded for the removal. Yes, said Ms. Boyce. The Vista del Sol subdivision does not have temporary cul-de-sacs but dealt with that in a subdivision plat note.

Mr. Voelckers said he is still interested in considering if cul-de-sacs and stub streets are linked or not.

Mr. Dye said he can't see the point of removing a cul-de-sac; you might just end up with a bulbous area. He also can't see the intent of bonding for a removal. It seems simpler to just leave it and not bond for removal; the area can be used as a traffic calming feature or something like a basketball court, he said. Mr. Levine asked why cul-de-sacs are built at all. Mr. Voelckers said they are for emergency vehicles to turn around in.

Mr. Dye said there currently is a bonding requirement to remove aspects of the cul-de-sacs and realistically there is a reason to get rid of it. Mr. Levine said it could be that an owner of a property in the cul-de-sac might want that little piece of property removed from the right-of-way. Mr. Voelckers said setbacks are established to accommodate and by the time a property owner could get this land back it is a done deal. The house on the property will be situated so that the cul-de-sac setbacks work, and so he does not see this as a big deal. Mr. Dye said that the leftover space can be extra parking, a place to play, etc. or the cul-de-sac can be converted to a roundabout.

Ms. Boyce displayed a permanent cul-de-sac on the GIS viewer. Mr. Dye asked if the person with the narrowest frontage could have a dogleg lot if they are the only one wanting to reclaim the land. He pointed out that others might not want the extra land back due to an increase in property taxes. Ms. Maclean said it seems that CBJ would have to vacate even if just one owner wants it. Mr. Voelckers asked if there is any reason to have a category of "temporary" at all, since these things are built to permanent standards. He said he likes Mr. Dye's point about leaving it be.

Ms. Boyce said from the city's point of view there is more street to maintain that is not needed. Mr. Voelckers said this would be such an insignificant amount of effort versus the effort of rebuilding. Ms. Boyce said if platted today, the street bulbs would be easements on the properties. Mr. Voelckers said so functionally this operates like a property line. Ms. Maclean said the other option is to create a hammer head. Mr. Voelckers pointed out that takes up a lot of space too.

Ms. Boyce asked if the remainder piece is treated as a stub street and dealt with in that way and nothing else is touched does the Committee feel ready to move on and come back later about temp cul-de-sacs? The code would still say developers need to build as close as possible to the property line. Mr. Dye said he thought these needed to be addressed at the same time. Mr. Voelckers said that Vista del Sol could have been moved to the edge but then there would be wasted land.

Mr. Levine said that a hypothetical situation could be that if there are not enough funds to build all the lots in a development and therefore cul-de-sacs would be built in the middle of the property, then the next developer would have to bear the cost. We don't make the developer bond for that, he said. Mr. Voelckers said the stub has to give access to the furthest lot, even if only half the property is being developed. Mr. Dye said he used to think the city should not get rid of bonding, but he has since changed his mind.

Mr. Levine said for landlocked property the developer could create a disincentive for a future developer depending on how he platted the street. CBJ does not want to disincentive a developer, he said. Mr. Dye said the fact that the right-of-way got closer is advantageous. Mr. Levine said the second guy might end up building the road for the first guy. Mr. Greene said if a cul-de-sac is at the end, then there is no need for a stub street. There would need to be a compelling reason not to put it there.

Mr. Levine said the existing code is intending to make the person who is subdividing a property bear the cost of a street that will help connect the community. Having cul-de-sacs about property lines might not be the best way to do it. Mr. Dye asked if there is a way to tie a not-to-exceed number to minimum lot depth. Mr. Levine said he did not feel strongly about the wording but wants to not run a risk. Mr. Voelckers asked for clarification. Ms. Maclean said the guy without access gets a benefit, even if the road helps the first developer because half of it is though his land. Mr. Dye suggested bets should be hedged against future benefits. Mr. Levine pointed out that that this ordinance started down this road because it was requiring folks to bond for roads that will never be built or not be built in the near future and also the situation of temporary cul-de-sacs not needing to be at the end and not removing them. But, he said, he is sensitive to the fact that getting rid of all the requirements might allow for gaming the situation. Is there a possibility of reversing the policy about who is paying for what?

Ms. Maclean said staff agrees that temporary cul-de-sacs should be platted as close as possible to the edge of a subdivision and should plat to un-subdivided lands where practicable. The question is do you consider the extra land for a stub street, and do you have to bond for the stub? Mr. Voelckers said Mr. Miller would likely say that it is necessary to practicably access the next lot but that there is no need to go to the end. Mr. Levine said the purpose is to insure it accesses the back lot.

Ms. Maclean reiterated that it is all about making sure the requirement is practicable. In Vista-del-Sol, a stub street is not most practical because it would be platted on the steepest part of the property. A stub street could have been located on a different lot on the west side, instead of at the back of the property. She said she thinks if there is un-subdivided land next door, access should be allowed. Mr. Greene asked in the example under discussion, why not make the lot accessible from the main road? Ms. Boyce said that code requires connectors; the city wants to create a local street network.

Mr. Levine said it makes sense to treat this as a stub street. Mr. Voelckers said all the members agree. The question is about bonding, and he is not persuaded that the new policy is any better but he does not feel strongly about it. Mr. Voelckers said not doing a stub street if there is no reasonable practical use partly solves it. But developers feel bonding is punitive. Mr. Greene asked if the street in Vista has been turned over to CBJ. Ms. Maclean said not yet; bonding is for 5 years from plat approval.

Mr. Dye asked what happens if a stub street is bonded for but the intermediary road is never built. Ms. Boyce said generally 2 years is the timeframe from plat to build. Ms. Boyce said having a 5 year time frame in code provides the next-door developer incentive to develop. Mr. Dye said he felt that it is crazy to bond out at the start.

Mr. Voelckers asked if there is an appetite to get rid of bonding and go back to cul-de-sacs. Ms. Maclean said she is only concerned with a situation like a large parcel that has to plat all 30 acres and build cul-de-sacs at the far end although only building 10 of the acres. Mr. Voelckers asked how that is practicable defined. Ms. Maclean said if phasing a large development, a developer would put cul-de-sacs 1/3 of the way up because of the large size of the phase.

Mr. Greene said so if someone is phasing, they do not have to plat the whole thing? Yes, they would provide a sketch plat if phasing, said Ms. Maclean. Mr. Greene said if someone was phasing, then the 5 years makes sense. Ms. Maclean said that the first developer has enough skin in the game.

Mr. Voelckers stated that the committee agreed that the remnant is a stub street. Ms. Boyce said she trusts the market will dictate for the first developer. Mr. Levine suggested the wording could say "as close and practical, not to exceed unless determined by director. He suggested finding a way to give the director discretion to put the stub street somewhere else on the property.

Ms. Boyce said so the issue left is bonding for the temporary cul-de-sacs. Who converts the stub street then, asked Mr. Greene. Mr. Voelckers said it would be the next guy up who picks up the first 150 feet or so. Ms. Maclean said it makes sense if the owner of the land behind that developer could get a lot back.

Mr. Voelckers asked if committee members see any issue with Mr. Dye's idea of allowing it to be built permanently once and just leaving it. Mr. Levine said right now there can only be temporary cul-de-sacs if it is determined that there is undeveloped land adjoining. Mr. Dye said can't someone just do it when they want to? There are no minimum requirements, just maximum. Is there any code language that says you can't do it? Mr. Levine said we have to make recommendations to Law regarding what we want the outcome to be and Law then does the cleanup. Ms. Maclean said she will check with Engineering first. What is the next step, she asked?

Mr. Levine said these points have been agreed on and now just need wordsmithing for:

1. The thing after cul-de-sacs is a stub street
2. No bonding requirement for stub streets
3. Get rid of the word "temporary" in cul-de-sacs.
4. Build cul-de-sacs as near as possible to a lot line
5. Cul-de-sacs can be built anytime

Mr. Dye suggested the case go to the Planning Commission next; the Committee did not need to see it again.

B. Common Walls

Ms. Maclean said she wants to keep this in committee a little longer; at the last meeting the discussion happened too fast for her comfort. She pointed out that uses just approved became nonconforming. Her preference is that there is one common wall ordinance for residential zones, D3-D18, and a common wall mixed-use ordinance for other zonings. She said she wants to move both ordinances through concurrently in order to cover all bases. Mr. Levine and Mr. Dye said they had no problem with that.

Mr. Dye asked if there is any reason the common wall ordinances need to happen soon. Ms. Maclean said they are almost done so she'd like to get that off the plate. Mr. Levine said he remembers thinking there was a lot of value in separating residential and mixed use common walls. We might as well take the time and do them right, said Mr. Levine.

This will come back to the Title 49 Committee.

C. Review of Proposed Revisions to CBJ Code re: Stream and Lakeside Buffers

This topic was moved to the next committee meeting due to a loss of quorum.

IV. Next Meetings

- Maybe October 8 or 1– Ms. Boyce will check for attendees' availability.
- Monday, October 15, 2018, 12:00 – 1:30 pm.

VI) Adjournment

The meeting adjourned at 1:07 pm.

FRIENDLY AMENDMENT: *by Mr. Miller, that the group determines whether it is possible to obtain and review the report generated by the ATF on the breach of security, and if so, the group should include their findings in the report to the PC.*

Mr. Satre accepted Mr. Miller's friendly amendment, which was incorporated into the motion as well.

Mr. Barajas offered to attempt to contact ATF to see if he is able to obtain a copy of the report on the breach of security at the lower powder magazine facility.

Chair Gladziszewski stressed that the gist is for the group to investigate what could heighten security at this APU powder magazine site in whatever manner is necessary, and therefore the Commissioners are concerned enough to continue consideration of USE2009-00019.

Mr. Satre noted that by the PC continuing USE2009-00019, the Commissioners are potentially holding this applicant to a different standard, versus the applicant of USE2009-00018 that was approved on the Consent Agenda. Mr. Rue referred to USE2009-00018, explaining that the lower powder magazine facility has a fence. Chair Gladziszewski said the Commissioners have been suggesting that requiring the applicant of USE2009-00019 to install a fence is not going to help heighten security at this site. Mr. Satre clarified that the requirement that a perimeter fence containing razor wire was not a condition of USE2009-00018.

Roll call vote

Ayes: Taug, Grewe, Bennett, Watson, Rue, Waterman, Gladziszewski
Nays: Miller, Satre

Motion passes: 7:2, and USE2009-00019 was continued until further information is provided to the PC.

Mr. Pernula commented that if at all possible he would like to attempt to present the requested information to the PC on July 14, explaining that the next regular PC meeting on June 23, 2009 already has a full agenda.

BREAK: 8:04 - 8:12 p.m.

VIII. UNFINISHED BUSINESS - None

IX. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

TXT2007-00004

A Draft Ordinance amending the Title 49 Land Use Code, Chapter 35-Public Improvements, which deals with the construction requirements for new subdivisions. (Ord. Serial No. 2009-XX)

Location: Boroughwide
Applicant: City & Borough of Juneau

Staff report

Tim Maguire reported that the proposal is a continuation of an update of Title 49, the CBJ Land Use Code, specifically Chapter 35-Public Improvements. He explained that 95% of this chapter

mainly pertains to new subdivision improvements, noting that there are some portions dealing with driveways in public rights-of-way. He said the Title 49 Committee reviewed this chapter numerous times, and their recommendations and revisions were provided to the Law Department for the purpose of developing the Draft Ordinance. He stated that all throughout this process the CBJ Fire, Engineering, Community Development, and Public Works Departments reviewed the proposed code revisions. He explained that most of the language after the revisions were provided was replaced, noting that not very much of the existing code remains. Technically, he explained that the Law Department is going to rescind Chapter 35 and re-adopt it as a new code. He stated that the objective for this update is to: 1) clearly spell out the permitting approval process, 2) clarify and standardize the requirements, and 3) simplify the approval process where possible. He said Chapter 35 mainly deals with standards so it contains minimal permitting processes, but when they discuss the subdivision section they will be reviewing additional permitting aspects at that time.

He stated that he will provide a review of the major revisions listed in the report:

1. Driveways in the Rights-of-Way.

He said the permitting process for this was cumbersome, which required developers to obtain an Allowable Use or a Conditional Use permit, but the criteria for approval did not fit the proposed action. He explained that driveways in the rights-of-way will have a separate permit process and criteria for approval to fit the requested action, including that in-house approval will be provided for proposals that serve 6 lots so these permits will not be presented to the PC. He explained that this code section lays out the process for approving driveways in existing public rights-of-way, but this is not an improvement standard for constructing a new subdivision.

Mr. Miller said he foresees the possibility of a gated community scenario, whereby he referred to a criterion found under the Draft Ordinance subsection 49.15.560(a)(3), and cited, "The applicant will ensure that the driveway will not be blocked from use by the public for access." He explained that there may be a time when a gated community would not contain such a requirement. Mr. Maguire said the Planned Unit Development process might be presented under this type of gated community situation because it would be more or less a private driveway. He explained that if this were the case, this particular section of code would not apply because it would not be constructed in an existing public right-of-way. Mr. Miller confirmed that this would also be the case for a regular subdivision on private property. Mr. Maguire said yes.

2. Waiver of Public Improvements.

He stated that there were a number of waivers for public improvement standards that were added to the code over the years so it became confusing as to which standards applied, including that the code has changed in other areas that already addresses certain situations. He noted that the Title 49 Committee chose to delete the waivers that are not useful, and retain only those that are considered to still have value, including allowing new waivers to be added in the future to deal with new situations. He said certain areas of the code were changed, and now if certain criteria are met the alternative standard for construction applies without having to request a waiver.

3. Temporary Cul-de-sacs.

He said the code did not address the use of temporary cul-de-sacs, i.e., how they are supposed to work, who pays for the reconstruction of the turnarounds and the extension of the road, and what the building setback requirement is from the temporary turnaround. He stated that temporary cul-de-sacs have been utilized in subdivisions in the past with varying success. He said the

changes to address these issues includes a new code section that states that temporary cul-de-sacs will be treated as easements and will revert back to the property owners. He explained that another requirement was added for a bond to be posted for reconstruction of the turnaround and utilities when the roadway is extended. He said the purpose is to attempt to spread out the cost of reconstructing the cul-de-sac, versus waiting until the next subdivision comes in and placing all these costs on the new developer to extend the road.

Mr. Miller said he wishes to commend staff and the Title 49 Committee, noting that he has been through a couple of subdivision processes so he appreciates the revisions, which is more simplified and very clear. However, the only objection he has to any of the revisions is the requirement for a five-year bond to be posted for reconstruction of the turnaround and the installation of utilities when the road is extended. He referred to Attachment 1, explaining anecdotally when a developer on the left side of the road constructs a subdivision with a temporary cul-de-sac to the end of his property line, as it stands right now when the developer completes the subdivision they are done once all of the requirements of the CBJ are met, and then the developer's bond is no longer in effect. However, the method in which the code has been revised is that the first developer will now be required to post a five-year bond, and then later be required to return to the subdivision and change the cul-de-sac so the second developer on the left side of the road can do what they want to do, which ties up a bond that the first developer had to pay for five years, including maintaining the paperwork for CBJ to monitor to assure that such a bond is in effect. Another anecdotal situation is if the developer on the left is also the same developer on the right, but completing the construction in phases, and therefore would do so the same way as he does now with no bond requirement for Phase I of the subdivision on the left side of the road. This is because right after this phase is done the developer begins constructing Phase II of the subdivision on the right side of the road, whereby all of the improvements are completed at the same time, including changing the cul-de-sac to extend the road. He said it does not make sense as to why they added a five-year bond requirement for a temporary cul-de-sac into this code revisions process. Mr. Maguire said this example of a cul-de-sac (Attachment 1) shows the temporary cul-de-sac being constructed to the property line; however, in many cases it is not, and instead, is left un-built by the first developer so it just contains the right-of-way extending to the property line. He stated that when this happens and the second developer begins construction on the other side of the road, he has to incur the cost to construct the remaining un-built section of road and the reconstruction of the cul-de-sac to extend the road; therefore, this cost burden is solely on the second developer, which is usually the case. He noted that they added language which states that the temporary cul-de-sacs are to be constructed as close to the property line as possible, and this was not previously provided in code. He said there is another section of code that addresses stub streets. He explained that many times a street stubs out and does not serve any lots so a turnaround is not required, but the stub street will be connected during future development of the property. However, the language in this section now states that the guarantee must be for a period of five years from the date the plat is recorded, and he agrees that it certainly is not a perfect solution, but this is the method in which some communities deal with these issues so that adjoining developers share these costs.

Mr. Watson said the initial builder incurs all the expenses constructing a subdivision on the left side of the road, along with installing improvements to the property line. He said this creates greater value to the owner of the vacant land on the right side of the road, and therefore the second developer benefits by this, yet there would now be a burden of a five-year bond placed on

the initial developer. He asked how the five-year number was derived at. Mr. Maguire said the five-year number is what they thought would be a reasonable time period for a financial guarantee of a bond to be posted to have these costs shared. He stated that if the second developer constructs a subdivision on the right side of the road within the five-year time period, the cost is shared with the first subdivision developer on the left side of the road. However, if the second developer does not do so within this time period, the financial guarantee will be released.

Ms. Gladziszewski stated that if a developer is required to build a temporary cul-de-sac to the end of their property, she believes the developer should be done with the application.

Mr. Rue cited, Draft Ordinance subsection 49.17.425 Streets, (a)(6)(C) Temporary cul-de-sacs, "Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future..." He noted that this time period is not very specific. He explained that either way the road and temporary cul-de-sac has to be constructed so it is accessible by emergency personnel and their equipment, but the issue is if the temporary cul-de-sac is not built to the property line by the first developer and does not service all the lots. He said the reasoning would probably be so the developer retains more developable property, and therefore in this case the code should require the initial developer to post a bond or else the other developer is going to have to fix it.

Mr. Miller said he believes he understands how the concept came into being, i.e., the last developer ending up having to pay excessive costs, which were not his to bear. He explained that he has not witnessed these situations that have been mentioned happening very much, and instead, he has often seen this take place regarding drainage situations. He stated that when construction has been happening over the course of 20 years, all of a sudden they discover that a stormwater system is no longer capable of handling additional runoff, and therefore the last developer that wants to build a subdivision has to attempt to fix it and bear this cost. He stated that they want the developers to share the cost, but in reality the second developer on the right is gaining benefits from the fact that the developer on the left has already established a subdivision so second developer's land is now more valuable because he does not have to install the primary feed into his property himself. He stressed that as this portion of code has been revised, it will be placing more of a cost burden on the first developer so he would like to see the five-year bond requirement removed, except in situations when the subdivision is not constructed to the property line.

Ms. Waterman stated that a situation could be that the second developer on the right has the opportunity for a second access, and to meet the public good the PC wants to encourage this developer to work with the first developer on the left to get rid of the temporary cul-de-sac in order to provide continuity for developments to work together, and to avoid having multiple cul-de-sacs in the borough. In addition, she said that if the developers know in advance that there is some type of cooperation requirement, this might encourage the second developer on the right side of the road to help eliminate the temporary cul-de-sac.

Mr. Maguire stated that the Casa del Sol Subdivision is where there is a temporary cul-de-sac proposed, and it has another parcel adjacent to it. He said in this case they may wish to later extend the right-of-way to connect to the other parcel to avoid constructing two temporary cul-de-sacs, but the initial temporary cul-de-sac is quite a ways back from the other parcel. Therefore, if they were to state that the second developer of the other parcel does not get any

more benefits than the initial developer does and is required to construct a road through his parcel, including extending it to the existing road, it would place a much greater cost burden on this developer. He explained that the situation that they are commonly left with is that the temporary cul-de-sacs are not constructed to the property line.

Ms. Gladziszewski stated that it is simpler to state that if the developer constructs the subdivision to the property line, and then once the subdivision is complete they are done, and therefore this developer is not required to post a five-year bond. However, if the developer does not construct the subdivision to the property line, they are responsible to post a bond and share the expense to extend the road with the new developer if the new development takes place within a five-year time period.

Mr. Watson stated that once a temporary cul-de-sac is reverted back to extend a street, he asked if the portion on the original developers property reverts back to them. Mr. Maguire said yes, explaining that it would only consist of the portion of their property that is outside of the easement. Mr. Watson stated that if the original property owner sells the property, he asked if this will be duly noted on the plat for future owners. Mr. Maguire said yes, stating that the CBJ would eliminate the easement, including providing paperwork confirming that the remaining property was converted back to the owner.

Mr. Rue referred to the Draft Ordinance subsection 49.17.425 Streets, (a)(6)(C)(vi), and cited the first section, "Temporary cul-de-sacs must be extended as close to the adjoining property boundary as practical." He said the issue the PC is currently discussing is already solved according to this section. However, he stated that he might have missed something, whereby he cited the remaining section, "If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and this roadway extension constructed to standard (See Figure 4);" He stated that Mr. Maguire's scenario regarding the Casa del Sol Subdivision temporary cul-de-sac issue would be solved per this subsection. Ms. Gladziszewski said this subsection does not address which developer pays for extending the road. Mr. Rue said he interprets this subsection to state that the road has to be constructed when the subdivision is built. Mr. Maguire clarified that in the past there has been a gap in the code, so this new language would require the developer to construct the temporary cul-de-sac to the property line, and then to also include a small extension of the road. Ms. Gladziszewski confirmed that this verbiage states that the developer is allowed to construct a temporary cul-de-sac anywhere they want, but they are required to construct a road to the end of the property line. Mr. Maguire said yes. Mr. Rue commented that the developer would not be required to post a bond because the road would have already been extended once the subdivision is done. Mr. Pernula clarified that this developer would still be required to post a bond for removal of the temporary portion of the cul-de-sac if it is necessary for new construction to extend the road to the adjoining property within a five-year period. Ms. Waterman asked about installing drainage. Mr. Miller explained that the code states that the road has to be constructed to standard, and therefore the developer would be required to install all required utilities, e.g., drainage, sewer, water, electricity, television cable, etc. Ms. Gladziszewski said this is somewhat confusing, explaining that it states that the developer is constructing housing within a subdivision, including a temporary cul-de-sac, but they are also required to randomly extend a road to the end of their property line, which could be to nowhere. She asked if the CBJ currently has this requirement in place. Mr. Maguire said no. Mr. Miller said in this case a bond would be appropriate, rather than requiring a developer to construct a

road to nowhere. Although in other cases it makes sense that the developer would chose to construct the cul-de-sac and extend the road to the property line so they would not have to post a bond. He stressed that this section of the Draft Ordinance needs to be revised. Mr. Maguire offered to incorporate the revisions that the PC has recommended.

4. Water Systems.

He explained that the code was not clear as to what standards needed to be met for water systems in new subdivisions, and it did not clearly stipulate what the requirements were for fire flows, or what fire protection systems are needed in the fire service area. Further, he explained that the code did not address the issue of the State requirement for water appropriation. He said they added language to require coordination with the State for appropriation of water and securing water rights. In addition, language was added to clarify the standards for water systems in subdivisions, including how they are to deal with the issue of non-residential water systems (commercial and industrial). He explained that the code was also revised so that the current standards for fire flows and fire protection must meet the fire code in Service Area 10.

5. Sanitary Systems.

He stated that under sewers, the existing code does not address various types of wastewater treatment systems, which are allowed in subdivision development, and therefore they included code language to address different types of systems that would be allowed as well as the process for approval. He said it was also unclear when CBJ oversight applies in terms of operation, monitoring, or maintenance of private sewage facilities. He explained that when the CBJ Lena Subdivision was completed, an ordinance containing regulations was passed to require CBJ oversight of the individual treatment systems. However, the Title 49 section of code does not make a distinction between the type (residential or commercial), the size (minor or major subdivisions) and all types of private treatment systems (individual or community systems) regarding those that are under CBJ construction permitting and maintenance oversight. Therefore, the Title 49 Committee worked with the Public Works and Engineering Departments to straighten this out. He said the new verbiage provides that the regulations in code are now reconciled, and wording was added to address different types of wastewater systems, including revising maintenance of individual wastewater systems to reflect responsibilities by the Public Works Department versus the property owner.

6. Oversizing Lines.

He explained that this section was very complicated, whereby he noted that the Publics Works Director stated that it was incomprehensible. He said this section has been now updated, which simply states that oversizing will be required if the Engineering Department determines that it is necessary, including that any cost difference which may occur can be dealt with at the time of construction plan approval.

Mr. Rue interjected, asking if Mr. Maguire was going to discuss the Draft Ordinance subsection 49.17.440 regarding drainage. Mr. Maguire said he did not specifically call out this section in the report. Mr. Rue explained that he is concerned that this entire drainage section is too focused on storm drain facilities. He said this runs counter with the PC's recent discussion regarding instituting the complete streets/context sensitive concept, swales, and wetlands, etc. He said these are different methods they are able to institute so drainpipes are not directing runoff into creeks. He said the worst scenario is if any of these drainpipes direct polluted runoff into anadromous streams from parking lots, such as Auke Lake. He said the PC held significant

discussions regarding methods to redesign streets in order to deal with runoff issues, but this approach runs counter to this entire effort. He explained that a developer was required by the PC to install grassy swale, and then the Engineering Department overrode this decision and had them install a storm drain system instead. He stressed that his concern is that this section focuses too much on storm drains, e.g., under subsection (3)(b) Easements, he cited, “All subdivisions must be provided with necessary drainage easements, and drainage facilities...” He said this is requiring a storm pipe and oil/water separator to be provided, as opposed to other non-hard drainage alternatives. Therefore, he requests that the Engineering Department consider integrating drainage with non-facility types of alternatives, which should include the efforts that Michele Elfers is currently working on as well. Mr. Maguire explained that while they were working on this update, it was decided that they would not focus on completing a major update of the standards. He said there were many suggestions, so they intend to look at the entire drainage section and discuss all the different options regarding the standards in the near future. He agrees that this language in the drainage section is outdated and needs to be reviewed. He noted that a few years back the CBJ adopted an Alternative Road Standard, which eliminated storm drains, curbs and gutters, and now requires that grassy swales be installed instead in low-density subdivisions. Mr. Rue said he agrees with the notion to just clean up what is in code now, and then the Engineering Department can recommend further revisions, but he would like the PC to review this within the next year.

7. Walkways.

Mr. Maguire said the joint use for both pedestrian and bicycle use was not addressed in this section. He explained that they asked that “walkways” be changed to “shared-use pathways,” including an increase in construction width from 5 feet to 8 feet based on the AASHTO standards. He said there was no requirement for rights-of-way or widths to be provided, so they also requested that the rights-of-way be required at a minimum width of 10 feet. Finally, they addressed the timing of construction of these shared-use pathways to try and prevent past difficulties with installing pathways after houses were already build on adjacent lots.

Chair Gladziszewski thanked Mr. Maguire for his presentation, stating that the Commission is happy to see this move forward. Ms. Bennett added that she serves on the Title 49 Committee and found it to be a nice process while working with staff on these revisions.

Commission action

MOTION: *by Ms. Waterman, that the Planning Commission requests that the revisions be incorporated by staff regarding the Temporary Cul-de-sacs and Stub Streets sections as discussed by the Commission, and then the work on the Title 49, Chapter 35-Public Improvements shall be forwarded to the Assembly.*

Mr. Rue asked if the intention is to remove the five-year bond requirement out of the Temporary Cul-de-sacs section. Ms. Waterman deferred to Mr. Maguire and Mr. Miller for clarification. Mr. Maguire said he understands that the agreement is if the temporary cul-de-sac is not initially constructed to the property line then the road extension would not need to be constructed, but if it is constructed close to the property line the developer would be required to post a bond. He explained that they will need to make revisions for these two different situations. Mr. Watson said when Mr. Maguire states “close to or to,” he prefers that a specific dimension be provided instead. Mr. Miller said he likes “close to” and explained that if there is a wetland or a forest abutting the property that is 20’ away it could be considered as being “close to” the property line,

and it could also be that such sections of property might never be developed so they are left undisturbed. Mr. Maguire said they could revise this section in such a way as to not utilize his exact words, which could also state that this is an aspect that staff presents to the PC for a final determination.

There being no objection, it was so ordered, and TXT2007-00004 was recommended for approval after the PC's revisions are incorporated by staff, which will then be forwarded to the Assembly.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

VAR2009-00008

A Variance request to exceed the maximum canopy height limit of 10 feet by a maximum of 2 feet for three canopy segments on the Telephone Hill Parking Garage.

Location: 100 Main St.

Applicant: CBJ Engineering

Staff report

Mr. Sexton stated that a point of concern, after reviewing minutes and listening to the discussion of the meeting, is that the actual PC motion did not address staff's recommendation to approve part of the requested Variance to allow for the Parking Garage south vehicular entrance canopy to be constructed at 12-feet, noting that the motion only recommended adoption of findings and analysis from the applicant. He said he believes it was the intent of the PC to provide recommendations of approval for all the tower canopies on the Parking Garage.

Commission action

Chair Gladziszewski asked if staff is requesting a motion so this is made clear. Mr. Sexton said staff just wanted to make this clarification, and if the Commissioners concur with the Notice of Decision language regarding VAR2009-00008 no motion is required. Chair Gladziszewski asked if the Commissioners had any objections to the Notice of Decision regarding VAR2009-00008, to which the PC had none.

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula reported the Committee of the Whole (COW) of the Assembly will meet on June 15, 2009 at 7:00 p.m. to review the League of Women Voters survey results of the CDD permitting functions. He explained that the original memorandum previously presented to the Commission was revised to incorporate the PC's suggestions. Therefore, he will provide the survey results, the newly revised memorandum, and the May 26, 2009 COW of the PC minutes to the COW of the Assembly for review, whereby he strongly encouraged the Commissioners to attend this meeting.

He stated that the next regular PC meeting will be held on June 23, 2009, noting that there are several items on the agenda, including the Allowable Use permit and Variances for the Alaska Mental Health Trust Authority Building.

AME2018 0015 - A text amendment to CBJ 49.35.240 regarding improvement standards

Planning Commission
December 11, 2018
Tim Felstead



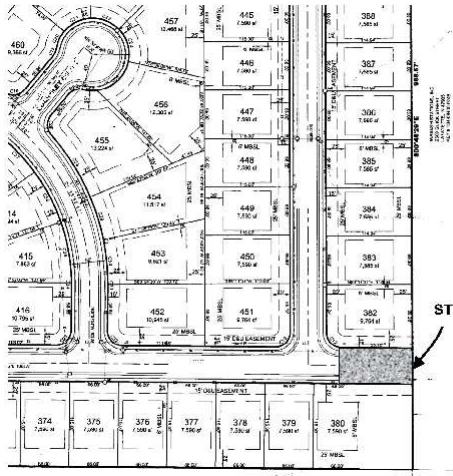
AME2018 0015

Background

- Subject code language added in 2015 overhaul of subdivision requirements
- Subdivision developer required to provide a 5 year financial guarantee for unbuilt stub streets and removal of temporary cul-de-sacs
- After initial review by Title 49 Committee scope of change was limited to only removing financial guarantee for stub streets. Temporary cul-de-sacs remained the same.
- Planning Commission review September 11, 2018. Request further review of requirements for temporary cul-de-sacs in relation to stub streets
- Further review by Title 49. Changes to temporary cul-de-sacs recommended.
- Review by CBJ Engineering and Public Works.
- Review by Planning Commission and then Title 49 again (with Engineering)

AME2018 0015

Stub streets



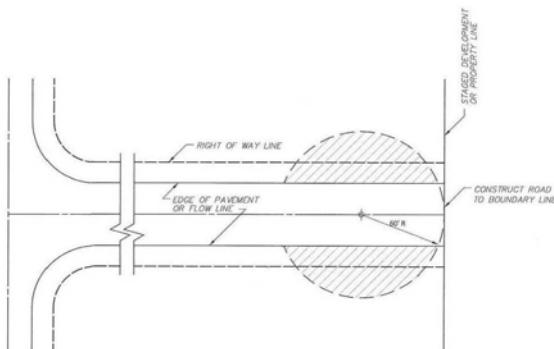
ROW that is required in order to meet street connectivity requirements

Director can waive all, part, or none of the construction requirements for the street if the street does to provide access to any lots in the subdivision.

Subdivider is providing ROW to lots which may not already have access

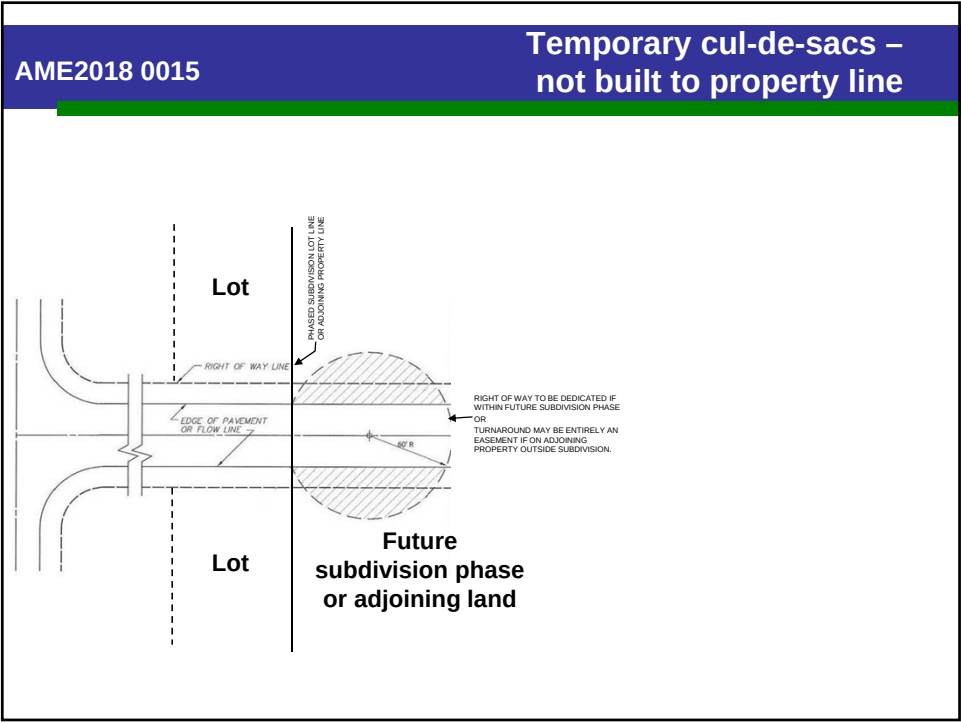
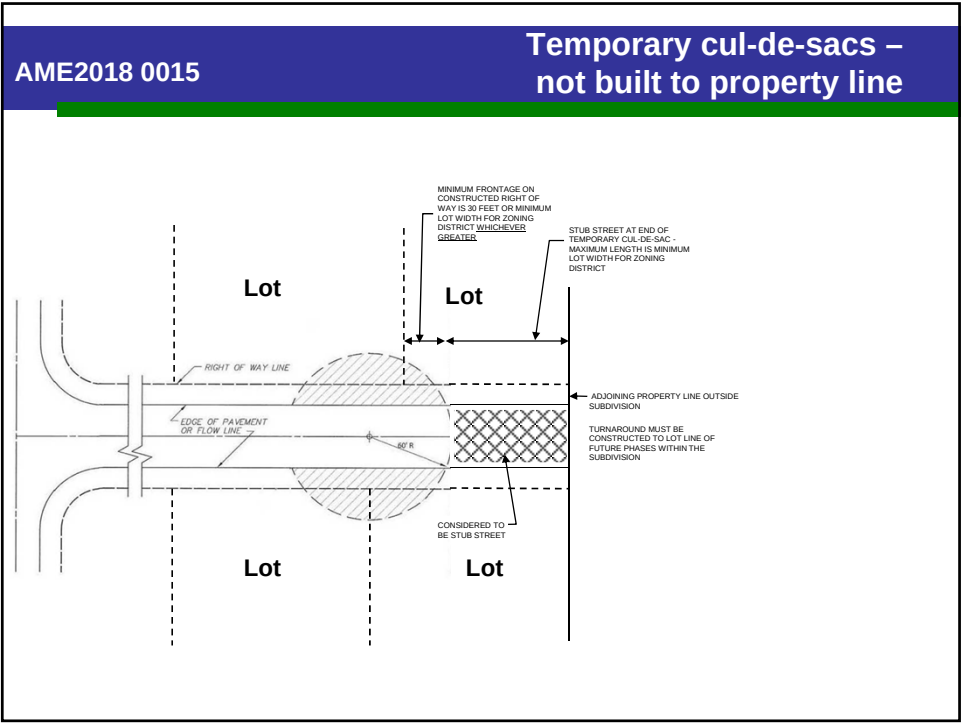
AME2018 0015

Temporary cul-de-sacs



Allows for a street that provides for 'near future' street connectivity to still meet Fire (space for quick maneuvering) and CBJ Streets (snow-ploughing) turnaround requirements

Cul-de-sac shall be constructed as close to property boundary as practical. If not practical then ROW shall be extended to property to property boundary and constructed.



AME2018 0015

Changes in revised ordinance (1)

- i. Clarifies temporary cul-de-sacs are intended to facilitate practical road extensions at any time in the future and not just the 'near' future as the current language states.
- ii. Clarifies the turnaround easements allow all the public access and maintenance that occurs with dedicated ROW until the easement is vacated.
- iii. Requires that temporary cul-de-sac turnarounds be reviewed by the Director, with input from the Director of E&PW and the Fire Marshall, to determine if they should remain once the street is connected to by development on adjoining property.
- iv. The temporary cul-de-sac no longer counts to the lot area since they could effectively be permanent depending on the Director's determination.
- v. Any unconstructed but platted ROW that continues after a temporary cul-de-sac is considered a stub street and is subject to stub street provisions.

AME2018 0015

Changes in revised ordinance (2)

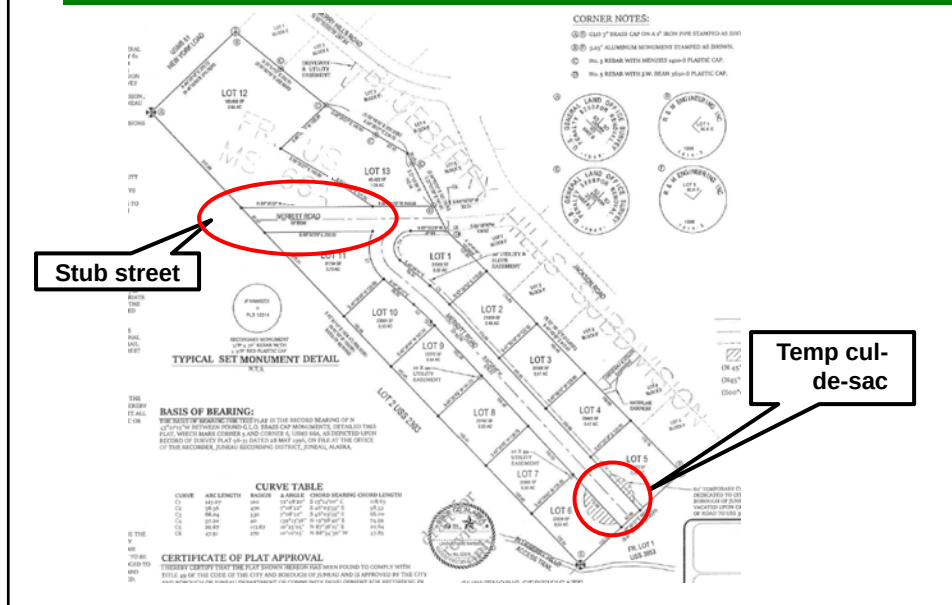
- vi. The temporary cul-de-sac stub street has a maximum length of the minimum lot width for the zoning district. There is no maximum length of other stub streets.
- vii. Clarifies that a temporary cul-de-sac has to be constructed up to or be in any lot within the subdivision that has been identified for a future subdivision phase. A stub street after the turnaround would not be allowed in this case.
- viii. Amended illustrations of temporary cul-de-sac configurations relative to lots within and outside of the subdivision.
- ix. Clarifies that the turnaround can be an easement on a lot outside of the subdivision - this was implied in the existing illustration and language but a new illustration and language makes this more clear.
- x. No requirement for a financial guarantee for temporary cul-de-sac turnaround removal or stub streets. Removal of a temporary turnaround and/or construction of an unconstructed stub street would be the responsibility of the next developer.

AME2018 0015	Changes in revised ordinance (3)
xi. Added that it should be demonstrated that the any stub street alignment can be constructed to CBJ standards. For example, a stub street cannot be platted where it would have to exceed maximum ROW grades. Similarly, it should be demonstrated that driveways connecting to temporary cul-de-sacs can be extended to CBJ standards in order to meet the reconstructed street following temporary cul-de-sac removal. xii. Amended the cul-de-sac definition to be a street with a turnaround and not just the turnaround portion. A definition of what a temporary cul-de-sac is also added. xiii. Adds a requirement for a specific plat note, that describes when the easement would be vacated and that it is dependent on a decision by the CDD Director.	

AME2018 0015	Changes in revised ordinance
Proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. This change would not create any internal inconsistencies within any plans or codes.	
<u>STAFF RECOMMENDATION</u>	
Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.	
This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the 2015 code revision for temporary cul-de-sac removal and stub street construction be returned to the appropriate developer.	

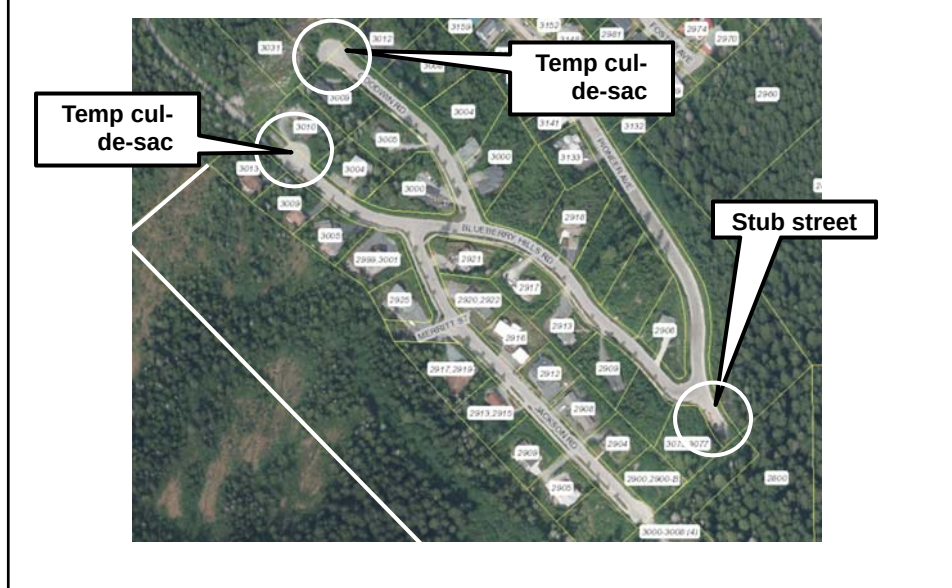
AME2018 0015

Example: Merritt Road (West Juneau)



AME2018 0015

Example: Blueberry Hills (West Juneau)



AME2018 0015

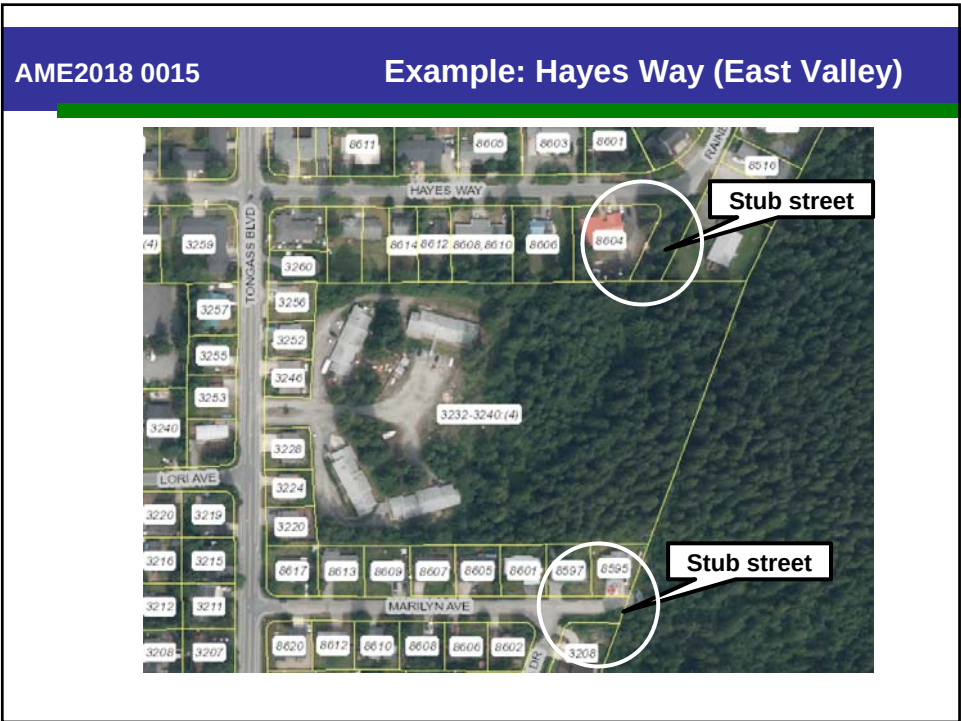
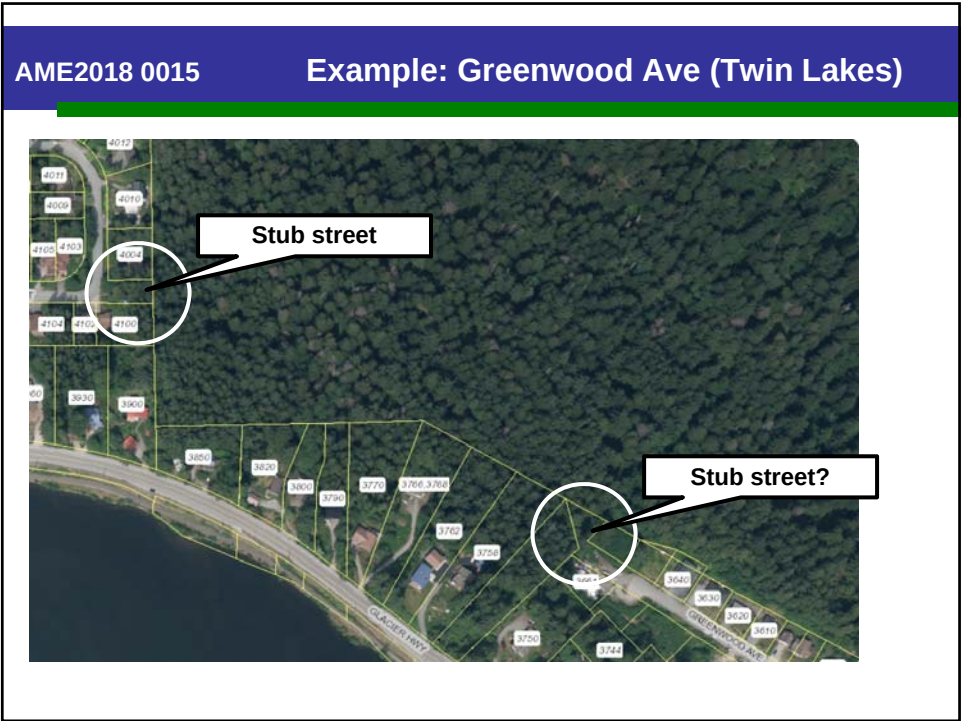
Example: Vista Del Sol (Lemon Creek)

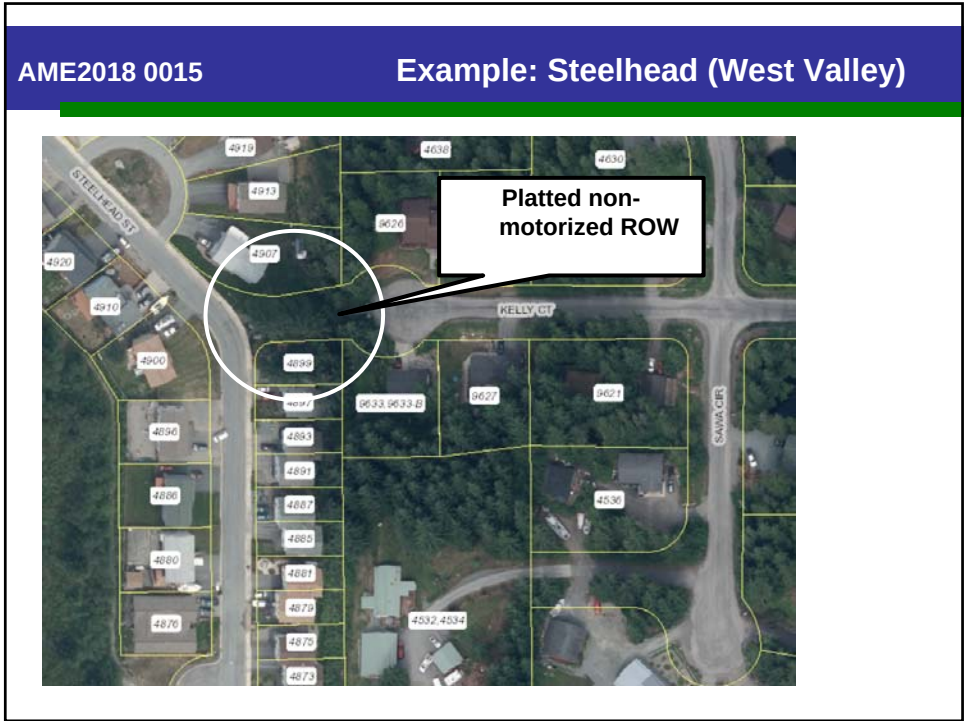
An aerial photograph of a residential area in Lemon Creek. The map shows several property lots, each labeled with a number. A road, labeled 'VISTA DEL SOL DR', runs vertically through the center. To the left of this road, there is a cul-de-sac labeled 'CASA BONITA CT'. A callout box points to the cul-de-sac with the text: 'Platted as 'temporary' cul-de-sac with stub street'.

AME2018 0015

Example: Kanata St (East Valley)

An aerial photograph of a residential area in East Valley. The map shows a grid of property lots, each labeled with a number. A road, labeled 'KANATA ST', runs vertically through the center. To the right of this road, there is a cul-de-sac. A callout box points to the cul-de-sac with the text: 'Stub street - associated with permanent cul-de-sac'.







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: December 20, 2018

Case No.: AME2018 0015

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to Title 49, the Land Use Code 49.35.240, regarding improvement standards – temporary cul-de-sacs and stub streets.

Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 4, 2018, and recommended that the City and Borough Assembly adopt staff's recommendation for a text amendment to Title 49, the Land Use Code 49.35.240, regarding improvement standards – temporary cul-de-sacs and stub streets.

Please note that this recommendation includes adding a provision that the associated ordinance include a provision that any financial guarantees for temporary cul-de-sac removal and stub street construction provided under the requirements of *Ordinance 2015-03(c)(am) An Ordinance Amending the Land Use Code Relating to Subdivisions* be returned to the appropriate developer.

Attachments:

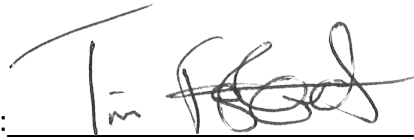
- i) December 4, 2018 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding AME2018 0015.
- ii) Draft ordinance reviewed by the Planning Commission on December 11, 2018.

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

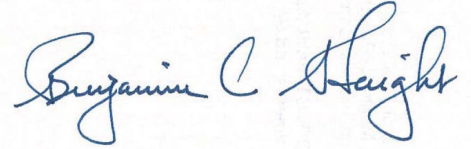
City and Borough Assembly
Case No.: AME2018 0015
December 20, 2018
Page 2 of 2

recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

12/21/2018

Date

cc: Plan Review

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



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

DATE: December 3, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner 
Community Development Department

CASE NO.: USE2018 0021

PROPOSAL: A Conditional Use Permit for a 23 dwelling unit condominium development

GENERAL INFORMATION

Applicant: R & S Construction LLC

Property Owner: R & S Construction LLC

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park IIA, Block C, Lot 1A

Parcel Code Number: 5B1601440012

Site Size: 70,594 sq. ft. (1.62 acres)

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: Light Commercial (LC)

Utilities: Public water and sewer

Access: Clinton Drive and Vintage Boulevard

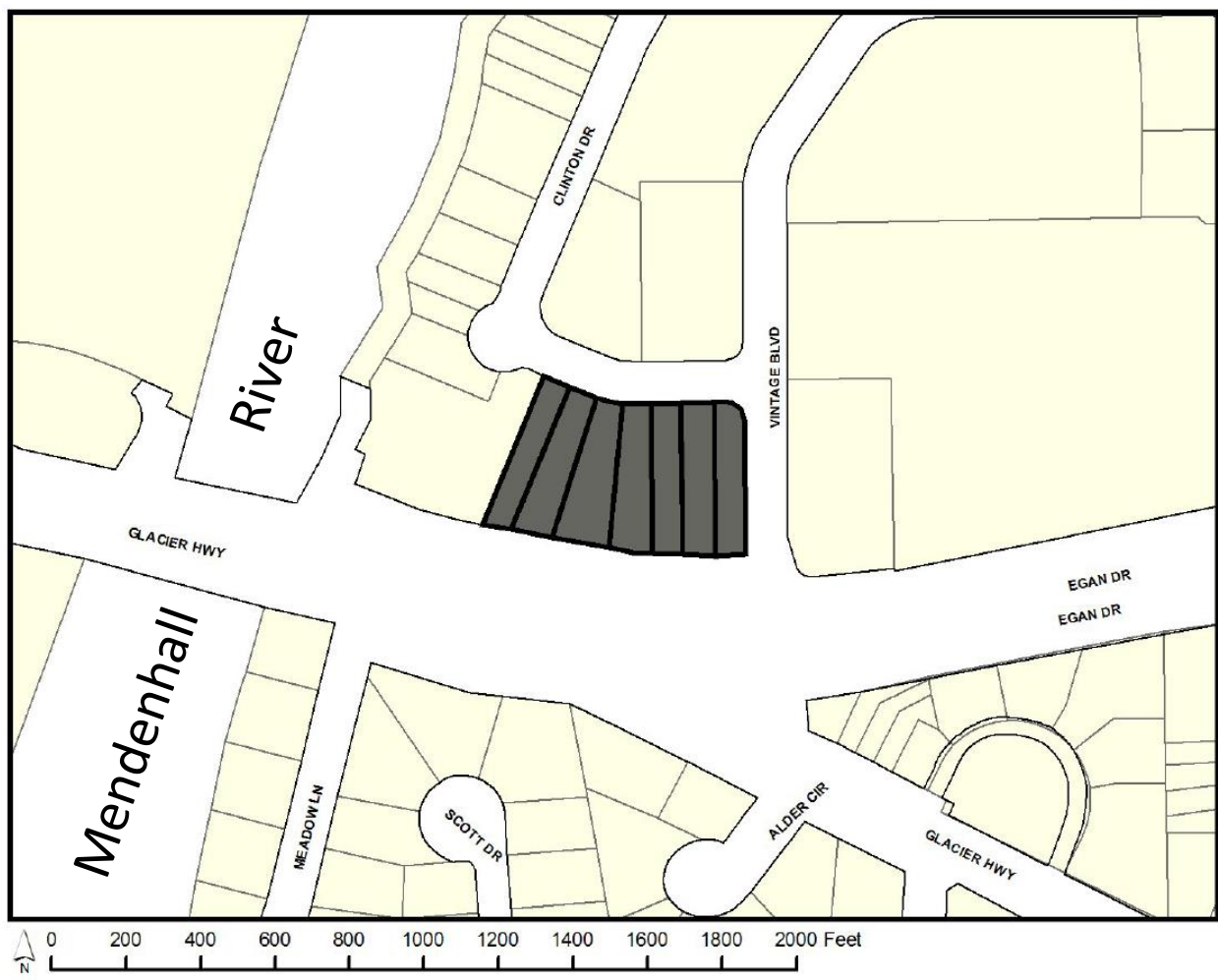
Existing Land Use: Multi-family residential under construction

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Surrounding Land Use:

- North - Clinton Drive Right-of-Way, Commercial Offices; Light Commercial (LC)
- South - Egan Drive Right-of-Way, Commercial Offices; Light Commercial (LC)
- East - Vintage Boulevard Right-of-Way, Commercial Retail; Light Commercial (LC)
- West - Vacant; Light Commercial (LC)

VICINITY MAP



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Case No.: USE 2018 0021
December 3, 2018
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ATTACHMENTS

Attachment A – Application including narrative regarding amended condition, photograph of affected area along Clinton Drive, minutes from Planning Commission meeting that approved USE2018 0007, Notice of Decision for USE2018 0007, and email from CBJ Valley Streets Supervisor

Attachment B – Revised site plan based on approval of USE2018 0007

Attachment C – Public notification

Attachment D – Staff report for USE2018 0007

Attachment E – Email from Ed Foster, CBJ Streets Division Superintendent

Attachment F – Photos of subject area showing property line

PROJECT DESCRIPTION

The applicant requests a limited modification to an approved Conditional Use Permit (USE2018 0007) for the development of a 23 dwelling unit condominium complex on one lot in the Vintage Park area adjacent to Mendenhall River. The dwelling units would be ‘boat condos’, with each unit consisting of an oversized garage space on the ground floor with an apartment above.

Given that the project has been approved by the Planning Commission, this staff report only focuses on the requested change to a landscaping-related condition of the approved permit.

BACKGROUND

During Planning Commission deliberation on the original Conditional Use Permit there was discussion on a staff recommendation that a 5 foot vegetative strip run the length of the Clinton Drive frontage of the development between the edge of the parking lot and the right-of-way (ROW). Between the paved sidewalk and the property line is an additional approximately two feet of unimproved and unpaved ROW. To prevent this strip of ROW remaining unimproved while being immediately adjacent to a 5 foot vegetative strip, a recommended condition required the applicants to vegetate the 2 foot strip in the ROW with grass. This has occurred on other developments in the immediate area and is currently required along the Vintage Boulevard road frontage of the development.

Ultimately the Planning Commission approved the Conditional Use Permit with landscaping placed at ‘strategic’ locations along Vintage Boulevard and removed the requirement for a continuous 5 foot vegetative strip on the subject property. This was done to allow the applicant to retain their proposed building size and to accommodate parking spaces outside the

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garages instead of inside the garages. However, when the Commission approved the permit with the amended conditions they left the requirement for the ROW to be vegetated with grass along both Clinton Drive and Vintage Boulevard. Condition 2 of the approval reads as follows:

2. *The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass.*

The applicants wish to remove the requirement that they improve the 2 foot strip in the ROW along Clinton Drive. The applicants have provided an amended site plan (see Attachment B) that takes into account the requirements of the Conditional Use Permit. Vegetative cover and landscaping is still intended to run up to the property line on the Vintage Boulevard ROW. The distance between the property line and sidewalk appears to be much smaller separation, if any at all, than on Clinton Drive.

ANALYSIS

The original staff report for the subject development is provided in Attachment A. This staff report will only examine the requested modification to Condition 2 of the approved permit.

Project Site – The project site consists of one 70,594 square foot, relatively flat lot surrounded by three ROWs. Based on the applicant site plan, the Egan Drive traffic lanes are about 55 feet from the subject property line, and there is a shared path that runs about 45 feet from the property line. Sidewalks for Vintage Boulevard and Clinton Drive abut the property line. The lot was used for materials storage during the reconstruction of Brotherhood Bridge.

Project Design – The approved project design subject to conditions of approval will not be substantively affected by the applicant's request other than as discussed below.

Traffic – There will be no change to traffic impacts due to the requested amendment.

Parking and Circulation – Other than discussed below, there will be no implications for parking and circulation.

Vegetative Cover and Landscaping – The applicants have proposed to pave the 2 foot strip in the ROW up to the concrete sidewalk with asphalt, providing a continuous surface from the parking lot to the sidewalk. Since the subject two foot grass strip is in the ROW, it does not count towards the 15% vegetative cover requirement for the development.

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The CBJ Land Use Code requires parking and circulation areas to be ‘attractively landscaped’ (CBJ 49.40.230(a)). CBJ 49.40.230(c)(1) states parking areas ‘shall be landscaped in accordance with design review standards’. However, Title 4 of the CBJ Administrative Code no longer includes design review standards for parking lot design. Staff can only subjectively assess whether the parking lot design is ‘attractive’. Work was begun in 2002 to provide additional landscaping guidance in the Land Use Code but was never completed.

The Land Use Code does however define ‘Landscape’ (CBJ 49.80.120) as:

(2) To add lawns, trees, plants, or other natural and decorative features to land.

Through direct discussion with the CBJ Streets Department, the applicants have been informed that it would be acceptable to place asphalt paving in the two foot ROW strip instead of improving the strip with grass. However in discussions with CDD, Ed Foster, CBJ Streets Division Superintendent, does have some concerns regarding vehicles driving directly from the subject lot across the sidewalk where there is no drop curb entry (see Attachment E). The applicants have already paved this strip as part of their overall parking lot paving despite the condition requirement noting it is easier for them to remove this asphalt rather than come back and pave such a thin strip at a later time.

With no requirement for a vegetative strip on the property along Clinton Drive there is no longer any significant physical or visual separation between the parking lot and the ROW. The value of only a 2 foot grass strip in the ROW, in providing this separation, is limited. Where there is no such separation buffer between the ROW and parking lot, ideally some form of barrier or curb would be provided to ensure vehicles only use demarked access points and are not able to drive across the sidewalk. This was not specifically addressed in the original staff report since a 3 foot vegetative strip on the subject property was already proposed by the applicants. The original staff recommendation was for an increased width of the vegetative strip on the property. The applicants have not proposed any form of barrier and this was not required when the Commission approved the use of strategically placed landscaping along Clinton Drive instead of a vegetative strip. Unfortunately, the Land Use Code does not provide an explicit requirement for parking lots to be physically separated from the ROW and so it is not a requirement when reviewing proposed developments. During a site visit, a vehicle was observed to be parked across the property line and encroaching into the sidewalk (see Attachment F).

Given that there is no longer a vegetative strip on the property along Clinton Drive, the chances of the development’s Homeowners’ Association informally maintaining vegetation in the two foot ROW strip are low. It would no longer be on the fringe of a larger vegetative strip, as is the case in other parts of the immediate neighborhood. The viability of an unmaintained 2 foot grass strip may also be low since such small strips can become overwhelmed with gravel from snow plowing. Other sidewalk grass strips do survive in the area, albeit to differing extents and

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being wider than the strip under review (see Attachment F). CBJ Streets would not actively maintain a two foot grass strip.

Pedestrian Circulation – As discussed above, the only concern for pedestrian circulation is the lack of a distinct buffer or barrier to separate the parking lot from the sidewalk. A barrier such as a raised curb or fencing on the subject property would assist in making a clear separation between the parking lot and the sidewalk. CBJ 49.40.230(b)(5), *Sidewalks and Curbing*, requires that sidewalks in parking lots are raised at least 6 inches above the parking lot grade. This can be used as a guide to ensure sidewalks surrounding the development should be similarly protected where no other buffer or barrier exists.

It is recommended, as part of any approval to amend Condition 2 of the approved permit, that there is a requirement for a 6 inch raise curb or similarly effective barrier along Clinton Drive to prevent vehicles driving from the parking lot directly onto the sidewalk except for where it is intended to access the lot.

It is recognized that the sidewalk is separated from the Clinton Drive travel way as a raised curb, so driving onto the lot from the street is already prevented to some extent. However, the sidewalk is not similarly protected for vehicle driving from the lot.

Drainage and Snow Storage – Removal of the strip would not cause any significant drainage across the sidewalk since the parking lot on the property will be graded to drain towards area drains in the center of the parking lot.

Public Health or Safety – Except as described above, there will be no impacts to public health and safety by removing the requirement for the two foot strip to be planted with grass.

Habitat – There are no habitats regulated by the CBJ Land Use Code that would be impacted by amending the condition.

Property Value or Neighborhood Harmony – Removal of the vegetative strip surrounding the property has already been allowed by the Commission. Removing the requirement to vegetate the two foot strip in the ROW will not cause any greater impact.

Conformity with Adopted Plans – The removal of the two foot grass strip in the ROW on Clinton Drive will not amend any of the previous review on conformance with the Comprehensive Plan any more than removal of the vegetative strip on the subject property. The recommendation to have some form of curb or barrier at the perimeter of the parking lot will better define how access occurs and facilitate safer pedestrian routes.

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Traditional Town Center (TTC). This is described as:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. (p. 147)

The proposed dwelling unit density is 14 dwelling units per acre; less than the recommended minimum in the Comprehensive Plan of 18 units per acre. Ideally, lands are developed to their maximum dwelling unit density where possible especially when located in close proximity to transit services, but there is no minimum dwelling density in the CBJ Land Use Code.

The Comprehensive Plan provides policies to encourage the development of more housing. The following policies are relevant to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. (p.37)

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES. (p.41)

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. (p.129)

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS. (p.131)

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December 3, 2018
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The development also provides potential for mixed uses in the future as the garage spaces or apartments are utilized for commercial uses. This is supported by the following policy:

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. (p.130)

POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. (p.140)

The following Standard Operating Practice (SOP) related to Policy 10.13 supports review of parking, landscaping, and lighting for developments

10.13 - SOP2 Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities.

Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth, the Plan states Initiatives, Goals, and Actions. The proposed development is providing additional housing, albeit not specifically designed to be ‘affordable’ housing.

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

Juneau Non-Motorized Transportation Plan

The purpose of the Juneau Non-Motorized Transportation Plan (JNMTP) is ‘to promote active transportation by guiding development of a community-wide bicycle and walking network that

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can be used by all Juneau residents for all types of trips'. The location of the development is a walkable distance to public amenities such as grocery stores, recreational facilities, schools, a post office, banks, etc. Transit services operate on Riverside Drive, and CBJ is actively pursuing a Valley Transit Center in the Vintage Park/Mendenhall Mall area. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

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. 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.

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December 3, 2018
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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 1.300 for the Light 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 November 30, 2018 and December 10, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public ROW.

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

No. Based on the above analysis and previous Planning Commission approval, the proposed development, with previously approved conditions and the recommended amendment to Condition 2, will not endanger the public health and safety.

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

No. Based on the above analysis and previous Planning Commission approval, the use, with previously approved conditions and the recommended amendment to Condition 2, will maintain values and will be in harmony with the neighboring area.

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

Yes. Based on the preceding analysis and previous Planning Commission approval, staff finds that the proposed multifamily development is in general conformity with the Land Use Plan and Comprehensive Plan.

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

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

N/A

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

Planning Commission
Case No.: USE 2018 0021
December 3, 2018
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a 23 dwelling unit, multi-family development in a Light Commercial zoning district.

The approval is subject to the following conditions as previously approved by the Planning Commission under USE2018 0007, with an amendment to Condition 2 (amended part of this condition is underlined):

1. A revised landscaping plan shall be reviewed and approved by CDD staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk on Vintage Boulevard, including the curved property line at the intersection of Vintage and Clinton, shall be landscaped with grass. A 6 inch raise curb or similarly effective barrier or fence shall be provided along the paved parking lot on the property along Clinton Drive to prevent vehicles driving from the parking lot directly onto the sidewalk except for where it is intended to access the lot.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the CDD Director, according to the requirements at CBJ 49.40.230(d).
4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners' Association Agreement shall be submitted for review and approval by CDD. The Homeowners' Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.
5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.



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 <u>3005 Clinton Dr Building B</u>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Vintage Park 11A, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A,</u>		
	Parcel Number(s) <u>5B1601440011, 0021, 0031, 0041, 0051, 0061, 0071</u>		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <u>R4S Construction LLC</u>	Contact Person <u>Scott Jenkins</u>	
	Mailing Address <u>P.O. Box 210194 Arctic Bay AK 99821</u>	Phone Number(s) <u>723-8952</u>	
	E-mail Address <u>ig/oo racing - 1 @ yahoo.com</u>		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>[Signature]</u> Landowner/Lessee Signature		<u>11/2/18</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant <u>Same</u>		Contact Person _____	
Mailing Address _____		Phone Number(s) _____	
E-mail Address _____			
X _____ Applicant's Signature		_____ Date of Application	

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials <u>TOP</u>
Case Number <u>use 20180021</u>
Date Received <u>11/2/18</u>



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

*to clarify the outcome of changes to condition #2
- use 2018-0007, hearing date - June 26, 2018*

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 # 2018-0007 ☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 70,591 square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) 25,300 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

☐ 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)

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

*- See letter attached previously sent to PC.
 - Minutes from June 26, 2018 page - 9-23*

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

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>750</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>150</u>			
Pub. Not. Sign Deposit	\$ _____			
Total Fee	\$ <u>900</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>USE201800021</u>	Date Received <u>11/2/18</u>
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Attachment A - Application

Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Planning Commissioners:

I'm writing this letter in response to the outcome of the Planning Commission meeting on June 26, 2018. R&S Construction applied for a conditional use permit in regards to our development with the possibility of a second phase that would take us over the 12 unit limit which would trigger this use permit. In addition to this part of the use permit, there were a handful of conditions that were recommended by staff. Tim Felstead was our planner and did the presentation of our project and these conditions.

Following Tim's presentation, myself and Rob Worden came forward to speak about some of our concerns. One of the items I spoke about was the second condition requesting a 5-foot strip of additional landscaping along Clinton Drive, as well as vegetation between the property line and the back of the bike path. I touched on the fact that we had met our 15% required vegetative cover elsewhere on site. Also, these units could be seeing larger vehicles or boats and we would prefer to do strategic planting of some maple trees in line with common walls of the units to best suit the use. I also talked about the fact that the property line on Clinton varies in proximity to the bike path, ranging anywhere from 1 foot to 4 feet and, not only would this be unsightly, we did not want the association to have to maintain this area as it wasn't on their property. So in a nutshell, my proposal or request was to remove the vegetative cover requested in Condition 2 along Clinton and replace it with strategically placed maple trees.

Following our presentation, Mr. Miller spoke in regards to this and other conditions that we had talked about. One of the conditions Mr. Miller spoke about was the second one. His recommendation was to remove the vegetative cover along Clinton Drive and do what would work for the site and what the builder would support with the strategic placement of trees in line with common walls of the building. There was follow up discussion in regards to this condition and others, but it seemed to us in the end that the commissioners came to an agreement that Mr. Miller's recommendation be adopted with the strategic placement of trees along Clinton Drive.

Following the meeting we met with Tim Felstead to go over the outcome of the changes and get moving forward with what needed to be completed for the city to enable a CO to be achieved. It came to our attention that the second condition did not get adopted as we had thought. It had been amended to removing the 5-foot strip of vegetation from the condition, but for the vegetative cover to remain between the property line and the back of the bike path. After discussing this with Mr. Felstead, and not being able to resolve this situation, I spoke with the CBJ Streets Department and met with them on site. Their opinion was not to require this irregular strip, as they would not maintain it, with their only concern that we keep any planted trees on our property. I will attach the letter written by Mr. Watts of the Streets Department.

After receiving this letter, we sent it to Mr. Felstead in hopes it would help clear this up. It was his opinion, as well as Beth's, that they could not make this decision or adjustment to the final Notice of Decision and we would have to sign up for a second Planning Commission meeting in September and pay an additional \$750.00. We chose not to do this at the time as we felt we could find another route to take, which in the end, is reaching out to you, the commissioners. We hope we can resolve this issue without taking more of CBJ staff and commissioners' time, and without paying an additional amount of money.

It is our opinion that the above is what was discussed and the intention was the removal of vegetative cover with the strategic placement of trees. We are asking if the commissioners can discuss this just briefly at the next Planning Commission meeting and see if it can be resolved without another meeting. Thank you, Scott Jenkins

Subject: **Clinton Dr.**

From: **Kit.Watts@juneau.org**

To: **iglooracing_1@yahoo.com**

Date: **Thursday, July 19, 2018, 11:02:27 AM AKDT**

Good morning Scott,

Last week we met on Clinton Dr. to discuss the need for a vegetative strip between the back side of sidewalk and your property line. The CBJ Streets Maintenance Department approves eliminating the vegetative strip between the back side of sidewalk and your property line; and accepts paving/D-1 up to the back side of sidewalk. You also mentioned strategically planting trees near the sidewalk so that it would not interfere with your parking lot and the CBJ right of way. Just as a reminder, any trees planted must be on your property and not on CBJ right of way.

Let me know if I need to address any other concerns.

Thanks!

Chad "Kit" Watts

Valley Streets Supervisor

City & Borough of Juneau

(907) 586-5256

(907) 586-4519 fax

Kit.Watts@juneau.org



$\left| \longleftrightarrow \right|$
 Approx 1'6 to 2'

The area between the dashed line and the sidewalk is the vegetative strip remaining in condition #2. The dashed line is sprayed between hubs that were set by surveyor that represent the property line.



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: June 29, 2018
 Case No.: USE2018 0007

R & S Construction LLC
 P.O. Box 210194
 Auke Bay, AK 99821

Proposal: A Conditional Use Permit for a 23 dwelling unit condominium development

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A

Parcel Code No.: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071

Hearing Date: June 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 26, 2018, and **APPROVED** the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. A revised landscaping plan shall be reviewed and approved by CDD staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD. The Homeowners Association

R & S Construction LLC
Case No.: USE2018 0007
June 29, 2018
Page 2 of 2

agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.

5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.

Attachments: June 18, 2018, and June 22, 2018 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0007.

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

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

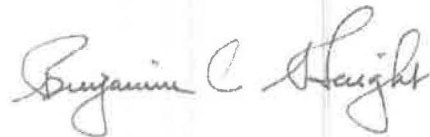
Effective Date: The permit is effective upon approval by the Commission, June 26, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2019 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.

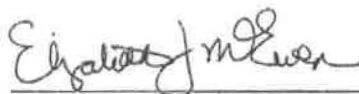
Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

7/2/2018

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.

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
June 26, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:02 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Dan Miller, Dan Hickok, Andrew Campbell, Carl Greene

Commissioners absent: Percy Frisby

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Teri Camery, Senior Planner; Tim Felstead, Planner II; Amy Liu, Planner I; Amy Mead, City Attorney; Robert Palmer, Assistant Attorney II

Assembly members: Loren Jones

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

III. APPROVAL OF MINUTES

A. May 22, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the Planning Commission, May 22, 2018, regular meeting minutes, with any minor edits by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA – None

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

AME2018 0008: A text amendment to revise Title 49.65, Article 1, the Exploration and Mining Code

Applicant: City & Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for approval to the Assembly.

Ms. Boyce told the Commission that the ordinance before them is a clarification and reorganization of the existing mining ordinance. There are few changes within the ordinance, and since it remains consistent in substance with the previous version, it remains in compliance with Title 49, explained Ms. Boyce.

Chairman Haight said that both he and Mr. Voelckers were on the mining subcommittee, and that the goal of the Commission is to review the document for detail and clarity, and to ascertain that the intent of the Assembly is clear on the maintenance of a solid policy regarding mining exploration. The subcommittee spoke extensively on the socio-economic issues, and how that is addressed with the permits, said Chairman Haight. They also discussed reclamation and the warranty, said Chairman Haight. He said these are the three areas which were addressed at length by the committee.

Mr. Voelckers said they had significant public input on this item. This came about because a group of citizens felt the ordinance was possibly stifling the mining industry, he explained. Opportunity was provided for public input, and Municipal Attorney Amy Mead streamlined the ordinance and removed redundancies, he said. The major policies such as the socio-economic analysis remain in place, said Mr. Voelckers.

Public Comment

Juneau resident Guy Archibald said that within 49.65.120 (g) there is reference to section 49.65.120 (b) and that there is no section “(b)”. This is referring to the requirements to satisfy the release of the bond under the notice of intent, said Mr. Archibald. He suggested that it be substituted for the Conditional Use Permit requirements within 49.15.330. He added that at 49.65.120 (c) it sets out the necessary information for a notice of intent. He said the applicant should probably submit additional information on surrounding land interests if their exploration is going to impact surrounding land owners. The exploration itself may not result in any

significant harm or degradation to the land but in conjunction with other activities it may cause some type of environmental harm, he said.

Mr. Archibald also said that he felt that 60 days was far too short of a time for reclamation of explored land. He suggested that all or part of the financial warranty be retained at least through an annual rain cycle, to make sure that the land would not require extra maintenance. Mr. Archibald said that at 49.65.155 (b) (*Mitigation agreements for large mines*) it appeared to him that the CBJ would be responsible for any mitigation that exceeds any type of revenue it had received from the mine. He said in his opinion there needs to be consideration of any incentives provided that the City may wish to give a mining company such as a property tax break or a land transfer. Those would definitely be a part of a monetary incentive which should be figured into the calculation, he added.

Commission Comments and Questions

Mr. LeVine said he was a little confused about the intent of 49.65.120 (g) (*Procedure for release of financial warranty*). He said the first sentence states that the director may inspect the area of exploration to determine whether reclamation has been completed in accordance with CBJ within 60 days of receiving notification of completion. There is no time limit attached to that, stated Mr. LeVine. He asked if the intent was to limit the inspection to 60 days with no time limit on when the bond gets returned.

Ms. Mead stated that is how it currently appears in the code. She added that the reference to 49.65.145 (b) should be 49.65.149 (b). She said there is not currently a timeline within the current code and if the Commission wanted to add a timeline that was certainly within its purview.

Mr. LeVine said the word “may” at 49.65.120 (g) (*The director may inspect...*) seems strange to him. Mr. LeVine said this would be a substantive change and perhaps something that was not discussed to state something like, “The bond may be held for up to 12 months to assure compliance...”. Mr. LeVine said he thought this was the intent of Mr. Archibald’s suggestion.

Ms. Mead concurred that this was not discussed by the committee. She said she felt the Assembly was looking to the Planning Commission to make any recommendations that it felt would be appropriate. She said if this is something that the Commission would want to recommend that it could be forwarded in a draft to the Assembly. She said she would provide the Assembly with a copy of the ordinance as they last saw it, with a strike-through version indicating the recommendations from the Planning Commission.

Mr. Voelckers said he concurred with Mr. LeVine that the word “may” seems singular. He added that 60 days seems to be accelerated. He said perhaps the Commission would prefer the word “shall” in the place of “may”, and 120 days placed within the ordinance instead of 60 days.

Ms. Mead said that she could make this portion of the ordinance less discretionary. She said the only caveat is that the CBJ does not always have the authority to order reclamation. If there is a reclamation order by the state that fully encompasses what the state believed to be the amount of reclamation, or if this is a project on state or federal land, the CBJ would be precluded from enforcing those mandates, said Ms. Mead. She said they can tighten up the language to make it clearer.

Mr. LeVine said his thought is that one way to accomplish this would be to say that the ordinance could state that this applied to reclamation areas of which the CBJ had authority. He said he agreed with Mr. Archibald that only one inspection may not be adequate.

Ms. Mead said her recommendation would be to take out the timeframe, require the inspection to the extent that the CBJ has the authority to do so, and set a period for when the CBJ must release the financial warranty.

Mr. Campbell asked if it would be within the Director's discretion to determine that the reclamation is not completed until the vegetation had established itself. He said he did not think it was absolutely necessary to add another year onto the reclamation time.

Mr. Voelckers asked Ms. Mead if establishing vegetation was part of the reclamation requirement.

Ms. Mead responded that state or federal law aside, revegetation of the tailings of the affected surface areas with plant materials that are capable of self-regeneration without the continued dependence upon irrigation and equipment where appropriate. She said this is one of the standards under 49.65.149 (b).

Mr. Voelckers said it still may be prudent to establish some timeline sidebars. There may be a period of three years for example, for vegetation to be reestablished, he added. There could be large amounts of money tied to the reclamation portion of the ordinance so it would be helpful to provide some sort of time frame, said Mr. Voelckers.

Ms. Mead said that the Commission may want to keep in mind that this section of the ordinance pertains to exploration notices and is not on reclamation related to the full mining operation. The impact caused by the exploration would be significantly less than the full mining operation, she added. She said she did not know if given this situation if these would be legitimate concerns.

Mr. Voelckers and Mr. LeVine acknowledged that given this particular section of the ordinance that Ms. Mead raised a good point.

Mr. LeVine said the way this section of the ordinance is written is confusing, so he would suggest that in the instance in which the City has the authority over state or federal reclamation that the director may inspect the property to determine if reclamation has been satisfactorily

accomplished and that the warranty would return upon completion of the reclamation. Mr. LeVine said that six months seemed like a reasonable time to him, but that he did not have specific knowledge about the process.

The Commission agreed to leave the time period for reclamation from exploration at six months.

Mr. LeVine noted that at 49.65.135 (g) *(If the director determines that proper review of the application will require the department to retain outside professional assistance, the director may, in the director's discretion, obtain an outside professional consultant. The fee for the consultant shall be borne by the applicant.)* He said his question was who gets to choose the consultant. Mr. LeVine said he did not have strong feelings either way, but that he felt it could be clearer within the ordinance.

This portion of the ordinance was offered by the proponents of the amendments, noted Ms. Mead. She said she felt the intent was that the director got to choose the consultant. She added that she could clarify that point. There was a concern by the proponents of the amendments that the CBJ Community Development Department did not always have the necessary expertise to evaluate all of the requirements. The purpose of this portion of the ordinance was that the CBJ could hire a consultant if it did not have the necessary expertise within its own staff.

Mr. Voelckers said it sounds like there are a few drafting and wordsmithing issues raised by the Commission for Ms. Mead to address within the ordinance. He asked if the ordinance should come back to the Commission or if the revised ordinance reflecting the Commission's comments could go directly to the Assembly without coming back to the Commission for review.

Mr. LeVine said he was comfortable forwarding the ordinance reflecting the Commission's comments directly to the Assembly without coming back to the Commission for review.

MOTION: *by Mr. LeVine, that subject to the suggestions made by the Planning Commission which the municipal attorney would incorporate into the draft ordinance, that AME2018 0008 be approved to be forwarded to the Assembly for approval with staff's findings, analysis and recommendations.*

The motion passed with no objection.

Mr. Voelckers said that Ms. Mead deserved a lot of credit for both helping the mining committee and the Planning Commission with very flexible and capable drafting.

PWP2018 0001: A Parking Waiver of one (1) residential space for a detached accessory apartment

Applicant: Jeffrey Martinson

Location: 811 4th Street, Douglas

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the parking waiver permit. This would allow one parking space to be waived and obligate the property to provide two parking spaces as currently provided on site.

USE2018 0008 (*A Conditional Use Permit to allow a 220 square foot detached accessory apartment*) will be included in the staff analysis for the Commission, said Commissioner Haight.

Ms. Liu said she would address the Conditional Use Permit first as that is what has triggered the parking requirement. Ms. Liu told the Commission that the total parking requirement for this dwelling with an accessory apartment is for three spaces. She added there are currently two parking spaces. The Street's department has confirmed that encroachment would not be allowed. A parking waiver is the only option for the property, said Ms. Liu. There are no other options.

The property is on the uphill side of Fourth Street, and is zoned D-5, noted Ms. Liu. The surrounding area has on-street parking along the side of the street, and that is often utilized by neighbors for parking, she noted. The property is close to a transit stop. Existing parking does provide for two parallel parking spaces, but there is no room for the third parking space, she added.

The Comprehensive Plan supports compact urban development, said Ms. Liu. It also supports more diverse housing which is supported by more pedestrian movement, she said.

The two conditions are:

1. Prior to issuance of a Temporary Certificate of Occupancy, the applicant must submit revised plans showing the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210 (D) (G).
2. Prior to issuance of a final certificate of occupancy, the applicant must provide the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210 (D) (G).

PWP 2018 0001: (A parking waiver of one residential space for a detached accessory apartment).

The existing gravel pad already provides two parking spaces, said Ms. Liu. There is no room for a third parking space, she said. A parking waiver is the only option, said Ms. Liu. The staff anticipates that eliminating the one space parking requirement would have minimal impact on the nearby street parking, she said. The surrounding neighborhood has on-street parking on one side, she said. Spaces are often available within a reasonable walking distance, she said.

Waiving the parking requirement for the accessory apartment would prevent encroachment on the CBJ right-of-way, said Ms. Liu.

Commission Comments and Questions

Mr. Miller asked why the two conditions for the Conditional Use Permit for the property stated the same thing.

Ms. Liu said the first condition just requires that the Community Development Department (CDD) have documentation showing that the grading and building permits are already in place. The second condition is to make sure that the improvements have actually been done, she said.

Mr. Dye said the CBJ would inspect the plans which are required. If the plan existed to obtain the Temporary Certificate of Occupancy, the second condition is still redundant because they would be reviewing the plan on file for the final Certificate of Occupancy.

Ms. Liu said the inspection for the second condition would be to make sure that the improvements have actually been made and the plans completed.

Mr. LeVine asked if another option had been explored which allowed homeowners to use the right-of-way for parking on a temporary basis with the recognition that it granted no permanent rights.

Ms. Liu said it was her understanding that this was not an avenue which the CBJ wished to pursue.

Ms. McKibben said they could not approve a parking plan for on-site parking that is not on site without an encroachment permit from the City. In answer to a question by Mr. LeVine, Ms. McKibben said she did not know if the encroachment permit granted a permanent encroachment right to the applicant. They also cannot approve an encroachment permit on a City right-of-way, she added.

Mr. Greene asked if a third parking space would be possible or if the rock wall prevented that.

The rock wall precluded that option, said Ms. Liu, without the expenditure of considerable funds.

Mr. Voelckers said he favors the waiver in this case. Street parking in the flats area seems to work well in a very harmonious and high street parking area, he added. With possible space available on site, there is the question of the possible loss versus the possible gain, said Mr. Voelckers. Some degree of on-street parking has been available for older Juneau neighborhoods for decades, noted Mr. Voelckers.

Speaking in favor of the waiver, Mr. Campbell said he believed this area has more than enough available on-street parking. He added that this location is very close to the Mount Jumbo facility which has available parking on two sides. He added that he feels it is consistent with the current use of the neighborhood.

Applicant

Jeff Martinson said he was available to answer any questions the Commission may have.

Mr. Voelckers asked Mr. Martinson to elaborate on his site plan.

Mr. Martinson said he hoped to retain the rock wall in place so that the landscape and gardens may remain. There are also rock steps which lead up to the accessory apartment, he said.

MOTION: *by Mr. LeVine, to approve staff's findings, analysis and recommendations and approve PWP 2018 0001 and grant the parking waiver.*

The motion passed with no objection.

MOTION: *by Mr. Dye, to approve staff's findings, analysis and recommendations and approve USE 2018 0008 and remove Condition 2.*

Mr. Miller asked to make a friendly amendment to the motion. He said he did not think they needed Condition One, but instead needed Condition Two to remain in place, which would then be renumbered as number one as the sole condition.

Mr. Dye accepted the friendly amendment made by Mr. Miller.

Mr. LeVine said he is in support of the motion. However, he added he did not see why they actually needed a condition at all. They just granted the parking waiver, he said. He asked if they could just eliminate both conditions.

Mr. Dye said if the permit was questioned at some time in the future, it may be good to have that condition in place.

Mr. Palmer said if it was a concern, they could definitely leave the condition in. However, he

said, he did not think there would be unforeseen negative consequences if both conditions were removed.

Mr. Dye said he changed his motion to eliminate both conditions.

FINAL MOTION: *by Mr. Dye, incorporating a friendly amendment by Mr. LeVine, to approve staff's findings, analysis and recommendations and approve USE 2018 0008 and remove both conditions.*

The motion passed with no objection.

USE2018 0008: A Conditional Use Permit to allow a 220 sq. ft. detached accessory apartment

Applicant: Jeffrey Martinson

Location: 811 4th Street, Douglas

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 a detached 220 square foot accessory apartment on an under-sized lot in the D5 zoning district.

The approval is subject to the following conditions:

1. Prior to issuance of a temporary certificate of occupancy, the applicant must submit revised plans showing the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210(D)(6).
2. Prior to issuance of a final certificate of occupancy, the applicant must provide the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210(D)(6).

Commission Action: *See PWP 2018 0001, above.*

USE2018 0007: A Conditional Use Permit for a 23 dwelling unit Condominium development

Applicant: R&S Construction, LLC

Location: 3005 Clinton Drive

Mr. Miller said he wanted to disclose to the Commission and the public that he sold his boat to one of the applicants last October, and is a general contractor and builds similar buildings to the applicant.

The Commission and the public voiced no objections to Mr. Miller remaining on the panel for this issue.

Mr. Hickok said he has been acquainted with one of the applicants, and they both have wives that work at Auke Bay School.

The Commission and the public voiced no objections to Mr. Hickok remaining on the panel for this issue.

Mr. Campbell said he has direct personal involvement in this project and would like to recuse himself.

Mr. Campbell was excused from the Commission for this item.

Mr. Felstead told the Commission that this lot was recently consolidated from several lots into one lot. The combined lot is 70,594 square feet, he added. The lot is across the street from Safeway and adjacent to the Vintage Business Park. The zoning is Light Commercial, said Mr. Felstead. The lot was rezoned in 1984 from a residential use to Commercial, he said. A number of conditions are added regarding building design, site layout and landscaping, said Mr. Felstead. In 1987 the lot was changed to Light Commercial zoning which in effect removed the previous design conditions, said Mr. Felstead.

The Light Commercial zoning would allow other uses than those currently being proposed by the applicant, said Mr. Felstead. Some of those other uses would require a Conditional Use Permit, he said. The applicant has provided the staff of the draft copy of the homeowners agreement which further restricts the uses which would be allowed on the subject lot, he said.

The site consists of four buildings with six dwelling units in three of the buildings and five dwelling units in the fourth building, said Mr. Felstead. The front of each building will face either Clinton Drive or Egan Drive, said Mr. Felstead. Vehicle access to the site will be a two-way entrance on Clinton Drive, he said. The applicants have chosen a one way entrance on Vintage Boulevard, said Mr. Felstead.

Each two-bedroom dwelling will require 1.75 parking spaces, said Mr. Felstead. Each garage which is located under each dwelling will be able to accommodate two vehicles side-by-side, he said. There will be adequate parking spaces for the dwellings, he said. If in the future additional parking is required to any change in uses, a condition has been recommended that a building permit review would be undertaken, said Mr. Felstead. The requirement for that building permit review has been added to the home owner association agreement, said Mr. Felstead.

There are a few locations on the lot where CBJ standard parking spaces and the required access aisle would not be able to be accommodated, said Mr. Felstead in particular in front of building

C and in front of building D. Additional parking could be provided as parallel parking around the perimeter of the property, noted Mr. Felstead. The two required ADA spaces are provided for the site, he added.

Full cutoff lighting fixtures will be provided at the entrance ways of each of the dwellings, and around the side of the buildings, said Mr. Felstead. However, any development which would require a Conditional Use Permit must include a lighting plan provided by an architect or an engineer, he added. There will be concrete sidewalks in front of each of the buildings with pedestrian connections through a vegetative strip along Vintage Boulevard, said Mr. Felstead.

All setbacks are met and the minimum vegetative cover requirement is two square feet less than what is required, said Mr. Felstead. To match the landscaping on the opposite side of Clinton Drive, the staff has recommended a condition that a five foot landscaping strip be provided on the property, he said. The applicants have shown a three foot planting strip, said Mr. Felstead. The staff feels that a three foot planting strip would be too limited a space to provide matching trees and shrubs, he said.

Drainage has been approved by general engineering, said Mr. Felstead. The CBJ fire Department has no issues with this proposal, and the CBJ building division has no issues with the proposal, said Mr. Felstead. One adjacent property owner did have some concerns about the appearance of the development, said Mr. Felstead. They were concerned that it would impact their own property values, he added. They have since reviewed the proposal and have reached an understanding with the applicants, he said. The owner of the land surrounding the development stated that they are in support of this project, said Mr. Felstead.

The CBJ Assessor noted that the buildings may even be helpful to the adjacent properties because it would block the vision of traffic from Egan Drive, said Mr. Felstead. However, there may be some impacts of the view of Douglas Island, he added. The assessor also noted that some sort of buffer between the buildings and the right-of-way would be helpful, he said.

The buildings will be facing the right-of-way with a garage below and the dwellings above, said Mr. Felstead. Each of the units would be about 22 feet wide and 50 feet deep, said Mr. Felstead.

The Vintage Park area has been developed with a number of landscaping strips along the perimeter of the parking lots, noted Mr. Felstead. Most of those vegetative strips are over seven feet in width, he noted. It is not clear at this point how much distance there is between the sidewalk and the actual property line, said Mr. Felstead.

There are eight conditions for this permit and Mr. Felstead said he has modified condition Two slightly. The five foot vegetative strip would be from the property line on Clinton Drive, he noted.

Mr. Felstead reviewed the conditions as follows:

1. Prior to a Certificate of Occupancy, a minimum of 15 percent of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for. A revised landscaping plan shall be reviewed and approved by CDD staff prior to issuance of any for the further building permits for buildings C or D.
2. In addition to the vegetative cover requirements, the landscaping plan shall be amended to show a minimum of five feet of vegetative strip separating the parking and circulation area parentheses (except for access points) from the ~~sidewalk~~ property line on Clinton Drive.
3. The landscaping plan shall include vegetative areas along Clinton drive in Vintage Boulevard planted with vegetation that matches other street-side plantings of trees and or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk should be landscaped with grass.
4. Prior to issuance of a building permit for buildings C or D, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite off-site glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements of CBJ 49.40.230(d)
5. Prior to CBJ acceptance of sidewalk improvements, appropriate "no exit" signs shall be placed at the ingress only access on Vintage Boulevard.
6. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a homeowners association agreement shall be submitted for review and approval by CDD (Community Development Department).
7. The homeowners association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.
8. For any change of use for any of the 23 dwelling units and accessory garages from Multi-Family Residential, a revised parking plan shall be submitted and approved prior to the issuance of a building permit or change of use review. Additionally, this condition shall be incorporated into the HOA documents.

Commission Comments and Questions

Mr. Palmer said the Commission can maintain the conditions, it can modify the conditions, or the Commission could also remove conditions altogether.

Ms. McKibben said she wanted to remind the Commission that the Riverside condominiums were required to provide the Community Development Department with a copy of their home owner agreement as well.

Mr. LeVine asked if the intention of Condition Two is to provide additional vegetative cover in addition to the required 15 percent, or if of the required 15 percent is a portion of that would be the required vegetative strip.

Mr. Felstead said it was the latter interpretation voiced by Mr. LeVine.

Mr. LeVine said the wording of that condition as it currently stands is ambiguous.

Mr. LeVine asked if there was a redundancy between conditions Two and Three. He said he said he felt that it would be helpful to combine conditions Two and Three into one condition addressing the vegetative cover.

Mr. Felstead said he believed that the conditions could be combined.

Mr. Dye asked if Condition One was for only buildings C and D or if it was for the whole development.

Mr. Felstead replied that it was for the entire site.

Mr. Dye said he would appreciate some clarification on the discussion of phasing within the recent memo issued to the Planning Commission.

Mr. Felstead said the phasing was a misreading by the staff of the land use code requirements. When reviewing the two building permits the Conditional Use Permit it had been interpreted that a major development Conditional Use permit was not triggered until more than 12 dwelling units were on the location, he said. The applicant has indicated that while they have provided a master site plan providing 23 dwelling units, that they were not certain that they would actually construct the additional two buildings, said Mr. Felstead.

Mr. Dye asked if the building permits are currently active or not active.

Mr. Felstead said they are inactive until they are reactivated.

Mr. Dye said when he reads 49.15.220 he wonders how a small business being established in the garage would not trigger phasing.

Mr. Felstead said that phasing is a gray area.

Mr. Palmer said that the big concept to keep in mind at this stage is that the Commission has before it a Conditional Use Permit that gives the Commission very broad authority to review all aspects of this development. If the Commission reviews this differently than the staff and is more concerned about potential commercial uses, the Commission has the authority to review any concerns about vegetative cover or parking and any other building standards that it may be concerned about, said Mr. Palmer. If something comes up in the future with one specific unit, that can be dealt with at that time, said Mr. Palmer.

Mr. Voelckers said that it has been brought up that the Community Development Department does not usually review structures for aesthetic aspects such as color or design of the building. However, he said, this information has been provided to the Commission. He said he is confused by the various graphics and color agreements and the extent of the landscape. He asked what specifically is within the purview of the Community Development Department.

Mr. Felstead clarified that the material submitted to the Planning Commission on Friday was public comment which needs to be passed to the Planning Commission.

Mr. LeVine asked if they have solved the phasing problem by revoking the building permits which were initially issued in error. He said this is keeping in mind that the construction was already well underway for these units.

Mr. Palmer replied that his understanding is that there was no bad faith by the applicant. He said it is unusual to have buildings already partially constructed and to then have the building permits revoked. The issue before the Commission is to cure the errors which have occurred, said Mr. Palmer. They need to protect the community's interests and to determine what is reasonable and necessary, said Mr. Palmer, as the Commission does with any other Conditional Use Permit.

Mr. LeVine clarified that the Commission's job is to review the Conditional Use Permit application as if nothing has already transpired with the construction of the dwellings. He said even without a Conditional Use Permit the applicant could continue construction on the 12 dwellings which it has already begun to construct.

Mr. Palmer concurred. He added that if there are parking or landscape requirements those would need to be reviewed to make sure they work with the structures which have already been put in place.

Mr. Miller said what concerns him the most is that these are residential uses which could feasibly add some commercial uses. This makes perfect sense, he said. The developers did not have the opportunity to appear before the Planning Commission prior to construction to resolve this issue, said Mr. Miller. The fact remains that the buildings have started to be constructed and now the commission has to go back and resolve the residential/commercial/parking issues, said Mr. Miller.

Mr. Felstead said the applicants have been aware all along that there were some physical constraints with the site with the way the site plan had been laid out.

Mr. Hickok asked if the condominiums could be developed as two separate pieces of property.

That comes down to the gray area of phasing, said Mr. Felstead. Two adjacent developments under the same ownership could be considered as a phased project, said Mr. Felstead.

Applicant (Rob Warden and Scott Jenkins)

Mr. Warden said he wanted to first address condition number eight within the Conditional Use Permit application. He said this was new to him, and that he had not even seen it until just now. They have completed the same project a couple of times and never in the past have they had to submit a completed Housing Owner Association (HOA) document to the CBJ, he said. He said they feel that the home owner association as a whole will monitor the area. For example if someone wanted to do something commercially with their property that would be the first thing that would be voted down if it required parking, because parking is always tough, he said.

Mr. Jenkins said that prior to the first permit they went to the Community Development Department and had a preplanning meeting as they always do. They discussed the units. Prior to doing any project of this scale would require a certain amount of theoretical presales before they would proceed with construction, he said. When they received a letter about the building permit being revoked last week, it was a shock, he commented.

Even if someone decides to have a small personal accounting business within their condominium unit, there will not be a big influx of parking spots because the site simply does not allow for additional parking, he said. This is spelled out in the HOA, which prevents high density businesses such as a cab company for example, he said. They cannot be businesses which will create a lot of traffic, he added.

The entrance off of Vintage Boulevard is a slight mistake. It was displayed incorrectly by the surveyor, said Mr. Jenkins. That entrance is also supposed to be an exit, he noted. They would like that condition rewritten to state that it has to meet standards, he said.

The 15 percent vegetative cover is something that they battle with on all of their projects, said Mr. Jenkins. That is a lot of land which requires them to put vegetative cover on, he said. They

will meet that condition, he said. Their original plan and what works best for the use is to landscape both sides of the entrance, the corner on Vintage Boulevard and Clinton, said Mr. Jenkins. They would also landscape all along Vintage Boulevard and in between the buildings, and along the far side of buildings C and D, he said. That is what was originally proposed, he said. The vegetative strip proposed by the staff is over the requirements, he said. Their landscaping plans already meet the requirements, he said. A five foot strip from the property line would be a massive impact for the owners in buildings A and C, he said.

When they met with the neighbor who is concerned about the project, the neighbor did not understand that the applicants already had to meet many of his concerns to construct the buildings, said Mr. Jenkins. They presented their plans to the neighbor and had to match colors and they had to make changes to it, do landscaping and show all their plans, said Mr. Jenkins. The neighbors accepted the building plans at that point, said Mr. Jenkins. Once the adjacent property owner understood what they had already accomplished to meet neighborhood architectural and aesthetic harmony, he did not have any more concerns, said Mr. Jenkins.

Mr. Jenkins said the staff keeps referring to their dwelling units as apartments. They are not apartments, he said. They are condominiums.

Mr. Warden added that they really feel that three feet is ample room for landscaping along the front side of the building. The area across the Street which house vegetative areas twice that width were built in 1987, said Mr. Warden. A project in the area that was just completed last year has three feet, he said.

They would like to do strategic landscaping along Clinton, said Mr. Jenkins.

Ms. Maclean said she wanted to remind the Planning Commission that Trillium Landing and the assisted living complex adjacent to it were rezoned to Mixed-Use (MU) or Mixed-Use 2, she said. Mixed-Use would have zero vegetative cover required, and Mixed-Use Two only has a five percent vegetative cover requirement, she said. When those two buildings were constructed last year they worked collaboratively to provide a campus complex between the two buildings and they also did significant work along the riverfront, she added. When they presented their plans to the Commission, that was one of the reasons that the Planning Commission permitted them to shift their developments a little closer to the road, said Ms. Maclean.

This could not have been presented as two separate projects, said Ms. Maclean. It is one property. It is not two separate lots, she said. If they were two separate lots there may have been a different scenario, she said.

Mr. Voelckers asked the applicants if in their other building projects if the underlying zoning was the same as for this complex.

The applicants responded that the underlying zoning was the same for their previous projects.

Mr. Voelckers asked how the home owners association exerted its authority.

If one of the residents wants to have a small business for example, the home owner association would vote on that request, said the applicants. They have to get 50 percent of the votes, and the first question posed to them would be if their endeavor would require additional parking, said the applicants. The applicants added that it is not popular with condominium owners or potential condominium owners to view striped parking in front of their dwelling units.

Mr. LeVine asked the applicants if they have any sense from sales which have already been made if owners are planning for businesses.

The applicants said they are sure that within 23 units there will be owners who will utilize their space for businesses such as for a small office downstairs. Out of 12 units they currently have four small businesses, said the applicants.

Mr. Warden said the only reason they made it one lot is because it is easier for the language which goes into the homeowners association agreement. And then they had to put in only one water line, he added. Since they are already meeting the 15 percent vegetative coverage requirement they feel that the five foot wide row of vegetative cover is excessive, said Mr. Warden.

Mr. Dye said he understands that it is the intent of the HOA to self-police. He added at some point a buyer is going to purchase one of these condominiums and at some point all potential parking will be gone. Mr. Dye asked the staff at what point additional parking is required for an accessory use in a residential zoning district in contrast to a commercial use.

A home occupation is limited in that they cannot have any employees, and it can only be 25 percent of the main floor area or 500 square feet, whichever is greater, said Ms. McKibben. So this is very different from an office that might be created in a light commercial zone, she said.

Mr. Dye asked if he was to buy one of these condominiums and put a 500 square foot office space on the first floor and had no one working for him if that would trigger additional parking requirements.

Ms. McKibben said it would meet the criteria of home occupation, but that she would need to explore the nuances for home occupation in the different zones.

If the applicant did strategic planting, said Mr. Miller, would the applicant be able to provide quality planting in those areas rather than just grass seed, such has been done in other recent projects in the area by other contractors.

They would like to do strategic placement such as lining up with the common walls between the units, said the applicant. That would be a lot more useful than instead having a big strip that could possibly get in the way of vehicles, said the applicants. They said that most of their early sales right now are owner occupied.

Mr. Greene asked if a condominium owner converted their garage into office space if they would then need to seek two parking spaces elsewhere.

The applicant said the garage is 50 feet deep and that typically an owner would utilize the attached mezzanine area for an office, for example, and enclose it and still have room for two parking spots within the garage.

In answer to a question of Mr. Dye's, the applicants said that buildings A and B meet all the requirements for parking spots in front of the units. There was an issue raised by the staff about meeting the minimum parking requirement in front of building C, said the applicants. They do meet the parking requirements for the use that they are proposing, they added.

Mr. Miller asked if they have to separate the uses from the top floor and the garage and if this needed to be done if it was a home office.

It is not necessary, but the big reason for this is so that someone can buy a condominium, store their boat in the garage downstairs, and rent the dwelling unit upstairs, said the applicants.

That is a good answer, replied Mr. Miller.

Mr. Greene asked if a change in use would be triggered if the dwelling unit was rented above with storage for the owner below within the garage.

Ms. Maclean said she was not sure at this point if a change in use would be triggered or not.

The applicants said they have tried to set this up so that if an owner wanted to they could set up a small business and it would be legal and it would be run through the homeowner's association for approval.

Mr. Greene asked how a fairly large boat with the trailer would be backed into the garage.

The applicants said they would need to be good at it.

Mr. Dye said given the scenario that someone would purchase a condo unit, store their own equipment downstairs in the garage and rent the upstairs dwelling, where would the residents in the dwelling park.

The applicants said as owner of the condominium it could be dictated to the residents that only one parking space in front of the garage was available to them.

Mr. Dye stated that 1.75 parking spaces (two spaces in practice) needed to be available for the unit. Another parking space would then need to be added for the storage space which is separate from the residence, he added.

The applicants asked why an additional parking space would need to be added for the storage space with no resident.

Mr. Dye said according to Title 49 a thousand square feet of storage space requires one parking space. With the apartment intentionally split from the garage that additional space could be triggered, said Mr. Dye.

The bottom line is that the owner will not be able to achieve more than the housing association would allow in terms of parking, said the applicants.

Mr. Hickok asked if parking was allowed along Clinton Drive.

The applicants responded that parking was allowed along both sides of that street.

Mr. Miller asked if the home occupation would require a change of use.

Mr. Felstead said the Change of Use Permit is a building permit associated with the change of occupancy according to the building code. It does not have to do with the land use code, he clarified. He added there are a number of options to provide the required parking. Parking waivers are available and there is parking along the street. Joint use parking is available as well as off-site parking, said Mr. Felstead.

If the Change of Use Permit is not required for home occupation, then the owner of that unit actually has control of two spaces, said Mr. Miller, however they may deal with it.

Mr. Felstead concurred with Mr. Miller's analysis.

Mr. LeVine asked if two additional outside parking spaces could be provided in front of the garage except for a few of the units which did not have that room.

There are two outside parking spots in front of the garage for every unit except for every third unit which has an additional guest parking spot, explained the applicants. For every six units there are three guest parking spaces against the building with the two spots for each dwelling outside of the garage, explained the applicant.

The applicant said maybe they should request a waiver for those few spaces which were cramped and could be reduced to accommodate the parking.

Mr. Voelckers commented that parking spaces in front of the garages would remove the garages as effective parking spaces.

Mr. Miller asked who was requiring the 24 foot two way parking spaces.

The staff answered that it was the Land Use Code. The 24 foot wide access aisle is required for two-way traffic, said Mr. Felstead. If it was only one-way traffic with angled parking , then it could be reduced, he added.

Mr. Miller asked the staff if the 24 foot two-way parking spaces could be waived.

Mr. Felstead said he was not sure what the new variance language stated. It may be a design standard which could be subject to a variance, he said.

Public Comment

Wesley Bauer said he was representing the majority land owners at Vintage Business Park of the undeveloped land. He said he believed that these condominiums would increase the value of the property at Vintage Business Park.

Commission Comments and Questions

Mr. Miller asked Mr. Bauer for his opinion on the strip landscaping versus strategic landscaping.

Mr. Bauer said he felt that strategic landscaping was fine.

Mr. LeVine asked if it was possible for the Commission to request that the home owners association prohibit businesses that require additional parking on those few units which could not support the complete parking spaces.

Ms. Maclean said she did not think they would be able to do that since there were other methods for those businesses such as the parking waiver or the shared use.

Mr. Miller said most of his reticence about the project has been relieved upon being notified that the residence could be rented with the garage retained for use by the owner. This makes the project way more acceptable for him, said Mr. Miller. He said he was still not sure how they got into the phasing situation which they did. He said he was sure they would be having conversations about that at a later time.

Mr. Voelckers asked what treatment the land in front of the condominiums facing Egan Drive would receive, if any.

It will be grass, said Mr. Felstead.

MOTION: *by Mr. Miller, to move USE2018 0007*

Mr. Miller said he felt Condition One was adequate regarding the landscaping. He said he felt Condition Two requiring five feet of vegetative strip was not necessary and that strategic landscaping would be far nicer. He said he would like to eliminate Condition Two and supplant the language to state "strategic plantings" in Condition Three. Mr. Miller said he agreed with Condition Four and that they eliminate Condition Five. Given the phasing issue with this permit Mr. Miller said he was in agreement with Condition Six. They could get rid of Condition Seven since that information will be within the documents anyway. Mr. Miller said he was going to pass on Condition Eight awaiting input from the other commissioners on that condition.

Based upon the site plan with the parking, for Condition Eight, Mr. Dye suggested that they stipulate 56 parking spaces and leave it to the developers to fit them in how they desired. Mr. Dye said he did not think the building inspectors would care about the exact placement of the parking spaces as long as there were enough spaces.

Mr. Felstead said when building permits come in they are always reviewed for zoning compliance at that time.

If that is the case, said Mr. Dye, he asked what the point was of Condition Eight.

Condition Eight was added in response to a Commissioner question, said Mr. Felstead.

Mr. Dye acknowledged that was in response to his question about parking.

Mr. LeVine asked if Mr. Dye was suggesting that Condition Eight state that a parking plan be submitted that showed the availability of 56 parking spaces including the two per unit inside the garage.

Mr. Miller said when a Change of Use Permit comes in it is going to be reviewed for zoning compliance. Since that is going to happen anyway, the only part that would not happen is where Condition Eight states that this condition shall be incorporated into the HOA documents. Perhaps they should put conditions six, seven and eight together and simply state at the end of the current number seven that the documents are going to require maintaining common facilities, snow removal, approved landscaping and signage, striping and any change of uses in the development.

Ms. Maclean said maybe in a perfect world everyone would come into the office for a Change of Use Permit but unfortunately that is not the case. The applicants have the site plan which shows the utilities and the parking spaces and if this was submitted and it is the 56 spaces that Mr. Dye mentioned, her preference would be that this would be made part of the Conditional Use Permit. This would make it much easier down the road if someone did not obtain a Change of Use Permit, the Planning Department would have something to fall back on, she said.

Mr. Miller said the amount of traffic which will go to the three units on the end will be minimal. Perhaps the Commission could approve changing the lane to 20 feet on that and give all residents two spaces in front of their units with the addition of a guest parking space for every two units.

Mr. Dye said it would be 55 spaces instead of 56 parking spaces. He said he would be happy to leave the condition at 55 spaces without going into details because the developer can figure out the placement of the spaces.

The one-way entrance had been offered to the applicant previously but then it would require two entrances to the project off of Clinton Drive, said Mr. Felstead.

Mr. Voelckers said he liked the idea of stipulating a parking plan with X number of spaces. He said he thought it was better to leave it as a number of parking spaces and not try to dictate their placement.

Mr. LeVine said he would suggest as a friendly amendment to Mr. Miller's motion that they replace condition eight with a condition that says, "Applicant shall have an approved parking plan that shows a minimum of 50 parking spaces outside of the condominiums," and leave it at that.

Mr. Miller said he accepted that as a friendly amendment.

Mr. Dye suggested 49 spaces instead of 50 spaces.

Mr. Miller accepted Mr. Dye's friendly amendment.

Mr. LeVine added that he would like to see Condition Seven say "striping" instead of "stripping".

Mr. Voelckers said Mr. Miller suggested blending conditions six and seven, striking Condition Two and adding "strategic landscaping" to Condition Three.

Mr. Dye said on Condition One instead of “building permit” they could put “Temporary Certificate of Occupancy” (TCO). Mr. Dye said Condition Four only addresses buildings C or D. He said he would suggest that Condition Four apply to all four buildings.

Mr. LeVine said he is of the opinion that the mistake in the premature issuing of the permit was the mistake of the Community Development Department (CDD) and they should not “punish” the developer for a mistake that CDD made. He said he agreed with Mr. Miller in that these conditions should be left to buildings C and D which have not yet undergone construction.

Ms. Maclean said she would be comfortable with phrasing that it would be needed before any new TCO’s were issued.

Mr. LeVine reviewed that the amendment to Mr. Miller’s motion would be to change the language in Conditions One and Four that the words “building permits” be changed to “Temporary Certificates of Occupancy”.

Condition three should be worded that; “The landscaping plan shall include strategically placed vegetative areas along the Clinton Drive and Vintage Boulevard”, said Mr. Miller.

FINAL MOTION: *by Mr. Miller, with friendly amendments from Mr. LeVine and Mr. Dye, that USE 2018 0007 be approved with the following adjustments:*

- 🏠 *Condition One - That ‘Temporary Certificate of Occupancy’ replace ‘Certificate of Occupancy’ and that ‘Buildings C or D’ be removed*
- 🏠 *Condition Two – Removed*
- 🏠 *Condition Three – ‘strategically placed vegetative areas’ to replace ‘vegetative areas’*
- 🏠 *Condition Four – ‘Temporary Certificate of Occupancy’ to replace ‘Building permit for buildings C or D’*
- 🏠 *Condition Five – Removed*
- 🏠 *Conditions Six and Seven are combined with the word ‘striping’ to supplant the word ‘stripping’*
- 🏠 *Condition Eight - A parking plan shall be submitted with no fewer than 49 outside parking spaces*

The motion passed with no objections.

IX. BOARD OF ADJUSTMENT - None**X. OTHER BUSINESS - None****XI. STAFF REPORTS****A. Flood Map Revision Presentation**

Ms. Camery told the Commission that the national flood insurance program allows participating communities to purchase insurance as protection against flood losses. The CBJ is a qualified participant in this program, she said. The CBJ regulates building development and flood zones through its land use and building code regulations, said Ms. Camery.

Flood insurance can be reduced by elevating your home, explained Ms. Camery. Duck Creek, Jordan Creek and Lemon Creek were the primary areas reviewed, she said. Over 160 people attended the April 4, 2018 meeting on this topic, she said. The commentary period ends July 9, 2018, said Ms. Camery.

This coming winter FEMA will issue the final determination, and the Commission and the Assembly will have six months to adopt the revised flood maps, said Ms. Camery. If the maps are not adopted within that six-month period, Juneau will be removed from the program and will not be eligible for aid should there be a flood, she said.

Information about the flood insurance program (<http://www.juneau.org/cddftp/JuneauFloodZoneMap.php>) can be obtained from the Community Development Department website where interested parties can plug in an address and find both the current and proposed maps, said Ms. Camery.

XII. COMMITTEE REPORTS*Title 49 Committee*

Mr. Dye reported that unit development was the sole topic at the Title 49 committee meeting.

Comprehensive Plan Standing Committee

The Comprehensive Plan Standing Committee met and composed a draft letter of recommendation which will go to the Commission in July, said Mr. LeVine.

XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS*Parking Spaces*

Mr. Miller said recently he has completed a few projects in which he had to meet parking requirements. There is no consideration given for compact vehicles at all, said Mr. Miller. Every single parking space must be 8.5 feet by 17 feet, he said. They had to have 19 parking spaces at the last project which he completed, said Mr. Miller. That is a lot of property, he said. He said it appeared that at least a third of the parking spaces were taken up by smaller vehicles which

were at the most perhaps 13 feet long. He said he would like to see an adjustment in the code so that perhaps a third of the parking places could be for compact vehicles up to 13 feet in length. Mr. LeVine added that electric vehicle parking requirements should also be considered for review.

Missing the Conditional Use Permit Requirement at the Pre-Application Meeting

Mr. Miller said if the development permit is reviewed, there were 23 units on it at the very beginning of the process. This is a project which has been built several times previously, said Mr. Miller. This could have been a nightmare, said Mr. Miller. He asked how the CDD staff missed that a 23 unit project does not need a Conditional Use Permit. Mr. Miller asked if the director reviews all of the applications for accuracy.

Ms. Maclean said not all applications are reviewed personally by the director. It goes through the staff and the planning manager, she said. She added not all of the permits are always reviewed up front. She said they do have Mr. Palmer coming on Friday for a meeting with the planners to provide training on phasing, said Ms. Maclean. They will be taking notes so this information will be available in the folder for the staff, she said. They then may need to review how the process is handled at the front counter and who reviews permits, said Ms. Maclean.

Mr. Miller said he could understand how the planning manager or the director does not look at every single building permit. He suggested that maybe any project that requires a pre-application which is usually a higher level project should receive those reviews by the supervising staff.

Chairman Haight said he was thankful for the patience awarded the Commission this evening. He said it was awkward. He said he did not think this would occur again.

Mr. Voelckers said he would appreciate the Commission being refreshed on some of the nuances of phased development after the staff has met with Mr. Palmer.

Mr. Miller asked if the applicants with the revoked permit had been personally contacted by phone before they received the revocation letter.

Ms. Maclean said the applicants were not called prior to the sending of the letter late Wednesday.

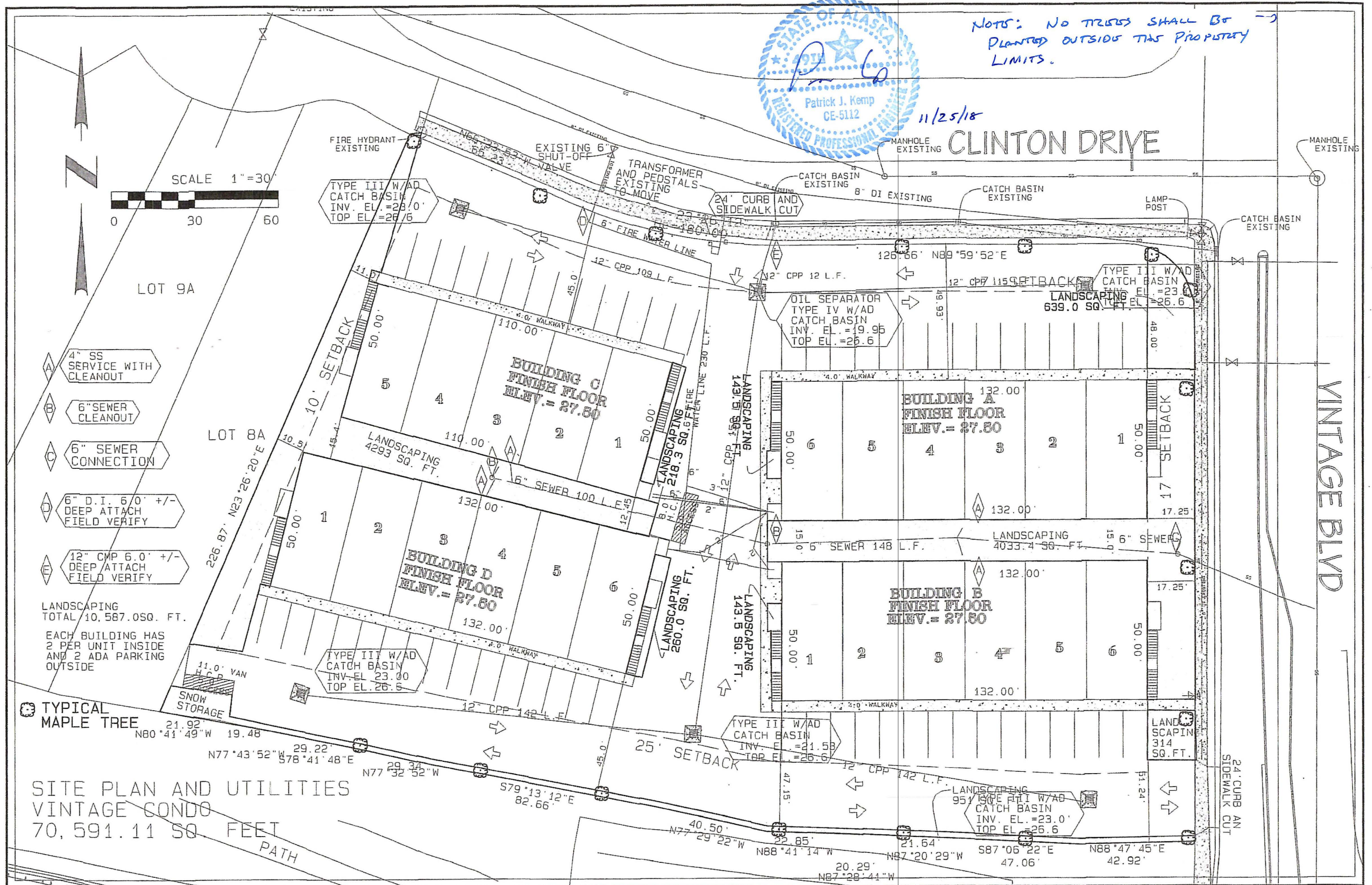
She did speak with the applicants when they phoned her on Thursday, she said.

Mr. Voelckers said he is a little concerned that they have received a few applications such as the parking waiver application addressed by the Commission tonight in Douglas in which the graphics which are interpreting critical pieces of the application are just about unreadable. It was a pretty inaccurate and difficult site plan to decipher, said Mr. Voelckers.

XIV. EXECUTIVE SESSION - None

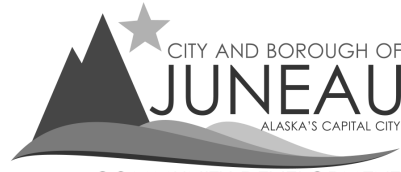
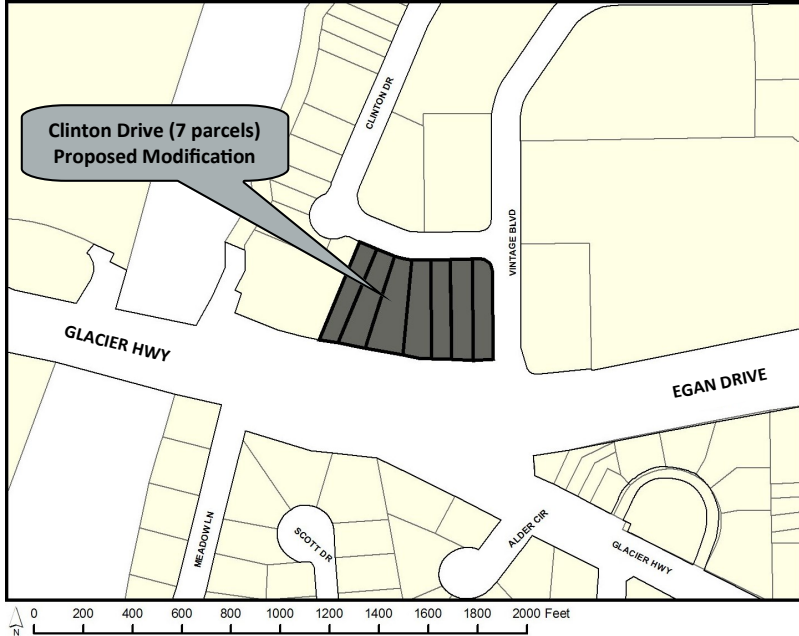
XV. ADJOURNMENT

The meeting was adjourned at 10:35 p.m.



Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **modification of a Conditional Use Permit for a 23 dwelling unit condominium development** located along **Clinton Drive** in an **Light Commercial (LC) 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, **Tim Felstead**, 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 9, 2018

Case No.: USE2018 0021

Parcel No.: 5B1601440011; 0021; 0031;
0041; 0051; 0061; 0071

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



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

DATE: June 18, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

CASE NO.: USE2018 0007

PROPOSAL: A Conditional Use Permit for a 23 dwelling unit condominium development

GENERAL INFORMATION

Applicant: R & S Construction LLC

Property Owner: R & S Construction LLC

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A

Parcel Code Number: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071

Site Size: Total 70,594 sq. ft. (1.62 acres)

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: LC

Utilities: Public water; Public sewer

Access: Clinton Drive and Vintage Boulevard

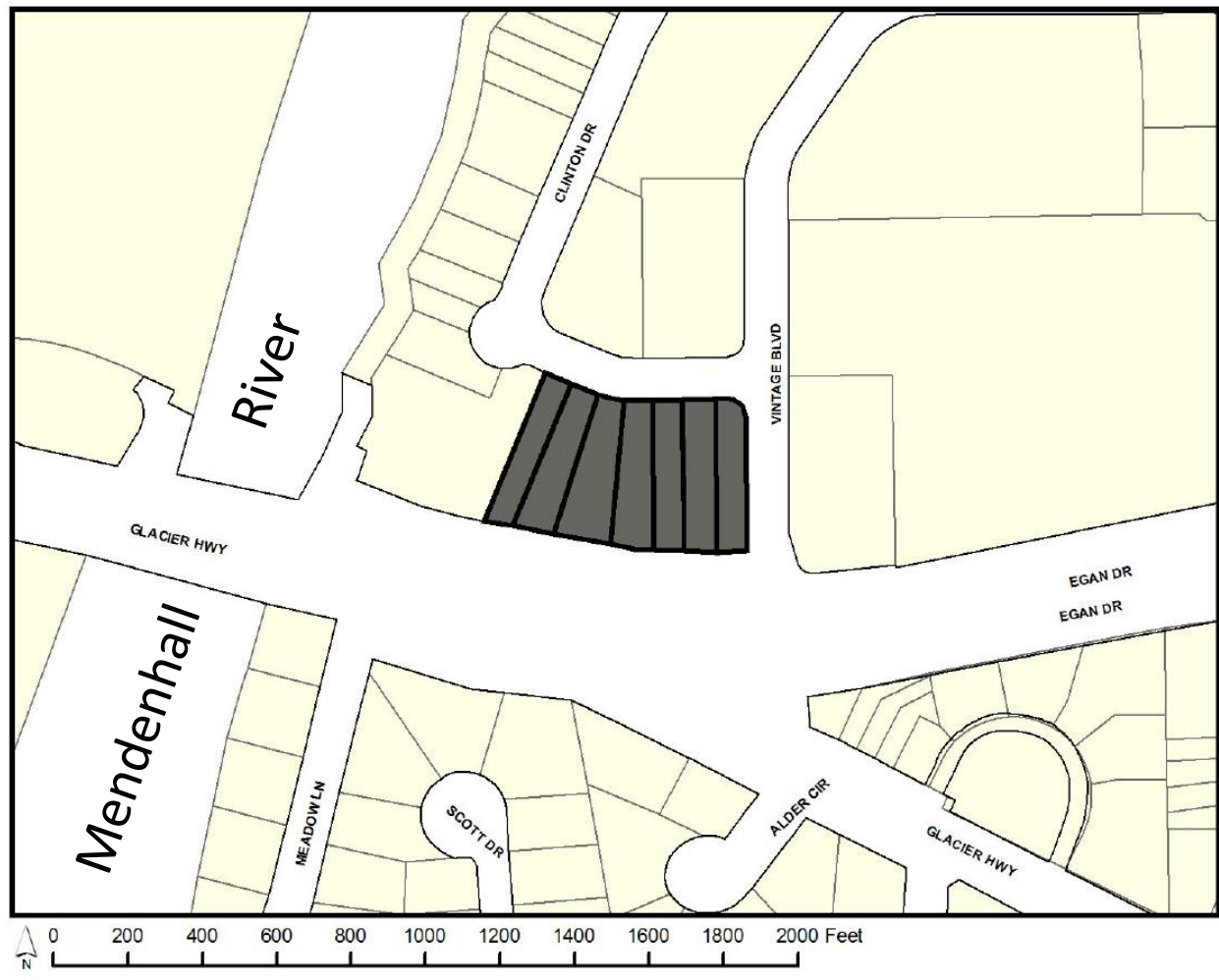
Existing Land Use: Vacant

Surrounding Land Use: North - Clinton Drive Right-of way, Commercial offices; Light Commercial (LC)

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South - Egan Drive Right-of-way, Commercial offices; Light Commercial (LC)
East - Vintage Boulevard Right-of-way, Commercial retail; Light Commercial (LC)
West - Vacant; Light Commercial (LC)

VICINITY MAP



ATTACHMENTS

Attachment A Application including narrative, building plans, and site plan.
Attachment B Public notification

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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 23 dwelling unit condominium complex on one lot in the Vintage Park area adjacent to Mendenhall River. The dwelling units would be 'boat condos' with each unit consisting of an oversized garage space on the ground floor with an apartment above.

BACKGROUND

The development is located on one single 70,594 square foot lot. This lot was the result of a recent consolidation of seven lots (SLC2018-0002). While the consolidation has been approved and the new plat has been recorded, a new single CBJ parcel identification number has not yet been assigned. The Vintage Park area (a fraction of USS 1193) was first subdivided into 3 lots in 1984 and further subdivided in 1985. In 2013, the lots were the subject of a right-of-way (ROW) acquisition which resulted in approximately 20,000 square feet of land from the subject lots along Egan Drive being incorporated into the ROW as part of the project to replace Brotherhood Bridge. The Brotherhood Bridge reconstruction project also removed a tree buffer adjacent to the ROW. It is not clear if the trees were in the original ROW or on the private land that was acquired by DOT&PF. Design standards related to Vintage Park (see below) required a tree buffer to be provided along Egan Drive.

Around the time of the 1984 subdivision, the area was rezoned from R-7 (residential) to C-2 (Central Commercial) by CBJ Ordinance 84-03(am) (ZC 83-14). This ordinance also included a number of conditions including those regarding access and traffic control, building design, signage, and landscaping. Later, the conditions and site design/uses allowed were further amended by a series of CBJ ordinances (85-33, 85-55, 85-89, 86-54(am), and 86-72). As part of the 1987 major rewrite of the CBJ Land Use Code, the area was rezoned to Light Commercial (LC). The rezoning to Light Commercial removed the additional requirements imposed through earlier rezones. There may be additional private covenants for the area related to building and site design requirements, although the CBJ does not enforce private covenants.

The subject lot remained vacant until 2018. In April, 2018, a building permit was approved for the construction of 6 dwelling units in Building A (BLD2018-0156) followed by a second building permit in May, 2018, for the construction of 6 dwelling units in Building B (BLD2018-0275). (See site plan in Attachment A.)

The applicants are seeking a Conditional Use Permit for 23 units. They received a building permit for 12 units. Staff has already required some changes to the site plan as part of the building permit review process. In Light Commercial zones, more than 12 dwelling units on a lot is considered a major development and requires a Conditional Use Permit. This use permit evaluates full build-out of 23 units.

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ANALYSIS

Project Site – The project site consists of one 72,000 square foot, relatively flat lot surrounded by three ROWs. Based on the applicant site plan, the Egan Drive traffic lanes are ~55 feet from the subject property line, and there is a shared path that runs ~45 feet from the property line. Sidewalks for Vintage Boulevard and Clinton Drive abut the property line. The lot was used for materials storage during the reconstruction of Brotherhood Bridge.

Project Design – The architectural drawings and site plan are provided in Attachment A. The final development will consist of 4 buildings. Three buildings will have 6 units and one will have 5 units, for a total of 23 units. Each unit will consist of a garage measuring 22 ft. x 50 ft. x 16 ft. high for a total of 1100 sq. ft. There will be a 1,100 sq. ft., 2 bedroom apartment directly above each garage. The end units will be accessed via external staircases. Internal apartments will be accessed with internal staircases. Each apartment will have a deck area. The majority of the windows will be located on the front elevation of the buildings, and doors will either face Clinton Drive or Egan Drive. The plainer rear elevation of the buildings will face into the site separated by a ~15 foot vegetated area.

The lower 3 feet of the exterior of the buildings will be clad with ‘cultured stone’ with the rest of the garage level clad in vertical metal siding. The second-story apartment level and roof gables will be clad in vinyl siding.

The setbacks for the site are provided below:

Yard	Setback (feet)
Front (Clinton Drive)	25
Street side (Vintage Boulevard)	17
Street side (Egan Drive)	17
Side	10

The site design meets all required setbacks. The access stairs along the side of the buildings paralleling Vintage Boulevard encroach 5 feet into the 17 foot side yard. This is allowed under a setback exception for unenclosed balconies, connecting deck stairways, ramps, and landings with or without roofs (CBJ 49.25.430(4)(C)(i)).

The maximum building height for permissible uses in the Light Commercial zoning district is 45 feet. The proposed buildings are 35 feet to the mid-point of the roof.

There are no maximum lot coverage limits in Light Commercial zones but there is a 15% vegetative cover requirement. For this site, 10,589 square feet of vegetative cover is required. The site plan shows that 10,587 square feet will be landscaped.

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It is recommended as a condition of approval that prior to a Certificate of Occupancy, a minimum of 15% of the lot must be planted with vegetation or the installation of vegetation must be bonded for. Staff further recommends a condition that the vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.

Other developments in the Vintage Park neighborhood have vegetative buffers separating the parking lots from the ROW sidewalks. The applicants have proposed a 3 foot vegetated strip to provide a consistent appearance. While this is consistent with the vegetative buffer provided on one recent development in the Vintage Park area (Trillium Landing Senior Housing project), the majority of developments have larger vegetative strips.

Light Commercial zones allow for up to 30 dwelling units per acre. There would be a maximum of 49 dwelling units allowed on this lot. The applicant is proposing 23 units and associated garages.

The applicants have not indicated uses other than residential apartments and associated garage space. However, the units will be constructed so that the garage spaces are appropriately fire separated from the apartments above. In the future, the spaces could be used independently from the residential apartments above. Many commercial uses are allowed in Light Commercial zones and may require additional permits, parking, or performance standards depending on the use.

A Change of Use Permit would be required and would provide CDD the opportunity to review parking and performance standards and advise the applicant if a Conditional Use Permit would be needed or if fire or building inspections would be required.

Traffic – Using the ITE Trip Generation Manual (ITE Manual), staff estimates the average daily traffic to be 133 trips per weekday for the proposed 23 residential units (Land Use 230 Residential condominium/townhouse). 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.

There will be a two-way access to the site from Clinton Drive and a one-way ingress access from Vintage Park. Clinton Drive and Vintage Park are CBJ maintained ROWs. The one-way ingress could potentially have two-way traffic. This is being proposed by the applicant and is not a CBJ requirement. Vintage Boulevard only allows right turns onto Egan Drive toward Auke Bay. All other traffic destinations would have to be accommodated by driving toward Riverside Drive.

It is recommended as a condition of approval that appropriate ‘no exit’ signs be placed at the ingress-only access on Vintage Boulevard.

CBJ Streets has no concerns with the proposed access points into the site. CBJ General Engineering has approved the two access points in their approval of the earlier building

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permits. The Alaska Department of Transportation and Public Facilities have not provided comments.

Parking and Circulation – The proposed parking and circulation plan is provided as part of the site plan in Attachment A. The parking requirement for the proposal is provided in the table below.

Use	Use parking space requirement	Size of use	Parking spaces required
Residential–multifamily (Not Juneau or Douglas)	1.75 per 2 bedroom	23 x 2 bed units	40.25
Total			40.25
Rounded to nearest whole number = 40 spaces			

At 22 feet wide, each garage is wide enough to accommodate two parking spaces inside. The garages associated with each unit provide enough spaces to meet the collective parking requirement for the entire development. The applicant's initial site plan showed additional parking spaces directly in front of each garage. CBJ 49.40.230 (a)(6) only provides for stacked parking for single family and duplex uses. The applicants submitted a revised site plan showing no parking outside the garages. As discussed above, any change of use from residential may require additional parking which will be addressed through a "change of use" building permit. The site can accommodate additional parking. On-site parallel parking spaces (6 feet wide x 22 feet deep) could be accommodated along the Clinton Drive (~9 spaces) or Egan Drive (~13 spaces) lot lines so there is capacity for more intense uses, although this would have to be accounted for in the Homeowners Association (HOA) agreement. Additionally, CBJ 49.40 does allow for uses other than single family and duplex to have off-site parking, as well as the opportunity for joint use parking.

Two ADA compliant parking spaces, with appropriate stripping and signage, will have to be provided on the site including one van accessible space. These spaces are shown on the revised site plan. These will need to be striped and signed as part of the Building Permit approval. Required stripping should be maintained.

The HOA agreement will also need to address maintenance responsibilities for the shared paved circulation area. The CBJ Land Use Code does not have a standard requirement that multifamily condominium developments have a HOA agreement.

To ensure the common paved circulation area is adequately maintained, it is recommended as a condition of approval that this be addressed in a HOA agreement along with other common facilities and a copy be provided to CDD before the first building can be occupied.

Vegetative Cover and Landscaping - The CBJ Land Use Code requires parking and circulation areas to be 'attractively landscaped' (CBJ 49.40.230(a)). CBJ 49.40.230(c)(1) states parking

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areas 'shall be landscaped in accordance with design review standards'. However, Title 4 of the CBJ Administrative Code no longer includes design review standards for parking lot design. Staff can only subjectively assess whether the parking lot design is 'attractive'.

The Land Use Code does however define 'Landscape' (CBJ 49.80.120) as:

(2) To add lawns, trees, plants, or other natural and decorative features to land.

Surrounding properties and minimum site vegetative cover requirements are often used during the proposal review as a guide to determine if the design meets the general landscaping requirements. One member of the public who owns property in the Vintage Park area contacted CDD with concerns that the appearance of the development would detract from their own property citing the design standards that were initially in place for the Vintage Park area adds value to their own property. They had not viewed the architectural drawings or proposed site plan at that point. This person has not commented again since staff provided them with these details.

As discussed above, the majority of other developments in the area have a vegetative buffer between the sidewalk and their associated parking lots. The development on the opposite side of Clinton Drive from the subject development has a buffer which is approximately 7.5 feet. To provide consistency with other developments in the area, it is recommended that the proposed 3 foot vegetative strip be widened to 5 feet and some shrubs and/or trees be provided along Clinton Drive and Vintage Boulevard. Any additional space between the property line and edge of sidewalk should be landscaped with grass.

It is recommended as a condition of approval that in addition to the vegetative cover requirements, prior to issuance of any further building permits for Buildings C or D, that the landscaping plan be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the sidewalk on Clinton Drive.

In addition, the landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches plantings of trees and/or shrubs for other developments in the immediate vicinity. The landscaping shall be reviewed and approved by CDD.

Pedestrian circulation – Both Clinton Drive and Vintage Boulevard are already served by sidewalks in the ROW. The site plan shows a 4-foot wide concrete walkway in front of the building. To facilitate pedestrian access from the development toward Safeway, the applicants have continued the walkways in front of Buildings A and B through the vegetated strip to Vintage Boulevard. CBJ Streets have stated that they believe additional crosswalks will be needed through the Vintage Park area to accommodate the increasing residential uses that are being developed. An obvious location related to the subject development is across Vintage Boulevard at the intersection with Clinton Drive. This crossing would require more than

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stripping. The crossing would have to account for two drain inlets, provide pedestrian curb cuts, and involve removal of part of an existing concrete median. CBJ should consider development of crossing walks as part of the CIP.

Drainage and snow storage – The submitted drainage plan has been reviewed by CBJ General Engineering under the issued building permits. The proposed subsurface drainage system meets CBJ standards, and there is no incentive for the developer to explore green infrastructure approaches since they are not interested in increasing dwelling density and already meet their minimum vegetative cover requirements. Stormwater management during construction is reviewed as part of the CBJ Building permit. As part of the review for approval of the building permit, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a development's obligations are.

The applicants have identified one dedicated snow storage area near Building D, and it is expected any additional storage could occur in front of Buildings A and C, although this should be done so that drains are not blocked.

Lighting –The Land Use Code also requires parking areas 'to be suitably lit'. This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian pathways, and immediately adjacent to the building. All exterior lighting should be of full cut-off design and that there is direct lighting only on the subject parcel to minimize impacts to adjacent neighbors. The applicants have proposed lighting fixtures that meet the required full cut-off design. However, lighting locations are not shown on the site plan, only on the architectural drawings, and the site plan is not prepared by a professional engineer or architect as required by the Land Use Code for major developments with ten or more dwelling units.

As a condition of approval, staff recommends that prior to issuance of a Building Permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Noise – The proposed residential use is not expected to generate any noise impacts beyond what would be expected in a Light Commercial zone.

Public Health or Safety – The structures meet all zoning requirements for height and setbacks and will meet all applicable building code requirements for fire safety. CBJ Fire has reviewed the overall site plan as part of the review of the two issued building permits and has no concerns with the development. The CBJ Building Official has no concerns with the development. The additional buildings will also require building permits.

Habitat – There are no habitats regulated by the CBJ Land Use Code that would be impacted by the development.

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

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

The proposed use for residential dwellings and associated garages is allowed in the zoning district and is consistent with the description of the zoning district.

As mentioned above, one member of the public has concerns that the proposed development would be out of character with the surrounding properties and would reduce the marketability of their own commercial space. The member of the public had not seen the architectural drawings at the time of sharing these concerns and was not aware of the 3 foot vegetative buffer proposed by the applicants. The CBJ Assessor has stated that they do not foresee any negative impacts on surrounding property values from the development. They also stated the development might actually provide a beneficial buffer from Egan Drive for other properties on the interior of Vintage Park. However, they suggested a larger vegetative strip with shrubs or a privacy fence along Clinton Drive providing a visual buffer would be beneficial but were aware of the potential need for a larger paved turning area to allow boats to be more easily parked. The buffer would have limited impact on vehicle noise.

Conformity with Adopted Plans –

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Traditional Town Center (TTC). This is described as:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street

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parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. (p. 147)

The proposed dwelling unit density is 14 dwelling units per acre, less than the recommended minimum in the Comprehensive Plan of 18 units per acre. Ideally, lands are developed to their maximum dwelling unit density where possible especially when located in close proximity to transit services, but there is no minimum dwelling density in the CBJ Land Use Code.

The Comprehensive Plan provides policies to encourage the development of more housing. The following policies are relevant to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. (p.37)

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES. (p.41)

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. (p.129)

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS. (p.131)

The development also provides potential for mixed uses in the future as the garage spaces or apartments are utilized for commercial uses. This is supported by the following policy:

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. (p.130)

POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. (p.140)

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The following Standard Operating Practice (SOP) related to Policy 10.13 supports review of parking, landscaping, and lighting for developments

10.13 - SOP2 Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities.

Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth, the Plan states Initiatives, Goals, and Actions. The proposed development is providing additional housing albeit not specifically designed to be ‘affordable’ housing.

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

Juneau Non-Motorized Transportation Plan

The purpose of the Juneau Non-Motorized Transportation Plan (JNMTP) is ‘to promote active transportation by guiding development of a community-wide bicycle and walking network that can be used by all Juneau residents for all types of trips’. The location of the development is a walkable distance to public amenities such as grocery stores, recreational facilities, schools, a post office, banks, etc. Transit services operate on Riverside Drive, and CBJ is actively pursuing a Valley Transit Center in the Vintage Park/Mendenhall Mall area. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

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FINDINGS

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

1. Whether the application is complete;
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. 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 1.300 for the LC 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 15, 2018 and June 25, 2018 issues of the Juneau

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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 development, with conditions, will not endanger the public health and safety.

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

No. Based on the above analysis the use, with conditions, will maintain values and will be in harmony with the neighboring area.

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

Yes. Based on the preceding analysis, staff finds that the proposed multifamily development is in general conformity with the Land Use Plan and Comprehensive Plan.

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

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

N/A

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 23 dwelling unit, multi-family development in a Light Commercial zoning district.

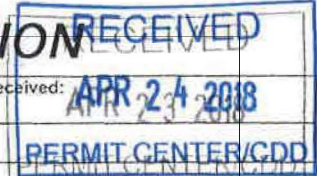
The approval is subject to the following conditions:

1. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for. A revised landscaping plan shall be reviewed and approved by CDD staff prior to issuance of any further building permits for Buildings C or D.
2. In addition to the vegetative cover requirements, the landscaping plan shall be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the sidewalk on Clinton Drive.

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3. The landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk should be landscaped with grass.
4. Prior to issuance of a Building Permit for Buildings C or D, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
5. Prior to CBJ acceptance of sidewalk improvements, appropriate 'no exit' signs shall be placed at the ingress-only access on Vintage Boulevard.
6. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD.
7. The Homeowners Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and stripping.

DEVELOPMENT PERMIT APPLICATION



Project Number		CITY and BOROUGH of JUNEAU		Date Received: APR 24 2018	
Project Name (City Staff to Assign Name)					
PROJECT / APPLICANT INFORMATION	Project Description <i>Conditional Uses permit for 23 unit condo development</i>				
	PROPERTY LOCATION				
	Street Address <i>3005 Clinton Dr</i>		City/Zip <i>Juneau AK</i>		
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Lots 1A-7A Vintage Business Park</i>				
	Assessor's Parcel Number(s) <i>011, 021, 031, 5-B16-0-144-004-1, 051, 061, 071</i>				
	LANDOWNER/ LESSEE				
	Property Owner's Name <i>R&S Const. LLC</i>		Contact Person: <i>Scott Jenkins</i>		Work Phone: <i>723-8952</i>
	Mailing Address <i>P.O. Box 210194 Anchorage AK</i>		Home Phone:		Fax Number:
	E-mail Address <i>igloo racing - 1@yahoo.com</i>		Other Contact Phone Number(s):		
	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					<i>4/23/18</i>
	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 <i>Same</i>		Contact Person:		Work Phone:	
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			
		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)		<i>4/24/18</i>	<i>USE 20180007</i>
		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: <i>Pre-App notes were never sent. Eddie trying to get them completed. Lots to be consolidated under SLR 18-02</i>					Permit Intake Initials <i>TJR</i>



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.

PROJECT SUMMARY

construction of 23 condos.

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) ~~20180007~~
 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 20594 square feet Total Area of Existing Structure(s) NA square feet

Total Area of Proposed Structure(s) 25300 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	\$ <u>750</u>	Class III		
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>900</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
USE 20180007	4/24/18.

Allowable/Conditional Use Permit Narrative:

Lots 1A-7A on Clinton Drive are currently vacant long skinny lots that we (R&S CONSTRUCTION LLC) have purchased to build a future 23 unit 2 condo project to be completed in 2 phases. We are providing copies of the proposed site plan with depicting the required 15% vegetation. The site plan also shows the buildings with proper setbacks, vehicle circulation and parking. The condo units will be primarily residential condos with large shop/garages. We are designing the units to leave open the possibility for the purchaser to run a small business in the shop space below if desired. The proposed use meets all current zoning and will comply with the Comprehensive Plan. If you have any further questions please contact Rob Worden at 907-321-5015 or Scott Jenkins at 907-723-8952

A
L
A
S
K
A**2018-001399-0**

Recording Dist: 101 - Juneau

4/2/2018 11:55 AM Pages: 1 of 3

**STATUTORY WARRANTY DEED**

3015051

THE GRANTOR, **FRED JOHAN BAXTER and GEORGE WILLIAM ELGEE**,
Co-Trustees under the WILLIAM BAUER LIVING TRUST, DATED NOVEMBER 5,
2009, whose mailing address is 9309 Glacier Highway, Suite B-200, Juneau, Alaska 99801,
for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, in hand
paid, conveys and warrants to the GRANTEE, **R & S CONSTRUCTION, LLC, an Alaska**
limited liability company, whose mailing address is P.O. box 210194, Auke Bay, Alaska
99821, the following described real property, situated in the Juneau Recording District, First
Judicial District, State of Alaska:

Lots 1A, 2A, 3A, 4A, 5A, 6A, and 7A, Block C, Vintage Park IIA, according to Plat
2013-19, Juneau Recording District, First Judicial District, State of Alaska.

SUBJECT TO:

1. Reservations or exceptions in patents or in acts authorizing the issuance thereof.
2. 2018 City and Borough of Juneau taxes, a lien not yet due or payable.
3. The effect of the notes which appear on the plat of said subdivision.
4. Easements as dedicated and shown on the plat of said subdivision.
5. Reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951,

William Bauer Living Trust, dated November 5, 2009, Statutory Warranty Deed, File No. 6059-011
Page 1 of 3

Amendment No. 1, thereto, dated July 17, 1952, and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register.

6. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes, created by instrument recorded May 22, 1950 in Book 42 at Page 323.
7. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes, created by instrument recorded September 22, 1997 in Book 479 at Page 443.

DATED this 2nd day of April, 2018.

**WILLIAM BAUER LIVING TRUST, dated
November 5, 2009**

By: *Fred Johan Baxter* Co-Trustee
Fred Johan Baxter, Co-Trustee

By: *George William Elgee* Co-Trustee
George William Elgee, Co-Trustee

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

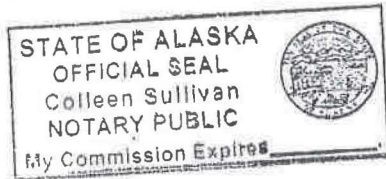
THIS IS TO CERTIFY that on this 2nd day of April, 2018, before me, a Notary Public, in and for the State of Alaska, duly commissioned and sworn, personally appeared Fred Johan Baxter, Co-Trustee under the WILLIAM BAUER LIVING TRUST, dated November 5, 2009, to me known and known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned, as a Trustee of said trust.

William Bauer Living Trust, dated November 5, 2009, Statutory Warranty Deed, File No. 6059-011
Page 2 of 3



2 of 3
2018-001399-0

WITNESS my hand and official seal the day and year in this certificate first above written.

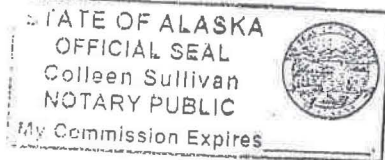


Colleen Sullivan
 Notary Public, State of Alaska
 My commission expires: 12-12-2020

STATE OF ALASKA)
 : ss.
 FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of April, 2018, before me, a Notary Public, in and for the State of Alaska, duly commissioned and sworn, personally appeared George William Elgee, Co-Trustee under the WILLIAM BAUER LIVING TRUST, dated November 5, 2009, to me known and known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned, as a Trustee of said trust.

WITNESS my hand and official seal the day and year in this certificate first above written.



Colleen Sullivan
 Notary Public, State of Alaska
 My commission expires: 12-12-2020

After recording return to:

Baxter Bruce & Sullivan P.C.
 PO Box 32819
 Juneau, AK 99803



Lumark

DESCRIPTION

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

SPECIFICATION FEATURES

Construction

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

Optical

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

Electrical

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

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

Finish

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

Warranty

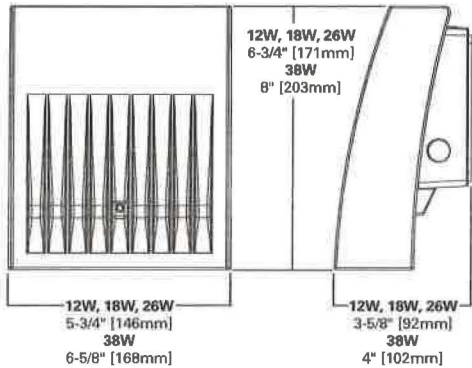
Five-year warranty.



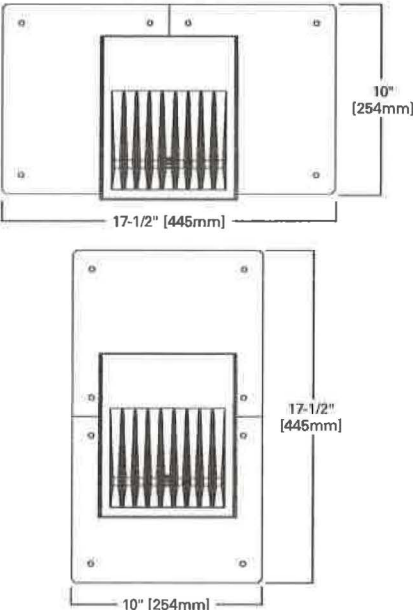
XTOR CROSSTOUR LED

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

DIMENSIONS



ESCUTCHEON PLATES



CERTIFICATION DATA

UL/cUL Wet Location Listed
LM79 / LM80 Compliant
ROHS Compliant
ADA Compliant
NOM Compliant Models
IP66 Ingress Protection Rated
Title 24 Compliant
DesignLights Consortium® Qualified*

TECHNICAL DATA

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

EPA

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

SHIPPING DATA:

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



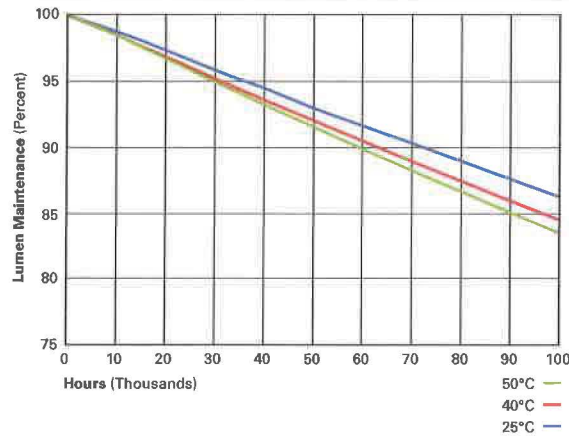
POWER AND LUMENS BY FIXTURE MODEL

LED Information	XTOR1B	XTOR1B-W	XTOR1B-Y	XTOR2B	XTOR2B-W	XTOR2B-Y	XTOR3B	XTOR3B-W	XTOR3B-Y	XTOR4B	XTOR4B-W	XTOR4B-Y
Delivered Lumens (Wall Mount)	1,418	1,396	1,327	2,135	2,103	1,997	2,751	2,710	2,575	4,269	4,205	3,995
Delivered Lumens (With Flood Accessory Kit) ¹	1,005	990	940	1,495	1,472	1,399	2,099	2,068	1,965	3,168	3,121	2,965
B.U.G. Rating ²	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B2-U0-G0	B2-U0-G0	B2-U0-G0
CCT (Kelvin)	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000
CRI (Color Rendering Index)	70	70	70	70	70	70	70	70	70	70	70	70
Power Consumption (Watts)	12W	12W	12W	18W	18W	18W	26W	26W	26W	38W	38W	38W

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

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (72,000 Hours)	Theoretical L70 (Hours)
XTOR1B Model		
25°C	> 90%	255,000
40°C	> 89%	234,000
50°C	> 88%	215,000
XTOR2B Model		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	196,000
XTOR3B Model		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	196,000
XTOR4B Model		
25°C	> 89%	222,000
40°C	> 87%	198,000
50°C	> 87%	184,000



CURRENT DRAW

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

ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PC1

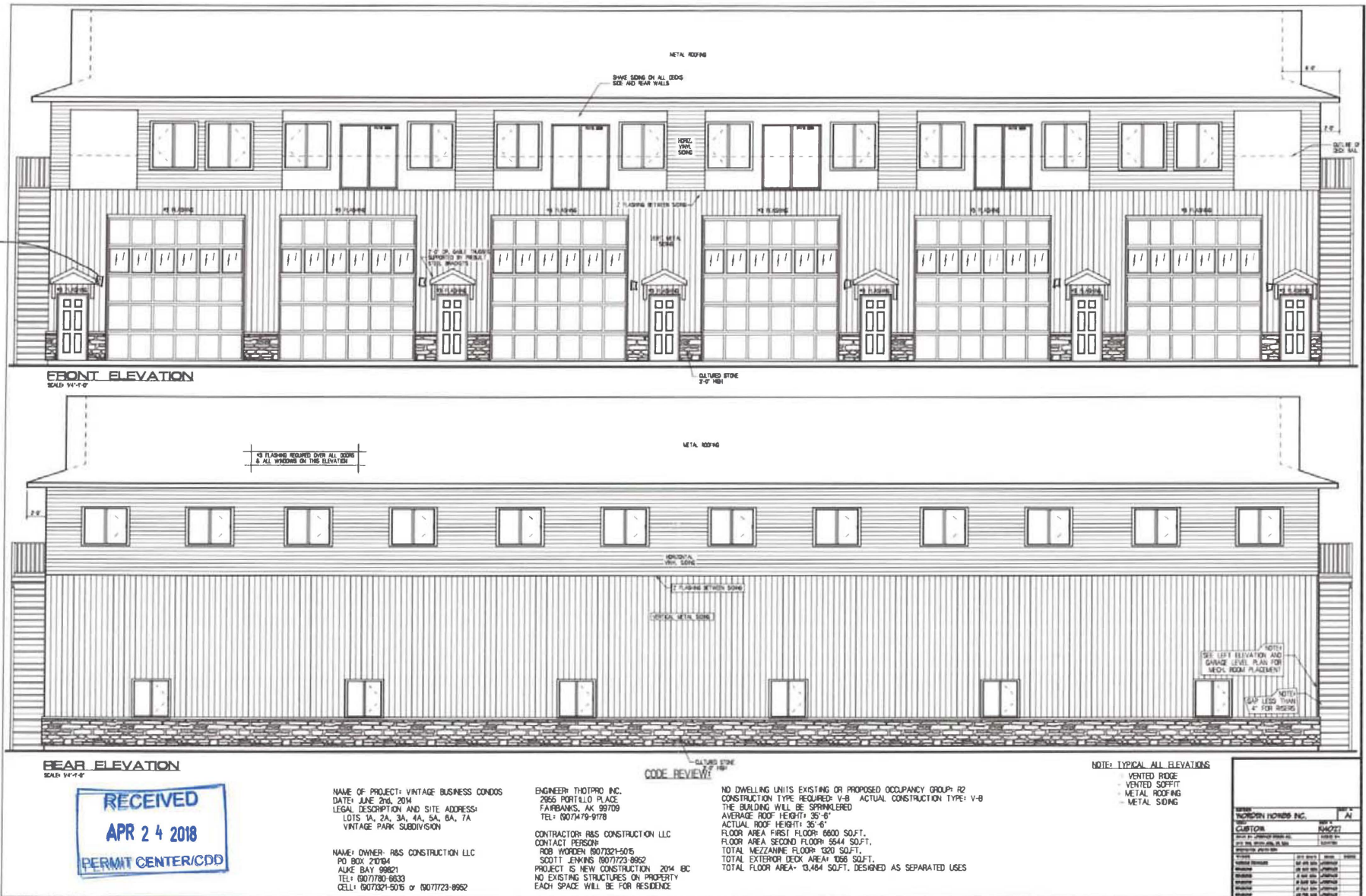
Series ¹	LED Kelvin Color	Housing Color	Options (Add as Suffix)	Accessories (Order Separately)
XTOR1B=Small Door, 12W XTOR2B=Small Door, 18W XTOR3B=Small Door, 26W XTOR4B=Medium Door, 38W	[Blank]=Bright White (Standard), 5000K W=Neutral White, 4000K Y=Warm White, 3000K	[Blank]=Carbon Bronze (Standard)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

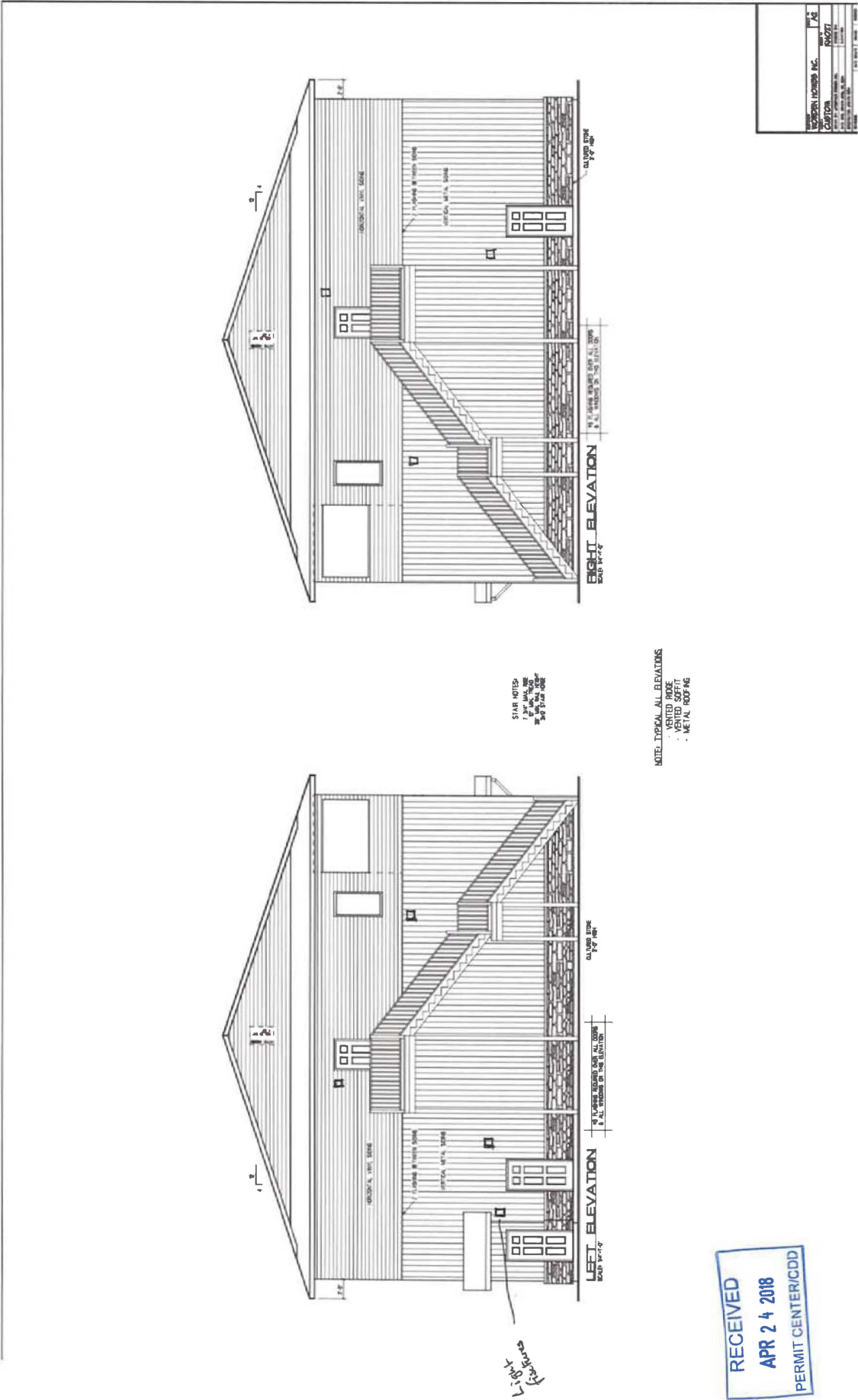
NOTES:

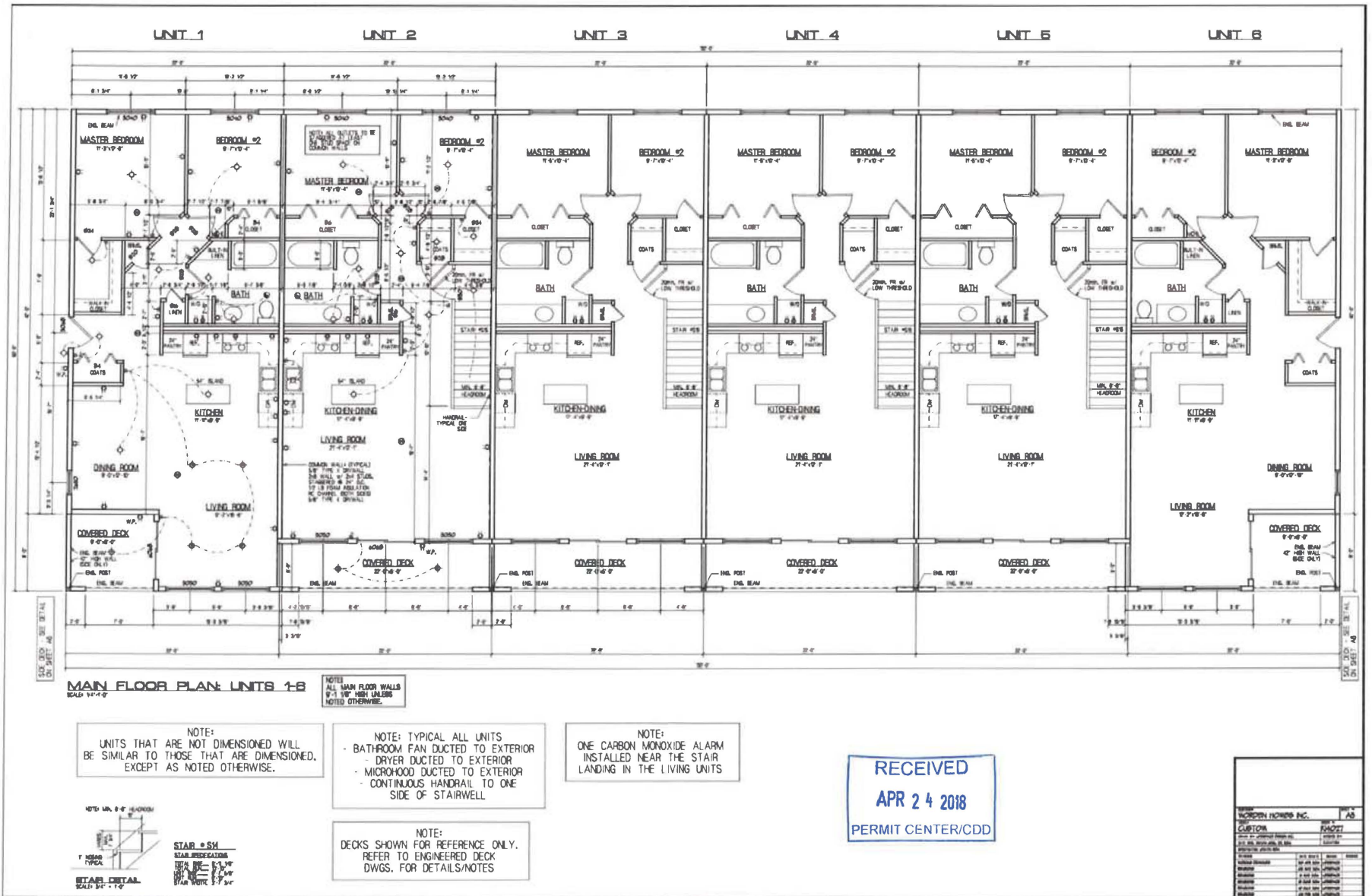
- DesignLights Consortium* Qualified and classified for both DLC Standard and DLC Premium, refer to www.designlights.org for details.
- Photocontrols are factory installed.
- Order PC2 for 347V models.
- Thru-branch wiring not available with HA option or with 347V. XTOR3B not available with HA and 347V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

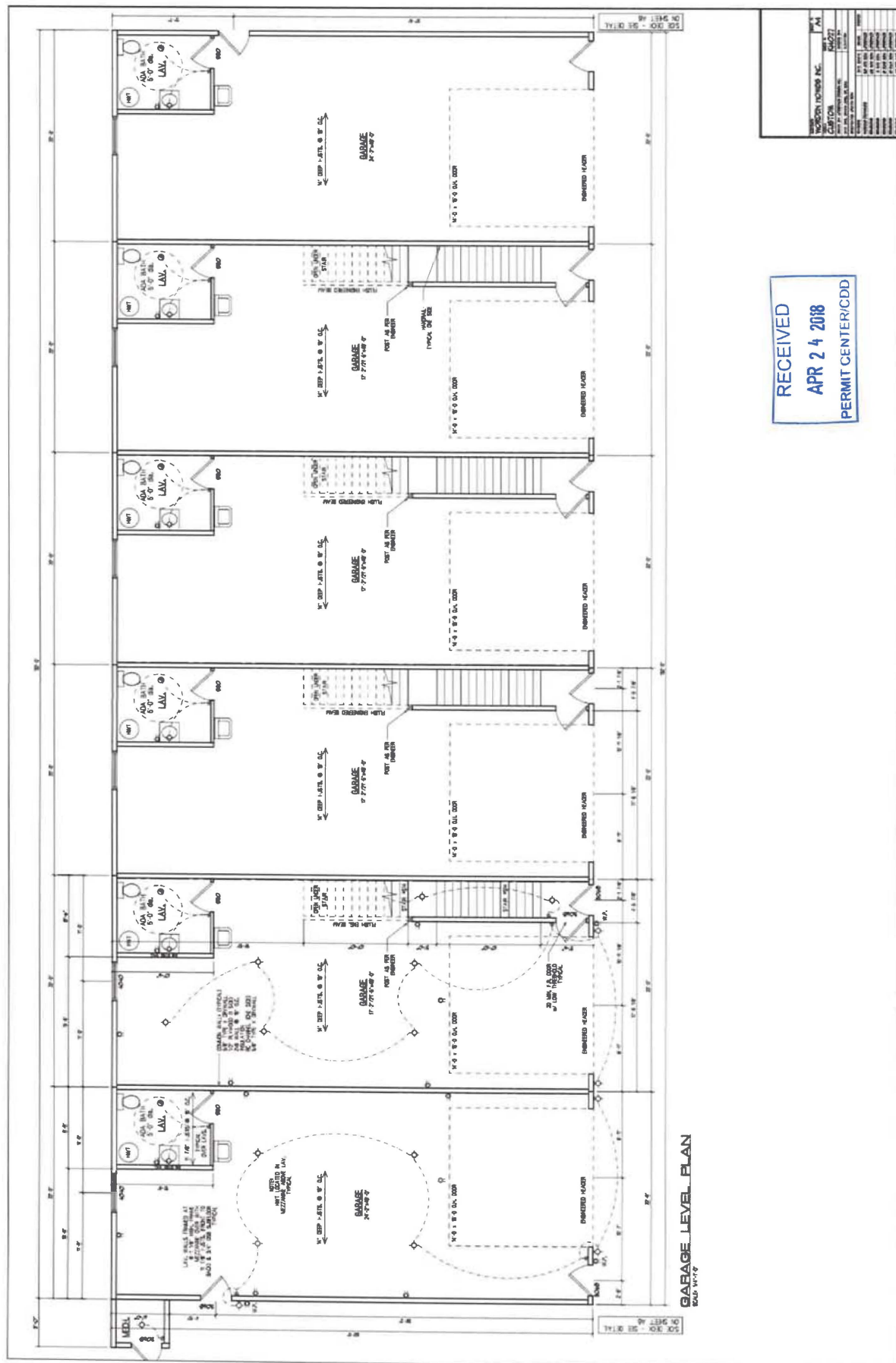
STOCK ORDERING INFORMATION

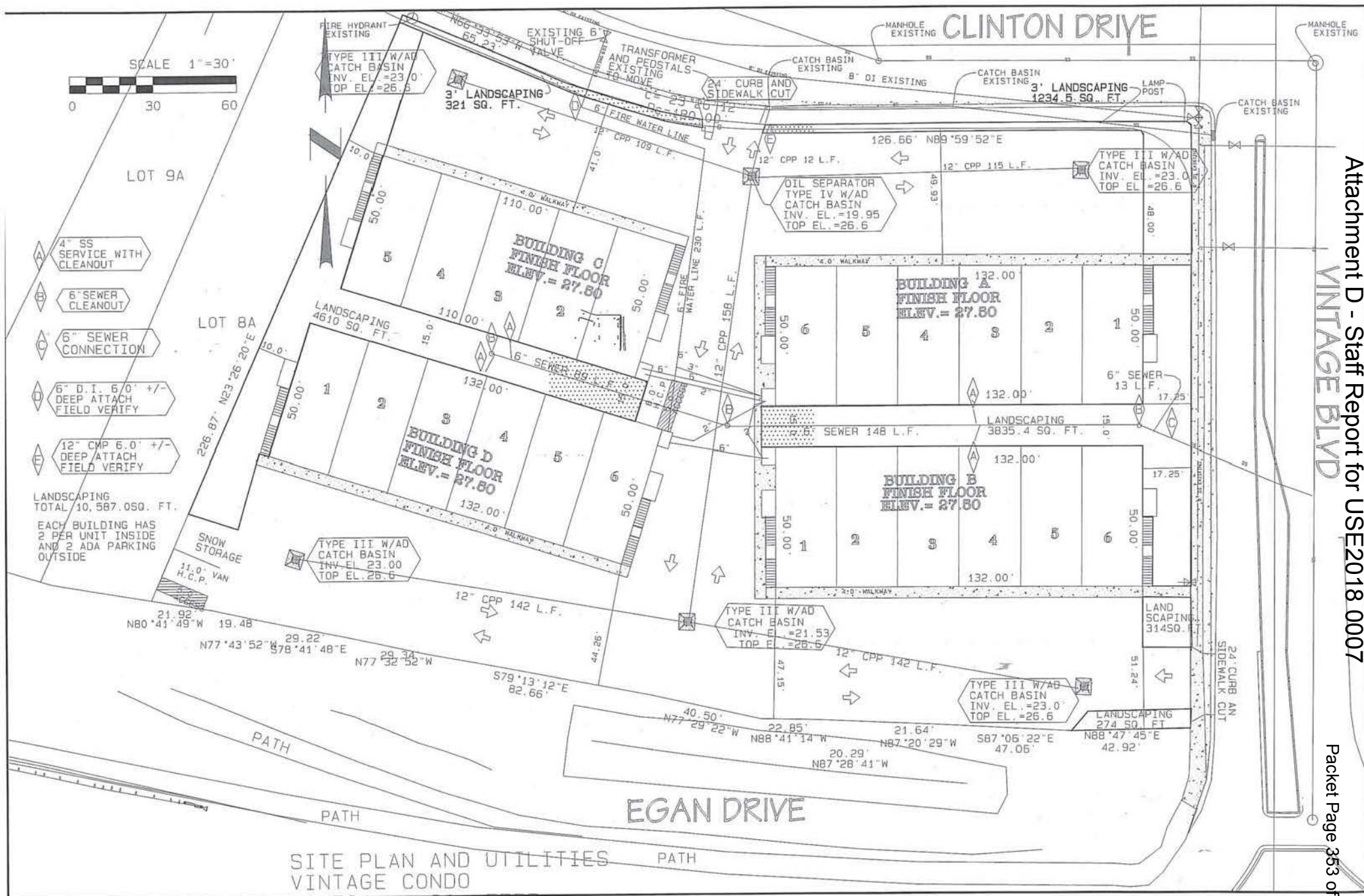
12W Series	18W Series	26W Series	38W Series
XTOR1B=12W, 5000K, Carbon Bronze	XTOR2B=18W, 5000K, Carbon Bronze	XTOR3B=26W, 5000K, Carbon Bronze	XTOR4B=38W, 5000K, Carbon Bronze
XTOR1B-WT=12W, 5000K, Summit White	XTOR2B-W=18W, 4000K, Carbon Bronze	XTOR3B-W=26W, 4000K, Carbon Bronze	XTOR4B-W=38W, 4000K,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





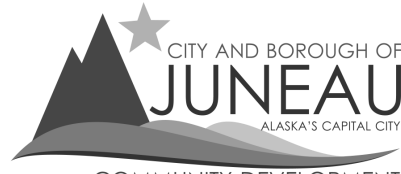
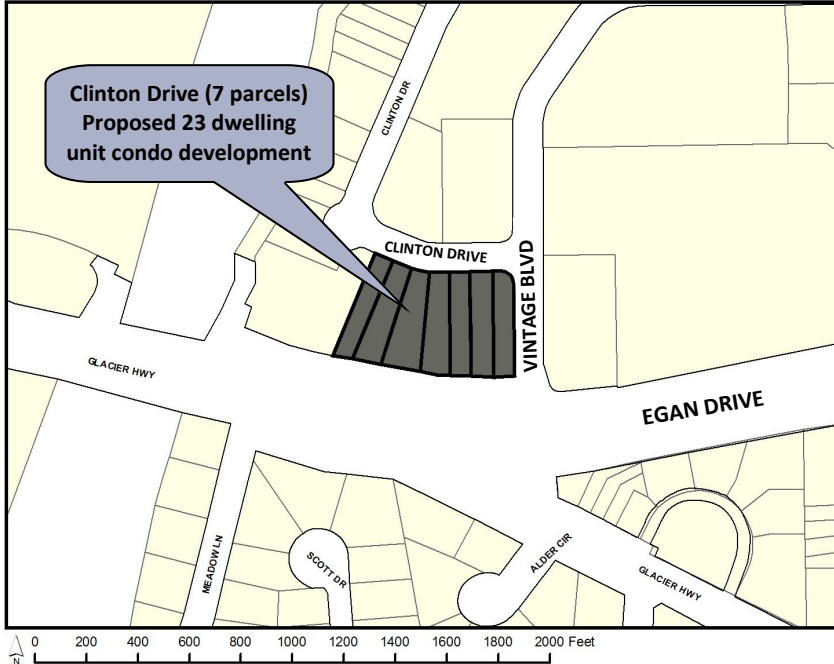






Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **23 dwelling unit condominium development** located along **Clinton Drive** in a **Light Commercial (LC) zone**.

TIMELINE

Staff Report expected to be posted Monday, June 18, at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through June 4, 2018

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

June 5 through 12 noon, June 22

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, June 26, 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.

June 27

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 May 30, 2018

Case No.: USE2018 0007
Parcel Nos.: 5B1601440011; 0021; 0031;
0041; 0051; 0061; 0071
CBJ Parcel Viewer: <http://epv.juneau.org>

Tim Felstead

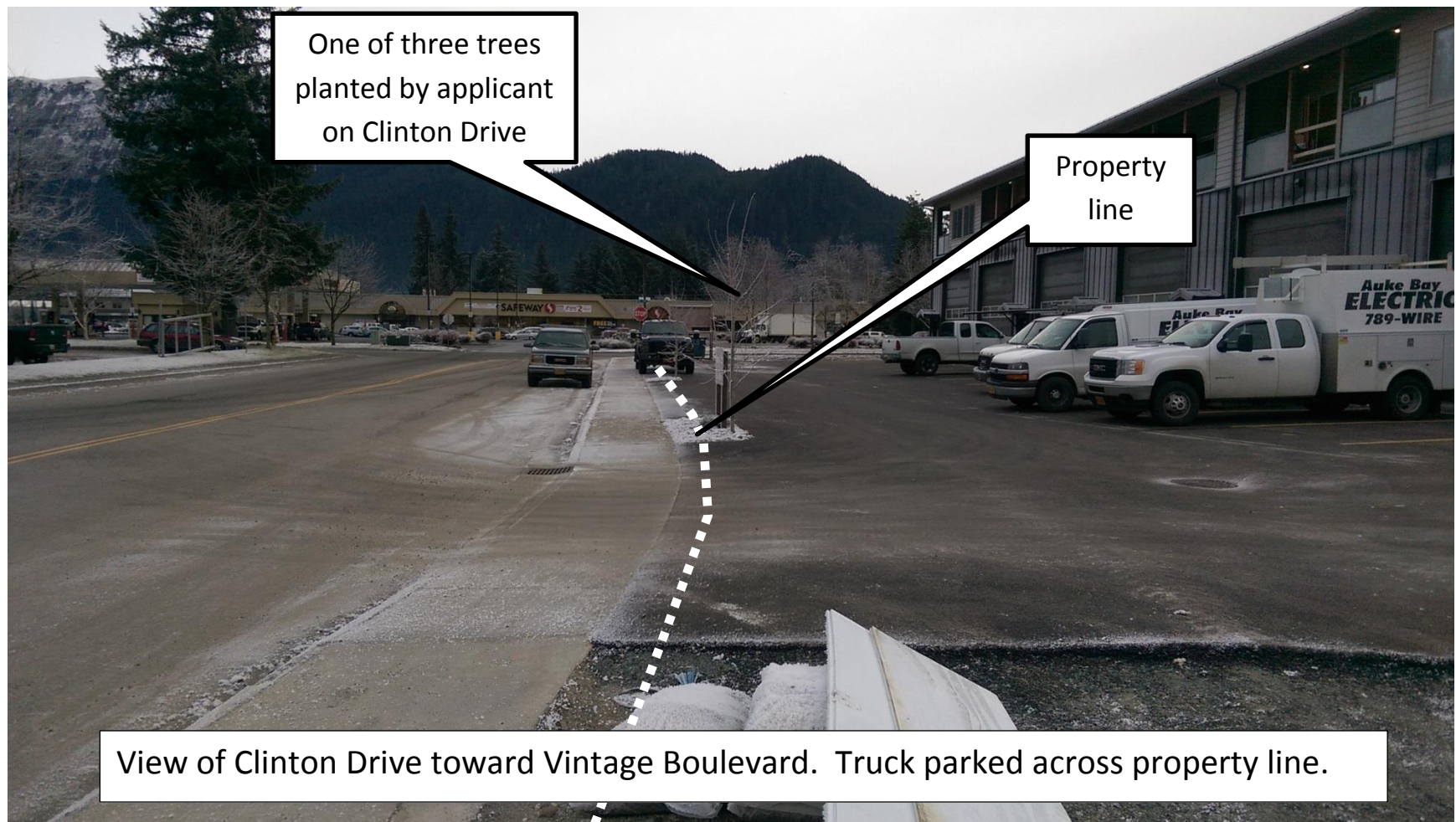
From: Ed Foster
Sent: Friday, November 30, 2018 4:42 PM
To: Tim Felstead
Subject: RE: USE20180007: Removal of grass between property line and current paved sidewalk on Clinton Drive

Tim,
I would support some type of barrier between the parking lot and the sidewalk. Preferably a fence of sort to prevent vehicles from driving over the sidewalk to and from the parking lot. A couple of trees planted along the ROW isn't going to be effective. If there is nothing preventing vehicles from driving over it they will. For safety reasons, and to prevent damage to the sidewalk, there should be measures in place to require vehicle to use the designed and constructed driveway.

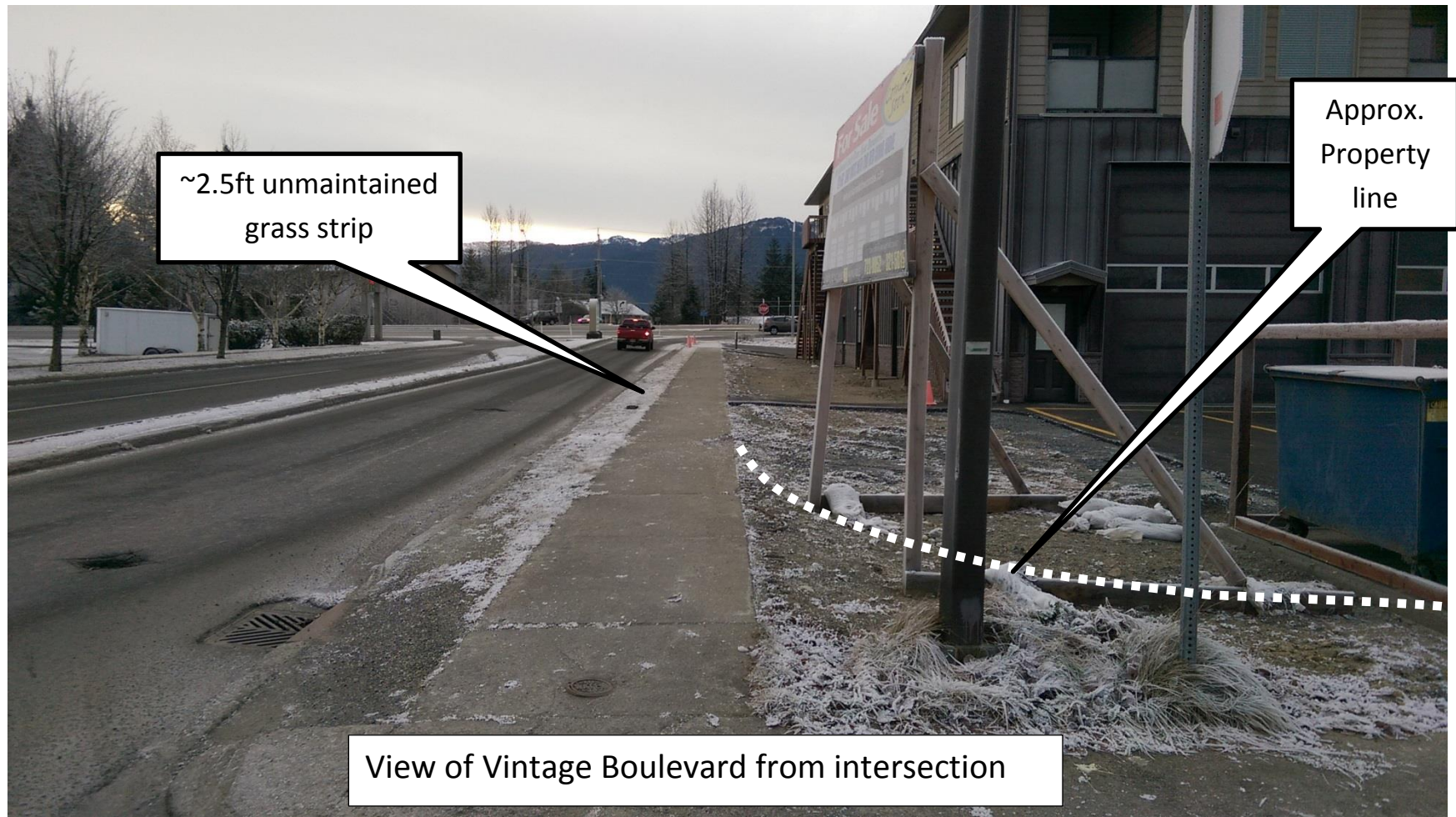
Thanks, Ed



Attachment F - Photos of Subject Area Showing Property Line



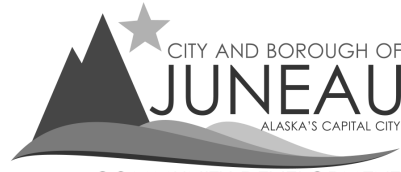
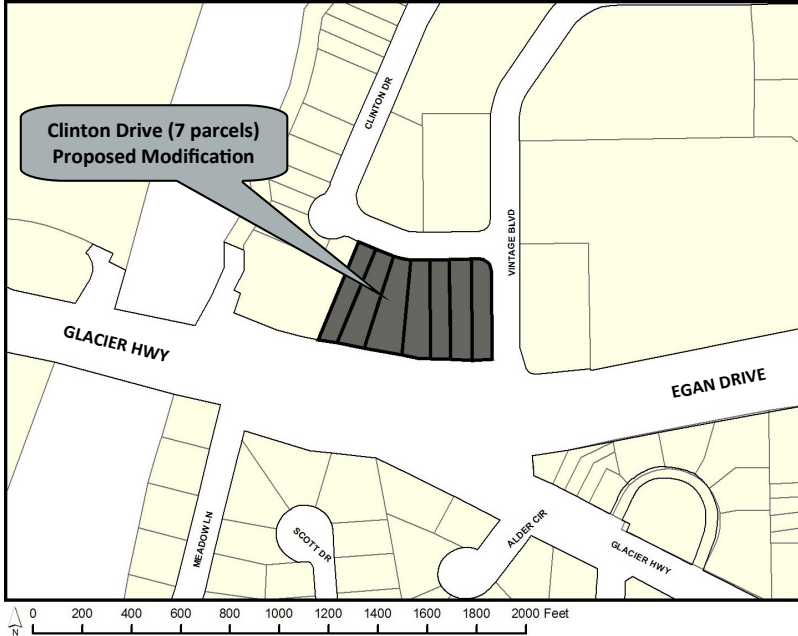
Attachment F - Photos of Subject Area Showing Property Line



Attachment F - Photos of Subject Area Showing Property Line

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **modification of a Conditional Use Permit for a 23 dwelling unit condominium development** located along **Clinton Drive** in an **Light Commercial (LC) 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, **Tim Felstead**, 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**

Case No.: USE2018 0021

Parcel No.: 5B1601440011; 0021; 0031;
0041; 0051; 0061; 0071

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

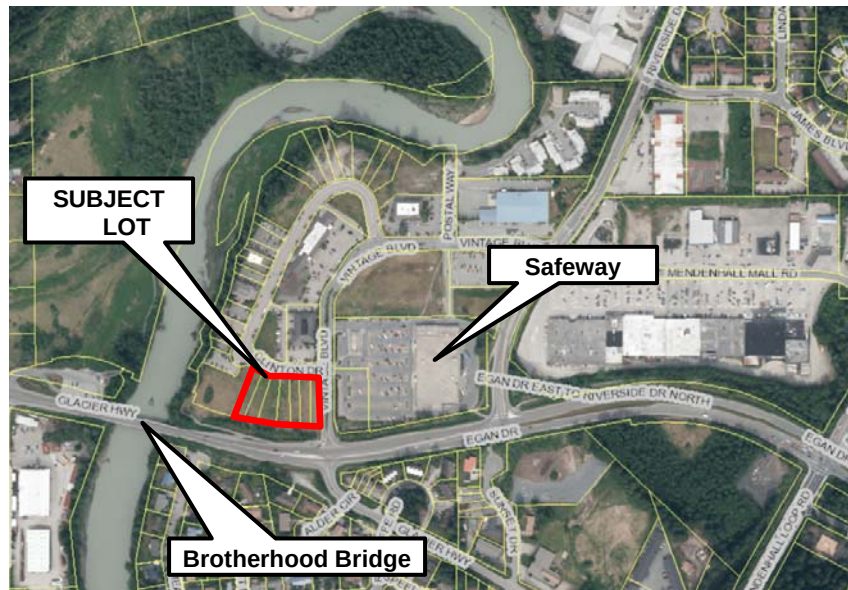
USE2018 0021 Conditional Use Permit for a 23 dwelling unit condominium development

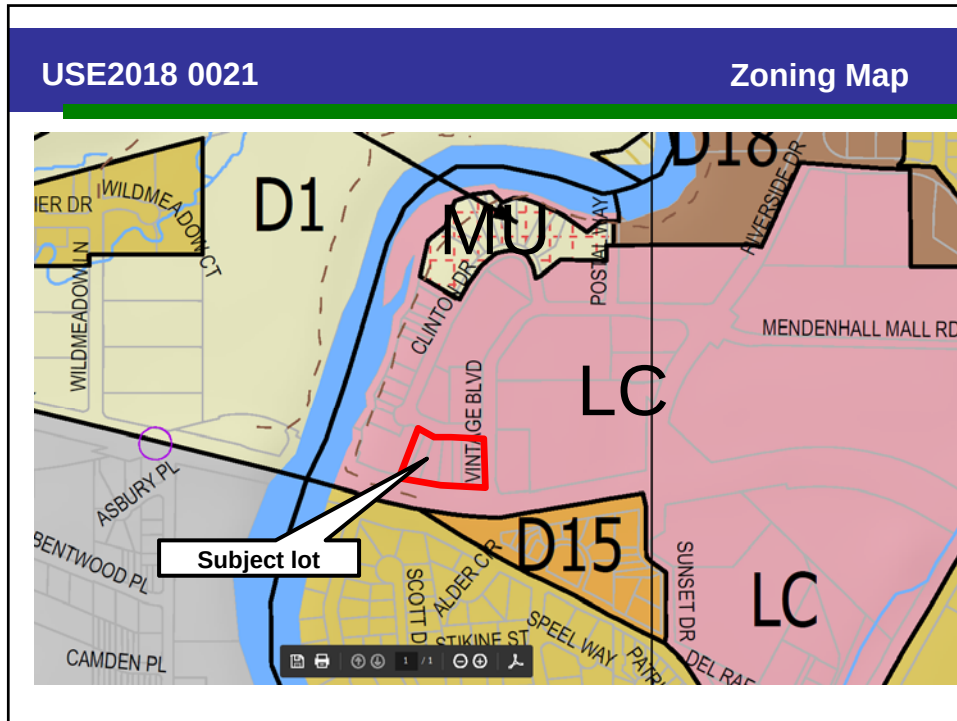
**CBJ Planning Commission Presentation
December 11, 2018**



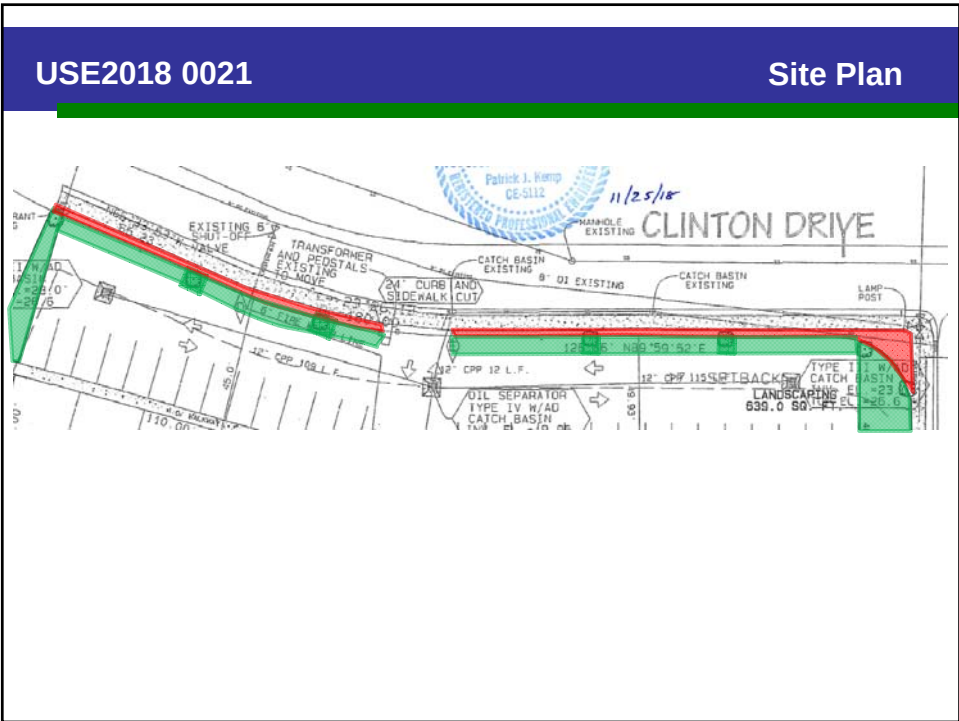
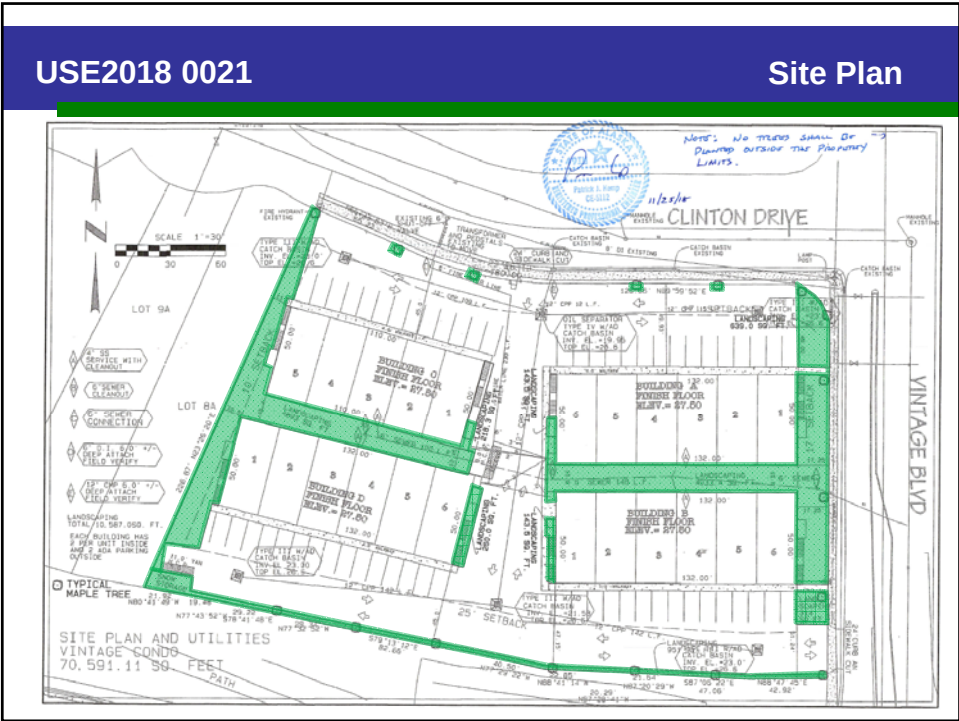
USE2018 0021

Aerial Vicinity Map



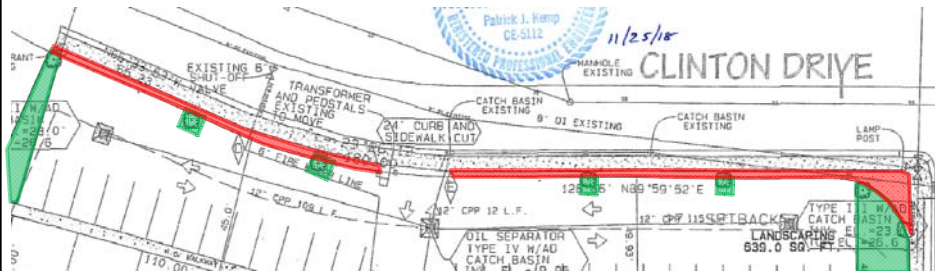


USE2018 0021	Condition 2 – USE20180007
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. <u>Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass.</u>	



USE2018 0021

Site Plan



USE2018 0021

Front and rear elevation



USE2018 0021

Photo from Clinton and Vintage



USE2018 0021

Photo of parking lot on opposite side of Clinton Drive



USE2018 0021	Analysis
	• The proposed development, with conditions, will not endanger the public health and safety. • The use, with conditions, will maintain values and will be in harmony with the neighboring area. • In conformity with adopted plans • Director's findings support approval

USE2018 0021	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 23 dwelling unit, multi-family development in a Light Commercial zoning district. Recommended the approval is subject to existing conditions for the development and amending Condition 2 as follows:

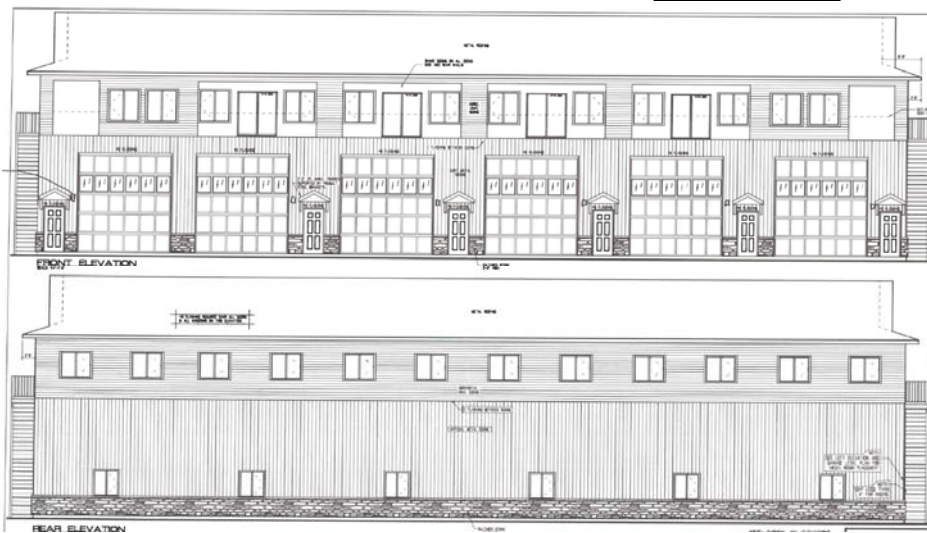
USE2018 0021

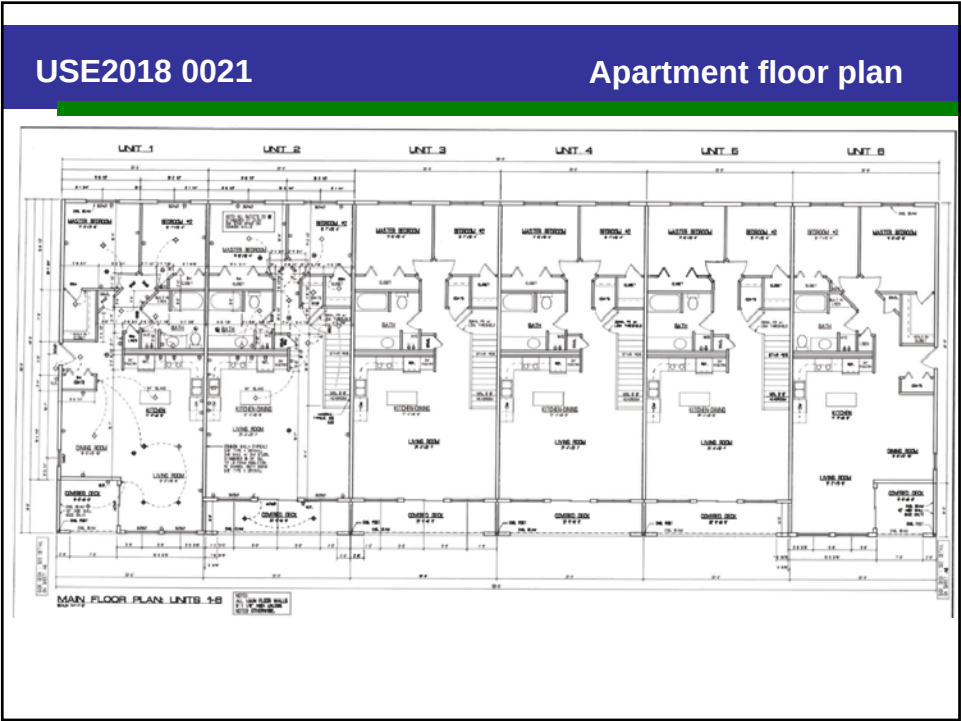
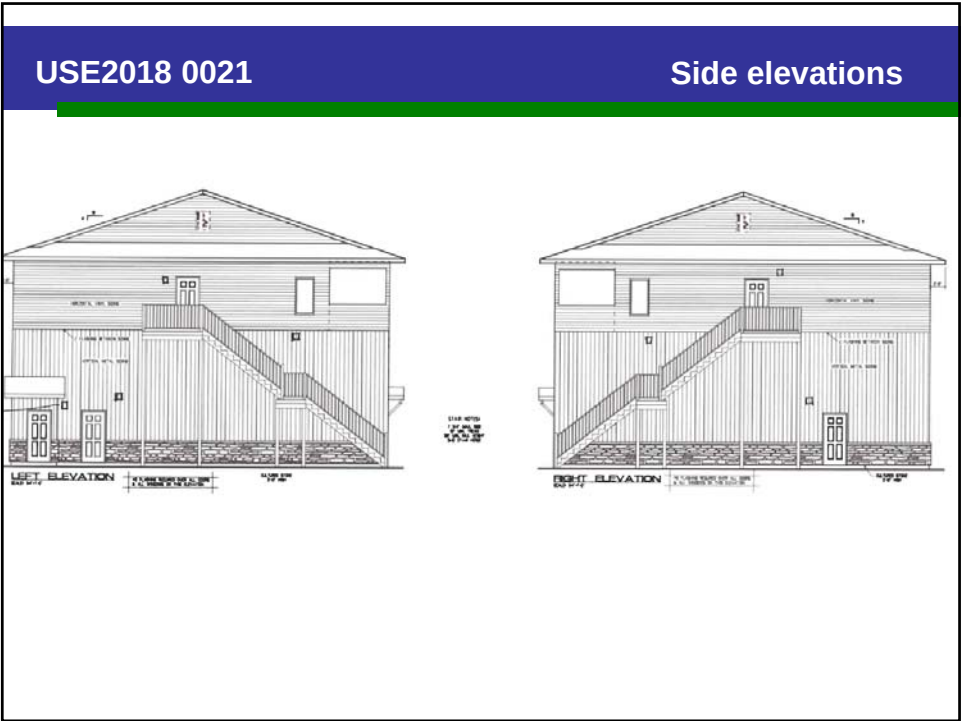
Recommendation

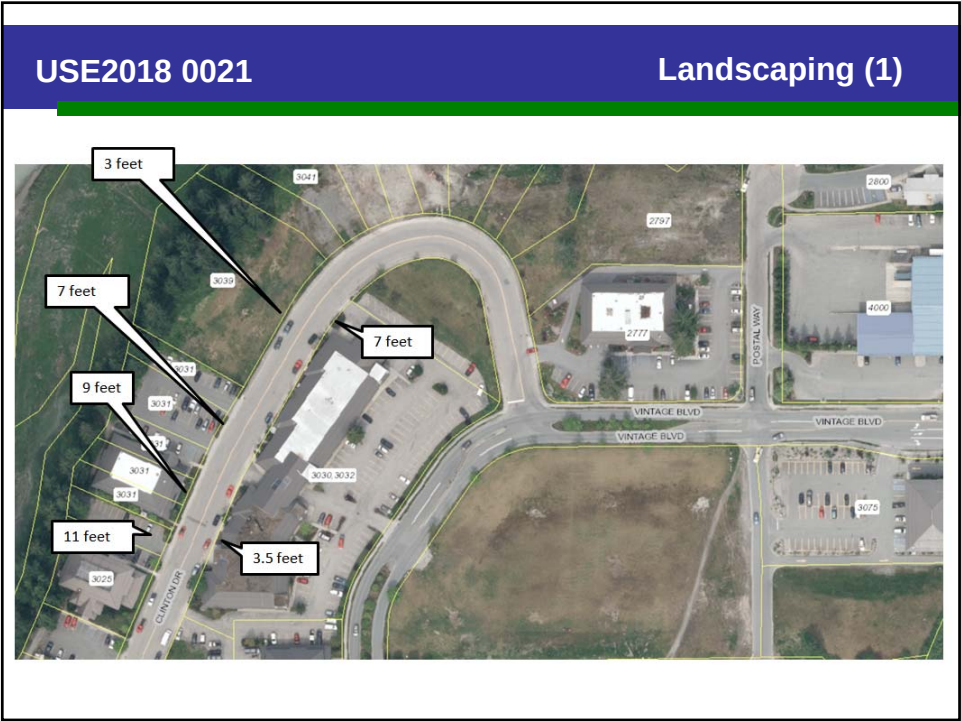
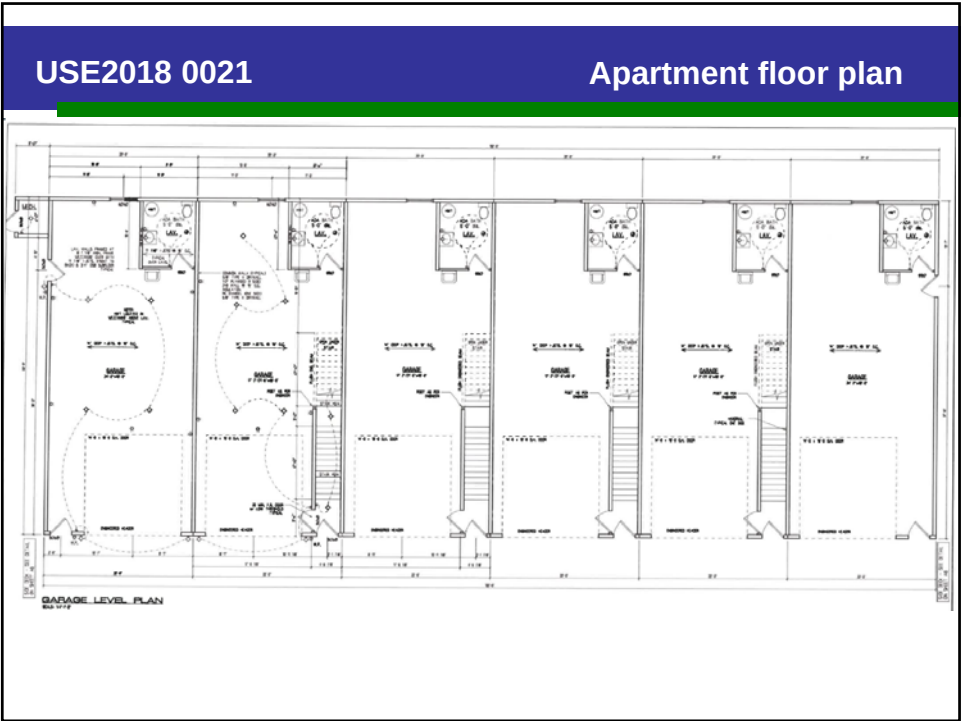
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk on Vintage Boulevard, including the curved property line at the intersection of Vintage and Clinton, shall be landscaped with grass. A 6 inch raised curb or similarly effective barrier or fence shall be provided along the paved parking lot on the property along Clinton Drive to prevent vehicles driving from the parking lot directly onto the sidewalk except for where it is intended to access the lot.

USE2018 0021

Front and rear elevation









USE2018 0021

Landscaping (3)



USE2018 0021

Landscaping (4)



USE2018 0021

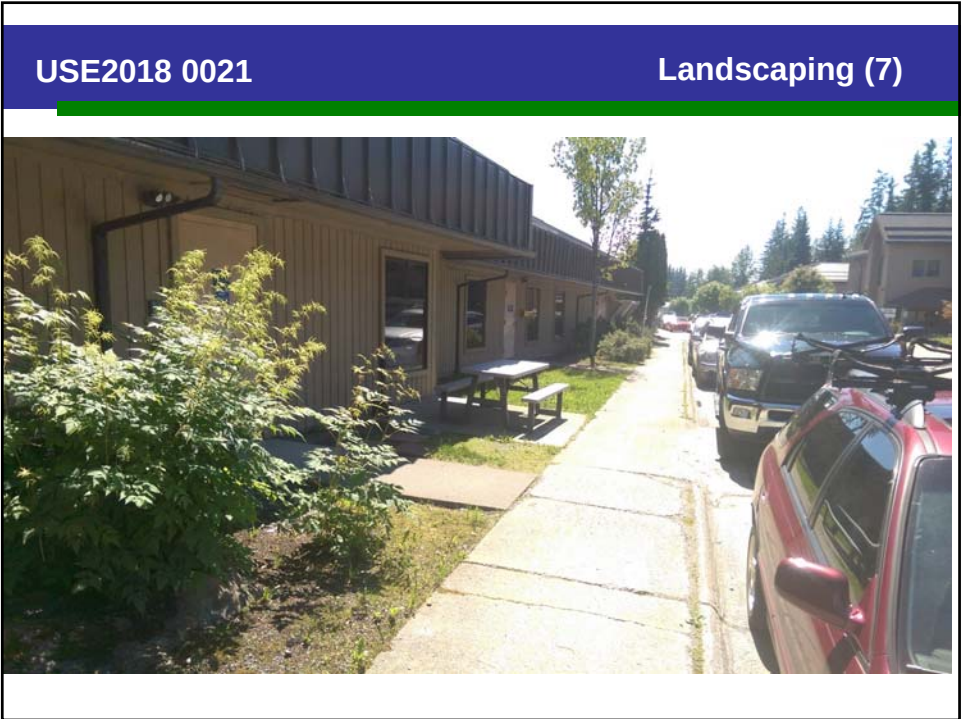
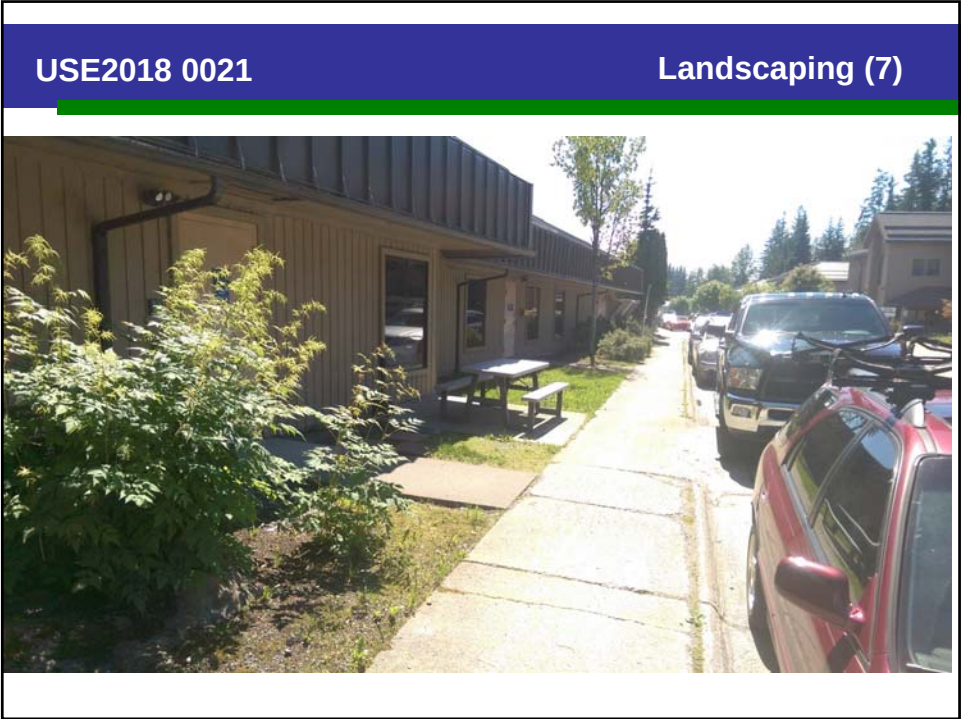
Landscaping (5)



USE2018 0021

Landscaping (6)





USE2018 0021

Landscaping (7)



USE2018 0021

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: December 13, 2018
Case No.: USE2018 0021

R&S Construction, LLC
P.O. Box 210194
Auke Bay, AK 99821

Proposal: Modification of a Conditional Use Permit for a 23 dwelling unit condominium development

Property Address: 3005 Clinton Drive, Building B

Legal Description: Vintage Park 11A, Block C, Lot 1A1

Parcel Code No.: 5B1061440012

Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 4, 2018, and approved the modification of a Conditional Use Permit for a 23 dwelling unit condominium development to be conducted as described in the project description and project drawings submitted with the application for USE2018 0007 and with the following conditions:

1. A revised landscaping plan shall be reviewed and approved by the Community Development Department staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard, planted with vegetation that matches other street side plantings of trees

R&S Construction
Case No.: USE2018 0021
December 13, 2018
Page 2 of 3

and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk on Vintage Boulevard, including the curved property line at the intersection of Vintage Boulevard and Clinton Drive, shall be landscaped with grass.

Along the remaining property line on Clinton Drive, one of the following shall be provided:

- i) Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass; or,
 - ii) A 6 inch raised curb, or similarly effective barrier or fence, shall be provided to prevent vehicles driving from the parking lot directly onto the sidewalk, except for where it is intended to access the lot.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
 4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners' Association Agreement shall be submitted for review and approval by the Community Development Department. The Homeowners' Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, signage, and striping.
 5. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by the Community Development Department.

Attachments: December 4, 2018 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0021.

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).

R&S Construction
Case No.: USE2018 0021
December 13, 2018
Page 3 of 3

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).

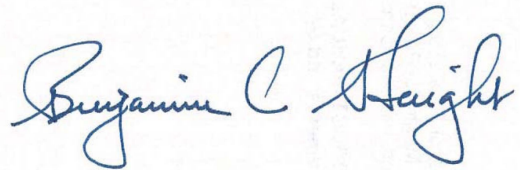
Effective Date: The permit is effective upon approval by the Commission, December 11, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or June 11, 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.

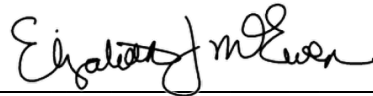
Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

12/21/2018

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.